MORAL ENCHIRIDION, COMPRISING SELECT DECREES AND DEFINITIONS OF THE HOLY SEE, OF ECUMENICAL COUNCILS AND OF THE SACRED ROMAN CONGREGATIONS (ENCHIRIDION MORALE), FOURTH EDITION

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Contents

Title Page, Approval and Abbreviations **31**
Approval 31
Abbreviations 31

On Human Acts ..... **nn. 4–89** **33**
Human Activity Necessary for Salvation and Perfection 33
Division of Human Acts. Good and Evil Acts; Natural and Supernatural; Honest and Meritorious ... 33
Liberty from Intrinsic Necessity 34
The Power of Free Will in Human Acts 34
Invincible and Vincible Ignorance 34
Concupiscence Without the Consent of the Will Is Not Sin; But That Which Proceeds from the Consent of the Will Is Sin ... 35
The Movements of Concupiscence and Other Temptations Must Be Resisted 35
Violence on the Part of the Demon 35
Moral Works 36
Morality of External Acts 36
External Works That Are Good, Holy, and Satisfactory 36
Indifferent Works 36
Works Directed to a Natural and Supernatural End; Honest and Meritorious 37
Motive of Human Acts 37
To Act for the Sake of Pleasure 37
Merit of Human Acts 37

On Conscience ..... **nn. 100–131** **38**
Certain and Doubtful Conscience 38
On Probabilism 38
Decree on the Concurrence of a Less Probable Opinion with a More Probable One 38
Extrinsic Authority 39
On the Authority of St. Alphonsus 39

On Laws ..... **nn. 166–285** **41**
On the Nature of Law 41
On the Promulgation and Acceptance of Laws 41
The Force of the Decretals 41
On the Possibility of Law 41
On the Force of the Decrees of the Sacred Congregation of Rites 42
On the Old and the New Law 42
On the Evangelical and Ecclesiastical Law 43

The Legislative Power of the Church, Its Object, and Obedience to It 44
The Coercive Power of the Church 45
The Power of the Supreme Pontiff 45
The Power of Bishops 45
Power Wrongly Attributed to Priests of the Lower Order in Decrees of Faith and Discipline ... 46
The Legislative Power of Civil Society, the Obligation of Civil Laws, the Possibility of Laws, Penal Laws ... 47
The Superior and Independent Authority of the Church 49
Legitimately Constituted Custom 49
On Children with Respect to the Laws of the Church 50
On the Manner of Satisfying the Law 50
On Punishments without Sin 50
Penal Laws, Their Nature and Obligation 50
On the Power of Dispensing 50
All Habitual Faculties Granted to Ordinaries of Places Pass to Their Successors 50
A Bishop Who Is Delegated Can Subdelegate Faculties Received 51
On Ecclesiastical Immunity 51
Chapter *Odoardus* 3, *De Solutionibus*, III, 23 52
Privileges of Greek Priests 52
Privileges of Bishops Concerning Mass 52
Requiem Masses for Deceased Bishops 53
Quinquennial Faculties Concerning Cases Reserved to the Holy See and Matrimonial Dispensations Usually Granted to Bishops ... 53
Interpretation of the Name "Parish Priest" in the Quinquennial Faculties for the Internal Forum ... 56
On the Privileges and Indulgences of Regulars 56
On the Exemption of Regulars 57
On the Erection of New Convents 58
On the Dependence of Regular Missionaries on the Regular Superior and on the Ordinary of the Place, with Respect to the Missions of the Society of Jesus ... 58
Apostolic Prefectures in the East Which Do Not Have Their Own Territory Are Abrogated, and Superiors of Missions Are Substituted in Their Place ... 60
Missionaries as Regards Subjection to Apostolic Vicars 61
On Canonical Visitation 61
Privileges of Regulars Concerning Mass 61
On the Funerals of Regulars 62
The Common Law Concerning the Precedence of Third Orders over Any Confraternities Whatever ... 62
Privileges of Latin America 62

Telegrams Concerning Petitions for Favors 65

On Sins ..... nn. 287–343 66

On Philosophical Sin 66

On the Voluntary in Sin 66

On Venial Sin 66

Delight and Desire Concerning an Evil Thing 67

Not All Works Are Sins. Neither Faith nor Charity Is Required for Avoiding Sin 67

Occasion of Sin 67

Eating and Drinking for Pleasure 67

On Sloth 67

On the Theological Virtues ..... nn. 345–440 68

On the Nature of Faith 68

Canons of the Vatican Council on the Catholic Faith 68

Negative Infidelity; Heresy 69

On the Reconciliation of Heretics 69

Admission of Children under Parental Authority to the Profession of Faith 70

Necessity of Faith 71

Things to Be Believed by Necessity of Means 71

The Mysteries of the Trinity and the Incarnation 71

Necessity of Precept 71

When Faith Obliges 71

On the Object of Faith 71

The Chinese and Malabar Rites 72

On Obsequious Silence Concerning a Dogmatic Fact 72

The Text of St. John, First Epistle, Chapter 5, Verse 7 72

The Fire of Hell 72

On God, the Creator of All Things 73

On the Church of Christ 73

Canons of the Vatican Council 73

Chronological Series of Condemned Propositions from the Year 1418 to the Year 1899 73

Faith to Be Professed Externally 76

Decree Concerning the Profession of Faith 76

The Profession of Faith to Be Made by Benefice-Holders and Before the Ordinary 77

Faith to Be Professed Before Public Authority 77

Visiting the Churches of Heretics 77

Whether It Is Lawful to Contract Marriage Before a Heretical Minister 78

On the Communication of the Faithful with Jews 79

Communication in Civil Matters with Heretics 79
Communication in Divine Things with Heretics 79
Instruction of the Cardinal Vicar for the Parish Priests of Rome 82
On Schismatic Girls Being Educated with Catholics 83
Heretics as Members of Pious Associations 84
Catholics Swearing Before a Schismatic Priest 84
On Public Disputation with a Heretic 84
Building the Churches of Heretics 85
On Catholics' Access to the Churches of Heretics 85
On Preaching in a Church of Heretics 85
On the Access of Schismatics to Catholic Churches 85
Heretics Assisting at and Serving in the Sacred Functions of Catholics 86
Baptism to Be Administered by Heretics 86
Catholics and Heretics as Sponsors 86
Catholics and Heretics with Regard to the Eucharist 87
Hearing the Masses of Schismatics 87
Catholics Celebrating in the Churches of Heretics 87
On the Celebration of Mass by Heretics in Catholic Churches 88
On the Application of Mass for Heretics 88
The Sacrament of Penance with Regard to Catholics and Schismatics 89
Receiving Orders from Schismatics 90
Marriage with Regard to Catholics and Heretics 90
Catholics and Heretics with Regard to Funerals 91
On the Oath to Be Taken by Missionaries 92
On Cooperation in General with Superstitious Rites 92
On Building the Temples of Unbelievers 92
Whether Catholics May Contribute Money for Building a Temple of Unbelievers 93
On the Application of Masses for Unbelievers 94
On Liberty of Worship 94
On the Lawfulness and Nature of Hope 94
Necessity of Hope 95
On Pure Love 95
On the Nature and Efficacy of Charity 96
The Precept of Charity 96
Whether We Are Bound Always to Act from Charity 96
When the Precept of Charity Urges 97
On Charity Toward One's Neighbor 97
On the Desire for the Temporal Evil of One's Neighbor 97
On Almsgiving 97

On the Correction of Lords 97
On Admonition to Be Given Even When No Amendment Is Foreseen 98
On Scandal 98
Cooperation with Regard to Servants 98
On Cooperation in Political Matters, at Present, for Italy 98

On the First Precept of the Decalogue ..... nn. 452–521 100
On the Nature, Conditions, and Efficacy of Prayer 100
On the Precept of Prayer 101
Prayer to God, to the Blessed Virgin Mary, and to the Saints 101
Prayer for the Souls of Purgatory 102
On the Worship of Our Lord Jesus Christ, the Blessed Virgin Mary, and the Saints 102
On the Worship of Sacred Relics and Images 104
On the Worship of Servants of God 107
Images of Servants of God 110
On the Worship to Be Rendered to Blesseds Not Yet Canonized 110
Declaration of the Preceding Decree 111
On the Authentication of Sacred Relics 111
On Astrology 112
On Magnetism and Spiritism 112
To All the Bishops and Inquisitors of the Pontifical State 113
Encyclical Letter to All Bishops against the Abuses of Magnetism 114
It Is Sacrilege to Carry Away Ecclesiastical Goods 115
On the Washing of Corporals 115
The Sale of Sacred Things 115
The Sale of Benefices 117
To Give a Temporal Thing for a Spiritual Thing 117
A Price for Entrance into Religion 117
The Sale of Pious Objects 117
General Decree on Ecclesiastical Fees 118
Simoniacs Are Marked with Infamy 119

On the Second Precept of the Decalogue ..... nn. 535–588 120
Unlawfulness of Blasphemy 120
Formula of the Oath to Be Taken by Examiners of the Books and Writings of Servants of God ... 120
Missionaries with Regard to the Oath to Be Taken 120
An Oath Is Lawful 121
On the Political and Protestant Oath 121
On Perjury 123

On the Faculty of Dispensing from an Oath 123
On the Excellence of a Vow 123
A Vow of Communities 124

On the Third Precept of the Decalogue ..... nn. 639–652 125
On the Obligation of Sanctifying Feast Days 125
The Obligation of Hearing Mass 125
On Hearing Mass from One's Own Pastor 125
Hearing Mass in the Chapel of a Ship 126
Days on Which the Celebration of Mass in Private Oratories Is Prohibited 126
Devotion in Hearing Mass 126
Abstinence from Servile Works 126

On the Fourth Precept of the Decalogue ..... nn. 671–706 127
On the Education of Children 127
On Schools and Universities — On the Government of Schools 127
On the Schools of Heretics 127
On Non-Catholic Universities 128
On Mixed Schools of Heretics 129
On Catholic Schools without Religious Instruction 130
On the Mixed Schools of Catholics 131
On Ecclesiastical and Civil Superiors, and the Obedience and Support Due to Them ... 131
A Determinate Form of Civil Government 131
To Rebel against Princes — Cf. no. 701 — Defense of a Tyrant 133

On the Fifth Precept of the Decalogue ..... nn. 719–757 134
It Is Lawful to Kill Malefactors by Public Authority 134
On the Private Killing of a Guilty Person 134
The Unlawfulness of Homicide by Private Authority Even in the Absence of Public Justice ... 134
The Penalty of Death in a State Not Yet Perfectly Constituted 135
On the Killing of a Thief 136
On the Killing of a Slanderer 136
Acceleration of Delivery 136
On Craniotomy and the Procuring of Abortion 137
The Unlawfulness and Baseness of the Duel 138
Irregularity Incurred by Those Who Duel 140
A Duel Is Always Unlawful 141
On the Lawfulness of War 141
Non-Intervention 141

On the Sixth Precept of the Decalogue ..... nn. 765–827 **142**
Venereal Pleasure 142
Fornication 142
Adultery 142
Masturbation 142
Bestiality 142
Sodomy 142

On the Seventh Precept of the Decalogue ..... nn. 838–1473 **143**
On the Lawfulness of Ownership of Property 143
On Slaves 143
On the Ownership of the Church 144
Tithes to Be Paid to Clerics 145
On Government Salaries 145
Prescription in Criminal Causes 146
On Possession in Prescription 146
Good Faith Required in Prescriptions 146
On an Oath in Contracts 146
On a Condition in a Contract Contrary to Law 146
On Trusts for Pious Causes 146
Capacity for Making a Testament with Respect to Secularized Religious 147
On the Succession of Religious 147
Right of Succession with Respect to Pensions of Regulars 147
Sacred Utensils Owed to the Cathedral Church upon the Death of a Bishop 148
Relics of the Most Holy Cross to Be Transmitted by Bishops to Their Successors 149
Pious Legacies 150
On the Duration of an Annual Legacy 150
On Usury and Its Unlawfulness 150
Obligation of Delayed Restitution 151
On Mounts of Piety 152
On Profit from a Loan 152
I 152
II 153
Encyclical of Benedict XIV, of Holy Memory — On Usury and Other Unjust Gains 154
III 158
IV 158
V 159
VI 160
VII 161
VIII 162

IX 165
X 166
XI 167
CONCLUSION 167
Legal and Conventional Interest; Returns upon Returns 168
On the Alienation of Ecclesiastical Goods 168
On Resale 170
On Mohatra 171
On Bills of Exchange 171
On the Lawfulness of Annuities 171
On the Leasing and Emphyteusis of Ecclesiastical Goods 172
On the Wages of Workers 172
On the Pledging of Ecclesiastical Goods 172
On the Fruits of a Pledged Thing 172
On the Unlawfulness of Theft 172
On Restitution for Small Thefts 172
On the Usurpation of Ecclesiastical Goods 172
One Who Causes Damage 174
On One Who Commands Damage 174
Restitution to Pious Causes 174
On the Secret Compensation of Servants 175

On the Eighth Precept of the Decalogue ..... **nn. 1486–1528** **176**
On the Unlawfulness of Detraction and Calumny 176
On the Unlawfulness of Reviling 176
On Mental Restriction 176

On the Precepts of the Church ..... **nn. 1548–1626** **177**
On the Obligation of Paying Tithes 177
On the Institution and Transfer of Feast Days 178
On Feast Days in the Universal Church Before the Suppression of Feasts 178
On Feast Days in the United States of America, in Spain, and in Italy 180
Annual Confession and Easter Communion 181
On an Invalid Confession and a Sacrilegious Communion 182
Abstinence and Fasting with Respect to Time 182
On Condiments on Days of Abstinence and Fasting 182
On the Coot and Hartshorn on Days of Abstinence 183
On Abstinence on Saturdays During the Year, Abrogated in Belgium and in Italy 183
Indult Concerning Fasting and Abstinence for Latin America 184
On Abstinence and Fasting with Respect to the Greeks 185

Fasting Before the Consecration of a Church and Before Ordinations 185
The Bishops' Quinquennial Faculty Concerning Abstinence 185
On the Law of Fasting and Abstinence Being Anticipated or Dispensed by Bishops 185
The Obligation of Fasting 186
On a Morning Morsel 186
On Small Meals on a Day of Fasting 186
On the Inversion of the Principal Meal and the Collation 187
On Abstinence from Dairy Products 187
On Eating Meat Several Times in a Day When an Indult Is Given 187
On the Law Against Mixing Foods 188
Sick Persons Who Eat Meat Not by Force of an Indult but Because of Illness Can Eat Meat and Fish Together on Days of Fasting ... 189
On Laborers and Travelers 190
On Children under Paternal Authority with Respect to Fasting 190
On the Law Against Mixing Foods When an Indult Is Given 191
Indult Customarily Given at Rome for the Time of Lent 191
Indult Customarily Given at Rome for the Course of the Year 192
Bull of the Crusade for the Spanish Dominion 193
Second Indult for the Use of Meat in the Spanish Dominion 196
Third Indult for the Use of Dairy Products in the Spanish Dominion 196
Indults with Respect to Spaniards Outside Spain and Regulars 196
Instruction Concerning the Indult Granted by Pius IX to the Neapolitan Provinces 197
Clarification Concerning Article Five of the Instructions 199

On Particular States ..... nn. 7–301 **201**
Instruction of the Sacred Congregation of Bishops and Regulars, 11 June 1880 — For Ecclesiastical Courts Concerning the Economical Manner of Proceeding in Disciplinary and Criminal Cases of Clerics ... 201
Provisional Disposition of the Same Sacred Congregation, 26 March 1886, for Acts of Appeal in Criminal Cases ... 205
Decree of 18 December 1835, Cited in Article 37 of the Preceding Instruction and Article 6 of the Preceding Provisional Disposition ... 205
Ordinance of 6 June 1847, Cited in the Preceding Provisional Disposition: On the Intervention of a Defender at the Meetings of the Sacred Congregation of Bishops and Regulars Held for Criminal Cases ... 207
Decree of Pope Clement VIII on Appeals 207
On Appeals and Inhibitions to Be Granted or Denied 207
On the Manner to Be Observed by Bishops in the United States of North America in Taking Cognizance of and Determining Criminal and Disciplinary Cases of Clerics ... 207

Method of Treating Contentious Business Before the Sacred Congregation of Bishops and Regulars ... 208
Decree on the Method to Be Observed in Cases Conducted Before the Sacred Congregation of Bishops and Regulars with the Order of Law Observed ... 209
Rule to Be Observed in Cases Proposed Before the Sacred Congregation of the Council with the Order of Law Observed ... 210
Order to Be Observed in Cases Concerning the Nullity of Religious Profession 213
Construction of the Process in Matrimonial Cases 213
Competence in Matrimonial Cases 213
Regular Superiors Can Never in Any Manner Take Cognizance of Cases of Their Subjects Pertaining to the Holy Office ... 214
Prescription in Criminal Cases of Clerics 214
On the Private Knowledge of the Judge in a Matrimonial Case 215
On a Judge's Sentence in Favor of a Less Probable or Equally Probable Opinion 215
On a Sentence of Divorce to Be Pronounced by a Lay Judge and by a Mayor 216
Masters and Workers 220
On the Sanctity of Clerics 221
On the Celibacy of Clerics 221
On the Continence of Clerics Among the Greeks 221
On the Garments of Missionaries 224
On the Obligation of the Divine Office[1] 224
On the Divine Office with Respect to Religious Professed with Simple Vows and Nuns ... 224
Restitution on Account of Neglected Hours 225
On the Form of the Canonical Hours 225
On the Little Office of the Blessed Virgin Mary 226
On the Office of the Dead, Litanies, and the Angelic Salutation 226
On the Order of Offices 228
Votive Offices Throughout the Year in Place of Ferial Offices 229
Recitation of One Office for Another 229
Commemorations at Vespers 229
Commemorations in the Suffrages Before Compline 230
On Patrons and Titulars in France 230
On the Prayer to Be Added After Matins 230
Additions from Devotion 230
On the Time of Recitation 230
On Reciting Matins and Lauds on the Preceding Day 230
Impossibility of the Entire Recitation 231
On Clerics to Be Enrolled in Military Service 231
On Bullfighting 234

On the Dwelling of Clerics with Women 234
Whether It Is Lawful for Clerics to Acquire Shares 234
On the Office of Advocate Exercised by Clerics 235
On Political Affairs Not to Be Treated by Missionaries 235
Instruction of the Sacred Congregation of Bishops and Regulars, 21 July 1896, Concerning Secular and Regular Clerics Who Attend Government Universities for the Sake of Studies ... 236
On Ecclesiastical Pensions 239
On the Election, Presentation, and Deposition of Bishops 240
Reserved Benefices 242
Instruction of the Sacred Congregation for the Propagation of the Faith, 10 October 1884, on Competitions for Parishes ... 242
On the Doctorate 243
Whether an Honorary Doctorate Suffices for Obtaining Benefices and for Other Canonical Effects ... 244
Plurality of Benefices 244
Secularized Religious with Respect to Benefices 244
Vacancy of Benefices Through the Profession of Simple Vows 244
Profession of Faith 244
On the Election of the More Worthy to Benefices 245
On the Number of Synodal Judges and Examiners 245
Residence of Rectors of Churches 246
Erection and Custody of Sacred Archives 247
Bishops Who Are Administrators 247
Visitation of the Diocese 248
Encyclical Letter to the Bishops of South America Concerning the Governance of Seminaries ... 248
On the Preaching of Bishops, Pastors, and Others 249
Mass for the People with Respect to Bishops 252
Mass for the People with Respect to Vicars Apostolic and Missionaries 253
Mass for the People with Respect to Pastors 254
Mass for the People with Respect to the Eastern Church 256
Residence of Canons 257
On Choral Discipline in the City of Rome 258
On Distributions of the Choir 260
Chapters 262
On the Conventual Mass 262
On the Assistance Owed to the Bishop by Canons 262
On the Election of the Vicar Capitular 263
Honorary Canons 263

Apostolic Protonotaries 263
Residence of Pastors 264
On Assistance to Be Furnished to the Dying 264
The Personal and Real Obligation of Pastors with Respect to Mass for the People 264
The Obligation of Preaching and Catechizing with Respect to Pastors 264
Blessing of Houses and of Women after Childbirth 264
On a Curate-Administrator and Apostolic Missionaries with Respect to Subdelegating Jurisdiction ... 265
Dismemberment of Parishes 265
The Congrua of Pastors 265
On Simple Priests with Respect to the Care of Souls 266
On Italian Priests Departing for America 267
On Inferior Clerics 269
On the Religious Habit and the Condition of Institutes Which Do Not Prescribe It 270
On Tertiaries 270
On the Solemnity of Vows 271
On the Three Rules Posited by the Synod as the Foundation for the Reformation of Regulars ... 271
On the System or Complex of Ordinances Deduced from the Aforesaid Rules and Comprised in the Following Eight Articles for the Reformation of Regulars ... 272
Likewise, for the Reformation of Nuns 273
On Civil Authority with Respect to Religious 273
On More Recent Religious Institutes 273
The Ordinary as Superior of Nuns 277
Dependence of Religious Women upon the Ordinary of the Diocese in Which They Dwell ... 277
On the Holiness of the Religious Life 278
Whether and How Dispersed Religious Are Bound to Regular Observance 278
Doubts Concerning the Relation Between Regulars Unjustly Suppressed in Italy by an Incompetent Authority and Local Ordinaries ... 281
Whether and How a Regular Bishop Is Bound to the Rule 283
On the Faculty of Bishops to Dispense from Vows 284
On Testimonial Letters of Ordinaries to Be Sought Before the Admission of Novices ... 285
Declarations Concerning the Decree *Romani Pontifices* 285
On the Form to Be Observed in Admission to the Habit and to Profession 287
Ceremonies of Vestition and Profession 287
On the Qualities Required in Those to Be Admitted 287
On the Prohibition of Receiving Anything from Novices, Except Food and Clothing ... 288
On the Place and Duration of the Novitiate 288

On the Prolongation of the Novitiate and the Delay of Profession 288
On the Time and Form by Which Those Professed in Simple Vows Can Abdicate the Dominion of Their Property ... 288
Privileges and Rights of Those Professed in Simple Vows in Regular Orders 289
On the Spiritual Exercises to Be Performed by Women Who Wish to Receive the Monastic Habit or Emit Profession ... 289
On Simple Vows Before the Solemn Profession of Men 289
On Simple Vows Before the Solemn Profession of Nuns 290
On the Place Designated for Those Professed and on Explicit Profession 293
On Return to the Order with Respect to Those Secularized and Expelled 293
On the Ordination of Novices and of Those Professed in Simple Vows, and Their Ejection ... 294
On the Force of the Solemn Vow of Poverty 296
Property of Regulars Solemnly Professed by Pontifical Dispensation for Belgium 297
On the Force of the Simple Vow of Poverty 298
On the Bestowal of Gifts Forbidden to Regulars of Either Sex 299
On Common Life in Religious Orders 299
On the Enclosure of Male Regulars 299
On the Enclosure of Nuns 301
On the Collection of Alms by Nuns 302
On the Manner of Electing Regular Superiors 304
Concerning the Reelection of Abbesses or Superioresses 304
On Obedience with Respect to Dispersed Regulars 304
Spiritual Direction, the Vow and Virtue of Obedience 304
On the Account of Conscience to Be Rendered to Superiors, and on Confession and Communion ... 305
Letter of the Most Eminent Prefect to the Archbishops, Etc., Concerning the Decree Reported Above ... 307
Doubts Concerning the Same Decree 307

On the Sacraments in General ..... nn. 304–386 309
Decree of the Council of Florence for the Armenians in the Bull *Exultate Deo* of Eugene IV: Instruction on the Sacraments ... 309
The Council of Trent on the Sacraments in General, Session 7 312
On the Efficacy of the Sacraments 313
The Intention of the Minister 313
The Faith and Probity of the Minister of the Sacraments 314
Sacraments to Be Denied to Those Bound by a Censure 315
Simulation of the Sacraments 316
On the Rite to Be Observed in the Administration of the Sacraments 316

Consent Is Required in Adults for the Validity of a Sacrament 316
Baptism Is Required for Validly Receiving the Other Sacraments 317
On the Dispositions Necessary for Receiving Baptism 317

On Baptism ..... **nn. 389–471** **318**
The Council of Trent on Baptism, Session 7 318
Baptism of Water Can Be Supplied by Baptism of Desire 319
Effects of Baptism 319
One Once Baptized Must Not Be Baptized Again 319
On the Matter and Form of Baptism 320
Baptism in the Mother's Womb and over Clothing 320
Ablution in Baptism 321
Form of Baptism 321
On the Form of Baptism in the Present Indicative 321
On the Invocation of the Three Persons 322
Expression of the One Baptizing, the One Baptized, and the Act of Baptizing 323
On the Minister of Baptism 323
On the Ceremonies of Baptism 324
On the Baptismal Font 324
On the Valid Consecration of the Oils 325
On the Omission of Ceremonies by Reason of Abhorrence and Scandal 325
On the Omission of the Ceremonies of Baptism by Reason of Necessity 326
The Sacred Oils of the Preceding Year in the Blessing of the Font 327
On the Blessed Water to Be Used in the Conferral of Baptism 328
On Baptism in Private Houses 329
The Name of the One to Be Baptized 330
Is It Lawful to Administer Baptism in the Vernacular Language? 330
Ceremonies to Be Supplied 330
On a Heretical Sponsor or One Bound by a Censure 331
On Parents Themselves as Sponsors 331
Spiritual Relationship of the Father Who Baptizes 333
On Religious as Sponsors 333
On a Sponsor Holding the Infant 333
Spiritual Relationship with Respect to a Proxy 334
Spiritual Relationship of a Sponsor in Private Baptism 334
On the Dispositions Necessary for Receiving Baptism 334
Baptism Is Not to Be Deferred 336
On the Baptism of the Children of Unbelievers, Heretics, and Apostates 337
On Those Doubtfully Baptized 346
On the Baptism of Exposed Infants 346

On Those Baptized by Catechists in Mission Territories 347
On Those Baptized by Heretics 347
On the Caesarean Operation after the Mother Has Died 348

On Confirmation ..... nn. 473–494 **349**
The Council of Trent on Confirmation, Session 7 349
On the Matter of Confirmation 349
On the Blessing of Chrism 350
On the Minister of Confirmation 350
On the Validity of Confirmation Conferred by Schismatic Priests and Eastern Catholic Priests ... 350
A Simple Priest Administering the Sacrament of Confirmation by Delegation of the Holy Apostolic See ... 352
4. Instruction for a Simple Priest Administering the Sacrament of Confirmation by Delegation of the Apostolic See ... 352
Admonition of the Extraordinary Minister Omitted 354
On the Confirmation of Children 354
The Custom of Confirming Children before First Communion Is Approved 355
On the Obligation of Confirmation 355
On the Dispositions Prerequisite for Confirmation and Extreme Unction 356
On the Ceremonies of Confirmation 356
On the Sponsor 356

On the Eucharist ..... nn. 495–659 **358**
The Council of Trent on the Eucharist, Session 13 358
How Long Christ Remains Really Present in the Eucharist 362
On the Matter of the Eucharist 362
On Bread with Regard to the Sacrifice of the Mass 362
On Wine with Regard to the Sacrifice of the Mass 363
On Unleavened and Leavened Bread 365
On Communion in Another Rite 365
On Preserving and Protecting the Discipline of the Easterners 365
Water to Be Mixed with Wine 367
Is Water Mixed with Wine in the Chalice Converted into the Blood of Christ? 368
The Form of Consecration 368
On the Efficacy of the Rite of Consecration 369
Every Priest, and a Priest Alone, Is the Minister Who Confects the Eucharist 369
On a Deacon Administering Holy Viaticum 370
The Distribution of the Holy Eucharist Outside Mass 370
On Carrying the Sacred Eucharist to the Sick 370

On the Distribution of the Holy Eucharist in a Sordid Place and without the Due Ceremonies ... 371
Communion to Be Administered in a Mass of the Dead ... 373
The Most Holy Eucharist Is to Be Reserved ... 373
On the Exposition and Benediction of the Most Holy Sacrament ... 374
On the Ciborium, Monstrance, and Purificator ... 375
On the Lunula ... 375
On the Lamp before the Most Holy Sacrament and on Electric Light ... 376
On the Renewal of the Ciborium ... 376
On Communion under Both Species ... 376
The Council of Trent, Doctrine on Communion under Both Species and That of Little Children, Session 21 ... 377
On the First Communion of Children ... 378
On Communion to Be Given to Those Condemned to Death ... 379
On Preparation for Communion ... 380
On the Dispositions Necessary for Receiving Holy Viaticum ... 380
On Confession to Be Premised before Communion ... 380
Frequent Communion ... 380
On the Time of Fasting Required for Communion ... 381
On Fasting with Regard to Those Recently Baptized ... 381
The Fast Required with Regard to Mass ... 382
On the Nature of the Sacrifice of the Mass ... 382
The Council of Trent, Decree on the Sacrifice of the Mass, Session 22 ... 382
Mass for Unbelievers, Heretics, and Excommunicated Persons ... 385
Mass Is Profitably Offered for the Dead ... 386
The Sacrifice of the Mass Is Independent of the Merit of the Priest ... 386
A Requiem Mass Applied for the Living or for Others ... 386
On the Application of the Fruit of the Sacrifice ... 386
On Multiple Mass Stipends ... 387
On the Obligation of Celebrating by Reason of a Benefice ... 387
On the Obligation of Applying Mass on Suppressed Feast Days as Regards Beneficiaries ... 387
On the Mass for the People ... 388
On the Lawfulness of a Stipend for the Celebration of Masses ... 388
On Not Multiplying the Burdens of Masses Excessively ... 388
On a Mass Entrusted to Another, with Part of the Stipend Retained ... 388
On the Reduction of Masses ... 389
On Administrators of Churches ... 389
Mass Stipends in View of the Person ... 390

How Masses Are to Be Assessed 390
On Commerce on the Occasion of Masses 391
Decree of the Sacred Congregation of the Council Concerning Mass Alms 392
On Gaining the Plenary Indulgence of a Privileged Altar 394
On a Requiem Mass to Be Read from Obligation 394
On a Private Mass on Thursday and Saturday of Holy Week 395
On Mass on the Night of the Nativity of Our Lord Jesus Christ 396
On the Three Masses on the Day of the Commemoration of All the Faithful Departed in Spain ... 396
Instruction of the Sacred Congregation for the Propagation of the Faith on Celebrating the Holy Sacrifice of the Mass Twice in One Day ... 397
Instruction on the Purification of the Chalice Given by the Sacred Congregation of Rites on 11 March 1858, for Those Who Must Repeat Mass in Distant Places ... 403
On the Stipend for the Second Mass 405
What Is to Be Understood by a Church, a Public Chapel, and a Semipublic Oratory 406
On Mass to Be Celebrated by Strangers in Churches of Regulars 406
On the Celebration of Mass in the Temples of Heretics 406
On the Celebration of Mass in a Private House 406
On the Celebration of Mass at Sea 407
Decree of the Sacred Congregation of Rites Concerning Semipublic Oratories 408
Nevers 408
On the Profanation of a Church 410
On the Consecration and Exsecration of Churches 410
On the Consecration and Exsecration of Sacred Vessels 410
On Portable and Fixed Altar Stones or Altars 410
On the Faculty and Formula for Blessing Sacred Furnishings 412
Mass without Sacred Implements and Vestments 413
On the Pall, Corporal, and Purificator 413
On the Material of the Chalice 414
On the Small Cross and the Blessing of a Cross 414
On the Color of Vestments 414
On the Material of Sacred Furnishings 415
On the Server Assisting at Mass 416
On Lights in the Celebration of Mass 417
Celebration with the Head Covered and with a Ring 417
On the Sprinkling of Holy Water before Mass 417
On Collects 418
On the Purification of the Chalice 418
Mass in Another's Church 418

On a Requiem Mass 419
Prayers and the Sequence in Masses of the Dead 421
On Chant and the Vernacular Language during Mass 422
On Gregorian Chant 424
On the Priest Assisting at the Mass of a Newly Ordained Priest 424
On a Subdeacon Not Ordained in Sacred Orders at a Sung Mass 424
Prayers after Mass 425
On the Observance of the Sacred Rites 425

On Penance ..... nn. 661–831 **428**
The Council of Trent on Penance, Session 14 — Chapter 1. On the Necessity and Institution of the Sacrament of Penance ... 428
Chapter 2. On the Difference between the Sacrament of Penance and Baptism 428
Chapter 3. On the Parts and Fruit of This Sacrament 429
Chapter 4. On Contrition 429
Chapter 5. On Confession 430
Chapter 6. On the Minister of This Sacrament and on Absolution 431
Chapter 7. On the Reservation of Cases 432
Chapter 8. On the Necessity and Fruit of Satisfaction 432
Chapter 9. On Works of Satisfaction 433
On the Nature of Penance 435
On the Necessity of the Sacrament of Penance 435
On the Sacrament of Penance 435
On the Matter of the Sacrament of Penance 435
On Forgotten Sins 436
On the Confession of Venial Sins 436
Sacramental Confession of Catechumens before Baptism 436
Confession to Be Required from Heretics Who Are Rebaptized Conditionally in England ... 436
On Perfect Contrition 438
On the Universality of Penance 438
On Contrition Preceding Absolution 438
On Servile Fear 438
On Attrition 439
On the Faith Prerequisite for the Sacrament of Penance 439
On the Beginning of Love in Attrition 439
On the Firmness of the Resolution 440
The Usefulness of Confession for Piety 440
On the Necessity, Integrity, and Presence of Confession 441
On Confession through an Interpreter 441

Examination of Conscience 442
The External Act of Sin as Regards Confession 442
The Habit of Sinning 442
On the Quantity and Quality of Satisfaction 442
Works of Mortification 444
On the Power of Satisfaction 444
Penance to Be Fulfilled by Oneself 444
Satisfaction to Be Fulfilled before Absolution 444
On the Formula of Absolution 445
On Absolution by Telephone 445
On the Stole in the Administration of the Sacrament of Penance 445
On the Confession of Women in Churches and at Grilles 445
Prescriptions Concerning Confessionals in the Public Churches of the City and in Institutes of Women ... 446
On Assistance to Be Rendered to the Dying 447
On the Minister of the Sacrament of Penance 447
Missionaries as Regards Examination for the Administration of the Sacraments 448
On Approval for the Confession of Those Traveling by Sea 448
On the Power of a Vicar Capitular Regarding Confessors; on Approval *At Our Pleasure*; on Recalling Confessors and Parish Priests for Examination ... 448
On Defect of Jurisdiction without a Colorable Title 449
Absolution by a Non-Approved Priest at the Point of Death, an Approved Priest Being Present ... 449
Freedom of Confession 449
On Soldiers as Regards Penance, Extreme Unction, and Matrimony 450
Benefice-Holders as Regards the Choice of a Confessor 451
On the Jurisdiction of Regulars 451
Can Regular Confessors Absolve Their Own Guests and Servants? 451
A Regular Validly Absolves Secular Persons, Even against the Will of His Superior, by the Express Delegation of the Bishop ... 452
Can Regular Confessors Absolve Their Own Pupils and Boarders? 452
On Restricting the Faculties of Regular Confessors 453
On the Confession of Regulars Made to a Confessor outside the Order 453
Decree by Which Superiors in Rome Are Forbidden to Hear the Sacramental Confessions of Their Subjects, Wednesday, 5 July 1899 ... 455
On Confessors of Regulars from Suppressed Convents 455
On Confessors of Religious Living outside the Cloister 456
On the Confessors of Nuns 456
Latin Missionaries as Regards the Confession of Eastern Nuns 458
On Reservation to Be Made by Bishops 458

Decree of Clement VIII on Reserved Cases of Regulars 459
On the Faculty of Absolving from Reserved Cases 460
The Faculty of Absolving from Reserved Cases Is to Be Granted Readily 461
Absolution from Cases and Censures Reserved to the Pope at the Point of Death and in a More Urgent Case ... 461
The Faculty of Bishops as Regards Absolution from Papal Cases 461
Absolution from Censures, Even Those Reserved in a Special Manner to the Pope, When It Is Impossible to Approach the Holy See Personally, and Reincidence ... 462
Direct Absolution from Papal Cases, the Obligation of Abiding by the Commands of the Church, and Reincidence ... 463
The Obligation of the Decree of 23 June 1886 463
Absolution from Cases Reserved to the Roman Pontiff When It Is Hard for the Penitent to Await the Time Necessary for Requesting the Faculty ... 464
Impossibility of Sending a Letter 464
Recourse to the Ordinary 465
On Granting, Denying, and Deferring Absolution 465
Absolution of the Habitual Sinner and of One in an Occasion of Sin 471
On the Sacramental Seal 471

On Extreme Unction ..... **nn. 861–871** **473**
The Council of Trent on Extreme Unction, Session 14 473
On Oil Not Blessed by a Bishop 474
On the Anointing of the Loins and Feet 475
On the Minister and Subject of Extreme Unction 475
On the Administration of Extreme Unction by Means of an Instrument 476
On the Ceremonies of Extreme Unction 476
The Penitential Psalms and Litanies in the Administration of Extreme Unction 477
On Extreme Unction to Be Conferred Immediately after Baptism 477
On One Gravely Ill, but Not Proximately Dying, in Mission Territories 477
On the Dispositions Prerequisite for Extreme Unction 477

On Holy Orders ..... **nn. 873–916** **478**
The Council of Trent on Holy Orders, Session 23 478
Canons of the Fourth Council of Carthage, Year 398, on Ordinations 480
On the Consecration of a Bishop 480
On the Elevation and Extension of the Hands in Ordination to the Priesthood 481
On the Imposition of Hands with Physical Contact 483
Corrupted Form 484
On Anglican Ordinations 485
Doubtful Touching of the Instruments 485

Ordination of a Priest with a Chalice without Wine and with a Paten without a Host ... 486
On Touching the Paten and Chalice ... 487
Touching the Instruments before Pronouncement of the Form ... 487
On the Omission of Handing Over the Book of the Gospels in the Ordination of a Deacon ... 488
On the Omission of Touching the Book of Epistles in the Ordination of a Subdeacon ... 488
On the Omission of the Candlestick in the Ordination of Acolytes ... 489
On the Ringing of Bells for Porters and on the Book of Lectors ... 489
On the Keys in the Ordination of a Porter ... 489
On Closing and Opening the Doors of the Church ... 490
First Tonsure ... 490
On the Erroneous Anointing of the Hands ... 490
On Sacred Orders Invalidly Conferred ... 490
On Ordination *per Saltum*, without the Title of a Special Office, and after the Loss of Baptismal Innocence ... 491
Constitution *Speculatores* of Pope Innocent XII, 4 November 1694 ... 492
An Abbot Conferring Orders ... 494
On the Excardination and Ordination of Clerics ... 494
On Testimonial Letters ... 495
On Those Who Were Subject to Military Service ... 496
On Dimissorial Letters for Regulars ... 496
On Baptism with Respect to Orders ... 497
What Ordinands Must Be Furnished With ... 497
Documents to Be Presented ... 497
On the Spiritual Exercises to Be Performed by Ordinands ... 498
On Heretics with Regard to Sacred Orders ... 498
On Admitting Priests to the Exercise of Their Orders after Schism Has Been Abjured ... 498
A Doubtful Intention ... 498
An Intention Revoked during Sacred Ordination because of Scruples ... 498
Dispensation from the Interstices ... 499
On the Time of Ordination ... 500
Dispensation from Age ... 500
On the Title of Ordination ... 500
Formula of the Oath to Be Taken by Those Who Are Ordained under the Title of Mission ... 503
On Military Service with Regard to Profession and Orders ... 504
On the Ordination of Novices and Professed Members of Simple Vows ... 505

On the Three Masses to Be Celebrated by Newly Ordained Priests 505
On the Nocturn to Be Recited by the Newly Ordained 505

On Matrimony ..... nn. 919–1058 **507**
The Council of Trent on Matrimony, Session 24 507
On Betrothals of Infants and Those below Puberty, and on Mixed Betrothals 508
On the Validity of Betrothals 509
Civil Marriage Does Not Produce the Impediment of Public Propriety 509
On Intercourse Had after Betrothals, in Places Where the Council of Trent Has Not Been Promulgated ... 509
On the Marriage of Minors against the Will of Their Parents 510
On the Banns 511
On Secret Marriages 511
On Proof of the Free State 511
On Marriages of Foreigners 512
Instruction of the Holy Office, 29 August 1890, to the Eastern Bishops 513
Supplementary Oath 515
On the Time of the Banns 516
On Dispensation from Impediments in a Case in Which Recourse to the Apostolic See Is Impossible ... 516
The Lawfulness of Matrimony and of Subsequent Marriages 517
Marriage Presumed by Law Is Abolished 517
The Consent of the Contracting Parties Is Required and Suffices 518
Consent Alone, Declared by Some Sign, Suffices 519
Matrimony with a Base Condition 519
On the Contract and Sacrament of Matrimony 520
The Church Alone Can Establish Impediments Which Render Matrimony Null 520
On the Civil Power with Respect to Betrothals, Matrimony, and the Impediments of Matrimony ... 520
On Civil Marriage 521
The Nuptial Blessing 523
Mass for the Spouses 524
On the Celebration of Matrimony in a Private House and Oratory 525
Marriages of Freemasons 525
On Marriages of Protestants among Themselves and Mixed Marriages 526
The Blessing of a Woman after Childbirth 527
The Unity of Matrimony. 527
The Bond of Matrimony Is Indissoluble 527
Marriages Dissolved by Protestants 528
Matrimony Is Dissolved by Religious Profession 528

A Spouse Converted to the Faith Is Free If the Unbelieving Spouse Refuses to Cohabit; but a Faithful Spouse Is Not Free If the Other Spouse Falls into Heresy or Paganism ... 528
Baptism Does Not Dissolve Marriages of Unbelievers Contracted within Degrees Prohibited by the Church While They Were in Unbelief; an Unbelieving Spouse Converted to the Faith Is Bound to Receive the Unbelieving Spouse Who Has Been Converted, Etc. ... 529
The Pauline Privilege after Renewal of Consent ... 530
On the Necessity of Interpellating the Unbelieving Spouse ... 530
On the Impossibility of Interpellation and an Apostolic Indult ... 533
On the Omission of Either Part of the Interpellation ... 535
On the Departure of an Unbelieving Spouse Who Is Impeded; after Long Cohabitation, on Account of Discord and Other Causes; on One Who Refuses the Education of the Offspring in the Christian Religion; after a Dispensation Has Been Obtained; on Account of Adultery; on Departure with Respect to Catechumens ... 536
On Separation of the Marriage Bed and Cohabitation ... 541
Civil Divorce to Be Sought from a Lay Judge ... 541
Whether Heretics Generally Are Subject to the Invalidating Impediments of Ecclesiastical Law ... 543
On Impotence ... 544
Marriages Contracted by Those below Puberty in Unbelief ... 544
On the Certain or Doubtful Death of a Prior Spouse ... 544
On a Doubtful Marriage ... 545
By What Indications the Death of a Spouse Is Proved ... 546
On the Impediment of Consanguinity ... 549
On Affinity from Illicit and Licit Intercourse ... 550
Dispensation in the First Degree of Affinity from Licit Intercourse ... 550
On Affinity Contracted in Unbelief ... 550
Whether Sodomy Produces an Impediment of Matrimony ... 551
On Spiritual Kinship with Respect to Baptism and Confirmation ... 551
On Legal Kinship ... 552
On the Impediment from Private Betrothals ... 552
On the Impediment of Public Propriety from Civil Marriage.—Cf. no. 923. — On the Impediment of Public Propriety among Unbelievers Converted to the Faith ... 552
On the Profession of Simple Vows with Respect to the Dissolution of Marriage ... 552
On Doubtful Baptism in Relation to Matrimony ... 553
On an Unknown Conferral of Baptism with Respect to Matrimony ... 553
On the Unlawfulness of a Mixed Marriage ... 554
On the Power and Cause for Dispensing in Mixed Marriages, on the Conditions to Be Premised, and on Their Sacred Rite ... 555

Declaration of the Preceding Instruction 557
On the Faculty of Dispensing from Impediments of Matrimony When the Question ... 559
Concerns Mixed Marriages
Declaration of the Faculties of Dispensing in Mixed Marriages 560
On the Conditions Necessary for a Dispensation in Mixed Marriages 561
On the Absence of Every Blessing, Prayer, and Sacred Vestment in Mixed ... 562
Marriages; on the Conditions to Be Required in Writing; on the Banns
On the Nuptial Blessing Not to Be Tolerated in Mixed Marriages 564
What Those Who Contracted Mixed Marriages without the Consent of the Church ... 565
Must Do
Whether It Is Lawful to Contract Marriage before a Heretical Minister 565
Whether It Is Lawful to Report a Child Born to a Heretical Minister 566
On the Impediment of Adultery 567
On the Impediment of Crime with Respect to Unbelievers 568
On the Impediment of Force and Fear 568
On the Impediment of Abduction 569
The Council of Trent on the Solemnity of Matrimony, Session 24, Chapter 1, *On ... 570
the Reformation of Matrimony*
On Quasi-Domicile in Relation to Matrimony 572
On Quasi-Domicile in the United States of America 573
On Those Passing from a Place Where the Council of Trent Was Promulgated to a ... 573
Place Where It Was Not Promulgated
Clandestine Marriages in Holland and in the Federated Provinces of Belgium ... 574
between Heretics, and between One Catholic Party and Another Heretical Party,
Are Declared Valid
On the Force of the Declaration of Benedict XIV with Respect to Marriages of ... 576
Heretics in Belgium
Extension of the Declaration of Benedict XIV to the Duchy of Cleves 577
The Society of Heretics 577
On the Promulgation of the Decree of Trent and on the Clandestine Marriages of ... 578
Heretics in the Lands of Unbelievers; on the Common Impossibility of
Approaching the Parish Priest and of Seeking a Dispensation
A Doubtful Marriage with Respect to Its Use 580
Preparation of the Process in Matrimonial Causes 581
Dispensation from Impediments 581
On the Causes for Obtaining Matrimonial Dispensations and on the Matters ... 581
Which Must Be Expressed in Obtaining the Dispensation Itself
On the Validity of a Matrimonial Dispensation When Incestuous Intercourse Has ... 586
Been Concealed
All Impediments Must Be Disclosed 587

Precautions to Be Employed with Respect to Dispensation in the First Degree of Affinity, and in the First and Second Degrees Both of Affinity and of Consanguinity ... 588
Letter of His Eminence the Pro-Datary ... 589
Componenda (Composition Fees) ... 589
Dispensation with the Poor ... 590
On the Power of Bishops over Public Diriment Impediments ... 591
Dispensation by Only One Ordinary ... 595
Cumulative Dispensation ... 595
On Anticipatory and Common Dispensation ... 596
Omission of Clauses in a Dispensation ... 597
Modifications to the Apostolic Letters for the Granting of Matrimonial Dispensations ... 597
Doubts Concerning the Clauses Used by the Apostolic Datary in Issuing Matrimonial Dispensations ... 598
On the Manner of Verifying Causes in the Execution of Matrimonial Dispensations by the Official to Whom That Execution Is Committed ... 599
Execution of a Dispensation ... 599
Various Clauses of Dispensations ... 600
On Dispensation in the Root ... 601
On Artificial Fertilization ... 602
Whether the Use of Marriage Is Lawful Only on Those Days on Which Conception Is More Difficult ... 602
Decisions of the Sacred Congregations Concerning Onanism ... 602
On Questions to Be Asked by Confessors Concerning Onanism ... 605

On Censures ... nn. 1084–1159 **606**
Nature of a Censure ... 606
On the Power of Inflicting Censures ... 606
Absolution from Censures ... 607
Excommunicated Persons Who Must Be Avoided ... 607
Minor Excommunication ... 607
Excommunication Deprives One of Apostolic Rescripts ... 607
Instruction of the Sacred Congregation for the Propagation of the Faith Concerning Suspensions *Ex Informata Conscientia* ... 608
The Rite of Burial ... 610
Decree Concerning Funerals ... 610
Funerals in Churches of Regulars ... 611
Ecclesiastical Burial Is to Be Denied ... 612
On Suicides ... 612
On Heretics and Members of Sects ... 612

Burial of Notorious Excommunicated Persons 613
On Cremation of Bodies with Respect to Burial 613

On the Constitution *Apostolicae Sedis* ..... nn. 1162–1248 615

On Orientals with Respect to the Constitution *Apostolicae Sedis* 615
On Excommunication for Heresy 615
Excommunication for Reading Heretical Books 616
Popular Elections of Parish Priests and of the Supreme Pontiff 616
Those Who Coerce Lay Judges 617
Acts of the Holy See 617
Absolution of an Accomplice 617
On the Usurpation of Benefices 618
Absolution from Excommunications Reserved in a Special Manner to the Supreme Pontiff ... 618
On Duelists 618
Masonic Sects 619
On the Departure of Nuns from Enclosure 620
Collection of Mass Offerings 620
On Political Elections in Italy 620
Those Communicating with Excommunicated Persons 621
Usurpers and Buyers of Ecclesiastical Goods 622
Indult of Composition 622
Faculties of Confessors in the City of Rome 625
Clerics Presuming to Contract Civil Marriage 625
Those Injuring the Officials of the Episcopal Curia 625
Alienation of Ecclesiastical Goods 626
Those Absolving One Who Solicited 626
Those Printing Sacred Books 626
A Bridegroom Abducting His Bride 626
On the Commerce of Missionaries 627
Suspension Reserved under Article 3 627
On Titular Bishops 627
Exercising Pontificals in Another Diocese 628
Mass Offerings 628
Another Suspension Added 632
Whether, after the Constitution *Apostolicae Sedis*, the Censure Enacted against Those Who Remove Books from the Udine Library without Permission Still Remains in Force ... 632
The Prohibition and Excommunication of the Canons of the Vatican Basilica Is Abrogated ... 632

On the Privileges of Religious 633

On the Constitution *Sacramentum Poenitentiae* ..... nn. 1251–1278 634

Instruction of the Sacred Roman and Universal Inquisition to All Archbishops, Bishops, and Other Ordinaries of Places Concerning the Observance of the Constitution *Sacramentum Poenitentiae* of Benedict XIV ... 634

On the Sin of Solicitation and Complicity 638

Decrees of the Holy Office, 11 February 1661 639

Place of Confession; Simulation of Confession 640

Denunciation to Be Made by All 640

On a Solicitor Already Deceased 640

How a Denunciation Is to Be Made 641

Instruction Concerning the Inquiries in Cases of Solicitation 642

On the Constitution *Officiorum ac Munerum* ..... nn. 1301–1312 645

Obligation of the Constitution *Officiorum* 645

On the Prohibition of Books 645

On the Reading of Sacred Scripture 645

Books of Devotion 645

Books Containing Errors of the *Syllabus* 646

Books of Indulgences 646

On the Approval of Books 646

Books of Missionaries 646

On Irregularity ..... n. 1341 649

Irregularity Arising from Heresy 649

On Indulgences ..... nn. 1349–1364 650

On the Nature and Value of Indulgences 650

Power of the Pope, Bishops, and Others with Respect to Indulgences 651

Faculty of Blessing Chaplets, Crosses, Etc. 652

On the Blessing of Crosses, Etc., with the Application of Indulgences 652

Urbi et Orbi. Decree Concerning Rules or Norms for Distinguishing True Indulgences from Apocryphal Ones ... 653

Commentaries on the Aforesaid Rules, Added as Opportune with the Approval of the Sacred Congregation of Indulgences and Sacred Relics ... 655

On Several Indulgences Annexed to the Same Pious Work 659

On Several Plenary Indulgences to Be Gained on the Same Day 659

On the Donation of Objects Which Have Indulgences Annexed 660

On Confession and Communion on the Eve of Feasts 660

On Weekly Confession for Gaining Indulgences by Those Who Are Accustomed to Confess Once a Week ... 661

On Confession Made Within the Week for Gaining Indulgences in Places Where There Is a Scarcity of Confessors ... 661
Interpretation of the Indult Concerning Weekly and Fortnightly Confession for Gaining Indulgences ... 662
On Communion ... 663
On the Prayers Enjoined ... 664
On the Visitation of a Church ... 666
On the Time of Indulgences ... 667

On the Jubilee ... **nn. 1367–1380** **668**
On the Rules Handed Down by Benedict XIV ... 668
On the Suspension of Faculties ... 668
On the Place and Time of the Works Enjoined ... 669
On Travelers ... 669
On Confession and Communion ... 669
On Visits to Churches ... 669
On the Fast Prescribed by Strict Law ... 671
On Alms ... 671
On the Commutation of the Works Enjoined ... 671
On Acquiring the Jubilee Several Times ... 672
On Absolution from Reserved Cases ... 672
On the Use of the Extraordinary Faculties of the Jubilee ... 672
On the Choice of a Confessor ... 672
On Absolution from Heresy ... 673
On Absolution from the Guilt of Invading the Temporal Dominion of the Supreme Pontiff and Ecclesiastical Goods ... 673
On the Commutation of Vows ... 673
Repeated Use of the Faculties ... 673
On the Privileged Altar ... 673
On the Gregorian Thirty Masses, the Altar of Saint Gregory on the Caelian Hill, and Gregorian Altars *ad instar* ... 674
Indult for the Heroic Act of Charity ... 675
Declarations Concerning the Heroic Act of Charity ... 676
On the Requisites for the Indulgences of the Way of the Cross ... 676
Formula of Blessing with a Plenary Indulgence for Secular Tertiaries of Saint Francis and of Other Orders ... 677
On Confraternities ... 677
On the Plenary Indulgence at the Point of Death ... 679

Appendix ... **682**

Index of Treatises (as printed) ... **683**

Alphabetical Index of Subjects (as printed) **685**

Imprimaturs **702**

Imprimatur 702

Imprimatur 702

INDEX **703**

Title Page, Approval and Abbreviations

MORAL ENCHIRIDION

COMPRISING

SELECT DECREES AND DEFINITIONS

OF THE HOLY SEE

OF ECUMENICAL COUNCILS

AND OF THE SACRED ROMAN CONGREGATIONS

WHICH

CAN BE OF GREATER USE TO PROFESSORS OF MORAL THEOLOGY

AND TO CONFESSORS

EDITED BY

JANUARIUS BUCCERONI

OF THE SOCIETY OF JESUS

FOURTH EDITION

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Since the work whose title is *Moral Enchiridion*, etc., by Father Januarius Bucceroni, S.J., has duly been reviewed and approved, we grant permission that it be committed to type, if it shall so seem good to those whom it concerns.

Rome, on 10 October, in the year 1903.

AUGUSTUS FERRETTI, S.J.
Provincial Superior of the Roman Province

Abbreviations

B. p. 10. = Bizzarri, *Collection of the Sacred Congregation of Bishops and Regulars*, Rome edition, 1895, page 10.

C. 10. = *Collection of the Sacred Congregation for the Propagation of the Faith*, Rome edition, 1893, no. 10.

D. 10. = *Authentic Decrees of the Sacred Congregation of Rites*, Rome edition, 1898, no. 10.

A. S. S. V. 1. p. 10. = *Acta Sanctae Sedis*, volume 1, page 10.

M. E. V. 1. P. 1. p. 10. = *Monitore Ecclesiastico*, Conversano, Rome, volume 1, part 1, page 10.

Ppr. dd. = Condemned propositions.

Cf. = Compare.

The sequential numbers correspond to the numbers of the *Moral Institutions*, where they are cited.

On Human Acts

Human Activity Necessary for Salvation and Perfection

"1. A man must annihilate his powers, and this is eternal life. - 2. To will to act actively is to offend God, who wills to be the sole agent; and therefore it is necessary to abandon oneself wholly and totally to God, and afterward to remain like a lifeless body. - 4. Natural activity is the enemy of grace, and impedes the operations of God and true perfection; because God wills to operate in us without us. - 5. By doing nothing, the soul annihilates itself, and returns to the very principle and to its origin, which is the essence of God, in which it remains transformed and divinized; and God then remains in Himself, because there are then no longer two things united, but only one, and in this way God lives and reigns in us, and the soul annihilates itself in operative being. - 6. The interior way is that in which neither light, nor love, nor resignation is known; and it is not necessary to know God, and in this manner one proceeds rightly. - 13. Free will having been resigned to God, the thought and care of everything that concerns us must be left to the same God, and one must allow Him to accomplish His divine will in us." - Condemned propositions of Michael de Molinos, condemned by Innocent XI, Const. *Caelestis Pastor*, 20 Nov. 1687.

Division of Human Acts. Good and Evil Acts; Natural and Supernatural; Honest and Meritorious

"16. The immediate division of human works is that they are either virtuous or vicious; because if a man is vicious and does anything, he then acts viciously, and if he is virtuous and does anything, he then acts virtuously; because just as vice, which is called a crime or mortal sin, universally infects the acts of a vicious man, so virtue vivifies all the acts of a virtuous man." Proposition of John Hus, condemned by the Council of Constance and by Martin V, Bull *Inter cunctas*, Bull *In eminenti*, 8 Kalends of March 1418.

"7. Every deliberate human action is love of God or of the world: if of God, it is the charity of the Father; if of the world, it is the concupiscence of the flesh, that is, evil." Proposition condemned by Alexander VIII, 7 Dec. 1690.

"34. That distinction of a twofold love, namely, natural love, by which God is loved as the author of nature, and gratuitous love, by which God is loved as beatifier, is vain and fictitious, and was devised to make sport of the sacred Scriptures and very many testimonies of the ancients. - 37. He agrees with Pelagius who acknowledges any natural good, that is, any good which takes its origin from the powers of nature alone. - 62. That distinction also, by which a work is said to be good in two ways, either because it is right and good from its object and all its circumstances (which they are accustomed to call morally good), or because it is meritorious of the eternal kingdom, because it is performed by a living member of Christ through the Spirit of Charity, is to be rejected. - 63. But that distinction of a twofold justice is likewise rejected: one which is effected through the indwelling Spirit of Charity; the other which is effected indeed from an inspiration of the Holy Spirit stirring the heart to penance, but not yet dwelling in the heart and pouring forth charity in it, by which the justification of the divine law may be fulfilled." Condemned propositions of Michael Baius, condemned by St. Pius V, Bull *Ex omnibus afflictionibus*, 1 Oct. 1567. Cf. nn. 69, 75, 89.

"23. The doctrine of the Synod concerning a twofold love (of dominant cupidity and of dominant charity), declaring that man without grace is under the servitude of sin, and that in that state, through the general influence of dominant cupidity, he infects and corrupts all his actions; insofar as it insinuates that, in man while he is under servitude or in the state of sin, destitute of that grace by which he is freed from the servitude of sin and constituted a son of God, cupidity so dominates that, through the general influence of this cupidity, all his actions are in themselves infected and corrupted; or that all works which are done before justification, in whatever manner they are done, are sins, as though in all his acts the sinner serves dominant cupidity: false, pernicious, inducing into an error condemned as heretical by the Council of Trent, and condemned again in Baius, art. 40. - 24. But insofar as between dominant cupidity and dominant charity there are placed no intermediate affections implanted by nature itself and praiseworthy by their own nature, which, together with the love of beatitude and a natural inclination toward good, remained as the last lineaments and relics of the image of God; from St. Augustine, *On the Spirit and the Letter*, ch. 28; just as though between divine love, which leads us to the kingdom, and illicit human love, which is condemned, there were no licit human love which is not reprehended; from St. Augustine, sermon 349, *On Charity*, Maurist edition: false, previously condemned." Condemned propositions of the Synod of Pistoia, condemned by Pius VI, Const. *Auctorem Fidei*, 28 Aug. 1794.

Liberty from Intrinsic Necessity

"39. That which is done voluntarily, even if it is done necessarily, is nevertheless done freely. - 41. That mode of liberty which is freedom from necessity is not found in the Scriptures under the name of liberty, but only the name of liberty from sin."

"66. Violence alone is repugnant to the natural liberty of man." Condemned propositions of Michael Baius, condemned by St. Pius V.

"3. For meriting or demeriting in the state of fallen nature, liberty from necessity is not required in man, but liberty from coercion suffices." Proposition of Cornelius Jansen, condemned by Innocent X as heretical; Const. *Vineam Domini*, 16 July 1705.

The Power of Free Will in Human Acts

"27. Free will, without the assistance of the grace of God, avails only for sinning. - 28. It is a Pelagian error to say that free will avails for avoiding any sin." Condemned propositions of Michael Baius, condemned by St. Pius V.

Invincible and Vincible Ignorance

"2. Although invincible ignorance of the natural law be granted, in the state of fallen nature this ignorance does not excuse one who acts from it from formal sin." Proposition condemned by Alexander VIII, 7 Dec. 1690.

"10. That they did not sin who, not knowing Christ, crucified Him, and that whatever is done through ignorance is not to be ascribed to guilt." Chapters of Abelard condemned by the Council of Sens and by Innocent II in the year 1140.

Concupiscence Without the Consent of the Will Is Not Sin; But That Which Proceeds from the Consent of the Will Is Sin

"But this holy Synod confesses and perceives that concupiscence, or the fomes, remains in the baptized; and since it has been left for combat, it cannot harm those who do not consent, but who resist manfully through the grace of Christ Jesus; indeed, he who shall have contended lawfully shall be crowned. This concupiscence, which the Apostle sometimes calls sin, the holy Synod declares that the Catholic Church has never understood to be called sin because it is truly and properly sin in the regenerate, but because it is from sin and inclines toward sin. But if anyone shall think the contrary, let him be anathema." Council of Trent, sess. 5, Decree on Original Sin, penultimate paragraph.

"74. Concupiscence in the regenerate who have relapsed into mortal sin, in whom it now dominates, is sin, just as are other vicious habits. - 75. The evil movements of concupiscence are, for the state of corrupted man, prohibited by the precept: *Thou shalt not covet*; whence a man who feels them and does not consent transgresses the precept *Thou shalt not covet*, although the transgression is not imputed as sin. - 76. As long as anything of carnal concupiscence is in one who loves, he does not fulfill the precept: *Thou shalt love the Lord thy God with thy whole heart*." Condemned propositions of Michael Baius, condemned by St. Pius V.

"19. That neither the work, nor the will, nor concupiscence, nor pleasure, when it moves the soul, is sin, nor ought we to will to extinguish it." Chapters of Abelard condemned by the Council of Sens and by Innocent II.

The Movements of Concupiscence and Other Temptations Must Be Resisted

"17. Free will having been handed over to God, and the care and thought of our soul having been left to Him, no further account is to be taken of temptations; nor must any resistance be made to them other than a negative one, with no industry employed; and if nature is moved, it is necessary to allow it to be moved, because it is nature. - 37. On occasions of even furious temptations, the soul must not elicit explicit acts of the opposite virtues, but must remain in the aforesaid love and resignation." Condemned propositions of Michael de Molinos, condemned by Innocent XI.

Violence on the Part of the Demon

"41. God permits and wills, in order to humble us and lead us to true transformation, that in some perfect souls, even those not possessed, the demon inflict violence upon their bodies and cause them to commit carnal acts, even while awake and without obscuration of mind, by physically moving their hands and other members against their will. And the same is said as regards other acts sinful in themselves; in which case they are not sins, because consent is not present in them. - 47. When violences of this kind occur, it is necessary to allow Satan to operate, employing no industry and no effort of one's own, but a man must remain in his nothingness; and even if pollutions and obscene acts with one's own hands, and even worse things, should follow, it is not necessary to disquiet oneself, but scruples, doubts, and fears must be cast out; because the soul becomes more illuminated, more strengthened, and more pure, and holy liberty is acquired. And above all, it is not necessary to confess these things, and it is most holy not to confess them; because by this means the

demon is overcome and the treasure of peace is acquired." Condemned propositions of Michael de Molinos, condemned by Innocent XI.

Moral Works

"38. Every love of a rational creature is either vicious cupidity, by which the world is loved, which is prohibited by John, or that praiseworthy charity, poured forth in the heart through the Holy Spirit, by which God is loved." Proposition of Michael Baius condemned by St. Pius V.

"40. Without grace we can love nothing except unto our condemnation. - 44. There are only two loves from which all our volitions and actions arise: the love of God, which does all things for the sake of God and which God rewards; and the love by which we love ourselves and the world, which does not refer to God that which is to be referred to God, and for this very reason becomes evil. - 45. Since the love of God no longer reigns in the heart of sinners, it is necessary that carnal cupidity reign in it and corrupt all their actions. - 46. Cupidity or charity makes the use of the senses good or evil." Condemned propositions of Pasquier Quesnel, condemned by Clement XI, Const. *Unigenitus*, 8 Sept. 1713.

Morality of External Acts

"15. God does not command an external act. - 16. An external act is not properly good, nor does God properly perform it. - 17. Let us bring forth the fruit, not of external acts, which do not make us good, but of interior acts, which the Father dwelling in us makes and performs. - 18. God loves souls, not the external work." Condemned propositions of Eckhart, condemned by John XXII in the year 1329.

External Works That Are Good, Holy, and Satisfactory

"13. That because of works a man becomes neither better nor worse." Chapters of Abelard condemned by the Council of Sens and by Innocent II.

"40. The Blessed Virgin never performed any external work, and nevertheless she was holier than all the Saints. Therefore one can arrive at holiness without an external work." Proposition of Michael de Molinos condemned by Innocent XI.

"Moreover, it teaches (the holy Synod) that the largess of divine munificence is so great that we are able to make satisfaction before God the Father through Christ Jesus not only by punishments voluntarily undertaken by us for punishing sin, or imposed at the judgment of a priest according to the measure of the offense, but also - which is the greatest proof of love - by temporal scourges inflicted by God and patiently borne by us." Council of Trent, sess. 14, ch. 9. Cf. also ibid., ch. 13, and sess. 6, ch. 14.

Indifferent Works

"If anyone shall say that nothing is commanded in the Gospel besides faith; that other things are indifferent, neither commanded nor prohibited, but free; or that the Ten Commandments in no way pertain to Christians: let him be anathema." Council of Trent, sess. 6, can. 19.

Works Directed to a Natural and Supernatural End; Honest and Meritorious

"61. That distinction of the doctors, that the mandates of the divine law are fulfilled in two ways - in one way only as regards the substance of the works commanded, and in the other as regards a certain mode, namely, that according to which they can lead the one acting to the eternal kingdom, that is, according to the meritorious mode - is fictitious and to be rejected." Proposition of Michael Baius condemned by St. Pius V. Cf. nn. 6, 89.

Motive of Human Acts

"9. He truly sins who hates sin merely because of its turpitude and incongruity with nature, without any regard for God offended. - 10. The intention by which someone detests evil and pursues good merely in order to obtain heavenly glory is not right or pleasing to God. - 11. Everything that is not from supernatural Christian faith, which works through love, is sin. - 13. Whoever also serves God with a view to eternal reward, if he should lack charity, is not free from fault whenever he acts, even with a view to beatitude. - 14. Fear of hell is not supernatural. - 15. Attrition, which is conceived from fear of hell and of punishments, without the love of benevolence for God on account of Himself, is not a good and supernatural movement." Propositions condemned by Alexander VIII, 7 Dec. 1690.

"60. If fear of punishment alone animates penance, the more violent this penance is, the more it leads to despair. - 61. Fear restrains only the hand; but the heart is devoted to sin as long as it is not led by the love of justice. - 62. He who abstains from evil only through fear of punishment commits it in his heart and is also guilty before God." Condemned propositions of Pasquier Quesnel, condemned by Clement XI.

To Act for the Sake of Pleasure

"8. To eat and drink unto satiety for pleasure alone is not a sin, provided that it does not harm health, because the natural appetite can licitly enjoy its acts. - 9. The conjugal act exercised for pleasure alone is wholly free from all fault and venial defect." Propositions condemned by Innocent XI, Decree of 2 March 1679.

Merit of Human Acts

"2. Just as an evil work by its nature is meritorious of eternal death, so a good work by its nature is meritorious of eternal life. - 4. Eternal life was promised to man in his integrity and to the angel in view of good works, and good works by the law of nature suffice of themselves for attaining it. - 15. The reason of merit does not consist in this, that those who act well have grace and the indwelling Holy Spirit, but in this alone, that they obey the divine law." Condemned propositions of Michael Baius, condemned by St. Pius V.

"1. If anyone shall say that man can be justified before God by his works, whether done through human nature or through the teaching of the law, without divine grace through Jesus Christ: let him be anathema. - 2. If anyone shall say that divine grace through Christ Jesus is given only for this, that man may more easily live justly and merit eternal life, as though through free will without grace he could do both, though with hardship and difficulty: let him be anathema." Council of Trent, sess. 6, canons.

On Conscience

Certain and Doubtful Conscience

"11. It is not necessary to reflect upon doubts which occur, whether one is proceeding rightly or not." Proposition of Michael de Molinos condemned by Innocent XI.

On Probabilism

"1. It is not illicit, in conferring sacraments, to follow a probable opinion concerning the validity of the sacrament, leaving aside the safer opinion, unless a law, an agreement, or the danger of incurring grave harm forbids it. Hence an opinion that is only probable is not to be used in conferring baptism, priestly ordination, or episcopal ordination. - 2. I think it probable that a judge can judge according to an opinion that is even less probable. - 3. Generally, when, trusting in probability, whether intrinsic or extrinsic and however slight, provided that the limits of probability are not exceeded, we do something, we always act prudently. - 4. An unbeliever who does not believe, being led by a less probable opinion, will be excused from infidelity. - 21. The assent of supernatural faith which is useful for salvation is compatible with the fear by which someone fears that God may not have spoken." Propositions condemned by Innocent XI, 2 March 1679.

"26. When litigants have equally probable opinions in their favor, a judge can accept money for rendering judgment in favor of one rather than the other." Proposition condemned by Alexander VII, 24 Sept. 1665.

"3. It is not lawful to follow an opinion, even the most probable among probable opinions." Proposition condemned by Alexander VIII, 7 Dec. 1690.

"27. If a book is by some younger and modern author, the opinion must be considered probable so long as it is not established that it has been rejected by the Apostolic See as improbable." Proposition condemned by Alexander VII, 24 Sept. 1665.

Decree on the Concurrence of a Less Probable Opinion with a More Probable One

"Rome, 19 April 1902. - A petition having been referred to this Supreme Congregation... in order to obtain official communication of the true text of the decree of the Holy Office on probabilism, directed to Father Thyrsus Gonzalez, S.J., the undersigned Assessor... has the honor to transmit herewith the authentic copy of the said decree, with an express declaration that this is the only true text; that consequently all the others, published in whatever manner and at whatever time, must be considered apocryphal; and that if any of these latter should happen to bear signs, even undoubted ones, of authenticity, it must be held that this occurred through mere mistake.... GIAMBATTISTA LUGARI, Assessor of the Holy Office."

"A report having been made by Father Laurea concerning the contents of the letters of Father Thyrsus Gonzalez of the Society of Jesus directed to Our Most Holy Lord, the Most Eminent Lords said that it should be written by the Secretary of State to the Apostolic Nuncio of Spain, that he signify to the said Father Thyrsus that His Holiness, having graciously accepted and read his letters not without

praise, commanded that he freely and intrepidly preach, teach, and defend with his pen the more probable opinion, and also manfully attack the position of those who assert that, when a less probable opinion concurs with a more probable one so recognized and judged, it is lawful to follow the less probable opinion; and that he assure him that whatever he shall have done and written in favor of the more probable opinion will be pleasing to His Holiness.

Let it be enjoined upon the Father General of the Society of Jesus by order of His Holiness that he not only permit the Fathers of the same Society to write in favor of the more probable opinion and to attack the position of those asserting that, when a less probable opinion concurs with a more probable one so recognized and judged, it is lawful to follow the less probable opinion; but also that he write to all the Universities of the Society that it is the mind of His Holiness that each one, as he pleases, may freely write in favor of the more probable opinion and attack the aforesaid contrary opinion; and let him command them to submit themselves wholly to the mandate of His Holiness.

On 8 July 1680, when the aforesaid Order of His Holiness was reported by the Assessor to the Father General of the Society of Jesus, he responded that he would comply in all things as quickly as possible, although it had never been forbidden either by him or by his predecessors to write in favor of the more probable opinion and to teach it."

"I, the undersigned Notary of the Holy Office, testify that the above-written copy of the decree issued on Wednesday, 26 June 1680, was taken from the original acts of the same Sacred Congregation, and that it agrees with them exactly, as is established from a word-for-word collation.

Given at Rome, from the offices of the Holy Office, on 21 April 1902. Canon MANCINI, Notary of the Holy Roman and Universal Inquisition."

Extrinsic Authority

"Chapter 11. 1. Likewise, that a man ought not to be content with authority in order to have certainty concerning some question. - 2. Likewise, that in order for a man to have certainty concerning a conclusion, he must be founded upon principles known of themselves. An error, if he speaks generally both of certainty of apprehension and of certainty of adherence." Error condemned by Stephen, Bishop of Paris, with the Theological Faculty, in the year 1276, at the command of John XXI. Cf. nn. 114, 131.

On the Authority of St. Alphonsus

"1. Whether a professor of Sacred Theology can safely follow and profess the opinions which St. Alphonsus de Liguori professes in his Moral Theology? - 2. Whether a confessor is to be disquieted who follows all the opinions of St. Alphonsus de Liguori in the practice of the sacred tribunal of Penance, for this reason alone, that by the Holy Apostolic See nothing worthy of censure has been found in his works, with the note, namely, that this confessor reads the works of the blessed Doctor only in order to know his doctrine accurately, not weighing the arguments and reasons on which the various opinions rest; but judging that he acts safely from the very fact that he can prudently judge a doctrine which contains nothing worthy of censure to be sound and safe, and in no way contrary to Evangelical holiness? - Resp. To the 1st, in the affirmative, yet without this being taken to mean that those are to be censured who follow opinions handed down by other approved authors. But to the

2nd, in the negative, having regard to the mind of the Holy See concerning the approval of the writings of the Servants of God for the purpose of canonization." S. Poenit. 5 July 1831; *Acta S. Sed.* vol. 1, p. 497 ff.; Benedict XIV, *On the Canonization of Saints*, bk. 2, d. 28, nn. 5, 7.

"Most Eminent and Most Reverend Lord. The undersigned suppliant, appointed by his Bishop to the office of Prefect of public Moral Conferences, on account of his own devotion and reverence toward St. Alphonsus de Liguori, greatly desires to hold, hand down, and defend in all things the doctrine of the same so great Saint, and to make this openly known in the diocesan calendar shortly to be published, as also pleases his aforementioned Bishop, who is very favorably disposed toward St. Alphonsus, by adhering to and observing the Decision issued on this matter under the date of 5 July 1831 by this Sacred Penitentiary. But with regard to this he is held back by some scruple, because when he formerly obtained academic degrees he swore the oath set forth below, that he would retain the doctrine of that same University, which follows probabiliorism and the opinions of the probabiliorists. Since these things are so, and since moreover the very distinguished Scavini, who took the same oath, in his Moral Theology dedicated to Our Most Holy Lord Pius IX, had the same St. Alphonsus especially as his guide, hence for the quiet of his conscience he most humbly has recourse to Your Eminence, and earnestly begs:

"1. That he be taught whether the aforesaid oath prevents him from following in all things and publicly handing down the doctrine of St. Alphonsus de Liguori, as is set forth above? Or 2. that he be dispensed from observing the same oath. - Resp. To the 1st, in the negative. To the 2nd, provided for in the first." S. Poenit. 19 Dec. 1855. But what doctrine the professors of Theology ought to hand down of the aforesaid University is clear from these words of the Constitutions: "The professors of Theology, both scholastic-dogmatic and moral, must adhere to the principles and to the system of St. Thomas according to his letter and his school." Cf. Scavini, Milan, 1874, bk. 3, n. 492.

On Laws

On the Nature of Law

"To establish as the supreme law the will of the people, manifested by what they call public opinion or in some other manner, released from every divine and human law; and, in the political order, to hold that accomplished facts, by the very fact that they have been accomplished, have the force of law." Proposition condemned by Pius IX, Encyclical *Quanta cura*.

"56. Moral laws do not require a divine sanction, and there is no need whatever that human laws be conformed to the law of nature or receive their binding force from God. - 57. The science of philosophical and moral matters, and likewise civil laws, can and ought to depart from divine and ecclesiastical authority. - 58. No other forces are to be acknowledged except those which are placed in matter, and every discipline and uprightness of morals ought to be placed in accumulating and increasing riches by every means and in satisfying pleasures. - 60. Authority is nothing other than the sum of number and material forces." Propositions condemned by Pius IX, *Syllabus*.

On the Promulgation and Acceptance of Laws

"28. It is not lawful for Bishops, without the permission of the government, to promulgate even Apostolic Letters themselves." Proposition condemned by Pius IX, *Syllabus*.

"11. The proposition asserting that, according to the ancient institution of our forefathers, derived from Apostolic times and preserved through the better ages of the Church, it was received that decrees, definitions, or sentences even of the greater Sees were not accepted unless they had been examined and approved by a diocesan Synod: false, rash, derogatory in its generality from the obedience due to Apostolic Constitutions and also to sentences emanating from a legitimate superior hierarchical power, fostering schism and heresy." Proposition of the Synod of Pistoia condemned by Pius VI.

"28. The people do not sin even if, without any cause, they do not receive a law promulgated by the prince." Proposition condemned by Alexander VII.

Cf. n. 180, paragraph *Legislative Power of the Church*; n. 184.

The Force of the Decretals

"38. The decretal epistles are apocryphal and lead away from the faith of Christ; and the clerics who study them are foolish." Proposition of John Wycliffe condemned by the Council of Constance.

On the Possibility of Law

"1. Some commandments of God are impossible to just men willing and striving according to the present powers which they have; the grace by which they might become possible is also lacking to them. Declared and condemned as rash, impious, blasphemous, deserving condemnation by anathema, and heretical." Proposition of Cornelius Jansen condemned by Innocent X.

"19. Likewise, the things which it adds, that man under the law, since he was powerless to observe it, became a transgressor, not indeed through the fault of the law, which was most holy, but through the fault of man, who under the law without grace became more and more a transgressor; and it further adds that the law, if it did not heal the heart of man, caused him to know his own evils and, convicted of infirmity, to desire the grace of the Mediator: in this part it generally insinuates that man became a transgressor through the non-observance of a law which he was powerless to observe, as though He who is just could have commanded something impossible, or He who is merciful were to condemn man for that which he could not avoid; ... false, scandalous, impious, condemned in Baius." Proposition of the Synod of Pistoia condemned by Pius VI.

"54. This definitive sentence, that God commanded man nothing impossible, is falsely attributed to Augustine, since it is Pelagius's." Proposition of Michael Baius condemned by St. Pius V. Cf. nn. 180, 183.

On the Force of the Decrees of the Sacred Congregation of Rites

"Whether decrees issued by the Sacred Congregation of Rites, and whatever responses formally issued in writing by it to proposed doubts, have the same authority as if they proceeded immediately from the Supreme Pontiff himself, although no report concerning them was made to His Holiness? - Resp. In the affirmative." S. R. C., 23 May 1846, n. 2916. - Decrees subscribed by the Prefect and Secretary of the S. R. C. and furnished with its seal are to be held as formally issued in writing; nor is it required that they be promulgated either at Rome or by Bishops in their dioceses. Decrees inserted in the Authentic Collection are to be held as formally issued. - S. R. C., 8 April 1854, n. 3023.

On the Old and the New Law

"6. The difference between the Jewish and Christian covenants is that, in the former, God demands flight from sin and fulfillment of the law from the sinner, leaving him in his powerlessness; but in the latter God gives the sinner that which He commands, by purifying him with His grace. - 7. What advantage was there for man in the old covenant, in which God left him to his own infirmity, imposing His law upon him? But what happiness is it not to be admitted to a covenant in which God gives us that which He asks of us? - 8. We do not belong to the new covenant except insofar as we are sharers in that new grace which works in us that which God commands us. - 63. One baptized is still under the law like a Jew if he does not fulfill the law, or fulfills it from fear alone." Propositions of Pasquier Quesnel condemned by Clement XI.

"The legal observances of the Old Testament, or the ceremonies, sacred rites, sacrifices, and sacraments of the Mosaic law, ceased when the Lord Jesus Christ came, and after the promulgation of the Gospel cannot be observed without sin." Profession of Faith for the Orientals prescribed by Urban VIII and Benedict XIV, Constitution *Nuper ad nos*.

"The sacrosanct Roman Church, founded by the voice of our Lord and Savior.... Firmly believes, professes, and teaches that the legal observances of the Old Testament, or of the Mosaic law, which are divided into ceremonies, sacred rites, sacrifices, and sacraments, because they were instituted for the sake of signifying something future, although they were suitable for divine worship in that age, ceased when the Lord Jesus Christ, who was signified through them, came, and the sacraments of the New Testament began. It teaches that anyone who, even after the Passion, places hope in the legal

observances and subjects himself to them as necessary for salvation, as though faith in Christ could not save without them, has sinned mortally. It does not, however, deny that from the Passion of Christ until the promulgation of the Gospel they could have been observed, provided that they were in no way believed necessary for salvation; but after the promulgation of the Gospel it asserts that they cannot be observed without the loss of salvation. Therefore, after that time, it declares all observers of circumcision, the Sabbath, and the other legal observances alien from the faith of Christ and wholly unable to be participants in eternal salvation unless at some time they recover from those errors. Therefore it commands absolutely all who glory in the Christian name, at whatever time, whether before or after Baptism, to cease from circumcision, because, whether one places hope in it or not, it cannot be observed at all without the loss of eternal salvation....

"It firmly believes, professes, and proclaims that every creature of God is good and nothing is to be rejected which is received with thanksgiving, because, according to the word of the Lord, not that which enters into the mouth defiles a man; and it asserts that the distinction of the Mosaic law between clean and unclean foods belongs to the ceremonial observances, which passed away when the Gospel arose and ceased to be efficacious. It also says that the Apostles' prohibition from things sacrificed to idols, and from blood, and from that which was strangled was suitable to that time, when one Church was arising from Jews and Gentiles who previously lived by diverse ceremonies and customs, so that the Gentiles also might observe something in common with the Jews, and that an occasion might be offered for coming together in the one worship and faith of God, and the material of dissension might be removed: for, because of ancient custom, blood and that which was strangled seemed abominable to the Jews, and from the eating of things sacrificed to idols the Gentiles could be thought likely to return to idolatry. But when the Christian religion had been propagated to such a point that no Jew appeared in it, but all who passed over to the Church came together in the same rites and ceremonies of the Gospel, believing all things clean to the clean, then, when the cause of that Apostolic prohibition ceased, its effect also ceased. It therefore declares that no nature of food which human society admits is to be condemned; nor is any distinction to be made among animals by anyone, whether man or woman, and by whatever manner of death they perish; although for the health of the body, for the exercise of virtue, and for regular and ecclesiastical discipline many things not forbidden can and ought to be set aside, because, according to the Apostle, all things are lawful, but not all things are expedient." Decree for the Jacobites, or of Eugene IV, *Cantate Domino*.

On the Evangelical and Ecclesiastical Law

"20. If anyone shall say that a justified man, however perfect, is not bound to the observance of the commandments of God and of the Church, but only to believe, as though the Gospel were a bare and absolute promise of eternal life without the condition of observing the commandments: let him be anathema. - 21. If anyone shall say that Christ Jesus was given by God to men as a Redeemer in whom they are to trust, but not also as a Legislator whom they are to obey: let him be anathema. - 7. If anyone shall say that by Baptism itself the baptized are made debtors only of faith alone, but not of the entire law of Christ to be observed: let him be anathema. - 8. If anyone shall say that the baptized are free from all the precepts of holy Church which are either written or handed down, so that they are not bound to observe them unless they should wish of their own accord to submit themselves to them: let him be anathema." Council of Trent, sess. 6, canons; sess. 7, canons on Baptism. Cf. n. 74.

The Legislative Power of the Church, Its Object, and Obedience to It

"4. The proposition asserting that it would be an abuse of the authority of the Church to transfer it beyond the limits of doctrine and morals, and to extend it to exterior things, and to exact by force that which depends upon persuasion and the heart; and also, much less, that it pertains to her to exact by exterior force subjection to her decrees: insofar as, by those indeterminate words *extending it to exterior things*, it brands as an abuse of the authority of the Church the use of that power received from God which the Apostles themselves used in establishing and sanctioning exterior discipline: heretical. - 5. In the part in which it insinuates that the Church does not have authority to exact subjection to her decrees otherwise than by means which depend upon persuasion; insofar as it intends that the Church does not have a power conferred upon her by God not only of directing by counsels and persuasions, but also of commanding by laws, and of restraining and compelling the wayward and contumacious by exterior judgment and salutary penalties; from the Brief *Ad assiduas* of Benedict XIV, in the year 1755, to the Primates, Archbishops, and Bishops of the Kingdom of Poland: introducing into a system a doctrine otherwise condemned as heretical." Propositions of the Synod of Pistoia condemned by Pius VI.

"15. Ecclesiastical obedience is obedience according to the invention of the priests of the Church apart from the express authority of Scripture." Proposition of John Hus condemned by the Council of Constance.

"The laws of the Church do not bind in conscience unless they are promulgated by the civil power; - The acts and decrees of the Roman Pontiffs concerning religion and the Church require the sanction and approval, or at least the assent, of the civil power; - Apostolic Constitutions by which secret societies are condemned, whether an oath concerning the keeping of secrecy is or is not required in them, and their followers and supporters are punished with anathema, have no force in those regions of the world where associations of this kind are tolerated by the civil government; - The excommunication imposed by the Council of Trent and the Roman Pontiffs upon those who invade and usurp the rights and possessions of the Church rests upon a confusion of the spiritual order with the civil and political order, solely for the pursuit of worldly good; - The Church ought to decree nothing which can bind the consciences of the faithful in relation to the use of temporal things; - The Church has no right to restrain violators of her laws by temporal penalties; it is conformable to the principles of sacred Theology and public law for the civil government to assert and claim ownership of goods possessed by Churches, religious families, and other pious places. - Assent and obedience can be refused without sin and without any loss of Catholic profession to those judgments and decrees of the Apostolic See whose object is declared to pertain to the general good of the Church and to her rights and discipline, provided that it does not touch dogmas of faith and morals." Propositions condemned by Pius IX, Encyclical *Quanta cura*.

"That those who are in the aforesaid degree of perfection and spirit of liberty (namely, because they cannot sin or grow further in perfection) are not subject to human obedience, nor are bound to any precepts of the Church; because, as they assert, where the Spirit of the Lord is, there is liberty." Condemned as error, Clementine *Ad nostrum*, 3, *De Haereticis*.

The Coercive Power of the Church

"14. The Doctors who maintain that anyone who is to be corrected by ecclesiastical censure, if he should refuse to be corrected, is to be handed over to the secular judgment, certainly follow in this the Pontiffs, Scribes, and Pharisees, who handed Christ over to the secular judgment when He would not obey them in all things, saying: *It is not lawful for us to put anyone to death*; and such men are more grievous murderers than Pilate." Article of John Hus condemned by the Council of Constance.

"24. The Church does not have the power of employing force, nor any temporal power, direct or indirect." Proposition condemned by Pius IX, *Syllabus*.

Cf. the preceding paragraph, *The Legislative Power of the Church*.

The Power of the Supreme Pontiff

"8. If the Pope is foreknown as reprobate and evil, and consequently a member of the devil, he does not have power over the faithful given to him by anyone, unless perhaps by Caesar. - 9. After Urban VI no one is to be received as Pope, but one must live in the manner of the Greeks under one's own laws. - 37. The Roman Church is the synagogue of Satan, and the Pope is not the proximate and immediate Vicar of Christ and the Apostles." Propositions of John Wycliffe condemned in the Council of Constance. Cf. also articles 24 and 25, concerning which those suspected of the errors of Wycliffe and Hus are to be questioned by mandate of Martin V, Bull *Inter cunctas*; propositions 9-13, 20, 22-24, 26-29 of John Hus condemned by the Council of Constance.

"27. It is certain that it is entirely outside the power of the Church or the Pope to establish articles of faith, indeed even laws of morals or of good works." Proposition of Martin Luther condemned by Leo X, Bull *Exsurge Domine*, 16 May 1520.

Cf. the following paragraph, *The Power of Bishops*.

The Power of Bishops

"... All the more deplorable is the headlong and blind temerity of the man who, in his ill-fated little book, endeavored to restore errors condemned by so many decrees; who said and everywhere insinuated through many circumlocutions: that every Bishop called by God to the government of the Church is no less than the Pope and is endowed with no lesser power; that Christ of Himself gave the same power to all the Apostles; that whatever some believe can be obtained and conceded by the Pontiff alone can equally be obtained by any Bishop, whether it depends upon consecration or upon ecclesiastical jurisdiction; that Christ willed the Church to be administered in the manner of a republic; that this government indeed requires a president for the good of unity, but one who may not dare to involve himself in the affairs of others who govern together with him; nevertheless, that he has the privilege of exhorting the negligent to fulfill their duties; that the force of the primacy is contained in this one prerogative of supplying for the negligence of others and providing for the preservation of unity by exhortations and example; that the Pontiffs can do nothing in another's diocese except in an extraordinary case; that the Pontiff is the head who receives his force and firmness from the Church; that the Pontiffs made it lawful for themselves to violate the rights of Bishops and to reserve to themselves absolutions, dispensations, decisions, appeals, collations of benefices, and, in a word, all other offices, which he enumerates individually and denounces as undue

reservations injurious to Bishops." Pius VI, Brief *Super soliditate*, 28 Nov. 1786, by which Eybel's book *What Is the Pope?* is condemned.

"6. The doctrine of the Synod, by which it professes itself persuaded that a Bishop has received from Christ all the rights necessary for the good government of his diocese, just as if superior ordinances pertaining either to faith and morals or to general discipline, the right of which belongs to the Supreme Pontiffs and General Councils for the universal Church, were not necessary for the good government of each diocese: schismatic, at least erroneous. - 7. Likewise, in that it exhorts the Bishop to pursue vigorously the more perfect constitution of ecclesiastical discipline, and this *against all contrary customs, exemptions, and reservations which are opposed to the good order of the diocese, the greater glory of God, and the greater edification of the faithful*: by that which it supposes, that it is lawful for a Bishop by his own judgment and will to establish and decree against customs, exemptions, and reservations, whether those which have place in the universal Church or even in any province, without the permission and intervention of the superior hierarchical power by which they were introduced or approved and have the force of law: leading into schism and the subversion of hierarchical government, erroneous. - 8. Likewise, in that it also says that it is persuaded that *the rights of a Bishop received from Jesus Christ for governing the Church can neither be altered nor impeded, and, when it has happened that the exercise of these rights has been interrupted for any cause, the Bishop can and ought always to return to his original rights whenever the greater good of his Church requires it*: insofar as it insinuates that the exercise of episcopal rights can be hindered or restrained by no superior power whenever a Bishop by his own judgment shall have deemed this less expedient for the greater good of his Church: leading into schism and the subversion of hierarchical government, erroneous." Propositions of the Synod of Pistoia condemned by Pius VI.

"1. Whether Bishops lawfully assembled in either a Plenary or a Provincial Council are to be considered to possess true legislative power? - 2. Whether decrees of either Plenary or Provincial Councils, confirmed, approved, or at least reviewed by the Holy See in either common or specific form, lack every force unless they have already been incorporated into diocesan statutes; and indeed have force only insofar as they have thus been incorporated? - Resp. To the 1st, in the affirmative. To the 2nd, in the negative, and according to the mind." Holy Office, 10 Sept. 1896.

Power Wrongly Attributed to Priests of the Lower Order in Decrees of Faith and Discipline

"9. The doctrine which establishes that the reformation of abuses concerning ecclesiastical discipline ought in diocesan Synods to depend equally upon and be established by the Bishop and the parish priests, and that without freedom of decision there would be undue subjection to the suggestions and commands of the Bishops: false, rash, injurious to episcopal authority, subversive of hierarchical government, favoring the Arian heresy renewed by Calvin. - 10. Likewise, the doctrine by which parish priests or other priests assembled in a Synod are declared together with the Bishop to be judges of faith, and at the same time it is insinuated that judgment in causes of faith belongs to them by their own right, and indeed even by reason of ordination received: false, rash, subversive of the hierarchical order, derogatory from the firmness of the definitions or dogmatic judgments of the Church, at least erroneous." Propositions of the Synod of Pistoia condemned by Pius VI.

Cf. also proposition 11 reported above at n. 168.

The Legislative Power of Civil Society, the Obligation of Civil Laws, the Possibility of Laws, Penal Laws

"That Christians are bound to the observance of civil laws, even if these have been enacted by unbelieving princes, provided that they are not opposed to the Christian religion and to the moral doctrine of the Gospel, there is no room for doubt; nor does the Apostle leave any room for doubt, who, making no distinction among higher powers, says: *Let every soul be subject to higher powers: for there is no power except from God.... Therefore he who resists the power resists the ordinance of God; but those who resist acquire damnation for themselves.... Therefore be subject of necessity, not only because of wrath, but also because of conscience.* Rom. 13, v. 1 ff.

"From this most clear testimony it is manifest that those who rule supreme in civil government can enact laws for their subjects which bind them even in conscience; and this is also urged by the reason of the public good, namely, of warding off from civil societies the monster of anarchy, worse than dog and serpent; and it is commended by the illustrious examples of the first Christian faithful, who obeyed the civil laws of gentile princes as long as they could do this without loss to faith and good morals.

"Although these things are most true, nevertheless, with regard to the law forbidding the trade in opium, many doubts can arise because of the various opinions of theologians concerning the obligation of civil laws; and since the solution of these is not very easy, in particular cases they can trouble not a little the mind of missionaries and confessors. The Sacred Congregation has learned from their letters that this has happened several times.

"For there are very many theologians, and these also of the highest name, who judge that there are civil laws whose transgression indeed has a penalty annexed, but by no means also theological guilt, and which therefore they call purely penal. These do not deny what is clear from the cited testimony of St. Paul, that supreme rulers can enact laws which bind subjects in conscience, that is, not only to the penalty but also to theological guilt; but they contend that they do not always will this by their laws, and that those laws are purely penal. According to this doctrine, which seems to be more common among theologians, it can be doubted whether the civil law forbidding in your regions the trade in opium is a law having theological guilt annexed, or rather is a merely penal law, excluding all theological guilt. It could seem that this latter ought rather to be judged, from the fact that that law was enacted by an unbelieving prince, who, since he can rightly be thought to make no account of that which Christians call obligation in conscience and theological guilt, seems to have wished to compel his subjects to the observance of that law by the penalty indeed and by its severity, but by no means by fear of wounding conscience and of theological guilt.

"Nor does the most grave penalty of death against transgressors of that law seem a sufficient reason to show that it binds also to guilt, and not merely to penalty, because, as Roncaglia says, *it is many times expedient for the common good that those also be punished with most grave penalties who violate some law without theological guilt. Thus theologians commonly admit that a defendant can, without theological guilt, break out of prison in order to avoid, for example, death; yet the civil laws punish this most gravely. Hence from such penalties the intention of the legislator to bind to theological guilt is not sufficiently gathered.* Tract. 3, *On Laws*, q. 2, c. 2, resp. 2, ad 9. 2.

"But even if it be supposed that the aforesaid law enacted against the trade in opium binds also in conscience, nevertheless it would not follow from this that its violation in all circumstances brings theological guilt with it; for human laws, ordinarily speaking, do not oblige with grave harm to oneself to their observance. This has place in the divine laws themselves. Thus the observance of the Sabbath in the Old Law, and abstinence from blood, did not oblige with danger to life (St. Thomas, I-II, q. 100, a. 8; Suarez, bk. 3, *On Laws*), and in the New Law the law concerning the integrity of confession, concerning the reception of the sacraments, etc., does not oblige with the same danger.

"Since these things are so, the mind of the Sacred Congregation is not to define those controversies of theologians concerning a merely penal law, nor, on the supposition of the existence of laws of this kind, whether the law about which there is here discussion is to be counted among their number. Likewise, considering that a human law, although ordinarily speaking it does not oblige with grave harm, can nevertheless oblige with grave harm when a great public good requires it, which is the supreme law; and likewise considering that this necessity of the public good depends on circumstances which accompany the particular cases that can occur, all of which it is impossible to foresee; therefore it comprises this Instruction in two admonitions to be given to the missionaries and confessors of your Vicariate: namely, it teaches and wills that, in the resolution of the various cases which can happen, they ought not to disregard, but ought to take great account of, the civil law forbidding the trade in opium; secondly, it wills that great account also be taken of the most grave evils which are accustomed to flow from the abuse of opium in the regions of your Vicariate.

"As regards the first of these, it is an established matter that public order is guarded by civil laws, that the public good depends very greatly on the observance of the same laws, and that everything is overturned in that society whose citizens do not obey its laws. This reason is very weighty in the regions of your Vicariate, where violations of civil laws on the part of Christians could bring the greatest scandal and stir up hatred in the civil government against Christians and their religion, as though they were taught by the religion which they profess to disturb public order by the violation of civil laws, and at the same time to violate the rights of sovereignty.

"But as regards the second, this ought to be very well known in relation to Christians, whose religion is founded wholly on charity, not only toward God but also toward neighbor. For this teaches that each person is bound to ward off evils from his neighbor, whom he is bound by divine law to love as himself. This law of charity toward neighbor indeed has its limits, but those limits are the broader in proportion as the evils to be removed from him are more numerous and more grave. But there are very many and very grave evils, both temporal and spiritual, which flow from the abuse of opium in the regions of your Vicariate, and which can be removed by the observance of the law prohibiting the trade in opium.

"If, therefore, the missionaries and confessors of your Vicariate have these two things before their eyes, as the Sacred Congregation wills them to have them before their eyes, it will not be very difficult for them to know what they ought to answer and do in particular cases which can happen to them in relation to the observance or violation of the aforesaid law, and to find the way by which they can extricate themselves from perplexities and avoid anxieties of mind." Instruction of the S. C. de P. F., 23 June 1830.

The Superior and Independent Authority of the Church

"That the best constitution of public society and civil progress altogether require that human society be constituted and governed with no regard for religion, as though it did not exist, or at least with no distinction made between true and false religions. - That the best condition of society is that in which the government does not acknowledge the duty of restraining violators of the Catholic religion by enacted penalties, except insofar as public peace demands. - That liberty of conscience and of worship is a right proper to every man, which ought to be proclaimed and asserted by law in every rightly constituted society, and that there inheres in citizens a right to complete liberty, to be restricted by no ecclesiastical or civil authority, by which they may be able to manifest and declare whatever concepts they have. - That ecclesiastical power is not distinct and independent from civil power by divine right, nor can distinction and independence of this kind be preserved without the Church invading and usurping the essential rights of the civil power." Propositions condemned by Pius IX, Encyclical *Quanta cura*.

"19. The Church is not a true and perfect society entirely free, nor does she possess her own proper and constant rights conferred upon her by her divine Founder; rather, it belongs to the civil power to define what the rights of the Church are and the limits within which she may exercise those rights. - 20. The ecclesiastical power ought not exercise its authority without the permission and assent of the civil government. - 49. The civil authority can prevent sacred prelates and faithful peoples from communicating freely and mutually with the Roman Pontiff. - 54. Kings and princes are not only exempt from the jurisdiction of the Church, but in deciding questions of jurisdiction are also superior to the Church." Propositions condemned by Pius IX in the *Syllabus*; Latin American Council, title 1, chapters 10, 11.

Legitimately Constituted Custom

"... Therefore we have judged it good by the present Constitution, in order that abuses may be met, to declare what and of what sort a legitimate custom according to the canons ought to be, by which episcopal and ecclesiastical courts can have the right of taking cognizance of and judging the criminal causes of lay defendants. Therefore we order that not every custom for this purpose, but only that custom, have force which is both forty years old and perpetually constant, not indeed contradicted or interrupted. Moreover, we will that it be constituted by a multiplicity and frequency of acts, not slight but grave, which are known to have been performed with the intention of acquiring a prescriptive right against secular jurisdiction, not tolerated from favor or connivance; nor such acts as perhaps could have taken place apart from the certain and precise knowledge either of Us and of Our Successors for the time being, or at least of the supreme magistrates of this Our City, whom we are accustomed especially to set over the prosecution of the public vindication of crimes. We command that absolutely no account be taken, in a matter so grave, of the knowledge and patience of local rectors and of other inferior secular magistrates, to whom, when they are sometimes either negligent, or conniving and tolerating out of a certain reverential fear, we establish that it is not lawful, and has not been lawful, by their favor, acquiescence, and patience, to make legitimate a custom by which the jurisdiction entrusted to them is diminished, with the order of both powers disturbed. If, therefore, a custom such as we have now established is brought forward, we will that it be kept and observed; but a custom introduced otherwise we reprove, and by this Our Constitution we decree it to be of no force...." Clement XIII, Constitution *Praestat Romanum*.

On Children with Respect to the Laws of the Church

"Children after the seventh year are bound to observe the quality of foods prescribed by the Church." S. Poenit., 15 March 1837.

On the Manner of Satisfying the Law

"16. That obedience to the law which is done without charity is not true obedience." Proposition of Michael Baius condemned by St. Pius V.

"47. Obedience to the law ought to flow from a fountain, and this fountain is charity. When the love of God is its interior principle and the glory of God its end, then that which appears exteriorly is pure; otherwise it is nothing but hypocrisy or false justice." Proposition of Pasquier Quesnel condemned by Clement XI.

On Punishments without Sin

"72. Absolutely all the afflictions of the just are punishments for their sins; hence both Job and the martyrs suffered what they suffered because of their sins." Proposition of Baius condemned by St. Pius V.

"70. God never afflicts the innocent, and afflictions always serve either to punish sin or to purify the sinner." Proposition of Quesnel condemned by Clement XI. Cf. St. Thomas, II-II, q. 108, a. 4.

Penal Laws, Their Nature and Obligation

Cf. n. 183.

On the Power of Dispensing

"77. For his own preservation, man can dispense himself from that law which God established for his benefit." Proposition of Pasquier Quesnel condemned by Clement XI.

"8. The Pope cannot dispense in the statutes of the universal Church." Proposition of the Masters of Oxford condemned by Sixtus IV.

All Habitual Faculties Granted to Ordinaries of Places Pass to Their Successors

By a decree of the Sacred Roman and Universal Inquisition of 24 Nov. 1897 it is established that "all special faculties habitually granted by the Holy See to Bishops and other Ordinaries of places are not suspended or terminated by their death or cessation from office, but pass to the succeeding Ordinaries according to the form and within the terms of the decree issued by this Sacred Congregation on 20 Feb. 1888 concerning matrimonial dispensations." Cf. *On Matrimony*, n. 1044.

"1. Whether under those words *all special faculties habitually granted by the Holy See to Bishops and other Ordinaries of places* are comprehended all special faculties granted by the Holy See to Ordinaries, which they use as often as they wish, although for a predetermined time, such as are the faculties called *of the Penitentiary*, for the reduction of Masses, etc. - 2. Whether the faculty of blessing and of delegating the blessing of sacred vestments, which has been granted to Bishops, passes also, upon their death or

cessation from office, to the succeeding Vicar Capitular, although not distinguished with episcopal dignity. - 3. Whether under the same words *all special faculties habitually granted by the Holy See to Bishops* ... are also comprehended faculties which they are able to use only for a determined number of cases, such as the faculties of dispensing from the title for sacred ordination for a defined number of ordinands. - 4. And insofar as the answer to any of these is negative, what is the interpretation of the adverb *habitually*?"

"Resp. To 1, 2, and 3, in the affirmative. To 4, provided for in the preceding answers." Holy Office, 3 May 1899.

Faculties granted by name even to a Bishop, whether before or after the decree of the Holy Office of 20 April 1898, are understood to have been granted to the Ordinary. Holy Office, 23 June 1898; 5 Sept. 1900; *Acta S. Sed.*, vol. 33, p. 225.

The preceding decree of 3 May 1899, by which it was declared that "all special faculties habitually granted by the Holy See to Bishops and other Ordinaries of places, although for a predetermined time, pass upon their death or cessation from office to their Successors," was afterwards extended to the Superiors General of Religious Orders. Holy Office, 20 Dec. 1899.

A Bishop Who Is Delegated Can Subdelegate Faculties Received

"Whether a diocesan Bishop can subdelegate, without special concession, to his Vicars General or to other ecclesiastical men, in a general manner or at least for a particular case, faculties delegated to him for a time by the Apostolic See?

"Resp. In the affirmative, provided that this is not prohibited in the faculties, nor the right of subdelegating restricted to only certain persons; for in this case the form of the rescript must be observed exactly." Sacred Congregation of the Holy Office, 14 Dec. 1898.

On Ecclesiastical Immunity

"30. The immunity of the Church and of ecclesiastical persons had its origin from civil law. - 31. The ecclesiastical forum for the temporal causes of clerics, whether civil or criminal, is to be abolished entirely, even without consultation of and against the protest of the Apostolic See. - 32. Without any violation of natural right and equity, the personal immunity by which clerics are exempted from the burden of undertaking and performing military service can be abrogated; indeed, civil progress demands this abrogation, especially in a society constituted according to the form of a freer government." Propositions condemned by Pius IX in the *Syllabus*.

"A cleric who has not yet received major orders, whether married or not, when he has not diligently observed the things which the Sacred Council of Trent, sess. 23, c. 6, *De Ref.*, disposed, loses the privilege of the forum and is to be held as stripped, and by the law itself and the fact itself to be stripped, of all clerical privileges, so that he ought to be held and treated as a truly lay person, even in criminal causes and for penal effects, without a threefold admonition or a special declaration of incurrence into this penalty being necessary now and hereafter." Sacred Congregation of Immunity, 20 Sept. 1860.

"The Sacred Congregation declares that it will never admit the recourse or appeal of priests who have dared to bring before lay judges either a cleric without the permission of the Ordinary, or a Bishop

without the permission of the Apostolic See, whether in an ecclesiastical cause or not, unless they first abandon the recourse lodged before the civil tribunal.

"Bishops, however, according to the declaration of the chapter *Cogentes* issued by the Sacred Congregation of the Council on 23 Jan. 1886, can proceed against the aforesaid cleric with penalties and censures *ferendae sententiae*, especially suspension *a divinis*, the things to be observed being observed, and according to the gravity of the cause, if they judge this expedient in the Lord. But if permission to summon a cleric before a lay forum is sought from Ordinaries, they will never deny it, especially when they themselves have vainly devoted effort to reconciling the disputes between the parties." Sacred Congregation de P. F., 17 May 1860.

"Insofar as an ecclesiastic wishes to cede his own rights to a layman in some question against a priest, he must seek permission from the Bishop; and from the Holy See if the suit is against a Bishop. If he does not do and obtain this, he is subject to the dispositions issued against priests who have recourse to lay judges, and is held as acting in fraud of the law." Sacred Congregation de P. F., 6 Sept. 1886.

Chapter *Odoardus* 3, *De Solutionibus*, III, 23

"Odoardus the cleric set forth that, when P. the cleric, C. the layman, and certain others had sued him before the official of the Archdeacon of Reims concerning certain debts, that official promulgated a sentence of excommunication against him when he acknowledged debts of this kind but was unable to pay them because of want of means:

"We command that, if it is established that the aforesaid Odoardus is unable to pay the aforesaid debts wholly or in part, you relax that sentence without any difficulty, first receiving from him suitable security that, if he should come into a richer fortune, he will pay the aforesaid debts."

Privileges of Greek Priests

"1. Whether Greek priests, especially Catholics, enjoy the privileges which Latins enjoy, and especially that of the canon *Si quis suadente diabolo*, etc. - 2. Whether Latins who strike them or summon them to trial before Turkish tribunals are to be avoided as excommunicated. - 3. How missionaries ought to conduct themselves with Greek priests who have become irregular by reason of a delict, and especially by reason of voluntary homicide, and with those who have procured an abortion to avoid infamy.

"Resp. To the 1st: as regards the privilege of the canon, in the affirmative. The same concerning similar privileges, but they can be excused on some ground, e.g., ignorance. - To the 2nd: as regards the first, in the affirmative, speaking of those who are notorious assailants or who have been denounced. - To the 3rd: those who are irregular are to be dealt with as irregular Latins, namely, by dispensing if there is faculty and cause, or by referring them to one who has the faculty." Holy Office, 3 Aug. 1639.

Privileges of Bishops Concerning Mass

"All Bishops, whether diocesan or titular, are adorned with the same privilege which the Cardinal Fathers enjoy, namely, that not only may they themselves celebrate Mass in the oratory of their own residence, or upon a portable altar, wherever they may reside, and permit another Mass for their own

convenience, but also that all the faithful hearing either one of these Masses, whenever there is need, fulfill the precept of the Church." Decree of the S. R. C., 8 June 1896.

"Whether Vicars Apostolic enjoy the privilege of granting the faculty of celebrating twice on the same day, which is attributed to Bishops from the Constitution *Declarasti* of Benedict XIV? - Resp. In the affirmative, the matter having been referred to His Holiness. His Holiness approved." Holy Office, 22 Feb. 1888; *Acta S. Sed.*, vol. 25, p. 442.

Requiem Masses for Deceased Bishops

"It is just that those who have spent their lives for the flock of the Lord should be aided after death in a singular manner by the suffrages of the Church. Therefore, after mature consideration of the matter, the Sacred Congregation of Rites has determined that it should be decreed:

"That, while the body of a deceased diocesan Bishop, clothed in sacred vestments, lies publicly and solemnly exposed in the principal hall of his own residence, Masses may be celebrated throughout the morning for the repose of his soul, all those things being observed which are prescribed in book II, chapter XXXIII, of the *Ceremonial of Bishops* concerning the exposition of the body of a deceased Bishop and the offering of suffrages. The same privilege granted to Bishops in their own dioceses is to be understood as extended in like manner to Apostolic Vicars in their Vicariates, and also to Abbots and other Prelates *Nullius Dioeceseos* who, when they departed this life, enjoyed ordinary jurisdiction over a people, but within their own territory. Finally, by special favor, the Sacred Congregation of Rites grants that deceased titular Bishops may also enjoy the same privilege, provided that their bodies are exposed in a suitable hall and, if outside the City, are clothed in pontifical ornaments, but without the pastoral staff; if in the City, only in prelatial habit. - Any contrary things whatever notwithstanding.

"On 3 April 1894, His Holiness ratified and approved in all things the decision of the Sacred Congregation." Decree n. 3822.

Quinquennial Faculties Concerning Cases Reserved to the Holy See and Matrimonial Dispensations Usually Granted to Bishops

"To you, Venerable Father in Christ N. N., We communicate the faculties written below, to endure for five years, which, notwithstanding the Constitution *Apostolicae Sedis*, you may use for the forum of conscience, either personally or through your Vicar General in spiritual matters, provided that he is constituted in the sacred order of the priesthood, even outside sacramental confession, only for the flock committed to you and within the boundaries of your diocese, and by the authority of the Apostolic See specially delegated to you and to be expressed in each case; and which you may impart to the Canon Penitentiary and also to Vicars Forane, likewise for the forum of conscience and only in the act of sacramental confession, even habitually if it pleases you; but to other confessors, when in particular cases of penitents they have had recourse to you or to the aforesaid Vicar General, you may impart them for the case set forth, unless for peculiar causes you should judge that they are to be communicated, for a time to be established at your discretion, to certain confessors specially subdelegated by you.

"I. Of absolving from excommunication simply reserved to the Roman Pontiff on account of violent hands laid upon either clerics or regulars, provided that death, mutilation, a lethal wound, or fracture

of bones did not follow; and provided that the cases have not been brought to the forum of the Ordinary; those things which are to be enjoined by law being enjoined, and especially that competent satisfaction be made to the injured party.

"II. Of absolving from the censures established against duelists, only in cases not brought to the forum of the Ordinary; a grave salutary penance being enjoined, together with the other things which are to be enjoined by law.

"III. Of absolving any penitents whatever, with the exception of public heretics or those publicly teaching heresy, from any sentences, censures, and ecclesiastical penalties incurred on account of heresies manifested both with no one hearing or noticing and before others; on account of infidelity and abjuration of the Catholic faith privately committed; heretical sacrileges and malefices perpetrated even with accomplices; and also on account of an invocation of the demon with a pact of giving the soul, idolatry shown to him, and heretical superstitions practiced; and finally on account of any false dogmas insinuated: after, however, the penitent has denounced any accomplices he may have, as required by law; and insofar as for just causes he cannot denounce them before absolution, after the penitent has made a serious promise of performing the denunciation as soon as and in the best manner in which it can be done; and after in each case he has secretly abjured the heresies before the one absolving and has expressly revoked the pact entered into with the accursed demon; any written instrument perhaps drawn up, and other superstitious means, having been handed over to the one absolving, for all of them to be burned or destroyed; a grave salutary penance being enjoined according to the measure of the excesses, together with frequent reception of the sacraments and the obligation of retracting himself before the persons in whose presence he manifested the heresies and of repairing the scandals given.

"IV. Of absolving from censures incurred on account of violation of the enclosure of regulars of either sex, provided that it was not committed with intention toward an evil end, even if the effect did not follow, and that the cases have not been brought to the forum of the Ordinary; with a fitting salutary penance. And, moreover, of absolving women alone from censures and ecclesiastical penalties incurred on account of violation, for an evil end, of the enclosure of male religious, provided, however, that the cases remain occult; a grave salutary penance being enjoined, together with the prohibition of approaching the church, convent, or monastery of the said religious while the occasion of sin endures.

"V. Of absolving from censures incurred on account of the retention and reading of prohibited books; a fitting salutary penance being enjoined, and also the firm obligation of handing over, as required by law, either personally or through another, without any delay and, insofar as it can be done, before absolution, any prohibited books which the penitent retains in his possession.

"VI. Of absolving from the case reserved to the Apostolic See on account of gifts received from regulars of either sex; a salutary penance being enjoined; and when the matter concerns gifts which do not exceed the value of ten scudi, some alms being imposed, to be determined at the judgment of the one absolving and prudently expended as soon as possible for the benefit of the religious institute or convent to which restitution would have to be made, provided, however, that it is not established that those gifts were from goods proper to the religious institute. But insofar as the gifts received either exceeded the value of ten scudi or are established to have been from goods proper to the religious institute, restitution having first been made; and if the penitent cannot fulfill it at present,

after he has made a serious promise of restoring within a term to be determined at the discretion of the one absolving; otherwise under pain of falling again into the censure.

"VII. Of absolving from censures and ecclesiastical penalties those who have enrolled in forbidden Masonic or Carbonari sects, or in other sects of the same kind, or have rendered them any favor whatever; yet in such a manner that they separate themselves entirely from the respective sect and abjure it, and hand over into the hands of the one absolving any books, manuscripts, and signs pertaining to the sect which they retain, to be prudently transmitted as soon as possible to the Ordinary, or at least, if just and grave causes demand it, to be burned; a grave salutary penance being enjoined according to the measure of the faults, together with frequent sacramental confession and the other things to be enjoined by law; and also of absolving those who culpably neglected to denounce the hidden leaders and ringleaders of sects of this kind; a salutary penance likewise being enjoined, and the firm obligation, under pain of falling again into the censure, of denouncing them to you or to others whom it concerns, as required by law.

"VIII. Of absolving religious of any Order whatever, including nuns, but through confessors approved or specially deputed by you for them, not only from the foregoing but also from cases and censures reserved in their own religious institute, provided that the religious have legitimate permission to make sacramental confession to the subdelegated confessor.

"IX. Of dispensing, for the petition of the conjugal debt, with one who has transgressed a privately emitted vow of chastity and has contracted matrimony with the said vow; admonishing a penitent of this kind that he is bound to observe the same vow both outside the lawful use of matrimony and if he should survive his or her spouse, respectively.

"X. Of dispensing with an incestuous man or woman for the petition of the conjugal debt, the right to which he or she lost by reason of a subsequently arising occult affinity through carnal intercourse had with a female or male blood relative, either in the first, or in the first and second, or in the second degree, of his wife or, respectively, her husband; the occasion of sin being removed, and a grave salutary penance and sacramental confession each month being enjoined for a time to be established at the discretion of the one dispensing.

"XI. Of dispensing over the occult impediment of affinity in the first degree, and also in the first and second, or in the second degree only, arising from illicit carnal intercourse, when the matter concerns a marriage already contracted with the said impediment; and insofar as the matter concerns intercourse with the mother of his putative wife, provided that it occurred after the birth of the same putative wife, and not otherwise; the penitent being admonished concerning the necessary secret renewal of consent with his putative wife or her putative husband, after the latter has been informed of the nullity of the prior consent, but so prudently that the delict of the penitent is nowhere disclosed; and insofar as this information cannot be given without grave danger, consent being renewed according to the rules handed down by approved authors; the occasion of sin being removed, and a grave salutary penance and sacramental confession once a month being enjoined for a time to be established at the discretion of the one dispensing.

"Likewise, by special and express Apostolic authority, We grant you the faculty of dispensing over the said occult impediment, or impediments, of affinity from illicit intercourse, even in marriages to be contracted, and of subdelegating the faculty of dispensing, even habitually, to the parish priests of

your diocese, when, however, all things have been prepared for the nuptials and the marriage cannot be deferred until a dispensation can be obtained from the Apostolic See without danger of grave scandal; the occasion of sin always being removed, and the condition remaining firm that the intercourse had with the mother of the woman did not precede the birth of the latter; a salutary penance being enjoined in each case.

"XII. Of dispensing over the occult impediment of crime, provided that it is without any machination and that the matter concerns a marriage already contracted; the putative spouses being admonished concerning the necessary secret renewal of consent.

"Likewise, by the same special and express Apostolic authority, We also grant the faculty of dispensing over the same occult impediment, provided that it is without any machination, even in marriages to be contracted, but in more urgent cases in which time does not permit recourse to the Holy See; a grave salutary penance and sacramental confession once each month being enjoined in either case, for a time to be established at the discretion of the one dispensing.

"N.B. Our mind is: 1. that, if perhaps through forgetfulness or inadvertence it should happen that you use these faculties beyond the aforesaid term, the absolutions or dispensations imparted therefrom are ratified and valid; 2. that the injunction of sacramental confession of which under nn. X, XI, and XII is not invalidating but only preceptive; 3. that you may use these faculties not only singly but also cumulatively in one and the same case."

Interpretation of the Name "Parish Priest" in the Quinquennial Faculties for the Internal Forum

"Among the faculties granted by letters of the Sacred Penitentiary for the internal forum for five years, there is also under n. XI that of habitually subdelegating to parish priests the faculty of dispensing over the occult impediment of affinity from illicit intercourse in marriages to be contracted, when, however, all things have been prepared for the nuptials. But a doubt arises concerning the interpretation of this word *parish priests*. For besides parish priests canonically instituted, there are other priests, so-called rectors, who preside over separate territories and there have the care of souls and exercise quasi-parochial rights, without, however, being able to be called parish priests in the proper sense.

"1. Whether under the name of parish priests in the cited letters of the Sacred Penitentiary there come the so-called rectors who exercise the care of souls in some district, without being able to be called parish priests in the proper sense. - 2. Whether under the same name there are comprehended also those priests who, during a vacancy of the parish, or on the occasion of the illness or absence of the parish priest, are deputed as administrators of the parish.

"Resp. In the affirmative to both." Sacred Penitentiary, 17 July 1901.

On the Privileges and Indulgences of Regulars

"36. Regulars can use in the forum of conscience their privileges which were expressly revoked by the Council of Trent. - 37. Indulgences granted to regulars and revoked by Paul V have today been revalidated." Propositions condemned by Alexander VII.

On the Exemption of Regulars

"... As regards the exemption of regulars, the prescriptions of canonical law are certain and known. Namely, although in the ecclesiastical hierarchy, which is constituted by divine ordination, presbyters and ministers are inferior to Bishops and are ruled by their authority,[1] nevertheless, so that in religious Orders all things might better be fitted and connected among themselves, and individual members might enjoy a peaceful and even course of life, and finally that provision might be made for the increase and perfection of religious life,[2] not without reason did the Roman Pontiffs, whose office it is to delimit dioceses and to assign to each his subjects to be ruled by sacred power, establish that the regular clergy was exempt from the jurisdiction of Bishops. The cause of this was not that it pleased them that religious societies should enjoy a more favorable condition than the secular clergy, but that their houses were held by a fiction of law as certain territories torn away from the dioceses themselves. From this it came about that religious families, which by common law ought immediately to be subject both to Bishops on account of hierarchical principate and to the Supreme Pontiff on account of pontifical primacy,[3] continued to be in his power, and by privilege went out from the power of Bishops.

1. Council of Trent, sess. 23, *De sacramento ordinis*, can. 7.

2. St. Gregory the Great, Epistle III, bk. IX. - Benedict XIV, Decretal Epistle *Apostolicae servitutis*, the day before the Ides of March 1742.

3. Vatican Council, Constitution *Pastor aeternus*, chap. 3. "But since in reality they pass their lives within the boundaries of dioceses, the force of this privilege is so tempered that diocesan discipline is kept whole and intact, and thus that the regular clergy in many things must be subject to episcopal power, whether ordinary or delegated.... Moreover, by common law[1] it has been established that houses which do not contain at least six religious members must altogether be in the power of Bishops.... When a doubt had long ago been proposed to Clement VIII, whether religious men sent to the Indies for the cultivation of souls were to be considered as though living outside the enclosures of the monastery, and therefore were ordered by the Tridentine law to be subject to Bishops, that Pontiff, through the Constitution *Religiosorum quorumcumque*, 6 Ides of November 1601, had decreed that they were 'to be reputed as religious living inside the cloisters; wherefore in those things concerning the care of souls they are subject to the Ordinary of the place; but in the rest they remain subject not to the Ordinary of the place, but to their own Superiors.' Nor did Benedict XIV think and judge otherwise in his Constitutions *Quamvis*, 5 Kalends of March 1746; *Cum nuper*, 6 Ides of November 1751; and *Cum alias*, 5 Ides of June 1753. From all these things it is clear that even hospices and houses, however sparsely occupied because of the fewness of their inhabitants, are comprehended by the right of this privilege of which there is question, and this not only in places where Apostolic Vicars preside, but also where Bishops preside; for in the Constitutions which We have recalled, Bishops were being treated." Leo XIII, Constitution *Romanos Pontifices*, 8 Ides of May 1881.

1. Innocent X, Constitution *Instaurandae*, 15 Oct. 1652; Constitution *Ut in parvis*, 10 Feb. 1654.

"Let there be promised to the Ordinary of the place only that submission which is conformable to the character of each Institute. Consequently, without speaking of purely diocesan Congregations, which depend completely upon the Bishops, let Congregations approved by the Holy See and contemplated by the Apostolic Constitution *Conditae a Christo*, published by Our Holy Father Pope Leo XIII on 8 December 1900, promise submission to the Bishops within the terms of that same Constitution; as regards Regular Orders, let them promise submission to the Bishops within the terms of common law. Now, according to this common law, as you know very well, Regulars depend upon the Bishops for the erection of a new house in the diocese; for public schools, asylums, hospitals, and other establishments of this kind; for the promotion of their subjects to Orders; for the administration of the Sacraments to the faithful; for preaching; for the exposition of the Blessed Sacrament; for the consecration of churches; for the publication of indulgences; for the erection of a Confraternity or pious Congregation; and for permission to publish books. Finally, Regulars depend upon the Bishops in that which regards the care of souls in places where they are invested with this ministry." Letter of the S. C. EE. et RR., 10 July 1901.

On the Erection of New Convents

"The Sacred Congregation de Propaganda Fide recalls to the memory of the local Ordinaries dependent upon it the judgment which the Constitution *Romanos Pontifices* of Leo XIII hands down as common today and as favored everywhere by the authority of decided cases, namely, that it is not lawful for Regulars, either within or outside Italy, to found new monasteries, convents, or colleges by the permission of the Bishop alone, but that a faculty granted by the Apostolic See is also required. Therefore, in future let all Ordinaries subject to the Sacred Congregation diligently abstain from giving permission to religious Institutes to open a house in the territory of their own jurisdiction without permission first having been obtained from the aforesaid Sacred Congregation." S. C. de P. F., 7 Dec. 1901.

On the Dependence of Regular Missionaries on the Regular Superior and on the Ordinary of the Place, with Respect to the Missions of the Society of Jesus

S. C. de P. F., 18 Jan. 1886, Leo XIII approving on the 19th of the same month.

"Concerning the dependence of Missionaries of the Society of Jesus on the Regular Superior and on the Apostolic Vicar: Insofar as they are religious, they are subject to Regular Superiors by force of the vow according to the Constitutions of the Society; but in cases expressly named by law, and generally in those things which regard the care of souls and the administration of the Sacraments, they are subject to the Apostolic Vicar by canonical obedience, as Clement VIII already sanctioned, that religious sent to India in things concerning the care of souls are subject to the Ordinary of the place, but in the rest remain subject not to the Ordinary of the place, but to their own Superiors. Clement VIII, Bull, 6 Ides of Nov. 1601, *Religiosorum quorumcumque*.

"Concerning the right of assigning the same Missionaries to various offices: Both for the ministry of Missionaries concerning the care of souls, and for caring for pious Institutes which are in the power of the Apostolic Vicar, such as Seminaries, Catechumenates, Hospitals, popular Schools, and things similar to these, the designation of persons whom the regular Superior presents and the conferral of

jurisdiction pertain to the Apostolic Vicar. Therefore also the removal and transfer of these persons pertain to the Apostolic Vicar and to the regular Superior according to the norms established by Benedict XIV in the Bull *Firmandis*, that is: 'But if the case should happen in which either the Bishop or the regular Superior judges that some one of the aforesaid Parish Priests is to be removed from the exercise of the care of souls and deprived of the same, since it is by no means lawful for Parish Priests of this kind to accede to the care of souls without the prior approval of the Bishop, although deputed by their own Superiors, and the same are removable at will; therefore it was doubted whether the Bishop could proceed to removals of this kind without the consent of the regular Superior, and whether he ought to bring forward the causes of removal to the same and verify them; and also whether the regular Superior, coming by his own right to a similar removal and privation, was bound to seek the consent of the Bishop and to make known and approved to him his reasons for acting. Concerning this matter the aforesaid Congregation of the Council decreed that Parish Priests of this kind can be removed from the care of souls both by the Bishop and by the regular Superior, with equal right, the consent of the other not being required; nor is one bound to disclose to the other the causes of his judgment, much less to prove and verify them. This We approve and confirm in all things.'

"Concerning Colleges in the Missions of the Society of Jesus: As regards Colleges, and the Schools and Boarding Houses of Colleges, in which religious men, according to the prescriptions of their Order, are accustomed to devote their labor to the instruction of youth, right reason demands and the Holy See wills that the privileges granted to Regulars remain firm and entire. Therefore both the governance of those Institutes and the designation of persons in them pertain to regular Superiors according to the Constitutions of the Society.

"Concerning the administration of temporal goods in the same Missions: As regards the administration of revenues arising from the works of religious, it is established: 1. The administration of revenues of Colleges and Boarding Houses, and likewise of recompenses which come to individuals, with Apostolic dispensation, from stipends of Masses and stole fees, or from personal industry, pertain to regular Superiors. 2. It is permitted to the Apostolic Vicar to establish a *cathedraticum* to be paid to himself, to be approved beforehand by the Sacred Congregation. But from the pensions of military Chaplaincies, what remains beyond the honorable support of their holders is to be handed over entirely by regular Superiors to the Apostolic Vicar. 3. The proceeds of which it has been spoken are to be expended not outside the Mission but in the works of the Mission; for this end the regular Superior is bound every three years to render account concerning them to the Sacred Congregation.

"Moreover, the Most Eminent Fathers judged that the Most Holy Lord should be supplicated that he deign to extend to India the Apostolic Constitution *Romanos Pontifices*, given by him in the year 1881 for England and Scotland and afterwards extended to other regions. And the Supreme Pontiff, approving this also, granted the requested extension.

"These decisions, which also regard the regular Superior and religious Missionaries, are nothing other than an application or explanation of common law, or of decisions already given at other times for places of Missions." Cf. Brief of Innocent XII *Alias a particulari*, 5 Oct. 1696; Brief of Alexander VII *Alias emanavit*, 22 Nov. 1660; Brief of Clement IX *Speculatores domus*, 13 Sept. 1669; C. nn. 417, 418, 420, 425.

Apostolic Prefectures in the East Which Do Not Have Their Own Territory Are Abrogated, and Superiors of Missions Are Substituted in Their Place

"Decree.... Our Most Holy Lord Leo XIII, Pope, by reason of that wisdom and the greatest solicitude which he shows for all the Churches, especially the Eastern Churches, by letters given *motu proprio* on 19 March 1896, as though adding certain chapters of prescriptions and exhortations to his Constitution *Orientalium*, ordered that certain things be established by a proper decree through the Sacred Congregation for the Propagation of the Christian Name, by which some matters concerning the order of law hitherto received regarding the relation of offices between Apostolic Delegates and those who preside over Missions throughout the Eastern regions might be changed according to the mind of His Holiness.

"The Sacred Congregation, willingly obeying these commands, has judged that the following things are to be declared and decreed:

"1. Apostolic Prefectures of Missions among the Eastern Churches, established within the boundaries of another Mission or diocese, which therefore do not have a separate territory, are abrogated, the already founded Missions nevertheless remaining in full right; and Superiors of Missions shall be substituted in place of the Prefects.

"2. The Superior General of a religious Order to which some Apostolic Mission has been entrusted shall propose to this Sacred Congregation some member of the same Order outstanding in Apostolic virtues and learning, whom the same Sacred Congregation, if it so judges in the Lord, may safely place over that Mission with the office and name of Superior.

"3. The patent letters or diplomas of the Sacred Congregation for the Superior of a Mission thus designated and promoted, together with the Apostolic faculties which the same Sacred Congregation shall have judged should be granted to him, shall be handed over through the Apostolic Delegate within whose legation the Mission itself is established.

"4. Besides the Superior of the Mission, a regular Superior shall be named by the supreme head of the religious Order, whose burden and office it shall be to preserve and promote by assiduous, diligent vigilance and care the regular discipline of the Missionaries of his own Order; and likewise to entrust the affairs of the Mission to each one according to the powers of his mind and body; yet he shall not transact these affairs unless counsels have been exchanged with the Superior of the Mission, so that together they may come to that provision which they judge will contribute more to the advantage of the Catholic cause.

"5. If it shall seem to the Superior General of the religious Order, in certain circumstances of times, places, and persons, more useful to unite the office of Superior of the Mission with the office of regular Superior, he may accomplish this, but not without the authority and permission of the Sacred Congregation.

"6. To the Superior of Missions shall belong the ordinary administration of Christian Communities which by the Apostolic labors of Missionaries have either first come or returned to the true faith from unbelief, from heresy, or from schism; until, however, they can be remitted to Bishops or Ordinaries of their own rite. He shall also have the right to found new Mission stations, counsels nevertheless first having been exchanged with the Apostolic Delegate. Finally, it shall be the office of the same

Superior to establish and accomplish whatever he prudently judges will profit the better government of the Missions.

"7. The principal office of the Apostolic Delegate shall be to watch that the Missionaries are never idle in the work begun, but assiduously and rightly discharge their office: namely, that in Apostolic manner they continually visit the villages subject to their Mission, strengthen the infirm in faith, and call back the fallen and wandering to the way of salvation; and thus at length labor for the fruitfulness of the Lord's field, that they may gain all for Christ, who will one day render the crown of justice to his soldiers. Moreover, let the Delegate take care that the Missionaries most diligently and faithfully observe and fulfill the mandates and institutions of the Holy See.

"8. Likewise, the Apostolic Delegate shall employ every effort that he and the Superior of the Mission agree fully in judgments and in the things to be done which pertain to the administration and progress of the Mission. And when it happens that they think differently in the graver affairs of the Mission, the judgment of the Apostolic Delegate shall prevail, while the faculty of the Superior of the Mission to approach the Sacred Congregation by petition remains intact, so that it may decree what it judges should be done as more conducive to the good of the Mission....

"Given at Rome, from the offices of the same Sacred Congregation de Propaganda Fide, 12 Sept. 1896."

Missionaries as Regards Subjection to Apostolic Vicars

"Missionaries belonging to the secular clergy, who are destined for the Missions by authentic letters given by the Apostolic See, all and each are subject to the complete jurisdiction, visitation, and correction of the Apostolic Vicars. But Regulars who enjoy the privilege of exemption must be altogether subject to the same Apostolic Vicars generally in those things which pertain to the care of souls and to the administration of the Sacraments, and in the other cases expressly named by law." S. C. de P. F., C. G., 6 Feb. 1882; C. nn. 417, 418, 420, 425.

On Canonical Visitation

"Whether the law by which, according to the Sacred Council of Trent, the Ordinary is bound to visit the Communities and monasteries of his diocese extends also to Communities and monasteries which are governed by a Superior General or a Superioress General. - Resp. As regards exempt Regulars, in the negative, except in cases expressed by law. But as regards Brothers and Sisters of pious Congregations of simple vows which are not exempt, in the affirmative, the Statutes and Constitutions approved by the Apostolic See being preserved." S. C. EE. et RR., 27 Feb. 1863. Cf. *On the Obligations of Particular States of Life*, n. 248; Constitution *Conditae*.

"Whether and how Apostolic Vicars, or Ordinaries of places, can visit the parishes of regular Apostolic Missionaries existing within their territories? - Resp. In the affirmative in all things according to the Constitution *Firmandis* of Benedict XIV, 1744." S. C. de P. F., 21 Sept. 1840.

Privileges of Regulars Concerning Mass

By force of the Constitution *Etsi mendicantium* of St. Pius V, all religious can, both on Sundays or feast days and at other times throughout the year, ring bells whenever it pleases them and celebrate

Masses, even at the time when the Ordinaries celebrate. - By force of the cited Constitution of St. Pius V, they can celebrate Masses and perform the Divine Offices whenever it seems good to them, even on Sundays or feast days, and even before the rector of the parish church has celebrated. *Acta S. Sed.*, vol. 24, p. 565.

"Local Ordinaries, by the disposition of the Sacred Council of Trent, cannot prohibit visiting Regulars from celebrating Masses in the churches of their Orders without their permission." S. C. C., 27 July 1626.

"After mature discussion, the Sacred Congregation of the Council judged that Regulars having Apostolic privileges cannot be prohibited from administering Communion to secular persons in their churches from Palm Sunday to Low Sunday inclusive. Yet they can be prohibited from administering it to secular persons on Easter Sunday, even if the said secular persons have satisfied the Easter precept." 11 June 1650; Scavini, bk. 3, n. 245.

On the Funerals of Regulars

"Whether and to whom belongs, in the case, the right of funerals as regards religious dispersed by force of the present circumstances? - Resp. In the affirmative in favor of Regulars, as often as religious live together under a legitimate Superior at least in the number of three and others living outside depend upon the same; otherwise in favor of parish priests." S. C. EE. et RR., 11 March 1881.

The Common Law Concerning the Precedence of Third Orders over Any Confraternities Whatever

"Common law grants to Third Orders proceeding corporately, in their own habit, and under a cross precedence always and everywhere over any Confraternities whatever, according also to the more recent decrees: *Dubii*, 28 May 1866; *Lucerina*, 4 July 1887; *Monopolitana*, 27 March 1893; *Nucerina Paganorum*, 1 March 1894; and *Baren.*, 27 March and 30 Nov. 1897; and just as, in a *Monopolitana* of 23 March 1619, the same Sacred Congregation, Cardinal Bellarmine reporting, sanctioned the precedence of monks over mendicants." S. R. C., 18 Feb. 1899.

"Tertiaries of St. Francis, and likewise of other Orders, have the right of precedence in Processions only when they proceed corporately under their own Cross and clothed in a uniform garment, commonly called the *sacco*." S. C. EE. et RR., 5 April 1900.

Privileges of Latin America

"... The privileges which are enumerated below We grant, from the plenitude of Apostolic power, by these very Letters to all and each of the dioceses and territories of Latin America for the next period of thirty years. Wherefore ... We command and decree:

"I. That Bishops-elect residing in the territories of Latin America, after they have received the Apostolic Letters of promotion, unless it is otherwise prescribed in the aforesaid Letters, may receive the office of consecration from whichever Catholic Prelate they prefer who has the favor and communion of the Apostolic See, two or three priests constituted in ecclesiastical dignity or Canons of a cathedral church having been summoned and assisting, if other assisting Bishops cannot be found without grave inconvenience.

"II. That the celebration of a Provincial Council may be deferred for twelve years, the right of the Metropolitan to celebrate it more frequently, as necessity shall demand, being reserved, unless it shall afterwards have been otherwise ordained by the Apostolic See.

"III. That Bishops may confect sacred chrism, which can be made even with Indian balsam, provided, however, that it is true liquid balsam, and the holy oils, with those priests assisting who can be present, and, when necessity urges, outside the day of the Lord's Supper.

"IV. That even old holy oils may be used, but not beyond four years, provided that they are not corrupted and that, after all diligence has been employed, new or more recent holy oils cannot be had.

"V. That, for all and only those regions or places in which, because of great distances or some other grave impediment, it is very difficult for parish priests or Missionaries, for the conferral of Baptism, to draw and carry with them the water blessed on Holy Saturday and Pentecost from the baptismal fonts where it is preserved, the Ordinaries may, in the name of this Holy See, grant to the aforesaid parish priests and Missionaries the faculty of blessing baptismal water with that shorter formula which the Supreme Pontiff Paul III granted Missionaries in Peru among the Indians to use, and which is read in the appendix to the Roman Ritual.

"VI. That, if because of lack of time, excessive fatigue, or other grave causes, it is very difficult to employ all the ceremonies prescribed for the Baptism of adults, parish priests and Missionaries, with the prior consent of the Ordinary, may use only the rites which are designated in the Constitution *Altitudo* of Paul III, 1 June 1537. Moreover, that in the same circumstances the Ordinaries may, in the name of the Holy See, grant to parish priests and Missionaries the use of the order of Baptism of infants, the conscience of the same Ordinaries being burdened in the use of a faculty of this kind concerning the existence of grave necessity.

"VII. That in all and each of the territories of Latin America, none excepted, all priests, both secular and regular, for as long as they remain in the aforesaid territories, and not otherwise, may and can each year on the second day of November, or on the following day according to the rubrics of the Roman Missal, on which namely the commemoration of all the faithful departed is observed by the universal Church, each celebrate three Masses; yet in such a manner that they receive only one alms, namely for the first Mass alone, and only in that amount which is regularly determined by the Synodal Constitutions or by the custom of the place; but that they apply the intermediate fruit of the second and third Masses, not indeed for a particular deceased person, but wholly for the repose of all the faithful departed, according to the norm of the Constitution *Quod expensis* of Benedict XIV, 26 Aug. 1748.

"VIII. That all the faithful may satisfy the precept of annual confession and Communion from Septuagesima Sunday through the octave day of the solemnity of Corpus Christi inclusive.

"IX. That all the faithful may gain indulgences and jubilees which require confession, Communion, and fasting, provided that the fast is observed and, if they dwell in a place where it is altogether impossible or very difficult to have an abundance of confessors, they are at least contrite in heart with the firm purpose of confessing their sins as soon as they can, or at least within one month.

"X. That Indians and Negroes may contract marriages within the third and fourth degrees both of consanguinity and of affinity.

"XI. That Indians and Negroes may receive the nuptial blessing at any time of the year, provided that during those times in which nuptials are prohibited by the Church they do not employ the apparatus of pomp.

"XII. That Indians and Negroes are not bound to fast except on the Fridays of Lent, on Holy Saturday, and on the vigil of the Nativity of Our Lord Jesus Christ.

"XIII. That, moreover, Indians and Negroes may use, without any burden or payment of alms, the indult which is called the Lenten indult and with which the faithful of the respective diocese or region are endowed by the Apostolic See; and therefore that they may eat meat, eggs, and milk products on all days forbidden by the Church, except, as regards meat, on the days noted in the preceding paragraph XII.

"XI. [sic] That whenever in criminal causes, as well as in any other causes concerning the ecclesiastical forum, it should happen that an appeal is made from sentences issued for the time being, if the first sentence was issued by the Bishop, appeal is to be made to the Metropolitan; but if the first sentence was issued by the Metropolitan himself, appeal is to be made to the nearest Ordinary without another rescript of the Apostolic See. And if the second sentence is conformable to the first, it shall obtain the force of a matter adjudged and shall be committed for execution by him who issued it, any appeal notwithstanding. But if those two sentences, whether issued by the Ordinary and Metropolitan or by the Metropolitan and nearest Ordinary, are not conformable, then appeal is to be made to another Metropolitan or Bishop of the same province nearest to him by whom the sentence was first issued; and he who judged in the last place shall execute two conformable sentences from among those three, which We will to have the force of a matter adjudged, any appeal notwithstanding. But since recourse to the Apostolic See, even with the intermediate grade omitted, whether before or after the sentence of inferior judges, ought always to remain unimpaired according to the norm of law, in the use of this privilege the following conditions are altogether to be observed: 1. That in individual causes the faculty of having recourse to this Apostolic See even after the first sentence remain safe for each litigant; 2. that in individual acts express mention be made of the Apostolic delegation; 3. that major causes be reserved to the same Apostolic See according to the norm of the Sacred Council of Trent; 4. and, as regards matrimonial causes, that those things be observed which were established beforehand in the Constitution *Dei miseratione* of Benedict XIV.

"All and each of the privileges of the Western regions previously granted by this Holy See under whatever name or form being abrogated and abolished by Our Apostolic authority.

"Any contrary things whatever, even those worthy of special and individual mention, notwithstanding." Leo XIII, Constitution *Trans Oceanum*, 18 April 1897.

"In the aforesaid Apostolic Letters *Trans Oceanum*, the names *Indians* and *Negroes* are taken in the same signification as in the other preceding Pontifical Constitutions treating this matter, especially in the Constitutions *Animarum saluti* of Alexander VIII, dated 30 March 1690, and *Cum Venerabilis* of Benedict XIV, dated 27 January 1757, namely:

"I. Under the name of *Indians and Negroes*, besides Indians and Negroes themselves, there are also comprehended those who are begotten of an Indian or Negro man and a European woman, or a woman of European blood, and likewise those who are begotten of a European man and an Indian or Negro woman, and therefore are called Mixed, Mestizos, or Mulattoes and have exactly one half European blood. But there are not comprehended those who derive their origin from Indians or Negroes only through a grandfather or grandmother and who are called Quarterons, as having only one fourth Indian or Negro blood; and much less those who derive their origin from Indians or Negroes only through a great-grandfather or great-grandmother and are commonly called *Puchueles* or *Pucuelles*.

"II. Moreover, under the name of Indians and Negroes there are also understood Africans, Asians, and Oceanians, provided that they are not of European blood and reside in Latin America, although they were not born there." Sacred Congregation for Extraordinary Ecclesiastical Affairs, 24 May 1898.

"The aforesaid Apostolic Letters *Trans Oceanum* have force in all the Antilles and the other islands of the Caribbean Sea, to whatever civil dominion they may be subject. And His Holiness thus commanded them to be published and observed, nothing contrary being of any effect." Sacred Congregation for Extraordinary Ecclesiastical Affairs, 16 Aug. 1898.

Telegrams Concerning Petitions for Favors

"In view of the inconveniences which have occurred, and which can easily be renewed in receiving petitions for favors by means of telegrams, the Holy Father has prescribed that from now on, as an ordinary rule, all Sacred Congregations and other Roman ecclesiastical dicasteries are not to admit petitions of this kind by the indicated means. The same reasons also having force for episcopal curias, His Holiness wills that the pastors of dioceses also conform themselves to this prescription." Circular to the Bishops, Secretariat of State, 10 Dec. 1891.

"Whether a matrimonial dispensation executed by the Ordinary upon telegraphic notice, before he has received the authentic document of the favor granted, is valid. - Resp. In the negative, unless the telegraphic notice was transmitted officially by authority of the Holy See. His Holiness approved." Holy Office, 14 Aug. 1892.

"It is known that by disposition of law (chapter 12, *De Appellationibus*; Council of Trent, sess. 22, c. 5, *De Ref.*) the diocesan Ordinary has no jurisdiction to execute Apostolic Briefs of matrimonial dispensation before the original document has been presented to him. This having been established: - 1. Does this canonical disposition apply also to those matrimonial dispensations of which, immediately after they have been granted, the Ordinary's own Apostolic agent residing in Rome gives him notice? - 2. What is to be done if the present Bishop discovers that certain marriages, for most urgent causes, were contracted after notice from the agent and before the curia had the original Brief, while the parties are in good faith? - Resp. To the 1st, in the affirmative. - To the 2nd, a new execution of the dispensations is necessary." Sacred Penitentiary, 15 Jan. 1894.

On Sins

On Philosophical Sin

"2. Philosophical or moral sin is a human act discordant with rational nature and right reason; but theological and mortal sin is a free transgression of the divine law. Philosophical sin, however grave, in one who either is ignorant of God or does not actually think of God, is a grave sin, but is not an offense against God, nor a mortal sin dissolving friendship with God, nor worthy of eternal punishment." Proposition condemned as scandalous, rash, offensive to pious ears, and erroneous by Alexander VIII, 24 Aug. 1690.

On the Voluntary in Sin

"Sin is twofold, namely original and actual: original is that which is contracted without consent; actual is that which is committed with consent. Therefore original sin, which is contracted without consent, is remitted without consent by the power of the sacrament; but actual sin, which is contracted with consent, is by no means forgiven without consent." Innocent III, chapter *Maiores* 3, *De Baptismo et eius effectu*.

"67. Man sins even damnably in that which he does necessarily." Proposition of Michael Baius condemned by St. Pius V.

"1. In the state of fallen nature, for formal sin and demerit there suffices that liberty by which it was voluntary and free in its cause, in original sin and the liberty of Adam as he sinned." Proposition condemned by Alexander VIII, Decree of 7 Dec. 1690.

"46. Voluntariness does not pertain to the nature of sin; nor is it a question of definition, but of cause and origin, whether every sin ought to be voluntary. - 47. Hence original sin truly has the nature of sin without any relation or regard to the will from which it had its origin. - 48. Original sin is voluntary by the habitual will of the infant, and habitually dominates the infant, because he does not bear a contrary judgment of the will. - 49. And from the habitual will dominating it comes about that an infant dying without the sacrament of regeneration, when he shall have attained the use of reason, will actually hate God, blaspheme God, and resist the law of God. - 50. Evil desires to which reason does not consent, and which a man suffers unwillingly, are prohibited by the precept *You shall not covet*. - 51. Concupiscence, or the law of the members, and its evil desires which men feel unwillingly, are true disobedience to the law. - 52. Every crime is of such a condition that it can infect its author and all his descendants in the manner in which the first transgression infected them. - 53. Insofar as it depends upon the force of the transgression, those who are born with lesser vices contract from the begetter as much evil desert as those who are born with greater ones. - 56. In sin there are two things: the act and the guilt; but when the act has passed, nothing remains except the guilt, or obligation to punishment." Propositions of Michael Baius condemned by St. Pius V.

On Venial Sin

"20. No sin is venial by its nature, but every sin merits eternal punishment." Proposition of Michael Baius condemned by St. Pius V.

Delight and Desire Concerning an Evil Thing

Cf. nn. 288, 389.

Not All Works Are Sins. Neither Faith nor Charity Is Required for Avoiding Sin

"31. In every good work the just man sins. — 32. A good work done in the best manner is a venial sin. — 35. No one is certain that he is not always sinning mortally, because of the most hidden vice of pride. — 36. Free will after sin is a thing in name only; and while it does what is in its power, it sins mortally." Propositions of Martin Luther condemned by Leo X.

"8. It is necessary that an unbeliever sin in every work." Proposition condemned by Alexander VIII, 7 Dec. 1690.

"35. Everything that a sinner or servant of sin does is sin. — 40. In all his acts the sinner serves the lust that dominates him." Propositions of Michael Baius condemned by St. Pius V.

"48. What else can we be but darkness, but wandering, and but sin, without the light of faith, without Christ, and without charity? — 49. Just as there is no sin without love of ourselves, so there is no good work without love of God. — 59. The prayer of the impious is a new sin; and what God grants them is a new judgment upon them." Propositions of Paschasius Quesnel condemned by Clement XI.

Occasion of Sin

"62. A proximate occasion of sin is not to be fled when some useful or honorable cause for not fleeing it occurs. — 63. It is lawful directly to seek a proximate occasion of sin for our own spiritual or temporal good, or that of our neighbor." Propositions condemned by Innocent XI.

Eating and Drinking for Pleasure

Cf. n. 82.

On Sloth

"28. Weariness of spiritual things is good, since through it self-love is purged. — 29. When the inward soul loathes discourses about God and the virtues, and remains cold, feeling no fervor in itself, it is a good sign." Propositions of Michael de Molinos condemned by Innocent XI.

On the Theological Virtues

On the Nature of Faith

"19. The will cannot bring it about that the assent of faith be in itself firmer than the weight of the reasons impelling to assent deserves. — 20. Hence one can prudently reject an assent which he holds to be supernatural. — 23. Faith broadly so called, arising from the testimony of creatures or a similar motive, suffices for justification." Propositions condemned by Innocent XI.

"51. Faith justifies when it operates, but it does not operate except through charity. — 52. All the other means of salvation are contained in faith, as in their germ and seed; but this faith is not without love and confidence." Propositions of Paschasius Quesnel condemned by Clement XI.

"12. When all love is lacking in great sinners, faith also is lacking; and although one may appear to believe, it is not divine faith, but human." Proposition condemned by Alexander VIII.

Canons of the Vatican Council on the Catholic Faith

"I. **On God, the Creator of All Things.** — 1. If anyone shall deny the one true God, Creator and Lord of things visible and invisible, let him be anathema. — 2. If anyone shall not be ashamed to affirm that nothing exists besides matter, let him be anathema. — 3. If anyone shall say that the substance or essence of God and of all things is one and the same, let him be anathema. — 4. If anyone shall say that finite things, both corporeal and spiritual, or at least spiritual things, emanated from the divine substance; or that the divine essence, by manifestation or evolution of itself, becomes all things; or, finally, that God is the universal or indefinite being which, by determining itself, constitutes the universe of things distinct in genera, species, and individuals, let him be anathema. — 5. If anyone shall not confess that the world and all things contained in it, both spiritual and material, were produced by God from nothing according to their whole substance; or shall say that God created not by a will free from every necessity, but as necessarily as He necessarily loves Himself; or shall deny that the world was established for the glory of God, let him be anathema.

"II. **On Revelation.** — 1. If anyone shall say that the one true God, our Creator and Lord, cannot be known with certainty by the natural light of human reason through those things which have been made, let him be anathema. — 2. If anyone shall say that it is impossible or inexpedient that man be instructed through divine revelation concerning God and the worship to be rendered to Him, let him be anathema. — 3. If anyone shall say that man cannot be raised divinely to a knowledge and perfection which surpass the natural, but can and ought of himself, by continual progress, ultimately to attain possession of all truth and goodness, let him be anathema. — 4. If anyone shall not receive as sacred and canonical the books of Holy Scripture in their entirety, with all their parts, as the sacred Synod of Trent enumerated them, or shall deny that they are divinely inspired, let him be anathema.

"III. **On Faith.** — 1. If anyone shall say that human reason is so independent that faith cannot be commanded of it by God, let him be anathema. — 2. If anyone shall say that divine faith is not distinguished from natural knowledge concerning God and moral things, and that therefore it is not required for divine faith that revealed truth be believed because of the authority of God revealing, let him be anathema. — 3. If anyone shall say that no miracles can occur, and that therefore all accounts

of them, even those contained in sacred Scripture, are to be relegated among fables or myths; or that miracles can never be known with certainty, nor the divine origin of the Christian religion rightly proved by them, let him be anathema. — 4. If anyone shall say that the assent of Christian faith is not free, but is necessarily produced by arguments of human reason; or that the grace of God is necessary only for living faith, which operates through charity, let him be anathema. — 5. If anyone shall say that the condition of the faithful and of those who have not yet attained the one true faith is equal, so that Catholics can have just cause for calling into doubt, with assent suspended, the faith which they have already received under the magisterium of the Church, until they shall have completed a scientific demonstration of its credibility and truth, let him be anathema.

"IV. **On Faith and Reason.** — 1. If anyone shall say that no mysteries truly and properly so called are contained in divine revelation, but that all the dogmas of faith can be understood and demonstrated from natural principles by reason duly cultivated, let him be anathema. — 2. If anyone shall say that human disciplines are to be treated with such liberty that their assertions, even when opposed to revealed doctrine, can be retained as true and cannot be proscribed by the Church, let him be anathema. — 3. If anyone shall say that, according to the progress of science, a sense can at some time be assigned to dogmas proposed by the Church other than that which the Church has understood and understands, let him be anathema."

Negative Infidelity; Heresy

"68. Purely negative infidelity, in those to whom Christ has not been preached, is a sin." Proposition of Michael Baius condemned by St. Pius V.

"28. If the Pope with a great part of the Church should hold an opinion in one way or another, and should not even be in error, it is still not a sin or heresy to hold the contrary, especially in a matter not necessary for salvation, until the one opinion has been rejected and the other approved by a universal Council." Proposition of Martin Luther condemned by Leo X.

"5. Although it is evident to you that Peter is a heretic, you are not bound to denounce him if you cannot prove it." Proposition condemned by Alexander VII, 24 Sept. 1665.

On the Reconciliation of Heretics

"Whether Ordinaries of dioceses who are not Bishops, such as Capitular Vicars, Apostolic Administrators of cathedral churches, and also Vicars General, and likewise whether Prefects of missions, can reconcile to the Church a repentant heretic, whether appearing before them of his own accord or brought in any manner before the external forum, equally with Bishops, and absolve him for both forums from the censure into which he has fallen because of heresy. — Resp. Concerning Capitular Vicars: in the affirmative with regard to subjects, even with the power of delegating; but as regards exempt persons, they regularly require a faculty of the Apostolic See. — Concerning Apostolic Administrators of cathedral churches: in the affirmative, even with the faculty of subdelegating. — Concerning Vicars General: they cannot by virtue of their office, but they can by delegation of their own Ordinary. — Concerning Prefects of missions: in the negative." Holy Office, 1 Feb. 1865.

From the Holy Office, 21 Dec. 1895, a Bishop can by ordinary authority absolve in the external forum heretics who appear of their own accord, "after an abjuration juridically made."

But regarding this juridical abjuration, the same Holy Office declared on 28 March 1900 "that the abjuration can be made before someone delegated by the Bishop as notary and before some persons as witnesses; and let the instruction of 8 April 1786 to the Bishop of Limerick be given."

The aforesaid instruction reads thus: It is not necessary that those who have defected from the Catholic faith and afterwards desire to return to it first make a public abjuration; it is enough that they abjure privately before a few persons, provided, however, that they keep their promises and in fact abstain from communicating with heretics in spiritual things, or from doing anything expressive of heresy. The same is to be held concerning those who privately abjure the heresy in which they were educated from the beginning.

Cf. n. 364; Instruction for the profession of faith and absolution of heretics in the *Collectanea* of the S. C. de P. F., n. 1689; *M. E.*, vol. 12, pp. 49–50.

Admission of Children under Parental Authority to the Profession of Faith

"1. Whether a girl ten years of age dwelling in a monastery can safely be admitted to the profession of the Catholic faith against the will of her father, who is a heretic. — 2. Whether girls dwelling in a monastery can safely be admitted to the profession of the Catholic faith when their heretical parents consent and even promise that they will give them in marriage to Catholic men, although they declare concerning themselves that they are heretics and wish to remain such. — 3. Whether girls can safely be admitted to the profession of the Catholic faith, as in the preceding case, although the parents themselves are not Catholic but indifferent, that is, unbelievers. — 4. Whether girls at present well disposed are to be admitted without delay to the profession of the Catholic faith and reception of the sacraments, or whether their admission is to be deferred until marriage with a Catholic man because of the fear of perversion. — 5. If it is to be deferred, whether they are to be admitted into the monastery in order to be instructed in the Catholic faith, or whether one must wait until the time of marriage with a Catholic man.

"Resp. To the 1st: Let the Apostolic Vicar first strive with all his strength to obtain the consent of the girl's father. If consent is not obtained, let him consider seriously the disadvantages which are foreseen as likely to arise from the admission of such a girl into the Church, both with regard to the proximate danger of the perversion of that same girl and with regard to grave harm to the Catholic school and mission; and insofar as no disadvantages, or only negligible ones, are foreseen, let him admit her without delay. But insofar as grave future disadvantages are foreseen, let him defer her admission to the formal and public profession of the Catholic faith, unless danger of death is imminent; and meanwhile let him take care to exhort her to persevere in her good purpose and to pray God that He may deign to remove all obstacles; and at the same time let him take care that she continue to remain in the monastery and in this manner complete and perfect her Catholic education. — To the 2nd and 3rd: in the affirmative; and let them take care that the parents stand by their promises. And with regard to the 1st, 2nd, and 3rd, with this intention: the intention is that suitable inquiries be made concerning the validity of the girls' Baptism; and insofar as, after these have been made, a probable doubt remains concerning the validity of this Baptism, let the girls be baptized

secretly under condition. — To the 4th: in the negative, unless a well-founded hope of their Catholic education shines forth. — To the 5th: provided for by the responses to the 1st, 2nd, and 3rd; and if further difficulties arise, let the Right Reverend Apostolic Vicar have recourse in the individual cases." Holy Office, 21 July 1880.

Necessity of Faith

"97. Faith is necessary for rustic, ignorant, servile men and those not having an elevated intellect, who do not know how to know through reason and delight to know through faith; but a subtle man is more easily drawn to Christian truth through reason than through faith." Proposition of Raymond Llull condemned by Gregory XI, on the seventh day before the Kalends of February 1376. Cf. nn. 345, 349, 350.

Things to Be Believed by Necessity of Means

"22. Only faith in one God seems necessary by necessity of means, but not explicit faith in Him as rewarder." Proposition condemned by Innocent XI. Cf. n. 345.

The Mysteries of the Trinity and the Incarnation

"64. A man is capable of absolution, however much he may labor under ignorance of the mysteries of faith, and even if through negligence, even culpable negligence, he does not know the mystery of the Most Holy Trinity and of the Incarnation of Our Lord Jesus Christ. — 65. It suffices to have believed those mysteries once." Propositions condemned by Innocent XI.

"A Missionary is bound to explain to an adult, even one who is dying, provided that he is not wholly incapable, the mysteries of faith which are necessary by necessity of means, such as principally the mysteries of the Trinity and the Incarnation." Holy Office, 25 Jan. 1703; C. 549.

Necessity of Precept

"1. At no time whatever in his life is a man bound to elicit an act of faith, hope, and charity by force of the divine precepts pertaining to those virtues." Proposition condemned by Alexander VII.

"16. Faith is not judged to fall under a special precept in itself. — 17. It suffices to elicit an act of faith once in life. — 18. If someone is questioned by public authority, I counsel him candidly to confess the faith as glorious to God and to the faith; I do not condemn silence as sinful in itself." Propositions condemned by Innocent XI. Cf. n. 350.

When Faith Obliges

Cf. n. 353.

On the Object of Faith

"For even if the matter concerned that submission which is to be rendered by an act of divine faith, it would nevertheless not have to be limited to those things which have been defined by express decrees of ecumenical Councils, of the Roman Pontiffs, and of this Apostolic See; but it would also have to be extended to those things which are handed down as divinely revealed by the ordinary

magisterium of the whole Church dispersed throughout the world, and which therefore are held by the universal and constant consent of Catholic theologians to pertain to the faith. But since the matter concerns that submission by which, in conscience, all those Catholics who devote themselves to speculative disciplines are bound, so that by their writings they may bring new benefits to the Church, therefore the men of that same assembly ought to recognize that it is by no means enough for Catholic scholars to receive and venerate the aforesaid dogmas of the Church, but that it is also necessary that they subject themselves both to those decisions pertaining to doctrine which are issued by the Pontifical Congregations and to those heads of doctrine which by the common and constant consent of Catholics are held as theological truths and conclusions so certain that opinions opposed to those same heads of doctrine, although they cannot be called heretical, nevertheless merit some other theological censure." Pius IX, Letter to the Archbishop of Munich and Freising, 21 Dec. 1863.

The Chinese and Malabar Rites

"The Pontifical Constitutions relating to the Chinese and Malabar rites, and especially the Bulls *Ex quo* and *Omnium sollicitudinum* of Benedict XIV of holy memory, are not disciplinary, but doctrinal." Holy Office, 5 Aug. 1891.

On Obsequious Silence Concerning a Dogmatic Fact

"Let all the children of the Catholic Church learn to hear the Church herself, not only by keeping silence … but also by obeying inwardly, which is the true obedience of an orthodox man … [and let them learn] that the sense of the Jansenian book condemned in the five aforesaid propositions, which their words present … must be received and condemned as heretical by all the Christian faithful, not only with the mouth, but also with the heart…." Clement XI, Constitution *Vineam Domini*, 16 July 1703.

The Text of St. John, First Epistle, Chapter 5, Verse 7

"Whether it can safely be denied, or at least called into doubt, that the text of St. John in the First Epistle, chapter 5, verse 7, is authentic, which reads thus: *For there are three who give testimony in heaven: the Father, the Word, and the Holy Spirit*. — Resp. In the negative." Holy Office, 15 Jan. 1897.

The Fire of Hell

"A penitent presents himself before a confessor and, among other things, declares that he holds the opinion that the fire in hell is not real but metaphorical; that is, that the punishments of hell, whatever they may be, are called fire by a manner of speaking; for just as fire produces the most intense pain of all, so no image is more apt for indicating the most atrocious punishments of hell and for forming an idea of hell. Hence the parish priest asks whether it is lawful to leave penitents in this opinion, and whether it is lawful to grant them absolution. The parish priest notes, moreover, that the matter does not concern the opinion of some individual, but is an opinion generally admitted in a certain village, where it is customary to say: 'Persuade only the infants, if you can, that there is fire in hell.'

"Resp. Penitents of this kind are to be diligently instructed; and the obstinate are not to be absolved." Sacred Penitentiary, 30 April 1890.

On God, the Creator of All Things

Cf. n. 345; Canons of the Vatican Council.

On the Church of Christ

"41. It is not necessary for salvation to believe that the Roman Church is supreme among the other Churches." Proposition of John Wycliffe condemned by the Council of Constance. Cf. n. 369.

Canons of the Vatican Council

"C. 1. **On the Institution of the Apostolic Primacy in Blessed Peter.** — If anyone shall say that blessed Peter the Apostle was not constituted by Christ the Lord as prince of all the Apostles and visible head of the whole Church militant; or that he received from the same Our Lord Jesus Christ directly and immediately a primacy of honor only, and not one of true and proper jurisdiction, let him be anathema.

"C. 2. **On the Perpetuity of the Primacy of Blessed Peter in the Roman Pontiffs.** — If anyone shall say that it is not by the institution of Christ the Lord Himself, or by divine right, that blessed Peter has perpetual successors in the primacy over the universal Church; or that the Roman Pontiff is not the successor of blessed Peter in that same primacy, let him be anathema.

"C. 3. **On the Force and Nature of the Primacy of the Roman Pontiff.** — If anyone shall say that the Roman Pontiff has only an office of inspection or direction, and not full and supreme power of jurisdiction over the universal Church, not only in matters which pertain to faith and morals, but also in those which pertain to the discipline and government of the Church diffused throughout the whole world; or that he has only the more important parts, but not the whole plenitude, of this supreme power; or that this power of his is not ordinary and immediate, whether over each and all Churches or over each and all pastors, let him be anathema.

"C. 4. **On the Infallible Magisterium of the Roman Pontiff.** — We define as a dogma: that the Roman Pontiff, when he speaks *ex cathedra*, that is, when, exercising the office of pastor and doctor of all Christians, he defines by his supreme apostolic authority a doctrine concerning faith or morals to be held by the universal Church, through the divine assistance promised to him in blessed Peter, possesses that infallibility with which the divine Redeemer willed His Church to be endowed in defining doctrine concerning faith or morals; and therefore that definitions of this kind of the Roman Pontiff are irreformable of themselves, and not from the consent of the Church. But if anyone—which may God avert—shall presume to contradict this definition of Ours, let him be anathema."

Chronological Series of Condemned Propositions from the Year 1418 to the Year 1899

The 45 articles of John Wycliffe, condemned by the Council of Constance and by Martin V through the Bull *Inter cunctas*, on the eighth day before the Kalends of March 1418, and the Bull *In eminenti* of the same day.

The 30 articles of John Hus, condemned by the Council of Constance and by Martin V, as above.

The 9 propositions of Master Peter of Osma, condemned by Sixtus IV in 1479 as scandalous and heretical.

The 41 errors of Martin Luther, condemned by Leo X through the Bull *Exsurge Domine*, 16 May 1520.

The 79 propositions of Michael Baius, condemned by St. Pius V in the Bull *Ex omnibus afflictionibus*, 1 Oct. 1567, and also by Gregory XIII in the Bull *Provisionis nostrae*, 29 Jan. 1579, and by Urban VIII in the Bull *In eminenti*, 6 March 1641.

"These opinions, weighed in a strict examination before Us, although some could be sustained in some manner, We respectively condemn, in the strict and proper sense of the words intended by their assertors, as heretical, erroneous, suspect, rash, scandalous, and offensive to pious ears." St. Pius V, loc. cit.

The use of knowledge obtained from Confession for external government is prohibited. Decree of Clement VIII, 26 May 1594.

The proposition concerning absolution and confession in the absence of the penitent was declared probable in no case by Clement VIII, Decree of 20 June 1602, and by Paul V, 14 July 1605.

The proposition in which the equality of Saints Peter and Paul is asserted, condemned by Innocent X in a decree of the General Congregation of the Roman and Universal Inquisition, 29 Jan. 1647.

The 5 propositions of Cornelius Jansen, excerpted from his book entitled *Augustinus*, condemned by Innocent X in the Constitution *Cum occasione*, 31 May 1653, and also by Alexander VII in the Constitutions *Ad sanctam*, 16 Oct. 1656, and *Regiminis apostolici*, 15 Feb. 1664, and by Clement XI in the Constitution *Vineam Domini*, 16 July 1705. The several propositions were condemned separately under various theological notes, but all as heretical.

The 45 propositions condemned by Alexander VII in the decrees of the Congregation of the Roman and Universal Inquisition *Sanctissimus Deus noster*, 24 Sept. 1665 and 18 March 1666. All were condemned and prohibited at least as scandalous. [The source prints "1866" for the second date; corrected here to "1666."] The 65 propositions condemned by Innocent XI in the decree of the Congregation of the Holy Inquisition *Sanctissimus Dominus noster*, 2 March 1679.

All were condemned and prohibited, as they stand, at least as scandalous and pernicious in practice. — The Supreme Pontiff concludes the decree with these words: "Finally, in order that doctors or scholastics, or any others whatsoever, may hereafter abstain from injurious contentions, and that provision may be made for peace and charity, His Holiness, in virtue of holy obedience, commands them to beware, both in books printed or in manuscript, and in theses, disputations, and preachings, of every censure and note, and also of any insults whatever, against those propositions which are still disputed among Catholics here and there, until, the matter having been considered, judgment concerning those same propositions is pronounced by the Holy See." Benedict XIV also ordained the same in the Bull *Sollicita et provida*, § 23.

The proposition concerning the use of knowledge acquired from Confession, prohibited by a decree of the Inquisition, 18 Nov. 1682, under Innocent XI.

The 68 propositions of Michael de Molinos, condemned by Innocent XI in the Constitution *Coelestis Pastor*, 20 Nov. 1687, respectively as heretical, suspect, erroneous, scandalous, blasphemous, offensive to pious ears, rash, relaxing and subversive of Christian discipline, and seditious.

The 2 propositions concerning love of the last end and concerning philosophical sin, condemned by Alexander VIII in the Decree *Sanctissimus Dominus*, 24 Aug. 1690.

The 31 propositions condemned and prohibited by Alexander VIII, 7 Dec. 1690, respectively as rash, scandalous, evil-sounding, injurious, proximate to heresy, savoring of heresy, erroneous, schismatic, and heretical.

The 23 propositions concerning the purest love toward God, condemned and reprobated by Innocent XII in the Brief *Cum alias*, 12 March 1699, whether in the obvious sense of their words or with attention to the connection of the opinions, respectively as rash, scandalous, evil-sounding, offensive to pious ears, pernicious in practice, and also erroneous.

The 101 propositions of Paschasius Quesnel, declared and condemned by Clement XI in the Constitution *Unigenitus*, 8 Sept. 1713, respectively as false, captious, evil-sounding, offensive to pious ears, scandalous, pernicious, rash, injurious to the Church and her practice, insulting not only to the Church but also to the powers of the age, seditious, impious, blasphemous, suspected of heresy and savoring of heresy itself, and also as favoring heretics and heresies and even schism, erroneous, proximate to heresy, several times condemned, and finally heretical; and as manifestly renewing various heresies, and especially those contained in the notorious propositions of Jansen, and indeed taken in that sense in which these were condemned.

The 5 propositions concerning dueling, condemned by Benedict XIV in the Constitution *Detestabilem*, 10 Nov. 1752, as false, scandalous, and pernicious.

The 85 propositions of the diocesan Synod of Pistoia, condemned by Pius VI in the Constitution *Auctorem fidei*, 28 Aug. 1794. The Supreme Pontiff thus concludes the Constitution:

"For these reasons, therefore, by apostolic authority and by the tenor of the present letters We prohibit and condemn this very book, whose title is *Acts and Decrees of the Diocesan Council of Pistoia of the Year 1786, Printed in Pistoia by Atto Bracali, Episcopal Printer, with Approval*, whether inscribed with the foregoing or any other title, wherever and in whatever language, in whatever edition or version, it has hitherto been printed or is to be printed; just as We also prohibit and condemn all other books already perhaps issued or—may God avert it—to be issued, either in writing or in print, in defense of it or of its doctrine; and We likewise prohibit and forbid all and each of the Christian faithful to read, copy, retain, or use them, under the penalty of excommunication to be incurred *ipso facto* by transgressors."

The Syllabus of 80 Propositions, embracing the principal errors of our age condemned in the Consistorial Allocutions and Apostolic Letters of Pius IX.

The propositions condemned in the Encyclical *Quanta cura* of Pius IX, concerning which propositions the Pontiff thus ordains: "By Our Apostolic authority We reprobate, proscribe, and condemn all and each of the perverse opinions and doctrines individually commemorated in these Letters; and We will and command that they be held by all the children of the Catholic Church as entirely reprobated, proscribed, and condemned."

The 40 propositions taken from the works of Antonio Rosmini, condemned by a Decree of the Holy Office, 14 Dec. 1887, with Leo XIII approving.

The propositions of Americanism disapproved in the Letter *Testem benevolentiae* of Leo XIII, 22 Jan. 1899. *M. E.*, vol. 1, p. 62 ff.; Ferraris, *Supplement*, s.v. *Opiniones*.

Faith to Be Professed Externally

Cf. n. 353.

Decree Concerning the Profession of Faith

"That which from the ancient times of the Church was always customary, that a certain and determinate formula should be proposed to the Christian faithful by which they would profess the faith and solemnly detest the heresies gaining strength in each age, this same thing, after the sacred Synod of Trent had happily been completed, the Supreme Pontiff Pius IV wisely accomplished. Hastening to execute without delay the decrees of the Tridentine Fathers, by the Constitution *Iniunctum nobis*, issued on the Ides of November 1564, he composed the form of profession of faith to be recited by those who were to be placed over cathedral and superior churches, or who would obtain their dignities, canonries, and any other ecclesiastical benefices whatsoever having care of souls; and by all others to whom it pertains by the decrees of that Council; and also by those whom it happened to be provided over monasteries, convents, houses, and any other places of regulars of whatever Orders, even military, under whatever name or title. By another Constitution issued on the same day and year, beginning *In sacrosancta*, he further salutarily extended this to all doctors, masters, regents, or other professors of any art and faculty whatsoever, whether clerics or laymen, or regulars of any Order, publicly or privately professing in any places whatsoever in any manner, or having or exercising any lectures, and finally to those to be adorned with degrees of this kind.

"Now, since afterwards the sacred Vatican Council was assembled, and before its suspension announced by the Apostolic Letters *Postquam Dei munere* of 20 Oct. 1870, two dogmatic Constitutions were solemnly promulgated by the same Council: the first, namely, on the Catholic Faith, which begins *Dei Filius*, and the other on the Church of Christ, which begins *Pastor Aeternus*; it is not only opportune, but also necessary, that in the profession of faith there should be made, as by the heart so also by the mouth, public and solemn adherence also to the dogmatic definitions of the aforementioned Vatican Council. Wherefore Our Most Holy Lord Pope Pius IX, having sought on this matter the vote of a special Congregation of the Most Eminent Fathers, Cardinals of the Holy Roman Church, established, commanded, and ordered, as by the present decree he commands and orders, that in the aforesaid Pian formula of profession of faith, after the words *especially by the sacred Synod of Trent*, there be said *and by the ecumenical Vatican Council handed down, defined, and declared, especially concerning the primacy of the Roman Pontiff and his infallible magisterium*; and that hereafter the profession of faith be made by all who are bound to make it thus and not otherwise, under the threats and penalties established by the Council of Trent and by the above-mentioned Constitutions of Pius IV of happy memory. Therefore let this be observed everywhere, and by all whom it concerns, diligently and faithfully, notwithstanding," etc.

"Given at Rome, from the Secretariat of the Sacred Congregation of the Council, on 20 Jan. 1877." — Cf. C. 1870, 1871.

The profession of the orthodox faith according to the form prescribed by the Supreme Pontiffs Pius IV and Pius IX — Cf. C. 1670, note (1).

The profession of the Catholic faith for Greeks according to the formula prescribed by the Supreme Pontiff Gregory XIII — Cf. C. 1671, note (1) I.

The profession of the Catholic faith for Orientals according to the formula prescribed by the Supreme Pontiff Urban VIII — Cf. C. 1671, note (1) II.

The abjuration or profession of faith for newly converted heretics — Cf. C. 1680, 1689; cf. here n. 346.

The Profession of Faith to Be Made by Benefice-Holders and Before the Ordinary

"Whether those obtaining a benefice with care of souls, dignities, and canonries in metropolitan or cathedral churches satisfy the precept of the sacred Council of Trent, sess. 24, c. 12, *De Ref.*, if they make the profession of faith after receiving institution or collation and before being placed in possession. — Resp. In the affirmative." S. C., 23 April 1902; *A. S. S.*, vol. 35, p. 595.

"1. Whether, besides canons, dignitaries, and curates provided with an immovable title, as they say, pastors also removable or succursalists are bound to the profession of faith according to the prescription of the sacred Council of Trent. — 2. And, in the affirmative concerning succursalists, whether they can make the profession before a simple deputy appointed by the Bishop. — 3. Whether the aforesaid profession must be renewed as often as all those mentioned above are transferred to another benefice. — Resp. … according to the Council of Trent, sess. 24, c. 12, *De Ref.*, and the resolutions issued in similar matters: to the 1st, in the affirmative; to the 2nd, in the negative; to the 3rd, in the affirmative." S. C. C., 15 Dec. 1866.

"Whether by common law a Bishop can subdelegate all the priests of his diocese so that they may give investiture, or place priests who have been instituted in possession of a benefice, and receive the profession of the orthodox faith. — Resp. The Ordinary can delegate with regard to placing in possession; but with regard to receiving the profession of faith, he cannot." S. C. EE. et RR., 14 April 1890.

Faith to Be Professed Before Public Authority

Cf. n. 353.

Visiting the Churches of Heretics

Whether it is lawful for Catholics to visit the churches of heretics. — Resp. "It is lawful if they visit for the sake of mere curiosity, without any communication in sacred things, provided that such visiting is not commonly regarded as an act professing a false religion; since, just as visiting profane buildings, so also visiting the churches of heretics, is an act indifferent in itself, which becomes evil only from a perverse end or from circumstances. It becomes evil, namely: 1. if someone visits them with the intention of being present at the sacred functions of heretics; 2. or, even without such an intention, if the very entrance into the churches of heretics brings about, or appears to bring about, some communication with those same heretics in divine things, and hence also affords an occasion of

scandal; 3. or if such visiting has been commanded by a heretical government as a profession of one and the same faith and religion among Catholics and non-Catholics; 4. or if both parties commonly regard it as a token of one and the same communion of Catholics and non-Catholics. — In these cases, therefore, it is never lawful for Catholics to visit the churches of heretics, because it is never lawful to participate in the sacred rites of heretics or to feign one's own faith. Where all these things are absent, and they are moved solely by curiosity to see the churches, they can visit them without fault." Holy Office, 13 Jan. 1818.

Whether It Is Lawful to Contract Marriage Before a Heretical Minister

"It is not unknown that in certain places a heretical minister acts the part of a merely civil magistrate, before whom spouses are accustomed to present themselves, or even are bound to do so for a political end, namely, that they may be held civilly as honorable spouses and that their offspring may be judged legitimate. But then, when heretics urge it or civil law commands it, it is not disapproved that the Catholic party together with the heretical party present themselves, before or after the marriage contracted according to the form of the Council of Trent, even before a minister devoted to heresy, solely to fulfill the civil act. For to a doubt once expressed thus: *Whether a Catholic contracting with a heretic before his own Catholic parish priest can licitly, when heretics urge it, ratify this marriage before a heretical minister, if from this no profession of a heretical rite is had or inferred, and whatever the heretical minister does in the case is and is judged to be a merely civil and political requirement*, this Sacred Congregation responded in the affirmative.

"But indeed, as often as the heretical minister is regarded as devoted to sacred rites and as fulfilling, as it were, the office of parish priest, it is not lawful for the Catholic party together with the heretical party to give matrimonial consent before such a petty minister, because he would be employed to complete a certain religious ceremony, and the Catholic party would associate himself with the heretical rite; whence a certain implicit adherence to heresy would arise, and consequently communication with heretics in divine things would be altogether illicit. For that reason, even if this pernicious custom has grown up so that it cannot easily be corrected by the clergy, it must nevertheless be rooted out with all diligence and zeal employed. And indeed Benedict XIV openly teaches that it is not lawful for contracting parties to present themselves before a heretical minister insofar as he assists as a minister devoted to sacred rites; that the contracting parties sin mortally; and that they are to be warned.

"Therefore, parish priests and Missionaries, opportunely instructed and admonished by you, should teach the faithful, both by public catecheses in churches and by private instructions concerning the constant doctrine and practice of the Church, so that, as far as can be done, they may be salutarily averted from contracting mixed marriages; but if not, let them utterly abhor celebrating marriage before a heretical minister devoted to sacred rites, which is in every way illicit and sacrilegious. Thus response was made to the Ordinary of Trier on Wednesday, 21 April 1847.

"Let parish priests know besides that, if they are questioned by the contracting parties, or if they certainly know that they are going to a heretical minister devoted to sacred rites in order to give matrimonial consent, they cannot be silent, but must warn those same spouses concerning the most grave sin which they commit and concerning the censures into which they incur. Nevertheless, to

forestall grave evils, if in some particular case the parish priest has not been asked by the spouses whether or not it is lawful to go to the heretical minister, and no explicit declaration is made by those same spouses concerning going to the heretical minister, but he nevertheless foresees that they may perhaps go to renew matrimonial consent, and moreover, from the circumstances concurring in the case, foresees that the warning certainly will not be profitable, but indeed will be harmful, and that thereby material sin will be turned into formal guilt, then let him be silent, scandal nevertheless being removed, and provided that the other conditions and cautions required by the Church have duly been established, especially concerning free exercise of religion being granted to the Catholic party and concerning all the offspring being educated in the Catholic religion. But if at length they wish consent to be renewed before the parish priest after it has already been given before the heretical minister, and this is publicly known or is notified to the parish priest by the parties themselves, the parish priest shall not assist at this marriage unless, the other things to be observed being observed as is supposed, the Catholic party, repentant of the deed, has first duly obtained absolution from the censures contracted, salutary penances having been imposed beforehand. The Sacred Congregation therefore trusts greatly in the Lord that, prudently and firmly adhering to the foregoing, you will bring it about that the inviolable deposit of doctrine is preserved safe and sound, that the morals of Catholics correspond to the faith, that the apprehended harms are warded off, and that the faithful, strengthened by doctrine and example, walk through the paths of justice." Holy Office, 17 Feb. 1864; 29 Nov. 1672.

On the Communication of the Faithful with Jews

"Christians are forbidden to presume to dwell with Jews, to perform their continual service when hired for wages, to nurse their infants in their own homes, or to serve them as nurses. Book 5 of the *Decretals*, tit. 6, cc. 5, 8, 13. — It is likewise forbidden to Christians to call or admit Jews or other unbelievers as physicians for their care, or to cause them to be called or admitted. Gregory XIII, Constitution *Alias*, 30 March 1581. — When the faithful serving Jews undergo danger of perversion, there is no place for tolerance; and only when no danger of this kind is imminent is it lawful prudently to dissemble." S. I. C., 14 July 1886; Diocesan Synod of Albano, year 1886, part I, art. 7, n. 3.

Communication in Civil Matters with Heretics

"According to the present discipline introduced by Martin V in the celebrated Extravagant *Ad evitanda*, Catholics are permitted freely to associate with heretics, provided that they have not been expressly and by name denounced, and to communicate with them in merely profane and civil matters." Holy Office, 10 May 1873; *A. S. S.*, vol. 27, p. 449 ff.; C. 1816.

Communication in Divine Things with Heretics

"Since often and for a long time various cases, under various circumstances of utility, necessity, dangers, vexations, and even persecution to be endured by the faithful, have been proposed to this Sacred Congregation by Missionaries and Prelates of the East concerning the communication of Catholics with heretics and schismatics in divine things; and since this Sacred Congregation has constantly and uniformly replied: *It is not lawful*; the hope had been conceived that the Missionaries of the East would sufficiently and easily understand that some cases could indeed be devised

speculatively in which it would be lawful to tolerate some communication in divine things, but that in practice, with all the circumstances of the fact considered, cases can be found only with the greatest difficulty in which that communication is lawful; and that it is even morally impossible that another general rule be prescribed, accommodated to every kind of men, every region, and every time, than that which was given by this Sacred Congregation to the repeated questions of the Missionaries of the East in the Instruction issued in the year 1719; namely, resting upon this doctrinal principle: that communication in divine things with heretics and schismatics is regularly to be held illicit in practice, either because of danger of perversion in the Catholic faith, or because of danger of participation in a heretical and schismatic rite, or finally because of danger and occasion of scandal. These circumstances indeed, just as they are regularly connected in practice with communication in divine things with heretics, are also universally forbidden by natural and divine law, in which there is neither any power that can dispense nor any connivance that can excuse; so that no place has been left for devising and proposing new doubts. Hence in that Instruction it was expressly prescribed: *Missionaries are to be instructed that they must wholly abstain from acts expressive of a false sect, from communication in a schismatic and heretical rite, from danger of perversion, and from occasion of scandal*….

"Therefore let it be dear to the heart of each Prelate, Missionary, or director of souls to teach and stir up the faithful to avoid these dangers, which they regularly undergo, either all or some, in communication in divine things with the heretics and schismatics of the East. For although these still for the most part preserve the substance and validity of the sacraments, nevertheless they do not allow Catholics outwardly to exhibit those signs of disapproval and separation which they ought; from which it comes about that that outward conformity in the same worship, and reverence toward the pseudo-ministers of the liturgy, cannot free any Catholic, however firm in faith and abhorring the heretical or schismatic rites by which their worship is infected, from the danger of scandal.

"This is confirmed the more also from the fact that scarcely any rite exists among the heterodox which is not stained by some error in the matter of faith. For in their churches either the dedication is in memory of some schismatic whom they venerate as a saint, or images are present, or relics are honored, or feasts are celebrated of those who died in schism and are commonly held as saints, or finally commemoration is made of living schismatic and heretical Patriarchs and Bishops, who are commended as preachers of the Catholic faith. Therefore, all Catholics who come together in that celebration of rite and prayer and worship, in these circumstances of fact, cannot be purged of the guilt of perverse communication, or at least of pernicious scandal. Nor does the pretext of merely material assistance excuse them; for it is excluded by the fact itself, whereby those who are present at these functions of heretics or schismatics sufficiently show themselves to agree with them in unity of prayer, in unity of worship, in unity of veneration, and in obedience toward the perverse ministers of heresy and schism.

"This is also made clear from the fact that the Orientals themselves daily see with their eyes, hear with their ears, and confess with their mouth that no sectarian hardened in schism comes, is present, or gathers in the churches of Catholics, whether to hear Mass or to receive the sacraments, for this reason, namely, that, blaspheming the assemblies of the faithful as though of a perverse communion, they judge this intercourse pernicious and illicit, and the rite damnable. But when they see Catholics come to their churches, be present at their rites, and partake of their sacraments, must it not be

believed, or at least feared, that from this very fact they are more confirmed in their errors, and also by this example persuade themselves that they walk on the right path of salvation? From this it follows that the danger of pernicious scandal to the schismatics and heretics themselves can be avoided only with the greatest difficulty; and therefore a Catholic is not safe in conscience if he communicates with them in divine things in this kind of case…." Instruction of the S. C. de P. F., 1729; C. n. 1811; *A. S. S.*, vol. 27, p. 449 ff. [The text above says that the Instruction was issued in 1719; this citation prints 1729.]

"Communication in divine things with heretics cannot and ought not so easily and so generally to be pronounced forbidden by law in absolutely every circumstance. This is evident in marriages entered into between a Catholic and a heretic; the same is demonstrated by those Pontifical Constitutions through which heretics were invited to the Council of Trent with a guarantee of safe-conduct. And finally, it is worthy of notice that Catholic priests are commanded not to cease from divine services if even notorious heretics come to the churches; from which passive communication in divine things is recognized as permitted, contrary to the opinion of Fagnanus, who erred in this." Holy Office, 24 Feb. 1752; *A. S. S.*, vol. 27, p. 449 ff.; C. 1814.

"Communication with heretics can be either in reprobated doctrine or in rites or other signs expressive of a false sect, with scandal of the faithful; for this reason communication with them is forbidden by the Church, lest the faith be understood either to be lost or endangered. Hence St. John the Evangelist commands so severely: *If anyone comes to you and does not bring this doctrine, do not receive him into the house, nor say to him, Hail; for he who says Hail to him communicates in his evil works* (2 John 10). From these words it is inferred most evidently that whatever expresses such a *Hail* will be prohibited, such as liturgical actions which were instituted to signify ecclesiastical unity. Wherefore we read that it was ordained by the Fathers of the Council of Carthage: *With heretics one must neither pray nor sing psalms*, as Benedict XIV relates (*On the Diocesan Synod*, bk. 6, c. 5). It is therefore illicit at sacred functions to invite heretics into the choir, to sing psalms alternately, to give them the peace, sacred ashes, blessed candles and palms, and other external acts of worship of this kind, which are rightly and deservedly regarded as indications of an interior bond and agreement, both in the active sense, namely, by giving similar things to them, and in the passive sense, by receiving them from them in their sacred rites. For in either hypothesis it would be the same as to say *Hail* to them and to communicate in their evil works. But certain things are now proposed which of themselves, as they are set forth meagerly and simply, do not seem to display communication in sacred things. For the things objected concerning witnesses at marriages and concerning persons swearing in our churches declare no forbidden cooperation on the part of Catholics. For those are called witnesses who merely stand beside the betrothed party, doing or saying nothing that is judged to carry a sign of forbidden participation; and thus, if in this material presence no scandal is to be feared, there will be no reason for the Missionary's mind to waver in uncertainty. Much less ought he to be troubled if, with no Catholic inviting or cooperating, heretics enter our churches, which are open to anyone, in order to pronounce their oaths. What is it to us if the entire action of the heretics is removed from the cooperation of the faithful? "Finally, as regards funerals, let the Missionaries know that response was already made on Thursday, 20 May 1755, that heretics or schismatics are to be tolerated insofar as they exhibit a merely material presence for the sake of civil honor toward the deceased, without involving themselves in Catholic prayers and rites. For in this there is no participation in sacred things, properly so called, on the part of Catholics; and this being excluded, in the other matters let

them conduct themselves according to the tenor of the Constitution *Ad evitanda* of Martin V." Instruction of the Sacred Congregation of the Holy Office, 8 June 1859.

Instruction of the Cardinal Vicar for the Parish Priests of Rome

"…1. All those incur excommunication reserved to the Pontiff among the most special cases who, even without the will of adhering to heresy and only for the sake of human respect, give their names to sects of heretics, of whatever denomination.

"2. *A fortiori*, they incur the same penalty who are present at non-Catholic functions, or *services*, as it is commonly said, or hear someone preaching with the intention of giving themselves over to him insofar as, as they impiously say, they can be persuaded by him.

"3. Thus also they incur the same excommunication who, having become promoters of another's spiritual ruin, induce in any way and see to it that others go or come to the halls or churches of heretics to hear conferences.

"4. Finally, all those are overwhelmed by the same penalty who publish in print invitations to the aforesaid conferences and their themes, because of the favor which by such action they furnish to the propagation or confirmation of heresy.

"But it is most strictly forbidden, through mere curiosity and knowingly, to enter the halls and churches of Protestants at the time of conferences; and all gravely sin who through mere curiosity listen to the conferences of Protestants and assist, even materially, at non-Catholic ceremonies; and all craftsmen who, even for the sole reason of profit, sing or play instruments in the churches of Protestants; and printers, even subordinate workers, who, lest they be dismissed by their superiors, set type for printing books of heretics. Indeed, if there is question of books of heretics by which heresy is taught and sustained, even subordinate printing workers incur the major excommunication reserved in a special manner to the Pontiff.

"Nor are architects, contractors, and master builders excused from mortal sin who contribute their own labor and work to erect some church of Protestants. As regards other builders and lower workers, they can be excused from sin, provided scandal is absent from their deed and the work is not done in contempt of the Catholic religion. But parish priests and confessors shall devote diligent labor to admonishing people of this kind that it is necessary to abstain from such material work insofar as the work is commonly held as an indication professing a false religion; and insofar as the same work displays something which alone and directly signifies either the reprobation of Catholic worship or the approbation of reprobated heretical worship; or when it is certain that the same persons are forced or called by heretics to labor in contempt of the Catholic religion; and that in no case is the intention of cooperating with heretical worship lawful.

"Finally, fathers and mothers become guilty all the more of a most enormous sin when, truly cruel to the souls of their children, they send them to Protestant schools, and still worse if they compel them to go. It is evident that parents of this kind are to be reproved and detested in their crime, that their amendment is to be sought by every possible means, and that sometimes they are to be kept far from the sacraments as incapable and unworthy until they have withdrawn their children from schools of this kind.

"The children also, with the matter considered in itself, certainly become guilty of grave fault by attending such schools. But in a case of true compulsion, the confessor, after weighing the circumstances of the person and the fact, shall act toward them according to the rules proposed by approved authors for cases of this kind…." Rome, from the Vicariate, 12 July 1878; 28 Sept. 1884. Cf. *A. S. S.*, vol. 11, p. 168 ff.; vol. 17, p. 164 ff.

On Schismatic Girls Being Educated with Catholics

"The House of the Religious of the Sacred Heart of Our Lord Jesus Christ was founded at Leopolis in the year 1844, and for fourteen years schismatic girls from Moldavia, together with Catholics, have been educated there not only in profane sciences but also in the Catholic religion, since their schismatic parents expressly requested and request this. The proportion between the number of Catholic and schismatic girls has not always been the same; but now for five years the schismatics have constituted about one-third of all the pupils of that house. Besides Catholic instruction, the aforesaid schismatic girls also have in common with the Catholics pious reading and common spiritual exercises, and together with them they assist daily at the sacrifice of the Mass. All also prayed in common, but I arranged beforehand that the Catholic girls pray separately in Polish and the schismatics in French. According to the request of the schismatic parents, some girls, under the supervision of a trustworthy person, are led once or twice a year to a schismatic church in order to receive the sacraments according to their own confession, while others abstain from receiving them. This practice in the Institute of the Sisters of the Sacred Heart was not indeed approved by the local Ordinaries, because the Religious never submitted an official report concerning it to the Ordinariate; but nevertheless it came privately to the knowledge of the local Ordinaries, who tolerated it," etc.

"Resp. It can be tolerated that schismatic girls be admitted into the school which the Sisters called after the Most Sacred Heart of Our Lord Jesus Christ direct at Leopolis, provided that they show a good disposition and are instructed according to the things set forth, but nevertheless are not obliged to assist at the sacrifice of the Mass or other ecclesiastical functions; rather, let this be left to their choice. It is indeed forbidden that they ever hold disputes with the Catholic girls concerning matters pertaining to religion; that they go to a schismatic church to receive sacraments from schismatic ministers—but if in some case this cannot in any way be prevented, let the Sisters conduct themselves passively; and it is likewise forbidden that the girls be visited by friends and relatives, except parents and guardians, without the permission of the Ordinary. Concerning all these things their parents or guardians are to be instructed clearly and explicitly, and are to consent to them before the girls themselves are admitted to the school. And let this be written to the Right Reverend Lord Latin Archbishop of Leopolis, with the admonition that he take care for the execution of all these things and for the spiritual good of the girls as far as can be done, even after their departure from the school; and let the Sisters be instructed that, if any girl seeks to be converted to the Catholic faith, the matter is to be referred to the Archbishop himself, who will provide prudently according to the circumstances of the case; and let him diligently take care that from the admission of schismatics no danger, even the least, of perversion or indifferentism be present for the Catholic girls." Sacred Congregation of the Holy Office, 11 June 1866. — From this decision it can be concluded what the mind of the Sacred Congregation of the Holy Office is, and what cautions were prescribed by it in this matter. Nevertheless, the reported decree cannot be held as a general rule to be applied to every other

mixed boarding school, because of the diverse circumstances of each particular case. Instruction of the S. C. de P. F., 25 April 1868; C. n. 1679; *A. S. S.*, vol. 32, p. 560 ff.; *M. E.*, vol. 12, p. 289.

"…Finally, it will be useful to add that the aforementioned Sacred Congregation of Propaganda, in the general meeting of 31 Aug. 1863, while examining the rules of the Institute of the Sisters of Our Lady of Sion established in France and speaking about the young boarders in the corresponding educational establishment, decided that response should be made to the founder 'that it is the intention of the Sacred Congregation that, as a general rule, none but Catholic girls be admitted into schools for boarders. But if for a grave reason it should be necessary to receive girls of other confessions, who are nevertheless to be educated in a Catholic manner, the diocesan Bishop is to be informed of this, so that in concert with the Superior they may establish with all diligence the rules necessary to avoid every danger of seduction or perversion; among these rules it is not to be omitted to prescribe that, during the visits which the aforesaid girls receive from their parents, a Sister must always be present.'" Instruction of the S. C. de P. F., 25 April 1868.

A certain Superioress admitted three Protestant girls into a semi-boarding school, their parents willing and consenting that they be instructed in the catechism together with the Catholic girls and be present at sacred functions. She asked the Holy Office: 1. Whether she could retain them. 2. What was to be done in a similar case in the future. — Resp. "The three pupils already received can be tolerated, provided that every danger of perversion of the Catholic pupils is absent, concerning which the Directresses are to keep diligent watch. As regards other resident pupils, in the negative. For day pupils, let them have recourse in individual cases, the daughters of apostates always being excepted." Holy Office, 6 Dec. 1899.

Heretics as Members of Pious Associations

"Whether anything should be noted concerning the plan of the Bishops of the United States of America to admit non-Catholics as honorary members into the Societies of St. Vincent de Paul. — Resp. Nothing indeed prevents spontaneous alms from being received even from non-Catholics; but it is altogether inexpedient that those same persons be enrolled among the honorary members." S. C. de P. F., 19 Sept. 1867.

Catholics Swearing Before a Schismatic Priest

"Whether Catholics are permitted to take an oath into the hands of a Greek priest—a schismatic—because of an obligation imposed by the government, when it is given in such a manner that the judge alone imposes it, and the Greek priest, without a stole and without lighted candles before the Crucifix, and without dictating it in the least, remains silent; and nothing is required but his sole and bare presence, while the witness pronounces it himself, placing his hand upon the Gospel. — Resp. Insofar as the schismatic minister assists at the oath of Catholics with a merely passive and political presence, without a stole and other signs of ministry, or as one not devoted to sacred rites, those swearing in this manner do not sin." Holy Office, 1 April 1857.

On Public Disputation with a Heretic

"Public disputations are not to be held with heretics, because for the most part, either because of talkativeness or boldness or the circumstances of an applauding people, truth is oppressed while

falsehood prevails; and if at some time disputations of this kind cannot be refused, first the Sacred Congregation is to be informed of them, which, according to the condition of the time and persons, will prescribe what is to be done." S. C. de P. F., 8 March 1625; 27 May 1644; 18 Dec. 1662; Holy Office, 19 Jan. 1644; S. C. C., 6 March 1625. Cf. c. *Quicumque* 2, § 1, *De Haeret.*, in the *Sext*.

Building the Churches of Heretics

"Whether it is permitted to build the churches or synagogues of heretics. — Resp. They are not to be disquieted, provided that scandal is not present and it is not done in contempt of religion. But let the Bishop take care that, through Missionaries and confessors, the craftsmen be opportunely instructed when they ought to abstain from giving their own labor in building churches or synagogues. Namely, they are bound to abstain from the work: 1. where work of this kind is commonly held as a sign expressive of a false religion; 2. or where something is contained in the work itself which directly and uniquely of itself expresses reprobation of Catholic worship and approbation of the condemned worship of heretics; 3. or where it is known that Catholic craftsmen are driven to the work or called by heretics in contempt of the Catholic religion. — Moreover, although outside these cases they are to be left in good faith, nevertheless they must always be admonished not to intend to cooperate with the worship of heretics." Holy Office, 14 Jan. 1818; 7 July 1864. Cf. the preceding Instruction of the Cardinal Vicar.

"Whether it is lawful for Catholics to contribute money for building a heretical church. — In the affirmative, but only in order to free themselves and their own churches from that inconvenient and scandalous simultaneity with Protestants." Sacred Penitentiary, 1822.

On Catholics' Access to the Churches of Heretics

Cf. n. 365.

On Preaching in a Church of Heretics

"Whether Catholic Missionaries and priests, when asked by schismatics, can preach in the churches of the latter. — Resp. Either they are invited for the purpose that Catholic truth be preached there without restriction, and even against the errors of those same schismatics, and then in the affirmative; or only that a sermon be made concerning virtues and vices which commonly both Catholics and schismatics ought to embrace and avoid, and then in the negative." S. C. de P. F., 1674.

On the Access of Schismatics to Catholic Churches

"Whether Greek schismatics can visit Catholic churches and there assist only materially at their sacred rites and divine services. — Resp. The access of non-united Greeks to Catholic churches can be permitted, provided that the sacraments are not administered to them, that they do not in any manner communicate in divine things, and that they have not been invited to come in this manner." Holy Office, 22 Sept. 1763.

It is lawful for Latins to celebrate Mass in the presence of Greek schismatics and to continue it when they arrive. Holy Office, 25 Nov. 1665.

Heretics Assisting at and Serving in the Sacred Functions of Catholics

"1. Whether it is lawful to offer torches or lighted lamps to any heterodox person who wishes to assist at our functions. — 2. Whether it can be permitted that the children of schismatic parents exercise the office of servers in the celebration of the divine mysteries. — Resp. To the 1st: in the negative and according to the intention. The intention is that, if, in view of the particular circumstances, only the heterodox persons cannot be excluded from such a ceremony, let the Catholic laity also be excluded. To the 2nd: it cannot be permitted." Holy Office, 20 Nov. 1850.

"I implore, by way of exception, the faculty of permitting certain schismatics and heretics, and possibly even Israelites, especially boys and girls who frequent our congregational schools, to sing in our churches and oratories…. This is most useful…. Besides, there does not seem to be any danger…. In the East this custom is very widespread…. — Resp. Let the Apostolic Vicar insist that the abuses in question be removed as quickly and efficaciously as possible; and in the meantime let him take care that Catholic boys are accurately taught the liturgical chants."

"Can heretics be permitted to sing in our churches and to assist at the altar to serve Mass? — Resp. To both parts: in the negative." Holy Office, 7 July 1864.

Baptism to Be Administered by Heretics

"Whether Catholics in Holland are permitted to offer their offspring to be baptized by a heretical minister, lest they be compelled to pay a fine of 25 florins. — Resp. It is not lawful." Holy Office, 26 Sept. 1868.

"A Catholic wife privately takes care that her infant be baptized by her parish priest; this infant is afterwards baptized in a church by a heretical minister, the parents consenting to it in order to avoid a grave pecuniary fine, for perhaps on a single occasion the whole small substance which they have would be taken away. Do the parents who thus consent sin, and by what sin? — Resp. It is not lawful, and the consenting parents sin mortally; therefore they are to be warned." Holy Office, 29 Nov. 1672.

Catholics and Heretics as Sponsors

"It is regularly not lawful for Catholics to be present at the sermons, baptisms, or marriages of heretics or schismatics. But absolutely it is not lawful, either by oneself or through others, to perform the office of sponsor in Baptisms which are administered by heretics to the children of heretics." Holy Office, 10 May 1770.

"With regard to the abuse of admitting heretics as sponsors in the sacrament of Baptism, the Sacred Congregation ordered that the decree of the Council of Trent, sess. 24, *De Ref.*, be recalled to the memory of all Apostolic Vicars." S. C. de P. F., 8 Sept. 1869; *A. S. S.*, vol. 27, p. 574.

"In the conferral of the sacraments of Baptism and Confirmation, heretics or schismatics cannot licitly perform the office of sponsor, either personally or through a Catholic proxy, either alone or with Catholics; nor is it lawful for Catholics to perform the same office in the same sacraments administered according to a non-Catholic rite. For thus this Apostolic See has constantly held. Wherefore it will be your duty, laboring especially through parish priests, to see that abuses

prevailing there concerning this matter are amended diligently as well as prudently, gradually and imperceptibly, as you now hope." Holy Office, 1871.

Catholics and Heretics with Regard to the Eucharist

"Whether Catholics are permitted to adore the Most Holy Sacrament which they encounter in the streets when the schismatic parish priest carries it to the sick as Viaticum or in another manner. — Resp. Not only is it lawful, but one must adore the Most Holy Sacrament; Catholics, however, must abstain from accompanying it." S. C. de P. F., 15 Dec. 1764.

Hearing the Masses of Schismatics

"Let the Bishop of Trebinje command the Catholics subject to him not to go to Masses and other divine offices in the churches of schismatics, and let him warn them that, in the absence of a Catholic Mass, they are not bound by the precept of hearing Mass." Holy Office, 5 Dec. 1668.

"Whether the decree by which Catholics are forbidden to assist at the Masses of schismatics and their prayers is understood also for places in which Catholic priests are not found, and concerning prayers in which there is nothing against the Catholic faith and rite. — Resp. His Holiness judged: in the affirmative." Holy Office, 7 Aug. 1704.

Catholics Celebrating in the Churches of Heretics

"The Sacred Congregation judged that Missionaries ought not celebrate divine things in churches in which heretics at the same time have their profane and sacrilegious exercises. But so that satisfaction may be made for Catholics, the sacred rite is to be performed upon portable altars placed in private homes." S. C. de P. F., 27 May 1627.

"The Sacred Congregation ordered that it be written to the Archbishop of Zara that he should provide that, in the church of St. John of Cartola, Diocese of Cattaro, Catholics not celebrate divine things with Greek schismatics; for although they use different altars, nevertheless, because of the identity of the church, it is to communicate with schismatics in divine things." S. C. de P. F., 13 Aug. 1627.

"With regard to celebrating Mass in the same church with heretics, even when it is divided by an intervening wall, the Sacred Congregation judged that Father Ignatius, Missionary in Rhaetia, and his companions are to be commanded not to do this at all, but to use a portable altar, whenever it shall be necessary to celebrate, according to the privileges granted to the missions." S. C. de P. F., 13 Feb. 1629.

"Whether the practice which the Catholic parish priests of the fortress of Lastua have of celebrating the sacrifice of Holy Mass in Catholic churches usurped and officiated by Greek schismatics, or even in those which belong purely to the schismatics themselves, is to be tolerated. — Resp. It is to be held as a universally accepted and observed rule that Catholics are not permitted to communicate in divine things with heretics and schismatics. But in certain particular cases this rule admits some exceptions, namely, if in the same church there are separate chapels and altars, of which some serve Catholics alone and others schismatics; or if parts of the same church are separated, and in one only Catholics celebrate, and in the other only schismatics. Then the shared use of the church can be

tolerated. But insofar as these things are lacking, the Right Reverend Lord Archbishop can command the parish priests of his diocese to use portable altars according to the faculties imparted to them in the Formula, which His Holiness intends to give and renew again." Holy Office, 1 Dec. 1757.

"Our Most Holy Lord Clement XI, Pope by divine Providence, … for more easily promoting the conversion of schismatics and unbelievers and for attracting them to embrace the Catholic faith by the sight of the sacred ceremonies, benignly granted to the Father Prefect, or Vice-Prefect, of the Missionaries for the time being in Ethiopia, that according to their judgment and conscience they can dispense with those same Missionaries and grant them the faculty of celebrating the most holy sacrifice of the Mass in the Catholic Roman rite upon an altar in the churches of heretics or schismatics in Ethiopia; in such a way that the same altars serve only as bare tables and are arranged in the manner of Catholics with a consecrated stone, cloths, an image of the Most Holy Crucified One, candlesticks, and other necessary furnishings for the use of the most holy sacrifice of the Mass according to the aforesaid rite; never, however, generally, but in particular cases in which other more suitable places are not available, so that there is urgent necessity for more easily promoting the said conversion, and furthermore for the consolation of Catholics, and for other just and most urgent causes to be judged by the same Father Prefect or Vice-Prefect of the Missionaries, concerning which he burdened their conscience." Holy Office, 12 April 1704; C. 1808.

"In the Catholic churches of Rhaetia occupied by heretics, Missionaries can continue their exercises." Holy Office, 13 June 1534.

On the Celebration of Mass by Heretics in Catholic Churches

"Nor is it lawful to permit heretics and schismatics to celebrate in our churches, even if the consecrated stone has first been removed." S. C. de P. F., 16 Sept. 1695.

"Whether it is lawful for Latin Catholics to concede or permit that, in their churches, priests of the Greek rite, schismatics and heretics, celebrate Mass. — Resp. In the negative; especially since they make commemoration of the Patriarch of Constantinople and celebrate the feast of the infamous Palamas. For this is equivalent to consenting to their heretical rites and communicating with them in their sacred rites polluted with schismatic and heretical bran; or at least to providing occasion to Catholics entering Latin churches for communicating with heretics in divine things, or at least for conceiving scandal." Holy Office, 10 May 1753.

On the Application of Mass for Heretics

"…We have received letters by which … you signify that Our most dear son in Christ, the King of Bavaria, in restoring to you the monastery, placed this condition: that the monks in their church would be bound to celebrate a funeral for the King himself when he shall die, and thereafter in perpetuity on anniversary days; and likewise for the Queen his consort and for future Kings or Queens, both at the death of each and on the anniversary days which intervene until the death of the subsequent one. You add, however, beloved son, that you indeed even then foresaw the difficulty easily arising from the fact that the most serene wife of the King is alien from Catholic sacred rites; but nevertheless, from the counsel of a certain prudent man, as you thought, you resolved to accept that condition with this intention: that if thereafter the same Queen should die outside Catholic communion, the sacrifice of the Mass at her funeral and on anniversary days would be offered for the

Catholic royal family universally. But since recently, at the death likewise of a non-Catholic woman, the most serene Queen Dowager, no light dissensions arose throughout the whole kingdom concerning her funeral, you judged it yours to refer to Us concerning that condition and concerning the manner to be observed by you and your monks in that case, and to ask Our judgment. We therefore, insisting on the rules of the most holy Church, respond that that intention of offering the divine sacrifice or other prayers for all the departed of the Catholic royal family is by no means sufficient to render honorable, under the cause of a public funeral, that which was requested by name for a non-Catholic person and is celebrated at that person's death or on the anniversary day. And hence We Ourselves, although We cherish you, beloved son, and your monks with paternal charity, nevertheless shall not approve and confirm those things which pertain to that monastery and its affairs before that condition, incautiously undertaken by you, is restricted to the funerals of Catholic princes alone. For We cannot permit that in any way fraud be committed against that prohibition, which rests upon Catholic doctrine itself, concerning a sacred funeral not to be celebrated for departed non-Catholics. Act therefore, beloved son; expend all your industry and labor so that the most serene King, according to his piety, may wholly assent to this…. Meanwhile, if before the matter has been arranged with His Majesty it should happen—which may God avert—that the most serene Queen departs her final day outside the true Catholic faith, you and your monks need much firmness of soul and prudence, so that you do not in the least violate that most grave prohibition of holy Church, and the pious King may understand that, with the duties of religion preserved, it can by no means happen that you comply with him in that matter…." Brief of Gregory XVI, 9 July 1842, to Rupert Feiss, President of the Monks of Scheyern. Cf. also the Letter *Officium perlibenter* to the Bishop of Augsburg, 13 Feb. 1842. [The source prints "Gregory XIV, 9 July 1482"; corrected here from the identity and date of the cited letter.]

"Whether Mass can or ought to be celebrated and an alms received for a Greek schismatic who earnestly asks and insists that Mass be applied for him, whether he is present in the church or remains outside the church. — Resp. According to the things set forth, it is not lawful, unless it is expressly established that the alms are offered by the schismatic to obtain conversion to the true faith." Holy Office, 19 April 1837. Cf. *On the Eucharist*, n. 610; C. 891.

The Sacrament of Penance with Regard to Catholics and Schismatics

"In no case, not even one of necessity, is it lawful for a Catholic to confess his sins and obtain absolution from a schismatic priest." S. C. de P. F., 17 Feb. 1761.

"In danger of death, when a Catholic priest is lacking, can absolution be sought from a schismatic priest? — Resp. It is lawful, provided, however, that scandal is not afforded to the other faithful, that there is no other Catholic priest, that there is no danger that the faithful person be perverted by the heretic, and, finally, that the heretical priest will probably administer this sacrament according to the rites of the Church." Holy Office, 7 July 1864.

"Whether Latin confessors or priests are permitted to administer the sacrament of Penance to Greek Catholics communicating in divine things with Greek schismatics. — Resp. It is not lawful outside the case of extreme necessity. For fuller instruction, it ordered that what Benedict XIV taught in *On the Diocesan Synod*, bk. 6, c. 5, be transcribed." Holy Office, 10 May 1753.

"1. Whether material schismatics who are in good faith can sometimes be absolved. — 2. Whether it can at least tacitly be conceded to them that they sometimes receive the sacraments in their own churches and assist at sacred functions. — Resp. To the 1st: since scandal cannot be avoided, in the negative, except at the point of death, and then with scandal efficaciously removed. — To the 2nd: in the negative." Holy Office, 20 July 1898.

"Can the help of the sacraments be procured for heretics in danger of death by calling for this purpose a priest of their own belief? — Resp. It is not lawful." Holy Office, 7 July 1864.

"N. sets forth that in the city M. there exists a hospital of which he himself is rector and chaplain, and in which nuns take care of the sick. But since adherents of a non-Catholic religion are sometimes received in this hospital, and those same persons repeatedly ask for a heretical minister from whom they may receive religious helps and consolations, it is asked whether it is lawful for the aforesaid nuns to call a minister of a false religion; furthermore, whether the same solution is to be given when a sick heretic lives in the private home of some Catholic, namely, whether then the Catholic can lawfully call a heretical minister. — Resp. It is not lawful; but let them conduct themselves passively." Holy Office, 14 March 1848. *Let them conduct themselves passively*; namely: "It would not be lawful for the nuns or other Catholic persons assigned to the direction or service of the hospital to comply directly with the requests of non-Catholic sick persons as regards calling one of their ministers, which it is well that they declare should the occasion arise; but at the same time, for making the call, they can employ some person belonging to their respective sect. In this manner the principle concerning forbidden communication in divine things remains safe." Holy Office, 31 Jan. 1872; 14 Dec. 1898.

Receiving Orders from Schismatics

"Because some minister is needed for the service of the churches of the Catholic Armenians both in Isfahan and in Julfa, and because there are no Catholic Armenian Bishops, men are sent to be ordained and to receive sacred Orders from one of the schismatic and heretical Bishops. — Resp. It is in no way lawful; and those ordained by Bishops of this kind are irregular and suspended from the exercise of their Orders." Holy Office, 21 Nov. 1709.

Marriage with Regard to Catholics and Heretics

"1. Whether heretics, schismatics, and unbelievers can be invited to assist at the nuptials of Catholics, or even at mixed nuptials which are licitly contracted. — 2. Can Catholics be present in any manner at the nuptials of heretics, schismatics, and unbelievers, or even at those nuptials which are illicitly contracted between a Catholic party and another party devoted to the aforesaid sects, whether the nuptials become valid or are invalid? — Resp. To the 1st: it can be tolerated when a reasonable cause is present, provided that no communication in sacred things intervenes and scandal is not to be feared. — To the 2nd: as a rule, in the negative; nevertheless, it can be tolerated that Catholics be present at nuptials of this kind solely for the sake of civil duty, scandal, every danger of perversion, and contempt of ecclesiastical authority being removed." Sacred Congregation of the Holy Office, 14 Jan. 1874.

"Can a Catholic permit a heretic or schismatic to contract marriage in his own house—the Greeks for the most part conducting marriages in a house, to which their priest comes? — Resp. According to

the things set forth, it is not to be permitted." Holy Office, 7 July 1864.

"Whether it is lawful for a Catholic priest to conduct himself as a civil minister in the celebration of marriages of Protestants. — Resp. This is lawful; for in this case the priest is as an authorized witness." S. C. de P. F., 27 Dec.

Catholics and Heretics with Regard to Funerals

"Whether it is lawful to be present at the funerals and burial of heretics. — Resp. It is lawful whenever there is question of material assistance furnished for the sake of civil duty, from which Catholics cannot exempt themselves without grave harm or danger, provided that they in no manner communicate in their rites and any sacred ceremonies.

"But lest a dangerous custom of assisting at the funerals and burial of heretics be rashly permitted in practice, let the Bishop examine and seriously consider whether it can easily be removed without hatreds and enmities thereby arising between heretics and Catholics, from which some grave harm to Catholics is to be feared. But if it cannot be removed peacefully, Catholics are to be diligently instructed concerning the conditions under which it is permitted in any circumstances. — Namely, it is permitted, as has been said: 1. that there be only a material presence furnished for the sake of civil duty, and therefore on the condition that Catholics intend to perform no act of religion or of religious worship and rite. — 2. It is permitted in a case in which they cannot exempt themselves from it without grave harm or danger; this circumstance is not present where someone, knowing that no harm or danger otherwise threatens him, should be present by his own pleasure and choice, bound by no due civil duty. — 3. Finally, it is permitted on the condition that they in no manner communicate in sacred things with heretics; therefore they must neither pray together, nor involve themselves in their rites, nor carry lights, nor discharge suffrages for the soul of the deceased." Holy Office, 13 Jan. 1818; C. 1833, 1845.

"A parish priest, as a parish priest, cannot be present at the funerals of non-Catholics; but if he assists only civilly, without sacred vestments and without any communication with heretics in a sacred rite, it can be tolerated, provided that the bond of kinship or friendship between the parish priest and the deceased non-Catholic is publicly known." Holy Office, 30 March 1859; C. 1852.

"Always and as a rule, attendance remains forbidden at the merely civil funerals of those who are commonly called freethinkers, at which, for ostentation and in contempt of religion, the attendance of priests or ministers of worship is deliberately excluded." S. C. de P. F., 3 May 1876.

"Insofar as schismatics accompanying the funerals of Catholics exhibit a merely material presence for the sake of civil honor toward the deceased, without involving themselves in the Catholic prayers and rites by which it is customary to conduct funerals and lead the departed to the sepulcher, it can be tolerated; but insofar as they employ their own rites in that function or involve themselves in ours, it is not lawful and is not to be permitted." Holy Office, 10 May 1753; C. 1816.

"Whether non-Catholics, by reason of the bond of consanguinity or marriage, can licitly be interred in the ancestral tomb of Catholic families. — Resp. It can be tolerated." Holy Office, 30 March 1859; 25 April 1860. Namely: "Let Bishops take care with all their strength that all things be done according to the norm of the sacred canons; but insofar as this cannot be obtained without scandal and danger, it can be tolerated." Holy Office, 30 March 1859.

On the Oath to Be Taken by Missionaries

Cf. the Constitution *Ex quo singulari* of Benedict XIV, 11 July 1742, concerning the Chinese rites, and the Constitution *Omnium sollicitudinum* of the same Benedict XIV, 12 Sept. 1744, concerning the Malabar rites. The two aforesaid Constitutions are not disciplinary but doctrinal. Holy Office, 5 Aug. 1891; Letter of Cardinal Monaco, Secretary, 17 Sept. 1891.

"Whether Missionaries, questioned by a tyrant whether they wish to remain in his kingdom, having given their pledge that they will not promulgate the evangelical law, can licitly agree, promise, and accept such a condition. — Resp. They cannot promise this." Holy Office, 1674.

On Cooperation in General with Superstitious Rites

"In relation to cooperation with superstitious rites, this rule is to be held. If the cooperation has been part of the superstitious rite, then it is to be judged formal, intrinsically evil, and can never be done licitly. On the contrary, it is to be judged material if it was not part of the superstitious rite. Some grave harm which would arise to the cooperator if he wished to abstain from this material cooperation will make it lawful, even if scandal is present—what is called scandal of the little ones by theologians—because by the law of charity no one is bound to remove that scandal with grave harm to himself." S. C. de P. F., 2 July 1827.

"All direct cooperation of Christians with superstitious things is forbidden, and those acts are furthermore prohibited which, according to the common estimation of the people, are referred to worship being exhibited to idols. Nor can acts of this kind be excused because of the intention of the one acting or ministering, on the ground that they direct their mind not toward the superstitious worship of idols but toward some other indifferent service; for the private intention of the one acting does not avail to cleanse from guilt an act which among unbelievers is regarded as directed toward superstitious worship. Likewise, the fact that Christians concur in superstitious things only by slight labor and by remote ministry cannot furnish a sufficiently suitable excuse. For whatever the labor may be that is expended directly for superstitious things, and whatever ministry, however remote, is furnished for worship being exhibited to idols, if in the common estimation it cannot be referred to an indifferent cause, is always illicit and vicious." S. C. de P. F., 5 April 1785; C. 1713.

On Building the Temples of Unbelievers

"Can Christians be permitted to construct temples or altars of idols, or to fashion the idols themselves, in order to avoid exile or deprivation of goods? — Resp. It is not lawful to cooperate in building temples or altars of idols, or to fashion their statues." S. C. de P. F., 7 Dec. 1626.

"In no way is it lawful for Catholic Christians, nor can it be permitted or tolerated for any cause or motive, that they devote their labor to building, restoring, and sweeping temples of a false deity, or temples dedicated to the authors of false sects, or to cleaning their walls and pavements, cleaning altars, and opening and closing doors." Holy Office, 1669.

"There are Christian communities which have already been compelled by the Mandarins to erect a public shrine for idols. Moreover, while the most cruel tyrant who governs this most wretched kingdom remains, it will be most difficult to destroy these public shrines…. I ask whether, with the above-mentioned things considered, the Christian communities which have erected shrines of this

kind can truly be judged immune from superstitions, provided that they perform no acts of superstition in those shrines…. — Resp. Deferred; and inquiry is to be made of the Apostolic Vicar whether the erection of the shrine is held as an act expressive of a false religion." S. C. de P. F., 10 Aug. 1841. But on 8 Jan. 1851 the same Sacred Congregation, having received an affirmative response from the Apostolic Vicar, wrote back: "It is not lawful for Christians to build temples for idols or to cooperate in their construction; and let the Decree for Japan of 7 Dec. 1626 be given, namely: *Japanese faithful cannot, in order to avoid danger of death or exile, build altars or idols or cooperate in their construction*." Holy Office, 8 Jan. 1851. Cf. T. A. Gallo, *Suppet. Evang. Praecon.*, etc., Rome, 1872, vol. 1, p. 197 ff., 251 ff.; C. 1697. [The source prints "8 Jan. 1821" in the transitional sentence but "8 Jan. 1851" in the cited response; corrected here to 1851.]

"Christians, servants of Turkish masters, are employed to construct mosques, to repair their walls, and to whitewash the walls. The Apostolic Vicar asked whether such acts are lawful. Considering the motives, causes, and circumstances set forth by the Apostolic Vicar, showing the miserable servants placed in the hard necessity of performing such labors, their good faith, invincible difficulties, the further danger of the expulsion of Missionaries and the prohibition of the ministers of religion from instructing Christian servants and administering its sacraments, it was resolved in these Congregations that, if the Christian servants were not compelled by the Turks to these labors out of hatred for our religion or in contempt of it—in which case they ought rather to sustain death—the Apostolic Vicar ought to leave them in the good faith in which they are, provided that they do not have the intention of cooperating with superstition." S. C. de P. F., 31 Aug. and 14 Sept. 1780; C. 1734.

Whether Catholics May Contribute Money for Building a Temple of Unbelievers

"It is the custom in the Kingdom of Tonkin that the whole community must concur in the building of a temple of idols and in other superstitious things, as also in other public works, by contributing money or other things. But if anyone refuses, the community will inviolably take from his goods much more than that sum fixed for him, or will impose on him a much more grave fine, or even will accuse him before the magistrates, with danger for the Christian faithful of denying the faith, of prison, and of other grave harms. It is asked: 1. Whether this is lawful. — 2. Whether at least it is lawful after a protestation has been made, by which the faithful person declares that he contributes only in order to avoid the grave harm threatening him, etc. … — 4. Whether it is lawful for the faithful, when they are compelled to cook foods or contribute rice for the sustenance of the workers, to do these things. — Resp. To the 1st, 2nd, and 4th: it is not lawful, whether a protestation has or has not been made." Holy Office, 5 Sept. 1736; 5 April 1785; 5 July 1854; C. 1700, 1714, 1751. Cf. Gallo, loc. cit., p. 215 ff.

In other cases the Christian faithful were compelled by grave penalties in mission places to contribute money for superstitious acts and for public festivity. The Sacred Congregation, having been questioned concerning lawfulness, responded: "Chinese Christians can contribute money, provided that through contributions of this kind they do not intend to concur in idolatrous and superstitious acts, with the cause supposed which is narrated in the doubt; especially if, should it conveniently be possible, a protestation has first been made that they furnish the imposed taxes only in relation to the joy of the people and to indifferent acts, or at least to acts not repugnant to the

worship of the Christian religion." S. C. de P. F., 12 Sept. 1645. "Let Christians first make a protestation that they pay the money taxatively as a mere tribute, provided that they do not assist at superstitious rites; and if no one protests against it, they are not to be disquieted." Holy Office, 21 April 1847; C. 1698, 1714, 1742.

On the Application of Masses for Unbelievers

"Whether in that kingdom—China—it will be lawful for Christians to pray and to make sacrifice to Our Lord God for their departed, who depart from this life in their unbelief. — Resp. If they truly die in unbelief, it is wholly not lawful." S. C. de P. F., 12 Sept. 1645.

"Whether it is lawful for priests to celebrate Mass for the intention of Turks and other unbelievers, and to receive from them an alms for the application of Mass. — Resp. In the affirmative, provided that there is no scandal, nothing is added in the Mass, and, as regards the intention, it is established that nothing of evil or error or superstition underlies the unbelievers offering the alms." Holy Office, 12 July 1865.

"The Turks dwelling at Chocim in Moldavia, on the occasion of their goods being lost or taken by theft, send certain offerings to the nearby Friars Minor Conventual, urging through their messenger that by the aid of St. Anthony of Padua, whom the Turks of Kamieniec think to be alive, they may be able to recover their lost goods. Therefore three doubts are proposed: 1. Whether the Friars Minor can receive offerings from Turks. 2. Whether Masses can be celebrated for Turks. 3. Whether they can accept those offerings under the title of alms, for Mass to be celebrated at the altar of St. Anthony according to the need or intention of the offerer. — Resp. In the case of which there is question, it is not lawful." Holy Office, 1779.

On Liberty of Worship

"15. Every man is free to embrace and profess that religion which, led by the light of reason, he shall have thought true. — 16. Men can find the way of eternal salvation in the worship of any religion whatever and can attain eternal salvation. — 17. At least good hope is to be entertained concerning the eternal salvation of all those who in no way dwell in the true Church of Christ. — 18. Protestantism is nothing other than a different form of the same true Christian religion, in which it is given to please God equally as in the Catholic Church. — 77. In this our age, it is no longer expedient that the Catholic religion be held as the sole religion of the State, with all other forms of worship excluded. — 78. Hence in certain regions bearing the Catholic name, it has laudably been provided by law that men immigrating there may have the public exercise of each one's own worship. — 79. For it is false that civil liberty of every form of worship, and likewise the full power attributed to all of openly and publicly manifesting any opinions and thoughts whatsoever, conduces to corrupting more easily the morals and minds of peoples and to propagating the pest of indifferentism." Propositions condemned by Pius IX in the *Syllabus*.

On the Lawfulness and Nature of Hope

"8. God is honored in those men who intend neither things, nor honors, nor utility, nor inward devotion, nor sanctity, nor reward, nor the kingdom of heaven, but have renounced all these things." Proposition of Eckhart condemned by John XXII. Cf. n. 381.

Necessity of Hope

"7. The soul ought not to think either of punishment, or of paradise, or of hell, or of death, or of eternity. — 12. He who has given his free will to God ought to take care for nothing, neither for hell nor for paradise; nor ought he to have a desire for his own perfection, or for virtues, or for his own sanctity, or for his own salvation, the hope of which he ought to purge away." Propositions of Michael de Molinos condemned by Innocent XI. Cf. n. 79.

On Pure Love

"1. There is a habitual state of the love of God which is pure charity and is without any admixture of a motive of self-interest. Neither fear of punishments nor desire of rewards has any further part in it. God is not loved any further because of merit, nor because of perfection, nor because of the happiness to be found in loving. — 2. In the state of the contemplative or unitive life, every interested motive of fear and hope is lost. — 3. What is essential in the direction of a soul is to do nothing other than follow grace step by step with infinite patience and subtlety. One must keep oneself within these limits so that God may be permitted to act, and never lead [a soul] to pure love unless God, through inward anointing, begins to open the heart to this word, which is so hard for souls still attached to themselves, and therefore can scandalize them or cast them into disturbance. — 4. In the state of holy indifference, the soul no longer has voluntary and deliberate desires on account of its own interest, except on those occasions in which it does not faithfully cooperate with all its grace. — 5. In the same state of holy indifference, we will nothing for ourselves, all things for God. We will nothing so that we may be perfect and blessed on account of our own interest; but we will all perfection and beatitude insofar as it pleases God to bring it about that we will these things by the impression of His grace. — 6. In this state of holy indifference, we no longer will salvation as our own salvation, as eternal deliverance, as the reward of our merits, as our greatest interest of all; but we will it with a full will as the glory and good pleasure of God, as a thing which He Himself wills and which He wills us to will for His sake. — 7. Abandonment is nothing other than abnegation, or renunciation of oneself, which Jesus Christ requires of us in the Gospel after we have relinquished all external things. This abnegation of our very selves is only with regard to our own interest…. The extreme trials in which this abnegation or abandonment of oneself ought to be exercised are temptations by which the jealous God wills to purge love, showing it no refuge and no hope with regard to its own interest, even eternal. — 8. All sacrifices which are customarily made by souls most greatly disinterested concerning their eternal beatitude are conditional…. But this sacrifice cannot be absolute in the ordinary state. In one case of extreme trials this sacrifice becomes in some manner absolute. — 9. In extreme trials the soul can be invincibly persuaded, by a reflex persuasion which is not the innermost ground of conscience, that it has been justly reprobated by God. — 10. Then the soul, divided from itself, expires with Christ upon the cross, saying: *My God, my God, why hast Thou forsaken me?* In this involuntary impression of despair it consummates the absolute sacrifice of its own interest with regard to eternity. — 11. In this state the soul loses every hope of its own interest; but it never loses in the higher part, that is, in its direct and intimate acts, perfect hope, which is a disinterested desire for the promises. — 12. The director can then permit this soul simply to acquiesce in the loss of its own interest and in the just condemnation which it believes to have been imposed upon it by God. — 13. The lower part of Christ upon the cross did not communicate its involuntary disturbances to the higher part. — 14. In extreme trials for the purification of love, a

certain separation of the higher part of the soul from the lower takes place…. In this separation the acts of the lower part flow from an altogether blind and involuntary disturbance, for everything that is voluntary and intellectual belongs to the higher part. — 15. Meditation consists of discursive acts which are easily distinguished from one another…. This composition of discursive and reflex acts is the proper exercise of interested love. — 16. There is a state of contemplation so sublime and so perfect that it becomes habitual, so that whenever the soul actually prays, its prayer is contemplative, not discursive. Then it no longer needs to return to meditation and its methodical acts. — 17. Contemplative souls are deprived of a distinct, sensible, and reflex view of Jesus Christ at two different times: first, in the nascent fervor of their contemplation; second, the soul loses the view of Jesus Christ in extreme trials. — 18. In the passive state all the distinct virtues are exercised without thinking that they are virtues. At each moment nothing else is thought than to do what God wills; and jealous love at the same time brings it about that one no longer wills virtue for himself, nor is one ever so endowed with virtue as when he is no longer attached to virtue. — 19. It can be said in this sense that the passive and disinterested soul no longer wills even love itself insofar as it is its perfection and its happiness, but only insofar as it is that which God wills from us. — 20. In confessing, transformed souls ought to detest their sins, condemn themselves, and desire the remission of their sins, not as their own purification and deliverance, but as a thing which God wills, and wills us to will for His glory. — 21. The holy mystics excluded exercises of the virtues from the state of transformed souls. — 22. Even if this doctrine—concerning pure love—were the pure and simple evangelical perfection designated in universal tradition, the ancient pastors did not everywhere propose to the multitude of the just anything except exercises of interested love proportioned to their grace. — 23. Pure love alone itself constitutes the whole interior life; and then it becomes the sole motive of all acts which are deliberate and meritorious." Propositions condemned by Innocent XII, Brief *Cum alias*, 12 March 1699.

On the Nature and Efficacy of Charity

"19. He who loves God in the manner in which reason argues or the intellect comprehends does not love the true God." Proposition of Michael de Molinos condemned by Innocent XI.

"70. A man existing in mortal sin, or under the guilt of eternal damnation, can have true charity; and even perfect charity can subsist with the guilt of eternal damnation." Proposition of Michael Baius condemned by St. Pius V.

The Precept of Charity

Cf. n. 353.

Whether We Are Bound Always to Act from Charity

"53. Charity alone makes [actions Christian] in a Christian manner through relation to God and Jesus Christ. — 54. Charity alone is that which speaks to God; it alone God hears. — 55. God crowns nothing except charity; he who runs from another impulse and another motive runs in vain. — 56. God rewards nothing except charity, since charity alone honors God. — 57. Everything is lacking to the sinner when hope is lacking to him; and there is no hope in God where there is no love of God. —

58. Neither God nor religion is present where charity is not present." Propositions of Paschasius Quesnel condemned by Clement XI.

When the Precept of Charity Urges

"Objective goodness consists in the congruity of the object with rational nature; formal goodness, however, in the conformity of the act with the rule of morals. For this it suffices that a moral act tend interpretatively toward the last end: HENCE MAN IS NOT BOUND TO LOVE EITHER AT THE BEGINNING OR IN THE COURSE OF HIS MORTAL LIFE." Proposition declared and condemned as heretical by Alexander VIII, 24 Aug. 1690.

"5. We do not dare to condemn as sinning mortally one who should elicit an act of love of God only once in his life. — 6. It is probable that the precept of charity toward God does not of itself oblige strictly even once every five years. — 7. It obliges only when we are bound to be justified and have no other way by which we can be justified." Propositions condemned by Innocent XI.

On Charity Toward One's Neighbor

"10. We are not bound to love our neighbor by an internal and formal act. — 11. We can satisfy the precept of loving our neighbor through external acts alone." Propositions condemned by Innocent XI.

On the Desire for the Temporal Evil of One's Neighbor

"13. If you act with due moderation, you can without mortal sin be saddened by someone's life and rejoice at his natural death, and seek and desire it with an inefficacious affection, not indeed from displeasure with the person but because of some temporal advantage. — 14. It is lawful by an absolute desire to wish for the death of one's father, not indeed as an evil of the father but as a good of the one wishing, because a rich inheritance is to come to him. — 15. It is lawful for a son to rejoice over the parricide of his parent perpetrated by himself in drunkenness, because of the immense riches thereby obtained from the inheritance." Propositions condemned by Innocent XI.

On Almsgiving

"12. You will scarcely find in secular persons, even in kings, anything superfluous to their state. And thus scarcely anyone is bound to almsgiving when he is bound only from what is superfluous to his state." Proposition condemned by Innocent XI.

"One who gives alms to the Friars is by that very fact excommunicated." Proposition of John Wycliffe condemned at the Council of Constance.

"The faculty by which citizens and the Church are able openly to distribute alms for the sake of Christian charity is to be taken away." Proposition condemned by Pius IX in the Encyclical *Quanta cura*.

On the Correction of Lords

"77. The people can at their own discretion correct lords who transgress." Proposition 17 of John Wycliffe condemned at the Council of Constance.

On Admonition to Be Given Even When No Amendment Is Foreseen

"As regards the controversy … whether a confessor is bound to admonish and teach penitents who invincibly are ignorant of the prohibition of certain superstitious rites or of the condemnation of the Alexandrian permissions, when he foresees that the penitents, admonished and instructed, will not amend themselves, or whether instead he ought to leave them in good faith: the Supreme Pontiff considers that to leave such ignorant persons in their own ignorance concerning the cases about which there is question is not only the same as to close off every approach for all those Christians, lest they furnish obedience uniform with the Apostolic Constitution, and the same as to evade the mind of the Holy See, which prudently commanded that the declarations recounted concerning the aforesaid rites be made known to all Christians; but also that omissions of such instruction tend toward grave scandal of the gentiles and toward public harm to the Christian name in those regions. His Holiness further declares that, although in some cases confessors can omit the instruction of penitents, nevertheless in the present case this doctrine has no place; therefore confessors and Missionaries ought to admonish and teach not only penitents but also other Christians who invincibly are ignorant of the prohibition of certain superstitious rites and of the condemnation of the Alexandrian permissions, even if no fruit should be hoped from such admonition; for the instruction of such ignorant persons is incumbent on evangelical workers as a proper function of their office enjoined upon them by the aforesaid Apostolic Constitution." Instruction of the Holy Office, 14 Jan. 1753. Cf. C. 1762, pars. 14, 15, 20 ff.

On Scandal

"10. If someone scandalizes others by his own defects, it is not necessary to reflect upon them, provided that the will to scandalize is not present; and to be unable to reflect upon one's own defects is a grace of God." Proposition of Michael de Molinos condemned by Innocent XI.

Cooperation with Regard to Servants

"51. A servant who, with his shoulders lowered, knowingly helps his master climb through windows in order to violate a virgin, and many times serves him in the same matter by carrying a ladder, opening the door, or cooperating in some similar manner, does not sin mortally if he does this from fear of notable harm—for example, lest he be ill-treated by his master, regarded with a scowling countenance, or expelled from the house." Proposition 51 condemned by Innocent XI.

On Cooperation in Political Matters, at Present, for Italy

"Whether it is lawful to give votes for forming Councils and representative municipal persons; and whether those elected can discharge the office of Councillor and municipal Magistrate. — Resp. Provided that municipal officials are not driven to those things which are opposed to divine and ecclesiastical laws, and abstain from furnishing an oath according to the form proposed by the invading government, it can be tolerated." Sacred Penitentiary, 10 Dec. 1860.

"Whether it is lawful to compete for teaching offices and to accept them when offered by some community, or even by the government, if those who accept abstain from showing adherence to the intruding government and from every act which by its nature is directed toward holding that government ratified. — In the affirmative, scandal being removed, if it is present, and under the

conditions set forth in the question; but especially under the condition that in teaching they be wholly conformed to Catholic doctrine." Sacred Penitentiary, 10 Dec. 1860.

"Whether offices can be retained and accepted under the intruding government. — Resp. Provided that there is not question of offices which directly and proximately influence the spoliation or the maintenance of the same spoliation, and that they can be exercised without danger of wounding divine and ecclesiastical laws, it can be tolerated. But in practice each of the said officials or persons of the Pontifical Dominion who is prepared to stand by the commands of the Holy See is to be cautiously admonished to consult the Bishop or local Ordinary, who in individual cases will decide according to the mind of the Most Holy Lord." Sacred Penitentiary, 10 Dec. 1860; *A. S. S.*, vol. 1, p. 558 ff.

"An opinion has grown up in very many dioceses of Italy that it is lawful to approach the political ballot boxes, from the fact that the Sacred Penitentiary, when questioned about this, responded only: *It is not expedient*.

"But so that every equivocation might be cast away, the Most Holy Father, having heard the judgment of those Most Eminent Lords, Cardinals and General Inquisitors, my colleagues, ordered it to be declared that *It is not expedient* carries a prohibition. But while I communicate this declaration to Your Amplitude, I am compelled to add that the Most Holy Father, in these circumstances, firmly maintains the prohibition of this kind.

It will also be very useful for Your Amplitude to know the responses which the Sacred Penitentiary gave in the year 1883 to Bishops asking questions both concerning the sin which is committed and concerning the censures which are contracted by taking part in political elections. Concerning the sin, when it was asked whether he who should give his vote for the election of deputies was to be held guilty of grave fault, the response was given: *In particular cases he shall conduct himself according to his conscience and prudence, all the circumstances having been weighed.* Concerning censures, however: *Whether or not one is bound by censures on account of political elections depends upon the circumstances of the fact and upon the dispositions of those elected; the circumstances and dispositions are to be weighed according to the norms which are set forth by approved authors in the matter in question.* Holy Office, 30 July 1866.

"How ought Ordinaries to conduct themselves concerning the Royal *placet* and *Exequatur*, which the government arrogates to itself over Pontifical Bulls, Briefs, and Rescripts? — Resp. Private persons who, in order to preserve themselves unharmed, have recourse to the government for the Royal *placet*, or *Exequatur*, are not to be disturbed. But the Ordinaries, insofar as they can, are to conduct themselves passively in this matter; and if they should be questioned by the government concerning petitions of this kind, they are to disclose their judgment according to the laws of justice and in conformity with the sacred canons." Sacred Penitentiary, 10 Dec. 1860.

"The peculiar circumstances of affairs having been considered, it can be tolerated that Bishops in Italy present the Bulls of their own nomination so that the government may append the Royal *exequatur* to them." Holy Office, 29 Nov. 1876; *A. S. S.*, vol. 1, p. 557 ff.; vol. 5, p. 675 ff.; vol. 7, p. 146.

On cooperation with regard to superstitious and heretical rites — Cf. n. 365 ff.

On the First Precept of the Decalogue

On the Nature, Conditions, and Efficacy of Prayer

"26. The prayer of one foreknown [as damned] avails no one." Proposition of John Wycliffe condemned at the Council of Constance.

"50. In vain do we cry to God: *My Father*, if it is not the spirit of charity that cries. — 59. The prayer of the impious is a new sin; and what God grants them is a new judgment upon them." Propositions of Paschasius Quesnel condemned by Clement XI.

"7. He who, in praying, asks for something singular and determinate asks for evil and asks evilly, because he asks for a negation of good and a negation of God, and prays that God be denied to him." Proposition of Eckhart condemned by John XXII in 1329.

"14. It is not fitting for one who is resigned to the divine will to ask anything from God, because asking is an imperfection, since it is an act of one's own will and choice, and is to will that the divine will be conformed to ours, and not that ours be conformed to the divine; and that saying of the Gospel, *Ask and you shall receive*, was not spoken by Christ for interior souls, which do not wish to have a will; indeed, souls of this kind arrive at such a point that they cannot ask anything from God. — 15. Just as they ought not to ask anything from God, so neither ought they to give Him thanks for anything, because each is an act of one's own will. — 22. To assert that in prayer it is necessary to help oneself through discourse and through thoughts when God does not speak to the soul is ignorance. God never speaks; His speech is operation, and He always operates in the soul when it does not impede Him by its discourses, thoughts, and operations. — 23. In prayer it is necessary to remain in obscure and universal faith, with quiet and forgetfulness of every particular and distinct thought concerning the attributes of God and the Trinity, and thus to remain in the presence of God to adore, love, and serve Him, but without producing acts, because God is not pleased with these. — 24. Whatever thoughts occur in prayer, even impure ones, even against God, the Saints, the faith, and the sacraments, if they are not voluntarily nourished nor voluntarily expelled, but are tolerated with indifference and resignation, do not impede the prayer of faith; indeed, they render it more perfect, because the soul then remains more resigned to the divine will. — 25. Even if sleep supervenes and one sleeps, nevertheless actual prayer and contemplation take place, because prayer and resignation are the same, and while resignation endures, prayer also endures. — 26. Those three ways, the purgative, illuminative, and unitive, are the greatest absurdity that has been spoken in mystical theology, since there is only one way, namely, the interior way. — 27. He who desires and embraces sensible devotion neither desires nor seeks God, but himself; and he who walks by the interior way acts evilly when he desires it and endeavors to have it, both in sacred places and on solemn days. — 30. Everything sensible which is expressed in the spiritual life is abominable, filthy, and unclean. — 32. Neither before nor after Communion is any preparation or thanksgiving required—for these interior souls—other than continuance in solid passive resignation, because in a more perfect manner it supplies for all the acts of the virtues which can and do take place in the ordinary way. And if, on this occasion of Communion, movements of humiliation, petition, or thanksgiving arise, they are to be repressed whenever it is not discerned that they are from a special impulse of God; otherwise they are impulses of nature not yet dead. — 33. A soul which proceeds by this interior way acts evilly if on

solemn days it wishes by some particular effort to stir up in itself some devout feeling, since for interior souls all days are equal, all are festive. And the same is said concerning sacred places, because for souls of this kind all places are equal. — 34. To give thanks to God with words and tongue is not for interior souls, which ought to remain in silence, placing no impediment to God's operating in them; and the more they resign themselves to God, the more they experience that they cannot recite the Lord's Prayer, or *Our Father*. — 35. It is not fitting for souls of this interior way to perform operations, even virtuous ones, from their own choice and activity; otherwise they would not be dead. Nor ought they to elicit acts of love toward the Blessed Virgin, the Saints, or the Humanity of Christ, because, since these objects are sensible, such also is the love toward them. — 36. No creature, neither the Blessed Virgin nor the Saints, ought to sit in our heart, because God alone wills to occupy and possess it. — 55. By this interior way, although with much suffering, one arrives at purging and extinguishing all the passions, so that nothing further is felt, nothing, nothing; nor is any disquiet felt, as in a dead body, nor does the soul allow itself to be moved any further. — 56. The two laws and the two cupidities—one of the soul and the other of self-love—endure as long as self-love endures; hence, when this has been purged and killed, as takes place by the interior way, those two laws and two cupidities are no longer present, nor is any fall thereafter incurred, nor is anything further felt, not even venial sin. — 57. Through acquired contemplation one arrives at the state of no longer committing sins, either mortal or venial. — 58. One arrives at a state of this kind by no longer reflecting upon one's own operations, because defects arise from reflection. — 61. When the soul has arrived at mystical death, it can no longer will anything other than what God wills, because it no longer has a will, and God has taken it away from it. — 62. By the interior way one arrives at a continuous and immovable state in imperturbable peace. — 63. By the interior way one arrives even at the death of the senses; indeed, the sign that someone remains in the state of nothingness, that is, of mystical death, is that the external senses no longer represent sensible things, so that they are as if they did not exist, because they do not succeed in causing the intellect to apply itself to them. — 64. A theologian has less disposition for the contemplative state than an uneducated man: first, because he does not have so pure a faith; second, because he is not so humble; third, because he does not so greatly care for his own salvation; fourth, because he has his head filled with phantasms, species, opinions, and speculations, and cannot enter into that true light." Propositions of Michael de Molinos condemned by Innocent XI.

On the Precept of Prayer

"9. I recently considered whether I should wish to receive or desire anything from God; I wish to free myself very well from this, because if I were one receiving from God, I would be under Him or beneath Him, as a servant or a slave, and He would be as a Lord in giving; but it will not be thus in eternal life." Error of Eckhart condemned by John XXII in 1329. Cf. nn. 452, 455.

Prayer to God, to the Blessed Virgin Mary, and to the Saints

"18. He who in prayer uses images, figures, species, and his own concepts does not adore God in spirit and truth." Proposition of Michael de Molinos condemned by Innocent XI.

"Is a certain formula to be approved for obtaining that all men acknowledge the supreme dominion of Christ and Mary Immaculate over all creatures? — Resp. The prayer in question is not to be

approved, nor propagated among the faithful, nor enriched with indulgences." Holy Office, 12 June 1895.

"26. Praise which is offered to Mary, as Mary, is vain." Proposition condemned by Alexander VIII, 7 Dec. 1698.

"The Saints reigning together with Christ are to be venerated and invoked, and they offer prayers to God for us, and their relics are to be venerated. I most firmly assert that images of Christ and of the Mother of God ever Virgin, as well as of the other Saints, are to be had and retained, and that due honor and veneration are to be imparted to them." Tridentine Profession of Faith.

Prayer for the Souls of Purgatory

"I constantly hold that there is a Purgatory and that the souls detained there are aided by the suffrages of the faithful." Tridentine Profession of Faith. [The source prints the section number "437"; corrected here to "457" from the numerical sequence and the subject indicated in the book's contents.]

"The suffrages of the faithful living, namely, the sacrifices of Masses, prayers, and alms, and other offices of piety which, according to the institutions of the Church, are customarily performed by the faithful for other faithful, profit them—the souls of Purgatory." Greek Profession of Faith prescribed by Gregory XIII. The same is contained in the same words in the Oriental Profession of Faith prescribed by Urban VIII and by Benedict XIV.

On the Worship of Our Lord Jesus Christ, the Blessed Virgin Mary, and the Saints

"1. Whether it is expedient to approve, or at least to permit, a special worship of the adorable Countenance of the Divine Redeemer, distinct from that customarily rendered until now to the image of the Holy Face, which is being most greatly propagated through the annals of the relevant archconfraternity by the priests called Priests of the Holy Face (*Sainte Face*), established at Tours. — 2. Whether, in order to propagate or establish the worship concerning which there is question in the other query, it is expedient to dedicate a church or public oratory, to establish confraternities, and even to found some religious congregation or institute under the title of the Holy Face. — Resp. To the 1st: It is not expedient. — To the 2nd: In the negative; and according to the intention.

"The intention is: in adopting the title *of the Holy Face*, both in the Brief dated 16 Dec. 1884 granting special indulgences to the confraternity erected at Tours under such a title, and in the Brief dated 30 March 1885 elevating the confraternity to the rank of an archconfraternity, the Holy See did not in the least intend to favor, much less either directly or indirectly to give approval to, a special and distinct worship to be rendered to the adorable countenance of the Redeemer in that manner which is especially proposed and propagated by those called Priests of the Holy Face.

"The Holy See intended to favor solely the veneration already shown from ancient times toward the image of the Countenance of the Divine Redeemer, or toward copies of that image, so that, from the veneration and contemplation of the aforesaid image, the memory of the Passion of Christ may increase more from day to day in the minds of the faithful, and in their hearts sorrow for sins and an

ardent desire of making reparation for injuries inflicted upon the Divine Majesty may be augmented." Holy Office, 4 May 1892.

"The Supreme Sacred Roman Universal Inquisition wholly prohibits and condemns the title: *The Penitent Heart of Jesus — The Heart of Jesus doing penance for us — Jesus doing penance — Jesus doing penance for us*." Holy Office, 15 July 1893.

"1. When certain matters concerning devotion toward the Most Holy Soul of Our Lord Jesus Christ had been referred by the Sacred Congregation of Rites to the Holy Office, on Wednesday, 10 March 1875, it was decreed: Care is to be taken lest, under the pretext of devotion toward the Most Holy Soul of Christ, novelties deserving reprobation creep into the public worship of the Church in images, formulas of prayer, and other sacred things, or anything new be introduced without consultation of the Holy See, especially if they are derived from devotions or visions neither examined nor approved. Moreover, in the writings sent to the Sacred Congregation of Rites certain things are found which are by no means to be approved, without the amendment of which it is not to be permitted that those writings be published among the people.

"2. In the year 1883, petitions having been presented for the foundation of an Institute for the adoration of the Most Holy Soul of Our Lord Jesus Christ, on Wednesday, 10 May of the same year, the same Most Eminent Fathers issued the decree: The Sacred Congregation responds to the petitions: In the negative. And this is to be written to the Bishop, who is to withdraw the indulgences attached to the prayers and to each word of them, and is to place no faith in the revelations concerning which there is question; and the decree issued in the year 1875 is to be communicated to the Bishop.

"3. Finally, in the same year and on the same Wednesday, when a certain formula of prayer to the Soul of Jesus Christ was called up for examination, the Most Eminent Fathers ordered it to be amended and ordered the decree reported above to be communicated to the Bishop who had approved it." Holy Office, May 1901.

"1. Whether and how it is expedient to approve the title *of the Interior of the Blessed Virgin Mary*, which the new Institute of the Sisters A. of M., of the diocese of P., assumes. "2. Whether, if the aforesaid title is admitted, it is also expedient to admit among the other feasts of the aforesaid Institute that *of the Interior of the Blessed Virgin Mary*. — Resp. To each: In the negative." Holy Office, 13 Dec. 1893.

"The worship of St. Joseph under the title *Friend of the Sacred Heart* (*ami du S. Cœur*) was made the object of a special examination; and the Most Eminent and Most Reverend Cardinals, General Inquisitors in matters of faith and morals, all the circumstances, especially those occurring in the case, having been maturely weighed, decreed, with the approval of Our Most Holy Lord Pope Leo XIII, that no pronouncement was to be made concerning the matter proposed. — Furthermore, the aforesaid Most Eminent Fathers ordered that the Sacred Congregation of Rites be admonished not thereafter to issue decrees, rescripts, etc., in which in any manner the new title concerning which there is question above is approved, or even in which it is simply mentioned." Holy Office.

"The worship of the Heart of St. Joseph had already been reproved by Gregory XVI, and for this reason medals which displayed it together with the Most Sacred Hearts of Jesus and Mary were prohibited." Sacred Congregation of Indulgences, 19 Feb. 1879; Sacred Congregation of Rites, 14

June 1873. [The source prints "Gregory XIV"; corrected here to "Gregory XVI" as required by the historical chronology of the cited devotion.]

"Whether the temporal nativity of any Saint or Blessed, except that of the Virgin Mother of God and also that of St. John the Baptist, can be celebrated by a liturgical rite or by another manner of sacred solemnity. — Resp. In the negative, even if the celebration should take place on the day of death or on any other day assigned to the commemoration of the same Saint or Blessed." Sacred Congregation of Rites, 19 Dec. 1893, General Decree.

On the Worship of Sacred Relics and Images

With regard to the worship to be rendered to the Holy Thorn, "the Decrees are to be observed, especially the Decree *in Tridentina*, 12 March 1836, and the others concerning the worship to be exhibited and prescribed for Relics of the life-giving Cross and of the other instruments of the Lord's Passion." Holy Office, 17 Sept. 1897. — The Decree *in Tridentina*, to the 1st, declares that a Relic of the Most Holy Cross is not to be exposed above the Tabernacle containing the Eucharist. The other, *in Varsavien.*, to the 12th, declares that one knee is to be bent before a Relic of the Most Holy Cross exposed in the principal place upon the altar. These things are also confirmed by other Decrees.

"Whether the practice of separating Relics of the Most Holy Cross of Our Lord Jesus Christ from relics of the Saints is correct and to be retained. — Resp. In the affirmative, and to the Most Eminent Prefect according to the intention. And the intention was that it be written both to the Most Eminent Vicar of the City and to the Most Reverend Sacristan of the chapel of the Apostolic Palace, to whom the custody of sacred relics pertains, that the decrees previously issued for the separation of Relics of the Most Holy Cross from relics of the Saints be restored to force." Sacred Congregation of Indulgences, 22 Feb. 1847.

"Whether in a solemn procession of the Most Holy Sacrament of the Eucharist, both on the day of Corpus Christi and in Holy Week, it is lawful to carry instruments of the Most Holy Passion of Our Savior Jesus Christ, namely, a fragment of the Most Holy Cross or of the Thorn. — Resp. In the negative." Sacred Congregation of Rites, 17 June 1684, n. 1731.

"Whether outside the feast of Corpus Christi and its octave it is lawful, in honor of the Blessed Virgin Mary or of the Saints, to carry the Most Holy Sacrament of the Eucharist in evening processions, and also images or relics of the Blessed Virgin herself and of the Saints. — Resp. In the affirmative, with the consent of the Ordinary, as regards the first part; in the negative as regards the second." Sacred Congregation of Rites, 31 Jan. 1896, nn. 3878, 3997.

"Can ancient reliquaries with Relics, which lack an authentic document and formerly belonged to suppressed monasteries, be exposed upon the altar, as has been done from time immemorial? — Resp. In the negative." Sacred Congregation of Rites, 23 June 1892, *Lauden.*, to the 5th.

"There are many relics enclosed in precious silver reliquaries in nearly all the churches of the diocese, even the poorest, for which authentic documents are not held, nor is there knowledge that such documents formerly existed, nor is the time known from which those relics have been possessed. Their number is considerable; and although the reliquaries savor of antiquity, nevertheless there exists in the archives of the parishes or in their histories no certain document proving their authenticity. Yet they are venerated by the peoples with great piety, so that this worship cannot be

prohibited without scandal. Therefore, since they are very ancient, so that antiquity itself can constitute an argument sufficient to produce moral certainty, and since among all they have always been and are in the greatest veneration, the Bishop petitioner thinks that worship of this kind can be permitted; nevertheless, to remove every anxiety, he implores the judgment of Your Holiness concerning this. — Resp. Ancient relics are to be preserved in that veneration in which they have hitherto been held, unless in a particular case there are certain arguments that they are false or spurious." Sacred Congregation of Indulgences, 20 Jan. 1896.

"1. Whether the anterior part of the arm, which is called the forearm, separated from the other, upper part of the same arm, can be held as a notable relic. — 2. Whether the same is to be said of that upper part of the arm, namely, insofar as it too can be held as a notable relic. — 3. Whether the heart, tongue, and hands, if they are miraculously preserved intact, ought to be held as notable relics. — Resp. In the affirmative." Sacred Congregation of Rites, 27 June 1899.

"I profess that which was defined against the Iconoclasts: that images of Christ and of the Virgin Mother of God, as well as of the other Saints, are to be had and retained, and that due honor and veneration are to be imparted to them." Oriental Profession of Faith prescribed by Urban VIII and by Benedict XIV.

"29. Likewise, whether he believes and asserts that it is lawful for the relics and images of the Saints to be venerated by the faithful of Christ." Articles from the Bull *Inter cunctas* of Martin V concerning which those suspected of the errors of Wycliffe and Hus are to be questioned.

"69. The prescription which, generally and without distinction, notes images of the incomprehensible Trinity among images to be removed from the Church, as furnishing to the uneducated an occasion of error: on account of its generality, rash and contrary to the pious practice observed in the Church, as though there existed no images of the Most Holy Trinity commonly approved and safely to be permitted. From the Brief *Sollicitudini nostrae* of Benedict XIV, of the year 1745. — 70. Likewise, the doctrine and prescription generally reproving every special worship which the faithful are accustomed to render to some image in particular, and their having recourse to it rather than to another: rash, pernicious, injurious both to the pious practice observed in the Church and to that order of providence by which God willed that these things not take place in all memorials of the Saints, He who distributes to each his own as He wills. From St. Augustine, Letter 78, to the clergy, elders, and entire people of the Church of Hippo. — 71. Likewise, that which forbids images, especially those of the Blessed Virgin, to be distinguished by any titles other than denominations analogous to mysteries of which express mention is made in Sacred Scripture, as though other pious denominations, which the Church approves and commends even in her public prayers, could not be ascribed to images: rash, offensive to pious ears, injurious to the veneration due especially to the Blessed Virgin. — 72. Likewise, that which wishes to extirpate as an abuse the custom by which certain images are kept veiled: rash, contrary to the practice observed in the Church and introduced for fostering the piety of the faithful." Propositions of the Synod of Pistoia condemned by Pius VI.

"25. It is unlawful for a Christian to place an image of God the Father seated in a church." Proposition condemned by Alexander VIII.

From the Brief of Urban VIII, 15 March 1642: "Sacred images are not to be exposed under new forms of dress, but only in that form in which from ancient times they have customarily been exhibited in

the Roman Church." Decree n. 810.

"1. Whether images of the Sacred Heart of Jesus representing the Heart alone, without the rest of the body, may safely be distributed. — 2. Whether they are approved at Rome. — 3. Whether they must be withdrawn from the homes of the faithful where they are objects of veneration. — Resp. To the 1st, 2nd, and 3rd: The image of the Most Sacred Heart of Our Lord Jesus Christ concerning which there is question may be permitted for private devotion, provided that it is not exposed upon altars to be honored with public veneration." Holy Office, 26 Aug. 1891.

"New emblems of the Most Sacred Heart of Jesus in the Eucharist are not to be approved by the Apostolic See. For fostering the piety of the faithful, the images of the Most Sacred Heart already used and approved in the Church are sufficient, because worship toward the Most Sacred Heart of Jesus in the Eucharist is neither more perfect than worship toward the Eucharist itself nor different from worship toward the Most Sacred Heart of Jesus. Furthermore, the same Most Eminent Fathers ordered that the intention made known by this Sacred Congregation at the command of Pope Pius IX of holy memory, on Wednesday, 13 Jan. 1875, be communicated, namely, that other writers also, who sharpen their talents upon these and other arguments of this kind which savor of novelty, and who under the appearance of piety endeavor to promote unaccustomed forms of worship and titles even through periodicals, are to be admonished to desist from their purpose and to weigh the danger there is of drawing the faithful into error even concerning dogmas of faith, and of furnishing to those who hate religion an occasion for detracting from the purity of Catholic doctrine and of true piety." Holy Office, 3 June 1891.

Nevertheless, by the Brief *Admotae nobis* of Leo XIII, 16 Feb. 1903, the title and worship of the Eucharistic Heart of Jesus is approved. "Petitions have been presented to Us … that through Us a pious Archconfraternity under the title of the Eucharistic Heart of Jesus be instituted by Apostolic authority. But We, to whom nothing is more ancient or more pleasant than that a confraternity of the faithful, which, by a worship not wholly dissimilar to that which is professed toward the Sacred Heart, recalls through peculiar exercises of veneration, love, and a grateful and reverent disposition that act of supreme love by which Our Redeemer, pouring forth all the riches of His Heart, instituted the adorable Sacrament of the Eucharist so that He might abide with us until the end of the ages, should obtain a fitting seat in this fostering City, the center of the Catholic world, have judged that assent should be given to these pious desires. These things being so, etc."

"The Bishop of the diocese of L. asks whether a certain devotion called *the Mighty Hand* may be considered lawful. It consists in images and medals which represent an open hand having a wound within it and, upon the tips of its fingers, the images of the Child Jesus, of Mary Most Holy, of St. Joachim, and of St. Anne. — Resp. The aforesaid image was previously condemned by the Council of Trent, and let the Bishop take care that the images, medals, and every writing or formula of prayer pertaining to the said devotion be destroyed." Holy Office, 13 March 1891.

"The Archbishop of N. humbly sets forth that a new article of devotion has been placed on sale there under the name *New Cross of the Immaculate Conception*. It is a medal in the form of a cross, bearing the image not of Our Lord Jesus Christ, but of the Immaculate on one side, and of the Sacred Hearts with the monogram of the Blessed Virgin on the other. He therefore asks the oracle of Your Holiness whether such a devotion may or may not be approved. — Resp. 14. The aforesaid devotion, as it stands, is not to be approved." Holy Office, 13 March 1901.

"More than once there has been consideration of a norm to be prescribed for venerating the Blessed Virgin, Mary the Mother of God, under the title *Our Lady of the Sacred Heart of Jesus*, and of images of the Blessed Virgin herself which represent her standing with hands extended and the Child Jesus likewise standing before her knees. And it was decreed that the title indeed could be admitted, but that the images were not to be approved and were to be removed from public veneration, and that they were to be tolerated only in the church of the Sodality of Issoudun; but that, insofar as it could be done, images of the Blessed Virgin Mary carrying the Child Jesus in her arms were to be introduced. Hence the Sacred Order, being greatly solicitous for the law of supplication, which corresponds to the law of belief, after the matter had been maturely weighed, confirming the former decrees and, insofar as need be, renewing them, again disapproves the images concerning which there is question above and forbids them to be proposed to the veneration and piety of the faithful; and where they have been tolerated, it commands that they be cautiously and prudently removed and approved images substituted in their place. — It will not be beside the point here to recall to mind the general admonition appended to the decree of Wednesday, 13 Jan. 1875. (Cf. the preceding paragraph.)" Holy Office, 3 April 1895.

"At Trivento, in the Church of the Holy Cross, there stands, exposed to the public veneration of the faithful, an image of the Sorrowful Virgin Mother of God, clothed in black garments and in the customary habit, but bearing a Crucifix in the left hand. — 1. Can worship of the Blessed Virgin Mary under the title *of the Cross* be tolerated? — 2. What is to be said of the aforesaid image? — Resp. To the 1st: In the liturgical sense, it is not expedient. — To the 2nd: Let the decree of the Council of Trent concerning Sacred Images be observed." Sacred Congregation of Rites, 23 Feb. 1894, n. 3818.

"It is a firm rule of ecclesiastical liturgy, continually inculcated by this Most Sacred Congregation of Rites, that in one and the same church, and all the more upon one and the same altar, two or more painted panels or statues representing one and the same heavenly citizen—or, if there is question of the Most Holy Virgin, representing the Mother of God invoked under one and the same title—cannot be exposed to public veneration." Sacred Congregation of Rites, 20 May 1890, Circular Letter.

On the Worship of Servants of God

Constitution of Pope Urban VIII, 5 July 1634. "The citizens of the heavenly Jerusalem, in whose glorious birthdays holy Mother Church rejoices, just as they are venerated on earth by the pious faithful of Christ of both sexes by the ministry of this Holy Apostolic See, so it becomes the Roman Pontiff, placed by divine providence over the government of the Church Militant, in accordance with his particular zeal for the honor of the house of God, to watch lest anything be introduced, without consultation of the aforesaid Holy See, concerning the memory or worship of persons deceased with a reputation or opinion of sanctity or martyrdom.

"§ 1. Indeed, on a former occasion We, solicitously observing the abuses which had crept in and did not cease to creep in with regard to the veneration of certain persons deceased with a reputation or opinion of sanctity or martyrdom—who, although they had been distinguished by this See with the honor neither of canonization nor of beatification, nevertheless had their images displayed in oratories and churches, and in other public and even private places, with little crowns or rays or splendors; whose miracles and revelations and other benefits received from God through their intercessions were recounted in books of their deeds; and at whose sepulchers tablets, images, and

other things testifying to benefits received, and lamps and other lights, were placed—and consequently wishing, in accordance with the duty of Our pastoral office, to oppose abuses of this kind, after the matter had also been communicated to, and maturely considered and discussed with, Our venerable brethren, the Cardinals of the Holy Roman Church specially deputed by this See as General Inquisitors against heretical depravity throughout the whole Christian commonwealth, by the counsel of the same Cardinals on the thirteenth day of March 1625 We declared, established, and decreed that images and the other aforesaid things of any men deceased with a reputation for sanctity or martyrdom, however great that reputation might be, and anything else displaying and indicating veneration and worship, were not to be placed in oratories or public or private places, or in churches, whether secular or regular, of any Religion, Order, Institute, Congregation, or Society, before they should be canonized by the Apostolic See or declared Blessed; and that, if any had been placed, they were to be removed, as We commanded them immediately to be removed. And We likewise prohibited books of those same persons who had departed this life celebrated for a reputation or opinion of sanctity or martyrdom, containing deeds, miracles, or revelations, or any benefits whatsoever as received from God through their intercessions, from thereafter being printed without the examination or approval of the Ordinary, who in examining them was to employ theologians and other pious and learned men in counsel and, lest thereafter fraud or error or anything new and inordinate be committed in so grave a matter, was to transmit the documented case to the Apostolic See and await its response. But We willed and commanded that the aforesaid revelations, miracles, and other benefits, which had up to that time been printed without examination and approval of this kind in books containing the lives and deeds of these persons, were in no way to be considered approved. We also forbade and prohibited tablets and images of wax or silver, or of any other material whatsoever, whether painted, fashioned, or sculpted, from being hung or affixed at the sepulchers of these persons, and lamps or any other lights whatsoever from being lit, without an examination wholly to be made by the Ordinary, as above, and reported to and approved by the Apostolic See; declaring that by the aforesaid things We neither wished nor intended in any way to prejudice those who are celebrated either by the common consent of the Church, or by the course of immemorial time, or by the writings of the Fathers and of holy men, or by the knowledge and toleration of the aforesaid Apostolic See or of the Ordinary over the longest course of time.

"And when afterward, on the second day of October of the same year 1625, We learned that it was being called into doubt by certain persons whether it was lawful to receive tablets and images which might thereafter happen to be offered and to preserve those previously offered, We—who wished only, by opposing abuses which seemed to be creeping in, to prepare a more certain way toward the glory on earth of those whose holiness it might please the divine clemency to illustrate by wondrous works—after the matter had first been communicated to the same Cardinals, by their like counsel declared that, just as We had never prohibited, nor was it Our intention to prohibit, the offering and reception of tablets and images of this kind, so, that thereafter no place for doubt might be left, We established and decreed that whenever anyone should bring tablets and images or something else similar to any church or oratory or other public place, secular or regular, and should say that by the intercession of persons not enrolled among the Saints or Blessed, although deceased with a reputation for martyrdom or sanctity, he had obtained the things desired, it would be lawful for the ecclesiastical persons of the aforesaid churches or places, entrusted with their care, to receive the tablets and images, whether painted or fashioned from any material, and any other things whatsoever

giving proof of a grace conferred, together with attestations from the person bringing them and from others who were aware of it; and, with the approval of the Ordinaries, to whom they would be bound immediately to report everything, to keep them in some secret place apart from the church, and there to place and preserve those already removed, so that, if at any time the Lord should will to adorn the merits of such men on earth with the honor of beatification or canonization, there might exist proofs, of whatever kind, of such sanctity, then to be examined by the judgment of the Apostolic See.

"Finally, that decrees of this kind might be observed without doubt and obtain complete execution, the matter having likewise been communicated to the same Cardinals, and by their counsel, We added to the foregoing, established, decreed, and declared that from that time forward no one among the Ordinaries or those specially delegated for this by the Apostolic See should in any manner receive afresh information concerning the miracles, revelations, or other things of this kind savoring of sanctity of any person of either sex deceased with a reputation or opinion of sanctity or martyrdom, or construct a process, or further prosecute information hitherto received or a process constructed, unless the postulator should first demonstrate through lawful proofs judicially received concerning the person whose miracles, revelations, or other deeds displaying sanctity were at issue that the form prescribed in Our aforesaid decree had been wholly observed; and unless thereafter successively the same Ordinary, or the person specially delegated for this by the Apostolic See, after a diligent inquiry had first been made concerning the same person, should duly pronounce that the above-cited decree had in no way been contravened.

"And that this might be inviolably observed, We further established and decreed that processes of this kind transmitted to the City from anywhere should not in any manner be opened by the Secretary of the Congregation of Sacred Rites or by the Promoter of the Faith, unless first, in the Congregation of Sacred Rites itself, another authentic process having been presented separately, it should be fully established from it that the Ordinary, or the person specially delegated by the Apostolic See, had duly and correctly, as stated above, taken cognizance and pronounced that the aforesaid decree had in no way been contravened, and thereafter the faculty of judicially opening those processes had been granted by Us. Furthermore, We declared that the longest time, or its immemorial course, concerning which there is question in the aforesaid decree, is to be understood as a period exceeding the limit of one hundred years. And if any difficulty should arise concerning these and all the matters written below which are disposed and ordained in these decrees, We took away altogether from the local Ordinaries and from any Apostolic delegates every faculty of interpreting, and commanded them to consult the Apostolic See thereupon and to await a response from it; and otherwise, as is more fully contained in the decrees issued concerning these matters.

"§ 2. Therefore, wishing, insofar as with the Lord We can, to provide for the inviolable observance of the aforesaid decrees, by Our own motion, certain knowledge, and mere deliberation, and from the plenitude of Apostolic power, by the tenor of the present letters We perpetually approve and confirm the aforesaid decrees with each and every thing contained in them, and add to them the strength of inviolable Apostolic firmness; and We wholly command that each and every decree of this kind be observed by all whom it concerns or in the future shall in any manner concern, under pain of the nullity of any information, processes, and interpretation constructed otherwise than after the aforesaid prior examination, and of their admission, publication, or interpretation; so that the reception of that information or the construction of the processes, as well as their admission,

publication, and interpretation, are to be held as not received, not constructed, not admitted, not published, and not interpreted, and no account whatever of them is thereafter ever to be taken anywhere in any manner. Decreeing that the present letters, etc."

Images of Servants of God

"Images of men and women who have died with a reputation for sanctity but have not yet obtained the honors of beatification or canonization can neither be placed upon altars in any manner nor be painted outside altars with little crowns, rays, or other signs of sanctity. Their images, or their deeds and acts, can nevertheless be exhibited upon the walls of a church or in stained glass, provided that those images display neither any indication of worship or sanctity nor anything profane or foreign to the custom of the Church." Sacred Congregation of Rites, 14 Aug. 1894.

On the Worship to Be Rendered to Blesseds Not Yet Canonized

"1. Images of Blesseds, even when not principally displayed and when placed as suppliants, as well as statues, paintings, tablets, or writings representing or relating their illustrious deeds, are in no manner to be exposed, without consultation of the Apostolic See, in any churches, sacristies, or oratories, and especially in those in which the Sacrifice of the Mass or other divine offices are performed.

"2. Where it has been granted by the Apostolic See that images, statues, and painted panels may be placed and venerated in churches, the faculty is to be understood as one of placing them upon the wall only, and not upon the altar.

"3. If the erection of altars has been conceded by the same Apostolic See, it is not therefore to be presumed that the faculty of celebrating Mass or reciting the Office concerning the aforesaid Blesseds has been granted; for a specific and express concession concerning these things must precede.

"4. Where worship has been conceded in one place, it is not to be extended to another place without consultation of the Pontiff, whatever other authority may occur.

"5. In places where it has been permitted that the aforesaid Blesseds be venerated by all, the public recitation of the Office is not thereby to be considered permitted, but only private recitation, which does not satisfy the precept of recitation except with regard to those to whom the Apostolic See has granted this.

"6. Likewise, Masses which have been granted to certain persons, namely, to regular or secular priests of some place or monastery, or to priests especially assigned to the service of some church, are by no means to be celebrated by visiting priests, whatever dignity they may possess, even that of the Cardinalate.

"7. Feast days are not to be celebrated in memory of those same Blesseds unless provision has been made by a special Apostolic indult.

"8. Their names are not to be placed except in the calendars of that place alone and of those persons among whom and by whom worship is celebrated with Office and Mass.

"9. In any ecclesiastical prayers to be recited, even in private oratories, particular suffrages of those persons are not to be appended or recited.

"10. In public prayers, those same Blesseds are not to be invoked apart from those prayers granted and approved by the Apostolic See.

"11. Their relics are by no means to be carried about in processions.

"The Sacred Congregation, however, does not intend by the present declaration and command to remove the worship hitherto rendered to Blesseds by the common consent of the Church, or through the course of immemorial time, or through the writings of the Fathers and of holy men, or through the knowledge and toleration of the Apostolic See or of the Ordinaries for a period exceeding the limit of one hundred years, and exhibited to them from that time in a determinate mode and form. But if, within the last one hundred years, worship of this kind has been increased and extended in any part, in that case the same Sacred Congregation commands that it be reduced to its former state; just as it commands that any worship whatsoever outside the aforesaid cases be entirely recalled to those things alone verbally expressed in the Apostolic Indults, under penalties, etc. The decrees also remaining in force—namely, that Blesseds are not to be chosen as Patrons, that their birthdays are not to be celebrated with Octaves, and any others hitherto issued by the Sacred Congregation—which are renewed by the present decree." Sacred Congregation of Rites, 27 Sept. 1659, n. 1130.

Declaration of the Preceding Decree

"1. Where it has been granted that Mass concerning some Blessed be celebrated, is it lawful to expose his image and statue, as well as votive tablets, upon the altar?

"2. Whether § 7, *Feast days are not to be celebrated in honor of Blesseds*, extends to devotional feasts.

"3. Whether indults of reciting the Office with or without an octave and of celebrating Mass concerning Blesseds were revoked by the said Decree of the Sacred Congregation of 27 Sept. 1659.

"4. Whether in churches in which the Office and Mass concerning Blesseds can respectively be recited and celebrated, it is also lawful to expose their relics.

"5. Whether regular Bishops who, by indult of the Apostolic See, enjoy the privileges of their Religion of which they are capable according to their condition can recite the Office concerning Blesseds of their Religion, celebrate Mass in their own cathedrals, and erect an altar to the aforesaid Blesseds. — Resp. To the 1st: In the affirmative. — To the 2nd and 3rd: In the negative. — To the 4th: In the affirmative. — To the 5th: In the negative." Sacred Congregation of Rites, 17 April 1660, n. 1156.

On the Authentication of Sacred Relics

"Whether a Bishop can grant a faculty to the clergy and people desiring to place the bodies of holy Martyrs, which have been deposited with sufficient honor in an altar, in a more precious little shrine or chest and to place them upon the same altar, or to transfer them outside the diocese. — Resp. He can indeed grant permission to transfer the bodies of Saints, which had been given perpetual burial, to a more becoming place in the same church; but he cannot alienate them or transfer them outside the diocese without the authority of the Roman Pontiff." Sacred Congregation of Indulgences and Most Sacred Relics, 17 Nov. 1670.

"Since the Council of Trent, sess. 25, chapter *On Relics*, decreed: *New Relics are not to be received unless they have been authenticated and approved by the Bishop*, certain doubts are proposed to the Sacred Congregation, namely: 1. Whether every Bishop outside Rome is able to authenticate any sacred relics in his diocese. — 2. Whether sacred Relics of Saints authenticated by some Bishop in Italy—if on the part of the signature, seal, and reliquary no indication of error or falsity is discovered—could be rejected by another Bishop beyond the mountains, and even confiscated, or prevented from being exposed to public veneration. — Resp. To the 1st and 2nd: In the affirmative, according to the form of the Council." Sacred Congregation of Indulgences and Relics, 16 Dec. 1749.

On Astrology

"15. If anyone thinks that astrology or mathematical divination is to be believed, let him be anathema." Anathemas against the Priscillianists of the plenary Council of Spain and Lusitania, held at Toledo in the year 447 by order of Pope Leo, composed according to the norm of Leo's Dogmatic Letter.

On Magnetism and Spiritism

"Whether magnetism, taken generally and in itself, is to be considered lawful or unlawful. — Resp. Let him consult approved authors with this admonition: every error, divination, and explicit or implicit invocation of the demon having been removed, the mere act of employing physical means otherwise lawful is not morally forbidden, provided that it does not tend toward an unlawful or in any manner depraved end. But the application of purely physical principles and means to things or effects truly supernatural, so that they may be physically explained, is nothing other than an unlawful and heretical deception." Holy Office, 28 June 1840.

"Cases not rarely occurring: A magnetized person, who is most often of the female sex, enters a state of sleep called magnetic somnambulism so deep that neither the greatest noise at her ears nor any force of iron or fire is able to awaken her. By the magnetizer alone, to whom she has given her consent—for consent is necessary—she is brought to that kind of ecstasy, whether by various touches and gestures when he is present, or by a simple command, and that an interior one, when he is even several leagues distant.

"Then, questioned by a living voice or mentally concerning her own illness or those of absent persons entirely unknown to her, this evidently uneducated person immediately far surpasses physicians in knowledge: she states anatomical matters most accurately; she indicates the cause, seat, and nature of internal diseases in the human body which are most difficult for experts to know and define, and unfolds their progress, variations, and complications, and that in proper terms; often she even foretells exactly the duration of the said diseases and prescribes the simplest and most efficacious remedies.

"If the person concerning whom the magnetized woman is consulted is present, the magnetizer establishes a relation between them by contact; but when the person is absent, a lock of hair from his head supplies his place and suffices. For when this lock alone is applied to the palm of the magnetized woman, she immediately declares what it is—without looking with her eyes—to whom the hairs belong, where the person to whom they belong is now located, what he is doing, and

furnishes all the aforesaid information concerning his illness, no differently than if she herself were looking into the body in the manner of physicians.

"Finally, the magnetized woman sees without the eyes, they being veiled, whatever there is; though unable to read, she reads it, whether a book or manuscript, whether open or closed, whether placed upon her head or abdomen. Her words also appear to issue from this region. But when brought out of this state, whether at an interior command of the magnetizer or as if of her own accord at the very point of time foretold by herself, she seems wholly unconscious of the things performed in the paroxysm, however long it may have endured: what things were asked of her, what she answered, and what she suffered—all these things have left no idea in her intellect and not the least trace in her memory.

"Whether, supposing the truth of the aforesaid things, a confessor or pastor can safely permit his penitents or parishioners: 1. to practice animal magnetism endowed with those characteristics and other similar ones as an auxiliary and supplementary art of medicine; — 2. to consent to be placed in that state of magnetic somnambulism; — 3. to consult persons magnetized in that manner, either concerning themselves or concerning others; — 4. to undertake one of the aforesaid three things, having first taken the precaution of formally renouncing from the heart every explicit diabolical pact and every satanic intervention, since, notwithstanding this precaution, the same or some effects have already been obtained by certain persons from magnetism of this kind. — Resp. The use of magnetism, as it is set forth in the case, is not lawful." Sacred Penitentiary, 1 July 1841.

To All the Bishops and Inquisitors of the Pontifical State

"Ever since magnetic phenomena began to be made public, the Holy See, having been consulted, issued various decisions through the agency of the Penitentiary and the Holy Office concerning particular cases proposed about the lawfulness and unlawfulness of the use of magnetism. Then, with regard to the general maxim, after profound discussions on Wednesday, 28 July 1847, renewing the resolutions of 23 June 1840, it decreed as follows: *Every error, divination, and explicit or implicit invocation of the demon having been removed, the use of magnetism, namely, the mere act of employing physical means otherwise lawful, is not morally forbidden, provided that it does not tend toward an unlawful or in any manner depraved end. But the application of purely physical principles and means to things and effects truly supernatural, so that they may be physically explained, is nothing other than an altogether unlawful and heretical deception.*

"Although by such a decree it seemed that what regards physical science was reconciled with the repression of vicious and reprehensible magnetic applications, nevertheless a sad experience has made known the need for more efficacious provisions. For magnetism is not employed in the proper manners and for natural and honest ends; rather, according to the continual complaints of distinguished persons advanced from many cities of the Pontifical State itself, there are magnetizers who dare to apply magnetism to nonnatural ends, with the gravest harm to private and common public morality, making use of women subjected to disorderly postures, and claiming also to divine and reveal hidden and future events. Therefore, since such spectacles are not separated from an unlawful and irreligious illusion, it has been judged necessary wholly to prohibit them and to punish their authors, cooperators, and supporters.

"For this reason all the Bishops and Inquisitors of Our provinces are enjoined to keep watch over this and to proceed summarily by administrative process, *the truth of the matter having been examined*, after

the judgment of God-fearing and learned persons has first been obtained, proportioning the penalties to the offenses, with imprisonment to be determined in duration according to the greater or lesser guilt, and keeping the Supreme Congregation informed, especially when the use of magnetism characterized by heretical circumstances should require a rigorous process according to the sacred canons.

"This circular shall be distributed to the district Vicars, and its exact fulfillment shall be procured." Holy Office, Rome, 21 May 1856.

Encyclical Letter to All Bishops against the Abuses of Magnetism

"In a general Congregation, the things reported from every quarter by trustworthy men concerning experiments in magnetism having been maturely weighed, the Fathers decreed that the present Encyclical Letter be issued to all Bishops for repressing the abuses of magnetism.

"For it has been ascertained that a certain new kind of superstition is being introduced from magnetic phenomena, which many innovators employ not, as would be proper, for elucidating the physical sciences, but for deceiving and seducing men, thinking that hidden, remote, and future things can be discovered by the art or illusion of magnetism, especially by means of women who depend solely upon the nod of the magnetizer." (The response already given on 28 July 1847 having then been reported, the Sacred Congregation adds:)

"Although by this general Decree the lawfulness or unlawfulness in the use or abuse of magnetism is sufficiently explained, nevertheless the malice of men has grown to such an extent that, neglecting the lawful study of science and instead pursuing curious things with great loss to souls and detriment to civil society itself, they boast that they have obtained a certain principle of soothsaying and divining. Hence, by the illusions of somnambulism and clear intuition, as they call it, those women, carried away by gestures not always modest, babble that they behold every invisible thing, and dare with rash boldness to institute discourses concerning religion itself, evoke the souls of the dead, receive responses, disclose unknown and distant things, and perform other superstitious things of this kind, certain to procure through divining great gain for themselves and their masters. In all these things, whatever art or illusion they may finally employ, since physical means are ordained to nonnatural effects, there is found an altogether unlawful and heretical deception and a scandal against propriety of morals.

"Therefore, in order efficaciously to restrain so great a crime, most hostile both to religion and to civil society, the pastoral solicitude, vigilance, and zeal of all Bishops ought to be aroused to the greatest extent. Wherefore, insofar as they can with the assistance of divine grace, the local Ordinaries—whether through admonitions of paternal charity, through severe rebukes, or finally through remedies of law, according as, with the circumstances of places, persons, and times considered, they shall judge expedient in the Lord—are to expend every effort in repressing and rooting out abuses of magnetism of this kind, so that the Lord's flock may be defended from the enemy, the deposit of faith may be kept safe and intact, and the faithful entrusted to them may be preserved from corruption of morals." Holy Office, 4 Aug. 1856.

"Titius, excluding every agreement with the evil spirit, is accustomed to evoke the souls of the departed. He proceeds thus: alone, without anything else, he directs a prayer to the Chief of the

heavenly Host, that he may deign to grant him to speak with the spirit of that particular person. Moments pass; and, having prepared his hand to write, he feels the same hand move, which alerts him to the presence of the spirit. He sets forth what he desires to know, and the hand writes in response to the things proposed by him.

"The responses are all in conformity with the faith and the teaching of the Church concerning the future life. For the most part they regard the state in which the soul of a departed person is found, the need it may have of suffrages, its complaints concerning the ingratitude of relatives, etc. These things being posited, is the conduct of Titius lawful? — Resp. As it is set forth, it is not lawful." Holy Office, 30 March 1898.

"N. N., Doctor of Medicine, humbly asks whether he can take part in discussions which are now being conducted by the Society of Medical Sciences of N. concerning hypnotic suggestions in the treatment of sick children. There is question not only of discussing facts already accomplished, but also of making new experiments, whether they can be explained by natural reasons or not.

"Resp. As regards experiments already made, they can be permitted, provided that danger of superstition and scandal is absent, and moreover that the petitioner is prepared to abide by the commands of the Holy See and does not act the part of a theologian.

"As regards new experiments, if there is question of facts which certainly surpass the powers of nature, they are not lawful; but if there is doubt concerning this, after a protestation has first been made that one wills to have no part in preternatural facts, they can be tolerated, provided that danger of scandal is absent." Holy Office, 26 July 1899; *M. E.*, vol. 11, p. 248.

The Sacred Penitentiary, 1 Feb. 1882, declared that even merely passive attendance at consultations and games of spirits is unlawful by reason of scandal and danger to one's own salvation, which are never wholly absent. Diocesan Synod of Albano, year 1886, part 1, art. 6, n. 9.

It Is Sacrilege to Carry Away Ecclesiastical Goods

"35. Whether he believes that it is not lawful for the laity to take those temporal goods away from them—ecclesiastical persons—by their own power; indeed, that those thus carrying away, removing, and invading the ecclesiastical goods themselves are to be punished as sacrilegious persons, even if the ecclesiastical persons possessing goods of this kind should live badly. — 36. Likewise, whether he believes that an ablation and invasion of this kind, rashly or violently effected or inflicted upon any priest, even one living badly, entails sacrilege." Articles concerning which those suspected of the errors of Wycliffe and Hus are to be questioned. Martin V, Bull *Inter cunctas*.

On the Washing of Corporals

"Whether nuns, or pious women living a common life under a rule, can, with the permission of the Ordinary, perform the first washing of Corporals, Palls, and Purificators. — Resp. In the negative." Sacred Congregation of Rites, 12 Sept. 1857.

The Sale of Sacred Things

"If anyone, with the execrable ardor of avarice intervening, has acquired through money a prebend, priory, deanery, honor, or some ecclesiastical promotion, or any ecclesiastical sacrament, such as

chrism or holy oil, or the consecrations of altars or churches, let him be deprived of the honor badly acquired, and let buyer, seller, and intermediary be struck with the mark of infamy. And let nothing be exacted from anyone either for sustenance or under the pretext of any custom, either before or after, nor let him presume to give anything; for it is simoniacal. Rather, let him freely and without any diminution enjoy the dignity and benefice conferred upon him." Second Lateran Council, year 1139, canon 2.

That nothing be exacted for holy oil, chrism, visitation and anointing of the sick, funerals, burial, baptism, the Eucharist, the blessing of those marrying, and other Sacraments and blessings was established by Leo IX at the Synod of Reims, Urban II at Piacenza, Callistus II at Toulouse and Reims, the Second Lateran Council, canons 2 and 24, and the Fourth Lateran Council, canon 66. This is to be understood of those who exact something after the manner of selling the sacred thing itself, or as a provision for avoiding the danger of simony.

"Following the examples of the Holy Fathers and renewing the duties of Our office, by the authority of the Apostolic See We prohibit in every manner that anyone be ordained or promoted in the Church of God through money. But if anyone shall have acquired ordination or promotion in the Church in this manner, let him be wholly deprived of the dignity acquired." First Ecumenical Lateran Council, year 1123, canon 1.

"Since from the fact that certain persons expose the relics of Saints for sale and display them everywhere, the Christian religion has often been disparaged; lest it be disparaged in the future, by the present decree We establish that henceforth ancient relics are in no manner to be displayed outside a reliquary, nor exposed for sale. Moreover, let no one presume publicly to venerate those newly found unless they have first been approved by the authority of the Roman Pontiff, etc." Fourth Lateran Council, year 1215, chapter 62, *On the Relics of Saints*. [The source prints "Lateran VI"; corrected here to "Lateran IV," the council held in 1215.]

"His Holiness … strictly commanded that the faithful of Christ should not presume under any pretext, even that of redeeming sacred relics and remains of Saints, to buy or purchase them, whether in the City or outside it, even though they be enclosed in a little container and secured with a seal. Furthermore, he commanded that whoever should find sacred relics offered for sale is to admonish the local Ordinaries, whose duty it will be to make opportune provision. For this reason Our same Most Holy Lord ordered this decree to be made and published…." Sacred Congregation of Indulgences, 21 Dec. 1878; *A. S. S.*, vol. 11, p. 365. Letters of the Most Eminent Cardinal Vicar, by command of Our Most Holy Lord Leo XIII, were likewise given to the Bishops concerning the sacrilegious commerce in false relics, on the sixteenth day before the Kalends of February 1881; *A. S. S.*, vol. 14, p. 39.

"Can the custom of exacting an annual payment be sustained in the case?—an annual payment of 35 cents to be exacted from each parish for purchasing the material of the Holy Oils and remunerating the ministers distributing them. — Resp. The custom can be tolerated." Sacred Congregation of the Council, 20 Dec. 1879; *A. S. S.*, vol. 13, p. 180 ff.

"27. All are simoniacs who bind themselves to pray for others who assist them in temporal things." Proposition of John Wycliffe condemned at the Council of Constance.

The Sale of Benefices

"22. It is not contrary to justice not to confer ecclesiastical benefices gratuitously, because the collator conferring those ecclesiastical benefices, with money intervening, does not exact it for the collation of the benefice, but as for a temporal emolument which he was not bound to confer upon you." Proposition condemned by Alexander VII.

To Give a Temporal Thing for a Spiritual Thing

"45. To give a temporal thing for a spiritual thing is not simony when the temporal thing is not given as a price, but only as a motive for conferring or effecting the spiritual thing, or even when the temporal thing is only a gratuitous compensation for the spiritual thing, or conversely. — 46. And this also has place even if the temporal thing is the principal motive for giving the spiritual thing, indeed even if it is the end of the spiritual thing itself, so that it is esteemed more highly than the spiritual thing." Propositions condemned by Innocent XI.

A Price for Entrance into Religion

"Monks are not to be received into a monastery for a price…. But if anyone, having been exacted from, shall have given something for his reception, let him not ascend to sacred orders. Moreover, let him who accepted it be punished by deprivation of his office." Third Ecumenical Lateran Council, year 1179, canon 10. Likewise Urban II at the Synod of Troia, canon 7.

The Sale of Pious Objects

"Can one who buys crosses, medals, etc., in order to distribute them after they have been blessed with the application of indulgences, ask their price from those receiving them without fault or without danger of losing the indulgences? Are they lost only when someone shall have made those things his own property and used them with the intention of gaining the indulgences? — Resp. In the negative to the first part; the second does not require a response." Sacred Congregation of Indulgences, 22 Feb. and 12 July 1847; 2 Oct. 1840; 15 May 1886.

"Whether, 1st, things enriched with indulgences ought to be handed over to the faithful wholly gratis; so that, 2nd, if anything is required or received under any title whatsoever, whether of price, exchange, gift, or alms, the indulgences are thereby lost. — Resp. In the affirmative to each part." Sacred Congregation of Indulgences, 16 July 1887.

"1st. Whether crosses, rosaries, etc., lose the indulgences if someone purchasing them entrusts to the seller himself the procuring of their blessing in his name, intending to pay the price and the expenses of transmission in the very act in which those things, now blessed, are handed over to him. — And insofar as the response is negative: 2nd. Whether crosses and rosaries lose the indulgences if someone, foreseeing that they will be requested already blessed on a certain occasion—for example, a great gathering of the faithful—takes care beforehand that they be blessed for those who will request them after reimbursing the price expended. — Resp. To the 1st: In the negative. — To the 2nd: In the affirmative." Sacred Congregation of Indulgences, 10 July 1896.

General Decree on Ecclesiastical Fees

"In order that there might be a uniform norm in exactions for various acts of noncontentious ecclesiastical jurisdiction, and that the burden of immoderate fees and the occasion of many controversies might be removed, Pope Innocent XI enacted a law which, commonly called the *Innocentiana*, aptly moderated the manner of exactions of this kind.

"But since this law was written in the Italian language, and for that reason, according to the more common opinion of the learned, was said properly to affect only the dioceses of Italy and the adjacent islands, while supplying to the others merely a suitable rule of conduct, it did not appear that provision had been made universally for the inconveniences for the removal of which that law had been issued.

"Moreover, almost three centuries after the promulgation of the law, the value and estimation of money having changed and society existing in new and diverse circumstances, full observance of the *Innocentiana* became difficult and sometimes even incongruous in the dioceses of Italy themselves. Hence Ordinaries, in a number increasing daily, began to request that new and particular exactions differing from the *Innocentiana* be approved or tolerated….

"Now the following three doubts, in which the whole question seemed to be comprehended, were called up for examination, namely:

"1st. Whether and what fees can be imposed according to the rules of prudence and justice in sacramental matters, and especially matrimonial matters, and likewise in matters of benefices.

"2nd. Whether, after certain general norms have been issued, the specific determination of fees in individual dioceses is to be left to the judgment of the Ordinaries; or whether it is instead to be prescribed that this matter be treated in provincial synods and, insofar as synods cannot be held, in meetings of Bishops to be held particularly for this purpose in individual provinces, and in Italy in individual regions, under the rule, namely, that insofar as possible a uniform fee is to be established in individual provinces or regions and submitted for approval to the Sacred Congregation of the Council.

"3rd. Whether and what other provisions are to be employed concerning this matter.

"Resp. To the 1st: In the affirmative, but in such a manner that, as regards acts which directly concern the administration of the sacraments, the provision of chapter 42 of the Decretals, *On Simony*, is to be observed, namely, that the sacraments of the Church be conferred freely and pious customs be observed.

"But as regards the remaining acts which do not directly concern the administration of the sacraments, such as dispensation from the proclamations of marriage, permission to confer baptism in private homes, and other things of this kind:

"1st. Praiseworthy customs are to be observed, and prudent consideration is to be had of places, times, and persons.

"2nd. The truly poor are to be exempted from any expenses.

"3rd. Fees ought not to be so burdensome that they deter the faithful from the reception of the sacraments.

"4th. As regards marriage specifically, the fees themselves are to be remitted in cases in which there is danger that the faithful may fall into concubinage.

"5th. Finally, as regards ecclesiastical benefices, the fees ought not to be proportionally incommensurate with the revenues of the benefices.

"To the 2nd: In the negative to the first part; in the affirmative to the second.

"To the 3rd: In the affirmative; and the schedule or list of fees, drawn up in the manner and according to the norms set forth above, is to be transmitted as soon as possible to the Sacred Congregation of the Council for approval, which is to be granted only by way of experiment—for the dioceses of Europe, for five years; but for the others, for ten years." Sacred Congregation of the Council, 10 June 1896.

Simoniacs Are Marked with Infamy

Cf. n. 508.

On the Second Precept of the Decalogue

Unlawfulness of Blasphemy

"6. God is praised by blasphemy." Proposition of Eckhart condemned by John XXII.

Formula of the Oath to Be Taken by Examiners of the Books and Writings of Servants of God

Title of the Cause. — "I, the undersigned, appointed by the Most Eminent and Most Reverend Lord N. N., Cardinal Ponent or Relator of the Cause, as a secret Theological Censor for the examination of the writings attributed to the aforesaid Servant of God, touching these Most Holy Gospels of God placed before me, swear and promise faithfully to fulfill the office committed to me and to disclose my judgment in writing according to the truth, in accordance with the form prescribed by Pope Benedict XIV of holy memory. I further swear and promise religiously to preserve secrecy, and not to disclose in any way to anyone my appointment or judgment, except only to the aforesaid Most Eminent and Most Reverend Lord Cardinal, to the Most Reverend Father, Lord Promoter of the Faith, to his Subpromoter, to the Chancellor of the Sacred Congregation of Rites, and to his Substitute, under pain of perjury and excommunication *latae sententiae*, from which I cannot be absolved except by the Supreme Pontiff—even the Major Penitentiary being excluded—apart from danger of death. Thus I promise and swear; so may God help me and these His Holy Gospels. — Rome, on this day ____."

— Signature.

Missionaries with Regard to the Oath to Be Taken

"Since in certain missions the following question has arisen concerning the interpretation and force of the Bulls *Ex quo* and *Omnium sollicitudinum*, which Benedict XIV issued concerning the oath to be made by Missionaries to the Chinese and Indian peoples—namely, whether, besides European priests, native priests also are bound to take the said oath—the Sacred Congregation for the Propagation of the Faith, to which a doubt of this kind had been proposed, judged that the whole matter was to be referred to the Holy Office. Now, on Wednesday, the 29th day of last May, the aforesaid Congregation gave the following response concerning the doubt referred to it, which was thereafter confirmed by Our Most Holy Lord Pope Leo XIII, namely: *According to information newly received, they are bound.* While I communicate to Your Amplitude this decision, to which thereafter the individual priests of every mission, whether European or native, will have to adhere faithfully, I also make use of this occasion to signify to you that the oath concerning which there is question above, once it has been taken before any Prelate of a mission, will always thereafter remain in its force; so that it is not necessary for it to be renewed if the Missionary passes to another mission and becomes the subject of another Superior. He will nevertheless have to exhibit to that Superior testimony concerning the same oath having been taken." Sacred Congregation for the Propagation of the Faith, 21 June 1895.

An Oath Is Lawful

"We do not condemn an oath; indeed, we believe with a pure heart that it is lawful to swear with truth, judgment, and justice." Profession of Faith of the Waldensians prescribed by Innocent III.

"The third error of these persons—the Fraticelli—agrees with the error of the Waldensians, since both these and those assert that an oath is to be taken in no event, dogmatizing that those whom it should happen to be bound by the religious obligation of an oath are polluted by the contagion of mortal sin and held liable to punishment." Error condemned by John XXII in a Constitution issued in 1318.

"101. Nothing is more opposed to the spirit and doctrine of Jesus Christ than to make oaths common in the Church, because this is to multiply occasions of perjury, to spread snares for the weak and uneducated, and to bring it about that the name and truth of God sometimes serve the counsel of the impious." Proposition of Paschasius Quesnel condemned by Clement XI.

"43. Oaths which are made to confirm human contracts and civil commerce are unlawful." Proposition of John Wycliffe condemned at the Council of Constance.

"75. The doctrine which declares that, in the blessed times of the nascent Church, oaths seemed so foreign to the instructions of the divine Preceptor and to golden evangelical simplicity that *even to swear without extreme and unavoidable necessity would have been regarded as an irreligious act, unworthy of a Christian man*; which moreover maintains that a continuous series of the Fathers demonstrates that oaths were held to be forbidden according to the common understanding; and which proceeds therefrom to disapprove the oaths which the ecclesiastical court, following—as it says—the norm of feudal jurisprudence, adopted in investitures and in the sacred ordinations of Bishops themselves; and which establishes that a law is therefore to be implored from the secular power for abolishing oaths which are exacted even in ecclesiastical courts for undertaking functions and offices, and generally for every curial act: false, injurious to the Church, harmful to ecclesiastical law, subversive of the discipline introduced and approved by the canons." Proposition of the Synod of Pistoia condemned by Pius VI.

On the Political and Protestant Oath

"1. Whether it is lawful for the Bishops and clergy to swear to the Spanish Civil Constitution of the year 1869 according to the formula prescribed by the Government. — 2. Whether the Spanish Bishops and the other local Ordinaries ought by pastoral letters to instruct the faithful people concerning the true sense of taking the oath.

"As regards the first question, it is readily evident to anyone that the prescribed oath is unlawful for clerics and laity alike, in view of the formula of the same oath, circumscribed by no limitations. For a Catholic man cannot be permitted to swear that he will observe those laws which are opposed both to divine and to ecclesiastical sanctions. Moreover, it is not hidden from the Bishops of Spain, and Your Eminence knows well, that in that Constitution are contained laws by which Catholic unity is gravely injured, a most extensive liberty of forms of worship and doctrine is introduced and established, and other things opposed to divine and ecclesiastical law are established, which were reproved by the united voice of the Bishops and by the votes of nearly all Spaniards. Hence it has happened that there have not been lacking those who, with a truly praiseworthy counsel, preferred to

resign from public offices rather than bind themselves by an oath of this kind against conscience. Nevertheless, if the Government should persist in what it has begun—which may God avert—and the clergy should be compelled to make this oath, then, in order to avoid greater evils, and only in a case of coercion, the Sacred Penitentiary has judged that it can be tolerated that the taking of the oath be made according to the prescribed formula, provided that this limitation is added to the text of the formula: *excepting those things which are opposed to the laws of God and of His holy Catholic Church*.

"But as regards the second question, since from the taking of an oath of this kind, especially when made by ecclesiastics, an occasion of scandal would easily be furnished on account of the peculiar condition of the Spanish people unless they are rightly instructed concerning the aforesaid limitation appended to it, this Sacred Penitentiary has therefore judged it greatly expedient that the Bishops and local Ordinaries admonish and instruct the flock entrusted to them concerning the appended limitation by pastoral letters. Indeed, it would be desirable that these pastoral admonitions become known to the people before the aforementioned oath is made. But since other sacred Prelates of Spain have also proposed similar questions, I readily persuade myself that Your Eminence will courteously and willingly furnish them with a copy of these letters, so that in so great a matter all may be able and willing to proceed with equal step." Cf. P. Villada, *Cas. Consc. his praesent. tempor. accommod.*, part 1, *On Liberalism*, Brussels, 1884, p. 266 ff.; *A. S. S.*, vol. 2, p. 675.

"Whether it is lawful to take the oath proposed by the intruding Government, in these or similar words, in which unlimited obedience is contained: *I swear fidelity and obedience to Victor Emmanuel, King of Italy, and to his successors. I swear that I will observe the Statute and every other law of the State for the inseparable good of the King and of the Italian fatherland.* — Resp. The oath, as it is set forth, is not lawful; but an oath of merely passive obedience can be tolerated in all things which are not opposed to divine and ecclesiastical laws, according to the form approved by Pius VII of holy memory and expressed in these words, namely: *I promise and swear that I will never give assistance to a conspiracy, assembly, or sedition of any kind against the present Government; and likewise that I will be subject and obedient to it in all those things which are opposed neither to the laws of God nor to those of the Church*." Sacred Penitentiary, 10 Dec. 1860; *A. S. S.*, vol. 1, p. 561.

"Can a Bishop who is asked take an oath, or can he at least promise a certain observance toward the new order of affairs? — Resp. In the negative, both because ecclesiastics are prohibited by the Sacred Canons from taking an oath before lay authorities, and because the oath, as it is proposed, is unlawful, as is evident from the Response in the Letter of 10 Dec. 1860." Sacred Penitentiary, 14 Dec. 1866; *A. S. S.*, vol. 2, p. 675.

"Moreover, it has been reported that in many regions of the Indies Catholics are accustomed, when the making of an oath occurs, to swear upon Bibles corrupted by Protestants and presented by the Government; while, on the other hand, it is not difficult to obtain from the civil Government itself that Catholics be given the power of taking an oath upon their own Bibles. Therefore, let all Apostolic Vicars in whose missions a custom of this kind is usually employed diligently take care that the Anglo-Indian Government leave to the faithful the liberty of swearing upon Sacred Scripture received by the Catholic Church. But until they shall obtain this from the civil authority, let them prudently remain silent if they see the faithful taking oaths upon the Bibles of heretics, provided that there is question of a lawful oath. Meanwhile, let them inform the Sacred Congregation whether the Bibles of heretics presented for an oath are substantially corrupted; whether they are presented so

that they may be approved by Catholics; whether our Latin Vulgate is customarily excluded; and finally, by whom, in what circumstances, and for what object oaths of this kind are exacted." Instruction of the Sacred Congregation for the Propagation of the Faith, 8 Dec. 1869; C. 1664.

"Since Protestant officials preside over all tribunals, courts, customs houses, and public offices of the Government, both civil and military—in French, *les bureaux*—and the manner of swearing among them is by touching and kissing the Bibles, heretical Bibles are everywhere furnished to be touched and kissed, and it is conceded to the clergy alone that they swear by placing a hand upon the breast. These things being posited, it is asked whether the faithful are to be disturbed concerning the manner which has become prevalent of touching and kissing Bibles of this kind. — Resp. In the case and circumstances set forth, the response is to be in the negative; namely, they are not to be disturbed." Holy Office, 23 Feb. 1820. — Cf. n. 367.

On Perjury

"14. Likewise, whether he believes that perjury knowingly committed for any cause or occasion whatsoever, for the preservation of the bodily life of oneself or another, even in favor of the faith, is a mortal sin." Articles from the Bull *Inter cunctas* of Martin V concerning which those suspected of the errors of Wycliffe and Hus are to be questioned.

"24. To call God as witness to a slight lie is not such great irreverence that on account of it He should will or be able to condemn a man. — 25. With cause, it is lawful to swear without the intention of swearing, whether the matter is slight or grave. — 26. If anyone, whether alone or before others, whether questioned or of his own accord, whether for the sake of recreation or for any other end whatsoever, should swear that he did not do something which he in fact did, understanding within himself some other thing which he did not do, or another manner different from that in which he did it, or anything else true added, he does not in reality lie, nor is he perjured. — 27. A just cause for using these equivocations exists whenever this is necessary or useful for preserving bodily health, honor, or family property, or for any other act of virtue, so that the concealment of truth is then considered expedient and deliberate. — 28. He who through recommendation or a gift has been promoted to a magistracy or public office will be able, with a mental reservation, to take the oath which by command of the King is customarily exacted from such persons, without regard to the intention of him exacting it, because he is not bound to confess a hidden crime." Propositions condemned by Innocent XI.

On the Faculty of Dispensing from an Oath

"The faculty of dispensing from vows does not of itself include the faculty of dispensing from an oath." Sacred Congregation for the Propagation of the Faith, 19 May 1845; C. 2087.

On the Excellence of a Vow

"3. Vows concerning the doing of something are impediments to perfection." Proposition of Michael de Molinos condemned by Innocent XI.

A Vow of Communities

A vow of communities to celebrate certain feasts of precept with a vigil and procession, insofar as it has force from the vow, although confirmed by the Bishop, obliges only those making the vow. Sacred Congregation of Rites, Decrees 834, 2113.

On the Third Precept of the Decalogue

On the Obligation of Sanctifying Feast Days

"52. The precept of observing feast days does not oblige under mortal sin, scandal being set aside, if contempt is absent." Proposition condemned by Innocent XI.

"Is it necessary to oblige under sin the faithful of the Vicariate of Chan-si, who cannot hear Mass because of a lack of priests, to assist on feast days, in place of Mass, at pious gatherings of the faithful? — Resp. The faithful who in the proposed case cannot hear Mass on feast days are not thereby freed from the obligation of sanctifying the feast through prayers or other pious works. They are therefore greatly to be exhorted, but not bound under guilt of sin—as though disobedient to a precept of the Church—to endeavor to be present at those pious gatherings in which they can be instructed and nourished by the food of the word of God and by other exercises of religion, and, united in prayer in the spirit of charity, can more efficaciously implore divine assistance." Sacred Congregation for the Propagation of the Faith, 4 Jan. 1798; C. 2199.

"The doubt was proposed concerning the sense to be given to the formula relating to the faculty of dispensing poor Catholics, enabling them to work on feast days…. The formula is to be revised so that it reads: *after, however, hearing Holy Mass, if it can be heard; but if it cannot, after supplementary prayers have been recited*. Meanwhile, this Sacred Congregation can write to that Apostolic Vicar, making him understand that the supplementary prayers, naturally to be determined according to his prudent judgment, must be recited by the dispensed faithful under grave obligation, since they are substituted for the precept of Mass and, moreover, it is of divine law that the feast must in some manner be sanctified by prayers and pious works." Holy Office, 12 March 1875; C. 2042.

The Obligation of Hearing Mass

"89. The fourteenth degree of the conversion of a sinner is that, when he has now been reconciled, he has the right of assisting at the sacrifice of the Church." Proposition of Paschasius Quesnel condemned by Clement XI.

"53. He satisfies the precept of the Church concerning hearing Mass who hears two parts of it, indeed four, simultaneously from different celebrants." Proposition condemned by Innocent XI.

On Hearing Mass from One's Own Pastor

"We cannot approve the plan of compelling the faithful to attend the Mass and instruction of the pastor on feast days, other churches or oratories being interdicted under reservation. For although We are persuaded what and how great assistance toward eternal life Christ's flock would receive from frequenting that same salutary food of the word of God, it is nevertheless known to Your Amplitude that it was never the intention of the Apostolic See that this be commanded under precept and the bond of sin. Hence We judge that the faithful are instead to be persuaded by paternal and repeated admonitions to provide more advantageously for their souls by these means." Sacred Congregation for the Propagation of the Faith, 30 June 1845.

"Whether, in order to satisfy the precept of the Church concerning hearing Mass on Sundays and feast days, it is necessary that each person hear Mass in his own rite, or whether it suffices to hear Mass. — Resp. In the negative to the first part; in the affirmative to the second." Sacred Congregation for the Propagation of the Faith, 11 Dec. 1838.

Hearing Mass in the Chapel of a Ship

"Since a fixed chapel on ships has recently been declared public for voyagers, and since it not rarely happens that, while ships are found in port, the families of voyagers and officers and other persons approach them for various reasons, the present chief chaplain of the Transatlantic Society of Barcelona set forth a doubt to the Sacred Congregation of Rites: Whether all who are present at the Most Holy Sacrifice of the Mass in the said chapel can hear it in fulfillment of the precept concerning hearing Mass on feast days. — Resp. In the affirmative according to the Decree *Vicen.* of 4 March 1901, without a special indult." Sacred Congregation of Rites, 10 May 1901. Cf. *On Laws*, n. 262; *On the Eucharist*, n. 640.

Days on Which the Celebration of Mass in Private Oratories Is Prohibited

"Which truly are the more solemn days on which, for all who do not have a particular Indult, Masses are forbidden in private oratories? — Resp. Those are of themselves the more solemn days in the case which are described in the *Ceremonial of Bishops*, bk. II, c. XXXIV, n. 2, and are observed by precept." Sacred Congregation of Rites, 10 April 1896.

The *Ceremonial of Bishops*, loc. cit., has the following: "Therefore, unless he shall have been lawfully impeded, the Bishop can celebrate on the day of the Nativity of Our Lord Jesus Christ; on the feast of the Epiphany of the Lord; on Thursday in the Lord's Supper; on the Sunday of the Resurrection; on the day of the Ascension; on Pentecost Sunday; on the festivities of the Immaculate Conception, Annunciation, and Assumption of the Blessed Virgin Mary; on the feast of St. Joseph, Spouse of the Blessed Virgin Mary; on the feast of the Blessed Apostles Peter and Paul; on the feast of All Saints; on the feast day of the Titular of the church and of the Patron; on the anniversary day of the dedication of the cathedral church; or even, according to his judgment, on other festivities throughout the year, whenever it shall please him, with the ceremonies and solemnities which were explained above in chapter VIII of this book II, *On Solemn Mass When the Bishop Celebrates*."

Devotion in Hearing Mass

"That at the elevation of the Body of Jesus Christ they ought not to rise, nor to exhibit reverence to It, asserting that it would be an imperfection for them if they descended so far from the purity and sublimity of their contemplation that they should think anything concerning the ministry or Sacrament of the Eucharist, or concerning the Passion of the Humanity of Christ." Error of the Beguards and Beguines condemned by Clement, *Ad nostrum*, 3, *On Heretics*.

Abstinence from Servile Works

"The law by which servile works are prohibited on certain days for the sake of divine worship is to be abolished." Proposition condemned by Pius IX in the Encyclical *Quanta cura*.

On the Fourth Precept of the Decalogue

On the Education of Children

"The domestic society or entire family borrows the whole reason of its existence from civil law alone; and therefore all the rights of parents over their children, but especially the right of providing for their instruction and education, emanate and depend upon civil authority alone." Proposition condemned by Pius IX in the Encyclical *Quanta cura*.

On Schools and Universities — On the Government of Schools

"45. The entire government of public schools in which the youth of any Christian commonwealth is instructed—with episcopal seminaries alone excepted in some manner—can and ought to be attributed to the civil authority, and indeed so attributed that no right of interfering in the discipline of the schools, in the government of studies, in the conferring of degrees, or in the selection or approval of teachers is acknowledged in any other authority whatsoever. — 46. Indeed, even in seminaries of clerics the method of studies to be employed is subjected to the civil authority. — 47. The best ordering of civil society requires that popular schools, which are open to all boys of every class of the people, and public institutions generally, which are destined for imparting letters and the more rigorous disciplines and for providing for the education of youth, be exempted from every authority, governing power, and interference of the Church, and be subjected to the full judgment of the civil and political authority, according to the pleasure of rulers and according to the exact measure of the common opinions of the age. — 48. That manner of instructing youth which is separated from the Catholic faith and from the power of the Church, and which regards only, or at least primarily, the knowledge of natural things and the ends of earthly social life, can be approved by Catholic men." Propositions condemned by Pius IX in the *Syllabus*; *A. S. S.*, vol. 21, p. 691.

"The clergy, as being enemies of true and useful knowledge and of the progress of civilization, are to be removed from every care and office of instructing and educating youth." Proposition condemned by Pius IX in the Encyclical *Quanta cura*.

"29. Universities, studies, colleges, graduations, and masterships in them were introduced by vain paganism; they profit the Church as much as the devil." Proposition of John Wycliffe condemned at the Council of Constance.

On the Schools of Heretics

"…Moreover, the very manner of instructing youth proper and peculiar to schools of this kind—non-Catholic schools—had first to come under deliberation. This appeared to the Sacred Congregation to be full of danger even of itself and exceedingly adverse to the Catholic cause. For pupils of such schools, since their proper manner excludes every doctrine of religion, will neither learn the rudiments of the faith nor be instructed in the precepts of the Church, and thus they will lack the knowledge most necessary to man, without which one does not live as a Christian…. In the aforesaid schools … teachers from every sect without distinction are employed, so that they are free to infuse errors and seeds of vice into tender minds. A certain corruption also threatens from this additional

fact: that in the same schools, or at least in many of them, young people of both sexes are brought together in the same room to hear lessons, and males are ordered to sit upon the same bench beside females. All these things bring it about that youth is wretchedly exposed to harm concerning the faith and that morals are endangered. — But unless this danger of perversion is rendered remote from proximity, such schools cannot be attended with a safe conscience. The natural and divine law itself proclaims this…. And these things, as founded upon natural and divine law, state a certain general principle, possess universal force, and pertain to all those regions where this most pernicious manner of instructing youth has unhappily been introduced….

"Nevertheless, the Sacred Congregation is not ignorant that the circumstances of affairs are sometimes such that Catholic parents can in conscience commit their children to public schools. But they cannot do this unless they have a sufficient cause for acting thus; and whether such a sufficient cause is present or absent in some particular case will have to be left to the conscience and judgment of the Bishops. According to the things reported, it will then generally be present when either no Catholic school is available or the one available is poorly suited to instructing young people in a manner fitting and congruent with their condition. But then, so that public schools can be approached in conscience, the danger of perversion, which by their proper nature is always more or less connected with them, must by opportune remedies and precautions be rendered remote from proximity. Therefore it must first be seen whether, in the school concerning the attendance of which there is question, the danger of perversion is of such a kind that it plainly cannot be rendered remote, as often as certain things opposed to Catholic doctrine or good morals are either taught or done there, things which can neither be heard nor performed without harm to the soul. Indeed, as is evident of itself, such a danger is to be avoided at the cost of any temporal harm whatsoever, even of life.

"Moreover, in order that youth can in conscience be committed to public schools, it must duly and diligently receive the necessary Christian instruction and education, at least outside school time. Therefore, let pastors and missionaries … diligently devote themselves to catecheses…. Let the parents themselves, or those who are in their place, keep solicitous watch over their children…. From Catholic moral doctrine it is manifest that however many parents neglect to impart this necessary Christian instruction and education to their children; or allow them to attend such schools in which ruin to souls cannot be avoided; or, finally, although a suitable Catholic school, properly instructed and prepared, is present in the same place, or although they have the faculty of educating their children as Catholics in another region, nevertheless commit them to public schools without sufficient cause and without the necessary precautions by which the danger of perversion is rendered remote from proximity—such persons, if they have been contumacious, cannot be absolved in the sacrament of Penance." Instruction of the Sacred Congregation for the Propagation of the Faith, *On Public Schools*, to the Most Reverend Bishops in the United States of North America, 30 June 1875; C. 481.

On Non-Catholic Universities

"By letters given on 3 Feb. 1865 to the Most Reverend Fathers and Lords, the sacred Prelates of England, the Sacred Council commonly called the Propagation of the Faith signified that it had most willingly confirmed the opinion unanimously proposed by the praised Bishops at the recent London

meeting: that colleges were not to be erected in connection with the English Universities of Oxford and Cambridge, and that Catholic parents were opportunely to be persuaded not to send their sons to those Universities, because, namely, the same Sacred Council had seen that the opinion of the Bishops was wholly consonant with the principles handed down by it according to the mind of the Supreme Pontiff whenever it had been consulted concerning the dangers of mixed schools…. "But since not all passed the same judgment concerning the avoidance of non-Catholic Universities, and there were even some who judged that it could be tolerated that Catholic youth attend the aforesaid Institutions, whether on account of the temporal emoluments acquired in them or because, in their opinion, no certain law appears by which access to them is absolutely prohibited, I judge it worthwhile that Your Amplitude clearly explain in a pastoral letter the doctrine concerning the avoidance of proximate occasions of sinning gravely, to which no one can expose himself without mortal sin unless a grave and proportionate necessity urges, and unless such precautions are employed by which the proximate danger of sinning is rendered remote. Now, in the matter concerning which there is question, in which, according to the declaration of the Supreme Pontiff, there inheres an intrinsic and most grave danger not only for uprightness of morals but especially for the faith, which is altogether necessary for salvation, who does not see that there can scarcely, or not even scarcely, be circumstances in which non-Catholic Universities can be attended without sin? The lightness of mind and instability of young people, the errors which are drawn in as if with the air in the said Institutions without the antidote of more solid doctrine, and the very great force which human respect and the mockeries of companions exercise upon the young introduce so present and so proximate a danger of falling for young people that generally no sufficient reason can be conceived on account of which they may be committed to non-Catholic Universities…." Instruction of the Sacred Congregation for the Propagation of the Faith, 6 Aug. 1867; C. 478.

On Mixed Schools of Heretics

"1. Is it lawful for parents to commit their children to schools of this kind—mixed schools—to be instructed? — Resp. Generally speaking, it is not lawful; but in particular cases it is to be left to the judgment and conscience of the Ordinary. It will, however, be his duty to take diligent care that opportune remedies be employed not only by himself and by the pastors, but also by each parent, by which the danger of perversion may be removed from the pupils; and at the same time to press upon the magistrates and governors that violence not be inflicted upon the conscience of Catholics by employing books hostile to the Catholic religion; and finally, constantly and insistently to admonish and exhort all, and especially those who have the ability, to send their children into other regions where they may be educated as Catholics.

"2. Is it lawful for a priest to teach the doctrines of the Christian faith in the aforesaid schools or to discharge the office of chaplain? — Resp. In the affirmative, and according to the intention. The intention is that care is to be taken that, insofar as possible, priests or upright laymen of proven religion be placed over as many schools as possible, not only for teaching the Christian faith but also the other disciplines. But in order that every fear of scandal may cease, the people are to be admonished that this is done so that the evils which flow from schools of this kind may, insofar as possible, be averted; and that it therefore ought to be an excuse for no one not to send his children to purely Catholic schools, in which their faith and morals are in no manner endangered.

"3. Even if those mixed schools can in some manner be tolerated, is it lawful for the Catholics of the Jura to renounce their right, resting upon public treaties, by force of which it is unlawful for anyone who does not profess the Catholic religion to discharge the office of teaching in their public schools?" Resp. In the negative, whether there is question of an express cession or even of a tacit cession arising from silence and culpable toleration. Therefore, although care must be taken lest anything be done imprudently by which the ferocity of adversaries is aroused to inflict graver evils, nevertheless nothing is to be relaxed of diligence and constancy, so that the legitimate means which are in the power of Catholics may be employed for recovering the aforesaid right, together with the sanctity of the treaty and the immunity of the Catholic religion." Instruction of the Holy Office to the Bishops of Switzerland, 26 March 1866; *A. S. S.*, vol. 25, p. 132 ff.; vol. 33, p. 222 ff.; C. 477.

On Catholic Schools without Religious Instruction

"By a most recent decree the Catholic catechism is expelled from the schools of the Municipality. The decree, worthy of reproach, removes an obstacle from raging heresy and unbelief.... But while, in the name of religion, we raise our voice to defend its sacred rights, we also wish it to become known to everyone how much a senseless design of this kind is opposed to the good of society.... For it is not lawful to renew Solomon's judgment upon a child, and irrationally and inhumanly to divide him in half with respect to his intelligence and his will: because, while the former is cultivated, the latter must be directed toward acquiring virtuous habits and pursuing the last end.... And the matter shines with such splendor that it was held to be true, even at the price of contradiction, by those very persons who desire that religious instruction be cast out of the schools; for they do not direct their efforts to the intellect alone, but also to the will, endeavoring that the ethics which they call civil and natural be taught in the schools, and taking care that youth be directed toward the acquisition of civil and social virtues. But a moral philosophy of this kind is not only unable to lead man to the higher end established by the divine goodness in the beatific vision of God, but also proves unequal to this: that the soul of the child be instructed in true virtue and be able to remain constant upon the right path.... And rightly have we used the word *expel*: since the method devised of offering religious instruction only to those children whose parents have expressly requested it is altogether a mockery. For it is not easy to comprehend how the authors of this impious design failed to consider with what evil feeling a child would be affected who perceived that he was receiving religious instruction in a manner altogether different from others.... But if, driven either by depravity of mind, or ignorance, or sloth, there are parents—as is not difficult—who do not request for their children the benefit of religious instruction, a great part of the young would be deprived of the most salutary teachings, with the greatest danger not only to the souls of those innocent children, but also to civil society itself.... When benefits even of less importance were expected, elementary instruction was rendered obligatory by law, compelling parents by fines to send their children to school; who now will dare to take religious instruction away from Catholic youth, when it presents itself as the more prudent protection for leading life uprightly? Is it not cruel to demand that children of this kind grow up without any knowledge of religion...?" Letter of Leo XIII to the Most Eminent Cardinal Vicar, *Tot inter*, 26 June 1878.

"The Church, guardian and vindicator of the integrity of the faith, which, by the authority committed to her by God her Founder, ought to call all nations to Christian wisdom and likewise carefully to see by what precepts and institutions the youth placed under her power is cultivated, has always openly

condemned schools which are called mixed or neutral, repeatedly admonishing fathers of families to turn their attention, in a matter of such importance, to taking precautions." Encyclical Letter of Leo XIII, *Nobilissima Galliarum*, to the Bishops of France, 8 February 1884.

On the Mixed Schools of Catholics

Cf. no. 367.

On Ecclesiastical and Civil Superiors, and the Obedience and Support Due to Them

"10. No one without revelation would reasonably assert of himself or of another that he was the head of a particular Church, nor is the Roman Pontiff the head of the particular Roman Church. — 11. It is not necessary to believe that this man, whoever is the Roman Pontiff, is the head of any particular holy Church, unless God has predestined him." Propositions of John Hus condemned by the Council of Constance.

"15. No one is a civil lord, no one is a Prelate, no one is a Bishop, while he is in mortal sin." Proposition of John Wycliffe and John Hus condemned by the Council of Constance.

"63. It is lawful to refuse obedience to legitimate Princes, and even to rebel." Proposition condemned by Pius IX in the *Syllabus*. Cf. no. 870.

"1. Is it lawful for a priest to open a vein or to practice certain other things of the medical art? — 2. What is to be called the best manner of providing for the support of ministers here in these new regions? — 3. What obligation rests upon the laity to pay this due? — 4. Is it lawful to deny spiritual ministry to those persons, or to persons belonging to their family—for example, the Sacrament of Baptism to infants—if they refuse to submit to this due? — Resp. To 1. In the negative, unless a dispensation has been obtained and in a case of true necessity. — To 2. Provision is to be made from the revenues of the churches and the voluntary offerings of the faithful. — To 3. The faithful are bound in conscience to the sufficient support of the Ministers of the Church. — To 4. The question of denying sacred things, and Baptism itself, to those who refuse to submit to the due of offerings is unworthy of an ecclesiastical man and deserving of censure." Sacred Congregation for the Propagation of the Faith, 13 May 1816.

A Determinate Form of Civil Government

"…But if we descend from abstractions to the consideration of facts, care must diligently be taken lest the principles established thus far be denied. These indeed remain immovable; nevertheless, when facts arise, they bear the character of something contingent and variable in use, which is determined by those very facts, whence the application made of those principles follows. Or, in other words: although each form of civil government is good in itself and can be adapted to the supreme government of peoples, nevertheless in reality among every people civil power is found only in its one unique form; each people certainly possesses its own proper form. This form arose from a complex of historical or national circumstances, which nevertheless always pertain to men; these circumstances in each nation gave origin to its laws, which were to be transmitted to posterity and held as a foundation; and through these circumstances this or that particular form of civil government is found to be defined, namely, this foundation for transmitting every supreme power to posterity.

"We deem it useless to admonish here that individual citizens are bound to submit to governments thus constituted, and that nothing is to be attempted in order to overthrow them or to change their form. Hence it came about that the Church, which alone upon earth guards as a deposit, most of all, the true and sublime notion of civil power, because she teaches that all power is derived from God, has continually condemned rebellious men who refuse obedience to legitimate authority. And this even at the very time when Kings and Princes were abusing the power entrusted to them, thereby depriving themselves of the strongest of all safeguards granted them for sustaining their authority, and of the most efficacious of all aids for obtaining from peoples observance of the laws of government…. Nevertheless, it must here be diligently noted that, whatever may be the form of civil government in any nation, it is by no means to be regarded as so definitive that it ought to remain immutable forever, even if perhaps this was the intention and will of those who determined it at the beginning. The Church of Jesus Christ alone has been able to preserve until now the form of her government…. But as regards merely human societies, it is a fact confirmed by six hundred historical documents that time, that remarkable transformer of earthly things, repeatedly effects most grave changes in their civil institutions. Sometimes indeed it changes the form of government only to some extent; but at other times it advances so far that, after the former forms have been abolished, it substitutes new and altogether different ones; indeed, sometimes it even changes the very manner of transmitting supreme power to successors.

"But how do these changes of which we speak happen to the commonwealth? They sometimes follow violent crises of a nation, all too frequently bloody; in the heat of these the preceding governments vanish; then behold anarchy, which now holds sway there; immediately the public order of the state is overturned from its lowest foundations. Then a certain social necessity is imposed upon the nation; it is compelled to provide for itself without delay.

"Why, I ask, will it not have the right, or rather the duty, to withdraw itself from such a state of affairs, which disturbs it so gravely, and to restore public peace to its former tranquility of order? Now this social necessity proves the constitution and existence of a new government to be just, whatever form at length it assumes; because, in the hypothesis in which we are situated, these new governments are meanwhile necessarily required for restoring public order, since no public order can subsist without some civil government.

"Hence it follows that the whole novelty of the matter, in events of this kind, is confined to the political form of civil government to be established, or to the changed manner of transmitting that government to successors, but in no way touches the government itself considered in itself. This indeed continues immovable and worthy of observance; for, if it is inspected more intimately in its very nature, it is established and imposed for the sake of providing for the common good, which is the supreme reason from which human society takes its origin. In other words: in every hypothesis civil power, considered as such, is from God, and always and everywhere from God alone. *For there is no power*, writes the Apostle, *but from God* (Rom. 13:1).

"Therefore, when new governments which represent this immutable power have in fact been constituted, citizens are not only not forbidden voluntarily to submit to them; they are, rather, altogether commanded to do so because of the necessity of the common good, for the sake of which those governments arose and continue to exist. This is especially so since the rebellion of peoples can sharpen hatred among citizens, excite civil wars, and cast the nation itself down into the chaos of

anarchy. But this great duty of observance and submission will continue so long as the necessity of the common good shall demand it; for this public good is the first and last law before God and in human society." Leo XIII, Encyclical Letter *Inter gravissimas*, 16 February 1892, to the Bishops of France; *A. S. S.*, vol. 24, p. 534 ff.

To Rebel against Princes — Cf. no. 701 — Defense of a Tyrant

"An unbelieving king lays snares for the Christians subject to him, or wishes here and now to destroy them and to abolish the Christian name in his kingdom. While he is contemplating and preparing these things, other wicked men, by conspiring against him and defeating him, attempt to cast him out of his kingdom. It is asked: — 1. Whether the Christians are bound positively to defend him, namely, the tyrant who wishes here and now to slaughter them; or whether they can rather conduct themselves negatively, neither fighting against him nor assisting him. — 2. Insofar as the response to the first part is affirmative: after he has been cast out of his kingdom, whether the Christians are bound to recall him to his kingdom, if they can; or whether they can rather admit and defend his successor, even, in the given case, against the former king, especially if the successor tolerates or favors religion. — Resp. To 1. As the matter is stated, in the negative to the first part; in the affirmative to the second part. — To 2. Provided for in 1." Holy Office, 27 January 1892.

On the Fifth Precept of the Decalogue

It Is Lawful to Kill Malefactors by Public Authority

"Concerning the secular power we assert that it can exercise judgment of blood without mortal sin, provided that in inflicting punishment it proceeds not from hatred but by judgment, not incautiously but advisedly." Profession of Faith of the Waldensians.

On the Private Killing of a Guilty Person

"19. A husband who by his own authority kills his wife caught in adultery does not sin." Proposition condemned by Alexander VII.

The Unlawfulness of Homicide by Private Authority Even in the Absence of Public Justice

"The Catholics of this diocese are inexorable in vengeance, and this is because there is no one in those regions who administers justice to them. It is therefore asked: 1. Whether, every other means of obtaining redress for their wrongs being excluded, the Christians can, with respect to this point, consider themselves as if they were in the state of nature. 2. Whether they are capable of receiving the Sacraments so long as they persist in this desire of theirs for vengeance. The reason which they bring forward to prove the necessity under which they are of avenging themselves is that the killer and his supporters would become fiercer and more intolerable against the relatives of the one killed, and would commit new homicides, if these relatives did not resist and oppose force to force. Resp. In the negative to both parts." Sacred Congregation for the Propagation of the Faith, 21 May 1759.

"It is a custom among the independent Gallas that, if anyone is killed or afflicted with a grave wound, from that very moment all and each of his relatives and fellow tribesmen are bound to swear mortal hatred against all and each of the killer's relatives and fellow tribesmen, and to pursue them to extermination; and no one can exempt himself from this obligation without losing his social rights in his own tribe and being expelled from it as an enemy. But this right and duty of avenging blood lasts until a certain sum of money, to be determined by the judgment of arbitrators, is paid for the homicide, and thus the tribe to which the one killed belonged receives satisfaction. This satisfaction would be hoped for in vain if an obligation of this kind to undertake the aforesaid hostility or vengeance were removed, because among the independent Gallas there is a complete absence of public magistrates who watch over the punishment of crimes and the protection of rights. Therefore it is asked:

"1. Whether hostilities exercised in the aforesaid manner can be regarded as a just war of one tribe against another. — 2. Whether one can be admitted to the sacraments who on the one hand protests that he fosters no hatred or animosity whatsoever in his soul against the men of the enemy tribe, but rather shows himself ready and desirous of exhibiting to them the customary signs of friendship as soon as satisfaction has been made for his right; but who on the other hand promises that he will never seek an occasion of quarreling with his enemies, but will avoid encountering them, lest he be cast into the danger either of accepting a fight or, if he refuses it, of incurring the displeasure of his own people.

"Resp. Of the three conditions required for a just war, namely, legitimate authority, a just cause, and a suitable manner, it is manifest that the third is entirely lacking in the case of fact to which the first doubt refers. For a suitable manner especially demands that war be waged neither with the cruelty of taking vengeance nor with a desire to do harm, but with the right intention of obtaining due satisfaction, and that the innocent be in no way harmed, insofar as this can be done. But the Gallas, as soon as anyone from their family or tribe has been killed, swear mortal hatred against all and each of the blood relatives of the killer, and, without discrimination, if they meet them, attack, strike, and slaughter them, looking only to this: that by a barbarous rite they expiate blood with blood, until the satisfaction customary among them is furnished. Nor do they take vengeance under the guidance of public authority, to which alone it belongs to declare and direct war, but private persons rise up against private persons in the manner of wild beasts. Nor do they examine beforehand whether the homicide might have been committed accidentally or from the necessity of lawful defense and without fault. Nor, before they rush to arms, do they try every way through common friends by which they might peacefully obtain the satisfaction due to them; but, as the same Vicar Apostolic reports in another letter, from the very moment at which any homicide or lethal wounding occurs, all the blood relatives of both the killer and the one killed immediately separate themselves in such a manner that they are bound not only to break off every intercourse of speech and life with one another but also, if they meet, to fight even to extermination. Certainly no one fails to understand how greatly all these things are abhorrent to a suitable manner of waging war, indeed to the very notion of a true war. Therefore let the Vicar Apostolic take care, and let all the missionaries dwelling in those regions take care, that they utterly root out from their midst so barbarous and pernicious a custom, from which incredible slaughters of men and devastations of goods arise.

"But in the meantime will he be able to admit to participation in the sacraments one who is disposed in soul as is explained in the second doubt? The response depends upon the best-known principles of moral theology concerning the love of enemies, restitution on account of homicide, and the dispositions necessary for receiving the sacrament of Penance. That rule which the Vicar Apostolic relates that he gave to the missionaries subject to him is in no way opposed to these principles: namely, that the sacraments are not to be denied to one who protests that he has no personal hatred in his soul and wishes nothing else through the external hostility than what belongs to him by right according to the laws of his country, and who at the same time promises that he will accomplish by every means that he abstain from killing any of his enemies. The missionaries will therefore be able to follow this rule with respect to those who belong to the family or tribe of the one killed. But if there is question of those who are from the family or tribe of the unjust killer, it is required in addition that, insofar as it lies within them, they be prompt and prepared to furnish due satisfaction, and to undergo the displeasure of their own tribe rather than attack and injure anyone from the opposing tribe if perhaps they meet him, with the exception of the right of self-defense with the moderation of blameless defense." Holy Office, 20 June 1866.

The Penalty of Death in a State Not Yet Perfectly Constituted

"According to the custom of this kingdom, every chief, even the least, although placed over only ten men, has full judicial and coercive power over his subjects, so that he can even pronounce a capital sentence against them according to his pleasure. Likewise a master has this power over his slaves. Nor would they permit their delinquent subjects to be brought before another tribunal. The

customary form of judgment, moreover, is very summary. It is asked: — 1. Whether a Christian chief or master, with a safe conscience and with natural and divine law preserved, can exercise this power over his subjects or slaves and even decree capital punishment against them for an enormous crime; for example, if some subject wishes to destroy him or another, or to hand him over to persecutors for death on account of religion or another cause? — 2. Insofar as the answer is affirmative, when the chief himself questions the missionary concerning his right, can the missionary advise him concerning his right either in general or in a particular case? — Resp. To the first and second, that it can be tolerated until an exact form of judicial proceedings is introduced, with justice preserved and provided that in graver causes, especially capital ones, the procedure is as mild as possible and follows the counsel of upright men." Holy Office, 27 January 1892; C. 2098.

On the Killing of a Thief

"31. As a rule, I can kill a thief for the preservation of one gold coin. — 32. It is lawful to defend with a lethal defense not only the things which we actually possess, but also those to which we have an inchoate right and which we hope that we shall possess. — 33. It is lawful both for an heir and for a legatee to defend himself in this manner against one who unjustly prevents either the inheritance from being entered upon or the legacies from being paid; likewise also for one having a right to a chair or prebend against one who unjustly prevents possession of them." Propositions condemned by Innocent XI.

On the Killing of a Slanderer

"17. It is lawful for a religious or cleric to kill a slanderer who threatens to spread grave crimes concerning him or his religious order, when another manner of defending himself is not available; as it does not appear to be available if the slanderer is prepared publicly and before most eminent men to charge the aforesaid things against the religious himself or his religious order unless he is killed. — 18. It is lawful to kill a false accuser, false witnesses, and even a judge from whom an unjust sentence certainly threatens, if the innocent person cannot avoid harm in another way." Propositions condemned by Alexander VII.

"30. It is lawful for a man of honor to kill an assailant who endeavors to inflict slander upon him, if this ignominy cannot otherwise be avoided; the same is also to be said if anyone strikes him with an open hand or with a club and, after inflicting the blow of the hand or the stroke of the club, flees." Proposition condemned by Innocent XI.

Acceleration of Delivery

"1. Will acceleration of delivery be lawful whenever the emergence of the fetus at its natural time would become impossible because of the narrowness of the woman? — 2. And if the narrowness of the woman is such that even premature delivery is judged impossible, will it be lawful to procure an abortion or to perform a Caesarean operation at its proper time? — 3. Is laparotomy lawful when there is question of an extrauterine pregnancy, or of ectopic conceptions? — Resp. To 1. Acceleration of delivery is not unlawful in itself, provided that it is performed for just causes and at that time and by those methods through which, according to ordinary contingencies, provision is made for the life of the mother and of the fetus. — To 2. As regards the first part, in the negative, according to the

decree of Wednesday, 24 July 1895, concerning the unlawfulness of abortion. But as regards the second part: nothing prevents the woman in question from being subjected to a Caesarean operation at its proper time. — To 3. When necessity compels, laparotomy for extracting ectopic conceptions from the womb of the mother is lawful, provided that serious and opportune provision is made, insofar as this can be done, for the life both of the fetus and of the mother." Holy Office, 4 May 1898.

On Craniotomy and the Procuring of Abortion

"34. It is lawful to procure an abortion before the animation of the fetus, lest a girl who has been discovered to be pregnant be killed or defamed. — 35. It appears probable that every fetus, so long as it is in the womb, lacks a rational soul, and begins to have it only when it is born; and consequently it will have to be said that homicide is committed in no abortion." Propositions condemned by Innocent XI.

"Can it safely be taught in Catholic schools that the surgical operation which they call craniotomy is lawful, namely, when, if it is omitted, the mother and child will perish, but if it is admitted, the mother will be saved while the infant perishes? Resp. After all matters had been considered for a long time and maturely, account also having been taken of those things written on this matter by expert Catholic men and transmitted by Your Eminence to this Congregation, they judged that the response must be: It cannot safely be taught. The Most Holy Lord fully confirmed it." Holy Office, 28 May 1884.

"It cannot safely be taught in Catholic schools that the surgical operation which they call craniotomy is lawful, as was declared on 28 May 1884, nor that any surgical operation directly destructive of the fetus or of the pregnant mother is lawful." Holy Office, 19 August 1889.

"When the physician Titius was called to a pregnant woman who was gravely ill, he commonly observed that there was no other underlying cause of the lethal disease apart from the pregnancy itself, that is, the presence of the fetus in the womb. Therefore, in order that he might save the mother from certain and imminent death, one way was available to him, namely, to procure an abortion or the expulsion of the fetus. He customarily entered upon this way, but employed means and operations not indeed tending of themselves and immediately toward killing the fetus in the mother's womb, but only toward bringing it forth alive into the light, if this could be done, although it would soon die, since it was still altogether immature.

"Now, after reading what the Holy See wrote in response to the Archbishop of Cambrai on 19 August 1889—'it cannot safely be taught that any operation directly destructive of the fetus is lawful, even if this were necessary to save the mother'—Titius remains doubtful concerning the lawfulness of the surgical operations by which he had not rarely procured abortion up to this time, in order to save gravely ill pregnant women.

"Therefore, in order to provide for his conscience, Titius suppliantly asks whether he can safely undertake the stated operations again in the circumstances repeatedly described. — Resp. In the negative, according to the other Decrees, namely, those of 28 May 1884 and 19 August 1889." Holy Office, 24 July 1895.

"Whether it is sometimes lawful to extract from the womb of the mother ectopic (extrauterine) fetuses which are still immature, before the completion of the sixth month after conception? — Resp.

In the negative, according to the decree of 4 May 1898, by force of which serious and opportune provision must be made, insofar as this can be done, for the life of the fetus and of the mother; but as regards the time, according to the same decree, let the petitioner remember that no acceleration of delivery is lawful unless it is performed at a time and by methods through which, according to ordinary contingencies, provision is made for the life of the mother and of the fetus." Holy Office, 5 March 1902; Sacred Congregation for the Propagation of the Faith, 20 March 1902. Cf. no. 742.

The Unlawfulness and Baseness of the Duel

Apostolic Letter to the Ordinaries in the German and Austro-Hungarian Empires:

"Moved by the consciousness of your pastoral office and by charity toward your neighbors, you judged it necessary, in letters sent to Us last year, to report the frequency among your people of single combats which they call duels. You indicated with sorrow that this kind of fighting, as though a right established by custom, prevails even among Catholics; and at the same time you requested that Our voice also endeavor to deter men from an error of this kind.

"This error is certainly exceedingly pernicious, and indeed it is not confined within the borders of your states, but extends much more widely, so that scarcely any nation is found free from the contagion of this evil. Therefore We praise your zeal; and although it is known and thoroughly understood what Christian philosophy, with natural reason certainly agreeing, prescribes in this matter, nevertheless, since the depraved custom of dueling is especially nourished by forgetfulness of Christian precepts, it will be expedient and useful that this very matter be recalled briefly by Us.

"Namely, both divine laws—that which is natural from the light of reason, and that which has been promulgated in writings composed by divine inspiration—strictly forbid anyone to kill or wound a man apart from a public cause, unless, compelled by necessity, it is for the sake of defending his own safety. But those who challenge another to a private combat or accept one offered act for this purpose and direct their mind and strength toward this: although constrained by no necessity, to take away the life of their adversary or at least to inflict a wound upon him. Moreover, both divine laws forbid anyone rashly to cast away his own life, exposing it to grave and manifest danger, when no consideration of duty or magnanimous charity urges it; but this blind rashness, contemptuous of life, plainly inheres in the nature of a duel. Therefore it can be obscure or doubtful to no one that upon those who privately engage in single combat there fall both the crime of another's destruction and the voluntary endangerment of their own life. Finally, there is scarcely any plague which is more abhorrent to the discipline of civil life and more subversive of the just order of the state than the permission granted to citizens that each man should become the defender of his own right by private force and hand, and the avenger of honor which he thinks has been violated.

"For these reasons the Church of God, which is guardian and vindicator both of truth and of justice and uprightness, by the union of which public peace and order are maintained, has always vehemently condemned the practice and has taken care that those guilty of private combat be restrained by the graver penalties which she could impose. The Constitutions of Alexander III, Our predecessor, inserted in the books of canon law, condemn and execrate these private combats. The Council of Trent punished with singular severity of penalties all who enter into them or participate in them in any manner; for, besides other things, it also branded them with the mark of infamy and, having cast them from the bosom of the Church, judged them unworthy, if they died in the combat,

of ecclesiastical burial. Our predecessor Benedict XIV enlarged and explained the Tridentine sanctions in the Constitution issued on 10 November 1752, whose beginning is *Detestabilem*. But in the most recent period Pius IX, of happy memory, in the Apostolic Letter whose beginning is *Apostolicae Sedis*, by which *latae sententiae* censures are limited, openly declared that ecclesiastical penalties are incurred not only by those who fight in a duel, but also by those whom they call seconds, and likewise by witnesses and accomplices.

"The wisdom of these laws shines forth the more clearly, the more evident it is how foolish are those things customarily brought forward to defend or excuse the savage custom of dueling. For what is spread among the common people—that combats of this kind are adapted by their nature for washing away the stains which another's slander or insult has placed upon the honor of citizens—is such as can deceive no one but a man bereft of judgment. For although the one who, having received an injury, declared the combat should depart from it victorious, the judgment of all sensible men will be that by such an outcome of the combat the challenger is proved better indeed in strength for fighting or in handling arms, but is not thereby proved superior in uprightness. But if that very man should fall, to whom in turn would this manner of defending honor not appear inconsiderate and altogether absurd? Indeed, We think that there are few who undertake this crime because they have been deceived by an error of opinion. It is altogether the desire for vengeance which impels proud and fierce men to seek punishment. If they were willing to restrain their haughty spirit and to obey God, who commands men to love one another with fraternal love and forbids anyone to be violated, who most gravely condemns the lust of taking vengeance in private men and reserves to Himself alone the power of exacting punishments, they would easily depart from the savage custom of dueling.

"Nor do those who accept an offered combat have available a just excuse of fear, because they fear that they will be considered cowardly by the common people if they refuse the fight. For if the duties of men were to be measured according to the false opinions of the common people and not according to the eternal norm of right and justice, there would be no natural and true distinction between upright actions and deeds shamefully committed. The wise pagans themselves both knew and taught that the fallacious judgments of the common people are to be despised by a brave and constant man. Rather, it is a just and holy fear which turns a man away from unjust slaughter and makes him solicitous for his own safety and that of his brethren. Indeed, he who disdains the empty judgments of the common people and prefers to undergo the lashes of insults rather than to abandon duty in any matter is clearly of a far greater and loftier spirit than one who, when provoked by an injury, rushes to arms. Indeed, if the matter is judged rightly, he alone is the one in whom solid fortitude shines forth—that fortitude, I say, which is truly called virtue and whose companion is a glory neither counterfeit nor deceptive. For virtue consists in a good consonant with reason, and unless glory rests upon the judgment of an approving God, all glory is foolish.

"Finally, the baseness of the duel is so manifest that even the legislators of our age, although it is supported by the votes and patronage of many, have judged that it must be restrained by public authority and by prescribed penalties. In this matter, however, it is most perverse and pernicious that written laws are nearly eluded in deed and fact, and this not rarely while those whose office it is to punish the guilty and to provide that the laws be obeyed know of it and remain silent. Thus it comes about that everywhere it is possible with impunity to descend to single combats, the majesty of the laws having been spurned.

"Foolish also and unworthy of a wise man is the opinion of those who, although they think that civilians are to be restrained from this kind of combat, nevertheless judge that it is to be permitted to soldiers, because they say that military virtue is sharpened by such exercise. First, honorable and base things differ by nature and can in no manner be changed into their contraries on account of the diverse state of persons. All men, in whatever condition of life, are altogether bound in an equal manner by divine and natural law. Furthermore, the reason for such indulgence toward soldiers would have to be sought from public utility, which can never be so great that under its pretext the voice of natural and divine right may be silenced. What if the very reason of utility is manifestly lacking? For the incentives of military virtue aim at this: that the state be better instructed against enemies. But will that be able to be effected with the aid of that custom which by its own nature aims at this: that, when a quarrel arises among soldiers, causes of which are not rare, one or the other of the defenders of the fatherland, on either side, is harmed?

"Lastly, the recent age, which boasts that it excels earlier centuries by far in a more humane culture and elegance of manners, is accustomed to make little of more ancient institutions and all too often to reject whatever is at variance with the complexion of more recent refinement. What is it, therefore, that, amid so great a zeal for humanity, it does not repudiate these ignoble remnants alone of a ruder age and of foreign barbarism—We mean the custom of the duel?

"It will be your office, Venerable Brethren, diligently to inculcate in the minds of your peoples these things which We have briefly touched upon, lest they rashly accept false opinions concerning this matter or allow themselves to be carried along by the judgment of lighter men. Take care in particular that young men become accustomed early to think and judge concerning the duel that which, with natural philosophy agreeing, the Church judges and thinks; and let them constantly take from that judgment their rule of action. Indeed, just as in some places it has been received by custom that Catholics, especially those of flourishing age, spontaneously and perpetually forbid themselves to enroll in disreputable societies, in like manner We deem it opportune and very salutary that they should make among themselves something like a covenant, pledging their word that at no time and for no cause will they fight a duel.

"We suppliantly ask God to strengthen our common endeavors with heavenly power and graciously to grant that which We desire for the public welfare, for integrity of morals, and for the Christian life. And as a pledge of divine gifts and likewise a witness of Our benevolence, We most lovingly impart to you, Venerable Brethren, the Apostolic blessing in the Lord.

"Given at Rome at Saint Peter's, on 12 September 1891, the fourteenth year of Our Pontificate. LEO PP. XIII."

Irregularity Incurred by Those Who Duel

"The Bishop of Breslau explained to the Holy See that at that University the very evil custom prevails among the young students of fighting duels very frequently; indeed, societies have been established there in which the young men do not obtain the higher ranks without having sustained a great and fixed number of duels. Nevertheless, combats of this kind among the said students are not so dangerous that there is reason to fear for life or the mutilation of any member. For the most part they take place with a short knife, with which the face alone is aimed at, and the contest very often ends with a small wound, curable within a few days, which leaves no trace whatsoever.

That Bishop, having to admit certain young men to ecclesiastical tonsure and orders, who had been students of that University and who at that time had themselves also been duelists or seconds in duels, asked the Sacred Congregation whether, and from what irregularities, they had to be dispensed: whether from that which arises *ex homicidio*, or from the other which arises *ex defectu lenitatis*, or finally from that *ex infamia iuris* imposed by the Council of Trent.

Hence the following doubt was proposed: Whether, by whom, and under what title an irregularity is contracted when a duel is committed in the manner in which it is customary for one to be conducted in these times among the students of a German University, as in the case. — Resp. In the affirmative: by the duelists and their seconds, from infamy of law." Sacred Congregation of the Council, 9 August 1890.

A Duel Is Always Unlawful

"1. A military man who, unless he should offer or accept a duel, would be regarded as fearful, timid, abject, and unfit for military offices, and hence would be deprived of the office by which he supports himself and his family, or would have to lack perpetually the hope of a promotion otherwise due to and merited by him, would be free from guilt and penalty whether he offers or accepts a duel. — 2. Those accepting a duel or challenging another to it can also be excused for the sake of defending honor or avoiding human contempt, when they know with certainty that the fight will not follow, since it will be prevented by others. — 3. A commander or officer of the military who accepts a duel from grave fear of the loss of reputation and office does not incur the ecclesiastical penalties imposed by the Church against duelists. — 4. In the natural state of man, it is lawful to accept and offer a duel in order to preserve one's fortunes with honor, when their loss cannot be averted by another remedy. — 5. The license asserted for the state of nature can also be applied to the state of a badly ordered commonwealth, in which, namely, through either the negligence or the malice of the magistrate, justice is openly denied." Propositions condemned and prohibited as false, scandalous, and pernicious by Benedict XIV in the Constitution *Detestabilem*, 10 November 1752.

"2. A gentleman challenged to a duel can accept it, lest he incur among others the mark of cowardice." Proposition condemned by Alexander VII.

On the Lawfulness of War

"34. To fight against the Turks is to resist God visiting our iniquities through them." Proposition of Martin Luther condemned by Leo X.

Non-Intervention

"62. The principle which they call non-intervention is to be proclaimed and observed." Proposition condemned by Pius IX in the *Syllabus*.

On the Sixth Precept of the Decalogue

Venereal Pleasure

"40. The opinion is probable which says that a kiss given on account of the carnal and sensible pleasure which arises from the kiss is only venially sinful, when the danger of further consent and of pollution is excluded." Proposition condemned by Alexander VII, 18 March 1666. Cf. no. 82 and the following number.

Fornication

"48. It seems so clear that fornication according to itself involves no malice, and is evil only because it is forbidden, that the contrary seems altogether discordant with reason." Proposition condemned by Innocent XI.

"That a woman's kiss, since nature does not incline toward this, is a mortal sin; but the carnal act, since nature inclines toward this, is not a sin, especially when the one performing it is tempted." Condemned as an error by Clement, *Ad nostrum*, 3, *On Heretics*.

"25. He who has had intercourse with an unmarried woman satisfies the precept of confession by saying: 'I committed a grave sin against chastity with an unmarried woman,' without explaining the intercourse." Proposition condemned by Alexander VII.

Adultery

"50. Intercourse with a married woman, with the husband consenting, is not adultery; and therefore it is sufficient in confession to say that one has committed fornication." Proposition condemned by Innocent XI.

Masturbation

"49. Masturbation is not prohibited by the law of nature. Hence, if God had not forbidden it, it would often be good and sometimes obligatory under pain of mortal sin." Proposition condemned by Innocent XI. Cf. the following number.

Bestiality

"24. Masturbation, sodomy, and bestiality are sins of the same lowest species; and therefore it is sufficient to say in confession that one procured pollution." Proposition condemned by Alexander VII.

Sodomy

Cf. no. 823

On the Seventh Precept of the Decalogue

On the Lawfulness of Ownership of Property

"1. This blessed, indeed more than blessed, law of love removes all property and ownership." — False, erroneous, heretical. "2. The actual renunciation of the cordial will and of the temporal power of dominion or authority manifests and effects the most perfect state." — Understood universally, false, erroneous, heretical. Conclusions concerning poverty of Dionysius Soulechat, a Minorite of the sect of the Fraticelli, condemned by Urban V in 1368.

On Slaves

Urban VIII, Brief *Commissum nobis*, 22 April 1639, § 2, prohibits "reducing the Indians to slavery; selling, buying, exchanging, or giving them; separating them from their wives and children; despoiling them of things and goods; leading and transporting them to other places; or depriving them of liberty in any manner whatsoever; retaining them in slavery; and also furnishing counsel, assistance, favor, and labor to those doing the aforesaid things, under any pretext and specious appearance whatsoever; or preaching or teaching that this is lawful; and otherwise cooperating in any manner whatsoever in the aforesaid things." Cf. the Letter to the Bishops of Brazil of Leo XIII, 5 May 1888; C. 2107. "1. It is lawful to capture by force or fraud Negroes and other uncivilized persons who are hostile to no one. 2. It is lawful to buy, sell, and make other contracts concerning Negroes and other uncivilized persons hostile to no one who have been captured by force or fraud. 3. When Negroes and other uncivilized persons unjustly captured have been mixed with others who can justly be sold, it is lawful to buy them all, or, as they say, the good and the bad. 4. Buyers of Negroes or other uncivilized persons are not bound to inquire into the title of their servitude, whether they are slaves justly or unjustly, although they know that very many of them were unjustly captured. 5. Possessors of Negroes or other uncivilized persons hostile to no one who were captured by force or fraud are not bound to manumit them. 6. The captors, buyers, and possessors of Negroes and other uncivilized persons hostile to no one who were captured by force or fraud are not bound to compensate their injuries. 7. It is lawful for possessors to expose Negroes and other slaves by private authority to manifest danger of death, to wound, burn, or kill them. 8. It is lawful to baptize Negroes and other unbelievers capable of the doctrine of faith without instruction in the mysteries of faith necessary for salvation, and likewise to leave them without such instruction after they have been baptized. 9. Masters of Negroes and other slaves are not bound to prevent them from living in concubinage. 10. It is lawful to retain captives in slavery after baptism, whether or not they are slaves justly. 11. It is lawful to buy Negroes from heretics mediately or immediately, and after the purchase or gift, or any other contract, for them to remain their slaves, and likewise to sell them to heretics. Resp. To 1. It is not lawful. To 2. It is not lawful. To 3. It is not lawful. To 4. They are bound. To 5. They are bound. To 6. They are bound. To 7. It is not lawful. To 8. It is not lawful, except at the moment of death. To 9. They are bound. To 10. In the negative, if unjustly enslaved. To 11. In the negative, when bad faith exists." Holy Office, 20 March 1686; C. 2100.

"For a long time Cambodian Christians have bought Laotians and others from neighboring peoples for their service, and they do this even if there is a founded doubt, or sometimes they know with

certainty, that those slaves were carried away by theft in their own country. — Resp. First it must be distinguished whether the Laotian captives who are offered for sale by kidnappers were taken from their legitimate master, or rather, though free and their own masters, fell into the unjust slavery of the kidnappers. In the first case it is not lawful to buy them; for although they are unjustly detained by the kidnappers, nevertheless it is wicked to buy another's goods carried off by theft against the owner's will. In the second case it must again likewise be distinguished whether the Laotians refuse to sell themselves to the Christians or consent to it. If they refuse, they can in no way be bought, for the captives themselves are masters of their own liberty, although it was unjustly taken from them by theft through the kidnappers. But if, after they have been fully instructed that the right to liberty belongs to them, from which they fell only through the injury of others, they voluntarily and of their own accord and from their own free will, as masters of their own affairs, offer themselves to the Christians so that they may be received by them and retained in slavery, with the prudent design that, freed from the graver and harsh slavery of the kidnappers, from which it was not granted to them to free themselves in another manner, they may obtain a milder slavery among Christian buyers, among whom they can also easily persuade themselves that they can come to knowledge of the worship of the true God and profess it with an inestimable advantage to their souls—in these circumstances it can indeed be permitted to Christians, regard also being had for the favor of the faith, that they may acquire captives of this kind for themselves at a just price and reduce and retain them in their own servitude, provided that they have this intention: to treat them according to the precepts of Christian charity and to take care also that they be imbued with the rudiments of the faith, so that, if it can be done, through their conversion to the true faith they may be freely and happily brought into the liberty of the children of God, which is in the Catholic Church alone, no coercion, however, being employed, but only opportune persuasions and exhortations." Holy Office, 12 September 1776; C. 2101.

On the Ownership of the Church

"34. Likewise, whether he believes that it is lawful for ecclesiastical persons without sin to have possessions and temporal goods of this world." Articles concerning which those suspected of the errors of Wycliffe and Hus are to be questioned, from the Bull *Inter cunctas* of Martin V. Cf. no. 498.

"25. Besides the power inhering in the episcopate, there is another temporal power attributed by the civil government, expressly or tacitly conceded, and therefore revocable by the civil government whenever it pleases. — 26. The Church does not have a native and legitimate right of acquiring and possessing. — 27. The sacred ministers of the Church and the Roman Pontiff are altogether to be excluded from every care and ownership of temporal things. — 75. The children of the Christian and Catholic Church dispute among themselves concerning the compatibility of the temporal kingdom with the spiritual. — 76. The abrogation of the civil dominion which the Apostolic See possesses would conduce especially to the liberty and felicity of the Church." Propositions condemned by Pius IX in the *Syllabus*.

"10. It is contrary to Sacred Scripture that ecclesiastical men should have possessions. — 16. Temporal lords can at their own discretion take temporal goods from the Church when those possessing them habitually transgress, that is, transgress by habit and not only in act. — 32. To enrich the clergy is contrary to the rule of Christ. — 33. Pope Sylvester and Emperor Constantine

erred by endowing the Church. — 36. The Pope with all his clerics who have possessions are heretics because they have possessions; and those consenting to them, namely all secular lords and the other laity, are heretics. — 39. The Emperor and secular lords were seduced by the devil to enrich the Church with temporal goods. — 44. Augustine, Benedict, and Bernard are damned unless they repented of this: that they had possessions and instituted and entered religious orders; and thus, from the Pope down to the last religious, all are heretics." Propositions of John Wycliffe condemned at the Council of Constance.

"Moreover, according to the decree of the most blessed Pope Stephen, We establish that laymen, although religious, have no faculty whatsoever of disposing of ecclesiastical things; but according to the canons of the Apostles, let the Bishop have the care of all ecclesiastical affairs and dispense them as though God were beholding. Therefore, if any prince or other layman should claim for himself the administration of ecclesiastical things or possessions, let him be judged sacrilegious." First Ecumenical Lateran Council, canon 4.

Tithes to Be Paid to Clerics

"We believe that alms, sacrifice, and other benefits can profit the faithful departed. We confess and believe that those remaining in the world and possessing their own goods, giving alms and other benefits from their goods, and observing the Lord's precepts, can be saved. We believe that tithes, first fruits, and offerings are to be paid to clerics by the Lord's precept." Profession of Faith prescribed to the Waldensians by Innocent III.

"18. Tithes are pure alms, and parishioners can at their own discretion take them away on account of the sins of their prelates." Proposition of John Wycliffe condemned by the Council of Constance.

Concerning the recent suppression of tithes in Italy, cf. Letter of the Sacred Penitentiary, 25 August 1887; *A. S. S.*, vol. 20, p. 205 ff. Cf. also nos. 701, 704, 1331.

On Government Salaries

"Whether the salaries which are paid in Belgium by the Government to pastors and canons take on the character of benefices or ecclesiastical goods, and have annexed to them the obligation inhering in these goods, namely, the strict and canonical obligation of expending the surplus upon the poor or pious causes, and of residence under the penalty of not making the fruits one's own? — Resp. It has already at another time been answered in the affirmative by the Holy See, upon the advice of a secret Congregation." Sacred Penitentiary, 19 January 1819.

"The Sacred Penitentiary, having been consulted whether that response should be applied to the salaries which are paid by the Government to pastors and Canons of the Kingdom of France, judged that the response should be: In the affirmative." 19 August 1821.

"Whether the response for Belgium of 19 January should be applied only to the fixed salaries of 1,000 livres for Parish Priests and 750 livres for Administrators, or whether it should be extended to the offerings of the faithful? — Resp. In the affirmative as regards the first part; in the negative as regards the second." Sacred Penitentiary; Gury-Ballerini, no. 563.

Prescription in Criminal Causes

Cf. *On Particular States*, no. 7.

On Possession in Prescription

"Without possession prescription does not proceed." Rule of Law 3 in the *Liber Sextus*.

Good Faith Required in Prescriptions

"Because all that is not of faith is sin, We define by synodal judgment that no prescription, whether canonical or civil, is valid without good faith, since generally every Constitution and custom which cannot be observed without mortal sin must be derogated. Hence it is necessary that he who prescribes have at no part of the time consciousness that the thing belongs to another." Fourth Lateran Council, 1215, Decrees, chapter 41, *On Prescriptions*.

On an Oath in Contracts

"We lately received your questions, that certain usurers make those to whom they give money at interest take an oath that they will not seek the return of the interest and will raise no question concerning the interest they have paid. We therefore answer that, every appeal being removed, you are by ecclesiastical censure to compel the usurers themselves, before payment of the interest, to desist from exacting it, or to restore it after it has been paid, lest it happen that they carry away advantage from deceit and fraud." Chapter *Tuas dudum* 13, *On Usury*.

On a Condition in a Contract Contrary to Law

Whether a simple condition added in a written instrument, that restitution (of the money) is not to be made otherwise than in coined money, loses its force even in the forum of conscience through a subsequent civil law invalidating it? — Resp. Regularly in the affirmative, unless particular circumstances stand in the way, concerning which recourse must be made in particular cases, those circumstances being diligently explained." Sacred Penitentiary, 21 January 1783; *A. S. S.*, vol. 7, p. 209 ff.

On Trusts for Pious Causes

"Eudorius, a bachelor destitute of necessary heirs and gravely ill, in order to provide for his soul determined to expend part of his goods upon pious works. For this purpose he instituted Boniface as universal legatee by a testament furnished with the required forms. He delivered to Boniface, however, a private writing in which he manifests his pious will and asks him to execute it faithfully. But after Eudorius died, Boniface kept the whole inheritance, on the ground that he possessed it by a valid testament. It is asked whether he can be safe in conscience. — Resp. In the case set forth, Boniface is bound in conscience to fulfill the will of Eudorius, certainly known in the forum of conscience." Sacred Penitentiary, 23 June 1844. Cf. no. 1057.

Capacity for Making a Testament with Respect to Secularized Religious

"General responses…. 1. A monk, even one furnished with a perpetual and absolute Apostolic Indult of secularization, cannot dispose of goods without the special good pleasure of the Apostolic See. 2. If he lacks the faculty of disposing in the said Indult, or has not legitimately used it, a distinction must be made among the goods left by him: namely, goods which belonged to the monastery and which he himself brought with him on leaving the cloister, or which came to him in any manner, as also goods, if he had any, proceeding from them, remain with his monastery. But concerning other goods acquired by such a monk outside the cloister otherwise than from goods belonging to the religious order, judgment is to be made according to the Constitution *Officii nostri* of Gregory XIII, where the said Constitution is in force. 3. The right of succeeding to the inheritance of a professed monk who dies outside the cloister, who obtained an Apostolic Indult of remaining outside the cloister for a time, retaining the habit or laying aside the garment of his Order, belongs to his monastery." Sacred Congregation of Bishops and Regulars, 4 January 1862. The cited Constitution of Gregory establishes that the goods of regulars living outside the cloister, from whatever source they came, belong under the name of spoils to the Apostolic Camera. Cf. the following number.

On the Succession of Religious

"1. To whom belongs the right of succeeding to the inheritance of a professed regular who dies outside the cloister, who obtained an Apostolic Indult to remain outside the cloister for a time, retaining the habit or laying aside the garment of his Order? — 2. To whom belongs the right of succeeding to the inheritance of a professed regular who, in the unhappy time preceding, was expelled from the Monastery by public force and stripped of the garment of his Order, and whom reasonable causes prevented from returning to his Monastery and reassuming the garment of his Order during the subsequent time of tranquility? — 3. To whom belongs the right of succeeding to an inheritance and legacy, and of disposing of the same acquisitions, especially if the disposition was for pious causes and in favor of the religious order? — Resp. To 1. Such an inheritance is to be judged according to the provisions of common ecclesiastical law, namely, that it belongs to the deceased's own religious order. — To 2. If the religious of whom there is question did not enjoy an absolute Indult of perpetual secularization, as in the preceding response. But if he did enjoy it, a distinction must be made among the goods left by him: namely, goods which belonged to the religious order and which he himself brought with him on leaving the cloister, or which came to him in any manner, as also goods, if he had any, proceeding from them, remain with that religious order. But concerning the other goods acquired by such a religious outside the cloister otherwise than from goods belonging to the religious order, judgment is to be made according to the Constitution *Officii nostri* of Gregory XIII. — To 3. If the said religious has legitimately used an Apostolic Indult of disposing of goods, as in the case, namely, by making an altogether legitimate disposition of the same goods, the right in question belongs to the one in whose favor the disposition was made." Sacred Congregation of Bishops and Regulars, 26 June 1829. Cf. nos. 1037, 1047.

Right of Succession with Respect to Pensions of Regulars

"1. Whether pensions which are paid from the public treasury to regulars living outside the cloister are to be regarded as ecclesiastical pensions, so that by their nature they are subject to spoil? And

insofar as the answer is negative: — 2. To whom, after their death, belongs the right of receiving the unpaid installments of the said pensions, if the professed regulars have obtained an Apostolic Indult to remain outside the cloister either for a time or perpetually? — 3. To whom does the same right belong if regulars of this kind have obtained an Indult of making a testament and disposing? — 4. To whom does the aforesaid right belong if there is question of regulars who emitted only simple vows? — Resp. To 1. In the negative. — To 2. If the Indult was temporary, they belong to the deceased's own religious order; if perpetual, to the Sacred Congregation of Spoils, according to the Constitution *Officii nostri* of Gregory XIII. — To 3. The right in question belongs to the one in whose favor the disposition was made, if the regular legitimately used the Apostolic Indult of disposing of goods; insofar as he did not legitimately use the same Indult, the resolution given in the second response is to be observed. — To 4. They belong neither to the religious order nor to the Sacred Congregation of Spoils, but to his heirs, whether coming by intestacy or by testament." Sacred Congregation of Bishops and Regulars, 6 June 1836.

Sacred Utensils Owed to the Cathedral Church upon the Death of a Bishop

"…In order to cut off all causes of doubt and controversy concerning this matter, by the counsel of Our Venerable Brethren, the Cardinals of the Holy Roman Church placed over the affairs and consultations of bishops and regulars, by Our Apostolic authority We decree and command the following. I. Cardinal Bishops are bound, with respect to sacred utensils, by the law enacted in the Constitution of Saint Pius V beginning *Romani Pontificis*, with the exception, however, of the suburbicarian Cardinal Bishops, and likewise with the exception of Cardinal Abbots *Nullius* who dwell in the Roman Curia, whose sacred utensils, regard being had for the cited Constitution *Aequum est* of Urban VIII, Our predecessor, will belong to the pontifical sacristy. II. The derogatory clauses of the Constitution of Saint Pius V beginning *Romani Pontificis providentia*, customarily appended in Letters in the form of a Brief beginning *De benignitate Sedis Apostolicae*, remaining in force, in the other Brief beginning *Cum fel. rec. Urbanus VIII* let the clause by which the same Constitution of Pius is declared saved be removed, and let the following be substituted in its place: If you shall have presided over abbatial, cathedral, metropolitan, or patriarchal churches, or if by Apostolic concession and dispensation you shall have obtained any others in title, administration, or *commendam*, We vehemently exhort you, just as Benedict XIV, Our predecessor, already exhorted Cardinals in his Constitution beginning *Inter arduas*, that in disposing of the aforesaid things you keep those churches before your eyes and prefer them to the others. What We have prescribed in this article We extend to each Cardinal who, before the publication of these Letters, obtained the aforesaid faculty of making a testament and disposing, just as if it were expressed in the respective Indults. III. We declare that the sacred utensils which, by force of the Constitution of Saint Pius V beginning *Romani Pontificis*, are owed to cathedral churches are these: namely, miters, chasubles, copes, tunicles, dalmatics, sandals, gloves, albs with cinctures, linen amices, and similar things; likewise missals, graduals, books of plainchant and music, pontificals, and the other book entitled *Canon of the Mass*; likewise chalices, patens, pyxes, monstrances, thuribles, a vessel for holy water with an aspergillum, a basin with a ewer, vessels for the sacred oils, and cruets together with basins and a bell, hand candlesticks, pax-bredes, archiepiscopal crosses, candlesticks with a cross for the use of the altar, a pastoral staff, a faldstool, and other sacred things, whether vestments, ornaments, or vessels, even if any of them by

their nature are suitable for profane use, provided that they have been destined not accidentally but permanently for divine worship and sacred functions; with the exception of rings and pectoral crosses, even with sacred relics, and all utensils of any kind which are legitimately proved to have been acquired by the deceased Bishops with goods not belonging to the church and which are not established to have been donated to the church. Therefore We will that Bishops are bound and ought to draw up in authentic form an inventory of sacred utensils, in which they shall state, according to the truth of the matter, when they were acquired, and by a special notation describe those which they acquired for themselves from the revenues and proceeds of the church, lest otherwise all those things have to be presumed to have been acquired from the revenues of the church. But as regards the sacred utensils of Cardinals of the Holy Roman Church which belong to the sacristy of the chapel of the Supreme Pontiff, We will that no account be taken of the quality and nature of the revenues with which they were acquired; and besides those which are specifically enumerated in the Constitution of Urban VIII beginning *Aequum est*, We will that the following, expressed only by general words, be understood: sandals, gloves, linen amices, albs with cinctures, likewise pyxes, monstrances, vessels for holy water with an aspergillum, vessels for the sacred oils, and cruets with basins and a bell, finally a pastoral staff, a faldstool, hand candlesticks, pax-bredes, a thurible, and similar things, with the exception of rings and pectoral crosses, even with sacred relics. IV. When a Bishop has successively governed two or more churches, We will that the sacred utensils be divided proportionally among the cathedral churches, account being taken of revenues and time, according to the Constitution of Saint Pius V beginning *Romani Pontificis*. V. But where any Bishop has simultaneously presided over two or more united churches, or churches granted in perpetual administration, which have their own proper and distinct chapter and cathedral church, We declare that the sacred utensils are to be divided in equal shares among each of the cathedral churches, insofar as the revenues of those same churches united or granted in perpetual administration are not divided but perpetually constitute one episcopal mensa; but if the revenues have been divided and separated, We will that the division be made among the individual cathedral churches proportionally according to revenues. VI. But if it is established that a Bishop who through translation successively presided over two churches acquired for himself all the sacred utensils from the revenues of only one church, there will be no place for division, but the same sacred utensils will belong only to the cathedral church of that diocese from the proceeds of whose episcopal mensa they were acquired." Pius IX, Brief *Cum illud*, 1 June 1847.

Relics of the Most Holy Cross to Be Transmitted by Bishops to Their Successors

"By command of Our Most Holy Lord Leo XIII, We wish it to be earnestly commended to the Most Reverend Bishops that they take care that the particles of the most holy wood which, enclosed in cases, they carry suspended before their breast be transmitted to their Successors, so that after their death, by the zeal and labor of the cathedral chapter or of him who, while the see is vacant, has discharged the functions of the Bishop, they may come to these Successors by the legitimate right of inheritance. In this manner new Bishops will have no necessity of seeking others elsewhere, not without difficulty, but all will have them ready at hand as things assigned and destined to themselves and to their office, to be transmitted in due time to the others who shall follow.

"This is to be understood only of the relics of the Cross. For concerning the cases skillfully fashioned from precious metal in the form of a cross, they shall determine what seems more opportune; after the particles of the most holy wood have been removed, these may freely be given or bequeathed to whomever they please, and even be divided and sold by private heirs, every appearance of unseemly or profane commerce being removed. For they are estimable by price." Letter of the Cardinal Vicar, 25 March 1889; *A. S. S.*, vol. 21, p. 696 ff.

Pious Legacies

"Peter, recently deceased, in a testament concerning profane causes left a legacy of one thousand florins in favor of a pious cause. That testament, as lacking a certain extrinsic solemnity required by civil law, is altogether null. The testament having been rescinded, John, who entered upon the inheritance as heir by intestacy, altogether refuses to furnish the pious legacy of one thousand florins, appealing to the opinion of His Eminence D'Annibale: 'So long as the Holy See has not spoken, I think that those outside the Pontifical territory who do not fulfill legacies for pious causes in a testament invalid under civil law ought not to be disturbed.' Can and ought I bind John, under denial of absolution, to discharge this pious legacy? — Resp. The Sacred Penitentiary, after maturely considering the matters set forth, responds: The practice of this Sacred Tribunal in similar cases is that pious legacies are generally regarded as valid and obligatory in the forum of conscience; nevertheless, heirs are readily admitted to a composition with the Church or the pious cause to which the legacy was made." 10 January 1901. Cf. no. 1030.

On the Duration of an Annual Legacy

"43. An annual legacy left for a soul does not last more than ten years." Proposition condemned by Alexander VII, 18 March 1666.

On Usury and Its Unlawfulness

"That is the proper interpretation of usury, namely, when from the use of a thing which does not produce, without any labor, expense, or risk, gain and profit are sought…." Leo X at the Fifth Ecumenical Lateran Council, Bull *Inter multiplices*, issued in Session 5 on 4 May 1515.

"If anyone should fall into that error so as to presume pertinaciously to affirm that to practice usury is not a sin, We decree that he is to be punished as a heretic." Clementine, sole chapter, *On Usury*, § 2.

"Moreover, We condemn that detestable and disgraceful insatiable rapacity of moneylenders, repudiated by divine and human laws through Scripture in the Old and New Testaments, and We sequester them from every ecclesiastical consolation, commanding that no Archbishop, no Bishop, no Abbot of any Order, or anyone in an order or among the clergy presume to receive usurers except with the greatest caution; but throughout their whole life let them be regarded as infamous, and unless they repent, let them be deprived of Christian burial." Second Lateran Council, 1139, canon 13.

Cf. Leo IX at the Synod of Reims; Third Lateran Council, canon 25; Gregory X at the Second General Council of Lyons, in the *Liber Sextus*, book 5, title 5, chapters 1 and 2. Many appear to have regarded this sanction of the Council as only a positive prohibition. Hence Alexander III, chapter *Super eo* 4, *On Usury*, declares that no dispensation can be made for receiving money at usury, not even so that the

poor who are held in Saracen captivity might be freed by that money, just as Sacred Scripture prohibits lying to save the life of another. In the same title, chapter *Cum tu* 5 rejects the exception of certain persons that only those usuries received after the Decree of the Second Lateran Council are to be restored. Finally, chapter *Tua nos* 9 of the same title establishes that the heirs themselves, whether sons or strangers, are bound to restitution. By many Decrees in the same title Innocent III also urges the observance of these Decretals.

"Your devotion consulted Us whether, in the judgment of souls, he ought to be judged as a usurer who, being unwilling otherwise to give a loan, lends money with this purpose: that, although every agreement ceases, he nevertheless receive more than the principal; and whether he is involved in the same guilt of crime who, as it is commonly said, does not otherwise grant the pledge of an oath until, although without exaction, he receives some emolument therefrom; and whether a merchant ought to be condemned to a similar penalty who sells his merchandise for a much greater price if a longer delay is extended for making payment than if the price is paid to him immediately. But because what is to be held in these cases is clearly known from the Gospel of Luke, in which it is said, *Lend, hoping for nothing thereby*, men of this kind, on account of the intention of gain which they have, since every usury and excess is prohibited in the law, are to be judged as acting wickedly and are efficaciously to be induced in the judgment of souls to restore the things thus received." Chapter *Consuluit* 10, *On Usury*.

"One lending a certain quantity of money to a man sailing or going to a fair, because he has taken the risk upon himself and is to receive something beyond the principal, is to be judged a usurer. He also who gives ten solidi so that at another time the same number of measures of grain, wine, or oil may be returned to him—concerning which, although they may then be worth more, it is reasonably doubtful whether at the time of payment they will be worth more or less—is not for this reason to be reputed a usurer. By reason of this doubt he also is excused who sells cloth, grain, wine, oil, and other merchandise so that at a fixed term he may receive more for them than they are then worth, provided, however, that he was not going to sell them at the time of the contract." Chapter *Naviganti* 19, *On Usury*. — *He has taken the risk upon himself*: "It is condemned that, since a loan ought to be made gratuitously, to lend only by binding the borrower to a contract of insurance or partnership is usury…. By force of the loan he cannot compel another who perhaps did not need insurance. For perhaps no danger threatened there, but it was feigned." Soto, *On Justice and Right*, book 1, question 4, article 2.

"41. Since money counted out is more valuable than money to be counted out, and there is no one who does not value present money more than future money, a creditor can exact something beyond the principal from the borrower and by this title be excused from usury. — 42. It is not usury when something beyond the principal is exacted as due from benevolence and gratitude, but only if it is exacted as due from justice." Propositions condemned by Innocent XI.

"Is usury contrary to every law, even natural law? — Resp. In the affirmative." Holy Office, 9 May 1821; C. 2130.

Obligation of Delayed Restitution

"42. It is lawful for one who lends to exact something beyond the principal if he binds himself not to seek the return of the principal until a certain time." Proposition condemned by Alexander VII.

On Mounts of Piety

"The Mounts of Piety instituted by commonwealths and thus far approved and confirmed by the authority of the Apostolic See, in which, for their expenses and indemnity, something moderate is received beyond the principal solely for the expenses of the ministers and of other things pertaining to their preservation, only for their indemnity and without profit to the same Mounts, neither present the appearance of evil nor furnish an incentive to sin, nor are they in any manner to be disapproved; rather, a loan of this kind is meritorious and ought to be praised and approved, and is by no means to be regarded as usurious." Leo X, Constitution *Inter multiplices*, 4 May 1515.

"Whether the increase which has long been received is to be permitted so that it may be expended upon the said pious uses; or whether it ought rather to be reduced to what is sufficient for the expenses and preservation of the same Mount? — Resp. In the negative to the first part, in the affirmative to the second, and according to the mind." The mind of the Sacred Congregation was as follows: "That the principle of not exacting an increase upon the loan given should remain firm, except for that which is necessary for the expenses and preservation of the Mount; that the Bishop, a calculation having been made, should determine the proportionate portion to be paid beyond the principal on this title. But as to that which beyond this portion was received according to a custom long introduced, to be expended for pious uses and especially for the maintenance of the church of a very poor village and for relieving the hunger of the poor, insofar as could be done in the dearness of grain, the Bishop could permit the same custom to be observed, yet in such a manner that a book should be established in which the proportionate portions would be noted under distinct headings: those which belonged to the Mount, and those which belonged to other uses, so that it could be known what sum is given under a title of justice and what is received as a gratuitous and pious offering. The Bishop shall take care that the people are informed of this matter by a prudent explanation, whether through the parish priest or in another manner, according as the Bishop himself shall judge prudently." Sacred Congregation of the Council, 20 December 1838; *A. S. S.*, vol. 4, p. 27 ff.

On Profit from a Loan

"It very frequently happens that questions concerning profit from a loan are referred to the Apostolic See, for which provision in similar cases has been made by a resolution given by the Roman Congregations. Therefore, in order that the superiors of the missions may have at hand the necessary knowledge of the things thus far decreed concerning this matter, it seemed opportune to the Sacred Congregation for the Propagation of the Christian Name to publish all the aforementioned resolutions together with the Constitution *Vix pervenit* of Pope Benedict XIV; and it pleased the same Sacred Congregation that they be sent to all Bishops, Vicars, and Prefects Apostolic dependent upon it.

I

Sacred Congregation of the Holy Office, 13 January 1780, to the Most Reverend Lord Vicar Apostolic N. N. — "Since equality is required in contracts in order that they be just, nothing is to be received in a loan by force of the loan, as has often been defined, beyond the principal sum. But if it should happen that profit ceases for the lender, or loss emerges, or danger of losing the principal threatens,

or unusual labors must be undertaken for its recovery, compensation for these things can indeed be sought, with two conditions, however, always kept before one's eyes: the first, that some new title from among these actually concurs; the second, that nothing more be exacted than it truly demands. Therefore, all contracts in which either an interest is feigned which is to be compensated, or more is sought than an adequate compensation requires, depart from the rule of justice and are subject to restitution. It is therefore evident that those act imprudently and unlawfully, and commit themselves to the manifest danger of injustice, who, because the danger which We have indicated commonly occurs in such a place, always demand profit, and always the same profit, as though danger always intervened and, when it was present, always demanded the same remuneration. Nor are they excused because they receive a lesser usury than that which is permitted by the law of the kingdom; for a thing is not therefore right because it departs less from justice unless it is altogether conformed to the form of right, and human actions are to be weighed not by human law but by divine law and natural law, which holds fast to equity. Only those conduct themselves rightly who, attending to individual cases, seek compensation only when danger truly intervenes, and then seek no other compensation than that which corresponds to the gravity of the danger, which is therefore to be estimated by the judgment of upright and prudent men."

II

Sacred Roman Inquisition, 18 March 1784, to the Most Reverend Lord Vicar Apostolic D. D. M., concerning a question of a loan. — "And this in the first place is certain: by reason of the loan immediately and precisely, nothing is to be received beyond the principal. But if something is received by reason of danger probably imminent, lenders are not to be disturbed, provided that account is taken of the quality of the danger and of its probability, and proportion is observed between the danger and that which is received. In these very words it was thus defined by the Sacred Congregation for the Propagation of the Faith on 12 September 1645, whose decree issued for the Chinese missions is appended here. The following doubt was:

"In the aforesaid kingdom it has been sanctioned by law that in a loan thirty percent may be received, without regard for ceasing profit or emerging loss. It is asked whether it is lawful for the Chinese, for a loan of their money, although neither ceasing profit nor emerging loss intervenes, to receive the aforesaid quantity of thirty percent fixed by the law of the kingdom; and the reason for doubting is that in recovering the money there is some danger, namely, that the one who receives the loan may flee, or that he may delay in paying, or that it may be necessary to seek it back before a judge, or because of other things of this kind.

"The Most Eminent Fathers judged that by reason of the loan immediately and precisely, nothing is to be received beyond the principal; but if they receive something by reason of danger probably imminent, as in the case, they are not to be disturbed, provided that account is taken of the quality of the danger and of its probability, and proportion is observed between the danger and that which is received.

"At the supplication of the same Congregation, Our Most Holy Lord, in order to preserve uniformity in preaching and its practice, by strictly commanding all and each of the missionaries of whatsoever Order, religious institute, and institution, even of the Society of Jesus, now or hereafter existing in the kingdoms of the Chinese or of China, under pain of *latae sententiae* excommunication specially

reserved to His Holiness and to the Holy Apostolic See, commanded that they diligently observe the aforesaid answers and resolutions, and use them in practice, and cause them to be observed and practiced by those to whom it shall pertain, until His Holiness or the Holy Apostolic See shall ordain otherwise.

"It can now be asked what the danger must be, and what its account and nature, so that, when this title concurs, the lender can receive something beyond the principal. In this question it must be held as certain that not every danger is to be judged sufficiently apt and suitable for some profit to be received from a loan. For since the title from which arises a just and legitimate cause for duly exacting something more beyond the principal owed from the loan must always be extrinsic, and neither connected with nor innate in the nature of the loan, it plainly follows that, if the danger proceeds only from those circumstances which are common there to all lenders and cannot be separated from the very nature of the loan, then certainly any profit sought from the loan can in no way be cleansed of the stain of usury. Therefore, since plague, fires, persecutions by the Turks, and other misfortunes of this kind, although more frequent at Constantinople, nevertheless always threaten lenders in any city, the greatest care must be taken lest, on account of this common danger which the force and nature of the loan itself imports, something beyond the principal be exacted in the loan. The matter seems rather to require greater investigation when danger of losing the principal threatens either from the fault of the borrower himself, because he is crafty, deceitful, and cunning, because he can deceive the creditor by flight or malicious evasions; or when, apart from the fault of the borrower himself, other dangers threaten the creditor from circumstances of place, time, and persons, which keep him very anxious and solicitous about recovering the principal. Although dangers which proceed from the fault of the borrower must always be regarded as more important, nevertheless in all these cases it is indeed exceedingly difficult to establish generally whether, how, and at what value such danger can be estimated, from which a legitimate title may be furnished to the lender for taking profit beyond the principal. Let it belong to the diligence and learning of confessors to estimate each matter and weigh it according to its importance. Let them consider the individual cases; inquire into the quality and probability of the danger; see whether all danger is absent through insurance of a pledge; preserve proportion between the danger and that which the lender is permitted to gain beyond the principal; consult approved authors; and especially adhere to the opinions and principles approved by this Apostolic See, both in the above-praised decree of the Sacred Congregation for the Propagation of the Faith of 1645 and in the Encyclical Letter *Vix pervenit* of Benedict XIV issued in 1745, a copy of which is adduced here."

Encyclical of Benedict XIV, of Holy Memory — On Usury and Other Unjust Gains

"It had scarcely reached Our ears that, on account of a new controversy—namely, whether a certain contract ought to be judged valid—certain opinions were being disseminated throughout Italy which appeared not consonant with sound doctrine, when We at once judged it a part of Our Apostolic office to apply an opportune remedy, lest an evil of this kind acquire greater strength through length of time and silence; and to block its approach, lest it creep more widely and shake the still unharmed cities of Italy.

"§ 1. Therefore We adopted that method and counsel which the Apostolic See has always been accustomed to employ. For We explained the whole matter to certain of Our Venerable Brethren,

Cardinals of the Holy Roman Church, who are highly commended for knowledge of Sacred Theology and zeal and skill in canonical discipline. We also summoned several regulars outstanding in both faculties, some of whom We selected from the monks, others from the mendicant Order, and others finally from the clerics regular. We also employed a Prelate adorned with the laurels of both laws and long practiced in the forum. We appointed the fourth day of last July for them all to assemble before Us, and We explained to them the nature of the whole matter, which We found had already been known and thoroughly understood by them. "§ 2. After this We commanded them, free from every zeal for parties and every desire, to weigh the whole matter accurately and to set down their opinions in writing. We did not, however, ask them to pass judgment upon the contract which had initially furnished the cause of the controversy, since several documents necessarily required for this were not available, but to establish a certain doctrine concerning usury, to which those things that had recently begun to be spread among the common people appeared to be bringing no slight detriment. They all carried out the commands; for they openly declared their opinions in two Congregations, the first of which was held before Us on 18 July and the other on 1 August, both months lately past; and finally they delivered those same opinions in writing to the secretary of the Congregation.

"§ 3. Moreover, by unanimous consent they approved the following:

"I. That kind of sin which is called usury and which has its proper seat and place in the contract of loan consists in this: that someone, from the loan itself, which by its own nature demands only that as much be returned as was received, wills that more be returned to him than was received; and therefore contends that some profit beyond the principal is owed to him by reason of the loan itself. Therefore every profit of this kind which exceeds the principal is unlawful and usurious.

"II. Nor can any assistance for cleansing this stain be summoned either from the fact that this profit is not excessive and immoderate but moderate, not great but small; or from the fact that he from whom this profit is demanded solely on account of the loan is not poor but rich, and will not leave idle the sum given to him as a loan but will expend it most usefully for enlarging his fortune, either by buying new estates or conducting profitable business. Whoever, once equality has been established, does not fear still to exact something more from anyone by force of the loan itself, for which satisfaction has already been made by an equal, is convicted of acting contrary to the law of the loan, which necessarily consists in equality between what is given and what is returned. Therefore, if he receives it, he will be subject to restitution by that obligation of justice which they call commutative, whose office it is sacredly to preserve the proper equality of each party in human contracts and exactly to repair it when it has not been preserved.

"III. By these things, however, it is by no means denied that sometimes certain other titles, as they say, which are altogether neither innate nor intrinsic to the nature of the loan itself, can perhaps concur with the contract of loan, from which a wholly just and legitimate cause arises for duly exacting something more beyond the principal owed from the loan. Nor is it likewise denied that one's own money can often be rightly placed and expended through other contracts altogether diverse in nature from the nature of a loan, either for acquiring annual revenues for oneself, or also for exercising lawful commerce and trade and receiving honest profits therefrom.

"IV. But just as in so many diverse kinds of contracts of this sort, if the equality proper to each is not preserved, whatever is received beyond what is just, although it pertains less to usury—because every loan, whether open or disguised, is absent—certainly pertains to another true injustice likewise

carrying the burden of restitution; so, if all things are duly performed and are weighed according to the balance of justice, there is no doubt that in those same contracts there is available a manifold lawful mode and method of preserving and promoting human commerce and fruitful trade for the public benefit. Far be it from Christian minds to think that profitable commerce can flourish through usuries or similar injuries to another, since on the contrary we learn from the divine oracle itself that *justice exalts a nation, but sin makes peoples wretched*. "V. But this must be diligently noted: anyone would falsely and only rashly persuade himself that there are always and everywhere at hand either other legitimate titles together with a loan, or, even with the loan excluded, other just contracts, by the protection of which titles or contracts, whenever money, grain, or anything else of that kind is lent to anyone, it would always be lawful to receive a moderate increase beyond the whole principal preserved intact. If anyone thinks thus, he will without doubt be opposed not only to divine teachings and to the judgment of the Catholic Church concerning usury, but also to human common sense itself and natural reason. For no one can be ignorant at least of this: that in many cases a man is bound to assist another by a simple and bare loan, especially as Christ the Lord Himself teaches: *Turn not away from him who wishes to borrow from you*; and likewise that in many circumstances, besides the one loan, there can be no place for any other true and just contract. Therefore, whoever wishes to provide for his conscience must first inquire diligently whether a just title truly concurs with the loan, or whether another contract truly just and distinct from a loan occurs, by benefit of which the profit he seeks may be rendered free and immune from every stain.

"§ 4. With these words the Cardinals, theologians, and men most skilled in the canons whose counsel We sought in this most grave affair embrace and explain their opinions. We likewise did not omit to contribute Our private study to the same cause, before the Congregations were held, while they were being held, and even after they were completed; for We most diligently went through the votes of the outstanding men whom We have just commemorated. Since these things are so, We approve and confirm whatever is contained in the opinions set forth above, since plainly all writers, professors of theology and canon law, many testimonies of Sacred Scripture, decrees of Our predecessor Pontiffs, and the authority of Councils and Fathers appear to concur well in confirming those opinions. Moreover, We have most clearly recognized the authors to whom the contrary opinions must be referred, and likewise those who foster and defend them or appear to furnish an opening or occasion for them; nor are We ignorant with how much wisdom and gravity theologians neighboring those regions where controversies of this kind had their beginning undertook the defense of truth.

"§ 5. Therefore We have given these Encyclical Letters to all the Archbishops, Bishops, and Ordinaries of Italy so that these things might become known to you, Venerable Brother, and to all others; and so that whenever it falls to you to celebrate Synods, address the people, and instruct them in sacred doctrines, nothing at all alien to the opinions which We have reviewed above may be brought forward. We also vehemently admonish you to expend every solicitude lest anyone in your dioceses dare to teach the contrary by writings or sermons. If anyone refuses to obey, We declare him liable and subject to the penalties established by the sacred canons against those who have contemned and violated Apostolic commands.

"§ 6. Concerning the contract which stirred up these new controversies, however, We establish nothing at present; nor do We now decree anything concerning other contracts about which

theologians and interpreters of the canons depart into diverse opinions. Nevertheless, We judge that your zeal for piety and religion should be inflamed so that you may commit to execution those things which We set forth below.

"§ 7. First, show your peoples in the gravest words that the stain and vice of usury is vehemently condemned by the divine writings, and that it assumes various forms and appearances so that it may cast the faithful, restored to liberty and grace by the Blood of Christ, headlong again into final ruin. Therefore, if they wish to invest their money, let them diligently beware lest they be carried away by cupidity, the source of all evils, but rather let them seek counsel from those who are exalted above others by the glory of learning and virtue.

"§ 8. Secondly, let those who so trust in their own powers and wisdom that they do not hesitate to give a response concerning these questions—which nevertheless require no slight knowledge of sacred theology and the canons—keep far from extremes, which are always vicious. For some judge these matters with such severity that they accuse every benefit derived from money as unlawful and connected with usury; while others, on the contrary, are so indulgent and lax that they think every emolument free from the baseness of usury. Let them not adhere excessively to their private opinions; but before giving a response, let them examine several writers who are more highly esteemed among others; then let them embrace those parts which they understand to be plainly confirmed both by reason and authority. But if a dispute arises while some contract is brought under examination, let no reproaches whatsoever be devised against those who follow the contrary opinion, nor let them assert that it is to be marked by grave censures, especially if it is by no means lacking in reason and the testimony of eminent men; for insults and injuries break the bond of Christian charity and present most grave offense and scandal to the people.

"§ 9. Thirdly, those who wish to show themselves immune and undefiled from every stain of usury, and to give their money to another in such a manner that they receive only a legitimate return, are to be admonished that they first declare the contract to be made, explain the conditions to be introduced, and state what return they seek from the same money. These things contribute greatly not only toward avoiding solicitude and scruples of mind, but also toward proving the contract itself in the external forum; they also bar entry to disputes which have more than once had to be stirred up so that it may be clearly evident whether money which appears to have been duly given to another nevertheless contains disguised usury in reality.

"§ 10. Fourthly, We exhort you not to leave an opening for the foolish speeches of those who repeatedly say that at this time the question concerning usury is one contained in name alone, since from money granted to another under any arrangement some return is generally obtained. We plainly perceive how false and alien to truth this is if we consider that the nature of one contract is altogether diverse and separate from the nature of another, and that the things which follow from contracts diverse among themselves likewise differ greatly from one another. In truth, there is a most manifest difference between the return which is lawfully derived from money by right, and therefore can be retained in both forums, and the return which is unlawfully procured from money, and therefore is decreed to be restored by the judgment of both forums. It is therefore evident that the question concerning usury is not proposed vainly at this time merely because some return is generally received from money which is assigned to another.

"§ 11. We judged that these things especially should be indicated to you, hoping that you will commit to execution whatever is prescribed by Us through these Letters. We also trust that you will provide opportune remedies if perhaps disturbances are stirred up in your diocese because of this new controversy concerning usury, or corruptions are introduced to weaken the brightness and purity of sound doctrine. Finally, We impart the Apostolic Blessing to you and to the flock entrusted to your care.

"Given at Rome at Saint Mary Major, 1 November 1745, the sixth year of Our Pontificate."

III

Pius VIII, in the audience of the Assessor of the Holy Office, concerning the doubts of the Bishop of Rennes. — "The Bishop of Rennes in France explains to the Sacred Congregation of the Inquisition that the confessors of his diocese do not have the same opinion concerning profit received from money given as a loan to merchants so that they may become wealthy.

"The meaning of the Encyclical Letter *Vix pervenit* is keenly disputed. Arguments are brought forward on both sides to defend the opinion each has embraced, either favoring or opposing such profit. Hence complaints, dissensions, denial of the sacraments to very many merchants adhering to that manner of becoming wealthy, and innumerable injuries to souls.

"To meet the injuries to souls, some confessors think that they can hold a middle way between the two opinions. If anyone consults them concerning profit of this kind, they attempt to deter him from it. If the penitent persists in the plan of giving money as a loan to merchants and objects that the opinion favoring such a loan has many patrons and moreover has not been condemned by the Holy See, although it has been consulted more than once on the matter, these confessors then require the penitent to promise that with filial obedience he will obey the judgment of the Supreme Pontiff, if it intervenes, whatever it may be; and when this promise has been obtained they do not deny absolution, although they believe the contrary opinion to such a loan to be more probable. If the penitent does not confess profit from money thus given as a loan and appears to be in good faith, these confessors, even if they know from another source that profit of this kind has been or is now being received by him, absolve him without making any interrogation concerning it when they fear that the penitent, if admonished, will refuse to restore or to abstain from such profit. The said Bishop of Rennes therefore asks: I. Whether he can approve the manner of acting of these latter confessors. II. Whether he can exhort other more rigorous confessors who approach him for counsel to follow the manner of acting of the former, until the Holy See renders an express judgment concerning the question.

"Wednesday, 18 August 1830. Our Most Holy Lord Pius VIII, Pope by divine providence, in the usual audience granted to the Most Reverend Lord Assessor of the Holy Office, having heard the report of the foregoing doubts together with the vote of the Most Eminent Lords Cardinal Inquisitors General, responded: To I. They are not to be disturbed. To II. Provided for in the first."

IV

Sacred Penitentiary, concerning the doubts of Mr. Denavit, professor of theology in the Seminary of Saint Irenaeus at Lyons. — "When doubts concerning the matter of usury are proposed to the Sacred

Penitentiary, it always refers them to the doctrine of the Supreme Pontiff Benedict XIV, which is truly sufficiently clear and perspicuous for those who wish to investigate it in good faith.

"Nevertheless, there are certain priests who contend that it is lawful to receive an increase of five percent by force of the law of the prince alone, without another title of either emerging loss or ceasing profit; because, they say, the law of the prince is a legitimate title, since it transfers ownership of the increase just as it transfers ownership in prescription. And thus they altogether annihilate the divine law and the ecclesiastical law which prohibit usuries.

"Therefore the undersigned petitioner humbly supplicates that the following doubts be resolved: I. Whether in conscience he can deny absolution to the aforesaid priests. II. Whether he ought to do so.

"The Sacred Penitentiary, after diligently and maturely weighing the proposed doubts, judged that the response should be: The priests of whom there is question are not to be disturbed until the Holy See issues a definitive decision, to which they are prepared to subject themselves; and therefore nothing prevents their absolution in the sacrament of Penance." Sacred Penitentiary, 16 September 1830.

V

The Sacred Penitentiary communicates to the Bishop of Verona responses formerly given by the Sacred Congregation of the Holy Office. — "The Sacred Penitentiary, having read the matters set forth by the Venerable Father in Christ, the Bishop of Verona, in a supplicatory petition on the first day of last month, judged that it should abstain from a resolution of the four doubts proposed therein, but communicates to the petitioner the responses given by the Sacred Congregation of the Holy Office to certain other doubts concerning the same matter. These are as follows.

"I. Whether a confessor can in conscience deny absolution to priests who contend that the law of the prince is a sufficient title for receiving something beyond the principal without another title of either ceasing profit or emerging loss. II. Whether he ought to do so. — Resp. To both: They are not to be disturbed until the Holy See issues a definitive decision, to which they are prepared to subject themselves; and therefore nothing prevents their absolution in the sacrament of Penance.

"Other doubts. — I. Whether that confessor can be absolved who, although he knows the definitions of Benedict XIV and other Supreme Pontiffs concerning usury, teaches that from a loan furnished to the rich or to merchants, a profit of five percent beyond the principal can be received even by those who have no title at all extrinsic to the loan other than the civil law. II. Whether a confessor sins who leaves in good faith a penitent who exacts from a loan the profit established by civil law without an extrinsic title of ceasing profit, emerging loss, or extraordinary danger. — Resp. To I. The confessor of whom there is question is not to be disturbed until the Holy See issues a definitive decision, to which he is prepared to subject himself; and therefore nothing prevents his absolution in the sacrament of Penance. To II. Provided for in the preceding response, provided that the penitents are prepared to stand by the commands of the Holy See.

"Other doubts. — A certain man was persuaded that the Encyclical of Benedict XIV did not prohibit profit received from the contribution of money according to the provisions of civil law. His heirs ask: I. Whether he understood the Encyclical correctly. II. Even supposing that he understood it badly, but was nevertheless persuaded that he understood it correctly, whether the heirs can regard themselves

as exempt from every reparation. — Resp. To I. Let them acquiesce, provided that they are prepared to stand by the commands of the Holy See. To II. Provided for in the first.

"Other doubts. — I. Whether the manner of acting of those confessors can be approved who, while holding as more probable the opinion contrary to profit from money given as a loan to merchants, absolve penitents receiving profit in this manner so that they may become wealthy when, namely, these penitents, objecting that the opinion favorable to profit has not been condemned by the Holy See, nevertheless promise to obey the judgment of the Supreme Pontiff if it intervenes; and who act similarly when penitents receiving profit in good faith do not confess it, although the confessors know from another source that they receive profit as above, no interrogation concerning it being made when they fear that the penitents, if admonished, will refuse to restore or to abstain from such profit. II. Whether the Bishop can exhort more rigorous confessors who approach him for counsel to follow the manner of acting of the former confessors until the Holy See renders an express judgment concerning the question. — Resp. To I. They are not to be disturbed. To II. Provided for in the first." Sacred Penitentiary, 14 August 1831.

VI

General Congregation of the Holy Office, approved by Gregory XVI, concerning the questions of the Chapter of the Collegiate Church of Locarno. — "Questions of the Chapter of Locarno. — The Chapter of this Collegiate Church of Locarno, Diocese of Como, Swiss territory, has the greater part of its prebends in money derived principally from the extinction of the tithes which occurred by governmental decree; this money it must invest, so that it may live from the returns and fulfill the burdens annexed to the benefices.

"Because of the circumstances of the times and places, either no way at all is found to invest the said money in income-producing real property, which is very scarce in proportion to the population; or because of the dearness of the said real property, it would yield only two and one-half percent annually, which would excessively worsen prebends already meager in themselves.

"Annuities are intended to be prohibited by these municipal laws; and they are insecure, since the office of mortgages which would certify the freedom and sufficiency of the properties upon which they are intended to be established does not exist in these regions. Moreover, those very persons who ask us for the money in order to advance their interests ordinarily refuse to subject themselves to annuities, and prefer to receive it as a loan while contributing four or five percent annually.

"These things being premised, it is asked: I. Whether the necessary decent support of the beneficiaries, which ought to come from the return on the capital of such prebends, is in these circumstances a sufficient title equivalent to others already approved by the Church, by which such a contract would be lawful: to give the endowment money of the said prebends at interest of four or five percent, secured by a mortgage of real property, in order to assure the perpetuity of the prebends. II. Whether this title, supposing it admissible, can also be extended in favor of churches, monasteries, and other pious places, as also of wards and other persons who find themselves in the same circumstances described above and need to make their own money productive in order to support themselves decently. III. Whether the civil laws and procedures which now generally approve such contracts and cause them to be executed, as also the common tacit consent of the peoples, who through usage prevailing for centuries appear to have substituted them, for greater convenience and

ease, for other more complicated and difficult contracts, suffice to justify them. IV. Whether the authority of our Ordinary and of many wise and upright ecclesiastics is worthy of consideration, who, having regard for the aforesaid circumstances, opine favorably and approve similar contracts. V. What consideration is merited in this matter by the reasons which Scipione Maffei adduces in his three books on the employment of money, dedicated to Benedict XIV and approved by the Inquisitor of Padua in 1714. VI. Whether the Bull *On Usury*, issued by Benedict XIV of happy memory in 1745, probably in consequence of Maffei's work, in its no. 3 and in the article *Concerning the contract*, and the following sections, can be interpreted favorably toward such contracts. VII. Supposing such contracts unlawful, what is to be resolved concerning those already made and the returns already received? VIII. Whether such contracts can be rendered lawful at least by assuming, as a burden upon the prebend, the fortuitous risk of the property assigned as a pledge, with the due stipulations, as in annuities. The undersigned petitioners humbly desire and implore from Your Holiness a clear and opportune decision of these doubts of theirs, for the direction of their own consciences and those of others generally disturbed on this matter. Locarno, 13 May 1831.

"The agent adds the general and very great scarcity of money or of properties, the latter ordinarily in the possession of a few. — If the lending of money were removed, property owners, for the most part unfit for commerce and the arts, would easily be reduced to misery after their little capital was consumed. — Others, lacking their own money and real property to exchange for cash, would not be able to advance by industry. — Because Mounts of Piety are lacking, in their necessities they would often be obliged to sell their small paternal inheritance, and often at the lowest price. — The disturbance of consciences is exceedingly great. Hence various Ordinaries, after considering everything, have pronounced in favor. Otherwise there would arise general disorder and a total impediment to affairs and industry.

"Wednesday, 31 August 1831. The foregoing petitions of the Chapter of the Collegiate Church of Locarno having been proposed, which had already been distributed in manuscript together with the votes of the Lord Consultors, the Most Eminent and Most Reverend Lords said: To I, II, III, IV. They are not to be disturbed, and let them acquiesce, provided that they are prepared to stand by the commands of the Holy See. To V, VI, VII, VIII. Let them consult the Encyclical *Vix pervenit* of Benedict XIV and approved authors. Wednesday, 7 September 1831. Our Most Holy Lord Gregory XVI approved."

VII

The Sacred Penitentiary, concerning new questions of Professor Denavit. — "The undersigned petitioner again explains to the Sacred Penitentiary: From the response of the Sacred Penitentiary directed to the undersigned petitioner on 16 September 1830, priests who contend that the law of the prince is a sufficient and legitimate title for receiving something beyond the principal in a loan, without another title commonly admitted by theologians, are to be absolved until the Holy See issues a definitive decision to which they are prepared to subject themselves; and I humbly and willingly acquiesce in this response. Nevertheless, without prejudice to the aforesaid response of the Sacred Penitentiary, after consulting approved authors and attending to the doctrine of almost all the Seminaries of France, and especially of those directed by priests of the Congregation of Saint Sulpice, the opinion which rejects the title of civil law as insufficient appears far more probable, safer, and

alone to be held in practice until the Holy See shall define. Therefore, to the faithful who ask me for counsel whether they can receive an increase from a loan, and who have no title commonly admitted by theologians apart from the title of civil law, I respond that they cannot exact the aforesaid increase, and I deny sacramental absolution if they exact it. I likewise deny absolution to those who, having received usuries of this kind, that is, by force of the title of law alone, refuse to restore. It is asked: I. Whether I conduct myself too harshly and severely toward faithful of this kind. II. What manner of acting is to be held in practice toward the faithful until the Holy See issues a definitive opinion.

"The Sacred Penitentiary, having weighed the doubts proposed by the petitioner, responded: To I. In the affirmative, since from the response given by the Sacred Penitentiary it is evident that faithful of this kind who conduct themselves thus in good faith are not to be disturbed. To II. Provided for in the first; whence let the petitioner endeavor to conform himself in practice to the prior response of the Sacred Penitentiary dated 16 September 1830. Given at Rome, in the Sacred Penitentiary, 11 November 1831."

VIII

The Sacred Penitentiary, concerning the questions of John Anthony Avvaro, Doctor of Sacred Theology and royal professor. — "The royal Piedmontese law universally and without any restriction permits anyone who lends money to any other to stipulate for and exact an annual increase of five per hundred beyond the principal. Hence in the Diocese of Pinerolo and other neighboring dioceses a most grave controversy rages among theologians: whether, in cases in which on the one hand there is no title of ceasing profit, emerging loss, or extraordinary danger of losing the principal, while on the other hand the precept of charity toward one's neighbor does not oblige one to lend by a simple and bare loan, it is lawful for the lender to receive and retain that increase. For some contend that the increase is altogether usurious and unlawful, while others contend that it is altogether immune from every stain of usury and entirely lawful; and, what renders the controversy far more intricate, all boast that they rest upon the authority of Benedict XIV, or at least that he is in no way opposed to them.

"Namely, the theologians who defend the first opinion say that the increase in question was condemned by Benedict XIV, implicitly indeed in the Encyclical *Vix pervenit* of 1 November 1745, as is evident from an attentive reading of it; but explicitly in the work *On the Diocesan Synod*, book 10, chapter 4, nos. 2 and 3, in these words: 'Calvin partly agreed with the Greeks, who, on chapter 18 of Ezechiel, taught that it was lawful to exact some moderate profit, not indeed from a poor man but from a rich man, precisely by reason of a loan. The error casually insinuated by Calvin was expressly defended by Charles Molinaeus in his treatise on usury, where at no. 10 he boldly affirms that usury is prohibited only insofar as it is contrary to charity. Having embraced the same depraved opinion, Claudius Salmasius defended it by another argument in two treatises, one entitled *On Usury*, the other *On Banking Interest*, in which places he absolves usury of all fault, provided it does not injure charity, because it is the price of money hired out. Certain few Catholic Doctors did not fear to subscribe to the impious opinion of Calvin and Molinaeus: namely, those who, when there is question of a loan by which money or another thing is given for business, excuse from the stain of interest the profit which is received from the loan, provided that it is moderate and observes the limit defined by the laws of the country.' Moreover, although Benedict XIV in *On the Diocesan Synod* speaks

only as a private Doctor, he nevertheless without doubt knew best of all what he had wished to condemn in his Encyclical; and therefore whatever he later wrote concerning usury in the *Synod*, especially in the cited chapter 4, where in no. 10 he summarily relates the doctrine defined in the Encyclical, is to be regarded as an explanation of the same Encyclical, from which it would be a sin to depart.

"But the theologians who defend the second opinion say that the increase is not received from the loan by reason of the loan itself, or solely on account of the loan, or by force of the loan itself, or precisely by reason of the loan—that is, with ceasing profit, emerging loss, or another extrinsic title removed—which Benedict XIV most deservedly condemned as usurious and unlawful by every law, both in the Encyclical § 3, nos. 1 and 2, and in the cited place of *On the Synod*, no. 11; but rather it is received by reason, cause, force, and extrinsic title of the civil law transferring ownership of the increase from the borrower to the lender, in the manner in which ownership of things is transferred from one to another through legitimate prescription; or by reason of the public good which, circumstances having changed, in the present state of affairs could scarcely, or not even scarcely, be obtained without that increase; or by reason of the voluntary, tacit, and mutual consent to the increase permitted by law on the part of society as a whole in general, which has the right to dispose of its things as it pleases, and especially on the part of those who now abound in money and now are in need, and who now lend money and now receive it; or by reason of the custom received almost everywhere in the Catholic world, even among men of timorous conscience, of exacting a moderate increase defined by the laws of the country; or on account of other causes of this kind which Benedict XIV nowhere weighed or mentioned. But to the argument which the patrons of the first opinion deduce from the Encyclical and from the work *On the Diocesan Synod*, they respond in four ways.

"They respond, first, that Benedict XIV in the Encyclical *Vix pervenit* established this one thing: namely, that then no increase, even moderate, can be received beyond the principal from a loan when someone is bound to assist another with a simple and bare loan without any increase, which has place in many cases from the precept of charity and from that alone, and this because then no legitimate title for exacting something beyond the principal can concur with the loan; or when he gives a loan in those cases in which he can enter upon no other just contract apart from the one loan, which also occurs in many circumstances, for example when he lends wine, oil, etc., to another, as is evident from § 3, no. 5, where, after he defined that it is falsely and rashly affirmed that there are always and everywhere at hand either other legitimate titles together with a loan, or, even with the loan excluded, other just contracts, by the protection of which titles or contracts, whenever money, grain, or anything else of that kind is lent to anyone, it would always be lawful to receive a moderate increase beyond the whole principal preserved intact; and that one who so affirmed would without doubt oppose not only divine teachings and the judgment of the Catholic Church concerning usury, but also human common sense itself and natural reason; he gives the reason for this definition and concludes with these notable words: 'For no one can be ignorant at least of this: that in many cases a man is bound to assist another by a simple and bare loan, especially as Christ the Lord Himself teaches: *Turn not away from him who wishes to borrow from you*; and that likewise in many circumstances, besides the one loan, there can be no place for any other true and just contract'; and therefore, according to Benedict XIV, whenever money is given as a loan and the precept of charity does not oblige one to lend it by a simple and bare loan, some legitimate title—for example, civil law, the public good, etc.—can always be found together with the loan, indeed is everywhere at hand, by the

protection of which it is lawful to receive a moderate increase beyond the principal, according to that well-worn rule: *In necessary matters the expression of one is the exclusion of the other*; or at least that Benedict XIV is in no way opposed to this opinion.

"They respond, secondly, that Benedict XIV is likewise in no way opposed to this opinion in the things which he wrote concerning usury in the cited chapter 4 of *On the Synod*, nos. 2 and 3, because there he teaches only that, after the Greek schismatics, the perpetual doctrine of the Catholic Church concerning usury was contradicted by Calvin, who erroneously taught that some moderate profit from a loan, precisely by reason of the loan—in which the essence of usury is situated—could lawfully be exacted from the rich; by Charles Molinaeus, who boldly affirmed that usury of this kind admitted by Calvin and evil of its own nature was prohibited only insofar as it is contrary to charity; by Claudius Salmasius, who perversely absolved the same usury from all fault provided it did not injure charity, under the false pretext that it is the price of money hired out; and finally by those few Catholic Doctors who, not fearing to subscribe to the impious opinion of Calvin and Molinaeus, boldly affirmed with them and erroneously taught that usury is prohibited only insofar as it is contrary to charity, and that the profit exacted and received from merchants from a loan precisely by reason of the loan is excused from the stain of interest, provided that it is moderate and observes the limit defined by the laws of the country. Certainly all these things differ not even by a fingernail's breadth from the doctrine contained in the Encyclical. But it is one thing for an increase, even a moderate one defined by the laws of the country, received from a loan precisely by reason of the loan, to be usurious and unlawful; it is another thing for that moderate increase defined by the laws of the country, received from a loan not precisely by reason of the loan but by reason of civil law or other extrinsic causes commemorated a little above, to be usurious and unlawful. Benedict XIV affirms the first; concerning the second he does not say even a word.

"They respond, thirdly, that on the hypothesis that Benedict XIV in the *Synod* were in fact opposed to this opinion, one who, resting upon solid reasons, modestly departed from his private opinion or explanation would in no way be culpable, since he himself at the end of the preface to the *Diocesan Synod* openly professes that in all matters to which no weight has accrued from the public authority of the Church—such without doubt is the explanation in question—he wishes to define nothing in the *Synod* or present it as decretory; adducing to prove this both the authority of Melchior Cano and the example of Innocent IV, who, although he wrote his commentaries upon the books of the Decretals while he held the Supreme Pontificate, 'nevertheless never arrogated this to himself: that whatever he wrote in that work should be regarded as a matter defined; but he easily permitted his opinions, which he proposed as a private Doctor, to be opposed by other Doctors, as is evident, etc.'

"They respond, fourthly, that even on the hypothesis that Benedict XIV in the Encyclical were opposed to this opinion, no argument could now be taken from it for condemning that moderate increase permitted by law which is received in the present state of affairs, because a change of circumstances could have introduced some variation, indeed has manifestly introduced one—not indeed with respect to the principles upon which the doctrine of the Catholic Church concerning usury and loans rests, which are always the same and altogether invariable, but with respect to their application. "Having diligently considered the doctrine of Benedict, insofar as the slender powers of my intellect allowed, I judge this to be the more probable as it is the more moderate: that one can deservedly doubt whether that doctrine by itself is sufficient to settle this controversy or not. But

since, even with this opinion of mine posited, in which I ought to place little confidence, it still remains uncertain whether that increase can be received with a safe conscience, so that, all uncertainty removed, I may have ready the faculty of replying suitably to certain confessors who recently consulted me concerning the same controversy, and also to others who, by reason of the offices I discharge, will consult me either within or outside the sacred tribunal of Penance, I suppliantly ask and adjure Your Eminence in the Lord to transmit to me the resolution of the three questions which I submit here:

"I. Whether the increase in question is lawful. And insofar as this question cannot be directly resolved from the doctrine of Benedict XIV and other judgments of the Apostolic See: II. Whether penitents who received that increase either in doubtful or bad faith can be sacramentally absolved, no restitution being made or promised here and now, provided that they seriously promise that they are prepared to execute whatever the Apostolic See shall determine concerning this matter. And insofar as the answer is affirmative, as some assert that a provisional rescript has already been given several times in the name of the Holy Office and of the Apostolic See to this and other similar questions, although these rescripts and their tenor are not known to me: III. Whether it is likewise lawful for those who neither have any title of ceasing profit, emerging loss, or extraordinary danger of losing the principal, nor are situated in cases in which the precept of charity toward one's neighbor obliges them to lend by a simple and bare loan, to give money as a loan with an annual increase of five percent beyond the principal stipulated or agreed upon, as the royal law permits, under the same condition of obeying future determinations of the Apostolic See concerning this matter.

"The Sacred Penitentiary judged that the resolutions formerly given to certain doubts concerning usury should be transmitted to the beloved in Christ Joseph Anthony Avvaro, namely, those altogether which We adduced above under no. V." Sacred Penitentiary, 11 February 1832.

IX

Sacred Roman and Universal Inquisition, concerning the doubt of the Bishop of Nice. — "In the periodicals entitled *Annali delle scienze religiose*, vol. 1, no. 1, p. 128, and *L'Ami de la Religion*, 2 April 1835, no. 2436, there is read a response which the Cardinal Major Penitentiary gave on 7 March 1833 to the Bishop of Viviers upon a question proposed by him concerning usury. For the Prelate had explained that certain preachers of the word of God taught in public sermons that it was lawful to receive profit from a loan under the title of civil law, without saying anything about that condition appended to the responses recently issued by the Sacred Penitentiary, by which provision was made that penitents receiving profit from a loan under the title of civil law must be prepared to stand by the commands of the Holy See; and he had asked whether those priests were to be disapproved.

"Benignly assenting to his prayers, the Most Eminent Major Penitentiary responded that the Sacred Penitentiary had by no means wished by those responses to define the question debated by theologians concerning a title derived from the law of the prince, but only to propose a norm which confessors might safely follow toward penitents who in good faith received the moderate profit established by the law of the prince and were prepared to stand by the commands of the Holy See; and therefore that the manner of acting of those preachers who absolutely teach in sacred sermons that it is lawful to receive profit from a loan under the title of civil law, while suppressing the stated conditions, can in no way be approved. "Certain persons, attending to the words *in good faith*

appended in that response, contend that, according to the norm several times proposed to confessors by the Sacred Penitentiary, only those who received the stated profit in good faith can be sacramentally absolved without a burden of restitution being imposed. Others, on the contrary, assert that even those who received the said profit in doubtful or bad faith can be absolved without a burden of restitution being imposed, provided that they are prepared to stand by the commands of the Holy See; and, as they say, this clause *in good faith* does not concern the burden of restitution but rather the uprightness of the agent and absolution, which confessors cannot impart to penitents constituted in bad faith unless they first repent of what was committed in bad faith; and they deduce this from the very petition of the Bishop of Viviers. The Bishop had not asked, they say, whether penitents constituted in doubtful or bad faith were to be bound to restitution, but only whether those preachers were to be disapproved who, with no condition stated, preached the use of the aforesaid loan to be lawful; and since the Holy See had not yet defined the question, and an act committed in bad faith, although it does not of itself induce a burden of restitution, nevertheless always induces guilt, hence they say that the Most Eminent Cardinal disapproved the manner of acting of those who, suppressing the conditions of good faith and of standing by the commands of the Holy See, absolutely preached the use of the said loan to be lawful, without the Most Eminent Cardinal speaking about the obligation of restitution, concerning which the Prelate did not ask. They also deduce it from the condition required by the Sacred Penitentiary in penitents of standing by the commands of the Holy See, which disposition necessarily either supposes or excites doubt concerning the uprightness of the aforesaid loan.

"And since on both sides there are men of the greatest piety and no slight authority, in order that provision may be made for the peace of souls in so frequent and serious a matter, it is most humbly asked: Whether penitents who received moderate profit from a loan under the title of law alone in DOUBTFUL or BAD FAITH can be sacramentally absolved without a burden of restitution being imposed, provided that they sincerely grieve for the sin committed because of doubtful or bad faith and are prepared with filial obedience to stand by the commands of the Holy See.

"Wednesday, 17 January 1838. In the General Congregation of the Sacred Roman and Universal Inquisition held in the Convent of Saint Mary sopra Minerva before the Most Eminent and Most Reverend Cardinals of the Holy Roman Church, Inquisitors General against heretical depravity, the above-stated doubt having been proposed, the same Most Eminent and Most Reverend Lords said: In the affirmative, provided that they are prepared to stand by the commands of the Holy See."

X

On 26 March 1840, the following doubt having been proposed to the Sacred Congregation of the Holy Office: whether N. N. is bound to return anything, whose father had given a great sum of money as a loan with profit of ten percent, corresponding to the legal rate of that time; and insofar as he was subject to restitution, whether he might lawfully retain at least five percent, the rescript was: Concerning usuries in general, let him consult the decrees already issued. Concerning the excessiveness of the returns, let him consult the Most Reverend Lord Bishop, who shall weigh the circumstances of the fact and the practice of that time which prevailed among men of timorous conscience, and shall provide.

XI

Finally, when in the past year 1871 it was asked from a certain place in Italy: "1. Whether today it is lawful, even for ecclesiastics, to invest money with the moderate return of five percent, as the law previously permitted under the legitimate government? 2. Whether today those pious places, nuns, and monasteries which receive a return of six percent from their capital are to be disturbed, since today this is given and received in the common course?"

The Sacred Congregation of the Holy Office on 28 February 1872 responded to both: According to the responses formerly given, provided that they are prepared to stand by the commands of the Holy See, they are not to be disturbed.

CONCLUSION

These things which, following the order of time, We have related here are the principal responses among many others which are reduced to these same points. From them it can be gathered:

1. Speaking generally of profit from a loan, nothing at all can be received from it by force of the loan, or immediately and precisely by reason of it.

2. It is lawful to receive something beyond the principal if perhaps some extrinsic title, not universally connected with and innate in the nature of a loan, is added to the loan.

3. Although all other titles are lacking, such as ceasing profit, emerging loss, danger of losing the principal, or of undertaking unusual labors for recovery of the principal, the title of civil law alone can also be regarded as sufficient in practice, both by the faithful and by their confessors, who therefore may not disturb their penitents concerning this matter so long as this question remains pending under judgment and the Holy See has not explicitly defined it.

4. The toleration of this practice can in no way be extended either to render respectable usury, however small, toward the poor, or to immoderate usury exceeding the limits of natural equity.

5. Finally, what quantity of usury is to be called immoderate and excessive, and what just and moderate, cannot be determined universally, since this must be measured in individual cases, regard being had for all and each of the circumstances of places, persons, and times."
Instruction of the Sacred Congregation for the Propagation of the Faith, 1873.

"Chinese persons remaining in a usurious state cannot be baptized; but if they are compelled by the authority of a judge to lend their own money, they can receive something beyond the principal, even when a pledge has been received, both by reason of the burden which they are compelled to undergo and by reason of care in guarding the pledges, and also of ceasing profit and emerging loss. But at the appointed time, if from the sale of the pledges anything remains beyond the principal and the profit justly acquired from the aforesaid causes, it is to be restored to the owner of the pledge." Sacred Congregation for the Propagation of the Faith, 12 September 1645.

"In view of the notable increase of present taxes and of the greater income needed to sustain them, there is no one in this Diocese of Ariano who wishes to give money as a loan at the rate of five percent as is tolerated by that Holy See; by many it is given at eight percent, and by others according

to what the Great Book yields, and this because the income received from the loan is also burdened by the tax on movable wealth.

"Now, in order to provide for the peace of conscience of so many and not to expose the people to the danger of no longer finding anyone to lend them money, which has become so scarce and sought after in the present times, it is desired to know whether such a practice can be tolerated; and in the negative case, whether confessors can at least permit their penitents to exact five percent net and leave to the charge of the payers the tax with which the government has burdened every income. — Resp. Provided that they are prepared to stand by the commands of the Holy See, they are not to be disturbed." Holy Office, 18 December 1872.

"The undersigned… submits… the unfortunately very frequent case of usury of ten or eight per hundred, which is received even by good Christians, in view of the almost equal profit which would always with greater punctuality be drawn from the same capital if it were invested in the new Banks. Add that the cited percentage is most often intended to be received net also of the tax on movable wealth, because of fear of a burdensome fine to which the creditor would be subject in the easy hypothesis of the necessary publication of the hereditary title in order to reimburse the sums lent…. — The Sacred Penitentiary responds: Since to fix the return on money by way of a rule is dangerous… let the Bishop petitioner decide the matter in individual cases according to the common practice observed by men of timorous conscience in the respective places and times." Sacred Penitentiary, 18 April 1889.

Legal and Conventional Interest; Returns upon Returns

When a doubt was proposed concerning a law distinguishing between legal and conventional interest, the Sacred Congregation on 18 August 1858 responded: "Concerning legal returns, provision has been made by decrees formerly issued. Concerning conventional returns and their titles, provision has been made by the Encyclical *Vix pervenit*. Concerning the quantity of those conventional returns and returns upon returns, account is to be taken in individual cases, regard being had for all and each of the circumstances of places, persons, and times, according to the rules handed down by the Sacred Canons and approved authors. And let the decrees of 13 January 1780 and 26 March 1840 be given," which have already been related above. Cf. no. 1095; C. 2141.

On the Alienation of Ecclesiastical Goods

"1. In the sale of ecclesiastical goods, let an appraisal of them made in writing by upright experts precede; let all interested parties be heard; let the evident necessity or utility of the Church be established; let them be sold in favor of the highest bidder and at no lower price than that appraised by the aforesaid experts; let the price be paid in full by the buyer at the act of stipulation and invested in a productive, safe, and lawful investment; but if this is not immediately available, let the price be deposited in some public treasury or with some person of recognized uprightness and fitness, with a written security received and most carefully kept by the Patriarch or Bishop of the church to which the goods sold belong.

"2. In exchanges, let an appraisal of the properties made in writing by upright experts precede; let all interested parties be heard; let the evident utility of the Church be established; and in the stipulation of the contract let recourse on both sides to the original rights in case of eviction be expressly

reserved. But if the value of the ecclesiastical property exceeds the value of the property which is received by the Church in exchange, let that sum of money necessary for equalizing the contract be paid to the Church at the act of stipulation, and invested in an honorable, safe, and lawful investment; and meanwhile let it be deposited as above in a public treasury or with a person of recognized uprightness and fitness.

"3. In entering emphyteutic contracts, let an appraisal by experts precede; let all interested parties be heard; let the evident utility of the Church be established; let the rent to be paid by the emphyteuta be no less than that fixed by the experts; let the stipulation be committed to writing, to which a description of the property and its topographical plan are to be added; let the emphyteuta furnish a mortgage inscription upon another suitable property of his, or at least, if this is lacking, the security of suitable persons for securing three years' rents; and in the stipulation itself let him issue an obligation valid for himself and his heirs and successors never to use any present or future law or privilege for redemption of the rent, and to cede all improvements to the soil.

"4. If there is question of ecclesiastical goods being pledged or of contracting a debt, it is necessary first that all interested parties be heard and that the true and grave necessity of the Church be established. If this truly intervenes, care must be taken that the Church itself discharge that debt as soon as it can be done; and for that reason an obligation is to be imposed upon it in individual cases to extinguish the contracted debt by annual installments to be predetermined by the Bishop. For this purpose certain revenues of the same Church are to be assigned and on each occasion deposited in a public treasury or with an upright and suitable person, so that they can be invested at the proper time.

"5. But when it happens that the money of the Church is to be invested, two things must above all be most diligently attended to: first, that every stain of usury be far removed from the contracts to be entered; second, that provision be made for the indemnity of the Church. Therefore its money is not to be placed except with upright and suitable persons who furnish a mortgage inscription or at least suitable security; and all contracts of this kind are to be committed to public records according to the received custom of the regions.

"6. Finally, in leases of ecclesiastical goods care must be taken that the aforesaid leases be made at a just price and that payment of the annual return not be made in advance to the prejudice of successors. It will not be lawful to lease ecclesiastical goods beyond three years; but the Ordinary, if he has obtained from the Apostolic See a special faculty concerning alienation of ecclesiastical goods, can permit the aforesaid leases to be made even beyond the stated time, provided that it does not exceed nine years." Instruction of the Sacred Congregation for the Propagation of the Faith, 30 July 1867.

"Whether goods belonging to a religious family or another pious Institute, which nevertheless are registered in the civil forum as the property of a private man, can be alienated without the previous permission of the Holy See? — Resp. In the negative." Sacred Congregation of Bishops and Regulars, 17 February 1866.

"…Concerning the first question, whether religious Institutes of simple vows, whether of men or women, whether approved by the Holy See or merely diocesan, need the good pleasure of the Apostolic See for alienation of their goods, the response is affirmative.

"But in relation to the other question, whether Bishops, by force of the privilege conceded to them concerning alienation of the goods of the diocese, can permit the aforesaid Congregations to make these alienations, the response is: Bishops can do this within the limits of their faculty." Sacred Congregation for the Propagation of the Faith, 15 January 1903.

On Resale

"…It is confessed by all that a covenant of resale, or an agreement that the buyer either can or must resell the thing bought to the seller, whether in favor of the seller alone, of the buyer alone, or of both, very frequently even with a time prescribed, can be made and is lawful in itself. For just as the seller has power to sell his thing absolutely, so also to sell it with a certain mode and covenant; and likewise the buyer, since he is free to buy either with or without such a covenant, provided that the equality of both is preserved. But to avoid the iniquity of disguised usury, certain conditions are commonly posited by theologians, namely:

"1. That nothing be done in usurious fraud and that there be the intention truly to buy and sell; otherwise it would already be an implicit or disguised loan, and the profit arising therefrom would be usury. Hence a low price offered by the buyer for retaining the thing longer; likewise, if a buyer accustomed to other usuries should be unwilling to make a loan but should buy a thing with a covenant of resale, would introduce a founded doubt and ought diligently to arouse attention.

"2. That the burden imposed be compensated; for every burden extrinsic to the contract and estimable by price must be compensated, otherwise equality and justice would not be preserved. Therefore the price must be diminished if the buyer is bound to resell the thing bought to the seller, for such an obligation is a burden estimable by price, since it deprives the buyer of the faculty of retaining or otherwise alienating it; but it must be increased if the seller is obliged to redeem the thing sold whenever the buyer wishes, since this burden also is estimable by price and extrinsic to the sale. Hence the purchase of a fruitful thing made under this law, that the seller be bound afterward to receive back his thing and return to the buyer the whole price received for it while the buyer retains the fruits, could, at least in practice, introduce a suspicion of concealed usury. For in fact, with respect to him who, unwilling to lend to another seeking money, buys from him a vineyard or house under this law, that after two or three years it is redeemed at the same price at which it was bought, with the fruits received from it retained, it savors of a virtual loan with profit. For such a person does not have a sincere intention of buying, but only intends to give the aforesaid money so that he may afterward receive the whole of it with profit, which is usurious.

"3. That the thing not be redeemed at a greater price than that at which it was first sold, unless it has been improved by the industry or labor of the buyer; for the force of a covenant of resale consists in this: that the buyer restores the thing when the price given for it has been restored. For to contract with this covenant is equivalent to contracting with a covenant that it be lawful after some time to dissolve the contract.

"4. That the buyer truly become owner of the thing bought, undergo its risk, sustain its burdens, and receive its fruits and advantages; for the nature of the contract demands this." Sacred Congregation for the Propagation of the Faith, 5 March 1860.

On Mohatra

"40. The mohatra contract is lawful, even with respect to the same person and with a contract of resale previously entered with an intention of profit." Proposition condemned by Innocent XI.

On Bills of Exchange

"First, We condemn all those exchanges which are called dry and are so contrived that the contracting parties pretend to celebrate exchanges for certain fairs or other places, to which places those who receive the money indeed deliver their bills of exchange, but they are not sent; or they are sent in such a manner that, after the lapse of time, they are returned empty to the place from which they proceeded; or even when no letters of this kind are delivered, the money is finally sought back with interest there where the contract was celebrated. For from the beginning it had been so agreed between those giving and receiving, or at least such was their intention, and there is no one who, at the fairs or places mentioned above, makes payment upon receipt of letters of this kind. Similar to this evil also is that in which money is delivered under the name either of a deposit or of another fictitious exchange, so that afterward it may be restored with profit in the same place or elsewhere. But even in those exchanges which are called real, sometimes, as is reported to Us, the money changers defer the appointed term of payment when profit from a tacit or express agreement has been received or even merely promised. All these things We declare to be usurious and more strictly prohibit from being done. Moreover, in order also to remove from exchanges, insofar as We can with God, occasions of sinning and the frauds of moneylenders, We establish that henceforth no one shall dare, either from the beginning or afterward, to stipulate a certain and determinate interest, even in case of nonpayment; nor to conduct real exchanges otherwise than for the first fairs, where these are celebrated, or, where they are not celebrated, for the first terms according to the received custom of the places, that abuse of conducting exchanges for second and subsequent fairs or terms being altogether rejected. Care must be taken, moreover, in the terms that account be had of the remoteness and nearness of the places in which payment is appointed, lest, when longer terms are fixed than the places of appointed payment require, an occasion of lending at interest be given." Saint Pius V, Constitution *In eam*, 28 January 1571.

On the Lawfulness of Annuities

"The petition recently presented to Us contained that, although from so long a time that no memory of the contrary exists, in diverse parts of Germany, for the common utility of men, among the inhabitants and residents of those regions there has grown up and thus far been observed… the following custom: that those inhabitants and residents, or those among them to whom this appeared expedient for their condition and indemnity, selling annual revenues or annuities of marks, florins, or groschen, the money current in those regions, upon their goods, houses, fields, estates, possessions, and inheritances, were accustomed to receive for each of such marks, florins, or groschen from those who bought them or those same revenues or annuities, a certain suitable price in counted money according to the quality of the time, as the sellers and buyers themselves agreed among themselves in the contracts concerning these things; effectively binding the houses, lands, fields, estates, possessions, and inheritances aforesaid, which were expressed in contracts of this kind, to payment of the aforesaid revenues and annuities in favor of those buyers; with this added, that in proportion as they restored in whole or in part to the said buyers the money received by them in this manner,

they would be altogether free and immune from payment of the revenues or annuities corresponding to the money restored; but those same buyers, even if goods, houses, lands, fields, possessions, and inheritances of this kind should in the course of time be reduced to the disgrace of complete destruction or desolation, could not seek back the money itself even by bringing an action…. We therefore… in order to remove every doubt of ambiguity concerning these matters, by Our Apostolic authority and by the tenor of these presents declare the aforesaid contracts lawful and conformable to law, and the sellers effectively bound, every obstacle of contradiction removed, to payment of the annuities and revenues according to the tenor of the said contracts." Callistus III, *Extravagantes Communes*, book 3, title 5, chapter 2; this is a confirmation of the Bull of Martin V concerning the same matter, ibid., chapter 1.

On the Leasing and Emphyteusis of Ecclesiastical Goods

Cf. no. 1139.

On the Wages of Workers

Cf. *Cases of Conscience*, 5th ed., vol. 1, no. 77, 5.

On the Pledging of Ecclesiastical Goods

Cf. no. 1139.

On the Fruits of a Pledged Thing

The fruits of a pledged thing are to be counted toward the principal. If, after those fruits have been received, someone has already received his principal, the pledge is absolutely to be restored to the debtor without any exaction of usuries. Alexander III, chapter *Plures* 1, *On Usury*; chapter *Quoniam* 2 of the same title; chapter *Conquestus* 8 of the same title.

On the Unlawfulness of Theft

"36. It is permitted to steal not only in extreme necessity but also in grave necessity." Proposition condemned by Innocent XI.

On Restitution for Small Thefts

"38. No one is bound under pain of mortal sin to restore what has been taken through small thefts, however great the total sum may be." Proposition condemned by Innocent XI.

On the Usurpation of Ecclesiastical Goods

"It is necessary to hold as a basis that churches, monasteries, convents, as also ecclesiastical properties, ought not to be guarded *more castrorum*; consequently, if material resistance cannot be opposed to force, moral force can nevertheless be opposed to it, and the aforesaid things can be protected by suitable protests, according as the Sacred Canons prescribe in similar circumstances; conducting oneself in a merely passive manner and yielding only to imminent coercion…." Sacred Penitentiary, 20 July 1855.

"Whether Ordinaries, parish priests, beneficiaries, and other administrators of ecclesiastical goods, if demanded under grave penalties, can deliver an inventory of their respective revenues to the Government? — Resp. It may be permitted, provided, however, that in each act the respective administrators issue a written protest concerning the necessity of the delivery in order to avoid greater evils and for protection of the rights of the Church. The mind of the Most Holy Lord is that the Ordinaries, before or after the delivery, if it can be done, make a collective protest concerning the aforesaid things, reverently indeed, but with evangelical liberty." Sacred Penitentiary, 10 December 1860.

"Whether parish priests and other ecclesiastics to whom injury was inflicted by the abolition of tithes made by the Government can accept the compensations proposed by that Government? — Resp. They can, according to the oracle of the Most Holy Lord, under the title of mere compensation for the injury inflicted upon them by the Government through prevention of the exaction of tithes, receive the pensions assigned by the Government; provided, however, that a protest is first made either by the Ordinary of the place in common or by each of the said parish priests or ecclesiastics in particular, that by receipt of this kind the abolition of tithes made by the Government is in no way recognized or approved, and provided that the debtors of the same tithes are prudently admonished that they are not freed by force of the law enacted by the Government from the burden of paying them." Sacred Penitentiary, 10 December 1860.

"Whether parish priests can freely enjoy the tithes which are paid by the faithful and at the same time the compensation which they receive from the Government? — Resp. Insofar as parish priests receive a supplement from the Government as compensation for tithes, and it equals the tithes which they formerly received, the remainder furnished by the faithful is to be expended upon pious causes according to the judgment of the Bishop." Sacred Penitentiary, 20 November 1902.

"Parish priests can retain from the tithes paid to them that part which is necessary for equalizing the complete revenue of the parish which they enjoyed before the abolition, even if this exceeded 900 lire. But those parish priests who could not lead life decently with the congrua of 900 lire ought to make their own condition known to the Bishop, who, if he judges it necessary, can grant them the faculty of retaining the tithes either wholly or in part, even if their sum now exceeds the revenue which they formerly had.

"Parish priests, having received the faculty from their own Bishop, can in particular cases and for special reasons temporarily reduce for the faithful the quantity of tithes which they ought to pay, diminishing it even to one-half or still more, regard being had for the circumstances." Sacred Penitentiary, 20 November 1902.

"How ought a confessor to conduct himself with penitents, fathers of families, whom he knows with certainty, or doubts, to be unwilling, although able, to pay tithes to the Church, if they remain altogether silent concerning this matter in confession? — Resp. Let the confessor direct himself according to the rules handed down by approved authors, but especially by Saint Alphonsus, book 6, no. 610." Sacred Penitentiary, 8 March 1898; 20 November 1902.

"If the parish priest has had equitable compensation or a supplement from the Government for the tithes, the faithful who do not pay tithes are not to be disturbed, provided that they are prepared to

stand by the commands of the Church." Sacred Penitentiary, 4 May 1897; 7 May 1899; *A. S. S.*, vol. 36, p. 61 ff.; *M. E.*, vol. 14, p. 210 ff., p. 492 ff.

"Whether those who seek absolution ought, before they are absolved, to repair those injuries which the Pontifical Government has suffered in the present vicissitudes of affairs? — Resp. It is sufficient that they be prepared in soul to stand by the commands to be issued by the Holy See concerning this matter." Sacred Penitentiary, 10 December 1860.

One Who Causes Damage

"Whether a Christian faithful who knowingly and willingly destroys and ruins the walls, doors, and furnishings of a pagan temple, and is captured by the pagans for that cause, ought or can repair the injury, at least under another title? — Resp. He is bound to restitution under the title of justice." Holy Office, 21 September 1842.

On One Who Commands Damage

"39. One who moves or induces another to inflict grave damage upon a third party is not bound to restitution for that damage inflicted." Proposition condemned by Innocent XI.

Restitution to Pious Causes

"Your Lordship requests a norm concerning the conduct to be observed toward penitents who have stolen from the Turks and cannot make restitution without danger to their lives, since the Turks always wish to know the name of the thief. Concerning this matter, the Sacred Congregation has decreed that Your Lordship ought to adhere to the opinion of good authors, who teach that, when restitution of the things stolen cannot be made to their owner, not even through confessors, and, on the other hand, the guilty party cannot retain what was wrongfully taken, the value of the things stolen ought to be expended *for pious causes, or among the poor*." Sacred Congregation for the Propagation of the Faith, 26 September 1840.

"N. N. represents that some years ago he received one hundred and thirty lire as a loan from a certain individual, who afterward died without having collected the said sum. N. N. thought that he would fulfill his duty by having Masses celebrated and other pious works performed in suffrage for the deceased creditor, expending upon them more than the sum received.

"Two confessors approved this manner of making restitution, but a third has said that it ought to be made to the brothers of the deceased creditor, as his necessary heirs. N. N. is disposed to carry out this latter counsel or duty of justice, if it be such; but, since he acted in good faith, and since it would be most troublesome for him to seek the creditor's heirs, although they dwell in the same city as the petitioner, and to make the fact known to others, he humbly begs Your Lordship graciously to ratify the aforesaid restitution as valid and to declare him free from every obligation of justice in the present case. — Resp. Since a right of a third party is involved, there is no place for condonation, and the sum mentioned in the petition must be restored to the heirs of the deceased." Sacred Penitentiary, 7 February 1899.

On the Secret Compensation of Servants

"37. Male and female domestic servants can secretly take from their masters in order to compensate for their labor, which they judge to be worth a greater wage than that which they receive." Proposition condemned by Innocent XI.

On the Eighth Precept of the Decalogue

On the Unlawfulness of Detraction and Calumny

"44. Why should it not be only venial to overthrow, by a false accusation, the great authority of a detractor when it is harmful to oneself? — 45. It is probable that one does not sin mortally who imputes a false crime to someone in order to defend one's own justice and honor. And if this is not probable, scarcely any opinion in theology will be probable." Propositions condemned by Innocent XI.

On the Unlawfulness of Reviling

"5. One who reviles someone praises God by the very sin of reviling; and the more he reviles and the more gravely he sins, the more he praises God." Proposition of Eckhart condemned by John XXII.

On Mental Restriction

Cf. no. 554.

On the Precepts of the Church

On the Obligation of Paying Tithes

"…Among the rights divinely attributed to the Church, this certainly is one: to acquire any goods and other civil revenues, without any dependence upon any external authority, and freely to administer them.

"That right was conferred by God upon the Church so that she might provide more securely and stably both for the worship owed to the Divinity, for the support of her ministers, and, finally, for works of charity. Indeed, for the attainment of this end she can also, by her own authority, impose upon the faithful those monetary assessments which she herself shall judge necessary. Therefore, a civil law which, in its own name, intrudes itself into the goods and revenues of the Church so as to dispose of them at pleasure, and exempts the faithful from paying monetary assessments sanctioned by ecclesiastical law, directly opposes divine law and wrongfully attributes to itself a power which it lacks.

"…For these reasons that same civil law issued in Italy is of no force; and the conscience of the faithful remains bound to pay tithes as before.

"The Holy See gave a declaration equal to this as far back as the year 1853, when the Subalpine Kingdom abolished tithes on the island of Sardinia (*Acta Pii IX*, vol. 2, p. 335); just as the Supreme Pontiff Alexander III, writing to the Bishop of Vercelli, declared altogether null the letters of the emperor by which exemption from paying tithes was granted (title *On Tithes*, etc., ch. 25).

"Wherefore, even if that civil law had assigned compensation equal to the tithes taken away and, for that reason, had brought no detriment to the Church in a useful matter, it nevertheless would have done injury to her by intruding itself into her affairs and rights without any dependence upon the supreme authority which the Church herself received from God…." Sacred Penitentiary, 25 August 1887.

"1. First of all, the Ordinaries, in whatever ways they shall judge opportune, are to teach the faithful that the right of receiving tithes could in no way have been taken from the Church by the civil power, and therefore that the faithful are altogether bound to pay them no differently than before, and that no one can be freed from a burden and obligation of this kind except by ecclesiastical authority alone.

"2. Therefore, so that an easier way may lie open to the faithful for consulting their consciences and freeing themselves perpetually from the burden of paying tithes, the same Ordinaries shall exhort them to seek admission to a just redemption of the tithes, or even, where the case permits, to an equitable composition concerning them. For this purpose, by special and express Apostolic authority, the Sacred Penitentiary, by the tenor of these letters, grants to all local Ordinaries in Italy the necessary and opportune faculties, to be valid for five years only.

"3. Once the redemption or composition of the tithes has been made, their price—determined by the prudent judgment of the Ordinaries according to the particular circumstances of each case—since it stands in place of the principal of the tithes, is to be placed in a secure, honorable, and productive investment; but the fruits are to be applied to the benefices or pious places which suffered the loss.

"4. Those who have neither redeemed the tithes nor made any composition concerning them, and who have been unwilling to pay them in full to the cathedral or to any other churches or persons to whom they are lawfully owed, are not to be absolved unless full restitution has followed (Council of Trent, sess. 25, *On Reformation*, ch. 12), saving, however, the rules handed down by approved authors concerning those who labor under need or poverty.

"5. The Ordinaries are furthermore to know that it is tolerated that either they themselves, or parish priests and others whose interest is involved, petition the government for compensation for the damage inflicted upon them; yet in such a way that nothing is contained in a petition of this kind which could be taken to prove that the power of disposing of tithes belongs to the secular authority, and it is to be expressly signified that compensation is sought solely under the title of lawful indemnification." Sacred Penitentiary, 2 September 1887.

"The obligation of paying tithes still persists, notwithstanding the abolition decreed by civil law, since the latter is by no means competent to decree those things which pertain to the Church." Sacred Penitentiary, 20 November 1902; 8 March 1898; *A. S. S.*, vol. 36, p. 63. Cf. no. 1331.

On the Institution and Transfer of Feast Days

"73. The proposition declaring that the institution of new feasts took its origin from neglect in observing the old ones and from false notions of the nature and end of those same solemnities: false, rash, scandalous, injurious to the Church, favoring the reproaches of heretics against feast days celebrated by the Church. — 74. The deliberation of the Synod concerning transferring to Sunday feasts instituted throughout the year, and this by reason of a right which it declares itself persuaded belongs to the bishop over ecclesiastical discipline in relation to merely spiritual matters; and therefore also of abrogating the precept of hearing Mass on days on which, by the ancient law of the Church, that precept still remains in force; and also in that which it adds concerning transferring by episcopal authority to Advent the fasts to be observed throughout the year by precept of the Church —insofar as it asserts that it is lawful for a bishop by his own right to transfer the days prescribed by the Church for celebrating feasts or fasts, or to abrogate the precept introduced of hearing Mass: a false proposition, injurious to the right of General Councils and Supreme Pontiffs, scandalous, favoring schism." Propositions of the Synod of Pistoia condemned by Pius VI.

Whether, besides the obligation of abstaining from servile works and of hearing Mass, the liturgical solemnity of suppressed or transferred feasts has also been removed? — Resp. "With respect to the choir and the ecclesiastical functions customarily performed, absolutely nothing is to be altered in relation to feasts on which the people have been released from the precept of hearing Mass, and chant was instituted for honoring God, not for attracting the people." Sacred Congregation of Rites, 18 October 1818, Alife, response to 2. Except: unless, when the Mass and Office have been transferred, the liturgical solemnity is also judged to have been transferred, ibid.

On Feast Days in the Universal Church Before the Suppression of Feasts

"The universal Church throughout the world knows that it belongs to the supreme solicitude of the Roman Pontiff to direct the Lord's flock to eternal salvation and so to unfold the apostolic precepts

that the faithful may run in the way of the commandments and be able happily to arrive at blessedness.

"1. For from the report of very many of Our Venerable Brethren, archbishops and bishops constituted throughout various regions, it has come to Us that the multitude of feasts throughout their individual dioceses and provinces has so increased, devotion and custom introducing new ones daily, that many already seem to doubt which are to be observed by precept and which by the free will of each person, while the fervor of piety grows cold because of their excessive number. Indeed, the frequent cry of the poor also ascends to Us, complaining that this same multitude is very harmful to them because of the necessity of obtaining their daily sustenance by their labors; and, what is greatly to be lamented, with great sorrow of Our soul We have learned that the enemy has very often contrived so much against holy things that peoples do not use this multitude for edification and for praising God in the churches, but do not fear frequently to abuse it for idleness, vanities, and vices, so that the enemy man has in the course of time corrupted those things which were instituted principally for glorifying the Divine Majesty and has converted them into a great offense against Him and a grave loss of souls. Wherefore the said Venerable Brethren, archbishops and bishops, have caused humble supplication to be made to Us that, in the aforesaid matters, from the fullness of Apostolic power We might enter upon some suitable arrangement.

"2. Therefore We, wishing from the duty of the pastoral office to make provision and henceforth to establish a definite precept concerning the sanctification of feasts, following the ancient custom of the Church in this matter, frequent consultations first having been held by learned and pious men whom We specially deputed for this purpose, as the gravity of the matter seemed to demand, by Our own motion, certain knowledge, and mature deliberation, and from the aforesaid fullness of Apostolic power, by this Constitution to remain perpetually in force, also with the vote of Our Venerable Brethren the Cardinals of the Holy Roman Church placed over sacred rites, by Apostolic authority decree and declare that only the days written below are to be observed as feasts by precept: namely, those which venerable antiquity consecrated from the beginning, or the custom of the universal Church approved, or the unanimous piety of all nations venerates: namely, the Sundays of the whole year; the Nativity of Our Lord Jesus Christ; the Circumcision; the Epiphany; the Resurrection, together with the two following weekdays; the Most Holy Trinity; the solemnity of the Body of Christ; and the Finding of the Holy Cross; also the Purification, Annunciation, Assumption, and Nativity of the Virgin Mother of God; the Dedication of Saint Michael the Archangel; the Nativity of Saint John the Baptist; Saints Peter and Paul; Saint Andrew; Saint James; Saint John; Saint Thomas; Saints Philip and James; Saint Bartholomew; Saint Matthew; Saints Simon and Jude; and Saint Matthias, Apostles of Christ the Lord; likewise Saint Stephen the Protomartyr; the Holy Innocents; Saint Lawrence the Martyr; Saint Sylvester, Pope and Confessor; Saint Joseph, Confessor, and Saint Anne, respectively the spouse and mother of the Mother of God; the solemnity of All Saints; and one of the principal Patrons in any kingdom or province, and likewise another principal Patron in any city, town, or village where it happens that these Patrons are held and venerated.

"3. By the said authority and tenor of these presents, We also perpetually decree and declare that the faithful are by no means bound by precept to the observance of the remaining days which hitherto, whether in the universal Church or in any nation or kingdom, province, diocese, or place, in whatever manner or from devotion, the Christian faithful celebrated as festive. But lest it happen that feast

days are again multiplied hereafter by local Ordinaries through the excessive facility of some or the importunity of peoples, We admonish the same Ordinaries in the Lord that, for preserving ecclesiastical uniformity everywhere, henceforth and for all future times they take care to abstain from imposing new feasts under precept. But so that the things expressed above may be observed with the more fervent veneration and devotion which is fitting, We recall to the memory of the same Ordinaries the observance of the ancient canons in granting permissions to work on feast days. These permissions, indeed, are to be granted in no other way than according to the form of the aforesaid canons, as stated above, and only gratuitously, freely, and without any price or agreement whatever, directly or indirectly, under even graver penalties to be inflicted at Our discretion and that of Our successors. Nevertheless, by this Our Constitution We do not intend to change in any respect the days which are court holidays, which for this purpose We leave in the same state and limits in which they were before its promulgation…." Urban VIII, 15 September 1641, D. nos. 812, 844. Cf. chapter *Conquestus* 5, *On Holidays*.

"The nature of the office of the most sacred apostolate divinely entrusted to Us demands that, striving to enlarge on earth, after the manner of many Roman Pontiffs Our predecessors, the veneration and worship of the most glorious Virgin Mary, Mother of God, whose conception announced joy to the whole world, We should continually endeavor, insofar as it is granted to Us from on high, to merit the most powerful aid, amid so many and such great necessities by which We are pressed in the Christian commonwealth and the Catholic Church, of her who, exalted above the choirs of angels, as a diligent intercessor for the Christian people continually intercedes in heaven before Him whom she bore. Therefore, moved by Our sincere devotion toward that same most august Queen of Heaven, Our patroness and advocate, by Apostolic authority and the tenor of these presents We decree, command, and ordain that henceforth everywhere on earth the feast of the Conception of the same Immaculate Blessed Virgin Mary is to be comprehended among the other feasts of precept by all and each of the Christian faithful of either sex. Notwithstanding, etc." Clement XI, 6 December 1708.

On Feast Days in the United States of America, in Spain, and in Italy

"The Fathers assembled in the Third Plenary Council of Baltimore, greatly desiring that uniformity be introduced in the observance of feasts, and maturely weighing the difficulties under which the faithful labor within the federated states, judged that supplication should be made:

"1. That, in view of the peculiar circumstances of Catholics dwelling in these regions, it might graciously be declared by Apostolic authority that, throughout all the dioceses of the federated states of North America, all and only the following feast days are to be observed by the precept of hearing Mass and abstaining from servile works: the Immaculate Conception of the Blessed Virgin Mary, the Nativity of Our Lord Jesus Christ, the Circumcision of Our Lord Jesus Christ, the Ascension of Our Lord Jesus Christ, the Assumption of the Blessed Virgin Mary, and the Feast of All Saints. For, by reason of affairs and times, the observance of these six feast days is more happily hoped for. 2. With respect to the other feast days which, besides the six mentioned above, are still of precept in certain places: that by Apostolic benignity the faithful of those same places indeed be released from the obligation of hearing Mass and abstaining from works, but without those same feast days being suppressed with respect to devotion and external solemnity. 3. With respect to the feast of the Most

Holy Body of Christ: that it may graciously please him to grant that the solemnity of that feast be transferred to the Sunday immediately following, according to the norm of the indult granted to the dioceses of the United States of North America with respect to the feast of the Holy Apostles Peter and Paul, as is contained in the letters of the Sacred Congregation for the Propagation of the Faith to the Archbishop of Baltimore, 19 December 1840.

"The Holy Office responded on 25 November 1885: Supplication is to be made to the Most Holy Father for the favor according to the petitions…. And His Holiness…graciously deigned to assent, according to the opinion of the Sacred Congregation, to the petitions of the Fathers of the Third Plenary Council of Baltimore."

The feast of Saint Joseph on 19 March is again to be observed by precept in Spain and in the regions subject to it. Leo XIII, Brief *Quod paucis*, 28 January 1890.

In the Neapolitan provinces: "Besides all the Sundays throughout the year, the following feasts are to be retained, namely: the Circumcision of Our Lord Jesus Christ; the Epiphany of the Lord; the Purification of the Blessed Virgin Mary; the Annunciation of the same Blessed Virgin; Saint Joseph, Patron; the Ascension of the Lord into Heaven; the Nativity of the same Blessed Virgin Mary; and the Nativity of Our Lord Jesus Christ. But for the city of Naples alone, the feasts of Saint Januarius and Saint Anthony of Padua are to be retained; and for the city of Palermo, the feast of Saint Rosalia, Virgin. But the feasts of the principal Patrons of individual cities, towns, and places, to which the precept of abstaining from servile works is attached, are to be transferred, together with the respective celebration of their Offices and Masses, to the Sunday immediately following." Pius VII, Brief *Paternae caritati*, 10 April 1818. — To these, however, are to be added: the feast of the Visitation, Gregory XVI, Brief *Cum nobis*, 30 December 1835; the feast of the Apparition of Saint Michael the Archangel; the feast of the Presentation of the Blessed Virgin Mary; and the principal Patrons of each place, on their proper day, if the Ordinaries with their Chapters shall so judge. Pius VII, Brief *Per Apostolicas*, 15 October 1818. — *M. E.*, vol. 9, part 2, p. 41 ff.; D. nos. 2589, 2590.

In the provinces of upper Italy: "By Our Apostolic authority We command and decree that the nineteenth day of the month of March, sacred to the remembrance of the Most Blessed Patriarch Joseph, is duly to be numbered among the feast days in all and each of the regions of Piedmont, Liguria, Sardinia, and also Lombardy. Therefore all Christians are bound by precept both to be present at the holy Sacrifice of the Mass and to abstain from those works which are customarily called servile." Leo XIII, Brief *Quod erat*, 3 March 1891; *A. S. S.*, vol. 24, p. 192.

Annual Confession and Easter Communion

"Every faithful person of either sex, after having arrived at the years of discretion, shall faithfully confess all his sins by himself, at least once a year, to his own priest, and shall strive according to his powers to fulfill the penance imposed upon him, reverently receiving at least at Easter the Sacrament of the Eucharist, unless perhaps, on the counsel of his own priest, for some reasonable cause he shall judge that he ought to abstain from receiving it for a time; otherwise, while living he is to be barred from entry into the church, and when dying he is to lack Christian burial." Fourth Lateran Council, Decrees, chapter 21.

"If anyone shall deny that all the faithful are bound every year, at least at Easter, to communicate according to the precept of Mother Church, let him be anathema." Council of Trent, sess. 13, canon 9.

On an Invalid Confession and a Sacrilegious Communion

"13. One satisfies the precept of annual confession who confesses to a religious presented to the bishop but unjustly rejected by him. — 14. One who makes a confession voluntarily invalid satisfies the precept of the Church." Propositions condemned by Alexander VII.

"35. The precept of annual Communion is satisfied by a sacrilegious eating of the Lord." Proposition condemned by Innocent XI.

Abstinence and Fasting with Respect to Time

"Since the mayor of Naples had prescribed that all Neapolitan clocks, with the exception of certain private ones, in indicating noon should take Roman mean time as their rule, it happens that midnight differs from the true time not only by reason of mean time but also by reason of the different meridian of each city, so that the difference sometimes exceeds a quarter of an hour by no slight amount. These things being considered, can the faithful at Naples, in observing the natural fast and other obligations of the Church, follow clocks indicating the hours according to Roman mean time, or ought they rather to follow those clocks which mark true Neapolitan time? — Resp. To the first part, affirmatively; to the second, negatively." Sacred Penitentiary, 18 June 1873; Holy Office, 9 May 1892; 9 August 1899.

"Whether, where clocks adjusted to mean time are used, one is to stand by them both for fulfilling the burden of the Divine Office and for observing the natural fast; or whether one ought, or at least can, use true time? — Resp. The faithful can follow mean time in observing the natural fast and in reciting the Divine Office, but are not bound to do so." Sacred Penitentiary, 29 November 1882.

"According to a law very recently enacted, throughout the entire German Empire from the beginning of April of the current year, one and the same time, without regard to the mean time or meridian of the diverse regions of the Empire, is to be observed in counting the hours, and the public clocks display it. Hence it happens that within the boundaries of this diocese the legal reckoning of the hours exceeds the local mean time by the space of half an hour. Can clerics follow legal time in discharging the Divine Office, both by privately anticipating Matins and by reciting Vespers? — Resp. Affirmatively." Sacred Congregation of the Council, 22 July 1893.

On Condiments on Days of Abstinence and Fasting

"Whether, when either by the Bull of the Crusade or for some other cause an indult is granted for the use of melted lard (commonly called *strutto*) solely under the title of condiment, those who are bound to fast may lawfully use that condiment even in the evening refection? — Resp. Those who are bound to fast can lawfully use, even in the evening refection, condiments permitted in the indult, because by force of the indult they take the place of oil, provided that no restriction is placed in the indult that those condiments may be used at the one meal." Sacred Penitentiary, 16 January 1834.

"Whether on Fridays and Saturdays, on which condiments commonly called *di grasso* are permitted, meat broth can be used? — Resp. Under the terms *condimenti di grasso*, broth from cooked meat is not comprehended." Sacred Penitentiary, 30 January 1866. — It is nevertheless tolerated where there is a custom. Holy Office, 20 January 1895.

"Whether the expression *condiments from fat*, used in the granting of indults for Lent and for condiment during the year, should be understood of fat from any animal whatsoever? — Resp. Affirmatively." Holy Office, 25 March 1895.

"Whether on days consecrated to fasting, on which the use of condiments from fat is permitted by Apostolic favor, it is also lawful to use butter by way of condiment? — Resp. Supplication is to be made to the Most Holy Father for the favor. His Holiness graciously deigned to grant the favor." Holy Office, 13 May 1896.

"Whether it is lawful to use margarine by way of food or condiment on those days on which the use of meat or fat from meat is unlawful, while the use of butter remains lawful? — Resp. Affirmatively, after the matter was reported to the Most Holy Father." Holy Office, 6 September 1899.

"1. On days on which seasoning with rendered fat and lard is permitted, can one who uses the lard itself to season soup, polenta, an omelet, etc., freely eat those little pieces of lard which remain after they have been fried to extract the fat? — 2. On days of strict abstinence, on which eggs are forbidden, may vegetables, e.g., artichokes, be lightly moistened with beaten egg? — 3. On days of strict abstinence is it lawful to use oil in which meat has been fried, or at least is this lawful on days of simple abstinence? — Resp. To 1. Affirmatively, provided that they continue to be part of the condiment. — To 2. A condiment from eggs, when eggs are forbidden, is not lawful. — To 3. Those who act thus are not to be disturbed." Sacred Penitentiary, 17 November 1897. Cf. no. 1573.

On the Coot and Hartshorn on Days of Abstinence

"Whether the aquatic bird named the coot (commonly *folaga*) is to be reckoned among fishes, and whether it is lawful to eat it on those days on which meats are forbidden? — The religious of the Order of Minims of Saint Francis of Paola, to whom meats are altogether forbidden, in order to remove the perplexity by which their consciences were troubled concerning this matter, presented a supplication to Pius VII that it might be granted to them to be able freely to use that food. Through the Congregation of Regular Discipline, on 22 February 1804, the Most Holy Father, provided that the things narrated were true, graciously granted the favor according to the petition, notwithstanding the Constitutions of the Order and all other things."

"Can hartshorn softened in water, seasoned with sugar, and made into a jelly be regarded as Lenten food? — Resp. The Most Holy Father is to be consulted for a dispensation insofar as it may be necessary. The Most Holy Father granted it." Holy Office of the Propagation of the Faith, 21 September 1843, C. 2071.

On Abstinence on Saturdays During the Year, Abrogated in Belgium and in Italy

"In the year 1853, the Most Illustrious Bishops of Belgium petitioned the Holy See that it might deign to remove the law by which the eating of meat on Saturday is prohibited. The Holy See did not

abrogate that law, but deigned to grant the Most Illustrious Bishops of Belgium the faculty of dispensing from it those who sought a dispensation. Whether, once a dispensation has been obtained, it is lawful for those traveling outside Belgium to eat meat in places in which that law remains in force? — Resp. Negatively." Holy Office, 10 January 1855.

In many dioceses of Italy also, an indult concerning abstinence on Saturday is presently in force. Cf. the Indult for the City of Rome, no. 1626.

Indult Concerning Fasting and Abstinence for Latin America

"…The Most Holy Father, …in view of the most grave causes adduced, wishing to meet the necessities and anxieties of souls, while preserving the ecclesiastical law of fasting and abstinence, and saving the excuses from that same law which remain admitted by the common law according to the rules of approved authors, as well as the special indults hitherto imparted to the individual ecclesiastical provinces and still in force for as long as they shall endure, resolved to grant for ten years, as he does grant, to all the Ordinaries of Latin America a faculty, subdelegable to parish priests, confessors, and other ecclesiastical men, of dispensing at their discretion each year, mention of the Apostolic delegation having been made, the faithful who request it—including religious of either sex, but with the consent of their ecclesiastical superiors—from the law of fasting and abstinence, provided that:

"1. The law of fasting without abstinence from meat is observed on the Fridays of Advent and the Wednesdays of Lent.

"2. The law of fasting and abstinence from meat is observed on Ash Wednesday, the Fridays of Lent, and Thursday of Holy Week.

"But on days of fasting it will always be lawful for everyone, even regulars, although they have not sought a special dispensation, to use eggs and dairy products at the evening collation.

"3. Abstinence from meat without fasting is observed on the four vigils of the feasts of the Nativity of Our Lord Jesus Christ, Pentecost, the Assumption into Heaven of the Blessed Virgin Mary, and the Holy Apostles Peter and Paul.

"4. In the individual regions, the conditions concerning the recitation of prayers and the distribution and destination of alms which have hitherto customarily been observed in the concession of pontifical indults are to be observed.

"But parish priests and other priests subdelegated by the bishops are forbidden to ask for or accept anything else on the occasion of the dispensations imparted by them.

"The privileges of Latin America granted in the Constitution *Trans Oceanum* of 18 April 1897 nevertheless remain firm….

"Notwithstanding anything whatsoever to the contrary." Sacred Congregation for Extraordinary Ecclesiastical Affairs, 6 July 1899. Cf. *A. S. S.*, vol. 33, p. 511.

On Abstinence and Fasting with Respect to the Greeks

"1. Is it lawful for Greeks dwelling at Rome—at least for the avoidance of scandal—to eat meat on Saturday? — 2. Is it lawful for Greeks to have Latins in their service and to give them meat to eat on Saturday? — 3. Is it lawful for Greeks on the aforesaid day to offer meat to be eaten by Latin children and youths who are not attached to their service? — Resp. To 1. It is not lawful, and the Instruction of Clement VIII is to be observed, in which it is contained thus: The use of meat on Saturday is to be tolerated among the Greeks, where it can be done without scandal, yet only in their own places and among themselves. — To 2 and 3. Latin servants of Greeks are bound to observe the Latin rite, and therefore the Greeks sin by setting forbidden foods before their servants at a time when they ought to abstain from them." Holy Office, 13 March 1727, C. 2050.

"Whether Greek priests in the Archdiocese of Rossano can compel persons living according to the Greek rite to the observance of the fasts and vigils of the Latin Church? — Resp. It is not lawful for private persons who have a Greek parish to observe, contrary to their own rite, the fasts and vigils of the Latins while omitting the fasts of the Greek rite. Nevertheless, it is lawful, provided that it is not compelled to do so, for the whole community, or for the greater part of the laity united with the parish priests and presbyters, to observe fasts and vigils in the manner of the Latins; nor does it follow from this that the community has passed over to the Latin rite." Sacred Congregation for the Propagation of the Faith, 10 March 1760, C. 2055.

Fasting Before the Consecration of a Church and Before Ordinations

"With respect to Ordinations, it suffices to observe the fasts of the Ember Days; for Ordinations outside the Ember Days carry no obligation of fasting. — With respect to the Consecrations of Churches, the Decree of the Sacred Congregation of Rites in Mechelen, 29 July 1780, no. 2519, response to 1, is to be observed, which is as follows: The fast prescribed in the Roman Pontifical is of strict obligation for the consecrating bishop and only for those who request that a church be consecrated for them; and that same fast is to be proclaimed on the day preceding the Consecration, according to the form of the Roman Pontifical." Holy Office, 14 December 1898.

The Bishops' Quinquennial Faculty Concerning Abstinence

"The Most Eminent Fathers directed their attention to the words which are read in no. 27 of Formulas I and II and in no. 17 of Formula III, namely: *Of dispensing, when it shall seem expedient, concerning the eating of meat, eggs, and dairy products during times of fasting and Lent*; and they decreed that henceforth they were to be modified by adding after the word *Of dispensing* the following: *not, however, by a general indult, but in particular cases*." Holy Office, 17 March 1883.

On the Law of Fasting and Abstinence Being Anticipated or Dispensed by Bishops

"Supplication is to be made to the Most Holy Father that he may deign to grant to bishops and other local Ordinaries the faculty of anticipating, on a day agreeable to themselves, and, for the most grave causes, even of dispensing from the law of fasting and abstinence whenever the feast, to be observed under both precepts, of a principal Patron or Titular, or some other solemn feast likewise to be celebrated with a great concourse of the people, falls upon Fridays or Saturdays during the year,

except during the time of Lent, the Ember Days, and the vigils consecrated to fasting during the year; and that they may use the same power of anticipating or, for the most grave causes, even dispensing, for days on which extraordinary fairs are held, likewise with a great concourse of the people. — His Holiness ratified and confirmed the present decree and granted and attributed to all and each of the local Ordinaries, for all future times, the faculty in question, mention, however, of the Apostolic dispensation being made in the individual cases." Holy Office, 5 December 1894.

"1. In order that a bishop may be able to dispense according to the tenor of the decree of 5 December 1894, is it necessary that the feast be celebrated with a great concourse of the people? — 2. Can a bishop dispense only when there is question of feasts of double precept, or also when there is question of another feast or another Catholic solemnity, e.g., centenaries, pilgrimages, and the like? — 3. How is a great concourse of the people to be understood: of people from elsewhere, or also of those of the same city or place? — 4. Can there be assigned among the most grave causes for which a bishop can not only anticipate but also dispense the grave danger that the abstinence to be anticipated will not be observed? — 5. On the excepted days consecrated to fasting, is it forbidden to bishops only to dispense from abstinence, or also to anticipate it? — 6. For a reasonable cause, can a bishop commit to parish priests the determination of the day on which abstinence ought to be anticipated? — Resp. To 1. Affirmatively. — To 2. Negatively to the first part; affirmatively to the second, provided that there is a great concourse of the people. — To 3. All things being considered, it can also be understood of a concourse of the city or place, after the matter was reported to the Most Holy Father. — To 4. Affirmatively, provided that the danger is general. — To 5. Affirmatively; that is, both are forbidden to bishops. — To 6. Affirmatively." Holy Office, 18 March 1896.

"Whether Ordinaries, by force of the decree of 5 December 1894, can anticipate, or even for the most grave causes dispense from, the law of fasting and abstinence on the Fridays and Saturdays of Advent? — Resp. Negatively." Holy Office, 15 December 1897.

The Obligation of Fasting

"That a man ought not to fast or pray after he has attained a degree of perfection of this kind—namely, that he can advance no further in grace—because then sensuality is so perfectly subject to spirit and reason that a man can freely grant to the body whatever pleases it." Condemned as an error in Clement V, *Ad nostrum* 3, *On Heretics*.

"23. One who breaks a fast of the Church to which he is bound does not sin mortally unless he does this from contempt or disobedience, namely, because he does not wish to subject himself to the precept." Proposition condemned by Alexander VII.

On a Morning Morsel

"Whether it can be permitted…that in the morning on days of fasting, coffee or chocolate with a morsel of bread be taken in a small quantity? — Resp. Those who follow such a practice are not to be disturbed." Sacred Penitentiary, 21 November 1843.

On Small Meals on a Day of Fasting

"29. On a day of fasting, one who several times eats a small amount does not break the fast." Proposition condemned by Alexander VII.

On the Inversion of the Principal Meal and the Collation

"Can the time of the principal meal and the collation be inverted on days of fasting for some reason, e.g., studies, so that, according to the French custom, the collation is taken at eleven o'clock, but the principal meal at five o'clock in the afternoon? — Resp. They can be inverted for a reasonable cause; and let him consult approved authors." Holy Office, 29 July 1857.

"Whether on days of fasting the time of eating can be inverted by taking the little evening refection between ten and eleven o'clock in the morning, but deferring the principal meal until four or five o'clock in the evening? On 10 January 1834 the Sacred Penitentiary judged that the response should be: If there exists some reasonable cause for the aforesaid inversion, penitents who use this custom are not to be disturbed." Holy Office, 17 September 1862.

On Abstinence from Dairy Products

"32. It is not evident that the custom of not eating eggs and dairy products in Lent binds." Proposition condemned by Alexander VII, 18 March 1666.

On Eating Meat Several Times in a Day When an Indult Is Given

"The faithful who by reason of age or labor are not bound to fast can lawfully, in Lent when an indult has been granted, eat meat or dairy products permitted by that same indult, on all the days comprehended in the indult, as often as they eat during the day." Sacred Penitentiary, 16 January 1824.

This, however, does not apply in a diocese whose bishop, by Apostolic authority, grants to the faithful that on Mondays, Tuesdays, and Thursdays of Lent they can once a day eat meat and eggs, but permits those who by reason of age or labor are not bound to fast to use eggs several times a day. Sacred Penitentiary, 27 May 1863.

"The faithful who, by reason of impaired health, are exempted from the law of fasting or of the one meal can lawfully, on those days of Lent on which the eating of meat is permitted by indult, eat meat as often as they eat during the day." Sacred Penitentiary, 16 March 1882; *A. S. S.*, vol. 14, p. 568; vol. 1, p. 427.

"From Your Lordship's letter of 9 February last, I was able to gather that Your Lordship would be pleased to know the reason why, to the doubt, 'Whether those who are excused from fasting by reason of infirm health are to be equated with those who are not bound to fast by reason of age or labor, so that it is likewise lawful for them to eat meat several times a day?' the Sacred Penitentiary responded on 27 May 1863: They are not to be equated. Now, having obtained the appropriate information concerning the matter, I am in a position to signify to you that the reason why the infirm, with respect to the quality of foods on days subject to the prohibition of the Church, are not to be equated with those who are excused from fasting by reason of age or labor is that the latter can use forbidden foods solely by force of the indult, which can undergo lesser or greater limitations, while the infirm can use forbidden foods according to the state of their health and the judgment of the physician. Thus, for example, on certain days the indult might not permit seasoning with fat, and in that case one who is dispensed from fasting by reason of age or labor must abstain from the aforesaid seasoning; but the sick person, even on the excepted days, can eat fat foods if the state of

his health so requires. It seems to me that such an explanation can serve to remove the uncertainties which you mentioned to me in your aforesaid letter. — Rome, 8 March 1864. Alexander Cardinal Barnabò, Prefect."

On the Law Against Mixing Foods

Seven doubts proposed to Benedict XIV and resolved by him, Letter to the Archbishop of Compostela, 10 June 1745.

"1. Whether those things which in Our aforesaid Letters in the form of a Brief are prescribed concerning the one meal and concerning foods not to be mixed are also prohibited under a grave precept? — Resp. Those granting the faculty of eating meat during a forbidden time are bound under grave sin to give those faculties only with these two conditions added: namely, of one meal in the day and of foods not being mixed. But those who use faculties of this kind are bound under grave sin to fulfill both those conditions."

"2. Whether those to whom it has been granted to eat meat can, at the evening refection, eat that quantity of meat which is permitted to those who fast? — Resp. It is not lawful; rather, they must use that food and that portion which fasting persons of an upright and delicate conscience use." "3. Whether those who during the time of fasting are permitted to eat meat and are bound to use one meal must observe the hour prescribed for those who fast? — Resp. It is to be observed."

"4. What are the lawful foods which are forbidden to be joined with those which are prohibited? — Resp. The lawful foods for those to whom it is permitted to eat meat are meats themselves; the forbidden foods are fishes, and therefore both cannot be used together. Those, however, to whom only the faculty of using eggs and dairy products is given are not forbidden to eat fish."

"5. Whether the precept concerning not mixing either kind of food also comprehends the Sundays of Lent? — Resp. It comprehends them."

"6. Whether this law also pertains to those who by the Bull of the Crusade can eat eggs and dairy products? — Resp. Nothing has been established in Our aforementioned Apostolic Letters which concerns the gracious diploma of the Crusade. Wherefore, those who enjoy it should strictly and carefully weigh its tenor and conduct themselves according to its meaning. But let them beware lest by some empty excuse they think themselves released from the laws prescribed therein."

"7. Whether the two precepts mentioned bind outside Lent? — Resp. Both precepts bind outside Lent: namely, that of the one meal, with the remaining laws expressed in the responses to the second and third of these questions; and the other, of not mixing lawful foods with forbidden ones, as was defined in the fourth question."

"Whether the faithful who are dispensed from the law of abstinence on Fridays and Saturdays during the course of the year, when the obligation of fasting does not bind, can eat fish and meat together? — Resp. It is permitted." Sacred Penitentiary, 15 February 1834.

"Whether, on days of fasting during Advent prescribed by Pius VI, dairy products nevertheless being permitted, one for whom the eating of meat is lawful because of infirmity is forbidden the mixture of meat and fish? — Resp. Affirmatively; namely, a mixture of this kind is not lawful." Sacred Penitentiary, 8 January 1834.

"Whether the obligation of not mixing fish with meat on days of Lent reaches all who by force of an indult can eat meat, or only those who fast? — Resp. Affirmatively with respect to the first part; negatively with respect to the second. And let the decree of 24 March 1841 be given, namely, to the doubt: Whether the law of not mixing lawful and forbidden foods also concerns those who are not bound to the one meal, such as young persons before they have completed their third septennium, and others reasonably excused from it because of incapacity or labor? The Most Eminent Fathers decreed: It is not lawful." Holy Office, 23 June 1875.

Sick Persons Who Eat Meat Not by Force of an Indult but Because of Illness Can Eat Meat and Fish Together on Days of Fasting

"Most Eminent Prince: Titius, being ill, needs on days of fasting not only to be refreshed by several meals but also to use meat; will he be able to use fish at the same time? It seems to me that the response should be affirmative. The Holy Office on 23 January 1875 binds to not mixing foods even those who 'take meat by force of an indult, and not only those who fast'; it revokes the Decree of 24 March 1841, where "even those who are excused from the one meal because of incapacity or labor eat meat by force of an indult and consequently are bound not to mix foods." It does not speak of those who eat meat because of illness. From these things the Holy Office allows it to be supposed, or permits it to be believed, that those who eat meat not by force of an indult are not bound not to mix foods. Ballerini-Palmieri, *Opus Morale*, vol. 2, tract 7, no. 26 (2nd ed., p. 797); Génicot (Professor at Louvain), vol. 1, p. 444 (2nd ed.); D'Annibale, vol. 3, no. 138 (3rd ed.); and Bucceroni, *Institutions*, vol. 1, no. 1607, have expounded this opinion.

"Resp. The petitioner can follow with a safe conscience the opinion of the authors whom he cites." Sacred Penitentiary, 9 January 1899.

"Whether, by the Apostolic indult issued through the ministry of the Holy Office on 30 January of the current year, by which the faculty of releasing the faithful from the law of abstinence and fasting is entrusted to the Ordinaries, the prohibition against mixing foods has also been removed? — Resp. Negatively; but during Lent and the fasts throughout the year, the mixing of forbidden and permitted foods in the same meal is prohibited." Holy Office, 28 February 1890.

"Whether little fish dried in salt, or anchovies (in Italian *acciughe, alici*), herrings (in Italian *aringhe*), and other things similar to these, are comprehended under the law forbidding mixture with meat; or whether they can be mixed by way of a condiment for another dish? — Resp. Fish dried in salt are forbidden to be mixed with meat whenever the mixture of meat and fish is forbidden." Sacred Penitentiary, 10 January 1834.

"Whether during a fast it is lawful for one to whom the eating of meat is lawful to mix with it marine shellfish, which are improperly called fruits of the sea but are commonly reckoned as fish, that is, oysters (in Italian *ostriche*) and crustaceans (*gamberi, granchi*)? — Resp. Marine shellfish, which are improperly called fruits of the sea but are commonly reckoned as fish, are forbidden to be mixed with meat whenever the mixture of meat and fish is prohibited." Sacred Penitentiary, 16 January 1834.

"Whether those dispensed from the law of abstinence from meat can, on days on which the obligation of fasting binds, for the sake of health eat only broth seasoned with meat and otherwise eat fasting foods—as do others who are able to eat fish—in order to observe the law of abstinence

insofar as possible? — Resp. Affirmatively, the things set forth having been attentively considered." Sacred Penitentiary, 8 February 1828.

"Whether, by force of the law which prohibits eating meat and fish together, it is equally prohibited to eat meat and some dish seasoned with fish sauce? — Resp. Negatively." Sacred Penitentiary, 14 June 1880.

"Whether during the time of fasting it is lawful to mix meat with legumes? — Resp. It is beyond doubt that meat can be mixed with any kinds of legumes." Sacred Penitentiary, 8 February 1828.

"Whether those to whom the eating of meat is lawful can use melted lard as a condiment on days on which they use only dairy products? — Resp. Affirmatively." Sacred Penitentiary, 8 February 1828.

On Laborers and Travelers

"30. All workmen who labor bodily in the commonwealth are excused from the obligation of fasting, nor ought they to ascertain whether their labor is compatible with fasting. — 31. All those who make a journey on horseback are absolutely excused from the precept of fasting, however they make the journey, even if the journey is not necessary and even if they complete a journey of one day." Propositions condemned by Alexander VII.

On Children under Paternal Authority with Respect to Fasting

"Whether fathers of families, when someone in the family is dispensed from the law of abstinence from meat, can extend the dispensation indiscriminately to all persons of the family? — Resp. Infirmity and any other reasonable impediment, on the advice of both physicians, but not gluttony, avarice, or, generally, the saving of expenses, can exempt from the precept of abstinence on days of abstinence." Sacred Penitentiary, 19 January 1834.

"Whether, when a father of a family dispensed from the law of abstinence from meat during Lent cannot or does not wish to have foods of both kinds prepared, namely fasting foods and meat, his children or members of the household can eat meat? — Resp. Persons who are under the authority of a father of a family to whom a lawful faculty of eating meat has been given can be permitted to use the foods allowed to the father of the family, with the condition added that lawful and forbidden foods are not to be mixed, and that there is to be one meal a day for those who are bound to fast." Sacred Penitentiary, 16 January 1834.

"Can children under paternal authority eat meat during a forbidden time, presupposing a faculty of this kind in their parents or in one of them; and, in the affirmative case, can the children eat meat without offense to conscience when they find themselves in the circumstance of preparing two dinners? — Resp. Negatively, speaking speculatively; but in practice the confessor is bound to judge." Sacred Penitentiary, 20 April 1865.

"Whether, by force of the response of the Sacred Penitentiary of 16 January 1834, conceived in these words: 'Persons who are under the authority of a father of a family to whom a lawful faculty of eating meat has been given can be permitted to use the foods allowed to the father of the family,' etc., once the father of the family has been dispensed, the other members of the same family also ought to be understood as dispensed? — Resp. The Sacred Penitentiary has never declared that dispensations granted to the head of a family extend to the whole family; rather, it has only given directions for

confessors in the practical act concerning those who are under authority and must eat foods given by their parents."

"1. Whether the same response of the Sacred Penitentiary of 16 January 1834 is valid everywhere on earth? — 2. When in the same response it is said that permission can be given, it is asked by whom that permission is to be given and whether permission given by a simple confessor suffices? — Resp. With respect to 1, affirmatively. With respect to 2, permission given by a simple confessor suffices." Sacred Penitentiary, 27 May 1863.

"The Sacred Penitentiary has never declared that, when a father of a family has for a lawful cause been dispensed from abstinence from meat on days of abstinence, the children placed under his authority are by that very fact dispensed; rather, it intended only to give, by way of instruction, a declaration to confessors: that they can be permitted, when just causes arising from true necessity concur, and when they cannot otherwise sustain themselves, to use the foods allowed to the father of the family, the obligation of not mixing lawful and unlawful foods always remaining firm, and that of one meal a day for those who are bound to fast." 6 August 1860.

"The reason for the permission is not the indult of the father of the family, but the inability in which the children under paternal authority find themselves to observe the precept." Sacred Penitentiary.

On the Law Against Mixing Foods When an Indult Is Given

"Whenever, on any occasion whatsoever, it shall happen that a dispensation is given, whether indiscriminately to a multitude or to individuals for a lawful cause and on the advice of both physicians—provided that no certain and dangerous condition of impaired health intervenes and necessarily requires that it be done otherwise—in Lent and at other times and on days of the year on which the eating of meat, eggs, and dairy products is prohibited, by the tenor of these presents We declare and command that the one meal is to be observed by absolutely everyone, with no one excepted, and that lawful and forbidden foods are by no means to be set forth together." Benedict XIV, Apostolic Letter *In suprema*, 22 August 1741.

Indult Customarily Given at Rome for the Time of Lent

"According to the indult which the Holiness of Our Lord has deigned to grant you, O Romans, you have the obligation of fasting on the aforesaid days in the following manner:

"1. On all days of Lent, except Sundays, food may be taken only at one meal; the two customary small refections are, however, tolerated.

"2. It is not permitted to eat meat, eggs, or dairy products, nor to use condiments of lard, rendered fat, and butter on Ash Wednesday, the Ember Days, the vigil of Saint Joseph and of the Most Holy Annunciation, and also the last three days of Holy Week.

"3. On Fridays and Saturdays not comprehended in the preceding number, eggs and dairy products may be used at dinner, and condiments of lard, rendered fat, and butter may also be used at the small evening refection.

"4. The use of meat at the one meal is permitted on Mondays, Tuesdays, Wednesdays, and Thursdays not comprehended in number two, with the faculty of using condiments of lard, rendered fat, and

butter at the small evening refection.

"5. The use of meat is permitted at every meal on all Sundays.

"6. It is a law imposed by the pontifical indult that meat and fish may not be eaten at the same meal, not even on Sundays.

"7. Whoever, by reason of infirm health, should need to eat meat on the days forbidden above must furnish himself with the physician's certificate bearing the signature of the respective parish priest and of one of the persons listed below whom We have deputed for this purpose, and must use the faculty with every occasion of scandal removed.

"8. Those who are constrained to eat in taverns or other public places are to go where they can find a way to maintain the obligations of their conscience. It is likewise an obligation of conscience for tavern keepers, innkeepers, and hotel keepers to have abstinence foods ready on the prescribed days, so that the nourishment required by one who intends to observe the Lenten laws may not be lacking."

Indult Customarily Given at Rome for the Course of the Year

"The Holiness of Our Lord Pope Pius X, benignly receiving Our petition, has deigned to grant to the population of Rome and its District—not including religious of either sex bound by a special vow—the use of condiments of lard, rendered fat, and butter on Fridays and Saturdays and on the other vigils of the coming year 1904. From this concession are excepted: the vigil of the Purification of Mary Most Holy, in view of the special vow by which Rome is bound; Ash Wednesday; the three Ember Days of Lent and the last three days of Holy Week; the vigils of Saint Joseph, the Most Holy Annunciation, Pentecost, the Nativity of Saint John the Baptist, the feast of the Holy Apostles Peter and Paul, the glorious Assumption of Mary Most Holy, All Saints, and the Holy Nativity of Our Lord Jesus Christ.

"The law of fasting remaining firm, the use of eggs and dairy products at the one meal is granted on the Fridays and Saturdays of Advent, but not on the three Ember Days and the vigil of the Holy Nativity.

"On days of fasting on which, as above, condiments of lard, rendered fat, and butter are permitted, they may also be used at the small refection.

"The Holy Father has furthermore authorized Us to dispense, and We do dispense, the faithful of Rome and its District from abstinence from meat on all Saturdays of the coming year 1904, except those on which the obligation of fasting occurs.

"By the express will of His Holiness, We remind the Romans of the most strict obligation of faithfully observing the law of abstinence from meat on Fridays, and We exhort them, from devotion especially to Mary Most Holy, to observe it also on Saturdays. Let those, moreover, who wish to use the indult recite at least, by way of compensation—although no obligation is imposed upon them—one third of the Marian Rosary."

Bull of the Crusade for the Spanish Dominion

"…By Our Apostolic authority and the tenor of these present letters, for twelve years only, which shall begin to run from the first Sunday of Holy Advent of the approaching year, We grant and concede that the Christian faithful of either sex dwelling in the Kingdom of the Spains and on the islands and other places, even overseas, subject to the civil dominion of Your Majesty, or journeying to that kingdom and those same islands and places, who, within the year to be reckoned in the customary manner from the customary publications of these same letters, shall voluntarily contribute the alms assessed according to the various rank and condition of those Christian faithful by the Archbishop of Toledo, substituted in the office of Commissary General and executor of these letters, and to be expended for the aforesaid pious uses, may enjoy the favors, graces, and privileges which We shall now declare. A summary of these matters is to be prepared by the aforesaid executor, which each one of the Christian faithful mentioned must receive in order that he may enjoy the privileges, favors, and graces.

"I. First, to all and each of the same Christian faithful who, being truly penitent, shall have confessed their sins within the aforesaid year and shall devoutly have received the Most Holy Sacrament of the Eucharist, or, if they are unable to receive these Sacraments, shall at least desire it with a contrite heart, We bestow and lavish a plenary indulgence and remission of all and each of their sins, such as is customarily granted to those setting out for the recovery of the Holy Land. We decree, however, that those who cannot confess their sins, even if they desire it with a contrite heart, can enjoy the aforesaid plenary indulgence only if they have otherwise confessed within the time prescribed by the Church for every faithful person and have not neglected to fulfill that precept in confidence of this Our concession. Likewise, by way of suffrage, the same indulgence shall also assist the souls of the departed for whom the Christian faithful shall have contributed from their goods the alms to be assessed by the Archbishop of Toledo and expended for the aforesaid pious uses.

"II. Furthermore, to all and each of the aforesaid Christian faithful, that during the said year they may, in churches in which it shall otherwise have been permitted in any manner to celebrate divine offices during an interdict, or in a private oratory deputed solely for divine worship and to be visited and designated by the Ordinary, even during an interdict to which they themselves did not give cause, or when it was not through them that it was not removed—and that those who otherwise had a faculty for this from the executor of these letters may, even for an hour before daybreak and for an hour after midday, in their own presence and that of their families, servants, and relatives, celebrate Masses and other divine offices by themselves if they are priests, or cause them to be celebrated by another; and during the time of an interdict to be present at them, with the doors closed, the bells not rung, and excommunicated persons and those specially under interdict excluded—yet in such a way that, if they wish to use a private oratory for the aforesaid things, as often as they do so they are bound to pour forth certain prayers to God for the exaltation of Holy Mother Church, the propagation of the Catholic Faith, the peace and concord of Christian Princes, the extirpation of heresies, and the conversion of sinners; and also, during an interdict of this kind, to receive the Eucharist and other Sacraments in the said churches or oratory, except on Easter Day, and to be able to bury with moderate funeral pomp the bodies of the same Christian faithful who die during an interdict of this kind, unless perhaps they died bound by the bond of excommunication.

"III. Furthermore, We likewise grant and concede by Apostolic authority that, within the boundaries of the Spanish dominion only and not in other places, during the aforesaid year the same Christian faithful may freely and lawfully use and eat eggs and dairy products, and also meat upon the advice of both physicians if necessity, infirm health of body, or any other want should require it, both on Lenten days and on the other days of that year on which the use of meat, eggs, and dairy products is prohibited, the law of fasting being observed in other respects. But with respect to the time of Lent, We will that Patriarchs, Archbishops, Bishops, and inferior Prelates, as well as regular ecclesiastics of nonmilitary Orders and secular priests who have not reached the age of sixty years, be excepted from this indult.

"IV. Likewise, to the same Christian faithful, as often during the said year as they shall voluntarily fast outside the days consecrated to fasting, or, being lawfully impeded from fasting, shall perform another pious work prescribed for them by their parish priest or confessor and shall offer pious prayers to God for the exaltation of Holy Mother Church, the propagation of the Catholic Faith, the peace and concord of Christian Princes, the extirpation of heresies, and the conversion of sinners, We mercifully grant in the Lord fifteen years and as many quarantines of indulgence and remission, provided that they are at least contrite; and We bestow upon them participation in the prayers, alms, and other pious works which are performed throughout the whole Church Militant on that very day on which they fast.

"V. Moreover, to those Christian faithful, during the said year, who on the individual days of the Stations of Our Beloved City devoutly visit five churches or altars—or, in their absence, one and the same altar five times—and, in the case of nuns of any Order and regular Institute and of women and girls dwelling in any monasteries or conservatories, if perhaps they do not have churches, the chapels respectively to be designated by the ecclesiastical men who are their lawful superiors, and who in them pour forth pious prayers to God for the aforesaid ends, by this same Our Apostolic authority We mercifully grant in the Lord all and each of the indulgences, remissions of sins, and relaxations of penances granted to the other churches, both within and outside the walls of Our aforesaid Beloved City, to which the Stations are assigned; indeed, on the days on which only a partial indulgence has been given even for the Stations of the City, We grant that the Christian faithful mentioned, being truly penitent and having confessed and been refreshed by Holy Communion, may, upon performing the above-mentioned visitation, gain a plenary indulgence and remission of all their sins, but only once on each of the aforesaid days. Moreover, We decree and declare that all and each of the indulgences granted in these Apostolic Letters are applicable to the souls of the Christian faithful who, united to God in charity, have departed from this life.

"VI. Now, so that the aforesaid faithful may more easily enjoy the holy indulgences, We grant that twice—that is, once in life and once at the moment of death—they may choose for themselves a secular or regular priest who is a confessor approved by the Ordinary, and that by him, in the forum of conscience, they may be absolved from any sins and censures reserved to any Ordinary and even to the Apostolic See, except the crime of heresy, and, with respect to ecclesiastics, except also the censure mentioned in the Constitution *Sacramentum poenitentiae* of Pope Benedict XIV, a salutary penance always being imposed and those other things being enjoined which are to be enjoined by law. Furthermore, We likewise grant by Apostolic authority that simple vows emitted by those Christian faithful—except, however, the vow of going overseas, the vow of chastity, and the vow of

religion—may be commuted by the same confessor into other pious works, with some subsidy attached to them to be transmitted to the executor of these letters for the aforesaid pious ends.

"VII. In addition, We likewise grant in the Lord that the same Christian faithful may, not merely once but twice in each year from the publication of these letters, contribute the aforesaid alms, take a summary of these graces, and thereby obtain the aforesaid indulgences, concessions, and indults both for themselves and, by way of suffrage, for the souls detained in purgatory; and that twice within the same year, as stated above, they may use and enjoy them and become participants in the spiritual goods attached to them.

"VIII. Moreover, We give to the same executor of these letters the power to dispense from irregularity those who, while bound by ecclesiastical censures, have celebrated Masses and other divine offices—not, however, in contempt of the keys—or have otherwise involved themselves in divine things; and from any other irregularity arising from a delict, provided that a person has not remained hardened in an irregularity of this kind for six months; always excepting irregularities arising from homicide or simony, or apostasy from the faith or heresy, or the wrongful reception of orders, or another delict generating scandal among the people; a suitable alms to be expended for the aforesaid pious ends of this Our concession being imposed upon those dispensed, and the other things which are to be enjoined by law being enjoined. Likewise, excepting dignities of any kind, canonries of Cathedral or major churches, and benefices having the care of souls attached, he may validate titles to other benefices received under an irregularity of this kind and decree a composition concerning the fruits received from them in the meantime, to be expended for the same pious ends.

"IX. We grant to the same executor the faculty of permitting noble or qualified persons to be able to celebrate Masses themselves, if they are priests, or to have them celebrated by another in their presence, for an hour before daylight and for an hour after midday.

"X. Furthermore, that he may admit to a suitable composition concerning those fruits—one half to be expended for the churches or other places by reason of which they ought to recite the aforesaid Hours, and the other half for the aforesaid pious ends—ecclesiastical men who were bound to restitution of the fruits of simple benefices only, which do not have the care of souls attached and do not require personal residence, because of omission of the recitation of the Canonical Hours.

"XI. In addition, that he may dispense from the occult impediment of affinity arising from illicit intercourse, some alms for the same ends being imposed, with those who contracted marriage while at least one spouse was in good faith, so that they may contract that marriage itself anew, renewing consent secretly between themselves, in order afterward lawfully to remain in it; and that he may likewise dispense, so that they may seek the marital debt, with those who contracted an affinity of this kind after marriage.

"XII. We likewise give to the same executor the power, for the forum of conscience only, to decree a competent composition concerning things unjustly taken or acquired, to be expended for the aforesaid pious ends, provided, namely, that after due diligence has been employed to find them, they cannot find the owners to whom restitution would have to be made; that an oath concerning this diligence performed by them has been furnished by the debtors; and that the same debtors did not take or acquire those things in reliance upon and in hope of a composition of this kind." Leo XIII, Brief *Dum infidelium*, 15 September 1902; *A. S. S.*, vol. 35, p. 563 ff.

Second Indult for the Use of Meat in the Spanish Dominion

"Our Most Holy Father…deigned to prolong for the coming year…the Apostolic indult so that all the faithful of either sex and of either state, secular and ecclesiastical, residing in these Kingdoms and the Canary Islands, may eat wholesome meats—while observing the form of the fast—on the days of Lent and the other vigils and days of abstinence throughout the year, with the exception of those which will be expressed below; but declaring not to be comprehended in this privilege regulars who are bound by vow to the perpetual use of Lenten foods. Therefore, because you…have contributed the alms of…and receive this Summary, we dispense you so that you may eat wholesome meats on the days of Lent and the other vigils and days of abstinence of the coming year one thousand eight hundred and eighty-seven, except Ash Wednesday, the Fridays of each week of Lent, Wednesday, Thursday, Friday, and Saturday of Holy or Greater Week—and the whole of it apart from Palm Sunday if you are an ecclesiastic—the vigils of the Nativity of Our Lord Jesus Christ, Pentecost, the Assumption of the Most Blessed Virgin Mary, and of the blessed Apostles Saint Peter and Saint Paul, for all; with the warning that, in order to use this privilege, you must possess the Bull of the Holy Crusade and, in addition, if you are an ecclesiastic, the Dairy Indult in order to be able to use dairy products on the days of Lent if you have not completed sixty years, according to the tenor of the Edict issued on the first of May one thousand eight hundred and fifty. Given at Madrid on…."

Third Indult for the Use of Dairy Products in the Spanish Dominion

"…His Holiness Leo XIII deigned…to grant…the faculty of eating eggs and dairy products throughout the whole time of Lent—with the exception of Holy Week—to Patriarchs, Primates, Archbishops, Bishops, inferior Prelates, and secular and regular Priests who may be in these Kingdoms of Spain and who, by taking this Summary, contribute for the ends expressed in the Bull of the Holy Crusade the alms which we shall designate. And therefore, We…, using the Apostolic faculty granted to us, have assessed what each of the aforesaid Ecclesiastics must give in order to enjoy this Indult, in the following manner: ….

"Consequently, we declare that each of those named above, by taking this Summary and contributing the alms respectively designated—and not otherwise—may eat eggs and dairy products within these Kingdoms during the time of Lent—with the exception of Holy Week, apart from Palm Sunday—of the year which is to be counted from the next publication of this said Bull in each of their places.

"And because you…have taken this Summary, giving one peseta and fifteen centimos for the said ends, the said faculty is permitted to you. Given at Toledo…."

Indults with Respect to Spaniards Outside Spain and Regulars

"Whether the Christian faithful who enjoy the Bull of the Crusade and the Lenten Indult, when traveling outside the limits of the Spanish dominion, can eat meat on forbidden days in the same manner as if they dwelt in Spain, even if fasting foods are not lacking? — Resp. Negatively." Holy Office, 22 June 1897.

"1. Whether by force of the aforesaid Bull it is lawful for cloistered regulars of either sex, during Lent, to eat eggs and dairy products in addition to meat? — 2. Whether it is lawful for the same, as for the other faithful, on certain days excepted, to mix eggs and dairy products with fish? — Resp. Regulars of either sex, except those who are bound by a special vow, can, by force of the Bull of the

Crusade, eat meat, eggs, and dairy products even during the fasts of Lent, and also mix eggs and dairy products with fish at the same meal. Priests dwelling outside the cloister, however, are bound to obtain the Dairy Summary, like secular priests. — The Most Eminent Fathers ordered that this decree be communicated to Your Eminence so that you may take care to make it public." Holy Office, 22 November 1890, to the Lord Cardinal Patriarch Archbishop of Toledo, Commissary General of the Bull of the Crusade.

"Regulars of either sex, except those who are bound by a special vow, can, by force of the Bull of the Crusade, eat meat, eggs, and dairy products even during the fasts of Lent, and also mix eggs and dairy products with fish at the same meal. But regular priests dwelling outside the cloister—commonly called *exclaustrados*—are bound, in addition to the Bull of the Crusade and the Meat Summary, also to obtain the Dairy Summary, like secular priests. But for regulars dwelling within the cloister—whether they are priests, laymen, or nuns—the Bull of the Crusade and the Meat Summary suffice, unless they are of the Order of Minims of Saint Francis, who possess no goods and for whom the Bull of the Crusade suffices." Holy Office, 7 March 1891; *A. S. S.*, vol. 24, p. 504 ff.

"Whether regulars dwelling within the cloister can, even by force of the Bull of the Crusade alone, eat eggs and dairy products during the fasts of Lent, Greater Week not excepted? — Resp. Affirmatively, except for Priests, who, like secular priests and regular priests dwelling outside the cloister and possessing the Dairy Indult, must abstain from eggs and dairy products throughout Greater Week; and according to the mind. The mind is that Superiors should take care that lay regulars and Nuns dwelling within the cloister observe the fast during Greater Week as Priests do, but not under precept." Holy Office, 31 January 1901.

"Regulars who are not bound by a special vow of abstinence from meat enjoy the indult, promulgated for the faithful by the local Ordinaries in the name of the Holy Apostolic See, concerning the observance of foods during Lent and throughout the year." Holy Office, 20 December 1871; 20 January 1892.

Instruction Concerning the Indult Granted by Pius IX to the Neapolitan Provinces

"I. With respect to the privilege concerning the commutation of vows, confessors are advised: 1. that, unlike what was expressed in the earlier Briefs, today, after the Brief *Iam inde* of 1856, vows can no longer be dispensed by commuting them—which would involve a commutation to something lesser —but can simply be commuted; and therefore at present there is no other faculty than that of substituting for the work vowed another equal or almost equal work; 2. that all vows can be commuted except solemn vows and two simple vows among those reserved to the Holy See, namely, the vow of perpetual chastity and that of entering religion—it being understood, of course, when these last two have the conditions required for being reserved.

"II. With respect to the faculty of absolving from reserved cases, it is necessary to note and to advise confessors: 1. that all cases reserved to the Holy See—not those reserved by the respective Ordinaries —can be absolved in the forum of conscience, with only two exceptions, namely, externally manifested heresy, although occult, and the excommunication contracted by a confessor who has absolved an accomplice; 2. that this faculty is restricted to only two occasions during the year of enjoying the Indult, namely, once during the course of life and another time at the moment of death,

which is textual in the above-mentioned Brief; 3. that under the name of cases reserved to the Holy See there are understood to be included also those which the same Holy See has reserved to the Ordinaries of places, commonly called *Casus Nobis*, since these are pontifical in origin; 4. that the faculty of absolving from all the said cases is always granted with the clauses, *A salutary penance being imposed, and the other things which are to be enjoined by law being enjoined*. Hence, before absolving, confessors must carefully note such clauses and cause the penitents to fulfill those obligations which in some cases are required either by the general law, e.g., *the injured party having been satisfied; an oath having been furnished not to commit that crime again*, etc.; or by the Sacred Penitentiary. Thus, for example, when there is question of invaders of the temporal dominion and their cooperators or adherents, there is imposed the obligation of repairing the scandal in the best possible manner and of emitting an oath *to obey the Holy See and its commands to be issued concerning the matter*; likewise, for those who have acquired ecclesiastical goods, it is prescribed by the Sacred Penitentiary that they must present themselves to their own Ordinary and submit to everything that shall be imposed upon them according to the mind of the Holy See. These and other clauses must indispensably be weighed well by confessors; otherwise they will not be able lawfully to use this faculty, and in some cases they will expose themselves to the danger of absolving invalidly.

"III. As to the privilege of using eggs, dairy products, and rendered fat used by way of condiment, it is very well known: 1. that the faithful can use this privilege on all days of the year without exception, provided that they dwell within the territory of the Neapolitan provinces; so that, if they leave that territory and go to dwell elsewhere, even for a short time, they cannot enjoy this concession. On days of Lent, however—except Sundays—and likewise on all other days of fasting, the use of the said foods is not permitted to them more than once a day, namely, at the one meal, unless by reason of age or another excusing cause they are exempt from the fast with respect to the one meal; 2. that priests and professed religious of either sex can at present also enjoy this privilege, except during Greater Week for those who have not completed the age of sixty years, beginning from Palm Sunday. Those religious, however, who by their own Institute are bound to perpetual Lent cannot use this concession on any day of the year.

"IV. With respect to indulgences, it is to be noted: 1. that the faithful can participate in all the indulgences granted in any form by the Holy See to all the Confraternities, Companies, and Congregations existing throughout all the Neapolitan provinces, no differently than if they were associated with them; and these indulgences can also be applied by way of suffrage for the faithful departed; 2. that on all days appointed for the Sacred Stations of Rome, by visiting five Churches or five Altars, the faithful can participate in all the indulgences granted to the Churches within or outside Rome to which the aforesaid Stations are attached, praying to the Lord for concord among Christian princes, for the abolition of heresies, and for the exaltation of the Catholic Church; and these indulgences can also be applied by way of suffrage for the faithful departed; 3. that the aforesaid indulgences can also be gained by religious women of any Order or regular Institute and by all women and girls who live in any Monastery, Conservatory, or Retreat; and if they do not have their own Churches, they shall visit the Chapels designated by their Superiors.

"V. With respect to the alms to be expended, it is to be observed: 1. that it must necessarily come into the hands of the Ordinary, nor is it lawful for any of the faithful to employ it for other uses, however pious and holy. Hence it will be the duty of the Ordinary himself to designate most faithful

ecclesiastical persons to whom the faithful shall entrust the aforesaid alms, which, once gathered together, shall be delivered to him after Lent for the use prescribed by the Holy See. In Naples this charge is entrusted to the respective parish priests, who, after Low Sunday, deliver them to the Archbishop for the indicated use; 2. it should be noted that the mere intention of expending the alms, or of deferring it to another time during the year, is not at all sufficient, but it is altogether indispensable that it actually be expended, and at no other time than Septuagesima Sunday; otherwise the privileges cannot be enjoyed except from that day on which it shall actually be expended; 3. the aforesaid alms must correspond to the amount determined by the Apostolic Commissary, who has received the appropriate faculty from the Holy See; hence, if that amount is not observed, no privilege whatsoever can ever be enjoyed. Therefore, let the table placed at the end of the present instruction under the title *Clarification Concerning Article Five* be kept in mind.

"VI. It will not be out of place to point out to Confessors that neither the Ordinary nor the Parish Priest can render a member of the faithful capable of enjoying the aforesaid privileges unless the above-mentioned alms is expended. Only when a doubt arises concerning the classes of persons, namely, whether they are bound to a greater or lesser alms, can they issue an appropriate declaration in favor of those subject to them according to Christian prudence and charity, and nothing more. — But if it should happen that someone, through mere inability to expend the alms, were dispensed either by the Ordinary or by the Parish Priest, he will never be able to use the privileges indicated above, but only to use eggs and dairy products on forbidden days; and this not by force of the privilege of the indult, but rather by the faculty which is granted to them by law and custom, and with the analogous and necessary limitations."

Clarification Concerning Article Five of the Instructions

"1. Nobles and prelates, even minor ones, shall give an alms of forty-one grana.

"2. Noble and wealthy families shall give an alms of forty-one grana for the head of the household, another of forty-one grana for the wife, and a third alms, likewise of forty-one grana, for all the rest of the entire family, provided that they live *from a common table*.

"3. Noble families which find themselves in straitened circumstances of poverty shall give a single alms of forty-one grana for the whole family. If, however, the children or any one of them has received a particular allowance, each one must give the alms of forty-one grana for himself in particular.

"4. Religious women who have a particular allowance, even though they have only the common table at the expense of the Community, shall each give an alms of twenty-one grana. For those who have no allowance, the Community shall give an alms of eleven grana for each religious. Those enclosed in Conservatories and Retreats, whether oblates or so-called lay sisters, if they receive some monthly allowance not less than seven ducats, shall each give an alms of twenty-one grana; but if the monthly allowance is less than the said amount, each shall give an alms of eleven grana. If, however, the said Conservatories or Retreats are altogether poor and live from the charity of the faithful, it will suffice that each of the said poor establishments give an alms of eleven grana for all those who form part of those establishments.

"5. For mendicant religious living in community, the Community itself shall give an alms of twenty-one grana for all the religious priests and clerics of that House, and another alms of eleven grana for

the lay religious. Those religious, even mendicants, who do not live in community shall each, if priests, give an alms of eleven grana. Among non-mendicant religious, each priest shall give an alms of twenty-one grana, and each layman an alms of eleven grana.

"6. The well-to-do, or wealthy property owners, shall give for each family three alms of twenty-one grana: one for the head of the household, another for the wife, and another for all the rest of the family, provided that they live *from a common table*. But if the children or any one of them has received a particular allowance, or, being a cleric, enjoys the fruits of the Sacred patrimony, each must give the same alms of twenty-one grana for himself in particular. Property owners who are not wealthy shall give an alms of twenty-one grana for everyone in the family, with the same condition, namely, that if the children or any one of them has received a particular allowance, each must give the same alms of twenty-one grana for himself in particular.

"7. Wealthy professionals, merchants, and employees shall give the alms as the well-to-do, or wealthy property owners; but if they are not wealthy, yet do not live from day to day, they shall give an alms of twenty-one grana, to be valid also for the wife and children who live *from a common table*; and although by chance one of the children should be away from home, he will not have to give another alms.

"8. Priests and the other ecclesiastics of the secular clergy shall each give an alms of twenty-one grana. But if the priest is the head of a family, supporting it at his own expense, then, in addition to the said alms of twenty-one grana which the said priest must give for himself, he shall give another of eleven grana for the entire family.

"9. For servants who live with their master and receive food and shelter from him, the master can give an alms of eleven grana for every two of them; but if there are more than two, he shall give an alms of twenty-one grana; if more than four, an alms of forty-one grana. It should be noted that the said alms for servants will also be valid for those who enter in their place if any of them should leave.

"10. Whoever lives by daily labor, such as a man of the countryside or of the sea, a market seller, an artisan's assistant, a liveried servant, a porter, and the like, shall give an alms of eleven grana. But if any of them has a family, he shall give for all an alms of twenty-one grana, even though the children earn in common with the father, provided that none of them lives under a separate economy, since in that case he would have to regulate himself as stated above. But in the case in which only the head of the family earns and the earnings are scarcely sufficient for the support of the family, it will suffice to give an alms of eleven grana for all.

"11. Directors of educational institutes, both male and female, if these are boarding establishments, shall give an alms of twenty-one grana for every four pupils, to be valid for the whole year even if the number of pupils should increase; if they are gratuitous, they shall give eleven grana for all.

"12. When a doubt arises in particular cases about determining within which of the stated classifications an individual or family is comprehended, the local Ordinaries can decide in favor of their diocesans according to the rules of Christian prudence, for the tranquility of the consciences of the faithful; and Parish Priests can also do so in favor of their parishioners in particular cases." *M. E.*, vol. 8, part 1, p. 275 ff.

On Particular States

Instruction of the Sacred Congregation of Bishops and Regulars, 11 June 1880 — For Ecclesiastical Courts Concerning the Economical Manner of Proceeding in Disciplinary and Criminal Cases of Clerics

"This Sacred Congregation of Bishops and Regulars, having maturely weighed the present condition of the Church, which is prevented almost everywhere from unfolding its external action over ecclesiastical matters and persons, and having also considered the lack of means suitable for the regular organization of Courts, resolved expressly to grant to local Ordinaries the faculty of being able to employ more economical forms in the exercise of their disciplinary jurisdiction over clerics. But so that the whole order of justice may remain safe and intact and the canonical regularity and uniformity of proceedings may be preserved, it judged it opportune to issue the following norms, to be observed by the Courts. "I. The pastoral burden of caring for the discipline and correction of clerics dependent upon him rests upon the Ordinary, by watching over their manner of life and using canonical remedies to forestall and eliminate disturbances of order among them.

"II. Of these remedies, some prevent; others repress and bring a cure. The former are directed to preventing evil from occurring by removing incentives to scandal, voluntary occasions, and proximate causes of delinquency. The latter have the end of recalling delinquents so that they may come to their senses and repair the consequences of the crime committed.

"III. The application of these remedies belongs to the conscience and prudence of the Ordinary, according to the prescriptions of the canons and the gravity of the cases and circumstances.

"IV. Spiritual exercises, admonitions, and precepts are numbered especially among the means which preserve.

"V. These provisions ought to be preceded by a summary knowledge of the fact, which is to be recorded by the Ordinary so that he may be able to proceed further insofar as there is need and to render the superior authority more certain in the case of lawful recourse.

"VI. Canonical admonitions are made either in a paternal and secret form—even by letter or through an intermediary—or in legal form, yet in such a way that their execution is established by some act.

"VII. Insofar as the admonitions prove fruitless, the Ordinary directs the Court that a corresponding precept be enjoined upon the delinquent, in which there is declared what is to be done or omitted by him, with the threat of a corresponding ecclesiastical penalty which he shall incur in case of transgression.

"VIII. The precept is intimated to the accused by the Chancellor before the Vicar General, or before two ecclesiastical or lay witnesses of proven integrity.

"§ 1. The act is signed by the parties present and also by the accused, if he wishes.

"§ 2. The Vicar General can add an oath of preserving secrecy insofar as the nature of the title in question prudently requires it.

"IX. With respect to penal means, the Most Reverend Ordinaries are to note that by the present instruction no derogation has been made from the solemnities of trials commanded by the sacred canons, Apostolic Constitutions, and other ecclesiastical dispositions, insofar as these can be applied freely and effectively; rather, the economical forms are intended to provide for those cases and Courts in which solemn proceedings either cannot be employed or do not seem expedient. The extrajudicial remedy *from an informed conscience* for occult crimes, which the Holy Council of Trent decreed in session 14, chapter 1, *On Reformation*, to be employed, also preserves its full force, together with those rules and reservations which the Sacred Congregation of the Council has constantly observed for the interpretation of the said chapter in many resolutions, and especially in Bosnia and Sirmium, 20 December 1873.

"X. When it is necessary to proceed criminally, whether by reason of an infraction of a precept, common crimes, or a violation of the laws of the Church, the proceeding can be conducted in summary forms and without the formalities of a trial, the substantial rules of justice always being observed.

"XI. The proceeding is instituted *ex officio*, or in consequence of a petition and complaint, or of information obtained in another manner by the Court, and is brought to completion with this intention: that the truth be uncovered with every diligence and prudence, and that knowledge arise both of the crime and of the guilt or innocence of the accused.

"XII. The conduct of the proceeding can be committed to some upright and suitable ecclesiastic, with a Recorder present.

"XIII. Each Court needs a fiscal procurator for the protection of justice and law.

"XIV. Insofar as the work of the Court's summoners is not available for intimations or notifications, it is supplied by their delivery being carried out by a qualified person who shall attest to the fact; or by transmitting them under registered cover through the postal office, in those places in which this system has become established, requesting proof of delivery, receipt, or refusal.

"XV. The basis of the criminal fact can be established by a statement contained in the proceeding and confirmed by authentic information, by extrajudicial confessions, or by depositions of witnesses; and, with respect to the title of transgression of a precept, it is established by a new presentation of the decree and of the act of intimation completed in the manners stated in articles VII and VIII.

"XVI. To establish specifically the culpability of the accused, legal proof is required, which ought to contain such elements that it demonstrates the truth, or at least induces moral certainty, with every reasonable doubt to the contrary removed.

"XVII. Persons whom it is expedient to examine are always heard separately.

"XVIII. Witnesses for proof or for the defense, whenever legal obstacles do not stand in the way, ought to be heard under oath, which can be extended, if necessary, to the obligation of secrecy.

"XIX. The examination of absent witnesses or of those dwelling in another Diocese is to be requested by way of assistance from the ecclesiastical authority of the place, a statement of the fact being transmitted to it; and the authority requested responds to the petition while observing the norms of the present instruction.

"XX. Whenever witnesses are indicated concerning facts or circumstances essentially useful to the merits of the case, who cannot be subjected to examination because it is judged unsuitable that they be summoned or because, having been summoned, they refuse, mention of them is made in the acts, and care is taken to supply their deficiency through depositions of other witnesses who know, by report or in another manner, that which is sought.

"XXI. When whatever is necessary to establish the fact and the responsibility of the accused has been collected, the latter is summoned for examination.

"XXII. In the summons, unless prudence forbids it, the accusations brought against him are set forth to him in full so that he may be able to prepare to respond.

"XXIII. But when, because of the character of the accusations or other circumstances, it is not prudent to disclose them in the act of intimation, it is indicated therein only that he is being summoned for examination so that he may excuse himself in a case which concerns him as accused.

"XXIV. If he refuses to appear for trial, the summons is repeated, in which a suitable peremptory term is fixed for him, and it is signified to him that, if he still refuses to obey, he shall be regarded as contumacious and shall in fact be considered as such insofar as, without a proven lawful impediment, he should also disregard this intimation.

"XXV. If he appears, he is heard in examination; and insofar as he makes allegations of some importance, these ought, as far as possible, to be exhausted.

"XXVI. Thence one proceeds to the formal presentation of the criminal fact and of the conclusions reached for holding the accused guilty and as having incurred the corresponding canonical penalties.

"XXVII. Since in this manner the accused has full knowledge of that which appears against him in the acts, beyond being able to respond, he can also avail himself of the right of defending himself personally.

"XXVIII. He can also, if he requests it, obtain the fixing of a term for presenting a defense by a memorial in writing, especially when, because of the provision of article XXIII, he was unable to be prepared with responses for his excuse.

"XXIX. When the proceeding has been completed, the investigating officer makes a summary of its essential conclusions.

"XXX. On the day on which the case is proposed, the accused has the faculty of causing himself to be represented and defended by another priest or a lay advocate previously approved by the Ordinary.

"XXXI. Insofar as the accused refuses to appoint a defender, the Ordinary provides by appointing someone *ex officio*.

"XXXII. The defender cautiously obtains knowledge of the proceeding and its summary in the chancery so that he may be prepared to carry out the defense, which can be presented in writing before the proposal of the case. He also is subjected to the burden of sworn secrecy insofar as it seems to the Ordinary that the nature of the case requires it.

"XXXIII. The proceeding and its summary are then transmitted to the fiscal procurator so that he may discharge his office *ex officio*; each is delivered to the Ordinary, who, having obtained full

knowledge of the case, appoints the day on which it is to be discussed and resolved, taking care that the accused be informed of this.

"XXXIV. On the appointed day the case is proposed before the Vicar General, with the fiscal procurator, defender, and Chancellor participating.

"XXXV. After the opinion of the fiscal procurator and the arguments of the defense, sentence is pronounced, the dispositive portion being dictated to the Chancellor with explicit mention, in case of condemnation, of the canonical sanction applied to the accused.

"XXXVI. The sentence is intimated to the accused, who can interpose an appeal to the superior ecclesiastical authority.

"XXXVII. For the appeal, the norms established by the Constitution *Ad militantes* of Benedict XIV of happy memory, 30 March 1742, and the others issued by this Sacred Congregation in the Decree of 18 December 1835 and the Circular Letter of 1 August 1851, are observed.

"XXXVIII. Appearance for making an appeal is to be made within a term of ten days from notification of the sentence; when that term has elapsed without effect, the sentence itself is found in a state of execution.

"XXXIX. When an appeal has been interposed within ten days, the Court without delay remits to the superior ecclesiastical Authority before which the appeal was made all the original acts of the case, that is, the proceeding, the summary, the defenses, and the sentence.

"XL. The superior ecclesiastical Authority, having taken cognizance of the act of appeal, causes the appellant to be notified that within a term of twenty days he is to appoint a defender who must be approved by that same superior authority.

"XLI. When the said peremptory term has elapsed without effect, the appellant is judged to have renounced the benefit of the appeal, and consequently the appeal is declared extinguished by the superior authority.

"XLII. When the appeal is brought from the sentence of some episcopal Court to the Metropolitan Court, the archbishop, for the cognizance and decision of the case, follows the norm of proceeding handed down in this instruction.

"XLIII. If it happens that a cleric, notwithstanding the privilege of forum, is subjected by reason of common crimes to the proceeding and judgment of the secular authority, the Ordinary, in this case, takes summary cognizance of the criminal fact and weighs whether, according to the things handed down by the sacred canons, it gives rise in him to infamy, irregularity, or another ecclesiastical sanction.

"§ 1. While the trial is pending or the accused is detained, it is prudent that the Ordinary limit himself to provisional means.

"§ 2. When the trial has been completed, however, and the accused has been set free, the Court, according to the result of the information taken as above, proceeds according to the tenor of the dispositions of the present instruction.

"XLIV. In doubtful cases and in the various practical difficulties which can occur, let the Ordinaries consult this Sacred Congregation, so that contentions and nullities may be avoided."

Provisional Disposition of the Same Sacred Congregation, 26 March 1886, for Acts of Appeal in Criminal Cases

"This Sacred Congregation of Bishops and Regulars, holding it as certain that the economical modes of proceeding ordained by the Instruction of 11 June 1880 for ecclesiastical Courts in criminal cases concerning clerics ought also to be observed in acts of appeal interposed from the sentences of those Courts, judged the publication of the following disposition opportune:

"I. The defender of the accused or accused persons, to be chosen from among advocates approved by the Sacred Congregations, the customary deposit having first been made, prudently takes knowledge of the summary and proceeding before the Judge Reporter.

"II. Insofar as, by reason of the case, the Most Eminent Lord Cardinal Prefect judges it expedient, the defender is ordered to preserve secrecy under the bond of an oath.

"III. When the defenses have been presented in writing, they, insofar as the Most Eminent Cardinal Prefect likewise judges it opportune, can be communicated to the fiscal procurator of the Court *a qua*, so that he may respond in writing if he believes it necessary.

"IV. The defender can, with due caution, take knowledge of the response of the fiscal procurator before the Judge Reporter so that he may be able to reply last, likewise in writing.

"V. The presence of the defender and of the fiscal procurator is altogether excluded from the meetings of the Cardinals when the case to be resolved is proposed.

"VI. With the exception of the disposition of the preceding articles, all those things which the Sacred Congregation established by the Decree of 18 December 1835, by the Circular Letters of 1 August 1851, and by the Ordinance of 6 June 1847 remain in full force in all respects."

Decree of 18 December 1835, Cited in Article 37 of the Preceding Instruction and Article 6 of the Preceding Provisional Disposition

"Decree for criminal cases. Not long ago certain rules were prescribed by the Sacred Congregation of Bishops and Regulars for the correct and expeditious determination of criminal cases which are brought on appeal from the Courts of Bishops or Ordinaries to the same Sacred Congregation. Since the impediments which had in some part stood in the way of their execution have been removed, it seemed good to the Most Eminent Fathers, in a meeting held on the fifteenth day before the Kalends of January 1835, to explain those prescriptions more fully and, with the assent and approval of Our Most Holy Lord Gregory XVI, to promulgate them again so that they may be most accurately observed by all whom they concern. They are as follows.

"I. To accused persons condemned by episcopal Courts in a criminal trial there is granted a period of ten days within which they can appeal to the Sacred Congregation of Bishops and Regulars.

"II. The ten days begin to be numbered not from the day on which the sentence was pronounced, but from the day on which it was announced by the courier to the accused or his defender.

"III. When that time has elapsed without the accused or his defender appealing, the bishop shall execute the sentence pronounced by him.

"IV. When an appeal has been interposed within ten days, the episcopal Court shall immediately transmit the original acts of the whole case to the Sacred Congregation, namely:

"1. The proceeding itself conducted in the Court. 2. Its summary, or a compendious exposition of the things which emerge from that proceeding. — 3. The defenses presented for the accused. — 4. Finally, the sentence pronounced.

"V. The Court itself shall notify the accused and his defender that the appeal is to be prosecuted before the same Sacred Congregation.

"VI. If no one appears, or if the acts of appeal are negligently or maliciously protracted, a suitable time shall be fixed by the Sacred Congregation; and when it has elapsed without effect, the case shall be regarded as abandoned and the sentence of the episcopal Court shall be committed to execution.

"VII. The summary of the proceeding which is prepared by the Judge Reporter is to be delivered to the accused or to him who undertook his defense.

"VIII. The pleadings or defenses to be distributed to the Most Eminent Fathers are not to be committed to print unless the Judge Reporter has given permission to print.

"IX. The case shall be determined on the appointed day by the Most Eminent Fathers assembled in plenary session.

"X. The Procurator General of the Treasury and the Judge Reporter shall be present at the same Congregation.

"XI. The Judge Reporter reports the whole state of the case to the Most Eminent Fathers, and the Procurator General of the Treasury shall stand for the episcopal Court and explain his conclusions.

"XII. After these things, the Most Eminent Fathers shall pronounce judgment, either confirming, invalidating, or even reforming the sentence of the episcopal Court.

"XIII. When sentence has been pronounced, it is remitted together with all the acts of the case to the same episcopal Court so that it may execute it.

"XIV. Revision or reconsideration of the adjudicated matter is not granted unless the power of granting it has been given by His Holiness and there are most grave causes, cognizance and judgment concerning which belong to the plenary Congregation.

"XV. Finally, let the episcopal Courts know that by the most recent laws promulgated for secular tribunals for investigating and repressing crimes, nothing has been taken away from the canonical forms and rules which they therefore ought altogether to follow, not only in conducting a proceeding, to which pertain these words of the edict of 5 November 1831: 'Let nothing be altered insofar as it pertains to ecclesiastical judgments,' but also in decreeing penalties, as was thus provided in the appendix of the same edict: 'Tribunals of mixed jurisdiction shall punish clerics and ecclesiastical persons with those penalties which, according to the Canons and Apostolic Constitutions, the ecclesiastical Tribunal would inflict upon them.'" B., p. 163 ff.

Ordinance of 6 June 1847, Cited in the Preceding Provisional Disposition: On the Intervention of a Defender at the Meetings of the Sacred Congregation of Bishops and Regulars Held for Criminal Cases

"The Holiness of Our Lord has been informed of the repeated petitions presented to this Sacred Congregation of Bishops and Regulars with the intention that the defender of the accused, whether public or private, be permitted, in addition to the Judge Reporter and the Procurator General of the Treasury, to be present at the Meetings of the same Sacred Congregation when criminal cases are proposed.

"His Holiness, in the audience of 6 June 1847, benignly receiving the petitions, determined:

"1. At the aforesaid Meetings of the Sacred Congregation of Bishops and Regulars, when criminal cases are treated, there can be present, in addition to the Judge Reporter and the Procurator General of the Treasury, also the defender of the accused, whether public or private, provided that he belongs to those lawfully approved.

"2. The Procurator General of the Treasury shall present his observations both of fact and of law and shall formulate his conclusions.

"3. The defender of the accused shall disclose the means of defense, to which the Treasury can reply; but the defender shall speak last.

"4. Then both the Procurator General of the Treasury and the defender shall depart, but the Judge Reporter shall remain to present the explanations which are requested; and the Lord Cardinals shall express their opinion and proceed to resolution of the case.

"5. The decree of the same Sacred Congregation of Bishops and Regulars given on 18 December 1835 remains in full force in all other respects." B., p. 165 ff.

The Circular Letters of 1 August 1851, cited in no. 37 of the preceding Instruction and no. 6 of the preceding Provisional Disposition, are found in *A. S. S.*, vol. 15, p. 647. Cf. also the Declaration of the Sacred Congregation of Bishops and Regulars of 21 December 1883 in *M. E.*, vol. 5, part 1, p. 127.

Decree of Pope Clement VIII on Appeals

Cf. B., p. 18 ff.

On Appeals and Inhibitions to Be Granted or Denied

Cf. the Constitution of Benedict XIV, *Ad militantis Ecclesiae*, 30 March 1742.

On the Manner to Be Observed by Bishops in the United States of North America in Taking Cognizance of and Determining Criminal and Disciplinary Cases of Clerics

Cf. Instruction of the Sacred Congregation for the Propagation of the Faith, 20 July 1878 and 1883, C. nos. 75, 78.

Method of Treating Contentious Business Before the Sacred Congregation of Bishops and Regulars

"On 20 July 1900, in a general meeting of the Sacred Congregation of Bishops and Regulars, this new method of treating business before the same Sacred Congregation was approved. At the end is presented the old procedure, which differs in certain respects.

"Art. 1. Whenever, in business conducted before the Sacred Congregation of Bishops and Regulars, it seems expedient, both from the reports of Ordinaries and from the arguments of the parties, that the matter be reduced to the course of law, the rescript is: 'Let it be proposed before the plenary meeting of the Most Eminent Fathers, the party having been cited and the doubt agreed upon.'

"2. In cases of this kind, only those are admitted as advocates or procurators who have been duly approved before the Sacred Congregations of the City.

"3. Before the Reverend Lord Summista, the individual acts which prepare the way for judgment are drawn up.

"4. Therefore, before the same Reverend Lord Summista, the more diligent party cites the adverse party 'to agree upon the doubt, otherwise to see the proposition written below subscribed and debated,' which, namely, is transcribed at the foot of the citation.

"5. Moreover, the Reverend Lord Summista inscribes upon the writ of citation the day and hour of the audience at which the citation can be read, and thereafter, with the consent of the parties, agrees upon either the proposed doubt or another; but if not, he commands the parties to set forth their rights by a memorial in the plenary Congregation. Furthermore, the same Reverend Lord Summista fixes a term for presenting the summaries and arguments of the parties, so that at the opportune time a summary or Consultation can be prepared for submission to the Sacred Congregation.

"6. If the cited party does not appear within the term fixed, he is cited a second time to agree upon the doubt and also for the Congregation to be appointed.

"7. If the party persists in his contumacy, the Reverend Lord Summista agrees upon the doubt and appoints the Congregation for the proposal of the case, yet in such a way that a space of at least thirty days intervenes; and the decree is intimated to the adverse party by a Courier or by letters registered at the post office, a receipt of delivery being requested, commonly called *con ricevuta di ritorno*.

"8. Once the doubt has been agreed upon, each party, or at least the more diligent party, shall deposit in the treasury of the Sacred Congregation a suitable sum of money for the necessary expenses, to be assessed in the individual cases by the Reverend Most Illustrious Lord Secretary.

"9. In a case of contumacy, if after sentence has been pronounced the contumacious party petitions for the benefit of a new hearing, he shall be bound to deposit in the treasury of the Sacred Congregation the entire sum of money necessary for the expenses of the new proposal.

"10. The documents of one party shall not be delivered to the other except in copies transcribed *ex officio*, a rescript of the superiors having first been obtained. The reports of Ordinaries and secret documents, if there are any, shall in no way be delivered.

"11. Before Advocates or Procurators commit to print the arguments and summaries which they wish to use, they shall submit them to the Reverend Lord Summista so that they may obtain permission to

print; and this permission to print can be denied for the sole reason that the arguments are found to be too prolix.

"12. The printed pleadings shall, at least ten days before the appointed Congregation, be delivered both to the Most Eminent Fathers in duplicate and to the Secretary, Undersecretary, and Auditor; and six copies of the same pleadings shall be deposited in the Archives of the Sacred Congregation as soon as this can be done.

"13. The mutual delivery of pleadings and summaries between the parties is made ten days before the proposal of the case.

"14. Responses shall be distributed three days before the proposal of the Case, as in article 12, and shall be mutually delivered to the parties.

"15. The Reverend Most Illustrious Lord Secretary delivers the resolution of the Sacred Congregation in writing and signs it in his own name; and thereafter, either by himself or through an official deputed for this, he signifies it to the parties.

"16. If within ten days the defeated party petitions to be heard again, the Most Eminent Cardinal Prefect, after hearing the congress, can grant the benefit of a new hearing.

"17. But whenever the matter has been adjudicated with the clause *et amplius*—'and no further'—then the benefit of a new hearing is not granted except by the plenary Congregation.

"18. If it happens that the case is proposed again, that which was respectively prescribed in the preceding articles is to be observed.

"19. When the case has been adjudicated, an authentic copy of the resolution shall be delivered to the party or parties requesting it."

Decree on the Method to Be Observed in Cases Conducted Before the Sacred Congregation of Bishops and Regulars with the Order of Law Observed

"5 September 1834. In the General Congregation held on the Nones of September in the year 1834, the Most Eminent and Most Reverend Fathers decreed that the old and proper method or procedure of the Sacred Congregation for treating business concerning which there is contention between parties should be accurately observed in the future. It is as follows.

"1. Whenever, in business conducted before the Sacred Congregation of Bishops and Regulars, it seems expedient, both from the reports of Ordinaries and from the arguments of the parties, that the matter be reduced to the course of law, the rescript is: 'Let the parties set forth their rights before the Most Eminent N., who is to examine and report, the party having been cited and the doubt agreed upon.'

"2. Before the Most Eminent Reporter or his Auditor, with the Notary of the Sacred Congregation employed, the individual acts which prepare the way for judgment are drawn up.

"3. Therefore, before the same Auditor, the more diligent party summons the adverse party at law to agree upon the doubt, otherwise to see the proposition written below subscribed and debated, which, namely, is transcribed at the foot of the citation.

"4. The Most Eminent Reporter or his Auditor, with the consent of the parties, agrees upon either the proposed doubt or another; but if not, he commands the parties to set forth their rights by a memorial in the Sacred Congregation.

"5. If the cited party does not appear within the term, he is cited a second time to agree upon the doubt and also for the Congregation to be appointed.

"6. If the party persists in his contumacy, the Most Eminent Reporter or his Auditor agrees upon the doubt and appoints the Congregation for the proposal of the case, yet in such a way that a space of at least thirty days intervenes; and the decree is intimated to the adverse party by the courier.

"7. The original legal submissions which each party uses are deposited with the Lord Secretary fifteen days before the day of the proposal of the case, notice being transmitted on each side.

"8. The pleadings of each party are delivered ten days before the Congregation both to the Most Eminent Cardinals, to the Lord Secretary, and to the Secretariat of the Sacred Congregation.

"9. The mutual delivery of pleadings and summaries between the parties is made on that same day in the house of the Auditor of the Most Eminent Reporter.

"10. Responses are distributed and communicated three days before the proposal of the case, as in the preceding article.

"11. The Most Eminent Reporter delivers the resolution of the Sacred Congregation in writing and seals it in his own name, and delivers it through the Secretary so that it may be signified to the parties.

"12. If within ten days the defeated party petitions to be heard again, the Most Eminent Reporter can grant the benefit of a new hearing.

"13. Whenever the matter has been adjudicated by all the votes with the clause *et amplius*, or with only one dissenting vote with the clause *et non concedatur*, then permission to return is not granted except by the plenary Congregation.

"14. The case is proposed anew, the manner and terms of the first proposal being observed.

"15. When the case has been adjudicated, an authentic copy of the resolution is delivered to him who prevailed in the case.

"16. The victor petitions before A. C., who, as a mere executor, decrees that the resolution of the Sacred Congregation is to be executed."

Rule to Be Observed in Cases Proposed Before the Sacred Congregation of the Council with the Order of Law Observed

"Since, in addition to merely gracious and economical cases, contentious cases are also customarily proposed before the Sacred Congregation of the Council, from the beginning a manner of proceeding was introduced in them which would have in itself something both of the equity of the Sacred Congregation and of the strictness of civil Tribunals. But the form of acting established by Our predecessors underwent a certain change through a tradition retained by some person and inaccurately reported by those forensic authors who wrote about the practice of the Sacred Congregations. And so it gradually began to be changed and even to be held altogether abandoned by

agents and procurators, not without harm to litigants and detriment to the order most necessary for the correct administration of justice. Therefore, in order that provision may be made for a disturbance of this kind, the preceding laws which agree with the rules in force being observed, by the authority of the Sacred Congregation spontaneously granted to Us in the meeting of 1 August of the current year and with the previous supreme sanction of His Holiness, which was added in the Audience of 9 August of the same year, We have resolved to establish, and do establish, the things which follow:

"1. Cases to be proposed before the Sacred Congregation, whether directly or on appeal, shall, according to its practice, be treated with the order of law observed whenever one of the litigants whose interest is involved, having appointed a lawful Procurator, has placed in the acts of the Sacred Congregation the words: *Let nothing proceed*.

"2. In this case only those procurators who have lawful standing before the other Tribunals of the City are admitted to act.

"3. No petition may be proposed before the plenary Congregation unless the Ordinary has already been heard and all those things which the Most Reverend Secretary shall judge necessary have been prepared, as was wisely established in another rule of this Sacred Congregation on 6 September 1751.

"4. Documents pertaining to the case shall be rejected if the respective court did not issue them, if they have not otherwise been rendered authentic, or if they bear no sign of authenticity. But when it happens that they are presented in the Secretariat, a note is to be made and inserted into the archive.

"5. The Most Reverend Secretary shall grant by rescript to the parties the communication of documents in copies to be made by officials of the Secretariat.

"6. When the Secretary has issued the decree, 'Let it be placed upon the docket, the party having been cited for agreement upon the doubt and appointment of the Congregation,' it will be possible to proceed through a citation by the more diligent party, at the foot of which, before it is transmitted to the other party, the Secretary or his Auditor shall appoint the day and hour of the audience at which it can be read.

"7. The audience shall be held on Fridays and Tuesdays of each week, excepting holidays according to the notice posted in the Secretariat.

"8. When the doubt—or doubts—has been agreed upon between the parties by the Secretary or his Auditor, it is to be signed; but when it has been signed, it will be unlawful to change it unless a new petition concerning the reform of the doubt has first been submitted for discussion contradictorily between the parties.

"9. When the parties do not agree, the doubt shall be formulated *ex officio*, the right of the parties to debate before the plenary Congregation even concerning reform of the doubt by a separate memorial on the same day on which the principal case is proposed being reserved by a suitable decree.

"10. If one of the parties does not appear, that party being contumacious, the doubt shall be agreed upon; and when it has been agreed upon according to the norm of law, it shall be notified together with the appointment of the Congregation.

"11. The pleadings and Summaries which the parties wish to use in the proposal of the case shall be delivered in writing to the Most Reverend Secretary or his Auditor within a term of thirty days before the proposal of the case—notice of which the Auditor shall give ten days beforehand. This shall be done both for preparing the summary of arguments to be printed in the docket and so that the advocate or procurator may be furnished with the faculty of printing them.

"12. The pleadings shall be composed in the Latin language according to the current practice, nor can they be accepted unless one of the Advocates or Procurators of the Roman Curia has signed them.

"13. However many the doubts may be, the pleadings cannot be extended beyond five sheets and the responses beyond two sheets except with the permission of the Most Reverend Secretary, who, according to the necessity and gravity of the case, shall freely grant or deny it. If anyone violates this law, he shall be condemned to a fine such as the Sacred Rota is accustomed to inflict in similar cases, to be paid for the benefit of the Sacred Congregation.

"14. According to the disposition in § 4, it is decreed that if, after all acts of preparation have first been completed, any one of the litigating parties should nevertheless remain contumacious, no delay shall be granted; but, with the Most Reverend Secretary reporting, resolution of the case shall take place even *sub unica*.

"It is called *sub unica* when, in the first proposal of the case, the clause *et amplius* is added to the resolution, which clause carries with it the prohibition of proposing the case any further.

"15. That party shall be regarded as contumacious which, having been duly summoned at law, never appeared and neither presented any pleading within the term fixed nor obtained a requested delay.

"16. The Most Reverend Secretary has the faculty of deferring the proposal of the case *ex officio* or at the petition of the parties, even if he had appointed it with the clause 'altogether and unfailingly.' But if an appointment of this kind has been determined by the Sacred Congregation, it will be necessary to petition for a new delay before the Sacred Congregation by a memorial.

"17. Ten days before the appointed Congregation, a duplicate copy of the pleadings (a summary of fact and law) shall be distributed to the Most Eminent Fathers; copies in the prescribed quantity are also to be delivered to the Most Reverend Secretary and his office, and likewise to the Undersecretary. This term shall also be observed for the exchange of pleadings between the parties.

"18. The responses shall be delivered by the end of the Wednesday preceding the Congregation, and unless they have been signed in the same manner as the pleadings, they shall be held of no account.

"19. Documents and observations produced after the responses, without the knowledge of the adverse party, shall be as though they did not exist.

"20. The information before the Most Eminent Fathers shall take place within the Thursday and Friday preceding the Congregation.

"21. Once the resolution of the case has followed, a new audience must be petitioned for within a term of ten days by an application before the Most Reverend Secretary.

"22. If the clause *et amplius* has been added by the Sacred Congregation, a new trial of the case must be petitioned for from the Most Eminent Prefect. If he should judge that it cannot be granted by him, he shall remit the application to the plenary Congregation with the decree: 'By memorial, the party

having been cited.' In either case, if the prayers are admitted, the case cannot be proposed before three months, the same order as for the first proposal being observed; and if the petitioner is defeated, he shall be bound to reimburse, in favor of the victorious party, the expenses of this last proposal.

"23. When the resolution has passed into a matter adjudged, a copy of that resolution shall be given to the victor, who shall deliver it to the judge charged with the execution of Apostolic letters and decrees of the Sacred Congregation, so that he may obtain an executorial decree.

"24. In the cases of which there is discussion from § 14 to 22, and in the other cases in which, according to the decrees of the Sacred Congregation, reimbursement of expenses takes place (that is, in cases of marriage, support, attempted acts, and spoliation), the victorious party shall present an account to the Most Reverend Secretary, so that he may approve and moderate it and furnish it with an appropriate mandate according to the norm of the laws in force.

"Given from the Secretariat of the Sacred Congregation of the Council, 27 September 1847."

Order to Be Observed in Cases Concerning the Nullity of Religious Profession

Cf. the Constitution of Benedict XIV, *Si datam hominibus*, 4 March 1748; IV Nones of March 1747.

Construction of the Process in Matrimonial Cases

The process is to be constructed according to the Constitution of Benedict XIV, *Dei miseratione*, III Nones of November 1741, and the Instructions issued by the Holy Office, by the Sacred Congregation of the Council, and by the Sacred Congregation for the Propagation of the Faith: C. 1570 ff.; *A. S. S.*, vol. 1, p. 439 ff.; vol. 18, p. 344 ff.; vol. 26, p. 639; *M. E.*, vol. 4, part 2, p. 32 ff.; vol. 8, part 1, p. 219; part 2, p. 122 ff.

"When the impediment of disparity of worship is at issue and it is clearly established that one party is baptized and the other was not baptized; when the impediment of a prior bond is at issue and it is certainly established that the first spouse is legitimate and still living; finally, when consanguinity or affinity from lawful intercourse is at issue, or even spiritual kinship, or the impediment of clandestinity in places where the Tridentine decree *Tametsi* has been published or has long been observed as such provided that the existence of impediments of this kind, not dispensed by the authority of the Church, is clearly established by a certain and authentic document, or, in its absence, by certain arguments—in these cases, the solemnities required in the Apostolic Constitution *Dei miseratione* being omitted, the marriage can be declared null by the Ordinaries, with the intervention, nevertheless, of the defender of the matrimonial bond, without there being need of a second sentence." Holy Office, 5 June 1889; *M. E.*, vol. 8, part 2, p. 122; vol. 9, part 1, p. 174.

Competence in Matrimonial Cases

"Spouses in matrimonial cases are subject to the bishop in whose diocese the husband has his domicile. An exception has place if the fellowship of conjugal life has been taken away either by separation from bed and board or by malicious desertion perpetrated by the husband. In the former case, each party must exercise before the bishop of the diocese in which that party has a domicile the

right of accusation against the other which belongs to him or her. In the latter case, the wife can institute an action before the bishop within whose diocese her domicile is situated. After a judicial citation has been intimated, a change made with respect to the domicile of the spouses effects no change at all with respect to the competent judge." Instruction of the Sacred Congregation for the Propagation of the Faith for the United States of America, 1883.

"Spouses in cases of mixed marriages are subject to the bishop in whose diocese the Catholic party has a domicile; and when both are Catholics, because the heretical party has returned to the Church, they are subject to the bishop in whose diocese the husband has a domicile." Holy Office, 30 June 1892.

"But when it is a question of contracting a mixed marriage with a heretic separated from a heretical woman by a sentence of divorce of a civil tribunal, it will belong to the bishop of the domicile of the Catholic party to judge whether the contracting parties enjoy the freedom of state." Holy Office, 23 June 1903; *M. E.*, vol. 15, p. 289 ff.; *A. S. S.*, vol. 36, p. 165 f.

Regular Superiors Can Never in Any Manner Take Cognizance of Cases of Their Subjects Pertaining to the Holy Office

"Wednesday, 15 May 1901. As has several times been decreed by the Supreme Pontiffs, in matters pertaining to the Holy Office it in no way belongs to Regular Superiors to take cognizance of the cases of their subjects; and consequently, under no title or pretext can or should they, unless by an express mandate of the Sacred Congregation, make inquiry concerning these things, receive denunciations, interrogate witnesses, examine accused persons, institute a judgment, pronounce sentence, or involve themselves in them or lay hands upon them in any other way or manner. Rather, when religious men know any of their subjects or confreres, or even superiors, to be guilty or suspected of crimes of this kind (especially as concerns abuse of Sacramental Confession), they are strictly bound, without any communication whatever with others, without asking any permission, and without any fraternal correction or admonition having been made beforehand, to denounce them without delay to the Holy Office or to the local Ordinaries. And lest these most sacred laws happen to be neglected or infringed through ignorance (which God avert), the grave burden rests upon Superiors of repeatedly bringing them, in whatever manner they shall judge more opportune, to the certain and distinct knowledge of their subjects, and of urging their full observance by them."

Prescription in Criminal Cases of Clerics

"...After all things had been diligently weighed, the Most Eminent Fathers, in the meeting held on 4 March 1898, judged that the following were to be maintained: namely, that it is received law that prescription has place in ecclesiastical criminal cases, and indeed not only when the judge proceeds at the instance of a private accuser, but also when he inquires for public vindication, or *ex officio*; and that the proper effect of this prescription is that it extinguishes only the penal action, provided that prescription has been expressly pleaded in the judgment by the accused or the person under inquiry, or by his procurator.

"Hence it is easy to perceive that the right both of accusing and of inquiring remains intact until prescription is expressly pleaded, and that the judgment stands in every respect if it was not pleaded.

"But if prescription has been brought into the judgment and is recognized as lawful, it then extinguishes the criminal action, but not the civil action which may arise from the same offense; and hence it is manifest law that, notwithstanding prescription, the accused remains liable to all the noncriminal canonical effects arising from the offense committed. Indeed, although the penal action is extinguished by prescription, the exception is nevertheless not taken away, but remains perpetually according to the maxim of law: *Temporal limits apply to bringing an action; exceptions are perpetual*; and therefore that offense, even though prescribed, can always be pleaded against the accused by way of exception, and it prejudices him if he should wish to compete for ecclesiastical appointments.

"As concerns the time necessary to induce the said prescription, the general rule is that an action for injuries is prescribed by a space of one year, while the crime of embezzlement and offenses of the flesh are prescribed by a space of five continuous years from the day the offense was committed. Nevertheless, if successive and continuing offenses are at issue, no prescription has place in these except from the day the offense ceases; likewise, if the offense was totally occult, it is held that prescription runs not from the day the crime was committed, but from the day of the knowledge of the accuser or inquisitor.

"Finally, this must not be passed over: the crimes of abduction, rape by violence, and adultery joined with incest are prescribed only by the lapse of twenty years; but the crimes of substitution of a child, parricide, assassination, treason, duel, counterfeiting money, apostasy, heresy, simony, extortion under color of office, abortion, and sodomy are prescribed at no time whatever; rather, while they live, those accused of these crimes can perpetually be accused and subjected to inquiry." Sacred Congregation of Bishops and Regulars, 21 March 1898.

On the Private Knowledge of the Judge in a Matrimonial Case

"1. Can marriages be declared null and invalid in the external forum when their nullity is known in the forum of conscience but cannot be proved in the external forum? 2. Can the aforesaid spouses be admitted to another marriage for as long as the impediment of their prior marriage remains occult and the aforesaid nullity of their marriage has not been proved in the external forum? 3. How is one to proceed with those who have passed to other nuptials, although the impediment of their prior marriage remains occult and cannot be proved in the external forum? 4. Is it lawful for spouses of this kind, if no scandal is present or feared, to remain in their later marriage, although the nullity of the prior one has not been proved in the external forum? "Response. To the first: Negative. To the second: Negative. To the third: In the external forum, the second marriage is to be held null. To the fourth: In the external forum it is not lawful; nevertheless, the spouses are to be admonished to make the impediment known, and the Vicar Apostolic is to use the faculty of dispensing." Sacred Congregation for the Propagation of the Faith, 11 February 1804.

On a Judge's Sentence in Favor of a Less Probable or Equally Probable Opinion

Cf. above, *On Conscience*, no. 114.

On a Sentence of Divorce to Be Pronounced by a Lay Judge and by a Mayor

"Not without great sorrow of soul—or rather, horror—did the Fathers of this Provincial Synod learn that certain legislators of this region had very recently proposed the establishment of a Court of Divorce, whose office would be to pronounce divorce from the bond on the ground of adultery. For besides the fact that such a law—which God avert—would be a subversion of the institution of almighty and most wise God and a usurpation of the rights of the Church of Christ, no one is ignorant, or can be ignorant, of how many and how great are the evils which flow from such a divorce and render it most hostile to civil society. For under the hope of a future divorce, marriages are contracted imprudently; quarrels—and, what the soul shudders to say, adulteries themselves—are provoked; the bond of charity between families gives way to irreconcilable hatred; fortunes are placed in jeopardy; the whole of society is scandalized. Finally, what shall become of the children whose parents have obtained a divorce? But We, whom God has placed as watchmen over this part of His Church, wish our diocesans always to remember that no one can, with a safe conscience: 1. cast a vote for such a law; 2. act in such a Court of Divorce in the part of the plaintiff, or of the judge, or of the notary or chancellor, or cooperate formally or in any other manner whatever; nevertheless, We do not intend to condemn those who, under compulsion, shall give testimony concerning the fact itself of adultery." Fourth Provincial Council of Quebec, 1868; *Collectio Lacensis*, vol. 3, col. 718.

"The enacted law of the Swiss Confederation on civil status and marriage has decreed that all and each matrimonial case, ecclesiastical jurisdiction having henceforth been suppressed, is to be treated in lay tribunals according to the norm established for civil cases, and that sentences in them are to be pronounced according to the prescriptions of the common law and of the most recently enacted law. By the latter, even marriages of Catholics can, on certain very slight grounds, be perpetually severed and dissolved as to the bond, so that litigating spouses of this kind, after a sentence of divorce has been pronounced by secular judges, can pass to the contracting of other marriages if they wish. It is therefore asked:

"Fifth doubt. Can Catholic judges and advocates in lay tribunals of this kind, with a safe conscience, undertake and defend matrimonial cases, or take cognizance of and judge them?

"Sixth doubt. Can the same Catholic judges and advocates, with a safe conscience and according to the recent Swiss law, propose that the marriage bond be dissolved, or declare it dissolved, and also declare that spouses of this kind can pass to the contracting of another marriage, as the civil law in this case expressly commands and urges the judges to judge and declare?

"In discussing this question, it must not be forgotten that the secular tribunals whose office it is to judge civil cases are the same tribunals upon which, by the new law, it is incumbent to take cognizance of and judge matrimonial cases. Therefore, if Catholic judges should be forbidden to take part in tribunals of this kind we shall experience, to the great detriment of citizens, that those tribunals are deprived of the judges who, filled with the fear of God, judge piously and justly.

"Response. To the fifth and sixth. As regards judges, recourse is to be made in particular cases. As regards advocates, let the responses already given to the Bishop of Southwark be given, namely: Thursday, in the fourth place, 22 May 1860, to the doubt: Can a Catholic advocate defend the case of the respondent against a plaintiff seeking dissolution of the bond? The response was: Provided that

the bishop is satisfied concerning the uprightness of the advocate, and provided that the advocate does nothing which departs from the principles of natural and ecclesiastical law, it can be tolerated.—And to another doubt: Is it lawful to act in the part of advocate and plaintiff when the end of the suit is simple separation without any sentence carrying with it the nullity of the marriage itself? The response was: Provision was made in the preceding; and Friday, 19 December of the same year: Provided that the Catholic party can approach no other tribunal from which he may obtain a sentence of separation as to bed and board, and provided that the sentence of this tribunal has no other effect than the aforesaid separation, it can be tolerated that Catholics act in that forum in the part of plaintiff and advocate, and provided that just grounds of separation exist in the judgment of the bishop; and if he has any further doubt, let the petitioner have recourse, setting forth all the circumstances and the dispositions of the law." Holy Office, 3 April 1877.

"After the laws of divorce were recently restored among the French in the year 1884, several doubts were proposed to this Sacred Roman and Universal Inquisition by certain bishops of France: namely, whether it was lawful for lay judges to administer justice in cases concerning the separation of spouses, whether as to the bond or merely as to habitation; whether it was lawful for advocates and procurators to conduct cases of this kind before lay judges; whether it was lawful for those to whom it belongs by law to appoint *defenders appointed by the court*, as they call them; and finally, whether it was lawful for mayors (*maires*, as they are commonly called) to pronounce divorce.

"The Most Eminent Fathers, General Inquisitors together with me, the matter having been maturely considered, judged in the meeting of Thursday, in the fourth place, on 25 June 1885, that the following was to be decreed:

"In view of the most grave circumstances of affairs, times, and places, it can be tolerated that those who hold magistracies and advocates conduct matrimonial cases in France without being bound to resign their office, provided that they openly profess the Catholic doctrine concerning marriage and concerning matrimonial cases as belonging to ecclesiastical judges alone; and provided that, both concerning the validity and nullity of marriage and concerning the separation of bodies, which cases they are compelled to judge, they are so disposed in mind that they never pronounce a sentence contrary to divine or ecclesiastical law, nor defend a sentence to be pronounced, nor provoke or incite such a sentence; and that in doubtful or more difficult cases each approach his Ordinary, direct himself according to his judgment, and, insofar as there is need, have recourse through him to the Apostolic Penitentiary.

"The Most Holy Father ratified this decree, and therefore it is made known by these letters—which otherwise are not to be published—to all archbishops and bishops in France as their norm."

"The following doubts were proposed to the Sacred Roman and Universal Inquisition by certain bishops of France. In the letter of the Sacred Roman and Universal Inquisition of 25 June 1885 to all the Ordinaries in the French dominions concerning the law of civil divorce, it was decreed as follows: 'In view of the most grave circumstances of affairs, times, and places, it can be tolerated that those who hold magistracies and advocates conduct matrimonial cases in France without being bound to resign their office.' It added conditions, of which the second is this: 'Provided that, both concerning the validity and nullity of marriage and concerning the separation of bodies, which cases they are compelled to judge, they are so disposed in mind that they never pronounce a sentence contrary to divine or ecclesiastical law, nor defend a sentence to be pronounced, nor provoke or incite such a

sentence.' It is asked: 1. Is the interpretation spread throughout France and also given to print correct, according to which a judge satisfies the aforesaid condition if, although some marriage is valid before the Church, he truly and steadfastly abstracts from that marriage and, applying the civil law, pronounces that there is ground for divorce, provided that in his mind he intends to rupture only the civil effects and only the civil contract, and that the terms of the sentence pronounced regard these alone? In other terms, can a sentence so pronounced be said not to be contrary to divine or ecclesiastical law? 2. After a judge has pronounced that there is ground for divorce, can the mayor (*le maire* in French), himself also intending only the civil effects of the contract, as is explained above, pronounce the divorce, although the marriage is valid before the Church? 3. Once the divorce has been pronounced, can the same mayor civilly join with another a spouse attempting to pass to other nuptials, although the prior marriage is valid before the Church and the other party is living?—Response. To the first, second, and third doubts: Negative." Holy Office, 27 May 1886.

"14 September 1886. Prince.... Following my request, His Eminence (the Cardinal Secretary of State) has just informed me, by order of His Holiness, that the Congregation of the Holy Office has declared that the decree of 27 May does not concern Belgium and that, consequently, nothing is changed in this country as regards the matter of divorce. † Dominic, Archbishop of Thessalonica, Apostolic Nuncio." To the Minister of Foreign Affairs at Brussels.

"A certain French judge, formerly a student of theology, approaches his confessor and, after declaring various mortal sins, adds: 'Concerning the sentences pronounced by me in the matter of civil divorce, there is nothing for me to say, Father. For I am accustomed to declare civil divorce whenever most grave reasons are present, whether on my part or on the part of those who have brought the case before me.'—'You have acted wrongly,' the priest replies, 'and you have not read the decision by which the General Congregation of the Sacred Roman and Universal Inquisition recently (27 May 1886) forbade judges to act in this manner.'—'Indeed, I know it perfectly well, Father, and nevertheless I do not judge that I have sinned, for the following reasons: 1. You also know, Father, the response given in the name of the Supreme Pontiff to the Government of Belgium by the Apostolic Nuncio. Now, an act tolerated in Belgium can also be tolerated in France when the same circumstances recur, unless a positive prohibition by the Supreme Pontiff is certainly adduced; and this is by no means constituted by the simple approval of a decree of the Holy Office. 2. Theologians do not agree concerning the force of a decision of this kind. 3. Finally—and this is the principal hinge of the matter—in the proposition most justly condemned on various grounds (27 May 1886), not even one word is read concerning the most grave reasons which can arise either on the part of the judge or on the part of the petitioners. Therefore, since it is lawful to use truly probable opinions, and since, as I trust, I have duly disposed myself and declared my mortal sins to you, I humbly ask you, Father, to be willing to impart absolution to me, to which, according to the doctrine of all, I have a right.' The confessor labors to induce the penitent to abandon such an opinion, but in vain. On the other hand, moved by the reasons which the judge has brought forward, he does not dare to impose his own opinion upon him, and dismisses the absolved penitent in peace.—It is asked: Did the confessor act rightly?—Response. Confessors are bound, concerning the question proposed, to direct judges according to the recent declarations issued by the Holy See." Sacred Penitentiary, 4 April 1887.

"N.... of Luçon, whose marriage was valid before the Church petitioned for divorce according to the abominable law now in force in France, and the civil judges have already pronounced that there is

ground for divorce. The spouse N...., as article 264 of the aforesaid law provides, will soon present himself with the other spouse before the mayor so that the latter may pronounce the divorce. But if the mayor refuses to pronounce it, without doubt he will be deprived of his magistracy; and this will be very dangerous to the Catholic cause, of which that mayor has always shown himself a strenuous defender.—It is asked whether, on account of the most grave circumstances of affairs, times, and places, that mayor can pronounce the civil divorce, provided that: 1. he openly professes the Catholic doctrine concerning marriage and concerning matrimonial cases as belonging to ecclesiastical judges alone; 2. in the sentence itself, and speaking as a magistrate, he publicly declares that he wishes to rupture only the civil effects and only the civil contract, while otherwise the marriage bond remains entirely firm before God and conscience.—The Venerable Sacred Penitentiary responds to the foregoing for the Father in Christ, the Bishop of Luçon: in this particular case, if, after examining all its circumstances, he judges in the Lord that it is expedient, he can tolerate that the aforesaid mayor proceed to the act concerning which the petition was made, with the declarations proposed by him; in such a way, nevertheless, that in place of the words, 'he wishes to rupture only the civil contract,' he put, 'he can regard only the civil contract.'" 24 September 1887.

"Although the oracle of the Holy See has repeatedly declared what is to be thought of the act of a civil judge pronouncing a sentence of divorce between spouses joined by a legitimate marriage contracted before the Church, theologians in France—and even bishops—are not of one mind in interpreting the decrees of the Sacred Congregations. Still greater confusion of minds has arisen since the public periodicals published the response of the Sacred Penitentiary given on 24 September 1887 to the Ordinary Bishop of Luçon, namely, that in the case, the due declarations of course having been made beforehand, it can be tolerated that the mayor pronounce the divorce. In the periodical *Le canoniste contemporain*, a certain writer interpreted this response as though it were equivalent to a decree permitting a mayor generally, in a similar case and after the due declarations had been made beforehand, to pronounce the divorce. And furthermore, since the same response was made public, the opinion has prevailed more and more that the act of a judge pronouncing a sentence of divorce and that of a mayor pronouncing it, provided that the prescribed declarations are made beforehand, is not contrary to divine law and therefore is not intrinsically evil. Therefore the petitioner—inasmuch as until now he held and taught as alone true the contrary opinion from the decrees issued on this matter by the Sacred Roman and Universal Inquisition—suppliantly requests, so that he may provide for his own conscience in fulfilling his episcopal office, a response concerning the following two doubts: 1. Is it lawful to infer from the aforesaid rescript of the Sacred Penitentiary to the Ordinary Bishop of Luçon that, universally, mayors in France who would otherwise be compelled to resign their office can, after the due declarations have been made beforehand, with a safe conscience pronounce divorce between spouses bound in the sight of the Church? 2. Can the same be said of a civil judge pronouncing a sentence of divorce between similar spouses and under the same declarations?—Response. To the first: In issuing the rescript in question, the Sacred Penitentiary had this alone in mind: to provide for the particular case according to its circumstances and necessities. To the second: Negative." Sacred Penitentiary, 4 June 1890.

"Most Reverend Monsignor, I have reported to the Most Eminent Major Penitentiary the case of the mayor of that Diocese who, by virtue of his office, would have to assist at the civil marriage of a certain person who is already bound in the sight of the Church; and by command of the said Most Eminent One I must inform you that the named mayor cannot in any way lend himself to an act so

contrary to the sanctity of marriage. Therefore, whatever the circumstances of the case may be, he must absolutely abstain from such assistance, even though it should consequently follow that he must resign. From the Sacred Penitentiary, 28 November 1883. Luigi Martini, Substitute of the Sacred Penitentiary." To the Bishop of Ferentino in Italy.—Cf. no. 933.

Masters and Workers

"1. Human society, as God has established it, is composed of unequal elements, just as the members of the human body are unequal; to render them all equal is impossible, and the destruction of that same society would result (*Quod Apostolici muneris*).

"2. The equality of the various members of society consists only in this: that all men take their origin from God the Creator; have been redeemed by Jesus Christ; and must be judged by God according to the exact measure of their merits and demerits, and rewarded or punished (*Quod Apostolici muneris*).

"3. Hence it follows that, in human society, it is according to the ordering of God that there be rulers and subjects, masters and proletarians, rich and poor, learned and ignorant, nobles and commoners; and that all of them, united in the bond of love, mutually assist one another in attaining their final end in Heaven, and here on earth their material and moral well-being (*Quod Apostolici muneris*).

"4. Man has over the goods of the earth not only their simple use, as do brute animals, but also the right of stable ownership—and not only ownership of those things which are consumed by using them, but also of those whose use does not consume them (*Rerum novarum*).

"5. Private property, whether the fruit of labor or industry, or of another's transfer or gift, is an irreproachable right of nature; and each person can reasonably dispose of it as seems good to him (*Rerum novarum*).

"6. To settle the conflict between the rich and proletarians, it is necessary to distinguish justice from charity. There is no right to make a claim except when justice has been violated (*Rerum novarum*).

"7. The obligations of justice on the part of the proletarian and the worker are these: to render wholly and faithfully the work which was freely and equitably agreed upon; not to inflict damage upon the property, nor offense upon the person, of employers; even in the defense of their own rights, to abstain from violent acts, and never to transform that defense into mutinies (*Rerum novarum*).

"8. The obligations of justice on the part of capitalists and employers are these: to render just wages to workers; not to injure their just savings, whether by violence, fraud, or manifest or disguised usury; to give them freedom to fulfill their religious duties; not to expose them to corrupting enticements and dangers of scandal; not to estrange them from the spirit of family and the love of saving; not to impose upon them work disproportionate to their strength or ill-suited to age and sex (*Rerum novarum*).

"9. The obligation of charity on the part of the rich and of property owners is to succor the poor and needy according to the evangelical precept. That precept binds so gravely that on the day of judgment an account of its fulfillment will be demanded in a special manner, according as Christ Himself said (Matt. 25) (*Rerum novarum*).

"10. The poor, moreover, ought not to blush at their poverty nor disdain the charity of the rich, especially keeping in view Jesus the Redeemer, who, although He could have been born amid riches,

made Himself poor in order to ennoble poverty and enrich it with incomparable merits for Heaven (*Rerum novarum*).

"11. Capitalists and workers themselves can contribute greatly to the resolution of the labor question through institutions ordered to furnish timely assistance to the needy and to bring the two classes nearer and unite them with one another. Such are societies of mutual aid; the many forms of private insurance; patronages for children; and, above all, guilds of arts and trades (*Rerum novarum*)." Pius X, *Motu proprio*, 18 December 1903.

On the Sanctity of Clerics

"It is altogether fitting that clerics called to the lot of the Lord so compose their whole life and conduct that in dress, gesture, gait, speech, and all other things they display nothing except what is grave, moderate, and full of religion." Council of Trent, session 22, chapter 1, *On Reformation*.

"8. Priests living criminally in any manner pollute the power of the priesthood and, as unfaithful sons, think unfaithfully concerning the seven Sacraments of the Church, the keys, offices, censures, morals, ceremonies, and sacred things of the Church, the veneration of relics, indulgences, and orders." Article of John Hus condemned at the Council of Constance.

On the Celibacy of Clerics

"Bishops are not to presume to make anyone a subdeacon unless he has promised that he will live chastely, because no one ought to approach the ministry of the altar unless his chastity has been proved before the reception of the ministry." Canon 1, distinction 28.

"If anyone says that clerics constituted in sacred orders, or regulars who have solemnly professed chastity, can contract marriage and that the contract is valid notwithstanding ecclesiastical law or the vow, let him be anathema." Council of Trent, session 24, canon 9.

Pius IX condemned two errors: that the celibacy of clerics ought to be abolished, and that the state of marriage ought to be preferred to the state of virginity. The former is refuted in the encyclical letter *Qui pluribus*, 9 November 1849; the latter, in the Apostolic Letter *Multiplices inter*, 10 June 1851.

On the Continence of Clerics Among the Greeks

"...He who diligently weighs the genuine tradition concerning the celibacy and continence of the clergy will certainly find that, even from the first centuries of the Catholic Church, if not by a general and explicit law, at least by morals and custom it was established that not only bishops and priests, but also clerics constituted in sacred orders, should inviolably observe virginity or perpetual continence. For the very dignity of the sacred ministry, to which offices almost divine are assigned, seemed to require that those who were to sacrifice and also to bring forth the immaculate Victim, who is sanctity and purity itself, should shine either with the splendor of virginity or with perpetual continence. Moreover, the most abundant tradition of the Holy Fathers shows that the Apostles were either virgins or perpetually continent after marriage; hence they themselves also chose as their successors none other than those who cultivated virginity or professed inviolable continence. There is no need to delay here over what the Roman Church, Mother and Teacher of the others, instructed by the example and institutions of the Apostles did: for she never relaxed that obligation of preserving

chastity, salutarily propagated it throughout the whole Western Church, and finally sanctioned it by an inviolable law. But among the Orientals also, the celibacy or continence of clerics, besides always having been in the highest honor, was religiously observed from the most ancient time, especially in churches where discipline flourished through the diligence of the bishops. Epiphanius, indeed, a man distinguished in sanctity and learning and one who knew the discipline of the Eastern Church very well, in his exposition of the Catholic faith (no. 21) expressly affirms that 'the priesthood consists principally of the order of virgins, or, if not...of those who abstain from their wives, or who after such nuptials live in widowhood.' For in the beginning, as Jerome says (*Against Jovinian*, book 1), 'because the Church was being established in a people untrained from among the Gentiles,' some were also assumed into the priesthood who were already joined in marriage, but who either lived continently in widowhood or passed their life as though they had no wives. Hence the same Epiphanius (*Heresies*, 59) expressly acknowledges how 'the holy preaching of God does not admit as a deacon, priest, bishop, or subdeacon a husband of one wife who still begets children, but him who has abstained from his one wife or has lived in widowhood, especially where the ecclesiastical canons are sincere.' Nor does the contrary custom or nonobservance of some particular Church stand in the way at all when the discipline of the Eastern Church is being discussed; for the same Epiphanius appositely continues: 'But you will say to me: In certain places, priests, deacons, and subdeacons still beget children. Yet this is not according to the canon, but according to the mind of men.' Therefore it cannot be doubted that in the time of Epiphanius clerics—from the subdeacon to the bishop—cultivated celibacy or continence. This can also be most suitably confirmed by the testimony of Jerome, who, on account of his long residence in the East, knew the morals and discipline of that Church most perfectly. For the Holy Doctor, against Vigilantius, the bitterest enemy of clerical continence, besides other arguments opposes the fact of the universal Church: 'What will the Churches of the East do? What will those of Egypt and of the Apostolic See do, which receive clerics who are either virgins or continent, or, if they have had wives, cease to be husbands? This, then, was the tradition of the universal Church; these were the customs where the former discipline flourished.'

"Certain Greeks think and assert with too much confidence that bishops in the East observed continence of their own accord, not bound by any law, which they say was first enacted at the Synod in Trullo. But, besides the most clear testimonies of the Fathers, Justinian himself, who established laws long before the Trullan canons and who professes himself to be the executor of the earlier canons, inculcates more than once that bishops are to be chosen either from the order of monks or indeed from the clergy, but such as neither have a wife nor at least cohabit with her (book 1, *Code*, *On Bishops and Clerics*, law 4; *Novels* 123, chapters 14 and 29). Moreover, the same discipline prevails among the Eastern sects which had fallen away from unity even before the times of Justinian; for they all agree in this, that bishops are chosen celibate. (Consult the *Jerusalem Itinerary* of John of Catovice, who expressly attests this concerning the Chaldean Nestorians and the Maronites.)

"Far otherwise did it happen with respect to priests and other clerics; for that which in the time of Epiphanius was nonobservance or the lax custom of a certain Church in the course of time began to take root and spread, so that at length it pervaded almost the whole Eastern Church; and as the custom gained strength, that which had been permitted only to cantors and readers was also granted to priests and other clerics constituted in sacred orders, namely, that they might cohabit with wives whom they had married before sacred ordination. Indeed, in a certain Eastern province the tide of

laxer discipline advanced so far that some presumed to attempt marriage even after the reception of sacred orders. This, nevertheless, was severely condemned and prohibited under the gravest penalties by both laws—that is, ecclesiastical and imperial—even before the Trullan canons, as the very laws of Justinian clearly show. For the aforesaid emperor gravely complains of certain clerics who, "despising the sacred canons, presumed to attempt nuptials after ordination" (*Code*, book 1, title 3, *On Bishops and Clerics*, § *Sacris canonibus*). For the sacred canons severely forbade, under penalty of deprivation of the sacred ministry, any of the priests, deacons, and subdeacons to marry after an ordination of this kind. "Hence," the same Justinian continues, "just as such things are prohibited by the sacred canons, so also according to our laws the thing itself is prohibited"; and, adding civil penalties to canonical ones, he decrees that children begotten from such a nefarious union are illegitimate, as though they had been born from an incestuous union: "so that they are understood to be neither natural children nor bastards or spurious children, but altogether and in every respect prohibited and unworthy of the succession of their parents." Thus far Justinian. And although in ecclesiastical law, as Benedict XIV most correctly says, there is left to the lay power only the glory of obeying, not the authority of commanding, nevertheless, in the matter at issue, the emperor speaks with relation to the sacred canons. (Instruction *Eo quamvis tempore*, 1 May 1745.)

"Nor does it stand in the way that the provincial Council of Ancyra, in canon 10, permitted deacons, if at ordination they had declared that they could not be continent, to contract marriage even after receiving orders. For, granted that that canon had the force of a concession for the province of Ancyra, it certainly could not change the discipline of the Eastern Church, and in fact it did not change it, as Epiphanius, Jerome, and other Fathers together testify in clear words, and as the emperor himself most openly maintains (*Authenticae*, collection 9, title 4, Novel 123, chapter 14: 'He who ordains is not competent at the time of ordination to permit a deacon or subdeacon to take a wife after ordination,' etc.). Therefore, the Trullan Synod itself, in canon 6, decrees generally, under penalty of deposition, that it is wholly unlawful for any subdeacon, deacon, or priest to contract nuptials after ordination (canon 6 of the Council in Trullo: 'Since it has been said in the Apostolic Canons, canon 27, that of those who are promoted to the clergy without having taken a wife, only readers and cantors can take a wife, We also, observing this, decree that henceforth it shall be wholly unlawful for any subdeacon, deacon, or priest to contract marriage after his ordination. But if he should dare to do this, let him be deposed,' etc.). Hence even Greek canonists freely acknowledge that the canon of the Council of Ancyra was wholly abrogated by the Quinisext Council (Balsamon, Zonaras, Aristenus, and others; Arcudius, *Constitution*, book 7, chapter 37; and Benedict XIV, Instruction *Eo quamvis tempore*).

"Since these things are so, anyone easily sees how alien from the genuine discipline of the Eastern Church is that custom by which subdeacons contracting marriage after an ordination of this kind are promoted to higher orders, since even the Trullan Synod itself wholly abhors this.

"Therefore His Holiness, who has very greatly at heart that the customs of that province, every corruption having been wiped away, be composed according to the norm of the purer Eastern discipline, cannot but follow with deserved praises the repeatedly confirmed purpose of Your Excellency, namely, henceforth to admit no one to sacred orders unless either wholly celibate or one who, before the subdiaconate, has married a lawful wife according to the Eastern custom. Here, therefore, let Your Excellency and the other Prelates of that province, remaining in this purpose,

stand firmly; adhere to this....” Instruction of the Sacred Congregation for the Propagation of the Faith, 24 March 1858, to the Archbishop of Făgăraș and Alba Iulia of the Greek-Romanian rite.

On the Garments of Missionaries

“Since in certain missions the custom of wearing a cassock, especially when priests appear in public, has not hitherto been diligently observed by all—and indeed, in some places graver abuses have also begun to be introduced in this matter—this Sacred Congregation commands that all ecclesiastical men, mindful that it is altogether fitting for clerics to exhibit gravity and moderation even in dress, wear cassocks of either white or black color, according to the custom of the region and the indults of the Sacred Congregation, at least in public; and every evasion or pretext is to be removed in obtaining this. But if, compelled by necessity or on account of a journey through rough places, they are forced to lay aside the aforesaid habit, let them at least employ that garment which in no manner whatever is unbecoming to priestly modesty.” Sacred Congregation for the Propagation of the Faith, 8 September 1869, C. 326.

On the Obligation of the Divine Office[1]

“We also decree that anyone having a benefice, if, after six months from obtaining the benefice, he has not said the Divine Office, no lawful impediment existing, shall not make the fruits his own in proportion to the omission of the recitation of the Office and of the time.” Lateran Council under Leo X, session 9, § *Statuimus*.

“We decree that he who has omitted all the canonical hours on one or more days shall lose all the fruits of the benefice corresponding to that day or those days; but he who has omitted Matins alone shall lose half; he who has omitted the other hours shall lose the other half; and he who has omitted any one of these shall lose a sixth part of the fruits of the same day. This is so even though someone assigned to choir who does not recite should be present with the others at all the canonical hours and should claim to have gained for himself, by presence alone, the fruits and distributions perhaps otherwise assigned, according to statutes, custom, foundation, or otherwise. He shall suffer also, besides the loss of the fruits and distributions. Likewise, let him who has not said the Office during the first six months understand that he has committed a grave sin, unless a lawful impediment has excused him.” Saint Pius V, Constitution *Ex proximo Lateranensi*, 20 September 1571.

“20. The restitution imposed by Pius V upon beneficiaries who do not recite is not owed in conscience before a declaratory sentence of the judge, because it is a penalty.”—“21. One who has a collative chaplaincy or any other ecclesiastical benefice, if he devotes himself to the study of letters, satisfies his obligation if he has the Office recited by another.”—“35. By one Office a person can satisfy a double precept for the present day and the morrow.”—Propositions condemned by Alexander VII.

On the Divine Office with Respect to Religious Professed with Simple Vows and Nuns

“Are those professed with simple vows, which according to the encyclical letter of 19 March 1857 must precede the profession of solemn vows, bound to the Divine Office?—Response. They are not bound to private recitation of the Divine Office; nevertheless, they must be present in choir, like the

solemnly professed." Sacred Congregation on the State of Regulars, 6 August 1858; Sacred Congregation of Bishops and Regulars, 24 March 1882; *A. S. S.*, vol. 15, p. 250 ff.; vol. 16, p. 292.

"Are nuns in general strictly bound under grave sin, by virtue of their profession, to the recitation of the Divine Office proper to their institute?—Response. Affirmative with respect to nuns who have professed solemn vows according to a rule approved by the Apostolic See in which a burden of this kind is imposed. But if such a burden is not imposed in the rules, let the petitioner consult approved authors concerning the obligation which can arise from custom. But where the vows are simple, they are not bound." Sacred Congregation of Bishops and Regulars, 19 April 1844.

With respect to sisters who, because of the iniquity of the times, emit simple vows in monasteries of solemn vows: "The Bishop of Conversano asked the aforesaid Sacred Congregation whether they are bound to the Divine Office under grave sin like those with solemn vows, and on 8 February 1887 the Sacred Congregation responded: Affirmative, according to the constitutions of the respective monastery."

"Whether cloistered nuns who have emitted only simple vows, in conformity with the instruction issued on this matter by the Sacred Congregation of Bishops and Regulars, are bound in conscience to the recitation of the Divine Office outside choir.—The same Congregation, having maturely considered the whole matter, ordered that the response be: Negative." Sacred Congregation of Bishops and Regulars, 2 May 1883; *M. E.*, vol. 7, part 2, p. 93.

Restitution on Account of Neglected Hours

"33. Restitution of fruits on account of the omission of the hours can be supplied by any alms which the beneficiary previously gave from the fruits of his benefice." Proposition condemned by Alexander VII. Cf. no. 104.

On the Form of the Canonical Hours

"1. Was the innovation in the years 1748 and 1749 of the Breviary and Missal of Le Mans, which were altogether alien to the Roman rite, lawful when the old Breviary and Missal, corrected according to the Roman form, had first been removed, and the innovation had been made or approved by the authority of the Bishop and Chapter of the Church of Le Mans alone and without consulting the Apostolic See?—2. Insofar as the response is negative, did at least a liturgy of this kind become lawful by force of prescription, or of immemorial custom, so that today any priest of Le Mans can observe it with a safe conscience?—3. Insofar as the response is again negative, is any priest of Le Mans, even a canon and pastor, immediately bound in conscience to discharge the canonical hours and celebrate Mass according to the Roman rite, namely, when he recites and celebrates privately?—Response. To the first: Negative. To the second: Negative. To the third: Let him consult together both Constitutions of Saint Pius V, namely, that which begins *Quod a nobis*, 7 Ides of July 1568, and the other which begins *Ex proximo*, 12 Kalends of October 1571." Sacred Congregation of Rites, 10 January 1852, Le Mans.—In the bull *Quod a nobis*, the Pontiff removes and abolishes all breviaries which do not exceed two hundred years by institution or lawful custom.—In the other Constitution, *Ex proximo* he declares that all who are bound to the hours do not satisfy their duty if they use another Breviary, and therefore that beneficiaries do not make the fruits their own.

"Can clerics be permitted Breviaries which consist of separate leaves?—Response. Clerics of this kind are not to be disturbed." Sacred Congregation of Rites, 20 March 1869, Toulouse.

On the Little Office of the Blessed Virgin Mary

"The hymn *Te Deum* in the Little Office of the Blessed Virgin Mary must be recited or said from the Nativity of the Lord until Septuagesima, and from the Sunday of the Resurrection until Advent; but in Advent and from Septuagesima until Easter, only on feasts of the Blessed Virgin Mary.—If the Office is recited in full, that is, with three Nocturns, the antiphons at Matins, Lauds, and Vespers are to be doubled; but not so if only one Nocturn is recited.—A commemoration of Saint Joseph can be added." Sacred Congregation of Rites, 27 February 1883, Rennes.

"1. Can a bishop by ordinary authority approve a translation into the vernacular language of the Little Office of the Blessed Virgin Mary which is read in the Roman Breviary?—2. Can that same Office, thus translated and approved, be published and used by the faithful dwelling within the boundaries of the diocese, and especially by Religious Congregations of either sex?—Response. To the first: Affirmative. To the second: Affirmative, but only for private recitation." Sacred Congregation of Rites, 24 April 1896, Bois-le-Duc. And indulgences are gained. Sacred Congregation of Indulgences, 18 August 1903.

On the Office of the Dead, Litanies, and the Angelic Salutation

Are Premonstratensian religious dwelling outside the monastery, concerning whom the Statutes of the Order are silent, on 2 November, on the day of Saint Mark, and during the three Rogation Days "otherwise bound under any sin to the private recitation of the Office of the Dead and the Litanies?—Response. Affirmative; that is, they are bound, just as all those are bound who have the burden of reciting the canonical hours." Sacred Congregation of Rites, 4 August 1877, Order of Premonstratensians.

"His Holiness willed and commanded that, after the other praises of the Blessed Mary in the Litany of Loreto, and this throughout the universal Church henceforth, there be added in the last place, namely: *Queen of the Most Holy Rosary, pray for us*." Sacred Congregation of Rites, 10 December 1883, for the City and the World.

"Our Most Holy Lord established and decreed that after the praise *Mother Most Admirable* in the Litany of Loreto, another be added: *Mother of Good Counsel, pray for us*." Sacred Congregation of Rites, 22 April 1903.

"Is it lawful, under the title of special devotion, to add some versicle to the Litany of the Saints or the Litany of Loreto, or to sing or recite in churches new litanies concerning whose approval the Ordinary is in no way certain?—Response. Negative; and let the decrees of the Sacred Congregation be observed in every respect, and let the Ordinaries take care to collect and prohibit any formulas of litanies, both printed and manuscript, whose approval is not established. And since litanies are under discussion, inasmuch as it has become known to the Sacred Congregation that in certain churches, especially on the occasion of the Forty Hours' Prayer, booklets are employed in which either the names of particular Saints are seen to have been added or one or another versicle is lacking in the prayers, therefore the Sacred Congregation, adhering to the Instruction of Pope Clement IX, § 24,

commands that no other booklets be employed except those printed by the press of the Reverend Apostolic Camera or those entirely conforming to them." Sacred Congregation of Rites, 31 March 1821, General Decree.

"The decrees which forbid every addition in the Litanies are to be observed." Sacred Congregation of Rites, 14 August 1858, D. 576.

"According to the general decree of the same Sacred Congregation of Rites, 31 March 1821, it is not lawful, under the title of special devotion, to add some versicle to the Litany of the Saints; nevertheless, if not a versicle, is it lawful to add the name of some Saint, or even of several Saints, especially if they are held as Patrons of the diocese?...—Response. Negative in all respects, according to decrees issued on other occasions." Sacred Congregation of Rites, 27 September 1873, Lodi.

"...All litanies, except the most ancient and common ones which are contained in breviaries, missals, pontificals, and rituals, and except the Litany of the Blessed Virgin which is customarily sung in the sacred Shrine of Loreto, are not to be published without the review and approval of the Ordinary, nor recited publicly in churches, public oratories, and processions without the permission and approval of the Sacred Congregation of Rites." Sacred Congregation of the Index, 23 April 1860, D. 3820. Add to the approved Litanies the Litanies of the Most Holy Name of Jesus and of the Most Sacred Heart of Jesus. Sacred Congregation of Rites, 2 April 1899, for the City and the World.

For Litanies to be recited lawfully in churches, especially before the Most Holy Sacrament, they need the approval of the Holy See. Sacred Congregation of Rites, 24 August 1880, Brescia; 6 March 1894, no. 3820. Unapproved Litanies cannot be recited or sung by nuns in public choir or in a public oratory. Sacred Congregation of Rites, 20 June 1896, no. 3317; 11 February 1898, no. 3981. Nor likewise can they be recited by several persons jointly in churches or public oratories without the intervention of the minister of the Church as such. Sacred Congregation of Rites, 20 June 1896, no. 3916.

"Whether, in sacred functions which are generally held in the evening hours in churches or public oratories with exposition of the Most Holy Sacrament of the Eucharist, it is lawful, as is the ancient custom in many churches even of the City, to sing the Litany of Loreto of the Blessed Virgin Mary by triple invocations, the faithful people responding with the fourth, and thus to complete in order the last invocation, *Queen of the Most Holy Rosary, pray for us?*—Response. Affirmative." Sacred Congregation of Rites, 6 December 1901.

"That custom of inserting between the first and second parts of the Angelic Salutation the words: 'Blessed is Jesus, Savior of the world; I ask God to grant us to know Jesus, to believe in Jesus, to hope in Jesus, to love Jesus, to imitate Jesus,' is altogether to be abrogated by you and prohibited by mandate of this Sacred Congregation. Indeed, nothing is contained in that prayer which is not holy and pious; but the Sacred Congregation judges that it is not to be tolerated that the Angelic Salutation, which possesses such great authority in the Church, be divided and another formula of prayer which has not been received by the Church be intermingled between its first and second parts." Sacred Congregation for the Propagation of the Faith, 19 April 1784, D. 957, 678, 689, 995.

On the Order of Offices

"A bishop must recite the Office and celebrate divine offices according to the rite of his diocese." Sacred Congregation of Rites, 11 June 1605, *For a Regular*, to the first.

"Beneficiaries are always bound to the Office of their own church; but simple priests can conform themselves to the Office of the place where they are staying." Sacred Congregation of Rites, 12 November 1831, Marsi, to the forty-sixth.

"Can secular priests who are considered attached to some church because they celebrate Mass there, hear confessions, or exercise any other sacred ministry, recite the Office of the Patron or Titular of that same church, who is not the Patron of the city or place, so that there may be uniformity between those priests and the pastor and assistant pastors of the church, who celebrate the feast of the Titular with the rite of a double of the first class with an octave, even though there is no obligation of choir? —Response. Negative, according to other decrees; for they must not be considered attached, but must actually be attached to the strict service of the church, as are the pastor and assistant pastor." Sacred Congregation of Rites, 7 December 1844, Mechelen, to doubt 1.

"Masters and students dwelling in a seminary are bound to the Office of the church attached to the seminary, although elsewhere they celebrate Mass, assist at sacred functions, and hear confessions." Sacred Congregation of Rites, 7 September 1850, Adria, to the first.

"While traveling, a regular bound to choir shall follow the calendar of the Divine Office of the monastery from which he departed; when he arrives at and remains in another monastery, even temporarily, let him follow its calendar. During Lent, preachers of the divine word staying outside the monastery must conform themselves to the calendar of the province, extended without any difference to all for each year." Sacred Congregation of Rites, 31 August 1839, Order of Friars Minor Capuchin, to the first and second; 25 September 1852, Order of Friars Minor; 27 June 1897, to the thirteenth, Order of Friars Minor.

"The decree by which the Sacred Congregation of Rites on 31 August 1839 prescribed that certain regulars must conform themselves to the Office of the community in which they reside, even though merely as persons passing through, is to be understood only of those regulars who recite the Divine Office in choir, and not indiscriminately of all, although they are not bound to choir." Sacred Congregation of Rites, 18 September 1877, in a case of the Society of Jesus, to the third.

"Must religious of either sex who do not have their own calendar use the diocesan calendar?—Response. Affirmative, with the addition of Offices particularly granted to regulars dwelling in that diocese." Sacred Congregation of Rites, 22 July 1848, *Doubts*, to the first.

"Chaplains and confessors of nuns cannot recite their Office." Sacred Congregation of Rites, 21 March 1795, Coimbra, to the third.[1]

"Whether in the Ambrosian Liturgy, as is done in the Roman, the feasts of Saint Joseph, Spouse of the Blessed Virgin Mary, and of the Annunciation of the Mother of God herself can henceforth be celebrated on 19 and 25 March even when they occur on Fridays of Lent, the Offices and Masses already revised being employed and the rubrics observed?—Response. Affirmative in all respects." Sacred Congregation of Rites, 23 February 1897.

Votive Offices Throughout the Year in Place of Ferial Offices

There was given "a general indult, both to chapters and to all communities of ecclesiastics and to individual members of both clergies, to discharge votive Offices throughout the year in place of ferial Offices, except on Ash Wednesday, throughout the whole of Passiontide, and in sacred Advent from 17 to 24 December; as regards choral recitation, with the consent of the chapter or community, to be approved once for all by the Ordinary; but as regards private recitation, at the pleasure of individual clerics." Sacred Congregation of Rites, 5 July 1883, for the City and the World.

"1. Are the words of the indult, 'but as regards private recitation, at the pleasure of individual clerics,' to be understood only of those who are bound to choir by no canonical title?—2. Once the recitation of the votive Office has been established with the consent of the chapter or community approved by the Ordinary, is it lawful at any time to depart from that acceptance?—3. Can the indult itself be accepted in such a way that on certain days of the year the ferial Office can be said in choral recitation, but on others votive Offices? "Response. To the first: Affirmative.—To the second and third: Negative. And thus they rescripted, declared, and commanded to be observed." Sacred Congregation of Rites, 10 November 1883, *Doubts*.

Recitation of One Office for Another

"34. One who recites the Paschal Office on Palm Sunday satisfies the precept." Proposition condemned by Alexander VII.

"Does a cleric constituted in sacred orders satisfy his obligation if, spontaneously or by invitation, he joins himself to clergy singing or reciting an Office different from the Office of that cleric?—Response. Generally, Negative." Sacred Congregation of Rites, 27 January 1899, Mariupol. Cf. Sacred Congregation of Rites, 11 June 1605, *For a Regular*, to the third.

"Whether, if through forgetfulness or inadvertence a double or semidouble Office of some Saint was omitted in choir or privately on the same day on which it should have been celebrated according to the rubrics, it must be celebrated on some other day of either the same month or another following month which is not impeded by an Office of nine lessons?—Response. Negative." Sacred Congregation of Rites, 17 June 1673, *Doubts*.

Commemorations at Vespers

"After the prayer of the day and before the others, a commemoration must always be made of another feast of whatever rite which concurs, if it has place; then the remaining commemorations are to be made according to the order which either the General Rubric of the Breviary, title 9, no. 11, or the Table of Occurrence inscribed in the same Breviary prescribes. This order is of the following tenor: 1. of a privileged Sunday; 2. of an octave day; 3. of a greater double; 4. of a lesser double reduced after the manner of simples; 5. of a common Sunday; 6. of a day within the octave of Corpus Christi; 7. of a semidouble; 8. of a day within a common octave, likewise reduced to the simple rite; 9. of a greater feria or vigil; 10. of a simple. And thus it commanded to be observed." General Decree of the Sacred Congregation of Rites, 5 February 1895.

Commemorations in the Suffrages Before Compline

The commemoration to be made of the Patron or Titular of the church is a commemoration of the Patron or Titular of one's own church, namely, to whose service a person is attached by any canonical title. Apart from the commemoration of the Titular or Patron of the church and, with respect to regulars, of their own Founder, no commemoration of the Patron of the place, diocese, province, or kingdom is to be made by force of the rubric, unless a contrary custom prevails. Thus from the General Decree of the Sacred Congregation of Rites, 27 June 1899, no. 4043.

It must be noted here that "he is called the Titular or Patron of the church under whose name or title the church was founded and from whom it is named. But the Patron of a place is properly he whom a certain city, diocese, province, kingdom, etc., has chosen for itself as a singular Patron before God, the rules established for his election in the decree of blessed memory of Urban VIII, 23 March 1630, being observed." Sacred Congregation of Rites, 9 May 1857, Saint-Brieuc.

On Patrons and Titulars in France

Cf. D. no. 3701.

On the Prayer to Be Added After Matins

When Matins is finished, when in private recitation it is separated from Lauds, is the prayer of the Office of the day to be said?—Response. The prayer of the Office is to be added Sacred Congregation of Rites, 18 May 1883, Mariupol.—After the respective prayer the following are to be added: ℣. *The Lord be with you*, etc.; ℣. *May the souls of the faithful*, etc.; and *Our Father*, etc. Sacred Congregation of Rites, 1 February 1886, *Doubts*.

Additions from Devotion

Cf. no. 131.

On the Time of Recitation

Cf. above, *On the Precepts of the Church*, no. 1571.

On Reciting Matins and Lauds on the Preceding Day

"At what hour is it lawful to begin the private recitation of Matins with Lauds on the evening of the preceding day?—Response. The private recitation of Matins with Lauds of the following day can begin when the sun holds the middle of its course between midday and sunset." Sacred Congregation of Rites, 16 March 1876, Zacatecas.

"The Sacred Congregation of Rites graciously granted that the Missionaries of the aforesaid Regular Province (the Westphalian Province of the Order of Friars Minor Capuchin), while sacred expeditions continue or when they apply themselves to preaching by reason of spiritual exercises, may anticipate the recitation of Matins with Lauds on the preceding day immediately after midday. This present indult is to remain in force for the next ten years. Anything whatever to the contrary notwithstanding." 20 November 1896.

Impossibility of the Entire Recitation

"54. He who cannot recite Matins and Lauds, but can recite the remaining hours, is bound to nothing, because the greater part draws the lesser to itself." Proposition condemned by Innocent XI.

On Clerics to Be Enrolled in Military Service

"The Supreme Congregation, which is called the Holy Office, by a mandate given to it by the Most Holy Father to examine the disastrous law concerning military conscription recently promulgated by the Italian government insofar as it affects clerics to be initiated into sacred orders, after it had diligently directed its attention to this matter in the meeting held on Thursday, in the fourth place, 9 September of this year 1875, moved by the intention that, insofar as it can be done, amid the innumerable difficulties which present themselves, it might render easy the promotion of those clerics who are rightly endowed with all the conditions prescribed by the sacred canons, and that those might be excluded who, after performing military service, give no certain guarantee that they will become good and useful priests, judged it opportune to furnish to the Most Reverend Bishops of the Italian dioceses certain rules, precepts, and instructions which can be applied to the various possible eventualities and which are all contained in the following articles.

"1. With respect to those ecclesiastical students who, through the greatest misfortune, belong to the first category and cannot hope that they will at some time be exempted from undergoing military service, nor, because money is lacking, enlist for one year of voluntary military service, their promotion to sacred orders must be deferred altogether until they have performed three or five years of service as conscripted soldiers, unquestionable proofs of a divine vocation having first been established.

"2. It seems by no means expedient in particular cases to invoke, by way of favor, a delay until the twenty-sixth year of age for undergoing either voluntary service of one year or compulsory service of three years, after the example of those whom articles 7, 8, and 9 of the law mention, with the intention that their studies may be completed and sacred orders received; because, although petitions of this kind might perhaps be accepted, disastrous and irreparable disadvantages could nevertheless follow from this, both for the Church and also for the students themselves, if by chance it should happen that, while they are performing military service, they lose, as they say, their divine vocation and are led away into wickedness or error.

"3. It seems more useful to approve their voluntarily undergoing military service for one year. To this end, the Most Reverend Bishops shall take care that a pious society, whether among clerics or among Catholic laity and presided over by those same Bishops, be established and promoted in their dioceses. From its donations the price established by the Sovereign could be paid, either in full or in part according to the various condition of the students, and assistance could be given to them during the time of voluntary military service.

"4. Nevertheless, this benefit ought to be conferred only upon those students who, both by reason of their good character and also by reason of the well-regulated conduct of their past life, afford the firmest hope that they will persevere in their holy purpose during the whole period of voluntary military service, and therefore afterward continue the course of ecclesiastical life; lest perhaps the idleness of someone be fostered and the liberality of the pious be squandered in vain upon one who,

shrinking from three years of military service, after the year of voluntary service had elapsed, would depart from the purpose of ecclesiastical life under the pretext of a lack of divine vocation.

"5. Students who are excluded from undergoing military service because of any bodily defects can be promoted to sacred orders, even within the two-year period during which they are subject to another examination by the military conscription board, provided that the defect is of such a kind that it cannot in any way be doubted that the preceding judgment of exclusion will not be revoked.

"6. Nevertheless, those things which have been decreed by the sacred canons remain firm and unchanged with respect to those who suffer from bodily defects which induce what is called irregularity; for them, a dispensation of the Roman Pontiff must be implored in individual cases.

"7. More ample precautions must certainly be employed with respect to young clerics who have performed compulsory military service for three or five years and then present themselves to resume the ecclesiastical habit and life. The criteria for admitting them can be these: (a) a divine vocation to the ecclesiastical state, already sufficiently proved beforehand; (b) commendable conduct of life constantly preserved throughout the time of military service; (c) a firm purpose of mind to resume the ecclesiastical habit and life immediately upon returning home.

"8. But in order that moral certainty may be had concerning the good dispositions of soul which the younger clerics preserved amid arms and the dangers of barracks life, the Most Reverend Bishops shall apply their most diligent labor, using all those helps which may be able, if not to overcome, at least to lessen the many difficulties that arise; some of these are proposed below.

"(a) Upon those young men who depart with the firm purpose of persevering constantly in their holy vocation, besides salutary admonitions that they cultivate and preserve the spirit by frequenting, insofar as it can be done, the duties of religion and by reading ecclesiastical books, especially the *Imitation of Christ* of à Kempis, there should be imposed, if necessary even delivered in writing, the obligation of continually informing their own bishop of the places where from time to time they have been stationed for a longer period with their military comrades, so that he may be able to recommend them to the vigilance, charity, and prudence of the local bishop and receive from him opportune information concerning them, an assistant there being chosen, some upright ecclesiastical man or even a layman, especially from among those who have enrolled in the society for contributing money toward payment of the tax imposed upon voluntary soldiers, concerning which above in article 3. This kind of guardianship is regarded as necessary, not merely very useful; nor should it seem so burdensome to the Most Reverend Bishops to render one another an office of this kind.

"(b) If sufficiently favorable reports have been received concerning the conduct of any, upon returning home they can be admitted anew into the number of the clergy, but not so readily to sacred orders. For unquestionable proofs of a divine vocation ought first to be required, a stay of one or two years in some ecclesiastical college or in the seminary itself being imposed upon those clerics, yet separately from the students; and where places of this kind are lacking, it is preferable to subject them to the direction and diligent vigilance of some upright, learned, and prudent priest, so that the ecclesiastical spirit may revive in the young men themselves and those vices may be corrected which, however cautious they may have been, it is exceedingly difficult for them not to have contracted in the exercise of military service.

"(c) Finally, the greater or lesser need for sacred ministers in each diocese ought to be a criterion for effecting their promotion to sacred orders more easily or with greater difficulty, lest at some time the Lord's anointed, when war threatens, be compelled again to undergo military service of greater or lesser duration according to the various categories in which they are enrolled, with the abundantly disastrous disadvantages which usually follow from it.

"9. For the same reasons, precautions no less grave are required in conferring benefices or cathedral canonries, especially the theological, penitentiary, and parochial ones. The latter ought to be conferred only—except in a case of extreme necessity—upon those who are no longer liable to military conscription, inasmuch as they have passed the thirty-ninth year of their age; and this should certainly be adopted in practice as a most firm axiom.

"10. To render this plan easier in practice, it would be praiseworthy and useful for the Most Reverend Bishops diligently to promote what are called ecclesiastical vocations among adult young men wholly exempt from every danger of ever again undergoing military service, whether by educating them for the sacred ministry in seminaries, yet separately from the students, or by educating others in whatever manner they shall judge opportune for obtaining a happy result.

"11. But if at some time necessity should perhaps compel parishes and other ecclesiastical benefices to be conferred upon priests who, although they have already completed the course of military service according to the categories to which they belong, are nevertheless bound by civil law to take up arms again when war presses, it is entrusted to the prudent judgment of the Most Reverend Bishops to employ special precautions in conferring them: by declaring the man placed in possession of the benefice removable in these cases; or at least by prudently obliging him to agree to the condition of voluntarily leaving, according to the prudent judgment of his own bishop, a portion of the revenues and proceeds of the parochial benefice to him who will meanwhile act in his place during his absence.

"12. The same condition would have to be required in the conferral of penitentiary and theological canonries.

"13. When, because of the varying rule of months or for other causes, the conferral belongs to the Holy See, it will likewise be opportune for the Most Reverend Bishops, in the commendatory letters which are given, to make express mention of the condition in which those who compete to obtain the benefice find themselves being made; namely, whether or not they are still subject to the law of undergoing military service at some time.

"14. The same measures of vigilance noted in article 8 under letter (a) ought to be employed with respect to those ecclesiastical men of whom article 11 treats whenever they serve as soldiers while war threatens; and once they have returned home from military service, before they undertake again to exercise sacred ministry, they must withdraw for appointed days in order to devote themselves to pious exercises of religion by which the ecclesiastical spirit may be aroused anew.

"15. In those cases which have thus far been mentioned, the Most Reverend Bishops can exempt pastors and others who possess ecclesiastical benefices from the law of continuous residence to which they would be bound by reason of their office; and likewise they can absolve clerics and priests from an irregularity into which they may perhaps have fallen during the whole period of military service.

"16. But if any cases with extraordinary and unforeseen circumstances should occur, it will belong to the prudence of the Most Reverend Bishops to have recourse to the Holy See for the reception of opportune instructions." Rome, 16 September 1875.

On Bullfighting

"Given the custom which prevails in Spain, namely, that bulls are driven in the arena, the undersigned petitioner, knowing that in certain places a priest is sent into the arena carrying holy oil with him so that, if necessity demands, he may administer Extreme Unction to one in need, humbly asks: 1. Can the prelate consent that a priest attend the spectacle carrying holy oil with him? 2. Given that it appears indecent for so holy a thing to be kept in so profane a place, could the holy oil be kept as a precaution in another nearby place? 3. Can it be tolerated that a priest, even by force of custom, be present at the arena?—Response. To the first: Negative.—To the second: It can be tolerated that the holy oil be kept in a nearby sacred place, or at least in an honorable and becoming one, precaution being taken lest from the presence of the holy oil the spectacle itself appear to be approved or promoted, and lest this be done by agreement.—To the third: Negative." Sacred Penitentiary, 19 September 1893.

On the Dwelling of Clerics with Women

"We altogether forbid priests, deacons, or subdeacons the companionship of concubines and wives, and cohabitation with other women except those whom the Synod of Nicaea permitted to live with them solely on grounds of relationship, namely, a mother, sister, paternal aunt, or maternal aunt, or others of this kind concerning whom no just suspicion can arise." First Ecumenical Lateran Council, canon 3.

Whether It Is Lawful for Clerics to Acquire Shares

"Is it lawful for clerics promoted to sacred orders or possessing benefices to acquire shares of the limited partnership of Città di Castello, which carried on the business of money?—Response. It is not lawful." Sacred Congregation of Bishops and Regulars, 30 January 1846, B., p. 530.

When a doubt was proposed concerning shares "in various commercial, industrial, or exchange companies, etc.," which had been received by two priests through inheritance and were to be retained, His Holiness graciously remitted the petition to the Bishop with all necessary and opportune faculties, so that, provided the things narrated were true, for five years only he might act upon, establish, and decree concerning the petitions, gratuitously, whatever in his judgment and conscience he should judge more expedient in the Lord. Sacred Congregation of the Council, 6 July 1855.

"Is it lawful for ecclesiastical persons to purchase certificates in railroads and receive the profit arising from them?—Response. His Holiness grants faculties to be communicated to the Bishops through the Sacred Congregation of Bishops, permitting ecclesiastics to receive shares of railroads from their own money only." Holy Office, 1 April 1857.

"Those are not to be disturbed who acquire in their own money certificates or shares of railroads and of similar companies or funds serving the public utility, provided that they are prepared to stand by the mandates of the Apostolic See, that they know for certain that those companies have no proposed

end which is unlawful or in any way suspect, and that they undertake no part of the administration in those companies, nor carry on the trading of shares of those same companies." Holy Office, 17 November 1875. Diocesan Synod of Albano, year 1886, part 4, article 1, no. 13; *M. E.*, vol. 5, part 2, p. 128.

On the Office of Advocate Exercised by Clerics

"1. Is it lawful for ecclesiastics of Castellammare to defend in lay tribunals their own cases and those of churches, the poor, and miserable persons without the permission of the Bishop?—2. Can they act or appear, by themselves or through procurators, in the said tribunals for their active civil cases against laymen without the permission of the Bishop in the case?—Response. To the first: Affirmative. To the second: Provision was made in the first." Sacred Congregation of Bishops and Regulars, 8 May 1716.

On Political Affairs Not to Be Treated by Missionaries

"...Always remain so far removed from political affairs and affairs of State that you do not undertake the administration of civil affairs even when asked and wearied by earnest entreaties; this this Sacred Congregation has always seriously and strictly prohibited and furthermore prohibits.... For the word of God is to be sown, not by these arts, but by charity, contempt for human things, modesty, frugality of life, patience, prayer, and the other virtues of apostolic men.... But if princes should at times seek your counsels, only after you have been asked many times and have pleaded this prohibition of Ours shall you give those counsels which are faithful, just, and wise unto eternity; but immediately leave the court and palace and depart into your dioceses to devote yourselves to sacred functions.... To the peoples, moreover, preach obedience toward princes, even those difficult to please; for their prosperity and welfare pray to God from the heart both privately and publicly; and do not censure their actions, even when they persecute, nor criticize their severity, nor reprehend anything in them; but in patience and silence await the time of consolation from the Lord. Do not in any manner sow factions in their regions, whether of the Spaniards, the French, the Turks, the Persians, or the like; indeed, insofar as lies in you, remove all contentions of this kind by the roots.... In the preaching of the word of God and the administration of the sacraments, do not create any suspicion of tumult and rebellion by the frequency of sermons and assemblies..., and altogether forbid public affairs to be treated on that occasion. Let neither you nor your men continually adhere to the side of anyone, nor be so beholden to anyone, especially to the more powerful, that you seem to serve him alone and not the whole province. Therefore, do not permit yourselves to be bound by excessive but insidious benefactions, which not only obstruct the common good but also impede the freedom of speaking and of reprehending the faults of the benefactor himself." Instruction of the Sacred Congregation for the Propagation of the Faith to the first Vicars Apostolic, 1659 23 November 1845; Sacred Congregation of the Holy Office, 1674; Clement XI, Constitution *In excelsa*, 13 September 1669; Alexander VIII, Constitution *Sacrosancti Apostolatus Officiis*.

Instruction of the Sacred Congregation of Bishops and Regulars, 21 July 1896, Concerning Secular and Regular Clerics Who Attend Government Universities for the Sake of Studies

"It is well known that the Roman Pontiffs, in every age and everywhere, have directed their thoughts and cares to the right formation of those who are called to the lot of the Lord. For they either erected or fostered with favor schools, seminaries, and universities of studies themselves, in which chosen students of both clergies could be imbued both with humane letters and with all sacred and profane sciences, and could also be honored with any academic degrees. Yet this was done in such a way that they were formed in true and genuine knowledge joined with faith and piety, since the direction and vigilance of doctrine and discipline, faith and morals, were exercised by the Apostolic See and by the Bishops.

"It happens in these days, however, on account of the changed circumstances of affairs in Italy, that certain members of both the secular and regular clergy are considered bound to complete certain courses of studies at the universities of the civil Government, from which the wise and salutary influence of the Church and the vigilance of sacred pastors are altogether excluded. Since matters stand thus, there is no one who does not see what and how great are the dangers and injuries which can befall ecclesiastical youth. Therefore cautious provision must be made so that the limits of the asserted necessity are not exceeded and the threatening dangers are diligently avoided. Wherefore the Sacred Congregation charged with the affairs of Bishops and Regulars has determined to impart the present Instruction, according to the mind of Our Most Holy Lord Pope Leo XIII, to the Bishops and Superiors of Orders and Congregations in Italy.

"I. Insofar as students who have acquired qualification outside the Government lyceums are also admitted to the universities, Bishops and Superiors of Orders and Religious Congregations shall not send their subjects to be prepared at the said lyceums, but rather to ecclesiastical institutes, schools, and colleges whose excellent and truly Catholic manner of teaching is fully ascertained. But if, because of the lack of such institutes, schools, and colleges, or for other grave causes, it should be altogether necessary to send some to the Government lyceums, those things established below concerning access to the universities are to be accurately observed in this case.

"II. Let no one of the secular clergy attend Government universities without the express permission of his Bishop; in granting it, the Bishop is to have before his eyes only what the necessity of the diocese demands, so that suitable professors furnished with a diploma may be obtained for institutes of instruction already erected or to be erected.

"III. Orders and Congregations which do not profess the office of teaching shall not send their students to Government universities. Novices of Orders and Congregations which teach by their institute shall never be sent to the said universities; but the professed shall not attend them unless the express permission of the Superior General has first been obtained. He shall grant it only to those who are required and sufficient for their colleges and schools.

"IV. Students of both clergies shall pursue in the said universities only those curricula of studies which relate to obtaining the laurea or the academic degrees which they need.

"V. An accurate selection of those to be sent to the universities is of the greatest importance. Permission is not to be given to students before they have laudably completed the entire course both

of philosophy and of theology prescribed by the diocesan statutes for the secular clergy and by the Constitutions of the Order or Congregation for religious.

"VI. Regard is indeed to be had in those who are sent for strength and perspicacity of intellect, assiduity in studies, and a character which ought to be well educated, strong, and tenacious of a good purpose. But above all it must be examined what uprightness of soul and integrity of morals are found in those to be chosen. They must be young men who esteem most highly the gift of faith and the vocation by which they have been called to the lot of the Lord; who ardently love the Catholic Church; who profess veneration and obedience toward the Holy Apostolic See in mind, word, and deed; young men who, imbued with the teachings of our most holy Religion and devoted to pious exercises, shine forth by integrity of morals and the praise of a truly ecclesiastical life. Finally, let such be chosen as afford a well-founded hope that each, by his manner of acting, will add honor to the ecclesiastical body through excellence in the sciences and vindicate veneration for it through the praise of his virtues.

"VII. In order to forestall dangers more safely, let the Bishops take care that their ecclesiastical students, as long as they attend the university, dwell in the seminary; if this does not exist, in some religious house, or at least with some approved secular priest—unless perhaps they have parents there in whose house they can dwell. Diligent priests or laymen of recognized piety would also seem worthy of praise and favor if, wherever it can be done, they were to establish some hospitable house for ecclesiastical students, in which the latter might find, at little expense, a safe dwelling suited to quiet study and to the exercises of a pious life.

"VIII. If the university is situated outside the diocese, the students' Ordinary shall commend them to the Bishop of the place, to whom the students shall be bound to present themselves when they arrive and repeatedly to pay their respects while they remain there. Let the Ordinary and the Bishop of the place agree with one another that the students be committed to the care and vigilance of some priest outstanding in virtue, knowledge, and experience with youth, who may direct them and repeatedly inform the Ordinary concerning their manner of acting. Moreover, let the Bishop require frequent letters from his students; and let him himself gladly use this epistolary commerce to instruct, encourage, and confirm them in their holy purpose by counsels and admonitions.

"IX. Superiors of Orders and Congregations shall always prefer universities in places where they have a house of their Order or Congregation, and shall command the students to dwell in it. If they have no house of their own in any university city, they shall take every care that the students be received into another religious house, an episcopal seminary, or another ecclesiastical institute. When a convent or house of their own is lacking, they shall never send only one of their subjects to attend a university, but two together or more, so that they may guard and assist one another and encourage one another to the fulfillment of the duties of their vocation. Let them command the Superior of the nearest house, or another religious man endowed with virtue, knowledge, and diligence, repeatedly to visit those students, to examine and report upon their manner of life and assiduity in studies, so that the Superior General may be able to provide by opportune counsels according as there is need. Moreover, let the Superior General take care that the students write letters to him; and let him frequently write back to them, so that he may foster their union with the head of the Order or Congregation and by paternal instructions and admonitions preserve them in the spirit of obedience and observance.

"X. To the zeal and prudence of the Bishops and Superiors is committed the care of choosing among several that university in which lesser dangers are foreseen and, from the circumstances, the employment of counsels by which provision may be made for the tranquility, morals, and progress of the students appears easier. If by chance it should happen that some professor sometimes gives lectures *ex professo* against religion or morals, let the Bishop and Superior General take care that the students either pass to another university or not be present at lectures of this kind, relying, namely, upon the disposition of the law which requires registration in the university course but does not demand attendance at all and each of the lectures. Apart from this case, however, let ecclesiastical students attend the lectures diligently, so that they may provide for their own progress in the sciences, exhibit to their fellow students an example of assiduity, and to the professors a testimony of respect.

"XI. As regards books and compendia of lectures in which perhaps certain things occur against religion, morals, the truth of ecclesiastical history, or the rights of the Catholic Church or of the Roman Pontiff, insofar as the use of such books or compendia cannot be avoided, the Bishops and Superiors shall provide in the case as is fitting; and moreover they shall take care to furnish an antidote to the poison through excellent books to be procured for their students and through the assistance of priests outstanding in learning, piety, and experience, who may bring help to the students in recognizing the snares of sophisms and refuting the errors with which schoolbooks or summaries of lectures might be infected.

"But let them earnestly deter their students from reading newspapers or periodical pamphlets which deceive by false or dangerous doctrines, accounts, and illicit things, and little by little, imperceptibly disturb and pervert the manner of thinking and acting rightly.

"XII. Let the Bishops and Religious Superiors exhort their subjects to show themselves respectfully observant, with dignity, toward the administrators and professors of the university; but let them treat all their fellow students courteously, yet no one with great familiarity. Let them altogether forbid them to enroll in circles or other associations, whatever their name, of a political or contentious character; and let them never be present at assemblies of students which may be convened, whose end or purpose is to complain against the administrators or professors or to protest in any manner whatever.

"XIII. Let Bishops who have their see in university cities take care most lovingly to foster circles or societies of ecclesiastical students where they exist and diligently to found them where they are lacking. For this let them employ the work of priests, whether secular or regular, whom they judge more suitable; at least one of these shall discharge the office of ecclesiastical assistant. It shall belong to this assistant to convoke the meetings of the students and preside over them. In these meetings, ecclesiastical students, with political contentions and party zeal removed, shall discuss, debate, or read upon humane letters, historical disciplines, and philosophical or theological theses. Nor shall they omit to pour forth together certain pious prayers and to appoint other opportune acts of religion and piety to be fulfilled on fixed days, so that praiseworthy emulation, fraternal charity, and Christian piety may reign in these associations. Secular students can also be admitted into these circles of ecclesiastics, but cautiously and with the ecclesiastical assistant approving; and only those who are well regarded in their manner both of thinking and of acting and are commended for religion, piety, and excellent morals.

"XIV. Let the Bishops and Religious Superiors each earnestly exhort their own students to persevere firmly in the spirit of their holy vocation. To this end, let them readily employ all the more efficacious means, namely, prayer, frequency of the sacraments, the exercise of pious acts, contempt of vanities, and flight from evil and even idle men. Fidelity in acts of observance which are suited to their state is especially to be commended to religious students, namely: each day, mental prayer, examination of conscience, spiritual reading, silence, and retirement.

"During the annual vacations, religious students shall return altogether to their convent or to a religious house of their Institute; everywhere they shall resume with the community the acts of regular observance. During the said vacations, all students, whether of the secular or regular clergy, shall devote themselves to holy spiritual exercises.

"XV. But if, notwithstanding the precautions and diligences thus far indicated and others which pastoral and paternal solicitude may suggest, Bishops or Religious Superiors should know that any of their subjects is departing from the right path of truth or virtue, let them recall the one who is going astray from the university without delay; for it is preferable to interrupt his course of studies rather than thus permit him to suffer detriment to his soul."

On Ecclesiastical Pensions

"The Holiness of Our Lord, considering on the one hand that the number of ecclesiastical benefices has been greatly diminished, and desiring on the other hand to have a means of coming to the assistance of poor Priests, has deigned to decree, in conformity with the august intentions already manifested to Your Eminence:

"1. That, beginning from this day, at the very act of their promotion, all and each of the pensions of which they may happen to be in possession must be lost by all those who are promoted to the cardinalitial dignity, to residential Bishoprics, to Nunciatures of the first and second class, to the Secretariates of the Sacred Congregations of Bishops and Regulars, of the Council, and of Propaganda, as well as to the office of Assessor of the Holy Office and of Major-domo of His Holiness.

"2. That all those who already enjoy an ecclesiastical pension cannot obtain another unless they disclose to the Apostolic Datary that which they already enjoy; this disclosure must be made under penalty of nullity of the grant of the second pension.

"3. That all those who enjoy ecclesiastical pensions, at the act of obtaining any benefice in Rome, must lose those pensions. To prevent any fraud, those appointed to any benefice, before having the relative Bulls expedited, must, under penalty of nullity of the provision which may happen to be at issue, declare the pensions which they already enjoy.

"4. That the privileges be abrogated and abolished which, by virtue of pontifical grants, the Cardinals of the Holy Roman Church, the Conclavists, other persons, or colleges of persons have hitherto used to transfer to others the pensions conferred upon them.

"5. The other dispositions of common law concerning the manners in which ecclesiastical pensions become vacant remain firm and in their full force.... 24 May 1899." Secretariat of State.

On the Election, Presentation, and Deposition of Bishops

"Every election of a bishop, priest, or deacon made by princes shall remain invalid according to the rule (Apostolic Canon 30) which says: 'If any bishop, having employed secular powers, should obtain a church through them, let him be deposed, and let all who communicate with him be separated. For it is fitting that he who is to be advanced to the episcopate be elected by bishops, as was defined by the holy Fathers who assembled at Nicaea in the rule (canon 4) which says: It is most fitting that a bishop be ordained by all the bishops who are in the province. But if this should be difficult, either on account of pressing necessity or on account of the length of the journey, nevertheless, with three assembling together in every manner for this same purpose, let the consecration then take place. But confirmation of the things which are done in each province shall be assigned to the Metropolitan Prelate.'" Seventh Ecumenical Synod, Second Council of Nicaea, year 787, canon 3, *On Sacred Elections*.

"In agreement with the Apostolic and synodical canons which altogether forbid promotions and consecrations of bishops made by the power and command of Princes, We define and pronounce Our judgment also: if any bishop, through the craftiness or tyranny of Princes, has received consecration to a dignity of this kind, let him be deposed in every manner, since he wished or consented to possess the house of God not from the will of God and by ecclesiastical rite and decree, but from the will of carnal sense, from men and through men." Eighth Ecumenical Synod, Fourth Council of Constantinople, canon 12.

"In agreement with the preceding Councils, this holy and universal Synod has defined and established that promotions and consecrations of bishops are to be made by the election and decree of the college of bishops, and it promulgates by law that none of the lay Princes or powerful men is to insert himself into the election or promotion of a patriarch, metropolitan, or any bishop, lest, namely, disorderly and unfitting confusion or contention arise from this, especially since it is fitting that no one among those in authority or among the other laity have any power in such things, but rather be silent and attend to his own affairs until the election of the future pontiff regularly receives its completion from the college of the Church. But if any layman is invited by the Church to take counsel and cooperate, it is lawful for such a one, with reverence, if perhaps he wishes, to comply with those who call him; for in this manner he may regularly promote for himself a worthy pastor for the salvation of his Church. But whoever among secular Princes and powerful men, or any layman of another dignity, attempts to act against the common, harmonious, and canonical election of the ecclesiastical order, let him be anathema until he obeys and consents to that which the Church shall have shown itself to will concerning the election and ordination of its own Prelate." Eighth Ecumenical Synod, Fourth Council of Constantinople, canon 22.

"Let no one lay hands upon anyone for consecration as bishop unless he has been canonically elected. But if he should presume to do so, both the consecrated and the consecrator shall be deposed without hope of restoration." First Ecumenical Lateran Council, year 1123, canon 10.

"Those also who have migrated from church to church We hold alien from Our communion until they return to those cities in which they were first constituted. But if, while one has migrated elsewhere, another is ordained in the place of the living man, he who deserted his city shall remain without priestly dignity for as long as his successor rests in peace." Anathemas of Pope Damasus in the Fourth Roman Synod, year 380, no. 9.

"50. The lay authority has of itself the right of presenting bishops, and can require of them that they undertake the governance of dioceses before they themselves receive canonical institution from the Holy See and Apostolic Letters.—51. Indeed, the lay Government has the right of deposing bishops from the exercise of pastoral ministry and is not bound to obey the Roman Pontiff in those things which concern the episcopate and the institution of bishops."—Propositions condemned by Pius IX in the *Syllabus*.

Cf. the Instruction of Urban VIII, year 1627, concerning the construction of processes of inquiry into the qualities of those who are to be promoted to the governance of cathedrals or other higher churches or monasteries.

"It was always a matter of the greatest care to the Roman Pontiffs that such Pastors be placed over each Church throughout the world as would know well and be vigorously capable of sustaining so great a burden, formidable even to angelic shoulders. From this it came about that from ancient times they issued many enactments by which either new norms for the happy selection of Bishops were handed down or the observance of those already handed down was urged.

"Among these, We judge worthy of special remembrance those things which, before the Most Sacred Council of Trent, the Supreme Pontiff Leo X (bull *Supernae dispositionis*, issued 3 Nones of May 1514), and after it Sixtus V (bull *Immensa*, issued 11 Kalends of February 1587), Gregory XIV (bull *Onus*, issued on the Ides of May 1591), and Urban VIII (Instruction concerning the manner of observing the prescriptions of the Council of Trent and the Constitution *Onus* of Gregory XIV in processes for the election of Bishops, issued in the year 1627.—In the Council of Trent this matter is treated in session 7, chapter 1; session 24, chapter 2; session 25, chapter 1) most wisely established concerning the qualities of those to be promoted and the form to be observed in their promotion. Nevertheless, We desire above all to recall those things which were decreed by Our Predecessors of pious memory, Benedict XIV (bull *Ad Apostolicae*, issued 16 Kalends of November 1740, and *Gravissimum*, issued 18 January 1757) and Leo XIII (bull *Immortalis memoriae*, issued 11 Kalends of October 1878). The latter, grieving that the method introduced by the former in this most grave matter had gradually receded from use and intending to restore it, from the first year of his Pontificate established by the Constitution *Immortalis memoriae* a special Congregation of Cardinals of the Holy Roman Church, whose office it was, while the form and procedure hitherto observed by this Holy See in all respects in the election and confirmation of Bishops of foreign regions remained intact, diligently to lend its work to the promotion of those to be placed over the dioceses of Italy.

"The salutary effects of this most provident institution having been proved by experience, scarcely had We, though unwilling, by God's disposition undertaken to govern the universal Church, when We directed Our mind to perfecting and advancing it. To this end, joining the aforesaid Congregation for the election of the Bishops of Italy founded by Leo XIII to the Supreme Sacred Congregation of the Holy Office, over which We Ourselves immediately preside, We decree and establish that—while there are preserved in their entirety the procedures and forms which at present are employed in the election of Bishops for places subject to the Sacred Congregations of the Propagation of the Faith and of Extraordinary Ecclesiastical Affairs, or where the matter is regulated by particular Constitutions or Concordats—the selection and promotion of all other Bishops be referred to the same Supreme Congregation of the Holy Office as its own proper matter.

"And since it is proper to this Congregation that its members and officials, for the faithful discharge of their office and for preserving secrecy inviolate in all things and with all persons, are bound under penalty of major excommunication *latae sententiae*, to be incurred by the fact itself and without another declaration, from which they can be absolved by none except Us and Our Successors for the time being, the Roman Pontiffs, exclusively even with respect to the Sacred Penitentiary and the Lord Cardinal Major Penitentiary himself, except at the point of death: We will and expressly declare that all and each person, of whatever dignity and preeminence they may be, who happens to have a part in any manner, by any reason or title, in the business of choosing Bishops through the aforesaid Supreme Congregation of the Holy Office, shall henceforth be bound by precisely the same obligation under altogether the same penalties and sanctions.

"But so that a certain and constant norm might be at hand for that same Supreme Congregation in dispatching this most grave business, We have taken care to have the method to be followed in this matter described point by point in an opportune Instruction. In it, besides those things which We established concerning the most accurate inquiry to be carried out into the faith, life, morals, and prudence of those to be promoted, We have recalled into full force the examination in doctrine which, with regard had for the prescriptions of Saint Charles Borromeo in the First Provincial Council of Milan, part 2, We command to be made without exception by those to be promoted themselves.

"Finally, so that all these things may be fully fulfilled by the Supreme Congregation of the Holy Office itself, We command those to whom it pertains that the vacancy of episcopal sees not excepted above be notified to it henceforth as soon as possible and by direct means, by letters addressed to its Cardinal Secretary.

"These things We declare, decree, and sanction, anything whatever to the contrary notwithstanding.

"Given at Rome, at Saint Peter's, on 17 December 1903, in the first year of Our Pontificate." Pope Pius X.

Reserved Benefices

"Can the conferral in Latin America of a deanery and other benefices of cathedral or collegiate churches subject to Apostolic reservation, made by Ordinaries without a special indult of the Holy See, be considered valid in dioceses where common law has not been derogated from by agreements of the Holy See with civil governments or otherwise by another special grant of the Roman Pontiff?

"Response. Negative, unless there is a special, authentic, and indubitable indult of the Holy See; this therefore is not to be presumed, but must be certainly proved and expressly recalled to memory in the very instrument of conferral of the benefice." Sacred Congregation of Extraordinary Ecclesiastical Affairs, 5 November 1901; *A. S. S.*, vol. 34, p. 400.

Instruction of the Sacred Congregation for the Propagation of the Faith, 10 October 1884, on Competitions for Parishes

"The Council of Trent decreed (session 24, chapter 18, *On Reformation*): 'The Bishop, immediately upon receiving notice of the vacancy of a parochial church, shall, if there is need, appoint in it a

suitable vicar with a fitting portion of the fruits assigned at his judgment, who shall sustain the burdens of that church until provision is made for it concerning a rector.'

"It then belongs to the Bishop to announce the competition by public edicts. The term to be established in the edicts according to the same Council of Trent is ten days; but the Constitution *In conferendis* of Saint Pius V, § 6, grants that this term can be prolonged for another ten days and no further. Once the term established in the edicts has elapsed, the competition takes place. But since neither in the conciliar decree nor in the Pius V Constitution had any certain and particular form or method to be observed in conducting the examination in the competition been proposed, therefore, in order to avoid the inconveniences arising from this, the Sacred Congregation of the Council, in letters issued by command of Clement XI of holy memory on 10 July 1721, prescribed a certain method of holding a competition for parochial churches to be observed thereafter. At a later time, Benedict XIV of holy memory, in the Constitution which begins *Cum illud*, 14 December 1742, confirming the aforesaid letters—which are reproduced there in full—judged that certain things were moreover to be added or changed, and that certain things briefly handed down in them were to be explained more clearly.

"According to the prescription of the Council of Trent and of the Constitution of Benedict XIV, the examination by competition, both concerning doctrine and concerning the other requisite qualities of the competitors, is to be held when the vacancy of a parochial church has occurred. Nevertheless, in certain dioceses there prevails a custom of separating the examination concerning doctrine from the examination concerning the other canonical requisites, and, the latter being reserved for the competition itself for the vacant parish, of instituting the examination concerning knowledge at another more opportune time. Therefore, an examination concerning knowledge is generally held twice a year; those who are approved in it have the right to compete for any parochial benefice which becomes vacant within the next six years, but at the end of the six-year period they are bound to present themselves again for examination if they wish to obtain a parochial benefice. Those who have been appointed among the synodal or pro-synodal examiners, or who, because of the dignity of an office or benefice which they enjoy or because of the long labor by which they have served the Church with praise, furnish abundant testimony of knowledge, can be dispensed by the Bishop, after hearing the judgment of the examiners, from the law of undergoing this new examination when the six-year period has elapsed. Moreover, when some parish is vacant, a competition is held, the examiners—after employing the precaution which is in use—judging which of the competitors are fit to govern the vacant parish, while the Bishop's right of choosing from among those approved the one whom he himself judges worthier and more suitable always remains intact. This practice, moreover, is customarily approved by the Apostolic See for a time."

On the Doctorate

"1. Whoever in the same year wishes to follow the double theological and legal course shall lose every right to academic degrees in both courses.

"2. The Superiors of any school, lyceum, or University, before admitting them to the examination for degrees, must require from the candidates a certificate establishing that they were not at the same time enrolled in another Institute.

"3. No one shall be admitted to the school of the canonical text unless he proves in writing that for one year he attended the Institutes of Canon Law at some lyceum or Seminary." Sacred Congregation of Studies, 11 July 1896.

Whether an Honorary Doctorate Suffices for Obtaining Benefices and for Other Canonical Effects

Cf. *M. E.*, vol. 15, pp. 316, 471.

Plurality of Benefices

"57. The prescription of the synod which generally and indiscriminately rejects as an abuse every dispensation by which more than one residential benefice is conferred upon one and the same person; likewise, insofar as it adds that it is certain, according to the spirit of the Church, that no one can enjoy more than one benefice, even a simple one: by reason of its generality, derogates from the moderation of the Council of Trent, session 7, chapter 5, and session 24, chapter 17." Proposition of the Synod of Pistoia condemned by Pius VI.

Secularized Religious with Respect to Benefices

"1. Do Religious permanently secularized by a simple Rescript of perpetual Secularization have authorization to receive and retain Ecclesiastical Benefices, whether Residential or even with the Care of Souls, without habilitation by the Apostolic See?—2. Are the institutions of Pastors and Canons who were formerly Religious merely perpetually secularized and not habilitated for Benefices invalid, although made in good faith?—3. Finally, can they themselves remain in possession of the Benefices as lawful possessors?—Response. To the first: Negative.—To the second: The investitures at issue in the case are null in their root.—To the third: Negative; and let them have recourse to the Holy See for sanation, revalidation, habilitation, and faculty." Sacred Congregation of Bishops and Regulars, 14 January 1899.

"Whether Pastor M., perpetually secularized and lawfully instituted in the Care of Souls, could make his own the fruits of the Parochial Benefice, and in what measure?—Response. Affirmative to the first part.—To the second: Only for his suitable support." Sacred Congregation, 21 February 1899.

Vacancy of Benefices Through the Profession of Simple Vows

"Does perpetual profession (of simple vows) in the Congregation of the Missionary Sons of the Immaculate Heart of the Blessed Virgin Mary induce the vacancy of residential benefices?—Response. Affirmative." Sacred Congregation of Bishops and Regulars, 25 August 1903; *M. E.*, vol. 15, p. 342.

Profession of Faith

"Do those who obtain a benefice with the care of souls, dignities, and canonries in metropolitan or cathedral churches satisfy the precept of the Sacred Council of Trent, session 24, chapter 12, *On Reformation*, if they emit the profession of faith after receiving institution and collation but before they are placed in possession in the case, etc.?—Response. Affirmative." 23 April 1902; 11 May 1782.

On the Election of the More Worthy to Benefices

"The Holy Synod exhorts and admonishes all and each who in any manner have from the Apostolic See any right concerning the promotion of those to be placed in charge, or who otherwise lend their labor, innovating nothing in these matters according to the present circumstances of the times, that they remember above all that they can do nothing more useful for the glory of God and the salvation of peoples than to take care that good pastors, fit for governing the Church, be promoted; and that, by sharing in the sins of others, they sin mortally unless they diligently take care that those whom they themselves judge more worthy and more useful to the Church be placed in charge—not through prayers, human affection, or suggestions of those soliciting, but as their merits demand—and those whom they know to have been born of lawful marriage and to be endowed with life, age, learning and all the other qualities which are required according to the sacred canons and the decrees of this Council of Trent.... The same Synod decrees that all and each of those things which have elsewhere been established in that same Synod concerning the life, age, learning, and other qualities of bishops to be placed in charge are likewise to be required in the creation of Cardinals of the Holy Roman Church, even if they are deacons; these the Most Holy Roman Pontiff shall assume from all the nations of Christendom, insofar as it can conveniently be done, according as he finds them suitable." Council of Trent, session 24, chapter 1, *On Reformation*.

"54. When the Council of Trent said that those sin mortally by sharing in the sins of others who promote to churches any except those whom they judge more worthy and more useful to the Church, the Council seems, first, by 'more worthy' to wish to signify nothing other than the worthiness of those to be elected, the comparative being taken for the positive; or, second, by a less proper manner of speaking it puts 'more worthy' so that they exclude the unworthy, but not the worthy; or, finally, third, it speaks when a competition is held." Proposition condemned by Innocent XI.

"Does a Bishop possess the right to elect to the prebend of the theologian and penitentiary him whom he himself judges more worthy among those approved in a formal competition; or is he rather bound to elect him whom the examiners have declared more suitable in the same competition?—Response. Affirmative to the first part; negative to the second." Sacred Congregation of the Council, 21 December 1829; *A. S. S.*, vol. 2, pp. 81, 122.

"A Bishop is not bound to elect as more worthy him whom the examiners approved by a greater number of votes." Sacred Congregation of the Council, 3 March 1877.

On the Number of Synodal Judges and Examiners

"It was established by the Council of Trent, session 25, chapter 10, that in each diocesan synod some suitable persons are to be designated by the Bishop, to whom ecclesiastical and spiritual cases and those pertaining to the ecclesiastical forum are to be committed by delegation in the regions, in such a way that each diocese has at least four, and even more, approved persons to whom cases of this kind can be delegated. This disposition of Trent is more broadly explained and illustrated by Benedict XIV in his Apostolic Letter beginning *Quamvis*, 26 August 1741, and also in his golden work *On the Synod*, book 4, chapter 5. The same is to be said concerning Synodal Examiners, for the Council of Trent, session 24, chapter 1, decreed that in a diocesan synod at least six Examiners are to be proposed who satisfy the synod and are approved by it.

"From this manner of speaking, moreover, Trent indicates clearly enough both that more than six can be designated and that it desires more to be proposed, as Benedict XIV rightly observes in his work *On the Synod*, book 4, chapter 7, no. 3, after Barbosa in the *Collection* on chapter 17, session 24, no. 85. There, nevertheless, it is reported to have been decided by the Sacred Congregation of the Council that no more than twenty are to be proposed, perhaps, the Pontiff continues, because of the danger that, when their number is increased excessively, the selection of the persons proposed may be less diligent.

"The Most Eminent Fathers of this Sacred Congregation, weighing these things with mature deliberation, have reached this judgment through the present decree: that the number of Synodal Judges and Examiners is to be restrained, yet in such a way that, with this Sacred Order authorizing, only those are to be had, and in the following numbers, namely: nine Synodal Judges and twenty Synodal Examiners." Sacred Congregation of the Council, 15 September 1874.

Residence of Rectors of Churches

"Since by divine precept it has been commanded to all to whom the care of souls is committed to know their sheep, offer sacrifice for them, feed them by the preaching of the divine word, the administration of the sacraments, and the example of all good works, exercise paternal care for the poor and other miserable persons, and apply themselves to the other pastoral duties—and since all these things can in no way be performed and fulfilled by those who do not watch over or assist their flock, but desert it after the manner of hirelings—the Most Sacred Synod admonishes and exhorts them that, mindful of the divine precepts and made a pattern of the flock, they feed and govern in judgment and truth. But lest those things which had already been holily and usefully enacted concerning residence under Paul III of happy memory be drawn into meanings alien to the mind of the Most Sacred Synod, as though by force of that decree it were lawful to be absent for five continuous months, the Most Sacred Synod, adhering to them, declares that all placed over any patriarchal, primatial, metropolitan, and cathedral churches, under whatever name and title, even if they are Cardinals of the Holy Roman Church, are bound to personal residence in their church or diocese, where they are bound to discharge the office enjoined upon them; nor can they be absent except for the causes and in the manners written below. For since Christian charity, urgent necessity, due obedience, and evident utility of the Church or commonwealth sometimes demand and require that some be absent, the same Most Sacred Synod decrees that these causes of lawful absence are to be approved in writing by the Most Blessed Roman Pontiff or by the Metropolitan, or, when he is absent, by the oldest resident suffragan Bishop, who must likewise approve the absence of the Metropolitan; except when the absence occurs because of some duty and office of the commonwealth attached to the episcopate. Since its causes are notorious and sometimes sudden, it will not be necessary even to notify the Metropolitan of them. Nevertheless, it shall belong to him together with the Provincial Council to judge the permissions given by himself or by a suffragan, to see that no one abuse that right, and that those who err be punished with canonical penalties. Meanwhile, let those about to depart remember that provision must be made for their sheep in such a way that, insofar as it can be done, they receive no harm from their absence. But since those who are absent only for a short time are not considered absent according to the judgment of the ancient canons, because they are immediately to return, the Most Sacred Synod wills that, apart from the aforesaid causes, that period of absence in each year, whether continuous or interrupted, ought in no manner to exceed

two, or at most three, months; and that care be taken that this occur for an equitable cause and without any detriment to the flock. Whether it is so, it leaves to the conscience of those departing, which it hopes will be religious and God-fearing, since hearts lie open to God; at their peril they are bound not to do His work deceitfully. Meanwhile it admonishes and exhorts them in the Lord that during that period of the Lord's Advent, Lent, the Nativity and Resurrection of the Lord, Pentecost, and likewise the days of Corpus Christi—on which the sheep ought especially to be refreshed and rejoice in the Lord through the presence of the pastor—they are in no manner to be absent from their cathedral church, unless episcopal duties call them elsewhere in their diocese.

"But if anyone—which may it never happen—should be absent contrary to the disposition of this decree, the Most Sacred Synod establishes, besides the other penalties imposed and renewed under Paul III against nonresidents and the guilt of mortal sin which he incurs, that in proportion to the time of absence he does not make the fruits his own, nor can he with a safe conscience, even when no other declaration has followed retain them for himself; but he is bound, either by himself, or, if he fails to do so, through the ecclesiastical superior, to distribute them to the fabric of the churches or to the poor of the place. Every agreement or settlement which is called one for fruits wrongly received, by which even the aforesaid fruits might be remitted to him in whole or in part, is prohibited, notwithstanding any privileges granted to any college or fabric.

"The Most Sacred Synod declares and decrees precisely the same, even as regards guilt, loss of fruits, and penalties, concerning inferior curates and all others who obtain any ecclesiastical benefice having the care of souls; yet in such a way that whenever it happens that they are absent, the cause having first been considered and approved by the Bishop, they shall leave a suitable vicar, to be approved by the Ordinary himself, with a due assignment of compensation. They shall not obtain permission to depart, to be granted in writing and gratuitously, for more than two months unless for a grave cause. But if, when cited by edict even not personally, they should be contumacious, it wills the Ordinaries to be free to compel them through ecclesiastical censures, sequestration and withdrawal of fruits, and other remedies of law, even to deprivation; nor can this execution be suspended by any privilege, permission, familiarity, exemption—even by reason of any benefice—agreement, statute confirmed even by oath or by any authority, custom even immemorial, which is rather to be judged a corruption, or appeal or inhibition even in the Roman Curia, or by force of the Constitution of Eugene. Finally, the Holy Synod commands both that decree under Paul III and this present one to be published in provincial and episcopal councils; for it desires those things which belong so greatly to the duty of pastors and the salvation of souls to be frequently impressed upon the ears and minds of all, so that henceforth, with God assisting, they may not be abolished by any injury of the times, forgetfulness of men, or desuetude." Council of Trent, session 23, chapter 1, *On Reformation*.

Erection and Custody of Sacred Archives

Cf. the Constitution of Benedict XIII, *Maxima vigilantia,* XVIII Kalends of July 1727.

Bishops Who Are Administrators

Translated Bishops who meanwhile retain in Italy the temporary administration of their former diocese "can, only during an administration of this kind, enjoy all the honors, privileges, indults, and

faculties which belonged to them as the proper Ordinary Bishops." Sacred Congregation of Rites, 25 June 1897, no. 3958.

Visitation of the Diocese

"...Bishops shall not neglect to visit their own diocese by themselves, or, if they are lawfully impeded, through their Vicar General or a visitor; if on account of its extent they cannot visit the whole each year, let them visit at least the greater part of it, yet in such a way that the whole is completed within two years by themselves or their visitors.... The principal end shall be to introduce sound and orthodox doctrine, heresies having been expelled; to protect good morals and correct evil ones; to inflame the people by exhortations and admonitions toward religion, peace, and innocence; and to establish the other things, according as place, time, and occasion shall permit through the prudence of the visitors, for the fruit of the faithful.... Neither they nor any of their men shall receive anything by reason of procuration for the visitation...neither money nor any gift whatever, even however it may be offered except, nevertheless, provisions for food, which are to be furnished to them and their men frugally and moderately, only according to the necessity of the time, and no further." Council of Trent, session 24, chapter 3, *On Reformation*.

Encyclical Letter to the Bishops of South America Concerning the Governance of Seminaries

"Treating of Seminaries of Clerics, the Holy Synod of Trent, session 23, chapter 18, *On Reformation*, after prescribing many things which concern the admission of students and their religious and literary education, adds these things: 'All these things and others opportune and necessary for this matter each Bishop, with the counsel of two senior and more weighty Canons whom they themselves shall choose, shall establish as the Holy Spirit shall suggest, and by frequent visitation they shall take care that these things are always observed.'

"Proceeding then to those things which concern economical administration, it establishes that 'those same Bishops, with the counsel of two from the Chapter, one of whom is to be elected by the Bishop and the other by the Chapter itself, and likewise of two from the Clergy of the City, of whom the election of one shall similarly belong to the Bishop but that of the other to the Clergy,' shall provide all things which relate to establishing the fabric of the College, paying compensation to teachers and ministers, maintaining the youth, and other expenses.

"Thus the Holy Synod commands that a twofold council be present in establishing and governing Seminaries: one for the matter of discipline and the other for temporal administration, distinct in number of persons, form of election, and office; although nothing prevents the two Canons who are in the body of consultors for the economical matter from themselves being elected by the Bishop and deputed also for discipline, provided that the distinction of number is preserved....

"Nor can it be objected that the Ordinaries are thereby impeded in the ready governance of the pious institute; since it is a received rule, handed down by this Sacred Congregation from the year 1585 and often afterward confirmed, that Bishops are bound to employ the counsel of the deputies, but not likewise to follow it. Indeed, in the case of Osca in the month of October 1585, the Sacred Congregation judged 'that it suffices that the Bishop seek counsel of this kind, and that, after employing their counsel, the Bishop can establish and deliberate those things which according to his

prudence he shall judge more expedient.' But that which stands only for counsel cannot be an impediment; rather, it serves for light, direction, and assistance....

"What form of election is to be observed in constituting the deputies is clearly apparent from the cited text of the Council.

"Nor is it known with less clarity in which affairs the vote of the consultors is to be sought; namely, in all those things which concern both the discipline and education of clerics and the financial administration of the pious house. Hence this Sacred Congregation, in the aforesaid case of Osca of the year 1585, declared that 'the Bishop is bound, with the counsel of the deputies, to provide both concerning the formation, discipline, and morals of the Clerics and concerning the administration of temporal things;...but that the collection made for the Seminary belongs to the Bishop alone.'

"And in the case of Salerno in the month of July 1589, the following doubts having been proposed:

"II. 'Is their counsel—that is, of the two deputies over discipline—to be employed both in establishing the universal rules of the Seminary and in the election of each of the boys to be admitted, in the election of teachers, of books to be read, of the confessor, in the punishment of the disorderly, expulsion, visitation, and similar matters?'

"III. 'Are four others to be deputed, and are the deputies to be employed in counsel only in the assessment and contribution of fruits from the union of benefices and in the other difficulties by which the establishment or preservation of the Seminary might be impeded or disturbed; or also in the collection and temporal administration both of the said Seminary—as, for example, the appointment or dismissal of temporal ministers and servants, daily expenses, provision of food—and also of all the goods and revenues of the Seminary itself, even from united benefices—as, for example, leases, grants, and other contracts and lawsuits?' The response was:

"To the second: They are to be employed in all these things.

"To the third: The Bishop is bound to employ the counsel of the deputies both concerning formation, discipline, and morals and concerning the administration of temporal things.

"But since one of the consultors deputed over temporal affairs is to be elected by the Clergy, the Clergy can exercise its right in the Synod, if one is held at that time, as the Doctors teach; otherwise the election is to be conducted in a particular assembly of the entire Clergy of the City.

"Finally, this Sacred Congregation in the cited case of Salerno of the year 1589 resolved that the office of all those elected ought to be perpetual and that no one can be removed except for a lawful cause; and it often afterward confirmed this.

"But if, because of death, departure, or another just reason, either of them should cease from his office, his substitution is to be made by those by whom the prior election was conducted.

"Given at Rome from the Sacred Congregation of the Council, 15 March 1892."

On the Preaching of Bishops, Pastors, and Others

"But since certain persons, under the appearance of piety but denying its power—as the Apostle says—claim for themselves authority to preach, although the same Apostle says: 'How shall they preach unless they are sent?' let all who, being prohibited or not sent and apart from authority received from

the Apostolic See or the Catholic Bishop of the place, presume publicly or privately to usurp the office of preaching be bound by the bond of excommunication; and unless they come to their senses as quickly as possible, let them be punished by another suitable penalty." Fourth Lateran Council, year 1215, Decrees, from chapter 3, Decree against the Waldensians.

"17. Priests of Christ who live according to His law and possess knowledge of Scripture and an affection for edifying the people ought to preach, notwithstanding a pretended excommunication. But if the Pope or some Prelate commands a priest so disposed not to preach, the subject ought not to obey.—18. Anyone who approaches the priesthood receives by mandate the office of preaching; and he ought to execute that mandate, notwithstanding a pretended excommunication." Articles of John Hus condemned by the Council of Constance and by Martin V.

"14. It is lawful for any deacon or priest to preach the word of God without authority of the Apostolic See or of the Catholic Bishop." Proposition of John Wycliffe condemned by the Council of Constance.

"We believe preaching to be very necessary and praiseworthy; nevertheless, We believe that it is to be exercised by authority or permission of the Supreme Pontiff, or by the Prelates' permission." Prescribed profession of faith of the Waldensians.

"But since the preaching of the Gospel is no less necessary to the Christian commonwealth than reading, and this is the principal duty of Bishops, the same Holy Synod has established and decreed that all Bishops, Archbishops, Primates, and all other Prelates of churches are bound personally, unless lawfully impeded, to preach the holy Gospel of Jesus Christ. But if it should happen that Bishops and the other aforesaid persons are detained by a lawful impediment, they shall be bound, according to the form of the General Council, to assume suitable men to execute the office of preaching of this kind salutarily. But if anyone should neglect to fulfill this, let him be subject to strict punishment. Archpriests also, parish priests, and all others who in any manner hold parochial churches or other churches having the care of souls shall, personally or through other suitable men if they are lawfully impeded, at least on Sundays and solemn feasts feed the people committed to them with salutary words according to their own capacity and that of the people, teaching those things which it is necessary for all to know for salvation and announcing to them, with brevity and ease of speech, the vices which they must avoid and the virtues which they must pursue, so that they may be able to escape eternal punishment and attain heavenly glory. But if any one of them neglects to perform this, even if he should claim to be exempt from the jurisdiction of the Bishop for any reason; even if the churches should be said to be exempt in any manner, or perhaps annexed or united to some monastery, even one existing outside the diocese, provided that they are in fact in the diocese, let the provident pastoral solicitude of the Bishops not be lacking, lest this be fulfilled: 'The little ones asked for bread, and there was no one to break it for them.' Therefore, when, having been admonished by the Bishop, they have failed in their duty for a space of three months, let them be compelled by ecclesiastical censures or otherwise at the judgment of the Bishop himself, in such a way that, if it should seem expedient to him, some honorable compensation be paid from the fruits of the benefices to another who will perform it, until the principal incumbent, coming to his senses, fulfills his office.

"...But regulars of any Order whatsoever cannot preach even in churches of their own Orders unless they have been examined and approved by their Superiors concerning life, morals, and knowledge, and have their permission. With that permission they are bound to present themselves personally

before the Bishops and seek a blessing from them before they begin to preach. But in churches which are not of their own Orders, besides the permission of their Superiors, they are also bound to have the permission of the Bishop, without which they can in no manner preach in churches not of their own Orders; and the Bishops shall grant this permission gratuitously.

"But if—which God avert—a preacher should disseminate errors or scandals among the people, even if he preaches in a monastery of his own or another Order, the Bishop shall forbid him to preach. But if he should preach heresies, let the Bishop proceed against him according to the disposition of law or the custom of the place, even if the preacher himself should claim to be exempt by a general or special privilege; in which case the Bishop shall proceed by Apostolic authority and as a delegate of the Apostolic See. But let the Bishops take care that no preacher be vexed on account of false information or otherwise calumniously, or have just occasion to complain of them." Council of Trent, session 5, chapter 2, *On Reformation*.

"The Holy Synod, desiring that the duty of preaching, which is the principal duty of Bishops, be exercised as frequently as possible for the salvation of the faithful, adapting more suitably to the use of the present times the canons issued on this matter under Paul III of happy memory commands that in their own church they themselves, personally, or, if they are lawfully impeded, through those whom they shall assume for the duty of preaching, but in other churches through the pastors, or, when these are impeded, through others to be deputed by the Bishop at the expense of those who are bound or accustomed to furnish it, in the city or in any part of the diocese where they shall judge it expedient, announce the Sacred Scriptures and the divine law at least on all Sundays and solemn feast days; but during the seasons of fasts, Lent, and the Advent of the Lord, daily or at least three days in the week if they shall judge it fitting, and at other times whenever they shall judge that it can opportunely be done. And let the Bishop diligently admonish the people that each person is bound to be present at his own parish, where this can conveniently be done, to hear the word of God. But let no secular or regular presume to preach, even in churches of his own Order, when the Bishop opposes. The same Bishops shall also take care that, at least on Sundays and other feast days, the rudiments of the faith and obedience toward God and parents be diligently taught to boys in each parish by those to whom it shall pertain; and, if there is need, they shall compel them even through ecclesiastical censures, notwithstanding privileges and customs. In the remaining matters, let those things which were decreed concerning the duty of preaching under the same Paul III retain their force." Council of Trent, session 24, chapter 4, *On Reformation*.

"So that the faithful people may approach the reception of the sacraments with greater reverence and devotion of soul, the Holy Synod commands all Bishops not only, when these are to be administered by themselves to the people, first to explain their force and use according to the capacity of those receiving them, but also to take care that the same is observed piously and prudently by each Pastor, even in the vernacular language if there is need and it can conveniently be done, according to the form to be prescribed by the Holy Synod in the catechism for each sacrament. The Bishops shall take care that this be faithfully translated into the vernacular language and expounded to the people by all Pastors; and likewise that, during the solemnities of Masses or the celebration of divine offices, they explain the sacred utterances and admonitions of salvation in the same vernacular language on each feast or solemn day, and endeavor, useless questions having been put aside, to implant them in the

hearts of all and instruct them in the law of the Lord." Council of Trent, session 24, chapter 7, *On Reformation*.

"Pastors are bound on Sundays and feasts of precept to deliver a sermon to the people according to the prescription of the Council of Trent; nevertheless, it will belong to the prudence of the Bishop to dispense from this ordinance on certain more solemn days." Sacred Congregation of the Council, 1 April 1876; *A. S. S.*, vol. 9, p. 468.

Pastors and others upon whom the care of souls principally rests, although other priests are present to assist them or to exercise the care on certain days, are bound personally to preach and explain the catechism on all feast days unless they are lawfully impeded. Sacred Congregation of the Council, 8 May 1706; 28 April 1736.

A Pastor cannot claim the customary alms, even under the title of poverty, when he wishes personally to give sermons in his own church, in which he is accustomed to preach, because he fulfills his own duty; except in the case in which the community or the patron had deputed the Pastor or wished to pay spontaneously. Sacred Congregation of Bishops, 30 June 1615; Scavini, Milan, 1874, vol. 1, no. 638.

Are Pastors in whose churches sacred sermons are held during Advent and Lent by preachers approved by the Ordinary freed from the obligation of explaining the Gospel in the celebration of the parochial Mass?—Response. "Deferred; and for the present let the custom of each parish be observed." Sacred Congregation of the Council, 29 March 1817.

If the community or temporal lord of the place nominates the preacher and pays the alms, the custom is to be observed. Sacred Congregation of Bishops, 7 February 1615; Sacred Congregation of the Council, June 1696. But approval belongs to the Bishop alone. Scavini, in the place cited.

"65. The proposition declaring that the irregular clamor of the new institutions which have been called exercises or missions...perhaps never, or at least very rarely, reaches the point of producing an absolute conversion; and that those external acts of emotion which appeared were nothing other than passing flashes of natural disturbance: is rash, ill-sounding, pernicious, injurious to the custom piously and salutarily frequented by the Church and founded in the word of God." Proposition of the Synod of Pistoia condemned by Pius VI.

Mass for the People with Respect to Bishops

"We decree and declare that all and each Bishop, adorned with whatever dignity, even the cardinalitial, and likewise Abbots having jurisdiction quasi-episcopal over clergy and people with a separate territory, are bound on Sundays and the other feast days which are still observed by precept, and those which have been removed from the number of feast days of precept, every excuse of meagerness of revenues or any other exception having been removed, to celebrate and apply Mass for the people committed to them.

"And lest an opening be given to any doubt, We declare that the same Bishops and Abbots shall satisfy this duty by the celebration and application of one Mass for the whole people committed to them, even if they govern two or more dioceses and abbacies united *aeque principaliter*. We know indeed that Our Roman Congregations have decreed otherwise concerning Pastors governing two or more parochial churches united *aeque principaliter*; in each of these, individual Masses must be

celebrated and applied for the people on feast days. But the principle governing Pastors is one thing, that governing Bishops another. For since a special and defined care of the people in each parish is committed to each Pastor, on feast days the Pastor must not only celebrate for the people, but must also admit the people into the parochial church so that they may be present at the most sacred Sacrifice of the Mass, hear the word of God, receive the sacraments according to opportunity, and be cultivated by all those duties which are to be performed especially on Sundays and other feast days. But these things cannot hold for Bishops, who are in a dissimilar condition and case, since by no law today are they commanded to perform the holy Sacrifice in the cathedral church on all feast days.

"Although it is by no means necessary, nevertheless We judge it opportune to declare that the things established above do not pertain to Bishops who are called Titular and who, promoted to the episcopal dignity, are therefore adorned by the Roman Pontiff with the title of cathedral churches which once flourished but now are destitute of Catholic clergy and people, lest, namely, their ancient dignity and memory be entirely destroyed. For since they do not take possession of their sees—only after receiving this are Bishops bound to fulfill the duty of which We have spoken (Sacred Congregation of Rites, in the case of Marsi, 12 November 1831)—and since neither clergy nor people is entrusted to their governance, it is sufficiently established that just as they lack the use and exercise of the power received from episcopal consecration, so they are likewise not subject to the duties and burdens of episcopal care. Nevertheless, if regard is had for episcopal equity and charity, it cannot but seem fitting that they also occasionally offer the Sacrifice, so that God may look upon the miserable condition of those churches by whose title and name they are themselves honored. Those things which were said by Pius VI, Our Predecessor, in the consecration of a Bishop on 4 October in the year 1778 in the Ostian basilica agree most excellently with this matter. For when he was enumerating the causes on account of which the Apostolic See is accustomed to confer even churches occupied by infidels, he said: 'There ought to exist someone upon whom it singularly rests, if not to govern that captive portion of a miserable flock, at least assiduously to pour forth prayers and tears for it to the Father of mercies.'" Leo XIII, Constitution *In suprema rei*, Ides of June 1882.

"20. Since a Bishop ought on feast days to apply Mass for his sheep, it is asked whether, when the Bishop celebrates pontifically on these days, the Canons ought to sing the conventual Mass for benefactors, and when?—22. Are Bishops bound to the application of Mass for their sheep after obtaining possession, or immediately upon being elected in consistory?—23. Are Vicars Capitular bound to this application of Mass while the see is vacant?—Response. To the twentieth: Let the hebdomadary, or he upon whom the burden of the conventual Mass rests, celebrate it as a low Mass either before or after the pontifical Mass.—To the twenty-second: After obtaining possession.—To the twenty-third: Negative." Sacred Congregation of Rites, 12 November 1831, Marsi.

Mass for the People with Respect to Vicars Apostolic and Missionaries

"1. Are Vicars Apostolic and missionaries who in any manner undertake the care of souls in some determined place indiscriminately bound by justice to apply Mass for the people on feast days? And insofar as the response is affirmative: 2. Upon which Vicars Apostolic and missionaries does a burden of this kind rest? 3. To those who are not bound by justice, must the response be, 'It is fitting by charity,' or 'They are bound by charity,' to apply Mass for the people? 4. If the formula 'They are bound by charity' is approved, must it be understood of an obligation under grave sin?—Response.

To the first: Negative, provided that it is not a question of places in which episcopal sees and parishes have already been canonically erected and to which a Vicar Apostolic and missionary have been sent to act in the place of lawful pastors. To the second: Provision was made in the first. To the third: The expression 'they are bound by charity' is to be avoided; but it is to be said, 'it is fitting by charity,' and this in such a way that no signification of a properly so-called obligation appears. To the fourth: Provision was made in the third." Sacred Congregation for the Propagation of the Faith, 23 March 1863. Previously the Sacred Congregation had responded: "Missionaries are bound by charity." *A. S. S.*, vol. 1, p. 407; vol. 24, p. 511.

Also exempt from this obligation are parochial vicars or coadjutors who do not exercise the primary care of souls, but only a subsidiary care; chaplains of nuns; chaplains of hospitals; and of other places of this kind. Sacred Congregation of Rites, 14 June 1845, Münster, to the second; Sacred Congregation of the Council, 2 June 1860.

Mass for the People with Respect to Pastors

"We declare, establish, and decree that Pastors and all others actually exercising the care of souls must celebrate and apply the most sacred Sacrifice of the Mass for the people committed to them, both on all Sundays and other days which are still observed by precept, and also on those which, by the indulgence of this Apostolic See, have been removed and transferred from the number of feast days of precept, just as they themselves as curates of souls were bound to do while the aforesaid Constitution of Urban VIII remained in its full force, before feast days of precept were diminished and transferred.—But as regards transferred feast days, We make this one exception: namely, that when the divine office together with the solemnity has been transferred to Sunday, only one Mass is to be applied for the people by Pastors; since the Mass, which is the principal part of the divine office, must be considered to have been transferred together with the office itself." Pius IX, Constitution *Amantissimi*, 3 May 1858.

A Pastor must celebrate Mass on Sundays and feast days in his own church, and not in another, notwithstanding any custom whatever to the contrary. Sacred Congregation of the Council, 15 September and 17 November 1629.

"Are Pastors bound to offer the Sacrifice of the Holy Mass for the people themselves, if they are not impeded by a lawful cause; or can they satisfy this duty through another, for example, a chaplain or a visiting priest?—Response. Affirmative to the first part; negative to the second, except in a case of true necessity and when a canonical cause concurs." Sacred Congregation of the Council, 25 September 1847; 18 July 1789; Lucidi, chapter 3, § 11, nos. 369 ff.

"Must the application always be made by the Pastor, even when he celebrates privately while another celebrates the parochial Mass?—Response. Affirmative, according to other decrees." Sacred Congregation of Rites, 20 December 1864, Chambéry.

"On Sundays and other feast days, when a corpse is present, can Pastors celebrate Mass for the deceased and transfer to another day the Mass to be applied for the people in the case? And insofar as the response is negative, can they at least supply for the application of the Mass for the people through another priest in the case?—Response. To the first and second: Negative." Sacred Congregation of the Council, 26 January 1771.

"1. Does a Pastor who is absent from his parish on a feast day satisfy his obligation by celebrating Mass for the people in the place where he is staying; or is he rather bound to substitute another who will say Mass for the people in his own church? 2. Is he bound to apply Mass for the people in the place where he is staying; or rather, upon returning to the parish, is he bound to apply it in his own church? 3. Is a Pastor who is lawfully impeded by illness from celebrating Mass bound, after recovering his health, to apply as many Masses for the people as he omitted during his illness, whether in the case in which he could celebrate neither by himself nor through another, or in the case in which he could do so through another but, from some vain fear or negligence, did not take care or did not obtain that another celebrate for him?—Response. A Pastor lawfully absent from his parish on a feast day satisfies his obligation by applying Mass for his people in the place where he is staying, provided that, for the necessary convenience of the people, another priest celebrates in the parochial church and explains the word of God. But a Pastor impeded in any lawful manner from celebrating Mass is bound to have it celebrated and applied for the people by another on the feast day in the parochial church; but if this was not done, he must apply Mass for the people as soon as he can." Sacred Congregation of the Council, 14 December 1872; *A. S. S.*, vol. 7, p. 191.

"1. Are Pastors governing two or more parishes bound, by themselves or through others, to celebrate two or more Masses for the people on feast days? 2. And insofar as they are bound personally, can the faculty of bination be granted to them according to the tenor of the Constitution of Benedict XIV, *Declarasti nobis*?—Response. To the first: A Pastor as in the case is bound, either by himself or through another, to have as many Masses celebrated as the number of parishes he governs. To the second: There is no place for the faculty of repeating Masses, unless, because of a deficiency of clergy, there is no other priest who can celebrate and apply in the place of the Pastor." Sacred Congregation of the Council, 4 February 1883. In the first case, "parishes united by an extinctive union" are excepted. Sacred Congregation of the Council, 26 February 1774; *M. E.*, vol. 5, part 1, p. 28.

"The Ordinary of the Diocese of Dijon in France sets forth the following: Because of the insufficient number of priests in the Diocese of Dijon, it not rarely happens that the same Pastor serves three churches, namely: 1. His own parish; 2. Permanently, another church which, situated in another place and not enjoying a parochial title, is annexed to the parochial church; 3. Temporarily, the church of a place which has a parochial title but, because of a scarcity of priests, does not possess its own resident Pastor.

"By force of his institution, such a Pastor celebrates twice on each Sunday and feast day, namely, in his own parochial church and in the other church which is not parochial but is permanently annexed to the parochial church, as stated. It follows that the same man is wholly unable to celebrate Mass on Sundays and feast days in the third church, namely, that of the parish of which he has temporary care. Nevertheless, since he is bound to watch over that parish in which he does not reside, both by visiting the sick and catechizing the children and by fulfilling many other duties, he receives two hundred francs from the French Government for the above-mentioned functions.

"We ask: 1. Must such a priest supply the Masses which he cannot celebrate for his second parish on Sundays and feast days, regard being had also to the circumstance that the said pension of two hundred francs scarcely remunerates the aforesaid duties, the two parishes being very distant from one another? 2. Must he apply one or the other of the Masses which, as stated, he celebrates on each Sunday and feast day simultaneously for both parishes? 3. Must he apply for this parish as a private

Mass that Mass which is celebrated in the annexed church without a parochial title? Since it has happened that several priests in good faith have not celebrated for their second parish as in the case, we ask that, if necessary, their omissions be condoned.

"Response. To the first: Affirmative, except that it would be desirable for him to celebrate the second Mass in the second parish. To the second: It is not lawful. To the third: Affirmative, if he cannot celebrate in the second parish; the matter having been brought before His Holiness also concerning sanation for the past." Sacred Congregation of the Council, 24 July 1886.

"Can a Pastor who could not celebrate Mass on the day on which it had to be read for the people, in order to satisfy this burden, apply in the case a second Mass to be celebrated by bination on a subsequent feast day?—Response. Negative." Sacred Congregation of the Council, 5 March 1887.

"Are rectors of souls bound to apply Mass for the people on 25 June if the feast of Saint John the Baptist happens to be transferred to that day as to its proper seat (according to the rubric) in the case?—Response. Negative." Sacred Congregation of the Council, 28 April 1888; *A. S. S.*, vol. 21, p. 152.

"In our diocese, as, I think, in other dioceses of France, the custom has prevailed that, when a Pastor dies, the care of the parish is committed to one of his vicars until a new pastor is appointed. In certain cases this vicar indeed receives a part of the fruits which commonly arise from parochial duties; nevertheless, he by no means enjoys the stipend granted to Pastors by the Government. We therefore ask whether, in such a state of affairs, parochial vicars are bound to apply Mass for the people on Sundays and feast days and other days prescribed by law.—Response. They are bound." Sacred Congregation of the Council, 23 August 1888.

"A Pastor who is a Canon is bound personally to the application of Mass for the people even on those days on which the Bishop celebrates pontifically in the cathedral, but through another on those feast days on which, as a Canon, he must sing and apply the conventual Mass for benefactors." Sacred Congregation of the Council, 24 August 1867.

"...As pertains to the aforesaid needy Pastors, We grant to each of you Bishops the faculty of dispensing opportunely with those whom you have truly known to be such, to this effect: that, even on feast days of this kind, they may freely and lawfully receive an alms from some pious offerer and apply the Sacrifice for him insofar as this is required by him, provided that, for the necessary convenience of the people, they celebrate Mass in the parochial church itself; with this condition nevertheless added, that within that same week they apply as many Masses for the people as, on feast days occurring within the week, they offered according to the particular intention of another pious benefactor." Benedict XIV, Constitution *Cum semper oblatas*, § 8.

Mass for the People with Respect to the Eastern Church

"1. Does the obligation of applying Mass for the people, which according to the law of the Western Church is imposed upon Pastors and other ecclesiastical men having the care of souls, likewise have place for the same persons of the Eastern rite? And insofar as the response is affirmative: 2. Concerning the determination of the days, must the laws and reasonable customs which perhaps flourish in certain dioceses of the said rite be observed? 3. In the absence of these laws and customs, must a determination of this kind be made according to the norm and in every respect according to

Western laws? 4. For grave causes and circumstances, can there be place for some reduction of the days prescribed by Western laws, and even for a total dispensation, yet with the obligation of praying for the people in those very Masses which otherwise would have to be applied for them?—Response. To the first: Affirmative, the doubt having been reformulated as follows: Does the obligation of applying Mass for the people, which according to the law of the Western Church is imposed upon Bishops and Pastors, likewise have place for the same persons of the Eastern rite? To the second: Affirmative. To the third: Negative. To the fourth: Provision was made in the third, and according to the mind. The mind is that, when opportunity is given, there be manifested to the Bishops of the Eastern Church the obligation which in that Church also rests upon pastors of souls of applying Mass for the people on some occasions; and therefore, as pertains to the determination of the days, the discipline of the Western Church is to be explained to them, so that they may take light from it by which they may be able to judge until such time as that discipline can be adapted to their dioceses; and likewise that in each case they propose to the Holy See the modifications which they judge more necessary." Sacred Congregation for the Propagation of the Faith, 23 March 1863; *A. S. S.*, vol. 1.

"Our Most Holy Lord Leo XIII issued the Constitution *In suprema* on 10 June of the current year concerning the obligation of all Bishops to apply Mass for the people on feast days.... It does not escape Your Reverence that, according to the decretal of Innocent III in the Fourth Lateran Council, *Licet graecos*, and according to the explanation given to it in the Congregation of Theologians held in the year 1631 before Cardinal Pamphili, the sounder part of the Doctors—not even excepting Lambertini (Benedict XIV)—adopted the opinion that Orientals are not comprehended in Apostolic Constitutions except in these three cases: 1. In points of faith and Catholic doctrine. 2. Where the matter itself shows that they are comprehended, insofar as it is not merely an ecclesiastical law but a declaration of divine and natural law. 3. When, although disciplinary ordinances are in question, Orientals are expressly named therein. To this doctrine of theologians and canonists the sanction of the Holy See has not yet acceded; nevertheless, it is certain that the Orientals have held from time immemorial, as a theoretical and practical opinion, that they are not comprehended in disciplinary Constitutions except in the aforesaid manner, and that this opinion of theirs has never been condemned by the Holy See. This theory having been posited, it is clear, first, that all Bishops, even Eastern Bishops, are certainly comprehended in the cited Constitution of the Holy Father *In suprema*, because it declares the divine law concerning the obligation of Mass for the people; for by force of the pastoral office, Bishops of every rite are certainly bound by divine law to apply it. Hence it is not a point of mutable discipline which could be changed or abolished according to different rites, or changed or abolished by any contrary custom—which would be nothing other than an erroneous abuse—when the obligation of Bishops to offer the Holy Sacrifice personally for the people is in question; but not so if the number of Masses which must be offered on each feast day is in question. This number is determined by ecclesiastical law in the application of divine law; and therefore, according to different circumstances, all diversity and dispensation are not excluded." Sacred Congregation for the Propagation of the Faith, 8 November 1882.

Residence of Canons

"It shall not be lawful for those obtaining dignities, canonries, prebends, or portions in cathedrals or collegiate churches, by force of any statute or custom, to be absent from those churches for more than three months in any year; saving, nevertheless, the Constitutions of those churches which

require a longer time of service. Otherwise, in the first year, each shall be deprived of half the fruits which he has made his own by reason even of prebend and residence; but if he shall again have employed the same negligence, he shall be deprived of all the fruits which he gained in that same year; and if his contumacy increases, proceedings shall be taken against him according to the Constitutions of the sacred canons. But let those who have been present at the stated hours receive the distributions; let the rest, every collusion or remission being excluded, lack these, according to the Decretal of Boniface VIII which begins *Consuetudinem*, which the Holy Synod recalls into use, notwithstanding any statutes and customs. Moreover, all shall be compelled to perform the divine offices personally and not through substitutes, to assist and serve the Bishop when he celebrates or exercises other pontifical functions, and, in the choir instituted for psalmody, reverently, distinctly, and devoutly to praise the name of God with hymns and canticles. Let them furthermore continually use seemly dress, both in church and outside it; abstain from illicit hunting, fowling, dances, taverns, and games; and excel in such integrity of morals that they may deservedly be called the senate of the Church." Council of Trent, session 24, chapter 12, *On Reformation*. Cf. *M. E.*, vol. 7, pp. 265 ff.

Can Canons serve the church and choir through substitutes? This is contrary to the Council of Trent, session 24, chapter 12, *On Reformation*, and to the Declaration of the Sacred Congregation of the Council, 21 February 1682. Nevertheless, as is evident from the decrees of the Sacred Congregation of the Council themselves, the faculty of substituting for one another has not been removed, provided that: 1. the one making the substitution is present in the city where the church is situated, or in its suburbs or territory; 2. the substitute is one of the capitulars; 3. both are not bound to the same service at the same time; and 4. substitutions of this kind are not excessively frequent. Cf. Lucidi, vol. 1, pp. 282 ff., 3rd ed.; *Canons and Decrees of the Council of Trent*, ed. Richter, Leipzig, 1853, p. 359.

On Choral Discipline in the City of Rome

"...Our Most Holy Lord Pope Leo XIII, since, on account of the paternal and apostolic solicitude which he bears for the Roman Church above all others, he wills both that the rights of divine worship be preserved intact in the City and that satisfaction be given, insofar as is lawful, to other public and private necessities, adhering to the footsteps of his Predecessors and especially of Pius IV, Innocent XII, and Pius VII, establishes and decrees the following:

"1. On 24 December next, at first Vespers on the Vigil of the Nativity of Our Lord Jesus Christ, all and each choral indult, whether granted in favor of a person, or for the sake of institutes and pious works, or by reason of certain offices, in whatever manner and under whatever title, shall cease, notwithstanding any privileges; henceforth they shall be of no value and shall avail no one any longer.

"2. In the future, those who have a lawful cause for obtaining exemptions from choir shall address their petitions to the Sacred Congregation of the Council, which Our Most Holy Lord deputes solely and exclusively to expedite these favors, such that indults obtained otherwise, in any manner, even by an oracle of the living voice, must be deemed of no value as obreptitious and subreptitious.

"3. Whenever the Sacred Congregation of the Council shall require the vote of the Chapter for granting indults, let it require that vote to be expressed by secret ballots.

"4. Since, from the *Motu proprio Cum sicut accepimus*, issued by Pius IV, Supreme Pontiff, on the twelfth day before the Kalends of December in the year 1560, all and each of the revenues belonging to the Chapters both of the patriarchal basilicas and of any other churches whatever of the City are to be divided into daily distributions, the canonical sanctions in force concerning this matter, and confirmed by the Sacred Congregation of the Council often and especially in the case of Valva on 24 November 1838, shall be observed integrally and exactly in the City also. Therefore, any contrary custom which may perhaps have become established being removed and abolished, henceforth all the fruits belonging to the aforesaid Chapters shall be divided entirely into daily distributions for the days and hours.

"Wherefore one who is absent without a lawful cause shall lose all those fruits and, if perhaps he has received any, shall be bound to restitution, saving, nevertheless, particular constitutions by which a greater penalty is imposed.

"But one who is absent for a lawful cause, if because of illness or another just title recognized in the due manner and form he is reputed as present in choir for gaining distributions, shall receive the daily distributions in full; but if according to the censure of law he is not held as present in choir, he shall indeed acquire the two parts which occupy the place of a prebend, but shall lose the third.

"5. To this last class of absentees belong assistants of the Sacred Congregations who, in order to devote themselves to this office, have obtained an indult of absence. And therefore they shall gain two parts of the daily distributions only for the days and hours during which they are absent from choir on account of their offices; but they shall lose the third, as the Sacred Congregation of the Council expressly established in the case *Doubts concerning indults* on 6 May 1820, to the Third Doubt, and confirmed, after the matter had been discussed anew, on 25 May 1822. Our Most Holy Lord recalls these resolutions to full observance and, insofar as there is need, renews and confirms them, the conscience of each one whom it concerns being strictly burdened in this matter.

"6. No one among the absentees shall ever receive the extraordinary distributions which are commonly said to be *among those present*, any privilege and indult to the contrary ceasing, as provided under no. 1 of the present Decree; saving, nevertheless, the different prescriptions of pious founders.

"7. Indults which are customarily granted in the summertime for the sake of caring for health shall be confined to the space of one month, saving, nevertheless, the ancient privilege of the Lateran basilica.

"8. The privilege of the Loreto pilgrimage is reduced to eight days for the Chapters enjoying it; but that of the pilgrimage to Jerusalem, to three months.

"Finally, in all those matters for which the present decree does not provide, His Holiness wills and commands that the prescriptions of the Sacred Council of Trent and the resolutions of the Sacred Congregation of the Council issued for the regulation of choral discipline be observed by all exactly and in conscience.

"And he commanded all these things to be published by the present Decree of this Sacred Congregation and to be inviolably observed, any things whatever to the contrary notwithstanding.

"Given at Rome from the Sacred Congregation of the Council, 17 September 1902."

On Distributions of the Choir

"1. Whether and in what manner Canons hearing confessions during the divine offices must be considered present in choir for the purpose of gaining distributions in the case? 2. Whether and in what manner the same Canons celebrating Mass during the divine offices must be held as present in choir for the same purpose in the case? 3. Whether and in what manner Canons assisting the Archbishop at pontifical and other functions, or while he celebrates a private Mass, although absent from choir, gain distributions in the case? 4. Whether and in what manner the same Canons gain distributions when assisting the Archbishop in treating the business of the diocese or accompanying him in the diocese outside the place of residence in the case? 5. Whether and in what manner Canons absent from choir to examine the accounts of the capitular fund gain distributions in the case? 6. Whether and in what manner Canons absent from choir while devoted to the ministry of preaching gain distributions in the case? 7. Whether and in what manner Canons gain distributions while they are absent from choir for the examination of ordinands or confessors in the case? 8. Whether and in what manner Canons exercising in the seminary the functions of rector, administrator, professors, and examiners, although absent from choir, gain distributions in the case? 9. Whether and in what manner Canons absent from choir in order to exercise the offices of pro-Vicar General, Chancellor, notary, and other offices in the archiepiscopal curia gain distributions in the case? 10. Whether and in what manner Canons absent from choir while devoted to the administration of capitular property or of the archiepiscopal mensa gain distributions in the case? 11. Whether and in what manner a Canon who is Chancellor of the Chapter, occupied in the archive with capitular business, gains distributions in the case? And insofar as the response is negative: 12. Whether His Holiness is to be consulted for absolution and condonation of distributions received in the case?

"Response. To the first: Negative in all cases, except for the Penitentiary. To the second: Negative, unless with the permission of the Prefect of Choir and for the convenience of the people. To the third: Affirmative to the first part, as in the case of Lycia, 27 August 1641; negative to the second part. To the fourth: Negative in all cases. To the fifth: Affirmative for the time to be prescribed by the Bishop. To the sixth, seventh, eighth, and ninth: Negative in all cases. To the tenth: As regards the Canon administrator of capitular property, affirmative for the days and hours on which he actually applies himself to the administration; in the other cases, negative. To the eleventh: Negative, unless in a case of urgency. To the twelfth: Affirmative, one Mass having been celebrated with chant, the whole Chapter being present." Sacred Congregation of the Council, 20 December 1862; 24 January 1885; *A. S. S.*, vol. 1, pp. 285 ff.

"4. Whether and in what manner those conversing in choir during the divine offices lose their daily distributions in the case? 5. Can the conversations because of which distributions are lost be constituted by several brief conversations in the case?—Response. To the fourth: Affirmative. To the fifth: Affirmative, if several occur in the same hour." Sacred Congregation of the Council, 27 March 1847.

"Does a Canon Penitentiary who is absent from choir in order to hear the confessions of the faithful by virtue of his office gain, besides the ordinary distributions, both the shares forfeited by others and the other emoluments or extraordinary distributions, whether fixed or contingent, in the case?—Response. Affirmative, and more." Sacred Congregation of the Council, 6 July 1889; *A. S. S.*, vol. 22, p. 297.

"1. Is the Canon Theologian bound to attend choir in the evening of those days on which he teaches in the morning in the case?—2. Besides the daily distributions, are uncertain emoluments also due to him on the aforesaid days in the case?—3. Is he likewise to be declared exempt from choir for the aforesaid purpose of gaining distributions and uncertain emoluments on those days on which, although he does not teach, he nevertheless assists at the examination of clerics by reason of his office in the case?—Response. To the first: Negative.—To the second: Affirmative, excepting emoluments which, by the will of testators or donors, are due only to those actually present.—To the third: Affirmative, as in the second, and according to the mind: the mind is that the Archbishop prescribe a suitable term for drawing up statutes to be approved by him." Sacred Congregation of the Council, 7 December 1861.

"All dignitaries or Canons, beneficiaries, and other members of choir who devote labor to drawing up either ordinary or Apostolic processes shall be held as present in choir, their duty having been changed; and therefore they shall receive all emoluments, even contingent ones." Sacred Congregation of Rites, 21 November 1893, no. 3812.

"Moreover, His Holiness admonishes and exhorts the same Ordinaries that, after the fruit—certainly most abundant—which is received from the aforesaid spiritual exercises has been opportunely proposed and explained, they diligently incite all the clergy subject to them, but especially rectors of souls, confessors, Canons, and other beneficiaries bound to the service of choir, to perform those same exercises at least once each year in houses of Religious of the Society of Jesus or of priests of the Congregation of the Mission, if there are such; otherwise, in another pious or regular house to be designated and approved for this purpose by the Ordinaries themselves.

"But so that individuals may assemble more readily for the same spiritual retreat, His Holiness bestows in the Lord upon all the aforesaid rectors of souls, confessors, Canons, beneficiaries, and other priests and clerics who for ten days each year shall perform those same exercises in the aforesaid houses and remain there day and night, and in the meantime, truly penitent and having confessed, shall receive the Most Holy Sacrament of the Eucharist, as often as they do this, a plenary indulgence and remission of all their sins.

"Furthermore, he benignly absolves Pastors devoting themselves to exercises of this kind, only once each year during that time, from residence. He commands that the same be observed with regard to Canons, beneficiaries, and others bound to personal residence and assigned to the service of choir, whom he nevertheless decrees to gain the entire fruits and all the daily distributions of their respective canonries and benefices, just as if they were personally present at choir and the divine offices, provided, nevertheless, that they perform those exercises after first obtaining permission from the Ordinary, which is by no means to be granted during the seasons of Advent and Lent or on more solemn feasts, nor ever to all the Canons and others serving the choir at the same time, but with that manner employed by which the service of choir is in no way interrupted; and, as regards Pastors, suitable administrators having first been substituted and approved by the Ordinary himself, who will administer the care of souls laudably. His Holiness further commands that these letters be published in that diocese and copied into the registers of the chancery for the perpetual observance of those things contained in them, and that, for this very end, their publication thereafter be renewed every three years." Encyclical Letter of the Sacred Congregation of Bishops and Regulars, 1 February 1700, to the Bishops of Italy and the adjacent Islands; *A. S. S.*, vol. 12, pp. 609 ff.

"Whether a Pastor and other priests assisting at the funerals of the dead and the daily offices for the same, and receiving a stipend for that function, are bound personally to discharge the Office of the Dead, such that those who merely assist and do not sing or chant do not make the fruits their own; or whether it suffices that they assist and the schola discharge the office, while they meanwhile pour forth other prayers according to their pleasure, for example, reciting the breviary for their own daily obligation."—Response. Affirmative as regards the first part; negative as regards the second. Sacred Congregation of Rites, 9 May 1857, Périgueux.

Chapters

"Votes in Chapters must be secret at least in all business of greater moment according to the norm of the Constitution of Alexander VII, *Pro commissa*, 3 April 1657; likewise whenever the business of any Canon is in question; indeed, even if the matter proposed is judged of lesser moment, whenever discord or controversy arises among the capitulars." Sacred Congregation for Extraordinary Ecclesiastical Affairs, 5 November 1901.

On the Conventual Mass

"The abuse of celebrating a private Mass at the choir altar while the canonical hours are being discharged is to be entirely eliminated." Sacred Congregation of Rites, 21 November 1893, no. 3814.

"In Masses and other functions which require the ministry of a deacon and subdeacon—Vespers and Matins therefore being excluded—Canons are bound to serve dignitaries and Canons who are celebrating, even if they are merely coadjutors, in churches where the prebends are not all presbyteral, unless necessity or custom provides otherwise; and this only in their own churches, but not in other churches unless the Chapter intervenes." Sacred Congregation of Rites, 12 July 1892, no. 3782.

On the Assistance Owed to the Bishop by Canons

In the case of Lycia, 17 August 1641, which the Sacred Congregation of the Council judged, the following is found in the resolution of the third doubt. Since it had been asked of the Sacred Congregation of the Council, "Does the decree of the Council, chapter 12, session 24, *On Reformation*, at the words *Moreover, all*, have place when the Bishop celebrates pontifically in other churches subject to him which exist in the city, or, vested with cope and miter or with the cappa, assists at divine offices and solemn Masses or exercises other pontifical functions...if a sufficient number of Canons and ministers remains in the cathedral church?" the Sacred Congregation responded: It has place.

It is lawful for the Bishop to compel the Canons of the cathedral to serve him whenever he exercises a pontifical function in the cathedral, or in the city and suburbs; provided, nevertheless, that if this is outside the cathedral Church, the latter is not deprived of the worship and service due to it. But when he goes to churches in which there are other dignitaries and Canons, let the Bishop know that the Canons of the cathedral wholly precede the Canons and dignitaries of the collegiate church. Sacred Congregation of Rites, 23 March 1592, Seville, to the second.

And this applies also when the Bishop celebrates, or for any cause assists at a solemn Mass or Vespers, in exempt churches immediately subject to the Apostolic See, provided that they exist

within the boundaries of his diocese. Sacred Congregation of Rites, Alexandria, 7 February 1604, to the first.

Likewise, the Canons are bound capitularly to assist the Bishop when he solemnly performs ordinations with chant during the divine offices. But if they are performed privately, only three shall serve. Sacred Congregation of Rites, 7 December 1658, Civita Ducale.

Canons of the cathedral cannot be compelled to assist the Bishop if he goes to other churches to celebrate privately. Indeed, neither are they bound to assist him when he celebrates Mass privately in his own cathedral, unless there is a custom, which is to be observed. Sacred Congregation of Rites, 5 July 1603, Città di Castello. According to the same Sacred Congregation, a Bishop is then said to go privately to a church when he goes without the pontifical cappa, and thus assists.

When the Bishop goes pontifically to the cathedral, the sprinkler is to be presented by the first dignity of the Chapter, with a kiss of the sprinkler and of the hand. But if he goes to another church, with the cathedral Chapter assisting, the sprinkler is to be given by the dignity or Superior of that church. Sacred Congregation of Rites, 23 March 1592, Seville, to the fifth.

Cf. General Decree of the Sacred Congregation of Rites, 22 May 1894, no. 3828.

On the Election of the Vicar Capitular

The election of a Vicar Capitular is null while the Bishop is living and has been shamefully expelled from his see. Sacred Congregation of Bishops and Regulars, 3 May 1862; Bizzarri, *Collection*, p. 608, ed. 1885.

In March of the year 1863, the Sacred Congregation of the Council responded concerning the nomination of two Vicars while the see was vacant: "It can be tolerated." On 21 April 1592 the Sacred Congregation of the Council declared: "When the see is vacant, only one Vicar is to be elected. For the rest, the custom of electing two or more, especially an immemorial one, was not abolished by that decree," namely, of the Council of Trent.

"When a Chapter has been reduced to only one member, can he alone, while the see is vacant, elect the Vicar of whom the Council of Trent speaks in chapter 16, session 24?—Response. Affirmative, provided that he does not elect himself." Sacred Congregation of the Council, 12 March 1662.

Honorary Canons

Cf. the Norms for their nomination and the use of insignia in the Brief of Leo XIII, *Illud est*, 29 January 1894, Decree no. 3817.—*M. E.*, vol. 14, p. 498, no. 6.

Apostolic Protonotaries

With regard to them, the Constitution of Pius IX, *Apostolicae Sedis*, IV Kalends of September 1872, is to be observed. Sacred Congregation of Rites, 18 March 1898, no. 3988.

Cf. the privileges of titular or honorary Apostolic Protonotaries, Decree no. 2583; of those *ad instar participantium*, Decrees nos. 3262 and 3988.

Residence of Pastors

"Pastors cannot be absent from residence beyond three or four days, even within the conciliar months, unless in a case of necessity and with the permission of the Ordinary, whose conscience is burdened concerning this matter." Sacred Congregation for the Propagation of the Faith, 29 August 1793, no. 189. Cf. no. 204.

On Assistance to Be Furnished to the Dying

"Whether and when Pastors are bound under grave sin, personally or at least through another, to assist the dying until the final agony of life, although they have already been duly fortified with the sacraments and appear to be well disposed?—Response. The prescriptions of the Roman Ritual are to be followed; in the remaining matters, let approved authors be consulted." Sacred Congregation of the Council, 23 March 1878.

The Personal and Real Obligation of Pastors with Respect to Mass for the People

Cf. no. 213

The Obligation of Preaching and Catechizing with Respect to Pastors

"By the disposition of the Sacred Council of Trent all pastors of souls are commanded to preach to the people on Sundays and feast days and to teach children the rudiments of the faith. Whenever the aforesaid Archbishop personally fulfills all these things in the church in which he resides, the Pastor of the same church is by no means bound to undertake the same burdens. But if the Archbishop has not made both an explanation of the Gospel and an exposition of the catechism, then and in that case let the Pastor fulfill the duty incumbent upon him by performing either the explanation of the Gospel omitted by the Bishop or the exposition of the catechism, so that the people may have both aids." Sacred Congregation for the Propagation of the Faith, 28 November 1785, no. 192. Cf. no. 212.

Blessing of Houses and of Women after Childbirth

"Is the blessing of houses on Holy Saturday among parochial rights?—Response. Affirmative." Sacred Congregation of Rites, 7 March 1903.

"The Sacred Congregation of the Council decrees that the blessing of a woman after childbirth must be done by the Pastor if he himself has been requested, but that it can be done by any Priest if he likewise has been requested, in any Church or public Oratory, after the Superior of the Church has been informed." Sacred Congregation of the Council, January.

"By force of the decree of 12 September 1857, is it lawful to impart the blessing of a woman after childbirth, according to the Roman Ritual, to a mother whose offspring died without baptism; or must that blessing be withheld from her?—Response. The blessing is not to be denied." Sacred Congregation of Rites, 19 March 1896.

On a Curate-Administrator and Apostolic Missionaries with Respect to Subdelegating Jurisdiction

"Can a curate-administrator appointed by the Bishop while a parish is vacant, by force of the disposition of the Council of Trent, session 24, chapter 18, delegate another priest for all duties or only for certain acts?—Response. Affirmative to the first part, unless the will of the Ordinary stands in the way." Sacred Congregation of the Council, 9 May 1874.

"3. Do Apostolic Missionaries enjoy ordinary jurisdiction as Pastors, or only delegated jurisdiction in the missions to which they have been sent by the Vicar Apostolic? 4. Can the same missionaries, by their own authority just as Pastors, delegate a priest for the purpose of assisting at and blessing the marriages of the Christians committed to them? Likewise, can they hear the confessions of their own Christians even in another Vicariate?—Response. To the third: Negative to the first part; affirmative to the second.—To the fourth: Provision was made in the preceding." Sacred Congregation for the Propagation of the Faith, 23 August 1852.

Dismemberment of Parishes

"Whether, when there is a necessity of dividing certain parishes entrusted *pleno iure* to missionary Religious, the new filial parishes must be considered subject to the same right in favor of those same Religious, if the latter assume all the burdens thereof together with the respective people.

"Response. 1. The division of parishes properly so called must be made *ad normam iuris*. 2. The Religious have no right to the new parish, nor can the Bishop grant it to them. 3. If the Bishop cannot provide for it otherwise, let him have recourse to the Holy See for the corresponding faculties to entrust it provisionally to the Religious, while it remains secular and of free collation.—It is to be noted, as regards the first point, that the law requires that, in effecting the dismemberment of a parish, the interested parties first of all be heard." Sacred Congregation for Extraordinary Ecclesiastical Affairs, 5 September 1893; 16 November 1896.

The Congrua of Pastors

"By the law of 4 June 1899, no. 350, and the regulation approved by Royal Decree of 25 August 1899, no. 350, the Pastors of Italy have received an allowance of 900 lire annually, which will afterward be raised to 1,000 lire.

"Now such a supplement to the *congrua* is given by the Administration of the Fund for Worship, which derives the sums from the goods of the *Ricettizie* and *Comunerie* suppressed by the Government and from the goods of the Ecclesiastical Estate—that is, from suppressed Benefices and from religious Communities expelled and despoiled. Consequently, what is given to Pastors as the *congrua*, or a supplement to the *congrua*, does not belong to the Parish to which that *congrua* or supplement is offered. This being posited, can a Pastor in conscience:

"1. Accept the *congrua* or supplement to the *congrua* constituted from goods which belonged not to the parish but to other moral bodies?

"2. If the *congrua* or supplement to the *congrua* is given to a Pastor in whose Church there was a *Comuneria*—Collegiate or *Riccettizia*—and is constituted from the goods of that same *Comuneria*, now

relinquished to the Municipalities, must the Pastor share it with his Clergy, and can he retain it all for himself as revenue of the Parish?

"3. And if the Pastor knows that his allowance, received from the Fund for Worship directly or through the Municipality, belonged to a moral entity—situated in his Church or elsewhere—with determined burdens of Masses and other works of worship and piety, must he, at least in proportion to the allowance, satisfy those same burdens?

"4. In the act of acceptance, must the Pastor make at least orally some protest, also so as not to incur the censures issued against usurpers of the goods of the Church?

"5. Can the Bishops themselves burden the supplement to the *congrua* given to Pastors for the benefit of their Church or their Clergy?

"6. Do the Bishops themselves, or the Pastors, have the faculty of treating with the Fund for Worship and with the Municipalities concerning everything that regards the *congrua* or its supplement?

"Response. To the first: With attention to the circumstances of the times, it can be tolerated, scandal being removed and the intention being held of standing by the commands of the Church.—To the second, third, and fifth: Recourse is to be had to the Sacred Congregation of the Council.—To the fourth: It is sufficient to observe the conditions appended to the response to the first.—To the sixth: It can be tolerated." Sacred Penitentiary, 14 December 1899.

"1. Is it lawful for Municipalities to request or accept from the Fund for Worship the transfer of the revenues of suppressed *Ricettizia* Churches and religious Corporations under the conditions established by the aforesaid law of 4 June 1899?—2. Can Municipalities which claim the right of patronage over the Parochial Church, or which have entered in the municipal budget a sum for the expenses of Worship, lawfully, so as not to burden the populations greatly, delete from the municipal budget the item for Worship and provide for it instead from the revenue of the suppressed *Ricettizia* Churches, as the law prescribes?—3. Can the surplus revenue be considered the property of the Municipalities? And can these consider themselves not bound to fulfill the religious burdens annexed to the abolished foundations, or attached to the revenues of the suppressed moral bodies and ecclesiastical entities?

"Response. To the first and second: With attention to the circumstances of the times, it can be tolerated, provided, nevertheless, that scandal is removed and every effort is employed so that, insofar as it can be done, the utility of the Church is cared for.—To the third, the doubt having been reformulated: 'Whether the Municipalities are bound to fulfill the burdens annexed to the ecclesiastical goods or revenues received from the Civil Authority.' Response. Insofar as it can be done, affirmative." Sacred Penitentiary, 14 December 1899.

On Simple Priests with Respect to the Care of Souls

"Can a Bishop, under the same precept of obedience and the same threatened censures, compel idle priests who are sustained by good health to undertake the care of churches, at least until it is possible to provide them with a Pastor?—Response. Affirmative, when grave necessity urges, and for a time." Sacred Congregation of the Council, 17 January 1866.—"But as regards Religious men, insofar as they live outside the cloister by the temporary permission of their Superiors, let him treat the matter with those same Superiors." Sacred Congregation of the Council, 28 March 1890.

On Italian Priests Departing for America

"Not without great sorrow of soul has Our Most Holy Lord Pope Leo XIII learned that some priests who emigrated from Italy, especially southern Italy, to the regions of America lead a life which is entirely at variance with that integrity and holiness of morals which an ecclesiastical man ought to display.

"Therefore, the Most Blessed Father, wishing according to his powers to resist the further spread of so great an evil by renewing and enlarging those precautions and remedies which had already been employed in past years, after hearing the opinion of the Cardinals of the Sacred Congregation of the Council, commanded that same Congregation to send the following prescriptions to the Bishops and Ordinaries both of Italy and of America:

"I. With respect to Italian priests who have emigrated and are dwelling in America, the local Prelates shall proceed summarily against delinquents according to the form of the sacred canons, even as delegates of the Apostolic See, if there is need.

"II. But with respect to the future, the Bishops and Ordinaries of Italy are absolutely prohibited from granting to their priests of the secular clergy letters of departure for emigration to the regions of America.

"III. An exception may be admitted only, the conscience of the Bishop being burdened, for some priest of his diocese who is of mature age, endowed with sufficient sacred learning, and adduces an entirely just cause for emigration. Yet he must have good testimony to an unstained life hitherto spent laudably in the works of the sacred ministry, with a true ecclesiastical spirit and zeal for the salvation of souls; and therefore he must offer a founded hope of edifying by word and example the faithful and peoples to whom he asks to pass, and furnish moral certainty that the priestly dignity will never be stained by him through the exercise of any vulgar crafts and commercial dealings whatever.

"IV. But in a case of this kind, the same Italian Bishop and Ordinary, all things having been duly weighed and proved, shall treat the matter directly, without the intervention of the priest making the request, with the American Ordinary to whose diocese the latter desires to pass; and after obtaining from that American Ordinary the formal acceptance of the same priest together with the promise of deputing him to some office of the ecclesiastical ministry, he shall report each and every thing to the aforesaid Sacred Congregation of the Council. If the latter shall finally give consent, the Bishop can then grant the letters of departure, communicating to the American Prelate by a secret letter, unless they are already known to him, the personal particulars of the emigrating priest, for the purpose of preventing fraud concerning the identity of the subject. The same priest may not emigrate from that diocese to another in America without a new permission of the Sacred Congregation.

"V. Priests of the Eastern rite are excluded under every hypothesis.

"VI. But if emigration is not in question, but rather some priest of Italy who, for personal and honorable temporary causes, wishes to go to parts of America, it shall be sufficient that his own Ordinary, after examining these things and provided that nothing else stands in the way, furnish him in writing with his permission for a time—not exceeding the limit of one year—in which the

aforesaid reasons for departure are declared, with the condition that he immediately remain suspended *a divinis* when the appointed term has expired, unless he has obtained its lawful extension.

"VII. Those priests who enjoy some special Apostolic privilege for this purpose are not comprehended under these laws concerning emigration to the Americas.

"Given at Rome from the Sacred Congregation of the Council, 27 July 1890."

"No one is certainly unaware that foreign clerics coming from distant transmarine shores, according to the statutes of the ancient Fathers, the canonical sanctions of title 22, book I of the Decretals, and the very rules of prudence, are to be admitted to the exercise of the sacred ministry only with caution. For because of the distance and dissimilarity of places, it is often difficult safely and expeditiously to form a just judgment concerning the persons and their qualities and concerning the validity of the documents which are exhibited by newcomers; fraud and deceit sometimes creep in, as experience bears witness; whence danger threatens everywhere lest unworthy and wicked men be placed over the flock of the faithful, with the gravest offense to the divine majesty and harm to the Christian commonwealth.

"To ward off these dangers, the Sacred Congregation of the Council, by the special mandate of Our Most Holy Lord Leo XIII, issued a law by circular letters given to the Ordinaries of Italy and America on 27 July 1890, by which it confined the migration of Italian priests to America within certain rules.

"These rules are as follows: Cf. part II and following of the preceding Decree.

"By this law many harmful things were removed and taken away, but not all, nor entirely. For experience has taught that, from a perverse interpretation of article 5 recited above, the effect of that salutary law has very often been frustrated. Furthermore, it has become evident that the migration of priests to America and to the Philippine Islands, not only from Italy but also from other regions of Europe, is excessive and sometimes even harmful.

"Wherefore the Most Eminent Fathers of the Sacred Congregation, after the reports of many Bishops had been duly examined, as was fitting, complying with the wishes of those same Bishops and maturely weighing all things, judged that broader and more ample provision concerning this matter was to be made by a new general law, which is contained in these chapters:

"I. For clerics of Italy, the dispositions contained under nos. 1, 2, 3, 4, and 6 in the circular letters of 27 July 1890 remaining firm, the conscience of all Ordinaries both of Italy and of America is gravely burdened concerning their full observance.

"But the faculty granted under no. 5 is restricted to a case of strict and urgent necessity, as, for example, the grave illness of someone dwelling in America whom Christian charity or a duty of piety may require them to visit, when there is no time to have recourse to the Holy See. But in this and similar circumstances the cause of urgent necessity must be expressed clearly and determinately in the letters of departure, the time of absence must be restricted to six months, and the Sacred Congregation of the Council must be informed of the matter immediately.

"II. But outside Italy, henceforth it shall not be lawful for the Ordinaries of Europe to grant their Clerics letters of departure for America unless the consent of the Bishop of that diocese to which the priest desires to go has first been sought, secret letters having been exchanged for this purpose in

which the American Prelate is informed concerning the age and the moral and intellectual qualities of the emigrating priest.

"Nevertheless, a case of strict and urgent necessity is excepted, in which, in the same manner as above, permission can be granted by his own Ordinary, but it shall be valid for only six months, the cause of urgent necessity having been noted and the Bishop of the place to which the priest is departing having been advised by letter.

"III. Finally, for those about to migrate from any part of the world to the Philippine Islands, the same laws and norms shall be observed as for Italian priests going to America, with this difference, however: for European priests, permission is to be sought from the Sacred Congregation of the Council; but for priests of America or another region, from the Apostolic Delegation at Washington.

"Therefore, henceforth letters of departure for clerics about to migrate to America and to the Philippine Islands shall be drawn up in the specific form according to the rules established above; those drawn up otherwise shall be of no value and shall be judged as such by the Ordinaries of those dioceses.

"A report concerning all these things having been made to Our Most Holy Lord Pope Pius X in the audience of 17 September of the current year by the undersigned Cardinal Prefect, His Holiness confirmed the Decrees of the Most Eminent Fathers and commanded them to be published by circular letters of the Sacred Congregation and to be duly observed by all, anything whatever to the contrary notwithstanding.

"Given at Rome from the offices of the Sacred Congregation of the Council, 14 November 1903."

On Inferior Clerics

"55. Likewise, in that it professes that it vehemently desires that some means be found of removing the minor clergy—by which name it designates clerics in the lower orders—from cathedrals and collegiate churches, providing otherwise—namely, through upright laymen of more advanced age, with a suitable stipend assigned—for the ministry of serving Masses and other offices as acolytes, etc., as it says used to be done formerly, when offices of that kind had not been reduced to a mere appearance for receiving the greater orders; insofar as it censures the institution which provides that the functions of the minor orders are to be performed or exercised only by those who are constituted in or assigned to them (Fourth Provincial Council of Milan); and this according to the mind of the Council of Trent (session 23, chapter 17), 'that the functions of the holy orders from the diaconate to the order of porter, laudably received in the Church from Apostolic times and for some time interrupted in many places, be recalled according to the sacred canons, and not be disparaged by heretics as idle': a rash suggestion, offensive to pious ears, disturbing to the ecclesiastical ministry, diminishing the decorum to be preserved, insofar as it can be, in the celebration of the mysteries, injurious to the duties and functions of the minor orders and to the discipline approved by the canons and especially by Trent, and favoring the insults and calumnies of heretics against it." Proposition of the Synod of Pistoia condemned by Pius VI.

On the Religious Habit and the Condition of Institutes Which Do Not Prescribe It

"The Catholic Church has this wholly as her own: that she continually directs all her strength both toward fostering Christian piety and toward extirpating vices. Hence, nearly in our own age, not only have true religious Congregations grown to the great good of the Christian and civil commonwealth, but also various pious Societies of the faithful have been formed which both follow the evangelical counsels and perform the duties of charity with greater freedom—duties from exercising which, through the wickedness of the times, religious families are almost or altogether prohibited. But since these pious Societies of the faithful, no less than true religious Congregations, have been praised by the Holy See and their statutes approved, and since it was furthermore requested that new Societies of this kind be approved, discussion began concerning the nature of those Societies and the mind of the Holy See in approving them. For this reason, in a general Congregation of the Cardinals of the Holy Roman Church for Bishops and Regulars, by the mandate of Our Most Holy Lord Pope Leo XIII, these two questions were asked: I. Whether it is expedient that the Sacred Congregation of Bishops and Regulars grant a decree of praise or approval to those Institutes which, besides Sisters living in community, have other Sisters bound by simple vows, whether temporary or perpetual, who live in their own homes without bearing any outward sign by which it may become known that they are members of some regular Institute. II. Whether it is expedient that the same Sacred Congregation grant a decree of praise or approval to those Institutes whose members, even if they live in community, nevertheless bear no sign of that same Institute, and indeed endeavor to conceal both the Institute itself and its nature. Moreover, in the plenary Congregation held in the Vatican Apostolic Palace on 21 June 1889, the Most Eminent Fathers decreed: When the Sacred Congregation praises or approves Institutes of this kind, even under the express name of Congregations, it intends to praise or approve them not indeed as formal Religious Orders of solemn vows, nor even as formal or true religious Congregations of simple vows, but only as pious Societies in which, besides the other things which are required according to the present discipline of the Church, no religious profession properly so called is emitted; rather, the vows, if any are made, are considered private, not public vows accepted in the name of the Church by a lawful Superior. The Sacred Congregation furthermore praises or approves these Societies under the essential condition that they be fully and perfectly known to their respective Ordinaries and be entirely subject to their jurisdiction. Finally, although the members of these Societies wear no regular habit, nevertheless let them take care that in themselves there be not '...the adornment of clothing' (1 Peter 3:3), nor anything which might offend the sight of anyone, but that which befits religious persons 'professing piety through good works' (1 Timothy 2:10); and let them beware lest that which is concealed through prudence of spirit degenerate through prudence of the flesh into culpable simulation. The Holy Father ratified and confirmed this decree and commanded it to be inserted in the Statutes of Institutes of this kind." Sacred Congregation of Bishops and Regulars, 11 August 1889.

On Tertiaries

"Institutes of Tertiaries are not to be approved unless they are aggregated by the Superiors General of those Orders from which they borrow both name and habit into their own respective Third Order, and are admitted to participation in Indulgences and spiritual graces insofar as it is lawful to grant this." Norms of the Sacred Congregation of Bishops and Regulars, 28 June 1901, no. 16.

"His Holiness decreed: first, that Institutes of Tertiaries living in Community and emitting simple vows, provided that they are lawfully aggregated to the Orders from which they borrow their name and habit, participate in all Indulgences granted directly by the Roman Pontiffs only to the First and Second Orders; second, that their churches enjoy the same Indulgences which the churches of the respective First and Second Orders enjoy; third, that other Indulgences previously granted to Third Orders of this kind shall henceforth be proper only to Tertiaries living in the world." Sacred Congregation of Indulgences, 28 August 1903.

Concerning women of the Third Order and their privileges, cf. Instruction of the Sacred Congregation for the Propagation of the Faith, 17 January 1763, no. 445.

On the Solemnity of Vows

"A solemn vow is that which is accepted as such by the Church and renders the one vowing perpetually and immutably incapable—regard being had to ordinary law and a pontifical dispensation being excluded—of contracting marriage and of acquiring or retaining ownership of things, as Father Piringh speaks with the other authors who treat of the sacred canons in book 3 of the Decretals, title 54, § 1. Since, therefore, the nuns of France now, in order to accommodate themselves to the civil laws, emit the vow of poverty in such a way that they by no means abdicate ownership of their property, but retain it as their own and intend, when there is need, to dispose of it according to the civil laws, for this reason their vow, whether for five years or perpetual, is certainly not solemn, nor is it accepted as such by the Church. But if this vow of poverty is not solemn, neither can the other two vows of chastity and obedience be considered solemn; since, according to the nature of solemn religious profession and the discipline of the Church, one vow cannot be solemn without another." Sacred Penitentiary, 1820, to the Bishop of Limoges.

"When the Benedictine Nuns from the monastery of Cambrai, founded in the year 1625, had fled in the year 1793 because of political disturbances, they first established their seat in the Diocese of Salford, then in the place of Stanbrook, with the intention of returning. But now, having abandoned the intention of returning, they ask that their vows be ratified as solemn.—Response. The solemnity of the vows hitherto emitted in the aforesaid monastery is established; and, insofar as there is need, the Sacred Congregation, by force of special faculties granted by Our Most Holy Lord, establishes and decrees that the vows which shall hereafter be emitted in the same monastery are to be held as solemn." Sacred Congregation of Bishops and Regulars, 25 July 1896.

On the Three Rules Posited by the Synod as the Foundation for the Reformation of Regulars

"80. Rule I, which establishes universally and indiscriminately that the regular or monastic state by its nature cannot be combined with the care of souls and with the duties of pastoral life, and therefore cannot come to form part of the ecclesiastical hierarchy without, on the contrary, conflicting with the principles of monastic life itself: false, pernicious, injurious to the most holy Fathers and Prelates of the Church who joined the institutes of regular life with the duties of the clerical order, and contrary to the pious, ancient, and approved custom of the Church and to the sanctions of the Supreme Pontiffs; as though monks who are commended by gravity of morals and holy formation of life and faith were not rightly aggregated to the offices of clerics, not only without offense to religion

but also with much utility to the Church. From the decretal letter of Saint Siricius to Himerius of Tarragona, chapter 13.

"81. Likewise, in that which it subjoins, that Saints Thomas and Bonaventure were so engaged in defending the institutes of the mendicants against eminent men that less heat and greater precision would have been desirable in their defenses: scandalous, injurious to the most holy Doctors, and favoring the impious insults of condemned authors.

"82. Rule II. The multiplication of Orders and their diversity naturally produce disturbance and confusion; likewise, in that which it premises (§ 4), that the founders of Regulars who arose after the monastic institutes, adding Orders to Orders and reformations to reformations, effected nothing other than to extend more and more the primary cause of the evil: understood of Orders and Institutes approved by the Holy See, as though the distinct variety of pious duties to which distinct Orders are devoted must by its nature produce disturbance and confusion; false, calumnious, injurious to the holy founders and their faithful pupils, and also to the Supreme Pontiffs themselves.

"83. Rule III, by which, after it premised that a small body dwelling within civil society without being almost a part of it, and establishing a small monarchy in the state, is always dangerous, it then accuses under this title private monasteries associated under one head by the bond of a common institute, as so many particular monarchies dangerous and harmful to the civil commonwealth: false, rash, injurious to regular Institutes approved by the Holy See for the advancement of religion, and favoring the attacks and calumnies of heretics against those same Institutes.

On the System or Complex of Ordinances Deduced from the Aforesaid Rules and Comprised in the Following Eight Articles for the Reformation of Regulars

"84. Article I. Only one Order is to be retained in the Church, and the Rule of Saint Benedict is to be chosen before the others, both on account of its excellence and on account of the illustrious merits of that Order; yet in such a way that, in those matters which may perhaps occur as less suitable to the condition of the times, the manner of life instituted at Port-Royal should furnish light for examining what it would be fitting to add or subtract.

"II. Those who join this Order are not to become participants in the ecclesiastical hierarchy; nor are they to be promoted to sacred Orders, except at most one or two, to be ordained as curates or chaplains of the monastery, the rest remaining in the simple order of laymen.

"III. Only one monastery is to be admitted in each city, and it is to be situated outside the walls of the city in more hidden and remote places.

"IV. Among the occupations of monastic life, its own part is to be inviolably preserved for manual labor, with suitable time nevertheless left to be spent in psalmody or even, if anyone wishes, in the study of letters. Psalmody ought to be moderate, because its excessive length produces haste, weariness, and wandering; by however much psalmody, orations, and prayers have been increased, by an equal proportion the fervor and holiness of Regulars have been diminished at all times.

"V. No distinction among monks assigned either to choir or to ministries is to be admitted; this inequality has at all times aroused the gravest quarrels and discords and has expelled the spirit of charity from communities of Regulars.

"VI. The vow of perpetual stability is never to be tolerated. The ancient monks did not know it, although they were the consolation of the Church and the ornament of Christianity. Vows of chastity, poverty, and obedience shall not be admitted in the manner of a common and stable rule; if anyone wishes to make all or some of these vows, he shall seek counsel and permission from the Bishop, who nevertheless shall never permit them to be perpetual or to exceed the limits of one year; only the faculty of renewing them shall be given under the same conditions.

"VII. The Bishop shall have every oversight of their life, studies, and progress in piety; to him it shall belong to admit and expel monks, yet always after receiving the counsel of their companions.

"VIII. Regulars of the Orders which still remain, even if priests, could also be admitted into this monastery, provided that they desired to devote themselves in silence and solitude to their own sanctification. In that case, there would be place for a dispensation from the general rule established in no. II, yet in such a way that they do not follow a manner of life differing from the others, so that no more than one, or at most two, Masses are celebrated each day, and it ought to be sufficient for the other priests to concelebrate with the community.

Likewise, for the Reformation of Nuns

"Perpetual vows are not to be admitted until the fortieth or forty-fifth year; nuns are to be devoted to solid exercises, especially labor; they are to be called away from the carnal spirituality by which most are occupied; it is to be considered whether, as regards them, it would be better for the monastery to be left in the city.

"A system subversive of the discipline now in force and already approved and received from antiquity; pernicious, opposed and injurious to the Apostolic Constitutions and the sanctions of many Councils, even general ones, and especially of Trent; favoring the insults and calumnies of heretics against monastic vows and regular Institutes devoted to the more stable profession of the evangelical counsels." Propositions of the Synod of Pistoia condemned by Pius VI.

On Civil Authority with Respect to Religious

"52. The Government can by its own right alter the age prescribed by the Church for the religious profession of both women and men, and command all religious Families that they admit no one to pronounce solemn vows without its permission.—53. The laws which pertain to protecting the state of religious Families and their rights and duties are to be abrogated; indeed, the civil Government can furnish assistance to all who wish to defect from the institute of religious life which they undertook and to break solemn vows; and likewise it can utterly extinguish those same religious Families, just as collegiate Churches and simple Benefices even of the right of patronage, and subject and claim their goods and revenues for the administration and judgment of the civil power." Propositions condemned by Pius IX in the *Syllabus*.

On More Recent Religious Institutes

"...It has seemed good to issue two chapters of prescriptions: the one concerning Societies which have not yet obtained the commendation or approval of the Apostolic See, the other concerning the rest, whose laws the Apostolic See has either reviewed or whose institute it has commended or approved.—The first chapter contains the following things to be observed:

"1. It belongs to the Bishop not to receive into the diocese any recently established Society before he has examined and likewise approved its laws and constitutions: namely, if they are opposed neither to the faith and uprightness of morals nor to the sacred canons and decrees of the Pontiffs, and if they are suitably adapted to their established end.

"2. No house of new Societies shall be founded by lawful right unless the Bishop consents and approves. But the Bishop shall not impart permission to found unless, after an inquiry has been diligently made, he knows what sort of persons they are who request it: whether they think rightly and uprightly, whether they are endowed with prudence, whether they are chiefly led by zeal for the divine glory and for their own salvation and that of others.

"3. Insofar as it can be done, rather than found or approve a new Society of some kind, Bishops will more usefully adopt some one of those already approved which professes a similar institute of action. —Hardly any Societies are to be approved, except perhaps in regions of the Missions, which, without a certain and proper end having been established, undertake to exercise universally any works whatever of piety and beneficence, even though wholly disconnected from one another.

"Bishops shall not permit any Society to be established which lacks the revenues necessary for the support of the members.—Societies which live by collected alms, and likewise communities of women which attend the sick in their homes by day and by night, are to be approved very cautiously, indeed only with difficulty.—But if some new Society of women has this end, that in its own houses it open hospitals for receiving men and women indiscriminately, or similar houses for receiving priests who, when sick, may be relieved by the care and labor of Sisters, Bishops shall not approve proposals of this kind unless mature and severe counsel has been employed.—Furthermore, Bishops shall by no means permit houses of Religious in which lodging and sustenance are furnished for payment to men or women arriving from elsewhere.

"4. No diocesan Society shall pass into other dioceses unless both Bishops consent, both of the place from which it departs and of the place to which it wishes to migrate.

"5. If a diocesan Society happens to be propagated into other dioceses, it shall not be lawful to change anything concerning its nature and laws except with the consent of the individual Bishops in whose dioceses it has houses.

"6. Once Societies have been approved, they are not to be extinguished except for grave causes and with the consent of the Bishops in whose territories they have existed. Nevertheless, it is lawful for the Bishops, each in his own diocese, to suppress individual houses.

"7. The Bishop shall be informed individually concerning girls seeking the religious habit, and likewise concerning those who, their probation having been completed, are about to emit vows; it shall belong to him also to examine them according to custom and, if nothing stands in the way, to admit them.

"8. The Bishop has the power of dismissing professed members of diocesan Societies, with both perpetual and temporary vows being remitted, with the single exception—at least by his own authority—of that of observing perpetual chastity. Care must nevertheless be taken that by a remission of this kind the right of another is not injured; but it is injured if this is done without the knowledge of the moderators and when they justly dissent.

"9. Let the Superiors be elected by the Sisters according to the law of the constitutions. Nevertheless, the Bishop, either personally or through a delegate, shall preside over the casting of ballots; it is within his power, according to the duty of conscience, to confirm or rescind the completed election.

"10. The Bishop has the right to visit the houses of every diocesan Society and likewise to inquire into the pursuit of virtues, discipline, and financial accounts.

"11. To designate priests for sacred functions, confessions, and sermons, and likewise to establish matters concerning the dispensation of the sacraments, is the office of the Bishops, for diocesan Societies just as for the others; this is expressly determined in the following chapter, no. VIII.

"The other chapter of prescriptions, concerning Societies whose laws the Apostolic See has either reviewed or whose institute it has commended or approved, contains the following things to be observed:

"1. To receive candidates and to admit them to the sacred habit or to the profession of vows are functions of the Superiors of the Societies; yet the faculty attributed to the Bishop by the Council of Trent remains intact (session 25, chapter 17, *On Regulars and Nuns*), so that, when women are in question, he examine them *ex officio* both before they receive the habit and before they emit profession. It belongs similarly to the Superiors to arrange the individual houses and to dismiss novices and professed members, yet with all those things observed which must be observed according to the laws of the Institute and the pontifical decrees.—Their own assemblies or Chapters and Councils have the right of committing the offices and administrations, both those which pertain to the entire Society and those which are exercised in individual houses. But in the assemblies of women's Societies for the assignment of offices, the Bishop in whose diocese they are held shall preside personally or through another as a delegate of the Apostolic See.

"2. To remit vows, whether temporary or perpetual, belongs to the Roman Pontiff alone. No Bishop is given the right of changing the constitutions, since they are approved by the Apostolic See. Likewise, Bishops may not change or modify the governance which, according to the norm of the constitutions, rests with the moderators either of the whole Society or of the individual houses.

"3. The rights of Bishops, each in his own diocese, are to permit or prohibit the establishment of new houses of Societies; likewise, the erection of new churches by them, the opening of public or semipublic oratories, the celebration of Mass in domestic chapels, and the exposition of the August Sacrament openly for the veneration of the faithful. It belongs similarly to Bishops to regulate solemnities and supplications which are public.

"4. If houses of Societies of this kind use episcopal enclosure, the rights which are attributed to Bishops in this matter by pontifical laws remain intact. But if any use an enclosure which they call partial, it shall belong to the Bishop to take care that it is duly observed and to restrain whatever defect may creep into it.

"5. The male or female members of these Societies, as regards the internal forum, are subject to the power of the Bishop. But in the external forum they are subject to him as regards censures, the reservation of cases, the relaxation of vows which are not reserved to the Supreme Pontiff alone, the proclamation of public prayers, and the other dispensations and concessions which sacred Prelates can impart to their faithful.

"6. But if any request to be promoted to sacred orders, the Bishop shall beware of ordaining them, even if they are dwelling in the diocese, unless under these conditions: that each be proposed by his own moderators; that those things sanctioned by sacred law concerning dimissorial or testimonial letters have been duly fulfilled; that they not lack a title of sacred ordination, or at least be lawfully exempted from it; and that they have devoted themselves to theological studies according to the Decree *Auctis admodum*, issued on 4 November 1892.

"7. With respect to Societies which live by begging, let those rights stand for Bishops which are contained in the Decree *Singulare quidem*, promulgated by the Sacred Council placed over Bishops and Religious Orders on 27 March 1896.

"8. In those things which pertain to spiritual matters, Societies are subject to the Bishops of the dioceses in which they are situated. It shall therefore belong to these Bishops to designate priests for sacred functions and to approve them for sermons. But if they are women's Societies, the Bishop shall likewise designate both ordinary and extraordinary priests for confessions, according to the norm of the Constitution *Pastoralis curae*, issued by Benedict XIV, Our Predecessor, and of the Decree *Quemadmodum*, issued by the Sacred Council placed over Bishops and Religious Orders on 17 December 1890; this decree also pertains to associations of men who are not initiated into sacred orders.

"9. The administration of the goods which the individual Society possesses must rest with its Supreme Moderator or Mother General and their Councils; but the revenues of the individual houses must be administered by their individual Superiors according to the laws of each Institute. The Bishop cannot demand any account of these things. But if funds have been assigned or bequeathed to a particular house to be spent on the worship of God or beneficence in that very place, the moderator of the house shall indeed administer them, yet shall report to the Bishop and show himself wholly subject to him; in such a way, namely, that neither the Superior nor the Mother General of the whole Society may conceal from the Bishop, alienate, or divert to other uses anything from these goods. Therefore, whenever it shall seem good, the Bishop shall examine the accounts of receipts and expenditures for goods of this kind; the same shall take care that the principal not be diminished and that the revenues not be wrongly expended.

"10. Wherever institutes to be cared for are attached to the houses of Societies, such as houses for women, orphanages, hospitals, schools, and asylums for educating children, let all these be subject to episcopal vigilance as regards religious instruction, uprightness of morals, exercises of piety, and the administration of sacred things; the privileges which may have been attributed to colleges, schools, or institutes of this kind by the Apostolic See remaining intact.

"11. In the houses of any Societies whatsoever whose members profess simple vows, the Bishops of the respective dioceses have the right of visiting the churches, sacristies, public oratories, and confessionals, and of opportunely establishing and commanding matters concerning them.—In Societies of priests, the Superiors alone shall take cognizance of conscience and discipline and likewise of economic matters. But in associations of women, as also of men who abstain from the priesthood, it shall belong to the Bishop to inquire whether discipline flourishes according to the norm of the laws; whether sound doctrine or uprightness of morals has suffered any detriment; whether any offense has been committed against enclosure; and whether the sacraments are received with proper and regular frequency.—If the Bishop should perhaps find anything worthy of censure,

let him not issue a decree, but let him immediately admonish the moderators to make provision; if they neglect this, let him provide for it himself. But if any matters of greater moment occur which admit no delay, let him issue a decree immediately; let him, however, refer the decree to the Sacred Council placed over Bishops and Religious Orders.

"The Bishop, especially during visitation, shall exercise his rights of which We spoke above as regards schools, asylums, and the other institutes mentioned.—But as regards the economic affairs of women's Societies and likewise of men lacking the priesthood, the Bishop shall take cognizance only of the administration of funds or legacies which have been assigned to sacred purposes or to assisting the inhabitants of the place or diocese.

"Moreover, by those things which We have hitherto enacted and sanctioned, We will that absolutely nothing be derogated from the faculties or privileges granted either by Our decree or any other decree of the Apostolic See, or confirmed by immemorial or centennial custom, or even contained in the laws of some Society approved by the Roman Pontiff...anything whatever to the contrary notwithstanding." Leo XIII, Constitution *Conditae a Christo Ecclesiae*, VI Ides of December 1900.

The Ordinary as Superior of Nuns

"The principle of the Sacred Congregations has very frequently been declared: that no Archbishop or Bishop can be the Superior of Institutes of nuns which are propagated through several dioceses and have their own Mother General; rather, they are governed by the Mother General, in such a way that the houses and Sisters of the individual dioceses are subject to the jurisdiction of the individual Ordinaries according to the norms established by the Most Sacred Canons." Sacred Congregation for the Propagation of the Faith, General Congregation, 26 January 1885.

Dependence of Religious Women upon the Ordinary of the Diocese in Which They Dwell

"Must Mothers General, at least those whose Institute still lacks the approval of the Holy See, whenever they wish to transfer some Sister from one house to another in a different diocese, or to appoint a subordinate Superior or release her from office, confer on the matter with the Ordinaries in whose dioceses those houses are found, obtain their confirmation or at least assent, or inform them of the matter?

"Response. In the cases in question, Mothers General may exercise their own right; and it suffices that those same Superiors, merely by reason of courtesy, inform the Bishop of the place concerning the said dispositions." Sacred Congregation of Bishops and Regulars, 9 April 1895.

"With regard to the transfer of Sisters belonging to Institutes subject to a Mother General, provision is for the most part made in the respective constitutions, in which, according to the form of the common law, it is established that their transfer among the houses of the Institute belongs to the Mother General; but in some of the said constitutions it is added that the Mother General shall endeavor in this matter to act in concert with the Ordinaries, and, generally speaking, the Mothers General conduct themselves thus in practice. Then, since the houses of the Institutes are subject to the jurisdiction of the Ordinaries of the places where they exist, those Ordinaries can visit them and issue those decrees which they judge necessary for removing abuses which may have been introduced contrary to the Common Law and the disposition of their own constitutions, even in those things

which regard administration and instruction; nevertheless, they can add nothing *contra vel praeter constitutiones*. And this is verified with greater reason for the external schools which the Sisters maintain and for the direction of the orphanages entrusted to them, since vigilance over the instruction and education of youth belongs to the local Ordinary." Sacred Congregation of Bishops and Regulars, 14 May 1872.

On the Holiness of the Religious Life

"1. That the Friars Preachers and Minors were not in the state and way of those being saved, and that their mendicity and poverty were neither meritorious nor salutary; since, bodily health and other just impediments ceasing, they ought to work with their own hands and not remain idle in hope of another's aid.—2. And that, with the permission or commission of the Roman Pontiff or of the diocesan Bishops, they could not freely exercise the office of preaching and hear confessions, as though through this prejudice were inflicted upon parochial priests." Errors of William of Saint-Amour condemned by Alexander IV in the year 1256, Constitutions *Veri solis radius*, XVI Kalends of November, and *Multa cordis amaritudine*, XII Kalends of November.

"22. The Saints who instituted private religious orders sinned by instituting them thus.—23. Religious living in private religious orders are not of the Christian religion.—24. Friars are bound to acquire sustenance through the labor of their hands and not through mendicity.—31. Those who found cloisters sin, and those who enter them are diabolical men.—34. All the mendicant Orders are heretical, and those giving them alms are excommunicated.—35. Those entering religion or some Order are by that very fact incapable of observing the divine precepts and consequently of attaining the kingdom of heaven unless they apostatize from those same Orders.—45. All religious orders without distinction were introduced by the devil." Propositions of John Wyclif condemned at the Council of Constance.

"41. Ecclesiastical Prelates and secular princes would not do ill if they destroyed all the sacks of mendicity." Proposition of Martin Luther condemned by Leo X.

Whether and How Dispersed Religious Are Bound to Regular Observance

"I. Care must be taken, as was already admonished concerning Nuns in the Letters of 28 June 1866 under no. 7, that Regulars expelled from their own houses, especially professed Clerics, insofar as they cannot be received into another monastery, assemble in some particular house to be designated by their Superiors, and there not omit to observe the rule which they professed in the best manner possible, each being prohibited from departing without due permission.

"II. Care must likewise be taken that even Regulars who are compelled to live outside cloisters and the aforesaid houses as temporarily secularized remain in their vocation and fulfill, likewise in the best manner possible, the solemn vows by which they consecrated themselves to God. Hence the Sacred Penitentiary declares to all Regular Superiors that their jurisdiction over their own suppressed subjects, even those dwelling outside cloisters, has by no means ceased. For although each Regular dwelling outside a cloister is not exempt from the jurisdiction of the Ordinary of the place in which he dwells as regards ecclesiastical governance and discipline, nevertheless, as regards regular

discipline and the obligations which proceed from religious profession and are compatible with his new state, he is bound to be subject and obedient to his own Superiors.

"III. It decrees that the aforesaid houses, provided that at least three Regulars have assembled in them to dwell there, of whom at least one is a Priest, shall be subject to the jurisdiction of the Minister Provincial, and that they are to be governed by a particular Superior to be constituted there.

"IV. It grants that in those same houses, provided that at least four Regular Priests dwell in them, there may be erected, with those things which must be observed by law being observed, a private Oratory, first to be visited and approved by the Minister Provincial or by another suitable Person deputed by him, in such a way that Mass may be celebrated in it by Regular Priests, the Most Holy Eucharist reserved, and Holy Communion received by Religious and Oblates alone, and the precept of hearing Mass satisfied.

"V. It likewise grants that in Oratories erected in this manner the Regulars themselves may enjoy all and any Most Holy Indulgences granted and assigned to the houses or churches from which they were expelled, yet according to the form and the time expressed and defined in the Apostolic concessions and indults; in such a way, nevertheless, that the aforesaid Indulgences shall be considered to continue entirely as before in the churches of the Order to which they had been attached and assigned, so long as some Priest of the same Order has been placed over those churches by lawful authority.

"VI. It furthermore declares that the privileges which Regular Superiors have hitherto used with regard to the particular blessings of their own Order remain intact; and likewise that the personal Most Holy Indulgences granted by the Holy See to all and each Regular of either sex, even those living in the world with lawful permission, and not revoked, remain intact.

"VII. But it decrees that women Regulars expelled from their own cloisters, however exempt they may be, and even those transferred into new houses according to the Letters of 28 July 1866, are wholly subject to the jurisdiction of the Ordinary of the Place in which they dwell.

"VIII. Moreover, it grants to Ordinaries of Places the faculty of imparting, according to their prudence, to those same women Regulars dwelling in new houses the Indult of a private Oratory, such that, with those things which must be observed by law being observed, Mass may be celebrated daily in that Oratory and the Most Holy Eucharist reserved, and there the Religious themselves, Lay Sisters, Novices, and Pupils, if there are any, and other Women attached to those houses, besides the one serving the Mass, may be refreshed with Holy Communion and may satisfy the precept of hearing Mass.

"IX. It furthermore grants to the women Regulars themselves the privilege imparted above under no. V to male Religious, namely, that of enjoying in the aforesaid Oratories all and any Most Holy Indulgences which had been attached or assigned to the church or Monastery from which they were expelled.

"X. It declares and decrees that it is lawful for suppressed Regulars, even those dwelling outside the aforesaid houses, to discharge the canonical hours according to the Calendar of their own Order and, notwithstanding the lack of a sacred title, to exercise their Orders and celebrate Mass in any church with the permission of the local Ordinary according to the rite of the church in which they happen to

celebrate; yet preserving the rite of their own Order if they celebrate in their own church, the custody of which has lawfully been entrusted to at least one of their Confreres, or in one of the aforesaid Oratories of their Order.

"XI. It furthermore declares that nothing stands in the way of those suppressed Regulars being able to use the faculty already granted to them by the local Ordinary of hearing the sacramental Confessions of the Christian faithful, provided, nevertheless, that the same faculty has not expired or been revoked by the Ordinary himself, and provided that they use it only in those places for which they were approved.

"XII. It grants to Superiors, both General and Provincial, the faculty, either personally or through other suitable Religious men deputed by them, of permitting suppressed Regulars of their Order, during the present circumstances of the times, to choose for themselves any Confessor, whether Regular or Secular, yet from among those approved by the local Ordinary, by whom also, insofar as there is need, they may be absolved from cases and censures reserved within their own Order and may receive in the forum of conscience alone the favor of a dispensation from an irregularity contracted in any manner from the violation of those same censures, provided that it remains occult.

"XIII. It furthermore declares that it is lawful for any suppressed Regulars whatsoever, whether dwelling in some house as in no. I or dwelling outside religious houses as temporarily secularized, to make their sacramental Confessions before Confessors of their own Order lawfully approved by their own Prelate.

"XIV. It grants to the same Superiors General that, while the present circumstances of the times likewise endure and until it shall seem otherwise to the Holy See, after the office of inferior Superiors has been completed, they may, with the counsel of their Definitors, confirm them anew in that same office and substitute others for them, according as they judge more expedient in the Lord.

"XV. It grants to Regular Clerics already solemnly professed that, by the title of poverty or another title of their own Institute, they may be promoted to Sacred Orders by the Ordinary of the Place in which they have domicile, or by another Bishop with dimissorial letters given by him, with the consent of their own Regular Superior and with those things which must be observed by law being observed, and that, when thus promoted, they may minister in their Orders until they have been dismissed for a lawful cause from their own Order or Institute.

"XVI. It likewise grants to Regulars solemnly professed that they may obtain in administration and lawfully retain Chaplaincies or only one Ecclesiastical Benefice, even residential or with the care of souls, with the consent and at the pleasure of the Ordinary of the Place and with their own Superiors consenting; which, nevertheless, they are bound to resign as soon as they have been recalled to the cloisters by those same Superiors.

"XVII. It grants the faculty to local Ordinaries with respect to Nuns, and to Superiors General with respect to male Regulars, of permitting, either personally or through suitable persons to be subdelegated by them, their respective subjects suppressed in Italy, with attention to the particular circumstances and while they endure, notwithstanding the solemn vow of poverty, to receive, enter upon, and retain goods lawfully belonging to them, and even inheritances, saving, nevertheless, the acquired right of a Third party; and concerning those goods not only to enter into contracts but even to dispose of them for pious and honorable uses, and especially in favor of their own Order or

Institute, as well as as a sign of grateful spirit, by acts either *inter vivos* or *causa mortis*, with the counsel and approval of the Ordinary himself, or the Superior, or another deputed by him, or at least, in a case of necessity, of the Confessor; yet in such a way that they are bound to deliver the administration and revenues of their property, for as long as they live in a Community which can possess temporal goods, to that same Community, and to leave to the Religion itself, with precautions employed, whatever may have come to them from the goods of their own Religion. But if the Community is one of those to which the possession of temporal goods is not permitted, in that case let them entrust the administration to some Third person, in such a way that without the permission of the Ordinary or of the Regular Superiors they cannot apply any of the fruits to themselves or dispose of them in any manner.

"XVIII. It grants to all and each suppressed Regular of either sex that money acquired by a lawful title may, with the permission of their Superiors and, insofar as Nuns are in question, with the permission of the local Ordinary, be cautiously placed in an honorable and lawful investment, whether in their own name or through intermediary Persons; under this law, nevertheless, that Regulars living in Community are bound to deliver the securities and revenues of that money to the same Community, or to some Third Person as above, and that they likewise cannot dispose of them in any manner without the permission of those same Superiors or of the Ordinary himself.

"XIX. Finally, it declares that the aforesaid things are to be considered granted without any prejudice to any general or special Indult imparted by the Holy See to any Order or Person; and that the Constitutions of any Order, Congregation, and Institute, and any other things whatsoever, even worthy of special mention, operating to the contrary, by no means stand in the way of those aforesaid things." Sacred Penitentiary, for Regulars suppressed in Italy, 18 April 1867.

Doubts Concerning the Relation Between Regulars Unjustly Suppressed in Italy by an Incompetent Authority and Local Ordinaries

"Since the Sacred Penitentiary on 18 April 1867 decreed in no. 3 that civilly suppressed Regular Houses, provided that at least three Regulars, of whom at least one is a Priest, assemble in them to dwell there, shall be subject to the jurisdiction of the Minister Provincial and are to be governed by a particular Superior to be constituted there:

"Question 1. How must Provincial and Local Superiors conduct themselves when the Ordinary of the place wishes to subject to Sacred Canonical Visitation the churches and houses, and to the so-called auricular visitation the Regulars who, dwelling together in the number of three, hold those churches and houses of their Order?

"2. Does the cited Decree of the Sacred Penitentiary comprehend the case in which, either because of a lack of habitation or because they are impeded by violence, they cannot live together, and yet many more than three assemble daily to celebrate Mass, hear Confessions, and perform other offices at the Church of their own Order, which is held by their Confrere, and there also, either in the Sacristy or in some room, regularly treat of the affairs of the Order and Convent? And insofar as the response is affirmative:

"3. How must the Superiors conduct themselves when the Ordinary of the place wishes to subject the church and the Regulars to sacred Visitation, as was stated in the first?

"4. Are Regulars who, although they cannot live together, nevertheless assemble together as was stated in the second and, on appointed days under the direction of one of their Confreres, give and hear the resolution of Cases of Conscience, bound to go to the Ordinary or the Pastor of the place in order to be present at the said resolution?

"Since in no. 2 of the same Letter the Sacred Penitentiary declared that the jurisdiction of Regular Superiors over their own suppressed subjects, even those dwelling outside cloisters, has by no means ceased, and declared them subject to the jurisdiction of the local Ordinary only as regards ecclesiastical governance and discipline:

"Question 5. By force of this declaration, does the local Ordinary have the power, independently of the good pleasure of the Regular Superior and even against his express will, of enjoining upon a Regular Priest who, although compelled by violence, lives separated from the other Confreres, nevertheless obeys the Superior of his Order in all things, the execution of some ecclesiastical duty or office permanently and irrevocably?

"6. Can the local Ordinary treat with dispersed Regulars concerning matters pertaining to the Order or to the churches of the Order so as to decree something without the Regular Superior having been heard?

"7. Can Pastors summon and compel violently dispersed Regulars who live as in the fifth to perform ecclesiastical functions in the church of their own Parish, even in the case in which the Regulars are found occupied in furnishing assistance to the church of their own Order, and especially if they assemble there daily as was stated in the second?

"It not rarely happens that the civil Government or Municipalities, after consummating the usurpation of churches and houses of Regulars, grant those churches and some part of the house to local Ordinaries or Pastors, even with the express condition of erecting a parish or a branch of a parish in the said churches:

"Question 8. Can local Ordinaries and even Pastors use according to their own good pleasure the said Churches or houses granted to them by the usurpers, or are they rather bound to restore the churches and houses to the Regular Superiors to whom they belong by law?

"9. In the case in which the erection of a parish or branch of a parish in the said churches is in question, can the local Ordinary erect the parish or branch and provide for it independently of the Regular Superior, or is he rather bound to erect that parish or branch and provide for it according to the manner prescribed by the Apostolic Constitutions for parishes of Regulars?

"To the first: The aforesaid churches and houses, as well as the Religious dwelling there, enjoy the same immunity from the jurisdiction of the Ordinary which they enjoyed before.

"Response. To the second: Insofar as the aforesaid Regulars, who because of a lack of habitation or violence are prohibited from dwelling within the cloister, dwell in a house near the Convent and are accustomed to assemble together with the community or with those who have been permitted to dwell within the cloister, as is asserted in the question, in order to perform sacred functions in their own church and to care for those things which pertain to the Order and Convent, affirmative—that is, they are comprehended; otherwise, negative. Yet this is so in such a way that Ordinaries cannot extend their jurisdiction over the persons beyond ecclesiastical governance and discipline, the

jurisdiction of Regular Superiors as regards regular discipline and the obligations which proceed from religious profession being preserved according to no. 2 of the aforesaid Instruction. To the third and fourth: Provision was made in the second.

"To the fifth: Negative.

"To the sixth: As regards the first part—that is, matters pertaining to the Order—negative; as regards the second part—that is, matters pertaining to the Churches of the Order—in the cases of which there was discussion in the first and second, provision has already been made; in the other cases, recourse is to be had in individual cases.

"To the seventh: As regards those of whom there was discussion in the second question, provision has already been made; as regards the others, negative, unless they are bound by a special title to serve the parochial church.

"As regards the eighth and ninth: Generally speaking, negative; but recourse is to be had in individual cases." Sacred Penitentiary, 12 September 1872.

"Can the faculty contained under no. 17 of the Instruction of the Sacred Penitentiary of 18 April 1867 also be extended to Italian Religious subjects before they have emitted the solemn vow of poverty; that is, when the profession of solemn vows is made, can it be permitted to them by Superiors General that they may retain, etc., ownership of lawful goods and inheritances which they already possessed?

"Response. Negative; rather, they are bound wholly to abdicate every right and ownership of those goods according to the constitutions of their own Order. But the same Sacred Penitentiary declares that its mind in granting the faculty expressed in no. 17 of the Instruction of 18 April 1867 was in no manner that Superiors General of regular Orders might grant to subjects suppressed in Italy the ownership or dominion of goods accruing to them for any reason whatever, which the same Regulars, by reason of solemn profession, acquire not for themselves but for the monastery or Order." Sacred Penitentiary, 21 May 1880.

The more recent Instructions and faculties of the Sacred Congregation of Bishops and Regulars of 24 March 1903 for religious Congregations of men and Sisters in France are consonant with these Declarations and Faculties of the Sacred Penitentiary. *M. E.*, vol. 15, pp. 157 ff.

Whether and How a Regular Bishop Is Bound to the Rule

"Affirmative according to the form of the Constitution of Benedict XIII beginning *Custodes*: namely, a Regular Bishop is bound to observe the rules of his religious Order which determine the matter of the vow of poverty; likewise, he is bound to observe the other rules and observances not repugnant to episcopal dignity and office, with the same grave or light obligation by which he was bound before he obtained the episcopal dignity; yet in such a way that in particular cases he can prudently render judgment whether they accord with the episcopal dignity and office." Sacred Congregation of Bishops and Regulars, 6 May 1864; *A. S. S.*, vol. 1, pp. 449 ff.

"A professed Regular incapable of possessing goods, when raised to the episcopate...recovers the right of succeeding to inheritances conveyed to him after obtaining the episcopate, for the utility of his

church as regards ownership and for his own advantage as regards usufruct." Sacred Congregation of the Council, 7 December 1639; *A. S. S.*, vol. 1, p. 227.

On the Faculty of Bishops to Dispense from Vows

1. If the discussion concerns nuns belonging to an Order in which solemn vows were formerly emitted, the following doubts proposed by the Bishop of Le Mans pertain here: "1. Do the spiritual privileges granted to Regulars—for example, indulgences—nevertheless remain? 2. Is the vow of entering religion still reserved to the Apostolic See? 3. Can the Ordinary, for a sufficient reason, dispense from vows emitted by nuns, the vow of perpetual chastity remaining? 4. Is the same to be said of the vows of men as of the vows of nuns, as it seems?

"Response. To the first: The Sisters of monasteries of France can gain all the indulgences which were granted to the religious Order or Institute of other nuns emitting solemn vows according to the respective Institute or rule, and this by an Indult confirmed by Our Most Holy Lord Gregory XVI. To the second: Affirmative; but the vow of a woman whose intention had regard to monasteries as they now exist in France is not reserved, because those monasteries, with attention to the particular circumstances, are considered by the Apostolic See not as truly and properly religious Orders but as families of most pious women. To the third: From the declaration of His Holiness, the Bishops of France, matters standing thus, can dispense. To the fourth: The decrees issued on other occasions by the Sacred Penitentiary pertain only to nuns." Sacred Penitentiary, 11 December 1835.

2. But if the matter concerns more recent religious Congregations of men and Sisters approved by the Holy See, both the rescript of the Sacred Congregation of Bishops and Regulars of 20 September 1840 and the observations frequently made by that Sacred Congregation upon their Constitutions pertain to this question; by these it is asserted that, in Congregations of this kind, vows emitted, whether perpetual or temporary, are dispensed by the Roman Pontiff alone. This was finally confirmed by the Norms of the Sacred Congregation for more recent Institutes, no. 112, Sacred Congregation of Bishops and Regulars, 28 June 1901, and the Constitution *Conditae*, part 2, no. 2.

3. "Can a Bishop dispense from vows emitted in uncloistered Congregations not approved by the Holy See, which are subject to the governance of another Mother General, whether: 1. they have houses situated in several dioceses; or 2. they have no houses outside the diocese in which they arose?—Response. To the first and second: As regards the nonreserved vows of poverty and obedience, a Bishop can dispense in either case, provided that a right of a third party acquired from an onerous contract is not injured when that party is reasonably unwilling; as regards the reserved vow of chastity, negative from the ordinary power of the Bishop, unless it is established that the vow was not perpetual and absolute." Sacred Congregation of the Holy Office, 2 August 1876, no. 2091.

"Does the dispensation of vows for merely diocesan nuns of filial houses existing in a diocese different from that in which the principal house is situated belong to the Ordinary of the filial house, or rather to the Ordinary of the principal house?—Response. To the first: Affirmative. To the second: Negative." Sacred Congregation of Bishops and Regulars, 21 April 1903.

On Testimonial Letters of Ordinaries to Be Sought Before the Admission of Novices

"1. In any Order, Congregation, Society, Institute, Monastery, or House whatsoever, whether solemn or simple vows are emitted in them, and even if Orders, Congregations, Societies, Institutes, Monasteries, and Houses are in question which, by a particular privilege contained even in the body of the law, or by any other title, are not comprehended in general decrees unless special, individual, and express mention is made of them, no one shall be admitted to the habit without testimonial letters both from the Ordinary of origin and also from the Ordinary of the place in which the Postulant, after completing the fifteenth year of his age, has remained for more than one year.

"2. In the aforesaid testimonial letters, after they have diligently inquired, even through secret information, into the qualities of the Postulant, the Ordinaries must report concerning his birth, age, morals, life, reputation, condition, education, and knowledge; whether he is under investigation, bound by some censure, irregularity, or other canonical impediment, burdened by debt, or liable to render an account of some administration. And let the Ordinaries know that their conscience remains burdened concerning the truth of the things set forth; nor is it ever free for them to deny testimonial letters of this kind; in the same letters, nevertheless, concerning each of the foregoing articles they must attest only those things which they shall judge in conscience that they can affirm in the Lord.

"3. The observance of this decree is strictly enjoined, even in virtue of holy obedience, upon all and each Regular Superior and other Religious whom it concerns, of whatever rank they may be and even of an exempt and privileged Institute and one requiring express mention; and whoever, contrary to the tenor of this decree, shall receive anyone into the religious habit shall by that very fact incur the penalty of deprivation of all offices and of active voice, and of perpetual incapacity for obtaining others thereafter, from which he can be dispensed only by the Apostolic See.

"4. By force of any privilege, faculty, indult, dispensation, or approval of rules and constitutions even in specific form which any Order, Institute, Superior, or Religious may obtain from the Apostolic See, it shall never be considered that derogation has been made from this decree unless derogation from it is made expressly and by name, even if general derogatory clauses, however broad, are appended in the concession. But if it should happen that a dispensation from the same decree is at any time granted expressly and by name to some Institute, it cannot be extended to others by force of any privilege or communication of privileges.

"5. On the first day of January in every year, this decree shall be read in the public refectory under penalty of deprivation of office and of active and passive voice, to be incurred by the Superiors by the very fact.

"But lest the observance of this decree be impeded by any reason, title, or pretext, His Holiness derogates wholly from any constitutions operating to the contrary...and any other things whatever to the contrary, and declares that derogation has been made from them." Decree *Romani Pontifices* of the Sacred Congregation on the State of Regulars, 25 January 1848.

Declarations Concerning the Decree *Romani Pontifices*

"1. Do testimonial letters given by Ordinaries through private letters suffice?—Response. Affirmative."

"2. Do testimonial letters suffice in which the Ordinaries do not attest specifically concerning all those things which are prescribed in the Decree *Romani Pontifices*, but report only in general concerning the qualities of the Postulant?—Response. To the second: Affirmative; but let the Regular Superiors observe the other things to be observed by law for knowing the individual qualities of Postulants.

"3. What is to be done if the Ordinaries respond that they do not know the Postulants?—Response. The Postulants can be admitted to the habit and Novitiate if the Ordinary, when requested by the Superior, expressly responds that he cannot inform himself concerning the qualities of the Postulant because he does not know him, provided, nevertheless, that the deficiency of testimonial letters is supplied by other accurate information and a trustworthy report, and the other things to be observed by law are observed; and that, before they are admitted to the habit, the Postulants remain at least three months in the convent and are diligently proved there.

"4. Can Superiors admit a Postulant to the habit of their Order without the testimonial letters of the Ordinary when the latter affirms that he cannot give them because he is prohibited by the civil authority?—Response. The testimony of the Ordinary given even through private and secret letters suffices; but if the Ordinary, when requested by the Superior, refuses in any manner to give testimonial letters because of the cause stated above, the Postulant can be admitted, the deficiency of testimonial letters being supplied by other accurate information and a trustworthy report.

"5. Can Superiors admit to the habit soldiers concerning whom the Ordinaries affirm that in France they cannot obtain information, since they have no delegates in the army and the Pastors cannot have any knowledge of them?—Response. Affirmative, if the Ordinary, when requested by the Superior, responds that he cannot obtain information for the stated reason, provided that the deficiency of testimonial letters is supplied by other accurate information and a trustworthy report, and that the other things to be observed by law are observed; and that, furthermore, before they are admitted to the habit, the Postulants remain at least three months in the convent and are diligently proved there.

"6. What is to be done when the Ordinaries are unwilling to give testimonial letters for no other reason than that they oppose the Postulant's entrance into religion?—Response. Ordinaries, as is prescribed in Article 2 of the Decree *Romani Pontifices*, cannot deny testimonial letters; but if they refuse to give them, recourse must be had to the Sacred Congregation on the State of Regulars.

"7. In those Orders in which, besides lay conversi, there are Donati or Oblati, must testimonial letters be required before the reception of the habit of Donati and Oblati, or rather of Conversi?—Response. Before the reception of the habit of Donati and Oblati.

"8. Is the reception of the habit without testimonial letters null?—Response. The reception of the habit is illicit, but not invalid; testimonial letters omitted at reception to the habit must be obtained as soon as possible, otherwise the Novices can by no means be admitted to profession.

"9. Is a profession invalid if it is made with the testimonial letters omitted?—Response. It is not invalid, but illicit." Sacred Congregation on the State of Regulars, 1 May 1851.

The Decree *Romani Pontifices* of 25 January 1848 concerning the testimonial letters to be sought from Ordinaries "regards only male religious, not nuns." But it must be observed everywhere. Sacred Congregation on the State of Regulars, 25 February 1863.

On the Form to Be Observed in Admission to the Habit and to Profession

The laws to be observed in proving those who petition to be admitted to the religious habit and in admitting novices to profession are contained in the Decree *Regulari Disciplinae* of 25 January 1848 for Italy and the adjacent Islands, Savoy included. Bizzarri, *Collect.*, pp. 832 ff., ed. 1875.

"Is a profession made without first observing the form of the Decree *Regulari disciplinae* null or merely illicit?—Response. It is merely illicit, not null." The same Sacred Congregation, 16 January 1852.

Ceremonies of Vestition and Profession

Priests cannot, for the Vestition of Nuns, the emission of Vows, etc., use books of the Nuns unless they have been approved by the Holy See, or at least by the Ordinaries. Sacred Congregation of Rites, 12 September 1857, *Molinen.*, ad 16.

"The Celebrant who is to receive the vows of those professing, after receiving the Most Holy Sacrament of the Eucharist, after the *Confiteor* and the words which are customarily said before the Communion of the faithful have been completed, shall turn toward those professing while holding the Sacred Host in his hand; then they shall each read their profession in a loud voice, and after each one has read it, he shall immediately receive the Most Holy Sacrament of the Eucharist. But in the renewal of vows, the Celebrant, turned toward the Altar, shall wait until those renewing have pronounced the formula of vows; unless they are few, they shall all recite the formula of renewal together, with one leading, and afterward shall receive the Most Holy Body of the Lord in order. This method, nevertheless, once it has been received, is by no means to be placed in the respective Constitutions of the Congregations. Any particular Decrees whatsoever operating to the contrary notwithstanding, which are to be considered wholly revoked and abrogated." General Decree of the Sacred Congregation of Rites, 14 August 1894.

"Does the General Decree of the Sacred Congregation of Rites of 14 August 1894, by which, in order to remove every ambiguity and introduce uniformity, a method to be observed in profession and renewal of vows within Mass is established, have binding force for all Religious Congregations of either sex?—Response. Affirmative, where vows are pronounced or renewed within Mass." Sacred Congregation of Rites, 5 June 1896.

On the Qualities Required in Those to Be Admitted

The qualities required in those to be admitted are those which are prescribed "in the Constitution of Sixtus V *Cum de omnibus*, with the moderation of Gregory XIV, and in the Decree of Clement VIII *Cum ad regularem disciplinam*, as well as in the rules and Constitutions of the respective Order." Sacred Congregation on the State of Regulars, 1 May 1851. In the aforesaid Decree of Clement VIII one has Instructions concerning the reception and education of novices in monasteries and convents designated or to be designated. Bizzarri, *Collect.*, pp. 843 ff., 867 ff.

"Conversi shall not be received before the twentieth year of their age, and unless they know at least the chief heads of Christian doctrine." Instruction concerning the reception and education of novices, issued by command of Clement VIII, 19 March 1693; Sacred Congregation on the State of Regulars, 1 May 1851, to the seventh; Encyclical Letter *Neminem latet*, 19 March 1857.

On the Prohibition of Receiving Anything from Novices, Except Food and Clothing

"The Sacred Congregation…has judged…that it is not lawful…to exact anything from a novice… under any pretext whatever…except food and clothing for the time during which he shall be on probation." Sacred Congregation of Bishops and Regulars, 11 December 1789; Council of Trent, Session 25, *De Regularibus*, ch. 16.

On the Place and Duration of the Novitiate

"The mind of the Sacred Congregation is that henceforth the year of probation or novitiate and solemn profession be made in monasteries designated for the novitiate according to the form of the Constitution of Clement VIII *Regularis disciplinae restitutioni*…in such a way that, according to the prescription of the Council of Trent, Session 25, ch. 16, *De Regularibus*, when the time of the novitiate has been completed, Superiors shall admit to profession the novices whom they have found suitable, or shall eject them from the monastery." Sacred Congregation of Bishops and Regulars, 12 July 1793. On 19 September 1686, moreover, the Sacred Congregation had declared null any vestition and profession made in a convent not designated for the novitiate, adding that "the year of probation is to be computed from the day of arrival at the lawful place of novitiate." Bizzarri, *Collect.*, pp. 279 ff.

On the Prolongation of the Novitiate and the Delay of Profession

"1. When clerical or lay novices have in good faith received the habit before the proper time, in such a way that when the year and day of novitiate have been completed they have not attained the age prescribed by the Constitution for profession, can profession be deferred for them, without a dispensation and danger of nullity, until they have attained the prescribed age? 2. Can profession sometimes be deferred, without a dispensation and danger of nullity, both for clerics and for laymen who, when the year and day of novitiate have been completed, have attained the age required for profession, if, according to the prudent judgment of the Father Vicar General or of the Fathers of the conventual chapter, grave causes for deferring profession are present?—Response. To both, affirmative, and more, etc." Sacred Congregation of Bishops and Regulars, 12 January 1731.—Cf. no. 277.

On the Time and Form by Which Those Professed in Simple Vows Can Abdicate the Dominion of Their Property

"When can those professed in simple vows make the renunciation of which the Council of Trent, Session 25, ch. 16, *De Regularibus*, treats, and by which they abdicate from themselves the dominion of their property?—Response. The renunciation which the cited chapter 16, Session 25, *De Regularibus*, of the Council of Trent regards has place for those professed in simple vows within the two months immediately preceding the profession of solemn vows." Decree of Pius IX, 1 August 1862.

"For the validity of the renunciations of novices who are minors and of female novices, which are made on the occasion of profession, does it suffice to observe the form of the Council of Trent, or are the solemnities prescribed by the present judicial code" concerning contracts of women and minors "necessary?—Response. Affirmative to the first part; negative to the second." Sacred Congregation of

Bishops and Regulars, 17 March 1843. A renunciation once made in this manner can indeed be renewed at the proper time according to the prescribed formalities of the code, but it cannot be changed. Sacred Congregation of Bishops and Regulars, 16 September 1885.

Privileges and Rights of Those Professed in Simple Vows in Regular Orders

"Those professed in the said simple vows shall be participants in all the graces and privileges which those professed in solemn vows lawfully use, enjoy, and possess in the aforesaid Order. "The years of profession which are required in the said Order in order that one may enjoy active and passive voice and may be admitted to offices shall be computed from the day of the emission of simple vows." Sacred Congregation on the State of Regulars, 12 June 1888, nos. 6 and 8.

"It is asked whether those professed in simple vows, who by the cited Decree (Sacred Congregation on the State of Regulars, 12 June 1858, nos. 6 and 8), as regards the rights both of graces and privileges and of active and passive voice, are equated with those professed in solemn vows, can lawfully and validly be and be capable of being elected, as those professed in solemn vows, as prelates or Superiors in the same Order?—Response. Negative." Sacred Congregation on the State of Regulars, 16 January 1891.

On the Spiritual Exercises to Be Performed by Women Who Wish to Receive the Monastic Habit or Emit Profession

"His Holiness wills and commands that all who are to be promoted to Orders, both minor and major, perform the spiritual exercises for ten continuous days before Ordination, in precisely the same manner which is prescribed for those to be promoted at Rome, Constitution *Apostolica sollicitudo* of Alexander VII. Likewise, let all those women who wish to embrace the religious state in any monastery whatsoever, even one subject to Regulars, perform the same exercises for ten days before they receive the habit and are admitted to the novitiate; and the same exercises are to be repeated for ten days before they are admitted to profession. His Holiness furthermore desires…that all professed nuns once a year, for some period of time which shall seem opportune, perform the same exercises." Encyclical of the Sacred Congregation of Bishops and Regulars, 9 October 1682.

On Simple Vows Before the Solemn Profession of Men

"…With regard to religious families of whatever Order, Congregation, and Institute in which solemn vows are emitted, We establish and decree that any profession of solemn vows whatsoever, made either knowingly or unknowingly, in any manner, under any pretext and color, by any novices whatsoever, even lay novices and conversi, who, although they have completed probation and the novitiate as required by law, have not first emitted a profession of simple vows and remained in it for a complete three years, shall be wholly null, invalid, and of no force, even though either the Superiors, or the novices, or both respectively have the intention of receiving and being received to solemn vows and of emitting them, and all the rites prescribed for the profession of solemn vows are employed." Brief of Pius IX *Ad universalis Ecclesiae*, 7 February 1862.—Solemn profession can for just causes be further deferred by the Superior General or Provincial, but not beyond the completed age of twenty-five years. Encyclical Letter of the Sacred Congregation on the State of Regulars *Neminem latet*, 19 March 1857, to which this Instruction was added for the territory of the Austrian Empire: "…But

the particular circumstances of affairs require that in religious houses situated in the aforesaid territory the profession of solemn vows be deferred according to the custom and practice introduced there for some years past. Therefore, it is the mind and will of His Holiness that Regular Superiors ought to use the faculty attributed to them in the said decree, namely, of deferring the profession of solemn vows, according to the custom and practice mentioned above." Cf. Franciscus Sentis, *Clementis Papae VIII Decretales*, Freiburg im Breisgau, 1870, p. 81.

From the declarations of the Sacred Congregation on the State of Regulars of 12 June, 6 August 1858, 25 February 1859, etc., the simple vows of which there is question are perpetual on the part of the one vowing, and dispensation from them is reserved to the Supreme Pontiff. On the part of the Order, however, they can be dissolved by the dismissal of those professed, in such a way that, dismissal having been given, those professed are by that very fact freed from every bond of the said vows. The faculty of dismissing them belongs to the Master General of the Order with his General Council, who, for extraordinary cases, can subdelegate at least three upright and prudent religious. Neither a process nor the form of a trial is required for decreeing dismissal; rather, it can be undertaken with the truth of the fact alone having been considered, yet with the greatest charity and prudence and for just and reasonable causes. No one, however, can be dismissed because of an illness arising after profession of simple vows.

"It sometimes happens that one simply professed petitions for his own dismissal, asserting that he does not have, or has lost, the spirit and vocation for the religious life. It is now asked whether this assertion of his, obstinately maintained, even if no other cause of dismissal is present, can be considered a sufficient ground and a just and reasonable cause, to the end that he, bound by a simple vow, can be dismissed from the Order?—Response. Negative, since the simple vows of which there is question are perpetual on the part of the one vowing, and dispensation from them is reserved to the Supreme Pontiff." Sacred Congregation of Bishops and Regulars, 19 November 1886.—Cf. *M. E.*, vol. 6, part 1, p. 126.

"Can those who perhaps have donned the religious habit when already older than twenty-five years or near that age, after the year of novitiate has been completed, be admitted to solemn vows and profession, or must a further three years of probation be awaited also with such persons?—Response. Negative to the first part; affirmative to the second." Sacred Congregation on the State of Regulars, 20 January 1860.

"In the case in which a secular priest who has long passed his twenty-fifth year petitioned for and obtained the habit, can solemn profession (namely, of solemn vows), after profession of simple vows has been emitted, be deferred for him beyond the customary three years, if, namely, within the three years of simple vows he has not given sufficient indications of his vocation?—Response. Negative; namely, it cannot be deferred." Sacred Congregation, 16 August 1866. "They declared, nevertheless, that recourse must be had to the Sacred Congregation in particular cases in which some peculiar cause concurs." Bizzarri, *Collect.*, p. 867, ed. 1885.

On Simple Vows Before the Solemn Profession of Nuns

"…1. In all and each of the monasteries of nuns of whatever Order or Institute in which solemn vows are emitted, when probation and the novitiate have been completed according to the prescription of the Sacred Council of Trent, the Apostolic Constitutions, and the laws of the Order or Institute

approved by the Holy See, let the female novices emit simple vows after they have completed the age of sixteen years established by the same Council of Trent, or another higher age which perhaps is required by the Constitutions of their own Order or Institute approved by the Holy See.

"2. After the completion of three years, to be computed from the day on which they emitted simple vows, let those professed in this manner, if they are found worthy, be admitted to the profession of solemn vows; with any power of dispensing in this matter being withdrawn, in such a way, namely, that if any should be admitted to solemn profession before the complete three years have elapsed, for any cause whatsoever, the profession itself would be wholly invalid and of no effect.

"3. Nevertheless, Indults already imparted by the Holy See, by force of which, in some places or Institutes, the profession of simple vows can be emitted for a longer time, are declared to remain in their full force. "4. Furthermore, for just and reasonable causes, concerning which both the Superior of the monastery and the Mistress of Novices must give testimony in writing, the Ordinary for monasteries subject to his jurisdiction, and the Superior General or Provincial for monasteries which enjoy the privilege of exemption, can permit, in particular cases, that the profession of solemn vows be deferred, but not beyond the completed age of twenty-five years.

"5. Simple vows emitted as stated above are perpetual on the part of the one vowing, and dispensation from them is reserved to the Roman Pontiff.

"6. Those thus professed in simple vows use and enjoy the same indulgences, privileges, and spiritual favors which those professed in solemn vows of each one's own monastery lawfully use and enjoy; and insofar as they are overtaken by death, they respectively have a right to the same suffrages.

"7. They are bound to the observance of the rules and constitutions no less than those solemnly professed; likewise, they are bound to assist at choir; but insofar as they are lawfully impeded from assisting at choir, they are not bound to the private recitation of the Divine Office.

"8. The time prescribed by the constitutions of any Order or Institute for obtaining active and passive voice is computed from the day of the emission of simple vows; nevertheless, those professed in simple vows shall never have a vote, or indeed even a place, in chapters in which, and insofar as, there is question of admitting candidates to solemn profession. They can indeed be deputed to minor offices of the monastery; but they cannot be elected to the duties of Superior, Vicaress, Mistress of Novices, Assistant or Councilor, and Bursar.

"9. Those who first pronounced simple vows are considered to have preference by law, as being seniors; yet in such a way that any who, according to what was stated above, have deferred solemn profession beyond three years shall in the meantime yield place even to younger solemnly professed nuns, and shall receive again the rights acquired by reason of the earlier profession as soon as they themselves have also emitted solemn vows.

"10. The dowry established for each monastery must be delivered to the monastery itself before the profession of simple vows.

"11. Those professed in simple vows retain the radical dominion of their goods, concerning which they cannot dispose definitively except within the two months immediately preceding solemn profession, according to the norm of the Sacred Council of Trent, Session XXV, *De Regularibus et Monialibus*, chapter XVI. The administration of the same goods, as well as the disbursement and use

of any revenues whatsoever, is wholly forbidden to them. Therefore, before profession of simple vows, they must cede, for the time during which they shall remain in the same profession of simple vows, the administration, usufruct, and use to whomever they please, and even to their own Order or monastery, insofar as nothing prevents this on its part and they themselves, with full liberty, judge it opportune. But if during the time of simple vows other goods come to them by a lawful title, they indeed acquire the radical dominion of them, but they must cede the administration, usufruct, and use as soon as possible, as above, while also observing the law of not abdicating radical dominion except within the two months immediately preceding solemn profession.

"12. For the dismissal from the monastery of the aforesaid women professed in simple vows, recourse must be had to the Holy See in individual cases, distinctly setting forth the grave causes which seem to counsel or demand dismissal.

"13. To a Sister professed in simple vows departing from the monastery, whether because of a dispensation from vows obtained from the Holy Apostolic See or because of a decree of dismissal issued as above, the dowry must be restored intact as regards the principal, the fruits being excluded.

"The Sacred Congregation strictly commands that all the things prescribed, declared, and sanctioned above be observed and put into execution, under precept of obedience, by all whom they concern, any contrary things whatsoever notwithstanding, even those worthy of special and individual mention, from which His Holiness declares that special and full derogation has been made for the effect of the foregoing." Decree *Perpensis* of the Sacred Congregation of Bishops and Regulars, 3 May 1902.

"Those professed in simple vows are not bound to the recitation of the Divine Office outside choir." Sacred Congregation of Bishops and Regulars, 28 July 1902.

The chapter for admitting to solemn profession has a merely consultative vote. In it "a discussion concerning the qualities of the candidate can also have place; the scrutiny, however, must be conducted by secret ballots. Furthermore, if all or most of the ballots should be contrary to admission to solemn profession, so that, with article IV of the Decree itself also having been considered, there would be question of dismissing the Sister from the monastery, the matter would have to be submitted to the judgment of the Holy See, to which, therefore, the Ordinary—or, for exempt monasteries, the Regular Prelate—shall transmit a distinct report of all things." Sacred Congregation of Bishops and Regulars, 18 July 1902.

"By the Decree *Perpensis temporum adiunctis* of the Sacred Congregation of Bishops and Regulars, 3 May 1902, it was prescribed that in monasteries of nuns in which solemn vows are emitted, simple vows also be prefixed to them by the novices; moreover, by a Response of the same Sacred Congregation given in a case of Bologna on 28 July 1902, it is resolved that the rite or ceremonial received in each Monastery is to be employed in emitting the first profession, for which, with the words expressing the solemnity of the vows, if they are present, suppressed from the customary formula, it is to be added that the novice pronounces simple vows according to the Decree issued by the Sacred Congregation of Bishops and Regulars on 3 May 1902; but that the second profession can be emitted privately in choir or in an interior oratory before the community into the hands of the Superior, with the prior approval of the Ordinary or, as regards exempt Monasteries, of the Regular Prelate. These things therefore having been sanctioned—that in the first profession of simple vows the received rite

is to be employed, with only the words expressing the solemnity of the vows suppressed, and that the second profession of solemn vows can be emitted privately—this doubt occurs to me:

"1. Does it belong to the Ordinary or, as regards exempt Monasteries, to the Prelate of the Regulars, after hearing the opinion of the Superior, to decree that the second profession also be made publicly before the Ordinary or the Ordinary's commissioner?

"2. What ceremonial is to be employed in the second profession if it is made privately before the Superior, and what ceremonial is to be employed if it is made publicly before the Ordinary or his commissioner? 3. Whether and in what manner, in the latter case, the symbolic actions are to be retained: the blessing and bestowal of the veil, ring, and crown, which hitherto were employed in the rite of solemn profession and, according to the mind of the Decree *Perpensis temporum adiunctis*, henceforth will already be in use in the first profession of simple vows?

"Response. To the first: Affirmative, provided that the Superior and the Community request that the profession in question be made publicly. To the second: In either case of the second profession, it is required only that the Professed pronounce the formula of profession, employing the words which express the solemnity of the vows. To the third: Provision was made in the second." Sacred Congregation of Bishops and Regulars, 15 January 1903.

On the Place Designated for Those Professed and on Explicit Profession

"Those professed in simple vows must remain in houses of profession and studies and observe perfect common life. For validly emitting solemn vows after simple vows, express profession is required, and therefore tacit profession is wholly abrogated." Sacred Congregation on the State of Regulars, 12 June 1858. "His Holiness…established and decreed that, notwithstanding the Apostolic Letters of Clement VIII and any other contrary things whatsoever, those professed in simple vows can lawfully and freely emit the profession of solemn vows at the proper time in the convent or house in which they are found, with the other things to be observed by law nevertheless being observed, without being bound to profess in the house in which the novitiate was completed." The same Sacred Congregation, 9 December 1859. Cf. Decrees of Clement VIII *Regularis disciplinae*, 12 March 1596; *Sanctissimus in Christo Pater*, 20 June 1599; *Nullus omnino*, 25 June 1555; Constitution of Urban VIII *Sacra Congregatio*, 21 September 1624.

On Return to the Order with Respect to Those Secularized and Expelled

"Religious profession is not invalidated by the rescripts of which there is question (namely, of secularization), and therefore the recipients of the Indult are not bound to repeat profession and the novitiate when they petition to return to the cloisters, saving, nevertheless, a custom lawfully introduced and the prescriptions of the individual Regular Orders. Suitable documents concerning their previous life and morals while they were living in the world can, nevertheless, be required by the Religious Superiors, and they can be obliged to perform spiritual exercises." Sacred Congregation of Bishops and Regulars, 30 January 1824.

"The precedence of religious who have obtained an Indult of perpetual secularization is to be computed from the day of their return to religion." Sacred Congregation of Bishops and Regulars, 30

April 1838.

"Are young men who had emitted simple vows before exclaustration (because their college was suppressed) to be considered free from them, in such a way that, if the monasteries are opened again, they must begin and pursue the novitiate according to the Decree of the Sacred Congregation on the State of Regulars *Neminem latet*, 19 March 1857?—Response. Negative." Sacred Congregation on the State of Regulars, 4 July 1862. Bizzarri, *Collect.*, ed. 1885, p. 864.

On the Ordination of Novices and of Those Professed in Simple Vows, and Their Ejection

"As Institutes of simple vows have been very greatly increased by a singular benefit of God, just as many good things arise from them, so the easy departure of members of societies of this kind, and the consequent return by established law to the diocese of origin, gives rise to some inconveniences. Moreover, the poverty of temporal goods by which the Church is now oppressed renders these more grave, whence Bishops often cannot provide that those men lead their life honorably. Considering these and other things of the same kind, even concerning members of Orders of solemn vows, some sacred Prelates of places, for the decorum of the ecclesiastical order and the edification of the faithful, petitioned the Apostolic See with earnest prayers that some remedy be applied. Therefore, when Our Most Holy Lord Leo XIII had referred the whole matter to this Sacred Congregation placed over the affairs and consultations of Bishops and Regulars, the Most Eminent Fathers, in a plenary assembly held in the Vatican buildings on 29 August 1892, after prior mature examination and discussion and after considering the whole rationale of the matter, judged that opportune provisions should be issued through a general decree to be observed everywhere for all future times. Since Our Most Holy Lord, in an audience kindly granted to the undersigned Secretary on 23 September of this year 1892, deigned to approve and confirm them, the things which follow are established and decreed by Apostolic authority through the present decree.

"I. The Constitution of Saint Pius V of 14 October 1568, beginning *Romanus Pontifex*, and the declaration of Pius IX of happy memory issued on 12 June 1858, by which the Superiors of Regular Orders are prohibited from granting dimissorial letters to novices or to those professed in simple triennial vows, so that they may be promoted to Sacred Orders by title of poverty, remaining firm, the same provisions are extended also to Institutes of simple vows, in such a way that henceforth the Superiors of these Institutes cannot grant dimissorial letters for Sacred Orders or in any manner promote members to Sacred Orders by title of common table or of mission, except only those members who have already emitted vows which are indeed simple but perpetual, and have been stably aggregated to their own Institute; or who have remained at least three years in temporary simple vows, as regards those Institutes which defer perpetual profession beyond three years. To this effect, all Indults and privileges already obtained from the Holy See are revoked, as are contrary provisions contained in the respective Constitutions, even if such Constitutions were approved by the Holy Apostolic See.

"II. Hence it is fitting that it be known that in the future there will be no dispensation from the general rule that a member of a Congregation of solemn vows is to be promoted to major Orders only after he has first emitted solemn profession, or that a member attached to an Institute of simple vows is to be promoted only after he has persevered for a complete three years in simple vows. But if at

times a lawful cause occurs why someone should receive Sacred Orders before the three years have been completed, a dispensation can be sought from the Apostolic See so that the cleric can pronounce solemn vows although he has not completed the three years; but as regards Institutes of simple vows, so that he can emit perpetual simple vows although he has not completed the time prescribed by the Constitutions of the respective Institute for the profession of perpetual simple vows.

"III. The provisions contained in the Decree of the Sacred Congregation of the Council, issued by command of Urban VIII of happy memory on 21 September 1624, beginning *Sacra Congregatio*, and in the Decree of the same Sacred Congregation, issued by command of Innocent XII of happy memory on 24 July 1694, beginning *Instantibus*, and in other general Decrees, by which the method to be observed by Superiors of Regular Orders in expelling their own members is regulated, not only remain in their force, but are imposed for observance also upon Superiors of Institutes of simple vows whenever there is question of dismissing a member professed in vows which are indeed simple but perpetual, or one bound by temporary simple vows and furthermore constituted in Sacred Orders; in such a way that they also cannot dismiss any of them, as was just stated, except for a grave, external, and public fault, and unless the guilty person is also incorrigible. But in order that someone truly be considered incorrigible, Superiors must first give a threefold admonition and correction at distinct times; and when this has accomplished nothing, the Superiors must institute a process against the delinquent, confront the accused with what results from the process, and grant him suitable time within which he can present his defenses either by himself or through another religious of the same Institute. But if the accused himself has not presented his own defenses, the Superior or tribunal must appoint as defender ex officio, as above, a member of the respective Institute. After these things, the Superior with his Council can pronounce a sentence of expulsion or dismissal; this, however, shall have no effect if the condemned man has duly appealed from the sentence pronounced to the Sacred Congregation of Bishops and Regulars, until a definitive judgment shall have been pronounced by the same Sacred Congregation. But whenever, for grave causes, the aforesaid method of proceeding cannot be observed, recourse must then be had to this Sacred Congregation for the purpose of obtaining a dispensation from the prescribed solemnities and the faculty of proceeding in a summary manner according to the practice prevailing in this Sacred Congregation.

"IV. Members professed in solemn vows, or in perpetual or temporary simple vows, who are constituted in Sacred Orders and have been expelled or dismissed, shall remain perpetually suspended until the Holy See provides for them in another manner; and, in addition, until they have found a benevolent receiving Bishop and have provided themselves with an ecclesiastical patrimony.

"V. Those constituted in Sacred Orders and bound by simple vows, whether perpetual or temporary, who of their own accord have petitioned for and obtained dismissal from the Apostolic See, or otherwise have by Apostolic privilege been dispensed from simple vows, whether perpetual or temporary, shall not depart from the cloister until they have found a benevolent receiving Bishop and have provided themselves with an ecclesiastical patrimony; otherwise they shall remain suspended from the exercise of the Orders received. This is extended also to members professed in temporary simple vows who have already been released from every bond of profession because the time for which the vows were pronounced by them has elapsed.

"VI. Those professed in either solemn or simple vows shall not be admitted to Sacred Orders by local Ordinaries unless, besides the other things established by law, they present testimonial letters showing that they have devoted themselves to sacred theology for at least one year, if there is question of the subdiaconate; for at least two years, if of the diaconate; and, as regards the priesthood, for at least three years, with the regular course of the other studies nevertheless having been previously completed.

"The aforesaid Sacred Congregation, by the express mandate of His Holiness, establishes and decrees these things, any contrary things whatsoever notwithstanding, even those worthy of special and individual mention.

"Given at Rome, from the Sacred Congregation of Bishops and Regulars, 4 November 1892."

"1. Are these words of the Decree *Auctis admodum*, 'they have found a benevolent receiving Bishop and have provided themselves with an ecclesiastical patrimony,' to be understood conjunctively, in such a way that both are necessary for removing the suspension—namely, both to find a benevolent receiving Bishop and to constitute an ecclesiastical patrimony—or does it suffice merely to find a benevolent receiving Bishop?

"2. Are these words which are read in no. V, 'otherwise they shall remain suspended from the exercise of the Orders received,' to be understood in such a way that a religious who, after obtaining Apostolic permission, has departed from the cloister without first finding a benevolent receiving Bishop or providing himself with an ecclesiastical patrimony is suspended only until he finds a benevolent receiving Bishop and constitutes an ecclesiastical patrimony for himself; or is he suspended until the suspension is removed by the Apostolic See, after a benevolent receiving Bishop has been found and an ecclesiastical patrimony constituted?

"Response. To the first: Affirmative to the first part; negative to the second. To the second: Likewise affirmative to the first part; negative to the second." Sacred Congregation of Bishops and Regulars, 20 November 1895.

"The instructions to be given in this regard (concerning expulsion) are summed up in the sense that the Superiors of religious Orders, Congregations, Institutes, etc., shall set forth before the same Sacred Congregation (of Discipline) the grounds of incorrigibility, the obstinacy of the individual; and at the same time shall request the faculty of a summary process, which is granted, always saving the examination of witnesses and the defense of the accused, made by a religious to be deputed *ex officio*; and that the sentence of expulsion be notified to the Ordinary of origin of the condemned man and to the condemned man himself, to whom the right of appealing it before the aforesaid Sacred Congregation is reserved." Sacred Congregation of Regular Discipline, 12 June 1883.

On the Force of the Solemn Vow of Poverty

"In order that the decrees of the Council of Trent concerning the faithful observance of the vow of poverty may be observed more faithfully, it is commanded that no one of the friars, even if he is a Superior, can possess as his own, or even in the name of the convent, immovable or movable goods, or money, revenues, alms—whether from sermons, lectures, or for Masses to be celebrated either in their own Church or anywhere whatsoever—or things acquired by their own just labor and cause and under any name whatsoever, even if they were subsidies from blood relatives, pious benefactions,

legacies, or donations; rather, let all these things be immediately delivered to the Superior and incorporated into the convent, and let them be mingled with its other goods, revenues, money, and proceeds, so that common food and clothing can thereby be supplied to all. But of those things which had been granted for necessity, let no one possess anything as his own or use it as his own. No dispensation, no permission of any Superiors whatsoever, as regards immovable or movable goods, can excuse the friars from being subject to the fault and penalty imposed by the same decrees of the Council and to be incurred by the very fact, even if the Superiors assert that they can grant dispensations or permissions of this kind; We will that no credence whatever be given to them in this matter." Constitution of Clement VIII for the reform of Regulars, 20 March 1601, nos. 3, 5, 7.

"The Bishop of Zamora in Spain sets forth that N. N., a Nun of the Premonstratensian Order in the convent of the city of N. in this diocese, has from the Spanish civil Constitutions the right to enter upon an inheritance which has fallen to her from the death of her brother, a priest recently deceased. Hence it is asked:

"1. Whether the aforesaid Nun, given the solemn religious profession which she emitted long ago, can lawfully in conscience undertake proceedings, either personally or through a procurator, so that she may enter upon the inheritance in her own name before the secular judge, yet for the good of the whole Community, as is fitting; or whether she rather needs a lawful dispensation from the vow of poverty in order to undertake the aforesaid juridical proceedings for acquiring the inheritance?

"2. Given that she needs a dispensation, can this be granted to her by the Superior of the convent or by the Bishop to whom the convent is subject; or, by reason of the solemn vow, must it necessarily be obtained from the Apostolic See? Finally, given the necessity of having recourse to the Apostolic See for the aforesaid dispensation, the Bishop petitioner humbly requests:

"3. That the faculty be granted to the aforesaid Nun to institute and complete juridical proceedings through a procurator for entering upon the inheritance for herself and in her own name, which shall redound to the good of the whole Community.

"4. That a sufficient faculty be granted to the same Bishop petitioner so that he may dispense from the vows of poverty in similar cases, so that he may be able to provide for the urgency which regularly occurs in them.

"Response. To the first and second: Provision will be made in the Third. To the third: Affirmative for the faculty requested; yet in such a way that the inheritance be acquired for the Monastery. To the fourth: Affirmative for the faculty requested for three years, only for urgent cases, namely, those in which time does not permit recourse to the Holy See." Sacred Congregation of Bishops and Regulars, 15 January 1897.

Property of Regulars Solemnly Professed by Pontifical Dispensation for Belgium

"The Most Eminent and Most Reverend Lord Cardinal Victor Augustus Isidore, Archbishop of Mechelen, together with his suffragans, petitioned Our Most Holy Lord that, for the removal of any doubts whatsoever, he might deign to explain and declare whether the rescript of 1 December 1820, by which the Sacred Penitentiary, by Apostolic authority, granted to Regulars of either sex in Belgium, even those solemnly professed, that they could acquire, retain, and administer goods and dispose of

them, notwithstanding the solemn vow of poverty, still remains now in its full force." The Decree of the year 1820 is this: "The Sacred Penitentiary, understanding that the Government wills absolutely that that former decree of 18 February 1809 (namely, the decree concerning congregations of women's hospital houses, art. 9: 'Each hospital sister shall retain the entire ownership of her goods and revenues, and the rights to administer them and dispose of them in conformity with the Napoleonic Code') be observed by the Regulars of the Kingdom of Belgium, by which the ownership, possession, and administration of goods which have come to them is vindicated to the individual male or female religious, grants by express Apostolic authority to Regulars of either sex already solemnly professed that they may acquire, retain, and administer those goods, and dispose of them for pious and honorable uses, notwithstanding the vow of poverty, provided that they do this with due dependence upon their lawful Superiors."

"Our Most Holy Lord Leo XIII, Pope by divine providence…commanded that the response be: Affirmative; and by the tenor of the present letters deigned to declare, insofar as necessary, that all and each of the Regulars of either sex in Belgium, even those who have pronounced solemn vows, have validly and lawfully exercised and do exercise all the aforesaid acts, and therefore could and can with a safe conscience assert, even with an oath, that they willed to acquire, according to the norm of the civil laws, true dominion of the goods possessed by them, together with the right of disposing of them. Concerning these things His Holiness commanded that this decree be issued and entered into the acts of the Congregation mentioned above (for Extraordinary Ecclesiastical Affairs). Any contrary things whatsoever by no means standing in the way." The same Sacred Congregation, 31 July 1878.

On the Force of the Simple Vow of Poverty

"Those professed in simple vows (in Orders in which solemn vows are emitted) can retain, as they say, the radical dominion of their goods, but the administration of them and the disbursement and use of the revenues are wholly forbidden to them. Therefore, before the profession of simple vows, they must cede, for the time during which they shall remain in the same profession of simple vows, the administration, usufruct, and use to whomever they please, and even to their own Order, if they shall judge this according to their pleasure." Sacred Congregation on the State of Regulars, 12 June 1858.

The same provision was extended to nuns of solemn vows who, before those vows, must now emit simple vows for three years. Cf. no. 277, Decree *Perpensis*. With respect to the more recent Institutes of simple vows: "115. Before the first emission of vows, they (Sisters and male Religious) must dispose of the use and usufruct of their revenues or fruits in whatever manner they please.… They must also cede the administration of their goods to a person or persons favorable to them.…—116. The cession of administration and the disposition of use and usufruct shall no longer have force in the case of departure from the Institute.…—117. The revocation and even alteration of these acts of Cession and Disposition cannot lawfully be made while the vows endure without the permission of the Moderatrix General.…—119. Those professed are prohibited from abdicating radical dominion before the profession of perpetual vows by acts *inter vivos*;—121. and without the permission of the Apostolic See.—120. It is fitting that all freely dispose of their goods by testament before vows.—122. Professed Sisters, both to make and to change a testament, need the permission of the Apostolic See.…—124. Concerning goods which come to the Sisters after vows have been emitted…they must

or respectively can dispose according to the norms hitherto established.…—125. Sisters can in no manner dispose of a dowry offered to the Institute.—126. Whatever the Sisters shall have acquired after the emission of vows by their own industry or in consideration of the Institute, they cannot ascribe or reserve to themselves; rather, all those things must be assigned to the goods of the community, for the common utility of the Institute or house." Norms of the Sacred Congregation of Bishops and Regulars, 28 June 1901.

On the Bestowal of Gifts Forbidden to Regulars of Either Sex

"…Therefore, taking care lest from gifts…grave inconveniences arise even under the appearance of good…We wholly forbid to Regular persons of either sex every and any bestowal and sending of gifts…except lighter foods or drinks, or little gifts pertaining to devotion or religion…to be delivered…unless they are in fact for divine worship and the true needs of the poor of Christ, with the order of charity observed in this and account taken of necessity, to be relieved with the counsel and consent of the Superiors, or otherwise in lawful matters.… Declaring, nevertheless, that through these things the praiseworthy hospitality commended by Apostolic teaching and the sacred canons, especially toward the poor and pilgrims, is by no means diminished or prohibited.… For the same reason We also strictly prohibit anyone…from receiving anything contrary to this prohibition expressed above.… But if anyone shall have received anything, he shall not make what he received his own.… Rather, by that very fact…he shall be wholly bound to its restitution in both forums; to such an extent that, unless the restitution itself has actually been made, he cannot be absolved even in the forum of conscience.… We will, moreover, that this restitution be made to that monastery, house, or other place from whose goods the bestowal was made; or, if the gift was not made from its goods, to the place in which the same religious donor emitted profession.…" Clement VIII, Constitution *Religiosae Congregationes*, 19 June 1594.—"…It declares that gifts can be given by religious of either sex for causes of gratitude, of conciliating benevolence and preserving it toward the religion itself or the convent, and for other causes containing in their nature an act of virtue and merit, yet modestly and discreetly, and provided that this not be done except with the permission of the local Superiors, and also with the consent of the greater part of the convent, if such consent…is required in that religion.…" Urban VIII, Constitution *Nuper a Congregatione*, 16 October 1640. Cf. *Constitutions and Decrees to Be Read by Regulars at the Public Table or Chapter*.

On Common Life in Religious Orders

"Common life shall be established in all houses of novitiate.… In other houses a common treasury shall be established…in which all the religious shall deposit money.…" Sacred Congregation of Bishops and Regulars, 22 April 1851; Bizzarri, pp. 852, 853; cited Norms, nos. 127, 128.

On the Enclosure of Male Regulars

"Since it is fitting that men who, freed from secular cares through Regular vows, have professed an institute of stricter life should abhor all familiarity with women, hence it is that it has been sanctioned both by decrees of general and provincial Councils and by Constitutions of the Supreme Pontiffs, especially the most recent Constitutions of Saint Pius V, Gregory XIII, and Benedict XIV, that no access be open to any women whatsoever within the enclosures of male religious, under the most grave penalties inflicted both upon men who shall have admitted women within the precincts of

Regular houses under any pretext whatsoever, and upon women who shall have violated the enclosure of the same houses. Adhering to these most salutary sanctions, the Sacred Congregation, although it has not ceased from time to time to admonish Prefects of Missions if it learned that any had sometimes been insufficiently vigilant in this matter, nevertheless, with the passage of time—whether through forgetfulness of the law or because the disposition of man is prone to diminish the force of even the most sacred laws—it has more frequently happened, as was reported to the same Congregation in the letters of many, that women were sometimes admitted into the stations and hospices of Missionaries, and received the Sacrament of Penance in rooms or other places within the precincts of the hospices. Knowing well how unbecoming and dangerous this is, the Sacred Congregation, which desires that its Missionaries dwelling among enemies of the Christian name abstain not only from evil but also from every appearance of evil, so that, according to the admonition of the Apostle, they may be without offense to Jews, Gentiles, and the Church of God, upon the report of the Reverend Father Lord Stephen Borgia, Secretary, established and commanded that hospices and stations, or any houses whatsoever of any Order, Congregation, or Regular Institute existing anywhere in mission territories, in which two or three Missionaries of the Latin rite dwell or happen to dwell, be subject to the laws of enclosure, in such a way that it is wholly lawful for no Regular to introduce any woman into the private rooms, lodgings, or retreats of the same hospices or stations under any title, appearance, or pretext, and much less to administer there to them the Most Holy Sacrament of Penance; nor is it lawful for women, under the claim of any permissions whatsoever, to enter the aforesaid private rooms, lodgings, or retreats of the hospices, under the penalties inflicted by the sacred canons and the above-mentioned Constitutions of the Pontiffs against violators of enclosure. But so that access to the interior oratories, churches, and places where sacred rites are performed in the same hospices may be open also to women, so that they may assist at the most holy Sacrifice of the Mass and other ecclesiastical functions and receive the Sacrament of Penance, the same Sacred Congregation declares and decrees that women can be admitted into the interior churches, chapels, or public oratories of the aforesaid hospices, to which, nevertheless, they shall proceed by a direct path and shall not turn aside into rooms or private lodgings, and shall return by the same way by which they entered. The Sacred Congregation furthermore commands and enjoins that the Confessions of women be heard openly in churches, chapels, or public oratories, where these are present; but where these are lacking, in another open and accessible place, and as near as possible to the door of the hospice, to be designated by the respective Ordinaries and, when these are lacking, by the local Superiors of Missions, with an iron grate or another barrier interposed between the face of the Confessor and the woman penitent. Those who shall act otherwise and contravene these most salutary ordinances shall incur the penalties against violators of enclosure and against contemners of the sacred canons and the aforesaid Apostolic Constitutions.

"This Decree of the Sacred Congregation having been reported to Our Most Holy Lord Pope Pius VI in an audience held by the same Lord Secretary on 2 July of the current year, His Holiness benignly confirmed it, adding the force of his Apostolic authority, and commanded that it be inviolably observed by all under the penalties mentioned above." Sacred Congregation for the Propagation of the Faith, 26 August 1780.

"The Decree (26 August 1780) is to be upheld, but accommodated to the circumstances of places and times, and therefore is to be observed only in those houses which pertain to the missions and in

which two or three Regular Missionaries remain stably." Sacred Congregation for the Propagation of the Faith, 5 March 1787.

"…The same Sacred Congregation…by special mandate of Our Most Holy Lord Clement X, by this present Decree commands in virtue of holy obedience all and each of the Superiors…that henceforth they shall receive or admit no one to dwell within the cloisters as tertiaries, oblates, donati, commessi, servants, guests, postulants, cantors, or persons designated by any other name whatsoever and clothed or to be clothed in any habit, or under any pretext, cause, or contrived color, unless he has completed the twentieth year of his age; and that they shall wholly remove and eject from the monasteries or Regular houses all thus received or admitted (except only those who, having completed the age of fifteen years, pass the year of probation as clerics or choristers in the habit of novices)…." Sacred Congregation of Bishops and Regulars, 16 May 1675; Bizzarri, *Collect.*, p. 274.

On the Enclosure of Nuns

"1. Can a Bishop, by his own authority, permit women who wish to enter as boarders to be received in monasteries subject to enclosure?—2. Likewise, can the Ordinary, by his own authority, transfer any nun temporarily or perpetually from one monastery to another, even of the same Order, when a just cause intervenes?—3. Finally, can the Ordinary, by his own authority, transfer some nun when she has been elected Superior of another monastery, or judges that a transfer of this kind together with this office is useful and expedient?—Response. Negative in all." Sacred Congregation of Bishops and Regulars, 16 July 1884.

"For the Holy See, especially since the time of the Council of Trent, neither permits nor grants that solemn vows be emitted in societies or communities of women unless they dwell under inviolable enclosure and live therein perpetually." Sacred Congregation of Bishops and Regulars, 24 September 1816. Cf. Constitution of Saint Pius V *Circa pastoralis*. A Bishop can, however, obtain papal enclosure from the Holy See even for nuns with simple vows, with the consent of all nuns having a vote expressed by secret ballots. Sacred Congregation of Bishops and Regulars, 6 December 1839. Cf. Bizzarri, *Collect.*, p. 412; pp. 723–737, 742, 743; *A. S. S.*, vol. 1, pp. 708 ff.; vol. 31, p. 529; Lucidi, ch. 5, § 2, no. 42.

"1. If the vows are not solemn, are the nuns nevertheless bound to observe the enclosure which they vow by a simple vow, under the censures decreed by the Council of Trent, when the Bishop has restored the enclosure? 2. Does he also incur the penalty of excommunication who enters the enclosure of the monastery without permission, when the enclosure has been restored by the Bishop?—Response. To the first: Negative as regards the penalties prescribed by the sacred canons and Apostolic Constitutions. To the second: Affirmative with respect to censures perhaps imposed by the Bishop." Sacred Congregation of Bishops and Regulars, 1 August 1839.

"Our Lord's Holiness…not willing that in monasteries of nuns men teach music, singing, or instrumental music either to nuns or to secular women dwelling in the enclosure, either at the grilles or at the door, and much less by entering the monastery, commanded, etc." Sacred Congregation of Bishops and Regulars, 4 August 1800; 18 August 1843.

Since a priest…exercising the office of Pastor in this diocese had signified by letters given during the past month of May that it would be very useful if older boys could be admitted into the schools of the

Sisters, and since letters of this kind had also been submitted to the examination of the Sacred Congregation, the same Sacred Congregation decreed that the matter was to be remitted to the Ordinary, so that he could permit the admission of boys up to the completion of their twelfth year, but in separate rooms and in those places where there is necessity or evident utility. Sacred Congregation for the Propagation of the Faith, 16 November 1870, to the Archbishop of Utrecht.

The use of the telephone is not permitted to nuns except by a special faculty of the Sacred Congregation of Bishops and Regulars and with due precautions employed. From the Sacred Congregation of Bishops and Regulars, 20 March 1895.

On the Collection of Alms by Nuns

"Those women show themselves worthy of singular protection and assistance who, devoting themselves to God in pious and religious Institutes, exercise works of mercy far and wide for the good of their neighbors, not only directly, but also by seeking alms for sustaining the same works, and thereby displaying distinguished praise for humility, patience, charity, and the other virtues. Since, nevertheless, this ministry of collecting alms, because of the feminine disposition of those seeking and the present condition of human society, is not free from dangers unless fortified with suitable precautions, the Sacred Congregation of Bishops and Regulars, at the request of some Bishops, after the matter had been diligently and maturely considered, established and decreed the things which follow.

"1. In Institutes of simple vows, the members shall not undertake the work of seeking alms except in a spirit of faith, because they seek alms not for themselves but for Christ Jesus himself, mindful of his words: 'As long as you did it to one of these my least brethren, you did it to me.' Furthermore, they shall treat the Ordinaries of places, even if they are only passing through their territories, with submission, reverence, and devotion as parents and patrons, whom they shall approach with confidence for counsel, assistance, and protection in every necessity.

"2. It is not lawful for the same Sisters of simple vows to seek alms either within the diocese in which they reside or outside it without the permission of the Ordinary of the place of their respective residence.

"3. Those about to seek alms outside the diocese of their respective residence must furthermore obtain permission from the Ordinary of the place in which they desire to seek alms.

"4. Nothing, however, prevents the Superiors, without any permission having been sought, from accepting alms voluntarily offered from anywhere for relieving the poverty of the houses or pious works over which they preside, or even from seeking them by letters from any honorable and benevolent persons whatsoever, until they are prohibited by the lawful Superior for a reasonable cause.

"5. The Ordinary of the place in which the house of Sisters wishing to seek alms is situated shall not grant them permission: 1.º if the true necessity of the house or pious work is not established for him; 2.º if the collection can conveniently be made through others to be designated by the Ordinary himself. But if the necessity can be met through collection in the place in which the Sisters reside or within their own diocese, the Ordinary shall not impart to them permission to collect alms outside the diocese.

"6. Each permission shall be delivered gratis and in writing, in which each Ordinary can impose the laws and conditions which, in view of the circumstances of places, times, and persons, he shall judge more opportune in the Lord. The permission of the Ordinary of the Sisters' pious house shall contain either commissorial letters to Pastors or other prudent persons for Sisters seeking alms within the diocese, or commendatory letters to the Ordinaries of other dioceses for Sisters seeking alms outside their own diocese. In the commissorial letters, Pastors or other upright persons shall be commanded to assist the Sisters with counsels and with the best service they can, to watch over their manner of acting, and, if they learn of anything less than upright in them, to report it immediately to the Ordinary himself. In the commendatory letters, the Ordinaries of places shall be entreated that each, in his own diocese, protect and assist the Sisters admitted to seek alms as though he held them as his own subjects.

"7. Each local Ordinary shall not admit Sisters arriving from another diocese to collect alms unless they shall first have shown him the permission of their own Ordinary. But to Sisters presenting such a permission, he may, if he pleases, impart his own permission to seek alms in his diocese. But where Sisters, even though furnished with both permissions, conduct themselves badly in seeking alms, the Ordinary shall immediately command them to return to their own house and, if necessary, compel them even by suitable means.

"8. Superiors, especially outside the place where they have houses, shall never send Sisters to seek alms unless in pairs, mature in age and spirit, within the diocese for no longer than one month, outside the diocese for no longer than two months, and always furnished with that sum of money by which, should any unforeseen case compel them, they can return home immediately. Sisters seeking alms shall always and everywhere be distinguished by the modesty which is fitting, beware of familiarity with men and useless conversations, avoid outcries, taverns, and other unsuitable places, and not make a longer stay in houses than is necessary for awaiting alms. They shall never go about singly, nor be separated from one another unless impelled by necessity. When making a journey, if it can conveniently be done, they shall use the railway; but, as far as they can, they shall neither depart from one place nor arrive at another during the night. They shall forewarn of their future arrival the one to whom the Bishop's letters were given; and when they have arrived, they shall present themselves to him and employ entreaties that he intercede for obtaining hospitality at some pious Institute of women, or at least with some honorable woman, but never in a house where they could encounter some danger. They shall not omit morning and evening prayers; every day in the morning they shall seek one of the nearer churches and there assist at Mass; each week they shall be refreshed by the Sacraments of Penance and the Eucharist. They shall not seek alms through the places before sunrise or after sunset. When the time assigned to them for seeking has elapsed, without any delay they shall return by a direct route to their own Superior. They shall never demand alms arrogantly or as though due; rather, after briefly and humbly setting forth their own poverty and that of the pious works, they shall accept whatever is voluntarily offered; otherwise, let them patiently trust in divine providence. They shall observe exactly any other suitable norms which may be given by their own Superior.

"Given at Rome, from the Secretariat of the aforesaid Sacred Congregation of Bishops and Regulars, 27 March 1896."

On the Manner of Electing Regular Superiors

"Can custom or prescription bring it about that elections made contrary to the form of the Decree of the Council of Trent, Session 25, ch. 6, *De Regularibus*, are ratified and valid?—Response. Negative." Sacred Congregation of Bishops and Regulars, 11 March 1836.

Concerning the Reelection of Abbesses or Superioresses

"Since in the Constitution *Exposcit debitum* of 1 January 1583 Gregory XIII commanded that the office of Prioress could not continue beyond three years and that, when the three years had been completed, she should have no authority in the monastery, and since the Sacred Congregation of Bishops and Regulars had responded several times in this sense, the Petitioner proposes certain doubts.

"1. It is asked whether the aforesaid Constitutions and resolutions were given for the universal Church and are to be observed?—2. In the negative case, can the Superiors of those Convents whose Constitutions are either silent concerning this election or permit a new election of the Superior be elected again?—3. In either case of number II, and for monasteries in which a new election of the Superior is expressly permitted, it is asked: for the confirmation of this election, does the authority of the Ordinary suffice, or must recourse be had to the Holy See?

"Response. To the first: Affirmative.—To the second: Provision was made in the first.—To the third: Insofar as the Constitutions are silent, or expressly say that another Abbess or Superior is to be elected after three years, the reelection of the same person to the office of Abbess or Superior requires confirmation of the Holy See; but insofar as Constitutions approved by the Holy See after the aforesaid Constitution of Gregory XIII permit a reelection of this kind, the tenor of the same Constitutions is to be observed." Sacred Congregation of Bishops and Regulars, 4 May 1901.

On Obedience with Respect to Dispersed Regulars

"The rights acquired by each province over its own members remaining safe and intact…the Sacred Congregation on Regular Discipline decreed that all Religious without exception…for as long as, because of present circumstances, they happen to dwell outside the boundaries of the Regular province, whether at home or elsewhere, shall be subject to the supervision and jurisdiction of the territorial Provincial.…" Sacred Congregation on Regular Discipline, 5 August 1872; cf. no. 251; *A. S. S.*, vol. 3, pp. 151 ff.; vol. 7, pp. 407 ff.

Spiritual Direction, the Vow and Virtue of Obedience

"65. Superiors must be obeyed in the exterior, and the extent of the vow of obedience of Religious reaches only to the exterior. But in the interior the matter is otherwise, where God alone and the director enter.—66. A certain new doctrine in the Church of God is worthy of ridicule: that a soul, as regards the interior, ought to be governed by the Bishop; and that if the Bishop is not capable, the soul should approach him with its director. I call the doctrine new because neither Sacred Scripture, nor Councils, nor Canons, nor Bulls, nor the Saints, nor authors have ever handed it down, nor can they hand it down, because the Church does not judge concerning hidden things, and the soul has the right of choosing whomever it sees fit.—67. To say that the interior must be manifested to the external tribunal of Superiors, and that it is a sin not to do this, is a manifest deception, because the

Church does not judge concerning hidden things, and by these deceptions and dissimulations they prejudice their own souls.—68. In the world there is no faculty or jurisdiction to command that the letters of the director concerning the interior of the soul be disclosed; and therefore it is necessary to observe that this is an assault of Satan, etc." Propositions of Michael de Molinos condemned by Innocent XI.

On the Account of Conscience to Be Rendered to Superiors, and on Confession and Communion

"Just as it is the condition of all human things, however honorable and holy they may be in themselves, so also it is the condition of laws wisely established, that they can be translated and drawn by men through abuse to improper and foreign purposes; and therefore it sometimes happens that they no longer attain the end intended by the legislators, and indeed sometimes that they obtain the contrary effect.

"And it is especially to be lamented that this has occurred with respect to the laws of many Congregations, Societies, or Institutes either of women who pronounce simple or solemn vows, or of men whose profession and governance are wholly lay. For sometimes in their Constitutions a manifestation of conscience had been permitted, so that the members might more easily learn from experienced Superiors, amid doubts, the arduous way of perfection; but, on the contrary, an examination of the intimate conscience, which is reserved solely to the Sacrament of Penance, was introduced by some of these. Likewise, in the Constitutions it was prescribed according to the tenor of the Sacred Canons that sacramental Confession in communities of this kind be made to the respective ordinary and extraordinary Confessors; but the discretion of the Superiors advanced so far that they denied some extraordinary Confessor to subjects even in a case in which they greatly needed him in order to take counsel for their own conscience. Finally, a norm of discretion and prudence had been imparted to them so that they might rightly and holily direct their subjects with respect to particular penances and other works of piety; but this also, through abuse, was extended even to this: that they either permitted them to approach the Sacred Synaxis according to their pleasure, or at times wholly prohibited them. Hence it came about that provisions of this kind, which had been salutarily and wisely established for the spiritual progress of the members and for preserving and fostering the peace and concord of unity in the communities, were not rarely turned to danger of souls, anxiety of consciences, and furthermore disturbance of external peace, as the recourses and complaints of subjects everywhere interposed before the Holy See most evidently prove.

"Therefore Our Most Holy Lord Leo XIII, Pope by divine providence, by reason of that particular solicitude by which he excels toward this most select portion of his flock, in an audience held by me, the Cardinal Prefect of the Sacred Congregation placed over the affairs and consultations of Bishops and Regulars, on 14 December 1890, after all things had been carefully and diligently considered, willed, established, and decreed the things which follow.

"I. His Holiness invalidates, abrogates, and declares to be of no force henceforth any provisions whatsoever of the Constitutions of pious Societies and Institutes of women, whether of simple or solemn vows, and also of men who are wholly lay, even if the said Constitutions received approval from the Apostolic See in any form whatsoever, even that which they call most special, insofar,

namely, as they regard in any manner and under any name the intimate manifestation of heart and conscience. Therefore, he seriously enjoins upon the male and female moderators of Institutes, Congregations, and Societies of this kind that the aforesaid provisions be wholly deleted and entirely expunged from their own Constitutions, Directories, and Manuals. He likewise invalidates and abolishes any usages and customs whatsoever concerning this matter, even immemorial ones.

"II. He furthermore strictly prohibits the aforesaid male and female Superiors, of whatever rank and preeminence they may be, from attempting, directly or indirectly, by precept, counsel, fear, threats, or blandishments, to induce the persons subject to them to make a manifestation of conscience of this kind to them; and conversely he commands the subjects to denounce to the major Superiors minor Superiors who dare to induce them to this; and if there is question of a male or female Moderator General, the denunciation must be made by them to this Sacred Congregation.

"III. This, however, by no means prevents subjects from being able freely and spontaneously to open their minds to Superiors for the purpose of obtaining counsel and direction from their prudence amid doubts and anxieties, for the acquisition of virtues and progress in perfection.

"IV. Furthermore, what is prescribed by the Most Holy Council of Trent in Session 25, ch. 10, *De Regularibus*, and what is established by Benedict XIV of holy memory in the Constitution which begins *Pastoralis Curae*, remaining firm with respect to the ordinary and extraordinary Confessors of communities, His Holiness admonishes Prelates and Superiors not to deny an extraordinary Confessor to subjects whenever the subjects are driven to this in order to take counsel for their own conscience, without the same Superiors inquiring in any manner into the reason for the petition or showing that they bear it ill. And lest so provident a provision be rendered vain, he exhorts the Ordinaries to designate, in places of their own dioceses in which communities of women exist, suitable priests furnished with faculties, to whom the women can easily have recourse for the Sacrament of Penance.

"V. But as regards the permission or prohibition of approaching the Sacred Synaxis, the same His Holiness decrees that permissions or prohibitions of this kind belong only to the ordinary or extraordinary Confessor, and that Superiors have no authority to interpose themselves in this matter, except in a case in which one of their subjects, after the last sacramental Confession, has been a scandal to the community or has perpetrated a grave external fault, until he has again approached the Sacrament of Penance.

"VI. Hence all are admonished to take care to prepare themselves diligently for and approach the Sacred Synaxis on the days established in their own rules; and whenever, because of the fervor and spiritual progress of someone, the Confessor shall judge it expedient that he approach more frequently, this can be permitted to him by the Confessor himself. But one who has obtained from the Confessor permission for more frequent and even daily Communion shall be bound to inform the Superior of this; and if the latter considers that he has just and grave causes against more frequent Communions of this kind, he shall be bound to manifest them to the Confessor, whose judgment must be wholly acquiesced in.

"VII. The same His Holiness furthermore commands all and each of the Superiors General, Provincial, and local of the Institutes mentioned above, whether of men or of women, diligently and

accurately to observe the provisions of this Decree, under the penalties to be incurred by the very fact against Superiors who violate the mandates of the Apostolic See.

"VIII. Finally, he commands that copies of the present Decree, translated into the vernacular tongue, be inserted into the Constitutions of the aforesaid pious Institutes and, at least once a year, at an appointed time in each house, be read in a loud and intelligible voice, either at the public table or in a Chapter specially convoked for this purpose.

"And thus His Holiness established and decreed, any contrary things whatsoever by no means standing in the way, even those worthy of special and individual mention.

"Given at Rome, from the Secretariat of the aforesaid Sacred Congregation of Bishops and Regulars, 17 December 1890."

Letter of the Most Eminent Prefect to the Archbishops, Etc., Concerning the Decree Reported Above

"Most Illustrious and Reverend Lord and Brother: By mandate of Our Most Holy Lord Leo XIII, by the present letter I transmit to Your Excellency the Decree annexed hereto, recently issued by this Sacred Congregation placed over the affairs and consultations of Bishops and Regulars by command of the same His Holiness, by which the manifestation of conscience, by whatever name it may be called, is wholly prohibited both for monasteries of nuns, even of solemn vows, and for Institutes of simple vows of either sex, except only Institutes of men wholly ecclesiastical in nature and governance.

"Declarations and provisions are furthermore given concerning the regulation of Communions and the more ready granting of extraordinary Confessors.

"For this purpose, His Holiness committed to me that the aforesaid Decree be transmitted to Your Excellency as Metropolitan, so that you may take care to communicate copies of it with the Bishops dependent upon Your Excellency; and they in turn are to communicate copies of the same Decree with the individual male and female Superiors of the monasteries and pious houses of their respective dioceses. Finally, His Holiness commands all local Ordinaries not to cease diligently and carefully to watch over and procure the full execution of the aforesaid Decree, even by force of a special delegation of the Apostolic See.

"These were the things to be signified and declared by me to Your Excellency, for whom I beseech all prosperity from the Lord.—Rome, 20 January 1891."

Doubts Concerning the Same Decree

"1. Is the favor granted to nuns of having recourse to an extraordinary Confessor whenever 'they are driven to this in order to take counsel for their own conscience' so unlimited and unconditional that they can use it constantly without ever having recourse to the ordinary Confessor, and without being able to be questioned even by the Bishop on this point and in some manner hindered by him if they were being guided by blameworthy and foolish reasons? "2. Do the additional Confessors have any duties of conscience to refuse to hear the Confessions of the Sisters when they recognize that no plausible motive exists which constrains them to have recourse to them?—3. If several Sisters—and still worse, if the greater part of them—were constantly to have recourse to one of the additional

Confessors, must the Bishop remain silent, or intervene with some provision in order to safeguard the maxim sanctioned in the Bull *Pastoralis*: 'It is known to be generally established that only one Confessor is to be deputed for each monastery of nuns'?—4. And given that he must intervene, what provision can he lawfully adopt?

"Response. To the first: Negative.—To the second: Affirmative.—To the third: Negative to the first part; affirmative to the second.—To the fourth: Let the Ordinary admonish the nuns and Sisters in question that the provision of article IV of the Decree *Quemadmodum* constitutes only an exception to the common law, solely for cases of true and absolute necessity, whenever they are driven to this, while that which is prescribed by the Sacred Council of Trent and by the Constitution of Benedict XIV of holy memory beginning *Pastoralis curae* remains firm." Sacred Congregation of Bishops and Regulars, 1 February 1892.

"1. Who is understood under the name of the Prelate or Superior whose office it is to grant or deny an extraordinary Confessor to subjects? Is it the one who deputed the ordinary Confessor, or rather the one who presides over the house, whether a man or a woman?—2. Since, from the Decree, the Superior, whoever he may be, cannot deny an extraordinary Confessor, nor indeed show that he bears the petition ill, is he bound always to indulge the entreaties of the subject, although he plainly sees that the necessity is feigned and, because of scruples or some other defect of mind, apprehended as true by the one petitioning?—3. Must the Prelate who, from what has been said, grants an extraordinary Confessor to the subject designate by name in each case the person of the Confessor himself, or can the same religious choose, from among the various persons deputed by the Ordinary, the one who is to fulfill this office for him?—4. Whether the Constitutions of certain religious families, by which nuns or religious are forbidden to receive the Sacred Eucharist beyond certain and appointed days, were abrogated in this respect by the Decree of 17 December 1890, in such a way that, notwithstanding them, it is lawful for the Confessor to grant more frequent access to his religious penitents; or whether they still remain in force after the aforesaid Decree.

"Response. To the first: Negative to the first part; affirmative to the second.—To the second: Affirmative; but subjects are to be admonished that they cannot request extraordinary Confessors unless they are driven to this in order to take counsel for their own conscience.—To the third: Negative to the first part; affirmative to the second.—But as regards the last doubt, which concerns more frequent access to the Sacred Synaxis than on the days established in their own rules, those Constitutions by which nuns or religious are forbidden to receive the Sacred Eucharist beyond certain and appointed days are to be considered abrogated." Sacred Congregation of Bishops and Regulars, 17 August 1891.

On the Sacraments in General

Decree of the Council of Florence for the Armenians in the Bull *Exultate Deo* of Eugene IV: Instruction on the Sacraments

"Fifth, for the easier instruction of the Armenians themselves, both present and future, We reduce the truth of the ecclesiastical Sacraments to this very brief formula. There are seven Sacraments of the New Law: namely, Baptism, Confirmation, the Eucharist, Penance, Extreme Unction, Order, and Matrimony. These differ greatly from the sacraments of the Old Law. For those did not cause grace, but only prefigured that it was to be given through the Passion of Christ; but these Sacraments of ours both contain grace and confer it upon those worthily receiving them. The first five of these are ordained to the spiritual perfection of each man in himself; the last two, to the governance and multiplication of the whole Church. For through Baptism we are spiritually reborn; through Confirmation we are increased in grace and strengthened in faith; and, having been reborn and strengthened, we are nourished by the divine food of the Eucharist. But if through sin we incur sickness of soul, through Penance we are spiritually healed; spiritually also, and corporally insofar as it is expedient for the soul, through Extreme Unction; but through Order the Church is governed and multiplied spiritually; through Matrimony it is increased corporally. All these Sacraments are completed by three things: namely, things as matter, words as form, and the person of the minister conferring the Sacrament with the intention of doing what the Church does. If any of these is lacking, the Sacrament is not completed. Among these Sacraments there are three—Baptism, Confirmation, and Order—which imprint upon the soul an indelible character, that is, a certain spiritual sign distinctive from the others. Hence they are not repeated in the same person. But the remaining four do not imprint a character and admit of repetition.

"Holy Baptism holds the first place among all the Sacraments, because it is the gate of spiritual life; for through it we are made members of Christ and of the body of the Church. And since through the first man death entered into all, unless we are reborn of water and the Spirit, we cannot, as the Truth says, enter into the Kingdom of Heaven. The matter of this Sacrament is true and natural water; nor does it matter whether it is cold or warm. The form is: 'I baptize you in the name of the Father and of the Son and of the Holy Spirit.' Nevertheless, We do not deny that true Baptism is also completed through these words: 'Such a servant of Christ is baptized in the name of the Father and of the Son and of the Holy Spirit'; or, 'Such a one is baptized by my hands in the name of the Father and of the Son and of the Holy Spirit.' For since the principal cause from which Baptism has its power is the Holy Trinity, while the minister who outwardly delivers the Sacrament is the instrumental cause, if the act which is exercised through the minister himself is expressed together with the invocation of the Holy Trinity, the Sacrament is completed. The minister of this Sacrament is the priest, to whom it belongs by office to baptize. But in a case of necessity, not only a priest or deacon, but also a layman or woman, indeed even a pagan and a heretic, can baptize, provided that he observes the form of the Church and intends to do what the Church does. The effect of this Sacrament is the remission of all original and actual fault, and also of every punishment which is due for that fault. Therefore no satisfaction for past sins is to be enjoined upon the baptized; rather, those who die before committing any fault immediately attain the Kingdom of Heaven and the vision of God.

"The second Sacrament is Confirmation, whose matter is chrism composed of oil, which signifies the splendor of conscience, and balsam, which signifies the odor of good reputation, blessed by a Bishop. The form is: 'I sign you with the sign of the Cross and confirm you with the chrism of salvation, in the name of the Father and of the Son and of the Holy Spirit.' The ordinary minister is the Bishop. And although a simple priest can administer the other anointings, only a Bishop ought to confer this one, because it is read only of the Apostles, whose place Bishops hold, that they gave the Holy Spirit through the imposition of hands, as the reading of the Acts of the Apostles makes manifest: 'For when,' it says, 'the Apostles who were at Jerusalem had heard that Samaria had received the word of God, they sent to them Peter and John. When these had come, they prayed for them that they might receive the Holy Spirit; for He had not yet come upon any of them, but they had only been baptized in the name of the Lord Jesus. Then they laid hands upon them, and they received the Holy Spirit.' In the place of that imposition of hands, Confirmation is given in the Church. It is read, nevertheless, that sometimes, by dispensation of the Apostolic See for a reasonable and very urgent cause, a simple priest administered this Sacrament of Confirmation with chrism consecrated by a Bishop. The effect of this Sacrament is that in it the Holy Spirit is given for strength, as He was given to the Apostles on the day of Pentecost, so that, namely, the Christian may boldly confess the name of Christ. Therefore the one to be confirmed is anointed on the forehead, where the seat of shame is, lest he be ashamed to confess the name of Christ, and especially His Cross, which indeed is a scandal to the Jews but foolishness to the Gentiles, according to the Apostle; for which reason he is signed with the sign of the Cross.

"The third is the Sacrament of the Eucharist, whose matter is wheaten bread and wine from the vine, with which a very little water must be mixed before consecration. Water is mixed for this reason: because, according to the testimonies of the Holy Fathers and Doctors of the Church long ago presented in disputation, it is believed that the Lord Himself instituted this Sacrament in wine mixed with water. Then also because this accords with the representation of the Lord's Passion. For blessed Pope Alexander, fifth from blessed Peter, says: 'In the offerings of the Sacraments which are offered to the Lord within the solemnities of Masses, let only bread and wine mixed with water be offered in sacrifice. For neither wine alone nor water alone ought to be offered in the chalice of the Lord, but both mixed, because it is read that both—that is, blood and water—flowed from the side of Christ.' Then also because it accords with signifying the effect of this Sacrament, which is the union of the Christian people with Christ. For water signifies the people, according to that passage of the Apocalypse: 'Many waters, many peoples.' And Pope Julius, second after blessed Sylvester, says: 'The chalice of the Lord, according to the precept of the canons, ought to be offered mixed with wine and water, because we see that in the water the people are understood, but in the wine the Blood of Christ is shown. Therefore, when wine and water are mixed in the chalice, the people are united to Christ, and the multitude of the faithful is coupled and joined to Him in whom it believes.' Therefore, since both the Holy Roman Church, instructed by the Most Blessed Apostles Peter and Paul, and all the other Churches of the Latins and Greeks, in which every luminary of holiness and doctrine has shone, have observed this from the beginning of the nascent Church and observe it now, it seems exceedingly unfitting that any other region should differ from this universal and reasonable observance. We decree, therefore, that the Armenians themselves also conform themselves to the whole Christian world, and that their priests, in the offering of the chalice, mix a little water with the wine, as has been stated. The form of this Sacrament is the words of the Savior by which He effected

this Sacrament, for the priest, speaking in the person of Christ, effects this Sacrament. For by the power of the words themselves, the substance of bread is converted into the Body of Christ and the substance of wine into the Blood; yet in such a way that the whole Christ is contained under the species of bread and the whole under the species of wine. Under every part of the consecrated Host and of the consecrated wine, when separation has been made, the whole Christ is also present. The effect of this Sacrament which it works in the soul of one worthily receiving is the union of man with Christ. And because through grace man is incorporated into Christ and united to His members, it follows that through this Sacrament grace is increased in those worthily receiving; and every effect which material food and drink accomplish with respect to bodily life—sustaining, increasing, repairing, and delighting—this Sacrament works with respect to spiritual life; in it, as Pope Urban says, we gratefully commemorate our Savior, are withdrawn from evil, are strengthened in good, and advance toward an increase of virtues and graces.

"The fourth Sacrament is Penance, whose quasi-matter is the acts of the penitent, which are distinguished into three parts. The first of these is contrition of heart, to which it pertains that he grieve for the sin committed, with the purpose of not sinning thereafter. The second is confession of the mouth, to which it pertains that the sinner confess integrally to his priest all the sins of which he has memory. The third is satisfaction for sins according to the judgment of the priest; this is performed chiefly through prayer, fasting, and almsgiving. The form of this Sacrament is the words of absolution which the priest pronounces when he says: 'I absolve you,' etc.; and the minister of this Sacrament is a priest having authority to absolve, either ordinary authority or authority from the commission of a Superior. The effect of this Sacrament is absolution from sins.

"The fifth Sacrament is Extreme Unction, whose matter is olive oil blessed by a Bishop. This Sacrament ought not to be given except to a sick person concerning whose death there is fear; he is to be anointed in these places: on the eyes because of sight, on the ears because of hearing, on the nostrils because of smell, on the mouth because of taste or speech, on the hands because of touch, on the feet because of walking, and on the loins because of the pleasure vigorous there. The form of this Sacrament is this: 'Through this anointing and His most loving mercy, may the Lord forgive you whatever you have committed through sight,' etc.; and similarly on the other members. The minister of this Sacrament is a priest. Its effect is the healing of the mind, and also of the body insofar as it is expedient. Concerning this Sacrament blessed James the Apostle says: 'Is any man sick among you? Let him bring in the priests of the Church, that they may pray over him, anointing him with oil in the name of the Lord; and the prayer of faith shall save the sick man, and the Lord shall raise him up; and if he is in sins, they shall be forgiven him.'

"The sixth Sacrament is Order, whose matter is that through the presentation of which the Order is conferred; thus the Presbyterate is conferred through the presentation of the chalice with wine and of the paten with bread; the Diaconate, through the handing over of the Book of the Gospels; and the Subdiaconate, through the presentation of the empty chalice with the empty paten placed upon it; and similarly as regards the others, through the assignment of things pertaining to their ministries. The form of the Priesthood is this: 'Receive the power of offering sacrifice in the Church for the living and the dead, in the name of the Father and of the Son and of the Holy Spirit.' And so concerning the forms of the other Orders, as is contained at length in the Roman Pontifical. The ordinary minister of this Sacrament is the Bishop. Its effect is an increase of grace, so that one may be a suitable minister.

"The seventh is the Sacrament of Matrimony, which is a sign of the union of Christ and the Church, according to the Apostle saying: 'This is a great Sacrament; but I speak in Christ and in the Church.' The efficient cause of Matrimony is regularly mutual consent expressed through words of the present. A threefold good of Matrimony is assigned. The first is offspring to be received and educated for the worship of God. The second is fidelity, which one spouse ought to preserve toward the other. The third is the indivisibility of Matrimony, because it signifies the indivisible union of Christ and the Church. Although separation from the bed is lawful because of fornication, it is nevertheless not lawful to contract another Matrimony, since the bond of a lawfully contracted Matrimony is perpetual."

The Council of Trent on the Sacraments in General, Session 7

"Canon 1. If anyone shall say that the Sacraments of the New Law were not all instituted by Jesus Christ our Lord; or that there are more or fewer than seven, namely, Baptism, Confirmation, the Eucharist, Penance, Extreme Unction, Order, and Matrimony; or even that any one of these seven is not truly and properly a Sacrament: let him be anathema.

"Canon 2. If anyone shall say that these same Sacraments of the New Law do not differ from the sacraments of the Old Law except because the ceremonies are different and the external rites are different: let him be anathema.

"Canon 3. If anyone shall say that these seven Sacraments are so equal among themselves that in no respect is one more worthy than another: let him be anathema.

"Canon 4. If anyone shall say that the Sacraments of the New Law are not necessary for salvation, but superfluous; and that without them or the desire for them men obtain from God the grace of justification through faith alone, although all are not necessary for each individual: let him be anathema.

"Canon 5. If anyone shall say that these Sacraments were instituted only for nourishing faith: let him be anathema.

"Canon 6. If anyone shall say that the Sacraments of the New Law do not contain the grace which they signify, or do not confer grace itself upon those placing no obstacle, as though they were only external signs of grace or justice received through faith, and certain marks of Christian profession by which the faithful are distinguished among men from unbelievers: let him be anathema.

"Canon 7. If anyone shall say that grace is not given through Sacraments of this kind always and to all, so far as concerns God's part, even if they receive them rightly, but sometimes and to some: let him be anathema.

"Canon 8. If anyone shall say that grace is not conferred *ex opere operato* through the Sacraments of the New Law themselves, but that faith alone in the divine promise suffices for obtaining grace: let him be anathema.

"Canon 9. If anyone shall say that in the three Sacraments, namely Baptism, Confirmation, and Order, a character is not imprinted upon the soul, that is, a certain spiritual and indelible sign, whence they cannot be repeated: let him be anathema.

"Canon 10. If anyone shall say that all Christians have power in the word and in administering all the Sacraments: let him be anathema.

"Canon 11. If anyone shall say that in ministers, while they effect and confer the Sacraments, at least the intention of doing what the Church does is not required: let him be anathema.

"Canon 12. If anyone shall say that a minister existing in mortal sin, provided that he has observed all the essentials which pertain to effecting or conferring the Sacrament, does not effect or confer the Sacrament: let him be anathema.

"Canon 13. If anyone shall say that the received and approved rites of the Catholic Church customarily employed in the solemn administration of the Sacraments can either be contemned, or omitted without sin by ministers at pleasure, or changed into other new rites by any Pastor of the Churches whatsoever: let him be anathema."

On the Efficacy of the Sacraments

"56. In sin there are two things, the act and the guilt; but when the act passes away, nothing remains except the guilt or obligation to punishment.—57. Hence in the Sacrament of Baptism or in the absolution of a priest, properly only the guilt of sin is removed, and the ministry of priests frees only from guilt.—58. A penitent sinner is not vivified by the ministry of the absolving priest, but by God alone, who, suggesting and inspiring Penance, vivifies and raises him up; but through the ministry of the priest only the guilt is removed." Propositions of Michael Baius condemned by Saint Pius V.

The Intention of the Minister

"12. If, per impossibile, the one confessing were not contrite, or the priest absolved not seriously but in jest, nevertheless, if he believes himself absolved, he is most truly absolved." Proposition of Martin Luther condemned by Leo X. D. 752.

"28. Baptism conferred by a minister who observes the whole external rite and form of baptizing is valid, even though inwardly in his heart he resolves within himself: 'I do not intend what the Church does.'" Proposition condemned by Alexander VIII. D. 1318.

"In certain places some heretics baptize with due matter and form, applied simultaneously, but expressly admonish those to be baptized not to believe that Baptism has any effect upon the soul; for they say that it is a merely external sign of aggregation to their sect. Thus they often turn Catholics to ridicule concerning their faith in the effects of Baptism, which they call superstitious. It is asked: 1. Is Baptism administered by those heretics doubtful because of a defect of the intention of doing what Christ willed, if it was expressly declared by the minister before he baptized that Baptism has no effect upon the soul? 2. Is Baptism conferred in this manner doubtful if the aforesaid declaration was not made expressly immediately before Baptism was conferred, but had often been pronounced by the minister, and that doctrine is openly preached in that sect?—Response. To the first: Negative; because, notwithstanding error concerning the effects of Baptism, the intention of doing what the Church does is not excluded. To the second: Provision was made in the first." Holy Office, 18 December 1872. Cf. Benedict XIV, *De Synodo dioecesana*, bk. 7, ch. 6, no. 9; Innocent IV, ch. 2, *De baptismo*, no. 9; Bellarmine, *De Sacramentis in genere*, bk. 1, ch. 27, no. 13; C. 659.

"Those concerning whom there is doubt whether they have been baptized are baptized with these words prefixed: 'If you have been baptized, I do not baptize you; but if you have not yet been baptized, I baptize you,' etc." Alexander III, chapter *De quibus*, 2, *De Baptismo et eius effectu*.

The Faith and Probity of the Minister of the Sacraments

"If anyone shall come to us from any heresy whatsoever, let nothing be innovated except that which has been handed down, that a hand be imposed upon him unto Penance; since the heretics themselves, properly speaking, do not baptize one another when coming to them, but only admit them to communion. It is not to be asked who he is who baptized, because he who has been baptized could obtain grace, the Trinity of names—the Father and the Son and the Holy Spirit—having been invoked. The name of Christ avails greatly, so that whoever and wherever he has been baptized in the name of Christ may immediately obtain the grace of Christ. What we have received from the Apostles, this we follow." Decree of Stephen I against the Rebaptizers.

"Concerning the Africans, because they use their own law, so that they rebaptize, it has been determined that if anyone shall come from heresy, they shall question him concerning the Creed; and if they shall ascertain that he was baptized in the Father and the Son and the Holy Spirit, only a hand shall be imposed upon him, so that he may receive the Holy Spirit. But if, when questioned, he shall not answer this Trinity, let him be baptized." First Council of Arles, 314, canon 8, on the Baptism of heretics.

"Concerning those who at times call themselves Cathari, that is, pure, but come to the Catholic and Apostolic Church, it has seemed good to the holy great Synod that, hands having been imposed upon them, they thus remain in the clergy.… Concerning the Paulianists who thereafter fled to the Church, it has been established that they be wholly rebaptized. But if any were in the number of clerics in time past, if indeed they shall appear free from fault and reproach, after being rebaptized let them be ordained by the Bishop of the Catholic Church." First Synod of Nicaea, year 325, chapters 8 and 19, on the Baptism of heretics.

"On the very first page of your letter you indicated that very many baptized by the Arians were hastening to the Catholic faith, and that certain of our brethren wished to baptize them again; this is not lawful, since both the Apostle forbids this to be done and the canons contradict it, and the general decrees sent to the provinces by my predecessor Liberius of venerable memory after the Council of Rimini was annulled prohibit it. We join them, together with the Novatians and other heretics, to the assembly of Catholics through the invocation alone of the sevenfold Spirit by the imposition of a Bishop's hand, as was established in the Synod; and the whole East and West also observe this. It is by no means fitting that you too deviate henceforth from this path, if you do not wish to be separated from our college by a synodal sentence." Decrees of Liberius and Siricius on the Baptism of heretics, in Siricius, Epistle I to Himerius of Tarragona, ch. 1.

"Since the Church in many places, and especially in the Teutonic regions, long labored under heresy and schism, and, if all those who were ordained by those heretics and schismatics had to be annulled, certain Churches would seem to be wholly stripped of their clerics, We, following the decrees of the Holy Fathers concerning those who were ordained under Acacius and Bonosus and the Donatists, have decreed by statute that all Bishops who were ordained under this schism shall remain in their honors, unless they are usurpers or criminals. But with regard to the other Orders, the power shall

rest with the Bishops, so that those whose life appears approved may remain in their grade." Decree of Paschal II at the Lateran Council, year 1116.

"That those coming from the Novatians or Montenses be received through the imposition of hands alone, because, although baptized by heretics, they were nevertheless baptized in the name of Christ." Innocent I, Epistle 2 to Victricius of Rouen, ch. 11.

From the Nicene canon, Paulianists coming to the Church are to be baptized, but not Novatians; "The manifest reason declares that this was therefore distinguished with respect to these two heresies, because the Paulianists by no means baptize in the name of the Father and of the Son and of the Holy Spirit; but the Novatians baptize with those same tremendous and venerable names, nor among them has a question ever been raised concerning the unity of divine power, that is, of the Father and of the Son and of the Holy Spirit." Innocent I, Epistle 17 to the Bishops of Macedonia, ch. 5.

"…We likewise by no means reject the Sacraments which are celebrated in it, through the cooperation of the inestimable and invisible power of the Holy Spirit, although they are administered by a sinful priest while the Church receives him; nor do We detract from ecclesiastical offices or blessings celebrated by him, but with benevolent spirit embrace them as though from a most just man, because the wickedness of a Bishop or priest harms neither the Baptism of an infant, nor the conferral of the Eucharist, nor the other ecclesiastical offices celebrated for subjects." Profession of faith of the Waldensians prescribed by Innocent III.

"The fourth blasphemy of impious men of this kind (the Fraticelli), breaking forth from the poisonous fountain of the aforesaid Waldensians, holds that priests who have even been rightly and lawfully ordained according to the form of the Church, but are weighed down by any crimes whatsoever, cannot effect or confer the ecclesiastical Sacraments." Error condemned by John XXII in a Constitution issued in the year 1318.

"4. If a Bishop or priest exists in mortal sin, he does not ordain, does not consecrate, does not effect, does not baptize." Articles of John Wycliffe condemned at the Council of Constance.

"22. Likewise, whether he believes that a wicked priest, with due matter and form and with the intention of doing what the Church does, truly effects, truly baptizes, and truly confers the other Sacraments." Articles concerning which persons suspected of the errors of Wycliffe and Hus are to be questioned.

Sacraments to Be Denied to Those Bound by a Censure

"How ought Pastors to conduct themselves in celebrating the marriages of those who have notoriously incurred ecclesiastical censures?—Response. Care must be taken with all strength that those bound by ecclesiastical censures be reconciled with the Church in the due manner; but if they refuse to be reconciled, and grave evils seem likely to threaten unless the marriage is celebrated, the Pastor shall consult the Ordinary, who, having taken account of the matters and circumstances and having considered all the things handed down by approved authors, and especially by Saint Alphonsus, book 6, treatise 1, chapter 2, no. 54, shall declare those things which he shall judge more expedient in the Lord, the celebration of Mass, however, always being excluded." Sacred Penitentiary, 10 December 1860. The same Sacred Penitentiary responded on 15 July 1856, the same care having

been employed and the same circumstances standing: "In such a case the Pastor can lawfully assist at the marriage of a public and notorious excommunicate who is tolerated. A Bishop likewise can, when these circumstances concur and suitable precautions have been employed, give a Pastor permission to assist at such a marriage."—C. 1525 ff.

"Likewise, how ought Bishops to conduct themselves if any of those mentioned above who are bound by a censure should present themselves in order to act as sponsor either in the Sacrament of Confirmation or of Baptism?—Response. As in the preceding." Sacred Penitentiary, 10 December 1860.

"Can the Most Holy Eucharist be administered to those notoriously bound by a censure before they have, as is fitting, been reconciled with the Church?—Response. Negative." Sacred Penitentiary, 10 December 1860; *A. S. S.*, vol. 1, p. 563.

Simulation of the Sacraments

"29. Urgent fear is a just cause for simulating the administration of the Sacraments." Proposition condemned by Innocent XI.

On the Rite to Be Observed in the Administration of the Sacraments

"I receive and admit also the received and approved rites of the Catholic Church in the solemn administration of all the Sacraments." Tridentine Profession of Faith.

"According to the Roman Ritual and Pontifical, the stole is to be employed in effecting and administering the Sacraments, in the confecting and administering of sacramentals, and also in sermons, if custom is present." Sacred Congregation of Rites, 11 March 1871, Borgo San Donnino, to the second.

"In every effecting and administration either of Sacraments or of sacramentals…the surplice and stole are always to be used, that which the Roman Ritual teaches concerning the Sacrament of Penance, title 3, chapter 1, no. 9, nevertheless being retained." General Decree of the Sacred Congregation of Rites, 12 July 1892; Decrees nos. 3784, 3779, to the eighth and ninth.

"It is lawful for the Roman Ritual to be employed everywhere and in any functions whatsoever, even if a proper diocesan Ritual which differs from the Roman in only some things is possessed." Sacred Congregation of Rites, 30 August 1892, to the ninth, no. 3792.

Consent Is Required in Adults for the Validity of a Sacrament

"Some not absurdly distinguish between unwilling and unwilling, coerced and coerced, because one who is violently drawn by terrors and punishments and, lest he incur detriment, receives the Sacrament of Baptism, such a one, like one who approaches Baptism feignedly, receives the impressed character of Christianity and, as one conditionally willing although unwilling absolutely, must be compelled to the observance of the Christian faith.… But one who never consents, but wholly contradicts, receives neither the reality nor the character of the Sacrament, because expressly to contradict is more than never to consent.… Moreover, those sleeping and insane, if before they fell into insanity or went to sleep they persisted in contradiction—because in them the purpose of contradiction is understood to endure—even if they have thus been immersed, do not receive the

character of the Sacrament. It is otherwise, however, if they had previously been catechumens and had the purpose of being baptized; hence the Church is accustomed to baptize such persons at the point of necessity. Therefore the sacramental operation then imprints the character when it does not find the obstacle of a contrary will standing against it." Innocent III, chapter *Maiores*, 3, *De Baptismo et eius effectu*.

Baptism Is Required for Validly Receiving the Other Sacraments

One who is not baptized cannot be ordained; and if he is ordained, he does not receive the character of Order. Innocent III, chapter *Veniens*, last, *De Presbytero non baptizato*; chapter *Si quis*, 1, same title.

On the Dispositions Necessary for Receiving Baptism

Cf. no. 460.

On Baptism

The Council of Trent on Baptism, Session 7

"Canon 1. If anyone shall say that the Baptism of John had the same force as the Baptism of Christ: let him be anathema.

"Canon 2. If anyone shall say that true and natural water is not necessary for Baptism, and therefore shall distort into some metaphor those words of Our Lord Jesus Christ, 'Unless a man be born again of water and the Holy Spirit': let him be anathema.

"Canon 3. If anyone shall say that in the Roman Church, which is the mother and teacher of all Churches, there is not true doctrine concerning the Sacrament of Baptism: let him be anathema.

"Canon 4. If anyone shall say that Baptism which is given even by heretics in the name of the Father and of the Son and of the Holy Spirit, with the intention of doing what the Church does, is not true Baptism: let him be anathema.

"Canon 5. If anyone shall say that Baptism is free, that is, not necessary for salvation: let him be anathema.

"Canon 6. If anyone shall say that one baptized cannot, even if he wills, lose grace, however much he may sin, unless he is unwilling to believe: let him be anathema.

"Canon 7. If anyone shall say that through Baptism itself those baptized are made debtors only of faith alone, but not of observing the whole law of Christ: let him be anathema.

"Canon 8. If anyone shall say that those baptized are free from all the precepts of Holy Church, whether written or handed down, in such a way that they are not bound to observe them unless they shall have willed to submit themselves to them of their own accord: let him be anathema.

"Canon 9. If anyone shall say that men are to be recalled to the memory of the Baptism received in such a way that they understand all vows which are made after Baptism to be invalid by force of the promise already made in Baptism itself, as though through them both the faith which they professed and Baptism itself were disparaged: let him be anathema.

"Canon 10. If anyone shall say that all sins which are committed after Baptism are either remitted or made venial by the recollection and faith alone of the Baptism received: let him be anathema.

"Canon 11. If anyone shall say that true and rightly conferred Baptism must be repeated for him who denied the faith of Christ among unbelievers when he is converted to Penance: let him be anathema.

"Canon 12. If anyone shall say that no one is to be baptized except at that age at which Christ was baptized or at the very point of death: let him be anathema.

"Canon 13. If anyone shall say that infants, because they do not have an act of believing, are not to be numbered among the faithful after receiving Baptism, and therefore are to be rebaptized when they shall have reached the years of discretion; or that it is better that their Baptism be omitted than that, not believing by their own act, they be baptized in the faith of the Church alone: let him be anathema.

"Canon 14. If anyone shall say that infants baptized in this manner, when they have grown up, are to be asked whether they wish to ratify what their sponsors promised in their name while they were baptized; and that, when they respond that they are unwilling, they are to be left to their own judgment and meanwhile are not to be compelled to the Christian life by any other penalty except that they be restrained from receiving the Eucharist and the other Sacraments until they repent: let him be anathema."

Cf. Instruction on Baptism of the Sacred Congregation for the Propagation of the Faith, 23 June 1830; C. 484, 648.

Baptism of Water Can Be Supplied by Baptism of Desire

"To your inquiry We respond thus: the priest whom you signified to have ended his last day without the water of Baptism, because he persevered in the faith of Holy Mother Church and in the confession of the name of Christ, We unhesitatingly assert to have been freed from original sin and to have attained the joy of the heavenly fatherland." Innocent III, chapter *Apostolicam*, 2, *De Presbytero non baptizato*.

Effects of Baptism

"…We therefore approve the Baptism of infants; if they shall have died after Baptism before committing sins, we confess and believe that they are saved. We believe that in Baptism all sins are remitted, both that original sin contracted and those which have been voluntarily committed." Profession of faith prescribed by Innocent III to the Waldensians returning to the Church, Epistle, 4 Ides of May 1210.

"The souls of those who, after receiving Sacred Baptism, have incurred no stain of sin at all…are immediately received into Heaven." Confession of faith of Michael Palaeologus.—The same is contained in the same words in the Decree of Union of the Council of Florence, in the Bull *Laetentur caeli* of Eugene IV, and in the Profession of Faith for Orientals prescribed by Urban VIII and Benedict XIV.

"43. The first effect of baptismal grace is to cause us to die to sin, to such an extent that the spirit, heart, and senses have no more life for sin than a dead man has for the things of the world." Proposition of Pasquier Quesnel condemned by Clement XI.

One Once Baptized Must Not Be Baptized Again

That the Greeks ought not to baptize those baptized by the Latins was established by Innocent III around the year 1216, chapter *Licet Graecos*, last, *De Baptismo et eius effectu*.

The Holy Roman Church "says and preaches that those who fall into sins after Baptism are not to be rebaptized, but obtain pardon of their sins through true Penance." Confession of faith of Michael Palaeologus proposed to him by Clement IV in the year 1267 and offered by him to Gregory X at the Second Ecumenical Council of Lyons in the year 1274.

"Baptism, Confirmation, and Order cannot be repeated without sacrilege." Tridentine Profession of Faith. The same is contained in the same words in the Profession of Faith for Orientals prescribed by Urban VIII and Benedict XIV.

On the Matter and Form of Baptism

"You asked whether those infants are to be regarded as Christians who, being at the point of death, because of a lack of water and the absence of a priest, were smeared by the simplicity of certain persons upon the head, breast, and between the shoulders by sprinkling saliva as Baptism. We respond that, since in Baptism two things are always necessarily required, namely, the word and the element, according as the Truth says concerning the word, 'Going into the world,' etc., and says likewise concerning the element, 'Unless a man,' etc., you ought not to doubt that those do not have true Baptism in whom not only both of the aforesaid things but even one of them is omitted." Innocent III, year 1250, chapter *Non ut*, 5, *De Baptismo et eius effectu*.

"The Sacrament of Baptism, which is consecrated in water at the invocation of God and the undivided Trinity, namely, the Father and the Son and the Holy Spirit, when rightly conferred upon both infants and adults by anyone in the form of the Church, avails unto salvation." Fourth Lateran Council, year 1215, chapter 1, Definition against the Albigensians and other heretics.

"1. Is one validly baptized with water which, although it wholly retains its liquidity, nevertheless exhales a great and very unpleasant stench?—2. Given the validity of Baptism with such water, and when other good water enriched with sacred chrism is not available, is it better to use this putrid water than pure and natural water not enriched with chrism?

"Response. Baptisms conferred with corrupted water were valid, although illicit outside a case of necessity; and in a case of necessity natural water is to be preferred, but provision must be made for the renewal of the water of the baptismal font according to the Roman Ritual." Holy Office, 17 April 1839.

"Many physicians in hospitals or elsewhere, in a case of necessity, are accustomed to baptize infants, especially in the womb of the mother, with water mixed with corrosive bichloride of mercury (in French, *chloride de mercure*). This water is generally composed by a solution of one part of this mercuric chloride in one thousand parts of water, and a draught of this aqueous solution is poisonous. The reason why they use this mixture is lest the mother's womb be affected by disease.

"1. Is Baptism administered with water of this kind certainly or doubtfully valid?—2. Is it lawful, in order to avoid every danger of disease, to administer the Sacrament of Baptism with water of this kind?—3. Is it lawful to use this water even when pure water can be employed without any danger of disease?

"Response. To the first: Provision will be made in the second.—To the second: It is lawful where a true danger of disease is present.—To the third: Negative." Holy Office, 21 August 1901.

Baptism in the Mother's Womb and over Clothing

"There exists a Decree of the Sacred Congregation of the Council of 12 July 1794: 'A fetus baptized upon the crown of the head in the womb is to be rebaptized conditionally after birth.' Theologians today give as the reason that it cannot be certain that the water truly touched the head of the infant, although the reason presented by Saint Thomas, part 3, question 68, article 11, no longer has force: that, generally, the body of the infant cannot in any manner be washed with water before it is born from the womb.—It is asked: If, in some particular case, a truly skilled and upright physician should attest that, by a very perfect method, more perfect than that which is now employed, the water

without doubt touched the head of the infant in the womb, must the infant again be baptized conditionally after birth?—Response. Let the Decree of the Sacred Congregation of the Council of 12 July 1794 be observed." Sacred Congregation of the Council, 16 March 1891.

"If it is certain that someone was baptized in such a way that the water in no manner touched a principal part of the body, but only the clothing, he is to be baptized absolutely; but if there is probable doubt that it touched him, he is to be baptized again conditionally." Holy Office, 27 May 1671.

Ablution in Baptism

"In a case of necessity, can Baptism be administered to dying infants by signing their forehead or another principal part with a sponge imbued with water, without the water flowing over it, from fear that the parents may perceive the matter, since they have opposed it and watch the Missionaries at close quarters?

"Response. In a case of true and extreme necessity, when the death of the child is imminent and the Missionaries can have no other occasion to visit him, and the parents oppose Baptism, the Missionaries can, indeed must, employ the proximate and remote matter, however doubtful, since assistance, even uncertain, for the spiritual regeneration of the child must prevail over the danger of the invalidity of the Sacrament. Therefore the manner of administering Baptism described can and must be employed in the case of the aforesaid necessity, and not otherwise; and the Missionaries are admonished to cause some part of the water to run over the head, if possible, and insofar as it cannot flow over the head, let it flow at least over some principal member of the child's body. But those who shall have been doubtfully baptized in this manner, if they recover, are to be baptized again conditionally." Holy Office, 8 November 1770; C. 502.

Form of Baptism

"If anyone shall immerse a child in water three times in the name of the Father and of the Son and of the Holy Spirit, Amen, and shall not say: 'I baptize you in the name of the Father and of the Son and of the Holy Spirit, Amen,' the child is not baptized." Alexander III, chapter *Si quis*, 1, *De Baptismo et eius effectu*.

"27. At one time Baptism conferred under this form was valid: 'In the name of the Father,' etc., with these words omitted: 'I baptize you.'" Proposition condemned by Alexander VIII.

"We are baptized only in the Father and the Son and the Holy Spirit, and not in the names of Archangels or Angels, as heretics, or Jews, or even demented Gentiles do." Anathemas of Pope Damasus, no. 24.

On the Form of Baptism in the Present Indicative

"Can the Baptism which is administered by Chaldean priests to males with the word *eemdat*, placed in their Ritual, which has the signification of the present imperative, namely, 'Let such a one be baptized,' and the signification of the past, namely, 'Such a one has been baptized,' be sustained, presupposing in the one baptizing an understanding of the said word in the past tense?

"Response. 1. Baptism conferred through a verb of the past tense to signify a past action, and not also the action which is exercised by the minister at the time when he baptizes with the invocation of the Most Holy Trinity and the ablution, immersion, or sprinkling of natural water, is not true Baptism.

"2. Nevertheless, Baptism conferred through a verb indifferent to the past indicative and the present imperative would be true if the one baptizing used it for the present imperative, provided that the other things are right, namely, the intention, immersion in water, ablution, or sprinkling, with the express invocation of the Most Holy Trinity.

"3. The same is to be said when the minister, using a verb indifferent as above, thinking nothing about the past or the present, would nevertheless have the virtual intention of using that word in the best manner in which he can, even if he believed the word signifying or expressing the act which is exercised by the minister to be of the past tense, provided that he retained the intention of doing what Christ instituted or the Church observes and the Christian people observe, and of not binding the signification of the form to his private belief.

"4. If the one baptizing used a verb of the past tense to signify the act which is exercised by the minister himself while he baptizes, and the other required things were present, it would be Baptism if among that nation or clergy there were a usage of taking that past-tense word to signify a present action.

"5. It is also Baptism if anyone, from ignorance of the language, in mangling the words without the intention of introducing error or heresy, should pronounce the past word for the present, if there is so great a similarity between the past and present words that a lapse from one word into the other is easy, and prudent men commonly judge that the one baptizing supposed the past word to have been corruptly pronounced for the present and, from the word pronounced, conceive the present action to be sufficiently signified.

"6. Nevertheless, in order to remove every ambiguity or occasion of error in the administration of so necessary a Sacrament, the Chaldeans are to be admonished henceforth, when they baptize, to use a verb of the present indicative or at least of the imperative; or, if they wish to use a verb indifferent to the past and the present, let them take it in the signification of the present." Sacred Congregation for the Propagation of the Faith, 27 March 1631.

On the Invocation of the Three Persons

"The form of Baptism of the schismatic Armenians, which is contained in their Rituals as below, having been reported, namely: 'My hand now baptizes in the name of the Father and of the Son and of the Holy Spirit'; or: 'Let my hand now baptize in the name of the Father, let my hand now baptize in the name of the Son, let my hand now baptize in the name of the Holy Spirit,' the Sacred Congregation declared the said form of Baptism true and lawful." Holy Office, 8 September 1633.

"Is Baptism administered by heretics with the following form valid: 'I baptize you in the name of the Father, I baptize you in the name of the Son, I baptize you in the name of the Holy Spirit'?—Response. Baptism conferred with the stated form is valid." Holy Office, 11 January 1882.

"In the Congregation of Wednesday, 31 July last, after the doubt proposed by the Vicar Apostolic of Western Tonkin concerning the validity of the baptismal formula, '*Ego te baptizo in nomine Patri, Firii et Firitui Sancti*,' had been examined, the Most Eminent Cardinal Inquisitors General issued the

following decree, approved on the same day by the Holy Father: Those baptized with this form are not to be disturbed; the catechists are to be duly instructed." Holy Office, 3 August 1889.

Expression of the One Baptizing, the One Baptized, and the Act of Baptizing

"A certain infant was baptized at home. The layman baptizing pronounced the form thus: '*En te baptismo en nome do Padre e do Filho e do Spirito Sancto*' [I baptize you in the name of the Father and of the Son and of the Holy Spirit]. Must such a Baptism be repeated conditionally because of the defect of pronunciation in *en te baptismo*?—Response. The Baptism in question is valid and therefore is not to be repeated even conditionally." Holy Office, 13 May 1817.

"Concerning Baptism, from omission of the pronoun *te* in its conferral, which you report to have happened often because of the ignorance of the Koreans, it is evident that the Sacrament was invalid and therefore is to be renewed." Sacred Congregation for the Propagation of the Faith, 11 September 1841.

"A certain woman bore four children, whom she herself baptized, saying in the vernacular language: 'I will to minister to you the Sacrament of the Baptism of sins in the name of the Father and of the Son and of the Holy Spirit. Amen.' I therefore ask whether Baptism thus conferred is valid, or whether it must be repeated conditionally as doubtful, or finally whether it is null and therefore to be conferred again absolutely?—Response. The Baptism was invalid and therefore Baptism is to be conferred absolutely." Holy Office, 23 June 1840.

"Is Baptism conferred upon infants with this condition valid: 'If you wish to be baptized, I baptize you,' etc.; and what is to be done toward those who, with such a condition appended, were baptized by certain women—namely, are they to be baptized again absolutely or conditionally? "Response. Baptism conferred under the stated condition is valid; nevertheless, that condition is to be wholly omitted henceforth." Holy Office, 12 June 1850.

On the Minister of Baptism

"Baptism is necessary for salvation and therefore, if danger of death is imminent, is to be conferred at once without any delay; and when conferred by anyone and at any time with due matter, form, and intention, it is valid." Profession of Faith for Orientals prescribed by Urban VIII and Benedict XIV.

"You indeed intimated that a certain Jew, being at the point of death, when he was among Jews alone, immersed himself in water, saying: 'I baptize myself in the name of the Father and of the Son and of the Holy Spirit. Amen.' We respond that, since there ought to be a distinction between the one baptizing and the one baptized, as is gathered from the words of the Lord saying to the Apostles, 'Go, baptize all nations in the name of the Father and of the Son and of the Holy Spirit,' the aforesaid Jew is to be baptized again by another, so that it may be shown that he who is baptized is one, and he who baptizes another. Also for signifying this, etc." Innocent III, chapter *Debitum*, 4, *De Baptismo et eius effectu*.

On the Ceremonies of Baptism

"That also which Holy Church uniformly does throughout the whole world concerning those to be baptized We do not contemplate with an idle gaze. When either infants or young people come to the Sacrament of regeneration, they do not approach the font of life before the unclean spirit is driven from them by the exorcisms and exsufflations of clerics, so that it may then truly appear how 'the prince of this world is cast out' (John 12:31), and how 'the strong man is first bound' (Matthew 12:29), and thereafter 'his vessels are plundered' (Mark 3:27), transferred into the possession of the Victor, who 'leads captivity captive' (Ephesians 4:8) and 'gives gifts to men' (Psalm 67:19)." Celestine I, Epistle 21 to the Bishops of Gaul concerning the errors of the Semi-Pelagians, year 431, chapter 12.

On the Baptismal Font

"Where a baptismal font is not permitted, let baptismal water duly blessed be reserved in some more fitting and movable vessel." Sacred Congregation for the Propagation of the Faith, 23 February 1660.

"According to other decrees, and especially in a case of Lucca on 12 April 1755 and in a case of Orvieto on 7 December 1844, it judged that the response should be: Baptismal water in parishes is to be blessed on the Saturdays of Easter and Pentecost, notwithstanding any contrary custom whatsoever, which must be wholly eliminated." Sacred Congregation of Rites, 13 April 1874, San Ippolito.

"It has been judged good that the Decrees which follow, issued by the Second Synod of Pondicherry with respect to baptismal water, be extended to all the Vicariates of the East Indies.

"1. The Missionary shall preserve consecrated water in some fitting place and vessel in the church where he ordinarily dwells and shall employ it in the conferral of Holy Baptism; he shall do the same in churches in which he dwells for a notable part of the year.

"2. When a case of necessity occurs, he shall use the faculty of preparing enriched water outside Holy Saturday and the Vigil of Pentecost.

"3. In places which he visits for the purpose of administering the Sacraments, he shall use consecrated water when he can easily carry it with him on journeys.

"Furthermore, the Most Eminent Fathers willed to communicate to all Vicars Apostolic the Decree given to the Vicar Apostolic of Tonkin on 10 February 1806: 'Missionaries are wholly bound, in conferring Baptism, to do all things according to the prescription of the Roman Ritual, even in that part which regards the sacramentals and the use of the water reserved for that purpose in the baptismal font. But where it would be of grave inconvenience or danger to preserve water blessed by the prescribed rite, in that case it shall be lawful for Missionaries, or for anyone else who shall be suitable for conferring this Sacrament according to the opportunity of the times, to use common water, especially if it has been blessed, in place of the water of the baptismal font, which cannot be had except with grave inconvenience or danger.'" Sacred Congregation for the Propagation of the Faith, 8 September 1869, to the Vicars Apostolic of the Indies.

When baptismal water is not available, blessed water according to the formula in the newer editions and in the Appendix of the Roman Ritual is to be employed when this can be done; otherwise natural

water is to be employed. Holy Office, 22 June 1833.

On the Valid Consecration of the Oils

"The Vicar General of N. sets forth that, on Thursday in the Supper of the Lord, during the consecration of the oil of catechumens, both the Bishop and the fifteen priests, through complete inadvertence, omitted to breathe upon the oils.… It is asked: 1.º Can the Bishop acquiesce?—And insofar as negative, 2.º What is to be done?—Response. To the first: Affirmative.—To the second: Provision was made in the first." Holy Office, 19 June 1889; *A. S. S.*, vol. 24, pp. 503 f.

On the Omission of Ceremonies by Reason of Abhorrence and Scandal

"Must Baptism be administered with the sacramentals when there is opportunity, or can they be omitted in order to avoid the abhorrence of the Japanese for the anointing, exsufflation, and use of saliva?—Response. Such salutary rites of the Church are wholly to be observed, and the fastidious who abhor them are to be considered unworthy to be admitted within the Church. But the priests who, as they object, rely upon these reasons ought to observe that by those very reasons heretics defend their own errors against the Catholic Church." Sacred Congregation for the Propagation of the Faith, 7 September 1626.

"Whether in China evangelical ministers, at least for the present, can abstain in the Sacrament of Baptism from applying the holy oil of catechumens to women, spittle to the ears, and salt to the mouth? Furthermore, can they also refrain from administering to the same women the Sacrament of Extreme Unction? The reason for doubting is that the Chinese are moved by great jealousy concerning their wives, daughters, and other women, and will take scandal from actions of this kind. —Response. The sacramentals are to be employed in the Baptism of women, and Extreme Unction is to be conferred upon women; nor does the motive expressed in the doubt suffice for the Missionaries, insofar as it lies with them, to abstain from these things. Care must therefore be taken that such salutary rites and ceremonies be introduced and observed, and that the Missionaries administer them with such circumspection and instruct the people with such teachings that they may be freed from every suspicion concerning their honor." Sacred Congregation for the Propagation of the Faith, 12 September 1645, Dominican Missionaries in China; C. 596.

"Must all the sacramentals be employed in the Baptism of adult women? Does it suffice to confer upon women petitioning only the Sacrament of Extreme Unction? Must it even be denied to those petitioning when inconveniences and dangers to the whole of Christianity are prudently foreseen to be future? The reason for doubting is the incredible modesty of women among the Chinese, their jealousy, and their praiseworthy flight from every association with men—not only from meeting but even from sight; in which matter, unless great caution is employed by the Missionaries, an immense scandal is given to the Chinese, and the whole of Christianity could be exposed to most evident danger.—Response. From a grave proportionate necessity, certain sacramentals can be omitted in the Baptism of women, and even the Sacrament of Extreme Unction itself can be omitted." Holy Office, 23 March 1656, Missionaries of the Society of Jesus in China; C. 597.

"Does the precept and mandate…concerning the observance of the responses and resolutions made on 12 September 1645 in the Sacred Congregation for the Propagation of the Faith subsist and remain in its force?—Response. The Decree of the Sacred Congregation for the Propagation of the

Faith given on 12 September 1645, according to those things then set forth in the doubts, is in its force and was not circumscribed by the Decree of the Sacred Congregation of the Holy Office issued on 23 March 1656; rather, it was wholly preserved, as it stands, according to the questions, circumstances, and all things expressed in the said doubts, just as the Decree of the Sacred Congregation of the Holy Office issued as above on 23 March 1656 declared that it was to be observed according to the questions, circumstances, and all things expressed in them." Holy Office, 13 November 1669, Dominican Missionaries in China; C. 599.

"1.º Because of one singular case, is it lawful absolutely and universally to abstain from administering the oil of catechumens to adult women? For it seems to conflict with the Decree of the Sacred Congregation.—2.º The Missionaries judge and unanimously hold that, in order to avoid the calumnies of the pagans, it is very expedient that the sacramentals of Baptism be conferred upon adult women not with a finger but with a little brush. Nevertheless, the good pleasure of Our Most Holy Lord is desired.—Response of the Qualifiers of the Holy Office. To the first: It is not lawful to abstain.—To the second: It was answered elsewhere that the common usage of the Church is to be observed." 1674, Father Navarrete.

"We strictly prohibit that the sacramentals be omitted in baptizing either children or adults of whatever sex and condition; rather, let them all be employed openly, and especially saliva, salt, and exsufflation, which the Catholic Church received from Apostolic Tradition and, because of the hidden mysteries of the divine goodness toward us in these sacred ceremonies, has preserved holily and inviolably; the Decree of the Sacred Universal Roman Inquisition of the year 1656, made for China because of diverse reasons and circumstances, by no means standing in the way." Benedict XIV, Constitution *Omnium sollicitudinum*, 12 September 1744; C. 603.

On the Omission of the Ceremonies of Baptism by Reason of Necessity

"Let them see, however, lest perhaps those causes of fear which are everywhere alleged for omitting in the administration of Baptism the ceremonies prescribed by the Roman Ritual be empty or slight; when those ceremonies happen to be omitted for true and grave causes, they shall take care to supply them at the first possible time. For rites of such great weight and such antiquity, and most necessary for commending reverence toward the Sacrament, are not neglected without grave sin." Benedict XIV, Constitution *Inter omnigenas*, 2 February 1744.

"Outside a case of urgent necessity or outside an imminent danger, can a priest lawfully simply wash infants or adults while omitting all the ceremonies of Baptism?—Response. He cannot. Nevertheless, not only can an imminent danger of death be a lawful cause for omitting the solemnities of Baptism, but also any reasonable and grave cause which impedes the administration of those solemnities, as, for example, if time is wholly lacking, if danger from pagans is imminent, if the priest neither has nor can conveniently have oil of catechumens, sacred chrism, blessed salt, and the other things necessary for performing the same solemnities. In these cases, however, the Missionary is to be admonished that, if he can employ not all but only some of the ceremonies of Baptism, he is to employ them; and afterward, when time and a suitable occasion are present, he is bound to supply in a church or oratory the same ceremonies, either all or those which he omitted." Sacred Congregation for the Propagation of the Faith, 21 January 1789.

"The Pastor acted wrongly by baptizing with a violet stole and by anointing a child in danger outside the church even with the oil of catechumens. For in a case of necessity, according to the prescription of the Ritual, all those things which precede Baptism are to be omitted and are afterward to be supplied in the Church, to which the child is to be presented when he recovers." Sacred Congregation of Rites, 23 September 1820, Galacuritana and Calceatensis.

"1.º In Baptism to be conferred at home because of imminent danger of death, with the ceremonies which precede Baptism omitted according to the rubric of the Roman Ritual, those which follow Baptism can be employed." "2.º In a case of infirmity and impossibility of employing all the ceremonies, they can and are bound to use those ceremonies which they can use." Holy Office, 10 April 1861; C. 598.

The Sacred Oils of the Preceding Year in the Blessing of the Font

"At the petition of the Most Reverend Lord Bishop of Annecy that, by Apostolic permission, the use of the Sacred Oils blessed in the preceding year be permitted in all the parishes of his diocese up to, but not including, the Saturday before Pentecost, lest at that time the Rectors or Vicars, whose ministry the Christian faithful need, be absent from their own parishes, the Sacred Congregation of Rites judged that the response should be: The Pastor shall take care that a priest, or a cleric constituted in Sacred Orders if possible, receive the new Sacred Oils. But if some impediment still exists, the same Pastor, either personally or through another priest, shall bless the font without the infusion of the Sacred Oils, which shall be done privately at a suitable time; unless he must baptize someone, for then he shall infuse the old Oils in the solemn blessing itself. And it commanded that it be observed thus." Sacred Congregation of Rites, 31 January 1896, Annecy.

"Can a priest who, while blessing the baptismal font on Holy Saturday, cannot mix the Holy Oils into the blessed water, either because he lacks them or because of another lawful cause, nevertheless bless the font on that day, deferring the mixing of the Holy Oils to another day; or is he bound to omit the whole blessing of the font on that day?—Response. Affirmative to the first part; negative to the second; and let the Decree of the Sacred Congregation of Rites of 12 April 1755 in the case of Lucca be communicated. Pastors who were unable to receive the Holy Oils before the blessing of the font can afterward place them privately and separately into the water." Sacred Congregation for the Propagation of the Faith, 5 March 1816, for China.

"While the calamities of civil war continued in the Kingdom of Spain, it happened that the Most Reverend Bishop of Orihuela, in the preceding year 1836, was unable to consecrate the Sacred Oils on Thursday in the Supper of the Lord for the solemn blessing of the baptismal fonts to be performed in the parish churches on the following Holy Saturday; nor were the Pastors able to obtain the same Oils from neighboring Bishops, since, because of the common troubles, nearly all episcopal Sees were bereft of their own Pastor, so that, communications having been interrupted, the flock was separated from the Pastor, the children from the parent, and the Church from the Bishops, not without great detriment to the salvation of souls. Placed in straits of this kind, the prebendary Pastors of the Diocese of Orihuela advanced diverse opinions among themselves; and, some denying, very many thought that the solemn blessing of baptismal fonts could be performed using oils consecrated in the preceding year. Amid this variety of opinions and judgments, they adopted the plan of having recourse to this Sacred Congregation of Rites, so that they might follow a certain rule in a matter of

such great moment; and therefore they most humbly proposed the following doubts to be resolved, namely:

I. Whether such a blessing (of the baptismal font on Holy Saturday) ought to be performed with the chrism and oil of the preceding year; or whether the infusion of chrism and oil should rather be omitted until those recently consecrated are received?

II. Whether, in the solemn Baptism of infants, water of this kind is to be used—blessed, indeed, with the other ceremonies of the Missal, but without consecration, or the mixing of the sacred chrism and oil—or rather water consecrated in the preceding year, which is preserved for this purpose?

III. Whether, supposing that baptismal water was blessed with the old oils because those recently consecrated were not available, it ought to be poured into the sacrarium as soon as the new oils are received, and other water then blessed with these according to the ceremonies of the Roman Ritual; or whether that water ought to be preserved and used until the blessing on the Vigil of Pentecost, as in the Missal?

IV. Whether, in solemn Baptism, infants are to be anointed with the oil and chrism of the preceding year while those recently consecrated are not available; or whether this ceremony is to be omitted and afterward supplied when the new oil and new chrism are received?

Response. To I. Affirmative to the first part; negative to the second.

To II. Negative to both; but a new blessing of the font must be performed with the oils of the preceding year, or as provided in the first part of the preceding doubt.

To III. Negative to the first part; affirmative to the second.

To IV. Affirmative to the first part; negative to the second." Sacred Congregation of Rites, 23 September 1837, Orihuela.

"The due diligences having been made, if new oils are not available, a missionary can, by a privilege of Clement VIII, use the old oils for four years and beyond." Holy Office, 14 February 1704; C. 486, 487.

On the Blessed Water to Be Used in the Conferral of Baptism

"May Your Eminences deign to permit us, in the conferral of Baptism, to use water blessed indeed according to the rite commanded in the Roman Ritual, but without the sacred oils mixed into it. For it often happens not only that a quantity of water sufficient for the number of those to be baptized cannot be carried, but also that the sacred oils are lacking, by the use of which new water could be blessed.

"Response. Negative, except in a case of necessity; and let the missionaries conduct themselves according to the instruction of Saint Charles Borromeo (in part 2 of the fifth diocesan Synod). Behold the said instruction: 'But if within the year that water should happen to become corrupted because of the length of time or another cause, the Pastor shall pour it into the sacrarium near the font and shall immediately cleanse the font; and indeed, if he is in the city, he shall go to the metropolitan church, or, if in the diocese, to the principal parish church, from which he shall receive baptismal water in his own clean vessel and carry it secretly to the parish church, where he shall pour it into the font as

soon as possible; and he shall also add to the baptismal water brought as much pure, clean, and fresh water as will be sufficient. He shall do the same also if the baptismal water should in any manner have diminished during the year.'" Holy Office, 30 January 1765.

On Baptism in Private Houses

Concerning Baptism to be conferred in private houses, in the Response of the Sacred Congregation of Rites of 27 April 1877, Ascoli, it is said that the Bishop "ought altogether to take care, prudently, however, and cautiously, to remove the abuses which have crept in concerning this matter; and he should bring it about that infants are brought for Baptism according to the prescription and common practice of the Church." And concerning the custom of administering Baptism at home, the Sacred Congregation of the Council, having examined the matter, judged on 20 January 1894 that the response should be: Let the Roman Ritual be observed, saving the exceptions which the Bishop, for reasonable causes, shall judge ought to be conceded according to his prudent discretion.

"1. Whether, in those places where there is no church or common oratory, it is lawful for a priest solemnly—that is, employing all the ceremonies and prayers prescribed in the Roman Ritual—to baptize the children of Christians in their private houses? 2. Whether it is lawful to baptize solemnly in private houses where there is indeed a church, but so distant that parents are unwilling to have their infants carried to it lest some harm come to them from the inclemency of the weather, something the Annamites fear beyond measure?

"Response. To the first: It is not only lawful but obligatory.—To the second: Lest there be a departure in this matter from the most holy institutions of the Church, the missionary ought to employ every care to cause the parents to withdraw from this unreasonable opposition of theirs; but if he accomplishes nothing by his persuasions and admonitions, he will then be able to persuade himself that the matter has been reduced to a case of necessity. For it will be impossible to baptize these infants when the parents, under whose authority they are, resist. Therefore, it will be lawful to confer Baptism upon these infants outside the church and in private houses, or wherever the parents permit, with the sacred rites and ceremonies omitted, yet with the intention of supplying them in the church as soon as this is permitted. But if it is foreseen that the parents of the infants will not permit their infants to be brought to the church for the ceremonies to be supplied even in the course of time, it will then be better that the rites and ceremonies prescribed by the Roman Ritual be employed in the private houses themselves at the time Baptism is conferred. For it will be better to omit the praiseworthy custom of celebrating Baptism in a church—which concerns only greater becomingness and reverence toward this Sacrament—than for baptized children to be deprived of the considerable spiritual goods which flow down upon them from the sacred ceremonies instituted by the Church and employed over them." Sacred Congregation for the Propagation of the Faith, 21 January 1789.

"In places of the missions where Catholics not rarely dwell far from churches or public oratories—for example, ten or twenty geographical miles distant from them—and the transportation of infants at a tender age across so great a distance is exposed to great dangers and inconveniences, is it lawful there for a missionary who has been called to baptize these infants solemnly in private houses, or, outside danger of death, to administer Baptism without ceremonies?—Response. Affirmative; that is, Baptism in the case can be administered in private houses, the customary rite of the Church being observed." Sacred Congregation of Rites, 4 February 1871, to an Apostolic Vicar, doubt 3.

The Name of the One to Be Baptized

If the person bringing a boy to be baptized is altogether unwilling for him to be baptized unless the name of some impious person is imposed, it is not therefore lawful to defer Baptism; rather, the boy is to be baptized with the name of some Saint added in a low voice. Holy Office, June 1883; C. 605.

Is It Lawful to Administer Baptism in the Vernacular Language?

The Sacred Congregation for the Propagation of the Faith responded on 30 April 1808: "Baptism in the Latin Church must be administered in the Latin language according to the Roman Ritual; nevertheless, nothing prevents all those things which pertain to the Sacrament of Baptism itself from being explained in the vernacular language." On 9 May 1879 the Sacred Congregation of the Holy Office rescripted to the Apostolic Vicar of Western Cochinchina that "the practice can be retained" of making the interrogations first in Latin and immediately translating them into the vernacular language, so that the neophytes might understand them and the sponsors might answer them in the same language. Likewise, the *Pater* and *Credo* were recited in Latin by the priest administering Baptism, while they were recited in the vernacular language by the neophytes or the godfathers or godmothers. For there was the greatest difficulty in teaching the Latin responses to the neophytes or faithful who could be godfathers or godmothers, because of the very great difference between the Latin language and the languages of the Far East.

The same Sacred Congregation of the Universal Inquisition, on 23 August 1880, responded to the question: "Whether, in the conferral of Baptism, it is lawful to put the interrogations in the vulgar language, or at least to translate those interrogations, first put in Latin, afterward into the vulgar language, so that they may be understood by the adult to be baptized, or by the godfathers and godmothers if it concerns the Baptism of infants?" As regards the first part, it is not expedient; as regards the second, affirmative.

And the same Holy Office, on 23 August 1886 and 24 May 1882: "Baptism is always to be conferred in the Latin language. The interrogations, however, are to be made in the Latin language and repeated in the vernacular language." "Whether sponsors in Baptism can recite the *Pater* and *Credo* in the vernacular language while the Pastor recites them in the Latin tongue?—Response. They can." Sacred Congregation of Rites, 30 December 1881, Urgell, to the tenth; cf. *M. E.*, vol. 7, part 1, p. 246.

Ceremonies to Be Supplied

"4. Which ceremonies and prayers ought to be observed when they are to be supplied with an adult Catholic validly baptized after birth, the ceremonies which, according to the Ritual, ought to precede or follow Baptism having nevertheless been omitted: namely, those which are assigned in the Ritual for the Baptism of adults, or those for the Baptism of infants? 5. Which of these ceremonies ought to be observed when an adult converted from heresy to the Catholic faith is to be baptized conditionally because of a founded doubt concerning the validity of the Baptism conferred upon him by a heretical minister?—Response. To the fourth: Let the ceremonies and prayers which are assigned in the Ritual for the Baptism of infants be observed. To the fifth: Insofar as the ceremonies are to be supplied and are judged to be supplied, as in the doubt, those which are prescribed for the Baptism of adults are to be supplied." Sacred Congregation of Rites, 27 August 1836, Rennes, to the fourth and fifth.

"Is it lawful to baptize conditionally, publicly, and with their ceremonies children lacking the use of reason who, having already been doubtfully baptized in Protestantism and without ceremonies, ought to be baptized conditionally?—Response. Baptism is to be administered conditionally and privately to the children of whom there is question, and with the ceremonies prescribed in the Roman Ritual." Holy Office, 2 April 1879.

On a Heretical Sponsor or One Bound by a Censure

"In a certain parish of Hungary, it happened that a mother apostatized from the Catholic faith because the Pastor, adhering to the laws of the Church, rejected a heretical sponsor in baptizing her child. Since, according to a declaration of the Sacred Penitentiary of 10 December 1860, to the nineteenth, one notoriously under censure can be admitted to the office of sponsor if grave harms appear likely to threaten from his rejection, it is asked: Whether this declaration can also be extended to heretical sponsors; or whether, as some maintain, it is preferable in difficult cases of this kind to administer Baptism without a sponsor.—Response. Negative; and it is preferable that Baptism be conferred without a sponsor if it cannot be done otherwise." Sacred Congregation of the Holy Office, 3 May 1893. Cf. C. 604.

The cited declaration of the Sacred Penitentiary is of the following tenor:

"How ought Pastors to conduct themselves in celebrating the marriages of those who have notoriously incurred ecclesiastical censures?—Response. Care must be taken with all strength that those bound by ecclesiastical censures be reconciled with the Church in the due manner; but if they refuse to be reconciled, and grave evils seem likely to threaten unless the marriage is celebrated, the Pastor shall consult the Ordinary, who, having taken account of the matters and circumstances and having considered all the things handed down by approved authors, and especially by Saint Alphonsus, book 6, treatise 1, chapter 2, no. 54, shall declare those things which he shall judge more expedient in the Lord, the celebration of Mass, however, always being excluded." Sacred Penitentiary, 10 December 1860.

"Likewise, how ought Bishops to conduct themselves if any of those mentioned above who are bound by a censure should present themselves in order to act as sponsor either in the Sacrament of Confirmation or of Baptism?—Response. As in the preceding." Sacred Penitentiary, 10 December 1860.

"Can the Most Holy Eucharist be administered to those notoriously bound by a censure before they have, as is fitting, been reconciled with the Church?—Response. Negative." Sacred Penitentiary, 10 December 1860.

Cf. On the Theological Virtues, no. 367; C. 604, 606.

On Parents Themselves as Sponsors

"There have been submitted to the examination of the Supreme Sacred Congregation the doubts transmitted last year by Your Excellency to the Most Eminent Prefect of the Sacred Congregation for the Propagation of the Faith, concerning the administration of the Sacrament of Baptism. The first of these asked whether, in a case of necessity—namely, when outside sponsors are altogether lacking—it

is lawful for parents materially to hold their own offspring in solemn Baptism, or whether private Baptism is rather to be substituted for solemn Baptism in that case.

"Now, the nature of the question requires that the distinction between solemn and private Baptism be noted beforehand; for from this it can easily be inferred whether the mere lack of a sponsor requires that private Baptism be substituted for solemn Baptism. Private Baptism, therefore, as you well know, is said to be that in which no other ceremony prescribed by the Ritual is employed except the ablution of the person to be baptized, with the words of the form pronounced—those things, namely, which are necessary for Baptism by divine law. It is considered solemn, however, when those rites and ceremonies are employed which the Roman Ritual records as having been received and approved by Apostolic and most ancient tradition and as pertaining to its solemnity. Now, concerning the use of these rites, the Ritual itself admonishes that it is not lawful to omit them except for a cause of necessity, something the same Supreme Sacred Congregation confirmed by its own decree. For when it was asked in the year 1663, 'Whether, in places where there is neither a parish church nor a baptismal font, Baptism can be conferred with all the solemnities and ceremonies customarily used by the Church,' by a Decree of Wednesday, 28 February of the aforesaid year, it was prescribed that 'they can, indeed they are bound, to use those ceremonies which they can use.' Hence it is immediately clear that private Baptism is not to be substituted for solemn Baptism because some ceremony cannot be performed; for when this has been omitted, the others are to be fulfilled. These things having been established, although it can scarcely be conceived how, in deserted places where no one is present besides the parents of those to be baptized, ceremonies can be employed in Baptism, nevertheless, granting that some of them can be observed, the lack of a sponsor will not cause the other rites to have to be, or to be able to be, omitted and Baptism thus to be private; rather, the missionaries are bound to use those which they can. Indeed, the Sacred Congregation judges that in this case the presence of an outside sponsor can in a certain manner be supplied by the parents of those to be baptized. For nothing prevents them from taking the place of sponsors by materially holding their infants and answering the person baptizing on their behalf, yet without the prerogative of sponsorship truly and properly so called—namely, without the necessity of undertaking the burdens which an office of this kind carries with it, and of contracting the impediment of spiritual relationship, which prohibits the use of marriage. Thus it will come about that in the solemnity of Baptism all the rites are in some manner observed, and the formal presence of sponsors is supplied by the material presence of the parents. Nevertheless, by this you will understand that no one is in the least exempted from the burden of taking care, insofar as possible, that at least one sponsor properly so called be employed in solemn Baptism. For, from most ancient tradition, the presence of sponsors in Baptism has always been regarded as a principal ceremony in the Church of Christ, so that the signification of spiritual generation might be preserved through the sponsors and the religious education of the child might be placed in security by their pledge.

"Your Excellency further asked whether in some cases parents can lawfully designate as sponsor some absent person, although his consent is obtained after Baptism has been conferred. It is certainly indubitable that the office of sponsor can be discharged through an interposed person, or proxy. Nevertheless, in this case the laws require that the absent person accept the office of sponsor at a suitable time and give a mandate in favor of the one who must represent him in such a ceremony. The reason is that a sponsor must have a formal will to accept and, according to his ability, to

discharge the burdens inherent in sponsorship. Therefore, you will well understand that sponsors cannot be designated in the manner proposed by you.

"Finally, the Sacred Congregation is of one mind with you in condemning the negligence of parents who commit the office of sponsor not to selected suitable persons but to anyone who happens to meet them when Baptism is to be conferred, even though they hold it as certain that he will never again see his spiritual son. Therefore, it most earnestly commends to you that the prescription of the Roman Ritual be faithfully observed also in this matter; this will be obtained if the parents, admonished concerning the gravity of the office, are induced to choose suitable sponsors whenever they conveniently can.

"These things, which I had to signify to you according to the mind and mandate of the Sacred Congregation, you will also communicate to the missionaries subject to you, so that, as circumstances require, they may conform themselves to them." Instruction of the Sacred Congregation for the Propagation of the Faith, 15 September 1869. Cf. C. 601.

Spiritual Relationship of the Father Who Baptizes

"Titius baptized his own son; he did so in ignorance, but fearing—with an empty fear—lest the child die; he baptized him in the presence of several women. His confessor reproved him, but absolved him. He now petitions the Sacred Penitentiary, without the knowledge of Titius, whom he left in good faith, for a dispensation from the impediment of spiritual relationship, so that he may seek and render the debt; in the year 1869. "Response. The Sacred Penitentiary grants to the Ordinary of the petitioner the faculty, either personally or through the petitioner's own Pastor, if matters are so, after hearing his sacramental confession, to absolve the petitioner by Apostolic authority, with a salutary penance, from censures and ecclesiastical penalties, if he incurred any because of the foregoing, and from the guilt of incest, if perhaps after contracting spiritual relationship he did not abstain from the use of marriage; and to declare that the same petitioner, if no other canonical impediment stands in the way, can and ought to render the conjugal debt. And it grants the faculty mercifully to dispense with the same petitioner, by special and express Apostolic authority, concerning the supervening impediment of spiritual relationship set forth above, so that, notwithstanding it, he may lawfully and freely seek the conjugal debt from his wife. For the forum of conscience, yet so that the present favor, if and when there is need, may avail the petitioner and his wife also for the external forum."—Scavini, book 3, no. 850.

On Religious as Sponsors

Clement X, Brief *Caelestibus et apostolicis*, 12 September 1671, declares the following proposition to be "contrary to the sacred canons and the custom of the universal Church," namely, that "all male religious and nuns can, without cause, without fault, and without the permission of their Superiors or Ordinaries, be sponsors in Confirmation."

On a Sponsor Holding the Infant

"By the words of the Ritual, 'the sponsor holding the infant,' absolute reception is not required, since 'to hold' is equally understood and it suffices if the sponsor, as is customary, joins himself by physical contact with the infant held in the hands of the person carrying him and accompanies the person

carrying him to the infusion of the water; nor is it necessary that the godfather or godmother alone, with the person carrying the child removed, receive the infant into his or her own hands and present him to the priest to be baptized." Sacred Congregation for the Propagation of the Faith, 21 June 1856.

Spiritual Relationship with Respect to a Proxy

"Spiritual relationship is contracted not by the proxy but by the mandator." Sacred Congregation of the Council, 20 April 1586; 15 March 1631; 13 September 1721; 11 June 1881. Cf. *A. S. S.*, vol. 14, p. 411 ff.

Spiritual Relationship of a Sponsor in Private Baptism

"A certain Christian was sponsor for an infant baptized at home because of danger of death, whose mother he afterward took as wife. Because of the diverse opinions of theologians concerning the impediment of spiritual relationship, what is to be judged concerning this marriage?—Response. The Most Holy One is to be consulted for a matrimonial dispensation, insofar as there is need, concerning the impediment of spiritual relationship, and also for a sanation in the root.—At an audience on 4 May 1817, His Holiness remitted the petitions to the same Apostolic Vicar with the necessary and opportune faculties, so that he might absolve them from the excesses committed (provided they are worshipers of the orthodox faith, live under the obedience of the Holy Roman Church, and intend to live and die therein), and might dispense with the same concerning the stated impediment of spiritual relationship, some salutary penance nevertheless being imposed; notwithstanding this impediment, their consent having been cautiously renewed lest scandals arise, they may contract marriage anew validly and afterward be able to remain in it freely and lawfully; and he may decree legitimate the offspring already conceived, if there is any, and that to be conceived. But if either separation or scandals could reasonably be feared from this, then, the spouses having been left in good faith, His Holiness, from the plenitude of Apostolic power, benignly sanated in the root the marriage thus invalidly contracted by them, the names and surnames of the contracting parties and the dispensation obtained nevertheless being recorded in the secret book of marriages." Sacred Congregation for the Propagation of the Faith, 18 March 1817.

On the Dispositions Necessary for Receiving Baptism

"Is it necessary that the mystery of the Eucharist be explained to an adult to be baptized?—Response. Adults outside danger of death are, speaking in itself, bound to receive such explanation, unless some motive to the contrary is so pressing that the prudent missionary judges a delay until after Baptism expedient. As regards one dying, he is likewise bound, unless either time is lacking or so great a disturbance of mind is foreseen in him that it could withdraw him from receiving Baptism." Sacred Congregation for the Propagation of the Faith, 10 May 1703; C. 552.

"1. It is not lawful to baptize an adult barbarian, rude and stupid, who does not believe explicitly in the Lord Jesus Christ; rather, the missionary is bound to instruct him concerning all those things which are necessary by a necessity of means, according to the capacity of the one to be baptized.—2. It is not lawful to baptize a sick barbarian if the missionary is morally certain that, according to the measure of his own capacity, he has not sufficiently understood the mysteries of the Christian religion explained to him, or does not sufficiently believe them, and promises that he will observe the

commandments of that religion solely from a motive of not contradicting. But if the missionary prudently believes that the sick barbarian, when he says, 'I believe and I will do,' then truly believes sufficiently and seriously promises that he will observe them as above, he ought to be baptized. But if the missionary doubts about the foregoing, time is lacking to instruct him better, and danger of death is imminent, he ought also to be baptized conditionally." Sacred Congregation for the Propagation of the Faith, 10 May 1703 and 23 August 1703, to the Bishop of Quebec; C. 551, 589.

"In the papers transmitted by Your Excellency to the Sacred Congregation for the Propagation of the Faith, it was set forth that a certain missionary is rather frequently called to confer Baptism upon dying adults who, although they profess that they would willingly receive the Baptism proposed to them, that they truly renounce the devil, believe in God, and repent of their past life, nevertheless, from the circumstances, leave the greatest doubt concerning the sincerity of dispositions of this kind. The aforesaid missionary, wishing to consult on the one hand the reverence of the Sacrament and on the other hand the eternal salvation of the sick person now about to die, confers Baptism under this condition, 'if you are truly disposed,' expressly intending not to baptize if good dispositions are absent. Hence it was asked: 1. Whether such a manner of conferring Baptism is lawful or not.

"It was further set forth that some of those sick persons, after receiving Baptism under such a condition, afterward survive and indeed sometimes recover entirely from their illness and can be more rightly disposed; and it was asked: 2. Whether those who survive and are more rightly disposed ought all indiscriminately to be baptized again, at least under this condition, 'if you have not been baptized.'

"The Sacred Congregation of the Supreme and Universal Inquisition, to whose judgment these doubts were referred, a mature examination having been employed concerning them, commanded that a response be given by the present Instruction on Wednesday in August 1870.

"It is an established matter that three dispositions are required in an adult for the right reception of Baptism: namely, faith, repentance, and the intention of receiving it. Faith is indeed necessary, by which the adult ought to be sufficiently instructed, according to the measure of his own understanding, concerning the mysteries of the Christian religion and firmly to believe them. Repentance is likewise necessary, by which he ought to grieve over his sins and elicit an act either of contrition or of attrition. Third, the intention or will of receiving this Sacrament is necessarily required, and when it is lacking, the character of Baptism is not imprinted upon the adult. Faith and repentance, however, are required in the adult so that he may lawfully receive the Sacrament and attain the fruit of the Sacrament; but intention is necessary for validly attaining it, such that an adult who is baptized without faith and repentance is indeed baptized unlawfully but validly; and, on the contrary, one who is baptized without the will to receive the Sacrament is baptized neither lawfully nor validly. These things having been premised, it will be easy to recognize that the missionary in the proposed case did not conduct himself rightly when, in administering Baptism to a dying adult, he put on the same footing the dispositions required for Baptism to be lawfully administered and those necessarily required for it to be validly received. For in a doubt whether an adult near death is sufficiently instructed concerning the mysteries of the faith and sufficiently believes them, and in a doubt whether he sincerely repents of his past life, when the necessity of death presses, the Sacrament ought to be administered to him absolutely, without any condition. But in a doubt whether he truly intends to receive Baptism, if after a previous diligent examination there is still

doubt concerning this intention, Baptism ought to be conferred under the condition, provided that he is capable of Baptism. Lest, however, a certain norm be lacking for a missionary of this kind, the Decree of the same Congregation of the Supreme and Universal Inquisition, issued on Thursday before His Holiness on 23 August 1703 concerning a question proposed by the Bishop of Quebec, is transmitted here annexed to Your Excellency. (Cf. here part 2, no. 2.) Furthermore, the missionary did not conduct himself rightly when, in conferring Baptism under a condition, he intended not to baptize if good dispositions were absent in the recipient of Baptism; for in the case the missionary ought to intend only to baptize insofar as the recipient is capable of Baptism, that is, sincerely wills to receive it.

"Finally, concerning the second doubt, it must be observed that Baptism is not to be repeated commonly and rashly, not even conditionally, and that it is lawful to use a condition only when there is a prudent and probable doubt whether someone was validly baptized, as is handed down in the Roman Catechism, part 2, On the Sacrament of Baptism, no. 57.

"But if the foregoing does not suffice to resolve the doubts of the missionaries, Your Excellency shall take care to set them forth to the Sacred Congregation, so that, all the circumstances having been weighed, they may be removed." Instruction of the Holy Office, 6 June 1860, to the Apostolic Vicar of Zhejiang.

Baptism Is Not to Be Deferred

"Concerning children, however, because of the danger of death, which can frequently occur, since no other remedy can aid them except the Sacrament of Baptism, by which they are delivered from the dominion of the devil and adopted as children of God, it admonishes that sacred Baptism is not to be deferred for forty or eighty days, or another time, according to the observance of some; rather, it ought to be conferred as soon as it can conveniently be done, yet in such a manner that, when danger of death is imminent, they are baptized at once without any delay, even by a layman or woman, in the form of the Church, if a priest is lacking, as is more fully contained in the Decree for the Armenians." Decree for the Jacobites, or *Cantate Domino* of Blessed Eugene IV.

"The Sacred Congregation most fully approved the custom of this mission concerning Baptism, about which you doubted, namely, that, in the absence of a priest, it is immediately administered by catechists or other approved laymen to infants even enjoying good health; for human life, especially that of infants, is exposed to continual dangers." Sacred Congregation for the Propagation of the Faith, 11 February 1804, to the Apostolic Vicar of Cochinchina.

"Concerning the practice established by Your Excellency with regard to the Baptism of infants—to be conferred within ten days at the most, by priests if the opportunity is given, or by a catechist, but not by another person except in a case of necessity—the Most Eminent Fathers judged that the prescriptions of the Synod of Sichuan are altogether to be followed." Sacred Congregation for the Propagation of the Faith, 11 September 1841.

From the Synod of Sichuan: "Furthermore, since in these regions there prevails the very unsafe custom that parents place newborn infants with themselves in the same bed, while on the other hand missionaries are able to traverse their districts only once a year, lest infants be in danger of dying without Baptism, as has already happened more than once, suitable men and women, but especially

catechists, are to be specially instructed in each Christian community, who shall baptize newborn children even if they are not ill, the priest afterward supplying the ceremonies of Baptism when he shall have arrived; and the parents are to be admonished that they take care to have them washed with saving water as soon as it can conveniently be done. It is very prudent that they be washed within three days; but lest so necessary a Sacrament be delayed too long with danger to salvation, we establish eight days from the infant's birth and command that it not be deferred beyond this limit."

"It is to be urged that Baptism be administered as soon as possible; it can then be permitted that a midwife confer it when a danger is positively feared that the child will die during the time of the delay." Holy Office, 11 January 1899. Cf. *M. E.*, vol. 11, p. 261.

On the Baptism of the Children of Unbelievers, Heretics, and Apostates

"Father Didacus of Varallo, who presided for many years over the missions of Tripoli, reported to this Sacred Congregation for the Propagation of the Faith that, not without grave detriment to souls, very many doubts had arisen among the ministers of the divine word in those regions concerning Baptism: whether and in what manner, amid the diverse circumstances both of persons and of danger, it is lawful for them—or even incumbent upon them as a duty—to relieve by the saving laver the necessity of unbelievers who cannot provide for themselves.

"The Sacred Congregation, having employed a diligent examination of these doubts, which were comprehended in ten chapters but further complicated by many incidental questions, easily recognized that they did not so much need any new ordinance or definition as a certain simple explanation of the common doctrine concerning the Baptism to be provided to the children of unbelievers. Proceeding from the ancient custom of the Church, this doctrine has very often been declared and confirmed by Decrees of the Sacred Congregations and Apostolic Constitutions, the substance of which Benedict XIV most recently comprehended in two Decretals and illustrated, according to the opportune variety of cases and circumstances, by divisions as by distinct lights. And from these, indeed, three documents chiefly present themselves for explaining more closely the subject matter pertaining to it, from which, in every doubt of this kind, sacred ministers ought to seek a norm for taking counsel and acting. They are these: 1. Outside imminent danger of death, it is not lawful, when the parents are unwilling or unaware, to baptize the infant children of those unbelievers who either live under their own laws or are subject to the command or dominion of Christians only civilly. 2. Nor are infant children of this kind to be baptized even when offered freely and spontaneously by their parents, if after Baptism they are to be left under the authority of their unbelieving parents. 3. Baptism is to be imparted to those same infants when brought into proximate danger of life, provided that this is done without scandal. These things will be plainly established from the Decrees to be presented below. But lest any place for doubt be left in applying this general doctrine to particular cases, the Sacred Congregation judged that each article of the questions proposed was to be answered by a corresponding response.

I. The first head of the questions embraces these three doubts. 1. Whether children of unbelievers who are insane from birth, concerning whom there is no hope that they will afterward enjoy any interval of reason, can lawfully be baptized. 2. Whether sacred ministers are bound to inquire about insane persons of this kind and to baptize them. 3. Whether personally or through others.

Response. As regards the first, the common opinion of the Doctors, with Saint Thomas as guide, part 3, question 68, article 12, is that persons insane from birth, in whom neither the present use of reason appears nor its future use is hoped for, are to be numbered among infants and, as regards the reception of Baptism, remain throughout their lives in the same case as children who are in proximate danger of death. For just as those children, who have not yet attained the use of reason, are unable to provide for themselves, so neither can those insane persons provide for themselves at any time of life, because, being perpetually insane, they never attain the use of reason. Therefore, insofar as that incapacity for reason is judged by a truly probable and prudent judgment, they can lawfully be baptized. Nor, as regards insane persons of this kind, does that reason have place which generally prevents the children of unbelievers from being lawfully baptized against the will of their parents: namely, that, in order to forestall perversion, they would have to be withdrawn from the care and authority of their parents, not without offense to the parents. This reason, I say, is not valid as regards the perpetually insane, whom their perpetual insanity removes from the danger of perversion and who can therefore be safely left in the care and authority of their parents. Sacred ministers must nevertheless conduct themselves cautiously and prudently, whether in seeking them out or in baptizing them, lest the hatred of unbelievers be aroused against the Christian religion and cruelty against the faithful.

As regards the second, since sacred ministers ought principally to have it proposed to themselves that they gain for Christ and the Church as many souls as they can, it is not to be doubted that, in seeking out and baptizing insane persons of this kind, they are bound to employ all that moral diligence which the nature of their own office demands in matters of the gravest moment, always employing that caution which the laws of Christian prudence prescribe for avoiding scandal.

Third, those devoted to the missions are bound to this either personally, insofar as they are not lawfully impeded, or through others, whose vicarious assistance they will employ most laudably precisely when they perceive that the salvation of the insane will be provided for more conveniently and safely through others than through themselves.

II. In the second doubt it is asked how ministers of the missions ought to conduct themselves toward the insane children of unbelievers whose insanity is not so senseless that they do not give some indications of reason, especially in those things which pertain to animal life; in them, namely, a certain weak force and faculty of reason manifests itself, such as appears in children of four or five years, and who therefore are not sufficiently able to comprehend the principal mysteries of faith. It is further asked whether ministers sin who, regarding insane persons of this kind as though foreknown to be lost, cast aside every care and solicitude concerning them. Response. Where a difficulty arises in judging the degree, as it were, of insanity, the matter must ultimately be reduced to investigating whether those concerning whom the question is raised possess such use of reason that they can know the distinction between moral good and evil, and therefore can make themselves guilty of fault by choosing evil. Hence a threefold case arises: either it is morally certain that they possess such a faculty; or it is morally certain that they do not possess it; or, finally, after sufficient examination, it remains doubtful and uncertain whether they possess it.

1. Therefore, if by a prudent judgment they are considered capable of sin, the rule prescribed by Saint Thomas, part 3, question 68, article 12, is to be used, in these words: “There are some who, although they are not of an altogether sound mind, nevertheless use reason to such an

extent that they can consider their own salvation and understand the power of the Sacrament. Concerning such persons the judgment is the same as concerning those who are of sound mind, who are baptized when willing, but not when unwilling." They are therefore to be brought to Baptism in the manner of adults. In this matter, the rules prescribed by the Church are altogether to be observed; since they are clearly explained in the Roman Catechism, there is no need to repeat them here.

2. If by a prudent judgment they are not considered capable of fault, like children who have not yet attained sufficient use of reason, a distinction must be used. Either this incapacity for reason is judged, also by a prudent judgment, to be perpetual, and they are to be baptized, as was said above in response to the first doubt; or there is some hope that the faculty of reason will afterward exercise itself more fully in them, and then a further distinction must be made. Either they are in proximate danger of death, and they are to be baptized, provided that this is done without scandal; or there is no danger of this kind, and more certain indications of reason are to be awaited, so that they may be brought to faith and Baptism in the manner of adults.

3. But if only doubtful signs are present, there will be place for the prudent rule supplied by approved Doctors, namely: if necessity is not pressing, a more convenient and fuller knowledge can and ought to be awaited; but if necessity is pressing, then in a doubtful case one must incline in favor of religion and the Christian faith and of the spiritual salvation of the one to be baptized.

Moreover, those who neglect persons of this kind as though they were already condemned and despaired of strive to conceal a shameful negligence with a still more shameful excuse. The number of the elect to be placed in supreme happiness is known to God alone, and it is an act of utterly insane temerity to arrogate this judgment to oneself: "For who has known the mind of the Lord? Or who has been His counselor?" Romans 11. Let religious men rather consider this: that God does not will anyone to perish, but all to come to the knowledge of the truth, and that they themselves have been called to a share in that office which was entrusted by Christ to His disciples, that they should go and bear fruit, that they should act as ambassadors for Christ, and that they should serve and collaborate with Christ in procuring the salvation of men.

Therefore, it is nowhere lawful to neglect those insane persons; rather, with eyes and minds always attentive, provision must be made that, if they are in proximate danger of death, the minister baptize them with prudent caution employed; but if not, that he await opportune moments so that, when they have given sufficient indications of reason, he may duly prepare them in the manner of adults to receive Baptism.

III. Whether the ministers themselves, before deciding to provide or deny Baptism to insane persons of this second class, are bound, where it can be done without grave inconvenience, to refer the whole matter to the Bishops, Vicars, or Prefects of the missions and seek counsel and a norm of acting from them?

Response. Everyone, in discharging his office, is bound, insofar as possible, to forestall the danger of erring and to employ in this all the diligence which the gravity of the matter demands. Nothing, moreover, is so consonant with ecclesiastical discipline and the hierarchical order instituted by Christ

in the Church as that inferiors be directed by superiors in discharging sacred offices. Therefore, when a case occurs in which a priest devoted to the missions remains uncertain in mind whether, with attention to the circumstances, it is lawful or not to administer Baptism, he is not to be considered to have sufficiently forestalled the danger of erring if, where it can conveniently be done, he neglects to approach his superiors and rejects the assistance prepared for him in their judgment, counsel, and authority.

IV. Where Bishops, Vicars, or Prefects are not present, ought one who labors in the missions to decide by his own counsel to baptize the aforesaid insane persons, a diligent examination first having been employed and the help of the Holy Spirit having been implored?

Response. Religious ministers in that case are indeed bound both to employ a diligent examination and earnestly to implore divine help. But let them remember that their diligence ought principally to be directed toward this: not that they fashion new rules for themselves, but that they do not err in applying the rules of the Church. What these rules are, as far as the proposed doubts are concerned, can be understood in part from what has already been said, and will become known in part from what is to be said.

V. Whether a minister would act lawfully who, after diligent examination, should secretly baptize those ambiguous insane persons, instruction having been omitted, with this or a similar condition employed: "If you are incapable of the hearing of faith, or are enveloped in the darkness of irremediable and invincible ignorance"; or, more simply: "If you are incapable of the instruction and doctrine necessary for adults before the reception of Baptism, I baptize you," etc.?

Response. Nothing more apt for resolving this doubt can be adduced than that splendid statement of Saint Thomas, part 2 of the second part, question 10, article 12: "The custom of the Church, which must always be emulated in all things, has the greatest authority." Induced principally by the authority of this custom, the Holy Doctor denied that it is lawful to baptize the children of unbelievers against the will of their parents, as is set forth in the Constitution *Postremo mense*, no. 6. Hence it is by no means astonishing that this doctrine of Saint Thomas was both commonly received by others and strengthened and confirmed by the judgments and decisions both of other ecclesiastical tribunals and of the Supreme Inquisition, as Benedict XIV testifies in the aforesaid Constitution *Postremo mense*, no. 5, and in the Constitution *Probe*, no. 10. The authority of this same custom is equally valid for excluding that formula of condition which is proposed to be added in administering Baptism. We find that by the custom of the Church the use of a condition in conferring Baptism has prevailed for approximately three causes: when it is prudently doubted whether Baptism previously conferred is valid or not; when necessity compels the use of doubtful matter; when it is doubted whether the subject is capable of Baptism, as in monstrous births, or, as in a difficult birth, when it is doubted whether the Sacrament can be effected by washing that part which alone can be washed. In a word: according to the custom of the Church, a condition is employed in Baptism when there is place for doubt whether something required for the validity of the Sacrament was or is lacking. But whenever it is certain that nothing of this kind is lacking, it has nowhere been heard that it is lawful for the minister, while performing the rite of Baptism, to add conditions of his own judgment by which the confection of the Sacrament would be impeded. Therefore, what Saint Thomas concluded in that first case must also be concluded here: that it is dangerous, contrary to the custom hitherto observed in the Church, to introduce this assertion anew. Wherefore sacred ministers must

altogether abstain from employing the proposed formula and follow the norm prescribed for the second doubt.

VI. Whether ministers of the missions are permitted to do that which is said to have been proposed by Honoratus Tournely, who, after setting forth the opinion of certain theologians who think that all infant children of unbelievers can be baptized without the knowledge of their parents, adds, as is reported, that in such a case he would have recourse to the Holy See or to the nearer Prelates in order to seek an oracle; that, if this assistance were lacking, he would implore the help of the Holy Spirit and, under His guidance, adopt a plan of acting; and, finally, that in such a matter he would leave each one to his own opinion?

Response. The opinions of Doctors are to be measured according to the Decrees of the Church; the Decrees themselves are not to be bent according to the pleasure of those holding opinions.

Therefore, whatever Tournely or other private persons may have thought, there is here a firmer authority placed in the Constitutions of the Supreme Pontiffs and the Decrees of the Sacred Congregations, which now wholly deprive of every credibility that opinion which seems in some manner to be stirred up by this question and which generally establishes that it is lawful to baptize the infant children of unbelievers when their parents are unwilling or unaware. Indeed, Benedict XIV, in the Constitution *Postremo mense*, no. 7, proposes as fixed and ratified that it is unlawful to baptize the infants of Jews against the will of their parents, unless danger of death is pressing, as he afterward explains. And lest anyone should calumniously wish to make one thing of acting against unwilling parents and another of acting without the knowledge of parents, this empty and plainly fictitious distinction is rejected in the Constitution *Probe*, no. 10, where he approves the doctrine of Saint Thomas, by which he teaches that the infants of unbelievers can by no means be baptized without the consent of their parents. The Pontiff says that this doctrine is both commonly received and confirmed by the judgments of ecclesiastical tribunals.

For a plainer explanation of this doctrine, moreover, it will be worthwhile to append here especially three Decrees of the Sacred Congregation which were indeed indicated above, but which it was necessary to refer to this place so that the series of responses would correspond to the series of doubts. First, in the year 1705, on 18 February, when a response was given to the question of the late prelate Charles Maigrot in the Constitution *Postremo mense*, no. 8, "Whether infant children of unbelievers can be baptized against the will of their parents?" the following Response was issued: "The Most Eminent Fathers, having heard the opinion of the Lord Consultors, said that it is not lawful except at the point of death." The second, in response to the petition of the Bishop of Quebec concerning infants whom their parents freely and spontaneously offer for Baptism, was answered on 4 May 1793: "It is not lawful if they are children of unbelievers and are to be left under their authority, nevertheless excluding imminent danger of death." Consonant with this is another issued on 15 March 1770: "Outside danger of death, it is not lawful to confer Baptism upon those offered by two unbelieving parents whenever the same infants, after receiving Baptism, are to be left under the authority and education of those unbelieving parents." Third, on 28 January 1637, in response to a doubt concerning the infant children of unbelievers placed in proximate danger of life, it was answered: "Baptism can be conferred upon infants who are placed with moral certainty at the point of death, provided that this is done without scandal." From these Decrees are drawn those three general precepts which had to be touched upon at the beginning, so that a rationale and path might be

prepared for resolving the doubts themselves, namely: 1. Except at the point of death, or in a morally certain danger of imminent death, it is not lawful to baptize infant children of unbelievers against the will or without the knowledge of their parents. 2. Nor is it lawful outside the same danger (since in the Decrees "point" and "danger" are used interchangeably) to baptize infants even freely offered by unbelieving parents if, after Baptism, they are to be left under the authority of their unbelieving parents. Nor ought the distinction which is customarily objected between material and formal perversion have force for weakening or evading this prescription. That great Pontiff Benedict was not ignorant of this distinction; nevertheless, without attending to it, he pronounces generally in the Constitution *Postremo mense*, no. 26, that grave danger of perversion in this matter is a thing of the greatest moment. And from the cited Decrees it is established that it is altogether to be forestalled. 3. Even at the very point of death, the infant children of unbelievers are indeed to be baptized, but in such a manner that scandal is avoided and, consequently, that some greater hatred of unbelievers against the Christian religion and cruelty against Christians are not aroused. Therefore, in every event let sacred ministers assuredly implore divine help, lest either forgetfulness of these Decrees ever seize them or they think it lawful to prefer their private judgment to them.

VII and VIII. Whether it is lawful to use the opinion set forth above at least when, with a plague raging, ninety out of one hundred children, as generally happens, perish; or when epidemic diseases of the worst character consume by far the greatest part of children before they attain the use of reason?

Response. Here the statement of Saint Thomas must be repeated concerning the very great authority which resides in the custom of the Church, which must always be emulated in all things and against which it is dangerous to introduce novelties. Devastations and pestilences were not lacking in the first ages of the Church, when Christians lived intermingled with unbelievers; nor on that account was it ever established as a custom that the most holy Pastors of the Church should baptize the children of the unbelievers among whom they lived against the will or without the knowledge of their parents. Jews live even now among Christians, even in the august City, and are permitted to live according to their own customs; nevertheless, the Supreme Pontiffs have never conceded that the infant children of Jews be baptized either openly or secretly, against the will or without the knowledge of their parents, for the reason that, when an epidemic plague is raging, very many more of these infants perish. From this it is easily understood that, as far as the present subject is concerned, a twofold kind of danger must be distinguished: namely, that common and indeterminate danger which threatens even healthy persons in those places afflicted by an epidemic disease; and another danger, proper and certain, in which are those infected by the wasting of the disease or who in any manner are brought into a present danger of life. The Constitutions of the Pontiffs and the Decrees of the Congregations, when they forbid the children of unbelievers to be baptized against the will of their parents except in danger of death, speak of this present danger which determinately affects the person to be baptized and which is sometimes expressed, as by a synonymous phrase, by the name "point of death." They do not, however, speak of that common and indeterminate danger to which neither the word nor the notion of the point of death in any way applies.

It must next be observed that, although most infants are carried off by the force of the disease, nevertheless some always survive, either those whom the disease spares or those who overcome the disease. If, therefore, all infants are baptized indiscriminately, it follows that they remain under the

care of unbelievers and are to be imbued with their depraved superstitions. And this is the very thing which the Decrees both of the Pontiffs and of the Sacred Congregations forbid to be done.

Nevertheless, in that devastation which deadly diseases sometimes bring especially upon barbarous regions, there will plainly be something upon which religious men may expend laudable labor and reap an immense fruit of their labors. They will accomplish much by baptizing those who, placed with moral certainty at the point of death, are, according to the cited Decrees, always to be baptized cautiously and prudently. In this matter they ought diligently to provide that no one of them perish through their want of care and negligence. Then, in those most calamitous times, it will sometimes be possible that, the parents having died and the inhabitants having been scattered, very many children lie cast away and abandoned, destitute of all human aid. In seeking out those wretched infants, religious men devoted to the missions will give a present and excellent manifestation of their charity: not that, after hastily baptizing them, they cast them aside again, but that they gather them in, assist them with paternal and pastoral aid, and take care that, whether they provide this according to their own means or through the assistance of outsiders to whom they can rightly entrust them, these children, separated from association with unbelievers, be instructed in the duties of the Christian life and at the same time in some honorable kind of labor or craft.

IX. Whether, with greater right, infant children of heretics or schismatics, who are customarily baptized with doubtful matter or form, can be baptized again conditionally when, namely, they are not yet capable of comprehending the speculative errors of their parents?

Response. The question is intricate and must be resolved individually by parts. For it is asked: 1. about administering Baptism to the infant children of heretics or schismatics; 2. about the cause for repeating Baptism conditionally; 3. about the use or faculty of reason in the child to be baptized.

As regards the first. It is indeed certain that the Church possesses the right to baptize the infant children of heretics or schismatics and to prevent them from being imbued with the errors of their parents; nor can any doubt be raised concerning this right of the Church. The hinge of the difficulty, therefore, turns upon this: what is to be done when the Church cannot exercise this right of hers or remove the danger which threatens those infants while they remain under the care and authority of their heretical or schismatic parents. Hence sacred ministers will not without reason be able to use the opinion of eminent theologians who judge: "It seems that the same is to be said in this case concerning a heretic and concerning any other unbeliever, if there is the same moral danger." From this they conclude that, in order for a Catholic minister lawfully to furnish Baptism, it is necessary that he conceive a probable hope that a child of this kind, once baptized, can in due time be instructed in the true faith. But if he can have no such moral hope by any means, he should certainly rather abstain from Baptism, supposing that the child is not in extreme necessity, in which any other person can be baptized.

As regards the second. Wherever this is also added to the other perversities of heretics, that they employ doubtful matter or form for Baptism, this is assuredly sufficient cause why Baptism ought to be repeated conditionally. But in this matter complete credence is not to be given to any rumors whatsoever; rather, the rite by which the child was baptized is to be investigated diligently and solicitously insofar as it can be done; and then, if the validity of the prior Baptism remains doubtful, he is to be baptized again conditionally, provided that a case occurs in which, according to the doctrine above, Baptism is to be administered.

As regards the third. Some ambiguity lies hidden in that final clause: "when the children of heretics or schismatics are not yet capable of comprehending the speculative errors of their parents." Here there is signified, somewhat obscurely, a more advanced age in which the adolescent, although he has already attained the use of reason, has nevertheless not yet progressed so far that he is able to recognize the subtle errors of his parents. Concerning such a child or adolescent it seems to be asked whether a Catholic minister can lawfully baptize him either absolutely or conditionally, with no mention made of those speculative errors, under the pretext that he is not yet sufficiently able to comprehend them. In a word, it is asked whether a child already possessing the use of reason, educated in heresy or schism and adhering to it, can lawfully be baptized without first being admonished concerning the errors of that sect with which he has already been imbued and being brought to detest and abjure that sect. The response is to be sought from those things which are prescribed in the Ritual and Roman Catechism concerning preparation for Baptism to be administered to adults, and which are everywhere explained by Catholic Doctors. The adult to be baptized petitions faith from the Church; therefore, he must be taught the principal heads of the Christian faith and profess that faith which the Holy Catholic Roman Church holds and professes, and promise due obedience to that Church and to her supreme head, the Roman Pontiff. Therefore, although the child concerning whom the question is raised is not yet able to inspect and penetrate the speculative errors of his parents, as it were, by his own understanding, he is nevertheless not permitted to be ignorant that that sect professes depraved errors condemned by the Church; and he must altogether abjure and detest both that sect and its errors and profess himself a Roman Catholic. Religious men who labor in the missions ought to consider that this office has been given to them: that they bring the sheep which have perished to the fold of Christ. But who would judge those to belong to the fold of Christ who adhere to sects which persecute the fold of Christ and bear a hostile mind against the Church like wolves? The Church is enlarged by the aggregation of those who acknowledge, hear, and honor her as mother and teacher; nor does she acknowledge as her own those who impiously refuse to acknowledge and revere the power given to her by Christ according to the faith and prescription of the Church herself.

X. Whether those devoted to the missions are bound under grave sin to employ labor and diligence so that they may become fit and equal to performing the offices concerning which there has thus far been discussion, lest they permit so many souls to perish who are condemned by their want of care and impatience with labor.

Response. There is no place here for doubt. It is certain among all that everyone is bound to employ whatever moral diligence he can in order to be rendered apt and suitable for discharging his offices. This obligation is the graver, the graver in moment are the offices which each person discharges. From this it is clear with how grave a fault that minister would bind himself through whose want of care and negligence, which may God avert, it should happen that even the least of the little ones for whom Christ shed His Blood should perish. Therefore sacred ministers ought principally to devote their diligence to this: that they acquire those aids of learning which are necessary for them duly to discharge their offices. They ought to seek these from approved authors, and especially from those who have treated matters pertaining to the missions, whom, since they are sufficiently well known, there is no need to enumerate by name in this place. Above all, however, let them never cease to look to the Decrees and Rescripts of the Apostolic See, confirmed by inviolable authority, which she willed to be for her Christian faithful the most certain guide and teacher, as of all saving truth, so of all true

piety." Hyacinth Gerdil, Bishop of Dibon; Instruction of the Sacred Congregation for the Propagation of the Faith, 17 August 1727.

"The Sacred Congregation wisely observed that the doubt concerning the administration of Baptism to infants recently born of heretical parents rested upon a false principle: namely, that it is not lawful to baptize them at home outside danger of death, but that it is lawful in a church if they are brought there to receive Baptism. But because from this false persuasion there threatens a danger of gravely transgressing not only ecclesiastical but also divine law, by which the subject to whom it is not lawful to administer Baptism is prescribed, it therefore ordered the present Instruction to be written and transmitted to the aforesaid Most Reverend Lord Apostolic Vicar, so that, when it has been communicated to the missionaries residing there, each may learn the true reason why the Apostolic See has repeatedly defined that it is not lawful to administer the Sacrament of Baptism outside danger of death to children born of heretical parents, and may in the future refrain from soliciting heretical parents to bring their children to the church to be initiated by Baptism.

"The Church indeed prohibits, in the sole Clementine constitution *On Baptism*, that, except at the point of necessity because of which access to the church cannot be had without danger on this account, infants be baptized at home unless they are the children of great princes. But by this law, by which the place of administering Baptism is prescribed, nothing is established concerning children born of heretical parents, who are otherwise known to be unable to be baptized by Catholics either at home or in a church if they are well. For by a divine and natural precept it is forbidden to give holy things to dogs and to cast pearls before swine; and among the mysteries of the Catholic religion, the Sacraments are especially holy and useful, through which the merits of the Passion of Our Lord Jesus Christ are communicated and all true justice either begins in us, or, having begun, is increased, or, having been lost, is repaired. It is not lawful to give these things to dogs, that is, to the profane, who, as soon as they are able by reason of age, are to despise them and corrupt them through their own fault. But no one fails to see that children born of heretical parents who are to be permitted to remain under the care and education of their parents, as soon as they have reached the age of discretion in which they can be masters of their own acts, will be imbued with the errors of their parents and will sacrilegiously abjure the Catholic faith which they ought to profess through sponsors in Baptism, to their greater condemnation and to the graver contempt of the Catholic Church in which they were regenerated. For this reason, therefore, it is not lawful to baptize them in infancy outside danger of death, and Catholic ministers who admit them to receive Baptism sin against the office of a faithful steward.

"Therefore, let missionaries in no way be moved to procure Baptism for the aforesaid children, although it will happen that they are perpetually deprived of this Sacrament through the error of their parents, who judge it by no means necessary for attaining eternal salvation. Indeed, Baptism cannot profit those who, having received the use of reason, will presently become apostates from the Catholic faith, nor does the holiness of the Sacrament permit it to be conferred upon them with manifest danger of profanation. But when danger of death is pressing, or the aforesaid children are affected by any defect of health from which they are prudently believed likely to die before attaining the years of discretion, not only is it lawful, but the missionaries ought solicitously to take care that they are regenerated by the Sacrament of Baptism in due time, not only in a church but also at home if their parents, with obstinate will, are unwilling to have them carried to the church. For then the

proximate danger of perversion ceases, and provision is made for the eternal salvation of the infant by a necessary remedy, without fault, indeed even with merit, on the part of the minister. Whenever, however, it happens that Baptism is administered in the houses of heretics to their infants endangered as above, let them omit the solemnities which do not pertain to the substance of the Sacrament; for it has been provided by an ecclesiastical rule that they not be employed before heretics in their houses." Instruction of the Holy Office, 21 January 1767; *A. S. S.*, vol. 25, p. 252 ff.; C. 566.

Can children who are to be left under the authority of unbelieving parents be baptized if there is a founded hope that they can be instructed in the Catholic religion?—Response. "It is to be remitted to the prudent judgment and conscience of the missionaries (the Apostolic Prefect having been heard, if this can be done), who in the circumstances set forth can baptize children offered by unbaptized parents, provided that in each case it is not foreseen that there is any grave danger of perversion, and provided that it is not established that the parents offer their children for Baptism because of superstition." Holy Office, 1867; C. 592.

"Children of unbelievers or of heretics are not to be baptized outside danger of death, even if offered by their parents, when they must remain under the authority of unbelieving or heretical parents and will not be educated in the holiness of the Catholic faith." Holy Office, 26 August 1885. Diocesan Synod of Alba, year 1886, part 2, article 2, no. 13.

"It is lawful for a Pastor to baptize the infant of spouses, one of whom professes the Catholic faith, with the consent of either one, even if he knows that the other spouse, namely the heretic, will afterward take care that the infant be baptized by a heretical minister; but the Catholic spouse is bound to admonish the heretical spouse that the child has already been lawfully baptized." Holy Office, 29 November 1672; C. 547, 557, 565.

On Those Doubtfully Baptized

"Generally speaking, those concerning whom it is doubted whether they were validly baptized are to be regarded as Christians. The Baptism is to be judged valid in relation to the validity of marriage." Holy Office, 9 September 1868.

Negative doubts are not admitted, and therefore Baptism cannot be repeated. Sacred Congregation for the Propagation of the Faith, 30 September 1848; C. 652.

"In judging whether Baptism is to be repeated under a conditional form, neither excessive difficulty nor excessive facility is to be employed." Instruction of the Sacred Congregation for the Propagation of the Faith, 23 June 1830.

On the Baptism of Exposed Infants

"...Now, that the testimony of one suffices for proving Baptism is an ancient axiom of jurists, as is seen in the Gloss on chapter *Nuper*, at the word *Unless under oath*, *On Witnesses and Attestations*: 'Sometimes, however, one person is rightly believed when there is no prejudice to anyone: for example, whether someone was baptized, or whether a church was consecrated; and when someone wishes to prove through his confessor that he performed penance.' And in canon *Placuit*, at the word *Let them testify*, *On Consecration*, distinction 4: 'Therefore the testimony of one is believed in Baptism and in the consecration of a church.' This, however, is to be understood provided that faith can

prudently be placed in the witness, whether male or female; or likewise if the person who baptized gives the testimony. For if he asserts that he himself administered Baptism to a Jewish infant, he would confirm by his own testimony not only a deed performed by him but also one most deserving of punishment. Infants brought to the Hospital of the Holy Spirit, the refuge of abandoned children, not rarely carry a paper suspended from their neck, upon which it is written that Baptism has already been conferred upon that infant. When We were still in minor orders and were discharging the office of secretary of the Sacred Congregation of the Council, the Pastor of the Holy Spirit asked what he should do in cases of this kind. The question was proposed in the Congregation on 18 December 1723, as the *Thesaurus of Resolutions*, volume 2, page 412, declares; but on 15 January 1724 it was thus rescripted: If the person who wrote the note were not unknown and faith could safely be placed in him, then the infant was to be regarded as baptized and was not even to be initiated by Baptism conditionally, as is openly clear in volume 3 of the aforesaid *Thesaurus*, page 2." Benedict XIV, Constitution *Postremo mense*, 28 February 1747. "If the testimony concerning the Baptism conferred is from an uncertain person, in so grave a matter reliance cannot be placed upon the testimony of one unknown. Therefore the infant is then to be baptized again conditionally, even if he carries suspended from his neck a note concerning the Baptism received, as is done for exposed infants in certain places." Sacred Congregation, 5 January 1724.

On Those Baptized by Catechists in Mission Territories

"...That generally and without discrimination, even with the addition of a condition, not everyone is to be rebaptized.... Conditional Baptism is permitted to be administered only to those concerning whom, after a diligent investigation has first been made, a grave and reasonable doubt of law or fact remains whether they otherwise received the Sacrament rightly. In this matter it will profit them to keep before their eyes what was handed down by Benedict XIV in his Institution 84 and in *On the Diocesan Synod*, especially book 7, chapter 6. Although it very easily appears that perhaps scarcely ever can one abstain from a diligent preliminary investigation of this kind without danger of injury to the Sacrament, nevertheless, all those things which are noted in the aforesaid letter by the missionary Boyer and confirmed by the testimony of Your Excellency concerning certain places of this vicariate having been maturely weighed and balanced, and with attention to the character of the catechists and faithful, such that an investigation or examination for recognizing or proving a valid or invalid conferral of Baptism either cannot be instituted at all, or would certainly be made fruitlessly and without any clarification of the doubt, the same Sacred Congregation declared that, in those circumstances and according to the matters set forth, and while those circumstances and no others continue, Baptism can be administered with a condition added, so that the salvation of souls may be placed in security." Sacred Congregation for the Propagation of the Faith, 8 September 1869.

On Those Baptized by Heretics

"1. Whether those baptized by heretics are indiscriminately to be baptized conditionally.—2. Whether at least those concerning whom it is not established in particular that they were validly baptized.—Response. To the first and second: Let the response issued by the Sacred Congregation of the Council on 27 March 1683 be given, namely, that they are not to be rebaptized unless there is a probable doubt concerning the invalidity of the Baptism." Holy Office, 6 April 1859, Bishop of Haarlem.

"Whether Baptism ought to be conferred conditionally upon heretics who are converted to the Catholic faith, from whatever place they come and to whatever sect they belong.—Response. Negative; but in the conversion of heretics, from whatever place or whatever sect they have come, inquiry must be made concerning the validity of the Baptism received in heresy. Therefore, an examination having been instituted in each case, if it is discovered that Baptism was either not conferred or was conferred invalidly, they are to be baptized absolutely. But if, in view of the circumstances of the times or places, after the investigation has been completed, nothing is discovered either for validity or for invalidity, or if a probable doubt concerning the validity of the Baptism still remains, then they are to be baptized conditionally and secretly. Finally, if it is established that it was valid, they are to be admitted only to abjuration and profession of faith." Holy Office, 21 February 1883; 20 November 1878; Sacred Congregation for the Propagation of the Faith, 23 June 1830. "Therefore, a threefold method of proceeding in reconciling heretics is distinguished: 1. If Baptism is conferred absolutely, no abjuration or absolution follows, because the Sacrament of regeneration washes away all things. 2. If Baptism is to be repeated conditionally, the procedure will be in this order: a) abjuration or profession of faith; b) conditional Baptism; c) sacramental confession with conditional absolution. 3. Finally, when the Baptism has been judged valid, only the abjuration or profession of faith is received, followed by absolution from censures." Instruction of the Holy Office, 20 July 1859; *Collectanea of the Sacred Congregation for the Propagation of the Faith*, no. 642 ff., 1689.

"As regards abjuration, however, the rule of Albizzi is to be followed, namely, that if it concerns adolescents who have attained the fourteenth year, only a profession of the Catholic faith is to be required from them before they are admitted to the Sacraments; but if it concerns those who have passed the fourteenth year of age, a formal abjuration of the sect to which they belonged is to be required." Instruction of the Holy Office, 20 November 1878.

On the Caesarean Operation after the Mother Has Died

"...It is rather contrary to reason and removed from all piety, for the sake of preserving a certain empty integrity and modesty for the deceased mother, to condemn her living offspring to eternal death. Certainly it is not modesty or virtue from which so great an evil flows. Although, as We say, this extraction of the fetus from the womb of the pregnant and deceased mother is to be made known and urged, His Holiness nevertheless expressly cautions and prohibits missionaries from involving themselves in particular cases in commanding the operation, and much less in performing it. It will therefore be sufficient for missionaries to have made it known and to have taken care that laymen who apply themselves to surgical matters learn the method of performing it, and then, when the case occurs, to leave its practice to their burden and office." Holy Office, 15 February 1760.

On Confirmation

The Council of Trent on Confirmation, Session 7

"Canon 1. If anyone shall say that the Confirmation of the baptized is an idle ceremony and not rather a true and proper Sacrament; or that formerly it was nothing other than a certain catechesis by which those approaching adolescence expounded an account of their faith before the Church: let him be anathema.

"Canon 2. If anyone shall say that those who attribute any power to the sacred chrism of Confirmation insult the Holy Spirit: let him be anathema.

"Canon 3. If anyone shall say that the ordinary minister of Holy Confirmation is not the Bishop alone, but any simple priest: let him be anathema."

On the Matter of Confirmation

"We judge that Confirmation performed by a Bishop, that is, the imposition of hands, is to be received as holy and venerable." Profession of faith prescribed to the Waldensians.

"Another is the Sacrament of Confirmation, which Bishops confer through the imposition of hands by anointing the regenerated with chrism." Confession of faith of Michael Palaeologus.

"While a certain missionary, furnished with an Apostolic Indult to confirm, was about to administer the Sacrament of Confirmation to many Christians, he was frightened by the gentiles standing in the courtyard. Therefore, the first imposition of hands having been omitted, the prayer *Omnipotens* having been read hastily as far as the words *from heaven*, and the commemoration of the seven gifts having been neglected, he pronounced the form: 'I sign you,' etc. It is asked whether, with attention to the Encyclical of Benedict XIV, *Ex quo primum*, and to the scandal which would arise if those Christians were again confirmed conditionally, they can with a safe conscience be left in good faith.—Response. Confirmation is not to be repeated conditionally." Sacred Congregation for the Propagation of the Faith, 6 August 1840.

"When, because of an accidental case, the ceremonies of the final blessing were omitted in Confirmation, the imposition of hands and the anointing nevertheless having been performed, a doubt was proposed by the Bishop: Whether the children in question were validly confirmed?—Response. Affirmative." Holy Office, 22 June 1892.

"Bishop N. N. sets forth that, while he was in a large town administering the Sacrament of Confirmation in a public church to several hundred children, after he had confirmed two thirds of them the Bishop's sacred chrism ran out, and it was necessary to have recourse to the chrism which was kept, together with the oil of Catechumens, with the Pastor. Although every care was taken to use the small vessel which bore written on its face *sacrum chrisma*, nevertheless, in the end it was discovered that the oil of Catechumens was instead contained in that small vessel. The undersigned respectfully asks whether and how he ought to repair this involuntary error.—Response. Let him be silent." Holy Office, 22 November 1899.

On the Blessing of Chrism

Cf. no. 864.

On the Minister of Confirmation

"Concerning the signing of infants, it is manifest that it is lawful to be done by no one other than a Bishop. For although priests are priests, nevertheless they do not possess the summit of the pontificate. That these things belong to Bishops alone—either to sign or to hand over the Paraclete Spirit—is demonstrated not only by ecclesiastical custom but also by that reading from the Acts of the Apostles which asserts that Peter and John were sent to hand over the Holy Spirit to those already baptized. For when priests baptize, whether apart from a Bishop or in the presence of a Bishop, it is lawful for them to anoint the baptized with chrism, but with that which was consecrated by the Bishop; they may not, however, sign the forehead with the same oil, which is due to Bishops alone when they hand over the Holy Spirit, the Paraclete. I cannot, however, speak the words, lest I seem rather to betray than to respond to the consultation." Innocent I, Epistle 25 to Decentius of Gubbio, chapter 3.

"28. The Confirmation of young persons, the ordination of clerics, and the consecration of places are reserved to the Pope and Bishops because of greed for temporal gain and honor." Proposition of John Wyclif condemned by the Council of Constance.

"Whether the Abbot Nullius of the Most Holy Trinity of Cava possesses the right, with the consent of the Bishops in the case, to confirm subjects of others in another diocese.—Response. Negative." Sacred Congregation of the Council, 11 December 1897.

On the Validity of Confirmation Conferred by Schismatic Priests and Eastern Catholic Priests

"1. If one of the schismatics should return to the unity of the Church and, not having anyone with whom he could practice the Greek rite, should embrace the Latin rite (it being understood that he is a simple layman and not a priest), can a Bishop of the Latin rite confirm him conditionally? 2. If Catholic children were baptized by schismatics, can their Latin Bishop reconfirm them conditionally?

"Response. To the first and second: It is not expedient that those confirmed by schismatic priests be anointed again after their return to unity; and according to the mind:

"The mind is that, in particular cases, the Bishop should inform himself of the precise place where the converts were confirmed. If it was in Bulgaria or Cyprus, in Italy or the adjacent islands, among the Lebanese Maronites, or in another place where such a faculty was expressly revoked, he ought to reconfirm them absolutely. If in Wallachia and Moldavia, in Asia or in other places in which it was not expressly revoked, let him acquiesce. But if there should be doubt concerning the place, the manner, or another reasonable circumstance, let him have recourse in particular cases and consult Benedict XIV, *On the Diocesan Synod*, book 7, chapter 7 ff. Let the same Bishop, the Apostolic Vicar, diligently take care, however, to admonish the Catholics subject to him that it is not lawful for them, outside a case of extreme necessity, to seek Baptism for their children from schismatics or heretics." Holy Office, 3 July 1853.

"On Wednesday the 6th of the current month, there was taken under examination the doubt raised by the Most Reverend Patriarch of Jerusalem concerning the validity of the Confirmations which schismatic priests confer upon those newly converted from schism to the Catholic religion simultaneously with the Baptism which they sacrilegiously repeat; namely, whether the Confirmation administered under the conditions set forth by the aforementioned Most Reverend Patriarch ought to be considered valid, or whether the child ought, or at least can, be confirmed again conditionally. These Most Eminent General Inquisitors, after mature consideration, judged that the response should be: According to the matters set forth, it is not expedient that the confirmed persons of whom there is question be anointed again by a Bishop, unless they are to be promoted to tonsure and Orders, or they themselves or their parents petition it; in which case the Sacrament of Confirmation is to be conferred secretly and conditionally." Holy Office, 16 March 1872.

"In this Latin Patriarchate the Sacrament of Confirmation conferred by schismatic priests of Palestine upon infants immediately after Baptism has always been regarded as valid; and therefore those thus confirmed, if they are converted to the Catholic faith, are not confirmed again. Now it sometimes happens that infants whose father is Catholic and mother schismatic, after they have been baptized in the Latin rite, are secretly carried by the mother to a schismatic priest, by whom they are rebaptized and confirmed. Furthermore, it also sometimes happens that parents who are new Catholics, whose children had been baptized by a priest of the Latin rite, return to schism and in it offer their children to a schismatic priest to be baptized again, who rebaptizes and confirms them; afterward, however, repenting, they are again converted to the Catholic faith with their children thus rebaptized and confirmed. It is therefore asked whether the Sacrament of Confirmation thus conferred upon the infants immediately after their sacrilegious rebaptism is valid.

"Response. It is not expedient that the confirmed persons of whom there is question be anointed again by a Bishop unless they are to be promoted to tonsure and Orders, or they themselves or their parents petition it, and unless, after an inquiry has been made concerning the manner of conferring Confirmation, it is discovered that a small brush was employed; in these cases, the Sacrament of Confirmation is to be conferred secretly and conditionally." Holy Office, 14 January 1885, Patriarch of Jerusalem.

"1. Whether Eastern priests authorized to administer Baptism to children of the Latin rite can at the same time also administer Confirmation to them. 2. If an Eastern priest has administered Baptism and Confirmation simultaneously to a Latin child, must the Confirmation be repeated absolutely or conditionally, or not repeated? 3. Where there is doubt about the fact, namely, whether a Latin child baptized by an Eastern priest was also confirmed by him, must the affirmative presumption be followed, or must Confirmation be repeated conditionally?

"Response. Negative, and according to the mind. The mind is that, since this has often and most gravely been prohibited by the Holy See, the Eastern Bishops are to be admonished that they themselves also deter their priests from this altogether prohibited administration.—To the second: Let the Decree of the Supreme Inquisition of 14 January 1885 be given. Cf. the preceding Resolution. —To the third: Let them have recourse in particular cases, all things pertaining to the matter having been set forth." Sacred Congregation for the Propagation of the Faith, 5 July 1886.

A Simple Priest Administering the Sacrament of Confirmation by Delegation of the Holy Apostolic See

"The Secretary reporting that some Superiors of missions and others to whom the extraordinary faculty of administering the Sacrament of Confirmation is granted by the Apostolic See have sometimes used episcopal vestments and ornaments in its administration, the Most Eminent Fathers declared, and by force of the present Decree declare, that no one whatsoever who is not adorned with the episcopal character, or to whom the use of pontificals otherwise does not belong by a true and lawful privilege, has been or is permitted in the conferral of chrism to employ a rochet, miter, pastoral staff, ring, or pectoral cross. And they decreed that His Holiness was to be supplicated for approval of this declaration, and also that an Instruction was to be prepared for simple priests administering Confirmation as above. His Holiness benignly approved and commanded it to be inviolably observed by all whom it concerns." Sacred Congregation for the Propagation of the Faith, 21 March 1774.

4. Instruction for a Simple Priest Administering the Sacrament of Confirmation by Delegation of the Apostolic See

"...Therefore, the priest to whom this faculty has been conceded shall first take care to have with him chrism consecrated by a Catholic Bishop having communion with the same Holy See; and he shall know that it is never lawful for him to administer Confirmation without it or to receive it from heretical or schismatic Bishops.

"He shall further consider whether, in the faculty imparted to him by the Apostolic See, another express faculty is also stated, namely, to use chrism blessed before the current year; otherwise he shall not use it except perhaps in cases of necessity, since this is prohibited by the sacred canons.

"Although Confirmation can be administered at any time, it is nevertheless fitting that it be conferred especially in the week of Pentecost and about the third hour, at which the Holy Spirit descended upon the Apostles.

"As regards the age of those to be confirmed, the admonition of the Roman Catechism is to be kept before one's eyes in these words: 'This is to be observed: the Sacrament of Confirmation can indeed be administered to all after Baptism, but it is nevertheless less expedient for this to be done before children have had the use of reason. Therefore, if it does not seem necessary to await the twelfth year, it is certainly most fitting to defer this Sacrament until the seventh.' This admonition assuredly has place in children who are in good health. For if it concerns one who labors under a grave disease from which he is foreseen likely to die, not only is it not prohibited to administer sacred chrism to him before the seventh year, but it is expedient that this be done, so that, departing from this life, he may attain greater glory in heaven according to the doctrine of Saint Thomas. Moreover, according to the approved opinion of many theologians, there can be other legitimate causes for anticipating the seventh year in the conferral of this Sacrament, and especially when a long future absence of the Bishop or of a priest to whom, as above, the faculty of administering it has been given is foreseen, or another necessity presses.

"In order that those to be confirmed who have the use of reason receive this Sacrament worthily, they ought to be in grace, and therefore it is very fitting that they precede its reception with sacramental confession. For if, conscious of some mortal sin—which may God avert—they should approach

Confirmation, not only would they not receive the grace of this Sacrament, but they would bind themselves by a most grave sacrilege.

"According to the ancient use of the Church, those to be confirmed ought to be fasting, and it would therefore be desirable that this also be observed at the present time.

"Those to be anointed with sacred chrism are first to be diligently instructed, according to the doctrines of the Roman Catechism, concerning the nature, dignity, and effects of this Sacrament and the dispositions prerequisite for receiving it worthily. Likewise, they must be instructed concerning the rudiments of the faith, the precepts of the Decalogue and of the Church, the acts of the theological virtues, and they must retain in memory the Lord's Prayer and the Apostles' Creed.

"Moreover, let missionaries not omit also to exhort the peoples entrusted to them to receive Confirmation at the due time and parents to take care that their children are confirmed. For although this Sacrament is not of the necessity of means for salvation, it nevertheless cannot be spurned or neglected without the guilt of grave sin when a suitable occasion for receiving it is present. Furthermore, if this doctrine is true for all the Christian faithful wherever they are, it has much more place in those who dwell in the lands of heretics or pagans, in which persecutions sometimes break out against Catholics. Hence it is necessary that they be strengthened by the power of the sevenfold Spirit, by which they may not only believe with the heart unto justice but also make confession with the mouth unto salvation and show themselves prepared even to shed blood for Christ.

"Since this Sacrament imprints an indelible character upon the soul, it ought not to be repeated; and therefore one who has been confirmed must not dare to approach to receive it again; nor should an excommunicate, one under interdict, one communicating in divine things with heretics or schismatics, one who practices idolatrous rites, or one who sins publicly in another manner; likewise, one who has not fulfilled the Easter precept.

"Those to be confirmed shall take care not to approach this Sacrament with a dirty forehead and uncombed hair; nevertheless, they and their sponsors are to be clothed in simple garments arranged for modesty. Women who are to receive it and those who will exercise the office of godmother shall present themselves in the church not with vain ornaments or a painted face, but with all modesty and reverence.

"If any of those to be confirmed should have a disgraceful name or one unbecoming a Christian person, let him assume another at Confirmation.

"Although the employment of a godfather or godmother in receiving this Sacrament is not of its necessity, the laudable custom of the Church nevertheless commends it and the sacred canons prescribe it.

"Excluded from this office are both those under fourteen years of age and those who have not yet received the Sacrament of Confirmation. But because it can happen that in mission territories no one is present who has previously been confirmed, it is permitted in this case that some be confirmed without a sponsor, who afterward can be sponsors for the others.

"As regards sponsors of this kind, these additional rules are to be observed: I. Not several, but only one, whether a man or a woman, is to be employed as godfather or godmother. II. Men shall not discharge the office of sponsor for females, nor women for males, but a sponsor of his or her own sex

is to be employed for each. III. Unless necessity compels, the sponsor for Confirmation is not to be the same as, but different from, the sponsor for Baptism. IV. Excommunicates, those under interdict, public sinners, or those who have omitted the Easter precept are to be excluded from the office of sponsor.

"Concerning the spiritual relationship which is contracted in this Sacrament, the Council of Trent established the following: 'Let that relationship also which is contracted from Confirmation not extend beyond the one confirming, the one confirmed, his father and mother, and the one holding him, all impediments of this spiritual relationship between other persons having been entirely removed.'

"This Decree of the Council has place among those who are bound to observe the Statutes of Trent. Others, however, shall conform themselves in this matter to the discipline prevailing in their regions.

"When the time has arrived at which the priest, using the faculty granted to him by the Apostolic See as above, intends to administer Confirmation, clothed in priestly vestments, or at least an alb and stole, standing before the altar and turned toward the people arranged on either side—the males on the right and the females on the left—he shall admonish those present summarily concerning the foregoing. He shall especially declare to them that no one other than a Bishop alone is the ordinary minister of Confirmation, but that he is prepared to confer it by a right delegated by the Holy See.

"Then, the Decree of delegation or Apostolic Brief having been read in the vernacular language in a loud and intelligible voice, he shall again admonish those present that no one who has been confirmed is to depart without receiving the blessing which he himself will give after the Confirmation of all. Likewise, infants whom for a just cause he judges ought to be confirmed in their earliest age are to be held by their sponsors in their right arms, and adults are to place their foot upon the right foot of their sponsor.

"This second admonition having been completed, while standing likewise and turned toward those to be confirmed, with his hands joined before his breast, and those to be confirmed bending their knees and holding their hands joined before their breast, he says," etc. Sacred Congregation for the Propagation of the Faith, 4 May 1774; C. no. 666.

Admonition of the Extraordinary Minister Omitted

"Concerning Confirmation conferred by a priest under an Apostolic Indult: although, as you relate, the admonition concerning the minister of this Sacrament and the extraordinary faculty granted to the priest administering it according to the Instruction of the Sacred Congregation was sometimes omitted, nevertheless the Sacrament was valid. You ought, however, to admonish the missionaries that the Instruction in question must otherwise be observed entirely." Sacred Congregation for the Propagation of the Faith, 11 September 1841.

On the Confirmation of Children

"The simultaneous conferral of Baptism and Confirmation upon children is not to be admitted except perhaps in danger of death, according to practice." Sacred Congregation for the Propagation of the Faith, 21 March 1851; C. nos. 668, 673, 680-683.

"No one is to be confirmed unless he has attained at least the seventh year of his age; nor is there to be a departure from this practice of the Latin Church except for altogether grave causes, for example, if infants lie dangerously ill or, because of the distance of places, if the present occasion were lost they would scarcely have another." Sacred Congregation, 11 December 1850.

"Since a much younger age is required for admission to the Sacrament of Confirmation than for admission to First Communion, as the Roman Catechism, On Confirmation, no. 18, hands down and Benedict XIV, *On the Diocesan Synod*, book 7, chapter 10, nos. 2-3, teaches, it is proposed to you that article 22, page 19, in the Synodal Acts be reformed according to the doctrine cited, so that Confirmation may first have place and afterward, at a suitable time, First Communion may be supplied." Sacred Congregation of the Council, 19 November 1854, to the Bishop of Saint-Denis.

The Custom of Confirming Children before First Communion Is Approved

"Venerable Brother, health and Apostolic benediction. The custom which had become established for almost an entire century having been abolished, it seemed good to you to introduce into the practice of your diocese that children, before they are refreshed by the divine banquet of the Eucharist, receive the Christian Sacrament of Confirmation, anointed with life-giving chrism. You desired it to be signified to you whether this was approved by Us; concerning so important a matter, it pleased Us to write directly to you and to reveal what Our mind is.

"We therefore praise your purpose exceedingly. For the custom which had prevailed there and in other places accorded neither with the ancient and constant institution of the Church nor with the advantages of the faithful. For there are in the souls of children the elements of desires which, unless they are uprooted very early, gradually grow strong, entice those inexperienced in affairs, and draw them headlong. Wherefore the faithful, even from tender years, need to be clothed with power from on high, which it is known the Sacrament of Confirmation produces. In it, as the Angelic Doctor rightly notes, the Holy Spirit is given for the strength of the spiritual combat, and man is spiritually advanced to perfect age. Moreover, adolescents thus confirmed become more receptive to grasping precepts and afterward more fit to receive the Eucharist, and from its reception they obtain more abundant benefits. Therefore, We desire that those things which were wisely established by you be faithfully and perpetually observed. But so that you may have a testimony of Our benevolence concerning your diligence in procuring the advantages of the flock committed to you, We impart the Apostolic benediction most lovingly in the Lord to you, Venerable Brother, and to your entire diocese.

"Given at Rome, at Saint Peter's, on 22 June 1897, in the twentieth year of Our Pontificate.—Leo XIII."

On the Obligation of Confirmation

"19. Likewise, whether he believes that a Christian who contemns the reception of the Sacraments of Confirmation or Extreme Unction, or the solemnization of Marriage, sins mortally." Articles upon which those suspected of the errors of Wyclif and Hus are to be questioned by mandate of Martin V, Bull *Inter cunctas*.

On the Dispositions Prerequisite for Confirmation and Extreme Unction

"Whether Confirmation and Extreme Unction are to be given to those neophytes who, baptized at the point of death, are altogether uninstructed and, wearied by the force of illness, cannot be instructed?—Response. Neither the Sacrament of Confirmation nor Extreme Unction is to be conferred upon those dying neophytes whom the missionary judged capable of Baptism unless they have at least some intention of receiving Confirmation for adding strength to their soul and of receiving Sacred Unction ordained for the benefit of the soul at the time of death." Holy Office, 10 April 1861.

On the Ceremonies of Confirmation

Confirmation can be administered without miter and cope "for a grave and urgent cause." Sacred Congregation for the Propagation of the Faith, 22 March 1669. "When a cause is present, one can confirm privately without miter and pastoral staff, with a stole employed." Holy Office, 12 February 1851.

"In administering the Sacrament of Confirmation, must the *Credo*, *Pater*, and *Ave* be recited together by the Bishop and those present; or does it suffice that the Bishop admonish the sponsors concerning the obligation of teaching those confirmed these prayers, as is prescribed in the Roman Pontifical?—Response. The custom of reciting them, as praiseworthy, is to be observed." Sacred Congregation of Rites, 13 July 1883, Conversano.

"We do not make use of a bandage. It would be very difficult, not to say impossible, for us to procure one. We content ourselves with wiping the forehead with a linen cloth or with cotton.—Response. If, as is said, bandages can be procured only with the greatest difficulty, the practice in question is to be tolerated." Sacred Congregation of the Holy Office, 11 December 1850, Apostolic Vicar of the Sandwich Islands.

On the Sponsor

"No one who has not been confirmed can be a sponsor in Confirmation, and if he should be, he does not contract spiritual relationship." Sacred Congregation of the Council, 16 June 1654. Diocesan Synod of Alba, year 1866, part 2, article 3, no. 8.

"But because it can happen that in mission territories no one is present who was previously confirmed, it is permitted in this case that some persons be confirmed without a sponsor, who afterward can be sponsors for the others." Instruction of the Sacred Congregation for the Propagation of the Faith, 4 May 1774.

"Whether, in the administration of the Sacrament of Confirmation, a Bishop can, as his predecessor was accustomed to do in the Diocese of Policastro, sustain the roles of minister and sponsor at one and the same time, namely, sign the forehead of the one to be confirmed with sacred chrism with his right hand as minister, and hold the one to be confirmed with his left as sponsor?—Response. The Bishop the Bishop confirming shall in this case discharge the office of sponsor through a proxy." Sacred Congregation of Rites, 14 June 1873, Policastro; C. no. 691.

Can the same person be the sponsor who lifts the infant from the sacred font and receives the same person in the Sacrament of Confirmation?—Response. Negative, unless necessity should nevertheless compel it. Chapter 100, distinction 4, *On Consecration*; *A. S. S.*, vol. 16, p. 537 ff. The matter is slight, however, if someone acts otherwise. St. Alphonsus, book 6, no. 187.

"The practice is not to be approved whereby one man is appointed by the Bishop or Pastor for the males and one woman for the females, to discharge the office of godfather or godmother for all; but it is to be tolerated in a case of necessity to be judged by the Bishop, according to the form of the Roman Pontifical." Sacred Congregation of the Council, 14 June and 12 July 1823; C. 696.

"1. Since in the rubrics concerning the Sacrament of Confirmation it is said: *Adults or others who are older shall place their foot upon the right foot of their sponsor*, it is asked whether it suffices if the sponsor places his right hand upon the right shoulder of the one to be confirmed? 2. Whether one to be confirmed, at the time of Confirmation, when the Bishop says: *N., I sign you with the sign of the Cross*, etc., can take care that another name of a Saint be imposed upon him in addition to his baptismal name?—To the first: It suffices. To the second: He can." Sacred Congregation of Rites, 20 September 1749, Jaurinen.

On the Eucharist

The Council of Trent on the Eucharist, Session 13

"Chapter 1. On the Real Presence of Our Lord Jesus Christ in the Most Holy Sacrament of the Eucharist.—In the first place, the holy Synod teaches and openly and simply professes that, in the august Sacrament of the Holy Eucharist, after the consecration of the bread and wine, Our Lord Jesus Christ, true God and man, is truly, really, and substantially contained under the species of those sensible things. For neither are these things mutually opposed: that our Savior Himself always sits at the right hand of the Father in heaven according to His natural manner of existing, and that, nevertheless, in many other places He is sacramentally present to us in His substance by that manner of existing which, although we can scarcely express it in words, we can nevertheless apprehend by thought illuminated by faith as possible to God, and which we ought most steadfastly to believe. For thus all our forefathers, as many as were in the true Church of Christ and discoursed concerning this most holy Sacrament, most openly professed that our Redeemer instituted this so admirable Sacrament at the Last Supper, when, after the blessing of the bread and wine, He testified in express and clear words that He was giving them His own very Body and His Blood; and since those words, commemorated by the holy Evangelists and afterward repeated by St. Paul, bear that proper and most manifest meaning according to which they were understood by the Fathers, it is indeed a most unworthy crime that they are twisted by certain contentious and depraved men into fictitious and imaginary tropes, by which the truth of the flesh and blood of Christ is denied, contrary to the universal sense of the Church. As the pillar and ground of truth, she has detested these fabrications devised by impious men as satanic, always acknowledging with a grateful and mindful spirit this most excellent benefit of Christ.

"Chapter 2. On the Reason for the Institution of This Most Holy Sacrament.—Therefore our Savior, when about to depart from this world to the Father, instituted this Sacrament, in which He poured forth, as it were, the riches of His divine love toward men, making a remembrance of His wonderful works; and in its reception He commanded us to cherish His memory and to proclaim His death until He Himself comes to judge the world. Moreover, He willed this Sacrament to be received as the spiritual food of souls, by which those living by the life of Him who said, *He who eats me, he also shall live because of me*, may be nourished and strengthened; and as an antidote by which we may be freed from daily faults and preserved from mortal sins. Furthermore, He willed it to be a pledge of our future glory and perpetual felicity, and thus a symbol of that one body of which He Himself is the head, and to which He willed us to be bound, as members, by the closest bond of faith, hope, and charity, so that we all might say the same thing and there might be no schisms among us.

"Chapter 3. On the Excellence of the Most Holy Eucharist over the Other Sacraments.—This indeed is common to the Most Holy Eucharist with the other Sacraments: that it is a symbol of a sacred thing and a visible form of invisible grace. But this excellent and singular thing is found in it: that the other Sacraments first possess the power of sanctifying when someone uses them, whereas in the Eucharist the Author of sanctity is present before its use. For the Apostles had not yet received the Eucharist from the hand of the Lord when He nevertheless truly affirmed that what He was giving was His Body. And this faith has always been in the Church of God: that immediately after the

consecration, the true Body of Our Lord and His true Blood exist under the species of bread and wine, together with His soul and divinity; but the Body indeed under the species of bread, and the Blood under the species of wine, by the force of the words; and the Body itself under the species of wine, the Blood under the species of bread, and the soul under each, by the force of that natural connection and concomitance by which the parts of Christ the Lord, who has now risen from the dead, nevermore to die, are united with one another; and the Divinity, furthermore, by reason of its admirable hypostatic union with the Body and soul. Wherefore it is most true that just as much is contained under either species as under both. For Christ whole and entire exists under the species of bread and under every part of that species, and likewise whole under the species of wine and under its parts.

"Chapter 4. On Transubstantiation.—Since, however, Christ our Redeemer said that what He offered under the species of bread was truly His Body, it has therefore always been the persuasion of the Church of God—and this holy Synod now declares it anew—that, by the consecration of the bread and wine, there takes place a conversion of the whole substance of the bread into the substance of the Body of Christ our Lord, and of the whole substance of the wine into the substance of His Blood. This conversion has fittingly and properly been called transubstantiation by the holy Catholic Church.

"Chapter 5. On the Worship and Veneration to Be Shown to This Most Holy Sacrament.—Therefore no place for doubt is left that all the faithful of Christ, according to the custom always received in the Catholic Church, should in veneration render to this Most Holy Sacrament the worship of *latria* which is due to the true God. For it is not, on that account, to be less adored because it was instituted by Christ the Lord to be received; for we believe that the same God is present in it whom the eternal Father, when bringing Him into the world, says: *And let all the Angels of God adore Him*; whom the Magi, falling down, adored; whom, finally, Scripture testifies to have been adored by the Apostles in Galilee. The holy Synod furthermore declares that this custom was most piously and religiously introduced into the Church of God: that each year, on a certain particular and festive day, this transcendent and venerable Sacrament should be celebrated with singular veneration and solemnity, and that it should be carried reverently and honorably through the streets and public places in processions. For it is most just that certain sacred days should have been established, on which all Christians, with a certain singular and uncommon manifestation, may testify their grateful and mindful spirits toward their common Lord and Redeemer for so ineffable and altogether divine a benefit, by which the victory and triumph of His death is represented. And thus indeed it was fitting that victorious truth should celebrate triumph over falsehood and heresy, so that its adversaries, placed in the sight of so great a splendor and amid so great a rejoicing of the universal Church, may either waste away, weakened and broken, or, affected with shame and confounded, may at length come to their senses.

"Chapter 6. On Reserving the Sacrament of the Sacred Eucharist and Carrying It to the Sick.—The custom of reserving the Holy Eucharist in the sacred repository is so ancient that even the age of the Council of Nicaea recognized it. Moreover, that the Sacred Eucharist itself should be carried to the sick and that this practice should be diligently preserved in the churches, besides being joined with the greatest equity and reason, is also found to have been commanded in many Councils and was

observed by the most ancient custom of the Catholic Church. Therefore this holy Synod establishes that this salutary and necessary custom is wholly to be retained.

"Chapter 7. On the Preparation to Be Employed That One May Receive the Sacred Eucharist Worthily.—If it does not become anyone to approach any sacred functions unless holily, certainly, the more the holiness and divinity of this heavenly Sacrament is known to a Christian man, the more diligently ought he take care not to approach to receive it without great reverence and holiness, especially since we read those words full of terror in the Apostle: *He who eats and drinks unworthily eats and drinks judgment to himself, not discerning the Body of the Lord.* Wherefore, for one wishing to communicate, that precept of his is to be recalled to mind: *Let a man prove himself.* Ecclesiastical custom, however, declares that this proving is necessary: that no one conscious to himself of mortal sin, however contrite he may seem to himself, ought to approach the Sacred Eucharist without previous sacramental confession. This holy Synod has decreed that this is to be perpetually observed by all Christians, even by those priests upon whom it is incumbent by office to celebrate, provided that access to a confessor is not lacking to them. But if, with necessity pressing, a priest shall celebrate without previous confession, let him confess as soon as possible.

"Chapter 8. On the Use of This Admirable Sacrament.—As regards its use, however, our Fathers rightly and wisely distinguished three ways of receiving this Holy Sacrament. For they taught that some receive it sacramentally only, as sinners; others spiritually only, namely those who, eating in desire that heavenly bread set before them, by a living faith which works through charity perceive its fruit and usefulness; while the third receive it both sacramentally and spiritually. These, however, are those who so prove and prepare themselves beforehand that, clothed in the wedding garment, they approach this divine table. In sacramental reception, however, it was always the custom in the Church of God that the laity receive Communion from priests, but that priests when celebrating communicate themselves. This custom, as descending from Apostolic tradition, ought rightly and deservedly to be retained. Finally, with paternal affection the holy Synod admonishes, exhorts, asks, and beseeches, through the bowels of the mercy of our God, that each and all who are reckoned by the Christian name should now at last unite and agree in this sign of unity, in this bond of charity, in this symbol of concord; and, mindful of so great a majesty and of so excellent a love of Jesus Christ our Lord, who gave His beloved soul as the price of our salvation and His flesh for us to eat, that they should believe and venerate these sacred mysteries of His Body and Blood with such constancy and firmness of faith, such devotion and piety of spirit, and such worship, that they may be able frequently to receive that supersubstantial bread, and that it may be for them truly the life of the soul and the perpetual health of the mind; so that, strengthened by its vigor, they may be able to pass from the journey of this miserable pilgrimage to the heavenly fatherland, there to eat without any veil the same Bread of Angels which they now eat beneath sacred veils.

"Since, however, it is not enough to state the truth unless errors are uncovered and refuted, it has pleased the holy Synod to subjoin these canons, so that all, the Catholic doctrine now having been recognized, may also understand what heresies must be guarded against and avoided by them.

"Canon 1. If anyone shall deny that, in the Sacrament of the Most Holy Eucharist, the Body and Blood, together with the soul and divinity, of Our Lord Jesus Christ, and therefore the whole Christ, are truly, really, and substantially contained, but shall say that He is in it only as in a sign, or figure, or power: let him be anathema.

"Canon 2. If anyone shall say that in the Most Holy Sacrament of the Eucharist there remains the substance of bread and wine together with the Body and Blood of Our Lord Jesus Christ, and shall deny that wonderful and singular conversion of the whole substance of the bread into the Body and of the whole substance of the wine into the Blood, only the species of bread and wine remaining—a conversion which the Catholic Church most aptly calls transubstantiation: let him be anathema.

"Canon 3. If anyone shall deny that, in the venerable Sacrament of the Eucharist, the whole Christ is contained under each species and, separation having been made, under each single part of either species: let him be anathema.

"Canon 4. If anyone shall say that, after the consecration has been completed, the Body and Blood of Our Lord Jesus Christ are not in the admirable Sacrament of the Eucharist except only in its use while it is being received, but not before or after, and that the true Body of the Lord does not remain in the consecrated hosts or particles which are reserved or remain after Communion: let him be anathema.

"Canon 5. If anyone shall say either that the principal fruit of the Most Holy Eucharist is the remission of sins or that no other effects proceed from it: let him be anathema.

"Canon 6. If anyone shall say that, in the Holy Sacrament of the Eucharist, Christ, the only-begotten Son of God, is not to be adored with the worship of *latria*, including external worship, and therefore is neither to be venerated with a particular festive celebration, nor solemnly carried about in processions according to the laudable and universal rite and custom of the Holy Church, nor publicly set before the people that He may be adored, and that His adorers are idolaters: let him be anathema.

"Canon 7. If anyone shall say that it is not lawful for the Sacred Eucharist to be reserved in the sacred repository, but that immediately after consecration it must necessarily be distributed to those present; or that it is not lawful for it to be carried honorably to the sick: let him be anathema.

"Canon 8. If anyone shall say that Christ set forth in the Eucharist is eaten only spiritually, and not also sacramentally and really: let him be anathema.

"Canon 9. If anyone shall deny that each and all of the faithful of Christ of either sex, when they have arrived at the years of discretion, are bound to communicate every year, at least at Easter, according to the precept of Holy Mother Church: let him be anathema.

"Canon 10. If anyone shall say that it is not lawful for a priest celebrating to communicate himself: let him be anathema.

"Canon 11. If anyone shall say that faith alone is sufficient preparation for receiving the Sacrament of the Most Holy Eucharist: let him be anathema. And, lest so great a Sacrament be received unworthily and therefore unto death and condemnation, the holy Synod itself establishes and declares that those whose conscience is burdened with mortal sin, however contrite they may even think themselves, must necessarily make sacramental confession beforehand if access to a confessor is available. But if anyone shall presume to teach, preach, or obstinately assert the contrary, or even to defend it in public disputation, let him by that very fact be excommunicated."

How Long Christ Remains Really Present in the Eucharist

"1. That if a consecrated host should fall or be cast into a sewer, mud, or some filthy place, then, while the species remain, beneath them it ceases to be the Body of Christ and the substance of bread returns.—2. That if a consecrated host should be gnawed by a mouse or consumed by a brute animal, then, while the said species remain, beneath them it ceases to be the Body of Christ and the substance of bread returns.—3. That if a consecrated host should be received by a just man or a sinner, then, while the species is being broken by the teeth, Christ is snatched up to heaven and does not pass into the stomach of man."—Errors of John de Latone condemned by the Holy Office in the year 1371.

On the Matter of the Eucharist

"By Apostolic authority We prohibit anyone henceforth from attempting to sacrifice with dried lees of wine or with crumbs of bread." Decree of Alexander III from the Bull of the year 1263 to the Bishop of Uppsala.

On Bread with Regard to the Sacrifice of the Mass

"In this region ... a custom has arisen ... of making bread from grains that have been bruised and soaked in water for some hours, though not to the point of corruption. They press these grains with their hands and, from the white matter that comes forth, make breads with a hot iron in the manner customary in Europe.... Is the aforesaid manner of making bread lawful for the Mass?—Response. Affirmative; nevertheless, if it can be done, let the Apostolic Vicar take care that the wheat from which the Eucharistic bread is made not merely be crushed, but be reduced to flour by a suitable instrument, which is then to be thoroughly purified by a sieve, and that the bread be made from it in the manner employed in Europe. Our Most Holy Lord Pope Pius IX approved the resolution of the Most Eminent Fathers." Holy Office, 25 June 1852, Apostolic Vicariate of Coimbatore.

"In this my Diocese of N. and in the neighboring dioceses, genuine fine flours have for many years been sold in large measure, which have often been used even in the formation of hosts for the Holy Mass. And many priests, in good faith or doubtful faith concerning the validity of the matter, celebrated the Divine Sacrifice with hosts made from such flours....

"Therefore I pray Your Most Reverend Eminence to be pleased to obtain for me from the Holy See a benign sanation for these my priests (also for Masses celebrated outside the diocese), and, subordinately, to obtain for them that they may discharge every burden of conscience by the celebration of a small number of Masses, which would be determined in a very mild proportion by the Ordinary in the individual cases.

"Response. The Most Holy One is to be supplicated that, insofar as there is need, he supply from the Treasury of the Church, with account taken, concerning the Masses to be celebrated, of those who celebrated in good faith and of those who celebrated in doubtful faith. The Most Holy One confirmed the resolution of the Most Eminent Fathers and benignly granted the requested favor." Holy Office, 27 January 1897.

On Wine with Regard to the Sacrifice of the Mass

"Whether wine made from dried grapes (commonly called *zibibbo*) can be employed in the Sacrifice of the Mass.—Response. Let the decree of Friday, 22 July 1706, be given, namely: 'It is lawful, provided that the liquid to be extracted from *zibibbo*, or dried grapes, is recognized from color, odor, and taste to be true wine.'" Holy Office, 7 May 1879.

"It was set forth by a Bishop of France that, since the wine of that place has an acidic taste owing to an excess of tartaric acid, it is customarily sweetened with potassium tartrate, a salt which is extracted from the lees of wine and which forms, with the excess tartaric acid, potassium bitartrate, which precipitates to the bottom of the cask. It was therefore asked whether this wine, thus treated, was lawful for the Mass.—Response. It is not expedient." Holy Office, 9 May 1892.

"To guard against the danger of the corruption of wine, two remedies are proposed: 1. Let a small quantity of brandy be added to natural wine. 2. Let the wine be heated to sixty-five degrees. Are these remedies lawful in wine for the Sacrifice of the Mass, and which is to be preferred?—Response. The wine as set forth in the second place is to be preferred." Holy Office, 8 May 1887.

"In several parts of Gaul, ... the white wine which serves for the unbloody Sacrifice of the Mass is so weak and feeble that it cannot be preserved for long unless a certain quantity of spirit of wine (*spirito*, alcohol) is mixed with it.—1. Is a mixture of this kind lawful? 2. And, if affirmative, what quantity of foreign matter of this kind is permitted to be added to the wine? 3. In the affirmative case, is it required that the spirit of wine be extracted from pure wine, or from the fruit of the vine?—Response. Provided that the spirit (alcohol) was extracted from the fruit of the vine, that the added alcoholic quantity, together with that which the wine in question naturally contains, does not exceed the proportion of twelve percent, and that the mixture is made when the wine is very new, there is nothing to prevent the same wine from being employed in the Sacrifice of the Mass." Holy Office, 30 July 1890.

"The sweet wine which is customarily employed for the Sacrifice of the Mass in Spain naturally contains spirit beyond the proportion of twelve percent. It is asked: 1. Whether the mixture of ten parts of spirit per hundred, which, as experience establishes, is altogether necessary for the preservation of the sweet wine, can be continued. 2. Whether wine thus made can be employed in the Sacrifice of the Mass.—Response. Negative in relation to the Sacrifice of the Mass." Holy Office, 15 April 1891.

"Since it is difficult to buy unmixed wine in Europe, ... already for many years it has seemed safer and easier to the missionaries of this Vicariate to make wine for the Sacrifice of the Mass in this very region. The grapes, however, which are found in the northern parts of the Chinese Empire contain an exceedingly small quantity of sugar; from this it comes about that the wine pressed from them for the Sacrifice of the Mass has only the smallest portion of alcohol and therefore can scarcely be preserved incorrupt, especially in view of the prolonged and intense heats of summer, which are most favorable to corruption. The inconvenience is removed and wine is obtained which can be safely preserved and is not disagreeable to sight, taste, or smell, if ten pounds of cane sugar (that is, from the grass-like plant botanically called *Saccharum officinarum* and commonly called in French *canne à sucre*) are added to one hundred pounds of grapes immediately after they have been crushed, and this mass is then fermented in the customary manner. When it has ceased to boil, from one hundred pounds of the

mass (containing nine pounds of sugar according to what has been set forth), sixty-seven pounds of wine are obtained, which, as it is lawful to conjecture from chemical calculation, contain in practice at most four and a half pounds (that is, about one-fifteenth part of the total weight) of alcohol generated from the sugar. In other words, by the aforesaid operation true wine from the vine is obtained, one hundred parts of which have six or seven parts of heterogeneous alcohol—that is, alcohol not produced from the vine—mixed with them. We have retained this practice the more willingly as it becomes more impossible for us from day to day to obtain spirit of wine (alcohol) generated from the vine. But now, since a certain doubt has arisen, it is humbly asked: 1. Whether this practice is safe for obtaining wine for the Sacrifice of the Mass. If negative: 2. Whether it is valid. 3. What if wine of this kind was employed in Masses owed in justice?

"Response. Spirit or alcohol which was extracted from the fruit of the vine is rather to be added to wine for the Most Holy Sacrifice of the Mass, and its quantity, together with that which the wine in question naturally contains, is not to exceed the proportion of twelve percent. A mixture of this kind is to be made when the so-called tumultuous fermentation has begun to subside; and according to the mind: The mind is that, if the missionaries are unable to procure spirit of wine, they should obtain it themselves by distilling the wine of the country, or they should mix dried grapes with the grapes of the country, causing them to ferment together." Holy Office, 25 June 1891.

"In Brazil it is exceedingly difficult to make true wine for the Sacrifice of the Holy Mass ... unless it be made in that very region. Now, the grape in these places is so weak and watery that, in order to obtain tolerable wine, some sugar from the plant which we commonly call *canna de assugar* must be mixed with the must; and wine is also made in this manner, which priests commonly use in the Sacrifice of the Holy Mass. But now, the response of the Sacred Roman and Universal Inquisition issued on 25 June 1891 having become known, doubts and anxieties of conscience have arisen.... Whether wine thus made can or cannot safely be employed for the Sacrifice of the Holy Mass.

"Response. In place of sugar extracted from the sugarcane, commonly called *canna de assugar*, spirit of alcohol is rather to be added, provided that it was extracted from the fruit of the vine, and that its quantity, added to that which the wine in question naturally contains, does not exceed the proportion of twelve percent; a mixture of this kind is to be made when the tumultuous fermentation, as they say, has begun to subside." Holy Office, 5 August 1896.

"The Archbishop of Tarragona in Spain sets forth that the sweet wines which are made in this region and are greatly desired by priests for the celebration of Mass already exceed twelve degrees of alcoholic strength after the first fermentation, which the wines of Marseilles do not reach even with the permitted addition of alcoholic liquid.—Nevertheless, in order that these generous and sweet wines, although endowed with greater strength than the wines of Marseilles, may safely be exported to foreign nations, they must possess eighteen degrees of alcoholic strength; otherwise, because of their very sweetness, they are liable to new fermentations and, during transport by sea, for the most part become sour. For this reason our wine merchants implore a favor similar to that which was granted to the petitions of the Bishop of Marseilles praised above, namely, the faculty of fortifying with spirit or alcohol extracted indeed from the fruit of the vine the wines, especially the sweet ones, so that those which naturally reach more or less fifteen degrees of alcoholic strength may rise to eighteen. For thus the corruption which they are accustomed to undergo from repeated fermentations is prevented, and they can be conveyed more safely to foreign nations which lack wine

suitable for offering sacrifice becomingly.—Furthermore, as they say, in some regions of Spain there prevails a most ancient custom by which many priests make wine for themselves for the Sacrifice of the Holy Mass, either by first evaporating the must by fire or by drying the grapes in the rays of the sun; this custom seems to be warranted by the declaration of the Holy Office on 22 July 1706 concerning wine made from dried grapes. 1. Whether so much spirit or alcohol extracted from grapes may be added to the aforesaid wines, especially the sweet ones, for their preservation that they rise to about seventeen or eighteen degrees of alcoholic strength, without thereby ceasing to be suitable matter for the Sacrifice of the Holy Mass. 2. Whether it is lawful, for the celebration of the Sacrifice of the Holy Mass, to use wine obtained from must which before vinous fermentation was condensed by evaporation with fire.

"Response. To the first: In view of the newly adduced matters, provided that in the proposed case the spirit was extracted from the fruit of the vine, and that the alcoholic quantity to be added, together with that which the wine in question naturally contains, does not exceed the proportion of seventeen or eighteen percent, and that the mixture is made when the tumultuous fermentation, as they say, has begun to subside, there is nothing to prevent the same wine from being employed in the Sacrifice of the Mass.—To the second: It is lawful, provided that a boiling of this kind does not exclude alcoholic fermentation, and that the fermentation itself can be obtained naturally and is in fact obtained." Holy Office, 5 August 1896.

On Unleavened and Leavened Bread

"The Roman Church confects the Sacrament of the Eucharist from unleavened bread." Confession of faith of Michael Palaeologus.

"The Body of Christ is truly confected in either unleavened or leavened wheaten bread; and priests ought to confect the Body of the Lord in the one or the other, namely each according to the custom of his own Church, whether Western or Eastern." Council of Florence, Decree of Union with the Greeks, in the Bull of Eugene IV, *Laetentur coeli*; Profession of Faith for the Greeks prescribed by Gregory XIII; Profession of Faith for the Easterners prescribed by Urban VIII and by Benedict XIV.

On Communion in Another Rite

"To all the faithful of whatever rite, whether Latin or Eastern, dwelling in places in which there is no church or priest of their own rite, the faculty is henceforth granted by the Holy See of receiving Holy Communion, not only at the point of death and for fulfilling the Easter precept, but also at any time for the sake of devotion, according to the rite of the church existing in the aforesaid places, provided that it is Catholic." Sacred Congregation for the Propagation of the Faith, 18 August 1893; *A. S. S.*, vol. 27, p. 441. Cf. C. no. 1998 ff.

On Preserving and Protecting the Discipline of the Easterners

"...Those things which Benedict XIV, Our illustrious predecessor, wisely and providently decreed by the Constitution *Demandatam*, given in the form of a letter on 24 December 1743 to the Patriarch of Antioch of the Melkite Greeks and to all the Bishops of the same rite subject to that Patriarch, indeed remain ratified.... In carrying this out, We drew from it this as a principle: namely, that Latin priests are sent by the Apostolic See into those regions only for this purpose, that they may be an aid and

relief to the Patriarchs and Bishops; care having been taken, therefore, lest, by using the faculties granted to them, they should inflict prejudice upon their jurisdiction and diminish the number of their subjects (Constitution *Demandatam*, no. 13). From this it is manifest by what laws the offices of those same Latins in relation to the Eastern hierarchy are to be regulated.

"Therefore, the heads of matters which follow have seemed to Us in the Lord to be prescribed and sanctioned, as We do, supported by Apostolic authority; declaring even now that We will and command that those same Benedictine decrees, which were originally given concerning the Melkite Greeks, should universally affect all the faithful of every rite in the East.

"I. Any Latin missionary, whether of the secular or regular clergy, who by counsel or assistance induces any Eastern person to the Latin rite, besides the suspension from divine things which he shall incur by the fact itself, and the other penalties inflicted by the same Constitution *Demandatam*, shall be deprived of and excluded from his office. That this prescription may remain certain and firm, We command that a copy of it be publicly displayed in the churches of the Latins.

"II. Where a priest of their own rite is lacking to whom the Eastern Patriarch may entrust the spiritual administration of his people, there let the Pastor of another rite undertake their care, employing for consecration the same species as they do, unleavened or leavened bread; those who employ them according to the Eastern rite are to be preferred.—The faithful, however, shall have the faculty of communicating according to either rite not only in those places in which no church or priest of their own proper rite is found, as was decreed by the Sacred Council for the Propagation of the Christian Name on 18 August 1893, but also where, because of the distance of their church, they cannot approach it except with grave inconvenience; judgment concerning this belongs to the Ordinaries. And let this remain fixed: one who has communicated according to another rite, even for a long time, is not for that reason to be considered to have changed rite, but in all other duties is to remain attached to his own Pastor.

"III. Latin religious societies which labor for the instruction of youth in the East, if in some college they number not a few students of the Eastern rite, shall, after consulting the Patriarch, have with them a priest of the same rite for the advantage of those students, to offer the Sacrifice of the Mass, to impart Holy Communion and catechesis in the native language, and to explain the rites; or at least on Sundays and other feasts occurring by precept let them summon such a priest to perform those duties. For this reason, We declare that all privileges whatsoever, even those worthy of special mention, which those societies enjoy whereby students of the Eastern rite, so long as they remain in their colleges, follow the Latin rite, have all been taken away. As regards the ritual abstinences to be observed, however, let the superiors provide with religious equity. Provision is likewise to be made for day students, who must be sent or conducted to their own churches or curiae, unless it seems that they should be admitted together with the resident students to the offices of the same rite.

"IV. The same prescriptions are to be applied, insofar as it can be done, to societies of religious women devoted to educating girls in convents and schools. But if any modification should become opportune because of times and circumstances, let it not be made before the consent of the Patriarch and the permission of the Apostolic See have been obtained.

"V. No new colleges for youth or religious houses of either sex, of the Latin rite, are henceforth to be opened unless the Apostolic See has been petitioned and has consented.

"VI. It is lawful neither for Latin nor Eastern priests, either in churches of their own rite or of another rite, to absolve anyone from cases which are reserved to the respective Ordinaries of each, unless a faculty has been permitted by them. In this matter We wholly revoke every privilege, even one worthy of special mention.

"VII. Easterners who have assumed the Latin rite, even by a pontifical rescript, shall be permitted, after petitioning the Apostolic See, to return to their former rite.

"VIII. A woman of the Latin rite who has married a man of the Eastern rite, as likewise an Eastern woman who has married a Latin, shall be entirely free to pass to the rite of her husband upon entering or during the marriage; but when the marriage is dissolved, she shall have free power to resume her own rite.

"IX. Any Easterner dwelling outside patriarchal territory shall be under the administration of the Latin clergy, but shall nevertheless remain enrolled in his own rite, so that, no length of time or any other cause whatever availing, he falls again under the jurisdiction of the Patriarch as soon as he returns to his territory.

"X. It shall be lawful for no Order or religious Institute of the Latin rite, of either sex, to receive among its members any Easterner who has not first presented testimonial letters from his own Ordinary.

"XI. If any community, family, or person from among the dissidents should come to Catholic unity under a condition interposed as though necessary that it embrace the Latin rite, it shall indeed remain bound to this rite for a time, but it shall nevertheless be in its power at some time to return to its native Catholic rite. But if a condition of this kind was not interposed, and the community, family, or person itself is administered by Latin priests because Eastern priests are lacking, it must return to its own rite as soon as an Eastern priest is available.

"XII. Matrimonial and ecclesiastical causes, whatever they may be, concerning which an appeal is made to the Apostolic See, are by no means to be committed to Apostolic Delegates for decision unless it has expressly commanded this, but are wholly to be referred to the Sacred Council for the Propagation of the Christian Name.

"XIII. We grant to the Greek-Melkite Patriarch jurisdiction also over those faithful of the same rite who dwell within the borders of the Turkish Empire." Leo XIII, Bull *Orientalium dignitas*, 30 November 1894.

Water to Be Mixed with Wine

"A pernicious abuse has grown up in your parts, namely, that a greater quantity of water than of wine is placed in the Sacrifice, whereas according to the reasonable custom of the universal Church more wine than water is to be placed in it. Therefore We command your Fraternity that you neither do this nor permit it to be done in your province." Honorius III, chapter 13, *On the Celebration of Masses*.

"The Armenians coming into union with the Holy Roman Church are not to be permitted to perform the Sacrifice of the Mass with wine alone, for several reasons: 1. Because, although a mixture of this kind of water with wine is not of the necessity of the Sacrament but only from a precept of the Church, concerning which the Pope can dispense, nevertheless, because water is mixed with the wine

to be consecrated from Apostolic tradition, and because Christ is believed from the testimonies of the Holy Fathers to have done this, in no way ought a rite of sacrificing of this kind to be tolerated or permitted to the Armenians. 2. Because a rite of this kind of the Armenians either involves the heresy of the Monophysites or at least is most suspect of it; for Nicephorus, in book 18 of his history, chapter 53, clearly said that the Armenians consecrate wine alone in order by this to show that there is only one nature in Christ the Lord. 3. Because the Holy Council of Florence, in the Instruction to the Armenians, by the word *We decree*, commands the united Armenians to mix a little water with the wine in the Sacrifice. 4. Because the Armenians always petitioned the Apostolic See that a rite of this kind be permitted to them, and nevertheless it was always denied to them; for Gregory VII, as in his first epistle of book 8, Alexander III, Callistus III, Eugene III, Eugene IV in the said Council of Florence, John XXII, Benedict XI, and finally Paul V, in his Apostolic Letters to Melchizedek, styled Catholicos, who consecrated this Archbishop of Lviv, expressly refused to permit a rite of this kind. 5. Because, finally, Luther approved a rite of this kind, and the Calvinists observe the same in their Supper; and if the aforesaid rite were permitted to the Armenians in the Kingdom of Poland, the Calvinists, who are found there in no small number, would calumniate the Roman Church, namely, that she had changed her judgment and agreed with them. And canon 24 of the Third Council of Carthage under Pope Siricius, and chapters 1, 2, and 3, *On Consecration*, distinction 2, agree with this resolution." Sacred Congregation for the Propagation of the Faith, 30 January 1635; C. 797.

Is Water Mixed with Wine in the Chalice Converted into the Blood of Christ?

"You have asked whether the water together with the wine is converted into the Blood. On this matter, however, opinions vary among the scholastics. For it seems to some that, since from the side of Christ there flowed two principal Sacraments, that of redemption in the blood and that of regeneration in the water, the wine and water which are mingled in the chalice are changed into those two by divine power.... Others, however, hold that the water together with the wine is transubstantiated into the Blood, since it passes into the wine when mixed with the wine.... Furthermore, it can be said that the water does not pass into the Blood but remains surrounded by the accidents of the former wine.... It is, however, wicked to opine what some have presumed to say, namely, that the water is converted into phlegm.... But among the aforesaid opinions, that one is judged more probable which asserts that the water together with the wine is changed into the Blood." Innocent III, chapter 6, *On the Celebration of Masses*.

The Form of Consecration

"But because in the above-written Decree for the Armenians the form of words which the Most Holy Roman Church, strengthened by the teaching and authority of the Apostles, has always been accustomed to use in the consecration of the Body and Blood of the Lord was not explained, We have thought that it should be inserted in the present document. In the consecration of the Body she uses this form of words: *For this is My Body*; but of the Blood: *For this is the chalice of My Blood, of the new and eternal testament, the mystery of faith, which shall be poured out for you and for many unto the remission of sins*. As regards wheaten bread, in which the Sacrament is confected, it makes no difference whatever whether it was baked on that day or beforehand; for provided that the substance of bread remains, it is in no way to be doubted that, after the aforesaid words of the consecration of the Body have been

pronounced by the priest with the intention of confecting, it is immediately transubstantiated into the true Body of Christ." Council of Florence, Decree for the Jacobites, or Bull of Eugene IV, *Cantate Domino*.

On the Efficacy of the Rite of Consecration

"29. The doctrine of the Synod, in that part in which, undertaking to hand down the doctrine of faith concerning the rite of consecration, with scholastic questions concerning the manner in which Christ is in the Eucharist set aside—from which it exhorts Pastors exercising the office of teaching to abstain—proposes only these two things: 1. that Christ after the consecration is truly, really, and substantially under the species; 2. that then the whole substance of the bread and wine ceases, only the species remaining; but entirely omits to make any mention of transubstantiation, or of the conversion of the whole substance of the bread into the Body and of the whole substance of the wine into the Blood, which the Council of Trent defined as an article of faith and which is contained in the solemn profession of faith—insofar as, through an ill-advised and suspicious omission of this kind, knowledge is withdrawn both of an article pertaining to the faith and of the word consecrated by the Church for safeguarding its profession against heresies, and thus tends to induce forgetfulness of it, as though it concerned a merely scholastic question—is pernicious, derogatory to the exposition of Catholic truth concerning the dogma of transubstantiation, and favorable to heretics." Proposition of the Synod of Pistoia condemned by Pius VI.

Every Priest, and a Priest Alone, Is the Minister Who Confects the Eucharist

"...In this Church Jesus Christ Himself is both Priest and Sacrifice, whose Body and Blood are truly contained in the Sacrament of the altar under the species of bread and wine, the bread having been transubstantiated into the Body and the wine into the Blood by divine power, so that, for perfecting the mystery of unity, we ourselves may receive from what is His that which He Himself received from what is ours. And assuredly no one can confect this Sacrament except a priest who has been rightly ordained according to the keys of the Church which Jesus Christ Himself granted to the Apostles and their successors." Fourth Lateran Council, year 1215, chapter 1, Definition against the Albigensians and other heretics.

"We firmly believe and confess that, however honorable, religious, holy, and prudent anyone may be, he cannot or ought not consecrate the Eucharist or confect the Sacrifice of the altar unless he is a priest regularly ordained by a visible and tangible Bishop. For this office three things, as we believe, are necessary: namely, a certain person, that is, a priest appointed by a Bishop, as we have said, properly to that office, and those solemn words which were expressed in the Canon by the Holy Fathers, and the faithful intention of the one pronouncing them. Therefore we firmly believe and confess that whoever, without a preceding episcopal ordination as we have said, believes and contends that he can offer the Sacrifice of the Eucharist is a heretic and a participant and associate in the perdition of Korah and his accomplices, and is to be separated from the whole Holy Roman Church." Profession of faith prescribed to the Waldensians by Innocent III.

On a Deacon Administering Holy Viaticum

"Can a deacon who, by command of his Vicar, carries Sacred Viaticum to the sick make sprinklings of holy water, say the *Misereatur* and *Indulgentiam*, sign the sick person or himself, say *Dominus vobiscum* with the prayer, and bless the sick person and those assisting with the Most Holy Sacrament?—Response. If a priest is lacking and the permission of the Apostolic Vicar concurs, affirmative in all things." Sacred Congregation of Rites, 14 August 1858, Western Tonkin.

The Distribution of the Holy Eucharist Outside Mass

"In the administration of Holy Communion, the versicles and the prayer *Deus qui nobis* are of precept; but the blessing is always to be given, with the single exception of the case when it is given immediately before or after a Mass of the Dead, under the formula *The blessing of God*, etc." Sacred Congregation of Rites, 30 August 1892, Esztergom, response to 10.

"The prayers are to be said during the ablution and wiping of the fingers." Sacred Congregation of Rites, 14 January 1898.—In the administration of the Most Holy Eucharist during Easter time, before or after a Requiem Mass, the prayer and versicles of the season must be said, with the *Alleluia* omitted. Sacred Congregation of Rites, 26 November 1878, Siena.

"Whether the stole for administering the Most Holy Eucharist outside Mass must always be of the color agreeing with the Office of that day, as the Roman Ritual prescribes, or whether it may also be white, as being most fitting for the Sacred Eucharist, as many Doctors judge?—Response. Affirmative." Sacred Congregation of Rites, 12 March 1836, Trent, response to 12.

"A priest returning to the altar after the Communion of the faithful must genuflect before he covers the sacred ciborium, and must genuflect again before, after the ciborium has been replaced in the tabernacle, he closes the little door of the tabernacle itself." Sacred Congregation of Rites, 23 December 1862, Rome.

On Carrying the Sacred Eucharist to the Sick

"The Superior General of the Order of St. John of God humbly petitioned the Sacred Congregation of Rites that it deign to resolve the following doubts concerning the manner, in force in the hospitals of his Order, of carrying Holy Communion within Mass to the sick, namely: 1. After the *Confiteor*, *Misereatur*, *Ecce Agnus*, and *Domine non sum dignus* have been recited at the altar, can it be permitted that the priest carry Holy Communion in the ciborium without a humeral veil to the sick, accompanied at least by two persons carrying candles, and with an umbrella also employed if it can be done, especially if the sick are distant from the altar? 2. Can Holy Communion be carried in the aforesaid manner not only throughout the whole hospital, or at the part behind the altar, but also in certain rooms from which, although the altar cannot be seen, the voice of the priest celebrating is nevertheless heard? 3. Can it be permitted that, in place of the priest carrying the Most Holy Eucharist to the sick, another person, even a layman, recite the prayers?—Response. To the first and second: There is nothing to prevent it, provided, however, that in carrying the Most Holy Sacrament an umbrella is employed without exception. To the third: There is nothing to prevent those present from reciting certain prayers while the Sacred Eucharist is being distributed." Sacred Congregation of Rites, 7 February 1874, Order of St. John of God.

"Is it lawful for one celebrating in a private or religious house to carry Holy Communion before the purification, for the sake of devotion and not by way of Viaticum, to a sick person staying in the same house, although it is necessary to ascend to the upper part of the house and to pass through another corridor?—Response. It is not lawful, according to the decree in the case of Florence, 19 December 1829, response to 1; but if necessity presses, let it be done after Mass has been completed." Sacred Congregation of Rites, 7 December 1844, Genoa.

"During the Most Holy Sacrifice of the Mass, in the administration of Viaticum, especially in hospitals, is it lawful to withdraw from the altar as far as the bed of the sick, meanwhile reciting the psalm *Miserere*, as is customarily done outside Mass?—Response. Negative as regards the psalm *Miserere*. Moreover, it is to be noted that if the celebrant, for the administration of Viaticum within Mass, loses the altar from his sight, this administration is not lawful." Sacred Congregation of Rites, 12 December 1829, Florence, response to 1.

In carrying the Most Holy Sacrament, women cannot precede, carry the umbrella and torches, or ring the small bells. "If women wish to carry lights, let them follow the priest." Sacred Congregation of Rites, 11 December 1903.

On the Distribution of the Holy Eucharist in a Sordid Place and without the Due Ceremonies

"To the sick who are near death, of whatever condition they may be, even though they dwell in a sordid and vile place or hut, let the Viaticum of the Most Holy Eucharist be carried, since with God there is no acceptance of persons, and for our salvation He shrank neither from the stable nor from the ignominy of the Cross." Alexander VII, Constitution *Sacrosancti*, 18 January 1658.

"...As soon as the Sacred Congregation learned that, in certain dioceses of that region, the custom, or rather abuse, had gained strength whereby priests carried the Most Holy Sacrament with them from morning until evening solely because they might perhaps encounter some sick person, it judged that the Metropolitans were to be written to, so that it might declare that custom to be wholly abhorrent to the practice of the Church.... Issue such decrees by which the carrying of the Most Holy Sacrament is restricted only to urgent causes and to the actual exercise of priestly ministry...." Instruction of the Sacred Congregation for the Propagation of the Faith, 25 February 1853.

"But where the violence and iniquity of the Turks prevails, let the priest always keep his stole covered by his own clothing; let him enclose the ciborium in a small bag or burse, suspend it from his neck by cords, and place it within his bosom; and let him never proceed alone, but be accompanied by at least one of the faithful if a cleric is lacking." Benedict XIV, Constitution *Inter omnigenas*, 2 February 1744.

"Sacred Viaticum can be carried to the sick without a stole in a case of necessity." Sacred Congregation for the Propagation of the Faith, 20 September 1739, for China.

"...1. Whether it can be lawful for the missionaries of these regions to administer the Most Holy Sacrament to the sick secretly and without a light and stole when it cannot be administered otherwise? ... 2. Whether the Apostolic Vicar can permit the missionaries to carry and administer the Most Holy Sacrament of the Eucharist to Christians ... detained in prisons? ... It could easily be administered to them without danger of contempt for the Most Holy Eucharist if it were lawful to administer it without surplice and stole.—Response. To the first: Affirmative, for it concerns a faculty

already granted by the Supreme Pontiffs. To the second: Affirmative, and as regards those detained for a time, insofar as they request it, yet at the judgment and prudence of the Apostolic Vicar." Sacred Congregation for the Propagation of the Faith, 9 December 1822 and 5 July 1854.

"Can it be permitted, in this time of persecution, that confessors of the faith condemned to death because of the faith, and to whom the Most Holy Sacrament of the Eucharist is brought in prison, may secretly receive it in their own hands and secretly communicate themselves, lest the priest communicating them in the ordinary manner be recognized and apprehended?—Response. Affirmative, provided that so great a Sacrament is exposed to no irreverence or other danger." Sacred Congregation for the Propagation of the Faith, 21 July 1841.

"Whenever the Most Holy Sacrament of the Eucharist can respectively be carried to the sick either publicly or secretly, it is to be carried. But if, either because of the prohibition of the magistrates or for another cause, danger of sacrilege and irreverence is feared, let celebration be permitted in a more nearly situated fitting place, and, if no fitting place is available, in the house of the sick person itself, provided that a fitting place is likewise available there." Sacred Congregation for the Propagation of the Faith, 14 December 1668; C. 709, 718.

"A Pastor is not to be reproved who carries Holy Viaticum to a sick person on Friday in *Parasceve*, provided that privately and in a low, indeed in the lowest, voice he recites the customary psalms along the public ways, even if he says *Gloria Patri*, etc.; because in such a circumstance an action of this kind has nothing in common with the functions of the Church on this day. And it is to be considered that he carries it with a white stole and cope, when on the aforesaid Friday the color of the vestments is black for the functions of the Church. Therefore, if he carries it privately because of some necessity, he is not to be reproved if he dismisses the people without a blessing on Friday in *Parasceve*, because it ought not to be replaced in the public church." Sacred Congregation of Rites, 15 May 1745, Lucca.

"In carrying the Sacrament of the Most Holy Eucharist for administering Sacred Viaticum publicly to the sick, but without a canopy, the abuse is not to be tolerated whereby the Pastor or minister proceeds along the way with his head covered, while the faithful nevertheless walk with heads uncovered." Sacred Congregation of Rites, 31 August 1872, Toledo, response to 2.

"In view of the circumstances (the greatest difficulty of the places), the Sacred Congregation of Rites committed it to the Most Reverend Bishop that, according to his judgment and prudence, he may grant that the Pastor and administrators of this kind, in these circumstances, may carry Sacred Viaticum while riding and with the head covered by a hat, accompanied by at least one man, if it can be done, carrying a lighted lantern." Sacred Congregation of Rites, 23 May 1846, Bisignano.

"It is lawful to carry Viaticum without any pomp and in an almost private manner whenever it is to be administered to sick persons dwelling very far from the parish church and it is necessary to pass through pathless, distant, and inaccessible places; and let the prescriptions of the Roman Ritual be observed, and let the decree in the one case of Bisignano, 23 May 1846, be given." Sacred Congregation of Rites, 12 January 1878, Templen, response to 7.

"Whether the rule of the Parisian Ritual expressed thus can safely be followed: If, when Communion is to be given, a sufficient number of hosts has not been found, can some hosts be divided into several particles which are to be distributed to the individuals?—Response. Let the custom of

dividing the consecrated hosts be observed if necessity is present." Sacred Congregation of Rites, 16 March 1833, Verona, response to 1.

"Let Bishops, Pastors, or confessors admonish that no one is to be given several Eucharistic forms or particles, nor larger ones, but only the customary ones." Sacred Congregation of the Council, 12 February 1679.

"The carrying of the Most Holy Sacrament outside a church is not permitted except on the solemn occasion of a procession on the feast and throughout the octave of Corpus Christi, and likewise on the occasion of the sick and of the Forty Hours' Prayer according to the decrees of the sacred canons; and in the aforesaid cases the clergy with a cross must always take part." Sacred Congregation of Rites, 12 June 1638, Sulmona.

Communion to Be Administered in a Mass of the Dead

"Can a priest open the ciborium in order to communicate the faithful while vested in black vestments?"—Response. Affirmative, or, Holy Communion can be administered to the faithful in Masses of the Dead with black vestments, even from particles consecrated beforehand, by removing the ciborium from the tabernacle. Communion can likewise be administered in black vestments immediately after a Mass of the Dead and, given a reasonable cause, also immediately before the same Mass; nevertheless, in either case the blessing is to be omitted. Masses of the Dead are, however, to be celebrated wholly in black vestments, to such an extent that violet ones cannot be employed unless, on 2 November, the Sacrament of the Most Holy Eucharist is exposed for the public adoration of the faithful for the solemn Forty Hours' Prayer, as was provided in the decree of this Sacred Congregation on 16 September 1801. And thus they decreed and commanded it to be observed everywhere." Sacred Congregation of Rites, 27 June 1868, General Decree.

The Most Holy Eucharist Is to Be Reserved

A Bishop cannot by his own right grant the faculty of reserving the Most Holy Sacrament: 1. In churches or public chapels which do not, however, enjoy the parochial title, even if they serve the needs of the parish. 2. In public chapels of pious communities, that is, those whose door opens onto a public street or into a courtyard communicating with a public street, and which are open to all the inhabitants. 3. In interior chapels or oratories of pious communities when they do not have a public chapel or oratory in the sense explained, as occurs, for example, in seminaries.—An indult from the Holy See is to be implored in regard to all of these. Sacred Congregation of Rites, 8 March 1879, Nevers.

If in oratories in which the Sacrament of the Most Holy Eucharist is reserved by Apostolic privilege Mass cannot be celebrated daily, an indult is to be sought from the Apostolic See, which is accustomed to prescribe that it be celebrated at least once in every week. Sacred Congregation of Rites, 14 May 1889, Bayonne. It is likewise necessary in the same oratories that access be open for some hours of the day to the faithful who desire to visit the Most Holy Eucharist. Sacred Congregation of Rites, 15 November 1890, Compostela.

"The Sacrament of the Most Holy Eucharist is to be reserved in only one place of any church in which it ought, can, or is accustomed to be kept." Sacred Congregation of Bishops and Regulars, 13 October

1620.

The sacred tabernacle in which the Sacrament of the Most Holy Eucharist is reserved can be ornamented either entirely on the inside with white silk cloth, or with gilded plates only. Sacred Congregation of Rites, 5 June 1889, Calvi and Teano. It is to be blessed before the Holy Eucharist is placed in it. Sacred Congregation of Rites, 20 June 1899, no. 4035.

"1. Must the tabernacle in which the Most Holy Sacrament is kept be covered with a canopy, as the Ritual states? And insofar as affirmative: 2. Can this canopy be made from cloth woven of cotton, wool, or hemp? 3. Of what color ought it to be? Some, such as Baruffaldus, opine that the canopy ought to be white, as being fitting to the Most Holy Sacrament; but others, such as Gavantus, that it should be of the same color as the altar frontal and the other vestments, according to the character of the season and feast, except for black, which is changed to violet in the obsequies of the dead.—Response. As to the first question: Affirmative. As to the second: Likewise affirmative. As to the third: Either opinion can be put into practice, but especially the opinion of Gavantus, which has in its favor the usage of the churches of the City." Sacred Congregation of Rites, 21 July 1855, Saint-Brieuc, response to 10.

On the Exposition and Benediction of the Most Holy Sacrament

"It is not lawful for regulars, even in their own churches, to expose the Sacrament of the Most Holy Eucharist for public adoration except for a public cause which has been approved by the Ordinary; but for a private cause they can, provided that the Most Holy Sacrament is not removed from the tabernacle and is veiled, so that the Sacred Host itself cannot be seen." Sacred Congregation of the Council, 17 August 1630; Decrees nos. 641, 753, 800, 882.

"Exposition of the Most Holy Sacrament is not to be made except for a public and grave cause; and for particular sick or afflicted persons, etc., who desire public prayers for their assistance, it is not to be exposed uncovered, but with the little door of the tabernacle open, or at most in a veiled ciborium with a fitting number of lights and the attendance of priests. And the Ordinaries shall take care that this be done not only in secular churches but also in those of regulars." Sacred Congregation of Bishops and Regulars, 1 September 1851.

"Whenever it should seem that the Most Holy Eucharist is to be exposed for a private cause, let it never be removed from the tabernacle, but, in a veiled ciborium, let it be placed at the open little door of the same tabernacle, with the attendance of some priest vested in stole and surplice, and with at least six wax lights. We command that the same be observed in the churches of seculars." Sacred Congregation of Bishops and Regulars, 9 December 1602; Benedict XIV, Institution 30, no. 21.

"1. Since, from certain responses of the Most Holy Roman Congregations, some think that the sacred ciborium can be exposed to the piety of the faithful with the little door of the tabernacle open but can by no means be removed from it, while others opine that it can be brought out only so that the people may be blessed with it, as is customarily done on certain days in several churches of regulars, it is asked whether a custom of this kind can be admitted? 2. And insofar as negative, can it, by force of custom, be permitted to those congregations or religious families which have also been accustomed to do so elsewhere? 3. Can this be granted, at the prudent judgment of the Ordinary, also

to other congregations petitioning it?—Response. To the first: Affirmative. To the second: Provided for in the first. To the third: Affirmative." Sacred Congregation of Rites, 16 January 1886, Palencia.

"When a priest blesses the people with the sacred ciborium, must he cover it entirely with the ends of the long humeral veil, just as the Roman Ritual commands in the carrying of Viaticum, though not after Viaticum but on a different occasion?—Response. In blessing the people with the sacred ciborium, he must cover it entirely with the ends of the long humeral veil." Sacred Congregation of Rites, 23 February 1839, Malta, response to 1.

"Can the practice of blessing the people with a ciborium covered by a small canopy, without the use of a humeral veil, be tolerated?—Response. Negative." Sacred Congregation of Rites, 13 July 1883, Conversano.

"Can and ought the Instruction for the Forty Hours' Prayer, first published in Rome by command of Clement XI of happy memory, be observed also outside the City?—Response. The aforesaid Instruction does not bind outside the City; nevertheless, those who strive to conform themselves to it are to be praised, unless something else has been established by the Ordinaries of the places." Sacred Congregation of Rites, 21 July 1749, Padua.

"The key of the tabernacle is to be retained by Pastors, rectors, sacristans, or anyone else to whom custody of the tabernacle belongs, upon his person or in a safe place closed with a key. And this is also to be observed by regulars." Sacred Congregation of Bishops and Regulars, 9 February 1751.

"As regards the blessings desired by these faithful and customarily given by ancient custom in certain churches, either with a portable statue of the Blessed Virgin Mary on solemnities of the same Virgin Mother of God, or during novenas and other pious exercises instituted in her honor, as in the month called Marian, etc.; or likewise with a statue of the Infant Jesus, from the time of the Nativity of the Lord until Epiphany, We judge that there is nothing at all to prevent a custom of this kind from being tolerated by Your Lordship." Sacred Congregation for the Propagation of the Faith, 1 April 1854.

On the Ciborium, Monstrance, and Purificator

"Whether and when the ciborium, purificators, monstrances, or at least the lunula—which immediately serve the Sacrament more than other things that have in the Missal their own form of blessing—are to be blessed?—Response. The rubrics are to be observed." Sacred Congregation of Rites, 16 November 1649, Genoa, response to 5.

"1. Must the purificator be blessed? And insofar as affirmative: 2. What blessing is to be employed?—To the first: Negative. To the second: Provided for in the preceding case." Sacred Congregation of Rites, 7 September 1816, Todi.

"Can a ciborium or sacred pyx of gilded copper be permitted? Likewise a monstrance and lunula?—Response. Affirmative." Sacred Congregation of Rites, 31 August 1867, San Ippolito, response to 6.

On the Lunula

"Is it lawful, for exposing the Sacred Host in a monstrance, to use a lunula which consists of two small glass disks joined around and closed by a narrow rim or circle of gilded silver, so that the Sacred Host adheres underneath to the silver circle itself, but immediately touches the glass disks

themselves in front and behind, and through them is held upright?—Response. As the case is set forth, it is unbecoming to enclose the Sacred Species between glass plates whose surfaces touch them immediately." Sacred Congregation of Rites, 4 February 1871, Apostolic Vicariate of Denmark, response to 4.

"In very many churches and oratories of Gaul, the practice has gained strength in these latter times of enclosing the Sacred Host which is to be exposed in the monstrance between two suitably joined crystals and replacing it in the tabernacle without any case or covering. Hence it was asked of the Sacred Congregation of Rites: Is a practice of this kind lawful?—Response. Affirmative, provided that the Sacred Host is well enclosed within the said crystals and does not touch the crystals, according to other decrees." Sacred Congregation of Rites, 14 January 1898, Doubt.

On the Lamp before the Most Holy Sacrament and on Electric Light

"In general olive oil is to be used; but where it cannot be had, it is to be remitted to the prudence of the Bishops that the lamps be fed from other oils, insofar as possible vegetable oils." Sacred Congregation of Rites, 9 July 1864, Several Dioceses.

"Can electric light be employed in churches?—Response. For worship: Negative. But for dispelling darkness and illuminating the churches more splendidly: Affirmative; care being taken, however, lest the manner present a theatrical appearance." Sacred Congregation of Rites, 4 June 1895, Decree.

On the Renewal of the Ciborium

"The renewal of the sacramental species together with the purification of the vessels is to be made every eighth day, on Sundays, and is not to be deferred for fifteen days. Constitution *Sanctissimus* of Clement VIII, 31 August 1595." Diocesan Synod of Alba, part 2, article 4, no. 6.—From the Ceremonial of Bishops, book 1, chapter 6, no. 2: "The Eucharist is to be changed and renewed at least once in the week."

On Communion under Both Species

"18. Likewise, whether he believes that the custom, observed by the universal Church and approved by the Holy Council of Constance, of communicating lay persons under the species of bread alone is to be observed in such a way that it is not lawful to reprove it or to change it at will without the authority of the Church. And that those who obstinately say the opposite of the foregoing are to be restrained and punished as heretics or those savoring of heresy." Articles concerning which those suspected of the errors of Wyclif and Hus are to be questioned by mandate of Martin V in the Bull *Inter cunctas*.

"Since in certain parts of the world some rashly presume to assert that the Christian people ought to receive the Sacred Sacrament of the Eucharist under both species of bread and wine, and commonly communicate the lay people not only under the species of bread but also under the species of wine, even after supper or otherwise not fasting, and obstinately assert that Communion must be given contrary to the laudable custom of the Church reasonably approved, which they damnably endeavor to reprove as sacrilegious: hence it is that this present Council ... declares, decrees, and defines that, although Christ instituted this venerable Sacrament after supper and administered it to His disciples under both species of bread and wine, nevertheless, notwithstanding this, the authority of the sacred

canons and the laudable and approved custom of the Church has observed and observes that a Sacrament of this kind ought not to be confected after supper, nor received by the faithful when not fasting, except in a case of illness or of another necessity conceded or admitted by law or by the Church. And likewise, although in the primitive Church a Sacrament of this kind was received by the faithful under both species, nevertheless this custom has been reasonably introduced for avoiding certain dangers and scandals: that it be received by those confecting under both species, and by the laity only under the species of bread, since it is to be most firmly believed and in no way doubted that the entire Body and Blood of Christ are truly contained as much under the species of bread as under the species of wine, etc. Wherefore, to say that observing this custom or law is sacrilegious or unlawful is to be judged erroneous, and those obstinately asserting the opposite of the foregoing are to be restrained as heretics and gravely punished by the Diocesans of the places, or their officials, or the inquisitors of heretical depravity, etc." Definition of the Council of Constance, Session 13, On Communion under Both Species, confirmed by Martin V through the Bull *In eminentis*, 22 February 1418.

"It seems advisable that the Church should establish in a general Council that the laity are to communicate under both species; nor are the Bohemians communicating under both species heretics, but schismatics." Proposition 16 of the errors of Martin Luther, condemned by Leo X through the Bull *Exsurge Domine*, 16 May 1520.

The Council of Trent, Doctrine on Communion under Both Species and That of Little Children, Session 21

"Chapter 1. Laymen and Clerics Not Confecting Are Not Bound by Divine Law to Communion under Both Species.—Therefore the holy Synod itself, instructed by the Holy Spirit, who is the Spirit of wisdom and understanding, the Spirit of counsel and piety, and following the judgment and custom of the Church herself, declares and teaches that by no divine precept are the laity and clerics not confecting bound to receive the Sacrament of the Eucharist under both species; nor can it be doubted in any way, with faith preserved, that Communion under either species suffices for them unto salvation. For although Christ the Lord instituted this venerable Sacrament under the species of bread and wine at the Last Supper and delivered it to the Apostles, nevertheless that institution and delivery do not tend to this: that all the faithful of Christ are bound by a statute of the Lord to receive both species. Nor is it rightly gathered from that discourse in John 6 that Communion under both species was commanded by the Lord, however it may be understood according to the various interpretations of the Holy Fathers and Doctors. For He who said, *Unless you eat the flesh of the Son of Man and drink His blood, you shall not have life in you*, also said, *If anyone shall eat of this bread, he shall live forever.* And He who said, *He who eats My flesh and drinks My blood has eternal life*, also said, *The bread which I shall give is My flesh for the life of the world.* And finally, He who said, *He who eats My flesh and drinks My blood abides in Me, and I in him*, said nevertheless, *He who eats this bread shall live forever.*

"Chapter 2. The Power of the Church Concerning the Distribution of the Sacrament of the Eucharist. —It furthermore declares that this power has perpetually been in the Church: that, in the distribution of the Sacraments, their substance being preserved, she might establish or change those things which she judged to be more expedient for the benefit of those receiving them or for the veneration of the Sacraments themselves, according to the variety of circumstances, times, and places. The Apostle, however, seems not obscurely to have intimated this when he says: *Let a man so*

account of us as of the ministers of Christ and the dispensers of the mysteries of God. And that he himself used this power is sufficiently established, both in many other things and in this very Sacrament, when, after he had ordained certain things concerning its use, he says: *The rest I will set in order when I come.* Wherefore, Holy Mother Church, recognizing this authority of hers in the administration of the Sacraments, although from the beginning of the Christian religion the use of both species had not been infrequent, nevertheless, that custom having already been most widely changed in the progress of time, led by grave and just causes, approved this custom of communicating under one species and decreed that it was to be held as law, which it is not lawful to reprove or to change at will without the authority of the Church herself.

"Chapter 3. The Whole and Entire Christ and a True Sacrament Are Received under Either Species.—It furthermore declares that, although our Redeemer, as was said before, instituted this Sacrament under two species at that Last Supper and delivered it to the Apostles, it must nevertheless be confessed that even under either species alone the whole and entire Christ and a true Sacrament are received; and that therefore, as regards the fruit, those who receive one species alone are defrauded of no grace necessary for salvation.

"Chapter 4. Little Children Are Not Bound to Sacramental Communion.—Finally, the same holy Synod teaches that little children lacking the use of reason are bound by no necessity to the sacramental Communion of the Eucharist, since, regenerated through the laver of Baptism and incorporated into Christ, they cannot at that age lose the grace of the sons of God already attained. Antiquity, however, is not therefore to be condemned if it at one time observed that custom in certain places. For just as those most holy Fathers had a probable cause for their deed according to the consideration of their time, so certainly it is to be believed without controversy that they did it from no necessity of salvation.

"Canon 1. If anyone shall say that, by a precept of God or by necessity of salvation, each and all of the faithful of Christ ought to receive both species of the Sacrament of the Most Holy Eucharist: let him be anathema.

"Canon 2. If anyone shall say that the Holy Catholic Church was not led by just causes and reasons to communicate the laity, and also clerics not confecting, under the species of bread alone, or that she erred in this: let him be anathema.

"Canon 3. If anyone shall deny that the whole and entire Christ, the font and author of all graces, is received under the one species of bread, because, as some falsely assert, He is not received under both species according to the institution of Christ Himself: let him be anathema.

"Canon 4. If anyone shall say that Eucharistic Communion is necessary for little children before they arrive at the years of discretion: let him be anathema."—Cf. Session 22, Decree concerning the petition for the concession of the Chalice.

On the First Communion of Children

"It has been established by no canonical law that Communion not be administered to children before the twelfth year.... Let Pastors remember that they cannot any longer deny to children whom they find rightly disposed that supersubstantial bread which is the life of the soul and the perpetual health of the mind." Sacred Congregation of the Council, 15 March 1851; *A. S. S.*, vol. 22, p. 243.

"Whether the decrees of the Bishop of Annecy—by which the manner of admitting children to First Communion, the time at which this ought to take place, the age of twelve years, etc., were determined—are to be confirmed or invalidated in the case?—Response. In view of the circumstances of places and time, affirmative as to the first part, according to the qualification. The qualification is that the Bishop is not to prohibit Pastors from admitting to First Communion those children concerning whom it is certainly established that they have reached the age of discretion according to the decrees of the Fourth Lateran and Tridentine Councils. The Most Holy One, however, in the audience of 23 July, commanded it to be declared that the words *to First Communion* are to be understood to the exclusion of First Communion in solemn form." Sacred Congregation of the Council, 21 July 1888.—The Cardinal Prefect transmitted this explanation to the Bishop: "The Pastor can give Holy Communion to a youth whom he believes instructed and who says that he has the discretion to understand what he is doing, but privately, without any solemnity and publicity; but when it concerns administering Holy Communion in a public and solemn form, according to the custom of the churches of France, the episcopal decree must be observed."

On Communion to Be Given to Those Condemned to Death

"Those who are habitual sinners, relapsed, heedless of salvation, abandoning the Sacraments for years, etc., when overtaken by illness summon a priest, giving certain signs which are indeed weak and very suspect; which Sacraments must be administered to them absolutely, and which denied, on the supposition of danger of death? What if such a sick person has not yet made his First Communion?

"Response. Let the missionary consult approved authors. Let him nevertheless remember that, at the point of death, any one of the faithful who gives signs of repentance can be absolved by any priest from any sins and censures, and no one is then to be repelled from participation in the Sacraments, namely Extreme Unction if they are ill, and the Most Holy Viaticum, unless, as regards Viaticum, there is opposed the custom by which it is denied to those who will soon be punished with the supreme penalty; concerning that custom, however, nothing is here pronounced." Sacred Congregation of the Holy Office, 9 May 1821; C. 724.

"1. What is to be said of Christians or priests who, because of the faith, are condemned not only to perpetual or temporary imprisonment but also to undergo death by the noose or sword? Can the Most Holy Sacrament be carried to them on the preceding day or on the very day of their execution? And then ought it to be administered to them as Viaticum to the dying, or as ordinary Communion to those in good health?—2. What is to be said of Christians condemned to prison or even to death not because of the faith, but because of true crimes or crimes unjustly imputed to them—as happens not rarely? Can the Sacrament of the Most Holy Eucharist be carried to them when they are attrite and sacramentally absolved, especially if they request it?—Response. To the first: Affirmative, and by way of Viaticum.—To the second: Affirmative, and according to the mind, which is that the Apostolic Vicar should take the greatest care that those condemned to death are refreshed by the heavenly bread." Sacred Congregation for the Propagation of the Faith, 21 July 1841; C. 728.

On Preparation for Communion

"15. The error is great of those who approach the Sacrament of the Eucharist relying on this: that they have confessed, that they are not conscious to themselves of any mortal sin, and that they have sent their prayers and preparations before them; all these eat and drink judgment to themselves. But if they believe and trust that they will obtain grace there, this faith alone makes them pure and worthy." Proposition of Martin Luther condemned by Leo X.

"22. Those are to be judged sacrilegious who claim a right to receive Communion before they have performed a worthy penance for their offenses.—23. Likewise, those in whom there is not yet the most pure love of God, free from every admixture, are to be restrained from Holy Communion."—Propositions condemned by Alexander VIII. Cf. C. 719, 722.

On the Dispositions Necessary for Receiving Holy Viaticum

"To a sick person near death who has been deemed worthy of absolution from sins, Holy Viaticum is also to be conceded." Sacred Congregation for the Propagation of the Faith, 26 July 1845.

"Viaticum is not to be administered unless they at least distinguish spiritual food from corporeal food, recognizing and believing the presence of Christ the Lord in the Sacred Host." Sacred Congregation of the Holy Office, 10 April 1861.

On Confession to Be Premised before Communion

"38. The command of Trent, made to a priest who sacrifices from necessity while in mortal sin, to confess as soon as possible, is a counsel, not a precept.—39. That expression *as soon as possible* is understood as: when the priest shall confess at his own time."—Propositions condemned by Alexander VII.

Frequent Communion

"56. Frequent confession and Communion, even in those who live in a pagan manner, is a sign of predestination." Proposition condemned by Innocent XI.

Decree of the Sacred Congregation of the Council, 12 February 1679, approved by Innocent XI.

"Although the frequent or daily use of the Most Holy Eucharist was always approved in the Church by the Holy Fathers, they nevertheless never established certain days in each month or week for receiving it or abstaining from it more often; neither did the Council of Trent prescribe them, but, as though taking human infirmity into consideration, commanding nothing, it merely indicated what it desired when it said: *The Holy Synod would indeed desire that at each Mass the faithful present should communicate by the sacramental reception of the Eucharist*. And not without reason: for the recesses of consciences are manifold, the distractions of spirit on account of business are various; on the other hand, many graces and gifts of God are granted to little ones. Since we cannot scrutinize these things with human eyes, certainly nothing can be established concerning the worthiness or integrity of each person, and consequently concerning the more frequent or daily eating of the living bread. Therefore, as regards businessmen themselves, frequent approach to receiving the sacred nourishment is to be left to the judgment of confessors who explore the secrets of the heart. From the purity of consciences, the fruit of frequency, and progress in piety, they must prescribe to lay businessmen and

married persons that which they foresee will benefit their salvation. In married persons they shall take further notice of this: since the Blessed Apostle wills that they not defraud one another except perhaps by consent for a time, that they may give themselves to prayer, let them seriously admonish them that, all the more from reverence for the Most Holy Eucharist, they are to give themselves to continence and are to come to Communion at the heavenly banquet with a purer mind.

"Therefore, the diligence of Pastors will especially be watchful in this matter—not that some be deterred from the frequent or daily reception of Holy Communion by one formula of precept, or that days for receiving be generally established, but rather that they judge, either by themselves or through Pastors or confessors, what is to be permitted to each. And let them wholly provide that no one, whether he approaches frequently or daily, be repelled from the sacred banquet; and nevertheless let them take care that each person, worthily and according to the measure of his devotion and preparation, taste more rarely or more frequently the sweetness of the Lord's Body.

"Likewise, nuns who petition daily Holy Communion are to be admonished that they communicate on the days established by the institution of their order; but if some shine with purity of mind and have become so ardent with fervor of spirit that they can be seen to be worthy of a more frequent or daily reception of the Most Holy Sacrament, let this be permitted to them by their superiors. It will also be profitable, besides the diligence of Pastors and confessors, to employ the work of preachers and to have it established with them that, when the faithful have approached the frequent reception of the Most Holy Sacrament—as they ought to do—they should immediately give a discourse concerning the great preparation for receiving it, and in general should show that those who are aroused by devout zeal to a more frequent or daily reception of the salutary food, whether lay businessmen, married persons, or any others, ought to recognize their infirmity, so that from the dignity of the Sacrament and fear of the divine judgment they may learn to revere the heavenly table at which Christ is present; and if at any time they perceive themselves to be less prepared, they are to abstain from it and gird themselves for greater preparation. Bishops, however, in whose dioceses devotion of this kind toward the Most Holy Sacrament flourishes, shall give thanks to God for it, and they themselves ought to foster it with the moderation of prudence and judgment employed. They shall be thoroughly persuaded that their office demands that no labor or diligence be spared, so that every suspicion of irreverence or scandal in the reception of the true and immaculate Lamb may be removed and virtues and gifts may be increased in those receiving. This will abundantly happen if those who, by the assistance of divine grace, are held by a devout zeal of this kind and desire to be refreshed more frequently by the Most Sacred Bread accustom themselves to examine their powers and to prove themselves with fear and charity.... Furthermore, let Bishops and Pastors or confessors reprove those who assert that daily Communion is of divine law.... Let them not permit confession of venial sins to be made to a simple priest not approved by the Bishop or Ordinary."

On the Time of Fasting Required for Communion

Cf. On the Sixth Precept of the Church, no. 1571.

On Fasting with Regard to Those Recently Baptized

"Although the fast seems to be broken by the salt tasted beforehand by catechumens in the conferral of Baptism, there is nevertheless still no doubt that after receiving Baptism they can, indeed ought,

be admitted to Holy Communion. Thus the Church wholly prescribes in the Roman Ritual, where it hands down the rite by which Baptism is to be conferred upon adults; for it is within her power to dispense in particular cases from the general law of the Eucharistic fast, introduced by her own authority for those who desire to receive Holy Communion outside danger of death." Sacred Congregation for the Propagation of the Faith, 13 February 1806.

The Fast Required with Regard to Mass

"Whether, for reason of scandal or wonder, it can ever be permitted to celebrate a second Mass after the first when the fast has already been broken.—Response. Negative." Holy Office, 2 December 1874; C. 793.

On the Nature of the Sacrifice of the Mass

"5. It is not founded in the Gospel that Christ ordained the Mass." Proposition of John Wyclif condemned by the Council of Constance.

"45. The Sacrifice of the Mass is a sacrifice in no other sense than that general one by which every work that is done so that man may adhere to God in holy fellowship is a sacrifice." Proposition of Michael Baius condemned by St. Pius V.

"I profess that in the Mass a true, proper, and propitiatory Sacrifice is offered to God for the living and the dead." Tridentine Profession of Faith. The same is contained in the same words in the Profession of Faith for Easterners prescribed by Urban VIII and Benedict XIV.

The Council of Trent, Decree on the Sacrifice of the Mass, Session 22

"Chapter 1. On the Institution of the Most Holy Sacrifice of the Mass.—Since under the former testament, as the Apostle Paul testifies, there was no consummation because of the weakness of the Levitical priesthood, it was necessary, God the Father of mercies so ordaining, that another Priest according to the order of Melchizedek should arise, Our Lord Jesus Christ, who could consummate and bring to perfection all, however many, who were to be sanctified. Therefore, although He, our God and Lord, was once to offer Himself upon the altar of the Cross to God the Father, death intervening, so that He might there work eternal redemption, nevertheless, because His priesthood was not to be extinguished by death, at the Last Supper, on the night in which He was betrayed, in order that He might leave to His beloved spouse the Church a visible Sacrifice, as the nature of men requires, by which that bloody Sacrifice once to be accomplished upon the Cross might be represented, and its memory might remain even to the end of the world, and its salutary power might be applied for the remission of those sins which are daily committed by us—declaring Himself constituted a Priest forever according to the order of Melchizedek—He offered His Body and Blood under the species of bread and wine to God the Father; and under the symbols of the same things He delivered them to the Apostles, whom He then constituted priests of the New Testament, that they might receive them; and by these words, *Do this in commemoration of Me*, He commanded them and their successors in the priesthood to offer them, as the Catholic Church has always understood and taught. For, after celebrating the old Passover, which the multitude of the children of Israel sacrificed in memory of the departure from Egypt, He instituted the new Passover: Himself to be immolated by the Church through priests under visible signs, in memory of His passage from this world to the

Father, when by the shedding of His Blood He redeemed us, rescued us from the power of darkness, and transferred us into His kingdom. And this indeed is that clean oblation which cannot be defiled by any unworthiness or malice of those offering; which the Lord foretold through Malachi would be offered clean in every place to His name, which was to be great among the nations; and which the Apostle Paul not obscurely indicates when, writing to the Corinthians, he says that those who have been defiled by participation in the table of demons cannot be partakers of the table of the Lord, understanding by 'table' the altar in both places. Finally, this is that oblation which was prefigured by the various similitudes of sacrifices in the time of nature and of the Law, since it comprises all the good things signified by them, as the consummation and perfection of them all.

"Chapter 2. The Visible Sacrifice Is Propitiatory for the Living and the Dead.—And since in this divine Sacrifice which is performed in the Mass the same Christ is contained and immolated in an unbloody manner who once offered Himself in a bloody manner upon the altar of the Cross, the holy Synod teaches that this Sacrifice is truly propitiatory and that through it this comes to pass: that, if we approach God with a true heart and right faith, with fear and reverence, contrite and penitent, we obtain mercy and find grace in seasonable aid. For the Lord, appeased by its oblation and granting grace and the gift of penance, remits crimes and sins, even enormous ones. For the Victim is one and the same, the same now offering through the ministry of priests who then offered Himself on the Cross, the manner of offering alone being different. Indeed, the fruits of that bloody oblation are received most abundantly through this unbloody one; so far is it from derogating in any way from that one. Wherefore it is rightly offered not only for the sins, penalties, satisfactions, and other necessities of the faithful living, but also for those deceased in Christ who are not yet fully purified, according to the tradition of the Apostles.

"Chapter 3. On Masses in Honor of the Saints.—And although the Church has sometimes been accustomed to celebrate certain Masses in honor and memory of the Saints, she nevertheless does not teach that Sacrifice is offered to them, but to God alone, who crowned them. Hence the priest is not accustomed to say: 'I offer Sacrifice to you, Peter or Paul,' but, giving thanks to God for their victories, he implores their patronage, so that those whose memory we celebrate on earth may deign to intercede for us in heaven.

"Chapter 4. On the Canon of the Mass.—And since it is fitting that holy things be administered holily, and since this is the holiest Sacrifice of all, the Catholic Church, so that it might be offered and received worthily and reverently, instituted the Sacred Canon many centuries ago, so pure from every error that nothing is contained in it which does not especially savor of holiness and a certain piety and raise the minds of those offering to God. For it consists both of the very words of the Lord and of the traditions of the Apostles and also of the pious institutions of holy Pontiffs.

"Chapter 5. On the Solemn Ceremonies of the Sacrifice of the Mass.—And since the nature of men is such that it cannot easily be raised to the meditation of divine things without external helps, Holy Mother Church has therefore instituted certain rites: namely, that some things in the Mass be pronounced in a low voice and others in a louder voice. She has likewise employed ceremonies such as mystical blessings, lights, incense, vestments, and many other things of this kind from Apostolic discipline and tradition, whereby both the majesty of so great a Sacrifice might be commended and the minds of the faithful might be excited by these visible signs of religion and piety to the contemplation of the most sublime things which lie hidden in this Sacrifice.

"Chapter 6. On the Mass in Which the Priest Alone Communicates.—The Holy Synod would indeed desire that at each Mass the faithful present communicate not only by spiritual affection but also by sacramental reception of the Eucharist, so that a more abundant fruit of this Most Holy Sacrifice might come to them. Nevertheless, if this is not always done, it does not on that account condemn as private and unlawful those Masses in which the priest alone communicates sacramentally, but approves and even commends them, since those Masses also ought to be regarded as truly common: partly because in them the people communicate spiritually, and partly because they are celebrated by a public minister of the Church not only for himself but for all the faithful who pertain to the Body of Christ.

"Chapter 7. On Mixing Water with the Wine to Be Offered in the Chalice.—The holy Synod next admonishes that it was commanded by the Church that priests mix water with the wine to be offered in the chalice, both because Christ the Lord is believed to have done so and because water together with blood came forth from His side, a Sacrament which is recalled by this mixture; and since waters in the Apocalypse of Blessed John are called peoples, the union of the faithful people with Christ their Head is represented.

"Chapter 8. On Not Celebrating Mass Everywhere in the Vernacular Language and on Explaining Its Mysteries to the People.—Although the Mass contains great instruction for the faithful people, it nevertheless did not seem expedient to the Fathers that it should be celebrated everywhere in the vernacular language. Wherefore, with the ancient rite of each Church retained everywhere, a rite approved by the Holy Roman Church, the mother and teacher of all Churches, the holy Synod, lest the sheep of Christ hunger and the little ones ask for bread and there be no one to break it for them, commands Pastors and each of those bearing the care of souls that, frequently during the celebration of Masses, either by themselves or through others, they expound something from those things which are read in the Mass, and that among other things they explain some mystery of this Most Holy Sacrifice, especially on Sundays and feast days.

"Canon 1. If anyone shall say that in the Mass a true and proper Sacrifice is not offered to God, or that to be offered is nothing other than Christ being given to us to eat: let him be anathema.

"Canon 2. If anyone shall say that by those words, *Do this in commemoration of Me*, Christ did not institute the Apostles as priests, or did not ordain that they and other priests should offer His Body and Blood: let him be anathema.

"Canon 3. If anyone shall say that the Sacrifice of the Mass is only one of praise and thanksgiving, or a bare commemoration of the Sacrifice accomplished on the Cross, but not propitiatory; or that it profits only the one receiving; and that it ought not to be offered for the living and the dead, for sins, penalties, satisfactions, and other necessities: let him be anathema.

"Canon 4. If anyone shall say that blasphemy is inflicted upon the Most Holy Sacrifice of Christ accomplished on the Cross through the Sacrifice of the Mass, or that by it there is derogation from the former: let him be anathema.

"Canon 5. If anyone shall say that it is an imposture to celebrate Masses in honor of the Saints and for obtaining their intercession with God, as the Church intends: let him be anathema.

"Canon 6. If anyone shall say that the Canon of the Mass contains errors and therefore is to be abrogated: let him be anathema.

"Canon 7. If anyone shall say that the ceremonies, vestments, and external signs which the Catholic Church employs in the celebration of Masses are incentives to impiety rather than duties of piety: let him be anathema.

"Canon 8. If anyone shall say that Masses in which the priest alone communicates sacramentally are unlawful and therefore to be abrogated: let him be anathema.

"Canon 9. If anyone shall say that the rite of the Roman Church by which a part of the Canon and the words of consecration are pronounced in a low voice is to be condemned; or that water is not to be mixed with the wine to be offered in the chalice because this is contrary to the institution of Christ: let him be anathema."

Mass for Unbelievers, Heretics, and Excommunicated Persons

Benedict XIV, Constitution *Ex quo*, 1 March 1756, speaking of the discipline of Easterners who make commemoration of the king in the Sacred Liturgy even though he is an unbeliever, has the following: "But if someone were to ask by what reason this can be tolerated where it is certainly established that those kings for whom they pray and whom they commemorate in the Liturgy are unbelievers, the Venerable Cardinal Bellarmine would respond to him—as in fact he did respond—that it is in no way forbidden by the nature of the matter, as theologians say, to pray in the Mass even for unbelievers, since the Sacrifice of the Cross was offered for all. And indeed St. Thomas, in book 4 of the *Sentences*, distinction 12, question 2, article 2, little question 2, response to 4, teaches that, although St. Augustine wrote in the book *On the Origin of the Soul* that the Sacrifice is offered only for those who are members of Christ, this opinion must nevertheless be understood so that it embraces all who either are already members of Christ or can become such. Wherefore the same Cardinal adds that the whole matter is to be measured by the prohibition of the Church: 'It is certain from the nature of the matter, if there is no prohibition of the Church, that it is lawful to offer for persons of this kind'; he is speaking of unbelievers. And since a prohibition of this kind exists as regards excommunicated persons, and hence as regards heretics and schismatics, but not as regards unbelievers, who are not bound by excommunication, he says that this is sufficient so that commemoration of them can be made in the Mass and even the Sacrifice offered for them according to the manifest tradition concerning this matter and the Apostolic constitution. But someone will ask whether, if the king is an unbeliever, as in Greece where the Turk rules, and in India and Japan and among the Chinese where pagans reign, it is lawful for the priests who are there expressly to offer for the king. I respond: I judge it lawful, provided that the king is not excommunicated, as heretical kings are, but is pagan or heathen. For this tradition, and even constitution, is Apostolic, as we showed a little above. Nor does there exist, so far as I know, any manifest prohibition of the Church. To these things the text of Tertullian, *To Scapula*, chapter 2, occurs as not unprofitably to be added, where it is thus read: 'We sacrifice for the safety of the Emperor, but to our God and his, and as God has commanded, with pure prayer; for God, the founder of the universe, has no need of anyone's honor or blood.' But leaving assertions of this kind in their own probability, etc."

Mass Is Profitably Offered for the Dead

"But if the truly penitent depart in charity before they have made satisfaction by worthy fruits of penance for things committed and omitted, their souls are purified after death by the punishments of Purgatory ... and for relieving punishments of this kind the suffrages of the living faithful profit them, namely the Sacrifices of Masses, prayers, almsgiving, and other offices of piety which, according to the institutions of the Church, the faithful have been accustomed to perform for other faithful." Confession of faith of Michael Palaeologus. The same is defined in the same words in the Council of Florence, Decree of Union, in the Bull of Eugene IV, *Laetentur coeli*.

The Sacrifice of the Mass Is Independent of the Merit of the Priest

"In the Sacrifice of the Eucharist ... nothing greater is accomplished by a good priest nor less by a bad priest, because it is effected not by the merit of the one consecrating but by the word of the Creator and in the power of the Holy Spirit." Profession of faith prescribed to the Waldensians.

A Requiem Mass Applied for the Living or for Others

"1. Is it lawful for priests to use black vestments and celebrate a Requiem Mass in order to satisfy an obligation which they undertook to celebrate according to the intention of the person giving the alms, when they are wholly ignorant of what his intention is, whether for the dead or not? 2. Is it lawful for priests to use black vestments and celebrate a Requiem Mass in order to satisfy an obligation which they undertook to celebrate for the living?—Response. To the first: Affirmative. To the second: Affirmative, provided that the person who gave the alms did not prescribe otherwise." Sacred Congregation for the Propagation of the Faith, 13 October 1856.

"Must a priest celebrating Mass while performing funeral rites, without having received a stipend, apply it for the deceased himself, or can he apply the Sacrifice for others who petition and offer alms? —Response. Negative to the first part; affirmative to the second." Sacred Congregation of the Council, 27 April 1895; *M. E.*, vol. 9, part 1, p. 73.

On the Application of the Fruit of the Sacrifice

"30. The doctrine of the Synod, which, while professing that it believes the oblation of the Sacrifice extends to all, yet in such a way that a special commemoration of some, both living and dead, can be made in the Liturgy by praying to God particularly for them, then immediately subjoins: 'Not, however, because we believe that it is within the judgment of the priest to apply the fruits of the Sacrifice to whomever he wishes; indeed, we condemn this error as greatly offending the rights of God, who alone distributes the fruits of the Sacrifice to whom He wills and according to the measure which pleases Him.' Hence it also consequently disparages as a false opinion introduced among the people that those who supply alms to a priest under the condition that he celebrate one Mass receive a special fruit from it; understood thus: that, besides the particular commemoration and prayer, the special oblation itself, or application of the Sacrifice, which is made by the priest, profits—other things being equal—those for whom it is applied no more than any others, as though no special fruit arose from the special application which the Church commends and commands to be made for determinate persons or classes of persons, especially by Pastors for their sheep; and this is expressly stated by the Holy Synod of Trent as descending, as it were, from a divine precept, Session 23,

chapter 1, On Reformation; Benedict XIV, Constitution *Cum semper oblatas*, section 2. False, rash, pernicious, injurious to the Church, inducing into an error otherwise condemned in Wyclif." Proposition of the Synod of Pistoia condemned by Pius VI.

"19. Special prayers applied to one person by prelates or religious profit that person no more than general prayers, other things being equal." Article of John Wyclif condemned by the Council of Constance.

On Multiple Mass Stipends

"8. A priest can lawfully accept a doubled stipend for the same Mass by applying to the petitioner even the most special part of the fruit corresponding to the celebrant himself, and this after the decree of Urban VIII."—"10. It is not contrary to justice to accept a stipend for several Sacrifices and to offer one Sacrifice. Nor is it contrary to fidelity, even if I promise, by a promise confirmed even by oath, to the person giving the stipend that I shall offer for no other." Propositions condemned by Alexander VII.

On the Obligation of Celebrating by Reason of a Benefice

"1. Can priests who are obliged by reason of a benefice, chaplaincy, legacy, or stipend to celebrate Mass daily by themselves sometimes cease from celebration? 2. When and how often can they cease from the said celebration? 3. On days of lawful cessation, can they celebrate Mass for themselves or for others besides the founders; and insofar as affirmative, 4. Can they, when celebrating for others, receive a stipend for a celebration of this kind? 5. On those days on which they lawfully cease from celebration, are they bound to have Mass celebrated by others according to the intention of the founders? 6. Can priests bound as above to celebrate Mass daily, but without the burden of celebrating by themselves, sometimes cease from celebration?

"Response. To the first and second: Affirmative, when some reasonable cause concurs.—To the third, fourth, and sixth: Negative. As to the fifth, it deferred the resolution." Sacred Congregation of the Council, 18 September 1683. And on 13 November 1683, it responded as regards the fifth doubt "that a resolution will be given in particular cases." Cf. *A. S. S.*, vol. 7, p. 179; Benedict XIV, Notification 56.

On the Obligation of Applying Mass on Suppressed Feast Days as Regards Beneficiaries

"Since several benefices have from their foundation the burden of applying Mass on all feast days, the doubt arises whether individual beneficiaries are bound to this even on feasts hitherto suppressed by the Apostolic See.—Response. According to resolutions issued elsewhere in similar matters, they are bound." Sacred Congregation of the Council, 15 December 1856.

Does the obligation exist of celebrating Mass in a particular church or at an altar, imposed only for feast days of precept, also on those days which, though days of precept at the time of the founder, were afterward suppressed?—Response. Negative, if namely that obligation was imposed only for the greater convenience of the people. Sacred Congregation of Bishops and Regulars, 1 March 1872. Cf. *A. S. S.*, vol. 7, p. 276.

On the Mass for the People

Cf. no. 213.

On the Lawfulness of a Stipend for the Celebration of Masses

"54. Likewise, it marks as a shameful abuse ever to claim alms for celebrating Masses and administering Sacraments, as also to receive any revenue called stole-right, and in general any stipend and honorarium whatsoever which is offered on the occasion of suffrages or of any parochial function —as though the ministers of the Church who, according to the received and approved custom and institution of the Church, use the right promulgated by the Apostle of receiving temporal things from those to whom spiritual things are ministered were to be marked with the charge of a shameful abuse. False, rash, injurious to ecclesiastical and pastoral right, insulting to the Church and her ministers." Proposition of the Synod of Pistoia condemned by Pius VI.

On Not Multiplying the Burdens of Masses Excessively

By the Constitution *Nuper* of Innocent XII, 25 December 1697, it is forbidden to undertake new burdens of Masses unless those already undertaken can be satisfied within a short time, or, if this cannot be done, unless the donors know and consent. The Sacred Congregation of the Council on 17 July 1655 defined a short time as one month. Hence, lest Mass stipends be accumulated excessively, several prescriptions are made in the same Constitution. Among other things, rectors of churches and superiors of regulars are commanded that a table describing in clear and intelligible letters the perpetual and temporary burdens be kept in a more open and conspicuous place. Likewise, they are to keep two books and note in the one the individual perpetual and temporary burdens, and in the other the manual Masses and their fulfillment, and they are to render an account to their prelates each year. Benedict XIV, *On the Diocesan Synod*, book 12, chapter 7, nos. 4-5; La-Croix, nos. 68, 98, 100, 106, 110, 111. Cf. *M. E.*, vol. 5, part 2, p. 17; vol. 8, part 2, p. 25; C. 866.

On a Mass Entrusted to Another, with Part of the Stipend Retained

"9. After the decree of Urban, a priest to whom Masses to be celebrated are entrusted can satisfy through another, a smaller stipend having been conferred upon him and another part of the stipend retained for himself." Proposition condemned by Alexander VII.

In benefices which are conferred as a title, the beneficiary is not bound to give a stipend in proportion to the revenues of the benefice; "but it is sufficient that the rector of the benefice, who can celebrate through another, give to the priest celebrating a fitting alms according to the custom of the city or province, unless something else was provided in the foundation of the benefice itself." Sacred Congregation of the Council, approved by Urban VIII, Constitution *Cum saepe*, 21 June 1625. Cf. *A. S. S.*, vol. 4, p. 39 ff., 537 ff.; C. 867.

"It is lawful for a removable chaplain to retain part of the stipend, provided that certain revenues have been established annually for the chaplaincy; but otherwise if a certain alms is given to a chaplain of this kind for each Mass to be celebrated." Sacred Congregation of the Council, 15 March 1745.

"Chaplains who are legitimately impeded on some day of any week and who satisfy the celebration of Masses through another priest are not bound to pay this priest the stipend established for the chaplains, but only a manual alms." Sacred Congregation of the Council, 14 April 1725.

"The entire alms is to be paid by a Pastor in manual Masses, unless it is established with moral certainty that the excess over the common alms was offered in view of the Pastor himself." Sacred Congregation of the Council, 25 July 1874. Cf. *M. E.*, vol. 6, part 1, p. 169 ff.

A testator left 500 scudi to Church N., so that from the revenues each year as many Masses as could be celebrated would be celebrated, with alms of three *libellae* given for each. It is asked: Could the aforesaid church give one *libella* to the celebrant, retaining the other two for itself? The response was: "Only the customary alms is owed to the priest celebrating; the remainder, however, falls to the benefit of the church." Sacred Congregation of the Council, 3 August 1638; *A. S. S.*, vol. 4, p. 41.

Catherine de Saccharo imposed upon her heirs the celebration in perpetuity of as many annual Masses, at an alms of three *libellae* for each, as could be celebrated from the fruits of the inheritance. A part of this inheritance fell to a seminary, which asked the Sacred Congregation whether it could give one *libella* for each Mass.—The response was affirmative. 18 July 1690. Cf. *M. E.*, vol. 1, p. 479 ff.

On the Reduction of Masses

"Can a Bishop reduce burdens of Masses not yet accepted without the good pleasure of the Apostolic See or of this Sacred Congregation whenever, because of the smallness of the legacy, he judges the reduction to be necessary from the fact that the pious place refuses to accept the legacy unless the burden is diminished?—Response. Negative." Sacred Congregation of the Council, 20 June 1682. Cf. the Decrees of the same Sacred Congregation issued by authority of Urban VIII, 21 June 1625 and 23 November 1697; Constitution *Nuper* of Innocent XII; La-Croix, no. 63 ff.; L. 331; *On Privileges*, no. 70; Lucidi, *On Visitation*, chapter 7, section 1, no. 78; Benedict XIV, *On the Diocesan Synod*, book 13, final chapter, no. 18; C. 866.

On Administrators of Churches

"Is it to be permitted to administrators of churches to retain some portion of the alms for the expenses of maintaining the church, altars, servers, vestments, lights, wine, hosts, and similar things?" The Sacred Congregation of the Council, by a decree approved by Urban VIII on 21 July 1625 and confirmed by Innocent XII on 23 November 1697, responded: "It is not to be permitted that churches and pious places, or their administrators, retain any portion, however small, from the alms for Masses to be celebrated by reason of the expenses which they undergo in the celebration of Masses, unless the churches and pious places have no other revenues which they can lawfully expend for the use of the same expenses. And then the portion which they retain ought in no way to exceed the value of the expenses which must necessarily be undergone only for the Sacrifice of the Mass itself. Nevertheless, even in that case care is to be taken that, from the monies which remain after the expenses have been deducted as above, absolutely as many Masses are celebrated as were prescribed by those offering the alms." The aforesaid prohibition regards manual Masses, but by no means legacies and other perpetual foundations, from which it will be lawful to deduct the assessment for requisites, as the same Sacred Congregation of the Council has resolved several times in particular cases. *A. S. S.*, vol. 21, p. 301 ff.; *M. E.*, vol. 5, part 2, p. 147. Likewise, the same Sacred Congregation

of the Council on 7 July 1726 established: "The Archpriest is not bound to supply the requisites in question—wine and hosts—to those who celebrate in his church from an obligation of benefice or chaplaincy, except those with whom he has particular agreements. But as regards occasional Masses, he is bound to the said supply insofar as he permits them to be celebrated in his church; nor is he bound to admit these occasional Masses unless the requisites are paid for by the celebrants." *A. S. S.*, vol. 12, p. 234 ff.; vol. 21, p. 301 ff.; Decree 96, response to 3.

Mass Stipends in View of the Person

"...They set forth: The Brief *Quanta cura* of 30 June 1741 had come to their notice.... Since in those regions of Holland under the yoke of heretics or unbelievers there are no ecclesiastical benefices or certain revenues for the support of life, ample Mass stipends and alms are customarily given by the pious faithful to Catholic Pastors and missionaries for the celebration of those Masses, so that from these stipends and alms they may receive support in default, as above, of benefices or certain ecclesiastical revenues. Sometimes, however, the same stipends and alms are given by reason of particular affection or gratitude toward those missionaries and Pastors, but not without regard to the aforesaid support. Many times also, especially at funerals, anniversaries, and greater feasts, the aforesaid Mass stipends and alms are given by way of one honorarium which the faithful from pious devotion are accustomed to confer on the occasion of the Sacraments of Penance and Holy Communion. Since these things are so, the Pastors and missionaries had no scruple about retaining for themselves part of the stipends and alms and entrusting the Masses to other needy priests who assist under the name of chaplains or coadjutors and take the place of those same missionaries and Pastors when they are absent or impeded by illness and in other similar necessities. But if the missionaries and Pastors were hereafter bound to hand over the whole alms received for the celebration of Masses to the substitute priest who offers the Sacrifice, either the missionaries themselves would be deprived of fitting support or, if they could not give part and a portion of the said stipend or alms to the priest celebrating—especially for the chaplains and coadjutors necessary as above—assistance of this kind would be lacking in those regions in which certain revenues and benefices for the support of the ministers of the Church are lacking.

"Therefore, these and other particular circumstances having been diligently considered, they most humbly supplicate Your Holiness for an opportune declaration.

"Response. Our Most Holy Lord Pope Benedict XIV benignly declared by an oracle of the living voice that the aforesaid cases are not comprehended in the prohibition contained in the above-mentioned Brief; and he further commanded that this declaration of his mind be signified through the office of the Sacred Penitentiary to the aforesaid petitioners and to others whom it shall concern...." Sacred Penitentiary, 6 April 1742.

How Masses Are to Be Assessed

"If the person giving the alms did not prescribe the number of Masses to be celebrated, then as many Masses must be celebrated as the Ordinary shall prescribe according to the custom of the city or province." Innocent XII, Constitution *Nuper*; La-Croix, no. 90.

On Commerce on the Occasion of Masses

"The editor of a certain religious periodical asks the Sacred Penitentiary whether he can with a safe conscience give his periodical to priests on this condition: that they celebrate a number of Masses corresponding to the price which is paid by others for the periodical?—Response. Affirmative, provided that the Masses are celebrated." Sacred Penitentiary, 6 October 1862. "1. Can a priest, under the pretext of distributing religious books, with a safe conscience buy them and afterward sell them at the current price among booksellers, so that he gains twenty, thirty, or forty percent? 2. Can he accept Mass stipends for books sold and offer to the buyer, without payment, books proportionate to the profit received? 3. Can the same priest sell the aforesaid books to other priests lacking Mass stipends, with the obligation of celebrating Masses corresponding to the price of these books, so that he himself obtains a profit of thirty, forty, or fifty percent?—Response. Every kind of business or commerce relative to Masses to be celebrated is prohibited to priests by canon law, and especially by the Constitution *Apostolicae servitutis* of Benedict XIV. But if any doubt remains for the aforesaid priest, let him set it forth to the Sacred Penitentiary." Sacred Penitentiary, 19 November 1863.

"1. Does the manner of acting of those booksellers or merchants savor of shameful commerce, and therefore is it to be disapproved and, if necessary, restrained by the Bishops even with ecclesiastical penalties, who by employing public invitations and premiums, or in any other manner whatsoever, collect Mass alms and repay the priests to whom they entrust the celebration of them not with money but with books or other wares?

"2. Can this manner of acting therefore be rendered honorable, either because, without any diminution being made, as many Masses are entrusted for celebration by the aforesaid collectors as correspond to the alms collected, or because through it assistance is given to poor priests who lack Mass alms?

"3. Are collections and distributions of alms of this kind even then to be disapproved and restrained by the Bishops, as above, when the profit which is drawn from the exchange of wares for alms is spent not for the private advantage of those collecting, but for the use or increase of pious institutions and good works?

"4. Do those participate in shameful commerce, and therefore are they to be disapproved and even restrained as above, who hand over to booksellers, merchants, and other collectors the Mass alms received from the faithful or from pious places, whether or not they receive anything from the same persons by way of a reward?

"5. Do those participate in shameful commerce, and therefore are they to be disapproved as above, who receive from the said booksellers and merchants, for Masses to be celebrated, books or other wares at either a reduced or the full price?

"6. Do those act unlawfully who, for Masses celebrated, receive in place of a stipend books or other wares, every kind of business or shameful profit having been excluded?

"7. Is it lawful for Bishops, without special permission of the Holy See, to deduct something from the Mass alms which the faithful are accustomed to give to more celebrated shrines, so that provision may be made for their decor and ornament, especially when they lack revenues of their own?

"8. Whether and what is to be done by Bishops lest more Mass alms be accumulated at the same shrines than can be discharged there within the prescribed or short time?

"9. Whether and what is to be done by Bishops so that the Masses entrusted for celebration by the faithful, whether to individual priests or to churches and pious places, may be accurately and faithfully discharged?

"Response. To the first: Affirmative.—To the second: Negative.—To the third: Affirmative.—To the fourth: Affirmative.—To the fifth: Affirmative.—To the sixth: Negative.—To the seventh: Negative, unless with the consent of the donors.—To the eighth and the ninth: The Apostolic Constitutions and Decrees previously issued are to be followed." Sacred Congregation of the Council, 25 July 1874.

V. "Whether and in what manner the decree of the Bishop of Caltanissetta is to be upheld, which absolutely prohibits the priests of his diocese from receiving books or religious periodicals for Masses to be celebrated, in the case?"

Moreover, the aforesaid Bishop had asked the following concerning that prohibition, which he had established more strictly:

"1. Do those act unlawfully who are not booksellers, merchants, or otherwise seekers of Masses to be celebrated, but ecclesiastical men to whom Mass alms are voluntarily handed over by the faithful, and who offer those Masses for celebration to priests in order to disseminate good books or religious periodicals, so that the latter may thereby receive books or periodicals in place of a stipend?

"2. Do priests of this kind act unlawfully who either accept the Masses offered to them by the above-mentioned ecclesiastics, or themselves request them for celebration, so that they may thereby accept or request books or periodicals in place of the stipend for Masses already celebrated, when they otherwise know or persuade themselves that they would not obtain the same Masses to be celebrated for an actual alms?"

VI. "Whether and in what manner the directors or administrators of religious periodicals are to be disapproved who entrust Masses to priests for celebration, retaining from their alms a price corresponding to the periodicals themselves, in the case?"

The Sacred Congregation of the Council, on 24 April 1875, responded: "To V, the doubt having been reformulated: Whether and in what manner an answer is to be given to the Bishop of Caltanissetta in the case? Negative in all respects to both."

"To VI. Negative, provided that nothing is taken away from the will of the founders or donors concerning the amount of the stipend and the place and time of the celebration of the Masses; every deliberate collection of Masses being excluded; and the person to whom it pertains by right being informed of the completed celebration of the Masses; after a report was made to the Holy Father." Cf. *A. S. S.*, vol. 8, p. 653.

Decree of the Sacred Congregation of the Council Concerning Mass Alms

"With vigilant zeal this Sacred Congregation has continually applied itself to removing and uprooting abuses concerning the celebration of Masses, and it has issued many decrees by which it willed that

every damnable profit in this matter be removed, and commanded that the pious wills of testators and the faith pledged to benefactors be observed exactly and guarded religiously.

"Therefore, to restrain the depraved license of certain persons who used Masses in order more easily to exchange periodicals, books, and other merchandise with the clergy, it established several provisions and, with Pope Pius IX of happy memory approving, took care that they be published and made known to Ordinaries, so that they might be observed by all. For, among other things, the following doubts were proposed:

"1. Whether it savors of shameful commerce, etc. (These are doubts 1, 2, 3, 4, and 5 reported above, together with their respective responses.)

"But since in these most recent years it has become evident that salutary provisions of this kind have rather frequently been neglected through ignorance or malice, and that abuses in this matter have grown exceedingly strong and widespread, the Most Eminent Fathers of the Sacred Congregation, the interpreters and defenders of the Council of Trent, after all matters had been maturely considered in two general assemblies, judged it to be their duty once again to recall before all both the decree made long ago and its complete observance, and furthermore to strengthen it with an opportune sanction.

"Accordingly, by the present Decree they establish that henceforth, if anyone of the priestly order shall have offended against the decrees set forth, he shall be subject to suspension *a divinis*, reserved to the Holy See and incurred by the fact itself; a cleric not yet initiated into the priesthood, however, shall likewise be subject to the same suspension with respect to the orders he has received and, furthermore, shall become incapable of receiving higher orders; finally, lay persons shall be bound by a *latae sententiae* excommunication reserved to Bishops.

"Furthermore, since experience has taught that the evils which are deplored take their origin and strength chiefly from the fact that a greater number of Masses is gathered into the hands of certain private persons than just necessity demands, the same Most Eminent Fathers, adhering to the provisions previously issued by the Roman Pontiffs, and especially by Urban VIII and Innocent XII in the Constitution *Cum saepe contingat*, decree and command under a grave precept of obedience that henceforth each and every beneficed cleric and administrator of pious causes everywhere, or anyone bound in any manner whatsoever to fulfill burdens of Masses, whether ecclesiastics or lay persons, shall at the end of each year hand over to their own Ordinaries, according to the manner to be defined by them, the burdens of Masses which remain and which they have not yet discharged. The Ordinaries, however, shall first distribute the Mass intentions received, together with the attached stipend, among the priests subject to them whom they know to be in need of them; they shall then commit the others either to the Holy See or to other Ordinaries, or even, if they wish, to priests of other dioceses, provided these are known to them and above every exception, and issue legitimate documents within an appointed and suitable time by which exact satisfaction is established.

"Finally, all indults and privileges hitherto granted which are in any way contrary to the provisions of the present Decree having been revoked, the Sacred Congregation commits to the care and office of each Ordinary that they diligently make the present Decree known to all ecclesiastics subject to their jurisdiction and to others whom the foregoing prescriptions concern, lest anyone hereafter be able to allege ignorance or in any manner excuse himself from observance of this Decree; and furthermore

that, whether in sacred visitation or outside it, they vigilantly watch lest abuses in this matter grow up again.

"A report concerning all these matters having been made to Our Most Holy Lord Pope Leo XIII through the undersigned Prefect of the Sacred Congregation, His Holiness ratified and confirmed this Decree of the Most Eminent Fathers and commanded it to be published, all things whatsoever to the contrary notwithstanding.

"Given at Rome, 25 May 1893."

On Gaining the Plenary Indulgence of a Privileged Altar

"A priest celebrating at a privileged altar, by reading a Mass of a semidouble or simple feast, a votive Mass, or the Mass of a feria which is not privileged, whether by reason of exposition of the Most Holy Sacrament, the Station of the church, or another solemnity, enjoys the privilege as though he were reading a Requiem Mass permitted on that day by the Rubrics." Sacred Congregation of Indulgences, 11 April 1864, for the City and the World.

A priest having a personal privilege of a privileged altar satisfies an obligation he has undertaken to celebrate at a privileged altar, even though he celebrates at an altar which is not privileged. Sacred Congregation of Indulgences, 16 February 1852.

"One who for any reason whatsoever does not gain the indulgence of a privileged altar cannot satisfy the obligation by applying another plenary indulgence to the deceased for whom he ought to have celebrated at a privileged altar." Sacred Congregation of Indulgences, 2 May 1852. Nevertheless, "one who on permitted days did not celebrate in vestments of black color at a privileged altar in order to acquire the plenary indulgence must gain a plenary indulgence for those deceased to whom he applied the fruit of the Mass, as many times as, on days not impeded, he did not use vestments of black color." Sacred Congregation of Indulgences, 22 February 1847. This decree is not opposed to the preceding one. For in this latter decree, "only to the priests on whose behalf inquiry was made concerning the manner in which they ought to compensate for the indulgence of the privileged altar which they were obliged to apply, and which, erring in good faith, they had not gained, did the Sacred Congregation grant that compensation be made by the application of another plenary indulgence as many times as they had not gained that of the privileged altar." Sacred Congregation of Indulgences, 24 July 1885; *A. S. S.*, vol. 18, p. 94.

On a Requiem Mass to Be Read from Obligation

"The Sacred Congregation, so that the Rubrics of the Missal may be observed inviolably, strictly commands each and every priest ... that they in no way dare or presume to celebrate private Masses for the deceased, or Requiem Masses, on doubles. But if, according to the prescription of benefactors, Masses of this kind to be celebrated fall upon a double feast, then they are by no means to be transferred to another unimpeded day, lest delay be detrimental to the souls awaiting suffrages; rather, they are to be said of the occurring feast, with application of the Sacrifice according to the intention of those benefactors." Sacred Congregation of Rites, 5 August 1662, Decree.

"Whether a priest satisfies an obligation of celebrating Mass for a deceased person by observing the rite of the feria or of any Saint whatsoever, even if it is not a semidouble or double.—Response.

Affirmative." Sacred Congregation of Indulgences, 2 April 1840.

On a Private Mass on Thursday and Saturday of Holy Week

On Thursday of the Lord's Supper, apart from the solemn Mass, it is not lawful to celebrate another. Sacred Congregation of Rites, 19 December 1654, Florence. Nor can a low Mass be celebrated in those churches in which the remaining functions are not performed. Sacred Congregation of Rites, 31 August 1839, Third Order of St. Francis, response to 1.

A private or solemn Mass cannot be celebrated in a church in which the Most Holy Sacrament is neither reposed nor reserved at some altar or in another fitting place, commonly called *il Sepolcro*. Sacred Congregation of Rites, 28 March 1775, for the City, etc. A regular superior can celebrate Mass in a private oratory or, if that is lacking, in the church with the doors closed, so that he may communicate his subjects for the Paschal precept, provided that the customary functions of Holy Week are not performed among them. Sacred Congregation of Rites, 31 August 1839, Third Order of St. Francis, response to 2.

"Is the custom prevailing in certain parishes, especially rural ones, to be tolerated, according to which the Pastor celebrates a low Mass on Thursday of the Lord's Supper even though, because of a lack of clerics, the other functions of the Church prescribed for that feria and the following one cannot be performed?

"Response. Affirmative, and according to the mind. The mind is that, with regard to parishes in which at least three or four clerics can be had, the local Ordinaries should take care that the sacred functions be performed on Thursday and Friday and Saturday of Holy Week, according to the form of the small Ritual issued by command of Benedict XIII of holy memory in the year 1724; but with regard to other parishes which are destitute of clerics, they may grant, for the convenience of the people, that the Pastors, permission having been sought each year, may celebrate a low Mass on Thursday of the Lord's Supper before the conventual Mass begins in the Cathedral or Mother Church. His Holiness approved and confirmed the response of the Sacred Congregation." Sacred Congregation of Rites, 28 July 1821, Resolution of Doubts, response to 1.

"The ancient custom of the Communion of the clergy in the solemn Mass of that day (Thursday of the Lord's Supper), on which the Church recalls with the highest religious reverence the institution and memory of the Sacrament of the Most Holy Eucharist, hitherto observed, is in no way to be omitted." Sacred Congregation of Rites, 27 September 1716, General Decree; 23 September 1837, Modena, response to 1.

Private Masses are prohibited on Holy Saturday according to the ancient practice and doctrine of the Church. Sacred Congregation of Rites, 26 April 1692, Siena; 28 July 1821, Resolution of Doubts, response to 3.

"Whether the custom at Milan of reading Mass both on Thursday of the Lord's Supper and on Holy Saturday in parish or subsidiary churches may be permitted?—Response. In view of the Rubrics of the Ambrosian Missal and the *Memorial of Rites* issued by Pope Benedict XIII on account of a lack of clergy, a low Mass could be permitted in the case in smaller churches." Sacred Congregation of Rites, 18 July 1902.

On Mass on the Night of the Nativity of Our Lord Jesus Christ

"The rite of offering a threefold Sacrifice by each priest on the birthday of Christ is most ancient and universally received in the Latin Church; but no trace of the aforesaid rite exists in the Eastern Church." Benedict XIV, Constitution *Allatae sunt*, 25 March 1755.

"Is it lawful on the night of the Nativity, after the first Mass has been sung, immediately to celebrate the other two and to communicate the faithful?—Response. It is in no way lawful, but is altogether to be prohibited." Sacred Congregation of Rites, 20 April 1641, Pesaro; 7 December and 23 March 1686, Three Masses, etc.

"On the night of the Nativity of Our Lord Jesus Christ, is it lawful for any priest to celebrate a private Mass before dawn without an indult of the Apostolic See, in the case? And, insofar as the response is negative, is the contrary practice, where it might wish to be introduced or had already been introduced, to be declared an abuse and directly opposed to the laws of the Church, so that it is to be cut off by the Bishop?—Response. To the first: It is not lawful.—To the second: The contrary custom is an abuse, and the Bishop is to take care that it be cut off." Sacred Congregation of Rites, 18 September 1781, Arezzo.

"On the day of the Nativity of the Lord, can this priest celebrate three Masses of the Blessed Virgin?" namely, a priest "to whom, by reason of infirmity or another reasonable cause, the power of celebrating a votive Mass of the Blessed Virgin was granted by the Holy See.—Response. Negative, according to other decrees." Sacred Congregation of Rites, 28 April 1866, Nola, response to 6.

"Can a priest celebrate only two Masses on the day of the Nativity of Our Lord Jesus Christ?—Response. Affirmative, or, a priest may at his discretion celebrate only two Masses on the day of the Lord's Nativity; and it so declared." Sacred Congregation of Rites, 19 June 1875, Lucera. "A priest who celebrates only one Mass shall read the Mass which approximately corresponds to the hour, according to the particular Rubrics of the same day. And it so rescripted and commanded to be observed." Sacred Congregation of Rites, 19 June 1875, Ordinary of Carthage.

On the Three Masses on the Day of the Commemoration of All the Faithful Departed in Spain

In the kingdoms of Spain and Portugal, on the feast of the Commemoration of All the Faithful Departed, it was granted to each priest dwelling there to celebrate three Masses, as is evident from the Constitution *Quod expensis* of Benedict XIV, 26 August 1748. But provision was made in that indult that the priests of Aragon could receive no alms whatsoever for the third Mass, and all the others of the other regions none for the second and third, even if voluntarily offered. Given these things, it was doubted: "Are priests comprehended in the Indult in question prohibited from receiving for the first Mass on the day of the Commemoration of All the Faithful Departed an alms greater than that fixed by the synodal assessment or the custom of the place, even if voluntarily offered, in the case?" Amid a great contest among those holding diverse opinions, the Sacred Congregation rescripted: "Affirmative." Almería, Mass Alms, 2 March 1861; Lucidi, vol. 1, p. 468, 3rd ed.

"Since by the Indult of Benedict XIV priests in Spain and Portugal can celebrate three Masses on the day of the Commemoration of All the Faithful Departed, provided that they accept a stipend only for

the first, under penalty of suspension: which of the three Masses designated in the Indult—namely, 1. the Mass as on the day; 2. as on an anniversary; 3. as among daily Masses—must a priest in Spain and Portugal who wishes to celebrate one Mass say on the day of the Commemoration of the Departed, whether he applies it for one person or not? And insofar as he wishes to celebrate two, which two of the three is he bound to choose?—Response. As regards the first Mass, as on the day of the Commemoration; as regards the second, at discretion." Sacred Congregation of Rites, 13 February 1892, Calahorra, response to 27.

Instruction of the Sacred Congregation for the Propagation of the Faith on Celebrating the Holy Sacrifice of the Mass Twice in One Day

"1. The faculty of celebrating Mass twice in one day, with which the Holy See is accustomed to invest the Ordinaries of missions so that they in turn may communicate it to their missionaries, has raised not a few doubts which those same persons have proposed to this Sacred Congregation. The reason for doubts of this kind is drawn from the very rigor of the clauses which, by command of Alexander VII, were added to the article of the Formularies which treats of this faculty. Therefore, it has seemed opportune in this present Instruction to gather together the more common rules and principles which are to be kept before one's eyes in the use of the aforesaid faculty.

"2. No one is ignorant that, according to the general rule under the prevailing discipline of the Church, priests are permitted to offer the Holy Sacrifice only once in a day. Thus Innocent III established: 'We respond that, except on the day of the Lord's Nativity, unless a cause of necessity counsels otherwise, it suffices for a priest to celebrate only one Mass once in a day.' Chapter *Consuluisti, On the Celebration of Masses*.

"3. Therefore, in a case of necessity, a repetition of Mass on the same day is permitted to priests. Yet this must be understood, as is recognized from the very words of the Formularies, of permission to celebrate only two Masses, even if grave causes should concur which counsel celebrating a greater number. The Prefect of the Capuchin mission at Tunis once asked whether, if necessity urged, he could celebrate more than two Masses on one and the same day, because all his missionaries had been cast into prison. And the general Sacred Congregation for the Propagation of the Faith responded on 7 August 1684 that by virtue of the faculties he could not celebrate more than two Masses. This had already long before been answered in the general Congregation held before the Holy Father on 17 February 1648; for, when the abuse which had grown up among priests held in captivity in Algeria of celebrating three Masses was set forth, 'His Holiness ... commanded that, through the said Prefect of Algeria, the priests be ordered in the name of His Holiness ... that, since the Apostolic See in the faculties of missionaries had granted the power or permission of celebrating twice in a day where necessity required it, they should henceforth not celebrate more than two Masses.' The same thing was repeated to the Apostolic Prefect of Tunis in the years 1818 and 1820.

"4. Necessity, therefore, is the sole title by which the faculty of saying two Masses is given to priests. Nevertheless, it is first useful to observe with Verricelli that 'this necessity is not to be drawn from the side of the scarcity of priests, but from the side of the spiritual necessity of the people and the charity of priests.' *On Apostolic Missions*, title IV, question 98, doubt 18, no. 201. Once this principle is established, it is easy to derive certain negative rules concerning the use of the faculty in question.

"5. First, it is evident that one would not think rightly who said that Mass could be repeated on suppressed feast days on which the people are not bound to hear Mass, as the Sacred Congregation admonished in the year 1837 in these words: 'The matter having been maturely considered, it became sufficiently clear from the words of the Formula itself that the faculties cannot be extended to abrogated feasts. For since it is declared in the aforesaid Formula that the faculty has force if necessity urges, it follows that Mass cannot be celebrated twice by the same priest on the sole title that those days were formerly feast days.'

"6. Second. The repetition of Mass is likewise forbidden for the convenience of those who would wish to satisfy the precept of hearing Mass in their private chapels. In the year 1842 the Apostolic Vicar of Limburg related the custom which had grown up in his Vicariate of permitting a repetition of Mass in the castles of magnates; but since he did not think that, in those circumstances, there existed the necessity which the Formularies require, he asked, both by reason of the custom and by reason of the moral utility which arose from it, that authority to permit this be granted to him. But the Sacred Congregation of the Inquisition judged, according to the matters set forth, that it was not expedient. And when the Apostolic Vicar added that some continued the repetition of Mass by a faculty previously received from his predecessor, the Supreme Sacred Congregation decreed that the faculty was to be revoked insofar as the Apostolic Vicar of Limburg prudently judged that this could be done.

"7. Third. From resolutions of this kind it is inferred that custom is not a sufficient title for the same priest to be able to offer the Holy Sacrifice twice on one and the same day. This also agrees with what Benedict XIV taught in the Constitution *Declarasti nobis*, given on 16 March 1746 to the Bishop of Huesca in Aragon. 'We ask only,' says the Pontiff, 'whether that custom has acquired for itself the character of prescription or presumption, and we judge each to be false and inapplicable.' And as regards prescription, he says: 'For if, according to the civil laws, sacred things cannot be acquired by prescription, it is absurd on every side to assert that something has been obtained or acquired by prescription which is opposed to the universal sanctions of the Church, the observance of which the Holy Council of Trent commands all priests in the celebration of Masses.' But concerning presumption he adds: 'But, other things having been passed over, We add that these things can be understood of those privileges which could have been obtained from the Apostolic See if someone had petitioned for them, but not of those which, when they are petitioned for, are altogether accustomed to be denied, lest presumption have greater strength and weight than truth.' Hence it is that, when the Sacred Congregation learned that in some place the custom of repeating Mass without necessity had grown up, it did not fail to reprove a custom of this kind as an abuse, stirring up the zeal of the Bishops to eliminate it.

"8. Fourth. Nor is the poverty of priests sufficient to prove the repetition of Mass, as has been indicated from Verricelli in the place cited. A certain Archbishop of Ireland asked in the year 1688: 'Whether, from the cause of poverty alone, regulars may celebrate two Masses on feast days in private houses, although all parishes and convents have their own churches and chapels?' The response of the Sacred Congregation was negative. When it was reported in particular Congregations for the Propagation of the Faith, held both on 7 March 1743 and on 28 July 1750, that an abuse of this kind still flourished in Ireland, because many priests used the faculty of repeating Mass for no other reason than that they might receive richer and more plentiful alms and thereby support themselves more comfortably, the Most Eminent Fathers decreed: 'Let the priests be gravely admonished not to

abuse the faculty of celebrating twice in a day so that they may have a larger and richer stipend.' And in the Constitution *Apostolicum ministerium*, 30 May 1753, § 11, Benedict XIV calls intolerable the abuse of granting to some priest the faculty of repeating Mass for the purpose that he might support himself more becomingly by a double alms. Only in order to provide in some manner for the poor religious of that kingdom, who had complained about a similar prohibition made by the Provincial Synod of Tuam in the year 1817 because of the loss arising therefrom—the alms which they had been accustomed to receive at the doors of the church on the occasion of Mass having been taken away from them, although they lived from the offerings of the faithful—the Sacred Congregation willed that the Bishops be admonished that, 'in imparting, by Apostolic authority, permission to priests to celebrate two Masses on feast days of precept for causes of necessity approved by the Apostolic Constitutions, they should take account of regular priests, and especially of those who dwell in poor monasteries.' Moreover, since the Sacred Congregation of the Council declared that, 'according to general practice, priests are not permitted to receive an alms for the second Mass, even if it concerns those who, endowed with the parochial office, therefore cannot obtain a stipend for the first Mass because they are bound to apply it for the people,' as was notified to the Ordinaries of missions through the circular letters of the Sacred Congregation for the Propagation of the Faith on 15 October 1863, every pretext for the abuse of repeating Mass with a view to the stipend has now been removed. Nevertheless, account having been taken of the peculiar circumstances of certain missions, the Most Holy Father deigned to grant authority, as is evident from the said Circular Letters, to their Ordinaries to permit 'that, when a just and grave cause intervenes, the priests subject to them may and can receive a stipend even for the second Mass to be celebrated on the same day.'

"9. Fifth. Finally, it is scarcely necessary to note that the repetition of Mass is forbidden to a priest whenever another priest can be had who is able to satisfy the necessity of the people, as Benedict XIV expressly teaches in the cited Constitution *Declarasti nobis*. Hence it is that, before a repetition of Mass is admitted, it must be seen whether some one of the remedies established by law is available for providing for the spiritual necessity of the people; and first of all the Pastor himself is bound to furnish a stipend to another priest; but, his inability being posited, the people are bound; and finally, if the people also could not be compelled to this because of poverty, the Ordinary would be bound to supply it. Benedict XIV, place cited; Opinion of Cardinal Zelada, *Thesaurus of Resolutions*, vol. 57, in the case of Tortosa, 26 August 1768.

"10. Thus far concerning the cases in which the repetition of Mass is prohibited. As regards the cases in which the necessity required for it concurs, these are found set forth in the Constitution *Declarasti nobis*. In this Constitution it is first considered, according to the unanimous consent of theologians, that repetition of Mass is permitted to a priest 'who holds two parishes, or two peoples so separated that one of them can in no way be present with the Pastor celebrating on feast days because of the very great distance of the places.' And this is the first and more common case. The other which is recounted there is 'when there is only one church in which Mass is celebrated and to which the entire people cannot come together at the same time.'

"11. In these cases Mass can be repeated even by those who have not been granted the faculty through the Formularies customarily granted by the Sacred Congregation for the Propagation of the Faith, since the common law itself grants it, yet always dependently upon the Ordinary, to whom it pertains to render judgment both concerning true necessity and concerning the possibility of applying

the canonical remedies (§ 9). Indeed, after indicating remedies of this kind, Benedict XIV adds: 'The things which have been said thus far also rest upon the general canonical sanctions.' Indeed, the opinion of theologians is concordant, as Benedict XIV himself observes, that in the case of one Pastor with two parishes, 'the Pastor not only can but is plainly bound to celebrate Mass twice on the same day.' *On the Diocesan Synod*, book 6, chapter 8, no. 2. From these things it easily follows that the article of the Formularies, since it grants a faculty, extends also to other cases of necessity not considered in the common law; otherwise that article would become useless, at least for those places in which parishes have been canonically erected, since the common law itself provides for these parishes. This agrees with what Benedict XIV teaches in his work *On the Most Holy Sacrifice of the Mass*, book 3, chapter 5, no. 4, in which, after asserting that 'the case which actually occurs is that in which a Pastor has two parishes,' etc., he continues in these words: 'Nevertheless, We do not will anything to be prejudged concerning the other cases which occur in missions, for which provision has been made by granting missionaries the faculty to celebrate Mass more than once on the same day; and likewise concerning other cases in which, either because of the distance of places, the scarcity of priests, or the persecution of unbelievers, it is necessary that two Masses be celebrated by priests lest the faithful be deprived of Mass.' And the Sacred Congregation for the Propagation of the Faith was indeed speaking in the year 1832 about causes of this kind which have place in missions and for which the faculty is given to the superiors of missions, when it gave an opportune admonition to a certain missionary of Philippopolis who did not repeat Masses although he presided over various Christian communities. Namely, when the repetition of Mass was enjoined upon him, also by command of the general Congregation, it was added: 'But if you ask why those rigorous clauses are added to the faculty of repeating Mass in the Formula of the Indult, you will find the response in the Formula itself; for you will observe that the Indult is not restricted to the needs of the people on feast days, but, since it is contained in general terms, it also comprehends the other cases in question, such as the necessity of administering Viaticum to the sick in each parish, and that the prescribed precautions ought to have place in other cases of this kind.'

"12. And in these less frequent cases, Bishops and missionaries have repeatedly seemed to hesitate in the use of that faculty, doubting especially about the sufficiency of the causes which would be required according to the clauses added to the faculty. But so many and so various are the cases which can occur in missions in this matter that they cannot easily be foreseen, much less reduced to determinate rules; for judgment concerning them can vary according to the differing concurrent circumstances of places, times, and persons. This is the reason why the resolution of particular doubts which have been proposed concerning this matter has generally been remitted to the prudent judgment of the superior of the mission.

"13. First, a rule has rather frequently been sought concerning the number of the faithful which would be sufficient for Mass to be repeated. In the Constitution *Apostolicum ministerium*, issued for England, it is said that a faculty of this kind can be used 'when the number of those who on feast days are bound to assist at the sacred rites presents such a necessity that, unless the power to celebrate two Masses on the same day is granted to some priest, many would not satisfy the command of the Church.' Nevertheless, a general norm of this kind does not remove every doubt concerning the number necessary for repetition. The same can be said of a certain negative response given by the Sacred Inquisition in the year 1688 to Capuchin missionaries in Greece. They had asked: 'Whether a missionary priest, dwelling alone in a place, can celebrate two Masses on Sundays and

feast days for fifteen or twenty persons who, legitimately impeded, were unable to be present at the first Mass?' And the Supreme Sacred Inquisition on 28 January of the same year decreed: It is not lawful. But if the number of twenty faithful is not deemed sufficient for Mass to be repeated, it can further be asked what minimum number is sufficient.

"14. But concerning a doubt of this kind, just as concerning those which regard distance, the Sacred Congregation was accustomed to hold that these matters were to be resolved by the prudent judgment of the Ordinaries of missions, upon whom the faculty depends; for they themselves, in the places in which they dwell, can rightly estimate the circumstances concurring in individual cases. And indeed, as far back as the year 1688, the Prefect of the mission of Tunis in Mauretania asked in general that it be declared what the number of the faithful deprived of Mass ought to be for Mass to be repeated; and the General Sacred Congregation for the Propagation of the Faith responded on 16 November: Let it be left to the charity and conscience of the Father Prefect. Similarly, in the year 1828 the Bishop of St. Louis in the United States of America, having set forth his own fear and that of other Bishops of burdening their conscience because of the clauses of the Formularies, asked: 'Whether, whenever thirty or fifty of the faithful are exposed to the danger of not hearing the Mass of precept, they may celebrate twice?' But, by command of Leo XII, it was rescripted in letters given on 13 March: 'You ought to lay aside every anxiety of mind and, without being disturbed by the rigor of the words, He—His Holiness—commits it to your conscience and prudence to judge in which cases, account having been taken of the circumstances of your diocese, grave causes are to be deemed present for imparting the faculty in question to priests. But where you have judged according to your conscience and prudence that these grave causes are present, His Holiness benignly declared that you can use that faculty without any doubt.'

"15. A similar response was also given in the year 1851 to the Apostolic Vicar of Limburg, who proposed the doubt concerning distance in this manner: 'In this region, by ancient custom, permission to binate is sometimes granted because of moral necessity, although the nearer parish is not distant by more than the space of half a league; it is asked whether this is rightly done?' The Sacred Congregation responded in letters of 31 July: 'It being premised that it belongs to the office of Bishops to take care with all their powers that the use of this faculty not be necessary in order to succor the needs of the faithful, a general practice to be observed in individual cases cannot be assigned. Therefore, in particular cases as above, a supply of priests being lacking and all other circumstances having been maturely considered, it is to be determined by the prudent judgment of the superior whether, in that case, grave circumstances of affairs concur which the Doctors teach constitute a case of necessity—as the case proposed appears to be—in which there is room for dispensation from the universal precept concerning the same priest's repeating the Sacrifice on the same day, and for granting the faculty of binating, which he plainly perceives from the very words of the Apostolic Indult that he ought to use altogether sparingly.' And this instruction in the same words was sent to the Bishop of Trier in the year 1853, in whose name various doubts concerning the repetition of Mass had been proposed; for on 28 September it was rescripted to him that, his questions having been considered, the Sacred Congregation judged that the instruction was to be given which ... the Apostolic Vicar of Limburg received under date of 31 July 1851.

"16. Moreover, among the various responses which remit the measurement of the gravity of causes to the judgment of the superior, some deserve particular mention. Such are those which, while

following the customary rule of remitting the estimation of causes to the judgment of the superior, at the same time indicate in some manner the kind or degree of necessity which the repetition of Mass requires, and repeatedly temper to some extent the fear and alleviate the excessive anxiety of mind which those clauses by which this faculty is restricted in the Formularies had created in Bishops and missionaries. One of the responses of this kind was given in the year 1848 to a Bishop in the United States of America; for in letters given on 9 May it was thus rescripted: 'I come to your petition concerning the manner of interpreting the necessity which is required for the lawful use of the faculty of celebrating Mass twice in a day.... Let Your Excellency therefore know that the necessity of this kind in question is understood as true indeed, but moral, and not absolute; judgment concerning it in individual cases therefore depends upon prudent judgment, the circumstances having been considered. Accordingly, you must beware of excessive anxiety in judging this matter, lest the aforesaid faculty appear to have been granted in vain or to be reduced to act in almost no case.' More worthy of note is the declaration sent in the year 1828 to a certain Apostolic Prefect in the Antilles of America. For since he did not trust that he could tranquilly use the faculty in question because of the grave conditions by which it was constrained, he had implored from the Apostolic See a broader faculty of granting priests ... 'that on Sundays and feasts of precept they may celebrate Mass twice, when necessity or the spiritual utility of the faithful demands it.' A report of this matter having been made to the Supreme Pontiff on 13 April, the response was given in this manner: 'Such is the esteem of your virtue and prudence that Our Most Holy Lord commanded that you ought to lay aside every anxiety of mind; and if you shall judge it necessary or exceedingly useful to the faithful that priests celebrate Mass twice on the same feast day, you ought not to be disturbed by the rigor of the words in which the rescript appears to be contained. Therefore, He commits it to the prudence and conscience of Your Lordship to judge concerning this necessity and the gravity of the causes, and His Holiness benignly declared that, in those circumstances, you have by the aforesaid rescript the faculty of granting priests permission to celebrate Mass twice.'

"17. The same rule of committing to the judgment or charity of the superiors of missions the application of general principles to practical cases was also observed when, in the cases themselves as they were set forth, there did not appear that force and gravity of causes—at least if these causes were considered in themselves and in the abstract—which the clauses of this faculty require. This indeed confirms that, in considering the causes which counsel the use of the faculty, great account must be taken of all the conditions and state of the faithful. An example of this matter is the response given by the Sacred Congregation in the year 1688 to the Vice-Prefect of the mission of Tripoli. Uncertain because of the clauses, he had asked 'for precisely what number of slaves or free persons he could celebrate a second Mass, since the case sometimes occurred that, in the bath outside Tripoli, no more than ten or fifteen slaves were present at the Sacrifice ... and whether, in the absence of priests, a second Mass could be celebrated on feast days for these alone?' Now, notwithstanding the resolution given in the same year by the Sacred Congregation of the Inquisition for a similar case, as was noted above in § 13, the Sacred Congregation for the Propagation of the Faith responded on 5 October: 'Let it be left to the charity and conscience of the Father Vice-Prefect.' Nor ought it to seem strange that this Sacred Congregation admitted a more benign interpretation; for it concerned slaves who, because of their condition, deserved particular indulgence, since perhaps the Sacrifice of the Most Holy Mass was their sole consolation. Another argument of benignity of this kind, account having been taken of the circumstances, was furnished in the year 1860 by the Sacred

Inquisition. For although on 20 June it responded to the Apostolic Vicar of a kingdom neighboring China that the desire of neophytes wishing to receive the Most Holy Eucharist two or three times in the year was not of itself a most urgent cause in the case in question—that is, for repeating Mass according to the faculty—it nevertheless added: 'But, all the circumstances of places and persons having been weighed, it is to be left to the judgment of the Most Reverend Lord Apostolic Vicar.' From these things it is gathered that those causes which are not grave in themselves and therefore in many places can become grave in other places because of the circumstances which accompany the case.

"18. These are the principles which have been kept before one's eyes regarding the faculty of repeating Mass, and which certainly can render the Ordinaries of missions tranquil in the exercise of the same faculty. Although it is customary in this matter to defer to the wise judgment of the Ordinaries of missions, nevertheless, from what has been said thus far, it is evident with how much caution they ought to act, since their conscience always remains burdened in the legitimate exercise of an extraordinary faculty of this kind. Nevertheless, it will be helpful here that which the Sacred Congregation rescripted in the year 1832 to the Bishop of Nicopolis in Bulgaria: that the clauses employed in the Formularies are not to be understood with extreme rigor, the principle being kept before one's eyes that the Apostolic See grants the said faculty for the spiritual good of the faithful, with the desire that all may easily fulfill the ecclesiastical precept.

"19. It now remains to speak of the rite, or of the manner in which Mass can be repeated. It was always prescribed to missionaries by the Sacred Congregation, and by Benedict XIV himself, that one who repeats Mass must not take the customary ablutions of the chalice because of the fast, so that 'if in the first Mass, after receiving the Body and Blood, he has taken the washing, he ought not to celebrate a second Mass in the aforesaid cases' (Council of Nemours, 1284, in Benedict XIV, *On the Most Holy Sacrifice of the Mass*, book 3, chapter 5, no. 4), that is, even in those cases in which the people would otherwise be deprived of the Sacrifice on feast days. And although in the Decree of the Sacred Congregation of Rites in the case of Ibiza on 16 September 1815 it was prescribed that there should be only one chalice which the one celebrating two Masses ought to use, nevertheless, since the execution of a Decree of this kind was subject to no slight difficulties when celebration had to take place in two churches distant from one another, the same Sacred Congregation, in general meetings held on 12 September 1857, rescripted by way of modification of the said Decree: the use of two chalices can be permitted in the case. The Instruction which is added here, composed by command of the same Sacred Congregation of Rites, concerns the manner of purifying the chalice which served for the first Mass.

"From the offices of the said Sacred Congregation, 24 May 1870." *A. S. S.*, vol. 1, p. 8 ff.; vol. 6, p. 345 ff.; Lucidi, chapter 3, § 2, no. 378 ff.

Instruction on the Purification of the Chalice Given by the Sacred Congregation of Rites on 11 March 1858, for Those Who Must Repeat Mass in Distant Places

"When a priest must celebrate two Masses on the same day in distant places, in the first, while he receives the divine Blood, he shall drink it most carefully. Thereafter he shall place the chalice upon the corporal and cover it with the pall; and, with his hands joined at the middle of the altar, he shall

say: *Quod ore sumpsimus*, etc.; and then, a vessel of water having been brought near, he shall wash his fingers, saying: *Corpus tuum,* and wipe them. When these things have been completed, he shall cover the chalice remaining upon the corporal, the pall still having been drawn down, as is customary: namely, first with the purificator, then with the paten and pall, and finally with the veil. After this he shall continue the Mass; and when the Last Gospel has been completed, he shall again stand at the middle of the altar and, having uncovered the chalice, shall inspect whether any of the divine Blood has settled at the bottom, as will generally happen. For although the sacred species were at first carefully consumed, nevertheless, while they are being received, since the particles which are around it are left clinging above on every side, they return to the bottom only after the chalice has been set down. Therefore, if any drop of the divine Blood still remains, it shall again be consumed carefully, and indeed from the same side from which it was first received. This is in no way to be omitted, because the Sacrifice morally continues and, while the species of wine still remain, must be completed by divine precept.

"Afterward the priest shall pour into the chalice itself at least as much water as he had previously put in of wine; and, having moved it around, he shall pour it from the same side from which he drank the Sacred Blood into a vessel prepared for this purpose. He shall then wipe the chalice itself with the purificator and finally cover it, as is otherwise done, and depart from the altar. After the sacred vestments have been laid aside and the thanksgiving completed, according to the circumstances the water poured out of the chalice shall either be kept until the following day, if, namely, the priest is to return there to celebrate Mass again, and be poured into the chalice at the second purification; or it shall be absorbed with cotton or tow and burned; or it shall be left to dry in the sacrarium, if there is one; or it shall be poured into the piscina.

"But since the chalice which the priest first used has now been purified, if he needs that same chalice for the other Mass, he shall carry it with him; otherwise, he can use a different chalice in the other Mass."

Since the preceding instruction of the Sacred Congregation of Rites regards only the case in which a priest is to celebrate two Masses on the same day in distant places, it has seemed worthwhile to add here, from the commentaries of Bartholomew Gavanti and Cajetan Maria Merati, the rite to be observed by a priest when he must offer each Mass in the same church.

"In this case, therefore, after carefully consuming the Blood of the Lord in the first Mass, the customary purification having been omitted, the priest, covering the chalice with the paten and the paten with the pall and leaving it upon the corporal, shall say with joined hands: *Quod ore sumpsimus, Domine*, etc. Then he shall wash the fingers with which he touched the Most Holy Sacrament in some clean vessel prepared for this purpose on the altar, saying meanwhile: *Corpus tuum, Domine*, etc. After wiping his fingers with the purificator, he shall cover the chalice with the veil and place it veiled upon the spread corporal. When Mass has been completed, if there is no sacristy in the church, he shall leave the chalice in the same manner upon the altar; but if there is, he shall carry it into the sacristy and there place it upon a corporal or pall in some fitting and closed place until the second Mass. Since he must use the same chalice in that Mass, he shall carry it back with him to the altar and replace it upon the spread corporal. But when the priest has reached the Offertory in the second Mass, having removed the veil from the chalice, he shall place it somewhat toward the Epistle side, but not outside the corporal; and after making the offering of the host, he shall take care not to wipe

the chalice with the purificator. Rather, leaving it within the corporal, he shall raise it slightly and carefully put the wine and water into it, lest any drops splash back upon the lips of the chalice; he shall then offer it in the customary manner without wiping it at all on the inside."

"Can a priest celebrating Mass on the same day in two different churches carry with him the purification of the first Mass, carefully preserved in some clean vessel, so that he may consume it with the purification of the second Mass? "Response. Affirmative." Sacred Congregation of Rites, 9 May 1893, Rome, response to 5.

"A twofold practice prevails for the washing of the fingers in the first and second Masses on the holy day of the Lord's Nativity. Some, namely, in these two Masses wash their fingers in a clean, empty vessel, while the server pours in wine and water in the customary manner and they meanwhile say *Corpus tuum, Domine*, etc.; they consume this ablution in the third Mass together with the final ablution. Others, however, wash their fingers in a small vessel with water already prepared beforehand, as is done after the distribution of Holy Communion; they either consume this water with the final ablution in the third Mass or leave it to be poured into the piscina of the sacristy. It is asked: which of these practices, as being more conformable to the Rubrics, is to be followed?—Response. The second manner of purification is more expeditious and is conformable to universal practice." Sacred Congregation of Rites, 6 February 1892, no. 3764, response to 15.

On the Stipend for the Second Mass

"1. Is a Pastor who governs two parishes and has the faculty of celebrating twice in one day bound to apply its own Mass for each parish, even if the revenues are small? 2. Is a Pastor who by faculty celebrates twice on the same day in one and the same parish obliged to apply both Masses gratuitously for the people committed to him? 3. Are vicars and other priests who do not have the care of souls, if they sometimes by faculty celebrate twice in one day in a parish, hospital, etc., themselves also obliged to apply the second Mass gratuitously for the people committed to them? 4. Whether and in what manner is it to be granted to Pastors who celebrate twice on Sundays and other feast days that they may have the free application of one Mass and be able to receive a stipend for it? —Response. To the first: Affirmative.—To the second: Negative, with the prohibition against receiving an alms for the second Mass remaining firm.—To the third: Negative, insofar as they do not have the care of souls, the prohibition against receiving an alms for the second Mass always remaining firm.—To the fourth: Negative, and the Bishop is to provide according to the form of the Constitution *Cum semper oblatas* of Benedict XIV, § 8." Sacred Congregation of the Council, 25 September 1858; Lucidi, vol. 3, p. 380, 3rd ed.; *A. S. S.*, vol. 7, p. 69 ff.

"1. Can a priest who, from the Statutes of the Sodality in which he enrolled, is bound to celebrate Mass for a deceased member, apply the second Mass on a day of bination in order to satisfy this burden, in the case?

"2. Can a Pastor who was unable to celebrate Mass on the day on which it was to be read for the people apply the second Mass to be celebrated by bination on the following feast in order to satisfy this burden, in the case?—Response. To the first: Affirmative; to the second: Negative." Sacred Congregation of the Council, 5 March 1887.

"In the case of a repeated celebration of Mass, some remuneration in view of the labor and inconvenience can be permitted at the prudent judgment of the Bishop, every alms for the application of the Mass being excluded." Sacred Congregation of the Council, 23 March 1861; *A. S. S.*, vol. 24, p. 514.

What Is to Be Understood by a Church, a Public Chapel, and a Semipublic Oratory

A church is understood as that which is built chiefly for this end, that it may serve the public use of the faithful people. A public chapel, however, is one which, although it has an entrance onto a public road, nevertheless appears to be destined not so much for the free use of the faithful people as for the convenience of some family or college, or for a determinate class of persons, such as chapels or evening oratories for men. Finally, a semipublic chapel is one which, although it does not have an entrance onto a public road and is not open to all, nevertheless is not found in a private house, but either in an episcopal palace, a religious house, some pious place, a hospital, a prison, or another similar place in which some gathering of the Christian faithful is accustomed to assemble to hear Mass. Cf. no. 640.

On Mass to Be Celebrated by Strangers in Churches of Regulars

Regular superiors cannot admit "to celebrate in their churches other members of their own or another religious order, wanderers or pilgrims, unless the letters of obedience or assignment of their superiors and the testimonial letters of promotion to the priesthood have been diligently examined; but as regards secular priests, unless testimonial letters signed by the Vicar General or Vicar Forane of the local Bishop have been seen." Holy Office, 11 August 1649; Sacred Congregation of Bishops and Regulars, 14 March 1879. Cf. Notification concerning the celebration of Mass in the churches of the City, *A. S. S.*, vol. 36, p. 254.

On the Celebration of Mass in the Temples of Heretics

Cf. *On the Theological Virtues*, no. 367.

On the Celebration of Mass in a Private House

A sleeping chamber cannot be located above a chapel in which Mass is celebrated. Sacred Congregation of Rites, 11 May 1641, Caiazzo.

"Can a Bishop, when a just cause intervenes, grant the faculty of celebrating in private oratories, in the case?—Response. Negative, unless great and urgent causes are present, and then only by way of an act." Sacred Congregation of the Council, 20 December 1855.

It was then asked whether the following could be held to be great and urgent causes: 1. When, because of the wretchedness of the times, husbands or fathers and even sons do not permit the Viaticum to be brought from the parish to their sick relatives, even to the point of allowing them to die without this Sacrament, and urgently ask for Holy Mass in their houses upon a portable altar fittingly set up, from which the Viaticum can be brought to the sick. 2. When priests suffering from chronic illnesses and unable to leave the house urgently ask to celebrate in a private oratory at least every month and on the great solemnities of the year, both in order to communicate and to gain the

holy indulgences. 3. When there is an immemorial custom that, upon the death of a distinguished person, the Bishop grant permission to celebrate several Masses in the house of the deceased while the body is present, and especially when it would be very difficult to remove a custom of this kind without grave inconveniences. Therefore, the Sacred Congregation, after maturely considering the doubt, "Whether and in which of the cases set forth the Bishop can grant the faculty of celebrating in a private oratory," responded on 6 September 1890: "Negative to the things proposed." Cf. *M. E.*, vol. 6, part 2, p. 193.

"When the Most Sacred Sacrament of the Eucharist is desired by sick Christians, it is asked: 1. Is it lawful for missionaries to celebrate the Sacrifice of the Mass in the houses of the aforesaid sick persons? 2. Does this hold even when danger of death urges, but the Viaticum can be carried, at least secretly? 3. Is it lawful at least when it cannot be carried even secretly?—Response. To the first: It is not lawful.—To the second: It is not lawful.—To the third: In such a case it is lawful, either in the house of the sick person or at least in a neighboring house, if the place is fitting, lest the sick person be deprived of Viaticum." Sacred Congregation for the Propagation of the Faith, 14 December 1668.

"A Pastor knows that Holy Viaticum can be administered only with very great difficulty to a sick person near death. Can he carry the Most Holy Sacrament from a private oratory? And insofar as the response is affirmative, can he celebrate in such a case even when the holder of the indult is temporarily absent?—Response. Affirmative, even when the holder of the indult is absent." Sacred Congregation of Rites, 27 August 1836, Verona, response to 7.

On the Celebration of Mass at Sea

"By virtue solely of the faculty of celebrating Mass in any fitting place granted to missionaries, can the Sacrifice lawfully be celebrated by them, as it is celebrated by some of them on every Sunday and feast, upon the sea in ships lying near the shore, without the presence of another priest to hold the chalice firmly after the Consecration so as entirely to avoid the danger of spilling, as the Doctors holding that opinion require?—Response. It is in no way lawful for Capuchins or Observant Friars Minor or any others whatsoever to celebrate, command, or permit Mass to be celebrated in ships, because it is altogether prohibited." Sacred Congregation for the Propagation of the Faith, 20 January 1667; C. 775.

"1. Can Bishops grant to priests of their diocese the faculty to celebrate Mass while navigating, upon an altar erected in a ship? 2. Can Bishops in whose diocese there are seaports grant this same faculty to all priests? 3. Can Apostolic missionaries by force of this title celebrate in a ship without permission of the Apostolic See? 4. Can priests who enjoy the privilege of celebrating anywhere, by force of this privilege, celebrate in a ship without a special Apostolic Indult? 5. Are the chapels of ships or the altars erected in the ships themselves for offering the sacred rites to be considered private or public oratories? 6. Can the Requiem Masses granted by Decrees 3903, Auch, 8 June 1896, responses to 2 and 3; and 3944, Rome, 12 January 1897, be celebrated at the aforesaid altars?

"Response. To the first, second, third, and fourth: Negative.—To the fifth: If the chapel has a fixed place in the ship, it is to be regarded as public for those navigating; otherwise it is neither public nor private, but is regarded as a portable altar.—To the sixth: Affirmative." Sacred Congregation of Rites, 4 March 1901.

"The Sacred Congregation commands all missionaries enjoying a special indult of celebrating the Sacrifice of the Most Holy Mass at sea that, whenever they use that privilege ... they are to see whether the sea is so calm that there is no danger of the Sacred Species spilling from the chalice; they are to take care that another priest, if one is present, duly assist the celebrant; and, if the ship does not have a proper chapel or a fixed altar, they are altogether to take care that the place chosen for the celebration of Mass present nothing unbecoming or indecorous. This would certainly occur if the most august Mystery of the altar were celebrated in cabins destined for the private use of travelers." Sacred Congregation for the Propagation of the Faith, 1 March 1902.

"Celebration in cabins, however, is not absolutely prohibited when all the circumstances remove the dangers of irreverence." Sacred Congregation for the Propagation of the Faith; *M. E.*, vol. 15, p. 68.

Decree of the Sacred Congregation of Rites Concerning Semipublic Oratories

"It has often been asked of the Sacred Congregation of Rites which oratories are to be regarded as semipublic. Now it is established that public oratories are those which, dedicated in perpetuity by authority of the Ordinary to the public worship of God and blessed, or even solemnly consecrated, have a door onto the road or open to all the faithful free entrance from the public road. Private oratories in the strict sense, on the contrary, are said to be those which have been erected by an Indult of the Holy See in private buildings for the convenience of some person or family. Those which occupy a middle place between these two, as the name itself indicates, are and are called semipublic oratories. But so that every ambiguity concerning these oratories may be removed, Our Most Holy Lord Pope Leo XIII, after consultation with the Sacred Congregation of Rites, established and declared that semipublic oratories are those which, although erected by authority of the Ordinary in a place which is in some manner private or not absolutely public, nevertheless serve for the convenience not of all the faithful, nor only of a private person or family, but of some community or gathering of persons. Just as the Most Sacred Sacrifice of the Mass can be offered in these by authority of the Ordinary, so those who are present at it can satisfy the precept of hearing Mass. Oratories of this kind are those which pertain to seminaries and ecclesiastical colleges; to pious institutes and societies of simple vows, and other communities under a rule or at least statutes approved by the Ordinary; to houses devoted to spiritual exercises; to boarding schools and hospices destined for instructing youth in letters, sciences, or arts; to hospitals and orphanages, as well as to fortresses and prisons; and similar oratories in which, by the institution, some gathering of the Christian faithful is accustomed to assemble to hear Mass. To these must be added chapels duly erected in a cemetery, provided that in the celebration of Mass access is open not only to those to whom they pertain but also to other faithful. His Holiness willed, however, that the rights and privileges of oratories enjoyed by the Most Eminent Cardinals of the Holy Roman Church, the Most Reverend sacred Prelates, and regular orders and congregations should remain sound and intact. And furthermore, he deigned to confirm the decree in the case of Nevers of 8 March 1879. All things whatsoever to the contrary notwithstanding. 23 January 1899."

Nevers

"1. Can a Bishop by ordinary right grant permission for several Masses to be celebrated on any day: 1. in the public chapels or oratories of pious communities, even of those which do not have enclosure;

2. in the chapels or oratories of pious communities which, although they do not have an entrance onto a public road, nevertheless serve for the daily exercises of the entire community; 3. in chapels or oratories which indeed pertain to private persons but which are public or semipublic in the sense that they have an entrance onto a public road or near the public road, so that entrance is always permitted to anyone who wishes?

"2. Can a Bishop erect other oratories besides the chapel or principal oratory in pious communities, either on account of the number of priests dwelling there, so that Mass can be said by all, or for the benefit of the sick who cannot go to the chapel or principal oratory?

"3. Can a Bishop by his own right grant the faculty of reserving the Most Holy Sacrament: 1. in churches or public chapels which nevertheless do not enjoy a parochial title, although they serve the needs of the parish; 2. in public chapels of pious communities, that is, those whose door opens upon a public road or into a courtyard communicating with a public road, and which are open to all who live there; 3. in interior chapels or oratories of pious communities when they do not have a public chapel or oratory in the sense set forth, as happens, for example, in seminaries?

"4. Can a Bishop by his own right grant permission to one priest to celebrate a second Mass on Sundays or feast days of precept: 1. in oratories or chapels which have been approved by the Holy See or by force of an indult granted by it, when, because of their distance from the parish church, this second Mass can benefit the desire of parishioners who otherwise would not hear Mass, or at least only with very great difficulty; 2. in two churches existing in the same parish, when there is only one priest to serve each and yet Mass would be celebrated in only one not without detriment to religion; 3. in the same church, when otherwise a sufficiently notable part of the parishioners would not hear Mass; 4. when this second Mass is very useful, if not necessary, so that Communion may be received by the faithful more frequently with greater ease and edification?

"Response. To the first: The Bishop is to use his right in all the cases set forth.

"To the second: But if, from the condition of the pious communities, the erection of another oratory is necessary, a faculty for its erection will have to be obtained from the Holy See.

"To the third: An indult is to be implored from the Holy See with regard to all the things requested.

"To the fourth: On the supposition that the Bishop has already obtained from the Holy See the faculty of granting to priests of his diocese an indult to offer the sacred rites twice on a feast day, it will belong to his prudence to use this special faculty in a case of necessity for the good of the people; but if he himself is not furnished with a faculty of this kind, he can obtain it. And it so responded and declared. 8 March 1879." Sacred Congregation of Rites, 23 January 1899.

"The clause of the general Decree concerning semipublic oratories, no. 4007, of 23 January 1899, 'and similar oratories in which, by the institution, some gathering of the Christian faithful is accustomed to assemble to hear Mass,' can be understood of any of the faithful who, with the consent of the owner of the place and with the authority of the Ordinary intervening, approach the aforesaid oratories to hear Mass, even in fulfillment of the festal precept." Sacred Congregation of Rites, 3 August 1901.

On the Profanation of a Church

"Is a consecrated church which served for military quarters and watches for two days to be deemed profaned and therefore to need the reconciliation prescribed by the Roman Pontifical?—Response. As a precaution, it is to be reconciled." Sacred Congregation of Rites, 27 February 1847, Tolentino.

"Is a polluted church said to be reconciled through the celebration of Mass in it?—Response. Negative, and therefore it must be reconciled according to the form prescribed in the Pontifical." Sacred Congregation of Rites, 19 August 1634, Oppido, response to 2.

On the Consecration and Exsecration of Churches

"As regards the consecrations of churches, the fast prescribed in the Roman Pontifical is of strict obligation for the consecrating Bishop and only for those who petition that a church be consecrated for them; and the same fast is to be proclaimed on the day preceding the consecration according to the form of the Roman Pontifical." Holy Office, 14 December 1898; Sacred Congregation of Rites, 29 July 1780, Mechelen, response to 1.

"1. Is a church in whose consecration the consecration of the altar was omitted to be regarded as validly consecrated? 2. Does a church remain consecrated or become exsecrated when the coating, commonly called *intonaco*, is removed from its walls either in part or in its entirety so that it may be renewed?—Response. To the first: Affirmative, namely, validly; but not licitly, unless an Apostolic dispensation is had, although some or all the altars may already be found consecrated; and therefore the order of rites of the Roman Pontifical is altogether to be observed so that the integrity of the consecration may be completed.—To the second: The church remains consecrated, although the plasterwork on its walls has been renewed." Sacred Congregation of Rites, 19 May 1896, Decree, responses to 1 and 2.

On the Consecration and Exsecration of Sacred Vessels

"Do the chalice and paten lose their consecration through new gilding and thus need a new consecration?—Response. Affirmative: namely, they lose it and need a new consecration, according to the things set forth." Sacred Congregation of Rites, 14 June 1845, Liège.

It is an abuse that a priest should wish to exsecrate the aforesaid sacred vessels before he again hands them to the artisan to be repaired or recast. Therefore, if there is need, they must be handed to him without the priest attempting to exsecrate them either directly by hand or through the intervention of some instrument. Sacred Congregation of Rites, 23 April 1822, Doubts, response to 1.

"Can a chalice whose gilding alone is renewed be blessed simply, without anointing, by a priest not marked with the episcopal order, or must it in this case also be brought to a Bishop so that it may be blessed by him with anointing?—Response. As regards the first part: Negative; as regards the other part: Affirmative to both." Sacred Congregation of Rites, 9 May 1857, Esztergom, response to 1.

On Portable and Fixed Altar Stones or Altars

"The consecration both of a stable altar stone and of a traveling or portable altar stone is altogether the same as regards the essential prayers, rites, and solemnities. Nevertheless, it differs in this: that a portable altar, or stone in the middle of which the sacred relics are enclosed, is anointed with the

sacred unction only upon its surface; but in a fixed and nontransferable altar another sacred anointing is employed, by which the stone is joined at the corners and connected with the lower support or structure; and in this manner not one stone but the entire altar is deemed consecrated. Therefore a portable altar stone is exsecrated if it is either enormously fractured or the sepulcher of the relics is violated; but a fixed altar is exsecrated even without violation of the sepulcher if the stone alone is removed from the support. Thus Alexander III, chapter *Ad haec*, *On the Consecration of a Church or Altar*: 'Furthermore, if the altar has been moved, or if only that stone placed beneath which contains the seal has been broken or enormously diminished, it must be consecrated again.' And in chapter *Quod*, under the same title: 'But an altar from which the table to which the blessing of consecration is applied by the pontifical ministry has been removed or enormously fractured ought deservedly to be consecrated again.' And although there are not lacking those who think that a fixed altar loses its consecration even if the whole altar is transferred from the place in which it was constructed and anointed with the sacred ceremonies to another place, the common opinion nevertheless is that in this case a new consecration is not necessary. The reason is that, although a fixed altar seems to differ from a portable altar in this respect, that the latter is transferable from one place to another while the former is not, and consequently is called fixed and immovable, nevertheless this difference is merely extrinsic, accidental, and relative to the place itself rather than a difference between the altars themselves. For the formal reason by which a fixed altar intrinsically differs from a portable one properly consists in this: that a fixed altar has, and essentially imports, the conjunction of the table with its lower structure or base, to which the table must consequently be united; while, on the contrary, a portable altar of its nature imports being separated from the base. For it is portable for this reason, that of itself it has separation from the base; otherwise it would no longer be a portable altar but a fixed one. Hence the essence of a fixed altar truly and properly consists in the said conjunction, that is, in the mensa or table united with the base; and it imports fixation in such a place because the one who caused it to be constructed willed it there, which is consequently something extrinsic and accidental to the altar itself. For the same thing could have been constructed elsewhere. Therefore, since the altar is supposed to preserve the same conjunction, namely, that of the table with its base, notwithstanding its transfer from one place to another, it must be said that it still retains its being and, consequently, its consecration which had accrued to it; for it is fitting that the accessory, since it is founded upon the principal, follow the nature of the principal, from Rule 42, *On the Rules of Law*, in the *Sext*. Therefore, in order that the word 'moved' be verified, it is not necessary that the table have been transferred from one place to another; rather, it suffices that it have been separated from its base, and thus by this fact the altar needs a new consecration. Hence the Gloss, both on the canon *Si motum* and on chapter *Ad haec*, at the word *altar*; and Panormitanus in the same place, understand by 'altar' the table of the altar itself, which is joined with its lower structure; but by 'moved' they understand the supervening separation of the same table, or even of the consecrated stone, from the lower structure itself. Thus the meaning of that text, 'If the altar has been moved,' etc., is this: 'If the table itself or the consecrated altar stone has been separated from its lower structure, the altar must be consecrated again.' But if the table which we call the mensa, placed upon a stone and stable altar, although of such dimensions that it extends beyond or at least equals the structure beneath it, had nevertheless never been joined and united with the lower support and in some manner bound at the corners through the sacred anointing, it would not lose its consecration through removal and transfer from place to place; because in this case it would have no other

character than that of a portable altar, which is exsecrated only through an enormous fracture or through violation of the sepulcher of the relics." Note of Gardellini, no. 4562.

"His Holiness decreed and declared that, to constitute the quality of a fixed altar, it suffices that a consecrated stone, even a removable one, be placed in the middle of a stable and immovable altar, although the latter is not consecrated." Sacred Congregation of Indulgences, 26 March 1867.

"Can an altar be consecrated in a church which has only been blessed, without the church itself first being consecrated?—Response. Affirmative." Sacred Congregation of Rites, 12 September 1857, Molina, response to 15.

"Can portable altars upon which Mass is to be celebrated be made from slate, or *lavagna*, as it is called?—Response. They can be made." Holy Office, 14 May 1681; C. 826.

They can likewise be made from hard schist stone, but by no means from gypsum. Sacred Congregation of Rites, 29 April 1887, Lamezia, responses to 2 and 3.

"Is it lawful for Latin priests to celebrate according to their rite, but without a portable stone altar, in the churches and upon the altars of the united Greeks, which are made of cloth consecrated by the Greek Bishop with anointings and relics, while the Greeks celebrate freely in the churches and upon the stone altars of the Latins?—Response. It is not lawful." Holy Office, 7 June 1726; C. 827.

"4. Can the ancient custom of erecting a portable altar in churches or public oratories when certain solemnities occur and a great multitude of people gathers be tolerated? 6. In consecrated and not merely blessed churches in which no consecrated fixed altar exists, or, if one existed, it is regarded as exsecrated because of a substantial defect, can there remain only portable altars?

"Response. To the fourth: Let the Most Reverend petitioner acquiesce.—To the sixth: As soon as it can be done, a fixed altar, especially the high altar, is to be consecrated in the customary form according to the Roman Pontifical. But if a fixed altar was consecrated but lost its consecration through some substantial defect, then, provided that all the conditions required for a new consecration of the altar are present, this can by favor be completed through a short rite and formula according to the tenor of an instruction to be suitably handed down by the Sacred Congregation of Rites itself." Sacred Congregation of Rites, 4 February 1898, Belluno, responses to 4 and 6.

On the Faculty and Formula for Blessing Sacred Furnishings

"A Bishop cannot delegate to a simple priest the faculty of blessing sacred vestments unless he has a special privilege of the Apostolic See for this; this privilege, however, is sometimes granted by it to persons established in dignity, provided that the sacred anointing or holy oil is not to be employed upon them, for these things are to be blessed, anointed, and consecrated only by the Bishop himself, ordained and consecrated...." Sacred Congregation of the Council, 28 November and 12 December 1733.

"Can Bishops, whether by ordinary right or by custom, delegate to priests of lower rank all the blessings described and reserved in the Roman Ritual in which no sacred anointing intervenes?—Response. Negative." Sacred Congregation of Rites, 2 April 1875, Limoges, response to 1.

"The Bishop of Blois obtained an Indult from the Sacred Congregation of Rites for the faculty of subdelegating his Vicars General, rectors of churches, etc., for the blessing of those sacred

furnishings in which no sacred anointing is employed. But since no formula is found for the blessing of a priestly or Levitical vestment besides that which is found in the Pontifical and therefore appears to be reserved to Bishops, the subdelegated priests must have recourse to the blessing for priestly vestments in general added to the Missal. This blessing, however, does not appear altogether suitable in all circumstances, for example, for the blessing of a cincture. Hence the aforesaid Most Reverend petitioner most humbly petitioned the Sacred Congregation of Rites that priests subdelegated by him might use the formula given by the Pontifical for the blessing of any vestment, which is furthermore a less solemn formula.—Response. The subdelegated priests are to use the blessing which is read in the Roman Ritual." Sacred Congregation of Rites, 16 March 1876, Blois.

Mass without Sacred Implements and Vestments

"When, in the Particular Sacred Congregation concerning Chinese affairs held on 2 October, it had been decreed that supplication was to be made to the Holy Father that he impart to the Apostolic Vicars of China, for a period of ten years, the necessary and opportune faculties so that in time of persecution they might grant permission to missionaries—not indiscriminately to all and by way of a rule, but after a prudent selection both of the circumstances concurring in the cases and of the persons whom they foresee will use it rightly, soberly, and holily—to celebrate Mass without the customary implements and without sacred vestments, or with only some of the more necessary ones when the others cannot be had, and this especially where the necessity of distributing the Eucharist to the people or the sick is urgent, His Holiness benignly approved this judgment of the Sacred Congregation in all respects and most lovingly granted the faculties in question." Sacred Congregation for the Propagation of the Faith, 30 November 1828; C. 853.

On the Pall, Corporal, and Purificator

"Can a pall covered on its upper side with silk fabric be used in the Sacrifice of the Mass?—Response. Negative." Sacred Congregation of Rites, 22 January 1701, Congregation of Monte Corona, response to 6.

"Is it lawful to use a pall covered on its upper side with silk cloth, or embroidered with gold or silver and with a needle?—Response. It can be permitted, provided that an underlying linen pall covers the chalice and that the upper cloth is not black in color and does not represent any signs of death." Sacred Congregation of Rites, 17 July 1894, Doubts, response to 4.

Because of the scarcity of linen cloth, an indult was granted to the missionaries of the East Indies to celebrate upon a corporal of cotton cloth, yet in such a manner that the corporals be made of genuinely cotton and not silk cloth. Sacred Congregation for the Propagation of the Faith, 28 July 1760; C. 849.

"12. Must the purificator be blessed? And insofar as the response is affirmative, 13. What blessing is to be employed?—Response. To the twelfth: Negative.—To the thirteenth: Provided for in the preceding case." Sacred Congregation of Rites, 7 September 1816, Tudela.

"Can corporals, palls, or at least albs, amices, and altar cloths be made from the fabric or cloth commonly called *Nipis*?—Response. Negative to both parts." Sacred Congregation of Rites, 13 August 1895, Piacenza, response to 1.

On the Material of the Chalice

Let every priest offer Sacrifice only in a gold or silver chalice, or at least one of tin. Benedict XIV, Constitution *Etsi pastoralis* for the Italo-Greeks.

An Indult was granted to missionaries in China and the neighboring kingdoms and in the East Indies, because of their poverty, to use chalices made of the metal commonly called *cuivre blanc*, or white copper. Sacred Congregation for the Propagation of the Faith, 6 June 1847; 24 December 1849; C. 856, 858. Cf. no. 551.

On the Small Cross and the Blessing of a Cross

A small cross with an image of the Crucified, placed above the tabernacle, is not sufficient while Mass is celebrated; rather, another cross must be placed in the middle of the candlesticks. But if a large statue of the Most Holy Crucified is present at the altar, it is sufficient and another cross is not needed. Sacred Congregation of Rites, 16 June 1662, Rossano, responses to 1 and 2. The abuse of placing a small cross scarcely visible either above the tabernacle or above some smaller panel situated in the middle of the altar, in place of the cross to be placed between the candlesticks as the Rubric prescribes, is to be reproved. Sacred Congregation of Rites, 17 September 1822, Doubts, response to 7.

"1. Are altar or processional crosses to be blessed by precept? 2. If they are not to be blessed by precept, can a simple priest bless them privately and not solemnly?—Response. To the first: Negative. To the second: Affirmative." Sacred Congregation of Rites, 12 July 1704, Rome.

On the Color of Vestments

"Can sacred vestments of gold color serve for the colors white, green, and red?—Response. Negative." Sacred Congregation of Rites, 29 March 1851, Adria, response to 5.

"In the said vestments of the Canons, can gold cloth be admitted for the colors white, red, and green? —Response. In the case, gold cloth can be employed by reason of its preciousness." Sacred Congregation of Rites, 20 November 1885, Pavia, response to 2.

"Can vestments of yellow color, both of silk and woven of gold, be employed for white, green, red, and violet, especially in poorer churches which cannot make vestments of each of the colors prescribed by the Rubric?—Response. As regards vestments of yellow color: Negative; as regards vestments woven of gold: Affirmative, but with violet excluded." Sacred Congregation of Rites, 5 December 1868, Syros, response to 4.

"Can silver cloth be permitted for vestments of white color?—Response. Affirmative." Sacred Congregation of Rites, 20 November 1885, Pavia, response to 3.

"1. Can vestments of yellow color be employed for any color whatsoever, except black? 2. Can vestments made of silk and interwoven with other colors and flowers, so that the primary and predominant color is scarcely discerned, be used interchangeably, at least for white, red, and green? 3. Can chasubles, stoles, and maniples be made from linen cloth or cotton, commonly called percale, dyed or painted with the prescribed colors?—Response. To the first: Negative. To the second: Likewise negative. To the third: The Rubrics and the usage of all churches, which do not admit

chasubles of this kind, are to be observed." Sacred Congregation of Rites, 23 September 1837, Modena, response to 5.

"Is it lawful to use the color yellow or blue in the Sacrifice of the Mass and in the exposition of the Most Holy Sacrament?—Response. Negative." Sacred Congregation of Rites, 16 March 1833, Verona, response to 4.

"Can the use of blue color in sacred vestments be permitted for white, as is customarily done in Masses of the Blessed Virgin Mary, or rather for violet?—Response. Negative in all respects, and the use of blue color is to be eliminated as an abuse." Sacred Congregation of Rites, 23 February 1839, Congregation of the Oblates of the Blessed Virgin Mary, response to 2.

"The cincture can be used in the color of the vestments." Sacred Congregation of Rites, 8 June 1709, Braga, response to 3.

"Can it be tolerated that a colored ground be placed beneath lace fabric or embroidery on the sleeves and hems of albs, and also on the sleeves of the rochet?—Response. As regards the sleeves and hems of albs: Affirmative; but as regards the sleeves of rochets, the ground can be of the color of the cassock of the respective dignity." Sacred Congregation of Rites, 12 July 1892, Rome, response to 5.

On the Material of Sacred Furnishings

"Although the Sacred Congregation of Rites on 15 March 1664 reproved the custom which had perhaps obtained somewhere of making amices, albs, altar cloths, as well as corporals and palls, from a certain fabric composed of linen and the finest cotton, nevertheless in most recent times the abuse has so prevailed that, the constant discipline of the Church having been set aside, in some churches no other furnishings are employed either for offering Sacrifice or for the use of altars except those made of simple cotton. The Most Eminent and Most Reverend Lord Cardinals charged with safeguarding the sacred rites have directed their efforts to uprooting completely this corruption, which very many endeavor to dignify with the name of custom. Therefore, solicitous that what was introduced from the beginnings of the Church concerning sacred vestments and furnishings on account of real and mystical significations be retained, restored, and altogether observed hereafter, they declared and decreed that there is to be no departure from the ancient custom under any pretext, color, or title whatsoever, and that the same sacred vestments and furnishings are to be made of linen or hemp and not of any other material whatsoever, even if it rivals and equals linen or hemp in cleanliness, whiteness, and durability. Nevertheless, using some indulgence, they permitted that amices, albs, altar cloths, and small cloths, if any made of cotton are possessed, may meanwhile be used until they are worn out; but when furnishings of this kind must be renewed, they commanded that they be made of no material other than linen or hemp. They strictly ordered, however, that corporals, palls, and purificators, after the passage of one month from the publication of the present Decree, be altogether of linen or hemp, the use of others which were made of cotton being interdicted and prohibited. And they thus decreed and commanded that it be observed everywhere, if it should please Our Most Holy Lord. His Holiness approved and confirmed the Decree of the Sacred Congregation and commanded it to be published in print." Sacred Congregation of Rites, 18 May 1819, General Decree, no. 3779.

"Is it lawful to use for the celebration of Mass ornaments whose weave is of glass mixed with gold or silver?—Response. Negative, and therefore it is not lawful to use the aforesaid ornaments." Sacred Congregation of Rites, 11 September 1847, Arras.

A fabric woven from silk and mulberry fibers can lawfully be used for sacred vestments. Sacred Congregation of Rites, 21 April 1893, Ceneda.

"His Holiness, in view of the peculiar circumstances set forth and while they persist, by special favor benignly granted the petitions for using amices, albs, altar cloths, as well as corporals and palls made from the fabric commonly called *Hiapou*, which comes from the plant called *Urtica nivea* by experts in natural history and *Ho-ma* in the Chinese language, and which belongs to the flax family; dispensing from the law and usage of employing linen cloth, ratifying the custom prevailing in the aforesaid Apostolic Vicariate, and permitting it for the future; all things whatsoever to the contrary notwithstanding." Sacred Congregation of Rites, 27 June 1898, Apostolic Vicariate of Southwestern Szechuan.

"Can cinctures of wool lawfully be employed in the celebration of the Most Holy Sacrifice of the Mass?—Response. Nothing prevents the cinctures mentioned in the petition from being employed." Sacred Congregation of Rites, 23 December 1862, Order of Carthusians.

"Can priests use a silk cincture in the Sacrifice of the Mass?—Response. It is more fitting to use a linen cincture." Sacred Congregation of Rites, 22 January 1791, Congregation of Monte Corona, response to 7.

On the Server Assisting at Mass

"In conservatories of girls, can one of the girls or nuns serve, outside the grille or farther from the altar, Masses celebrated by the chaplain, when another server is not easily found?—Response. Affirmative in the case and from necessity." Sacred Congregation of Rites, 18 March 1899, Alatri, response to 6; *M. E.*, vol. 11, p. 61.

"Is it to be tolerated that the Decrees of the Sacred Congregation prohibiting two servers at a low Mass are not obeyed, under the pretext that these servers are introduced not by reason of the dignity of the celebrant but by reason of the solemnity or more numerous attendance, for example, if the Mass is parochial or of some community?—Response. The Decrees are indeed to be observed as regards strictly private Masses; but as regards parochial or similar Masses on more solemn days, and as regards Masses which are celebrated in place of a solemn and sung Mass on the occasion of a real and customary celebration and solemnity, two servers assisting at Mass can be tolerated, with the provisions of the Sacred Congregation in the case of Tudela, 7 September 1816, doubts 11 and 12, observed." Sacred Congregation of Rites, 12 September 1857, Molina, response to 7.

"11. At private Masses can the server be permitted to open the Missal and find the Mass? 12. At the same private Masses can the server, if he is a priest, deacon, or subdeacon, be permitted to prepare the chalice and wipe it at the end after the ablutions, as in a solemn Mass?—Response. To the eleventh: Negative, and the Rubrics are to be observed.—To the twelfth: As to the preceding."

"The usage of dressing the boys who serve at the altar in a red or violet cassock can be tolerated, provided that at solemn Masses and other solemn functions they also wear the surplice." Sacred Congregation for the Propagation of the Faith, 18 August 1881; C. 1982.

On Lights in the Celebration of Mass

"The Sacred Congregation for the Propagation of the Faith has sometimes granted by Apostolic permission that missionaries might use oil in place of wax in the celebration of Mass and, when even oil was lacking, celebrate without lights." Sacred Congregation of Rites, 7 September 1850; C. 840.

"His Holiness deigned benignly to grant to the Apostolic Vicar of Coimbatore that, in those places of the Vicariate in which it is impossible to procure candles fashioned by the labor of bees, or olive oil in their place, he may permit in the Most Holy Sacrifice of the Mass the use of candles which are formed from the oil or fat of the whale, after the necessary purification, and are commonly called spermaceti." Sacred Congregation for the Propagation of the Faith, 13 December 1874; C. 841, 1968, 1970; Sacred Congregation of Rites, Authentic Decrees, no. 2865.

Candles made from tallow are prohibited. Sacred Congregation of Rites, 10 December 1857, Carolina.

"Besides candles of wax, can it be tolerated that lighting from gas also be had upon the altar, or must the aforesaid use be prohibited?—Response. Negative to the first part; affirmative to the second." Sacred Congregation of Rites, 8 March 1879.

"Since the Sacred Congregation of Rites on 8 March 1879 prohibited lighting by gas together with candles of wax upon the altar, by parity of reason and under the same circumstances can electric lighting also be deemed prohibited?—Response. Affirmative, according to the tenor of the Decrees of 8 March 1879 and 4 June 1895." Sacred Congregation of Rites, 16 May 1902.

Celebration with the Head Covered and with a Ring

"Are the Most Eminent and Most Reverend Lord Cardinals, or the Most Reverend Bishops, and all who by an Apostolic Indult enjoy the use of the skullcap, when assisting at the sacred rites either separately or collegially, bound to uncover the head at the chanting of the Holy Gospel and while they are incensed?—Response. Affirmative." Sacred Congregation of Ceremonies, 20 May 1890.

It was granted to missionaries of the Society of Jesus in China that in the celebration of Mass they might have the head covered with a cap, but not a common and ordinary one. C. 799.

Apostolic Vicars, when there is a grave and urgent cause, can celebrate without a rochet, ring, and episcopal cross. Sacred Congregation for the Propagation of the Faith, 22 March 1669; C. 843.

Canons cannot wear a ring at Mass, any custom whatsoever notwithstanding. Sacred Congregation of Rites, 12 February 1892; 9 March 1894.

On the Sprinkling of Holy Water before Mass

"Can the custom existing in many churches be tolerated by which, before the conventual Mass, the priest proceeds through the church beginning from the Epistle side and returning by the Gospel side, meanwhile sprinkling the people with holy water?—Response. In the case, the custom is to be observed." Sacred Congregation of Rites, 22 March 1862, St. Paul of Minnesota, response to 2.

"On Sundays, must the sprinkling of holy water upon the people be done by the celebrant outside the choir, proceeding as far as the door of the church, or must the celebrant, turned from the choir, sprinkle the people according to the prescriptions both in the Ceremonial of Bishops and in three

Decrees?—Response. On Sundays the sprinkling of the people with holy water is to be done at the rails of the sanctuary, according to other Decrees." Sacred Congregation of Rites, 12 September 1884, Santander, response to 4.

On Collects

In the prayer *A cunctis*, at the letter N., the Patron or Titular of the church in which the celebration takes place is to be named. Sacred Congregation of Rites, 23 September 1837, Modena, response to 7. But if the celebration takes place in an oratory, whether private or public, which does not have a Patron or Titular, then the Patron of the city or place is to be named. Sacred Congregation of Rites, 12 September 1840, Bruges, response to 1. But from the Decree of Pius IX of 7 July 1871, the name of St. Joseph, Spouse of the Blessed Virgin Mary, must be added after the invocation of the Blessed Virgin Mary and before any other Holy Patrons, except the Angels and St. John the Baptist, by these words: *with Blessed Joseph*.

Regulars in the prayer *A cunctis* can name their own Holy Founder at the letter N., provided that the Titular, if he can be named, is not omitted; nevertheless, the order of dignity prescribed in the Rubrics is to be observed. Sacred Congregation of Rites, 2 December 1891, Decree.

On the Sundays of Advent and Lent, the commanded Collect is not to be omitted, except on Palm Sunday and on the fourth Sunday of Advent when it coincides with the Vigil of the Nativity, and likewise on the Vigil of Pentecost because of its dignity. Sacred Congregation of Rites, 20 April 1822, Crotone, response to 2.

If a third prayer *ad libitum* is prescribed and some Collect is prescribed by the Bishop, that which is *ad libitum* must not be omitted; rather, some prayer *ad libitum* is to be recited in the third place, and that which must be said by command of the Bishop in the fourth place. Sacred Congregation of Rites, 17 August 1709, Bergamo, response to 2.

"1. In a church of regulars and in other exempt churches, are the Collects prescribed by the local Ordinary to be recited? 2. Is it lawful for the clergy of those churches to cease reciting them at pleasure before the Ordinary has ordered it?—Response. To the first: Affirmative. To the second: Negative." Sacred Congregation of Rites, 3 April 1821, General Decree.

On the Purification of the Chalice

"Can priests of the Chinese Missions, in view of the scarcity of wine in those regions, use water alone, not mixed with wine, for the purification of their hands and the chalice during the solemnities of Mass?—Response. Affirmative." Sacred Congregation for the Propagation of the Faith, 13 January 1665; C. 798. But the Holy Office on 14 June 1707 responded: "Short of the greatest scarcity, the Rubrics of the Roman Missal are to be observed as far as possible, especially in the purification, or first ablution."

Mass in Another's Church

"Each and every priest, both secular and regular, coming to a church or public oratory, shall altogether celebrate Masses of both Saints and Blesseds, even those proper to regulars, in conformity

with the Office of the same church or oratory, whether those Masses are contained in the Roman Missal or in that of the regulars; nevertheless, the peculiar rites proper to the Orders are excluded.

"But if in the said church or oratory an Office of a rite lower than double is observed, each celebrant shall be free to offer a Requiem Mass, a votive Mass, or even the Mass of the occurring feria, except on those days on which the Rubrics of the Roman Missal or the Decrees of the Sacred Congregation of Rites prohibit the aforesaid Masses." Sacred Congregation of Rites, 9 July 1895, for the City and the World.

"After the general Decree issued on 9 December 1895 concerning a Mass conforming to the Office of the church or public oratory, must Masses which are celebrated in the chapels of Bishops, seminaries, colleges, pious communities, hospitals, and prisons correspond to the calendar of the place or to that of the celebrant?—Response. Provided that it concerns the principal chapel, which for the effect of the aforesaid Decree is to be regarded after the manner of a public oratory: Affirmative to the first; negative to the second." Sacred Congregation of Rites, 22 May 1896.

On a Requiem Mass

"1. In every chapel of a cemetery duly erected or to be erected, the Masses which are permitted to be celebrated there can be Requiem Masses on days not impeded by a double feast of the first or second class, by Sundays and other feasts of precept to be observed, and also by privileged ferias, vigils, and octaves. Likewise, 2. in any churches and oratories, both public and private, and in chapels pertaining to seminaries, colleges, and religious or pious communities of either sex, private Requiem Masses, with the body present, unburied or even buried for not more than two days, can be offered on the day or for the day of death or burial, under the clauses and conditions under which, according to the Rubrics and Decrees, a solemn Requiem Mass is sung in the same cases, and with doubles of the first class, Sundays, and other feasts of precept excepted. All things whatsoever to the contrary notwithstanding." Sacred Congregation of Rites, 19 May 1896, Decree.

"Will private Requiem Masses which, under the express conditions, can be celebrated with the body present be lawful in any churches or oratories, whether public or private?—Response. Affirmative, provided that the body is physically or morally present; but if it concerns public churches and oratories, a funeral with the funeral Mass must also take place." Sacred Congregation of Rites, 12 January 1897, Rome, response to 3. By a Decree of 3 April 1900, the same Sacred Congregation responded: "In private oratories, the Masses which are permitted to be read there can be Requiem Masses when the body is present in the house, with the other clauses and conditions observed."

"For a poor deceased person whose family is unable to pay the expenses of a sung funeral Mass, can this Mass be read under the same clauses and conditions under which the aforesaid sung Mass is granted?—Response. Affirmative, or, in the case, a low funeral Mass can be permitted in place of a sung Mass, provided that on Sundays and other feasts of precept the Mass corresponding to the Office of the occurring day is not omitted." Sacred Congregation of Rites, 9 May 1899.

It is not necessary that a funeral with a sung funeral Mass be held in semipublic oratories in order that low or private Masses may be offered there on the day or for the day of death or burial. Sacred Congregation of Rites, 28 April 1902, response to 7, Ljubljana; *A. S. S.*, vol. 35, p. 52.

"Private Requiem Masses of this kind cannot be celebrated without application for the deceased whose body is or is deemed present. Likewise, the same Masses cannot be celebrated on non-double days which nevertheless exclude double feasts of the first class, as, for example, Ash Wednesday." Sacred Congregation of Rites, 12 January 1897, responses to 4 and 5, no. 3944.

"On which days is a Requiem Mass permitted when the body is unburied but absent because of a civil prohibition or contagious disease?—Response. A body absent because of a civil prohibition or contagious disease, not only unburied but also interred, provided that not more than two days have passed since death, can be deemed as though it were physically present, so that in the case the funeral Mass can lawfully be sung whenever it is permitted with the body present." Sacred Congregation of Rites, 13 February 1892, Calahorra, response to 26.

"By Decree of the Sacred Congregation of Rites no. 3570, Córdoba, 27 January 1883, response to 1, it was established: 'Funeral rites for the deceased, when the body is carried out, cannot be completed in churches on the more solemn days of the first class, and funerals of this kind are to be transferred to the following day, or at least to the afternoon hours after Vespers of the feast day which are not impeded by sacred functions, nevertheless abstaining from the funeral ringing of the bell.'

"And by the subsequent Decree of the Sacred Congregation of Rites, no. 3946, in the case of Lleida, 15 January 1897, it was likewise declared that the prevailing custom of ringing bells for the funerals of the deceased when they take place on more solemn feasts cannot be tolerated, and that the Decrees are to be observed, especially that in the case of Córdoba, 27 January 1883, response to 1. Hence it is asked:

"1. Which days by name throughout the year, beginning from the first Vespers of the feast and continuing through the whole following day, are deemed to be comprehended in the above-mentioned Decree of Córdoba?

"2. Can any exception be made from this rule because of the circumstances, especially in those cases in which a moral necessity of performing ecclesiastical funeral rites with some solemnity should manifest itself, and to what may this exception extend?

"Response. To the first: All feasts which, according to part I of the Catalog of Feasts published by the Sacred Congregation of Rites on 22 August 1898 with General Decree no. 3810, are celebrated as primary feasts under a double rite of the first class and as feasts of precept; and, if they are not of precept, those Sundays to which the solemnity of the aforesaid feasts is transferred.

"To the second: Negative, and the Most Reverend Bishop is prudently to provide that the prescriptions of the Roman Ritual and the Decrees of the Sacred Congregation of Rites be observed." Sacred Congregation of Rites, 8 January 1904.

Now the primary feasts under a double rite of the first class are: the Nativity of the Lord, the Epiphany of the Lord, the Pasch of the Resurrection, the Ascension of the Lord, Pentecost, the Feast of the Body of Christ, the Assumption and the Immaculate Conception of the Blessed Virgin Mary, the Nativity of St. John the Baptist, the Feast of St. Joseph, Spouse of the Blessed Virgin Mary, the Feast of the Holy Apostles Peter and Paul, the Feast of All Saints, the Dedication of one's own church, and the principal Patron of the region, diocese, or place.

Is the usage of covering with branches and flowers the catafalques which are erected in churches on the occasion of funerals to be prohibited?—Response. It can be tolerated. Sacred Congregation of Rites, 16 June 1893, Goa, response to 6.

"Is it fitting to hang funeral wreaths on the walls of a church or public oratory so that they remain there?—Response. Negative." Sacred Congregation of Rites, 22 May 1896, Valva and Sulmona.

"Insofar as it concerns banners which display manifestly impious or perverse emblems: if they are raised in a funeral procession, the clergy are to withdraw from it; if they are introduced into the church by force, then, if Mass has not yet begun, the clergy are to withdraw; if it has begun, after it has been completed the ecclesiastical authority is to issue a solemn protest concerning the violated sanctity of the temple and of the sacred functions. Insofar as it concerns banners called national which display no emblem forbidden in itself, they can be tolerated in the funeral procession, provided that they follow the bier; but they are not to be tolerated in the church unless disturbances or dangers would otherwise be feared." Holy Office, 24 November 1897.

Prayers and the Sequence in Masses of the Dead

"So that every doubt concerning the prayers and the sequence to be said in Masses of the Dead may be removed, the Sacred Congregation of Rites declares:

"I. Only one prayer is to be said in all Masses which are celebrated on the Commemoration of All the Faithful Departed, on the day and for the day of death or burial, and also in sung or low Masses, when the rite permits, on the third, seventh, and thirtieth days and on the anniversary day, as well as whenever a Mass is solemnly celebrated for the deceased, namely, under a rite corresponding to a double, as in the Office which is recited after news of someone's death has been received and in anniversaries broadly understood.

"II. In any daily Masses, whether low or with chant, several prayers are to be said. The first is to be for the deceased person or persons, certainly designated, for whom the Sacrifice is offered, from among those which are inscribed in the Missal; the second is at discretion; the last is for all the faithful departed.

"III. But if Mass is celebrated for the deceased in general, those prayers are to be said which appear in the Missal for daily Masses, and in the same order in which they are inscribed.

"IV. But if at the same daily Masses the celebrant should wish to add several prayers, as the Rubrics give the power to do, this can be done only in low Masses, an odd number being observed together with the other prescribed prayers, and the prayer for all the faithful departed being assigned the final place.

"V. Finally, as regards the sequence, it is always to be said in every sung Mass, as also in low Masses which are offered on the privileged days mentioned above. In the remaining Masses it can either be recited or omitted at the discretion of the celebrant, according to the Rubrics. All things whatsoever to the contrary notwithstanding." Sacred Congregation of Rites, 30 June 1896, General Decree.

On Chant and the Vernacular Language during Mass

"While the Preface and the Lord's Prayer are chanted, whenever Masses are sung, can the organ be played?—Response. The Ceremonial of Bishops, book I, chapter 28, no. 9, which is to be observed, stands in the way." Sacred Congregation of Rites, 27 January 1899.

"1. Is it lawful for the celebrating priest, before or after the Sacrifice of the Mass is completed, publicly to recite prayers or hymns in the vernacular language, for example, prayers of a novena of the Blessed Virgin Mary or of some Saint, before the Most Holy Sacrament publicly exposed? 2. Is it lawful for a priest publicly celebrating the devotion of the Most Sacred Heart of Jesus in a church, before the Most Holy Sacrament solemnly exposed, to recite acts or other prayers in honor of the same Most Sacred Heart in the vernacular language, within the hearing of the faithful people standing by, so that they may be able to respond to those prayers or acts? 3. Is it lawful generally for a choir of musicians, that is, of singers, before the Most Holy Sacrament solemnly exposed, to sing hymns in the vernacular language? "Response. To the first: Affirmative.—To the second: Affirmative, or provided for in the preceding.—To the third: It can be done, provided that it does not concern the hymn *Te Deum* or any other liturgical prayers whatsoever, which must be sung only in the Latin language." Sacred Congregation of Rites, 27 February 1882, Leavenworth.

"At the parish Mass, is it lawful after the Gospel in Latin to read the Gospel in another rite and in another language, and for the minister to recite aloud in the vernacular language the *Gloria*, *Credo*, etc.?—Response. It is not lawful, and according to the mind. The mind is that the Gospel alone, when an explanation or instruction is to be given, can be placed before it as part of the discourse, provided that the translation is approved or legitimately adopted." Sacred Congregation for the Propagation of the Faith, 29 March 1824.

"Are hymns in the vernacular language to be tolerated even in Masses which are celebrated with chant, while the usage of chanting the Introit, *Gloria*, *Credo*, *Sanctus*, and *Agnus Dei* always remains?—Response. Hymns in the vernacular language are not to be tolerated in liturgical functions and Offices, but are altogether to be prohibited; outside liturgical functions the custom is to be observed." Sacred Congregation of Rites, 21 June 1879, Apostolic Prefecture of Madagascar, response to 1.

"1. Any vernacular songs whatsoever are altogether prohibited in all Masses which are celebrated either solemnly or only with chant, so that it is lawful for no one to add or intermingle other songs with the melodies which the Rubrics prescribe in the liturgical language; and the contrary custom concerning this matter, if it has been introduced anywhere, is altogether to be eliminated as an abuse and corruption.—2. Those things which the choir of singers must execute alternately are never to be omitted; rather, they are either to be sung in their entirety, or, if the organ is joined with the voices, partly sung and partly read in a clear voice under the organ, as the Ceremonial of Bishops prescribes, except the Creed, which, if it occurs, must always be sung in its entirety.—3. While the Most Holy Sacrament is elevated, whether under one species or the other, the singers are altogether to be silent according to the Rubrics and are to adore the Sacrament with the others. But if, after the last elevation has been completed, which according to the Rubrics the *Benedictus* must immediately follow, they should wish to sing something up to the Lord's Prayer, the Sacred Congregation of Rites permits it, provided that nothing of those things which are to be sung from the Liturgy is omitted, the

celebrant is not impeded from continuing the Mass, and that which is sung pertains to the Sacrament." Sacred Congregation of Rites, 22 May 1894, General Decree.

"In the same parish church, can prayers or hymns composed in the vernacular language in honor of the Saint or mystery whose feast is being celebrated be sung by the faithful during Mass according to an ancient custom interrupted for some years?—Response. Affirmative, with the consent of the Ordinary, as regards a private Mass; negative as regards a solemn or sung Mass, according to articles seven and eight of the ordinance on sacred music and according to the Decree in the case of the Apostolic Prefecture of Madagascar, in the response to the first doubt, of 21 June 1879. And it commanded that it be so observed." Sacred Congregation of Rites, 31 January 1896, Bisarchio.

"Is it lawful to sing something in the vernacular language: 1. At a solemn Mass, while Holy Communion is distributed for a notable period? 2. In a solemn procession of the Most Holy Sacrament, alternately with liturgical hymns?—Response. Negative to both." Sacred Congregation of Rites, 14 January 1898, Paris, response to 5.

"1. Is it lawful to chant the Passion of the Lord on Friday in *Parasceve* in the vernacular language, namely, one akin to Slavonic, in the two aforesaid parishes, in view of immemorial custom? 2. Can the hymn *Tantum ergo*, the *Genitori*, and the litanies be sung in the vernacular language while the Most Holy Sacrament is exposed? 3. Can the vernacular language be employed in the administration of Communion outside Mass? 4. And in the administration of Baptism? 5. And finally in the prayers prescribed by the Supreme Pontiffs at the end of Mass?—Response. To the first: Negative, and according to the mind.—To the second: Negative, and Decrees no. 3496, Apostolic Prefecture of Madagascar, 21 June 1879, response to 1; no. 3530, Naples, 23 March 1881; and no. 3537, Leavenworth, 27 February 1882, response to 3, are to be observed.—To the third: Negative, according to Decree no. 3725, Order of Friars Minor Capuchin of the Province of Switzerland, 23 May 1835, response to 5.—To the fourth: Affirmative as regards the questions and responses of the godfather or godmother, if the same are first recited by the Pastor in the Latin language.—To the fifth: Affirmative, provided that the translation is faithful and approved by the Ordinary.—The mind is: The negative response regards both a low and a sung Mass, and the Most Reverend Lord Archbishop of Udine is prudently to take care to remove the abuse where it has prevailed and to prevent it from being introduced elsewhere." Sacred Congregation of Rites, 5 March 1904.

"From an ancient custom, the Bishop of Tricomia, the predecessor Apostolic Vicar, reported that it had arisen that daily prayers are even now recited alternately by men and women, both in church and outside it; and that some years ago a custom had prevailed that, while the priest celebrates Mass, three or four girls already of marriageable age recite or sing aloud pious meditations adapted to each part of the Mass. By this practice, said the Prelate, Christians are greatly helped to restrain wanderings of mind and to hear Mass piously and devoutly. Nevertheless, it is disapproved by many as contrary to the words of the Apostle saying: 'Let women be silent in churches.' Adhering to these words, the Sacred Congregation itself, in Instructions given to the Apostolic Vicar of Szechuan on 29 April 1784 and printed at the end of the Synod of Szechuan, prohibited 'that in a public assembly of men, virgins presume to preach or teach the word of God, or in some manner proclaim it by reading openly or singing alone,' which was confirmed in the year 1844. Notwithstanding this, the Prelate asked whether it seemed to the authority of the Sacred Congregation that this practice was to be entirely abolished, since perhaps not all were persuaded that this was expedient, especially in other

missions; or rather that it was to be tolerated, or that it should be permitted that the said pious meditations be sung by boys or by some catechist, in order to forestall all disparagement. But after seriously weighing all the things which had been noted by the praised Prelate, the Most Eminent Fathers judged that this answer should be given to Your Excellency: 'The alternate recitation or chant according to custom remaining firm, but with the Decrees of the years 1784 and 1844 observed, care is to be taken in the most prudent manner possible that this be done only by boys or schoolmasters.'" Sacred Congregation for the Propagation of the Faith, 21 May 1856.

"Whether and how the chants of women in sacred functions are to be prohibited in England.—Response. Let it be earnestly commended to the Bishops that, insofar as it can be done, they strive to uproot an abuse of this kind." Sacred Congregation for the Propagation of the Faith, 6 July 1874.

On Gregorian Chant

"Our Most Holy Lord Pope Pius X, by the *Motu proprio* of 22 November 1903 in the form of an Instruction on sacred music, happily restored the venerable Gregorian Chant according to the fidelity of the codices to the ancient usage of the Churches, and at the same time gathered into one body the principal prescriptions for promoting or restoring the sanctity and dignity of sacred music in churches, to which, as a juridical Code of sacred music, he willed by the plenitude of his Apostolic Power that the force of law for the universal Church be attached. Therefore, the same Our Most Holy Lord, through this Sacred Congregation of Rites, commands and prescribes that the aforesaid Instruction be received by all the Churches and most sacredly observed, notwithstanding any privileges and exemptions whatsoever, even those worthy of special mention, such as the privileges and exemptions granted by the Apostolic See to the Major Basilicas of the City and especially to the Most Sacred Lateran Church. Likewise revoking both the privileges and the recommendations by which any other more recent forms of liturgical chant were introduced by the Apostolic See and by this Sacred Congregation according to the circumstances of affairs and times, His Holiness deigned benignly to grant that the aforesaid more recent forms of liturgical chant may lawfully be retained and sung in those Churches in which they have already been introduced until the venerable Gregorian Chant according to the fidelity of the codices can be substituted in their place as soon as possible. All things whatsoever to the contrary notwithstanding.

"Concerning all these things Our Most Holy Lord Pope Pius X commanded this Sacred Congregation of Rites to issue the present Decree. 8 January 1904." For the City and the World.

On the Priest Assisting at the Mass of a Newly Ordained Priest

"Must the priest assisting at the first Mass of a newly ordained priest use the stole from the beginning of Mass until the end, as some are accustomed, or must he assume it from the beginning of the Canon until the Consummation only?—Response. The custom is to be observed." Sacred Congregation of Rites, 11 June 1880, Vigevano, response to 7.

On a Subdeacon Not Ordained in Sacred Orders at a Sung Mass

"Can one who has not yet received the order of the subdiaconate perform the office of subdeacon at a solemn Mass?—Response. Affirmative, provided that he has been initiated at least by the clerical

tonsure, does not wear the maniple, and a true necessity urges." Sacred Congregation of Rites, 17 July 1894, Doubts, response to 7.

"The Most Reverend Lord Bishop of Płock proposed a doubt concerning a minister who, according to Decree no. 3377, Bayonne, 25 September 1875, at Masses with chant without ministers turns the pages, uncovers and cleans the chalice, pours in the wine and water, covers and uncovers the same chalice with the pall during the Canon as appropriate, and also wipes it after Communion and equips it with its ornaments, namely: Must this minister be constituted in Sacred Orders?

"Response. Affirmative, if he must also wipe the chalice." Sacred Congregation of Rites, 6 December 1901.

Prayers after Mass

"Are the prayers after Mass prescribed by the Holy Father Leo XIII still to be said after his death?—Response. Affirmative." Sacred Congregation of Rites, 11 September 1903.

In the recitation of the prayers, one may kneel at discretion either upon the predella or upon the lowest step of the altar. Decree no. 3637.

The prayers prescribed by the Supreme Pontiff Leo XIII are to be recited immediately after the Last Gospel has been completed. Decree no. 3682.

A priest who celebrates three consecutive Masses on the day of the Nativity, or on 2 November where this is lawful, shall recite the prescribed prayers only at the end of the last Mass. Decrees nos. 3855 and 3936.

On the Observance of the Sacred Rites

"15. Likewise, whether he believes that one who with deliberate intent contemns the rite of the Church, the ceremonies of exorcism and catechism, and consecrated baptismal water, sins mortally." Article 39, concerning which those suspected of the errors of Wyclif and Hus are to be questioned by command of Martin V in the Bull *Inter cunctas*.

Clement XI, in the Encyclical Letter to all the Bishops of the world, 10 March 1703: "A Bishop must take care with diligence and zeal beyond expression that the Sacrifice of the Mass, than which nothing holier, nothing more divine can be conceived, be celebrated by priests alone, not only with that purity which befits those who each day offer to God the Father the heavenly holocaust of the Only-begotten Son who put on our mortality, but also that they diligently and piously observe the sacred ceremonies prescribed in the Rubrics. This also is necessarily required, lest the priest, placed between men and God to appease His anger, if he performs his office negligently and immodestly, provoke God all the more."

Decree of St. Pius V: "Commanding and strictly enjoining each and every one ... by virtue of holy obedience, that, all other methods and rites from other Missals being hereafter entirely omitted, ... they chant and read Mass according to the rite, manner, and norm which is now handed down by Us through this Missal; nor are they to presume in the celebration of Mass to add or recite ceremonies or prayers other than those which are contained in this Missal."

"Among the accusations against the priests of your Vicariate, it is also recounted that in the administration of sacred things, especially in the tremendous Sacrifice of the Mass, they neglect the rites established by the Church, add to and subtract from them at pleasure, and form a certain mixed liturgy from the statutes of the Church and other things devised by their own effort. No one fails to understand that this manner of acting is to be reproved exceedingly. For rites and ceremonies were introduced into the Church so that external worship toward God might be exercised with due veneration, so that the sacred Mysteries which are performed might be rendered more august, and so that they might be for the great edification of Christ's faithful by arousing their piety toward God and the affection of devotion. Hence the Most Holy Council of Trent thus speaks to this matter, session 22, *On the Sacrifice of the Mass*, chapter 5: 'And since the nature of men is such that it cannot easily be raised to the meditation of divine things without external helps, Holy Mother Church has therefore instituted certain rites, namely, that some things in the Mass be pronounced in a low voice and others in a louder voice. She has likewise employed ceremonies such as mystical blessings, lights, incense, vestments, and many other things of this kind from Apostolic discipline and tradition, whereby both the majesty of so great a Sacrifice might be commended and the minds of the faithful might be excited by these visible signs of religion and piety to the contemplation of the most sublime things which lie hidden in this Sacrifice.' Since ecclesiastical rites and ceremonies are such, it follows that they are of the right of the Church and that it pertains to her alone to establish them, just as it pertains to the ministers of the Church to observe them exactly, especially because there is contained, implicit in these rites of the Church, a profession of many Catholic dogmas. Hence also from the liturgies faith is drawn concerning the divinity of the Word and of the Holy Spirit, the truth of the humanity and divinity of Christ, the virginity of the Mother of God, the dignity of Bishops above priests, the necessity of the grace of Christ for works meritorious of eternal life, the diffusion of original sin to all men, the Sacrament of Confirmation, the unbloody Sacrifice of the Mass, the real presence of the Body of Christ in the Eucharist, the marvelous transubstantiation which takes place therein, purgatory, the veneration and invocation of the Saints, and many other things; whence it has come about that theologians have recognized in the liturgies a theological source from which the doctrine of the Church is manifested to us. Since these things are so, the Council of Trent, cited just above, most rightly decreed as follows, Session 7, *On the Sacraments in General*, canon 13 [the original prints "canon 12"]: "If anyone says that the received and approved rites of the Catholic Church customarily employed in the solemn administration of the sacraments may either be contemned, or omitted at pleasure by the ministers without sin, or changed into other new rites by any pastor of the Church whatsoever: let him be anathema." These things sanctioned at the Council of Trent are to be set against violators, and perhaps even despisers, of the sacred rites of the Church; the authority of the Supreme Pontiffs Pius V, Clement VIII, and Urban VIII is to be set against them, who approved the Roman Missal together with its Rubrics for the universal Church by three issued Constitutions; and against the obstinate, an even stricter manner of proceeding will have to be employed, if that should appear consonant with the evangelical prudence from which those who rule and govern in the Church of Christ must never depart." Instruction of the Sacred Congregation for the Propagation of the Faith, August 1827.

"Can prelates, archbishops, and bishops be judges for declaring doubts concerning sacred rites and ceremonies?—Response. Negative." Sacred Congregation of Rites, 11 June 1605, *Visen.*

"The Ordinary of the place is strictly bound to provide by opportune remedies that the Rubrics and the Decrees of the Sacred Congregation of Rites be duly observed; if any doubt should occur, recourse is to be had to the same Sacred Congregation for a declaration." Sacred Congregation of Rites, 17 September 1822, *On Doubts*, response to 1.

"Can any inveterate custom to the contrary derogate from a law prescribed by Decrees of the Sacred Congregation?—Response. Negative, likewise according to the Decrees." Sacred Congregation of Rites, 3 August 1839, Trivento, response to 2.

"Only those books are to be employed, and only in those blessings, which are conformed to the Roman Ritual." Sacred Congregation of Rites, 7 April 1832, Rimini, response to 4.

On Penance

The Council of Trent on Penance, Session 14 — Chapter 1. On the Necessity and Institution of the Sacrament of Penance

"If there were in all the regenerate such gratitude toward God that they constantly preserved the justice received in Baptism through His beneficence and grace, there would have been no need for another sacrament, distinct from Baptism itself, to be instituted for the remission of sins. But because God, rich in mercy, knew our frame, He also bestowed a remedy of life upon those who afterward had delivered themselves into the servitude of sin and the power of the devil, namely, the Sacrament of Penance, by which the benefit of the death of Christ is applied to those who have fallen after Baptism. Penance was indeed at all times necessary for attaining grace and justice for all men who had defiled themselves with any mortal sin, even for those who sought to be washed by the Sacrament of Baptism, so that, their perversity having been cast away and amended, they might detest so great an offense against God with hatred of sin and pious sorrow of soul. Whence the prophet says: *Be converted and do penance for all your iniquities; and iniquity shall not be your ruin.* "The Lord also said: *Unless you do penance, you shall all likewise perish.* And Peter, the prince of the Apostles, commending penance to sinners about to be initiated by Baptism, said: *Do penance, and let every one of you be baptized.* Moreover, neither before the advent of Christ was penance a sacrament, nor is it, after His advent, for anyone before Baptism. But the Lord principally instituted the Sacrament of Penance when, raised from the dead, He breathed upon His disciples, saying: *Receive the Holy Spirit: whose sins you shall forgive, they are forgiven them; and whose sins you shall retain, they are retained.* By this signal act and these words so clear, the universal consensus of the Fathers has always understood that the power of forgiving and retaining sins, for reconciling the faithful who have fallen after Baptism, was communicated to the Apostles and their legitimate successors. And with great reason the Catholic Church rejected and condemned as heretics the Novatians, who of old obstinately denied the power of forgiveness. Therefore, approving and receiving this most true meaning of those words of the Lord, this holy Synod condemns the fictitious interpretations of those who falsely distort those words, contrary to the institution of this sacrament, to mean the authority of preaching the word of God and announcing the Gospel of Christ.

Chapter 2. On the Difference between the Sacrament of Penance and Baptism

"Furthermore, this sacrament is known to differ from Baptism in many respects; for besides the fact that it is most widely different in matter and form, by which the essence of a sacrament is constituted, it is certainly established that the minister of Baptism need not be a judge, since the Church exercises judgment over no one who has not first entered her through the gate of Baptism. *For what have I to do*, says the Apostle, *with judging those who are without?* It is otherwise with the household of the faith, whom Christ the Lord once made members of His Body by the laver of Baptism; for if afterward they have defiled themselves with any crime, He willed that they should not now be cleansed by a repeated Baptism, since that is in no way lawful in the Catholic Church, but should stand before this tribunal as guilty persons, so that by the sentence of priests they might be freed, not once, but as often as they should flee to Him in penance for sins committed. Moreover, the

fruit of Baptism is one thing, and that of Penance another; for by Baptism, putting on Christ, we are made in Him an altogether new creature, obtaining the full and entire remission of all sins. Yet by the Sacrament of Penance we can by no means arrive at this newness and integrity without great weeping and labors on our part, divine justice requiring it; so that Penance has deservedly been called by the holy Fathers a certain laborious Baptism. But this Sacrament of Penance is necessary for salvation for those who have fallen after Baptism, as Baptism itself is for those not yet regenerated.

Chapter 3. On the Parts and Fruit of This Sacrament

"The holy Synod furthermore teaches that the form of the Sacrament of Penance, in which its force principally consists, is placed in these words of the minister: *I absolve you*, etc.; to which, according to the custom of holy Church, certain prayers are laudably joined, but they in no way pertain to the essence of the form itself, nor are they necessary for the administration of the sacrament itself. The acts of the penitent himself—namely, contrition, confession, and satisfaction—are, as it were, the matter of this sacrament. Insofar as these are required in the penitent, by divine institution, for the integrity of the sacrament and for the full and perfect remission of sins, they are for this reason called the parts of Penance. But the reality and effect of this sacrament, so far as concerns its force and efficacy, is reconciliation "with God, which in pious men who receive this sacrament with devotion is sometimes wont to be followed by peace and serenity of conscience, with vehement consolation of spirit. In delivering these teachings concerning the parts and effect of this sacrament, the holy Synod at the same time condemns the opinions of those who contend that terrors struck into the conscience and faith are the parts of Penance.

Chapter 4. On Contrition

"Contrition, which holds the first place among the aforesaid acts of the penitent, is sorrow of soul and detestation for sin committed, together with a resolution not to sin thereafter. This movement of contrition was at all times necessary for obtaining the pardon of sins; and in a man who has fallen after Baptism it finally prepares for the remission of sins if it is joined with confidence in the divine mercy and with the desire of performing the other things required for duly receiving this sacrament. The holy Synod therefore declares that this contrition contains not only cessation from sin and the resolution and beginning of a new life, but also hatred of the old life, according to the saying: *Cast away from you all your transgressions by which you have transgressed, and make yourselves a new heart and a new spirit*. And certainly, he who has considered those cries of the Saints: *Against You only have I sinned, and I have done evil before You*; *I have labored in my groaning; every night I will wash my bed*; *I will recount to You all my years in the bitterness of my soul*; and others of this kind, will easily understand that they flowed from a certain vehement hatred of the former life and an immense detestation of sins. It teaches furthermore that, although it sometimes happens that this contrition is perfected by charity and reconciles man to God before this sacrament is actually received, nevertheless the reconciliation itself is not to be ascribed to the contrition apart from the desire of the sacrament, which is included in it. But that imperfect contrition which is called attrition, because it is commonly conceived either from consideration of the turpitude of sin or from fear of hell and punishments, if it excludes the will to sin and is joined with the hope of pardon, it declares not only does not make a man a hypocrite and a greater sinner, but is even a gift of God and an impulse of the Holy Spirit—not indeed as yet dwelling within, but only moving—by which the penitent, assisted, prepares a way for himself to justice. And

although by itself, without the Sacrament of Penance, it cannot lead the sinner to justification, nevertheless it disposes him to obtain the grace of God in the Sacrament of Penance. For the Ninevites, profitably struck by this fear, did penance full of terrors at the preaching of Jonah and obtained mercy from the Lord. Therefore certain men falsely calumniate Catholic writers as though they taught that the Sacrament of Penance confers grace upon those receiving it without a good movement, which the Church of God has never taught or believed; and they also falsely teach that contrition is extorted and coerced, not free and voluntary.

Chapter 5. On Confession

"From the institution of the Sacrament of Penance already explained, the universal Church has always understood that the complete confession of sins was also instituted by the Lord and that it exists by divine law as necessary for all who have fallen after Baptism; because our Lord Jesus Christ, when about to ascend from earth to heaven, left priests as His own vicars, as presidents and judges, to whom all mortal crimes into which the faithful of Christ have fallen are to be brought, so that by the power of the keys they may pronounce the sentence of remission or retention of sins. For it is established that priests could not have exercised this judgment without cognizance of the cause, "nor indeed could they have observed equity in imposing penalties, if penitents had declared their sins only in general and not rather in kind and individually. From these things it is gathered that all mortal sins of which penitents have consciousness after a diligent examination of themselves must be enumerated in confession, even if they are most secret and have been committed only against the last two precepts of the Decalogue—sins which sometimes wound the soul more grievously and are more dangerous than those committed openly. For venial sins, by which we are not excluded from the grace of God and into which we fall more frequently, although they are rightly and profitably declared in confession without any presumption, as the practice of pious men demonstrates, nevertheless can be withheld without fault and expiated by many other remedies. But since all mortal sins, even those of thought, render men children of wrath and enemies of God, it is necessary to seek pardon for all of them from God by an open and modest confession. Therefore, while the faithful of Christ strive to confess all sins which occur to their memory, without doubt they expose them all to be pardoned by the divine mercy; but those who act otherwise and knowingly retain some sins propose nothing to the divine goodness to be forgiven through the priest; for if the sick man is ashamed to uncover his wound to the physician, the medicine does not heal what it does not know. It is gathered furthermore that those circumstances which change the species of a sin must also be explained in confession, because without them the sins themselves are neither fully set forth by the penitents nor known to the judges, and it cannot come about that they are able rightly to judge the gravity of the crimes and impose upon the penitents the penalty that is fitting for them. Hence it is foreign to reason to teach that these circumstances were devised by idle men, or that only one circumstance is to be confessed, namely, that one has sinned against his brother. But it is also impious to say that confession, which is enjoined to be made in this manner, is impossible, or to call it a torture-house of consciences; for it is established that nothing else is required of penitents in the Church than that, after each has examined himself more diligently and explored all the folds and recesses of his conscience, he confess those sins by which he remembers having mortally offended his Lord and God; while the other sins which do not occur to one who thinks diligently are understood to be included generally in the same confession. For these we say faithfully with the prophet: *From my hidden sins cleanse me, O Lord.* The

difficulty of confession of this kind and the shame of uncovering sins could indeed appear grave, were it not lightened by the so many and so great advantages and consolations which are most certainly conferred through absolution upon all who worthily approach this sacrament. Furthermore, as regards the manner of confessing secretly to a priest alone, although Christ did not forbid that anyone, for the vindication of his crimes and his own humiliation, and both as an example to others and for the edification of the offended Church, might be able to confess his offenses publicly, nevertheless this was not commanded by divine precept, nor would it be sufficiently prudent to command by any human law that offenses, especially secret ones, be disclosed by public confession. Hence, since secret sacramental confession, which holy Church has used from the beginning and now also uses, has always been commended by the holiest and most ancient Fathers with great and unanimous consent, the empty calumny of those who do not shrink from teaching that it is foreign to the divine command, is a human invention, and had its beginning from the Fathers assembled at the Lateran Council, is manifestly refuted. For through the Lateran Council "the Church did not establish that the faithful of Christ should confess, which she understood to be necessary and instituted by divine law, but that the precept of confession should be fulfilled at least once a year by each and all when they had arrived at the years of discretion. Whence throughout the universal Church, with great fruit for the souls of the faithful, that salutary custom of confessing during the sacred and most acceptable time of Lent is now observed; which custom this holy Synod greatly approves and embraces as pious and deservedly to be retained.

Chapter 6. On the Minister of This Sacrament and on Absolution

"Concerning the minister of this sacrament, the holy Synod declares that all doctrines which perniciously extend the ministry of the keys to any other men besides bishops and priests are false and wholly foreign to the truth of the Gospel; for they suppose that those words of the Lord: *Whatever you shall bind upon earth shall be bound also in heaven; and whatever you shall loose upon earth shall be loosed also in heaven*; and: *Whose sins you shall forgive, they are forgiven them; and whose sins you shall retain, they are retained*, were spoken indifferently and indiscriminately to all the faithful of Christ, contrary to the institution of this sacrament, in such a manner that anyone should have the power of forgiving sins—public sins, indeed, through correction, if the person corrected acquiesces; but secret sins through a spontaneous confession made to anyone whatsoever. It also teaches that even priests who are held by mortal sin exercise the function of forgiving sins as ministers of Christ, through the virtue of the Holy Spirit conferred in ordination; and that those who contend that this power does not exist in bad priests hold an evil opinion. But although the absolution of the priest is a dispensation of another's beneficence, nevertheless it is not merely the bare ministry either of announcing the Gospel or of declaring that sins have been forgiven, but is after the manner of a judicial act, by which sentence is pronounced by him as by a judge. And therefore the penitent ought not so to flatter himself concerning his own faith that, even if no contrition is present in him, or the priest lacks the intention of acting seriously and truly absolving, he should nevertheless think himself, by reason of his faith alone, truly absolved before God; for faith without penance would effect no remission of sins. Nor would he be anything other than most negligent of his salvation who knew that a priest was absolving him in jest and did not diligently seek another who would act seriously.

Chapter 7. On the Reservation of Cases

"Since, therefore, the nature and character of judgment demand that sentence be passed only upon subjects, it has always been held as certain in the Church of God, and this Synod confirms it as most true, that an absolution pronounced by a priest upon one over whom he has neither ordinary nor subdelegated jurisdiction must be of no effect. But it appeared to our most holy Fathers to pertain greatly to the discipline of the Christian people that certain more atrocious and graver crimes should be absolved not by just any priests, but only by the highest priests. Hence the Supreme Pontiffs, by reason of the supreme power handed down to them in the universal Church, were rightly able to reserve certain graver causes of crimes to their own peculiar judgment. Nor is it to be doubted—since all things that are from God are well ordered—that the same is lawful to all bishops, each in his own diocese, for edification, however, and not for destruction, by the authority handed down to them over their subjects above the other inferior priests, especially as regards those crimes to which the censure of excommunication is annexed. It is consonant with divine authority that this reservation of offenses have force not only in the external polity, but also before God. Nevertheless, lest anyone perish through this very occasion, it has always been most piously observed in the same Church of God that there be no reservation at the point of death; "and therefore all priests can absolve any penitents from any sins and censures. Outside this point, since priests can do nothing in reserved cases, they should strive only to persuade penitents to approach their superiors and legitimate judges for the benefit of absolution.

Chapter 8. On the Necessity and Fruit of Satisfaction

"Finally, as regards satisfaction—which, of all the parts of Penance, just as it has been commended to the Christian people by our Fathers throughout all time, is also the one especially assailed in our age, under the supreme pretext of piety, by those who have an appearance of piety but have denied its power—the holy Synod declares it altogether false and foreign to the word of God that guilt is never forgiven by the Lord without the whole punishment also being remitted. For clear and illustrious examples are found in Sacred Scripture, by which, besides divine tradition, this error is most manifestly refuted. Indeed, the nature of divine justice seems to demand that those who sinned through ignorance before Baptism be received into grace by Him in one manner, but in another manner those who, once freed from sins and the servitude of the devil and having received the gift of the Holy Spirit, did not fear knowingly to violate the temple of God and grieve the Holy Spirit. And it befits the divine clemency that sins not be remitted to us without any satisfaction in such a manner that, seizing the occasion and thinking sins lighter, we should, as injurious and insulting toward the Holy Spirit, fall into graver ones, treasuring up wrath for ourselves on the day of wrath. For without doubt these satisfactory punishments greatly recall men from sin and restrain them as by a certain bridle, and make penitents more cautious and vigilant for the future. They also heal the remnants of sins and remove vicious habits acquired by living badly through contrary acts of the virtues. Nor was any way ever deemed safer in the Church of God for averting the punishment impending from the Lord than that men should frequently perform these works of Penance with true sorrow of soul. Added to these things is that, while by making satisfaction we suffer for sins, we are made conformable to Christ Jesus, who made satisfaction for our sins, from whom is all our sufficiency; and from this also we have a most certain pledge that, if we suffer with Him, we shall also be glorified with Him. Nor is this satisfaction which we discharge for our sins ours in such a way that it

is not through Christ Jesus; for we who of ourselves, as of ourselves, can do nothing, with Him who strengthens us cooperating, can do all things. Thus man has nothing from which to glory; but all our glorying is in Christ, in whom we live, in whom we merit, in whom we make satisfaction, bringing forth fruits worthy of Penance, which have their force from Him, are offered by Him to the Father, and through Him are accepted by the Father. Therefore the priests of the Lord, insofar as spirit and prudence shall suggest, ought to impose salutary and fitting satisfactions according to the quality of the crimes and the capacity of the penitents, lest perhaps, if they connive at sins and deal too indulgently with penitents by imposing certain very light works for very grave offenses, they become participants in the sins of others. But they are to keep before their eyes that the satisfaction which they impose is not only for the safeguarding of a new life and as a medicine for infirmity, but also for the vindication and chastisement of past sins; for the ancient Fathers also believe and teach that the keys of the priests were granted not only for loosing, but also for binding. Nor did they on that account consider

"the Sacrament of Penance to be a tribunal of wrath or punishments, just as no Catholic ever thought that, through satisfactions of this kind on our part, the force of the merit and satisfaction of our Lord Jesus Christ is either obscured or in any part diminished. Since the innovators are unwilling to understand this, they teach that the best Penance is a new life in such a way that they take away all the force and use of satisfaction.

Chapter 9. On Works of Satisfaction

"It teaches furthermore that so great is the bounty of the divine munificence that we are able to make satisfaction before God the Father through Christ Jesus not only by punishments voluntarily undertaken by us for the vindication of sin, or imposed at the discretion of the priest according to the measure of the offense, but also—and this is the greatest proof of love—by temporal scourges inflicted by God and patiently borne by us.

"Canon 1. If anyone says that in the Catholic Church Penance is not truly and properly a sacrament instituted by Christ our Lord for reconciling to God the faithful as often as they fall into sins after Baptism: let him be anathema.

"Canon 2. If anyone, confounding the sacraments, says that Baptism itself is the Sacrament of Penance, as though these two sacraments were not distinct, and that therefore Penance is not rightly called the second plank after shipwreck: let him be anathema.

"Canon 3. If anyone says that those words of the Lord Savior, *Receive the Holy Spirit: whose sins you shall forgive, they are forgiven them; and whose sins you shall retain, they are retained*, are not to be understood of the power of forgiving and retaining sins in the Sacrament of Penance, as the Catholic Church has always understood them from the beginning, but distorts them, contrary to the institution of this sacrament, to mean the authority of preaching the Gospel: let him be anathema.

"Canon 4. If anyone denies that for the complete and perfect remission of sins there are required three acts in the penitent, as it were the matter of the Sacrament of Penance—namely, contrition, confession, and satisfaction—which are called the three parts of Penance; or says that there are only two parts of Penance, namely, terrors struck into the conscience after sin has been recognized, and

faith conceived from the Gospel or from absolution, by which one believes that sins have been forgiven him through Christ: let him be anathema.

"Canon 5. If anyone says that the contrition which is prepared by the examination, collection, and detestation of sins, whereby one reflects upon his years in the bitterness of his soul, pondering the gravity, multitude, and foulness of his sins, the loss of eternal beatitude and the incurring of eternal damnation, with a resolution of a better life, is not true and profitable sorrow, nor prepares for grace, but makes man a hypocrite and a greater sinner; and finally, that it is a coerced sorrow and not free and voluntary: let him be anathema.

"Canon 6. If anyone denies that sacramental confession was either instituted or is necessary for salvation by divine law; or says that the manner of confessing secretly to a priest alone, which the Catholic Church has always observed and observes from the beginning, is foreign to the institution and command of Christ and is a human invention: let him be anathema.

"Canon 7. If anyone says that in the Sacrament of Penance it is not necessary by divine law, for the remission of sins, to confess each and all mortal sins of which memory is had after due and diligent reflection, even secret sins and those which are against the last two precepts of the Decalogue, and the circumstances which change the species of a sin; but says that this confession is useful only for instructing and "consoling the penitent, and that of old it was observed only for imposing canonical satisfaction; or says that those who strive to confess all sins wish to leave nothing to the divine mercy to pardon; or, finally, that it is not lawful to confess venial sins: let him be anathema.

"Canon 8. If anyone says that the confession of all sins, such as the Church observes, is impossible and is a human tradition to be abolished by the pious; or that each and all of the faithful of Christ of either sex are not bound to it once a year, according to the Constitution of the great Lateran Council, and that for this reason the faithful of Christ are to be advised not to confess during the time of Lent: let him be anathema.

"Canon 9. If anyone says that the sacramental absolution of the priest is not a judicial act, but a bare ministry of pronouncing and declaring that sins are forgiven to the one confessing, provided only that he believes himself to be absolved; or if the priest absolves not seriously but in jest; or says that the confession of the penitent is not required in order that the priest may absolve him: let him be anathema.

"Canon 10. If anyone says that priests who are in mortal sin do not have the power of binding and loosing; or that priests alone are not the ministers of absolution, but that it was said to each and all the faithful of Christ: *Whatever you shall bind upon earth shall be bound also in heaven; and whatever you shall loose upon earth shall be loosed also in heaven*; and: *Whose sins you shall forgive, they are forgiven them; and whose sins you shall retain, they are retained*; by virtue of which words anyone can absolve sins—public sins, indeed, through correction alone, if the person corrected acquiesces; but secret sins through a spontaneous confession: let him be anathema.

"Canon 11. If anyone says that bishops do not have the right of reserving cases to themselves except with regard to the external polity, and that therefore the reservation of cases does not prevent a priest from truly absolving from reserved cases: let him be anathema.

"Canon 12. If anyone says that the whole punishment is always remitted by God together with the guilt, and that the satisfaction of penitents is nothing other than faith by which they apprehend that Christ made satisfaction for them: let him be anathema.

"Canon 13. If anyone says that satisfaction is by no means made to God through the merits of Christ for sins, as regards the temporal punishment, by punishments inflicted by Him and patiently borne, or imposed by a priest, nor even by those voluntarily undertaken, such as fastings, prayers, alms, or also other works of piety, and that therefore the best Penance is only a new life: let him be anathema.

"Canon 14. If anyone says that the satisfactions by which penitents redeem their sins through Christ Jesus are not worship of God, but traditions of men which obscure the doctrine of grace, the true worship of God, and the very benefit of the death of Christ: let him be anathema.

"Canon 15. If anyone says that the keys were given to the Church only for loosing and not also for binding, and therefore that priests, when they impose punishments upon those confessing, act contrary to the purpose of the keys and contrary to the institution of Christ; and that it is a fiction that, by the power of the keys, after the eternal punishment has been removed, a temporal punishment for the most part remains to be discharged: let him be anathema."

On the Nature of Penance

"7. Most true is the proverb, and more excellent than every doctrine thus far given concerning contritions: not to do so thereafter is the highest Penance; the best Penance is a new life." Proposition of Martin Luther condemned by Leo X.

"14. A good man ought so to conform his will to the divine will that he himself wills whatever God wills, and says: Because God wills in some manner that I sinned, I would not will not to have committed the sins. He added that this was true Penance. "15. If a man had committed a thousand mortal sins, if he were rightly disposed, he ought not to will that he had not committed them." Propositions of Eckhart condemned by John XXII.

On the Necessity of the Sacrament of Penance

"1. Mortal sins, as regards guilt and the punishment of the next world, are blotted out by contrition of heart alone without relation to the keys." Proposition of the Master of Osma condemned by Sixtus IV.

On the Sacrament of Penance

"3. The Sacrament of Penance, as regards the conferral of sacramental grace, is of nature, not of any institution of the Old or New Testament." Proposition of Master Peter of Osma condemned by Sixtus IV.

On the Matter of the Sacrament of Penance

"5. That there are three parts of Penance—contrition, confession, and satisfaction—is not founded in Sacred Scripture or in the ancient holy Christian Doctors." Proposition of Martin Luther condemned by Leo X.

On Forgotten Sins

"11. Sins omitted or forgotten in confession because of an imminent danger of life or for another cause need not be expressed by us in a subsequent confession." Proposition condemned by Alexander VII.

On the Confession of Venial Sins

"39. The declaration of the Synod concerning the confession of venial sins, which it says it wishes not to be practiced so frequently, lest confessions of this kind be rendered too contemptible: Rash, pernicious, and contrary to the practice of the Saints and the pious approved by the Sacred Council of Trent." Proposition of the Synod of Pistoia condemned by Pius VI.

"8. In no way presume to confess venial sins, nor even all mortal sins, because it is impossible for you to know all mortal sins. Hence the primitive Church confessed only manifest mortal sins." Proposition of Martin Luther condemned by Leo X.

Sacramental Confession of Catechumens before Baptism

"Can catechumens confess sacramentally before they are baptized, whether absolutely or conditionally?—Response. As regards confession before Baptism to be conferred absolutely: Negative. But if the catechumen nevertheless wishes to confess, he is to be instructed that this can in no way be regarded under the aspect of a sacrament, since absolution cannot be imparted, nor is the missionary bound to observe secrecy. But if it concerns those who must be baptized conditionally, then, for the greater facility of the ecclesiastical function, they can first be heard sacramentally as regards the accusation of their faults; then, after the conferral of Baptism under condition, the confessor, having again reviewed with the penitent under principal headings those things of which he has already made accusation, is to absolve him sacramentally, likewise under condition." Sacred Congregation of the Holy Office, 2 December 1874.

Confession to Be Required from Heretics Who Are Rebaptized Conditionally in England

"Most Blessed Father: Among the decrees of the First Provincial Synod of Westminster, chapter 16, no. 8, where the abjuration of adult Protestants and Baptism to be conferred upon them under condition are discussed, this is added: 'Sacramental confession also is always to be required in such a case.' In the annotations which Father Ballerini added to the Roman edition of Father Gury's moral theology, this confession is said to be more conformable to the Instruction issued by the Supreme Sacred Congregation of the Holy Office concerning the manner of reconciling heretics, from which Instruction it is deduced that a complete confession of sins is opportune. In the text of Father Gury it is held that it is to be advised in practice.

"But since this author, both in his theology and in the cases of conscience, cited the opinion of other authors who teach that, because there exists a doubt concerning the first Baptism received by new converts in infancy—so that, if that was null, the true reception of Baptism is that which is bestowed conditionally on the occasion of the abjuration—the obligation of confessing sins completely before this conditional Baptism is doubtful, some confessors in England, following those authors, judged a doubtful obligation of complete confession to be no obligation; and because of the reluctance of

converts to make it and because of the danger of an incomplete or even sacrilegious confession, they deemed it altogether expedient that converts set forth only some sins to the confessor, so that they might obtain from him the benefit of sacramental absolution, should there perhaps be need of it.

"On the other hand, there is the constant practice of the greater part of the confessors of the kingdom, both before and after the approval of the Provincial Council, not only advising but also requiring complete confession. There is the difficulty of converts bringing their understanding into captivity unto the obedience of the faith except through humility and submission of soul, which Christ the Lord deigned to place in the Sacrament of Penance. There is also the impossibility of knowing, except through a complete manifestation of sins, whether the new convert is duly disposed for Baptism itself, and whether, for example, he is willing to make restitution of reputation or goods (if he should happen to be bound to it), to avoid the proximate occasion of sin, and to withdraw from a marriage contracted invalidly, even if it cannot be sanated through a dispensation of the Holy See—as in the daily more frequent cases of a marriage contracted after civil divorce. There is, moreover, the necessity of providing for his salvation through justification in the Sacrament of Penance, from the integrity of which no one once baptized in infancy can be exempted, especially in view of the diligence of the younger members of the English clergy in faithfully observing the rite of baptizing, and hence in view of the greater number of those concerning the validity of whose infant Baptism it is not lawful to doubt.

"But since it is certain that after several years the obligation of complete confession will entirely lose its force if theologians are able in practice to follow as safe the opinion of the aforesaid authors, the Archbishop of Westminster and the bishops of England earnestly request that Your Holiness, in your benevolence toward the missions of England, deign to declare the mind of the Church concerning this most grave question:

"Whether, according to the decree of the Provincial Synod approved by the Holy See, sacramental confession must be required from new converts in England, and whether it must be complete?"

"Response. Affirmative; and the Decree issued on Thursday, 17 June 1715, is to be given." Holy Office, 17 December 1868.

Decree of Thursday, 17 June 1715: "Is full credence to be given to Charles Wipperman of Rostock in the Duchy of Mecklenburg, preacher and lecturer of quietistic Lutheran theology, superintendent and principal doctor of the sect of the Lutheran quietists, reconciled to the holy Catholic faith at the Holy Office of Parma, concerning certain errors detected in his Baptism; is he to be believed concerning those things which he recounts? And insofar as the response is affirmative, so that provision may be made both for his salvation and also for the salvation of the others of that sect or region, especially if they should be ignorant, it is asked whether the said Wipperman is to be rebaptized; and insofar as the response is affirmative, whether absolutely or under condition; and insofar as the response is affirmative, whether he is bound to confess all the sins of his past life; and insofar as the response is affirmative, whether confession is to be placed before, or after, Baptism conferred under condition.—His Holiness, having heard the votes of the Most Eminent Fathers, said: Charles Ferdinand is to be rebaptized under condition, and, Baptism having been conferred, he is to confess the sins of his past life and to be absolved from them under condition."

"The response of the Holy Office of 17 December of last year, although given only at the request of the bishops of England, contains a universal law, and therefore binds not only in England but also in other regions. Hence it is evident that it can in no way be permitted that an opinion contrary to the aforesaid decision be taught. From the offices of the Sacred Congregation for the Propagation of the Faith, 12 July 1869. Alexander Cardinal Barnabò, Prefect; John Simeoni, Secretary of the Sacred Congregation [the original prints 'de P. I.']."

The preceding Decree of the Holy Office of 17 December 1868 was also accepted by the most recent Plenary Council of Latin America, no. 559.

On Perfect Contrition

"77. By contrition, even when perfected by charity and joined with the desire of receiving the sacrament, sin is not remitted, outside a case of necessity or martyrdom, without the actual reception of the sacrament." Proposition of Michael Baius condemned by St. Pius V.

On the Universality of Penance

"Indeed, because among other things there is one which especially disturbs holy Church—namely, false Penance—we admonish our fellow bishops and priests not to allow the souls of the laity to be deceived by false penances and dragged into hell. But it is established that Penance is false when, several sins having been contemned, Penance is done for one alone, or when it is so done for one that another is not abandoned. Whence it is written: *Whoever shall keep the whole law but offend in one point has become guilty of all*—namely, as regards eternal life. For just as, if he were entangled in all sins, so also if he remains in only one, he will not enter the gate of eternal life. For Penance is made false when the penitent does not withdraw from either a curial or a commercial office which he can in no way manage without sin; or if hatred is borne in the heart; or if satisfaction is not made to anyone offended; or if the offended person does not forgive the offender; or if anyone bears arms against justice." Second Lateran Council, 1139, canon 22.

Gregory VII had already issued decrees *On False Penance* in the Fifth Roman Synod, canon 5, and the Seventh Roman Synod, canon 5, and Urban II in the Council of Troia, canon 16, from which last canon that of the Lateran Council was taken verbatim. Gregory adds to those here enumerated the one "who unjustly detains another's goods ," or "who has seized the goods of another and, although he can, has refused to restore them or make amends."

On Contrition Preceding Absolution

"14. No one ought to answer the priest that he is contrite, nor ought the priest to ask it." Proposition of Martin Luther condemned by Leo X.

On Servile Fear

"66. He who wishes to approach God ought neither to come to Him with brutish passions nor be led by natural instinct or by fear as beasts are, but by faith and by love as sons are.—67. Servile fear represents God to itself only as a harsh, imperious, unjust, intractable master.—68. The goodness of God has shortened the way of salvation by enclosing the whole in faith and prayers." Propositions of Pasquier Quesnel condemned by Clement XI.

"4. The imperfect charity of one who is dying necessarily carries with it a great fear, which by itself alone is sufficient to constitute the punishment of purgatory, and it prevents entrance into the kingdom." Proposition of Martin Luther condemned by Leo X.

"25. The doctrine which states generally that fear of punishments can only not be called evil if at least it extends to restraining the hand—as though the very fear of hell which faith teaches is to be inflicted for sin were not good and useful in itself, as a supernatural gift and a movement inspired by God, preparing for the love of justice: False, rash, pernicious, injurious to the divine gifts, condemned elsewhere, and contrary both to the doctrine of the Council of Trent and to the common opinion of the Fathers, namely, that according to the customary order of preparation for justice, fear must enter first, through which charity may come: fear is the medicine, charity the health. From St. Augustine, *On the First Epistle of John*, chapter 4, tractate 9, nos. 4-5; *On the Gospel of John*, tractate 41, no. 10; *Exposition of Psalm 127*, no. 7; Sermon 157, *On the Words of the Apostle*, no. 13; Sermon 161, *On the Words of the Apostle*, no. 8; Sermon 349, *On Charity*, no. 7." Proposition of the Synod of Pistoia condemned by Pius VI.

On Attrition

"6. Contrition which is prepared by the examination, collection, and detestation of sins, whereby one reflects upon his years in the bitterness of his soul, pondering the gravity and multitude of sins, the loss of eternal beatitude, and the acquisition of eternal damnation: this contrition makes a hypocrite, indeed a greater sinner." Proposition of Martin Luther condemned by Leo X.

"9. He truly sins who hates sin merely because of its turpitude and incongruity with nature, without any regard for God offended." Proposition condemned by Alexander VIII.

"57. It is probable that natural attrition is sufficient, provided that it is morally upright." Proposition condemned by Innocent XI.

On the Faith Prerequisite for the Sacrament of Penance

"10. Sins are forgiven to no one unless, when the priest forgives, he believes that they are forgiven him; indeed, the sin would remain unless he believed it forgiven. For the forgiveness of sin and the bestowal of grace do not suffice, but it is also necessary to believe that it is forgiven.—11. In no way trust that you are absolved on account of your contrition, but on account of the word of Christ: *Whatever you shall loose*, etc., Matthew 16. Hence, I say, trust if you have obtained the priest's absolution, and believe firmly that you are absolved, and you will truly be absolved, whatever may be the case concerning contrition. "12. If, by an impossibility, the person who confessed were not contrite, or the priest absolved not seriously but in jest, nevertheless, if he believes himself absolved, he is most truly absolved." Propositions of Martin Luther condemned by Leo X.

On the Beginning of Love in Attrition

"Our Most Holy Lord Pope Alexander VII, having learned, not without grave sorrow of soul, that certain scholastics were contending rather sharply among themselves, and not without scandal of the faithful, whether that attrition which is conceived from fear of hell, excluding the will to sin and accompanied by the hope of pardon, requires in addition some act of love of God in order to obtain grace in the Sacrament of Penance—some affirming it, others denying it, and each side censuring the

opposing opinion—His Holiness, earnestly desiring to preserve the bond of peace among the faithful and to extinguish every tinder of schism, having heard the votes of the Most Eminent and Most Reverend Lord Cardinals, General Inquisitors against heretical depravity, as well as the Lord Consultors and Qualifiers of the Sacred Congregation of the same General Inquisition, by this present Decree, in virtue of holy obedience and under pain of *latae sententiae* excommunication reserved to this Holy See and other penalties to be assessed at the discretion of the same Holy See, commands each and all the faithful, of whatever rank and dignity, even episcopal and higher, indeed even those adorned with the cardinalitial dignity, that if henceforth they write on the matter of the aforesaid attrition, or publish books or writings, or teach, or preach, or in any other manner instruct penitents or other scholars, they are not to dare to mark either opinion with the note of any theological censure or any other injury or insult—whether the opinion denying the necessity of some love of God in the aforesaid attrition conceived from fear of hell, which today appears more common among scholastics, or the opinion affirming the necessity of the said love—until something concerning this matter shall have been defined by this Holy See." Alexander VII, Decree of 5 May 1667, concerning attrition from fear of hell.

On the Firmness of the Resolution

"36. The doctrine of the Synod which, after first stating that, when there are unequivocal signs of the love of God dominant in the heart of a man, he can deservedly be judged worthy to be admitted to participation in the Blood of Jesus Christ which takes place in the sacraments, adds that the supposititious conversions which are made through attrition are wont to be neither efficacious nor lasting; and consequently that the pastor of souls ought to insist upon unequivocal signs of dominant charity before he admits his penitents to the sacraments; which signs, as it then teaches (§17), the pastor will be able to deduce from a stable cessation from sin and fervor in good works; which fervor of charity it further sets forth (*On Penance*, §10) as a disposition which must precede absolution; understood in such a way that not only imperfect contrition, which is commonly given the name attrition, even when joined with the love by which man begins to love God as the fountain of all justice, and not only contrition formed by charity, but also the fervor of dominant charity—and that indeed proved by long experience through fervor in good works—is generally and absolutely required in order that a man may be admitted to the sacraments and penitents especially to the benefit of absolution: False, rash, disturbing to the peace of souls, contrary to the safe and approved practice in the Church, "derogatory and injurious to the efficacy of the sacrament." Proposition of the Synod of Pistoia condemned by Pius VI.

The Usefulness of Confession for Piety

"59. The interior way is separated from confession, confessors, cases of conscience, theology, and philosophy.—60. For advanced souls, which begin to die to reflections and even arrive at the point that they are dead, God sometimes makes confession impossible and Himself supplies with so great a persevering grace as they would receive in the sacrament; and therefore it is not good for souls of this kind in such a case to approach the Sacrament of Penance, because that is impossible for them." Propositions of Michael de Molinos condemned by Innocent XI.

On the Necessity, Integrity, and Presence of Confession

"7. If a man has been duly contrite, every external confession is superfluous and useless for him." Proposition of John Wyclif condemned in the Council of Constance, Session 45, in 1418.

"9. When we wish to confess all things purely, we do nothing other than wish to leave nothing for the mercy of God to pardon." Proposition of Martin Luther condemned by Leo X.

"2. Confession of sins in kind was useful to the Church by reason of some statute, not by divine law. —3. Evil thoughts ought not to be confessed, but are blotted out by displeasure alone without relation to the keys.—4. Confession ought to be secret, that is, concerning secret sins, not manifest ones." Propositions of Master Peter of Osma condemned by Sixtus IV.

"59. It is lawful to absolve sacramentally those who have confessed only by halves, on account of a great concourse of penitents, such as can occur, for example, on the day of some great feast or indulgence." Proposition condemned by Innocent XI.

"Our Most Holy Lord ..., the matter having been maturely and diligently considered, condemned and prohibited as at least false, rash, and scandalous this proposition, namely, that it is lawful to confess sins sacramentally by letters or by an intermediary to an absent confessor and to obtain absolution from the same absent confessor; and he commanded that henceforth this proposition not be taught in public or private lectures, sermons, or assemblies, nor ever defended as probable in any case, printed, or brought into practice in any manner." Clement VIII, Decree of 20 June 1602. On 14 July 1605, in the Congregation of the Holy Office, Paul V declared that this Decree also had force in the divided sense, that is, concerning confession or absolution separately. Clement VIII, however, by an oral pronouncement, declared that he did not intend the case in which a dying person deprived of his senses, whom the bystanders testify previously to have requested absolution, was to be absolved.

On Confession through an Interpreter

"Although, as the Council of Trent teaches, it is commanded by no divine precept, nor could it be prescribed sufficiently prudently by any human law, that offenses, especially secret ones, be disclosed by public confession, nevertheless it appeared to the appointed Fathers, adhering to the same holy Synod, that those who wish spontaneously to confess through an interpreter ought not to be prohibited by the Apostolic Vicar of Constantinople. It will suffice for him to guard against abuses and scandals and to take care that the interpreter be admonished concerning the obligation of observing secrecy." Sacred Congregation for the Propagation of the Faith, 6 September 1630; 19 July 1838.

"In distant regions, can a Catholic who has not confessed for many years and who, because of a lack of language, seeks absolution only by signs, be absolved without the aid of an interpreter?—Response. There is no need of an interpreter in the case proposed; likewise, absolution from sins can and ought to be imparted to one who exhibits such signs as he can, provided that they suffice to express some sin in kind. But in a case in which someone strives as much as he can to exhibit signs of sins in kind, but they cannot be understood at all, he can be absolved through the manifestation of sins in general alone." Holy Office, 28 February 1633.

"Missionaries, when dealing with penitents whose language they do not know, are to exhort them to employ an interpreter through whom they may confess all their sins. But if they are unwilling to do

this, they are at least to confess some through an interpreter and the rest by nods and signs, insofar as they can. But if they are unwilling to confess any through an interpreter, they are to confess by signs in every better manner in which they can, as is done with the mute. But missionaries are to take care to learn, from each language commonly used there, those few words which are necessary for explaining the principal sins against the precepts of the Church." Holy Office, 10 February 1668.

"But in order that the abuse which, as stated above, has crept into the aforesaid regions—Goa and the adjacent islands—of hearing confessions through an interpreter, or by reading a catalogue of sins to the penitent so that he may indicate by nods if any was committed by him, may be eradicated from the root, it is strictly commanded to the Vicars Capitular—also gravely burdening the conscience of the regulars themselves and of all whom it concerns—that in future they permit this in no way, but that confessions be heard only by those who sufficiently understand the meaning of that language; and that, in order to increase their number as the matter requires, secular priests of that region be altogether advanced to hear the confessions of the faithful in their native language." Clement IX, Constitution *In excelsa*, 13 September 1669.

Examination of Conscience

"8. The soul ought not to wish to know whether it proceeds according to the will of God or whether it now remains resigned to that same will; nor is there need for it to wish to know its state, nor anything of its own, but it ought to remain as a lifeless body.—9. The soul ought to remember neither itself, nor God, nor anything whatsoever; and in the interior way every reflection is harmful, even reflection upon its human actions and its own defects.—10. If by its own defects it scandalizes others, it is not necessary to reflect, provided the will to scandalize is absent; and not to be able to reflect upon one's own defects is a grace of God." Propositions of Michael de Molinos condemned by Innocent XI.

The External Act of Sin as Regards Confession

See *On the Sixth Precept of the Decalogue*, no. 788.

The Habit of Sinning

"58. We are not bound to admit to the confessor, when he asks, the habit of any sin." Proposition condemned by Innocent XI.

On the Quantity and Quality of Satisfaction

"... Another abuse lies in the excess of satisfactions which they impose: several Rosaries, namely, even up to the number of three hundred; the same number of litanies, together with fasts, hair shirts, and other afflictive works on appointed days, for weeks, months, or entire years.... "But as regards the second excess in imposing a satisfaction consisting of many Rosaries, litanies, fasts, etc., two extremes must likewise be avoided. *A prudent confessor*, says St. Charles Borromeo in the *Institutions of Penance, in imposing a penance is neither to employ one so light that the power of the keys is thereby contemned and he himself becomes a participant in the sins of others, nor one so grave or long-lasting that penitents refuse to obey him or fail to execute it in full after accepting it.* There is no reason for us to tarry over avoiding the first of these extremes; for it suffices to hear the Council of Trent, Session 14, chapter 8: *The priests of the Lord*

ought, insofar as spirit and prudence shall suggest, to impose salutary and fitting satisfactions according to the quality of the crimes and the capacity of the penitents, lest perhaps, if they connive at sins and deal too indulgently with penitents by imposing certain very light works for very grave offenses, they become participants in the sins of others.

"Nevertheless, to mitigate the second excess which prevails among the priests of Tonkin, we bring forward a few teachings, but solid ones full of wisdom and prudence, to which they ought diligently to attend, so that they may answer both to their office and to the benefit of the penitents. Therefore, let them attend to this doctrine of St. Thomas Aquinas, *Quodlibet* 3, distinction 13, article 1: *It seems sufficiently fitting that the priest not burden the penitent with a grave weight of satisfaction, because, just as a small fire is easily extinguished by much wood placed upon it, so it could happen that the small affection of contrition lately aroused in the penitent would be extinguished by a grave burden of satisfaction, the sinner entirely despairing. Hence it is better that the priest indicate to the penitent how great a penance ought to be imposed upon him for his sins, and nevertheless impose upon him something which the penitent can tolerably bear, from the fulfillment of which he may become accustomed to fulfill greater things; for the things which the priest would not have ventured to impose, and which he does beyond the express injunction, receive a greater power of expiation of past guilt from that general injunction when the priest says: Whatever good you shall do, may it be unto you for the remission of sins.* The same Angelic Doctor repeats the same doctrine in book 5, distinction 2, chapter 1, article 2, little question 2, response to 3: *A priest who imposes a penance less than commensurate does not always sin ..., because sometimes, even deliberately imposing a lesser penance, he benefits the penitent more than he harms him; for the penitent might perhaps be impeded from performing the penance by its magnitude, because of the weakness of the virtue only recently restored in him. And therefore he neglects the lesser harm in order to avoid the greater, and meanwhile the divine love strengthened in him will of its own accord rouse him to perform more works of Penance than the priest could have imposed upon him according to the gravity of the sins.*

"Let them also attend to and ponder the admonition of St. Charles Borromeo in the *Institutions of Penance*: *In imposing penance he shall employ prudence, piety, and justice, taking account of state, condition, sex, age, etc. Therefore, he is to impose such a penance as he judges can be performed by him; and accordingly sometimes, if he sees it to be expedient, he is to ask him whether he can, or whether he doubts that he can, perform the penance imposed upon him; otherwise he shall change or lessen it. He shall consider, moreover, the soul and mind of the penitent, and his weeping, groaning, and tears, indications of interior sorrow.... They are not to impose alms upon the poor, nor a fast upon those who seek their livelihood by their own labor; and this is to be observed also in other penances.* "Finally, let them attend to the counsel of St. Francis de Sales in the admonitions written for the instruction of confessors, chapter 8: *It is not expedient to impose intricate satisfactions composed of various kinds of works or a great number of different prayers, because that collection of different prayers or variety of pious works may induce forgetfulness of the imposed penance and thereby produce anxiety and scruples in the minds of penitents. Moreover, devotion is for the most part diminished and grows tepid while the penitent thinks more about which prayers he must recite, or what he must do, and on which day, than he attends to the very prayers which he pours forth or to the very works which he performs.*

"If they diligently attend to these and the other admonitions and counsels of St. Charles Borromeo, they will certainly mitigate the excessive rigor which they have hitherto exercised and will provide for their own obligation." Instruction of the Sacred Congregation for the Propagation of the Faith, 3 October 1736.

"21. A parishioner can suspect mendicants who live from common alms of imposing a penance or satisfaction that is too light and unfitting, for gain under the profit of temporal assistance." Proposition condemned by Alexander VIII.

"Can a penitent, by fulfilling a prayer or pious work enriched with indulgences, at the same time both satisfy the penance and gain the indulgences?—Response. Affirmative, after consultation with His Holiness." Sacred Congregation of Indulgences, 14 June 1901.

Works of Mortification

"38. The voluntary cross of mortifications is a grave and unfruitful burden and therefore is to be abandoned.—39. The holier works and penances which the Saints performed do not suffice to remove even a single attachment from the soul.—40. The Blessed Virgin never performed any exterior work, and nevertheless was holier than all the Saints. Therefore, holiness can be attained without exterior work." Propositions of Michael de Molinos condemned by Innocent XI.

"19. Man ought to do Penance throughout his whole life for original sin." Proposition condemned by Alexander VIII.

On the Power of Satisfaction

"59. When through alms and other works of Penance we make satisfaction to God for temporal punishments, we do not offer to God a worthy price for our sins, as certain erring persons suppose; for otherwise we would be redeemers, at least in some part. Rather, we do something in consideration of which the satisfaction of Christ is applied and communicated to us.—77. The laborious satisfactions of the justified are not able to expiate *de condigno* the temporal punishment remaining after guilt has been pardoned." Propositions of Michael Baius condemned by St. Pius V.

Penance to Be Fulfilled by Oneself

"15. A penitent can, on his own authority, substitute another for himself to fulfill the penance in his place." Proposition condemned by Alexander VII.

Satisfaction to Be Fulfilled before Absolution

"35. The proposition conceived in these words: If charity in the beginning is always weak, in the ordinary way, in order to obtain an increase of this "charity, the priest ought to cause those acts of humiliation and Penance which have been commended by the Church in every age to precede; to reduce these acts to a few prayers or to some fast after absolution has already been conferred appears to be a material desire to preserve for this sacrament the bare name of Penance rather than an enlightened means fitted to increase that fervor of charity which ought to precede absolution. We are indeed far from disapproving the practice of imposing penances to be fulfilled even after absolution; if all our good works always have our defects joined to them, how much more ought we to fear lest we have admitted many imperfections in the most difficult and momentous work of our reconciliation? —Insofar as it intimates that penances which are imposed to be fulfilled after absolution are to be regarded rather as a supplement for defects admitted in the work of our reconciliation than as truly sacramental and satisfactory penances for sins confessed; as though, in order that the true nature of the sacrament and not a bare name be preserved, it were necessary in the ordinary way that acts of

humiliation and Penance imposed by way of sacramental satisfaction should precede absolution: False, rash, injurious to the common practice of the Church, and leading into an error branded with the note of heresy in Peter of Osma." Proposition of the Synod of Pistoia condemned by Pius VI.

"87. It is a manner full of wisdom, light, and charity to give souls time to bear with humility and to feel the state of sin, to seek the spirit of Penance and contrition, and to begin at least to make satisfaction to the justice of God before they are reconciled.—88. We do not know what sin and true Penance are when we wish immediately to be restored to possession of those goods of which sin deprived us, and we refuse to bear the confusion of that separation." Propositions of Pasquier Quesnel condemned by Clement XI.

"5. Penitents are not to be absolved unless they have first performed the penance imposed upon them." Proposition of Master Peter of Osma condemned by Sixtus IV.

"16. The order of placing satisfaction before absolution was introduced not by the polity or institution of the Church, but by the very law and prescription of Christ, the nature of the thing itself in some manner dictating it.—17. Through that practice of absolving at once, the order of Penance is inverted.—18. The modern custom concerning the administration of the Sacrament of Penance, although the authority of very many men sustains it and the long duration of much time confirms it, is nevertheless regarded by the Church not as a use, but as an abuse." Propositions condemned by Alexander VIII.

On the Formula of Absolution

"Is the word *deinde* in the form of absolution, printed in red type in certain editions, to be omitted?—Response. Nothing is to be changed." Sacred Congregation of Rites, 11 March 1837, Verona.

On Absolution by Telephone

"In a case of extreme necessity, can absolution be given by telephone?—Response. Nothing is to be answered." Sacred Penitentiary, 1 July 1884.

On the Stole in the Administration of the Sacrament of Penance

"In the Cathedral of Padua, by immemorial custom, in the public administration of the Sacrament of Penance, priest-confessors abstain from the use of the stole prescribed by the Roman Ritual. Is such a custom to be followed? "—Response. Negative; rather, the Ritual and the other decrees are altogether to be followed." Sacred Congregation of Rites, 7 December 1844, Padua, response to 2.

"Can the custom of administering the Sacrament of Penance without a stole, even in a church and in the confessional seat, be retained?—Response. It is fitting that a stole be used in church according to the Decrees of the Sacred Congregation of Rites." Sacred Congregation of Rites, 31 August 1867, Amiens, response to 2.

On the Confession of Women in Churches and at Grilles

"Did the Right Reverend Bishop-Visitor of Tonkin rightly establish that the confessions of women are not to be heard unless a grille is interposed, except in a case of infirmity?—Response. Affirmative,

according to the orders repeatedly given by the Sacred Congregation." Sacred Congregation for the Propagation of the Faith, 12 June 1764.

"Does Your Eminence approve: 1. That, under pain of *latae sententiae* excommunication, the priests of that Vicariate be commanded to hear the confessions of women who are not bedridden only with a grille at least of wood or reed interposed, having small openings and a veil placed over it, and only by day, unless grave necessity urges? 2. That under the same penalty those priests and their ministers be forbidden access to the houses of nuns unless true necessity urges, namely, when the sacraments must be administered, or unless they have a special faculty given in writing by the Superior of the Mission? That under the same penalty the nuns be forbidden access to priests except in cases approved by the Superior of the Mission?—Response. The Most Eminent Fathers, having pondered the gravity of the matter with the maturity that was fitting, judged that, in order to remove abuses, Decrees issued elsewhere were to be renewed and confirmed. One of these, appended here and beginning *Cum deceat*, etc., is from the year 1780 (see here *On Particular Statutes*, no. 294). The other, of 7 March 1785, established that the precept concerning the grille contained in the first Decree be observed in churches or oratories erected in the Mission; but in those cases in which a duly constituted church or oratory is lacking and the missionary is compelled to administer the Sacrament of Penance in private houses, and no other suitable barriers are at hand, in hearing the confessions of women he is to hear them only when they are covered with a veil.

"But as regards the custom of women and sacred ministers, besides what is contained in the above-mentioned Decree of the year 1780, the Sacred Congregation earnestly commends to Your Amplitude that you command the missionaries never to depart from those rules handed down in the Synod of Szechuan, and especially in the pastoral letters of the Bishop of Caradra appended thereto. If all these things are observed exactly, not only will abuses be removed, but there will not even be room for suspicion. Furthermore, in giving this reply the Sacred Congregation does not prohibit Your Amplitude, by your ordinary power, from also commanding and decreeing other things, as shall appear more expedient in the Lord, yet in such a way that you proceed most cautiously to greater penalties, and much more to reservations, keeping before your eyes the inconveniences which follow from them in a mission territory and the difficulties in obtaining release." Sacred Congregation for the Propagation of the Faith, 17 August 1839, to the Coadjutor of the Apostolic Vicar of Cochinchina.

"Can the confessionals of nuns be in sacristies or houses inhabited by confessors?—Response. They cannot; rather, they must stand in the churches of the monasteries." Sacred Congregation of the Council, 2 September 1642.

Prescriptions Concerning Confessionals in the Public Churches of the City and in Institutes of Women

"To the Reverend Rectors of churches and the Superiors of monasteries and religious houses in Rome.

"It has come to the notice of this ecclesiastical curia that in some churches of this capital city and at certain religious institutes, especially those of women, the confessionals are not found in the required condition.

"To remove this abuse, which can give rise to most grave inconveniences, the rectors of churches are reminded that confessionals for women must be placed in the church, in an open place, furnished with a close-set immovable grille (we earnestly recommend that it be covered all around with a fixed veil), and constructed in such a way that the confessor remains entirely separated from the female penitent.

"Therefore, the following are to be considered irregular: confessionals for women situated in sacristies or lacking a close-set grille; those which are placed in the church but in a secluded, dark place almost hidden from the eyes of the public; and those consisting of a simple board with a grille, called half-confessionals.

"Likewise irregular are the confessionals of monasteries and female religious houses which, besides lacking a close-set grille, are not furnished with a fixed veil that renders the priest invisible, and in which the confessor does not remain in a room different from that of the female penitent.

"All these and other similar and defective kinds of confessionals must be abolished or corrected within one month from the date of the present notice. By superior order, the undersigned makes a formal precept concerning this to those whom it concerns, giving notice that, when the said period has elapsed, he will not fail to send ecclesiastical persons to verify whether the present orders have been duly executed.

"On this occasion it is also recalled that the confessions of women, even in a church and in regular confessionals, cannot be heard, without a most special privilege, later than one-half hour after the evening *Ave Maria*.

"From the Secretariat of the Vicariate, 9 February 1898."

On Assistance to Be Rendered to the Dying

Whether and when are parish priests bound under grave obligation, either personally or at least through another, to assist the dying until the final agony of life, although they have already been duly fortified by the sacraments and appear well disposed?—Response. "The prescriptions of the Roman Ritual are to be followed; in the remaining matters, let him consult approved authors." Sacred Congregation of the Council, 23 March 1878; *A. S. S.*, vol. 11, p. 189 ff.

On the Minister of the Sacrament of Penance

"20. Whether he believes that a Christian, beyond contrition of heart, when an appropriate priest is available, is bound by necessity of salvation to confess to a priest alone and not to a layman or laymen, however good and devout.—21. Likewise, whether he believes that a priest, in cases permitted to him, can absolve a sinner who has confessed and is contrite from his sins and impose a penance upon him." Articles concerning which those suspected of the errors of Wyclif and Hus are to be questioned by command of Martin V in the Bull *Inter cunctas*.

"13. In the Sacrament of Penance and the remission of guilt, a Pope or bishop does no more than the lowest priest; indeed, where there is no priest, any Christian does just as much, even if it were a woman or a boy." Proposition of Martin Luther condemned by Leo X.

Missionaries as Regards Examination for the Administration of the Sacraments

"When they—the bishops—should presume to subject those missionaries to an examination before they administer the sacraments, because the words *examined and approved* are lacking in the letters patent, let them respond to those same bishops that to be approved as missionaries is the same as to have been approved for the administration of the sacraments; for the office of missionaries, for which they were approved, consists especially in this: that they preach and administer the sacraments." Instruction of the Sacred Congregation for the Propagation of the Faith, 14 January 1726, to the Missionaries of the Congo.

On Approval for the Confession of Those Traveling by Sea

"Priests setting out on a journey can be approved by the Ordinaries of the places from which the ships depart, in such a way that, while the journey continues, they may validly and lawfully receive the confessions of the faithful sailing with them until they arrive at a place where another ecclesiastical Superior endowed with jurisdiction is established. Nevertheless, those Ordinaries must take care not to grant a faculty of this kind to priests who have not been recognized as suitable according to the norms of the Council of Trent, Session 23, *On Reformation*, chapter 15." Holy Office, 29 March 1869.

"Any priests setting out on an overseas voyage, provided that they have from their own Ordinary the faculty of hearing confessions, can hear aboard ship throughout the entire journey the confessions of the faithful sailing with them, although during that voyage they may perhaps pass through, or even remain for some time in, different places subject to the jurisdiction of different Ordinaries." Holy Office, 4 April 1900.

On the Power of a Vicar Capitular Regarding Confessors; on Approval *At Our Pleasure*; on Recalling Confessors and Parish Priests for Examination

"As regards the doubt whether a vicar capitular can suspend the faculty of hearing confessions of confessors who were approved by the deceased bishop at pleasure and without a definite term, the Most Eminent Lords commanded me to reply that there is no difficulty as regards secular priests, because, since they depend immediately upon the ordinary jurisdiction of the bishop, to which the chapter succeeds while the see is vacant, the vicar capitular consequently enjoys full power to limit their faculty and even to suspend them from hearing confessions, either because of grave faults pertaining to the Sacrament of Penance or because of a defect of that doctrine, probity, and integrity of life which are required in sacred ministers. The same cannot be said of regular confessors. Indeed, since they were approved after prior examination and without a limit of time, or even *at our pleasure*, by the deceased bishop, neither the chapter nor the vicar capitular can punish them with the penalty of suspension, even for just reasons, since this is a personal right of the bishop, to which, according to the more common opinion of the Doctors, the chapter does not succeed while the see is vacant. But since grave inconveniences would arise from this defect of power, recourse is to be had to the same Sacred Congregation." Sacred Congregation of Bishops and Regulars, 19 June 1866.

"The vicar capitular represents that he has discovered that several secular and regular priests obtained from the deceased bishop the faculty of hearing confessions "without any prior examination, and that they are so unskilled that several scandals arise. Therefore, he petitions for the faculty of calling them to examination, approving those whom he finds suitable and prohibiting those who are unsuitable. Hence it is asked: 1. Whether the vicar capitular can do this; and insofar as the response is negative, 2. Whether the requested faculty is to be granted? The Sacred Congregation of the Council responded on 5 February 1688: To the first: Affirmative. To the second: Provided for in the first." Scavini, book 3, no. 472, Milan, 1874.

"We decree and declare that the successor Archbishop can examine again both secular and regular confessors...." Urban VIII, Brief *Cum sicut*, 9 October 1626.

The Sacred Congregation of the Council "judged that successor bishops, when a reasonable cause supervenes, can, even *ex officio* and even outside visitation, examine parish priests approved for parochial churches." And it says the same of regular parish priests. The Roman Rota decreed that the will and the mere peace of conscience of the bishop is a sufficient cause for a new examination. But if it concerns parish priests already examined by the same bishop, whether he can examine them again, the same Congregation has this: "1. A bishop can examine parish priests and rectors once approved for the care of souls when there is a vehement suspicion of their lack of skill. 2. He can proceed to an examination of this kind outside visitation. 3. To conduct the said examination, it is not necessary that judicial proofs of lack of skill precede." Scavini, *loc. cit*.

On Defect of Jurisdiction without a Colorable Title

The Sacred Congregation of the Council, having been asked whether the Capuchins who had heard confessions in the Diocese of Padua without the permission of the bishop of that diocese had absolved validly—because some of them were approved in another diocese, while others had indeed been approved by the Bishop of Padua for one year, but that year had already elapsed—responded: "They heard confessions illicitly and invalidly, but those who confessed in good faith are not to be disturbed. Nevertheless, if those who confessed should learn of this or should doubt the invalidity of the confession, they are bound to repeat the confession." 11 December 1683; Benedict XIV, Notification 84; Scavini, book 3, no. 479, Milan, 1874. See *M. E.*, vol. 7, part 1, p. 83 ff.

Absolution by a Non-Approved Priest at the Point of Death, an Approved Priest Being Present

"Those who hold that absolution granted at the point of death by a non-approved priest is valid are not to be disturbed, even when an approved priest could easily have been summoned or been present; nor are those to be disturbed who hold that absolution granted at the same point of death from reserved sins, whether simply reserved or reserved with a censure, by a priest not having jurisdiction over the reserved matters is valid, even if a priest having the aforesaid jurisdiction could easily have been summoned or been present." Holy Office, 29 July 1891.

Freedom of Confession

"The Holy See has always maintained the maxim that the freedom of Christians ought not to be bound in any way in so delicate a matter as sacramental confession, and has always willed that it be

lawful for each person to manifest his faults to whichever among the approved sacred ministers was most pleasing to him. Nor has it ever likewise forbidden an approved confessor to hear, in his own church, the confessions of any Catholic whatsoever who should present himself at the sacred tribunal. Thus Christians of one diocese are not forbidden to pass into another in order to confess there. Moreover, although for the fulfillment of the Easter precept every Christian must make his Communion in his own parish, he nevertheless has no obligation to confess on that occasion to his own parish priest. This has always been, and is, the maxim and practice maintained by the Holy See. Nor has any distinction of rite ever been made, since the administration of this sacrament brings with it no change of rite; indeed, whenever any doubt has been raised on this particular point, the Holy See itself has declared that no limitation of this kind is to be made. Hence, in 1626, on 5 June, it severely forbade certain Latin bishops to prevent their subjects from confessing to Ruthenian priests, and vice versa. Here is the decree: "Latin bishops ought not to prohibit their subjects from making their confessions to united Ruthenian priests approved by the Ordinaries of the places; nor, conversely, may united Ruthenian bishops bind their subjects by a similar prohibition against approaching approved Latin confessors to disclose their sins. For since the united Ruthenians are true Catholics, where diversity of rite is not repugnant, it is unfitting and harmful to introduce discords and dissensions between them by arousing or nourishing them." Sacred Congregation for the Propagation of the Faith, 2 June 1835, to the Greek-Melkite Archbishop of Aleppo.

On Soldiers as Regards Penance, Extreme Unction, and Matrimony

"1. Can the Catholic chaplains of any army, whether regular or secular, administer Penance, the Eucharist by way of Viaticum, and Extreme Unction to soldiers living in garrisons without a faculty of the Apostolic See or the permission and approval of the Ordinary in whose diocese they happen to be? 2. Can they assist at the marriages of soldiers of whatever station living in garrisons with military women, without the said Apostolic faculty and a prior proof of free status and its recognition before the local Ordinary, and without the permission of the parish priest in whose parish they reside? 3. Is the same true with soldiers living in camps and in winter or summer quarters? 4. Is the same true with soldiers placed on actual expedition? 5. Is the same true with soldiers wishing to marry women who are not military women but Italian natives of the place or diocese in which they are found? 6. Are non-Catholic soldiers contracting marriage bound to observe the Tridentine form? 7. Are Catholics contracting marriage with non-Catholic women, while the soldiers remain in garrisons, camps, and on expedition, all the more bound to observe it? 8. Can non-Catholic chaplains assist at marriages of non-Catholics with non-Catholics and respectively with Catholics, even within the boundaries of Italy; and insofar as the response is negative to all except the sixth and seventh: 9. Whether and what is to be referred to His Holiness and established as a certain rule concerning the sanation of things done in the past and things to be done in the future with respect to all the aforesaid matters?

"The Sacred Congregation responded on 6 March 1694: To the first: Negative. To the second: Negative, and confirmed in the case of Casale, 28 June 1704. To the third, fourth, and fifth: Negative. To the sixth: Affirmative, where the Council was promulgated according to the decree of the Sacred Congregation of 26 September 1602. To the seventh: Affirmative, and a dispensation is further needed in order that the marriage be lawfully contracted. To the eighth: As to the sixth. To the ninth: As regards the past, consciences are not to be disturbed concerning the Sacrament of Penance; and as

regards marriages, for their sanation recourse is to be had to His Holiness, with consent renewed even before the confessor, "who is bound to deliver testimony of the renewal of the consents to the parish priest of that place where such renewal of consent occurred." Scavini, *loc. cit.*, no. 893.

Benefice-Holders as Regards the Choice of a Confessor

"16. Those who have a benefice with the cure of souls can choose for themselves as confessor a simple priest not approved by the Ordinary." Proposition condemned by Alexander VII.

On the Jurisdiction of Regulars

"Those who have confessed to friars having a general permission to hear confessions are bound to confess again to their own priest the same sins which they had confessed. Given the decree *Omnis utriusque sexus*, issued in a General Council, the Roman Pontiff cannot bring it about that parishioners are not bound once a year to confess all their sins to their own priest, whom he says is the parish curate. Indeed, not even God could bring this about, because it implies a contradiction. The Pope cannot give a general power to hear confession; indeed, not even God can do so without one who has confessed to a person having permission being bound to confess the same things to his own priest, whom he calls his proper curate." Error of John of Pouilly condemned by John XXII in 1320; *Extravagantes*, book 5, title 5, *On Heretics*, chapter 2, *Vas electionis*.

Launoy renewed the condemned error; and when this opinion, an enemy of peace, began to infect parish priests in France, Clement VIII issued this decree in 1592, cited in Benedict XIV, Institution 18, no. 7: "We decree that it is lawful for sins to be confessed, even in Lent and at Easter and at any other time, both to the said Friars ... and to the other aforesaid privileged persons to whom this has been granted by the Apostolic See, provided, however, that they are suitable and approved by the Ordinary...."

And Clement X in the Constitution *Superna*, §§4-5, decrees and declares "that regulars once approved can, in the diocese of the approving bishop, hear at any time of the year, even at Easter, the confessions of any persons whatsoever, even the sick, without any permission of parish priests or the bishop ...; and that those who at Easter have confessed to the said religious simply approved have satisfied the Constitution which begins *Omnis utriusque sexus* as regards confession alone."

There exists in Pignatelli and in Pitonius, *On Confessors*, no. 36, a Declaration of the Sacred Congregation of 5 April 1584, expressed in these words: "A decree of a bishop which states that no confessor, even one approved by the Ordinary, can hear anyone's confessions during Easter time without the permission of his own curate is in no way to be observed."

"20. Confessions made to religious are for the most part either sacrilegious or invalid." Proposition condemned by Alexander VIII.

Can Regular Confessors Absolve Their Own Guests and Servants?

"In monasteries, and also in colleges where life is conducted according to regular institutes, both the regular prelates and the confessors of the regulars of those same monasteries or colleges can hear the confessions of those secular persons who belong to the household and are continual table-

companions, but not of those who merely serve them." Clement X, Constitution *Superna*. See La Croix, no. 1505.

"Can regulars administer the Eucharist as Viaticum and also Extreme Unction to laymen by reason of hospitality and similar residence in their convents, if they become ill there? "—Response. They cannot, but only to those who are continual table-companions and belong to the household of the convents, according to the Council of Trent, Session 25, *On Regulars*, chapter 11, and the Constitution *Circumspecta* of Gregory XIII, 17 February 1649." Sacred Congregation of the Council, 1649.

"Do the hebdomadary, cleric, baker, gardener, and female steward dwelling in the courtyard of the monastery ... have the requisites of the Council?—Response. Negative." Sacred Congregation of the Council, 21 January 1713.

"1. Are the secular male and female servants of nuns, dwelling in the same residences—situated in the courtyards of monasteries enclosed by a wall, contiguous to the monasteries, and having a gate which is closed in the case—bound to receive the Eucharist at Easter time from the parish priests in whose parishes the monastery and residences are situated in the case? 2. Does it pertain to the said parish priests to administer the sacraments to the said male and female servants in their final illness in the case?—Response. To the first: Affirmative. To the second: Affirmative." Sacred Congregation of the Council, 17 September 1822. See Benedict XIV, Notification 55, nos. 7-8.

A Regular Validly Absolves Secular Persons, Even against the Will of His Superior, by the Express Delegation of the Bishop

"1. Does a religious who has not been approved by his Superior according to the laws of his own Order, or even against the Superior's will, validly hear the confessions of secular persons with the faculty of the Ordinary alone? 2. Can regular Superiors having jurisdiction suspend their subjects from hearing the confessions of secular persons, even *ex informata conscientia*? And insofar as the response is affirmative: 3. Is a suspension announced orally and without writing valid? 4. Is absolution imparted by one who is bound by such a suspension valid? And insofar as the response is negative: 5. Does one who attempts an absolution of this kind incur irregularity?—Response. To the first: Affirmative. To the second: Affirmative, yet in such a way that the suspended religious hears confessions illicitly but not invalidly. To the third: Affirmative, since it is imposed by way of a particular precept. To the fourth: Affirmative. To the fifth: Provided for in the preceding responses." Sacred Congregation of Bishops and Regulars, 2 March 1866.

Can Regular Confessors Absolve Their Own Pupils and Boarders?

"Are young men and pupils who are boarders, living for the sake of study in colleges of regulars, and girls staying for the sake of education in exempt monasteries of nuns, to be regarded as pertaining to the household of the monastery, such that, without consulting the parish priest, they can receive Easter Communion, Viaticum, and Extreme Unction from the regular Superior?—Response. Deferred, and let the doubts be divided." Sacred Congregation of Bishops and Regulars, 8 June 1860; *A. S. S.*, vol. 3, p. 47 ff.; Lucidi, 3rd ed., vol. 2, p. 371 ff.

On Restricting the Faculties of Regular Confessors

"The Sacred Congregation ... judged that the aforesaid regulars of St. Francis, approved by the local Ordinaries to hear the confessions of secular persons, cannot be prohibited by those same Ordinaries from hearing, without the permission of the parish priests, the confessions of those same persons when sick in their own homes, provided that they leave a note or notify the parish priests themselves that the Sacrament of Penance of this kind was administered by them." Sacred Congregation of Bishops and Regulars, 13 September 1641; 22 September 1645. See nos. 763, 782; Bizzarri, *Collection*, ed. 1885, p. 753 ff.; *A. S. S.*, vol. 1, p. 678 ff.

On the Confession of Regulars Made to a Confessor outside the Order

"In the Constitution *Quod communi* of 30 March 1742 for the Capuchins, §2, it is declared that anyone of the Capuchin Order, whether a priest or a lay brother, who with due permission is living outside the cloister, if he finds no confessor of the said Order, can confess his sins to any secular priest approved by the Ordinary of the place, and also to a regular, provided that the latter is approved by his own regular Superior to hear sacramental confessions. Benedict XIV issued this Constitution for the Capuchins because, according to the statutes of their general chapters, even major Superiors cannot appoint confessors outside the Order. Our Most Holy Lord Pope Pius IX enlarged the indult granted by Benedict XIV through Apostolic Letters in the form of a Brief on 28 September 1852, so that Capuchins can choose for themselves an outside confessor, as above, even in a case where there is only one Capuchin priest approved for confessions. He granted, moreover, that they can obtain sacramental absolution from an outside confessor even as regards cases reserved by the statutes of the Order and censures thereby incurred, provided, however, that the obligation is imposed upon them of presenting themselves to their regular Superior as soon as the first opportunity permits and of again obtaining from him absolution concerning such cases and censures." Bizzarri, *Collection*, ed. 1885, p. 723.

An indult was granted to the Capuchin Friars Minor by which the Father Minister General can permit that "each one of them who, with the permission of his Superiors, is outside the convent for any reason whatsoever and does not have a supply of confessors—at least two—can freely confess his sins to any duly approved confessor and be absolved by him even from cases reserved in the Order and the censures thereby incurred; and the religious thus absolved is not further bound to present himself to his regular Superior to obtain a new absolution concerning the reserved cases and censures ..., provided that they live outside the cloister with the permission of their Superiors or are making a journey, but not those who deliberately or in fraud of the law undertake journeys." Sacred Congregation of Bishops and Regulars, 5 April 1897; *A. S. S.*, vol. 30, p. 30.

"A certain religious of the Augustinian family, using a faculty obtained from the prior of his convent, confesses to a priest who is indeed approved. It is asked: 1. Is the confession valid? And insofar as the response is affirmative: 2. Can the prior by right grant this faculty to his subjects or not?—Response. In the Order of Hermits of St. Augustine: Affirmative to both, provided that the priest was among those approved by the local Ordinary. For other Orders the Constitutions and statutes are to be followed." Sacred Congregation of Bishops and Regulars, 3 June 1864.

"Can a member of the Congregation of the Mission validly make a sacramental confession to an approved external priest without the permission of the Superior, when he could easily have a priest-

confessor within the Congregation also?—Response. Negative." Sacred Congregation of Bishops and Regulars, 23 September 1881; *M. E.*, Conversano, vol. 2, part 3, p. 99.

"1. In the case, should the Decision of the Sacred Congregation of Bishops and Regulars of 23 September 1881 be confirmed or revoked? And, insofar as the response is negative to the first and affirmative to the second: 2. Does the dependence of the Missionaries upon the jurisdiction of the Ordinaries extend also to other matters of the internal forum?—Response. To the first and second: According to the mind. The mind is that the members of the Congregation of the Mission can validly confess to any confessor approved by the local Ordinary, after consultation with His Holiness as a precaution." Sacred Congregation of Bishops and Regulars, 14 December 1903; *M. E.*, vol. 15, p. 484 ff.

"Titius, a priest approved to hear Confessions, has not rarely happened to hear the confessions of regulars of various Orders. Therefore, so that he may act with greater prudence, he earnestly requests from this sacred Tribunal the solution of the doubts which are immediately proposed below:

"I. Caius, a regular priest, approached Titius toward evening to make his confession. When asked about a faculty received from his Superior, he responded that the Superior was absent from the house and would not return that day, and that no other priest was present in the convent. In this lack of a domestic confessor, could he validly and lawfully be absolved by Titius?

"II. Among the faculties which the Sacred Penitentiary is accustomed to communicate to confessors for the internal forum, no. VIII reads: 'the faculty of absolving religious of any Order whatsoever, provided that they have legitimate permission to make sacramental Confession before you ..., even from cases and censures reserved in their religious institute.' Does that faculty have force for cases reserved in any manner whatsoever? For in religious institutes, some cases are customarily reserved to the immediate Superior, others to the Provincial, and others to the General. But it would be very difficult for an outside confessor to observe these distinctions. Therefore, an expeditious use of the faculty suggests that it comprehends all cases proper to the religious institute. Moreover, a prudent confessor will not omit to command those things by which sufficient provision is made for the good or the law of the Order.

"III. Is it lawful for a regular confessor to use the aforesaid faculty when he hears the Confession of a religious of the same Order to which he himself belongs, so that he possesses jurisdiction over the reserved cases of his own Order which was not formally accepted from the Superior; or, on the contrary, is its use restricted to religious who are outsiders?

"IV. Can a Superior who permits Confession, with a condition added—for example, 'Provided that for reserved cases you observe the custom of the Order'—impede the use of the aforesaid faculty; or, on the contrary, once permission to confess has been granted, does the chosen confessor possess, by virtue of the faculty of the Penitentiary, a power over reserved cases wholly independent of the Superior's will?

"V. Are the things stated under no. IV altogether to be transferred to a traveling religious who had no need of his Superior's express faculty in order to approach an outside confessor?

"Response. To the first: If the Superior of the house and the other confessors are absent for at least one entire day, so that it would be burdensome for the religious penitent to lack sacramental

absolution throughout that whole time, he is lawfully and validly absolved by a suitable, that is, approved, outside confessor. To the second: Affirmative. To the third: Provided that the regular confessor is approved to receive the Confession of a religious of his own Order, affirmative to the first part, negative to the second. To the fourth: Negative to the first part, affirmative to the second. To the fifth: If the outside confessor has from the Holy See the faculty of absolving religious from cases reserved in their Order, affirmative; otherwise, negative." Sacred Penitentiary, 14 May 1902.

Decree by Which Superiors in Rome Are Forbidden to Hear the Sacramental Confessions of Their Subjects, Wednesday, 5 July 1899

"It has been reported to this Supreme Sacred Congregation of the Roman and Universal Inquisition that in this venerable City certain Superiors of Religious Communities, as well as of Seminaries and Colleges, hear the sacramental confessions of their pupils dwelling in the same house. No one even moderately versed in sacred ministries fails to know as certain how many inconveniences, indeed how many grave evils, can arise from this. For on the one hand the freedom of the pupils to confess their sins is diminished and the very integrity of confession is endangered; while on the other hand the Superiors could be less free in the government of the community and are exposed to suspicion either of using information obtained in confession or of showing themselves more benevolent toward the pupils whose confessions they hear. "Therefore, that these and other evils which can easily arise from an abuse of this kind may be forestalled, this Supreme Sacred Congregation of the Holy Office, by the express command of Our Most Holy Lord Pope Leo XIII, strictly prohibits any Superior, whether major or minor, of any Religious Community, Seminary, or College in this venerable City from daring in any manner to hear the sacramental Confessions of his pupils dwelling in the same house, except in some rare case of necessity, concerning which his conscience is burdened."

"By the preceding Decree of the Holy Office of 5 July 1899, nothing was derogated from the Apostolic Constitutions as regards Religious Orders." Holy Office, 23 August 1899.

The preceding Decree of the Holy Office of 23 August 1899 does not have force for Religious Congregations of simple vows which have perpetual vows and common life and which have been approved by the Church. Holy Office, 20 December 1899.

On Confessors of Regulars from Suppressed Convents

"His Holiness commanded that the proposed doubt be answered, namely, that religious of suppressed convents who for this reason do not live in community can choose for themselves as confessor any priest whatsoever, whether from the secular clergy or from the regular clergy, provided that he is among those approved by the local Ordinary for hearing confessions. But to those religious in question who, although ejected from their convents, nevertheless live in community in the best manner possible, His Holiness benignly granted an indult to choose for themselves any confessor whatsoever, as above, provided that there are not at least four confessors of their own Order in that community." Bizzarri, *loc. cit.*, p. 155; Sacred Congregation of Bishops and Regulars, 3 July 1862; see no. 251.

On Confessors of Religious Living outside the Cloister

"Regulars, even those temporarily secularized, must make their confession to confessors approved by the local Ordinary, by whom, in the act of sacramental confession, they can be absolved even from censures and cases reserved in the Order, if these are not reserved in the diocese." Sacred Congregation of Bishops and Regulars, 27 August 1852.

On the Confessors of Nuns

"Besides the ordinary confessor, another extraordinary one is to be offered by the bishop and other Superiors two or three times a year, who ought to hear the confessions of all." Council of Trent, Session 25, *On Regulars*, chapter 10. Other Supreme Pontiffs confirmed these statutes, especially Benedict XIV in the Constitution *Pastoralis curae*, 5 August 1748.

The confessor of nuns must be changed at least every three years. Sacred Congregation of Bishops and Regulars, 26 November 1602; 15 February 1593; 10 March 1634. It is declared an abuse that a confessor of nuns be appointed for life or for several monasteries. 4 March 1591. Only one confessor is to be appointed for each monastery. Benedict XIV, Constitution *Pastoralis curae*. See Bizzarri, *Collection*, ed. 1885, p. 374. The prescription for changing the confessor every three years is applied not only to monasteries and conservatories, but to any society of women living together in the manner of a community and having ordinary confessors. The continuation of an ordinary confessor beyond three years without permission of the Holy See does not render the absolutions null, but only renders the exercise of the sacred ministry illicit. Sacred Congregation of Bishops and Regulars, 20 July 1875.

"But since it can sometimes happen from peculiar circumstances that confirmation for another three years is not only useful but necessary, the same Sacred Congregation, after hearing the Ordinary and the nuns capitularly by secret votes, grants in particular cases confirmation for a second and even a third triennium, yet under this condition: that for confirmation for a second triennium the consent of two-thirds of the nuns concur, and for confirmation for a third triennium the consent of all be added. The Ordinary must report concerning the probity of life and prudence of the confessor and inform the Sacred Congregation concerning the necessity, or at least the usefulness, of the confirmation." Bizzarri, *Collection*, ed. 1885, p. 13.

"As regards the doubt concerning the confessor of Sisters who direct schools or serve in a hospital, it appears it can be held that if they live in community and have a special confessor, he is subject to the same general rules and must be approved every three years. But if they make their confession in a public church, or to the parish priest if he is the only priest residing in the place, or to another confessor, since strictly speaking neither the one nor the other can be called the ordinary confessor of the community, no appointment or confirmation is required for him." Sacred Congregation for the Propagation of the Faith, 1877.

As a general rule, local Ordinaries cannot designate regulars as ordinary confessors of nuns immediately subject to the bishop without the permission of the Sacred Congregation. Sacred Congregation, November 1721 and 5 September 1727. See Bizzarri, ed. 1885, pp. 313, 322, 335, 345, 382, 383; Ferraris, *Nuns*, article 5, no. 29.

"To the proposed doubts ... the Sacred Congregation of Bishops and Regulars responded that a bishop can appoint as extraordinary confessors regulars who are not forbidden by their Constitutions and rules. But so that the petitioner bishop, in default of suitable priests, may appoint religious as ordinary confessors, the Sacred Congregation, by the special authority of Our Most Holy Lord, granted the faculty for three years only." 14 February 1851, in Francis Sentis, *The Decretals of Pope Clement VIII*, Freiburg im Breisgau, 1870.

Edict of Clement XI, beginning *Avendo determinato*, etc.: "Since the Council of Trent decreed that extraordinary confessors are to be given to nuns two or three, and even four, times a year, although they may not wish to confess their sins to them, nevertheless they are commanded by the present edict to present themselves to them, so that they may receive salutary admonitions and perform an act of subjection. The ordinary confessors are commanded, meanwhile, while the extraordinary confessor is present, to hear the confession of no nun of the same monastery. But if any nun is unwilling to present herself to the extraordinary confessor, she is to be punished by the superior; girls under instruction who are unwilling to submit and present themselves are to be expelled. They also command that neither ordinary nor extraordinary confessors approach those monasteries to hear confessions when the time of their office has already expired, nor receive letters from any of them or send letters to her unless there is special permission." 12 December 1708; Bizzarri, *Collection*, ed. 1885, pp. 293-294; Benedict XIV, Constitution *Pastoralis curae*. "The expressed mind of the Holy See is that the ordinary confessor ought not to exercise his ministry or approach the monastery during the entire time in which the commission of the general extraordinary confessor lasts. A regular extraordinary confessor, when his office has ended, can no longer approach the monastery without the necessary permission, because he remains subject to the prohibition and penalties established against regulars, like all other regulars. But the Holy See declares that this prohibition does not comprehend secular priests, and therefore these, even after the office of extraordinary confessor has been completed, can continue to approach monasteries as before, because in this respect the new Constitution of Benedict XIV, *Pastoralis curae*, introduced nothing new as regards secular priests." Sacred Congregation of Bishops and Regulars, January 1749.

"At the point of death, a particular confessor must be granted by the bishop to any nun requesting one, or by the regular prelate if the monastery is exempt; and if the regular prelate is lacking or refuses, the bishop can and must supply; but if the bishop refuses, one is to be given by the Major Penitentiary, if time permits." Benedict XIV, Constitution *Pastoralis curae*.

"The Sacred Congregation of Bishops and Regulars established ... that regular priests cannot hear the sacramental confessions of women of the Third Order, who are called women of Penance, unless they have been approved by the Ordinary to hear the confessions of secular persons."

"Sometimes nuns, either for reasons of health or for another cause, obtain permission to leave their monastery for a short time while retaining the habit. It is asked whether in such a case they can make their confession to confessors approved for both sexes, although not approved for nuns.—Response. Affirmative, during the stay outside the monastery." Sacred Congregation of Bishops and Regulars, 27 August 1852.

In the Diocese of N. in France, "in many parishes there are two or three and scarcely four Sisters of the more recent Congregations, devoted to the education of girls. These Sisters, living in common but outside enclosure, do not have a private chapel, but frequent the parish church like the others,

there assisting at Mass and the other offices and receiving both the Sacrament of Penance and the Eucharist. Moreover, these Sisters frequently pass from one parish to another according to the will of the Superior General. Accordingly, in these circumstances, is the provision of law concerning the triennial change of confessors to be applied, especially since in these parishes there is only one priest, namely, the parish priest?—Response. The Sisters in question can make sacramental confession outside their own pious house to any confessor approved by the Ordinary." Sacred Congregation of Bishops and Regulars, 22 April 1872, response to 3.

"Is the reservation made by the bishop in his letters patent as regards cases reserved to himself upheld in the case—namely, with respect to nuns subject to regulars?—Response. Affirmative only as regards cases reserved in a matter clearly pertaining to delegated jurisdiction; in the remaining matters, negative." Sacred Congregation of Bishops and Regulars, September 1746. See Bizzarri, *Collection*, p. 756, ed. 1885.

Latin Missionaries as Regards the Confession of Eastern Nuns

"Can Latin missionaries hear the confessions of Eastern nuns without the special consent of the Eastern Ordinaries?—Response. Negative, and the Constitution *Inscrutabili* of Gregory XV is to be observed." Sacred Congregation for the Propagation of the Faith, 11 December 1838.

In the Constitution *Inscrutabili Dei providentia* of 5 February 1622, these things are contained: "But confessors, whether regular or secular and exempt in any manner whatsoever, both ordinary and extraordinary, can in no way be appointed to hear the confessions of nuns, even those subject to regulars, unless they are first judged suitable by the diocesan bishop and obtain approval, which is to be granted gratis." See no. 301.

On Reservation to Be Made by Bishops

On 9 January 1601, the Sacred Congregation of Bishops and Regulars established that local Ordinaries were to be admonished thus: "Lest local Ordinaries, to whom the right of reserving cases belongs, be burdensome by more reservations than are necessary to their subjects or to confessors cooperating in procuring the salvation of souls, let all be admonished to reserve few cases, and only those which they judge it necessary to reserve for maintaining Christian discipline and for the salvation of the souls entrusted to them, according to the state and quality of each diocese."

And it decreed that the same admonition was to be repeated on 26 November 1602: "But lest local Ordinaries, to whom the reservation of cases pertains, exceed the measure in this matter, the same Sacred Congregation judges that they are again to be greatly admonished not indiscriminately, but when this shall appear expedient for the common good, to reserve to themselves the absolution only of more atrocious and graver crimes, the reservation of which may contribute to maintaining Christian discipline and tend toward edification, not toward destruction; lest otherwise, the power of the ministers of the Sacrament of Penance having been restricted, an effect contrary to the pious mind of holy Mother Church should follow. It also prohibits them from superfluously reserving to themselves cases contained in the Bull customarily read on the day of the Lord's Supper or other cases specially reserved to the Apostolic See."

Encyclical letters were also issued by the same Sacred Congregation on the same day, 26 November 1602, to the bishops in this manner: "The Sacred Congregation judges that these things especially are to be admonished: that the Ordinaries themselves take care not indiscriminately to reserve those cases to which a major excommunication imposed by law is annexed, absolution from which is reserved to no one, unless perhaps because of frequent scandal or another necessary cause certain cases of this kind should appear to be reserved by name; nor cases in which absolution is not conferred except with restitution or performance of those things to which penitents are bound; nor those which, although they induce mortal sin, nevertheless concern matters of small moment and are wont frequently to occur among the uneducated, such as damage inflicted and the like. They are also to use great circumspection in reserving carnal sins because of the danger of scandals, especially in those persons upon whom some suspicion could fall because of access to extraordinary confessors or frequent return to ordinary confessors. Finally, they are especially to enter upon and follow that course which, after the customs, nature, and inclination of each province and people have been diligently considered, shall appear more expedient in the Lord."

The Decisions of the Sacred Congregation of the Council agree with the Decrees of the Sacred Congregation of Bishops and Regulars. For when it was reported to the former that the Bishop of Belcastro had increased beyond measure the catalogue of reserved cases, on 29 January 1661 it commanded that, excepting ten or at most twelve graver cases to be designated at the bishop's discretion, the others be deleted from the catalogue.

When the Bishop of Mirepoix consulted the Holy See concerning certain Ordinances framed by him, and among them this was also proposed: "Because many of the clergy were more prone to lust, we reserved this case to ourselves, and that severity greatly profited the amendment of morals," the Sacred Congregation responded on 3 July 1677: "It is not approved."

Decree of Clement VIII on Reserved Cases of Regulars

"Our Most Holy Lord, who long ago carefully considered and learned by the fact itself that the reservation of the faculty of absolving religious penitents from certain graver sins, unless Superiors use it very prudently and moderately, can lead certain weak persons, who sometimes fear to disclose the stains of their conscience to the Superior, into danger of eternal damnation and despair of a spiritual remedy—therefore, so that His Holiness might provide opportunely against this evil, he decreed that no Superior of regulars reserve to himself the absolution of sins except those which follow, or some of them, according as they shall prudently judge in the Lord to be expedient for the benefit of their subjects:

"1. Poisonings, incantations, sorceries.

"2. Apostasy from the religious institute, whether the habit is laid aside or retained, when it reaches the point that an exit is made beyond the enclosure of the monastery or convent.

"3. Nocturnal and furtive departure from the monastery or convent, even when done without an intention of apostatizing.

"4. Possession of property contrary to the vow of poverty, when it is a mortal sin.

"5. A false oath in a regular or legitimate judgment.

"6. Procuring, aiding, or counseling the performance of an abortion after the fetus is animated, even when the effect does not follow.

"7. Falsification of the handwriting or seal of officials of the monastery or convent.

"8. Theft from the goods of the monastery or convent in such an amount that it is a mortal sin.

"9. A voluntary carnal lapse consummated in act.

"10. The killing or wounding, or grave striking, of any person.

"11. The malicious obstruction, delay, or opening of letters from Superiors to inferiors and from inferiors to Superiors.

"If, moreover, some other grave sin should appear to require reservation for the preservation of the religious institute or for purity of conscience, this is to be done in no other way than by the mature discussion and consent of the general chapter for the whole Order or of the provincial chapter for the province.

"Superiors of regulars are not permitted to hear the confessions of subjects except when they have committed some reserved sin, or the subjects themselves spontaneously or of their own motion request it from them.

"Superiors are to appoint in each house two, three, or more confessors according to the greater or lesser number of subjects; and these are to be learned, prudent, and endowed with charity, who may absolve them from non-reserved cases and to whom the absolution of reserved cases is also to be committed when a case occurs in which the confessor himself judges in the first place that it ought to be committed."

"His Holiness subsequently declared, and declares, that if the Superior should refuse to give the faculty of absolving some reserved case to confessors of regulars who request it, the confessors can nevertheless, *on that occasion*, absolve the regular penitents "even without having obtained the faculty from the Superior." Ferraris, *Regular Prelate*, no. 58.

"Since certain regulars doubted whether censures were also comprehended in the Decree of Pope Clement VIII of happy memory, issued on 26 May 1593 concerning the nature of cases to be reserved by the Superiors of those same regulars, so that it would be lawful for the same Superiors, without the consent of the general or provincial chapter, to annex excommunication to certain sins not contained in a decree of this kind and to reserve absolution from it to themselves, the Sacred Congregation of Cardinals charged with the affairs of Regulars, with the Most Illustrious Bardino reporting, judged that censures were comprehended in the aforesaid Decree." 7 July 1617.

On the Faculty of Absolving from Reserved Cases

"12. Mendicants can absolve from cases reserved to bishops without obtaining the faculty of the bishops for this." Proposition condemned by Alexander VII.

"Meanwhile, by command of His Holiness himself, the same Ordinaries are admonished that throughout their whole diocese, and especially in those places which are more distant from the city and cathedral see, they appoint and delegate penitentiaries and other priests to whom they grant the faculty of absolving from cases reserved to themselves, in such a way that it may also be lawful for

these, if there is need, to impart the same faculty to other confessors, even orally." Sacred Congregation of Bishops and Regulars, 26 November 1602.

The same Sacred Congregation, 26 November 1602, declares "that the faculty and permission to absolve from reserved cases ... can also be granted by the spoken word alone."

"In small communities Superiors must altogether appoint habitually one confessor from the religious of their own Order who has the faculty of absolving from cases and censures reserved in the Order." Sacred Congregation of Bishops and Regulars, 16 August 1865, approved and confirmed by Pius IX on the 17th of the same month. See nos. 790, 795.

Faculties and privileges of confessors who render spiritual assistance to the sick in Roman hospitals. Holy Office, 9 March 1870. See Ferraris, *Supplement*, under *Censure*, no. 40.

The Faculty of Absolving from Reserved Cases Is to Be Granted Readily

See no. 797.

Absolution from Cases and Censures Reserved to the Pope at the Point of Death and in a More Urgent Case

"1. Can the opinion still safely be held which teaches that absolution from cases and censures, even those reserved in a special manner to the Pope, devolves upon the bishop or any approved priest when the penitent is in the impossibility of personally approaching the Holy See? 2. Insofar as the response is negative, must recourse be had, at least by letter, to the Most Eminent Cardinal Penitentiary for all cases reserved to the Pope, unless the bishop has a special indult—apart from the point of death—in order to obtain the faculty of absolving?

"Response. To the first: In view of the practice of the Sacred Penitentiary, especially since the publication of the Apostolic Constitution of the late Pope Pius IX which begins *Apostolicae Sedis*: Negative. To the second: Affirmative; but in truly more urgent cases in which absolution cannot be deferred without danger of grave scandal or infamy, concerning which the conscience of confessors is burdened, absolution can be given, with the things required by law being enjoined, from censures even specially reserved to the Supreme Pontiff, but under pain of re-incurring the same censures unless, at least within one month, by letter and through the intermediary of the confessor he has recourse to the Holy See. After consultation with His Holiness, His Holiness approved." Holy Office, 23 June 1886.

The Faculty of Bishops as Regards Absolution from Papal Cases

"1. The response to the first question of the Decree of 23 June 1886, which reads as follows: *In view of the practice of the Sacred Penitentiary, especially since the publication of the Apostolic Constitution of the late Pope Pius IX which begins Apostolicae Sedis: Negative*, does not appear to concern cases specially reserved to the Supreme Pontiff without a censure, since these are not treated in the Constitution *Apostolicae Sedis*. Does the old doctrine of the theologians therefore remain intact, according to which bishops or their delegates—or, as Castropalao maintains, a simple priest—can absolve from these cases when the penitent cannot go to Rome, without its being necessary to write?

"2. When bishops have a quinquennial indult from the Sacred Congregation for the Propagation of the Faith comprising fourteen numbers, no. 10 of which grants the faculty of absolving from all cases, even those specially reserved to the Roman Pontiff, except the case of one who absolves an accomplice, can they delegate that faculty in France and in Europe, at least for a particular case, so that it is not necessary for the penitent to approach the bishop himself, although no. 11 of the indult contains this clause: *Of communicating these faculties in whole or in part, according as he shall judge in his conscience that there is need, to suitable priests laboring for the conversion of souls, only in places where the exercise of the Catholic religion is prohibited?*

"3. Supposing that the response is negative, what if it is impossible for the penitent to approach a bishop who has such an indult?

"4. When an episcopal see is vacant, can the vicar capitular communicate the quinquennial faculties granted by an indult of the Sacred Penitentiary or of the Congregation for the Propagation of the Faith to the bishop who has been removed or has died?

"5. When a missionary encounters a penitent bound by censures who is merely passing through, so that the missionary cannot see the penitent again, is it sufficient, given a more urgent case for absolution, to require from the penitent a promise to write within one month to the Sacred Penitentiary, withholding his name if he wishes, and to abide by its commands, without the confessor himself writing?

"6. Can it safely be taught and put into practice, as some maintain, that, because of the present danger that letters may be opened by the civil authority, it is not required that a letter be directed to the Supreme Pontiff in more urgent cases or when the Pope cannot be approached?

"7. Supposing that a letter to the Supreme Pontiff is not required, is a letter directed to the bishop required, notwithstanding this general danger, especially when it is a question of the absolution of an accomplice, which, if treacherously detected and revealed, can also generate scandal?

"Response. To the first: Negative.—To the second, third, and fourth: Let the petitioner (Missionary A.) consult the bishop, and, insofar as there is need, let the bishop himself have recourse to the Sacred Congregation of the Universal Inquisition.—To the fifth: Affirmative.—To the sixth: Negative, since names and surnames are to be suppressed in the petitions.—To the seventh: Provided for in the sixth." Sacred Penitentiary, 7 November 1888.

Absolution from Censures, Even Those Reserved in a Special Manner to the Pope, When It Is Impossible to Approach the Holy See Personally, and Reincidence

"1. Does the response to the first question of 23 June 1886 have force also for the case in which the penitent is perpetually prevented from journeying personally to Rome?

"2. In the response to the second question in the same place, does the clause *but under pain of reincidence into the same censures*, etc., refer only to absolution from censures and cases reserved in a special manner to the Roman Pontiff, or also to absolution from censures and cases simply reserved to the Pope?

"3. After the Constitution *Apostolicae Sedis*, do modern authors correctly teach—contrary to the common law, chapter *Eos qui* 22, *On the Sentence of Excommunication*, in the Sixth, v. 11; chapter *Ea noscitur* 13, *On the Sentence of Excommunication*, v. 39; and contrary to the Roman Ritual, *On Penance*, title 3, chapter 1, no. 23—that one who, at the point of death, has been absolved by any confessor from any censures whatsoever, however reserved, is then to be placed under the obligation of presenting himself to the Superior upon recovering his health only if the absolution concerned censures reserved in a special manner to the Pope; or is recourse of this kind to the Superior also necessary in absolution from censures simply reserved to the Supreme Pontiff?

"Response. To the first: Affirmative.—To the second: Negative to the first part; affirmative to the second part.—To the third: Affirmative to the first part; negative to the second part, according to the resolution of Wednesday, 28 June 1882." Holy Office, 17 June 1891.

Direct Absolution from Papal Cases, the Obligation of Abiding by the Commands of the Church, and Reincidence

"1. Is the obligation of abiding by the commands of the Church, imposed by the Bull *Apostolicae Sedis*, under pain of reincidence or not?—2. Does the obligation of abiding by the commands of the Church, in the sense of the Bull *Apostolicae Sedis*, mean the same thing as the obligation of presenting oneself before the Supreme Pontiff, or must it be distinguished from that obligation?—3. Is absolution given in more urgent cases from censures, even those reserved in a special manner to the Supreme Pontiff, in the sense of the Decree of the Holy Office of 23 June 1886, direct or only indirect?

"Response. To the first: Affirmative to the first part; negative to the second part.—To the second: The obligation of abiding by the commands of the Church imports the burden of having recourse to the Supreme Pontiff, either personally or through the confessor, and obeying his commands, or of seeking a new absolution from one who has the faculty of absolving from censures reserved in a special manner to the Supreme Pontiff.—To the third: Affirmative to the first part; negative to the second part." Holy Office, 19 August 1891.

The Obligation of the Decree of 23 June 1886

"1. If penitents absolved from censures reserved to the Supreme Pontiff recover their health, does the obligation of abiding by the commands of the Church mean the same thing as the obligation of presenting themselves before the Supreme Pontiff?—2. And insofar as the response is negative, in what does the obligation of abiding by the commands of the Church consist?—3. Is the obligation of abiding by the commands of the Church under pain of reincidence?—4. Does this obligation of abiding by the commands of the Church bind also in the case of censures simply reserved to the Supreme Pontiff?—5. Does the Decree of the Holy Office of 23–30 June 1886 bind in such a way that the practice observed before this Decree is no longer to be tolerated?—6. Is absolution given in more urgent cases by virtue of the aforesaid Decree direct or indirect? "Response. To the first: The obligation of abiding by the commands of the Church imports the burden of having recourse to the Supreme Pontiff, either personally or through the confessor, and obeying his commands, or of seeking a new absolution from one who has the faculty of absolving from censures reserved in a special manner to the Supreme Pontiff.—To the second: Provided for in the preceding response.—To the third: Affirmative.—To the fourth: Negative.—To the fifth: The Decree of 23 June 1886 binds

altogether, and a contrary practice is not to be tolerated.—To the sixth: Affirmative to the first part; negative to the second part." Holy Office, 30 March 1892.

Absolution from Cases Reserved to the Roman Pontiff When It Is Hard for the Penitent to Await the Time Necessary for Requesting the Faculty

"By the Decree of the Sacred Inquisition of 23 June 1886, any confessor can directly absolve from censures, even those reserved in a special manner to the Supreme Pontiff, in truly more urgent cases in which absolution cannot be deferred without danger of grave scandal or infamy, with the things required by law being enjoined, but under pain of reincidence into the same censures unless, at least within one month, the person absolved has recourse by letter and through the intermediary of the confessor to the Holy See.

"A doubt nevertheless arises for a case in which neither scandal nor infamy is present in delaying absolution, but the penitent bound by papal censures must remain for a long time in mortal sin, namely, for the time required to request and obtain the faculty of absolving from reserved cases; especially since theologians, with St. Alphonsus de Liguori, regard it as something exceedingly hard for anyone to remain in mortal guilt for one or two days.

"Hence, after the Decree of 23 June 1886, since the theologians' solution is lacking on this question, it is asked:

"1. In a case in which there is neither infamy nor scandal in delaying absolution, but it is very hard for the penitent to remain in grave sin for the time necessary to request and obtain the faculty of absolving from reserved cases, can a simple confessor directly absolve from censures reserved to the Supreme Pontiff, with the things required by law being enjoined, but under pain of reincidence into the same censures unless, at least within one month, the person absolved has recourse by letter and through the intermediary of the confessor to the Holy See?—Response. Affirmative, after consultation with His Holiness." Holy Office, 16 June 1897.

Impossibility of Sending a Letter

"When neither the confessor nor the penitent can send a letter to the Sacred Penitentiary, and it would be hard for the penitent to approach another confessor, in this case the confessor may absolve the penitent, even from cases reserved to the Holy See, without the burden of sending a letter." Holy Office, 9 November 1898; *M. E.*, vol. 10, book 2, p. 218.

"With regard to absolution from censures reserved to the Supreme Pontiff, the Sacred Congregation of the Roman and Universal Inquisition decreed on 9 November 1898: *When neither the confessor nor the penitent can send a letter to the Sacred Penitentiary, and it would be hard for the penitent to approach another confessor, in this case the confessor may absolve the penitent, even from cases reserved to the Holy See, without the burden of sending a letter.*

"In order that the burden of sending a letter cease, must the impediment to writing bind both the confessor and the penitent at the same time; or is it sufficient, as some have interpreted, that the penitent, being unable to write, cannot present himself again to the same confessor by whom he was absolved by virtue of the Decrees of 1886 and 1897, and that it is hard for him to approach another

confessor, although the absolving confessor could send a letter to the Holy See on behalf of the penitent? "Response. Negative to the first part; affirmative to the second." Holy Office, 5 September 1900; *M. E.*, vol. 12, p. 293.

"The priest Titius went to a foreign region to confess a sin reserved to the Supreme Pontiff. He then declared to the confessor: 1. that neither the duties of his ministry nor the amount of his means permitted him to undertake the journey again in order to receive the response of the Sacred Penitentiary; 2. that it would be too burdensome for him to present himself to another confessor in his own region, a thing he had expressly wished to avoid by undertaking the journey.

"Must the aforesaid case, even if it concerns absolution of an accomplice, be numbered among those foreseen in the Decree of the Holy Office of 9 November 1898, and can the confessor rely upon the aforesaid Decree to impart absolution without recourse to the Penitentiary, or not?—Response. It is not included." Holy Office, 7 June 1899.

Recourse to the Ordinary

"In more urgent cases ... [by] the Decree of the Holy Office of 23 June 1886, absolution can be given from cases reserved to the Holy See, but under pain of reincidence unless the person absolved has recourse within one month to the Holy See in order to receive its commands.

"Where, however, bishops have the delegated faculty of absolving from the aforesaid reserved cases, such as is customarily granted to them by the quinquennial formula of the Sacred Congregation for the Propagation of the Faith (Formula X), under no. 10, there is doubt concerning the necessity of immediate recourse to the Holy See.

"It is therefore asked: 1. In the case of an absolution granted as above, is recourse to a bishop furnished with the faculty of absolving sufficient? And insofar as the response is affirmative:—2. In the same case, is recourse also sufficient if made to the bishop's vicar general, as to an Ordinary who by law shares in the episcopal faculties of absolving?—3. In general, is recourse sufficient if made to any priest habitually subdelegated by the Ordinary to absolve from those papal reserved cases from which the penitent had been incidentally absolved as above, by virtue of the Decree of the Holy Office of 1881?

"Response. To the first and second: Affirmative, after consultation with His Holiness.—To the third: Negative." Holy Office, 19 December 1900.

On Granting, Denying, and Deferring Absolution

"There are certainly many cases in which the denial and delay of absolution is a suitable remedy, and sometimes a necessary one. Let the confessor see to it, says St. Charles Borromeo in the *Instructions on Penance*, that he absolves no one who either is unwilling to lay aside hatred or enmity, or refuses to restore another's property according to his ability, or is not prepared to depart from the state of mortal sin or to avoid an occasion of a similar sin. Hence the Apostolic See has always risen up with marvelous zeal against the lax and perverse facility of certain casuists in granting absolution, as is evident to every reader from the propositions rightly and deservedly condemned by Alexander VII, Innocent XI, and other Roman Pontiffs. It would be very lengthy, however, to enumerate cases of this kind; but they can be seen in St. Charles Borromeo's *Instruction for Confessors*, and confessors should

not allow themselves to be led away from these holy rules, confirmed by the consent of the whole Church, by a false mercy toward penitents. "Nevertheless, apart from the cases set forth above, an indiscriminate and widespread withholding of absolution for every mortal sin, for the sake of conceiving a greater horror of crimes and acquiring a better disposition for obtaining the benefit of absolution, is certainly neither a medicine nor a suitable chastisement ever employed by the Church against unwilling penitents, but was usurped by rigid and imprudent confessors alone, contrary to all right, and proscribed by three Roman Pontiffs. Peter of Osma already attempted to introduce this excessively severe and imprudent practice—to say nothing worse—by this proposition: *Penitents are not to be absolved unless the penance enjoined has first been performed*, deservedly condemned in the Council of Alcalá and by Sixtus IV in the year 1479, in the Bull which begins *Licet ea*. It is evident that, after the apostate Marco Antonio de Dominis, book 5, *On the Republic of the Church*, chapter 7, and Antoine Arnauld, *On Frequent Communion*, part 2, from chapter 8, this same deadly practice prevailed among the Belgians and certain French followers of rigorism. From their books Alexander VIII, among others, transfixed these two propositions with a just anathema: '16. The order of placing satisfaction before absolution was introduced, not by the discipline or institution of the Church, but by the very law and precept of Christ, the nature of the thing itself in a certain manner dictating it'; and '17. By that practice of absolving immediately, the order of penance is inverted.' Quesnel attempted once again to introduce this practice, cruel in substance, by means of these two propositions couched in deceptive and equivocal terms: '87. It is a way full of wisdom, light, and charity to give souls time to bear with humility and to feel the state of sin, to seek the spirit of penance and contrition, and to begin at least to satisfy the justice of God before being reconciled. 88. We do not know what sin and true penance are when we wish to be restored immediately to the possession of those goods of which sin stripped us, and refuse to bear the shame of that separation'; these were rightly and deservedly condemned by Clement XI in the Bull *Unigenitus*. This severe practice certainly brings the greatest ruin upon souls, especially upon those who are imperfectly contrite, or, if you prefer, are beginning to love, according to St. Leo and St. Augustine (Letter 180 to Honoratus), who teach that 'very many perish for want of the sacrament who, by its aid, would have flown to heaven.' They therefore remain exposed to the danger of eternal damnation, while our most wise Savior warns us always to keep watch in justice, for 'at an hour we do not expect, the Son of Man will come.'

"But let us grant to rigid directors that persons imperfectly contrite in this way survive until absolution: when absolution is delayed for them, they remain enemies of God, incapable of any merit or satisfaction; for their works, according to St. Thomas, on Book IV of the *Sentences*, distinction 15, since they are done without charity, are not satisfactory: 'For it is impossible,' he says, 'for anyone to make satisfaction to God unless he is pleasing to God; and therefore, in order that satisfaction be fitting, it must be informed by sanctifying grace'; and in the *Supplement*, question 14, article 2: 'Works done without charity are not satisfactory.' Whatever indulgence, then, may have been proposed, the sinner deprived of absolution will be able to gain none; suspicions, harm to reputation, and scandals arise from an indiscriminate delay of absolution. The shame of confessing is a strong bridle against sin, as is held in chapter *Quem*, 88, *On Penance*, distinction 1. What of the fact that penitents who are repelled often cast aside the thought of salvation in despair?

"Therefore, let missionaries not follow the perverse reformers of the Church. "Rather, let them adhere to the Council of Trent, Session 6, chapter 14, *On the Fallen and Their Restoration*, where we have absolution preceding satisfaction, and the guilt of sins, together with eternal punishment, remitted

by the Sacrament of Penance before satisfaction, by which only the temporal punishment remaining after absolution is remitted. This prudent and benign practice, however, was not instituted by Trent alone; rather, as the Roman Catechism bears witness, it is the most ancient usage of the Church, confirmed by Scripture and the authority of the Fathers. The father in the Gospel commands the first robe to be brought quickly for the returning prodigal son, nor does he send him away to feed swine so that he might conceive a greater horror of sins and be disposed for the fatherly embrace. Among the articles on account of which Chrysostom was wrongly deposed by certain bishops, but restored by Apostolic authority, was this: 'If you have sinned again, repent again; and as often as you have sinned, come to me, and I will heal you.' Basil says to his spiritual son: 'When,' he says, 'you perceive yourself to be liable to sins, turn quickly to penance, lest you be confounded.' The Clementine law *Dudum*, *On Burials*, commands the priest to hear confessions, impose penances, and absolve. A decree of Boniface, Bishop of Mainz, established that every priest should take care, after receiving the confession of penitents, to reconcile them immediately by giving the prayer. I would be endless if I wished to adduce the teachings of all the Fathers in favor of such a practice of the Church, but those cited are sufficient.

"This practice, therefore, prudent and benign and fortified by so many testimonies, of immediately absolving sinners who are either imperfectly or perfectly contrite, prevails throughout the whole Church where there is an abundance of confessors and no danger of persecution; how much more, therefore, must it necessarily be observed in Western Tonkin, where there are many continual persecutions against Catholics, and where indeed the harvest is great, but the laborers are very few. Nor let the Innovators deceive you, who nourish cruelty and deadly indolence in their hearts under the appearance of zeal; do not, I say, let them deceive you with texts of Scripture, Ezekiel 13 and Jeremiah 6, which they everywhere abuse; for from these we can gather nothing more than that absolution is not to be imparted to those who lack the necessary disposition, not that it is to be denied to those endowed with that disposition; nor will you find any place in the oracles of the Old Covenant according to which reconciliation with God was delayed for penitents or was to be deferred. David had scarcely confessed his offense, saying, 'I have sinned against the Lord,' when Nathan proclaimed in the name of God: 'The Lord also has taken away your sin; you shall not die.' Nor again let them seduce you with the testimonies of Cyprian, the Roman Clergy, Innocent I, and other Fathers, which they likewise abuse; for when these testimonies are read, not in mutilated form but in full, it will be apparent to every candid and attentive person that they speak of certain public sins which at that time were to be punished by public penance. Although approved authors think that, in the very imposition of public penance, sinners were ordinarily absolved from the guilt of sin—for this was to receive the imposition of the hand unto penance: to be absolved from the guilt of sin and to receive the manner of public satisfaction. Indeed, Morinus himself, who possesses the highest authority among newer theologians, although he thinks that the absolution of public crimes, even sacramental absolution, was delayed until the fulfillment of canonical penance, agrees with us as regards other sins; for he says: 'All crimes and sins which in those ages were not expiated by public penance were remitted immediately or a little after confession had been made to a priest, excepting a very few which, because they were public, were sometimes punished by the canons with deprivation of ecclesiastical communion.' The Roman Catechism teaches the same: "that the custom of absolving immediately after confession existed from the very cradle of the Church, if one excepts certain enormous crimes for which public penance was due; indeed, it demonstrates at greater length toward

the end of the work, from the penitential books of the Greeks, that even in the Eastern Church the custom of immediately absolving even from public sins has been preserved for twelve centuries down to the present.

"But since, according to the Council of Trent, the custom of inflicting public penance for public and scandalous sins ought to remain in force, we descend to the particular case reported by the Apostolic Visitor concerning parents who consent to the marriage of their children with disparity of worship. It seems certain that, so long as it is within their power to rescind the marriage and, after being admonished about it, they refuse the rescission, they are neither capable nor disposed to receive the benefit of absolution. But if, for their part, they have done whatever they can and it is no longer within their power to recall their children from the invalid contract, there is no reason for those persons, contrite and having confessed, to be deprived of sacramental absolution for whole years or until the end of life. Yet lest they be an example to others to perpetrate similar marriages, after they have confessed and been absolved they could either be deprived of Eucharistic Communion or be punished with another public penance, according to the judgment of a prudent and discreet bishop.

"The way full of wisdom and charity, therefore, is to snatch sinful souls as quickly as possible from the state of sin, according to the practice of the universal Church founded in the Gospel of Christ, so that they may quickly receive the first robe; and not to prolong, but, insofar as can be done, to hasten the prescribed penance, according to the form which the Council of Trent most salutarily prescribes: that they propose it before reconciliation, so that after it, restored to the state of grace more safely and salutarily, they may strive to make satisfaction." Instruction of the Sacred Congregation for the Propagation of the Faith, 3 October 1736.

"You place the second abuse in this: that you suspect that the benefit of sacramental absolution is delayed excessively. No certain judgment can be made in this matter. The confessor, who sits before the tribunal as a judge and as a physician must prepare medicine for the sick, alone can examine how great is the atrocity of the crimes, what is the persistence of the sickness, and what is the disposition of the penitent. He must therefore diligently investigate whether those who approach the Sacrament of Penance detest the crimes they have committed with that sorrow of soul which the Council of Trent, Session 14, chapter 5, *On Contrition*, requires for the integrity of the sacrament; whether they promise the beginning of a new life and hatred of the past, not merely by voice and lips, but with the innermost affection of the heart; whether, as evidence of this good and firm will, they show that they have now abstained from sins for some time; whether they have entirely dismissed, if it was within their power, those occasions which either of themselves or from their own malice or depravity induce them to sin; whether they have applied the remedies proposed to them on other occasions, by whose protection they may avoid sin in necessary and involuntary occasions; whether they have cast off the habit of sinning; whether, if they obtained the benefit of absolution on other occasions, they again relapsed into the same crimes from their own malice and wallowed in the same mire; whether they are ready and prompt to repair the damage or injury in goods, reputation, and honor in which they have injured their neighbor, if they have the means or opportunity. These and many other things, which missionaries can obtain from the praised instructions of St. Charles, must be carefully weighed by them before they impart the benefit of absolution. But since these very things lie hidden among the secrets of confession, it is certainly difficult to judge whether they abuse the power of a judge and

the authority of a physician, as we intimated above, "or conduct themselves more harshly and severely toward penitents who are rightly disposed.

"Nevertheless, let the missionaries take diligent care that, if at any time public penance is to be enjoined and even prolonged for some time, they do not meanwhile allow anyone to be deprived of the benefit of sacramental absolution, provided that he places no obstacle on his part and is regarded as worthy to have the grace of reconciliation with God imparted to him in the forum of conscience. For we think it is not unknown to you that the private absolution of sinners, to be granted to penitents in the sacramental forum, differs greatly from public reconciliation with the Church. The former is to be denied to no one who is rightly disposed and displays the dispositions necessary for obtaining this grace. For holy Mother Church is benign and merciful, and does not permit anyone who from the heart and with a true exertion of soul and mind implores pardon from God for his offenses to remain under the yoke and servitude of the devil, an enemy of God, deprived of all the merits of good works. The latter, namely public reconciliation, is to be reserved to the judgment of the bishop, who will determine according to the circumstances of places and times what needs to be done, and will thus reconcile severity with lenity, so that it brings punishment to the guilty and restraint to the innocent....

"The third suspicion of abuses which disturbs you is that you fear not only that sacramental absolution is delayed for certain criminals, but that they are also repelled, perhaps for a slight cause, from the tribunal of penance. You do not, however, explain sufficiently how this matter proceeds. For it is not right to suspect that those missionaries, whom you yourself acknowledge to devote excellent labor to procuring the salvation of souls and to be highly commended by you for their zeal for piety and charity, have become so forgetful of mercy and lenity that they repel sinners who, aroused by some stimulus of penance, approach them for the confession of their faults. For it is within the power of the priest to deny sacramental absolution to the undeserving, but not to hear the confession of their crimes would be an intolerable wickedness. We have therefore judged that the question proposed by you is to be understood in this way: that inquiry is to be made only concerning those sinners who are entangled in the bonds of crimes to which the penalty of excommunication has been attached by law. And in this matter it seems especially to be considered whether someone has been excommunicated by the sentence of a judge and publicly denounced, or instead has contracted that censure by law, not indeed declared by the sentence of a judge, but, since the crime on account of which he incurred excommunication is so notorious and manifest that it cannot be concealed by any evasion or excused by favor of law, he is therefore everywhere regarded among the rest of the faithful as a public sinner. Both are certainly to be repelled from the Sacrament of Penance, for excommunicated persons cannot be made participants in the sacraments. Nevertheless, there is a distinction between the two: one excommunicated and denounced by the sentence of a judge, since he is separated from the communion of the rest of the faithful, is also to be avoided, and therefore cannot be admitted into a church to assist at the unbloody Sacrifice, pour forth public prayers, or attend the other common offices of religion, with the sole exception of the preaching of the word of God, which an excommunicated person is permitted by law to hear, chapter *Respons.* 43, *On the Sentence of Excommunication*. But one upon whom no sentence or judicial declaration of excommunication has been imposed is neither repelled from the assembly of the faithful, nor prohibited entry to the church, nor excluded from public prayers; yet just as he is incapable in himself of participation in the sacraments, so he is rightly to be kept from them by a faithful "steward

of the mysteries of God because of the notoriety and pertinacity of his crime; since public scandal has arisen from it, unless it has ceased and been amended by a suitable and appropriate penance, he is to be judged altogether unworthy to become a participant in the mysteries of Christ, lest, contrary to the precept of the Gospel, pearls be cast before swine. The missionaries must determine what and how great the penance to be imposed upon the guilty ought to be and in what manner the scandal can be removed, after weighing the circumstances of places and times; and they should especially take care that, if there is an opportunity of consulting you, nothing be decreed except with you as author and judge. Hence, therefore, the procedure of those who, making no distinction between excommunicated persons who are to be avoided and those who are tolerated, indiscriminately prohibit all, even on feast days, from entering the church and from the sacred assembly of the faithful, is not to be approved. For if they do this because they judge that such is the force of excommunication that one subjected to it is immediately to be kept from all communion with the faithful, this is contrary to the distinction mentioned and they therefore err; but if they, at their own discretion, decree this penalty indiscriminately for all excommunicated persons, they are to be reproved for excessive severity. Concerning whether those who seize girls betrothed by their parents to pagan men against their will and conduct them to the house of the bridegroom incur the penalty of excommunication, the matter is as follows: either the betrothals were entered into by the parents before the girls attained the use of reason, and it is not established that after attaining the use of reason they confirmed and ratified them; since these betrothals are altogether invalid, those who furnish counsel, assistance, or favor for the abduction of these maidens are certainly excommunicated by the law itself, according to chapter 6, Session 24, *On the Reformation of Matrimony*, of the Council of Trent. It is otherwise, however, if the betrothals were either first entered into with their consent or afterwards confirmed, and consequently are reputed firm and valid; for those who forcibly drag brides to the bridegroom, though unwilling and resisting, are not subject to the penalties of abductors." Instruction of the Sacred Congregation for the Propagation of the Faith, 29 April 1784.

"No one enjoying the communion of the Church is to be repelled from the tribunal of penance.—Let an instruction be given that all are always to be received for confession, but only those disposed are to be absolved." Sacred Congregation for the Propagation of the Faith, 16 January 1804.

"The Sacred Congregation could not approve the excessive facility said to be found among the confessors of your Vicariate in the administration of the Sacrament of Penance: they are said to absolve everyone indiscriminately, without making any distinction among penitents, even relapsing sinners and those remaining in a habitual custom of the sin of superstition. Indeed, since from the very institution of the Sacrament of Penance it is established that the sins of some are to be remitted and those of others retained, John 20:23, it is manifest that this custom of your confessors, if what is related about them is true, is opposed to the very institution of the Sacrament of Penance; for it cannot be supposed that all penitents of your Vicariate possess the dispositions which, from the institution of the Sacrament of Penance just praised, are known to be necessary for obtaining sacramental absolution. This custom of your confessors is also opposed by the Roman Ritual itself, in which, under the title *On the Sacrament of Penance*, it is read: 'Let the priest consider diligently when and to whom absolution is to be granted or denied.' This would not have been prescribed if absolution were to be imparted indiscriminately to all penitents, even relapsing sinners and those existing in a habitual custom of sinning. Let your confessors therefore be instructed concerning this threefold class of penitents, according to the Roman Ritual just praised, and let them deny absolution

to those who show either no signs of penance or only feigned signs; "but let them defer it for those whose penance is rightly regarded as uncertain and suspect. Thus teach the sounder theologians; thus teach the Instructions proposed to confessors by St. Charles Borromeo and by St. Francis de Sales, who adopted in his Synodal Constitutions the rules handed down by St. Charles, as can be seen in their title 9, article 5, no. 3. And the aforesaid confessors of your Vicariate must remember that, from a great facility in absolving, a great facility in sinning must necessarily arise." Instruction of the Sacred Congregation for the Propagation of the Faith to the Apostolic Vicar of Cochinchina, August 1827.

Absolution of the Habitual Sinner and of One in an Occasion of Sin

"60. Absolution is neither to be denied nor deferred to a penitent who has the habit of sinning against the law of God, of nature, or of the Church, even if no hope of amendment appears, provided that he says orally that he is sorry and proposes amendment."—"61. One who remains in a proximate occasion of sin which he can but does not wish to leave, and indeed directly and deliberately seeks it out or thrusts himself into it, can sometimes be absolved." Propositions condemned by Innocent XI.

"41. A concubinary is not to be obliged to dismiss his concubine if she would be exceedingly useful for the concubinary's pleasure—commonly, *regalo*—since, if she were absent, he would live his life with too much difficulty, other dishes would affect the concubinary with great weariness, and another maidservant would be found only with great difficulty." Proposition condemned by Alexander VII.

On the Sacramental Seal

"But let the priest be discreet and cautious, so that, in the manner of a skilled physician, he may pour wine and oil upon the wounds of the injured man, diligently inquiring into the circumstances both of the sinner and of the sin, by which he may prudently understand what counsel he ought to give him and what kind of remedy to apply, using various experiments to save the sick man. But let him take care altogether not in any way to betray the sinner by word or sign or any other manner whatsoever; but if he should need more prudent counsel, let him cautiously seek it without any expression of the person, since we decree that one who has presumed to reveal a sin disclosed to him in the tribunal of penance is not only to be deposed from the priestly office, but also to be thrust into a strict monastery to perform perpetual penance." Fourth Lateran Council, year 1215, Decrees, chapter 21.

"Both Superiors existing at the time and confessors who are afterwards promoted to the rank of Superior are to take most diligent care not to use for external governance the knowledge which they had in confession concerning the sins of others." Decree of Clement VIII, 26 May 1594.

"It is lawful to use knowledge acquired from confession, provided that this is done without direct or indirect revelation and without detriment to the penitent, unless something much graver would follow from its non-use, in comparison with which the former is deservedly disregarded. Then this explanation or limitation was added: that it is to be understood of the use of knowledge acquired from confession with detriment to the penitent, every revelation being excluded, and in a case in which a much greater detriment to the same penitent would follow from non-use." It was decreed: "The said proposition, insofar as it admits the use of the said knowledge with detriment to the

penitent, is to be prohibited altogether, even with the said explanation or limitation." Condemned proposition, Decree of the Congregation of the Sacred Inquisition, 18 November 1682.

On Extreme Unction

The Council of Trent on Extreme Unction, Session 14

"Doctrine on the Sacrament of Extreme Unction.—It has seemed good to the holy Synod to add to the preceding doctrine on Penance the following matters concerning the Sacrament of Extreme Unction, which was regarded by the Fathers as the consummation not only of Penance but also of the whole Christian life, which ought to be a perpetual penance. First, therefore, concerning its institution, it declares and teaches that our most merciful Redeemer, who willed that provision be made at all times for His servants with salutary remedies against all the weapons of all their enemies, just as He prepared the greatest aids in the other sacraments, by which Christians might preserve themselves unharmed from every graver evil of the spirit while they lived, so also fortified the end of life by the Sacrament of Extreme Unction as by a most firm safeguard. For although our adversary seeks and seizes occasions throughout our whole life in order that he may devour our souls in any way possible, there is nevertheless no time when he exerts more vehemently all the powers of his cunning to destroy us utterly, and, if he can, to cast us down even from confidence in divine mercy, than when he perceives the end of life to be impending over us.

"Chapter 1. On the Institution of the Sacrament of Extreme Unction.—This sacred anointing of the sick was instituted as a true and proper Sacrament of the New Testament by Christ our Lord; it was indeed intimated in Mark, but was commended and promulgated to the faithful by James the Apostle and brother of the Lord: 'Is anyone among you sick?' he says. 'Let him bring in the priests of the Church, and let them pray over him, anointing him with oil in the name of the Lord; and the prayer of faith shall save the sick man, and the Lord shall raise him up; and if he be in sins, they shall be forgiven him.' In these words, as the Church learned from Apostolic tradition received from hand to hand, he teaches the matter, form, proper minister, and effect of this salutary sacrament. For the Church understood that the matter is oil blessed by the bishop, since the anointing most aptly represents the grace of the Holy Spirit by which the soul of the sick person is invisibly anointed; and then that the form is those words: 'Through this anointing,' etc.

"Chapter 2. On the Effect of This Sacrament.—The reality and effect of this sacrament is explained in these words: 'And the prayer of faith shall save the sick man, and the Lord shall raise him up; and if he be in sins, they shall be forgiven him.' For this reality is the grace of the Holy Spirit, whose anointing wipes away offenses, if any still remain to be expiated, and the remnants of sin; and it relieves and strengthens the soul of the sick person, exciting in him a great confidence in divine mercy, by which the sick person, being assisted, both bears the inconveniences and sufferings of illness more lightly and resists more easily the temptations of the devil who lies in wait for his heel; and sometimes obtains bodily health, when this will be expedient for the salvation of his soul.

"Chapter 3. On the Minister of This Sacrament and the Time at Which It Ought to Be Given.—Now, as regards the prescription concerning those who ought both to receive and to administer this sacrament, this too was handed down not obscurely "in the aforesaid words. For there it is also shown that the proper ministers of this sacrament are the priests of the Church; by that name in this passage are to be understood not those older in age or the leading persons among the people, but either bishops or priests rightly ordained by them through the imposition of the hands of the

presbyterate. It is also declared that this anointing is to be applied to the sick, but especially to those who lie in such danger that they seem to be placed at the end of life; whence it is also called the sacrament of those departing. But if the sick should recover after receiving this anointing, they can again be assisted by the aid of this sacrament when they fall into another similar danger of life. Therefore, those are in no way to be heard who, contrary to so open and clear a statement of the Apostle James, teach that this anointing is either a human invention or a rite received from the Fathers, having neither a command of God nor a promise of grace; and those who assert that it has now ceased, as though it were to be referred only to the grace of healings in the primitive Church; and those who say that the rite and usage which the holy Roman Church observes in the administration of this sacrament is repugnant to the statement of the Apostle James and is therefore to be changed into another; and finally, those who affirm that this Extreme Unction can be contemned by the faithful without sin. For all these things most manifestly conflict with the clear words of so great an Apostle. Nor indeed does the Roman Church, the mother and teacher of all the others, observe anything in administering this anointing, as regards those things which constitute the substance of this sacrament, other than what blessed James prescribed. Nor indeed could contempt for so great a sacrament exist without an enormous crime and an injury to the Holy Spirit Himself.

"Canon 1. If anyone shall say that Extreme Unction is not truly and properly a sacrament instituted by Christ our Lord and promulgated by blessed James the Apostle, but is only a rite received from the Fathers or a human invention: let him be anathema.

"Canon 2. If anyone shall say that the sacred anointing of the sick neither confers grace, nor remits sins, nor relieves the sick, but has now ceased, as though in former times it were only the grace of healings: let him be anathema.

"Canon 3. If anyone shall say that the rite and usage of Extreme Unction which the holy Roman Church observes is repugnant to the statement of blessed James the Apostle and is therefore to be changed, and can be contemned by Christians without sin: let him be anathema.

"Canon 4. If anyone shall say that the priests of the Church whom blessed James exhorts to be brought in to anoint the sick person are not priests ordained by a bishop, but the older persons in age in any community, and that therefore a priest alone is not the proper minister of Extreme Unction: let him be anathema."

On Oil Not Blessed by a Bishop

"Can the Sacrament of Extreme Unction be validly administered with oil not consecrated by an episcopal blessing?"—Response. Negative. The Sacred Congregation of the Inquisition condemned the contrary doctrine as rash and proximate to error, 15 January 1655.

"In a case of necessity, can a parish priest, for the validity of the Sacrament of Extreme Unction, use oil blessed by himself?—Response. Negative, according to the decree of Thursday, in the presence of His Holiness, on 13 January 1611." Holy Office, 14 September 1842.

"Oil blessed by a priest is matter altogether unsuitable for confecting the "Sacrament of Extreme Unction, and it cannot be validly used even in extreme necessity." Holy Office, 15 May 1878.

On the Anointing of the Loins and Feet

"The anointing of the loins in Extreme Unction can never be omitted unless, in particular cases and with precautions employed, modesty cannot otherwise be sufficiently safeguarded." Holy Office, 28 August 1889.

"Very feeble elderly persons and sick persons suffering from hectic fever or a similar illness, who are presumed likely to die before they can have the missionary present, can be anointed as though in their final illness, as the Sacred Congregation answered by rescript in the year 1801. Very often, however, in an assembly of the faithful, after Viaticum has been received and Mass has ended, elderly and sick persons of this kind, as well as certain others suffering more dangerously, are customarily anointed here. But when the garments of men are loosened and lifted in order to perform the anointing of the loins, many at once, especially women, blush and flee quickly because of the customs of the people. If, therefore, it shall seem good to the Sacred Congregation, may it deign, I beseech it, to obtain from Our Most Holy Lord that the anointing of the loins be omitted not only when the sick person cannot conveniently be moved, as the Roman Ritual prescribes, but also when Extreme Unction is administered in an assembly of the faithful.—Response. Affirmative, after consultation with His Holiness. His Holiness approved." Sacred Congregation for the Propagation of the Faith, 21 September 1843.

"But as regards the anointing of the loins, which Your Excellency testifies has never been employed in this diocese in administering the Sacrament of Extreme Unction, and which you therefore request that the Roman Ritual permit to be omitted, it has seemed to the Sacred Congregation that no suppression or alteration whatsoever, whether in this or any other matter, ought to be introduced into the Ritual; rather, it willed that the latter be printed entire and faithfully, just as it was published by Paul V and revised and corrected by Benedict XIV. But if the anointing of the loins has hitherto been unaccustomed there, the Sacred Congregation declared that it would indeed bear patiently with it if the particular circumstances of that diocese prevent this anointing from being put into practice immediately and universally. At the same time, however, it expressed its most ardent desire that, through the care of Your Excellency and the teaching of the parish priests, the faithful be disposed gradually and imperceptibly to receive this special anointing also in the final agony, according to the prescriptions of the Roman Ritual." Sacred Congregation of Rites, 14 August 1858, Utrecht.

"Besides the upper part of the feet, is the lower part also to be anointed in the Sacrament of Extreme Unction?—Response. Nothing is to be changed." Sacred Congregation of Rites, 27 August 1836, Rennes, response to 1.

"The good pleasure of His Holiness is sought that, in Extreme Unction administered to women, the anointing of the feet be omitted.—It was answered on another occasion: The common custom of the Church is to be observed." Qualifiers of the Holy Office, 1674; Father Navarrete, missionary in China. Cf. no. 433.

On the Minister and Subject of Extreme Unction

"Indeed, since Your Charity wished to consult concerning this matter as concerning the others, my son Celestine the deacon also added in his letter that Your Charity had set forth what is written in the epistle of the blessed Apostle James: 'Is anyone among you sick? Let him bring in the priests, and

let them pray over him, anointing him with oil in the name of the Lord; and the prayer of faith shall save the sick man, and the Lord shall raise him up; and if he be in sins, they shall be forgiven him.' There is no doubt that this ought to be received or understood of the sick faithful, who can be anointed with the holy oil of chrism, "which, having been confected by a bishop, not only priests but all Christians may use for anointing in their own necessity or that of their own. But we see that this was superfluously added, so that doubt might be raised concerning a bishop, when it was said of priests, because bishops, being hindered by other occupations, cannot go to all the sick. But if a bishop either is able or judges someone worthy to be visited by him, he can without hesitation both bless and touch him with chrism, since it belongs to him to confect the chrism itself. For this cannot be poured upon penitents, because it is a kind of sacrament. For how is it thought that one kind can be granted to those to whom the other sacraments are denied?" Innocent I, from Letter 25 to Decentius, Bishop of Gubbio, chapter 8.

"We venerate the anointing of the sick with consecrated oil." Profession of Faith prescribed to the Waldensians by Innocent III.

"Another sacrament is Extreme Unction, which according to the doctrine of blessed James is applied to the sick." Profession of Faith of Michael Palaeologus.

"Upon inspection of the very words of the divine utterance, it is easily apparent that the Sacrament of Extreme Unction, even in a case of necessity—namely, in the absence of another priest—cannot be administered by a sick missionary to himself." Sacred Congregation for the Propagation of the Faith, 23 March 1844.

On the Administration of Extreme Unction by Means of an Instrument

"In this Diocese of Port Louis, where the usage of employing a silver stylus or little rod in the administration of Extreme Unction has prevailed, can this usage safely be continued?—Response. Negative, except in a case of necessity." Sacred Congregation of Rites, 9 May 1857, Port Louis, response to 2.

On the Ceremonies of Extreme Unction

"Priests exercising the care of souls, for their own convenience, keep the holy oil of the sick with them in their homes. In view of the custom, can they lawfully retain this practice?—Response. Negative, and let the Roman Ritual be observed, except, however, in a case of great distance from the church; in that case the Rubric concerning honorable, becoming, and safe custody is to be observed altogether, even in the home." Sacred Congregation of Rites, 16 December 1826, Ghent, response to 3; 31 August 1872, Toledo, response to 5; 23 June 1892, Laon, response to 7.

The oil of Extreme Unction is not to be carried solemnly to the sick with a surplice and lanterns. Sacred Congregation of Rites, 28 January 1606, Bari.

"1. Is it lawful for priests to send sacred oils consecrated by a bishop through *the Express*, or through a certain mercantile company composed for the most part of non-Catholics and pagans, which receives various things for export?—2. Is it lawful to send those sacred oils to priests through laymen, in order to provide for the convenience of the priests themselves?—Response. To the first: It is not

lawful.—To the second: If clerics are lacking, affirmative, provided that the fidelity of the laymen deputed for this is established." Holy Office, 1 May 1901 and 14 January 1903; *M. E.*, vol. 15, p. 245.

"Can the Sacrament of Extreme Unction be administered with a stole alone?—Response. Negative." Sacred Congregation of Rites, 16 December 1826, Ghent, response to 2.

The Penitential Psalms and Litanies in the Administration of Extreme Unction

The recitation of the Penitential Psalms and the Litanies, prescribed in the Ambrosian Ritual for the administration of Extreme Unction, is not preceptive but counseled. Sacred Congregation of Rites, 20 June 1902; *M. E.*, vol. 14, p. 351 ff.

On Extreme Unction to Be Conferred Immediately after Baptism

"When an adult pagan, sufficiently instructed and rightly disposed, is baptized because he has fallen into a grave illness, must—indeed, can—the Sacrament of Extreme Unction be conferred upon him immediately after Baptism?—Response. Affirmative, with the form of the decree of the Holy Office of the year 1703 being observed." Sacred Congregation for the Propagation of the Faith, 26 September 1821.

On One Gravely Ill, but Not Proximately Dying, in Mission Territories

"Sometimes, when missionaries visit the Christians committed to them, they encounter a sick person suffering from hectic fever or a similar illness who, according to experience, will live for several more months, but will die within a year. It is asked whether, in such a case, the missionary can administer Viaticum and Extreme Unction to him, because when the truer occasion for receiving them is present, the missionary will not be able to be present because of the great distance and other circumstances preventing it.—Response. Affirmative." Sacred Congregation for the Propagation of the Faith, 20 February 1801.

On the Dispositions Prerequisite for Extreme Unction

"Is Extreme Unction to be conferred upon dying adults whom we sometimes believe capable of Baptism, but not of the other sacraments?—Response. The Sacrament of Extreme Unction is not to be conferred upon a dying neophyte whom the missionary has judged capable of Baptism, unless he at least has some intention of receiving the sacred anointing ordained for the benefit of the soul at the time of death." Holy Office, 1703 and 10 April 1861. Cf. no. 271; Canon 1158.

On Holy Orders

The Council of Trent on Holy Orders, Session 23

"Chapter 1. On the Institution of the Priesthood of the New Law.—Sacrifice and priesthood are so joined together by the ordinance of God that both have existed in every law. Since, therefore, in the New Testament the Catholic Church has received from the institution of the Lord the holy visible Sacrifice of the Eucharist, it must also be confessed that in it there is a new, visible, and external priesthood into which the old has been translated. Sacred Scripture shows, and the tradition of the Catholic Church has always taught, that this priesthood was instituted by the same Lord our Savior, and that to the Apostles and their successors in the priesthood was handed down the power of consecrating, offering, and administering His Body and Blood, and also of remitting and retaining sins.

"Chapter 2. On the Seven Orders.—But since the ministry of so holy a priesthood is a divine thing, it was fitting, so that it might be exercised more worthily and with greater veneration, that in the most orderly arrangement of the Church there should be several and diverse orders of ministers who would serve the priesthood by virtue of their office, so distributed that those already marked with the clerical tonsure would ascend through the minor to the major orders. For Sacred Scripture makes open mention not only of priests but also of deacons, and teaches in the gravest words the things which are especially to be attended to in their ordination. And from the very beginning of the Church the names of the following Orders, and the proper ministries of each of them—namely, subdeacon, acolyte, exorcist, lector, and porter—are known to have been in use, although not in equal degree. For the subdiaconate is numbered among the major orders by the Fathers and sacred Councils, in which we also read very frequently of the other inferior orders.

"Chapter 3. That Holy Orders Is Truly a Sacrament.—Since it is clear from the testimony of Scripture, Apostolic tradition, and the unanimous consent of the Fathers that grace is conferred through sacred ordination, which is performed by words and outward signs, no one ought to doubt that Holy Orders is truly and properly one of the seven sacraments of holy Church. For the Apostle says: 'I admonish you to stir up the grace of God which is in you through the imposition of my hands; for God has not given us the spirit of fear, but of power and love and sobriety.'

"Chapter 4. On the Ecclesiastical Hierarchy and Ordination.—But since in the Sacrament of Holy Orders, as also in Baptism and Confirmation, a character is imprinted which can neither be effaced nor taken away, the holy Synod rightly condemns the opinion of those who assert that the priests of the New Testament have only a temporary power, and that those once rightly ordained can again be made laymen if they do not exercise the ministry of the word of God. But if anyone affirms that all Christians indiscriminately are priests of the New Testament, or that all are endowed with equal spiritual power among themselves, he appears to do nothing other than confound the ecclesiastical hierarchy, which is 'as an army set in array,' just as if, contrary to the doctrine of blessed Paul, all were apostles, all prophets, all evangelists, all pastors, all teachers. Therefore, the sacred and holy Synod declares that, besides the other ecclesiastical grades, the bishops, who have succeeded to the place of the Apostles, belong principally to this hierarchical order; that they have been placed, as the same Apostle says, by the Holy Spirit to govern the Church of God; and that they are superior to

priests and can confer the Sacrament of Confirmation, ordain the ministers of the Church, and perform many other things, of whose functions the others of inferior order have no power. The sacred and holy Synod teaches, moreover, that in the ordination of bishops, priests, and the other orders, neither the consent nor the authority of the people or of any secular power or magistrate is so required that without it the ordination is invalid. Rather, it decrees that those who, called and instituted only by the people or by a secular power and magistrate, ascend to exercise these ministries, and those who take them upon themselves by their own temerity, are all to be regarded not as ministers of the Church but as thieves and robbers who have not entered by the door. These are the things which it has seemed good to the sacred Synod to teach the faithful of Christ in general concerning the Sacrament of Holy Orders. But it has determined to condemn the contrary doctrines by certain and proper canons, in the manner which follows, so that all, with the aid of Christ, using the rule of faith, may more easily recognize and retain Catholic truth amid the darkness of so many errors.

"Canon 1. If anyone shall say that in the New Testament there is no visible and external priesthood, or that there is no power of consecrating and offering the true Body and Blood of the Lord and of remitting and retaining sins, but only an office and bare ministry of preaching the Gospel; or that those who do not preach are not priests at all: let him be anathema.

"Canon 2. If anyone shall say that, besides the priesthood, there are not in the Catholic Church other orders, both major and minor, through which, as by certain steps, one advances toward the priesthood: let him be anathema.

"Canon 3. If anyone shall say that Holy Orders, or sacred ordination, is not truly and properly a sacrament instituted by Christ the Lord; or that it is a certain human invention devised by men unskilled in ecclesiastical affairs; or that it is only a certain rite of choosing ministers of the word of God and of the sacraments: let him be anathema.

"Canon 4. If anyone shall say that through sacred ordination the Holy Spirit is not given, and that therefore the bishops say in vain, 'Receive the Holy Spirit'; or that through it a character is not imprinted; or that one who has once been a priest can become a layman again: let him be anathema.

"Canon 5. If anyone shall say that the sacred anointing which the Church uses in holy ordination is not only not required, but is to be contemned and is pernicious; and likewise the other ceremonies of Holy Orders: let him be anathema.

"Canon 6. If anyone shall say that in the Catholic Church there is no hierarchy instituted by divine ordinance, which consists of bishops, priests, and ministers: let him be anathema.

"Canon 7. If anyone shall say that bishops are not superior to priests; or that they do not have the power of confirming and ordaining; or that the power which they have is common to them with priests; or that orders conferred by them without the consent or calling of the people or of the secular power are invalid; or that those who have neither been rightly ordained nor sent by ecclesiastical and canonical authority, but come from elsewhere, are lawful ministers of the word and of the sacraments: let him be anathema.

"Canon 8. If anyone shall say that bishops who are assumed by authority of the Roman Pontiff are not lawful and true bishops, but a human invention: let him be anathema."

Canons of the Fourth Council of Carthage, Year 398, on Ordinations

"Canon 2. When a bishop is ordained, let two bishops place and hold the book of the Gospels over his head and neck; and while one pours the blessing over him, let all the remaining bishops who are present touch his head with their hands.

"Canon 3. When a priest is ordained, while the bishop blesses him and holds his hand over his head, let all the priests who are present also hold their hands beside the hand of the bishop over his head.

"Canon 4. When a deacon is ordained, let the bishop alone who blesses him place his hand over his head, because he is consecrated not to the priesthood but to the ministry.

"Canon 5. When a subdeacon is ordained, since he does not receive the imposition of the hand, let him receive an empty paten and an empty chalice from the hand of the bishop. But from the hand of the archdeacon let him receive a cruet with water, a linen cloth, and a hand towel.

"Canon 6. When an acolyte is ordained, let him indeed be taught by the bishop how he ought to conduct himself in his office. But let him receive from the archdeacon a candlestick with a candle, so that he may know that he is assigned to lighting the lamps of the church; "and let him also receive an empty cruet for supplying wine for the Eucharist of the Blood of Christ.

"Canon 7. When an exorcist is ordained, he receives from the hand of the bishop a book in which the exorcisms are written, the bishop saying to him: 'Receive and commit these to memory, and have the power of imposing hands upon one possessed, whether baptized or a catechumen.'

"Canon 8. When a lector is ordained, let the bishop address the people concerning him, indicating his faith, life, and character. After this, while the people look on, let him hand him the book from which he is to read, saying to him: 'Receive and be a reader of the word of God, destined, if you fulfill your office faithfully and profitably, to have a portion with those who have ministered the word of God.'

"Canon 9. When a porter is ordained, after he has been instructed by the archdeacon how he ought to conduct himself in the house of God, at the direction of the archdeacon let the bishop hand him the keys of the church from the altar, saying: 'Act in such a way as one who will render an account to God for those things which are unlocked by these keys.'

"Canon 10. A psalmist, that is, a cantor, can, without the knowledge of the bishop and by the command of a priest alone, undertake the office of singing, the priest saying to him: 'See that what you sing with your mouth you believe in your heart, and what you believe in your heart you prove by your works.'"

On the Consecration of a Bishop

Alexander VII, Brief *Onerosa Pastoralis*, 4 February 1664, confers the faculty of consecrating a bishop without the assistance of two bishops. Clement X grants the same in the Brief *Personam tuam*, 30 March 1675.

"According to the Roman Pontifical, in episcopal consecration, 'the Consecrator, having received the book of the Gospels, with the assisting bishops helping him, places it open, saying nothing, upon the neck and shoulders of the elect.' This rite, however, must be performed before the imposition of the bishops' hands and the pronouncement of the words, 'Receive the Holy Spirit,' so that when the

bishops impose hands and pronounce the cited words, the book of the Gospels is already upon the shoulders of the elect.

"But in the consecration of Titius, this rite of placing the book of the Gospels upon the shoulders of the elect was performed later, namely, after the cantors began the hymn *Veni Creator*, but before the anointing of the head. For only then, when the master of ceremonies noticed the defect, did the consecrating bishop place the open book of the Gospels upon the shoulders of the elect and proceed to the remaining things, namely, the anointing of the head, etc. Hence, when the three bishops imposed hands, saying, 'Receive the Holy Spirit,' the book of the Gospels was not upon the shoulders of the elect.—Response. Let him be at peace." Holy Office, 30 July 1901; *M. E.*, vol. 13, p. 486.

On the Elevation and Extension of the Hands in Ordination to the Priesthood

"The Sacred Congregation ... does not intend to call into doubt the validity of a sacred ordination because in it the ordaining bishop did not keep his hands extended also during the interval which comes between the first and second imposition of hands." Sacred Congregation of Rites, 14 June 1873, *Syren*.

"The doubt proposed by you concerning the validity of ordinations conferred upon certain priests by the bishop of that diocese, with his hands no longer extended over their heads—namely, the second imposition of hands was not entirely omitted, but merely was not continued—while he pronounced the prayer *Let us pray* ..., as prescribed in the Roman Ritual, was recalled for examination by the Most Eminent Fathers, together with me, the Inquisitors General; as regards the ordinations already performed in the aforesaid manner, they decreed: 'They are to be left undisturbed.'" Holy Office, 12 September 1877. "When the priest N. N. was ordained a priest, the bishop did not hold his hand raised over the ordinands while he said the words *Let us pray, dearest brethren*, etc.; but when he was warned of this he raised it and held it raised for some time. He did this, however, when the said prayer had already been completed, and it is not known whether, during the time he held his hand raised, he repeated the sacramental words in a low voice.—Response. Let him be at peace." Holy Office, 14 December 1898.

"In the ordination of priests, Bishop N. N. omitted the extension of his right hand over the head of the ordinands when he began the prayer *Let us pray, dearest brethren*, etc., as contained in the Pontifical.

"When reminded by the assisting subdeacon, he afterwards extended his hand. The petitioner bishop does not know, however, whether he began the aforesaid prayer anew or merely completed the prayer already begun.

"It seems probable to him that he began the prayer anew, because the petitioner declares himself to be very anxious; nevertheless, the assisting deacon and subdeacon cannot give certain testimony about this matter.—Response. Let him be at peace." Holy Office, 30 November 1898.

"In the first months of my episcopal ministry, I held the first ordination of four priests of my diocese. During the sacred rite, after making with the presbyterate the first imposition of hands upon those being ordained to the priesthood, I continued the prayer *Let us pray, dearest brethren*, without further extending my right hand, as is prescribed, and this through inadvertence. I humbly ask for a

declaration whether I must repeat the ordination conditionally, or whether it is to be left undisturbed.

"Response. If, after physically touching the heads of the ordinands, the bishop had his hand extended over the ordinands, at least immediately before the recitation of *Let us pray*, etc., the ordination is certainly valid, as in the Decree of the Holy Office of Wednesday, 12 September 1877. But if that extension of the hand was not made even immediately before the recitation of *Let us pray*, etc., the ordination is to be repeated secretly and conditionally, on any day, after consultation with His Holiness, so that, as a precaution, he may also supply from the treasury of the Church for the Masses celebrated up to the present." Holy Office, 30 November 1898.

"The Most Illustrious Bishop N., in the priestly ordination of Titius and Caius, performed all the rites, both essential and accidental, altogether correctly, with perhaps one exception. For none of those present, nor the ordaining bishop himself, remembers whether he performed the second imposition of hands, namely, that which accompanies the words *Let us pray, dearest brethren*, etc., and which is to be performed together with all the priests assisting at the same time. One of the aforesaid priests certainly did this, but the others, I know not by what circumstance, certainly omitted it; and very probably—indeed almost certainly—the bishop himself did also; he omitted, namely, the second imposition of the hand altogether. It is established, however, that the bishop performed the first imposition, namely, by touching the head of each ordinand, and afterwards pronounced the words *Let us pray, dearest brethren* and duly performed all the other things. Titius and Caius appear to have no doubt concerning the validity of their ordination; but their Superior is troubled by scruples in a matter of such importance, and humbly asks: 1. Is the ordination of Titius and Caius to be regarded as valid, and is anything to be supplied?—2. If it is to be repeated, whether the whole or only a part; whether by the same bishop or by any Catholic bishop; whether publicly or secretly?

"Response. The Sacred Penitentiary, having maturely considered the things set forth, first declares that the ordination thus received by each petitioner is to be repeated conditionally and secretly. Therefore, the same Sacred Penitentiary grants to you, the confessor beloved in Christ respectively chosen by the petitioners, the faculty, if matters are thus, after hearing their sacramental confessions, by Apostolic authority on this occasion to absolve the petitioners in the customary form of the Church from censures and ecclesiastical penalties, if they incurred any on account of the foregoing, and from the faults committed thereby; and mercifully, by the same Apostolic authority, to dispense them from irregularity, if they contracted any from violation of the said censures and from the foregoing, so that, notwithstanding that and the other things aforesaid, they may lawfully minister in their orders, even in the ministry of the altar, but only after they have received anew the sacred order of the priesthood from any Catholic prelate by virtue of the Letters of the annexed Brief, and not otherwise; and kindly, by express Apostolic authority, to remit to them the Masses hitherto celebrated in this manner, the Sacred Penitentiary itself supplying their defect from the treasury of the Church. A suitable salutary penance is to be enjoined upon them, as also that in the meantime they abstain from celebrating until the ordination has been repeated as above, and the other things required by law are to be enjoined. For the forum of conscience and in sacramental confession only. Given at Rome in the Sacred Penitentiary, 31 March 1888."

"After the ordaining bishop had imposed both hands upon each of the ordinands, through an involuntary distraction he did not then extend his right hand over all the ordinands—or at most

extended it somewhat for a moment, as one of those ordained affirmed he had seen, though he now does not remember with certainty. Rather, he immediately arranged the Pontifical book with his right hand; and while reciting the exhortation *Let us pray, brethren*, etc., he held the same book with both hands, so that, although materially he had his arms and hands extended, he in no way had the appearance of a man extending his right hand over them. Several noticed this defect, yet no one warned the bishop about it.—Response. Since it is not established that the hands were extended even for a moment, the sacred ordination is to be repeated privately and conditionally, even outside the appointed times; and His Holiness is to be consulted, that he may deign to heal and supply from the treasury of the Church for the acts perhaps invalidly performed, and especially for the defect of the Masses, all things whatsoever to the contrary notwithstanding." Holy Office, 19 July 1899.

"In the ordination of the priest B., through mere forgetfulness, the imposition of hands by the assisting priests was omitted. Moreover, the bishop does not remember—and neither do the others present—whether he held his hands raised over the head of the ordinand during the second imposition, when the prayer *Let us pray, dearest brethren*, etc., was recited.—Response. Let the priest B. be ordained secretly and conditionally on any day, even a ferial day, after the faculty has been obtained from His Holiness." Holy Office, 17 March 1897.

"1. In the ordination of a priest, must both the Pontiff and the priests who are present first impose both hands upon the head of each ordinand and, after this imposition has been completed by all, then raise their right hands and hold them extended over the ordinands while the Pontiff, standing with the miter, alone says the prayer, as some explain the prescription of the Roman Pontifical concerning this matter? Or rather, as is done at Rome in the Lateran Archbasilica, immediately after the imposition of both hands, do both the Pontiff and the priests present at once extend their right hands and hold them thus extended until the bishop "has completed the prayer?—2. In giving Communion to the newly ordained priests, must the formula *The Body*, etc., be employed, or rather must it be omitted?—Response. To the first: Negative to the first part; affirmative to the second.—To the second: As in the preceding, that is, negative to the first part; affirmative to the second." Sacred Congregation of Rites, 31 August 1872, *Siren*.

On the Imposition of Hands with Physical Contact

"When a priest and a deacon are ordained, they receive the imposition of hands with physical contact, according to the rite introduced by the Apostles. But if this has been omitted, the ordination is not to be repeated in any respect; rather, at the appointed time for conferring orders of this kind, what was omitted through error is cautiously to be supplied. The suspension of the hands, however, ought to be made when the prayer is poured forth over the head of the ordinand." Chapter *Presbyter*, final chapter, *On Sacraments Not to Be Repeated*.

"In the ordination of a priest, the first imposition of hands was performed, but without physical contact upon the head of the ordinand by the bishop and the assisting priests.—Response. The ordination is to be repeated in its entirety, conditionally and secretly, on any day, after consultation with His Holiness, so that, insofar as there is need, he may supply from the treasury of the Church for the Masses celebrated." Holy Office, 4 July 1900.

"According to canon law, in the ordination of a priest and a deacon, the imposition of hands must be made with physical contact. If this had been omitted, that which had been omitted through error

would have to be cautiously supplied. But it is doubted: 1. If the imposition of hands was made without physical contact, must the imposition of hands with physical contact be supplied?—2. Insofar as the response is affirmative, would public rumor and the bad reputation which would thereby arise for the ordaining bishop, especially in these regions, be sufficient reason for abstaining from a repeated imposition of hands with physical contact?—3. If physical contact must be supplied, must the words which are pronounced by the bishop together with the imposition of hands also be repeated, especially in the ordination of a deacon, in which the words *Receive the Holy Spirit*, etc., seem to many to be the form of the sacrament?—4. Can that physical contact be supplied privately when orders of this kind are not being conferred?—Response. To the first: Affirmative.—To the second: Negative.—To the third: Affirmative.—To the fourth: Affirmative, and secretly in the course of Mass, and even outside the times of a general ordination." Holy Office, 19 August 1851, Apostolic Vicariate of Western Cochinchina.

"In the ordination of 9 June 1900, in which Titius was promoted to the priesthood, both the first and the second imposition of hands were omitted by the ordaining bishop and the assisting priests, although the prayer *Let us pray, dearest brethren*, etc., had been recited. Then, when the *Communicantes* of the Canon of the Mass was reached, the master of ceremonies noticed the omission; and the bishop, having been advised of it, judged it opportune to defer the aforesaid impositions until after Communion. Then, precisely before the words of the Pontifical *I shall no longer call you servants*, etc., both impositions of hands were supplied by the ordaining bishop and by the assisting priests, while at the same time the whole and only the prayer *Let us pray, dearest brethren*, etc., was repeated. After this, the rite was resumed at the words *I shall no longer call you servants* and continued to the end.—Response. The ordination is to be repeated in its entirety, conditionally and secretly, on any day, after consultation with His Holiness, so that, insofar as there is need, he may supply from the treasury of the Church for the Masses celebrated in the case." Holy Office, 22 August 1900.

"About four months ago, in the ordination of a certain priest, Bishop N. N. through inadvertence omitted to impose both hands upon the head of the ordinand and to hold his right hand extended while he read the exhortation *Let us pray, dearest brethren*. He afterwards supplied all these things, as did the priests present, together with repetition of the exhortation. But now he doubts whether he did this before the prayer *Hear us* and the Preface had been completed. The assisting priest affirms, though with some doubt, that the petitioner did all these things after *Let us bend our knees* had been said and before the prayer *Hear us*.—Response. Provided that, in the case proposed, the repetition of the form and the double imposition of hands were performed before the handing over of the instruments, let him be at peace." Holy Office, 3 May 1899.

Corrupted Form

"While the doubts presented in the name of Your Excellency were being weighed in the Sacred Congregation of Rites ... concerning the validity of the ordination of a certain priest, in which the form for conferring the power of remitting or retaining sins was inadvertently corrupted, certain notice arrived from the General Congregation of the Roman and Universal Inquisition that, on 27 May 1840, a very similar case had been discussed and decided.... Therefore, communicating word for word to Your Excellency the resolution then issued, it is as follows, namely:

"Wednesday, 17 May 1840 ..., the petitions of the Dominicans of Bologna having been proposed, in which they explained that, while their religious N. N. was receiving ordination to the priesthood from the Most Reverend Lord Bishop, it was reported that he had corrupted the form annexed to the final imposition of hands by saying: 'Whose sins you shall forgive are retained, and whose sins you shall retain are forgiven'; ... the Most Eminent and Most Reverend Lords said: Conditionally, in a private oratory, at any time of the year, let the third imposition of hands and the respective form, 'Receive the Holy Spirit,' be supplied by any bishop vested in the customary manner, without, however, repeating the accidental ceremonies previously employed.

"By virtue of the faculties specially granted to Us by the same Most Holy Lord, Our Pope Gregory XVI, We grant that those things which are lacking or were corrupted in the stated ordination be supplied altogether, according to the tenor of the aforesaid Decree of the Sacred Universal Inquisition, on any day of the year, by any bishop vested in the customary manner as for ordination and celebrating the sacred rite in his private oratory, while the stated priest stands by, likewise vested in priestly vestments; and thus let the third imposition of hands and the respective form, 'Receive the Holy Spirit,' be supplied, without the accidental ceremonies which were previously employed having to be repeated." Sacred Congregation of Rites, 22 May 1841, Viviers.

The bishop, in the ordination of a priest, pronounced the form at the third imposition of hands in this manner: "Receive the Holy Spirit: whose sins you shall forgive are retained for them, and whose sins you shall retain are retained." What is to be done?—Response. "Secretly and conditionally, at any time of the year, as a precaution let the third imposition of hands and the respective form, 'Receive the Holy Spirit,' etc., be supplied by any bishop in communion with the Holy See, vested in the customary manner; as regards the past, let him be at peace." Holy Office, 4 March 1874.

"The bishop inadvertently corrupted the formula in this way, saying: 'Receive the Holy Spirit: whose sins you shall retain are forgiven, and whose sins you shall retain are retained.'—Response. Secretly and conditionally, at any time of the year, as a precaution let the third imposition of hands and the respective form, 'Receive the Holy Spirit,' etc., be supplied by any bishop in communion with the Holy See, vested in the customary manner; and as regards the past, let him be at peace." Holy Office, 9 December 1897.

On Anglican Ordinations

"... Fully assenting to all the Decrees of Our Predecessor Pontiffs in this same cause, confirming them most fully and, as it were, renewing them, by Our authority, of Our own motion and with certain knowledge, We pronounce and declare that ordinations performed according to the Anglican rite have been and are absolutely invalid and utterly void." Leo XIII, Bull *Apostolicae curae*, 8 September 1896; *A. S. S.*, vol. 29, p. 202.

Doubtful Touching of the Instruments

"To the scruple of Brother Ephrem Chasteau, namely, that he had not physically touched the chalice in his ordination to the priesthood, the Sacred Congregation responded: He can continue the celebration of the Most Holy Sacrifice without any scruple and with an altogether safe conscience." Sacred Congregation of Rites, 3 December 1661, France.

"Your Most Reverend Paternity implored the judgment of the Holy See concerning the validity of the priestly ordination of Brother Titius, who doubted that he had touched the chalice.—Response. According to the things set forth, let him be at peace." Holy Office, 1895; *M. E.*, vol. 9, part 1, p. 91.

"The priest N. N. remembers that, according to the direction of the master of ceremonies, he rightly placed his fingers so as to touch the instruments in his ordination to the priesthood; but in the act by which he withdrew his hand from the instruments, he doubted, or at least did not remember, whether he had immediately touched the paten while the form was being pronounced by the bishop. —Response. Let him be at peace." Holy Office, 14 December 1898.

"The priest N. N. doubts the validity of his ordination for the following reasons:

"1. While the ordaining bishop handed the chalice with the paten, wine, and host to the ordinands and pronounced the form of the Roman Pontifical, perhaps he did not himself touch the instruments, although the candidates, kneeling before him, touched them in the meantime, while a cleric in some manner supported them.

"2. The same N. N., after the first imposition of hands, withdrew from the altar so that the other six ordinands might approach two by two to receive an imposition of this kind. He remained kneeling, leaning upon a bench in the presbytery, at a distance of about three meters, perhaps separated from the other ordinands who were nearer the altar; nor did he approach the altar when the bishop and the priests performed the second imposition of the right hand, which is of the essence of ordination.—Response. To both: Let him be at peace." Holy Office, 2 December 1896.

"The priest Titius, in his priestly ordination, even before the bishop began the formula prescribed for the touching of the instruments, having noticed that he was not touching the host, attempted to reach it; but since he had to strain to do this, he removed his hand from the chalice throughout the whole formula, while still not managing to reach the host. Moreover, because of the aforesaid exertion of his hand, he also lifted the paten from the chalice, in such a way that he probably compelled the ordaining bishop likewise to lift the paten on his part, so that there was not one moral composite of the paten and chalice, thus totally separated from one another.—Response. Let him be at peace." Holy Office, 17 January 1900.

"The priest N. N. sets forth that in his priestly ordination, when he was about to receive the instruments, he approached the bishop with the others while the bishop held them in his hand; but he doubts whether he managed to touch the chalice together with the paten, and it seems to him that he did not touch the latter. He therefore asks for directions for the tranquility of his conscience.—Response. Let him be at peace." Holy Office, 7 September 1897.

Ordination of a Priest with a Chalice without Wine and with a Paten without a Host

"It happened that a chalice without wine was handed to the priests being ordained together with the paten and host. What is to be done in practice?—Response. The ordination is to be repeated in its entirety, conditionally and secretly, on any day, after consultation with His Holiness, so that, insofar as there is need, he may supply from the treasury of the Church for the Masses celebrated by the priests ordained in the case." Holy Office, 11 January 1899.

"On the occasion of a certain sacred ordination, it was discovered that the ministers had poured so much water with the wine into the chalice used for the ordination of priests that it is believed the water slightly exceeded a fifth part.—1. Can the aforesaid ordination be judged valid?—2. Insofar as the response is negative, what is to be done?—Response. Let him be at peace." Holy Office, 11 March 1903.

"The priest N. N. sets forth that, when he was ordained, he saw without any doubt that the host was lacking upon the paten in the ordination itself. What is to be done in practice?—Response. The ordination is to be repeated in its entirety, conditionally and secretly, on any day and by any Catholic bishop, after consultation with His Holiness, so that, insofar as there is need, he may supply from the treasury of the Church for the Masses celebrated by the priests in the case." Holy Office, 17 January 1900.

On Touching the Paten and Chalice

A priest "touched only the paten placed upon the chalice, but not the chalice itself." The bishop consulted the Sacred Congregation of the Council, which responded on 28 May 1796: According to the mind, namely: "After the things set forth have been verified by examination of the petitioner and of the master of ceremonies who was present at the same ordination, insofar as he can be had, let the bishop proceed to repeat the ordination in its entirety, conditionally and secretly, after an oath to preserve secrecy has nevertheless been taken by all who necessarily take part in the aforesaid ordination. But in order to have an ordination of this kind outside the appointed times, the Sacred Congregation judged that the Most Holy Father was to be approached through the undersigned secretary; and after the report had been made, he benignly dispensed solely in the case under consideration." *M. E.*, vol. 9, part 1, p. 91; part 2, p. 217.

"Caius, a priest, in the handing over of the instruments touched only the paten together with the host placed upon the chalice, but not the chalice, although he strove to reach it with his finger.—Response. Let the petitioner be at peace." Holy Office, 17 March 1897.

"Are ordinations valid in which the handing over of the instruments was performed in common and not successively, as in the Rubric of the Roman Pontifical?—Response. No doubt can arise concerning the validity of the ordinations conferred, provided, however, that it is certain that all the ordinands touched the instruments handed over." Holy Office, 23 January 1874; *M. E.*, vol. 9, part 1, p. 90.

Touching the Instruments before Pronouncement of the Form

"Sempronius ..., in touching the instruments, did not use the index and middle fingers, but the index fingers and thumbs. He first touched the cup of the chalice, but afterwards, while the bishop pronounced the form, he touched only the paten with the host placed upon the chalice.... What is to be said concerning the validity of his ordination?—Response. Let the petitioner be at peace." Holy Office, 17 March 1897.

"Gaspar ..., there being four or five ordinands and all crowding together to touch the instruments ..., remembers having touched them first; but while the formula was being pronounced, although he hastened to touch them again, he did not succeed in doing so, because he was prevented by the hands of the others.—Response. Let the petitioner be at peace." Holy Office, 17 March 1897.

On the Omission of Handing Over the Book of the Gospels in the Ordination of a Deacon

"... We have received Your Excellency's letter ... concerning the omission of handing over the book of the Gospels, which inadvertently occurred at the most recent general ordination ... in promoting certain subdeacons to the order of the diaconate.... Therefore, the Congregation responds, according to its own judgment and that of the consultors, that if Your Excellency prudently judges that the interval of time which elapsed between the ordination of these subdeacons as deacons and the supplying of the defect was not so great that the moral conjunction of the form with the handing over of the matter is rightly judged to have been broken, you can leave those ordained in their good faith as regards the past and declare them absolved from any suspension for the future, insofar as they may freely exercise the office of their order publicly with a safe conscience, according to their state, if no other impediment stands in the way. But if you doubt that the interval of time and the interruption and variety of the different operations were so great that this gap between the ordination and the supplying of the defect cannot be joined by any interpretation of approved authors, then again, if together with the handing over of the previously omitted book of the Gospels you simultaneously pronounced the form, know that you can be at peace and can likewise dismiss those ordained, at peace in the exercise of their orders. But if you handed over only the partial matter of the book of the Gospels without the form, it will be safer if, at a suitable time, you cautiously and secretly supply the defect for those thus ordained by repeating the handing over of the matter together with the pronouncement of its form. In this case, if the time of the next future ordination established by the canon for a supplying of this kind—that is, 'at the appointed time for conferring orders,' from chapter *Presbyter, On Sacraments Not to Be Repeated*—cannot be awaited, either because of danger of scandal or because of other causes and circumstances of no slight importance which Your Excellency will know well, and no other impediment stands in the way, you will be able to dispense from the interstices and prudently and secretly supply the aforesaid defect even on the next feast. As regards the secular clerics concerning whom, as is set forth in the case, it is doubted whether the same omission occurred, Your Excellency will be able, according to your prudence, to take care that those thus ordained are identified. This does not seem so difficult if you examine the catalog which you will certainly have with you of the subdeacons advanced to the diaconate in that ordination, and cause those upon whom a suspicion of this kind can fall to be cautiously and secretly questioned concerning this doubt. If, therefore, you find any to whom the same omission occurred, you will do the same as was said above concerning the two religious; and if you find that they have hitherto exercised the order of the diaconate in good faith, absolve them from censures, insofar as there is need, if "nothing else stands in the way, and declare them safe in conscience for exercising the ministry and office of the same order in the future, insofar as there is need—that is, for ministering piously and faithfully in the office of the diaconate received." Sacred Congregation of Rites, 16 June 1837, Turin.

On the Omission of Touching the Book of Epistles in the Ordination of a Subdeacon

"Brother F. of this Order ... approached the Bishop of Senigallia to receive the sacred order of the subdiaconate. In the act of its conferral he indeed touched the chalice and paten, but not the book of

Epistles, through the inadvertence of the assistant....—Response. It is to be supplied by the bishop, even privately." Sacred Congregation of the Council, 10 June 1711, Order of Capuchins.

In the ordination of a deacon or subdeacon, a Missal can be handed to them. Sacred Congregation of Rites, 27 September 1873, *Erien.*, response to 7.

On the Omission of the Candlestick in the Ordination of Acolytes

"Can the instrument called a *bugia*, bearing a candle and used by bishops at the book, be the matter of the order of acolytes in place of the candlestick or candle-bearer?—Response. Negative." Sacred Congregation of Rites, 8 June 1709, Braga, response to 4.

On the Ringing of Bells for Porters and on the Book of Lectors

"1. In the ordination of a porter, the Pontifical prescribes that the archdeacon hand the ordinands the bell ropes, causing them to ring the bells. It is asked whether the plurality of bells is insisted upon, or whether one bell suffices where several are not possessed. 2. Some churches, such as my cathedral, do not have a tower joined to the church itself, but one situated several paces away from it. It is asked whether newly ordained porters ought to go outside the church and proceed through the open air to the tower to ring the bells hanging there, or whether it suffices to shake the altar bells at the doors of the church. 3. What is to be done if no bell is present in the case of the aforesaid ordination? Do small bells suffice? 4. In the ordination of a lector, the Pontifical commands that the Pontiff hand to all the book from which they are to read. It is asked what is understood by the book: a volume of Sacred Scripture, a Missal, or a Ritual? 5. In the same ordination of a lector, the exhortation of the Pontiff, a little after the beginning, contains these words: 'For a lector ought to read those things which he—or, to him who—preaches.' It is asked whether the particle *or*, written in red, and the two words *to him who* following it are also to be pronounced.

"Response. To the first: Negative to the first part; affirmative to the second. To the second: Negative to the first part; affirmative to the second. To the third: Affirmative. To the fourth: In the case, the book is a Missal, Breviary, or volume of Sacred Scripture. To the fifth: In the case the bishop can say either, 'For a lector ought to read those things which he preaches,' or, 'For a lector ought to read to him who preaches.'" Sacred Congregation of Rites, 27 September 1873, *Erien.*

On the Keys in the Ordination of a Porter

"You ought to know that in the ordination of clerics to the office of porter keys are indeed to be employed, though they need not be the keys of a church, so that you can use any key whatsoever." Sacred Congregation for the Propagation of the Faith, 23 March 1844, to the Apostolic Vicar of Cochinchina.

"In the ordination the Pontiff hands the keys of the church to the porters.—1. In an oratory or church which has only one key, is this one key sufficient as the remote matter of the order of porter? 2. Must the porters each touch the keys successively? Does it suffice for them to touch at the same time rather than successively, and to pronounce the form of ordination over two, three, or four touching the matter at the same time? "Response. To the first: Although one key can be sufficient matter for the ordination of a porter, nevertheless the Rubric which prescribes that keys are to be handed over must be observed. Whether they are silver, iron, or wooden, provided that they are suitable for

opening, they constitute the remote matter of this order. To the second: Affirmative to both parts, provided that the porters ordained at the same time touch the keys with the right hand while the bishop pronounces the formula." Sacred Congregation of Rites, 11 March 1820; Canon 1189.

On Closing and Opening the Doors of the Church

"When the porter, accompanied by the archdeacon, closes and opens the doors of the church, must he also close and open them with a key, especially if there is no lock in the doors of the oratory where the order is conferred?—Response. It is not strictly necessary." Sacred Congregation of Rites, 12 November 1831, *Marsorum*, response to 5.

First Tonsure

For receiving first Tonsure, it suffices that the hair clipped was not from the head but from a wig. Sacred Congregation of Rites, 25 September 1846, Roman English College.

In the conferral of first Tonsure, the words *The Lord is my portion*, etc., are also to be pronounced by the bishop according to the general custom. Sacred Congregation of Rites, 12 November 1831, *Marsor.*, response to 3.

On the Erroneous Anointing of the Hands

"In the ordination of two priests, oil of holy chrism was presented to the bishop to be used in place of the oil of catechumens. Since the repetition of the anointing cannot be done without very notable astonishment and, as it were, a certain scandal, is the anointing to be repeated, or can it be omitted? —Response. Negative to the first part; affirmative to the second." Holy Office, 22 July 1874.

On Sacred Orders Invalidly Conferred

"Wednesday, 1 August 1697. His Holiness approved in all things the opinion of the Lord Consultors. The opinion is as follows: The Lord Consultors were of the opinion that, in the case under consideration, it would be safer for the conferrals of sacred orders to be repeated conditionally. Therefore, a rescript is to be sent to Archbishop B. that those who received the orders of subdiaconate, diaconate, and priesthood from Bishop A., without the matter of the said orders having been presented by him, be ordained again conditionally and individually to the said orders, with the form prescribed in the Roman Pontifical being observed. This may be done even outside the appointed times and without observing the interstices, on three Sundays or holy days of obligation, and even on one and the same day as regards those having the care of souls, according as urgent necessity shall require in the judgment of the ordaining bishop; and the same archbishop is to be given the faculty to grant permission, as regards those who dwell outside his diocese and that of the said Bishop A., that they can be ordained again under the said condition by any Catholic bishop having the grace and communion of the Holy Apostolic See, outside the appointed times, without observing the interstices, and otherwise as above. The same Most Eminent Archbishop is moreover to be granted the faculty of convalidating the conferrals of benefices, even those with the cure of souls, made to those thus ordained; of remitting to them the fruits received from the benefices; of convalidating any offices, even regular offices; of confirming any acts whatsoever; and also of absolving. "But as regards the doubt of fact concerning those who were ordained before and

including the year 1688, to whom the said Bishop A. believes he himself presented the matter, while those ordained still doubt whether the matter was presented to them by him, they were of the opinion that those thus doubting or expressly denying it are to be admitted, without another oath, to a new ordination under the aforesaid condition, as above. But those who were ordained from the year 1688 onward, to whom it is presumed from the facts that the matter was not handed over by the bishop, are all without distinction to be ordained again under the said condition." Holy Office, 1 August 1697.

"A certain Italian bishop humbly sets forth to the Sacred Congregation of the Holy Office that about four years ago, when he wished to confer the order of the diaconate upon an excellent subdeacon of his diocese, in performing that ordination he indeed held his right hand suspended over the subdeacon's head and at a very slight distance, without, however, physically touching the said head. Since immediately afterwards this defect seemed nonessential to the said bishop and to other ecclesiastical men consulted by him, not long thereafter he promoted the same cleric to the priestly order, which that cleric has now exercised laudably for three years. But the recollection of that defect now brings the same bishop great anxiety and doubt concerning the validity of the aforesaid diaconal ordination. Therefore, he reverently proposes these two doubts, namely: 1. In order to repair the aforesaid defect of ordination, must the whole ordination of the diaconate be conditionally repeated for that priest? And insofar as the response is affirmative: 2. Can this conditional repetition of the ordination be performed by any Catholic bishop, secretly, at any time of the year, even in a private chapel, as was answered in a certain Rescript of the Congregation of the Holy Office on 28 January 1835 for repairing a certain defect in the imposition of hands which had crept into the ordination of a certain priest?—Response. To both: Affirmative, after consultation with His Holiness." Sacred Congregation of the Holy Office, 20 January 1875.

On Ordination *per Saltum*, without the Title of a Special Office, and after the Loss of Baptismal Innocence

"51. The doctrine of the Synod which declares that, in promoting persons to Orders, according to the custom and institution of the ancient discipline, this method was customarily observed: that if any cleric was distinguished by holiness of life and judged worthy to ascend to sacred Orders, he was customarily promoted to the diaconate or priesthood even if he had not received the inferior Orders; and that such an ordination was not then called *per saltum*, as it was called afterwards.

"52. Likewise, the doctrine which intimates that there was no other title of Ordinations than deputation to some special ministry, such as was prescribed in the Council of Chalcedon; adding that so long as the Church conformed herself to these principles in the selection of sacred ministers, the ecclesiastical order flourished, but that those blessed days passed away and new principles were afterwards introduced by which discipline in the selection of ministers of the sanctuary was corrupted.

"53. Likewise, that which numbers among these very principles of corruption the departure from the ancient institution by which, as it says, the Church, following in the footsteps of the Apostle, had established that no one was to be admitted to the priesthood unless he had preserved baptismal innocence;

"Insofar as it intimates that discipline was corrupted through decrees and institutions:

"1. Either those by which ordinations *per saltum* were prohibited;

"2. Or those by which, for the necessity and advantage of the churches, ordinations without the title of a special office were approved, such as especially ordination to the title of patrimony by the Council of Trent, without prejudice to the obedience by which those so ordained must serve the necessities of the churches by discharging those offices to which they have been assigned by the bishop according to place and time, just as was customarily done from Apostolic times in the primitive Church;

"3. Or those by which a distinction was made in canon law among crimes which render offenders irregular, as though by this distinction the Church had departed from the spirit of the Apostle by not excluding generally and indiscriminately from ecclesiastical ministry all those whatsoever who had not preserved baptismal innocence;

"A doctrine false in each and every one of its parts, rash, disruptive of the order introduced for the necessity and advantage of the churches, and injurious to the discipline approved by the canons and especially by the Decrees of Trent." Propositions of the Synod of Pistoia condemned by Pius VI.

Constitution *Speculatores* of Pope Innocent XII, 4 November 1694

"We decree and declare that it is lawful for no bishop or Ordinary of any place, even if he shines with the honor of the cardinalate, to promote to clerical tonsure an outsider who is not his subject as a result of origin or of domicile legitimately contracted according to the manner to be declared below, under the pretext of conferring upon him, immediately after he has been marked with such tonsure, any ecclesiastical benefice, or one to which he has already been presented or nominated by patrons, even if it is established that the aforesaid benefice was newly founded with this law expressly added, that someone be instituted to it immediately after receiving the clerical character. We further decree and declare that a cleric who has already been lawfully promoted by his own bishop to the same clerical tonsure or even to minor orders cannot be promoted to further orders by another bishop by reason and title of any benefice obtained in the latter's diocese, unless, before receiving them, he shall have obtained testimonial letters granted to him by his own bishop both of origin and of domicile concerning his birth, age, morals, and life, and shall have exhibited them to the ordaining bishop to be preserved in the acts of his curia. Although a cleric is said, by reason of any benefice obtained in another diocese, to be subjected to the jurisdiction of the bishop in whose diocese such a benefice is situated, nevertheless We will that henceforth this rule be unshakably observed in this matter: that no one be judged to acquire subjection to that bishop for the purpose of receiving orders unless the revenue of the aforesaid benefice is sufficient by itself for a suitable sustenance of life, whether according to the synodal assessment or, if that is lacking, according to the custom of the region for those to be promoted to sacred orders, after burdens have been deducted, and unless it is peacefully possessed by the ordinand. Any faculty of supplying what is lacking from the fruits of the same benefice by the addition even of a rich patrimony which the ordinand might possess in the same or any other diocese is removed. And the bishop so ordaining must make mention both of the aforesaid testimonial letters and of the revenue of such benefice in the customary attestation of the orders conferred.

"Moreover, only he is and is to be understood as a subject by reason of origin who was naturally born in that diocese in which he desires to be promoted to orders, provided, however, that he was not born

there accidentally, "namely, on the occasion of a journey, office, legation, commerce, or any other temporary delay or residence of his father in that place. In this case, no account at all is to be taken of an accidental birth of this kind, but only of the true and natural origin of the father. But if anyone has remained for so long a period in the place in which he was born accidentally, as stated above, that he could there have become entangled in some canonical impediment, then he is also bound to obtain testimonial letters, as above, from the Ordinary of that place and to present them to the ordaining bishop, who is likewise to mention them in the attestation of the Orders conferred. But if the father remained in the other place where his son was born for so long and with such an intention that he truly contracted a domicile there according to law, then not the father's origin but the domicile legitimately contracted by the father, as aforesaid, ought to be considered for the ordination of the same son.

"Only he is to be considered a subject by reason of domicile for the purpose of receiving orders who, although born elsewhere, has nevertheless established it so permanently in some place that, either by dwelling there for at least ten years, or by transferring the greater part of his property and goods, with a furnished house, to a place of this kind and furthermore residing there for some considerable time, he has sufficiently and more than sufficiently demonstrated his intention of remaining there permanently; and who nevertheless further affirms under oath, in either case, that he truly and really has such an intention. But if anyone left the place of his origin at an age at which he could have become subject to some canonical impediment, he must also bring testimonial letters, as above, from the Ordinary of his origin, and express mention of them is likewise to be made in the letters of the orders received.

"Moreover, no bishop is to presume to promote or ordain to any sacred or minor orders, or even to first tonsure, his own familiar who is a subject of another diocese, without the testimonial letters, as above, of his own prelate—that is, of origin or domicile—and unless, according to the prescription of the aforesaid Council of Trent, Session 23, chapter 9, *On Reformation*, he has kept the aforesaid familiar with him in his actual service for a full and complete three years and maintained him at his own expense. He must, moreover, without any fraud, actually confer upon him at once—that is, at least within one month from the day the ordination was performed—a benefice sufficient for sustaining his life according to the manner defined above; and in the attestation of an ordination of this kind he is likewise bound to make express mention of the familiarity and of the aforesaid letters.

"Furthermore, that every avenue to fraud may be altogether closed, We will and by Apostolic authority establish and decree that any bishop can examine as regards knowledge any of his clerical subjects by reason of origin or domicile who have been promoted by other bishops under any authority whatsoever, even with his own commendatory letters, not only according to the form of the aforesaid Council of Trent, Session 14, chapter 3, *On Reformation*, but can also examine, gratis, the testimonial letters of the orders conferred upon them and diligently inquire whether the form and disposition of the present Constitution has been fulfilled in their regard. He is to assign to those thus promoted a suitable period, as shall seem best to him, to prove fulfillment of this kind; so that, if after that period has elapsed he finds that they have not provided such proof, he can suspend them from the exercise of the orders received, if and for as long as it shall seem expedient to him, and forbid them to minister at the altar or in any order."

An Abbot Conferring Orders

"A certain Prior of the Cistercian Order, a Titular Abbot, conferred tonsure and minor Orders upon a certain brother dwelling in his monastery, an appropriate delegation having been obtained in the case from the petitioner Archbishop. But now it has become known to him that a Titular Abbot cannot enjoy the aforesaid faculty, and therefore he implores a benign sanation.—Response. In the case, the ordination is to be repeated in its entirety, beginning inclusively with the conferral of sacred Tonsure." Holy Office, 15 July 1903.

On the Excardination and Ordination of Clerics

"From the first centuries of the Church, several Councils decreed—and Trent more recently confirmed in chapter 8, Session 23, *On Reformation*—that no one can be ordained except by his own bishop.

"But according to the things first defined by Boniface VIII in the Sixth Book of Decretals, chapter *Cum nullus*, *On the Time of Ordination*, one's own bishop 'is understood in this case to be the bishop of the diocese from which the one who desires to be promoted to orders originates, or in whose diocese he possesses an ecclesiastical benefice, or has a domicile in it, although he was born elsewhere.' Then, when the custom became prevalent for bishops to initiate their own familiars into sacred orders even though they belonged to another diocese, and the holy Synod of Trent approved this under certain conditions in chapter 9, Session 23, *On Reformation*, it came about that to the first three titles—origin, domicile, and benefice—by which a bishop acquired the right of promoting someone to orders, a fourth was also added, namely, familiarity. But when there was controversy concerning titles of this kind, Innocent XII, in the Apostolic Letter beginning *Speculatores*, given on 4 November 1694, determined and established the sense and extent in which they were to be understood for the purpose that someone should become the proper subject of a bishop by whom he could lawfully be ordained. This Constitution was thereafter regarded as the supreme law, and with it as guide all questions were settled.

"But in our times frequent occasion for a new controversy has presented itself. For in many places a usage has been adopted whereby clerics who desired to depart from their diocese and establish their residence in another sought from their Ordinary what they call excardination—that is, a full and perpetual dismissal—and, relying upon it, sought incardination or enrollment in another diocese. Once this was obtained, they were by that very fact admitted to receive further orders as proper subjects of the new bishop. Where this manner of proceeding was employed cautiously and prudently, it proceeded without complaints; but in some places, where the necessary caution was lacking, it very often opened the way to controversies and abuses.

"Therefore, the Most Eminent Fathers of the Sacred Congregation of the Council, having maturely weighed all matters, judged that the following things were to be established by the present general Decree:

"1. Excardination may be made only for just causes and does not attain its effect in every respect unless incardination in another diocese has been put into execution.

"2. Incardination is to be made by the bishop not orally but in writing, absolutely and in perpetuity—that is, subject to no limitations, whether express or tacit—so that the cleric is assigned wholly to the

new diocese, after he has taken for this purpose an oath like that which the Constitution *Speculatores* prescribes for acquiring domicile.

"3. This incardination cannot be undertaken unless it has first been established from a lawful document that the outside cleric was dismissed from his diocese "in perpetuity, and unless appropriate testimonials concerning his birth, life, morals, and studies have moreover been obtained from the dismissing bishop, under secrecy if necessary.

"4. Those enrolled in this manner can indeed be promoted to orders. Nevertheless, since hands are not to be imposed quickly upon anyone, let the bishops know that it is their duty, in individual cases and all things having been considered, to weigh whether an enrolled cleric is such that he can safely be ordained without further trial, or whether instead he ought to be tested for a longer time. And let them remember that, just as 'no one ought to be ordained who, in the judgment of his bishop, is not useful or necessary to his churches,' as Trent established in chapter 16, Session 23, *On Reformation*, so likewise no new cleric is to be enrolled except for the necessity or advantage of the diocese.

"5. As regards clerics of a different language and nation, bishops must proceed more cautiously and severely in admitting them, and never receive them unless they have first requested from their respective Ordinary, and obtained, secret and favorable information concerning their life and morals, the consciences of the bishops being gravely burdened concerning this.

"6. Finally, as regards laymen, or even clerics who cannot or do not wish to make use of the benefit of excardination, the provisions of the Constitution *Speculatores* are to be observed; these must always remain ratified and firm, notwithstanding the present Decree.

"A report concerning all these things having been made to Our Most Holy Lord by the undersigned Cardinal Prefect of the Sacred Congregation of the Council, His Holiness benignly deigned to approve and confirm the resolution of the Most Eminent Fathers, all things whatsoever to the contrary notwithstanding.

"Given at Rome, from the offices of the Sacred Congregation of the Council, on 20 July 1898."

On Testimonial Letters

"Can Bishop O. confer first tonsure upon Hyacinth, with the consent of the Ordinary of origin but without testimonial letters in the case?—Response. Negative." Sacred Congregation of the Council, 11 June 1881; *A. S. S.*, vol. 14, p. 397; vol. 6, p. 498 ff.

"Testimonial letters are to be required from the respective Ordinaries of the place," even if the ordinands have stayed in the seminary, completed their studies there, and possess a testimonial from the superiors of that seminary. Sacred Congregation of the Council, 14 July 1894; *M. E.*, vol. 8, part 2, p. 169.

"Most Illustrious and Most Reverend Lord, since grave inconveniences have had to be deplored, especially in these recent times, in the United States of North America because of the bad manner of acting of certain priests who, although foreigners and frequently of Polish origin, were ordained in Italy and afterwards migrated to America, sometimes furnished even with commendatory letters from some Italian bishop, Our Most Holy Lord Pope Leo XIII commanded that, through this Sacred Congregation for the Propagation of the Faith, the Ordinaries of Italy be admonished not to admit

foreign young men, especially Poles, to sacred Orders without authentic testimonial letters from their own Ordinary, and still less to recommend them to the bishops of America without the prior permission of the aforesaid Sacred Congregation." Sacred Congregation for the Propagation of the Faith, 2 May 1898.

On Those Who Were Subject to Military Service

"For clerics to be ordained who have already been assigned to military service, under the penalty threatened by the Constitution *Apostolicae Sedis*, testimonial letters are required from the Ordinary in whose diocese they have resided for three months; and insofar as the Ordinary's letters do not furnish full testimony, let the bishop, having obtained a faculty for this from the Apostolic See, make provision by means of a supplementary oath." Sacred Congregation of the Council, 26 January 1895.

With regard to sacred orders to be conferred upon those clerics who have been compelled to complete military service and, during that military service, have had to wander from place to place, "testimonial letters are necessary whenever the person to be promoted has stayed in any diocese for at least three months." Sacred Congregation of the Council, 9 September 1893.

On Dimissorial Letters for Regulars

"Regular superiors to whom this pertains can grant such professed members (of simple vows in Orders in which solemn vows are emitted) dimissorial letters only for first tonsure and minor orders, while nevertheless observing those things which must be observed by law, and especially those things which have been prescribed by the Apostolic See concerning the ordinations of regulars." Sacred Congregation on the State of Regulars, 12 June 1858.

"Can novices, after simple vows have been emitted but before the emission of solemn vows, be promoted to sacred orders under the title of poverty, notwithstanding the Constitution of St. Pius V of 12 November 1568?—Response. Negative as regards sacred orders." The same Sacred Congregation, 20 January 1860; Bizzarri, *Collectanea*, p. 859, ed. 1885.

"If professed members of simple vows have been released from the vows emitted, whether by dismissal from the Order or by Apostolic dispensation, let the bishop conduct himself toward them as he ought to conduct himself toward his other diocesans." Sacred Congregation on the State of Regulars, 2 January 1860.

Professed members of simple vows who have been duly dismissed are subject to the Ordinary of origin. Thus from the Sacred Congregation of Bishops and Regulars, 27 February 1871.

"1. Whether and in what manner the Bishop of Treviso can admit the alumni of the Institute of Priests of Charity (who have simple vows) upon the assurance of the superior of the house declaring that the same alumni are enrolled in that house, or whether instead dimissorial and testimonial letters from the bishop of origin or of domicile are necessary, according to the form of the Constitution of Innocent XII which begins *Speculatores*. 2. Whether and in what manner the same thing must be said with regard to alumni already promoted to tonsure or to some order. 3. Whether and in what manner, notwithstanding the promise of obedience made to the bishop in sacred ordination, the superiors of the Institute may transfer the same alumni into another province without permission being sought from the said bishop. 4. Whether, in the case of departure from the Institute

by dismissal or dispensation, the same alumni are subject to the jurisdiction of the bishop of the diocese in which is situated the house in which they are enrolled, or rather to that bishop to whom they were subject before they were enrolled in the Institute.

"Response. To the first: Negative to the first part; affirmative to the second. To the second: Affirmative in all respects. To the third: The Provincial Superior can freely use the faculty of transferring the alumni of the province according to the Constitutions approved by the Holy See. To the fourth: Negative to the first part; affirmative to the second." Sacred Congregation of Bishops and Regulars, 6 May 1864; Bizzarri, *Collectanea*, p. 706 ff., ed. 1885.

On Baptism with Respect to Orders

"The question was raised whether those who are to be promoted to minor or sacred orders, and who present no document or testimony of Baptism conferred upon them, whether because of the lack of books, or because of the frailty of memory, or because their parents, godparents, etc., have died, are to be rebaptized conditionally; or whether a doubt should arise whether they were validly baptized by less-instructed catechists or other Christians. Concerning this matter, as regards the first part of the doubt, namely the lack of testimony, it is well that Your Lordship know that both this Sacred Congregation and the Supreme Inquisition, whenever questions of this kind have been proposed, have consistently issued a negative rescript, adducing the common opinion—namely, that those who were born of Christian parents and were educated by them in the Christian manner are altogether to be presumed to have been baptized. It is likewise lawful to adhere to a presumption of this kind in the second case also, namely, when there is doubt concerning the sufficient instruction, for administering the sacrament, of the catechists or Christians who baptized the cleric. "For unless the reason for doubting is very strong, such that it produces moral certitude in this or that particular case, the validity of the Baptism must be upheld; nor is adherence to be given to a chance suspicion by which either the faithful—in a matter so familiar in China—or much more the catechists, whose appointment is undertaken so cautiously by the Apostolic Vicars, might be judged less instructed. Otherwise, if negative doubts are admitted, occasion would be given for ambiguities in every case and without end." Sacred Congregation for the Propagation of the Faith, 30 September 1848, to the Apostolic Vicar of Western Cochinchina.

What Ordinands Must Be Furnished With

"Those to be promoted to minor orders are to have a good testimonial from the parish priest and from the master of the school in which they are educated. But those who are to be assumed to each of the major orders are to approach the bishop one month before ordination; he is to commission the parish priest, or another whom he judges more expedient, diligently to inquire from trustworthy persons concerning the birth, age, morals, and life of the ordinands themselves, after the names and desire of those who wish to be promoted have been publicly proposed in the church; and he is to transmit as soon as possible to the bishop himself testimonial letters containing the fact that this inquiry was made." Council of Trent, Session 23, chapter 5, *On Reformation*.

Documents to Be Presented

by those to be promoted to orders in the City of Rome.—Cf. *A. S. S.*, vol. 36, p. 510 ff.

On the Spiritual Exercises to Be Performed by Ordinands

Cf. no. 277.

On Heretics with Regard to Sacred Orders

"Whether alumni of pontifical colleges who either have been converted from heresy or are children of heretics, and are therefore irregular, and who, without this irregularity having been removed, as appears, had been and are being promoted even to sacred orders, were and are rightly and canonically promoted; whether they truly needed and need dispensation from the aforesaid irregularity.—Response. The aforesaid alumni needed, and in the future need, dispensation as regards the aforesaid irregularity. But for the petitioners, the suspension is to be relaxed." Holy Office, 28 November 1668.

On Admitting Priests to the Exercise of Their Orders after Schism Has Been Abjured

"As regards the practice of admitting priests and deacons returning from schism to the Catholic Church to the exercise of their orders after they have embraced the Catholic faith, the following things are to be observed. If a priest says absolutely that he was ordained with the imposition of hands and the pronouncement of the words, and nothing else stands in the way, the missionary, after he has dispensed him from the irregularity and absolved him from excommunication, can admit him to the exercise of his orders according to the approved and purged rite in which he was ordained. "But if this priest candidly confesses that he does not remember the matter and form of his ordination, or that he doubts one or the other, he cannot be admitted to the exercise of his orders until he has been reordained conditionally. Finally, if he asserts absolutely that either the imposition of hands or the pronouncement of the form, or both, was omitted, he is to be reordained absolutely before he is admitted to the exercise of his orders." Holy Office, 19 April 1704.

A Doubtful Intention

"N. N. ..., doubting whether or not he was fit for the priesthood, on the one hand wished to remove the intention of being a priest, while on the other he wished to place it. Finally he said this: 'I place that intention which I shall certainly determine at some point of the ordination.' Always doubtful, he received the first and second imposition of hands; and only when the consecration of the hands was reached did he resolve to be a priest.—Response. Let him be at peace." Holy Office, 26 January 1898.

An Intention Revoked during Sacred Ordination because of Scruples

"Titius sets forth the following doubt concerning the validity of his ordination:

"During the ceremonies of ordination I revoked the intention of receiving the sacrament of order; nevertheless, before the words at the end of the ceremonies, *Receive the Holy Spirit; whose sins you shall forgive*, etc., I renewed the intention of receiving the order under this condition: that, if the prior part of the ordination is valid, I also wish to receive this last part validly.

"At the present time I am no longer certainly conscious at what moment I made this suspension of intention; I cannot state with certainty whether I did this after the anointing of the hands or after the presentation of the chalice and paten. For a long time has elapsed since the ordination (in the year

1875), and the disturbance of mind arising from scruples was great. Nevertheless, I believe that the suspension of intention occurred only after the joining of the hands.

"The reason why I suspended the intention is that, according to my judgment at that moment, I had not participated in the ceremonies in a sufficient manner. My mind was disturbed concerning this matter, and the thought occurred to me that I could not receive the remaining part of the ordination validly. I withdrew the intention lest, as I thought, I should perpetrate sacrilege.

"The insufficiency of participation which I believed to be present, insofar as I remember, consisted either in the fact that, at the anointing of the hands, I did not pronounce at the proper time the word *Amen*, which the ordinand ought to answer, or in the fact that, at the presentation of the chalice and paten, I could not touch the chalice; or both defects occurred.—Response. Since this concerns a mere scruple, let him be at peace." Holy Office, 30 November 1898.

"A very good priest, but one tormented by scruples, doubting his own faith at the time of priestly ordination, refused his consent to each part of the ordination, proposing thus: 'So that later I may have no doubt whatsoever about the invalidity of this ordination of mine, I declare that I do not wish to be ordained: my ordination will take place another time; not daring to leave the church, I shall now merely cause it to seem to my companions that I am being ordained.'

"Consistently with this intention, he did not pronounce the words of the consecration, believing them essential to the validity of the ordination; he did not intend to receive the power of remitting sins, having submitted only to the material imposition of the hands of the ordaining Bishop; neither did he intend to promise obedience to the Bishop, wishing to do so another time, when he would be ordained anew.

"Meanwhile, from trustworthy information it is known that he maintained most praiseworthy conduct during the whole time spent in the seminary and ardently desired the priesthood; that on the day of the ordination he went to it of his own full will; and that on the day following the ordination, having been encouraged by his confessor to despise the scruple, he celebrated his first Mass.

"Response. The ordination is to be repeated in its entirety, conditionally and secretly, on any day, after consultation with His Holiness, so that, insofar as there is need, he may supply from the treasury of the Church for the Masses celebrated in the case." Holy Office, 28 November 1900.

Dispensation from the Interstices

"The decree [of the Synod of Meath in Ireland] by which it is enacted that henceforth no one, whether secular or regular, is to be promoted in this diocese to sacred orders without the interstices having been observed and without a diligent examination by the Ordinary, unless the advantage or necessity of the Church persuades the bishop otherwise; and that this judgment, even as regards regulars, pertains not to the regular superiors but to the Ordinary, is to be reformed with regard to those who possess a contrary privilege granted after the Council; and in the other respects the decrees of the following tenor are to be given and observed:

"I. *Nullius*, on 30 June 1597. The Sacred Congregation, etc., [declared that] the remission of interstices, even as regards regulars, to be made only for the causes expressed by the [Council of Trent], pertains to the ordaining bishop; nevertheless, as regards the causes, he ought in this matter to defer to the judgment and attestation of the regular superior of the ordinand.

"II. On 30 September 1609. The Sacred Congregation, etc., has often declared that the remission of interstices for the causes expressed by the Council pertains to the ordaining bishop, even as regards regulars receiving orders from him, but not to regular superiors; nevertheless, the bishop himself is bound, concerning the causes for the remission, to place trust in and defer to the testimony of the regular superior." Sacred Congregation of the Council, 24 August 1686.

On the Time of Ordination

Can a bishop who is given the faculty of ordaining on feast days confer major orders on feasts of the Apostles and on other abrogated feasts? And minor orders also?—Response. Affirmative to the first and affirmative to the second, but only in the morning. Sacred Congregation of Rites, 12 November 1831, *Marsorum*, response to 1.

"Since diverse opinions are being circulated in the Council of Clermont concerning these words of the Roman Pontifical: 'Minor orders can be conferred on Sundays and double feasts,' humble petitions were presented to the Sacred Congregation of Rites that, in order to establish a certain law on the matter, it would deign to declare its judgment.—Response. Minor orders can be conferred on feasts of precept, or on double feasts which were feasts of precept before the reduction." Sacred Congregation of Rites, 16 March 1833, Clermont.

"With regard to ordinations, it suffices to observe the fasts of the Ember Days; for there is no obligation of fasting for ordinations outside the Ember Days." Holy Office, 14 December 1898.

Dispensation from Age

"In the quinquennial faculties of the Sacred Congregation for the Propagation of the Faith, under Form III, no. 13, the faculty is granted 'of dispensing from a defect of one year of age, on account of a scarcity of laborers, so that they can be promoted to the priesthood, if they are otherwise suitable.' It is asked whether this faculty also extends to Regulars.—Response. Affirmative, after consultation with His Holiness." Holy Office, 29 January 1896.

On the Title of Ordination

"1. Since it is wholly unbecoming and altogether foreign to the dignity of clerics who are constituted in sacred Orders that they should be compelled to procure for themselves the things necessary for sustenance either from begged assistance or from sordid gain, no one is ignorant that, from the most ancient times, provision was made that anyone to be promoted to sacred Orders in the Church of God should be furnished with suitable and perpetual support. Formerly, indeed, no one was ordained unless he was assigned to a certain church to which he was perpetually attached, so that from it he might have the means to support his life honorably (Council of Chalcedon, canon 6). In later times, however, the title of Ordination was introduced, by which provision might be sufficiently made for the sustenance of clerics. Its necessity was first sanctioned for the ordination of deacons and priests and was then extended by Innocent III to subdeacons also (Third Lateran Council, canon 5); moreover, the things which the Council of Trent (Session 21, *On Reformation*, chapter 2) established on this matter are known to all. But in the course of time its most salutary prescriptions were neglected in some places, and Innocent XI, of holy memory, most gravely commanded that they be

observed, by encyclical letters sent through the Sacred Congregation of the Council to all bishops on 13 May 1679.

"2. Furthermore, a twofold title is distinguished: namely, ecclesiastical and patrimonial. The latter, for which Alexander III seems to have furnished the occasion (chapter 4, *On Prebends*; Thomassin, *On the Old and New Discipline of the Church*, part 2, book 1, chapter 9, no. 2), and which began to come into use near the end of the twelfth century, obtains when the ordinand is furnished with such certain, stable, and productive goods, arising from a source other than the Church, as are judged sufficient for his suitable support in the judgment of the bishop. To the aforesaid is added the title of a pension, which must not only suffice for the suitable maintenance of the cleric but must also be perpetual. And these two titles are to be judged extraordinary and are admitted as though by dispensation, if, namely, the bishop judges that someone is to be ordained in this way for the necessity or advantage of the Church (Council of Trent, loc. cit.; and Benedict XIV, *Ecclesiastical Institutions*, 26, nos. 1, 3).

"3. The ecclesiastical title, however, is subdivided into that of a benefice and that of poverty, to which certain other species are to be added as subsidiary and extraordinary: namely, the titles of the common table, of the service of a church, of mission, of sufficiency, and of a college. The title of a benefice is a perpetual right to receive the fruits from the goods of the Church on account of some spiritual office constituted by ecclesiastical authority; and this must be called the ordinary and principal title of sacred ordination (Fagnanus, on chapter 4, *On Prebends*, no. 24).

"4. The title of poverty, however, is situated in religious profession, by virtue of which those who have emitted solemn vows in an approved religious institute have all things in common which they need for sustaining life, from the revenues of goods, if the religious institute itself possesses any, or from the pious largesse of the faithful. "What is called the title of the common table, however, pertains to those clerics who, dwelling after the manner of religious in a common discipline of life, either pronounce no vows or only simple vows, and who are therefore permitted to leave or be dismissed from the religious house and to return to the world. For the title of poverty does not pertain to them, as is deduced from the Constitution *Romanus Pontifex* of St. Pius V (14 October 1568). Yet of these clerics, only those whose Congregations or Institutes have been furnished by the Apostolic See with a special privilege for this can be promoted to sacred Orders under the title of the common table.

"5. The title of the service of a church, which was formerly ordinary, as was noted above, and afterwards became extraordinary, is sometimes granted to those who lack an ecclesiastical benefice or pension, or do not possess patrimonial or other goods, and who are ordained under the condition that they be bound to some church, from the service of which and from alms to be bestowed by the pious faithful they can be supported; and that they can never be removed from the same church, nor can they themselves withdraw, unless provision has otherwise been made for them. It is known that Sixtus V, of holy memory, granted to the Patriarch of Venice that he might confer sacred Orders upon his clerics under this title (Campanile, *Diverse Matters of Canon Law*, rubric 8, chapter 4, no. 14; and García, *On Benefices*, part 2, chapter 16, no. 96).

"6. Finally, the title of mission, which is chiefly under discussion here—passing over the titles of sufficiency and of a college, which it will suffice merely to have mentioned, since they occur rarely—is customarily employed when another lawful title is not available for those who desire to be initiated into major orders so that they may devote themselves to the service of the Apostolic missions. This

often occurs in missionary regions, in which the condition of affairs is such that the common law of the Church cannot be observed exactly with regard to those things which concern the title prerequisite for sacred Ordination. Those who have been ordained under a title of this kind obtain from the apostolic ministry in the mission to which they have been attached the necessities for sustenance.

"7. But it is certain that Ordinaries cannot impart the gifts of sacred Orders to clerics under the title of mission unless they have been furnished with a special indult of the Holy See; for this concerns an extraordinary title employed beyond the common law. This indult is customarily granted to the superiors of missions or colleges or Congregations which serve the missions, either for a definite time or for a prescribed number of cases. Let the superiors remember, however, that they must use it sparingly; nor are all who seem disposed to enter upon a missionary course to be initiated into sacred Orders without discrimination under the title of mission. For if, according to the admonition of St. Paul, hands are to be imposed quickly upon no one, this holds especially when there is question of those who are assumed to the arduous work of the apostolic ministry. Therefore, this title is to be employed only in favor of those who, by disposition and docility of soul, rectitude of intention, aptitude of intellect, progress in sacred studies, integrity of morals, and contempt of worldly things, give hope that they will become strenuous heralds of the Gospel; concerning this the conscience of their superiors is strictly burdened.

"8. No less than the alumni of pontifical colleges, all those who desire to be enrolled among the sacred ministers under the title of mission are bound first to emit an oath by which they promise that they will render perpetual service to the mission to which they have been or shall be destined. The Holy See has constantly been accustomed to require this from those who wish to enjoy this title, so that it might provide for the service of the missions at whose expense they are supported. "To this instruction is appended the Formula of that oath, long since approved and received by use; and, so that uniformity may be preserved in this matter, the Sacred Congregation strictly commands that it be used by all.

"9. It is not necessary that one who is to be raised to sacred orders under this title actually be situated in a mission; it suffices that he be prepared to undertake missions when and in the manner in which his superiors judge that he should be sent and command him to go.

"10. By force of the oath taken, those who have been ordained under this title are forbidden to enter a religious institute without the permission of the Holy See; for it is reserved to its judgment, after a report by the Ordinary concerned, to judge whether the necessity of the missions to whose service they are attached permits this. Evidently, the public good must take precedence over the private good, by the same reasoning according to which it has been conceded to certain Orders that their religious may not pass to a stricter Order without the permission of their own superiors.

"11. Just as other titles, so also this title now under discussion can be lost according to canonical sanctions and can be taken away by Ordinaries, but with the consent of the Sacred Congregation, to which it belongs to release those so ordained from the bond of the oath taken. But if, when a title in general or even the title of mission has been lost, another is not substituted for it, the priest does not on that account remain suspended; the Ordinaries, however, are bound to compel those ordained to substitute another title, as is provided by the sacred canons. This Sacred Congregation declared this in the general meeting of 1 September 1856.

"12. Likewise, regular priests who have pronounced solemn vows and are permitted by Apostolic indulgence to live in the world, or who have emitted simple vows and have departed from their Congregations or Institutes, are to be obliged to provide themselves with a canonical title, lest they be compelled to beg to the dishonor of their proper rank; in missionary regions, however, they are at least bound to prove that they possess the means by which, as is fitting, they may provide for their own support.

"13. Those who have ascended to ecclesiastical orders under the title of some definite mission undoubtedly lose their title when they leave the office of missionary and must provide another for themselves. But if they are deputed to the service of another mission, a new grant of the Holy See will be necessary in order that they may assume the title of this mission; for the faculty, if any, which the Ordinary of that mission has obtained to ordain clerics under the aforesaid title does not avail them.

"14. Let Ordinaries in missionary regions also make use of the work of those priests who were admitted to sacred orders under other titles, those things which must be observed by law being observed; for they cannot constrain them to substitute the title of mission. Indeed, the Sacred Congregation exhorts the Ordinaries that, insofar as can be done, other lawful titles also be introduced for sacred ordination.

"15. Finally, the Sacred Congregation, observing that it can greatly conduce to the increase of the Missions if those who have been educated in colleges or seminaries of either clergy soon to become heralds of the Gospel, or who have been promoted to orders under the title of mission, repeatedly call to mind the oath by which they bound themselves to cooperate with God for the salvation of souls, exhorts them to take care to repeat it each year on the anniversary day of the oath taken, seriously meditating upon the divine goodness toward themselves, which constituted them ministers of the word to announce the wonders of His might and power; what an unfading crown of glory is prepared for them in heaven if they fulfill their office holily; and, on the contrary, what a strict judgment awaits them if, through their negligence or sloth—which God forbid—it should happen that anyone perish. But that they may perform this more promptly and eagerly, let them know that Pius VI, of holy memory, in the audience of 7 May 1775, granted to each of them a plenary indulgence, applicable also to the souls detained in Purgatory and to remain valid in perpetuity, not only when they first emit the aforesaid oath, but also when they renew it on the appointed day, provided that in both cases they do not omit to cleanse their conscience by the sacrament of Penance and receive Eucharistic Communion, or celebrate the sacrifice of the Mass." Instruction of the Sacred Congregation for the Propagation of the Faith, 27 April 1871; *A. S. S.*, vol. 4, p. 554 ff.; vol. 5, p. 113 ff.; vol. 15, p. 569 ff.

Formula of the Oath to Be Taken by Those Who Are Ordained under the Title of Mission

"I, N., son of N., of the Diocese or Vicariate of N., promise and swear that, after I have been promoted to sacred orders, I shall enter no religious institute, society, or regular congregation without the special permission of the Apostolic See or of the Sacred Congregation for the Propagation of the Faith, nor shall I emit profession in any one of them.

"Likewise I vow and swear that, in this Diocese or Vicariate—or (according to this alternative manner those must swear who have not yet been attached to any mission) in the mission to which it may please the Holy See or the Sacred Congregation for the Propagation of the Faith to destine me—I shall perpetually expend my labor and work in the administration of divine things for the salvation of souls, under the complete direction and jurisdiction of the Right Reverend Lord who is Ordinary at the time; this I shall perform even if, with the permission of the aforesaid Apostolic See, I enter a religious institute, society, or regular congregation and emit profession in any one of them.

"I likewise vow and swear that I understand the aforesaid oath and its obligation, and that I shall observe it. So help me God, and these holy Gospels of God."—C. 363.

On Military Service with Regard to Profession and Orders

"The Sacred Congregation placed over regular discipline, ever intent upon the good of religious communities, cannot neglect the young men who are their fairest hopes; therefore, authorized by the Holy Father, it confirms the Apostolic Constitutions which have developed in times past as a norm for their ordinary state, and imparts to the superiors general the following special prescriptions for subjects liable to military conscription.

"1. For those who belong to the first category and cannot be certain of being exempted as unfit, solemn Profession and admission to sacred Orders must be delayed until after they have completed their respective active service of one year, or such other period as is necessary.

"2. It is useful to favor one-year voluntary service, even by subsidizing needy young men, in part or in whole, according to the means which each Order can dispose of, so that they may be enabled to meet the tax required by the government and the other expenses during the service; but it is understood that such assistance shall be given only to promising young men who are docile and obedient.

"3. It is expedient that, before undertaking voluntary service or longer service, they should have applied themselves to a course of spiritual exercises for at least ten days, and should have completed a part of their theological studies (the regular course of the other studies having first been completed), so that they may be more firmly grounded in religious ideas and in religious formation.

"4. In order that the young men may more easily preserve their vocation and correspond to it by their conduct, in addition to salutary admonitions, the greatest frequency of the sacraments possible, and the reading of good books, it shall be enjoined upon them to have recourse to the ecclesiastics designated by the Ordinaries of the places for their spiritual formation; and these ecclesiastics shall not fail to render their profitable work on behalf of the conscripts in the best manner possible and according to the circumstances. Then, to facilitate such work, the superiors general shall order the provincials to give an account of their subjects to the aforesaid Ordinaries, indicating the residence of the same and commending them to their vigilance. The Ordinaries, on their part, shall indicate to the provincials the priests to whom the young conscripts must have recourse.

"At every change of station the young men are obliged to give corresponding information to the father provincial and to report to him, insofar as possible, the course of their life. If during the service they have a leave of some weeks, they must apply themselves to spiritual exercises for at least three days. It need scarcely be said, moreover, that in cities where there are houses of the religious institute, the provincials can depute some religious of their own to the spiritual care of the said conscripts; but the

obligation of informing the Ordinary of the place concerning young men who are going to complete military service in his diocese always remains firm.

"5. Those who, after completing military service of one year or of a longer period, persevere in the holy vocation and are found to have maintained good conduct shall be readmitted into the Order, where, as their first act, they shall make a course of spiritual exercises; and they shall not be promoted to solemn Profession or to sacred Orders until after a sufficient period, not less than one year, so that in the meantime they may give proof of the stability of their vocation, resume sacred studies, and, remaining during this period either in the house of the professed or in some other place of strict observance under the direction of a religious of mature age and grave character deputed for this purpose, give proof of their virtue.

"The greatest caution must be employed toward those who, instead of voluntary service, have performed the ordinary service of longer duration.

"Testimonial letters from the diocesan Ordinaries in whose territory they have resided for at least three months shall be necessary for all. And the prescriptions of the sacred Canons always remain firm with respect to those who exhibit defects inducing irregularity, for whom a Pontifical dispensation must be implored in each individual case.

"6. The precautionary measures indicated in no. 4 shall also be observed with regard to those who, after profession and sacred orders, should be recalled to military service for a notable period.

"7. Finally, if exceptional and unforeseen cases occur, the superiors general of the Orders must have recourse to this Sacred Congregation for corresponding instructions and derogations.

"Rome, 27 November 1892."—Cf. no. 174.

On the Ordination of Novices and Professed Members of Simple Vows

Cf. no. 279.

On the Three Masses to Be Celebrated by Newly Ordained Priests

"According to the Roman Pontifical, after the ordination of priests the bishop enjoins upon them the obligation of celebrating, after their first Mass, one Mass of the Holy Spirit, another of the Blessed Virgin Mary, and a third for the Dead; so that this obligation may be fulfilled more easily, can the said Masses be celebrated on lesser double days?—Response. Negative, but on days permitted by the Rubric." Sacred Congregation of Rites, 11 April 1840, Barcelona, response to 4.

On the Nocturn to Be Recited by the Newly Ordained

"The Sacred Congregation of Rites, on 11 August 1860, response to 14, declared: 'The words of the Roman Pontifical, *the Nocturn of such a day*, are understood of the single Nocturn on a ferial day, or of the first Nocturn of Sunday as in the Psalter—that is, twelve Psalms with their proper antiphons of the season—which the ordaining bishop can designate either from the very day on which he holds the ordination or from another day at his discretion. But when the bishop expresses nothing other than that which the words of the Pontifical state, the Nocturn of the feria which corresponds to that day on which the ordination was held is to be said.' Furthermore, from decree no. 4042 of the same

Sacred Congregation, *Urbis*, 27 June 1899, response to 1: 'By the Nocturn of such a day is understood the ferial Nocturn, or the first Nocturn of a feast or Sunday in the Psalter, according as the Ordination was held on a feria, feast, or Sunday. But now another question has arisen and was proposed for an appropriate solution, namely: Whether the Psalm *Come, let us exult*, the Hymn, and the Lessons are also to be added to this Nocturn, or whether rather the Psalms with the respective Antiphons pertaining to such a Nocturn suffice?—Response. Negative to the first part; affirmative to the second.'" Sacred Congregation of Rites, 10 July 1903 [printed: 1093].

On Matrimony

The Council of Trent on Matrimony, Session 24

"Doctrine on the Sacrament of Matrimony.—The first parent of the human race, under the inspiration of the divine Spirit, pronounced the perpetual and indissoluble bond of Matrimony when he said: 'This now is bone of my bones and flesh of my flesh; wherefore a man shall leave his father and his mother and shall cleave to his wife, and they shall be two in one flesh.'

"But that only two are coupled and joined by this bond Christ the Lord taught more openly when, referring to those latter words as having been uttered by God, He said: 'Therefore now they are not two, but one flesh'; and immediately He confirmed the firmness of the same bond, pronounced so long before by Adam, with these words: 'What therefore God has joined together, let no man separate.'

"But Christ Himself, the institutor and perfecter of the venerable sacraments, merited for us by His Passion the grace which would perfect that natural love, confirm the indissoluble unity, and sanctify the spouses. Paul the Apostle intimates this, saying: 'Husbands, love your wives as Christ loved the Church and delivered Himself up for it,' immediately adding: 'This is a great sacrament; but I speak in Christ and in the Church.'

"Since, therefore, Matrimony in the evangelical law excels the ancient marriages in grace through Christ, our holy Fathers, the Councils, and the tradition of the universal Church have always taught that it is deservedly to be numbered among the sacraments of the New Law. Raging against this tradition, the impious men of this age not only have judged perversely concerning this venerable Sacrament, but, after their custom, introducing freedom of the flesh under the pretext of the Gospel, have asserted in writing and word many things foreign to the mind of the Catholic Church and to the custom approved from the times of the Apostles, not without great loss to Christ's faithful. Desiring to oppose their temerity, the holy and universal Synod judged that the more notable heresies and errors of the aforesaid schismatics were to be exterminated, lest their pernicious contagion draw more persons to itself, decreeing the following anathemas against the heretics themselves and their errors.

"Canon 1. If anyone shall say that Matrimony is not truly and properly one of the seven sacraments of the evangelical law, instituted by Christ the Lord, but was invented by men in the Church, and does not confer grace: let him be anathema.

"Canon 2. If anyone shall say that it is lawful for Christians to have several wives at the same time, and that this is prohibited by no divine law: let him be anathema.

"Canon 3. If anyone shall say that only those degrees of consanguinity and affinity which are expressed in Leviticus can impede Matrimony to be contracted and dissolve it when contracted; and that the Church cannot dispense in some of them or establish that more degrees impede and dissolve it: let him be anathema.

"Canon 4. If anyone shall say that the Church could not establish impediments which dissolve Matrimony, or that in establishing them she erred: let him be anathema.

"Canon 5. If anyone shall say that the bond of Matrimony can be dissolved on account of heresy, troublesome cohabitation, or affected absence from a spouse: let him be anathema.

"Canon 6. If anyone shall say that a ratified but non-consummated Matrimony is not dissolved by the solemn religious profession of either spouse: let him be anathema.

"Canon 7. If anyone shall say that the Church errs when she has taught and teaches, according to evangelical and Apostolic doctrine, that the bond of Matrimony cannot be dissolved on account of the adultery of either spouse; and that neither spouse, not even the innocent one who gave no cause for the adultery, can contract another Matrimony while the other spouse lives; and that he commits adultery who, having dismissed an adulteress, marries another, and she who, having dismissed an adulterer, marries another: let him be anathema.

"Canon 8. If anyone shall say that the Church errs when she decrees that for many causes separation between spouses, as regards the bed or as regards cohabitation, can be made for a definite or indefinite time: let him be anathema.

"Canon 9. If anyone shall say that clerics constituted in sacred orders, or regulars who have solemnly professed chastity, can contract Matrimony, and that a Matrimony contracted is valid notwithstanding ecclesiastical law or the vow; and that the contrary is nothing other than to condemn Matrimony; and that all who do not feel that they have the gift of chastity, even though they have vowed it, can contract Matrimony: let him be anathema; since God does not deny that gift to those who rightly seek it, nor does He permit us to be tempted beyond that which we can bear.

"Canon 10. If anyone shall say that the married state is to be preferred to the state of virginity or celibacy, and that it is not better and more blessed to remain in virginity or celibacy than to be joined in Matrimony: let him be anathema.

"Canon 11. If anyone shall say that the prohibition of the solemnity of nuptials at certain times of the year is a tyrannical superstition, derived from the superstition of the pagans; or shall condemn the blessings and other ceremonies which the Church employs in them: let him be anathema.

"Canon 12. If anyone shall say that matrimonial causes do not pertain to ecclesiastical judges: let him be anathema."

On Betrothals of Infants and Those below Puberty, and on Mixed Betrothals

"Betrothals contracted by infants, or by one of age with an infant, are null by the law itself and cannot engender the impediment of public propriety.... If it has been established that the betrothals were entered into while still of infant age, it will have to be investigated whether they were renewed after the seventh year or at least ratified. But if, as has sometimes happened, the betrothals were contracted by the parents ... if the children were still of infant age, it is certain that the contract was invalid; but if they were of age, the contract would be valid only if the children consented expressly, or at least tacitly, or afterwards ratified the betrothals entered into by the parents in their name." Instruction of the Holy Office, 20 June 1883, nos. 33, 34; Instruction of the Sacred Congregation for the Propagation of the Faith, 1883, no. 35; *A. S. S.*, vol. 18, p. 355 ff.

"We hold it established, especially by canon law, that betrothals contracted either between infants or by one of age with an infant are to be regarded as not having been made, so that they do not even produce the impediment of public propriety. But those very betrothals which are celebrated between those below puberty, although canon law provides that they are valid and induce an obligation, nevertheless by the same law it is established, on account of weakness of judgment, that it is lawful to withdraw after puberty; nor is the one who first arrives at puberty bound to await the other, but he can, and indeed ought, to withdraw immediately if he does not wish to approve the betrothals, lest otherwise he should not be heard afterwards." Holy Office, February 1779.

"Betrothals between one Catholic party and another schismatic or heretical party are unlawful and indeed invalid unless celebrated after a lawful dispensation has first been obtained." Instruction of the Holy Office, 12 December 1888; *M. E.*, vol. 6, part 2, p. 100 ff.

On the Validity of Betrothals

Can a bishop issue a law which, with respect to the validity of betrothals, prescribes a norm for entering into them that is foreign to the common law?—Response. Negative. This is established from the responses of the Sacred Congregation of the Council, 8 July 1865 and 23 March 1878. Cf. *A. S. S.*, vol. 1, p. 529; vol. 7, p. 665; vol. 11, p. 230. Much less can a bishop invalidate Marriages to be contracted without prior banns by taking jurisdiction away from the parish priest for this effect. Sacred Congregation of the Council, *apud Lugonem*; *Responsa Moralia*, book 1, doubt 45.

"1. Are betrothals which are contracted in Spain without a public instrument valid? And insofar as the response is negative: 2. Can an instrument drawn up in the Curia for a dispensation from some impediments supply for the public instrument?—Response. To the first and second: Negative." Sacred Congregation of the Council, 31 January 1880 and 11 April 1891. Cf. Paul Villada, *Cases of Conscience Adapted Especially to These Times*, part 2, Brussels, 1885, p. 74 ff.; *A. S. S.*, vol. 13, p. 191; *M. E.*, vol. 7, part 1, p. 97. In Latin America also, betrothals must be contracted by a public instrument in order to be valid. Sacred Congregation for Extraordinary Ecclesiastical Affairs, 1 January 1890 [printed: 1990]; Plenary Council of Latin America, no. 592.

Civil Marriage Does Not Produce the Impediment of Public Propriety

"Our Most Holy Lord Pope Leo XIII, by the present Decree, declares and establishes that the aforesaid act, which is commonly called civil marriage, in places where the Decree of the Council of Trent, Session 24, chapter 1, *On the Reformation of Matrimony*, has been promulgated—whether the faithful performing that act intend, as is fitting, to perform a mere civil ceremony, an ecclesiastical Matrimony having already been duly celebrated or with the intention of celebrating it as soon as possible; or intend to enter into betrothals for the future; or finally, from ignorance or in contempt of ecclesiastical laws, intend to contract Matrimony in the present—the act does not produce the impediment of public propriety." Sacred Congregation of the Council, 13 March 1879.

On Intercourse Had after Betrothals, in Places Where the Council of Trent Has Not Been Promulgated

"...For the resolution of the doubt proposed, the [Sacred Congregation] directed that the prescription received from Pope Gregory IX, in chapter *He Who*, 30, *On Betrothals and Matrimony*, drawn likewise

from the pure sources of Pontifical law and promulgated for observance among all Catholics, be observed. For when the Pontiff was asked what must be done concerning a man who, after betrothals entered into with a woman against her will and after intercourse had with her, subsequently married another in the face of the Church and knew her, he gave a response of this kind: 'He who gave his pledge to a woman that he wished to take her as wife, and if he afterwards knows her carnally and marries another in the face of the Church, is bound to return to the first, because, although the first Matrimony may appear presumed, nevertheless proof to the contrary is not admitted against such a presumption. Whence it follows that the Matrimony afterwards contracted in fact is not a true Matrimony, but null....'

"Set before your eyes those things which Father Pirhing, a most approved expositor of the sacred Canons, presents in elucidating chapter *He Who*. For he, in book 4 of the Decretals, title 1, section 1, § 5, after the aforesaid rule or prescription of Gregory IX, adds these things: 'The reason is that, from carnal intercourse, the Church presumes conjugal consent in the betrothed parties so as to exclude sin—namely, that the betrothed man and woman wished to know one another not with a fornicatory but with a marital affection—because a delict is not to be presumed; and this is a presumption *of law and by law*, that is, altogether certain and indubitable, against which proof is not admitted. Consequently, the betrothed man would not be heard if he asserted that he had not known the betrothed woman with marital affection or with the intention of contracting Matrimony with her' (Covarruvias, *Epitome*, book 4 of the Decretals, part 1, chapter 4, § 1, nos. 1 and 2). 'It is confirmed, because carnal intercourse following betrothals for the future is a sufficient sign of present consent to Matrimony, and through it the betrothed parties are judged to deliver themselves to one another. This presumption has place only in the contentious and judicial forum, but not in the forum of conscience and of Penance. Hence, if the betrothed man truly had known the betrothed woman not with marital but with fornicatory affection, there would not be a true Matrimony in the penitential forum and before God, because the Pope cannot cause there to be a true Matrimony without express or tacit consent' (Hostiensis, here, column 2 at the end; Fagnanus, here, nos. 6 and 7).

"Thus far Father Pirhing, who, in setting forth this doctrine, affirms that it is commonly received among all writers on the Canons. Stand here, therefore; adhere here. Namely, even in those regions in which the Tridentine Decree on Matrimony has not been promulgated, if the betrothed man and woman have had intercourse with one another not with marital but with fornicatory affection, their betrothals do not on that account pass into a true Matrimony before God; and therefore, before God or in the forum of conscience, the faculty of passing to other vows has not been taken away from them if a lawful occasion for dissolving the preceding betrothals presents itself." Instruction of the Sacred Congregation for the Propagation of the Faith, 17 January 1821, to the bishops of the Apostolic Vicariates in the Empire of China and the kingdoms and provinces adjacent to it. Pius VII approved it and commanded it to be observed in every respect. Cf. no. 958.

On the Marriage of Minors against the Will of Their Parents

"It is asked whether a Matrimony contracted by two Catholics who are minors in age, according to the forms prescribed by the Church but nevertheless against the will of their parents, is valid.

"Response. Affirmative; for neither the dissent of parents nor minor age can in any way be numbered among the impediments dissolving Matrimony in these our times. We do not linger over imperial

laws and commands of rulers opposed to this opinion; for they are either to be understood only of civil effects, as eminent men hold concerning the edict of Henry III, Most Christian King, confirmed by Louis XIII—Loretus, a Counselor in the Parliament of Paris; Hubertus, Bishop of Vabres; Cabassutius; Gervasius; Natalis Alexander; and others—or, insofar as they establish something which exceeds the limits of secular power, they are to be rejected altogether. Concerning those things which pertain to the nature of the sacraments, the full power of defining belongs not to secular rulers but to the Church alone. She, moreover, not only held and declared Marriages of this kind ratified in chapter *Although* and chapter *Your*, *On One Betrothed to Two*, but also, lawfully assembled at Trent in the Holy Spirit, struck with anathema those who falsely affirm that Marriages contracted by children of a family without the consent of their parents are invalid and that parents can make them ratified or invalid. Therefore, no place for doubt remains concerning the validity of the aforesaid Matrimony." Holy Office, 17 November 1835, Bishop of Quebec.

On the Banns

"The burden has likewise been enjoined upon the proper parish priest that, before the announcements of a Matrimony to be entered into are made publicly in the church during the solemnities of Masses, he should take care cautiously to examine both the bridegroom and the bride separately and, as it is said, in the ear, whether by their will, spontaneously and freely, and truly with the consent of the soul, they are mutually joined in Matrimony." Apostolic Letter of Benedict XIV, 28 May 1743.

On Secret Marriages

"...Equal, or perhaps even greater, vigilance must be employed by you lest, after the banns have been remitted, a Matrimony be celebrated before the parish priest, or another priest deputed by the parish priest himself or by you, in the presence of two or three trusted witnesses, so that no notice or rumor of the celebration should arise. For in order that this may lawfully be done according to the prescription of the sacred canons, not every ready and ordinary cause suffices, but a grave, urgent, and most urgent cause is required.... But after the Matrimony has been celebrated, a written document concerning it, with a notation of the place and time and of the witnesses who were present at the celebration, is to be presented without delay to the bishop by the parish priest or other priest before whom it was entered into. It will then be your duty diligently to ensure that, for the perpetual memory of the act performed, the aforesaid document is faithfully transcribed into a book wholly distinct from the other book in which publicly contracted Marriages are recorded. Such a book, suitably bound for secret Marriages, closed and sealed with seals, is to be cautiously kept in your episcopal chancery. And you shall permit it to be unsealed and opened, with your permission being given, only in the case in which other Marriages of this kind must be recorded, or the necessity of administering justice should claim this for itself, or finally persons having a true interest should request some document from it." Etc., Benedict XIV, Constitution *Satis vobis*, 17 November 1741.

On Proof of the Free State

The norms to be observed in this matter are contained in the Constitution *Cum alias* of Clement X, 21 August 1670. Cf. Instruction of the Holy Office, 21 August 1670 and 29 August 1890; *M. E.*, vol. 2,

part 3, p. 163 ff.; vol. 7, part 1, p. 243 ff.; vol. 8, part 1, p. 219 ff.; vol. 12, p. 434 ff.; C. 1363, 1367, 1373–1376; Ferraris, *Supplement*, s.v. *Proceedings in Matrimonial Causes*.

On Marriages of Foreigners

"The orders issued most recently concerning Marriages to be contracted with foreigners provide, among other things, that Ordinaries command each and every parish priest existing in their dioceses not to make publications in their churches for Marriages to be contracted with foreigners unless, after the Ordinary *a quo*, or his vicar general, has been informed, they are first bound to bring back an authentic attestation that witnesses have been examined for such a Matrimony in their tribunal who prove the free state of those wishing to contract. Hence it is asked:

"1. Are those from neighboring dioceses also bound to make such proofs, or does the attestation of the banns made in their dioceses, with the authentication of the Ordinary, and proof of their state after departure from that diocese suffice?—Response. Persons of this kind are regarded as foreigners and consequently are bound to make the proofs.

"2. Likewise, are those wishing to contract who dwell at the borders of their dioceses and, because of proximity, are known by their rectors, bound to make the same proofs; or do proofs to be made by the rectors themselves suffice?—Response. They also are bound to make the proofs.

"3. Are those who, having departed from their own diocese before marriageable age, betook themselves to another and thereafter always dwelt in it, bound to make the same proofs?—Response. Those who were not outside the diocese during the time at which they were capable of contracting are not bound.

"4. In a city in which Spanish, Teutonic, and German soldiers, and soldiers of other distant nations, are accustomed to reside, is the same thing to be observed with them; or does it suffice to receive proofs concerning their state in that city from witnesses of their own regions who are informed about the matter?—Response. They are bound to make the proofs according to the form of the Instruction, because they more easily commit polygamy.

"5. When notice has been given by the parish priest to the Ordinary of the one wishing to contract, is the attestation of a state of this kind to be brought back by the same parish priest or by the one wishing to contract?—Response. He who wishes to contract Matrimony is bound to bring back the attestation and deliver it to the parish priest, but the parish priest is free to assume a burden of this kind himself.

"6. Are the same proofs to be observed in a case of necessity and by those existing in danger of death who wish to contract in this way?—Response. They are not to be observed at the point of death, within which, namely, there probably is not sufficient time for making the investigations; with this provision also, that if the sick person should happen to recover, the investigations must be made according to the Instruction before they come together.

"7. Is an attestation of the proper Ordinary required for foreigners who for ten years or more have acquired domicile in the place where they are to contract Matrimony, if their free state is proved by trustworthy witnesses both of origin and of domicile?—Response. It is required.

"8. Is the said attestation required for foreigners who married one wife or several, and these, in turn, died in the place where they desire to contract Matrimony, and they themselves did not depart farther from the said place after the death?—Response. It is likewise required." Holy Office, 1819; *M. E.*, vol. 4, part 1, p. 199.

Instruction of the Holy Office, 29 August 1890, to the Eastern Bishops

"So that unity may stand firm in the nuptials of the Christian faithful and nullity may be avoided in contracting them, the Supreme Congregation of the Most Eminent Fathers, General Inquisitors ..., with the authorization of Our Most Holy Lord Leo XIII, commanded the following Instruction to be drawn up and communicated to the Eastern bishops, which, amid the difficulties by which they are pressed on every side, would be of great use and assistance to them for proving the free state of those who desire to be joined in Matrimony.

"1. The free state can be discovered and juridically proved in three ways: 1. by publications to be made in the Church; 2. by documents; 3. by examination of witnesses.

"2. The publications are to be made in the place of domicile or quasi-domicile. It is also expedient that they be made in the place of origin, if the contracting parties dwelt there after attaining the age suitable for contracting Matrimony; and furthermore in places where they stayed for at least ten months, unless they have already established domicile for several years in the place where the Matrimony is to be contracted.

"3. If the examination of witnesses is made in the episcopal city, the vicar general is to preside; if in other places of the diocese, the parish priest. The questions and responses, however, are to be carefully committed to writing, after an oath to tell the truth has first been taken by each witness.

"4. Women also can be admitted to give testimony in this matter; and blood relatives, namely, parents, brothers, sisters, etc., are received in preference to outsiders because they are presumed to be better informed; and citizens in preference to foreigners.

"5. Attestations and other documents which are produced by the parties or concerning the parties are to be furnished with the seal not only of the parish priest, but especially of the Ordinary of that diocese whence they issued. Care must always be taken attentively, however, that the attestations or testimonies identify well and conclusively the persons under consideration.

"6. If, after the free state has been proved, two or three months pass without the Matrimony having been celebrated, a new process regularly ought to be made for this period of time; but, according to the variety of cases, the matter is left to the prudent judgment of the Ordinaries.

"7. If one of the contracting parties is at the point of death, within which there probably is not time to institute the necessary investigations, the prescribed process can be omitted, but in such a way that, if the sick person recovers, the investigations or process must be made before they come together.

"8. If the contracting parties are wanderers, permission to contract is not to be granted unless they demonstrate by documents of their Ordinaries that they are free; but if the attestation of each of the Ordinaries in whose dioceses they stayed for some period of time not exceeding one year cannot be obtained, the Ordinary of the place in which the Matrimony is to be contracted can admit them to a

supplementary oath, only for those places from which an authentic attestation cannot be obtained. Nevertheless, it must always be insisted that the contracting parties bring forward trustworthy witnesses to be examined in the respective places. But if this can be done only with very great difficulty, trustworthy witnesses who conclusively prove the free state during the time of wandering can be admitted in the curia of the place where the Matrimony is contracted; and, if it seems opportune to the Ordinary, the bridegroom also can be admitted to a supplementary oath, provided, however, that he is established to be trustworthy.

"9. But if a doubt concerning the free state of the contracting parties arises either from a Matrimony celebrated by Catholics in the Catholic manner; or from a marriage contracted by heretics or schismatics according to the statutes of the diverse sects and afterwards dissolved by the sentence of such tribunals; or from one contracted between unbelievers which afterwards was rescinded or declared null, the Instruction of this Supreme Congregation of the Holy Roman and Universal Inquisition given on 20 September 1883, article 4, is to be followed.

"10. A witness to be examined is to be admonished concerning the gravity of the oath to be taken in this matter, and thereafter is to be questioned concerning his given name, surname, father, native place, age, condition, and habitation; then whether he is a citizen or a foreigner; and, insofar as he is a foreigner, from what time he has been in the place in which he gives testimony. Whether he approached the examination spontaneously or was summoned. If he says that he approached spontaneously, having been summoned by no one, he is to be dismissed, because he is presumed a liar; if summoned, he is to be asked by whom, or by whom jointly, where, when, how, before whom, and how many times he was summoned, and whether he knows that any impediment exists between those wishing to contract. Whether anything was given, promised, remitted, or offered to him for giving this testimony by those wishing to contract, or by another in their name. Whether he knows those wishing to contract, their disposition, morals, condition, and from what time, in what place, and on what occasion. If he responds negatively, the witness is to be dismissed; but if affirmatively, he is to be asked whether they are citizens or foreigners. If he responds that they are foreigners, permission to contract is to be withheld until their free state, for the time during which they stayed in his diocese, is demonstrated through letters of their Ordinary.

"11. But for proving their free state during the remaining time, namely, up to the time at which they wish to contract, suitable witnesses can be admitted who, if they prove it conclusively by giving the reason for their own knowledge, will make it unnecessary to bring the attestations of the Ordinaries of the places in which those about to contract resided. But if they respond that they are citizens, they are to be asked under which parish they have hitherto dwelt or now dwell; whether they know that either one or both had at some time been joined in Matrimony, or had made profession in some approved religious institute, or had received one of the orders to which the law of celibacy is attached, or were bound by another impediment dissolving Matrimony. If they respond negatively to these questions, they are to be asked the cause of their knowledge, and whether it is at least possible that either one had a wife or husband or another impediment unknown to the witnesses themselves. If they respond affirmatively, the matter is to be suspended unless the contrary is conclusively proved from other witnesses. But if they respond negatively, they are to be asked the cause of their knowledge, from which it will then be possible to gather whether credence is to be given to witnesses of this kind. If they respond that those about to marry had a wife or husband, but that they are dead,

they are to be asked concerning the place and time at which they died and how and whence they know that those persons had been married and that their respective wife or husband is dead. If they respond that the persons died in some hospital, or that they saw them buried in some definite church or cemetery, permission to contract is not to be given unless authentic testimony has first been received from the rector of the hospital in which the aforesaid persons died, or from the rector of the church or cemetery in which their bodies were buried. If, however, testimonies of this kind cannot be obtained, other proofs which can be admitted by common law are not excluded, provided that they are lawful and sufficient. They are furthermore to be asked whether, after the death of either spouse, they passed to second vows; and insofar as the response is negative, whether it could have happened that one of them passed to second vows unknown to the witnesses themselves; and insofar as the response is affirmative, permission is to be withheld until witnesses are produced by whom the negative is conclusively restricted. But if the response is negative, they are to be asked the cause of their knowledge; after this has been weighed, the judge will be able to judge whether permission is to be granted or not."

Supplementary Oath

"I. Whether the bishop is obliged, before the banns, to ascertain by a process of witnesses the freedom of the spouses who contract Matrimony in his diocese, even though they have always had domicile in the same diocese?—Response. Generally speaking, affirmative.

"II. What greater breadth of meaning can be given to the designation of wanderers; and whether it is lawful for the bishop to admit to the oath, in place of the testimonials of the curias and the process concerning witnesses for Marriages to be celebrated in his own diocese, those persons who, although not truly wanderers, nevertheless have been in several different places and declare that they cannot provide witnesses to the curias for the attestations of free state; and, in general, whether they can be treated as wanderers insofar as the required testimonials of freedom cannot be obtained concerning them, by admitting them to the oath with respect to those places from which the testimonials cannot be obtained?—Response. Affirmative, while the indult of admitting to the supplementary oath remains in force, with all the clauses contained in the same indult being observed, and provided that the stay in each place of wandering did not exceed one year.

"III. Whether the testimonial of free state must always be made, besides upon the examination of witnesses, also upon the publications?—Response. Regularly speaking, affirmative, when the stay of the contracting parties was not continuous for several years in the place in which the Matrimony is contracted.

"IV. Whether the part of the Instruction, 'If the contracting parties are wanderers, permission to contract is not to be granted unless they demonstrate by the attestation of their Ordinaries that they are free,' etc., remains without force by reason of the faculty which the Holy See grants for admitting wanderers and soldiers to the supplementary oath; and whether for both the former and the latter, in addition to the supplementary oath, the publications are nevertheless required in the places in which they wandered or performed military service?—Response. The indult of admitting to the supplementary oath has place only when freedom of state cannot otherwise be lawfully proved.

"V. Whether, when witnesses are lacking, or when they are deficient in knowledge of the persons so that they are unable to respond to the questions prescribed by the above-cited Decree, and

particularly to those which are expressed under nos. 9 and 13, as ordinarily happens, the bishop can permit the Matrimony while contenting himself with the publications in those places in which they can be carried out; and, when these also are lacking, whether wholly or partially, whether one can be admitted to the oath and whether this can be accepted as total proof of freedom, or as partial proof with respect to the regions in which neither the publications nor the process of witnesses can be made?—Response. Observance of the Instruction of Clement X, of holy memory, under Thursday, 21 August 1670, with the appended declarations given under Wednesday, 24 February 1847, is to be urged; and it is to be insisted that parish priests diligently inquire from the contracting parties about trustworthy witnesses to be examined in the respective places. If, however, this can be done only with very great difficulty, trustworthy witnesses who conclusively prove freedom of state during the time of wandering can be admitted in the curia of the place where the Matrimony is contracted; and, if it seems opportune to the Ordinary, the bridegroom also can be admitted to the supplementary oath, provided, however, that he is established to be trustworthy. But in particular and more difficult cases, let the Right Reverend Lord Bishop have recourse to the Sacred Congregation. But if the Matrimony is so urgent that there is no time for recourse, let the bishop take care to collect conclusive proofs concerning freedom of state in another manner, as he shall judge expedient.—Rome, 11 January 1865." Holy Office, 30 November 1898.

Today, the faculty of receiving a supplementary oath from wanderers is customarily given by the Holy Office to bishops for two years, with the clause: "which faculty you shall also be able to subdelegate." *M. E.*, vol. 12, p. 435.

On the Time of the Banns

"Can the Ordinary, for a cause, dispense so that the banns may be made while Vespers are being sung, provided that it is on feast days?—Response. He can so dispense for a cause." Sacred Congregation of the Council, 25 October 1586.

"Can the banns of Marriages be made, in the case, on abrogated feast days?—Response. Negative, unless with the permission of the bishop, with the conditions according to the form of the decision of Brno, 5 July 1780, after consultation with His Holiness." In the case of Todi, *Banns of Matrimony*, 19 April 1823. Moreover, the form of the decision of Brno, in addition to a grave cause, requires that "on those days which are not feast days, a frequent concourse of the people to the Church still continues."

"Whether and at what time must the banns and the explanation of the Gospel be made in the case?—Response. Affirmative; as regards the explanation of the Gospel, in the parish Mass; and as regards the banns, in the same Mass or at another hour more frequented by the people." Sacred Congregation of the Council, 20 September 1828.

On Dispensation from Impediments in a Case in Which Recourse to the Apostolic See Is Impossible

"A certain parish priest had sought from his Ordinariate the faculty of dispensing the bridegroom from a double occult impediment of affinity in the first degree, arising from illicit intercourse which the same man had had both with the mother and with the sister of his bride, when all things were already prepared for the nuptials and these could not be deferred without danger of great scandal so

that a dispensation might be obtained from the Apostolic See. The Ordinariate granted the dispensation sought by virtue of the quinquennial faculties. It is asked whether the dispensation is valid or not.—Response. Affirmative; that is, the faculty of dispensing, for the forum of conscience only, in Marriages to be contracted, from the occult impediment of affinity arising from illicit intercourse, when all things are prepared for the nuptials and there is no time for recourse to the Apostolic See, is validly and lawfully exercised, even if the aforesaid impediment is multiple." Sacred Penitentiary, 30 July 1873.

The Lawfulness of Matrimony and of Subsequent Marriages

"...In the seventh place it follows that they condemn nuptials and abhor the procreation of offspring...." The fifteenth dogmatic Letter of Pope Leo to Turibius, Bishop of Astorga, on the errors of the Priscillianists, in which he approves the sixteen chapters of Turibius.

"If anyone shall say or believe that the unions of men which it is lawful to have according to divine law are execrable, let him be anathema." Plenary Council of Spain and Portugal, anathema 16.

"But those who, feigning an appearance of religiosity, condemn the Sacrament of the Lord's Body and Blood, the Baptism of children, the priesthood and other ecclesiastical orders, and the bonds of lawful nuptials, we drive from the Church of God and condemn as heretics, and we command that they be restrained by the secular powers. We also bind their defenders with the bond of the same condemnation." Second Lateran Council, year 1139, canon 23.

This canon is against Peter of Bruys and Arnold of Brescia, and it was taken word for word from the Council of Toulouse held in the year 1119 in the presence of Callistus II [printed: Callistus III].

Lucius III, chapter *To Abolish*, 9, *On Heretics*, numbers among these those who think otherwise concerning Matrimony and the other sacraments and teach otherwise than the Holy Roman Church.

"We do not deny, according to the Apostle, that carnal unions are to be contracted, but we altogether prohibit those duly contracted from being sundered. We also believe and confess that a man can be saved with his spouse, nor do we condemn second and subsequent Marriages." Profession of Faith of the Waldensians prescribed by Innocent III.

"Concerning Matrimony, [the Roman Church] holds that neither is one man permitted to have several wives at the same time, nor one woman several husbands. But when a lawful Matrimony has been dissolved by the death of the other spouse, she says that second and then third nuptials in succession are lawful, provided that no other canonical impediment stands in the way from some cause." Confession of Faith of Michael Palaeologus.

Marriage Presumed by Law Is Abolished

"Mutual consent, whence just Marriages arise, can be manifested and declared not only by words but also by other outward signs. Therefore Alexander III (chapter *Coming*, *On Betrothals*), Innocent III (chapter *You to Us*, same title), and Gregory IX (chapter *He Who Gave His Pledge*, same title), Our Predecessors, deservedly decreed that carnal intercourse, if certain and valid betrothals for the future had preceded, was to be regarded as a true Marriage both in judgment and outside judgment, unless a canonical impediment stood in the way. And they willed that so much force should reside in this presumption of law that it would establish and sanction a firm right and would admit no proof

whatsoever to the contrary. Then, however, clandestine Marriages—that is, those entered into without the parish priest and two or three witnesses—when the Council of Trent (session 24, chapter 1, *On the Reformation of Matrimony*) had commanded that they be invalid and void, that ancient law, as was necessary, ceased to have force wherever the Tridentine law was promulgated or received by custom and usage. But in those places in which that law is not in force, it was always the judgment of the Apostolic See that the canons which We have indicated remained ratified and firm. Yet, in the course of the ages, they gradually passed out of the consciousness and knowledge of Christians. For several bishops from those regions in which clandestine Marriages, although unlawfully entered into, are nevertheless judged valid, when asked not long ago what the people seemed to think concerning this matter, reported plainly that the canonical discipline concerning presumed Marriages had everywhere fallen into disuse, effaced by desuetude and oblivion; that, consequently, it hardly, or scarcely ever, happens that intercourse between betrothed persons is regarded as proceeding from marital rather than fornicatory affection; and that, in the common opinion of men, it is regarded not as the exercise of legitimate Matrimony but as the sin of fornication; indeed, that the people can scarcely be persuaded that betrothals for the future pass into Matrimony through carnal union.

"Therefore, for these reasons and causes, by the counsel of Our Venerable Brethren, the Cardinals of the Holy Roman Church who are General Inquisitors in matters of faith, by this Our Decree We repeal and abolish the above-mentioned canons and any other provisions whatsoever of canon law concerning this matter, even those worthy of special mention; and We will that they be regarded as abolished and repealed, just as if they had never been issued.

"At the same time, by these Our Letters We decree and command that henceforth, in those places in which clandestine unions are held to be valid, carnal intercourse supervening upon betrothals shall no longer, by presumption of law, be judged to be a conjugal contract, nor be recognized or declared to be a legitimate Marriage by any ecclesiastical judges before whose forum matrimonial causes of this kind may happen to be tried and adjudged. Nevertheless, by the authority of this Decree We do not will to introduce the necessity of observing the Tridentine form for the validity of Matrimony where that form is not now in force.

"Given at Rome, at Saint Peter's, on 15 February 1892, in the fourteenth year of Our Pontificate." Leo XIII, Pope.

The Consent of the Contracting Parties Is Required and Suffices

"According to the laws, the consent alone of those whose union is in question suffices; and if this consent alone should happen to be lacking in the nuptials, all the other things performed, even together with intercourse itself, are rendered fruitless." Nicholas I, from the Responses to the Consultations of the Bulgarians, chapter 3.

"A firm and valid Matrimony exists whenever nods or ceremonies performed before witnesses, according to the common estimation of the religion, sufficiently express the mutual present consent of the spouses, and when, moreover (if the question concerns places in which the Tridentine law has been published), a missionary cannot conveniently be had. But if the contracting parties, or either one of them, in ceremonies performed according to the custom of the country, truly did not have the intention or will of contracting in the present, the Matrimony is null." Holy Office, 22 August 1860.

"Amalia, an unbaptized Protestant, married Giovanni, a Protestant; during the Marriage, Amalia was baptized in Protestantism and lived with her husband for some time. Subsequently, Amalia learned that Giovanni had illicit relations with a woman; she therefore abandoned him, and after some time obtained from the civil tribunal a divorce *on the ground of adultery* on the part of the husband. Now Amalia asks permission to contract a second Marriage with a Catholic.

"It should be noted that Protestants do not know that a Marriage between a baptized man and an unbaptized woman is null.

"These things having been stated, the Archbishop N. N., prostrate at the feet of Your Holiness, humbly asks:

"Given the ignorance of the nullity of the Marriage on the ground of disparity of worship, did the marital life of Amalia with Giovanni revalidate the Marriage after Amalia's baptism?

"Response. After an oath has first been taken by Amalia in the Curia of N. N., by which she declares that the Marriage contracted with Giovanni, after the baptism of Amalia herself, was not ratified by them with knowledge of its nullity, in a place where clandestine or mixed Marriages are held valid, and provided that the Most Reverend Lord Archbishop is morally certain concerning the asserted ignorance of the spouses about the impediment of disparity of worship, let a document of freedom on the ground of disparity of worship be given to the woman." Holy Office, 8 March 1899.

Consent Alone, Declared by Some Sign, Suffices

"You consulted Us as to whether one who is mute and deaf can be joined matrimonially to another. To this We respond in this manner: since the edict concerning contracting Matrimony is prohibitory, so that anyone who is not prohibited is consequently admitted, and since the consent alone of those whose union is in question suffices, it appears that, if such a person wishes to contract, it cannot or ought not to be denied him, since he is able to declare by signs that which he cannot declare by words." Chapter *Cum apud*, 23, *On Betrothals and Matrimony*. The same is established in chapter *Tuae fraternitati*, 25, same title.

Matrimony with a Base Condition

"If conditions contrary to the substance of Matrimony are inserted—for example, if one says to the other: I contract with you if you avoid the generation of offspring, or until I find another richer in honor or possessions, or if you hand yourself over to adultery for gain—the contract of Matrimony, however favorable it may be, lacks effect. But other conditions appended to Matrimony, if they are base or impossible, ought, in favor of Matrimony, to be regarded as not appended." Gregory IX, chapter *Si conditiones*, 7, *On Conditions*, etc.

The Holy Office, in response to the doubt of the Bishop of Bosnia, "Whether a Matrimony contracted between a Catholic woman and a schismatic with the intention of violating or dissolving the Matrimony is valid," on 2 December 1680, responded: "If those things have been reduced to a pact, or the Marriages have been contracted with that condition, they are null; if otherwise, they are valid." The same Congregation, by a solemn decision on 1 August 1748, declared two Marriages contracted in Transylvania between Calvinists under the condition, "as long as you remain in conjugal honor,"

or, "if you preserve the fidelity of the marriage bed," to be entirely null. Thus likewise several times elsewhere. Cf. *A. S. S.*, vol. 23, p. 711 ff.; C. 128.

"Marriages entered into merely with the error of the contracting parties that the bond of a consummated Marriage can be dissolved in the case of adultery or for other causes are valid. But if they were entered into under this express condition, they are to be regarded as invalid." Holy Office, 11 March 1868; 18 December 1872.

On the Contract and Sacrament of Matrimony

"We say nothing concerning that other decree in which, with the mystery, dignity, and sanctity of the Sacrament of Matrimony wholly despised, its institution and nature altogether ignored and overturned, and the power of the Church over this same Sacrament utterly spurned, it was proposed —according to the already condemned errors of heretics and contrary to the doctrine of the Catholic Church—that Matrimony should be regarded as merely a civil contract, that divorce properly so called should be sanctioned in various cases, and that all matrimonial causes should be brought before lay tribunals and judged by them; since no Catholic is ignorant, or can be ignorant, that Matrimony is truly and properly one of the seven sacraments of the evangelical law instituted by Christ the Lord, and that consequently among the faithful there can be no Matrimony without its being at one and the same time a Sacrament; and that therefore any other union between a Christian man and woman apart from the Sacrament, even one made by force of any civil law whatsoever, is nothing other than a shameful and deadly concubinage so greatly condemned by the Church; and that consequently the Sacrament can never be separated from the conjugal covenant, and it belongs entirely to the power of the Church to decree all those things which can in any way pertain to this same Matrimony." Pius IX, Allocution delivered in Secret Consistory, 27 September 1852.

"The Sacrament of Matrimony is only something accessory to the contract and separable from it, and the Sacrament itself consists solely in the nuptial blessing." Proposition 16 of the *Syllabus*, condemned by Pius IX.

The Church Alone Can Establish Impediments Which Render Matrimony Null

"Since Matrimony is sacred by its own force, its own nature, and of itself, it is fitting that it be governed and regulated not by the command of rulers but by the divine authority of the Church, which alone possesses the magisterium of sacred things. Next, the dignity of the Sacrament must be considered, by whose accession the Marriages of Christians became exceedingly noble. But concerning a Sacrament, the Church alone, by the will of Christ, can and ought to establish and command, so that it is plainly absurd to will that even the smallest part of her power be transferred to the governors of the civil commonwealth." Leo XIII, Encyclical *Arcanum*, 10 February 1880.

On the Civil Power with Respect to Betrothals, Matrimony, and the Impediments of Matrimony

"58. The proposition which establishes that betrothals properly so called contain a merely civil act which disposes toward the celebration of Matrimony, and that they are wholly subject to the prescription of civil laws; as though an act disposing toward a Sacrament were not, under this aspect,

subject to the law of the Church: false; injurious to the right of the Church with respect also to the effects flowing from betrothals by force of canonical sanctions; derogatory to the discipline established by the Church.

"59. The doctrine of the Synod asserting that it belongs originally to the supreme civil power alone to append to the contract of Matrimony impediments of that kind which render it null and are called dissolving impediments; which original right, moreover, is said to be essentially connected with the right of dispensing; adding that, with the assent or connivance of rulers presupposed, the Church could justly establish impediments dissolving the contract of Matrimony itself; as though the Church had not always been able, and were not still able, by her own right to establish impediments in the Marriages of Christians which not only impede Matrimony but also render it null as regards the bond, by which Christians are held bound even in the lands of infidels, and to dispense in those same impediments: subversive of canons 3, 4, 9, and 12 of session 24 of the Council of Trent; heretical.

"60. Likewise, the petition of the Synod to the civil power that it remove from the number of impediments spiritual kinship and that which is called public propriety, whose origin is found in the collection of Justinian; and then that it restrict the impediment of affinity and consanguinity arising from any licit or illicit union whatsoever to the fourth degree according to civil computation through the collateral and oblique line, yet in such manner that no hope is left of obtaining a dispensation; insofar as it attributes to the civil power the right either to abolish or to restrict impediments established or approved by the authority of the Church; likewise, insofar as it supposes that the Church can be stripped by the civil power of her right of dispensing in impediments established or approved by herself: subversive of the liberty and power of the Church; contrary to Trent; proceeding from the heretical principle condemned above." Propositions of the Synod of Pistoia condemned by Pius VI.

"68. The Church does not have the power of introducing impediments which render Matrimony null; but that power belongs to the civil authority, by which existing impediments are to be removed.—69. In later centuries the Church began to introduce dissolving impediments, not by her own right, but by using that right which she had borrowed from the civil power.—70. The Tridentine canons which inflict the censure of anathema upon those who dare to deny to the Church the faculty of introducing dissolving impediments either are not dogmatic or are to be understood of this borrowed power." Propositions of the *Syllabus* condemned by Pius IX.

On Civil Marriage

"...But in carrying out the commands of the Holy Father, this Sacred Penitentiary thinks it superfluous to recall to the mind of each person that which is a most well-known dogma of our most holy religion, namely, that Matrimony is one of the seven sacraments instituted by Christ the Lord, and that consequently its governance belongs exclusively to the Church herself, to whom the same Christ committed the dispensation of His divine mysteries; and it likewise thinks it superfluous to recall to the mind of each person the form prescribed by the holy Synod of Trent, session 24, chapter 1, *On the Reformation of Matrimony*, without the observance of which, in places where it was promulgated, Matrimony could by no means be validly contracted.

"3. But from these and other axioms and Catholic doctrines, pastors of souls ought to fashion practical instructions by which they may also persuade the faithful of that which our Most Holy Lord

proclaimed in Secret Consistory on 27 September 1852, namely: Among the faithful there can be no Matrimony without its being at one and the same time a Sacrament; and that therefore any other union between a Christian man and woman apart from the Sacrament, even one made by force of civil law, is nothing other than a shameful and deadly concubinage.

"And from this they will easily be able to deduce that the civil act can in no manner be regarded before God and His Church, not merely as a Sacrament, but not even as a contract; and that, just as the civil power is incapable of binding any of the faithful in Matrimony, so also it is incapable of dissolving it. Therefore, as this Sacred Penitentiary has already declared elsewhere in several responses to particular doubts, every sentence of separation between spouses joined by a legitimate Marriage before the Church, pronounced by the lay power, is of no value; and a spouse who, abusing a sentence of this kind, should dare to unite himself to another person would be a true adulterer, just as he would be a true concubinarian who should presume to persist in Matrimony by force of the civil act alone; and both would be unworthy of absolution until they repent and, subjecting themselves to the prescriptions of the Church, are converted to penance.

"Although, moreover, a true Marriage of the faithful is contracted only when a man and a woman free from impediments manifest their mutual consent before the parish priest and witnesses, according to the cited form of the holy Council of Trent, and a Marriage thus contracted obtains all its force, nor is it necessary that it be held ratified or confirmed by the civil power, nevertheless, in order to avoid harassments and penalties, and for the good of the offspring—who otherwise would by no means be regarded as legitimate by the lay power—and also to avert the danger of polygamy, it seems opportune and expedient that the same faithful, after they have legitimately contracted Matrimony before the Church, present themselves to carry out the act decreed by law, yet with this intention (as Benedict XIV teaches in the Brief *Redditae sunt Nobis* of 17 September 1746), that in presenting themselves to an official of the government they do nothing other than carry out a civil ceremony.

"For the same reasons—but by no means in order to cooperate in the execution of the baneful law—parish priests should not easily and indiscriminately admit to the celebration of Matrimony before the Church those faithful who, because they are barred by law, would not afterwards be admitted to the civil act and consequently would not be regarded as legitimate spouses. In this matter they must employ much caution and prudence and seek the counsel of the Ordinary; and let him not be ready to give his assent, but in graver cases let him consult this sacred tribunal.

"But if it is opportune and expedient that the faithful, presenting themselves to perform the civil act, show themselves to be legitimate spouses before the law, nevertheless they ought by no means to perform this act before they have celebrated Matrimony before the Church. And if some coercion or absolute necessity—which is not to be admitted easily—should be the cause of inverting this order, then every diligence is to be employed so that Matrimony may be contracted before the Church as soon as possible and that, in the meantime, the contracting parties remain separated. Concerning this matter, this Sacred Penitentiary exhorts everyone to follow and hold the doctrine expounded by Benedict XIV in the Brief mentioned above, to which both Pius VI, in his Brief *Laudabilem Maiorum suorum*, given to the bishops of France on 20 September 1791, and Pius VII, in his Letters given to the bishops of Picenum on 11 June 1808, referred those same bishops for the sake of instruction when they had requested norms by which to direct the faithful in a similar contingency of the civil act. After all these things, it is easy to see that the practice hitherto observed concerning Matrimony, and

especially concerning parish books, betrothals, and matrimonial impediments of every nature, whether established or admitted by the Church, is in no way altered." Instruction of the Sacred Penitentiary, 15 January 1866.

The Nuptial Blessing

The nuptial blessing consists in the prayers which are found in the Missal: *Be propitious, O Lord*, etc., and *O God, Who by Thy power*, etc., to be said before *Deliver us*, etc.; and also *God of Abraham*, etc., to be said before the blessing. This nuptial blessing cannot be separated from the Mass, so that it cannot be imparted outside it. Sacred Congregation of Rites, 9 May 1893, Roman, responses to 3 and 4.

"The nuptial blessing which the Missal gives in the Mass for bridegroom and bride is always to be imparted in the Matrimony of Catholics, but within the celebration of Mass, according to the Rubrics, and outside the forbidden time, to all those spouses who, in contracting Matrimony, did not obtain it for any cause whatsoever, even if they ask for it after they have already lived in Matrimony for a long time, provided that the woman, if a widow, did not receive this blessing in other nuptials.—Moreover, those same Catholic spouses who did not obtain the blessing of their Marriage are to be exhorted to seek it at the first opportunity. But it is to be explained to them, especially if they are neophytes or contracted validly before conversion, that the blessing pertains to the rite and solemnity, but not to the substance and validity of the union." Holy Office, 31 August 1881, General Decree.

"The Holy See exhorts the faithful to have supplied the parish priest's nuptial blessing in Marriages celebrated clandestinely. It is asked whether only the solemn blessing which is found in the Missal is intended, or also the blessing of the ring?—Response. Affirmative in all respects." Sacred Congregation for the Propagation of the Faith, 20 February 1801.

"When the Vicar Apostolic of Sichuan asked that the response of the Sacred Congregation concerning the blessing to be supplied in clandestine Marriages be explained more clearly, the Sacred Congregation for the Propagation of the Faith responded that the blessing is to be given in all things and in every respect according to the form of the Roman Ritual, namely, also with the blessing of the ring." Sacred Congregation for the Propagation of the Faith, 27 January 1805.

"1. Whether the prohibition of nuptials during the time of Advent and Lent is to be understood only of the Mass for the spouses and of the prayers placed in the Missal for the blessing of those marrying; or whether it also extends to the Marriage itself, which is celebrated with only the ceremonies and prayers that are found in the Ritual? 2. Whether, when the bishop grants permission to contract Matrimony during the times forbidden by the holy Council of Trent, the blessing of the spouses by the prayers and orations contained in the Mass for the spouses is also judged to be permitted? And insofar as the response is negative, whether the bishop can grant that faculty in a case?—Response. To 1: Affirmative to the first part; negative to the second, provided the bishop's permission is present. To 2: Negative in all respects." Sacred Congregation of Rites, 14 August 1858, Monte Albano.

"When several couples are joined at the same time, after the consent of each has first been received and each Marriage has been duly celebrated, and after the parish priest has said for each the form, *I join you in Matrimony*, etc., nothing prevents the blessings of the rings and the other blessings from being made in common by general words." Holy Office, 1 September 1841.

"Whether, in nuptials which are called second nuptials, the blessing of the ring is to be omitted?—Response. Negative." Sacred Congregation of Rites, 27 August 1836, Rennes, response to 2.

Mass for the Spouses

"In the celebration of nuptials, outside a Sunday or another feast day of precept, or a day on which a double of the first or second class occurs, the Mass for bridegroom and bride, specially assigned at the end of the Missal after the other votive Masses, is to be said. But on Sundays and other feast days of precept, and also on days which exclude doubles, the Mass of the day is to be said with a commemoration of the Mass for bridegroom and bride, even on feasts of the first class, under a separate conclusion and in the first place after the other obligatory commemorations, if any are to be made.

"The Mass for the spouses, and in it the nuptial blessing, can be celebrated even in a case in which the spouses do not receive Holy Communion within this Mass.

"The same Mass, since it is a private votive Mass, is always to be celebrated, even if it is sung, without the *Glory be to God on high* and without the *Creed*, and with three prayers: namely, 1. the proper prayer of that votive Mass itself; 2. and 3. those of the occurring day, as in the Rubrics, title 7, no. 3, *On Commemorations*; and likewise at the end, *Let us bless the Lord*, and the Last Gospel of Saint John.

"But during forbidden times, nuptials can indeed be celebrated with the permission of the bishop, but without solemnity, and therefore privately, with the Mass and blessing omitted. Nor, during those same times, can a commemoration for the spouses be made in the occurring Mass.

"Yet, by virtue of the General Decree of the Sacred Roman and Universal Inquisition given on 31 August 1881, the nuptial blessing is to be imparted outside the forbidden time to those spouses who did not obtain it for any cause whatsoever, and the Mass for bridegroom and bride is to be celebrated at the same time, on the days prescribed above.

"For the nuptial blessing placed in the Missal, if the spouses have requested it (otherwise they are not to be compelled to it, although they are to be duly exhorted), can never be separated from the Mass for bridegroom and bride itself, but must altogether be given within it.

"It is nevertheless to be noted that, if the woman is a widow and was blessed on another occasion, both the nuptial blessing and the proper Mass for bridegroom and bride are to be omitted.

"Notwithstanding any particular Decrees whatsoever to the contrary, which the Sacred Congregation of Rites declares by this General Decree to be revoked and to be regarded as of no force." Sacred Congregation of Rites, 30 June 1896, General Decree.

A priest is not bound to apply the Mass for the spouses unless he receives an alms from them. Holy Office, 1 September 1841.

"Whether the priest who blesses a Marriage, although he does not receive the alms, is obliged at the proper times to say the votive Mass designated for this purpose, or can say the Mass of the occurring Saint, adding the collect of that votive Mass.—Response. Let the prescription of the Rubric be observed as regards the kind of Mass, yet in such manner that the celebrant is free in his own mind

to direct the spiritual fruit of the Mass in favor of the one furnishing the alms." Sacred Congregation for the Propagation of the Faith, 10 January 1837.

On the Celebration of Matrimony in a Private House and Oratory

"1. Outside the case of most grave illness in either of the contracting parties, can Matrimony be celebrated in a private house before an altar specially erected for this purpose? 2. Outside the said case, can it be celebrated in private oratories in which Mass is celebrated? 3. Can the nuptial Mass be celebrated in the said oratories?—Response. To 1: Provided for in the following. To 2: It is most fitting that Matrimony in the face of the Church be celebrated in a church. Nevertheless, it is not forbidden to local Ordinaries, if no danger threatens and praiseworthy causes concur, sometimes to permit it, according to their prudence, to be celebrated in private oratories in which Mass may be celebrated. To 3: Affirmative, the Rubrics being observed." Sacred Congregation of Rites, 31 August 1872, Barcelona.

Marriages of Freemasons

"How is one to proceed when a member of the sect of Freemasons refuses to repudiate it and is joined in Matrimony with a Catholic woman? Can such a Marriage be blessed?

"Response. Let the decree already issued for a similar case on 28 June 1865 be given; it is of the following tenor: 'As regards Marriages in which one of the contracting parties adheres to secret societies condemned by the Pontifical Constitutions, provided scandal is absent, the Ordinary, account being taken of the circumstances in particular cases, shall decree those things which he judges more expedient, every ecclesiastical rite, however, being excluded.'" Holy Office, 23 April 1873.

And concerning the same case, the same Holy Office responded on 21 February 1883: "The celebration of the Sacrifice of the Mass is to be entirely excluded, unless the circumstances require otherwise."

In the report on the state of the Church of Tabasco, submitted to the Sacred Congregation of the Council on 27 November 1897, the following is read under no. 1, *Petition*:

"In these regions it frequently happens that impious men, commonly called freethinkers, desiring to enter into Matrimony with Catholic women, refuse to make a previous confession because, as they explicitly admit, with an unbelieving heart they have rejected faith in the Sacrament of Penance and have denied the whole faith. I ask whether these men, worse than infidels, ought or can be admitted to contracting Matrimony, with great detriment and danger to the Catholic woman and the family.—Response. His Holiness is to be petitioned.—Then, in the Decree of 30 January 1867, His Holiness graciously granted the favor." The cited Decree of 30 January 1867 reads as follows:

"1. What is to be done when a baptized man, but one who professes apostasy from the faith by word and heart and expressly asserts that he does not believe in the Sacraments of the Church, seeks Matrimony before the face of that same Church solely that he may satisfy the desire of the bride?

"2. What if the same man who seeks it is a member of the condemned sect of Masons or a similar sect, and although he has not wholly lost the faith, nevertheless refuses duly to renounce the sect?

"3. What if the same man who requests it has not cast off the faith, but refuses to profess it and to fulfill his Christian duties?

"The response was: To 1. Whenever the question concerns a Marriage between one Catholic party and another party who has so defected from the faith that he has enrolled himself in some false religion or sect, the customary and necessary dispensation is to be sought with the usual and known prescriptions and clauses. But if the question concerns a Marriage between one Catholic party and another who has cast off the faith but has not enrolled himself in any false religion or heretical sect, when the parish priest can in no manner impede a Marriage of this kind (which he is bound to strive with all his strength to do) and prudently fears that grave scandal or harm may arise from the denial of assistance at the Marriage, the matter is to be referred to the Most Reverend Lord Bishop, who, just as the opportune faculty is now granted to him, after examining all the circumstances of the case, will be able to permit the parish priest to be passively present at the Marriage as an authorized witness, provided that the Catholic education of all the offspring and other similar conditions have been wholly guaranteed.

"To 2. The Decree of 28 June 1865 is to be given, which is as follows: As regards Marriages in which one of the contracting parties adheres to secret societies condemned by the Pontifical Constitutions, provided scandal is absent, the Ordinary, account being taken of the circumstances in particular cases, shall decree those things which he judges more expedient.

"To 3. Let him consult approved authors, and especially Benedict XIV, *On the Diocesan Synod*, book 8, chapter 14, no. 5." Holy Office, 25 May 1897. Cf. C. 1863.

"Can the words of the Decree of the Holy Office of 30 January 1867, 'the matter is to be referred to the Most Reverend Lord Bishop, to whom, just as the opportune faculty is now granted,' be extended to all bishops?—Response. Affirmative, after consultation with His Holiness." Holy Office, 11 January 1899; *M. E.*, vol. 11, p. 54.

On Marriages of Protestants among Themselves and Mixed Marriages

"The Bishop of Bardstown explains that many Protestants, without any intention of embracing the Catholic religion, often solicit permission to give consent to contracting Matrimony either before one of his priests or before the bishop himself. It should be noted that in such circumstances the bishop and priests would act not as priests but as civil magistrates, which is permitted by the laws of the commonwealth. He now asks whether it is lawful for himself and his missionaries to preside over such Marriages.

"Response. If the question concerns a Marriage between two heretical parties, although intervention of this kind is not so reprobated that it can never be lawful, nevertheless it is commonly to be discouraged. But if one party is Catholic, after a dispensation has been obtained from the impediment of mixed religion and the usual clauses and conditions have been observed, it is lawful." Holy Office, 20 December 1837.

"With what rite shall a priest assist at Marriages in which one party is non-Catholic? Is it lawful to pronounce the form, say the prayers, and bless the ring of the heretical bride?—Response. Negative." Holy Office, 1 August 1821.

The Blessing of a Woman after Childbirth

"The Sacred Congregation of Rites decrees that the blessing of a woman after childbirth ought to be given by the parish priest if he himself has been requested, but can be given by any priest if he likewise has been requested, in any church or public oratory, the superior of the church having been informed." Sacred Congregation of Rites, 13 June 1893, Roman.

"Whether, by force of the decree given by the Sacred Congregation of Rites itself on 12 September 1857, in the case of Moulins, response to 17, it is lawful to impart the blessing of a woman after childbirth, according to the Roman Ritual, to a woman in childbed whose offspring died without Baptism; or whether that blessing is to be withheld?—Response. The blessing is not to be denied." Sacred Congregation of Rites, 19 May 1895, Vicenza.

"The blessing after childbirth is not to be denied to a woman who seeks it because her offspring from a legitimate mixed Marriage was baptized among heretics, unless it is established that she consented or did not oppose it to the best of her ability." Holy Office, 18 June 1873.

"Response. Only women who have given birth from a legitimate Marriage have a right to the blessing after childbirth." Sacred Congregation of the Council, 18 June 1859.

The Unity of Matrimony.

Cf. nos. 919, 957, 979.

The Bond of Matrimony Is Indissoluble

"And among other things, do not omit continually and accurately to hand down and inculcate to the faithful committed to your vigilance the doctrine of the Catholic Church concerning the Sacrament of Matrimony and concerning the indissoluble bond of Matrimony. For none of you is unaware that, according to the doctrine of the Catholic Church, a ratified Marriage of the faithful before consummation can be dissolved by the solemn profession of either spouse in some approved religious institute, or by a canonical dispensation which can be granted only by the Roman Pontiff and which is granted most rarely and only for the gravest causes. And you also know very well that the same Church, according to evangelical and Apostolic doctrine, clearly teaches that the bond of Matrimony can never be dissolved on account of the adultery of either spouse, or on account of heresy, or troublesome cohabitation, or affected absence from a spouse, but remains perpetually firm and indissoluble according to the very well-known pronouncement of inspired Adam, the oracle of Christ the Lord, the words of the Apostle, and the tradition of the Church, all of which you know very well. Indeed, this perpetual and indissoluble firmness of the matrimonial bond, not flowing from ecclesiastical discipline, is so great in a consummated Marriage both by divine and by natural law that it can never be dissolved for any cause, not even by the Roman Pontiff himself, even if conjugal fidelity is broken by the adultery of either spouse." Pius IX, Letter *Verbis exprimere* to the Archbishop of Făgăraș and Alba Iulia and the Suffragan Bishops, 15 August 1859.

"67. By the law of nature the bond of Matrimony is not indissoluble; in various cases divorce properly so called can be sanctioned by civil authority." Proposition of the *Syllabus* condemned by Pius IX.

Marriages Dissolved by Protestants

"Marriages of Protestants dissolved by Protestant consistories cannot be regarded as dissolved; a sentence of non-Catholic assemblies, by which especially the nullity of Marriages is declared and the dissolution of their bond is intended to be effected, can obtain no force and absolutely no effect before the Church.

"The party released cannot be joined to a Catholic in Matrimony.

"Parish priests cannot approve such nuptials by their presence and confirm them by their blessing.

"Catholic spouses who, by the authority of a non-Catholic consistory alone, having shaken off the bond of the prior Marriage, have hastened to second nuptials before a non-Catholic minister, can be admitted to participation in the Sacraments if, repenting of the crime committed, they humbly seek pardon and produce true fruits of penance, the first of which must be that they separate from the second spouse if the first is still living." Pius VII, Brief of 8 October 1803 to Karl Theodor von Dalberg, Archbishop of Mainz; C. 1286.

Matrimony Is Dissolved by Religious Profession

"After legitimate present consent, it is lawful for either party, even against the opposition of the other, to choose a monastery (as certain saints were called from their nuptials), provided that carnal intercourse has not occurred between them; and it is lawful for the other who remains, if, after being admonished, he is unwilling to observe continence, to pass to second vows. For since they had not been made one flesh together, one can very well pass to God and the other remain in the world." Chapter *Verum*, 2, *On the Conversion of Married Persons*.

"...Moreover, because, although the woman M. was espoused to the aforesaid man A., nevertheless, as she asserts, she is still unknown carnally by him, We command that, if the aforesaid man has not known her carnally and she wishes to pass to the religious life, after sufficient caution has been received from her that within the space of two months she must either pass to the religious life or return to her husband, you absolve her from the sentence of excommunication by which she is bound; but if each passes to the religious life, let each restore to the other what he or she is known to have received from the other. Certainly, that which the Lord says in the Gospel, that it is not lawful for a man to dismiss his wife except on account of fornication, is to be understood, according to the interpretation of the sacred utterance, of those whose Marriage has been consummated by carnal intercourse, without which it cannot be consummated." Chapter *Ex publico*, 7, same title. Cf. chapter *Ex parte*, 14, same title, where it is established that Matrimony is dissolved by religious profession, not by a resolve to observe chastity in the world.

A Spouse Converted to the Faith Is Free If the Unbelieving Spouse Refuses to Cohabit; but a Faithful Spouse Is Not Free If the Other Spouse Falls into Heresy or Paganism

"Your Fraternity intimated that, when one spouse passes into heresy, the one who is left desires to hasten to second vows; and by your letters you led Us to be consulted as to whether this can be done. Therefore, responding to your consultation, We distinguish—although Our Predecessor indeed seems to have thought otherwise—whether one of two unbelievers is converted to the Catholic faith, or one

of two faithful persons lapses into heresy or falls into the error of paganism. For if one of the unbelieving spouses is converted to the Catholic faith, while the other either is altogether unwilling to cohabit with the convert, or is willing to do so only with blasphemy of the divine name, or so as to draw the convert into mortal sin, the one who is left will pass, if willing, to second vows; and in this case We understand that which the Apostle says: 'If the unbeliever departs, let him depart; for a brother or sister is not subject to servitude in such circumstances.' And likewise the canon in which it is said: 'An insult to the Creator dissolves the law of Matrimony with regard to the one who is left.' But if one of the faithful spouses either lapses into heresy or passes into the error of paganism, We do not believe that in this case the one who is left can hasten to second nuptials while the other is living, although in this case a greater insult to the Creator appears. For although a true Marriage exists between unbelievers, it is nevertheless not ratified; but among the faithful it exists as true and ratified, because the Sacrament of faith, once received, is never lost, but makes the Sacrament of Matrimony ratified, so that it endures for the spouses while that Sacrament endures." Chapter *Quanto*, 7, *On Divorces*.

Baptism Does Not Dissolve Marriages of Unbelievers Contracted within Degrees Prohibited by the Church While They Were in Unbelief; an Unbelieving Spouse Converted to the Faith Is Bound to Receive the Unbelieving Spouse Who Has Been Converted, Etc.

"You sought to be instructed by an Apostolic writing whether pagans who take as wives women related to them in the second, third, or a more remote degree ought, thus joined, to remain together after their conversion or to be separated from one another. Concerning this We respond altogether that, since the Sacrament of Matrimony exists among the faithful and unbelievers, as the Apostle shows when he says, 'If any brother has an unbelieving wife, and she consents to dwell with him, let him not dismiss her'; and since a Marriage in the aforesaid degrees was lawfully contracted by pagans so far as concerns them, who are not bound by canonical constitutions ('For what is it to us,' according to the same Apostle, 'to judge those who are outside?'), especially in favor of the Christian religion and faith—from the reception of which men can easily be called back because they fear being abandoned by their wives—the faithful who were joined matrimonially in this manner can freely and lawfully remain united, since Marriages are not dissolved by the Sacrament of Baptism, but crimes are forgiven. But because pagans, with regard to several women at the same time divide conjugal affection, it is not undeservedly doubted whether after conversion they can retain all of them, or which one from among all. But this seems absurd and inimical to the Christian faith, since from the beginning one rib was changed into one woman; and divine Scripture testifies that for this reason a man shall leave father and mother and shall cleave to his wife, and they shall be two in one flesh: it did not say three or more, but two; nor did it say that he shall cleave to wives, but to a wife. Nor was it ever lawful for anyone to have several wives at the same time, unless it was granted to him by divine revelation, which is sometimes reckoned as custom and at times even as divine right; by which, just as Jacob is excused from falsehood, the Israelites from theft, and Samson from homicide, so also the patriarchs and other just men, who are read to have had several wives at the same time, are excused from adultery. Certainly this truthful judgment is proved also by the testimony of the Truth, Who testifies in the Gospel: 'Whoever dismisses his wife, except on account of fornication, and marries another commits adultery' [the printed text omits "except"]. Therefore, if another cannot by law be married after the wife has been dismissed, much less while she is retained; from

which it plainly appears that plurality in either sex is to be reproved, since they are not judged by unequal standards concerning Matrimony. But he who, according to his rite, repudiated his legitimate wife, since the Truth in the Gospel has reproved such repudiation, will never be able lawfully to have another while she lives, even after being converted to the faith of Christ, unless after his conversion she refuses to cohabit with him, or, even if she consents, does not consent without insult to the Creator or without drawing him into mortal sin. In this case, restitution would be denied to her if she sought it, although unjust dispossession were established, because, according to the Apostle, a brother or sister is not subject to servitude in circumstances of this kind. But if she follows him when he is converted to the faith and she too is converted, before he takes a legitimate wife for the aforesaid causes, he will be compelled to receive her. Moreover, although according to evangelical truth he who marries a dismissed woman commits adultery, nevertheless the one who dismissed her will not be able to object to the dismissed woman that she committed fornication because she married another after the repudiation, unless she had committed fornication otherwise." Chapter *Gaudemus*, 8, *On Divorces*.

The Pauline Privilege after Renewal of Consent

The Pauline privilege persists even if, after the conversion of either spouse, consent is renewed. Holy Office, 20 September 1848, Vicar Apostolic of New Zealand; Zitelli, p. 120.

On the Necessity of Interpellating the Unbelieving Spouse

"1. Whether, for the purpose of dissolving a Marriage according to the privilege in favor of the faith granted by Christ the Lord and promulgated by the Apostle, the interpellation of the party persevering in unbelief is of divine law and therefore so necessary that, if it is neglected, there is plainly no place for dissolving the Marriage? Or does it pertain only to the judicial form and is required only that the dissolution be made lawfully, especially when it is otherwise established by morally certain indications that the other spouse wishes neither to embrace the faith nor to cohabit without insult to the Creator?

"2. Supposing that the first part is answered affirmatively, it is asked whether the inquiry concerning embracing religion alone suffices, namely, whether the party remaining in unbelief wishes to be converted or not, as some of the missionaries, relying upon the authority of Thomas Sánchez, think; or whether rather the interpellation as to whether the party persevering in unbelief at least consents to cohabit without insult to the Creator is also essential and absolutely required, so that, if it is omitted, the Marriage can be dissolved not only unlawfully but also invalidly?

"3. Whether the solemn expulsion of a wife effected by her husband, namely, by giving a writ of repudiation before the leading men of the village according to the laws of the kingdom, can take the place of an interpellation and be regarded as such, since it is most certainly established concerning the will of that husband, namely, that henceforth he by no means wishes to have the aforesaid woman as wife; or whether rather, no account being taken of the repudiation, even in those circumstances the twofold interpellation prescribed in law is required for the validity of the dissolution of the Marriage?

"4. It is asked how the missionary ought to conduct himself toward an unbelieving woman who, without any cause of adultery, was repudiated by her husband, likewise an unbeliever, who married

another, when she asks to be baptized and there is a suspicion whether she is disposed in soul to return to her husband if perhaps he should afterwards recall her and consent to cohabit without insult to the Creator. Ought he first to question her concerning this matter and meanwhile defer Baptism until she is better disposed, even with danger of dying without Baptism? But what if she consents, though only with this condition, namely, when the concubine shall have been expelled?

"5. It is asked whether adultery gives unbelieving spouses, as it does Christians, an occasion for effecting a perpetual divorce, so that it is entirely open to the innocent party, when washed in the sacred font, either to bid farewell to the world or to pass life in the state of widowhood, although the other party wishes to be reconciled and to cohabit without insult to the Creator?

"6. When an unbelieving husband indeed permits his wife, already washed in the waters of sacred Baptism, to observe her religion and does not formally command anything that is a mortal sin, but so importunately entices her in the use of Matrimony to many grave things contrary to conjugal chastity that the woman is always in grave danger of sinning mortally, it is asked whether, in this case, the aforesaid woman can leave him and pass to other vows. But what if the danger comes not from the other spouse, but from others who are in the same house, for example, from a father-in-law who solicits his daughter-in-law to incest, or from a mother-in-law who is a most quarrelsome woman and most addicted to superstitions?

"Response. To 1: There is no place for dissolution of a Marriage contracted in unbelief, in the case in question, unless an interpellation has first been made, or unless, for legitimate causes, an Apostolic dispensation from the interpellation has been obtained.

"To 2: The unbelieving spouse is to be interpellated not only as to whether he wishes to be converted, but also, in the event that he does not wish to be converted, whether he wishes to cohabit with the faithful spouse without insult to the Creator, according to the provision of Innocent III, chapter *Quanto*, *On Divorces*.

"To 3: The interpellation is to be made even in the case in question, if it can be made; otherwise recourse is to be had to the Apostolic See in order to obtain a dispensation.

"To 4: Nothing prevents Baptism from being conferred upon the woman in question, provided that she is otherwise sufficiently instructed.

"To 5: A spouse converted to the faith and baptized can make a divorce as regards the marriage bed from an unbelieving spouse on account of adultery committed by him, although he seeks pardon and wishes to cohabit without insult to the Creator.

"To 6: The converted woman can depart from the unbelieving husband and pass to other vows, in the event that he draws her into grave sins against conjugal chastity (chapter *Quanto* and chapter *Gaudemus* of Innocent III, *On Divorces*). But if the drawing of the converted woman into mortal sin proceeds not from her unbelieving husband but from others who dwell in his house—a father-in-law, for example, or a mother-in-law—the faithful woman can, when other means are not available, withdraw herself from that house where she is drawn into sinning gravely; but she cannot dissolve the Marriage and pass to another." Sacred Congregation for the Propagation of the Faith, 5 March 1816, to the Pro-Vicar General of Western Tonkin.

"If a Marriage with a Catholic party should occur after the reception of Baptism, it will have to be investigated whether the canonical interpellation of the still-unbelieving spouse preceded, or whether at least a dispensation from that interpellation was granted by legitimate authority. Insofar as it is established that the interpellation was made or that a dispensation from it was granted, the first Marriage can no longer constitute a bond invalidating the second union; but insofar as neither the interpellation nor its dispensation preceded, the first Marriage will indeed stand in the way of the second, but the Ordinary must suspend judgment and refer the case with all its circumstances to the Holy See." Instruction of the Holy Office, 20 June 1883, no. 44; Instruction of the Sacred Congregation for the Propagation of the Faith, 1883, no. 45.

"What is to be thought concerning the Marriage of the said man with a Christian maiden, contracted without interpellation and dispensation, and what is now to be done?—Response. From the things set forth, the first Marriage contracted by the man in paganism with a pagan woman subsists; therefore, let the Most Reverend Lord Vicar Apostolic, the petitioner, take care, in the more prudent manner in which it can be done, to summon the parties before himself to set forth their rights, and, if he finds nothing to the contrary, let him oblige them to return to the first union." Holy Office, 20 June 1858; Sacred Congregation for the Propagation of the Faith, March 1816.

"There are pagans who, for the sake of conducting commerce, leave their own place for a time in order to betake themselves to other provinces at a distance of ten or fifteen days' journey, and sometimes more, and there marry other wives while the first are living. One of these was recently converted to the faith together with his second wife; then, receiving word that his first wife grieved over his conversion and indeed exhorted him not to embrace the faith, he requested Baptism, promising that, content with the second, he would abandon the first absolutely and would in no way cohabit with her when he returned to his own country. A certain Chinese missionary assented to his wishes, although the faculty of dispensing from the interpellation had in no way been granted to him by the Vicar Apostolic; and, thinking that in this circumstance there was no room for doubt, he baptized this Christian together with the second wife and, after obliging them to renew their consent, joined them in solemn Matrimony. Afterwards that Christian, having returned, found the first wife changed and disposed in every way to embrace the faith. It is asked whether, in the proposed case, the Marriage entered into with the second wife is valid. The reason for our doubt is, on the one hand, that this missionary had no faculty of dispensing from the interpellation; on the other hand, however, several missionaries protest, admitting indeed that in this case the Marriage with the second wife was celebrated unlawfully, but not so certainly invalidly: both because, when the Sacred Congregation for the Propagation of the Faith was questioned by us on 3 January 1777 as to whether certain Marriages of this kind, celebrated through ignorance without a dispensation, were invalid, it gave no response, although it responded to other things; and because, according to Benedict XIV of holy memory, book 13, *On the Diocesan Synod*, chapter 21, article 6, most theologians assert that a judicial interpellation can lawfully be omitted whenever it is judged that it will be of no utility; the Supreme Pontiff, however, did not reject this opinion as false, but declared it only not sufficiently safe in practice. But in the proposed case the interpellation seemed useless to them, since the will of the first wife was clearly established.—Response. In view of the circumstances concurring in the fact, the spouses in question are not to be disturbed; but let missionaries beware of granting a dispensation from the interpellation of a spouse if they lack such a faculty." Sacred Congregation for the Propagation of the Faith, 5 March 1787.

"Whether, when Matrimony has been delayed for a notable time on the part of the faithful party after the interpellation was made or after a dispensation from it was obtained, a new interpellation or a new dispensation is necessary? And insofar as the response is affirmative, what interval of time ought to intervene between the first and second interpellation, or between the first and second dispensation from it?—Response. Negative insofar as an interpellation was made; affirmative after a year in the case of a dispensation obtained at the beginning." Sacred Congregation for the Propagation of the Faith, 26 June 1820, to D. Escodeca, Apostolic Missionary in Sichuan.

"The interpellation is to be made after Baptism." Holy Office, 13 April 1859; 21 November 1883. For a grave cause, and with a special faculty obtained from the Apostolic See, it can also be made before Baptism. Holy Office, 3 June 1874.

On the Impossibility of Interpellation and an Apostolic Indult

"...We decree that those who before conversion had several wives according to their customs and do not remember which one they received first, after being converted to the faith, may take one of them whom they wish and contract Matrimony with her by words of the present tense, as is customary; but those who remember which one they received first, dismissing the others, shall retain her." Paul III, Constitution *Altitudo Divini consilii*, 1537, for the West Indies.

"...Since therefore, as We have learned, the Indians while remaining in their unbelief are permitted several wives, whom they repudiate even for the slightest causes, it has consequently occurred that those receiving Baptism have been permitted to remain with that wife who is baptized together with her husband; and because it very often happens that she is not the first spouse, both ministers and bishops are consequently tormented by the gravest scruples, judging that this is not a true Marriage. But because it is most harsh to separate them from the wives with whom the Indians themselves received Baptism, especially because it would be most difficult to find the first spouse, therefore We, wishing benignly to provide for the state of the said Indians with paternal affection and to free the bishops and ministers themselves from scruples of this kind, by Our own motion, from Our certain knowledge, and from the fullness of Apostolic power, by Apostolic authority and the tenor of the present letters declare that Indians baptized in the manner set forth above and to be baptized in the future can remain with the wife who was or will be baptized with them as with a legitimate wife, the others being dismissed, and that a Marriage of this kind legitimately subsists between them, etc." Pius V, Brief *Romani Pontificis*, 2 August 1571; *A. S. S.*, vol. 26, p. 150.

"Therefore, since it often happens that many unbelievers of either sex, but especially of the male sex, after contracting Marriages according to a pagan rite, are captured by enemies from Angola, Ethiopia, Brazil, and other regions of the Indies and driven from the boundaries of their native lands and their own spouses into the most remote regions, to such an extent that neither they themselves nor the captives who remain in their native land, if they are afterwards converted to the faith, can, as is fitting, admonish the unbelieving spouses separated by so great a distance of places as to whether they wish to cohabit with them without insult to the Creator, either because sometimes access even for messengers is not open to hostile and barbarous provinces, or because they are altogether ignorant into which regions they were carried, or because the very length of the journey presents great difficulty; therefore We, considering that unions of this kind contracted between unbelievers are indeed judged true, yet not so ratified that, when necessity urges, they cannot be dissolved, and

having compassion with paternal piety upon the infirmity of such peoples, by Apostolic authority and the tenor of the present letters grant full faculty to each and every Ordinary of the said places, and to parish priests of the Society of Jesus approved for hearing confessions by the superiors of that Society and sent to or admitted into the said regions for the time being, to dispense with any Christian faithful of either sex dwelling in the said regions and later converted to the faith who had contracted Matrimony before receiving Baptism, so that any one of them, while an unbelieving spouse survives and without the latter's consent being sought or a response awaited, can lawfully contract Marriages with any faithful person, even one of another rite, solemnize them in the face of the Church, and, after they have subsequently been consummated by carnal intercourse, remain in them as long as they live; provided that it is established, even summarily and extrajudicially, that the spouse absent as stated above cannot lawfully be admonished, or that, having been admonished, did not signify his or her will within the time fixed in the same admonition. We decree that these Marriages, even if it afterwards becomes known that the prior unbelieving spouses were unable, being justly impeded, to declare their will and had even been converted to the faith at the time the second Marriage was contracted, must nevertheless never be rescinded, but shall be valid and firm, and that the offspring to be received therefrom shall be legitimate." Gregory XIII, 25 January 1585. Cf. Constitution of Benedict XIV, *In suprema catholicae Ecclesiae*, 16 January 1745; C. 1309.

"...There are several among the Christians who, in the time of paganism, sold their own wives to pagans, afterwards embraced the faith, received sacred Baptism, and in good faith entered into a new Marriage with Christian women without any prior interpellation, whether because they were ignorant of its necessity, or because the wife who had been sold was too far distant, or because they did not know where she now dwelt, or finally because they feared that on account of the interpellation they would be ill-treated by the second husband and accused before the governors concerning the Christian religion. It is asked: 1. Is a Marriage made in these circumstances valid? 2. Whether and when does the right of dispensing from the aforesaid interpellation belong to the Vicars Apostolic of this region, especially if the Christian has received children from the second Christian wife? But if it does not belong to them, it is humbly requested. 3. When these women thus sold migrated to provinces in which the number of Christians abounds, but cannot be found and there is no word concerning them, ought ignorance of the fact whether perhaps they became Christians before the seller passed to second nuptials to impede the dispensation? 4. Finally, in the hypothesis in which these women can be admonished, does it suffice to exhort them once, either personally or through another, to become Christians, saying nothing concerning the Marriage, so that, if on this occasion the aforesaid women are unwilling to be converted, it is lawful for the faithful party to pass to new nuptials?—Response. To 1, 2, and 3: Petition is to be made to His Holiness for the granting of an Indult according to the Brief of Gregory XIII of the year 1585 and the Instruction of the Holy Office of the year 1760, which is to be transmitted; after this Indult has been obtained, the Vicar Apostolic can use the faculty of dispensing according to the form of the aforesaid Brief of Gregory XIII and the Instruction. To 4: Negative." Sacred Congregation for the Propagation of the Faith, 3 January 1777, to the Missionaries of the Province of Sichuan in China.

"1. Under the name of a legitimate impediment, by reason of which the faithful spouse is dispensed from the interpellation of the unbelieving spouse, does there fall the mere presumption of the husband's shamelessness, namely, that just as he sold his wife the first time, it seems to be feared that, after recovering her, he would dare to sell her a second time also? 2. Does there fall the mere

presumption that the unbelieving party is unwilling to return because, namely, during the preceding cohabitation, either on account of a difference of temperaments or for other causes, both disagreed with one another and were troubled by continual dissensions? 3. Does there fall the mere presumption that the unbelieving husband, because he has already passed to other nuptials, is unwilling to reject the second wife in order to cleave again to the first; or, if perhaps he wishes to receive the first again, is nevertheless unwilling to reject the second, but wishes to retain both at the same time? 4. Does there fall the mere fear of Christians, namely, that the unbelieving party, learning from the interpellation made to him that Christians are present in such a place, can consequently bring harassment upon the Christian religion?—Response. To 1, 2, and 3: Negative. To 4: In a case of this kind, let the Apostolic See be consulted." Clement XIV in the Congregation of the Holy Office, 23 November 1769, to the Vicars Apostolic of Shaanxi and Shanxi.

On the Omission of Either Part of the Interpellation

"When Christians make the interpellations of a prior unbelieving spouse, if the unbelieving spouse responds that he wishes to receive his faithful consort, they then ask him whether he wishes to be converted and whether he at least consents to cohabit peacefully without insult to the Creator. But if the unbelieving party immediately responds that he is no longer willing to receive the prior faithful spouse or to return to that spouse, they then ask nothing further, because they fear that the pagans may become more indignant and blaspheme against the Christian religion. It is therefore asked whether the faithful party can be permitted to contract Matrimony with another faithful person, even if in the interpellation of the prior unbelieving spouse the question was omitted as to whether he wishes to be converted and whether he at least consents to cohabit together without insult to the Creator. But if Your Holiness should judge that the omission of the said questions—whether the unbelieving spouse wishes to be converted and whether he wishes at least to cohabit without insult to the Creator—renders the interpellation null or insufficient, so that by force of an interpellation of this kind the faithful party cannot validly contract another Marriage with some faithful person, then the aforesaid Vicar Apostolic humbly petitions that Your Holiness sanate in the root the many Marriages which were contracted in the Vicariate of Sichuan after an interpellation made without the said questions.—Response. Gregory XVI, having weighed the things set forth, benignly sanates in the root and convalidates the Marriages contracted as above in the Vicariate of Sichuan with omission of the questions, as is set forth in the supplicatory petition, just as if the interpellations had been made in the Marriages contracted." Sacred Congregation for the Propagation of the Faith, 17 January 1836, Vicar Apostolic of Sichuan.

"Whether the inquiry concerning embracing religion alone suffices, namely, whether the party remaining in unbelief wishes to be converted or not, ... or whether rather the interpellation as to whether the party persevering in unbelief at least consents to cohabit without insult to the Creator is also essential and absolutely required, so that, if it is omitted, the Marriage can be dissolved not only unlawfully but also invalidly?—Response. The unbelieving spouse is to be interpellated not only as to whether he wishes to be converted but also, in the event that he does not wish to be converted, whether he wishes to cohabit with the faithful spouse without insult to the Creator, according to the provision of Innocent III, chapter *Quanto, On Divorces*." Sacred Congregation for the Propagation of the Faith, 5 March 1816; Holy Office; Sacred Congregation for the Propagation of the Faith, 25 January 1886.

On the Departure of an Unbelieving Spouse Who Is Impeded; after Long Cohabitation, on Account of Discord and Other Causes; on One Who Refuses the Education of the Offspring in the Christian Religion; after a Dispensation Has Been Obtained; on Account of Adultery; on Departure with Respect to Catechumens

"Certain persons recently converted to the faith interpellate the unbelieving spouse as to whether she wishes to be converted or at least to dwell peacefully. She responds that she indeed wishes to do so but is detained by a second husband or by a creditor, who do not permit her to depart. It is asked whether in this case the converted spouse can pass to other nuptials.—Response. Affirmative: namely, the convert in question, if he has not legitimately been dispensed by the Apostolic See, is bound by a divine precept to make an interpellation once in the present case to the other spouse; but he can make it several times from mere charity. But after the convert has fulfilled this divinely enjoined condition, if the pagan wife has not returned to him within some just and reasonable space of time, the aforesaid convert can lawfully and validly enter into other nuptials, but with a Christian woman, provided that the man is not the cause of the impediment by which the woman is detained." Holy Office, 12 June 1850, Vicar Apostolic of Western Cochinchina; C. 1320, 1333, 1362.

"It often happens that, of two unbelievers, one is converted to the faith, while the other indeed is then unwilling to be converted but consents to cohabit with the faithful person without insult to the Creator and without drawing him into mortal sin, and indeed promises that he too will afterwards embrace the faith, which for some special reason he judges it necessary to defer for some time. Therefore, the faithful person does not dismiss the unbeliever, but they continue to cohabit as spouses, and this for a long time and even for some years. But afterwards the unbeliever, having changed his will, not only is unwilling to be converted but attempts to draw the faithful person into the worship of idols, or departs and no longer consents to dwell with him, and indeed himself passes to other nuptials. It is asked:

"1. Whether, in this case, the faithful person who is abandoned can also depart and pass to other nuptials, and whether the privilege promulgated by the Apostle has place here: 'If the unbeliever departs, let him depart'?

"2. Whether this has place only when the unbeliever departs in hatred of the faith, or also when he departs on account of discord or another cause diverse from the faith?

"3. Whether the faithful person can also pass to other nuptials when the unbeliever has departed from him for any cause whatsoever and it cannot be known whether he is still alive or not?

"4. Whether a faithful person who, by dispensation, validly contracted Matrimony with an unbeliever can pass to other nuptials if the unbeliever departs, or is unwilling to cohabit, or draws him into mortal sin?

"5. Whether, and for how long a time, a faithful person can cohabit with an unbeliever after conversion without being deprived of the power of passing to other nuptials?

"Response. To 1: Affirmative in the case in question.

"To 2: Since the favor of the faith stands on the side of the converted spouse, he can use it for any cause whatsoever, provided that it is just, namely, provided that he did not give the other spouse a just and reasonable motive for departing (for example, adultery), yet in such manner that only then is

the yoke of the matrimonial bond with the unbeliever understood to be dissolved when the converted spouse (the other refusing after the interpellation to be converted) passes to other vows with a faithful person.

"To 3: An interpellation is first to be made, by which the unbelieving spouse is notified as to whether he wishes to be converted; from this interpellation the Apostolic See dispenses for just causes.

"To 4: If a faithful person, after a previous dispensation, contracted Matrimony with an unbeliever, he is judged to have contracted it under the explicit condition, namely, provided that the unbeliever wishes to cohabit with him without insult to the Creator; therefore, if the unbeliever does not observe the aforesaid condition, the remedies of law are to be employed so that he may observe it; otherwise they must be separated as regards the marriage bed and cohabitation, but not as regards the bond. Consequently, in the case in question, while the unbelieving spouse survives, the faithful person cannot pass to other vows.

"To 5: One converted to the faith is not understood, at the very moment of conversion, to be freed from the bond of a Marriage contracted with an unbeliever who is still surviving, but at that time he merely acquires the right of passing to other nuptials—though with a faithful spouse—and this if the unbelieving spouse, after interpellation, refuses to be converted. Moreover, only then is the conjugal bond dissolved, when the converted spouse passes in effect to other nuptials. If a pagan convert before the reception of Baptism has several wives and the first refuses to embrace the faith, then he can legitimately retain any one of them, provided that she becomes faithful; but in this case the contracting parties must renew mutual consent before the parish priest and witnesses." Clement XIII in the Congregation of the Holy Office, 5 August 1759, to the Bishop of Cochinchina; Sacred Congregation for the Propagation of the Faith, 30 January 1807, Vicar Apostolic of Sichuan.

"The refusal of the education of the offspring in the Catholic religion is equivalent to insult to the Creator." Holy Office, 14 December 1848.

An unbeliever converted to the faith, when the unbelieving spouse departs after the interpellation, can marry an unbeliever by Apostolic dispensation. By it, when the impediment of disparity of worship ceases, one marrying in this manner "is to be said to be freed from the bond of the prior union just as if he had married a faithful person." Sacred Congregation for the Propagation of the Faith, 28 May 1846.

"It is altogether forbidden for Christians to marry a pagan; but if, after a dispensation from disparity of worship has first been obtained from the Holy See, Marriages of this kind should sometimes happen to be made, it is known that such a Marriage will be indissoluble as regards the bond and can be dissolved only as regards the marriage bed, if canonical grounds acknowledged by the ecclesiastical judge are present. Therefore, while that unbelieving man lives, even if he is a concubinarian, a Christian woman will never be able to enter into a second Marriage. But if the question concerns the pagan wife of some pagan concubinarian who is converted, then, after the interpellation has been made as above, if he refuses to be converted or to cohabit without injury to the Creator and consequently to desist from concubinage—which certainly cannot be maintained without injury to the Creator—she will be able to use the privilege granted in favor of the faith. Generally, if the conversion of the spouse preceded the Marriage with the unbeliever entered into after an Apostolic dispensation, the converted party can in no manner enjoy that privilege granted in

favor of the faith; but if the Marriage preceded the conversion, then the converted party will be able to use that privilege, those things which must be observed being observed, as has been said....” Holy Office, 4 July 1855.

“If a faithful person, having obtained a dispensation, contracted Matrimony with an unbeliever who, taking no account of the promise made in contracting the Marriage, after some time draws the faithful spouse into sin, or is unwilling to live with her except with insult to the Creator, or even departs, the remedies of law are to be employed so that he may keep the promise made; or, if he refuses to keep it, they must be separated as regards the marriage bed and habitation; but as long as he lives, the faithful party cannot pass to other vows.” Holy Office, 1 August 1755.

“...If a Marriage entered into with an unbeliever was convalidated by a dispensation, it must both be and be regarded as indissoluble, nor indeed will there be any power which can dissolve a Marriage of this kind; for this is a matter which surely admits no doubt, since it is a dogma of the Christian religion that the knot of a valid and consummated Marriage is indissoluble.” Sacred Congregation for the Propagation of the Faith, 15 February 1781.

“In the case of a Marriage to be dissolved by virtue of the privilege in favor of the faith promulgated by the Apostle, only these two things are to be regarded, concerning which the interpellation must be made: 1. Whether the unbelieving party wishes to be converted. 2. Whether he at least wishes to cohabit without insult to the Creator; no further account being taken of whether either adultery or repudiation preceded or not.” Sacred Congregation for the Propagation of the Faith, 16 January 1797.

“The responses or decrees, the one of the Supreme Inquisition dated 5 August 1759 and the other of this Sacred Congregation dated 17 January 1797, are by no means in conflict with one another.... For in the case proposed by the Bishop of Cochinchina in the year 1759 ... it was asked, moreover, whether the privilege of the faith likewise remained unimpaired for the faithful party even if the unbeliever departed from him for other causes independent of his conversion and faith; and a negative response was given if the faithful party, after a long time of peaceful cohabitation following conversion, furnished the unbelieving party a just and reasonable cause for departing—for example, by adultery—and for this reason it was added: ‘provided that the faithful party did not give a just and reasonable motive for departing.’

“Conversely, in the Decree of this Sacred Congregation of the year 1797, the question concerned a case in which the adultery of the faithful party had been perpetrated before his conversion, repudiation having followed from it, and it was asked whether the party who was already adulterous and repudiated, if he afterwards embraced the Christian faith and the unbelieving party refused to cohabit with him, could use the privilege granted in favor of the faith and pass to other nuptials. And it was rightly answered: affirmative, only the interpellation having first been made, and no further account being taken of whether either adultery or repudiation had preceded or not, since the preceding stain of adultery was to be judged removed by conversion and Baptism, and the unbelieving party persisted unreasonably and unjustly in the adopted resolution of by no means being reconciled to the faithful party. Therefore, if in this case the unbeliever, having received the interpellation, refuses to receive the faithful party and to dwell with that party without injury to the Creator, it is not just that on account of this unreasonable turning away the faithful party should remain in a state of voluntary continence with danger of sinning.” Sacred Congregation for the Propagation of the Faith, 30 January 1807.

"1. It is asked whether a dispensation from the bond of Matrimony, which the Church is accustomed to grant, the requisite conditions being posited, after the Baptism of one party, can be applied in a case in which, after the Baptism of one, the two parties did not cease to have intercourse and consummated the Marriage just as before the Baptism?

"2. Can a Marriage validly contracted before Baptism between two unbelievers be dissolved when, after the Baptism of one, the unbelieving party indeed promises not to trouble the baptized woman in the profession of Christianity, but he refuses to dismiss other illegitimate wives or is unwilling to promise that he will observe the laws of the Gospel concerning monogamy?

"3. In the preceding case, if the Marriage can be dissolved, is the baptized woman bound to have recourse to a dispensation for the dissolution of the Marriage?

"4. Can the baptized woman have recourse to a dispensation when she foreknows that, after the dissolution of the Marriage, the education of the offspring received will be entirely in the power of her unbelieving husband?

"5. If a dispensation cannot be given, can the legitimate wife who becomes a Christian, after conversion, cohabit with her unbelieving husband who at the same time retains other illegitimate wives in the same house?

"6. Can a Christian maiden, after obtaining a dispensation from disparity of worship, legitimately contract Matrimony with an unbeliever who does not promise that he will abstain from polygamy in the future?

"7. Bertha, while still an unbeliever, contracts Matrimony with an unbeliever as soon as she reaches the years of puberty; and after two years she leaves her husband, no offspring having been received, and both hasten to other nuptials; indeed, the man takes several wives and becomes a polygamist. But now the woman, advanced in age, having heard the missionary, wishes to be baptized: can that woman be dispensed from the bond of the Marriage contracted with the first husband, without his consent being sought, and thus remain with the second husband, by whom she received offspring?

"8. Among certain unbelievers there prevails a detestable custom according to which a man, after committing adultery with the wife of another, administers a remedy to the adulterous wife, the effect of which will be to bring death upon the legitimate husband by the very fact that he afterwards has intercourse with his wife. Hence it is asked whether the legitimate husband, who is unwilling to cohabit with his wife after the adultery has been committed, if he is converted to the faith, can be dispensed from the bond of his Marriage contracted in unbelief and marry another wife, even if the unbelieving adulterous wife herself also wished to be baptized?

"The Most Eminent and Most Reverend Fathers responded to the several petitions in the following manner, these things nevertheless having first been noted: 1. The petitions written above are understood as concerning the privilege granted by Christ the Lord in favor of the faith and promulgated by the Apostle Paul in 1 Corinthians 7:12 ff. [printed: 8:12].—2. This divine privilege consists in this: that, while a Marriage legitimately contracted and consummated in unbelief stands, if one of the spouses embraces the Christian faith while the other, hardened in his unbelief, refuses to cohabit with the convert, or indeed is willing to cohabit, but not without insult to the Creator—that is, not without danger of subversion of the faithful spouse, or not without cursing the most holy

name of Christ and contempt for the Christian religion—then it is entirely open to the convert to pass to other vows, after the unbeliever, having been interpellated, either absolutely refuses to cohabit with him or shows that he has the intention of cohabiting with him, but not without insult to the Creator.—3. According to the same divine privilege, the spouse converted to the faith is not understood at the very point of conversion to be freed from the bond of the Marriage contracted with the unbeliever who is still surviving; but then, if the unbelieving spouse refuses, he acquires the right of passing to other nuptials, though with a faithful spouse. Moreover, only then is the conjugal bond dissolved, when the converted spouse passes in effect to other nuptials.

"Hence: To 1. If it should ever happen that, while a Marriage of two unbelievers stands, one of the spouses, converted to the faith, receives Baptism and cohabits peacefully and without insult to the Creator with the unbelieving spouse, if afterwards the unbeliever, although the faithful party had not given a reasonable motive for departing, not only refused to be converted, but also, having broken faith concerning peaceful cohabitation, either departed out of hatred for religion, or was unwilling to cohabit without insult to the Creator, or attempted to draw the faithful person into mortal sin or unbelief, it will be entirely open to the faithful spouse to pass to other vows.

"To 2. If the question concerns the pagan wife of some pagan concubinarian who is converted, then, after the interpellation has been made, if he refuses to be converted or to cohabit without injury to the Creator, and consequently to desist from concubinage—which certainly cannot be maintained without injury to the Creator—she will be able to use the privilege granted in favor of the faith.

"To 3. When the unbelieving spouse, having been duly interpellated, either has absolutely refused to cohabit with the spouse converted to the faith, or has shown that he has the intention of cohabiting with the convert but not without insult to the Creator, or without being willing to abstain perpetually from concubinage, then the converted spouse, after the judgment of the ecclesiastical superior has first been obtained, must separate from the unbeliever and will be able, if willing, to use the privilege or divine dispensation granted in favor of the faith, and thus to pass to other vows with a faithful person.

"To 4. If it is altogether impossible for the converted spouse to withdraw the children from the power of the other spouse who is hardened in unbelief, and it is not lawful, after a juridical and formal interpellation has first been made, to cohabit with that spouse, either because that spouse is unwilling to cohabit or is willing to cohabit only with insult to the Creator, then, after the judgment of the ecclesiastical superior has first been obtained, it will be entirely open to the convert to pass to other vows; nevertheless, the obligation by which the convert is always bound to take care, if in any way possible, for the Catholic education of the children remains firm.

"To 5. Provided for in the preceding responses.

"To 6. Negative; and in similar cases let missionaries who, by Apostolic grant, possess the faculty of dispensing from disparity of worship beware lest they grant a dispensation unless the danger of polygamy has been removed.

"To 7. Since the question concerns, as is supposed, a legitimate Marriage contracted in unbelief, let the woman be separated from the second man altogether and in effect; and if, on account of the gravest causes and a real impossibility, she cannot be separated as regards habitation, let her at least be separated as regards the marriage bed and familiarity, having no further dealings or carnal

commerce with the same man. Then let her be instructed in the customary manner, especially by making known to her that, upon receiving Baptism, she is not dispensed from the obligation which she has of returning to the first husband; and insofar as, after due instruction, it is established that she is moved to receive Baptism by a true motive of religion, let her be admitted to Baptism at once. After it has been conferred, let the first husband be interpellated in every respect and asked whether he wishes to be converted or whether he will lead his life with her without insult to the Creator; and let the Most Reverend Lord Vicar Apostolic inform the Sacred Congregation concerning all things resulting. But if it is established at least summarily and extrajudicially that the spouse left in unbelief is so absent that he cannot lawfully be admonished, or that, having been admonished, he did not signify his will within the time fixed in the admonition; or if the unbelieving spouse can indeed be approached but cannot be interpellated concerning the other party, who has now become Christian, without evident danger of grave harm being inflicted upon her or upon Christians, and these harms cannot be removed with necessary circumspection and caution, the Vicar Apostolic shall report all these things to the Apostolic See, expressing the names and setting forth the gravest causes for obtaining a dispensation from the dissolving impediment of disparity of worship, if the alleged second husband still persists in unbelief, and with all the circumstances of the matters, persons, and fact narrated, so that in a matter of such grave moment it may be possible to proceed safely.

"To 8. A Marriage contracted even in unbelief is indissoluble by its nature, and can be dissolved as regards the bond only by virtue of the privilege in favor of the faith granted by Christ the Lord and promulgated by the Apostle Paul, when one of the spouses embraces the Christian faith and the other not only utterly refuses to embrace the faith but also is unwilling to cohabit peacefully with the converted spouse without injury to the Creator. Therefore, there is no place for dissolution as regards the bond of a Marriage legitimately contracted in unbelief when both spouses have received Baptism or intend to receive it." Holy Office, 11 July 1866, Vicar Apostolic of Natal.

"Whether the words of Saint Paul, 1 Corinthians 7:15, 'But if the unbeliever departs, let him depart,' are also to be understood of catechumens; or rather, whether Titius, a catechumen, can marry Bertha, a catechumen repudiated by her unbelieving husband on account of religion?—Response. Negative, because the Marriage is not dissolved except through Baptism." Sacred Congregation for the Propagation of the Faith, 16 January 1803.

On Separation of the Marriage Bed and Cohabitation

"Likewise, the bond of the Sacrament of Matrimony is indissoluble; and although separation of the marriage bed and cohabitation can be made between spouses on account of adultery, heresy, or other causes, nevertheless it is not lawful for them to contract another Marriage." Profession of Faith for Orientals prescribed by Urban VIII and Benedict XIV.

Civil Divorce to Be Sought from a Lay Judge

"A woman, separated from her husband as regards the marriage bed by force of a sentence, would wish to undertake a certain public office to sustain her life. But the government does not permit this unless she seeks a divorce. She would wish to seek it, but, in her intention, always with the bond remaining intact. The parish priest, who is also her confessor, asks whether she can be admitted to the Sacraments and seeks light or counsel concerning the remaining matters, as below.—Response. In

the case, nothing else is to be counseled to the penitent woman except that she abstain, under grave obligation, from seeking the divorce." Sacred Penitentiary, 5 January 1877, to a parish priest of France.

A certain woman suffered grave losses in monetary affairs and the goods of the family on the part of her husband, who fled away and abandoned her and their little daughter. She has already obtained a separation of goods, but she is bound to sustain several grave losses unless she seeks a divorce.

"The said woman expressly professes the doctrine of the Church concerning Matrimony and that matrimonial causes pertain to ecclesiastical judges alone; she expressly promises that, after obtaining a civil divorce, she will never use it to attempt new nuptials. Can she with a safe conscience proceed before the civil judges to obtain a civil divorce, for the purpose of freeing herself from the aforementioned losses and disposing freely of her goods and affairs?

"Response. Negative." Sacred Penitentiary, 14 January 1891.

"M. di C. married a young woman nine years ago, by whom he had three children.

"Unfortunately, the woman very soon adopted scandalous conduct. Having left her husband, she begot an adulterous child and attempted to conceal the fault. During the pregnancy she even entered the husband's house for a short time, in order to render an action repudiating paternity impossible for him.

"In order to repudiate such paternity, to prevent the introduction of new bastards into his family, to safeguard his interests and those of the three children, the husband, in view of the state of civil legislation, has no other means whatever than to request a civil divorce.

"Meanwhile, being a fervent Catholic, he by no means intends that this rupture of the merely civil bond should be regarded as an injury to the religious bond which united him to that unfortunate woman. Much less does he think of suggesting that he can become free and contract a new union; he thinks only of using the means which the legislation in force allows him in order to secure a complete separation of life, body, and goods from his wife and to preserve his own interests, those of the family, and especially those of the three children.

"Under these conditions he asks whether it is lawful for him to introduce an action for civil divorce against that woman.

"Response. It is not lawful." Sacred Penitentiary, 7 January 1892.

"Edward, on account of the notorious and scandalous adultery of his wife, from which spurious offspring also arose, obtained from the ecclesiastical judge a sentence for separation of the marriage bed.

"But in order that such a sentence of the ecclesiastical judge may obtain civil effects, especially as regards repudiation of paternity concerning adulterous children and their exclusion from the share and goods of the legitimate offspring, civil law supplies no other effective means than civil divorce.

"Therefore Edward, wishing to provide for the honor and good of his family, considers having recourse to an action for obtaining a civil divorce. Nevertheless, he by no means thinks of breaking the sacramental bond or claiming for himself or for the unworthy woman the freedom of new

nuptials; he is, moreover, prepared to confirm and declare such an intention authentically before the parish priest or bishop.

"Since it has often been declared by the Holy See that civil marriage signifies nothing other than a mere and bare ceremony or form which can establish no bond or obligation of conscience, Edward likewise regards civil divorce as nothing other than such a bare ceremony, which civilly destroys the effects which the mere ceremony of the civil contract had previously established. Hence, by a similar right, civil divorce seems to him neither to add anything to nor to subtract anything from obligations of conscience. Consequently, since he has regard to the merely civil and external order, he expressly rejects and excludes any injury or violation of the sacramental bond when he seeks the effects of civil divorce.

"Since such is the disposition of his mind, and especially in view of the sentence of the ecclesiastical judge concerning separation of the marriage bed, Edward, in order to provide for the quiet of his conscience, earnestly asks whether it is lawful for him thus to approach a lay tribunal to obtain a civil divorce under the clauses and restrictions indicated above.

"Response. Let the petitioner consult approved authors." Sacred Penitentiary, 30 June 1892; *M. E.*, vol. 7, part 2, pp. 224–225.

Whether Heretics Generally Are Subject to the Invalidating Impediments of Ecclesiastical Law

"...We therefore must not depart from the uniform judgment of Our Predecessors and from ecclesiastical discipline, which do not approve Marriages between parties who are both heretics or between one Catholic party and another heretical party, and much less so in a case in which a dispensation in some degree is needed.... From the words of the letter of Benedict XIV cited above, you will certainly have understood that the discussion concerns dispensations which have place no less when the question concerns simple Marriages between a Catholic party and a heretical party than when it concerns degrees of relationship in which the contracting parties would stand to one another. And in fact, that case concerning which the Pontiff spoke with the Bishop of Breslau in the year 1750 concerned dispensations in degrees; concerning these, as We have related, he expressed his mind in terms of mere tolerance consequent upon those things which were previously known to him. But this is precisely what We cannot do, because, under the hypothesis then existing, the practice of dispensing in degrees for mixed Marriages was long-established in that place. Opposed to it is the rule adopted in other more recent cases by Our Predecessors and by Ourselves, namely: since a dispensation is a grace, it is reserved for the faithful who live under obedience to the Church; whence it ought not to be extended to heretics, who, by not acknowledging her authority, thereby render themselves unworthy of a similar indulgence. Or, at most, a dispensation in the degrees can be granted by bishops in some particular case which is not stricter than those contained in the formula and in which an urgent and public cause concurs, but not some private advantage or the unbridled impulse of the contracting parties...." Rescript of Pius VI to Cardinal de Frankenberg, Archbishop of Mechelen, and to the Bishops of Belgium, 13 July 1792.

"...But indeed, you say, because heretics in Hungary contract Marriages among themselves even within prohibited degrees by force of royal permission alone, it seems to me that it can rightly be asked: what is to be pronounced concerning the validity of Marriages of this kind? But unless a

legitimate dispensation from the impediments, introduced by the authority of the Church, has intervened, it is decreed clearly enough in the same declaration of Benedict XIV that they are invalid. For he establishes that, even in the Provinces of the Federated Netherlands themselves, Marriages between heretics, even if the form prescribed by Trent was not observed in their celebration, are to be regarded as valid, provided that no other canonical impediment stands in the way. By this exception he manifestly shows that, if some other canonical impediment is present, such as that which arises from prohibited degrees, Marriages of this kind are not valid....” Response of the Sacred Congregation of the Council to the Bishop of Rožňava, 20 August 1780. Cf. Benedict XIV, Constitution *Magna nobis*, 29 June 1780; Constitution *Ad tuas manus*, 8 August 1748; Constitution *Singularis nobis*, 9 February 1750.

On Impotence

“Can the woman N. N., rendered sterile by the defect arising from the excision of both ovaries, be permitted lawfully to enter into Matrimony or not?—Response. The matter having been maturely and long considered, the Marriage of the woman in question is not to be impeded.” Holy Office, 3 February 1887.

“Can the woman N. N., whose two ovaries and uterus were removed by a surgical operation, be admitted to contracting Matrimony?—Response. The Marriage is not to be impeded.” Holy Office, 30 July 1890.

The prohibition which the Sacred Congregation places upon an impotent party, in causes of impotence, against contracting other nuptials without having obtained permission from the same Sacred Congregation, does not introduce an invalidating impediment. Cf. *A. S. S.*, vol. 6, p. 518; vol. 11, p. 595.

Marriages Contracted by Those below Puberty in Unbelief

“When spouses left in unbelief, the Marriage not yet having been consummated, are unwilling to embrace the faith, can their Marriages contracted below the age of puberty be regarded as mere betrothals for the future by a spouse not yet converted to the faith?—Response. Provided that it is established that no impediment of natural or divine law was present, and especially that the contracting parties gave their consent, they are not betrothals but true Marriages.” Holy Office; Sacred Congregation for the Propagation of the Faith, 25 January 1886.

On the Certain or Doubtful Death of a Prior Spouse

“If all the circumstances concur in establishing the death of the prior spouse before the second nuptials whose validity is in question, the judge cannot pronounce a sentence against the second Marriage, for its nullity would not be established. But if the question concerns a Marriage to be contracted, it can never be permitted until the death of the prior spouse has been established with certainty.” Instruction of the Holy Office, 20 June 1883, no. 42; Instruction of the Sacred Congregation for the Propagation of the Faith, 1883, no. 43. Cf. *A. S. S.*, vol. 18, p. 363 ff.; vol. 24, p. 747 ff.; C. 1366.

“Whether, and with what precautions, a new Marriage is to be permitted to those husbands who, after ten or fourteen years, have been unable to obtain word of their own wife.—Response. The lapse

of any length of time does not suffice for spouses to be permitted to enter into new nuptials, unless it has first been established with moral certainty that the prior spouse has died, according to chapter *In praesentia*, 19, *On Betrothals*." Sacred Congregation for the Propagation of the Faith, 21 April 1788.

"Most Blessed Father.—The Bishop N. N., prostrate at the feet of Your Holiness, explains that in his diocese, and also elsewhere, there are not a few young women ecclesiastically married to soldiers who took part in Africa in the Battle of Adwa and concerning whom no word has since been received, notwithstanding the minute searches made by the Italian Government; and therefore they are presumed dead. Now, since these women are in relations with other young men with whom they desire to be united in legitimate Matrimony, they seek a document of freedom. The undersigned Bishop, fearing grave disturbances from the denial of such a document, especially the danger of a merely civil contract, makes humble petition to know how he ought to proceed in this matter.—Response. Provided that the question concerns men who certainly took part in the Battle of Adwa, and, after suitable investigations have been carried out, it cannot be indubitably known whether the man actually fell dead, in view of the special circumstances occurring in the case set forth and of a valid presumption of death, the Ordinary will be able to permit passage to other nuptials." Holy Office, 20 July 1898.

In this Rescript it is said, *will be able to permit*, because the question concerns a great probability; but the death of the man is not established with complete certainty.

On a Doubtful Marriage

"...Moreover, the Most Eminent Fathers observed that the missionaries, with respect to the Marriages of the unbelievers of that region, seem also to have come to this opinion: that in doubt one must stand for the invalidity of the Marriage, and indeed to such an extent that the party who seeks Baptism ought to be repelled from Baptism unless that party either separates from the other party or renews the Marriage with that party, even if the one who seeks Baptism is in good faith and it does not stand in that party's way that the Marriage cannot be renewed. These things certainly cannot easily be approved. For you know that in Marriages the contrary principle is in force, namely: in doubt one must stand for the validity of the Marriage. Although it is sometimes equitable to depart from this principle—namely, when, as very often happens in Marriages of unbelievers, the question concerns a fact, whether the Marriage was ever contracted or not—nevertheless, even in this case one must not immediately hasten to the contrary principle. For first it must be seen whether the Marriage concerning whose existence the missionary doubts can deservedly claim possession in its favor. If this occurs, the missionary would judge wrongly that he ought to stand for invalidity, since the rights of possession are to be preserved until the contrary is clearly established. The Most Eminent Fathers wished this to be observed all the more because, from the things which you relate, it appears that cases of this kind are very frequent. For you say that it often happens that the woman who seeks Baptism is in good faith and therefore judges herself to be a true and legitimate wife; and likewise that the others suffer no scandal from her union with her husband, and therefore they too judge her to be in a just union; while the unbelieving man, although he says nothing openly, nevertheless neither contradicts the opinion of the woman nor that of the people, and deals with her as with a true wife. These things, moreover, are of such a kind that they seem to vindicate for their union the name and possession of Matrimony." Instruction of the Holy Office, 18 December 1872; C. 1300.

"Moreover, in this matter let the judge know that Matrimony is of itself a certain solemn and public fact which must always be judged valid unless evident reasons demonstrate its nullity. Therefore, every effort and diligence must indeed be employed so that those reasons may be collected, but a judgment against a Marriage is never to be pronounced unless their totality excludes every prudent doubt concerning the existence of the impediment." Instruction of the Sacred Congregation for the Propagation of the Faith, 1883, no. 40; *A. S. S.*, vol. 18, p. 381.

A doubt having been proposed concerning the Marriage of polygamous unbelievers—whether it was to be regarded as valid, since it was not sufficiently established that consent to a true Marriage had been given—the Holy Office responded on 17 August 1898: One must stand for the Marriage, whether consummated or non-consummated, which was celebrated first in time with those ceremonies employed according to the custom of the country which, according to the common estimation of the region, sufficiently express the mutual present consent of the spouses. But if, after suitable investigations have been made, it is not established that the contracting parties or the young women in question gave true present matrimonial consent, and therefore the validity of the Marriage celebrated first in time is prudently doubted, provision was made by the Decree of 18 May 1892, response to 2, which reads as follows:

"If, after a diligent examination has been instituted, the Marriage with the first woman, who has already been baptized, is found valid, the pagans in question are altogether bound to return to her. But if she has not been baptized, by force of article 2 of Formula I it will suffice to interpellate her as to whether she wishes to be converted. But where she is unwilling to be converted, or the validity of the Marriage with the first woman is seriously doubted, they can marry any woman, provided that she is baptized, consent having been renewed."

By What Indications the Death of a Spouse Is Proved

"That only two can be coupled and joined by the bond of Matrimony, as Christ so teaches, and that, when either spouse has died, second and indeed subsequent nuptials are lawful, is the dogmatic doctrine of the Catholic Church.

"But as regards second and subsequent nuptials, since the matter in question is not rarely subject to difficulties and frauds, the Holy See has therefore diligently taken care—now by general Constitutions, but more often by responses given in particular cases—that freedom to enter into new nuptials should be so preserved for each person that the aforesaid unity of Matrimony would not be brought into danger.

"Hence the enactments of the sacred Canons by which, in order that one may lawfully pass to other vows, it is required that the death of the spouse be established with certainty, as in chapter *Dominus*, *On Second Nuptials*, or that certain news of the death be received, as in chapter *In praesentia*, *On Betrothals and Marriages*. Hence also those things which are handed down more fully in the Instruction *Cum alias*, sanctioned by Clement X on 21 August 1670 and inserted into the Roman Bullarium, concerning the examination of witnesses for Marriages to be contracted in the Curia of the Most Eminent Vicar of the City and of the other Ordinaries, especially those things more directly pertinent to the matter which are found there in nos. 12 and 13.

"And these things would indeed suffice abundantly if, in conducting causes of this kind, complete and absolute certainty concerning the death of the other spouse could always be had. But because the almost infinite vicissitudes of cases do not permit this—which was wisely observed in the praised Instruction by these words: 'If, however, testimonies of this kind cannot be obtained, the Sacred Congregation does not intend to exclude other proofs which can be admitted by common law, provided that they are lawful and sufficient'—it follows that, even though the general principles established beforehand remain in force, cases not rarely occur in which the judgments of ecclesiastical superiors are accustomed to remain suspended in discerning and establishing true and just proof. Indeed, because of that very great facility which in our age has been created for traveling to even the most remote regions, men wander through almost every part of the world; and the multitude of cases of this kind has so increased that recourses concerning this matter are most frequently made to this Supreme Congregation, not without consequent inconvenience to the parties, for whom, amid the information and instructions which, as they say, must be sought and sent according to the occasion, much time passes without their being able to hasten to the desired vows.

"Therefore, this same Sacred Congregation, greatly desiring to meet necessities of this kind and at the same time considering that ecclesiastical superiors, especially in distant mission territories, lack suitable aids by which they can extricate themselves from grave difficulties, judged it expedient to issue a fuller Instruction in which, with those things already handed down in no way abrogated, rules should be indicated which this same Sacred Congregation is accustomed to follow in cases of this kind, so that by their help judgments can be rendered even without the necessity of recourse to the Holy See, or certainly, if recourse must be had, the state of the question may be set forth so clearly that the sentence need not be impeded by a longer delay. Therefore:

"1. When a question concerning the death of a spouse is instituted, it must be noted in the first place that an argument from his mere absence, however long—although it is admitted almost everywhere by civil laws—is by no means held by the sacred canons to be sufficient for a just proof. Hence Pius VI, of holy memory, wrote in rescript to the Archbishop of Prague on 11 July 1789 that the mere absence of a spouse and his complete silence are not a sufficient argument for proving death, not even when the absent spouse, having been summoned by a royal edict—and the same is further to be said if it was done through public newspapers—gave no indication of himself. For the fact that he did not appear, the same Pontiff says, could no more have had death as its cause than his contumacy.

"2. Hence, according to the prescription of the same sacred canons, an authentic document of death must altogether be sought with diligent effort, namely, one drawn from the registers of the parish, hospital, or military, or even, if it cannot be obtained from ecclesiastical authority, from the civil government of the place in which the person is supposed to have died.

"3. Moreover, sometimes this document cannot be obtained; in that case it will have to be supplied by the depositions of witnesses. There must be at least two witnesses, under oath and worthy of faith, who testify from a fact of their own, knew the deceased, and are in agreement with one another concerning the place and cause of death and the other substantial circumstances. Moreover, if they are relatives of the deceased or companions on a journey, in an occupation, or even in military service, their testimony is to be valued all the more highly.

"4. Sometimes only one witness is found to be examined; and although by every law the testimony of one is not admitted for full proof, nevertheless, lest the spouse who greatly desires to enter into other

nuptials be compelled to lead a celibate life, the Supreme Congregation does not absolutely reject even the testimony of one in deciding cases of this kind, provided that the witness is endowed with the conditions enumerated, is liable to no exception, and, moreover, his deposition is supported by other and weighty corroborating evidence. And if other extrinsic corroborating evidence can by no means be collected, nevertheless it must be certain that nothing is found in his testimony which is not congruous and altogether probable.

"5. It also happens that witnesses altogether worthy of faith testify that, at a time not open to suspicion, they heard of the death of the spouse from the attestation of others, but these persons cannot be examined, either because they are absent, because they have died, or for some other reasonable cause. Then statements from the mouth of another, insofar as they correspond to all the other circumstances concurring in the case, or at least to the more urgent ones, are judged sufficient for a prudent judgment that death followed.

"6. But experience has shown more than once that not even one witness such as is described above is found. In this case proof of death will have to be sought from any conjectures, presumptions, indications, and circumstances whatsoever, certainly by diligent and very cautious investigation; namely, so that, after many have been collected from here and there and their nature weighed—according as they are more urgent or lighter, or are joined by a nearer or more remote connection with the truth of the death—the judgment of a prudent man can thereby be moved by the greatest probability, or moral certainty, to affirm the same death. Therefore, when in individual cases a just proof is had from conjectures of this kind must be left to the prudent judgment of the judge; nevertheless, here it will not be beside the point to indicate several sources from which those conjectures, whether more urgent or even lighter, can be collected and had.

"7. Therefore, first of all, those presumptions are to be investigated which regard the person of the one asserted to be dead and which can certainly be obtained easily from the relatives, friends, neighbors, and persons acquainted in any way with either spouse. In their examination, let it be asked, for example:

"Whether the one whose death is in question was imbued with good morals; whether he lived piously and religiously and loved his wife; whether he had no cause for concealing himself; whether he possessed stable goods or could hope for others from his relatives or from elsewhere.

"Whether he departed with the assent of his wife and relatives; what his age and health were at that time.

"Whether he ever wrote, and from what place; and whether he revealed his will to return as soon as possible; and let other indications of this kind be collected.

"Other indications can be collected from the circumstances of things according to the various cause of absence in the following manner.

"If he departed on account of military service, let the commander of the soldiers be asked what he knows concerning him; whether he took part in some battle; whether he was captured by enemies; whether he deserted the camp or had dangerous assignments, etc.

"If he undertook a journey for the sake of commerce, let it be investigated whether grave dangers had to be overcome by him during the journey; whether he set out alone or accompanied by several

persons; whether seditions, wars, famines, and pestilences supervened in the region to which he betook himself, etc., etc.

"If he undertook a maritime journey, let diligent investigation be made as to the port from which he departed; who were his companions on the journey; where he went; the name of the ship which he boarded; who was the master of that ship; whether it suffered shipwreck; whether the company which perhaps insured the ship paid its price; and let other circumstances, if any, be weighed diligently.

"8. Report also, assisted by other corroborating evidence, constitutes an argument concerning death, but under these conditions, namely: that it be confirmed by at least two witnesses worthy of faith and under oath, who testify concerning a reasonable cause of the report; whether they received it from the greater and sounder part of the people, and whether they themselves judge rightly concerning the same report; and that there be no doubt that it was stirred up by those for whose advantage inquiry is being made.

"9. Finally, if there is need, investigation through public newspapers is not to be omitted, all necessary indications of the person being given to the editor, unless, on account of special circumstances, it is judged otherwise by sounder and more prudent counsel.

"10. This Sacred Congregation is accustomed to weigh all these things diligently according to the circumstances of the cases; and since the matter is most grave, after all things have been weighed in an equal balance and, moreover, after the votes of several theologians and jurists have been heard, it finally pronounces its judgment as to whether the death in question is sufficiently established and nothing prevents passage to other nuptials from being granted to the petitioner.

"11. From all these things ecclesiastical superiors can derive a certain norm which they may follow in judgments of this kind. But if, notwithstanding the rules noted thus far, the matter still seems uncertain and intricate to them, they must have recourse to the Holy See, all the acts being transmitted together with the recourse, or at least diligently set forth." Instruction of the Holy Office, 1868.

On the Impediment of Consanguinity

"We prohibit unions of blood relatives from being made, because both divine and secular laws prohibit them. For the divine laws, treating of this matter, not only cast out those who proceed from such unions but call them accursed; while the laws call such persons infamous and repel them from inheritance. Therefore We, following Our Fathers, mark them with infamy and judge them to be infamous." First Ecumenical Lateran Council, year 1123, canon 5.

This is against the heresy of the incestuous. Those were so called who contended that the unions of relatives were not unlawful and who reckoned the degrees of consanguinity according to the norm of civil law. Against them, Leo IX in the First Roman Synod and at Rheims, Nicholas II at Rome, Alexander II at Rome in 1063 and especially at Rome in 1065, in which he issued the Decretal which is found in cause 35, question 5, chapter 2, Urban II at the Synod of Troyes, and the Second Ecumenical Lateran Council, canon 17, defend the canonical law and doctrine: "We altogether prohibit unions of blood relatives from being made; for the statutes of the holy Fathers and the sacrosanct Church of God detest incest of this kind, which, at the instigation of the enemy of the

human race, has almost passed into use." But the Fourth Lateran Council reduced the prohibited degrees to the number four.

"In the case of an intermediate stock (of the second degree) constituted by two persons who are themselves blood relatives (in the second degree), whether there exists and must be declared in the supplicatory petition for a dispensation one impediment of consanguinity, namely, only that which proceeds from this nearer intermediate stock; or whether, in addition, there are and must be declared two other impediments arising from the more remote common stock (of the fourth degree) through the lines joined in the intermediate stock.—Response. Negative to 1; affirmative to 2." Holy Office, 11 March 1896.

"1. When two betrothed persons stand in the equal second degree of consanguinity, and their grandfather and grandmother themselves had contracted Matrimony in the second degree of consanguinity, so that the betrothed persons are also bound in the fourth degree of consanguinity, must a dispensation necessarily be sought and obtained from a triple impediment, namely, in the second and in the double fourth degree? ... 3. When two brothers married two sisters, are their offspring bound by a double or quadruple bond of consanguinity in the equal second degree?—Response. To 1: Affirmative, as in the decision of 11 March 1896.—To 3: Only by a double impediment of consanguinity in the equal second degree." Holy Office, 22 February 1899; *M. E.*, vol. 1, p. 53.

On Affinity from Illicit and Licit Intercourse

Whether dispensations concerning affinity from licit or matrimonial intercourse in which no mention was made of illicit or anti-matrimonial intercourse are valid.—Response. "The dispensations in the cases set forth are valid." Sacred Penitentiary, 7 June 1842. And this response was declared general by Letters of the same Penitentiary, 10 December 1874. Cf. C. 1236.

Dispensation in the First Degree of Affinity from Licit Intercourse

Clement XI, Brief *Delata nuper*, 9 April 1712, established that in this matter the Letters of Alexander VIII of 30 May 1690 were to be observed, and likewise his own Letters of 2 and 29 April and 11 June 1701 issued concerning the matter.

"There is no doubt concerning the power of the Pontiff to grant a dispensation in the first degree of affinity in the direct line, even from licit intercourse between a stepfather and stepdaughter; and, on the other hand, it is not expedient that dispensations of this kind be granted." Holy Office, 4 September 1743.

On Affinity Contracted in Unbelief

"1. Can an unbelieving man who, while still situated in unbelief, carnally knew, whether publicly or privately but illicitly, a certain woman, whether faithful or unbelieving, after receiving Baptism validly and lawfully contract Matrimony with a blood relative of the same woman known by him, if that relative received Baptism either before or after the intercourse in question?—2. And insofar as the response is affirmative, concerning which there is grave doubt, can the same unbeliever converted to the faith, after the death of his legitimate unbelieving wife, contract Matrimony with a blood relative, up to and including the fourth degree, of the same deceased wife, whether that relative received

Baptism before or after the death of the aforesaid unbelieving wife?—Response. To 1: Negative.—To 2: Negative." Sacred Congregation for the Propagation of the Faith, 23 August 1852.

"In these missions it often happens that a younger brother marries the wife of his deceased elder brother and is afterwards converted; they can be separated only with the greatest difficulty on account of offspring already received or the danger that they may be turned away from the faith. Nevertheless, their Marriage seems to be invalid, since it is altogether prohibited by law, even under penalty of death. But after Baptism, in order to convalidate their Marriage, does it suffice that they merely renew their consent?—Response. After a dispensation has first been granted from the impediments of disparity of worship and of the first degree of affinity, by means of the faculties which the missionaries enjoy, consent is to be renewed; but if evils that would supervene are detected, they are to be left in good faith." Holy Office, 20 September 1854.

"Affinity which is naturally contracted in unbelief from both licit and illicit intercourse is not an impediment to Marriages entered into in unbelief; nevertheless, it becomes an impediment to Marriages which are entered into after Baptism, upon whose reception unbelievers become subjects of the Church and consequently subject to her laws." Holy Office, 26 August 1891.

Whether Sodomy Produces an Impediment of Matrimony

"Whether sodomy, of whatever species it may be, gives rise to impediments of consanguinity, affinity, or public propriety; and whether it must be expressed in the petition for a dispensation, whenever it occurs, and in the case of spiritual kinship?—Response. Negative to all." Sacred Penitentiary, 2 July 1885.

On Spiritual Kinship with Respect to Baptism and Confirmation

"Whether the provision of the Council of Trent, chapter 2, session 24, *On the Reformation of Matrimony*, decreeing that in the Sacrament of Baptism spiritual kinship is contracted between the sponsor and the father and mother of the one sponsored, has place in a Baptism which, on account of necessity, was performed without solemnities? "Response. Affirmative." Sacred Congregation of the Council, 5 March 1678. Cf. Marc, *Alphonsian Moral Institutions*, 2nd ed., no. 2022. Cf. no. 459.

"Sponsors who are employed in supplying the solemnities of Baptism do not contract the impediment of spiritual kinship." Instruction of the Sacred Congregation for the Propagation of the Faith, 11 September 1779; Sacred Congregation of the Council, 13 April 1669; 2 October 1687.

An unconfirmed sponsor at Confirmation "does not contract spiritual kinship." Sacred Congregation of the Council, 13 June 1654; Lucidi, C. 2, § 3, no. 142.

Sponsors do not contract with the parents as many impediments invalidating Matrimony as the number of their children whom they sponsor in the same Sacrament; they are bound with them by only one impediment, unless they sponsored the same child, or several children, both in Baptism and in Confirmation. Sacred Penitentiary, 14 January 1881, according to the practice of the Curia; Holy Office, 29 April 1894.

"Whether, in the Formulas by which the faculty of dispensing from the impediment of spiritual kinship is customarily granted, the case of spiritual kinship between the baptizer and the baptized, not foreseen in those Formulas, is comprehended?—Response. Negative; that is, those who enjoy the

faculty granted through the aforesaid Formulas cannot dispense from the impediment of spiritual kinship between the baptizer and the baptized; and this is to be communicated to all whom it may concern and henceforth expressly stated in the Formulas. But if any Marriages have perhaps hitherto been contracted with a dispensation of this kind granted by force of those same Formulas, in order to settle every question concerning their validity, petition is to be made to His Holiness that he may deign to declare those Marriages sanated in the root." Holy Office, 3 December 1902.

On Legal Kinship

"Is adoption to be regarded as a canonical impediment invalidating Matrimony in the kingdom of Tonkin, when, according to the laws and customs of that kingdom, a person not yet of his own right can adopt, nor is it required that the adopter be more than twenty-five years old, just as little account is taken of whether the person is male or female; eunuchs themselves also can adopt, and no account is taken of the age of the adopter relative to the person adopted; nor is the presence of the adopted person required, or that person's consent in the adoption, so that even absent boys and girls incapable of true consent can be adopted as sons and daughters?—Response. Negative." Sacred Congregation for the Propagation of the Faith, 14 January 1802.

"Since in the kingdom of France the right of adoption has now been legally received, it is asked whether the canonical impediment of adoption which renders Matrimony null ought also to have place?—Response. Affirmative, if the question concerns an adoption legitimately entered into." Sacred Penitentiary, 17 May 1822.

The Holy Office judged the same on 23 February 1853 for the Kingdom of the Two Sicilies, and the Sacred Penitentiary for France.

On the Impediment from Private Betrothals

"Whether the impediment of public propriety is contracted from clandestine betrothals.—Response. Affirmative." Sacred Penitentiary, 10 September 1834.

On the Impediment of Public Propriety from Civil Marriage.—Cf. no. 923. — On the Impediment of Public Propriety among Unbelievers Converted to the Faith

"Whether a ratified but non-consummated Marriage of pagans produces public propriety, or is judged to be an invalidating impediment after their conversion? For example, Titius, a pagan, married Maevia, a pagan, but did not consummate the Marriage; after the death of Maevia, Titius becomes a Christian: can he marry Bertha, the sister or female cousin of Maevia, who has become a Christian from being a pagan? And is the same true of the betrothals of pagans as of a ratified Marriage?—Response. The impediment does not subsist." Holy Office, 19 April 1837.

On the Profession of Simple Vows with Respect to the Dissolution of Marriage

"...A ratified and non-consummated Marriage is dissolved only by the solemn profession of vows, and not by the profession of simple vows. Therefore, in a case in which a man, according to the law issued on 19 March 1857 by the Sacred Congregation on the State of Regulars, must emit simple

vows before solemn profession, either he or his spouse will be able to have recourse to the Apostolic See to obtain the faculty that solemn vows may be emitted at once." The same Sacred Congregation, 25 January 1861.

On Doubtful Baptism in Relation to Matrimony

"Are those dwelling in those Protestant places where Baptism is doubtful to be regarded as unbelievers, so that the invalidating impediment of disparity of worship is judged to exist between Catholics and them?—Response. 1. With regard to heretics whose sects' Rituals prescribe the conferral of Baptism without the necessary use of the essential matter and form, the particular case must be examined.—2. With regard to others who baptize validly according to their Ritual, the Baptism is to be judged valid. But if doubt persists even in the first case, the Baptism is to be judged valid in relation to the validity of Matrimony.—3. But if it is known with certainty that there is no Baptism according to the present custom of that sect, the Marriage is null." Holy Office, 17 November 1830.

"His Holiness Gregory XVI, in an audience held on 20 December 1831, ... ordered that the following be added concerning the third case of the aforesaid Decree of 17 November 1830, which regards the certain nullity of the Baptism of the heretical party: recourse is to be had in individual cases." Cf. Francis Sentis, *Decrees of Clement VIII*, Freiburg im Breisgau, 1870, p. 135; *A. S. S.*, vol. 25, pp. 258, 260.

"The Marriage of those concerning whom it is certainly established that they were not validly baptized is to be regarded as the Marriage of two unbelievers. But the Marriage of those of whom only one party is known to have been validly baptized, while the other was baptized invalidly, is to be regarded as a Marriage affected by the invalidating impediment of disparity of worship, and therefore as null. Finally, if, after a diligent and accurate examination, the doubt concerning the valid reception of Baptism cannot be removed, and it is established as a fact that Baptism was received, Baptism of this kind is to be judged valid in relation to the validity of Matrimony, according to the Decree of 17 November 1830. But if it is known with certainty that there is no Baptism according to the present custom of that sect, the Marriage is null." Holy Office, 3 April 1878; *A. S. S.*, vol. 24, p. 574 ff.; C. 649.

On an Unknown Conferral of Baptism with Respect to Matrimony

"...1. I ask whether, in relation to the validity or nullity of a contracted Marriage, the conferral or non-conferral of Baptism, when it is unknown, is to be determined from the principle of presumption?... —2. When the conferral of Baptism is unknown, is the principle of presumption rightly applied, in relation to the validity of a contracted Marriage, in the following articles?

"1. If the non-Catholic party or parties had parents belonging to a sect which rejects Baptism, Baptism is not to be presumed.

"2. The same is to be resolved if they had parents belonging to a sect which does not admit the Baptism of infants, or in which it is not conferred except upon adults—for example, upon those who have already attained the thirtieth year of age—as is the case in the sect of the Baptists.

"3. The same is likewise to be resolved if they had parents who, while living, professed that they wished to belong to no sect and that they honored the Supreme Being, as they say, by upright morals rather than by any particular worship.

"4. If they had parents belonging to a sect which regards Baptism as necessary, or in which it is at least ordinarily administered, and if those parents were zealous in their sect, Baptism is to be presumed. But what if the parents were negligent in their sect, or belonged to a sect which indeed does not reject Baptism but does not regard it as necessary and in which it is not ordinarily administered? In either or both cases, is Baptism to be presumed or not?

"5. If, according to the sect of only one parent and that parent's zealous disposition of mind as described above, the presumption favors Baptism, and that parent in fact and undoubtedly had the principal part in the education of the offspring, Baptism is to be presumed.

"Resolve the same if, after an inquiry has been made, it is unknown or is not sufficiently established whether that parent had the principal part; for Baptism is to be presumed in relation to Matrimony, since a union once entered into is to be judged valid so long as an obstacle does not disclose itself. But what if it is certainly established that the sect and disposition of mind of the parent who in fact and undoubtedly had the principal part in the education did not favor Baptism, while the sect and disposition of mind of the other parent favored it?

"6. In a case in which no presumption militates in favor of Baptism, the rule is to be applied: a fact is not presumed, but must be proved. The application of this rule in these United States, where among non-Catholics there are very many who care little or nothing about conferring Baptism upon their infants, ought perhaps with greater reason to have place than in many other regions.

"The aforesaid questions are proposed as principal ones for this reason: that from their solution there may be had a norm according to which it is possible to proceed safely, especially in these cases: 1. When, of two non-Catholic parties separated from each other as above, one requests to be received into the bosom of the Church and desires to pass to other nuptials. 2. When the Catholic party, separated as above from the non-Catholic party, requests to be joined to another, or, already joined to another, desires to be admitted to the Sacraments.

"Response. To 1: Affirmative, but after an investigation has been carried out in each case.

"To 2, namely: When the conferral of Baptism is unknown, is the principle of presumption rightly applied, in relation to the validity of a contracted Marriage, in the following articles? They responded: Affirmative with regard to the first, second, and third articles, and with regard to the first part of the fourth and the first part of the fifth number; but in this last article, after the words *had the principal part*, let there be added: *and the other spouse is not known to have been positively opposed to the conferral of Baptism, Baptism is to be presumed*. In the remaining cases noted in the second part of number five, recourse is to be had to the Holy See, with all the circumstances of things, places, and persons, and the other matters relevant to the affair, having been set forth. To 6: Provided for in the preceding responses." Holy Office, 1 August 1883, to the Bishop of Savannah.

On the Unlawfulness of a Mixed Marriage

"...We judge that great ruin will be brought upon the Catholic Church by unions of this kind. For if the mother, with whom the first education of the offspring rests, is alien to our sacred rites, what is

not to be feared concerning the religion of the children? For she, solicitously considering their eternal salvation according to her maternal love, will omit no occasion by which she may imbue them with the doctrine of her sect, which she regards as alone true. And if, as will very frequently happen, she mocks her husband as though he were pursuing empty things when he fasts and abstains from meat on vigils, or washes away the stains of his soul in the Sacrament of Penance, or approaches the sacred table of the Eucharist, it must certainly also happen little by little that contempt for the most sacred things will glide into the minds of the children. But the things which they seize upon from a tender age are most difficult to uproot from their minds.

"And conversely, if the mother indeed practices the Catholic religion but the father is attached to some heretical sect and playfully mocks, in the sight of the children, the words and deeds of his wife which pertain to religion, will not the childish mind of the children, for whom the authority of the father has very great weight, begin to doubt somewhat concerning the truth of the religion which the mother follows? What if a serious dispute about religion arises between husband and wife? Will not the children, whose mind is driven this way and that by the alternating arguments in their parents' dispute, gradually fall into religious indifferentism, than which nothing is more deadly, nothing more hostile to religion, since it utterly destroys every religion, whether true or false? It is also evident that by these unions a wider field is opened to the Lutheran heresy in which it can spread itself more broadly. For girls imbued with Lutheran error, who now are permitted to establish a domicile with their husbands only in certain places, if they marry Catholic men, must follow them wherever it pleases them to dwell. Moreover, the newly married woman will admit more persons of her sect into the husband's household; nor can the ministers of the false sect, who visit her for the sake of greeting her, be prohibited from his house. They surely will not fail in their ministry, by which they confirm their sheep in error and suggest to the mother the art by which the seeds of good doctrine may wither in the minds of the children from the very time when they begin to spring forth.

"Therefore, the effort hitherto employed by Catholics to eliminate from these regions which they hold the errors condemned by the Church will have been in vain, since it will thereafter be lawful with impunity to profess the same poisonous doctrine in the midst of those same Catholics. To this is added that if either spouse who is Catholic dies, leaving children in their earliest age, the other, heretical spouse will be free to infect those children with the poisonous opinions of that spouse's sect. You see, therefore, Our beloved son, what the Catholic religion can promise itself concerning the offspring born of these unions, and whether it is not greatly to be feared that through the unions by which they intend to propagate the Catholic faith, heresy may be propagated more widely; and, what is worst of all, that religious indifferentism, by which an entrance is very often opened to impiety, may acquire greater strength day by day...." Clement XIII, 16 November 1763, to the Bishop of Argerota. Cf. C. 1426.

On the Power and Cause for Dispensing in Mixed Marriages, on the Conditions to Be Premised, and on Their Sacred Rite

"But some of you have also petitioned Us that We grant them the power to impart dispensations or permissions for contracting between persons of whom one professes the Catholic faith and the other heresy.... The Apostolic See has been accustomed to impart this permission only with very great reluctance and much caution, in order to remove the aforesaid danger insofar as possible, and only when some grave and generally public cause intervenes. But it has never granted, especially in

Europe, that bishops, even when they petition most insistently, may give the same permission.... Therefore, if We now had to respond to this petition, Our response certainly could not depart from the constant rule of this Holy See and from the example and manner of acting of Our Predecessors." Brief of Pius VII, 17 February 1809, to the Bishops of France.

"Concerning this matter, only the following has been tolerated in some places: parish priests who, in order to avert graver injuries to the Catholic cause, were compelled to offer their presence at the contracting of these nuptials, might indeed permit them to be effected in their presence—provided, of course, that no other canonical impediment was present—so that, after hearing the consent of both parties, they might afterward, in accordance with their office, record in the book of Marriages the act validly performed; but they were always to beware of approving by any act of their own such unlawful Marriages, and much more of mingling sacred prayers or any ecclesiastical rite with them." Pius VIII, 25 March 1830, to the Bishops of the Rhine Provinces.

"...And to this matter altogether pertain the most ancient canons severely prohibiting mixed unions themselves and the more recent enactments of the Supreme Pontiffs, concerning which Benedict XIV, of immortal memory, speaks in his Encyclical Letters to the Bishops of the Kingdom of Poland and in the most celebrated work entitled *On the Diocesan Synod*. Hence, moreover, it has come about that this Apostolic See, to which alone belongs the power of dispensing from an impediment of mixed religion of this kind, if, relaxing something of the severity of the canons, it has sometimes permitted these mixed unions, has done this with very great reluctance and only for grave causes, and always under the express condition that the necessary and suitable cautions be given beforehand: namely, that not only could the Catholic spouse not be perverted by the non-Catholic spouse, and indeed that the Catholic spouse should know himself bound to withdraw the non-Catholic from error according to his powers, but also that all offspring of either sex to be procreated from these mixed Marriages must be educated altogether in the holiness of the Catholic religion. These cautions can never be remitted or dispensed from, since they are founded in the natural and divine law itself, which the Church and this Holy See strive with all effort to preserve safe and intact, and against which those undoubtedly sin most gravely who, by rashly contracting these mixed nuptials, commit themselves and the offspring to be received therefrom to the danger of perversion. Moreover, in granting dispensations of this kind, in addition to the stated cautions, which must always be premised and from which dispensation can never in any way be given, conditions were also added that these mixed unions must be celebrated outside the church, without the blessing of the parish priest, and without any other ecclesiastical rite. These conditions principally have this purpose: that there may never be effaced from the minds of Catholics the memory both of the canons which detest mixed Marriages of this kind and of that most constant solicitude by which Holy Mother Church has never ceased to turn and deter her children from contracting those same mixed unions to the ruin of themselves and of their future offspring.... Our same Most Holy Lord established that, in granting these dispensations, the formula of that Rescript is to be used in which, although the aforesaid conditions concerning the celebration of these mixed unions outside the church, without the blessing of the parish priest, and without another ecclesiastical rite are not expressly declared, they are nevertheless implicitly contained. And His Holiness earnestly admonishes, exhorts, and urges in the Lord all archbishops, bishops, and other Ordinaries of places, and commands them that when in the future they obtain from this Holy See, through the formula of this Rescript, the faculty of dispensing from the impediment of mixed religion, they never cease, in executing the same faculty, to watch with every

care and diligence that the conditions concerning the celebration of these mixed Marriages outside the church, without the blessing of the parish priest, and without another ecclesiastical rite are also diligently fulfilled. But if in some places the sacred Prelates should recognize that the same conditions cannot be fulfilled without graver injuries and evils arising therefrom, in this case alone, in order to avoid greater injuries and evils of this kind, His Holiness entrusts it to the prudent judgment of those same sacred Prelates that they themselves—provided that the cautions concerning removal of the danger of perversion from the Catholic spouse, the conversion of the non-Catholic spouse to be procured according to his powers by the Catholic spouse, and the complete education of all offspring of either sex in the holiness of the Catholic religion are always preserved safe and firm and observed with the greatest diligence—judge when the aforementioned conditions concerning contracting these mixed nuptials outside the church and without the blessing of the parish priest cannot be fulfilled at all, and when, in entering these mixed unions, the custom of employing the rite legitimately prescribed in the diocesan Ritual for contracting Marriages can be tolerated, the celebration of Mass nevertheless always being excluded, and all the circumstances of things, places, and persons being most diligently weighed, and the conscience of the Prelates themselves being burdened concerning the truth and gravity of all the circumstances. His Holiness, however, greatly desires that those same sacred Prelates preserve with the greatest possible silence and secrecy an indulgence—or rather a tolerance—of this kind, committed altogether to their judgment and conscience." Instruction of the Secretariat of State to all Ordinaries of places, 15 November 1858. Cf. C. 1428.

Declaration of the Preceding Instruction

"...Therefore, the following matters seemed to you worthy of explanation. And first, you ask what is to be understood by the words upon which, in the praised Instruction, the faculty or tolerance of blessing mixed Marriages rests and, as it were, is bound, namely, *for avoiding graver evils and injuries*. Without doubt, graver evils and injuries arise therefrom: 1. Whenever, because a blessing has been denied to mixed Marriages, the complaints and hatred of heretics against the faithful and the ecclesiastical laws would easily be stirred up.—2. Whenever, after the blessing has been denied by the Catholic parish priest, the betrothed parties, before or after the Marriage celebrated before him, approach a petty minister, or even come together in a church of the heterodox to obtain a sacrilegious blessing, the Catholic parish priest being altogether set aside.—3. Whenever, moreover, it would have to be feared that, if the blessing sought by them were refused, either the necessary cautions concerning removal of the danger of perversion from the Catholic spouse and the education of all the offspring in the Catholic religion would not be observed, or, what would be more detestable, the Catholic party might pass over to the camp of the heretics, to the eternal ruin of that party and of the future offspring. Evidently, these and similar things are those grave injuries and evils for avoiding which the Supreme Pontiff declared that it could be granted or tolerated that the nuptial blessing be imparted in mixed Marriages. Through these things, therefore, an easy and correct interpretation and practice of the Instruction offers itself to all Vicars Apostolic.

"Hence the response to the second matter is also evident from what has been said. For immediately, by attending to the things said above, anxieties and doubts will vanish concerning an incorrect and therefore discordant interpretation of the Instruction and its application to practical cases or events. But whenever, on account of the considerable distance of places, the Prelates cannot by themselves

ascertain the gravity and truth of the causes and circumstances concerning mixed Marriages to be honored with a priestly blessing, they will be able to accomplish these same things through missionaries subject to them, who nevertheless are to be excellently instructed concerning the aforesaid causes and Instruction and endowed with prudence and zeal according to knowledge.

"The matters which in the third place made you anxious concerning the silence and secrecy inculcated in the praised Instruction insofar as possible do not seem to be understood so strictly that this indulgence—or rather tolerance—of the Holy See in blessing mixed nuptials is to become known to no one. For you ought to know that His Holiness wished the Prelates to be admonished that the blessing should not be imparted indiscriminately and without discretion to mixed Marriages, nor should they use such a faculty through public instructions as though by way of a rule, but very prudently and cautiously, lest the most salutary conditions of the Church, which are always understood to be implicitly joined to such dispensations, be handed over to oblivion. Certainly it will be clear to Your Amplitude and to the other Vicars Apostolic that the mind of the Supreme Pontiff is no other, if you attend to the things contained in the Apostolic Letter in the form of a Brief given to the Bishop of Trier on 3 October 1853 concerning this matter. After the Supreme Pontiff Pius IX granted to the Ordinary of Trier that, when the causes already mentioned above concurred, a blessing could be imparted to mixed Marriages, he continued in this manner: *These conditions* (outside the church and without the blessing of the parish priest) *principally have this purpose: that there may never be effaced from the minds of Catholics the memory of the canons which detest these unions and of that most constant solicitude by which Holy Mother Church has been accustomed to turn her children from contracting those same nuptials to the ruin of their future offspring*.

"From what has been said, therefore, a certain norm is proposed to you and to the other Vicars Apostolic for rightly interpreting and reducing to practice the things handed down in the Instruction of Cardinal Antonelli concerning the blessing to be given to mixed nuptials.

"Finally, to the questions which Your Amplitude also proposed as though consequential ones to be resolved, the Sacred Congregation judged that response should be made as follows: The practice of missionaries is by no means to be disapproved, whereby, in order to uncover the fraud of heretics who, after rejecting their own wife, might presume to unite with a Catholic woman, among the other investigations their banns are published, but without any mention being made of the religion of those who are to contract the nuptials.

"But with regard to the doubt: Can the Sacraments be given to the Catholic party who is disposed in mind to contract before a Protestant minister, either before or after the Catholic Marriage?—It will have to be considered whether the betrothed parties approach the Protestant minister merely in order to satisfy civil law, or rather in order to communicate in sacred rites. If the latter, since the heterodox minister assists in his capacity as one devoted to sacred rites, and the Catholic party persists in that party's depraved intention, the Catholic party cannot be admitted to participation in the Sacraments until, by withdrawing from the depraved purpose, that party truly comes to repentance. Concerning this matter it will be useful to consult Benedict XIV, *On the Diocesan Synod*, book 6, chapter 7, § 2.

"Lastly, it was asked: Is the Catholic party who contracted Marriage with a heretic and before a petty minister—validly, however, by virtue of the extension granted by Benedict XIV for Holland—to be admitted to a renewal of mutual consent before the Catholic parish priest or missionary, who might also recite the formula: *I join you together...*? Moreover, can spouses converted from heresy who

urgently request it be admitted to the same renewal of consent?—In places in which Marriages contracted either between heretics themselves or between one Catholic party and another heterodox party are valid even when the Tridentine form has not been observed—provided that no other canonical impediment has stood in the way—the spouses cannot be admitted to a Marriage, already indissoluble of itself, as though it were to be contracted anew through words expressing mutual present consent, nor is the formula, *I join you together in Matrimony*, to be recited by the priest. Nevertheless, if the question concerns mixed Marriages already contracted before a heretical minister, insofar as the cautions necessary by law were given and the Catholic party, repenting of the deed, requests the blessing, it can be imparted to that party after absolution from censures has first been given and salutary penances imposed, but the celebration of Mass must always be excluded. Likewise, the nuptial blessing is also to be imparted in Mass to spouses converted from heresy, provided that they request it. But in every case let the parish priest thoroughly instruct the spouses that a blessing of this kind pertains only to the rite, not to the validity of the union." Holy Office and Sacred Congregation for the Propagation of the Faith, 4 December 1862.

On the Faculty of Dispensing from Impediments of Matrimony When the Question Concerns Mixed Marriages

The Bishop M. proposed these doubts: "1. Can a faculty issued by the Sacred Congregation for the Propagation of the Faith be employed rightly and validly together with another faculty issued by the Sacred Congregation of the Holy Office or not, namely, when the question concerns mixed unions?

"2. And if, which would affect me with no small sorrow, this question were to be decided negatively, I further petition that Your Holiness deign most graciously to take counsel for me and to grant those remedies by which that which has hitherto been done less rightly in this diocese can best be remedied.

"3. And for the future, if a special faculty is needed for this, most graciously to grant that, by delegated power, I may also dispense in mixed Marriages when there concur impediments of the third and fourth degrees, simple and mixed only, of consanguinity and affinity; then of public propriety arising from valid betrothals, and of crime, provided that neither spouse plotted it; and finally of spiritual kinship, except between the sponsor and the person sponsored.

"Response. To 1: Negative.—To 2: Let the Most Reverend Lord Bishop remain silent and leave the spouses in good faith.—To 3: Petition is to be made to His Holiness for the grace." Holy Office, 12 September 1866.

"But because it has been reported to the Sacred Congregation that several of the Prelates of the East Indies have hitherto used faculties which concern dispensations from impediments invalidating Matrimony even when it happens that two different impediments are cumulated in the same person, thinking that the faculties granted to them extend to this—which, however, cannot be admitted—it has been provided that, with regard to past Marriages in which, when several impediments concurred, dispensation was given in this manner, the Vicars Apostolic are to remain silent and leave the spouses in good faith. But with regard to the future, they are to have recourse in individual cases; and if they foresee that time for having recourse to the Holy See will be difficult to obtain, they are to petition for a faculty for a number of cases, which will be granted to them by the Supreme Pontiff if indeed it shall seem opportune. By the same reasoning, if some invalidating impediment has place

when the discussion concerns mixed Marriages, in this case likewise the Vicars Apostolic cannot grant dispensations, even though they have a separate faculty of dispensing in mixed unions. Therefore, as regards dispensations given in this manner in the past, the bishops are to remain silent, as above, and leave the spouses in good faith. But as regards the future, Our Most Holy Lord will likewise grant, at the petition of the Vicars Apostolic, a faculty for the more urgent cases in which it is evident that there will be no time for having recourse to the Holy See; concerning this, the conscience of the Vicars Apostolic is gravely burdened." Instruction of the Sacred Congregation for the Propagation of the Faith, 8 September 1869.

"On 4 May 1887 the Holy Office decreed that, with regard to the faculty of dispensing from impediments either of mixed religion or of disparity of worship, the following clause is to be removed from the formulas: *Except Italians concerning whom it is not established that they have altogether abandoned an Italian domicile*."

Declaration of the Faculties of Dispensing in Mixed Marriages

The Bishop of Southwark consulted the Holy See concerning these four questions which follow. 1. "In the second formula it is declared that a bishop who has been endowed with these faculties by the Pontiff can in no way use them outside the boundaries of his diocese. But he is accustomed to obtain from the Holy See other faculties to which this limitation is not attached—for example, that he can dispense for the contracting of mixed Marriages. It seems to me that whenever the Supreme Pontiff, having been petitioned, grants to anyone the faculty of some matter, this limitation is implicitly attached; so that I could not grant by dispensation to two persons subject to the Diocese of Southwark who perhaps are staying at Plymouth that they may there enter a mixed Marriage. I ask you, Holy Father, to explain whether this opinion is true; that is, whenever an indult does not expressly bear the words *in no way use*, etc., whether these words are always to be understood therein.

"2. It frequently happens that either a man or a woman, bound by some invalidating or prohibitive impediment from which we have the faculty of dispensing, wishes to go, for example, to Liverpool in order to enter Marriage there with another woman or man dwelling there. I ask whether I can free the person departing from my diocese from every impediment by dispensing directly and thus, after the impediment has been removed, send the person to Liverpool, where the other betrothed party dwells, to enter Marriage there.

"3. If two persons subject to my diocese who are related by consanguinity or affinity wish, after being absolved from every impediment, to proceed to Liverpool for the purpose of entering nuptials there, I ask whether I can use the Apostolic indult by granting permission for a Marriage which will be entered outside the boundaries of my diocese.

"4. Since, in dispensing with regard to mixed Marriages, the Church is accustomed to permit a Catholic man or woman to enter nuptials with an Anglican woman or man—upon whom the benefits of the Church ought not to fall directly—by which bishop can the dispensation be granted when the Catholic man or woman comes to enter Marriage outside his or her own diocese?

"Response. To 1: The clause, *can in no way use them outside the boundaries of his diocese*, must be so understood that the faculties comprehended under it can be exercised only with the bishop's own subjects actually present in the diocese at the time when the grace is granted. Nevertheless, the same

clause is not to be understood as implicit in faculties which are granted to bishops by the Apostolic See, unless it has been expressed, or the mind of the Supreme Pontiff is otherwise established, or the subject matter requires it. But the faculty of dispensing from the impediment of mixed religion is granted with the clause, *that he may dispense within the boundaries of his diocese*; it therefore cannot be exercised except with subjects actually present within the boundaries of their own diocese, while observing, moreover, those things which are handed down in the response to the fourth question.

"To 2 and 3: Affirmative, unless the tenor of the Apostolic concession stands in the way, provided, however, that permission for the celebration of the Marriage is obtained from the bishop of the place where the Marriage itself is contracted.

"To 4: Catholic men or women, when just causes are present, can be dispensed from the impediment of mixed religion by the bishop possessing this faculty whose subjects they are by reason of a domicile or quasi-domicile acquired in his diocese, provided that they are actually present in that same diocese when they receive the dispensation. But a dispensation thus obtained can be put into execution wherever mixed unions are permitted to be contracted, unless something else stands in the way in the judgment of the Ordinary of the place in which the Marriage is contracted; otherwise, recourse must be had to the Apostolic See for the dispensation." Holy Office, 22 November 1865.

On the Conditions Necessary for a Dispensation in Mixed Marriages

"...What priestly zeal had already suggested to the sacred Prelates of Hungary, let it now, after the enactment of this law, be attended to with all the greater effort and with all their strength: that the faithful be turned away and altogether deterred from contracting mixed nuptials. For with regard to the remedy proposed by Your Eminence—namely, obtaining from the Holy Apostolic See a faculty by which it would be lawful for you to dispense with a Catholic bridegroom or bride who is to marry under the prohibition of mixed religion, and even to impart the nuptial blessing at least in those cases of mixed Marriages to be entered in which, from a rightly known disposition of the mind and will of the Catholic party, indeed of both betrothed parties, it can be hoped that, insofar as possible, a Catholic education will be given even to that offspring which, by force of civil law, would not be educated as Catholic, although the offspring would not be received into the bosom of the Church either through the form of Baptism imparted with this intention or through another external act—the Most Eminent Fathers judged this to be such that it can never be permitted, nor even tolerated, by the same Holy Apostolic See. Your Eminence certainly knows that the Church can never permit the celebration of mixed nuptials unless grave canonical causes concur and unless suitable cautions are furnished, by virtue of which the danger of perversion is removed from the Catholic spouse and provision is made for the Catholic instruction and education of all the offspring. This Catholic doctrine has very frequently been enunciated by the Supreme Pontiffs and declared even in those concessions in which they professed that they had reached those limits of indulgence beyond which it would be altogether unlawful to proceed. Passing over the other Pontiffs, Pius VIII, of holy memory, most gravely inculcates in the Apostolic Letter given to the Archbishop of Cologne and his suffragans on 25 March 1830: "You know, Venerable Brothers, that all those cautions have this purpose: that in this matter the natural and divine laws may be preserved safe and intact; since it is established that Catholic persons, whether men or women, who contract nuptials with non-Catholics in such a manner that they rashly commit themselves or their future offspring to the danger of perversion, not

only violate the canonical enactments, but also sin directly and most gravely against the natural and divine law. And from this you now understand that We too would be guilty of a most grave crime before God and the Church if, concerning nuptials of this kind to be contracted in those regions, We consented to those things being done by you or by the parish priests of your dioceses by which, if not in words, nevertheless by the deeds themselves, they would indiscriminately be approved." Moreover, Gregory XVI, of holy memory, in the Letter to those same Bishops of Hungary, your Predecessors, by which he extended to that kingdom an equal indulgence at the extreme limits, asserted altogether the same divine law concerning cautions founded in the divine and natural law itself, against which anyone who rashly commits himself or his future offspring to the danger of perversion undoubtedly sins most gravely. And finally, by command of Pius IX, of holy memory, it was declared in express words to all archbishops, bishops, and Ordinaries on 15 November 1858: "These cautions can never be remitted or dispensed from, since they are founded in the natural and divine law itself, which the Church and this Holy See strive with all effort to preserve safe and intact, and against which those undoubtedly sin most gravely who, by rashly contracting these mixed nuptials, commit themselves and the offspring to be received therefrom to the danger of perversion." In accordance with this doctrine, the Holy Apostolic See has always constantly maintained and still maintains that it is in no way lawful to dispense from the prohibition of mixed religion unless, in each case, in addition to the canonical causes, the following three conditions concur at the same time, namely: 1. That the parties, and especially the heretical party, have furnished true cautions by which they bind themselves before the Church to those things which the same Church requires from them; among these, the Catholic education of absolutely all the offspring without any exception or restriction holds the principal place. 2. That the ecclesiastical superior possess moral certainty both concerning the sincerity of the cautions for the present and concerning their fulfillment for the future. 3. That the furnishing of the caution be notorious, or at least be capable of being such, for removing every scandal.

"Since these things are so, it is in no way possible that that hope which rests solely upon the good disposition of the will of the contracting parties can take the place of true cautions: both because the contracting parties would in fact assume no obligation before the Church, and because this hope, in the present condition of affairs as described by Your Eminence, does not exclude, but rather supposes, that the offspring to be born which follows the sex of the heretical parent is to be baptized by the minister of the sect and assigned to instruction in the same sect. This would not only subvert the whole purpose of the cautions on behalf of the Church, but would constitute a caution on behalf of heresy. From these things it follows necessarily that it is not lawful, in the circumstances of affairs set forth, to impart the nuptial blessing. For if without the customary cautions it is never lawful to dispense from the prohibition of mixed religion, much less can it be lawful to honor with the sacred rite of blessing such Marriages as, according to the unshaken doctrine of the Church, are altogether contrary not only to ecclesiastical law but also to natural and divine law...." Holy Office, 21 July 1880, to the Cardinal Primate and Archbishop of Esztergom; *M. E.*, vol. 5, part 1, p. 198.

On the Absence of Every Blessing, Prayer, and Sacred Vestment in Mixed Marriages; on the Conditions to Be Required in Writing; on the Banns

"...Passing now to another point concerning the assistance at mixed Marriages imposed upon parish priests, We say that if, after the above-mentioned admonition has first been given in order to call the

Catholic party away from the unlawful Marriage, that party nevertheless persists in the will to contract it and it is foreseen that the Marriage will infallibly follow, the Catholic parish priest will then be able to offer his material presence, but in such a manner that he is bound to observe the following precautions: 1. That he not assist at such a Marriage in a sacred place, nor be clothed in any vestment displaying a sacred rite, nor recite any ecclesiastical prayers over the contracting parties, and in no way bless them. 2. That he require and receive from the heretical contracting party a written declaration by which, under oath and in the presence of two witnesses who must themselves also subscribe it, that party binds himself or herself to permit the other party the free exercise of the Catholic religion and to educate in it all children to be born, without any distinction of sex.... 3. That the Catholic contracting party also issue a declaration subscribed by that party and two witnesses, in which, under oath, the party promises not only never to apostatize from the Catholic religion, but also to educate in it all offspring to be born and to procure efficaciously the conversion of the other, non-Catholic contracting party. 4. With regard to the proclamations commanded by the Imperial Decree, which the bishops object are civil rather than sacred acts, We respond: since they are preordained to the future celebration of the Marriage and consequently contain positive cooperation in it—which certainly exceeds the limits of simple tolerance—We cannot consent that they be made...." Rescript of Pius VI to Cardinal de Frankenberg, Archbishop of Mechelen, and to the Bishops of Belgium, 13 July 1792.

"If, therefore, on account of the condition of times, places, and persons, the Marriage of a non-Catholic man with a Catholic woman, and conversely, can in no way be prevented without danger of greater evil and scandal to the detriment of religion, then indeed, in order to prevent greater injuries and scandals, one must abstain from correcting the Catholic spouse by censures expressly pronounced against that spouse by name. Indeed, it must be tolerated both that the customary banns be made by the Catholic parish priest, but with all mention of the religion of those who are to contract the nuptials omitted, and also that merely testimonial letters concerning the banns made be granted, in which, if no invalidating impediment is present, it is declared only that 'nothing besides the prohibition of the Church on account of the impediment of mixed religion stands in the way of the Marriage to be contracted,' with no word added from which even a slight suspicion of consent or approval might arise. But if it is recognized that it can conduce to the utility of the Church and the common good of souls that nuptials of this kind, however unlawful and prohibited, be celebrated before a Catholic parish priest rather than before a heretical minister, to whom the parties might easily have recourse, then the Catholic parish priest himself, or another priest acting in his place, will be able to be present at those nuptials by material presence alone, every ecclesiastical rite being excluded, just as if he acted the part of a mere witness commonly called qualified or authorized; namely, so that, after hearing the consent of each spouse, he may afterward, in accordance with his office, record in the book of Marriages the act validly performed." Instruction to the Bishops of Bavaria, 12 September 1834. Cf. C. 1429.

"The required cautions formerly had to be confirmed in writing or even by oath; but today 'such a promise suffices as, having been brought into an agreement, furnishes a moral foundation concerning the truth of its execution, so that an execution of this kind can prudently be expected,' from the Decision of the Holy Office, 30 June 1842." Marc, *Alphonsian Moral Institutions*, 2nd ed., no. 1987; Holy Office, 17 February 1875; C. 1437, 1439; *M. E.*, vol. 12, p. 438.

"If, in some extraordinary case, such circumstances concur that the bishop can acquire for himself moral certainty both concerning the sincerity of cautions of this kind for the present and concerning their fulfillment for the future, and altogether special reasons are present which prevent the cautions from being given in the customary manner, the matter is entrusted to his conscience and prudence. Otherwise, notwithstanding the royal Decree, suitable cautions are to be furnished in writing, as has been done hitherto; nor is a dispensation to be given unless the bishop is morally certain that they will be fulfilled." Holy Office, 10 December 1902; *M. E.*, vol. 15, p. 247; *A. S. S.*, vol. 36, p. 165.

"With regard to the first article concerning banns or proclamations, it can be tolerated that they be made not only outside the church, as is permitted in the aforesaid royal letters, but also altogether outside a sacred place. And this will be the first public sign of the disapproval of these Marriages. But in order that the disapproval itself may become more manifest and may indicate on the part of the parish priest that his cooperation will be a purely material and compelled concurrence, it is preferable to add to the customary formula of the banns some expression indicating that Marriages of this kind are to be detested." Rescript of Pius VI, 31 May 1783, to the Archbishop of Mechelen. Cf. Rescript of Pius VI to Cardinal de Frankenberg, Archbishop of Mechelen, and to the Bishops of Belgium, 13 July 1792.

"...Let them beware, moreover, lest in publishing mixed Marriages they express the religion of the non-Catholic contracting party; rather, let them announce only the names and surnames of the contracting parties...." Pius VI, Extension of the Declaration of Benedict XIV to the Duchy of Cleves, 19 June 1793.

The Sacred Congregation for the Propagation of the Faith declared on 4 July 1874 that proclamations can be made in mixed unions when they seem necessary and suitable in the judgment of the Ordinary for discovering impediments, with mention of the religion of those who are to contract the nuptials omitted. C. 1223.

On the Nuptial Blessing Not to Be Tolerated in Mixed Marriages

"...And indeed, with regard to the blessing, as you know very well, this Apostolic See has been accustomed to prohibit it even in those Marriages which are entered between Catholics and non-Catholics after permission from the same See has been obtained and the cautions prescribed by it have been employed. And even if it could thereafter be tolerated that the custom introduced in some regions of blessing mixed Marriages entered with the permission of the Church and the aforesaid cautions be observed, nevertheless the same blessing must never be tolerated in those cases in which, with no permission of the Church intervening and without the necessary cautions having first been given, a manifest and most grave crime is committed in the very entering of the matrimonial covenant.... And these things accord with the precepts and admonitions which you know, Venerable Brother, to have been recorded either in Our Letters or in those of Our Predecessor Pius VIII to various archbishops and bishops, or in Instructions issued either by his command or by Ours. Nor indeed does it matter if those Instructions were given only to certain Prelates who had consulted this Apostolic See, as though others were free not to follow their judgment.... Although those Letters and Instructions, insofar as they grant or tolerate something new, refer only to the places for which they were given, nevertheless their rationale is circumscribed by no limits insofar as they announce the immutable doctrine of the Church, inculcate the judgment of the canons, and proscribe depraved

customs which may have become prevalent somewhere....” Gregory XVI, Letter of 23 May 1846, to the Archbishop of Freiburg. Cf. C. 1423, 1433.

“Whether, in mixed Marriages, the priest must also abstain from pronouncing the words: *I join you together in Matrimony*.—Response. Let the parish priest assisting at a Marriage of mixed religion abstain.” Holy Office, 26 November 1835; C. 1427.

What Those Who Contracted Mixed Marriages without the Consent of the Church Must Do

“It remains now to speak about one further point concerning which, although We have not been expressly questioned, We nevertheless do not believe that it ought to be passed over in silence, since it can occur all too frequently in practice, namely: whether a Catholic contracting party who afterward wishes to become a participant in the Sacraments ought to be admitted to them? To this We say that, when that same person demonstrates that he repents of his sinful union, this can be granted to him, provided that before the concession he sincerely declares that he will procure the conversion of his heretical spouse, renews his promise concerning the education of the offspring in the orthodox religion, and will repair the scandal given to the other faithful. If such conditions concur, We do not object to the Catholic party becoming a participant in the Sacraments.” Rescript of Pius VI, 13 July 1782, to the Cardinal Archbishop of Mechelen.

“...The aforesaid spouses must make satisfaction to the Church, whose most holy law has been violated, and must furnish to the same Church, even in the external forum, cautions concerning the removal from themselves and their offspring of the danger to eternal salvation; and for this purpose recourse to the bishop is to be required.” Holy Office, 12 March 1881, to a Vicar Apostolic; *A. S. S.*, vol. 16, p. 235.

Whether It Is Lawful to Contract Marriage before a Heretical Minister

“It is not unknown that in certain places a heretical minister acts in the capacity of a merely civil magistrate, before whom spouses are accustomed, or even bound, to present themselves for a political purpose, namely, that they may be regarded civilly as honorable spouses and that their offspring may be judged legitimate. Then, when the heretics insist or the civil law commands, it is not disapproved that the Catholic party together with the heretical party present themselves, before or after the Marriage contracted according to the Tridentine form, even before a minister attached to heresy, solely to fulfill the civil act. For to the doubt once expressed in these terms: *Whether a Catholic contracting with a heretic before his own Catholic parish priest can lawfully, when the heretics insist, ratify this Marriage before a heretical minister, if no profession of the heretical rite is thereby had or inferred, and whatever the heretical minister does in the case is merely a civil and political demand and is so regarded*, this Sacred Congregation responded affirmatively.

“But indeed, whenever the heretical minister is regarded as one devoted to sacred rites and as though exercising the office of parish priest, it is not lawful for the Catholic party together with the heretical party to give matrimonial consent before such a petty minister, because he would be employed to complete a certain religious ceremony and the Catholic party would associate himself with the heretical rite. Hence there would arise a certain implicit adherence to heresy, and consequently

communication in sacred things with heretics would be regarded as altogether unlawful. Therefore, although this pernicious custom may have become established in such a way that it cannot easily be corrected by the clergy, it must nevertheless be uprooted with every effort and zeal. And indeed Benedict XIV openly teaches that it is not lawful for the contracting parties to present themselves before a heretical minister insofar as he assists as a minister devoted to sacred rites, that the contracting parties sin mortally, and that they are to be admonished.

"Therefore, parish priests and missionaries, suitably instructed and admonished by you, are to teach the faithful, both by public catechetical instructions in the churches and by private instructions, concerning the constant doctrine and practice of the Church, so that they may be salutarily turned away, insofar as possible, from contracting mixed nuptials; but if not, let them utterly shrink from celebrating Marriage before a heretical minister devoted to sacred rites, which is altogether unlawful and sacrilegious. Thus response was made to the Ordinary of Trier on Wednesday, 21 April 1847.

"Let parish priests know, moreover, that if they are questioned by the contracting parties, or if they know with certainty that they are going to a heretical minister devoted to sacred rites in order to give matrimonial consent, they cannot remain silent, but must admonish those same betrothed parties concerning the most grave sin which they commit and the censures which they incur. Nevertheless, in order to prevent grave evils, if in some particular case the parish priest has not been asked by the betrothed parties whether it is lawful or not to go to a heretical minister, and no explicit declaration is made by those betrothed parties that they are going to the heretical minister, but he nevertheless foresees that they will perhaps go to renew matrimonial consent, and moreover foresees from the circumstances concurring in the case that an admonition will certainly not be profitable but rather harmful, and that the material sin will thereby be turned into formal guilt, then let him remain silent, scandal nevertheless having been removed, and provided that the other conditions and cautions required by the Church have been duly given, especially concerning the granting of the free exercise of religion to the Catholic party and the education of all the offspring in the Catholic religion. But if, finally, consent is to be renewed before the parish priest after it has already been given before a heretical minister, and this is publicly known or is reported to the parish priest by the parties themselves, the parish priest shall not assist at this Marriage unless, the other things to be observed being observed as is supposed, the Catholic party, repenting of the deed, has first duly obtained absolution from the censures contracted, after salutary penances have been imposed. Therefore, the Sacred Congregation greatly trusts in the Lord that you, prudently and firmly adhering to the foregoing, will bring it about that the deposit of inviolable doctrine is preserved safe and intact, that the morals of Catholics correspond to the faith, that the feared injuries are warded off, and that the faithful, strengthened by doctrine and example, walk in the paths of justice." Decree of the Holy Office, 17 February 1864, to the Bishops of the Kingdom of Hanover; 29 November 1672, to Dom Luke Wadding, Vicar General in Ireland.

Whether It Is Lawful to Report a Child Born to a Heretical Minister

"1. Can it be tolerated that Catholic parish priests obey the precept imposed upon them by a circular letter, that they report to heterodox ministers the Baptisms of infants who are born of mixed Marriages? "2. After the same circular letter, is it lawful for the Bishops of Hungary to use the faculty granted to them by the Holy See of dispensing from the impediment of mixed religion?—Response.

To the first: Negative.—To the second: Likewise negative, unless these two conditions exist together. The first is that both the Catholic and the non-Catholic party formally furnish all the cautions which are required by nature and divine law in mixed Marriages. The second is that the bishops be morally certain concerning the sincerity of the promises and their fulfillment, notwithstanding the circular letters given by the Government." Cardinal Mariano Rampolla to the Archbishop of Esztergom, 7 July 1890.

"...The well-known law enacted in the year 1868 must altogether be revoked or changed as soon as the circumstances of the times permit, since it is contrary to one of the principal conditions which the Church requires when she grants dispensations for entering mixed unions. Plainly the same must be said of the circular letter of Minister Csáky, which not only pertains to the execution of that law but also imposes upon the Catholic clergy the most severe obligation of reporting to heterodox ministers the Baptisms of infants born of mixed unions, lest anyone of those whom the said law assigns to the heretical communion be able to avoid being educated in heresy. Now the change proposed by the Government does not avert these injuries; for although it somewhat lightens the burden imposed by the letter of Count Csáky, it nevertheless does not change its inward force and purpose. For whether the parish priests report the Baptism to the heterodox ministers or to the civil magistrates, they always contribute their effort toward attaining the end at which the circular letter aims, with this one difference introduced: that in the first hypothesis they would contribute their effort directly, but in the other through an intermediary." Cardinal Mariano Rampolla to the Archbishop of Esztergom, 26 September 1890.

On the Impediment of Adultery

"As Pickler explains according to the sacred canons, book 4 of the Decretals, title 7, in order that adultery may induce an invalidating impediment, it is required that there be joined to it either a promise of future Marriage or a contract of present Marriage with the adulteress or adulterer while the prior spouse is still living. But to contract, or attempt, a present Marriage is to enter nuptials—invalidly, of course—through words of the present tense or through some other sign which includes a promise of consent. It makes no difference, however, whether the adultery preceded the attempted Marriage or followed it.... In order that the taking of a concubine—or rather, an adulteress—may be regarded in the case as a true attempted Marriage, it is necessary that it include a promise of Marriage, whether in the present or in the future." Sacred Congregation for the Propagation of the Faith, 14 January 1844.

"When a certain I., bearer of the present letter, had a lawful wife named A., he committed adultery with M.; and when he had been summoned to law concerning this, he forswore the adulteress, and afterward, having despised his oath, while his lawful wife was still living, he presumed to contract Marriage with the adulteress and to cohabit with her for a long time. Finally, after the aforesaid A. was taken from the present light, the aforementioned I. remained with the adulteress for ten years and begot ten sons by her. We therefore give this response to your consultation: let them be altogether separated and, penance having been imposed upon them, let perpetual continence be enjoined, especially since both have advanced in years and, knowingly persisting for so long publicly in adultery and perjury, they have disturbed the Church with grave scandal. For you know that Pope Leo established that no one is to take in Marriage a woman whom he has defiled by adultery; and that

here matters proceeded further than if a pledge had merely been given to the adulteress that, after the lawful wife had died, he would take her as his wife, since the same man presumed, even while the first wife was living, to adhere to the adulteress almost matrimonially as an adulterer and rashly to violate his oath. This union—which both Pope Gregory and the Synod of Tribur detest, even where no sacred obligation of an oath intervened—they command that each person joined in this manner be subjected to public penance and remain perpetually without any hope of Marriage," etc. Chapter *Cum haberet*, 5, *On Him Who Took in Marriage*, etc.

On the Impediment of Crime with Respect to Unbelievers

"1. Can an unbelieving man who before Baptism had intercourse with the unbelieving wife of another man, whom he killed with the woman assenting and accepting a pledge of future Marriage, enter Marriage with the said woman after the Baptism of both?—2. Can they contract this Marriage if, when they perpetrated these crimes, one party was Christian?—Response. To 1: Affirmative.—To 2: Negative." Sacred Congregation for the Propagation of the Faith, 23 August 1852.

"You asked concerning Saracens who, while in captivity, killed the husbands of certain Christian women through the plots and machinations of those women: whether, because they afterward were converted by those women to the Christian faith, they can by law take them as wives, or whether, if they have married them, their union stands. Here We are content with the rule of the Council of Tribur, which declares that if the women maliciously plotted the death of their husbands, although the Saracens came to the faith through their effort, they nevertheless ought not to adhere to the women, nor, if they have adhered to them, are they to be tolerated, since the Church does not wish to compensate such a loss with such a gain. In connection with this, certain Saracens are reported to have killed Christians in war, and Christians likewise Saracens; but afterward the Saracens converted to the faith joined to themselves matrimonially the wives of those whom they had killed in the contest of war, and Christians are known to have done the same concerning Saracen women converted to the faith. After learning the truth concerning the death of their prior husbands, these women steadfastly demand a divorce. In these cases, therefore, We respond that, since such men did not procure the death of the deceased husbands, Marriage can lawfully be contracted between persons of this kind, and those thus joined cannot seek a divorce." Chapter *Laudabilem*, 1, *On the Conversion of Unbelievers*.

On the Impediment of Force and Fear

"No one is admitted by law to challenge a Marriage under this title—force and fear—except the person who is said to have suffered violence and coercion; but a person who has lived in the Marriage for a long time is rejected, provided that freedom and opportunity to protest were not lacking to that person; so that, if, now free from fear, that person remained of his own accord in the conjugal home and did not refuse the matrimonial duties, he ought no longer to be heard." Instruction of the Holy Office, 20 June 1883, no. 35; Instruction of the Sacred Congregation for the Propagation of the Faith, 1883, no. 36.

On the Impediment of Abduction

"Already from the year 1895 the petitions of Your Lordships, assembled in the Third Provincial Synod of Shkodër, were remitted by the Sacred Congregation for the Propagation of the Faith to this Supreme Tribunal of the Holy Office. In these petitions the wish was expressed that, by a benign interpretation of chapter 6, session 24, of the Most Holy Council of Trent, it should be authentically declared sufficient for the validity of a Marriage between the abducted woman and the abductor if the abducted woman, although not altogether separated from the abductor nor placed in a safe and free place, affirms under oath that she freely consents to have him as husband. "The matter has been referred again and again to the judgment of the Most Eminent Lord Cardinals who, together with me, are Inquisitors General. After weighing all things with the diligence and maturity which were fitting, they always and unanimously came to the judgment that it is not expedient to grant the requested relaxation of the Tridentine law in a general and absolute manner—for the matter comes down to this, and not to a simple interpretation, however broad.

"Your Lordships will easily understand this resolution of the Most Eminent Fathers if you briefly call to mind that, in violent abductions of women of this kind, a twofold impediment is for the most part to be distinguished: the one, namely, under the title of force and fear, which actually affects consent and consequently has its foundation in the natural law itself; the other from the positive Tridentine law, or abduction simply considered, which invalidates the Marriage both from the presumption of non-consent and in hatred of so great a crime.

"Now since, with respect to the former whenever it is present, there is no place for dispensation, the entire hinge of the question turns upon whether, on account of the peculiar circumstances of those places, it is expedient that the Tridentine law be relaxed insofar as the former is absent; namely, whenever, as is expressed in the petitions, the abducted woman, although not restored to a safe place, gives assurance under oath concerning her own free consent.

"And indeed, the things which Your Lordships related are truly horrible to read: concerning the frequency of abductions in those regions, the atrocious circumstances of their consummation, and the most grave injuries and even the proximate danger to life into which the unhappy abducted woman and her relatives very often fall unless she herself, while still placed under the immediate or mediate power of the abductor, consents to Marriage with him. Nevertheless, if the matter is inspected more subtly, all these things counsel the confirmation of the Tridentine law rather than its relaxation. For it is established that the Most Holy Council introduced an impediment of this kind precisely in order to destroy these abuses and uproot these barbarous customs. Therefore, generally to derogate now from the impediment itself for those regions would be the same as indirectly confirming in some manner the abuses which are deplored, paving a broader road for them, and calling into doubt the efficacy of this remedy recognized by the holy Fathers of Trent.

"But the remedy which is proposed by Your Lordships—an oath on the part of the abducted woman while still placed under the power of the abductor—would not in some cases furnish an indubitable argument concerning the absence of force and fear and concerning the truly free consent of the woman herself. For if it is reasonably feared that force and fear can induce the abducted woman to express outwardly her consent to Marriage with the abductor while her will inwardly resists, why should it not equally reasonably be feared that it compels her to confirm even her own assertion by

oath? Therefore, while on the one hand the woman would manifestly be exposed to the danger of perjury, on the other a certain wound would be inflicted upon the Tridentine law.

"Nevertheless, let all these things be understood as said concerning a normal and, so to speak, theoretical derogation from the Tridentine law; for with regard to practical cases, nothing prevents aid from being given to the woman by dispensation if both her truly free consent is established with certainty in any manner whatever and sufficient motives for dispensing are at hand. But in a matter of such moment, especially lest the most holy Tridentine law become cheapened by excessive facility in obtaining a dispensation of this kind, it is fitting that judgment be altogether reserved to the Holy See. Therefore, as often as necessary, Your Lordships will not disdain to have recourse to it after all the circumstances of the case have been set forth.

"Meanwhile, the Holy See plainly trusts that Your Lordships, according to the pastoral solicitude and zeal for souls in which you excel, will employ every effort and every care so that, whether in catechetical conferences, in sermons to be given to the people, through extraordinary sacred missions, or in any other more suitable manner, the faithful may be instructed concerning not only the moral but also the material foulness of this unspeakable crime and concerning the most grave and equally most just penalties enacted against the guilty by both ecclesiastical and civil laws. For no one of sound mind fails to see that it is not only most shameful before God but also most disgraceful before human society both that parents betroth their own daughters, without seeking their consent and indeed not rarely when they object, under barbarous sanctions and for an agreed price, as though the question concerned cheap beasts of burden, and that abductors abuse their own strength against defenseless young women destitute of every human aid.

"For this purpose it is also judged very opportune that a public edict be issued in each parish, by which both the shameful commerce of the parents and the unbridled audacity of abductors are branded with a worthy stigma, and the penalties decreed against them, not excluding public excommunication, are solemnly proclaimed." Holy Office, 15 February 1901; *M. E.*, vol. 12, p. 530 ff.

The Council of Trent on the Solemnity of Matrimony, Session 24, Chapter 1, *On the Reformation of Matrimony*

"Those who attempt to contract Marriage otherwise than in the presence of the parish priest, or of another priest with the permission of the parish priest or Ordinary, and of two or three witnesses, the holy Synod renders altogether incapable of contracting in this manner, and decrees that contracts of this kind are invalid and null.... It declares, moreover, that a decree of this kind shall begin to have its force in each parish after thirty days, to be counted from the day of the first publication made in that parish." Council of Trent, loc. cit.

"71. The Tridentine form does not bind under pain of invalidity where the civil law establishes another form and wills the Marriage to be valid when this new form intervenes." Proposition of the Syllabus condemned by Pius IX.

For Matrimony, it does not suffice, in order that the parish priest may assist validly at the Marriage, or at least that the Ordinary may be able to give parish priests permission to assist validly at the Marriage, that domicile be possessed in the diocese without a domicile or quasi-domicile being

possessed in any parish thereof, unless the question concerns wanderers who have no domicile elsewhere. Holy Office, 9 November 1898; 18 March 1893.

In the general faculty of administering all the Sacraments which do not require the episcopal order, the faculty of assisting at all Marriages of the faithful of the diocese is not included. Holy Office, 7 September 1898.

The mutual and general delegation of parish priests to assist at Marriage in some city is valid. Holy Office, 18 March 1893; *M. E.*, vol. 8, part 1, p. 49 ff.; vol. 7, part 2, p. 218.

"The Tridentine law concerning clandestine Marriages must indeed be promulgated in each parish according to its tenor; but, once promulgation has been made and its observance remains, the law affects the territory and, speaking adequately, it is confessed by all to be both local and personal: insofar as it is local, it affects the territory and obliges those who are to be joined there in Marriage; but insofar as it is personal, it obliges those who, possessing a domicile or quasi-domicile in a place where the Tridentine decree has been promulgated and is in force, might wish to contract in another place where it is not in force. Nor, by a subsequent division of the aforesaid territory, could either the parts divided into other parishes within it or a recently erected parish be declared free from the law already possessing the territory. Likewise, that the legitimate promulgation of the Tridentine decree is most justly inferred from its continued observance is similarly the common opinion." Instruction of the Holy Office, 14 December 1859.

"1. What is to be said concerning a Marriage contracted before a civil magistrate between two persons baptized in the Catholic Church, but of whom one or both here and now profess a Protestant sect or affirm that they are no longer Catholics?—2. What if both parties are Catholic, but the man belongs to the society of Freemasons or to another secret society condemned by the Church?—Response. The Marriages in question in the first question are to be regarded as valid when one or both parties professed a heretical sect before the Marriage, or when it is in some manner publicly established that the one or both abandoned the Catholic religion. But the Marriages of Freemasons in question in the second question are generally to be regarded as null when they were contracted before a civil magistrate without the form of the Council having been observed. But insofar as a grave difficulty occurs, let the Most Reverend Lord Bishop have recourse in the particular cases after accurately setting forth all the circumstances of each case." Holy Office, 15 February 1865.

"1. Where the decree of the Council of Trent, chapter 1, session 24, *On the Reformation of Matrimony*, has not been published in a parish, Marriages contracted without observance of the form prescribed by the Council are valid.—2. Publication is presumed where that decree was at some time observed in the parish as a decree of the Council.—3. Heretics also, where the decree of the said first chapter has been published, are bound to observe such a form, and therefore even their Marriages without the form of the Council, although contracted before a heretical minister or the magistrate of the place, are null and invalid.—4. Even where it is established that the decree of the Council was published, or was at some time observed in the parish as a decree of the Council, but the parish church, being vacant, lacks its own parish priest, and the cathedral likewise lacks a bishop and chapter possessing from the Council the faculty of delegating another priest for this purpose, and there is no one else there who supplies the place of the parish priest or bishop, the Marriage is valid without the presence of the parish priest, provided nevertheless that the form of the Council is observed in that respect in which it can be, namely, by employing at least two witnesses.—5. If a

parish priest and bishop indeed exist, but, no vicar having been appointed, both lie hidden through fear of the heretics so that it is truly unknown where they are, or they are absent through the same fear and there is no safe access to either of them, a Marriage contracted without the form is valid, provided nevertheless, as was said, that two witnesses are employed." Sacred Congregation of the Council, 18 January 1663; C. 1388.

"How much time is required so that from the observance of chapter *Tametsi* in a place its publication can be presumed?—Response. The decree of the Council of Trent, *On the Reformation of Matrimony*, session 24, is said to have been observed for a long time as a decree of the same Council when it is established that it has possessed the force of law in the parish from a time which exceeds human memory, so that Marriages contracted outside the form prescribed by Trent have always been regarded as invalid." Holy Office, 10 January 1866.

"No length of time suffices for the Tridentine law to be judged to have lost its binding force in some place through the mere non-observance of heretics." Holy Office, 7 July 1892; *A. S. S.*, vol. 25, p. 117 ff.

"Bertha, a Catholic woman, entered Marriage in Italy, in the domicile of the Legation of the English Nation, with a certain man of that nation and according to the rite and form of the Protestant religion or sect. This woman established a domicile in this diocese twenty years ago and always presented herself as a widow, but without being able to obtain trustworthy documents confirming the death of her spouse. Now, however, she desires to enter a Catholic union and to emerge from the concubinage in which she lives most wretchedly. And since she cannot prove the state of widowhood, because according to presumptions her spouse died in the city of London and no one is present who can give testimony concerning this, she most urgently petitions that she be regarded as free, because she entered the Marriage described above in a place where the Tridentine decree had been published and the Holy See declared the Marriages of heretics or mixed Marriages invalid, and therefore it ought to be regarded as null. Is the Marriage described above to be regarded as invalid, so that the woman in question can have recourse to other nuptials even though the death of the prior spouse is not established?—Response. Affirmative." Holy Office, 1 August 1900.

On Quasi-Domicile in Relation to Matrimony

"...It is indeed certain that the Marriages in question here would be very rare if the canonical prescriptions concerning quasi-domicile happened to be diligently and accurately observed by those who, having departed from a place where the Tridentine law concerning clandestinity is in force, proceed to a place where it is not in force. For it is clear and established to you that which was long ago defined by the Sacred Congregation of the Council and confirmed by the authority of the Supreme Pontiff Urban VIII in the Brief which begins *Exponi nobis* and which was issued at the request of the Archbishop of Cologne on 14 August 1627. According to the things enacted in this decree, those who have and retain a domicile in a place where the Tridentine law is in force cannot validly enter Marriage in a place where it is not in force unless they establish there not merely a habitation but also a true domicile, by which they must altogether purge any fraud that may have intervened. But for the establishing of a quasi-domicile, which in these cases must necessarily be acquired, these two things are required at the same time: namely, habitation in the place where the Marriage is contracted, and the intention of remaining there for the greater part of the year.

Therefore, if it is legitimately established that either both or one of the betrothed parties has the intention of remaining for the greater part of the year, from the first day on which these two things concur together—namely, both an intention of this kind and actual habitation—it is to be judged that quasi-domicile was acquired and that the Marriage consequently contracted is valid. Nevertheless, if the aforesaid intention is not established, recourse must be had to such indications as are at hand and produce moral certainty. But in a hidden and internal matter it is difficult to have indications of this kind which render the judge secure. Hence the rule confirmed by the Supreme Pontiff Benedict XIV in the Constitution *Paucis*, 12 March 1758, must especially be applied, so that it is considered whether, before the Marriage, either both or one of the parties dwelt in the place of the Marriage for a period of at least one month. If it is found that this was done, it is to be judged from the presumption of law that the intention of remaining for the greater part of the year existed and that quasi-domicile was acquired, and consequently that the Marriage is valid. But if this presumption of law, which arises from a month's habitation, is overthrown by contrary proofs through which it is certainly and clearly established that the aforesaid intention in no way existed, then it is manifest that the contrary judgment must be rendered, because presumption must yield to truth. Moreover, it is also manifest that actual habitation is inept for producing a quasi-domicile if someone stays in that region in the manner of a wanderer and traveler, and not truly and properly as an inhabitant, namely, as others are accustomed who have in the same place a true domicile properly so called...." Sacred Congregation of the Inquisition, 7 June 1867; *A. S. S.*, vol. 14, p. 320 ff.; Benedict XIV, Instruction 33.

"Those going to the city N. from another place or parish, provided that they have stayed there in some parish for six months, are to be judged to have a quasi-domicile there in relation to Matrimony, without an inquiry having to be made concerning the intention of remaining there for the greater part of the year, the matter having been discussed with His Holiness." Holy Office, 9 November 1898. Cf. *A. S. S.*, vol. 31, p. 402 ff.

On Quasi-Domicile in the United States of America

"The Supreme Universal Inquisition, on Wednesday, 6 May 1886, decreed, at the petition of the Council of Baltimore, that petition should be made to His Holiness that he deign to decree that, in the United States of America, those transferring themselves from a place where chapter *Tametsi* is in force to another place, provided that they have continuously stayed there for the period of at least one full month and have proved the freedom of their state as required by law, are to be judged to have a quasi-domicile there in relation to Matrimony, without an inquiry having to be made concerning the intention of remaining there for the greater part of the year. But on Wednesday, 12 December, His Holiness deigned by his supreme authority to ratify and confirm the aforesaid decree of the Most Eminent Fathers, anything whatsoever to the contrary notwithstanding."

The decree *Tametsi* is in force in the places of East St. Louis, Contreville Station, etc. Sacred Congregation for the Propagation of the Faith, 15 April 1901; *M. E.*, vol. 13, p. 299.

On Those Passing from a Place Where the Council of Trent Was Promulgated to a Place Where It Was Not Promulgated

"...While Urban VIII, of happy memory, was Supreme Pontiff, the Elector Archbishop of Cologne proposed these three doubts before the Congregation of the Council. It is humbly asked of the Sacred

Congregation: 1. Whether inhabitants, both male and female, of a place in which the Council of Trent has been promulgated and accepted on the point of Matrimony, while passing through a place in which the said Council has not been promulgated and retaining the same domicile, can validly contract Marriage in that place without the parish priest and witnesses?—2. What if the aforesaid inhabitants, both male and female, transfer themselves there with the sole intention of contracting without the parish priest and witnesses, without changing their habitation?—3. What if the same inhabitants, both male and female, transfer their habitation there with the sole intention of contracting without the parish priest and witnesses? But on 5 September 1626 this Congregation—the Sacred Congregation of Cardinals for the Interpretation of the Council of Trent—gave the following response. To 1 and 2 it responded that a lawful Marriage does not exist between persons thus transferring themselves and passing through with fraud.—To 3 he responded that, unless the domicile is truly transferred, the Marriage is not valid....

"When the context has been well considered, it is easily understood that the Marriages set forth in the first and second places are decreed invalid and null by the same Congregation because fraud intervened; but the Marriage set forth in the third place is judged valid, in which, although fraud intervened, nevertheless the one who contracted the Marriage, before entering it, had acquired a domicile or quasi-domicile in the place where he entered the Marriage: *unless the domicile is truly transferred*. For it is neither new nor unusual that a person have a domicile in one place and acquire a quasi-domicile in another. If he is in this state of affairs, then it will be free to him to contract Marriage before that parish priest within the boundaries of whose parish he then dwells when he is joined in Marriage, according to the common opinion related by Us and sanctioned in Our above-mentioned Ecclesiastical Institution 33 of the Latin edition....

"The same Congregation judged valid a Marriage contracted by one who had departed from the place of his proper domicile in order to escape the difficulties which he would have encountered if he had wished to enter Marriage before the parish priest of that place, and who entered it before the parish priest of another place, but only after he had acquired a legitimate quasi-domicile there and had remained in the same place for some time even after the Marriage was contracted...." Benedict XIV, *Paucis abhinc*, to the Archbishop of Goa, 19 March 1758.

Clandestine Marriages in Holland and in the Federated Provinces of Belgium between Heretics, and between One Catholic Party and Another Heretical Party, Are Declared Valid

"Our Most Holy Lord, after taking some time to weigh the matter within himself, recently ordered this declaration and instruction to be drawn up, which henceforth all the Prelates and parish priests of Belgium, and the missionaries and Vicars Apostolic of those regions, must employ in affairs of this kind as a certain rule and norm.

"First, namely, with regard to Marriages celebrated between heretics themselves in places subject to the dominion of the Federated States without the form prescribed by Trent having been observed: although His Holiness is not ignorant that at other times, in certain particular cases and in view of the circumstances then set forth, the Sacred Congregation of the Council responded in favor of their invalidity, nevertheless, being equally assured that nothing had hitherto been defined generally and universally by the Apostolic See concerning Marriages of this kind, and that, in order to provide for

all the faithful dwelling in those places and to avert many most grave inconveniences, it was altogether necessary to declare what was generally to be judged concerning these Marriages, after maturely weighing the affair and diligently balancing all the considerations on either side, he declared and established that Marriages hitherto contracted between heretics in the said Federated Provinces of Belgium, and those which will be contracted in the future, even if the form prescribed by Trent was not observed in their celebration, are to be regarded as valid, provided that no other canonical impediment stood in the way. Accordingly, if it should happen that both spouses are received into the bosom of the Catholic Church, they are altogether bound by the same conjugal bond as before, even if mutual consent is not renewed by them before the Catholic parish priest; but if only one of the spouses, whether the man or the woman, is converted, neither can pass to other nuptials so long as the other survives.

"But as regards those unions which likewise are contracted in the same Federated Provinces of Belgium without the form established by Trent between Catholics and heretics, whether a Catholic man takes a heretical woman in Marriage or a Catholic woman marries a heretical man: His Holiness, first grieving most greatly that there are among Catholics those who, shamefully maddened by an insane love, do not abhor from the heart these detestable unions which Holy Mother Church has perpetually condemned and prohibited, and do not judge that they must altogether abstain from them, and greatly praising the zeal of those Prelates who strive to restrain Catholics by proposing more severe spiritual penalties lest they join themselves to heretics by this sacrilegious bond, earnestly and gravely exhorts and admonishes all bishops, Vicars Apostolic, parish priests, missionaries, and all other faithful ministers of God and the Church dwelling in those regions that, insofar as they can, they deter Catholics of either sex from entering nuptials of this kind to the ruin of their own souls, and that they endeavor by every better means to avert those same nuptials and efficaciously impede them. But if perhaps some Marriage of this kind, without the Tridentine form having been observed, has already been contracted there, or should happen to be contracted in the future—which may God avert—His Holiness declares that a Marriage of this kind, provided that no other canonical impediment concurs, is to be regarded as valid, and that neither spouse, so long as the other survives, can in any way enter a new Marriage under the pretext that the said form was not observed. But the Catholic spouse, whether man or woman, must especially impress this upon his or her mind: that he or she do penance for the most grave crime committed, seek pardon from God, and strive according to his or her powers to draw the other spouse, wandering from the true faith, to the bosom of the Catholic Church and to gain that spouse's soul. This, moreover, would be most suitable for obtaining pardon for the perpetrated crime, while knowing otherwise, as was just said, that he or she will be perpetually bound by the bond of this Marriage.

"In addition, His Holiness declares that whatever has hitherto been enacted and said concerning Marriages entered either between heretics themselves or between Catholics and heretics in places in Belgium subject to the dominion of the Federated States is to be understood as enacted and said also concerning similar Marriages contracted outside the boundaries of the dominion of those same Federated States by those who are attached to the legions or military forces which the same Federated States are accustomed to send to guard and fortify the neighboring strongholds commonly called *barrier fortresses*. Thus, Marriages entered outside the Tridentine form, whether between heretics on both sides or between Catholics and heretics, retain their validity, provided that each spouse belongs to the same forces or legions. His Holiness also wills this declaration to comprehend

the city of Maastricht, possessed by the Republic of the Federated States, although not by right of dominion but only under the title of pledge, as they say.

"Finally, concerning unions which are contracted either in the regions of Catholic Princes by those who have domicile in the Federated Provinces, or in the Federated Provinces by those who have domicile in the regions of Catholic Princes, His Holiness judged that nothing new was to be decreed or declared, willing that, if a dispute should occur, they be decided according to the canonical principles of the common law and the approved resolutions issued on other occasions by the Sacred Congregation of the Council in similar cases; and thus he declared and established, and commanded that it be observed by all hereafter." Benedict XIV, 4 November 1741.

On the Force of the Declaration of Benedict XIV with Respect to Marriages of Heretics in Belgium

This declaration was made for special reasons, not because the Marriages were those of heretics. Cf. Benedict XIV, *On the Diocesan Synod*, book 6, chapter 6; Cavalchini, Archbishop of Philippi, *On Marriages between Heretics*, Rome, 1741; *Canons and Decrees of the Council of Trent, with the Declarations and Resolutions of the Sacred Congregation of Cardinals for the Interpretation of the Council of Trent Added*, Leipzig, 1855, p. 290 ff.; Naples edition of Joseph Pelella, 1859, p. 305 ff.—Hence, when the Vicars Capitular of Poitiers in 1818 had asked: "Are the clandestine Marriages of Protestants in France valid, since today they have civil status there and constitute a religious society distinct from Catholic society, which has its own ministers and customs?" the Holy Office responded: "The Decree of Benedict XIV issued in 1741 concerning the Marriages of Holland is judged to regard only Marriages contracted or to be contracted in those provinces, and not other Marriages entered or to be entered in other places, to which it therefore cannot be applied without a new and special Declaration of the Apostolic See." And the Sacred Penitentiary on 28 March 1838 responded to the Bishop of Grenoble, who asked: "Are Marriages entered between heretics themselves or with Catholics, according to the civil laws alone or before a heretical minister without the presence of a Catholic parish priest, valid in France and in other regions where Protestants and all heretics have their own ministers, churches, and legal status approved by the government?"—"Negative, excepting the regions concerning which Benedict XIV speaks in the Declaration of 4 November 1741 and to which that same declaration was extended by his successors."

The following are comprehended by the Benedictine declaration: "1. Those who, baptized as Catholics, are educated in heresy from childhood before completing their seventh year and profess heresy. 2. Those who are educated not so much in heresy as by heretics, namely, having received no instruction, or scarcely any, in heretical doctrine and not frequenting its worship, although sometimes participating in it. 3. Those who, while still children, fall into the hands of heretics and are joined to a heretical sect. 4. Apostates passing from the Catholic Church to a heretical sect. 5. Those who, born and baptized by heretics, have grown up without making any solemn profession of heresy and are, as it were, of no religion," etc. Holy Office, 6 April 1859. Marriages between Catholics themselves, however, are by no means comprehended. Letter of 17 September 1746 to Simon, missionary in Holland, § 3; *Bullarium*, vol. 3, supplement, no. 3. Cf. also *On the Synod*, book 6, chapter 7.

Extension of the Declaration of Benedict XIV to the Duchy of Cleves

The following doubts were proposed to the Sacred Congregation of the Council: "1. Are Marriages contracted between Catholics and non-Catholics before non-Catholic petty ministers of the Duchy of Cleves valid and lawful?—2. Whether and in what manner can Catholic parish priests of the same duchy lawfully grant dismissorial letters for contracting them?—3. Is the declaration of Benedict XIV concerning Holland and Belgium to be extended to the aforesaid duchy?—Response. To 1: The Sacred Congregation stands for validity, but nevertheless says that they are unlawful; they can, however, be made lawful by a dispensation of the Supreme Pontiff.—To 2: This cannot be done lawfully; it can, however, be made lawful by a dispensation with a just cause, and such a cause is present here.—To 3: It responds affirmatively." The Sacred Congregation having been consulted, Pius VI on 19 June consented to the extension of the declaration of Benedict XIV to the Duchy of Cleves according in all things to the form of the resolution of the Sacred Congregation. The Instruction contains the following:

"Before all things, let the parish priests admonish the Catholic man or woman that, by contracting Marriage with a non-Catholic woman or man, they contract validly indeed but unlawfully. And hence it follows that they cannot by any positive act approve these Marriages or confirm them by their express consent and authority. Therefore, if under the present condition of the times and on account of the laws prescribed in the religious settlement of the year 1673 they are compelled to assist at Marriages of Catholic men with a non-Catholic woman, let them strive to conduct themselves merely passively and, as though unwilling, merely hear the consent of each party. Nevertheless, let them abstain altogether from reciting prayers, imparting a blessing, and employing every other rite of the Church. Let them beware, moreover, lest in publishing mixed Marriages they express the religion of the non-Catholic contracting party; rather, let them announce only the names and surnames of the contracting parties. Let them abstain from granting dismissorial letters where, according to the canons of the Catholic Church, some canonical impediment exists between the contracting parties. In the dismissorial letters let them omit the words *with my permission*, which seem to convey consent to an unlawful Marriage."

The Society of Heretics

"Although in the countries of ancient Turkish dominion the cited Decree of Trent is regarded as having been published in the Catholic churches and societies, or at least among the Latin and Greek Catholics domiciled there, and consequently Marriages contracted there between Catholics and Catholics without the presence of the proper priest of one of the contracting parties are null, nevertheless it was neither ever published nor ever observed in those dominions among the schismatic or heretical societies formed and established there long ago. Therefore, Marriages celebrated there either among schismatics and heretics themselves, or between a Catholic party and another heretical or schismatic party before a heretical or schismatic pastor, are to be regarded as ratified and valid; for in this second case—which is the case under discussion—the rule established by Benedict XIV in *On the Diocesan Synod*, book 6, chapter 6, § 12, where the Marriages of Holland are discussed, has place: 'Since one of the spouses is exempt from the law of the Council of Trent both by reason of the place in which that spouse dwells and by reason of the society in which that spouse lives, the exemption which that spouse enjoys remains communicated to the other party on account of the indivisibility of the contract; by force of this, an exemption which belongs to one of the parties

is extended and communicated to the other, even according to the civil laws.' Founded upon this principle, when the Sacred Congregation of the Supreme Universal Inquisition was questioned by the Vicars Apostolic and Prefects of the missions of Constantinople, Pera, Saint John of Acre, Sofia, and Wallachia concerning similar Marriages contracted without the presence of the Catholic parish priest between Catholics and heretics or schismatics before a heretical or schismatic pastor or minister, it always declared what I have related above: namely, that similar Marriages must be regarded as valid although unlawful, provided that there was no other invalidating impediment between the contracting parties." Sacred Congregation for the Propagation of the Faith, 11 January 1817; C. 1399.

On the Promulgation of the Decree of Trent and on the Clandestine Marriages of Heretics in the Lands of Unbelievers; on the Common Impossibility of Approaching the Parish Priest and of Seeking a Dispensation

"The Bishop of Saint-Hyacinthe, in the region of Canada, explains to the Congregation of the Holy Office that doubts now arise concerning the validity of certain Marriages contracted in the missions or quasi-parishes of this diocese without the solemnity required by the decree *Tametsi* of the Council of Trent. For before the year 1872, many places of the Diocese of Saint-Hyacinthe, commonly called *cantons* or *townships*, had not yet been canonically divided into parishes. In these places there were: 1. missions properly so called, namely, without a resident priest but visited at both fixed and unequal times during the year by a missionary delegated for this purpose; 2. quasi-parishes, by which is to be understood territory which, in its external appearance, approached more or less to the likeness of a parish, inasmuch as it had a church near which a priest ordinarily, or at least principally, resided, and boundaries designated by the bishop.

"Nevertheless, in these missions and quasi-parishes, as also in parishes properly so called, the decree *Tametsi* of the Council of Trent had been published annually by the priests placed in charge of them.

"...Was the promulgation of the decree *Tametsi* of the Council of Trent valid in the aforesaid missions and quasi-parishes?...

"Response. According to the things set forth: Affirmative, and according to the mind. The mind is that, in places where a parish priest cannot be had, a Marriage celebrated before witnesses is valid; but the contracting parties are bound to receive the nuptial blessing as soon as they conveniently can and to take care that their Marriage is inscribed in the sacramental register of the mission or of the nearest church upon which they depend." Holy Office, 14 November 1883.

"In those places in which the Vicars Apostolic, after mature counsel has been employed, judge it expedient, let them take care that the decree of the Council of Trent, chapter 1, session 24, *On Matrimony*, is duly promulgated. Consequently, in order that Marriages which may happen to be celebrated hereafter in those same places may be named and be valid, they must be entered before a parish priest or missionary or any priest legitimately designated, and before two or three witnesses, who, if they can be had, are to be Christians. But in those places in which the complete decree cannot be observed because the parish priest or another person designated for this office is absent and easy access to him does not lie open, unions must indeed be entered before at least two witnesses, who, insofar as possible, are to be Christians. Nevertheless, lest the dignity of the Sacrament become cheapened, the contracting parties are to be bound by the law of presenting themselves before the

parish priest or missionary whenever he returns, so that they may duly receive the blessing from him. But when the missionary or parish priest returns, after the consent of the spouses has been established to him, let him instruct the spouses that a blessing of this kind pertains only to the rite and not to the validity of the union.... Since after the recent Instruction concerning clandestine Marriages, sent at the beginning of the year 1821 also to the Siamese, the decree of the Council of Trent may already have been duly promulgated in some places, either the complete decree must be observed or one nearly complete according to the condition of places and persons, as was explained a little above. In this case, if any Catholic women, in contempt of the decree which they were bound to observe, attempted to enter an unlawful union with heretical men before a petty minister, the Sacred Congregation judges that such unions are invalid and are to be declared as having no force in the sight of the Church. But if, finally, it is doubted whether the Tridentine decree has hitherto been duly promulgated in some places, and meanwhile similar nuptials have been contracted and some prudent doubt arises concerning their validity, in this case the Most Eminent Fathers judge that Marriages of this kind are to be sanated in the root, insofar as there is need." Instruction of the Sacred Congregation for the Propagation of the Faith to the Vicar Apostolic of Siam, 9 December 1822.

"...Even if that law of Trent had been promulgated, nevertheless Marriages in the presence of only two witnesses are valid whenever, in the place where the Marriage is contracted or nearby where one can go without danger, there is no parish priest or other secular or regular priest deputed by the bishop. The Apostolic See likewise responded this many times when questioned. Moreover, lest the dignity of the Sacrament become cheapened, His Holiness willed that the faithful be exhorted to present themselves to the missionary when he returns and to seek the blessing from him, but after a declaration has first been made by the missionary that a blessing of this kind in no way pertains to the validity of the Marriage." Holy Office, 15 February 1779, to the Vicar Apostolic of Sichuan.

"Marriages contracted before a secular magistrate or before a foreign priest, when the contracting parties can in no way, or only with the greatest difficulty or danger, have recourse to the parish priest or legitimate superior, are valid whenever at least two witnesses were present, according to the resolutions of the Sacred Congregation of the Council in the cause of Belgium on 27 March 1832, in another on 30 March 1669, and according to the resolution of the Congregation of the Holy Office in the cause of the Province of Malabar on 8 May 1669, to which this particular Congregation adhered in the resolution of 2 June of this year in the response to the Bishop of Luçon. Nevertheless, the contracting parties are to be admonished to take counsel for their conscience, because Marriages contracted before schismatics or those adhering to schism, although valid in the aforesaid circumstances, are nevertheless unlawful. The spouses are also to be exhorted to receive the blessing from the legitimate parish priest insofar as this can be done without danger.—But whenever at least two witnesses were not present, the Marriages are invalid and, insofar as possible, are to be revalidated; yet in such a manner that, if some impediment of ecclesiastical law stands in the way, it is to be dispensed by the bishop whenever he possesses the faculty of dispensing by concession of the Apostolic See. Recourse must be had to that See if the question concerns impediments from which he does not have the faculty of dispensing by delegation of the same Apostolic See.—But Marriages contracted before a secular magistrate or before a foreign priest, when the contracting parties can approach no one other than a parish priest guilty of the oath or of schismatic communion, are likewise valid whenever at least two witnesses were present and the proper parish priest has adhered to schism either on account of the oath or for any other cause; nevertheless, the spouses are to be

admonished and exhorted as above." Response of Pius VI, Letter *Intelleximus*, 5 October 1793, to the Bishop of Geneva, to be communicated to the Bishops of Savoy with respect to civil Marriages.

"When access is difficult and unsafe, and it is unknown when a parish priest can be had, and it is foreseen that he will be absent from the place for a period of at least one month, and there is no one else who supplies the place of the parish priest, the Marriage is valid without the presence of the parish priest, provided that the form of the Council is observed insofar as it can be, namely, by employing at least two witnesses." Holy Office, 1 July 1863; 15 May 1861.

"In these most difficult and distant regions there frequently occur Christians who, whether for the sake of avoiding persecution, on account of necessity for money, or even for another cause, being for the most part rather imprudent, as the Chinese commonly are, depart from the places of the Christians where they themselves dwell or were born and proceed to distant places, forty or fifty or more days' journey away, together with wife and children. In these places there are no Christians, nor can any be found, nor has there ever been any report of the Christian religion in the surrounding region. When the sons and daughters have grown older, they marry pagans without a possible dispensation. According to the customs of the nation, the daughters especially, and very often the sons also, are under an absolute impossibility of migrating to the places of Christians, and thus they must altogether either marry pagans or remain unmarried or celibate. What is the law in this case? Are they bound by the impediment of disparity of worship? What is the law where their faith is safe, as happens sometimes, and where they are in good faith, as happens for the most part?—Response. In the circumstances proposed, they are not to be disturbed, the matter having been discussed with His Holiness.—His Holiness approved." Holy Office, 4 June 1851, to the Vicar Apostolic of Manchuria.

A Doubtful Marriage with Respect to Its Use

"I judge that you are not ignorant of whatever has been enacted by the sacred canons concerning this matter—second nuptials. For in chapter 2, *On Second Nuptials*, everyone is prohibited from passing to second nuptials unless it is established with firm certainty that his or her spouse has departed from this life. In chapter *In praesentia*, *On Betrothals*, it is commanded that no one can contract second nuptials by the authority of the Church until certain news is received concerning the death of the prior husband. And indeed with the best right; for since by divine law the bond of Marriage is dissolved by no cause other than the death of one of the spouses, so that one who takes another while the first spouse is living is defiled by the crime of adultery, it follows that certain news concerning the death of the prior spouse must be awaited before new nuptials are permitted. Nor does an uncertain report, or the prolonged absence of a spouse, or probable arguments that he has died suffice; rather, there must either be a witness above every exception who confirms under the sacred obligation of an oath that he saw the prior spouse dead, or there must intervene such conjectures concerning the death of that spouse as altogether persuade a prudent man of it with a certain moral certainty. The calamities of war, famine, captivity, and other things of this kind adduced by you, which brought devastation to the region and death to very many, are not of such weight that men or women who have lost their spouses can indiscriminately be permitted to seek new nuptials. Therefore, if any have already contracted new unions, and indeed in good faith, judging themselves absolved from the prior bond of union through the death of the spouse, they are to be left in good

faith, because a possessor in good faith ought not to be disturbed from possession. If one of them is doubtful and uncertain, that party can indeed render the debt, but cannot seek it. Finally, if each contracted in bad faith, they are now to be altogether separated. Moreover, care must also be taken that, if perhaps it should happen that the prior spouse whom they thought dead is still among the living, then the second nuptials are to be altogether invalidated and, the later spouse having been dismissed, each is bound to return to the prior spouse. Saint Leo the Great to Nicetas of Aquileia can be consulted concerning this matter." Instruction of the Sacred Congregation for the Propagation of the Faith, 1792; C. 1366.

Preparation of the Process in Matrimonial Causes

Cf. nos. 7, 8, p. 170.

Dispensation from Impediments

"56. The doctrine which establishes that, in canonical impediments which arise from offenses expressed in law, it seems fitting that no dispensation whatsoever is ever to be granted or admitted, is injurious to the equity and canonical moderation approved by the Sacred Council of Trent, and derogates from the authority and rights of the Church." Proposition of the Synod of Pistoia condemned by Pius VI.

On the Causes for Obtaining Matrimonial Dispensations and on the Matters Which Must Be Expressed in Obtaining the Dispensation Itself

"Since a dispensation is a relaxation of the common law, with knowledge of the cause, made by one who has power, it is established for all that dispensations from matrimonial impediments are not to be granted unless a legitimate and grave cause intervenes. Indeed, everyone easily understands that a cause is required to be so much graver as the impediment opposed to the celebration of the nuptials is graver. But not rarely do supplicatory letters reach the Holy See for obtaining some dispensation of this kind which are supported by no canonical reason. It also sometimes happens that in supplications of this kind those things are omitted which must necessarily be expressed lest the dispensation labor under the defect of nullity. Therefore, it seemed opportune in the present Instruction to touch briefly upon those principal causes which, according to canonical enactments and the prudent judgment of ecclesiastical provision, are customarily regarded as sufficient for obtaining matrimonial dispensations, and then to indicate those things which must be expressed in petitioning for the dispensation itself.

"And, to begin with the causes of dispensations, it will first be worthwhile to observe that sometimes one cause taken separately is insufficient, but, joined to another, is judged sufficient; for things which do not avail singly assist when they are many (argument from law 5, Code, *On Proofs*). Causes of this kind are the following:

"1. *Narrowness of the place*, whether absolute or relative—with respect only to the female petitioner—namely, when, in the place of origin or even of domicile, the kindred of the woman is so propagated that she cannot find another of equal condition whom she may marry unless he is a blood relative or relative by affinity, while it would be hard for her to leave her homeland.

"2. *The over-advanced age of the woman,* namely, if, having already passed the twenty-fourth year of age, she has hitherto not found a man of equal condition whom she can marry. But this cause does not favor a widow who desires to pass to other nuptials.

"3. *The lack or insufficiency of a dowry,* namely, if the woman does not actually possess so great a dowry that she can marry, in the place where she dwells, a stranger of equal condition who is neither a blood relative nor related by affinity. This cause is more urgent if the woman is altogether without a dowry and a blood relative or relative by affinity is prepared to take her as wife or even suitably to endow her wholly.

"4. *Lawsuits concerning the succession of goods already arisen, or a grave or imminent danger of them.* If a woman sustains a grave lawsuit concerning the succession of goods of great importance, and no other person is present who would undertake a lawsuit of this kind and pursue it at his own expense besides the one who wishes to take her as wife, a dispensation is customarily granted; for it concerns the commonwealth that lawsuits be extinguished. Another cause closely approaches this, namely, a dowry involved in litigation, when the woman is destitute of another man by whose aid she can recover her goods. But a cause of this kind suffices only for more remote degrees.

"5. *The poverty of a widow* who is burdened with numerous offspring and whom a man promises to support. But sometimes a widow is aided by the remedy of a dispensation for this reason alone: that she is younger and is situated in danger of incontinence.

"6. *The good of peace*, under which name come not only treaties between kingdoms and princes but also the extinction of grave enmities, quarrels, and civil hatreds. This cause is adduced either to extinguish grave enmities which have arisen between the blood relatives or relatives by affinity of the contracting parties and which would be altogether settled by the celebration of the Marriage; or when grave enmities have flourished between the blood relatives and relatives by affinity of the contracting parties and, although peace has already been entered between them, nevertheless the celebration of the Marriage would conduce very greatly to the confirmation of that peace.

"7. *Excessive, suspect, and dangerous familiarity*, and likewise cohabitation under the same roof, which cannot easily be prevented.

"8. *Prior intercourse with a blood relative, a relative by affinity, or another person laboring under an impediment, and pregnancy and therefore the legitimation of offspring,* namely, so that provision may be made for the good of the offspring itself and for the honor of the woman, who otherwise would remain unmarried. This is certainly one of the more urgent causes on account of which a dispensation is customarily given even to common people, provided that the intercourse was not perpetrated in the hope of an easier dispensation; this circumstance would have to be expressed in the supplication.

"9. *The infamy of the woman arising from suspicion* that she, being excessively familiar with her blood relative or relative by affinity, was carnally known by him, although the suspicion is false, when, namely, unless the Marriage is contracted, the woman, gravely defamed, would either remain unmarried, have to marry a man of unequal condition, or grave injuries would arise.

"10. *The revalidation of a Marriage* which was contracted in good faith and publicly, with the Tridentine form observed; because its dissolution can scarcely occur without public scandal and grave harm, especially to the woman (chapter 7, *On Consanguinity*). But if the betrothed parties entered the

nuptials in bad faith, they by no means merit the grace of a dispensation, as the Council of Trent disposes, session 24, chapter 5, *On the Reformation of Matrimony*.

"11. *The danger of a mixed Marriage or of one to be celebrated before a non-Catholic minister.* When there is danger that those wishing to contract Marriage even in one of the greater degrees, upon denial of the dispensation, will approach a non-Catholic minister to celebrate the nuptials, in contempt of the authority of the Church, a just cause for dispensing is found, because there is present not only the most grave scandal of the faithful but also fear of the perversion and defection from the faith of those acting in this manner and despising the impediments of Matrimony, especially in regions where heresies rage with impunity. This Sacred Congregation taught this in the Instruction given to the Archbishop of Quebec on 17 April 1820. Likewise, when the Vicar Apostolic of Bosnia asked whether he could grant a dispensation to those Catholics who allege no other motive than insane love, and at the same time it is foreseen that, if the dispensation is denied, they will enter a union before an unbelieving judge, the Sacred Congregation of the Holy Office on Wednesday, 14 August 1822, decreed: 'Response is to be made to the petitioner that in the case set forth he may use the faculties committed to him in Formula II according as he shall judge expedient in the Lord.' The same is to be said concerning the danger that a Catholic party may dare to celebrate Marriage with a non-Catholic.

"12. *The danger of incestuous concubinage.* From the Instruction of the year 1822 mentioned above, it is clear that the remedy of a dispensation is to be employed lest anyone grow filthy in concubinage with public scandal and evident danger to eternal salvation.

"13. *The danger of civil Marriage.* From what has been said, it follows that the probable danger that those who seek a dispensation, if they do not obtain it, will celebrate only a civil Marriage, as they say, is a legitimate cause for dispensing.

"14. *The removal of grave scandals.*

"15. *The cessation of public concubinage.*

"16. *Excellence of merits*, when someone has deserved exceedingly well of religion, whether by fighting against the enemies of the Catholic faith, by liberality toward the Church, by learning, virtue, or in another manner.

"These are the more common and principal causes which are customarily adduced for obtaining matrimonial dispensations. Theologians and interpreters of the sacred canons treat them copiously. Among others, Pyrrhus Corradus, *Practice of Apostolic Dispensations*, books 7 and 8, and Vincent De Iustis, *On Matrimonial Dispensations*, book 3, are to be consulted.

"But now the Instruction turns to those things which, besides the causes, must be expressed by law, custom, or the style of the Curia in supplicatory letters for obtaining a dispensation, so that if the truth is concealed even through ignorance, or a falsehood is narrated, the dispensation is rendered null. These are:

"1. *The first and last names of the petitioners*, each to be written distinctly and clearly and without any abbreviation of letters.

"2. *The diocese of origin or of actual domicile.* When the petitioners have domicile outside the diocese of origin, they can, if they wish, request that the dispensation be sent to the Ordinary of the diocese in which they now dwell.

"3. *Even the lowest species of the impediment*: whether it is consanguinity, or affinity arising from licit or illicit intercourse; public propriety deriving its origin from betrothals or from a ratified Marriage; in the impediment of crime, whether it arose from the killing of a spouse with a promise of Marriage, or from the killing of a spouse with adultery, or from adultery alone with a promise of Marriage; in spiritual kinship, whether it is between the sponsor and the person sponsored, or between the sponsor and a parent of the person sponsored.

"4. *The degree of consanguinity, affinity, or propriety from a ratified Marriage, and whether it is simple or mixed*, not only the more remote but also the nearer degree; and likewise the line, whether direct or collateral; likewise, whether the petitioners are joined by a double bond of consanguinity, both on the father's side and on the mother's side.

"5. *The number of impediments*; for example, if there is double or multiple consanguinity or affinity, or if, besides kinship, there is also affinity or any other impediment, whether invalidating or prohibitive.

"6. *The various circumstances*: namely, whether the Marriage is to be contracted or has been contracted; if already contracted, it must be disclosed whether in good faith, at least on the part of one, or with knowledge of the impediment; likewise, whether after the banns had first been made and according to the Tridentine form, or whether in the hope of obtaining a dispensation more easily; finally, whether it has been consummated; if in bad faith, at least on the part of one, or with knowledge of the impediment.

"7. *Incestuous intercourse*, etc. Cf. no. 1038.

These things must be kept before their eyes not only by those who have recourse to the Holy See in order to obtain some matrimonial dispensation, but also by those who are themselves able to dispense by virtue of a Pontifical delegation, so that they may duly use, as is proper, the faculties with which they are endowed." Instruction of the Sacred Congregation for the Propagation of the Faith, 9 May 1877.

When is the narrowness of a place such that it may be adduced as a legitimate cause for obtaining a matrimonial dispensation? - Response. The norm is given by Pius IX through a circular letter of His Eminence Cardinal Spinola, Pro-Datary, sent to the archbishops on 30 August 1847. In it, moreover, those places are declared narrow in which the number of households does not exceed three hundred, or the inhabitants are not more than one thousand five hundred. - The Sacred Congregation of the Council, on 16 December 1876, gave this response: "The narrowness of a place is not to be derived from the number of households of each parish, but from the number of households of each place, or even of several places, if they are not more than one mile distant from one another." The Apostolic Datary, however, has this: "The narrowness of a place is verified when its households do not exceed the number three hundred; nor does it prevent this that the narrow place is situated at a small distance from another, provided that those two places are distinct and different from one another and have their own designation. Some distance, however, is required in suburbs which, although they constitute part of a city, are nevertheless admitted as narrow when they are distant from the city by a mile or a little less. Thus think Pyrrhus Corrado, *Praxis dispensationum apostolicarum*, book 7, chapter 5, and De Justis, *De Dispensationibus matrimonialibus*, book 3, chapter 2. The practice of this Apostolic Datary conforms exactly to a doctrine of this kind." Cf. *A. S. S.*, vol. 9, p. 631; vol. 16, p. 544; C. 1481.

It often happens that Apostolic matrimonial dispensations are obtained for the cause (whether alone or with others) of the *over-advanced age of the female petitioner*, expressed simply thus, or sometimes thus: *the age of the female petitioner is 25 years*, or 30, or otherwise, but more than 24. Since, however, Authors are of the opinion that a cause of this kind is to be interpreted as meaning that up to that age the woman had not found a man of equal condition whom she could marry, this question is asked by this Most Reverend Episcopal Curia of Tropea: Whether, in verifying the aforesaid cause, it is also necessary to inquire into and prove that the woman of over-advanced age had not, up to that age, found a man of equal condition whom she could marry; and whether this is required for the validity of the dispensation?

Response. "It is sufficient that the over-advanced age be certainly established." Sacred Penitentiary, 5 April 1902.

"Under date of 30 March 1897, John B.... and Rosalia I.... N...., of the diocese of N...., received from the Apostolic Datary a rescript of dispensation concerning degrees of consanguinity *in the second degree in the equal line from one stock, and in a double fourth degree arising from a third stock*. Thus the rescript read, whereas in fact the dispensation had been requested concerning degrees of consanguinity *in the second degree from one stock, the fourth from another, and finally likewise the fourth from a third stock*. Since time was pressing, the Ordinary of N.... executed the rescript. 1. Whether he validly and licitly executed the rescript?

"On 1 February 1895, when a certain Ordinary had declared himself in the petition to be the Ordinary of origin, whereas in fact he was the Ordinary of domicile, the Sacred Penitentiary responded to his inquiry that the dispensation had been validly and licitly granted, but that the error was to be corrected. Hence 2. Whether the Ordinary of N.... himself must also correct the error of the rescript in the present case?

"Response. Let him rest content after making the correction." Sacred Penitentiary, 2 June 1897.

"I recently wrote to the Sacred Penitentiary that Charles D...., twenty-six years old, and Julia Louisa M...., twenty-three years and six months old, of the diocese of N...., prostrate at the feet of Your Holiness and desiring to contract a lawful Marriage, humbly implored a dispensation from the impediment of consanguinity in the second degree of the collateral line. I alleged as causes the nearly advanced age of the female petitioner (namely, twenty-three years and six months) and her condition as bereft of both parents.

"Now the Sacred Penitentiary, under date of 19 April of the current year, granted the Ordinary of N.... the faculty to dispense for the following reasons: the female petitioner's age of twenty-four years and her condition as an orphan.

"Hence I humbly ask whether I may nevertheless dispense the petitioners, since the female petitioner has not completed her twenty-fourth year.

"The Sacred Penitentiary, in reply to the letter of the Ordinary of N.... dated 23 April of this year, concerning the doubt whether the same Ordinary may execute the rescript of matrimonial dispensation for the petitioners Charles D.... and Julia Louisa M...., since among the causes is read the female petitioner's age of twenty-four years, although the female petitioner, as had been set forth, has not yet completed her twenty-fourth year, responds:

"Since another cause for dispensing is present, nothing prevents the aforesaid rescript of dispensation from being put into execution." Sacred Penitentiary, 28 April 1897.

On the Validity of a Matrimonial Dispensation When Incestuous Intercourse Has Been Concealed

"The unspeakable crime of incest has always been pursued with a particular hatred by the holy Church of God, and the Supreme Roman Pontiffs established that, if those who were not ashamed to defile themselves with it should have recourse to the Apostolic See for the purpose of seeking a dispensation from impediments invalidating Marriage, their petitions, unless mention had been made in them of the crime committed, should be regarded as infected by the vice of obreption and subreption and that, accordingly, the dispensation should be invalid; and this was provided for on the most holy ground that the Christian faithful might be deterred from this most grave crime.

"This intention of the Holy See is attested both by other documents and by the Decree which the Supreme Council of the Holy Roman and Universal Inquisition most recently issued, with the Roman Pontiff himself approving, on Wednesday, 1 August 1866, which is as follows: 'Dispensations which, either directly by the Apostolic See or by Pontifical delegation, are granted concerning any prohibited degrees whatsoever of consanguinity, affinity, spiritual kinship, and also public propriety, are surreptitious and are nowhere and in no manner valid if, before the execution of the same dispensations, whether before or after obtaining them, the betrothed parties committed the guilt of incest and, whether questioned or even not questioned, maliciously or even ignorantly concealed the incestuous intercourse entered into between them, whether it is publicly known or even occult, or concealed the plan and intention with which they entered into that same intercourse so that they might obtain the dispensation more easily.'" The Sacred Penitentiary, following in the footsteps of the Supreme Inquisition, established the same thing on 20 July 1869.

"But since very many sacred prelates, either individually and separately or conjointly, reported to the Holy See that the greatest inconveniences arise from this cause when proceeding to the execution of matrimonial dispensations, and that, especially in these wretched times, what had been wisely introduced for the salvation of the faithful not rarely turns to their ruin, Our Most Holy Lord, by divine providence Pope Leo XIII, moved by their petitions, after the matter had been considered long and maturely, and adhering to the vote of the Most Eminent Cardinals of the Holy Roman Church, together with me General Inquisitors throughout the whole Christian commonwealth, ordered that these letters be sent to all Ordinaries of places, by which it should be made known to them that the above-reported Decree of the Holy Roman and Universal Inquisition and of the Sacred Penitentiary, and whatsoever had otherwise been declared or established in the same sense or introduced by the style of the Curia, was by him revoked and abrogated and decreed henceforth to be of no force; and at the same time it was established and declared that matrimonial dispensations to be granted hereafter would be valid even if incestuous intercourse, or the plan and intention of obtaining a dispensation more easily through it, had been concealed; anything whatsoever to the contrary, even worthy of special mention, notwithstanding.

"Nevertheless, although for most grave reasons the Most Holy Father kindly judges that departure should be made from the former rigor in this matter, his intention is that nothing be taken away from the horror which the crime of incest ought to inspire in the minds of the faithful; indeed, he wishes

pastors of souls, and others to whom the care of fostering upright morals among the Christian faithful is entrusted, to be urged with the greatest zeal to labor prudently indeed, as the nature of the matter demands, but nevertheless effectively, in pursuing this crime and in deterring the faithful from it by setting before them the penalties to which they become liable." Circular Letter of the Holy Office, 25 June 1885.

"Matrimonial dispensations concerning any impediment whatsoever, whether the question concerns Marriages invalidly contracted or those to be contracted, are valid even if intercourse, or the plan and intention of obtaining the favor more easily through it, had been concealed." Holy Office, 18 March 1891; C. no. 1500.

All Impediments Must Be Disclosed

"Whether a Marriage contracted after a dispensation concerning the more remote degree, the nearer degree having been concealed, is valid when declaratory letters according to the Constitution of Saint Pius V have not first been obtained? - Response. His Holiness taught that Marriages of this kind are indeed valid but unlawful, provided that the dispensations do not touch the first degree, and accordingly that the spouses must be separated until declaratory letters, or what they call a *perinde valere*, are issued. And he ordered that replies be given in this manner in the future, notwithstanding the contrary Decree of this Sacred Congregation issued under date of 13 November 1732." Holy Office, 12 December 1748.

Saint Pius V, in the Constitution *Sanctissimus* of 20 August 1566, "established and ordained that henceforth, in any dispensations whatsoever which it may happen are obtained or otherwise granted from His Holiness, from the Roman Pontiff existing at the time, or from the Apostolic See for Marriages contracted or to be contracted between men and women joined to one another in diverse prohibited degrees of consanguinity and affinity, or mixed degrees arising from a common or the same stock, whatsoever they may be, provided that they do not in any manner touch the first degree, since His Holiness never intends to dispense in it, and in the letters and commissions thereupon, including those to be directed to Ordinaries of places, the more remote degree is to be regarded and is to draw the nearer degree along with itself; and for that reason it is sufficient to express only the more remote degree, yet declaratory letters concerning the nearer degree must afterward be obtained, according to Constitutions of Gregory and Clement, his predecessors, which, in this respect, he renewed and ordered to be inviolably observed; and dispensations or commissions to dispense, the letters drawn up thereupon, and the processes held through them cannot be branded with the vice of subreption or obreption, or with defect of intention, because of the non-expression of this nearer degree on the part of those dispensed or those with whom dispensation is ordered, but are to avail in all things and through all things just as if special and express mention of the nearer degree or of both degrees had been made in letters or commissions of this kind."

"Your Most Reverend Lordship set forth to this Sacred Congregation the practice followed in matrimonial dispensations by Monsignor the Maronite Archbishop of Beirut; namely, that when a matrimonial dispensation has been obtained from the Patriarch or from the Holy See, if before execution is given it is discovered that in the same case another impediment concurs, one of those from which the Maronite bishops believe themselves authorized to dispense, the aforesaid Archbishop in fact dispenses from the new impediment without having recourse anew to the

Patriarch or to the Holy See. This being posited, Your Lordship asks whether such dispensations are valid or null.

"Your Lordship is not unaware that, in order for a dispensation to be valid, it is necessary, according to the common teaching of theologians, to disclose all the impediments that obstruct the Marriage, as well as the circumstances which must necessarily be manifested; and such disclosure must be made not in separate petitions but conjointly in the same supplication, for the familiar reason that *the whole gravity of the matter must become known to the one dispensing, and a greater number of impediments renders a dispensation more difficult*. Therefore, if a diriment impediment for which recourse must be had, or in fact is had, either to the Patriarch, if he has the faculty, or to the Holy See, concurs with another diriment or prohibitive impediment from which the bishop has the faculty to dispense, it is not enough to have recourse and disclose the first to the Patriarch or to the Holy See and the second to the bishop in order to obtain separate dispensations; rather, both must be disclosed to the Holy See or to the Patriarch, in order to implore from it or him a dispensation from both impediments. In fact, this case was proposed to the Sacred Penitentiary: 'A certain dispensation was granted by Your Holiness concerning the impediment of the second degree of consanguinity. It is asked whether, by virtue of the Indult of 15 November (in which faculties are granted concerning impediments of the third and fourth degrees), the bishop can dispense concerning an impediment of the fourth degree which is afterward discovered.' On 15 April the Sacred Penitentiary responded: 'Negative.'" Sacred Congregation for the Propagation of the Faith, 10 May 1887.

Precautions to Be Employed with Respect to Dispensation in the First Degree of Affinity, and in the First and Second Degrees Both of Affinity and of Consanguinity

".... The Holy Father had principally in view that, in a matter of grave importance which can compromise morality, the truth of what was set forth should be well ascertained and proved upon the faith and conscientious knowledge of the bishops themselves, and not merely of the episcopal curiae....

"While, therefore, we charge their consciences in interposing their endeavors for those dispensations which canonical reasons recommend, it is our will that in the future, for dispensations *in the first degree of affinity, or in the second mixed with the first degree of consanguinity or affinity*, not by the customary formulaic testimonial letters, but, wherever they can, by special letters of their own, the bishops themselves, the vicars capitular, the vicars apostolic, and the abbots ordinary must directly state, for their respective subjects, the canonical causes which concur in each particular case, the circumstances on account of which they judge the favor necessary, and the danger to life, wherever it is at least probable, which cannot be avoided except by the Marriage. By such a provision the concurrence of causes sufficient for the dispensation will be rendered more difficult, and we shall be more at ease in assenting to concessions which we find justified by necessity, a necessity all the more compelling insofar as the means of remedying it through other arrangements are fewer.

"The Ordinaries will then remain strictly charged to verify what has been set forth when giving execution to the favor; this will be much easier for them if, before writing about it to the Holy See, they shall have obtained such proofs as they judge proper for recommending the petition. Let them keep before them in this matter what our predecessors prescribed concerning the execution of

matrimonial dispensations, and especially Benedict XIV. Let them remember, according to his admonition, that the expression of the causes in Apostolic letters and their verification, far from being, as some say, *the customary, vain, and superfluous formalities of the Curia, to be regarded as of little or no account*, pertain positively *to the substance and validity of the dispensation*; and by this very fact let them bind themselves to employ every most rigorous precaution in executing the dispensations which are committed to them." Gregory XVI to the Most Reverend Cardinal Pro-Datary, 22 November 1836; *M. E.*, vol. 4, book 6, part 1, p. 174 ff.

Letter of His Eminence the Pro-Datary

"Most Illustrious and Most Reverend Lord, - As the flood of evils increases, the abundance of petitions for obtaining matrimonial dispensations from an impediment of the first degree touching the second degree of consanguinity has struck the mind of Our Most Holy Sovereign Lord Pope Leo XIII. For he has observed that, by indulging concessions of this kind, unbridled license, which increases from day to day, is in no way restrained, because the continual opportunity and convenience of satisfying it with impunity entice those intending marriage with the hope that, now under the guise of conjugal life, they will conceal the unhappy effects and the guilt which have already preceded.

"But lest the indulgence of His Holiness provide an occasion for undermining the salutary discipline which is commanded by the sanctity of the Sacrament and contributes so greatly to integrity of morals, the good of society, and the increase of more vigorous bodies, he charges the consciences of the bishops to watch diligently lest petitioners approach the Holy See unless true canonical causes commend them in law, and to explain, in letters written in their own hand, the reasons in each case and also the circumstances on account of which they think the favor should be granted. In this way the Supreme Pontiff will more safely assent to petitions whenever he recognizes a necessity that is more constraining in proportion as the means of providing for it in another way are fewer.

"I hold it certain that Your Excellency will labor with all your strength so that the wishes of His Holiness may attain their greatly desired end. Meanwhile I profess to you the sentiments of my respect and pray for all things from the Lord.

"Given at Rome, from our residence, on 19 June 1895."

Componenda (Composition Fees)

"In order not to multiply letters, the writer takes advantage of this occasion to recommend the due vigilance that every possible diligence be employed by the episcopal curiae in properly ascertaining the economic condition of those to be dispensed, so that in the respective testimonial letters of recommendation for dispensations of any degree there may be expressed the value of the petitioners' property and of the revenues accruing to them from another source, noting at the same time whether the property is presently enjoyed by the petitioners or is only held in expectation, as often happens among children of a family; but if none of these things is verified, it must be expressly stated that the petitioners possess nothing and live solely by the industry and labor of their own hands." Circular Letter of the Apostolic Datary, 21 July 1879; *M. E.*, vol. 4, part 1, p. 173 ff.

Dispensation with the Poor

"It pleased Our Most Holy Lord N.... to order that notice be given of how the Apostolic See itself is accustomed to act in dispensing the poor from impediments invalidating Marriage. For it will be your duty, the same Most Holy Lord added, to use these same rules, since a delegate neither can nor ought to depart, even slightly, from the usages and custom of the one delegating. He then added: From the most ancient time it has been the custom of the Apostolic See not to dispense in the form for the poor concerning the simple third and fourth degrees of consanguinity or affinity unless true poverty and some one of the causes to be enumerated below concur.

"Those alone are indeed considered truly poor who are so destitute that they live solely by the labor of their hands and by industry; whence it comes that a dispensation in the form for the poor is not otherwise granted by the Apostolic See unless the poverty of those to be dispensed is established by the attestation of their own bishop, and indeed one drawn up according to the Decree of Urban VIII, namely, that *the petitioners are so poor and destitute that they live solely from their own labors and industry*.

"Nevertheless, because those also can deservedly be called so poor who possess some goods, a dispensation in the form for the poor is not therefore denied by the Holy See even if the petitioners, if they dwell on this side of the mountains, possess capital goods to the value of 300 scudi in Roman currency; or, if beyond the mountains, to the value of 300 gold ducats of the Camera, amounting to 325 scudi of the said currency. But if they have goods up to the quantity of one thousand scudi, or respectively one thousand gold ducats of the Camera, a dispensation in the form for the poor is nevertheless granted, upon payment, however, of the alms which is commonly called the *componenda*, of four scudi for each hundred; the Most Holy Lord directs and wills that this be either expended for the relief of the poor or remitted to those being dispensed under the title of alms if, nevertheless, upon consideration of their condition, they appear to be poor. But to those possessing more, a dispensation in the form for the poor is not granted, but under another form, *for persons of honorable condition*, which, however, is by no means included in the faculties granted." Holy Office, 26 September 1754.

"The Holy Father (Leo XIII) has ordained:

"1. That only those who possess no more than 1,500 lire in their own goods free from encumbrances must be regarded as truly poor; and those who possess no more than 2,000 lire as almost poor.

"2. That for possessors of public revenues, for employees, and in general for all those who, not possessing their own goods, live *by labor and industry*, poverty or near-poverty must be understood in such a way that, after necessary support has been deducted, there remains to them a fund or capital corresponding to the aforesaid amount established for the poor or almost poor." Letter of Cardinal Rampolla, 9 February 1898.

"In order that this Sacred Tribunal of the Apostolic Penitentiary, in the exercise of the power provisionally and exclusively attributed to it of granting in the external forum matrimonial dispensations for the poor or almost poor, may adhere faithfully to the norms prescribed for it, notice is given to Apostolic Expediters and Agents of ecclesiastical affairs, with the charge of communicating it to the ecclesiastical curiae assisted by them:

"1. That the testimonial letters of the bishops must contain the express declaration of the poverty or near-poverty of the petitioners, judged according to the norms in use and with the consciences of the Ordinaries charged in this matter;

"2. That the bishop must sign the testimonial letter, and, in the case of a legitimate impediment, a delegate specially deputed for this purpose may sign it, whether he be the Vicar General or another priest, with express mention being made of the bishop's legitimate impediment and of his special delegation." Sacred Penitentiary, 5 February 1900.

"Whether the Norms recently published concerning the practice of the Apostolic Datary in granting matrimonial dispensations, and especially those which determine the poverty and near-poverty of those to be dispensed, have application and force also for the Sacred Apostolic Penitentiary, to which the faculty of dispensing the poor and almost poor, recognized as such by their own bishops, is reserved? - Response. Nothing has been changed in the practice of the Sacred Penitentiary." Sacred Penitentiary, 23 July 1902.

"The Bishop of Nicastro asks that the precise norm which, amid so many opinions of various authors, must be followed in stating the condition of poverty or near-poverty of petitioners for matrimonial dispensations be indicated to him. And so forth.

"Response. Until otherwise established by the Holy See, one must stand by the Decree of Benedict XIV, given through the Sacred Congregation of the Holy Office on Thursday, 25 September 1754, according to which, in relation to matrimonial dispensations, both those who live solely by labor and industry and those who possess some goods, but not beyond the sum in capital of 300 Roman scudi (that is, 1,612.50 lire), are to be considered poor in Italy. Those, however, whose goods do not exceed in capital the sum of one thousand scudi (that is, 5,735 lire) are to be called almost poor there, but from those almost poor persons a modest increase of the tax is customarily exacted." Sacred Penitentiary, 20 January 1904.

On the Power of Bishops over Public Diriment Impediments

"The proposition asserting that bishops can dispense from the public diriment impediment of consanguinity for a Marriage to be contracted, whether at the point of death or in another most urgent necessity in which the contracting parties cannot await a dispensation of the Apostolic See, is false, rash, scandalous, pernicious, and seditious." Sacred Congregation of the Roman and Universal Inquisition, 19 January 1661; *A. S. S.*, vol. 14, p. 155 ff.

"By command of Our Most Holy Lord Leo XIII, two classes of questions were very recently proposed to the Sacred Congregation of the Holy Roman and Universal Inquisition for consideration. The first concerns the faculties with which, when danger of death is urgent and there is not time to have recourse to the Holy See, it is fitting to augment the Ordinaries of places so that they may dispense from public impediments invalidating Marriage those who are joined according to the civil laws or otherwise live in concubinage, in order that those about to die, in such straits of time, may be duly joined in the sight of the Church and take counsel for their own conscience; the second concerns the execution of dispensations which are customarily imparted by the Apostolic See.

"With regard to the first, after the matter had been seriously and diligently considered and the vote of the Most Eminent Fathers, General Inquisitors together with me, had been approved and confirmed,

His Holiness kindly assented to the favor by which Ordinaries of places may, either by themselves or through an ecclesiastical person acceptable to them, dispense sick persons situated in most grave danger of death, when there is not time to have recourse to the Holy See, from impediments, however public, that invalidate Marriage by ecclesiastical law, except the sacred order of priesthood and affinity in the direct line arising from licit intercourse.

"It is, however, the intention of the same His Holiness that if at any time, which God forbid, necessity requires that dispensation be given to those who are marked with the sacred order of subdiaconate or diaconate, or who have emitted solemn religious profession, and after the dispensation and the Marriage duly celebrated they recover, in extraordinary cases of this kind the Ordinaries are to inform the Supreme Congregation of the Holy Office of the dispensation imparted; and meanwhile they are to take every measure so that any scandal that may be present may be removed in the best manner possible, both by inducing the same persons to go to places where their ecclesiastical or religious condition is unknown, and, if this cannot be obtained, by enjoining upon them at least spiritual exercises and other salutary penances, and that manner of life which may seem suitable for expiating past excesses and which may be an example to the faithful for living rightly and in a Christian manner.

"But with regard to the second class of questions, the vote of the same Most Eminent Fathers having likewise been approved and confirmed, His Holiness decreed:

"1. That all matrimonial dispensations are in the future to be committed either to the Ordinary of the petitioners or to the Ordinary of the place.

"2. That under the designation of Ordinary are included bishops, administrators or Vicars Apostolic, prelates or prefects having jurisdiction with a separate territory, and their officials or Vicars General in spiritual matters, and, while the see is vacant, the Vicar Capitular or lawful administrator.

"3. That the Vicar Capitular or administrator can also execute those Apostolic dispensations which were remitted to the bishop or to his Vicar General or official and have not yet been put into execution, whether they had begun to execute them or not. And conversely, after the see has then been provided for, the bishop or his Vicar General in spiritual matters or official can execute dispensations which had been remitted to the Vicar Capitular for execution, whether the latter had begun to execute them or not.

"4. That matrimonial dispensations committed to the Ordinary of the petitioners are to be executed by that Ordinary who gave the testimonial letters or transmitted the prayers to the Apostolic See, whether he is the Ordinary of origin or of domicile, whether of both spouses or of either of them; even if, at the time when the dispensation is to be put into execution, the spouses, having abandoned domicile in his diocese, have departed to another diocese with no intention of returning, provided, however, that he notify, if he judges it expedient, the Ordinary of the place in which the Marriage is contracted.

"5. That it is lawful for the aforesaid Ordinary, if he likewise judges it expedient, to delegate another Ordinary for the execution of the dispensation, especially the one in whose diocese the spouses actually reside." Sacred Congregation of the Holy Office, 20 February 1888.

"Whether Ordinaries, in cases of extreme necessity, can subdelegate in a general manner to parish priests and universally to approved confessors the faculty of dispensing from public matrimonial impediments in danger of death, granted by the letters of the Sacred Congregation of 20 February 1888, or not?" After this doubt had been maturely considered, the Most Eminent Fathers on Wednesday, 9 January 1889, said: "Petition is to be made to His Holiness that he deign to decree and declare that the Ordinaries to whom the aforesaid faculty was given by the cited letters of 20 February 1888 can habitually subdelegate it to parish priests only, but for cases in which time to have recourse to the Ordinaries themselves is lacking and there is danger in delay." On the same weekday and date, Our Most Holy Lord Pope Leo XIII kindly deigned to assent according to the vote of the Most Eminent Fathers. Holy Office, 9 January 1889; C. 1471 ff.

"1. Whether the Sacred Congregation, by the words *from impediments however public*, intended to confirm the common opinion of theologians, and especially of Saint Alphonsus, which holds that bishops can in cases of urgent necessity dispense from occult impediments and can probably delegate that faculty even generally as an ordinary faculty, so that the intention of the Congregation was to signify that, *a fortiori*, bishops can dispense from occult impediments in the aforesaid circumstances. - 2. Whether, in most grave danger of death, assistants of a parish priest, when on account of the immense size of the parishes of that diocese they cannot have recourse to him, can in the name of the parish priest dispense from public impediments. - 3. Whether, under the designation of parish priests in the Decree of 9 January 1889, there are also included temporary Vicars who are substituted after the death of parish priests or in their absence.

"Response. To 1. By force of the Decree, affirmative for the point of death. - To 2 and 3. Let the response given on this same Wednesday to the Right Reverend Lord Abbot of the Most Holy Trinity of Cava be given, which is the following, namely: 'The following doubts having been proposed by the Right Reverend Lord Abbot praised above: I. Whether, under the designation of parish priests in the subdelegation of the faculty mentioned in the petition, there are to be understood also vice-parish priests or administrator-curates removable at will, in which parishes parish priests strictly so called and of the true name have not been created? And if negative: - II. Whether at least in dioceses in which, as also in the Abbey *Nullius* of the Most Holy Trinity of Cava, by privilege or by most ancient and immemorial custom, there are some parishes whose curates are appointed as Vicars of the Abbot under the designation of administrators or archpriest-curates, removable at will, the aforesaid faculty can be extended also to these.' - Response. To I. All who actually exercise the care of souls are included, with vice-parish priests and chaplains excluded. - To II. Provided for in the preceding response." Sacred Congregation of the Holy Office, 22 April 1890.

"Whether under the word parish priests, to whom Ordinaries can subdelegate the faculty of dispensing in cases of extreme necessity from public matrimonial impediments in danger of death, by virtue of the indult of the Supreme Congregation of 1 March 1889, missionaries having the care of souls, although they cannot strictly be called parish priests, can and ought to be understood. - Response. Affirmative for those missionaries who exercise parochial duties." Sacred Congregation of the Holy Office, 23 April 1890.

"Concerning the understanding of the words *sick persons situated in most grave danger of death*, no slight disagreement has arisen among certain persons. For there are those who assert that there is place for a dispensation only when the impediment directly affects the sick person, but not when the sick

person is free and the impediment directly affects only the person in good health. Others, on the contrary, think that the faculty to dispense was granted to Ordinaries even if the sick person does not have the impediment in himself, but it directly exists only in the person in good health. Hence, when they are joined civilly or otherwise live in concubinage, for example, if an unmarried woman and a deacon, she being sick and he in good health, could the Ordinary dispense them? Or if a sick nun lived in concubinage with a deacon in good health, would there be place for dispensation, since the deacon is not situated in most grave danger of death? - Response. By force of the Decree of 20 February 1888, Ordinaries of places can dispense in each of the two cases adduced, and in each case likewise must inform the Sacred Congregation of the Holy Office of the dispensation imparted and meanwhile take care of those things prescribed in the same Decree. His Holiness approved." Sacred Congregation of the Holy Office, 1 July 1891.

"Whether by force of the Decrees of 20 February 1888 and 1 March 1889, Ordinaries, by themselves or through parish priests, can dispense from public impediments of ecclesiastical law, excepting priesthood and affinity in the direct line, all persons situated at the point of death, although they have not celebrated what they call a civil Marriage and do not live in concubinage. - Response. Negative." Holy Office, 17 September 1890. - And negative also if the sick persons situated in danger of death do not presently live in concubinage but nevertheless lived in it and begot offspring which ought to be legitimated. Holy Office, 3 March 1899.

"Whether the Decrees of 20 February 1888 and 1 March 1889 also include the faculty of dispensing from the impediment of clandestinity, such that, for example, a parish priest delegated by the bishop can, in his parish, join either those who are not his subjects but are strangers present there by chance, dispensing from the presence of their own parish priest, to whom recourse can in no way be had; or even join his own subjects, but without witnesses, likewise dispensing from their presence, when there are absolutely no persons who can fulfill the office of witnesses. - Response. Affirmative." Holy Office, 13 December 1899.

"Whether by the letters of 20 February 1888, by which the faculty is granted to Ordinaries of places to dispense sick persons situated in most grave danger of death from impediments invalidating Marriage by ecclesiastical law, the conditions and exceptions expressed in those same letters remaining firm, and by the later letters of 1 March 1889, by which it is declared that a faculty of this kind can be subdelegated to parish priests, there is understood to be granted also the faculty of declaring and pronouncing legitimate any illegitimate offspring perhaps begotten by the concubinaries who are to be dispensed by virtue of the said faculty, just as it is customary for this to be granted by the Holy See in individual particular cases of matrimonial dispensations; or whether, on the contrary, it is necessary afterward to obtain a new favor from the Holy See for the legitimation of the offspring already begotten?

"Response. Affirmative as to the first part, excepting adulterine offspring and offspring born of persons bound by sacred order or solemn religious profession, the matter having been mentioned to His Holiness. As to the second part, provided for in the first." Holy Office, 8 July 1903.

With regard to disparity of worship and mixed religion, "the cautions are to be required even at the point of death; disparity of worship, as a diriment impediment, is included in the encyclical of the Holy Office of 20 February 1888; but mixed religion, as a prohibitive impediment, is not included." Holy Office, 18 March 1891.

Dispensation by Only One Ordinary

"It is not necessary that, when those contracting Marriage dwell in different places, they be dispensed by both Ordinaries, namely that of the woman and that of the man, but by only one or the other, just as the Sacred Penitentiary declared. We deem it fitting that a response of this kind concerning the matter, which we add here, be made known as occasion requires. - Response of the Sacred Penitentiary: Any Ordinary, acting with a faculty which is not ordinary but is delegated by the Holy See absolutely, simply, and without any condition, to dispense his own diocesans, can (express mention of the delegation being made in each act) dispense from some canonical impediment even in a case in which one person bound by the impediment belongs to his diocese, while the other belongs to another; because the faculty proceeds from the Pope, and, when the impediment has been removed on the part of the person with whom he is able to dispense, the other party also becomes free, since the bond no longer exists between the two parties." And on 13 March 1886 it declared to the Bishop of Cambrai: "A bishop can execute in the external forum a matrimonial dispensation committed by the Holy See, even if one of those to whom the dispensation was granted, while it was being issued, departed from his diocese and established a domicile elsewhere, provided that the other remained in it." Sacred Congregation for the Propagation of the Faith, 19 September 1861.

Cumulative Dispensation

"At Rieti it is regarded as an incontestable maxim that the use of several faculties cannot be cumulated in the same case, on account of the general rule which forbids cumulation in the matter of dispensations, and because the said faculties are of strict law, just as are the dispensations themselves, and therefore must be strictly interpreted and not extended beyond what they state, namely, the express will of the grantor. Hence, since no statement alluding to cumulation is made in the various faculties of dispensation for the various degrees, it follows that one who is furnished with those faculties cannot use them simultaneously in the same case." Sacred Congregation of the Holy Office, 18 May 1869.

"The Bishop of N.... has hitherto thought that the faculty belonged to him, by virtue of the indult of 15 November, to dispense in Marriages to be contracted from an impediment either of consanguinity or of affinity in the third and fourth degrees, not only when single but also when double and more, and likewise when consanguinity and affinity are joined together. But since the said bishop has recently learned that some today doubt the aforesaid opinion, he therefore proposes the following doubts to the Sacred Penitentiary:

"1. Whether, by virtue of the indult of 15 November, a bishop can dispense from consanguinity or affinity in the degrees determined there, even when the same degrees are multiplied? - 2. Whether he can dispense when consanguinity and affinity are joined together? - 3. If negative, he requests sanation for the past and a faculty for the future?

"Response. To 1. Affirmative. - To 2. Provision will be made in what follows. - To 3. By special and express Apostolic authority, the Sacred Penitentiary sanates in the root and convalidates each and every Marriage which hitherto has been contracted invalidly because of a cumulated faculty of dispensing simultaneously from consanguinity and affinity, and decrees and respectively declares legitimate the offspring both already begotten and to be begotten therefrom. The present letters,

however, are to be kept diligently in the episcopal chancery so that, for any future eventuality, the validity of the Marriages and the legitimacy of the offspring may be established.

"With regard to the future, however, the faculty is granted to the same bishop that he, either personally or through his Vicar General, may dispense from consanguinity and affinity joined together, in the degrees determined in the second article of the indult of 15 November, for ten cases only." Sacred Penitentiary, 18 January 1883.

"1. Whether, when some secret diriment impediment, or one of the internal forum, concurs with another impediment likewise diriment but public, a special faculty to cumulate is necessary for dispensation. - 2. Whether, when two impediments concur, one of which is diriment and the other only prohibitive, with the exception of that which they call mixed religion, a special faculty to cumulate is likewise necessary for dispensation. - Response. To 1. Negative; and let the Decree of 31 March 1872 in the Coimbatore case be given. - To 2. Affirmative with regard to prohibitive impediments whose dispensation is reserved to the Holy See, namely those which arise from what they call mixed religion, and from betrothals and from a simple vow of perpetual chastity; otherwise in the remaining ones, concerning which the bishop will be able to use his own right." Holy Office, 18 August 1897.

The Decree given on 31 March 1872 in the Coimbatore case reads thus: "The Most Holy Lord declared generally that the prohibition against granting dispensations without a special faculty, when matrimonial impediments concur in one and the same person, does not extend to those cases in which another occult impediment, or one of the internal forum, occurs together with an impediment public by its nature."

A bishop cannot use the special indult to dispense from cumulated impediments, that is, two impediments concurring at the same time, while by another special faculty he sanates a Marriage in the root. Thus the Sacred Congregation for the Propagation of the Faith, 30 January 1882, to the Bishop of Burlington; Zit., p. 105.

"Bishops who enjoy the quinquennial faculty of dispensing from the third and fourth degrees of consanguinity and affinity, simple and mixed only, and from the second, third, and fourth, but not from the second alone with respect to future Marriages, can dispense in the third and third, in the fourth and fourth, in the third mixed with the fourth, and likewise in the third and fourth mixed with the second, whether the degree arises from one stock or from multiple stocks." Holy Office, 15 June 1875; Zit., p. 52. - Cf. *M. E.*, vol. 11, p. 386 ff.

On Anticipatory and Common Dispensation

"... Some among us do not hesitate to give an anticipatory and common dispensation for this effect (of marrying). Their reason is that it does not seem probable that the Holy See requires them to undertake a journey of ten days and sometimes more in order to request a dispensation when a case occurs. Furthermore, they have observed that, out of one hundred pagan women who marry faithful men, ninety become Christians; hence, generally and in anticipation, with account taken of the number of Christians in some determined place, they dispense a determined number of them, without the persons being named, from the impediment of disparity of worship. I do not dare to determine whether these missionaries exceed their authority in the aforesaid use of the faculty. -

Response. The missionaries have exceeded and do exceed their authority in granting anticipatory and common dispensations without naming the person, and they are to be enjoined henceforth to abstain from granting these dispensations, under pain of nullity; for it is altogether foreign to the custom and intention of this Holy See to will to delegate to anyone faculties which are to be put into execution without the case first having been diligently examined and without the conditions which are imposed having been safeguarded by the same executor. It will therefore be the duty of the Vicar Apostolic himself to subdelegate the faculty, which is supposed to be present to him and to continue, of dispensing from disparity of worship, only to those prudent and pious priests laboring in his mission who permit none of the faithful to contract Marriage with an unbeliever unless they have first seen that those grave causes which the Apostolic See orders to be carefully examined concur in each individual case, and who take particular care that the unbelieving party, unless he has given hope of his conversion, will at least live with the faithful party without insult to the Creator and injury to the Christian name, and will in no manner impede the education of offspring of either sex in the holy religion. But lest the Vicar Apostolic be troubled concerning the dispensations hitherto unduly granted, His Holiness most mercifully granted that those who contracted should not be disturbed, their Marriages having been sanated in the root, as it is called, and the spouses having been released from the obligation of a new consent." Holy Office, 15 February 1790.

Omission of Clauses in a Dispensation

"Whether a dispensation from matrimonial impediments granted by the Ordinary of this region according to Apostolic faculties, although gravely unlawful, is nevertheless valid when it has been given without form, because the tenor of the faculty delegated by the Holy See or the time for which it was granted was not expressed, or because it was granted telegraphically in a few words or only orally: this doubt arises from the omission of the clause *otherwise they are null* in the faculties now granted for America, which clause was formerly expressly appended in faculties of this kind. - Response. Affirmative, provided that the woman was not in fact abducted, or, if abducted, is not in the power of the abductor. The clauses, however, are to be observed exactly, insofar as the circumstances of things, times, and places can permit." Holy Office, 15 June 1875.

Modifications to the Apostolic Letters for the Granting of Matrimonial Dispensations

"In the Apostolic Letters by which matrimonial dispensations are granted by the Apostolic Datary:

"1. Henceforth the following clauses are to be omitted: a) *If he shall humbly seek pardon from you*; b) *after an oath has first been received from him that they did not commit incest or adultery of this kind in the hope of obtaining a dispensation of this kind more easily, and that they will never commit such things thereafter, nor furnish assistance or favor to those committing them*; c) *after two sacramental confessions have been made by them*.

"2. In the same letters the following words are to be removed: *We will that, if you presume to exact any gift or reward or to receive one offered, the absolution or dispensation shall be of no force or moment*; and let it be said: *It being altogether forbidden that you presume to exact any gift or reward or to receive one offered*.

"3. Let the clause *Provided that he has remained in the aforesaid separation* be removed, and let it be said in its place: *The scandal, insofar as it is present, having been removed, especially through separation, for a time agreeable to you, if it can be done*.

"4. For the clause *If you shall find the prayers to rest upon truth*, let this other clause be substituted: *If the things set forth are true*.

"5. Where it is said, *You shall absolve, either personally or through another, according to the customary form of the Church*, let it be said: *For this occasion only, you shall absolve, either personally or through another*." Sacred Congregation of the Holy Office, 28 August 1895.

Doubts Concerning the Clauses Used by the Apostolic Datary in Issuing Matrimonial Dispensations

"Most Holy Father. - The Bishop of L. sets forth that among the new clauses which the Apostolic Datary uses in issuing matrimonial dispensations there is found one of the following tenor: 'We commit and command to your discretion that you diligently inform yourself concerning the foregoing matters, and, if the things set forth are true, by our authority, on this occasion only, personally or through another, you shall absolve the petitioners from the guilt of incest, sentences and censures, and ecclesiastical and temporal penalties in both forums, a salutary penance having been imposed upon them on account of incest of this kind. Finally, if it shall seem expedient to you that a dispensation of this kind be granted to them, by our authority and from special favor you shall dispense the same petitioners, the scandal, insofar as it is present, having been removed, especially through separation for a time agreeable to you, if it can be done, decreeing legitimate the offspring already begotten, if there is any, and to be begotten therefrom.' Hence it is asked:

"1. Whether for the validity of the execution the executor is bound to posit four distinct acts or decrees, that is: a first act by which he delegates the parish priest or another for the verification of the causes; a second act by which the executor, either personally or through another, imparts absolution to the betrothed parties and imposes a penance; a third act by which the betrothed parties are enjoined to repair the scandal; and a fourth act by which the dispensation and the legitimation of the offspring are granted? And if negative:

"2. Whether it is sufficient to posit two acts or decrees, namely: a first act or decree by which the parish priest or another is delegated for the verification of the causes; a second act or Decree by which, either through the executor or through another, absolution is imparted to the betrothed parties and a penance is imposed, the repair of the scandal is enjoined, and the dispensation and legitimation of the offspring are granted; and indeed in such a way that the dispensation and legitimation granted are understood under the condition that the betrothed parties first have obtained absolution and repaired the scandal?

"3. Whether, for the validity of the execution, a new and canonical verification of the causes to be instituted by virtue of the Apostolic letters is required in a case in which the Ordinary obtained exact information concerning the causes of dispensation, taken through sworn witnesses, before he presented the prayers to the Holy See for obtaining the dispensation?

"4. Whether the words *you shall absolve in both forums* are to be understood in such a way that a twofold absolution to be imparted separately is required, namely, one in the external forum and another in the internal forum; or whether those words are to be understood in such a way that only one absolution, to be imparted in the external forum, is required, which also avails for the internal?

"5. Whether, in a case in which the separation of the betrothed parties can be effected for the purpose of repairing the scandal, the executor must impose separation upon them for the validity of the execution; or whether for validity of this kind it is sufficient that the executor take care that the scandal be repaired by other effective means?

"Response. To 1. Provision is made in the second. - To 2. It is sufficient, yet in such a way that the dispensation and legitimation of the offspring can be effected only by the executor himself. - To 3. Negative. - To 4. Negative to the first part; affirmative to the second. - To 5. It is expedient that the scandal be removed by separation, but it is not forbidden that other methods be employed which, in the prudent judgment of the Ordinary, suffice to remove it." Sacred Penitentiary, 27 April 1886.

On the Manner of Verifying Causes in the Execution of Matrimonial Dispensations by the Official to Whom That Execution Is Committed

"1. The official must always have exact information concerning the matter at issue, received through a person worthy of faith. It is sufficient that the official have moral conviction, and it makes no difference whether he acquired it in one manner or another. - 2. If the official has true and undoubted confidence concerning the person of the parish priest, which arises from moral conviction, the report of this parish priest suffices to establish the truth and certainty of the prayers. - 3. When the official has undoubted faith in the parish priest and in the integrity of his mind, then his report and testimony, as well as the examination conducted by him and diligently set forth before the episcopal curia, are always sufficient. - 4. An oath is furnished by the person to be examined only in the case in which that same oath is prescribed by the Holy See through Apostolic matrimonial Letters; otherwise not, for what the law willed, it expressed, and what it did not express, it did not will. - 5. When the faith and integrity of the parish priest are established, his testimony concerning poverty suffices unless the contrary is established; for in this case the official shall diligently seek information concerning the poverty. - 6. An oath is to be furnished only in the case in which the Holy See prescribed it in Apostolic Letters of matrimonial dispensations." The delegate of the Bishop of Mainz by mandate of the Sacred Apostolic Datary, following the commonly retained practice, 10 October 1867. Cf. Francis Sentis, *Clementis Papae VIII Decretales*, Freiburg im Breisgau, 1870, pp. 4-5.

Execution of a Dispensation

"While the episcopal see is vacant, matrimonial dispensations to be executed are committed by the Holy See to the Vicar Capitular. After the verification of the causes has been completed, and likewise the separation of the betrothed parties prescribed by virtue of the Apostolic letters has been imposed, the Vicar Capitular ceases from his office because the new bishop has undertaken the lawful exercise of the episcopal office. Hence it is asked: 1. Whether the Vicar Capitular can validly complete to the end the execution of the dispensation in which, as above, the matter is no longer intact. - 2. Whether an execution of this kind must be completed by the new Ordinary. And in the case of an affirmative response to the second, it is again asked: - 3. Whether the new Ordinary can undertake the dispensation to be executed in the state in which it is actually found, so that neither a new verification of the causes to be instituted by him nor a new separation of the betrothed parties to be imposed by him is required; or whether he must undertake the execution from the beginning as if the Vicar Capitular had already done nothing in the affair, that is, as if the matter were still wholly intact. - Response. To 1. Negative. - To 2. Negative if the dispensations were remitted to the Vicar Capitular,

but affirmative if they were remitted to the Ordinary. - To 3. Negative to the first part, affirmative to the second." Sacred Penitentiary, 3 April 1866.

"Whether, in verifying the impediments and causes of matrimonial dispensations, the interrogation of the betrothed parties is to be made or omitted, and, if it is to be omitted, whether it suffices to question two witnesses worthy of faith concerning all matters? - Response. The matter depends upon the prudent judgment of the Ordinary, after the particular circumstances of each case have been considered, which bring with them the necessity or utility of questioning the betrothed parties also, in addition to the witnesses." Sacred Penitentiary, 5 September 1899.

Various Clauses of Dispensations

"In dispensations from the first and second degrees of kinship for contracting Marriage, the clause *when necessity is urgent*, or *insofar as necessity concurs*, is customarily appended. For the peace of his conscience, the Bishop of Monterey asks whether, in granting dispensations, the indicated condition of necessity is fulfilled when the will of the contracting parties is so determined that, in the case of refusal, they would proceed to contract before the civil magistrate with public scandal. - Response. Affirmative." Sacred Congregation for the Propagation of the Faith, 3 January 1850.

"Your Lordship asked whether the clause in no. 10 of Formula I, *provided that the woman*, etc., must be expressed in such a way that otherwise the dispensation is null. Concerning this I must tell you that, since Formula I is in question, in which under the said number no invalidating clause is found, it can be held, as was answered on another occasion by this Sacred Congregation, that *the omission of clauses does not injure the validity of grants, provided that the woman was not in fact abducted, or, if abducted, is not in the power of the abductor*." Sacred Congregation for the Propagation of the Faith, 26 January 1877.

With regard to the clause *where there are more unbelievers than Christians*, appended to the faculty of dispensing from the impediment of disparity of worship, the Sacred Congregation for the Propagation of the Faith judged that petition should be made to His Holiness for an extension of the faculty, so that by virtue of the aforesaid enlargement that condition, in the case in question, should generally be understood in the future, not of individual villages or hamlets, but of individual chiefdoms. His Holiness kindly granted the requested extension. Sacred Congregation for the Propagation of the Faith, 14 January 1806.

What does the clause in the matrimonial dispensations of the Sacred Penitentiary, *the scandal, insofar as it is present, having been removed, especially through separation ... if it can be done*, import; and, if it is omitted, is the dispensation null?

Response. "Separation is to be preferred to other manners of repairing scandal; if this cannot be done, the scandal is to be repaired, but the manner of repairing scandal is committed to the prudent judgment and conscience of the Ordinary, according to the demands of each case. In a case in which separation has been omitted and the scandal repaired in another manner, let him rest content; otherwise, if in some case he omitted the repair of scandal, let him remain silent and conduct himself more cautiously in the future." Sacred Penitentiary, 12 April 1889; *M. E.*, vol. 6, part 1, p. 201; vol. 7, part 1, p. 271.

What does the clause in the matrimonial dispensations of the Sacred Penitentiary, *with a grave salutary penance*, or *with a grave and prolonged salutary penance*, import? - Response. "In defining beforehand the

quality, gravity, duration, etc., of the penance, which are committed to the judgment of the one dispensing or of the delegate in conformity with law, neither the limits of severity nor those of humanity are to be exceeded, and account is to be taken of the condition, age, infirmity, office, sex, etc., of those upon whom punishment is enjoined to be imposed." Sacred Penitentiary, 8 April 1890; *M. E.*, vol. 6, part 2, p. 56; vol. 7, part 1, p. 270; vol. 13, pp. 11-12.

"Penances are altogether to be imposed in the execution of matrimonial dispensations, but the omission of their fulfillment does not carry with it the invalidity of the dispensation." Holy Office, 14 December 1891.

"In rescripts of the Sacred Penitentiary for both forums, these words are often found: *Some alms having been distributed*.

"1. Whether it is sufficient that the alms be determined by the Ordinary and that the petitioners promise that they will distribute it? - 2. Whether the alms determined by the Ordinary must be given before the promulgation of the dispensation? - 3. Whether this alms must be given before the promulgation of the dispensation under pain of nullity? - Response. To 1. Affirmative, unless something else has been expressly enjoined upon the Ordinary himself. - To 2. Provided for in the first. - To 3. Negative." Sacred Penitentiary, 11 June 1859.

"In rescripts of matrimonial dispensations for both forums in favor of the poor, the Sacred Penitentiary inserts the clause: *Some alms having been distributed by them, to be assessed and applied at the judgment of the Ordinary according to their means*. Now the petitioner, sometimes on account of the extreme poverty of the contracting parties or their ill will, judged it better to pass over the clause and remained entirely silent concerning the alms. But now, doubtful and perplexed, he asks: 1. Whether he promulgated the dispensations invalidly? And if affirmative, he urgently petitions for sanation in the root. But if negative: 2. Whether he may persevere in the same practice, at least in very difficult cases? - Response. To 1. Negative. - To 2. The matter is committed to the prudent judgment and conscience of the Ordinary." Sacred Penitentiary, 11 November 1890.

"It is asked whether, in a case in which the Ordinary foresees that no censure was contracted by the petitioners, the Ordinary who grants a matrimonial dispensation by virtue of some Indult must nevertheless first insert a clause of absolution *ad cautelam*, which the Sacred Penitentiary and Apostolic Datary are accustomed to insert first? - Response. Absolution from censures in the case in question is laudably inserted first." Sacred Penitentiary, 2 July 1891.

"The faculty was granted to the Vicar Apostolic (of Western Tonkin) of dispensing in the first degree of affinity from illicit intercourse, even in the direct line, with these restrictions: *in occult cases, however, and in the internal forum*. It is asked whether by these words *in the internal forum*, or, as Father Antoine explains, *in the act of sacramental confession*, there is understood a confession to which absolution is joined in the very act, or whether a confession directed to receiving absolution in the future suffices, namely, when the obstacle which compels its postponement and which sometimes lasts a long time has been removed. - Response. Negative to the first part; affirmative to the second." Sacred Congregation for the Propagation of the Faith, 16 January 1797.

On Dispensation in the Root

Cf. the Instruction of Cardinal Caprara in Zitelli, *De Dispensationibus matrimonialibus*, Appendix VI.

"Bertha, an unmarried Catholic woman, living for about five years in concubinage with Titius, likewise an unmarried non-Catholic man, after a pledge of fidelity and with marital affection, most recently entered with him what they call a civil Marriage before the civil magistrate. From this union two children were born, one of whom was born, baptized, and educated as a Catholic, while the other died a few weeks after birth.

"The parish priest of the said Bertha having labored vehemently that she be brought to a valid and lawful Marriage, the matter has finally reached such a point that there could now in itself be place for a dispensation from the impediment of mixed religion, after the due cautions had first been given, had not the impediment of perpetual impotence intervened, arising from the fact that the said Titius, two years before the celebration of the civil Marriage, was deprived of both testicles by a surgical operation. It seems only to remain that recourse be had to requesting a dispensation in the root for the union. In fact, the intention or matrimonial consent was not lacking, nor, at least after the civil Marriage was contracted, is the external appearance of Marriage lacking, so that the said parties are commonly regarded as spouses. Since by sanation provision would be made for the salvation of the repentant woman's soul and for the legitimacy of the surviving offspring, while if sanation were denied separation could in no manner be effected and most grave scandals would have to be feared, we therefore earnestly commend the prayers of the Catholic woman for obtaining the favor.

"Response. In the case set forth, sanation in the root cannot be granted; and according to the intention. The intention is that, since the Marriage cannot be revalidated, the putative spouses ought to be separated immediately. But if this is morally impossible, then, with precautions employed, let them at least cohabit under the same roof as brother and sister. With regard, however, to the canonical legitimation of the offspring, it can be granted through a rescript of the Sovereign duly issued." Holy Office, 8 March 1900.

On Artificial Fertilization

"Whether artificial fertilization of a woman can be employed? - Response. It is not lawful." Holy Office, 24 March 1897.

Whether the Use of Marriage Is Lawful Only on Those Days on Which Conception Is More Difficult

"Spouses who use Marriage in the aforesaid manner are not to be disturbed, and the confessor can cautiously intimate the opinion in question to those spouses whom he has tried in vain by another means to lead away from the detestable crime of onanism." Sacred Penitentiary, 16 June 1880.

Decisions of the Sacred Congregations Concerning Onanism

"1. Whether a woman can be absolved who would indeed endure her husband if he acted rightly in conjugal intercourse, but who strongly desires that her husband withdraw because that woman fears having offspring. - 2. Whether a woman can be absolved who in conjugal intercourse could obtain from her husband by her blandishments that he would not withdraw, and does not do so because that intercourse displeases her. - Response. Negative." Sacred Penitentiary, 27 May 1847.

"It is asked of the Apostolic See what theological note the following three propositions deserve, namely: 1. For honorable reasons it is lawful for spouses to use Marriage in the manner in which

Onan used it. - 2. It is probable that this use of Marriage is not prohibited by natural law. - 3. It is never expedient to question spouses of either sex concerning this matter, even if it is prudently feared that the spouses, whether the man or the wife, abuse Marriage.

"Response. To 1. The proposition is scandalous, erroneous, and contrary to the natural law of Marriage. - To 2. The proposition is scandalous, erroneous, and otherwise implicitly condemned by Innocent XI in proposition 49. - To 3. The proposition as it stands is false, excessively lax, and dangerous in practice." Holy Office, 21 May 1851.

"The Bishop of Le Mans in France, prostrate at the feet of Your Holiness with the greatest reverence, most humbly represents the things which follow.

"Nearly all younger spouses are unwilling to have more numerous offspring, and yet are morally unable to abstain from the conjugal act.

"When questioned by a confessor concerning the manner in which they use the rights of Marriage, they are commonly accustomed to be gravely offended; and when admonished, they neither abstain from the conjugal act nor can they be determined to an excessive multiplication of offspring.

"Then, murmuring against their confessors, they abandon the Sacraments of Penance and the Eucharist, give a bad example to their children, servants, and other faithful of Christ; and from this arises a lamentable detriment to Religion.

"The number of those who approach the sacred tribunal of Penance decreases from year to year in many places, especially on account of this cause, as most parish priests more conspicuous for piety, learning, and experience acknowledge.

"How, then, did confessors act formerly? many say. No more children were commonly born from individual Marriages than today, the spouses were not more chaste, and nevertheless they did not fail in the precepts of annual confession and paschal Communion.

"All freely admit that infidelity toward one's spouse and the attempted procurement of abortion are a most grave sin. But they can scarcely, if at all, be persuaded that they are bound under mortal sin either to observe perfect chastity in Marriage or to incur the danger of begetting innumerable offspring.

"The aforesaid Bishop of Le Mans, foreseeing that enormous evils will arise from this and troubled with anxiety, solicitously asks Your Beatitude:

"1. Whether spouses who use Marriage in such a manner as to prevent conception perform an act morally evil in itself?

"2. If the act is to be regarded as morally evil, whether spouses who do not accuse themselves of it can be considered as constituted in that good faith which excuses them from grave fault?

"3. Whether the manner of acting of confessors who, lest they offend married persons, do not question them concerning the manner in which they use the rights of Marriage is to be approved?

"Response. To 1. Since the entire disorder of the act proceeds from the malice of the man, who, instead of consummating, withdraws himself and emits outside the vessel, therefore, if the woman after due admonitions accomplishes nothing, while the man insists, threatening blows or death, she

herself, as approved theologians teach, can simply permit it without sin, and this for a grave cause which excuses her; because the charity by which she is bound to prevent it does not oblige with so great an inconvenience.

"To 2 and 3. Let the aforesaid confessor recall to mind that maxim, *holy things are to be treated holily*; and let him also weigh the words of Saint Alphonsus de Liguori, a learned man and one most skilled in these matters, who in the *Praxis Confessariorum*, section 4, no. 41, says: 'Concerning the sins of spouses with respect to the conjugal debt, ordinarily speaking, the confessor is not bound, nor is it fitting, to question any except wives, as to whether they rendered it, in the most modest manner possible.... Let him remain silent concerning other matters unless he shall have been asked.' And let him not omit to consult other approved authors as well." Sacred Penitentiary, 8 June 1842.

"Bertha has a husband whom by constant experience she knows to be an onanist. In vain she tried every means to withdraw him from so unspeakable a crime. Indeed, most grave, or at least grave, evils now probably threaten her, such that she must either incur these evils or flee from her husband's house unless she permits at least sometimes the abuse of Marriage, etc. - Response. Since in the proposed case the woman on her part indeed does nothing contrary to nature and applies herself to a lawful matter, while the whole disorder of the act proceeds from the malice of the man, who, instead of consummating, withdraws himself and emits outside the vessel; and therefore, if the woman after due admonitions accomplishes nothing, while the man insists, threatening blows or death or other most grave evils, she herself, as approved theologians teach, can without sin conduct herself permissively; since, in these circumstances, she simply permits the sin of her husband, and this for a grave cause which excuses her, because the charity by which she is bound to prevent it does not oblige with so great an inconvenience." Sacred Penitentiary, 1 February 1823.

"Titius, a parishioner, rich, honorable, learned, and a good Christian, when prudently questioned in confession concerning the use of Marriage, confesses that with his wife, even though she is somewhat unwilling, he always interrupts intercourse lest offspring follow; and, when questioned by me, he acknowledges that he nearly always emits outside the woman's vessel. When reproved by me, he immediately replies that he acts thus for a twofold reason: 1. Lest the condition of the family be lowered by more numerous offspring (for he already has a son and a daughter); 2. Lest his wife be excessively wearied by repeated pregnancy. When admonished by the parish priest concerning the emptiness of these reasons, he replies that this manner of acting was approved for him by a certain most illustrious confessor during a certain retreat which he recently made in a certain community, provided that in the act the husband intends the quieting of concupiscence and not pollution.

"John, the parish priest, wondering that this distinguished confessor, who recently had been a lecturer in moral theology at a certain major seminary, had approved such a manner of acting, nevertheless did not dare to absolve Titius, who wished to persevere in this manner of acting. Titius, however, offended by his dismissal, everywhere proclaims his parish priest ignorant and proud, as one who corrects the opinion of others and imposes unbearable burdens upon penitents.

"John, the parish priest, moved by all these things which greatly redound to the detriment of the parish priest and indeed of religion itself, asks:

"Whatever may be said of the past, how ought he to conduct himself with Titius, who will most probably return to confess and will obstinately persevere in his manner of acting?

"Response. The parish priest in the case acted rightly, and a penitent who is unwilling to abstain from this manner of acting, which is pure and simple onanism, cannot be absolved." Sacred Penitentiary, 13 November 1901.

On Questions to Be Asked by Confessors Concerning Onanism

Whether those confessors satisfy their duty who, when a penitent accuses himself of the sin of onanism, "maintain profound silence and, when the confession of sins is finished, excite him to contrition by general words and impart holy absolution to him when he asserts that he detests every mortal sin? - Response. Negative." Sacred Penitentiary, 14 December 1874.

"1. When there is a well-founded suspicion that a penitent who is altogether silent concerning onanism is addicted to this crime, is it lawful for the confessor to abstain from a prudent and discreet question on the ground that he foresees that many persons will be disturbed from good faith and that many will abandon the Sacraments? Or rather is the confessor bound to question prudently and discreetly? - 2. Whether a confessor who, either from spontaneous confession or from prudent questioning, knows that a penitent is an onanist is bound to admonish him concerning the gravity of this sin just as concerning other mortal sins, and, as the Roman Ritual says, to reprove him with paternal charity, and to impart absolution to him only when it is established by sufficient signs that he grieves over the past and has the resolution not to act onanistically any longer? - Response. In view of ... the unspeakable vice in question having become widespread ... to 1, ordinarily negative to the first part, affirmative to the second; to 2, affirmative, according to the teachings of approved Authors." Sacred Penitentiary, 10 March 1886.

On Censures

Nature of a Censure

"23. Excommunications are only external penalties and do not deprive a man of the common spiritual prayers of the Church. - 24. Christians are to be taught to love excommunication more than to fear it." Propositions of Martin Luther condemned by Leo X.

"44. With respect to the forum of conscience, when the guilty party has been corrected and his contumacy has ceased, censures cease." Proposition condemned by Alexander VII.

On the Power of Inflicting Censures

"90. The Church has the authority of excommunicating in order that she may exercise it through the chief pastors, with at least the presumed consent of the whole body. - 91. Fear of an unjust excommunication must never prevent us from fulfilling our duty: we never depart from the Church, even when through the wickedness of men we seem to be expelled from her, when we are attached through charity to God, to Jesus Christ, and to the Church herself. - 92. To suffer in peace an unjust excommunication and anathema rather than betray the truth is to imitate Saint Paul: so far is this from being to raise oneself against authority or to rend unity." Propositions of Pasquier Quesnel condemned by Clement XI.

"19. Through the ecclesiastical censures of excommunication, suspension, and interdict, the clergy subjects the lay people to itself for its own exaltation, multiplies avarice, protects malice, and prepares the way for Antichrist. An evident sign, moreover, is that such censures, which they call fulminations in their processes, proceed from Antichrist, and by them the clergy proceeds principally against those who lay bare the wickedness of Antichrist, who will especially usurp the clergy for himself." Article of John Hus condemned by the Council of Constance.

"11. No prelate ought to excommunicate anyone unless he first knows him to have been excommunicated by God; and he who excommunicates in this way becomes by this fact a heretic or excommunicated. - 12. A prelate excommunicating a cleric who has appealed to the king or to the Council of the kingdom is by that very fact a traitor to the king and the kingdom. - 13. Those who cease to preach or to hear the word of God on account of the excommunication of men are excommunicated and will be regarded as traitors in the judgment of God. - 30. The excommunication of the Pope or of any prelate is not to be feared, because it is the censure of Antichrist." Propositions of John Wycliffe condemned by the Council of Constance.

"31. Likewise, whether he believes that the Pope or other prelates, the proper names of the Pope then reigning being expressed, or their vicars, can excommunicate their ecclesiastical or secular subject because of disobedience or contumacy, so that such a person is to be regarded as excommunicated. - 32. Likewise, whether he believes that, when the disobedience or contumacy of the excommunicated increases, prelates or their vicars in spiritual matters have the power of aggravating and reaggravating, of imposing an interdict, and of invoking the secular arm; and that inferiors must obey those censures. - 33. Likewise, whether he believes that the Pope or other prelates and their vicars in spiritual matters have the power of excommunicating disobedient and contumacious priests and

laymen, and of suspending them from office, benefice, entrance into the church, and administration of the ecclesiastical Sacraments." Articles concerning which those suspected of the errors of Wycliffe and Hus are to be questioned by mandate of Martin V in the Bull *Inter cunctas*.

Absolution from Censures

Cf. no. 1084.

Excommunicated Persons Who Must Be Avoided

"Those who are excommunicated by name, or are declared excommunicated by name, whether by the Supreme Pontiff or by bishops, are even today to be avoided according to the norm of the Constitution *Ad evitanda* of Martin V. Those communicating with excommunicated persons who must be avoided, however, do not after the Constitution *Apostolicae Sedis* incur major excommunication, except in the cases included in this Constitution. Notorious assailants of clerics are likewise excommunicated persons who must be avoided according to the Constitution *Ad evitanda*." Holy Office, 9 January 1884.

Minor Excommunication

"Nearly all commentators on the Constitution *Apostolicae Sedis* teach that minor excommunication was abolished by force of this Constitution. Can this opinion be safely taught in the Seminary? - Response. Affirmative." Holy Office, 5 December 1883.

"Whether, minor excommunication against those who communicate with persons excommunicated by name by the Supreme Pontiff having been removed, the prohibition is also considered to have been removed? - Response. Negative." Holy Office, 2 August 1893.

Excommunication Deprives One of Apostolic Rescripts

"Titius, a priest, while he was bound by a reserved occult excommunication, from which he afterwards obtained absolution, requested and obtained from the Sacred Roman Congregations certain personal favors which were granted to him by special Rescripts: namely, from the Sacred Congregation of the Index the faculty of reading prohibited books; from the Holy Office the faculty, or dispensation, from fasting; from the Sacred Congregation of Indulgences the faculty of blessing crowns and other objects with the application of Indulgences; from the Sacred Congregation of Rites the faculty of blessing sacred furnishings and other things.

"But, having now learned that the excommunicated are incapable of obtaining Pontifical favors, he finds himself in great straits from the doubt whether he can validly use the aforesaid faculties and favors, on account of which he asks through me:

"a) whether the aforesaid Rescripts obtained by Titius while he was bound by excommunication are to be regarded as valid;

"b) and, in the negative case, how Titius ought to conduct himself so as not to disclose the cause of the invalidity of the Rescripts obtained. - Response. Let the petitioner rest content concerning the foregoing. For the forum of conscience only." Sacred Penitentiary, 9 September 1898. Cf. *M. E.*, vol. 15, pp. 166-167.

Instruction of the Sacred Congregation for the Propagation of the Faith Concerning Suspensions *Ex Informata Conscientia*

"At every time the Church has been solicitous that not only should advancement to sacred orders be forbidden, but also that criminals should remain suspended from the exercise of those same orders.

"Since, however, an easy and prompt coercion of occult crimes also, which it would not be expedient to disclose, namely one free from judicial forms, is sometimes necessary for protecting the dignity of the sacred ministry and the welfare of the faithful, the Fathers of Trent with most wise counsel decreed in Session 24, chapter 1, *On Reformation*: 'For one whose advancement to sacred orders has been forbidden in any manner by his own prelate for any cause whatsoever, even for an occult crime, even extrajudicially; or one who has been suspended from his orders or grades or ecclesiastical dignities: no license granted contrary to the will of that prelate for having himself promoted, nor restoration to his former orders, grades, and dignities or honors, shall avail him.'

"From this provident decree, in that which relates to crimes of clerics which merit extrajudicial suspension from ecclesiastical offices, the penalty of suspension for causes known to the prelate has long been in use; this, namely, is called suspension *ex informata conscientia*. Therefore, in order that the Ordinaries of Catholic Missions may proceed in inflicting it with the greatest caution and security possible, the Sacred Congregation for the Propagation of the Faith judged that the present Instruction should be issued, to which those same Ordinaries will take care to conform themselves in employing this extraordinary remedy.

"1. Suspension *ex informata conscientia*, no less than that which is inflicted by a judicial sentence, prohibits an ecclesiastical person from exercising his orders or grades or ecclesiastical dignities.

"2. It differs from judicial suspension principally in this: that it is employed as an extraordinary remedy in punishment of a crime committed; and therefore neither judicial forms nor canonical admonitions are required for its imposition. It will accordingly suffice if the prelate inflicting this penalty uses a simple precept by which he declares that he imposes suspension from the exercise of sacred offices or ecclesiastical duties.

"3. A precept of this kind must always be intimated in writing, with the day and month designated; and therefore it must be done either by the Ordinary himself or by another person by his express mandate. In the same intimation, however, it must be expressed that a punishment of this kind is imposed by force of the Tridentine decree, Session 24, chapter 1, *On Reformation, ex informata conscientia*, or for causes known to the Ordinary himself.

"4. The parts of the exercise of order or office to which the suspension extends must furthermore be expressed; but if the suspended person is interdicted from an office for which another must be substituted in his place, as, for example, an administrator in the care of souls, then the substitute shall receive compensation from the fruits of the benefice in that portion which shall be assessed according to the prudent judgment of the Ordinary. But if the suspended person considers himself aggrieved in this assessment, he can seek moderation before the archiepiscopal curia or even before the Apostolic See.

"5. The time of duration of the same penalty must likewise be expressed. Let Ordinaries, however, abstain from inflicting it in perpetuity. But if for more grave causes the Ordinary judges that it should

be imposed not for a determined time but at his good pleasure, then it is regarded as temporary and therefore will cease with the jurisdiction of the Ordinary inflicting the suspension.

"6. A just and legitimate cause for suspension *ex informata conscientia* is furnished by a crime or fault committed by the person suspended. This, however, must be occult and so grave that it merits such punishment.

"7. For it to be occult, however, it is required that it has been brought neither into judgment nor into the rumors of the people, and furthermore that it is not known to such a number and quality of persons that the offense must thereby be regarded as notorious.

"8. The suspension nevertheless holds even if one of several offenses was known among the people, or if the crime which had been occult before the suspension was afterwards divulged by others.

"9. It is left to the prudent judgment of prelates either to disclose to the delinquent, or to conceal, the cause of the suspension, that is, the fault itself. Otherwise, it will be the part of their pastoral solicitude and charity that, if they judge that a penalty of this kind should be manifested to the suspended person, through the paternal admonitions which they interpose it may serve not only for the expiation of the fault, but also for the amendment of the delinquent and for removing the occasion of sinning.

"10. But let the prelates remember that if recourse is made to the Apostolic See against the decree by which the suspension was imposed, then the fault which furnished the occasion for it must be proved before the same See. It will therefore be advisable that, before this penalty is inflicted, proofs of it be collected, although extrajudicially and secretly, so that, by the very fact that one proceeds with complete certainty of culpability in inflicting the punishment, if the case must afterwards be examined before the Apostolic See, the proofs of the crime may not encounter those difficulties which very often occur in judgments of this kind.

"11. From a decree of suspension *ex informata conscientia* no appeal is given to a tribunal of higher order. Therefore, after a cleric has received the intimation of suspension, if he nevertheless presumes to interpose an appeal and, under its pretext, to minister at the altar or solemnly to exercise his order in any manner, he immediately falls into irregularity.

"12. Access to the Apostolic See nevertheless always lies open, and in a case in which a cleric considers himself punished by this penalty without a sufficient and reasonable cause, he can have recourse to the Supreme Pontiff. Meanwhile, however, the decree of suspension remains in force until it has been rescinded or even moderated by the Pontiff himself or by the Sacred Congregation which must judge concerning the recourse.

"13. Finally, since a penalty of this kind is an altogether extraordinary remedy which is employed especially for the expiation of crimes without judicial forms, let prelates keep before their eyes that which the Supreme Pontiff Benedict XIV, of holy memory, most wisely admonishes in his Treatise *On the Diocesan Synod*, book 12, chapter 8, no. 6: namely, that a bishop would be blameworthy if in his synod he declared that henceforth, on private knowledge alone, he would punish with suspension from divine offices clerics whom he had discovered to have committed grave offenses, although their offense could not be conclusively proved in the external forum or it would not be expedient to bring it to the knowledge of others.

"Rome, from the offices of the Sacred Congregation for the Propagation of the Faith, 20 October 1884." *A. S. S.*, vol. 19, p. 561 ff.

The Rite of Burial

"The rite of the Church commands that the bodies of the faithful, in whatever manner they are conveyed (even by carriage), whether to the Church or to the Cemetery, must always be accompanied by a priest." Sacred Congregation of Rites, 15 July 1876; Santander.

"The practice of covering with branches and flowers the funeral monuments which are erected in churches on the occasion of funerals can be tolerated." Sacred Congregation of Rites, 16 June 1893; Goa, ad C.

"Bodies must be three cubits distant from the Altar; and three cubits are nearly one meter in length; and this distance of tombs from the Altar is sufficient." Sacred Congregation of Rites, 12 January 1897.

Decree Concerning Funerals

"The Sacred Congregation of Rites, adhering to the Rubrics of the Roman Ritual and to several other Decrees previously published, declares:

"I. The bodies of the dead are to be accompanied with one cross only, which must be that of the Church to which the body of the deceased is being carried; provided that the chapter of the cathedral church does not take part, under whose cross all accompanying the funeral must walk.

"II. The parish priest always has the right and duty, even when the chapter of the cathedral church is present, but outside that church, to put on the Stole and to perform all offices over the body of a deceased person belonging to his church, until it has entered the church of burial from the place of death; and the body is to be carried to that church by passing freely through other parishes also (by a direct route, however, unless custom provides otherwise).

"III. The same parish priest has precedence over all the clergy, except the chapter of the cathedral church, if it is present, which in the procession shall walk after the parish priest himself; except also the Chapter of a collegiate church, if custom so provides. In this case, however, the senior dignitary of the cathedral chapter shall walk with a Stole and also with a cope, which the parish priest, however, shall not wear; and the same shall be observed if the chapter of a collegiate church walks after the parish priest.

"IV. If the deceased is to be buried in another parish church, the rector of that church alone, likewise vested with a Stole, has the right and duty of performing the remaining offices there over the body and of preceding all others, not even excepting the parish priest of the deceased, who, when the body has been brought to the threshold of the church, shall withdraw.

"V. The Sacred Congregation of Rites orders all these things to be observed for any churches whatsoever, even collegiate churches, whether belonging to the secular or to the regular clergy, any custom whatsoever to the contrary notwithstanding.

"And thus it decreed and ordered to be observed on 23 April 1895."

Funerals in Churches of Regulars

"The Decrees and declarations previously made are to be observed; namely, parish priests, in the procession or on the occasion of the procession of bodies, are not permitted to enter the church of the aforesaid monks, but are bound to leave those bodies at the door of the churches, and there alone can bless them and give the final farewell; but the offices and other duties customarily employed in ministries of this kind must be performed by the monks themselves, and not by the parish priests." Sacred Congregation of Bishops and Regulars, 16 December 1661; Bizzarri, ed. 1885, p. 255. - "The Congregation, etc., has frequently responded: Whenever bodies are carried to churches of Regulars, the Office and the remaining things customarily employed in a ministry of this kind must be performed not by the canons or by the clergy, but by the Friars themselves." Sacred Congregation, 22 August 1670; Bizzarri, pp. 263, 304, 313, 339, 340, 346.

"The Sacred Congregation of the Council, under date of 24 January 1846, established that Regulars, with the Stole and the cross of the convent and without the intervention of the parish priest, can carry to the common cemetery the body of a deceased Regular who, because civil law prevents it, cannot be buried in the convent, provided this is done without solemn pomp and the deceased is carried to the cemetery by a direct route. It is therefore asked whether a Decree of this kind can also be extended to nuns subject to the jurisdiction of the Ordinaries of dioceses, so that their bodies can be carried by the ordinary chaplains of the monasteries, without the intervention of the parish priests, with a moderate funeral, to the common cemetery. - Response. Affirmative, provided that the body is carried with Stole and cross, but without pomp and by a direct route to the cemetery." Sacred Congregation of the Council, 24 February 1872.

"1. Whether, and to whom, the right belongs of accompanying bodies from churches of Regulars, to which they were brought for the performance of the funeral rites, to the common cemetery where they must be buried.

"2. Whether parish priests have the right of receiving the emoluments which are given by the heirs to the priest accompanying the bodies to the cemetery.

"3. Whether the Religious, in the procession of the bodies in question, must summon the parish priest to accompany the deceased to the cemetery.

"4. Whether Regulars can proceed with the Stole and the conventual cross as far as the grave.

"Response. To 1. Affirmative, in favor of the Regulars. - To 2. Negative. - To 3. Negative. - To 4. Affirmative: without pomp and by a direct route." Sacred Congregation of Bishops and Regulars, 17 September 1880.

"It is lawful in another church, and among Regulars, to sing a Requiem Mass which the faithful request to be celebrated for deceased relatives or friends after the funeral rites have been completed in the parish church, even if the funeral Mass is not celebrated in the parish church. Nor, indeed, does anything prevent relatives and friends from being summoned or invited to the aforesaid Mass by letters, as is customary to be done at funerals. It is furthermore lawful in another church to sing for the deceased a Mass of the feast or of the feria, even if a funeral Mass for the same person is not celebrated in the parish Church." Sacred Congregation of Rites, 13 May 1879; Order of Friars Minor Conventual of Saint Francis.

Ecclesiastical Burial Is to Be Denied

"Ecclesiastical burial is denied to pagans, Jews, and all unbelievers; to heretics and their supporters; to apostates from the Christian faith; to schismatics; and to those publicly excommunicated with major excommunication; to those interdicted by name and those who are in an interdicted place while the interdict lasts; to those who kill themselves through despair or anger, but not if it happened from insanity, unless before death they gave signs of repentance; to those dying in a duel, even if before death they gave signs of repentance; to manifest and public sinners who perished without repentance; to those concerning whom it is publicly established that they did not receive the Sacraments of Confession and Communion at Easter once in the year and died without any sign of contrition; and to infants who died without Baptism." Roman Ritual, *On Funerals, Those to Whom It Is Not Lawful*, etc.

On Suicides

"Whether it is lawful to give ecclesiastical burial to suicides and to celebrate solemn funerals and Masses for them? - Response. Let it be written to the Most Reverend Lord Ordinary of the petitioner that parish priests are to be admonished that, in individual cases, insofar as it can be done, they are to have recourse to the Most Reverend Lord Ordinary; and that the rule is that ecclesiastical burial may not be given to those who kill themselves through despair or anger, but not if it happened from insanity, unless before death they gave signs of repentance; and further that, when anger or despair is certainly established, ecclesiastical burial must be denied and the pomp and solemnities of funerals must be avoided; but when insanity is certainly established, ecclesiastical burial is to be given with the solemnities of funerals; when, however, a doubt remains whether someone caused his own death through despair or through insanity, ecclesiastical burial can be given, but with the pomp and solemnities of funerals omitted." Holy Office, 16 May 1866; *M. E.*, vol. 3, part 3, p. 115.

On Heretics and Members of Sects

"Whether non-Catholics, by reason of a bond of consanguinity or Marriage, can lawfully be interred in the family tomb of Catholic families? - Response. It can be tolerated." Holy Office, 30 March 1859.

"The tolerance spoken of in the preceding Decree is to be understood as merely passive, for preventing greater evils." Holy Office, 14 November 1888.

"1. Let the bishop direct every effort to this, that Catholics may have their own cemetery separated from the cemetery of non-Catholics. - 2. But if the circumstances of affairs by no means permit this, and Catholics are compelled to give the bodies of the faithful departed burial in the cemetery of Protestants, let him at least take care that a distinct and separate place be established in the same cemetery for the burial of Catholics. - 3. Finally, if not even this can be obtained, and likewise until it shall have been possible to achieve it, whenever it happens that a Catholic is to be buried, the place in which he is given burial must first be purified by a blessing." Sacred Congregation for the Propagation of the Faith, 16 April 1862.

"To those enrolled in societies condemned by the Apostolic See, if they are notorious, neither the Sacraments nor funerals nor ecclesiastical burial can be granted unless, after issuing a due retraction, they have been reconciled to God and the Church through absolution. But if at any time, overtaken by death, they could not duly issue a retraction, yet before death gave signs of repentance and

devotion, then ecclesiastical burial can be granted to them, but ecclesiastical pomp and funeral solemnities being forbidden." Sacred Congregation for the Propagation of the Faith, 10 May 1898.

"Whether it is lawful to celebrate funeral rites and grant ecclesiastical burial to those who received the Sacraments before death but nevertheless enrolled in the Masonic sect and have the emblems of the same sect on the bier. - Response. Affirmative, with the form of Innocent III, chapter *A nobis*, *On the Sentence of Excommunication*, observed, the insignia of the sect condemned by the Church having been removed, and provided that the placement of the emblems had not been commanded by the deceased after the reception of the Sacraments, or had been revoked by him; and let them be removed immediately when their placement becomes known and entirely before the procession of the body. Let the confessors of the place be admonished concerning the obligation of requiring a retraction before sacramental absolution." Holy Office, 2 December 1840.

Burial of Notorious Excommunicated Persons

"When a notorious excommunicated person or a public sinner comes to death without having been reconciled with the Holy Church, yet had desired the assistance of a priest, by whom he was found either already dead or bereft of his senses, and had given signs of repentance, either by kissing the Crucifix or by performing other acts of piety, must the parish priest deny him burial?

"Response. In these cases, when the signs of repentance have been made public, ecclesiastical burial can be given, but ecclesiastical pomp and funeral solemnities being forbidden. But if extraordinary circumstances concur in some case, let the parish priest consult the Ordinary and stand by his commands." Sacred Penitentiary and Holy Office, 6 July 1898.

On Cremation of Bodies with Respect to Burial

"Whenever there is question of those whose bodies are subjected to cremation not by their own will but by that of another, the rites and suffrages of the Church can be employed both at home and in the church, but not as far as the place of cremation, scandal having been removed. Scandal can also be removed if it becomes known that cremation was not chosen by the deceased's own will. But where there is question of those who chose cremation by their own will and certainly and notoriously persevered in this will until death, with consideration given to the decree of Wednesday, 19 May 1886, they are to be dealt with according to the norms of the Roman Ritual, title *Those to Whom It Is Not Lawful to Give Ecclesiastical Burial*. But in particular cases in which a doubt or difficulty arises, the Ordinary must be consulted, who, after carefully weighing all the circumstances, shall decree that which he judges more expedient in the Lord." Holy Office, 15 December 1886.

The Decree of the Holy Office of 19 May 1886 is as follows: "1. Whether it is lawful to enroll in societies whose purpose is to promote the practice of burning human bodies? - 2. Whether it is lawful to command that one's own body or those of others be burned? - Response. To 1. Negative; and if there is question of societies affiliated with the Masonic sect, the penalties enacted against it are incurred. - To 2. Negative. - His Holiness approved and confirmed the resolutions of the Most Eminent Fathers and ordered them to be communicated to the Ordinaries of places, so that they may take care that the Christian faithful be suitably instructed concerning the detestable abuse of burning human bodies, and that with all their strength they deter the flock entrusted to them from it." Holy Office, 19 May 1886.

"1. Whether it is lawful to minister the Sacraments to dying faithful who indeed do not adhere to the Masonic sect and are not led by its principles, but, moved by other reasons, ordered their bodies to be cremated after death, if they are unwilling to retract this command?

"2. Whether it is lawful for the Sacrifice of the Mass to be offered publicly, or even applied privately, for faithful persons whose bodies were cremated not without their own fault, and likewise to accept foundations for this end?

"3. Whether it is lawful to cooperate in the cremation of bodies, whether by command and counsel or by labor furnished, as physicians, officials, and workmen serving in a crematorium do; and whether this is lawful at least if it is done under some necessity or to avoid great harm?

"4. Whether it is lawful to minister the Sacraments to those cooperating in this way if they are unwilling to cease from this cooperation or affirm that they are unable to cease?

"Response. To 1. If, when admonished, they refuse, negative. But, as to whether the admonition is to be made or omitted, let the rules handed down by approved authors be observed, with special account taken of avoiding scandal.

"To 2. Concerning the public application of Holy Mass, negative; concerning the private application, affirmative.

"To 3. It is never lawful to cooperate formally by command or counsel. Material cooperation, however, can sometimes be tolerated, provided that: 1. cremation is not regarded as a sign of protest by the Masonic sect; 2. nothing is contained in it which, of itself, directly and uniquely expresses disapproval of Catholic doctrine and approval of the sect; 3. it is not evident that Catholic officials and workmen are constrained or called to the work in contempt of the Catholic religion. Nevertheless, although in these cases they are to be left in good faith, they must always be admonished not to intend to cooperate in cremation.

To 4. Provision was made in the preceding. And let the Decree of Wednesday, 15 December 1886, be given." Cf. preceding paragraph. Holy Office, 27 July 1892.

On the Constitution *Apostolicae Sedis*

On Orientals with Respect to the Constitution *Apostolicae Sedis*

"The doubt having been proposed whether Orientals are subject to the Constitution *Apostolicae Sedis*, published by Pius IX, of happy memory, under date of 12 October 1869, the Supreme Congregation of the Holy Office, with the subsequent approval of the Holiness of Our Lord, declared as follows on Wednesday, 15 July of the current year:

"I. Through the Constitution *Apostolicae Sedis*, nothing was changed concerning censures and their reservations for the faithful of the Oriental rites.

"II. The same faithful are subject to all censures enacted by the Apostolic See in matters of dogma and in Constitutions in which provision is implicitly made concerning them, namely, where the matter itself shows that they are included, insofar as there is question not of a merely ecclesiastical law, but the natural and divine law is declared.

"The aforesaid Supreme Congregation furthermore wills that, through the Most Reverend Apostolic Delegates, these provisions be notified to all patriarchs, archbishops, and bishops of the Oriental rite included in their respective delegation, and that they be reminded: 'that those faithful are subject by name not only to the censures, but also to the Apostolic reservations enacted in the Constitution *Sacramentum Poenitentiae* of Benedict XIV and in the Constitutions against those enrolled in the Masonic sect and other similar sects.'" Encyclical Letter to the Apostolic Delegates among the Orientals, Sacred Congregation for the Propagation of the Faith, 6 August 1885.

On Excommunication for Heresy

"It was declared in the Holy Office, 22 March 1879, that excommunication is contracted by those who enter marriage before a heretical or schismatic minister in sacred orders." *M. E.*, vol. 7, part 2, p. 222.

According to the declaration of the Sacred Congregation of the Holy Office, 12 July 1878, all those incur an excommunication *latae sententiae* reserved in a special manner to the Supreme Pontiff who, even if they do not adhere to heresy in mind, enroll themselves, even in name only, in a heretical or schismatic sect, whatever its name may be, for whatever cause this may be done. Cf. *On the Theological Virtues*, no. 367.

"In the faculty of the Sacred Penitentiary, no. 3, the faculty of absolving from censures incurred because of heresy is granted, and an exception is made there in these words: *excepting public heretics, or those publicly dogmatizing*: 1. Are public heretics who are not dogmatizers included in the aforesaid exception? 2. Likewise, are those included who dogmatize not publicly but privately, namely, now with one listening, now with another, now with a few others, and so on; yet in such a way that, when the reckoning has been made, the number of dogmatizers is found to be very excessive?—To 1. Negative.—To 2. Affirmative, if it is notorious that the heretic spreads false dogmas in the aforesaid manner." Sacred Penitentiary, 3 March 1880.

"In the faculty granted by the Sacred Penitentiary, under no. 3, it is read: *of absolving ... excepting public heretics, OR those publicly dogmatizing, from any*, etc. It is asked: does the word *or* explain who the

heretics are who are excepted? Or are public heretics excepted, and those who publicly dogmatize?—Response. Through the faculty of the quinquennial form of the Sacred Penitentiary, the power can be granted of absolving heretics, even public ones, provided that they are not dogmatizers." Sacred Penitentiary, 26 March 1894.

"It is not necessary that those who have defected from the Catholic faith, and afterwards desire to return to it, first make a public abjuration; but it is sufficient that they abjure privately before a few, provided, however, that they keep their promises and in fact abstain from communicating with heretics in spiritual matters or from doing anything which is a profession of heresy. The same is to be held concerning those who privately abjure the heresy in which they were educated from the beginning." Holy Office, 28 March 1890; *A. S. S.*, vol. 32, p. 696.

Excommunication for Reading Heretical Books

"Whether those knowingly reading periodical publications bound into volumes, having a heretical author and defending heresy, incur the excommunication mentioned in the Bull *Apostolicae Sedis* of 12 October 1869, among the excommunications reserved in a special manner to the Roman Pontiff, article 2.—Response. Affirmative." Holy Office, 13 January 1892.

"1. Whether those knowingly reading newspapers defending heresy incur the excommunication of the second article of the Constitution *Apostolicae Sedis*, reserved in a special manner to the Supreme Pontiff?—2. Whether those reading either books properly so called, by any author, or newspapers containing heresy, fall under the censure of the Index renewed and confirmed as above by Pope Pius IX, of holy memory?—Response. To 1. Negative.—To 2. Negative." Sacred Congregation of the Index, 27 April 1881; Holy Office, 21 April 1880.

Popular Elections of Parish Priests and of the Supreme Pontiff

"Whosoever, having been elected by the vote of the people to the office of parish priest or vicar, dare either to seize the pretended possession of the Church or of its rights and goods, and to discharge the duties of the ecclesiastical ministry, shall by that very fact incur major excommunication peculiarly reserved to the Holy See and the other canonical penalties; and all such persons are to be avoided by the faithful according to the divine admonition, as strangers or thieves, who come only to steal, kill, and destroy." Sacred Congregation of the Council, 23 May 1874.

"Concerning the so-called Italian Catholic Society for the vindication of the rights belonging to the Christian people, and especially to the Roman people, in which the theory that the Roman Pontiff can be elected by the people is professed and propagated: 1. Whether each and every person enrolling in the aforesaid Society, or promoting it, or in any manner favoring or adhering to it, incurs by that very fact the penalty of major excommunication?—2. And, in the affirmative, whether an excommunication of this kind is reserved to the Roman Pontiff?—Response. Having considered all that was set forth, and having examined the nature and purpose of a society of this kind, and having obtained the decision of the Holy Father: To the first: Affirmative. To the second: They incur an excommunication *latae sententiae* reserved in a special manner to the Roman Pontiff." Sacred Penitentiary, 4 August 1876.

Those Who Coerce Lay Judges

"The chapter *Cogentes* affects only legislators and other authorities who coerce lay judges, either directly or indirectly, to bring ecclesiastical persons before their tribunal contrary to canonical provisions.—Nevertheless, in those places in which the privilege of the forum has not been derogated by the Supreme Pontiffs, if there is no way there to pursue one's rights except before lay judges, each one is bound first to seek permission from his own Ordinary, so that he may summon clerics in the manner of laymen; and the Ordinaries shall never deny it, especially when they themselves have vainly devoted their effort to reconciling the controversies between the parties. It is not lawful, however, to summon bishops before that forum without the permission of the Apostolic See. And if anyone has dared to bring before a lay judge or judges either a cleric without the permission of the Ordinary, or a bishop without the permission of the Holy See, it shall be within the power of those Ordinaries to punish him, especially if he is a cleric, with penalties and censures *ferendae sententiae*, as a violator of the privilege of the forum, if they judge this expedient in the Lord." Holy Office, 23 January 1886.

Acts of the Holy See

"Whether by acts proceeding from the Apostolic See are designated only acts which proceed immediately from the Holy Father, or also acts which proceed mediately from the Holy Father, or also those which proceed from the Sacred Roman Congregations?—Response. Negative to the first part; affirmative to the second." Holy Office, 13 January 1892.

Absolution of an Accomplice

The absolution of an accomplice is reserved in a most special manner to the Holy See, so that it is excepted even in a general and most ample grant of absolving from all cases, even those under a censure reserved in a special manner to the Supreme Pontiff. Sacred Congregation of the Holy Office, 4 April 1871.

The absolution of an accomplice which is treated here concerns the first absolution of the accomplice, namely, one who has not yet been absolved by another confessor from the sin of complicity. By a decree of the Sacred Congregation of the Holy Office, 29 May 1867, it was declared that a confessor is free to absolve an accomplice who has already been absolved by another confessor from the dishonorable sin of complicity; counsel, however, must always be given to the confessor in question that, unless necessity compels him, he abstain from hearing the sacred confessions of the accomplice, even though already absolved from the sin of complicity.

Under the prohibition of absolving an accomplice in a base matter are included not only touches, but all grave and externally committed sins against chastity, even those which consist in mere conversations and looks that involve complicity. Sacred Congregation of the Holy Office, 28 May 1873.

"Whether a confessor who pretends to absolve his male or female accomplice in a base sin, according to the mind of the Bull *Apostolicae Sedis*, no. 10, for example, by reciting some prayer, or by pronouncing other words, or even by remaining silent, in such a way that by signs or gestures of the hands he seems truly to release the penitent from sins, incurs the excommunication reserved in a special manner to the Supreme Pontiff which is treated in the aforesaid Bull.—Response. Confessors

pretending to absolve an accomplice in a base sin do not escape the reserved excommunication in the Bull *Sacramentum Poenitentiae* of Benedict XIV." Sacred Penitentiary, 1 March 1878.—Consequently, neither do those escape excommunication who pretend to absolve and do not absolve. Holy Office, 5 December 1883.

"Whether he incurs the censures enacted against those absolving an accomplice in a base sin, who indeed absolves an accomplice, but an accomplice who did not declare the sin of complicity in confession.—Response. The deprivation of jurisdiction for absolving an accomplice in a base sin, and the excommunication annexed to it, insofar as the confessor has absolved him, are ordered to the base sin itself in which that same confessor was an accomplice." Sacred Penitentiary, 16 May 1877.

"Confessors do not escape the excommunication reserved in the Bull *Sacramentum Poenitentiae* who absolve, or pretend to absolve, an accomplice who indeed does not confess the sin of complicity from which he has not yet been absolved, but conducts himself thus because the confessor, either directly or indirectly, induced the penitent to do so." Sacred Penitentiary, 19 February 1896.

"Whether those who absolve an accomplice in a base matter with crass and supine ignorance incur this excommunication or not?—Response. In the case proposed, they incur it." Holy Office, 13 January 1892.

On the Usurpation of Benefices

Thieves who steal the fruits of benefices are not included under the censure of article 11, reserved in a special manner to the Supreme Pontiff. Holy Office, 9 March 1870.

On the contrary, the followers of the clerical-liberal society, or society for the emancipation of the clergy, incur it; they devote their effort to the popular election of sacred ministers; and although they are rightly numbered among schismatics, the Sacred Congregation of the Council taught in the Instruction to all the Ordinaries of Italy, 24 January 1878, that they are to be condemned under this article 11 also, as under article 6. Cf. no. 1166.

Absolution from Excommunications Reserved in a Special Manner to the Supreme Pontiff

Cf. nos. 799, 800.

On Duelists

"1. Can a physician asked by duelists attend the duel with the intention of bringing the combat to a swift end, or merely of binding and treating wounds, without incurring the excommunication simply reserved to the Supreme Pontiff?—2. Can he at least, without being present at the duel, remain in a nearby house or place, close at hand and ready to furnish his services if the duelists need them?—3. What of a confessor under the same conditions?—Response. To 1. He cannot, and the excommunication is incurred.—To 2 and 3. Insofar as this is done by agreement, likewise he cannot, and the excommunication is incurred." Holy Office, 28 May 1884.

"The American or Irish Society called the Fenians is included among the societies forbidden and condemned in the Constitutions of the Supreme Pontiffs, and especially in the most recent one of His Holiness, published on 12 October 1869, beginning *Apostolicae Sedis*." Holy Office, 12 January 1870.

"1. Whether the society called the *Independent Order of Good Templars* is subject to the excommunication enacted against secret societies in the Constitution *Apostolicae Sedis*?—And, in the negative: 2. Whether it is forbidden under grave sin to enroll in that society?—Response. To 1. Deferred.—To 2. Affirmative, or the faithful are to be deterred from enrolling in this society." Holy Office, 9 August 1893; Apostolic Prefect of Norway.

"It cannot be doubted that Catholics who attend dances and other entertainments customarily held by members of the Masonic society, and by them as such, are made guilty of grave sin. The Pontifical Constitution forbids, under the penalty of excommunication incurred by the fact itself and reserved to the Holy See, that any favor whatsoever be furnished to the Masonic sect or to another society of the same kind; and therefore this is to be held as a certain rule for judging whether and when Catholics have in fact fallen under the aforesaid excommunication: namely, that one must carefully weigh the benefit and advantage which the condemned society and its adherents, as such, derive or can derive from intervention and attendance of this kind on the part of those Catholics. Hence it is to be held that Catholics are bound by the censure in the case in which their presence and participation in gatherings of this kind in fact brings some benefit to the same sect or to its followers." Sacred Congregation for the Propagation of the Faith, 15 July 1876.

"1. Are occult chiefs and leaders of the Masonic sect to be denounced according to the Constitution *Apostolicae Sedis*, when they are publicly known as Freemasons, but are not publicly known as chiefs or leaders of this Masonic sect? 2. Does the obligation of denunciation cease in those regions in which the Freemasons, and therefore their chiefs, are tolerated by the civil government and cannot be punished by ecclesiastical authority or restrained in any way?—Response. To 1. Affirmative.—To 2. Negative." Holy Office, 19 April 1893.

"Denunciations are to be made to him who by reason of his pastoral office must watch and guard lest the sheep entrusted to him encounter wolves or be infected by pestilence; such is anyone who holds an episcopal or quasi-episcopal office in the missions, namely, a vicar or Apostolic Prefect, or one deputed by them for this purpose." Instruction of the Holy Office, 1 February 1871.

It was declared, with the approval of Our Most Holy Lord, that Orientals are included in the Pontifical Constitutions enacted against clandestine sects, also with respect to the penalties inflicted in those Constitutions. Sacred Congregation for the Propagation of the Faith, 1867.

The following proposition was proscribed by Pius IX: "The Apostolic Constitutions by which clandestine societies are condemned, whether or not an oath to preserve secrecy is required in them, and their followers and supporters are punished with anathema, have no force in those regions of the world where associations of this kind are tolerated by the civil Government." Encyclical *Quanta cura*, 8 December 1864.

"Ecclesiastical penalties have been enacted by very many Roman Pontiffs against those who should enroll in the society which they call the Freemasons and should take an oath in their conventicles to

preserve secrecy.

"A doubt arises whether those who, although they repent of the oath taken, nevertheless, by communicating with the others adhering to the same sect, or by attending their conventicles, or in any other way, persevere in openly exhibiting themselves as true devotees of the same Society, can lawfully be admitted by a confessor to participation in the Sacrament of Penance or of the Most Holy Eucharist.—Response. According to what was set forth, it is not lawful." Holy Office, 5 July 1837.

"Let the bishop employ the faculties which are customarily granted to Ordinaries by the Sacred Penitentiary, by force of which both he and other confessors delegated by him can absolve those who enrolled in forbidden sects, whether they are notorious or not; provided that they separate themselves entirely from the respective sect, and at least before the confessor abjure or detest it, scandal having been repaired in the best manner possible and the other things to be imposed by law having been imposed, according to the aforesaid letters of the Sacred Penitentiary." Holy Office, 5 August 1898.

On the Departure of Nuns from Enclosure

"In this diocese, as also in very many others, departure is granted to them from wholly immemorial custom for grave causes recognized and approved by the bishop, according to the Council of Trent, without any account being taken of the Constitution of Pius V. Whether that particular and immemorial custom is to be regarded as abrogated by the aforesaid new Constitution, or whether it can be continued.—Response. Affirmative to the first part; negative to the second: namely, with respect to the departure of nuns from enclosure, the Constitution *Decori* of Saint Pius V is to be observed, notwithstanding a contrary custom." Holy Office, 22 December 1880.

"1. Can a bishop, by his own authority, permit women who desire to enter as pensioners to be received into monasteries subject to enclosure?—2. Likewise, can the Ordinary, by his own authority, transfer some nun temporarily or perpetually from one monastery to another, even of the same order, when a just cause intervenes?—3. Finally, can the Ordinary, by his own authority, transfer some nun when she has been elected superior of another monastery, or when he judges such a transfer with this office to be useful and expedient?—Response. Negative in all cases." Sacred Congregation of Bishops and Regulars, 16 July 1884; *M. E.*, vol. 3, part 3, p. 181; Bizzarri, pp. 208, 423, ed. 1885.

Collection of Mass Offerings

"Whether those collecting alms of a greater amount for Masses, if they have those Masses celebrated in the same place where they collected them for a smaller amount, incur this censure or not?—Response. Affirmative to the first part.—Negative to the second." Holy Office, 13 January 1892.

On Political Elections in Italy

1. "How is one to answer a person asking whether an offered office of deputy in the national assembly, which the Italians call the Parliament, can be accepted?—Response. Affirmative, under the following conditions: 1. That, in taking the oath of fidelity and obedience prescribed by law, the deputies-elect add the limitation: *saving the divine and ecclesiastical laws*. 2. That a limitation of this kind be made expressly in the recitation of the formula of the oath itself, with

at least two witnesses hearing it. 3. That the deputies-elect be disposed in mind, and declare, that they will never lend favor and vote to wicked and unjust laws; indeed, that if laws of this kind are proposed, they will openly condemn them."

2. "How may bishops conduct themselves when asked to favor the election of good deputies?—Response. Nothing prevents bishops and Ordinaries, on the occasion of elections, whenever they have been requested to do so, from recalling to the minds of the people that each of the faithful, according to his abilities, is bound to prevent evils and to promote goods." Sacred Penitentiary, 1 December 1866; *A. S. S.*, vol. 2, p. 675.

3. "Ecclesiastical censures according to the Apostolic Letters of 26 March 1860 are incurred by those who formally cooperate in, or adhere to, the rebellion against the Pontifical Dominion. Therefore, in order to ascertain in the forum of conscience whether anyone has incurred the censures, the conscience of each person must be examined by the confessor." Sacred Penitentiary, 10 December 1868, ad 26; *A. S. S.*, vol. 3, p. 565.

There is, however, a more recent letter of the Holy Office to the bishops of Italy; and at present, from among the many other Declarations subsequently published on this matter, it ought to be the norm for all.

"In several dioceses of Italy the opinion has become prevalent that participation at the political ballot boxes is lawful, because the Sacred Penitentiary, when consulted on the subject, replied only *non expedire*.

"To remove every ambiguity, the Holy Father, having heard the opinion of these Most Eminent Lord Cardinals, General Inquisitors, my colleagues, has ordered it to be declared that the *non expedire* contains a prohibition. And in communicating this declaration to Your Excellency, I have the duty to add that the Holy Father, in the present circumstances, firmly maintains this prohibition.

"It will be useful for Your Excellency to know the replies given by the Penitentiary in 1883 to the bishops by whom it was consulted, both concerning the sin which is committed and concerning the censures which are contracted in taking part in political elections. Concerning the sin, namely, whether one who went to cast a vote for the election of deputies was to be regarded as guilty of grave fault, the reply was: *In particular cases, he shall be guided according to what his conscience and prudence dictate to him, all the circumstances having been considered.* Concerning the censures: *Whether or not one incurs the censures for political elections depends upon the circumstances of the fact and upon the dispositions of mind of the electors; circumstances and dispositions to be weighed according to the norms given on the subject by good authors.*

"And humbly kissing Your Excellency's hands, I declare myself with most profound esteem.—Rome, 30 July 1886. R. Card. Monaco."

Those Communicating with Excommunicated Persons

"Whether under these words (*Those communicating with one excommunicated by name by the Pope*, etc.) are also included those excommunicated by the Roman Congregations, at least when approval of the Supreme Pontiff is added to their Decrees?—Response. Negative." Holy Office, 16 June 1894.

Usurpers and Buyers of Ecclesiastical Goods

"1. What part of the Tridentine censure confirmed by the Constitution *Apostolicae Sedis* is still in force? This is the same as to ask whether one sinning in a matter touched upon both by the Constitution *Apostolicae Sedis* and by the Council of Trent falls under a double excommunication, one reserved in a special manner to the Roman Pontiff by force of the aforesaid Constitution, the other simply reserved by force of the Council of Trent? And consequently, whether usurpers of ecclesiastical goods are bound by a double excommunication?—2. Whether those who buy ecclesiastical goods usurped by usurpers fall under the excommunication reserved in a special manner to the Roman Pontiff by force of article XI of the aforesaid Constitution?—3. Whether at least under the excommunication simply reserved to the Roman Pontiff, enacted by chapter 11, *On Reformation*, session 22 of the Council of Trent?

"Response. To 1. Negative. Namely, usurpers of ecclesiastical goods are bound by only one excommunication, reserved in a special manner to the Roman Pontiff.—To 2. There is not the least doubt that those buying ecclesiastical goods usurped by usurpers fall under an excommunication reserved to the Roman Pontiff; for, even setting aside the question whether the aforesaid purchase is in some manner touched upon by article XI of the Constitution *Apostolicae Sedis*, no one can doubt that it is included under the most clear provision of chapter 11, *On Reformation*, session 22 of the Council of Trent.—To 3. Provision was made in the preceding." Holy Office, 8 July 1874.

"Whether the major excommunication *latae sententiae* inflicted by various Pontiffs, and lastly by Pius VI in the Constitution *Inter caetera* of 31 July 1779, is still in force against those who occupy and retain the goods and alms of the Holy Land.

"Response. The Constitutions of the Supreme Pontiffs against those occupying and retaining alms and goods belonging to the places of the Holy Land remain entirely in force, but not the censures *latae sententiae*, except those which are included in chapter 11, session 22, *On Reformation*, of the Council of Trent; and therefore the formulas customarily distributed by the Commissaries are to be reformed." Holy Office, 28 June 1876.

It is tolerated that parish priests receive an increase of their congrua, although it proceeds from usurped goods of another church. It is likewise tolerated that municipalities receive from the Government the revenues of suppressed ecclesiastical moral bodies, every effort having been made so that the advantage of the Church may be cared for as far as possible. Sacred Penitentiary, 14 December 1899; *M. E.*, vol. 11, p. 490 ff. Cf. nos. 244, 1331, 1548.

Indult of Composition

"The Sacred Penitentiary, by special and express Apostolic Authority, communicates to the Ordinary N. N. the following faculty, to endure for one year:

"The Christian faithful who, without the permission of the same Church, acquired immovable goods, rents, or rights taken away from the Church—or alienated those acquired—or acquired them by emphyteusis—or freed those acquired by emphyteusis—who, as patrons, claimed ecclesiastical benefices and chaplaincies—who redeemed pious legacies, or rents, or irredeemable rights—or profited, to the harm of the Church, from the redemption of rights by their nature redeemable—who did not pay tithes—and the heirs and all successors of all the aforesaid;

"Whenever, for any of the aforesaid causes, they paid or owe to the Government or other sellers not more than thirty thousand lire (30,000), and, if there is question of tithes, provided that the debt does not exceed this sum, and, if there is question of emphyteusis or another similar contract, provided that the rent or payment, computed according to civil law, corresponds to a capital sum which likewise does not exceed thirty thousand lire;

"By special favor, to admit them to a composition which appears equitable, especially with the following conditions and rules observed.

"1. Let the matter be carried out with the knowledge of the other Ordinaries, if any of them have an interest, and with the consent of those who respectively represent the pious causes, and of others having a canonical interest.

"2. In determining the amount of an equitable composition, let there be consid ered: a) the real value of the lands or rights at the time when the composition is entered into; b) the purchase price; c) the present condition of the petitioners; d) that by which the petitioners themselves have become richer, to the detriment of the Church; e) the pious obligations, of which, if they exist, principal account is to be taken.

The faculty is moreover given to the Ordinary of remitting those same obligations, wholly or in part, if they have not been satisfied, and also of reducing them for the future, according to their means, either temporarily or perpetually, according to the diverse nature of the causes and circumstances; the Most Holy Lord supplying from the treasury of the Church, insofar as Masses and other suffrages are concerned.

"3. The composition can be more favorable if the price paid or the rent assumed, without fault of the purchaser or emphyteuta, exceeds the present value of the lands; likewise for those who were compelled to redeem them, and for the heirs of those who unjustly possessed ecclesiastical goods or rights, as above, but founded or assisted other pious causes.

"4. Those also are to be exhorted to composition to whom it was granted to retain the aforesaid goods or rights at the pleasure of the Church, under the conditions otherwise designated and subscribed; this manner of providing for the consciences of the faithful is no longer granted.

"5. When there is question of lands on which a church is situated, or of movable sacred things, the Ordinary shall admonish the petitioners orally concerning the obligation by which they are bound to do, under the direction of the Ordinary for the time being, what they can for the preservation of sacred edifices and churches; never to convert or assign sacred things to profane uses; and to notify their heirs and successors of this in due manner.

"6. No document of the completed composition is to be delivered to anyone; but if it is altogether demanded, the bishop himself can declare to those who have entered into composition, in writing, only this: that they are exempt and released from every obligation of conscience toward the Church by reason of the lands, rents, etc.

"7. By these letters power is also given to the same Ordinary to provide in this same manner for those who shall petition to acquire, sell, free, claim, and redeem goods and rights of this kind; and, if there is question of tithes, with the computation established above for rents and payments deducted; without others besides the petitioners and their heirs and successors being relieved thereby, and, as

regards patrons, the right of patronage being entirely relinquished, and without prejudice being considered to have been done to the rights of those invested, if there are any.

"8. The faculty is also granted to the same Ordinary of permitting those who have pious legacies or obligations of Masses imposed upon goods to redeem them by giving a sum which, when the fruits are calculated at five percent, furnishes sufficient annual revenue for the complete fulfillment of those obligations; and under this law, that if the aforesaid sum is paid by public securities (commonly called *consolidato*), the securities themselves are to be reckoned not according to their nominal value, but according to the price which they actually have in commerce on the day of payment.

"9. Furthermore, the same Sacred Penitentiary grants to the aforesaid Ordinary the faculty, either by himself or through another suitable ecclesiastical person to be subdelegated by him for this in individual cases, of absolving by Apostolic authority the petitioners guilty in the foregoing, after they have entered into composition as above, from the censures and ecclesiastical penalties into which they have thereby fallen in any manner, with a suitable salutary penance and reparation of scandal in the best manner possible, according to the prudent judgment of the one absolving.

"10. In this Indult there is not included the faculty of permitting the imposition of mortgages, nor of reducing the rent of a temporary or excessively burdensome emphyteusis; concerning these matters recourse is to be made to the Holy See in individual cases.

"Likewise, there is not included the faculty of dispensing ecclesiastics from the irregularity into which they have fallen because of violated censures.

"11. Those who, because of poverty, cannot enter into a composition can be absolved by the Ordinary with the obligation that, if they come into a better condition, they satisfy the Church and meanwhile remove scandal.

"Likewise, those who cannot immediately pay the composition determined can be absolved if they assume the obligation of paying it at a suitable time, scandal meanwhile having been removed.

"12. The sums of money received from the composition, even small ones, the Ordinary himself shall endeavor to invest, as soon and as securely as possible, for the benefit of the pious causes to which they belong by law, in bearer securities (*valori al portatore*) which competent men have recognized as secure, and to preserve them at the pleasure of the Holy See; nor shall he alienate them without its permission or exchange them, unless necessity is urgent and time is lacking for recourse to the Holy See.

"But if the aforesaid sums belong to a pious cause of another diocese, they are to be transmitted to its Ordinary.

"If they belong to religious, the permission of the Holy See is required in individual cases in order that they may be delivered to them.

"But if the sums belong to a pious cause already extinct, or to a church in which divine offices can no longer be celebrated, the Ordinary shall expend their fruits for the good of another pious cause, especially for poor churches, priests, and clerics, as he shall judge better in the Lord; the Masses nevertheless having been celebrated and the other suffrages having been discharged, if any were prescribed.

"13. Concerning lands or rights whose value exceeds thirty thousand lire, recourse is to be made to the Holy See in individual cases.

"14. The Ordinary shall admonish confessors that, if they are called to penitents placed in danger of death and guilty in the foregoing, they should prudently urge composition; but if this cannot be obtained, either because time does not suffice or for other reasonable causes, it will be sufficient if the sick person imposes it upon his heirs, or seriously promises that he will enter into it if he recovers; scandal having been removed.

"15. At the time of Lent or sacred missions, or when the Paschal precept is urgent, the Ordinary can grant to confessors approved by him the faculty of absolving those who cannot immediately enter into composition, provided that they seriously promise that, within two months after receiving absolution, they will have recourse to the Ordinary in order to obtain composition, scandal meanwhile having been removed.

"Any things whatsoever to the contrary notwithstanding.

"Given at Rome, in the Sacred Penitentiary, 15 April 1892."

"Generally speaking, purchasers of goods belonging to merely lay pious causes do not need composition, unless by reason of obligations imposed upon those goods some right belongs to the Church; in which case the Ordinary shall employ the faculties of this Sacred Penitentiary concerning compositions." Sacred Penitentiary, 14 December 1898.

Faculties of Confessors in the City of Rome

"To the doubt whether the confessors of Rome, as was formerly customary, can absolve from all censures reserved by law to the Ordinary, even after the Constitution *Apostolicae Sedis*, the Sacred Congregation, with the assent of the Supreme Pontiff, replied: the customary practice can be observed." Holy Office, 1 December 1875.

Clerics Presuming to Contract Civil Marriage

"Clerics constituted in sacred orders, or male or female religious, who, after making a solemn vow of chastity, presume to contract marriage, so-called civil marriage, in places where the Tridentine law concerning clandestinity is in force, incur an excommunication *latae sententiae* reserved to bishops or Ordinaries." Holy Office, 22 December 1880.

"Whether a cleric constituted in sacred orders, or a male or female religious, incurs this censure or not if, besides the impediment of the solemn vow of chastity, he or she has other impediments, for example, of affinity or consanguinity? - Response. Such a person incurs it." Holy Office, 13 January 1892.

Those Injuring the Officials of the Episcopal Curia

"Those who commit the same acts against persons making denunciations before bishops, or against witnesses, or the officials of bishops, or writings pertaining to a matter of the Holy Inquisition in their possession, are not subject to the excommunication reserved to no one in article 2." Holy Office, 28 January 1892.

Alienation of Ecclesiastical Goods

"1. Whether the very law of the Apostolic Beneplacit was promulgated as though anew through the Constitution *Apostolicae Sedis*, although this Constitution was principally directed toward limiting censures *latae sententiae*, so that by its own force it generally binds all, and would bind them even if the Constitution *Ambitiosae*, which it otherwise declares ratified and confirmed, or another similar Constitution, had not preceded it? And, in the affirmative: 2. Whether by force of the derogatory clause placed at the end of the new Constitution, ancient privileges duly obtained from the Apostolic See, namely, of alienating without the Apostolic Beneplacit, etc., are to be considered revoked? - 3. Whether this derogation must also be extended to particular customs contrary to the law enacted concerning the Apostolic Beneplacit, even though immemorial? - 4. Whether the very law of foundation of some pious place or ecclesiastical institute falls, insofar as, concerning goods bequeathed, it excludes the Apostolic Beneplacit together with the consent of the bishop or Ordinary, or permits the alienation of those goods without such consent and Beneplacit (which Monacelli deduces in his *Formulary* from the chapter *Tua nos*); or whether that law of foundation can remain in force, at least with respect to institutes which are under the immediate protection of kings (Council of Trent, session 22, chapter 8, *On Reformation*), and which have been distinguished by a royal title or endowed by their royal founders with royal liberty or the faculty of doing with their goods whatever they please for their own necessities and those of the institute itself, by common decree? - Response. To 1. Affirmative. - To 2. Insofar as the privileges in question are general, affirmative; insofar as they are special and personal, negative. - To 3. Affirmative. - To 4. Nothing was changed by the recent Constitution with respect to the foundations of pious places and other ecclesiastical institutions, which are therefore to be judged as they were judged before the promulgation of this Constitution." Holy Office, 22 December 1880; *A. S. S.*, vol. 15, p. 539.

Those Absolving One Who Solicited

"Whether any confessor can absolve a priest who has solicited in the act or place of sacramental confession? - Response. Since solicitation, provided that it was simple, is reserved to the Holy See by no law, nothing prevents the soliciting priest, if otherwise rightly disposed, from being absolved by any confessor." Holy Office, 15 September 1859; *Collectanea of the Sacred Congregation for the Propagation of the Faith*, no. 945.

Those Printing Sacred Books

"The censure reserved to no one, inflicted upon those who print or cause to be printed without the approval of the Ordinary books treating of sacred matters, is to be restricted to the book of the Sacred Scriptures, as well as annotations and commentaries upon them; but it is by no means to be extended to any books whatsoever treating of sacred matters in general, that is, matters pertaining to religion." Holy Office, 22 December 1888.

A Bridegroom Abducting His Bride

"But as to whether those who abduct unwilling girls betrothed by their parents to a pagan man and convey them to the house of the bridegroom incur the penalty of excommunication, understand it thus: Either the betrothals were entered into by the parents before the girls possessed the use of

reason, and it is not evident that after obtaining the use of reason they confirmed and ratified them; since these betrothals are altogether invalid, certainly those who furnish counsel, aid, or favor for the abduction of these maidens are excommunicated by the law itself according to chapter 6, session 24, *On Reformation of Marriage*, of the Council of Trent. It is otherwise, however, if the betrothals were either first entered into with their consent or afterwards confirmed and consequently are regarded as firm and valid; for those who forcibly drag the bride to the bridegroom, although she is unwilling and resisting, are not subject to the penalties of abductors." Sacred Congregation for the Propagation of the Faith, 17 April 1784; *Collectanea*, no. 1418.

On the Commerce of Missionaries

"When the doubt had been proposed to the Supreme Sacred Congregation of the Inquisition whether, after the Constitution *Apostolicae Sedis*, published by Our Most Holy Lord Pius IX on 12 October 1869, the censures *latae sententiae* threatened against ecclesiastics and missionaries engaging in commerce in the East Indies in the Constitutions of Urban VIII, *Ex debito*, 22 February 1633, and Clement IX, *Sollicitudo*, 17 July 1669, still remained in force, the Most Eminent Fathers, General Inquisitors, in the Congregation held on Wednesday, 4 December 1872, after considering that the reservation or exception made at the paragraph *But the censures of the aforesaid Constitution* could give occasion to questions, judged that Our same Most Holy Lord should be petitioned graciously to declare that the above-mentioned Constitutions of the Supreme Pontiffs Urban VIII and Clement IX still remained in force, and that the declaration was to be notified by this Sacred Congregation through circular letters, as is done by the tenor of the present letters, to all missionaries existing in the East Indies and America. His Holiness furthermore judged that assent was to be given to the same opinion in all things. Meanwhile I pray God, etc." Sacred Congregation for the Propagation of the Faith, 29 March 1873.

"Whether the declaration of His Holiness of 4 December 1873 (which precedes here) also embraces Chinese missionaries? - Response. Affirmative; and according to the mind. The mind is: 1. That for those words *simply reserved to the Pontiff* there be substituted the other words of Clement IX, namely: *From which excommunication latae sententiae, incurred by the fact itself, no one can be absolved, except one placed at the point of death, unless profits of this kind have first been restored* (Clement IX, in the Constitution *Sollicitudo pastoralis*, 17 June 1669, section 4). - 2. That the same prohibition and penalty, according to the mind of the same Clement IX, affect not only European missionaries, but also any ecclesiastical men whatsoever who, under the name of missionaries or under any other title, have been sent for a time or shall dwell in those regions in any manner." Holy Office, 17 January 1883.

Suspension Reserved under Article 3

It was declared in the Holy Office, 11 May 1892, that this censure is not contracted by Ordinaries who, for the free status of those to be ordained, rely upon instructions and faculties for proving the free status of spouses. Nor is it contracted by those conferring tonsure. Holy Office, 18 April 1888.

On Titular Bishops

"In conformity with the instructions received, this Sacred Congregation of Propaganda for Oriental Affairs, in the General Meeting held on the 27th of last month, had to consider the use of the

designation *in partibus infidelium*, which until now has been given to non-residential churches and bishops. Everything having been carefully weighed, the Sacred Assembly judged that the following determinations should be made:

"1. The formula *in partibus infidelium* is entirely abolished.

"2. In its place another is substituted, expressing the ancient name of the region where the see of the bishop is situated; that is, for example, *N. N., Archbishop of Corinth in Achaia*. But just as the use of the old formula was optional, so it will be within the liberty of each one to use the new one, or to designate the bishop from the see alone, saying, for example, *N. N., Archbishop of Corinth*, without anything more.

"3. When it is necessary or desired to distinguish by a common designation non-residential bishops and churches from residential bishops or churches, instead of calling them *in partibus infidelium*, let them be called in common, as has most often been practiced until now, *Titular Bishops* or *Titular Churches*.

"The Holy Father, to whom resolutions of this kind were submitted in the audience of the 28th of the same month, deigned to strengthen them with his sanction, charging this Sacred Congregation to bring them officially to the knowledge of the various Pontifical Dicasteries." Encyclical Letter of the Sacred Congregation for the Propagation of the Faith, 3 March 1882.

Exercising Pontificals in Another Diocese

"Since, according to the Council of Trent, session 6, chapter 5, *On Reformation*, it is lawful for no bishop to exercise Pontificals in another diocese except by the express permission of the Ordinary, some have doubted whether among the Pontificals of which the aforesaid Synod speaks are included solemn Masses and Vespers which a visiting bishop is accustomed to celebrate at Rome and elsewhere while seated on a faldstool and not using the pastoral staff, but with Pontifical ornaments. Hence it was asked of the Sacred Congregation of Rites: Can a visiting or Titular Bishop, without consulting the diocesan Ordinary and, in a titular church, the Cardinal Titular, celebrate Pontifical Mass and Vespers in the aforesaid manner, that is, seated on a faldstool, not using the pastoral staff, but with Pontifical ornaments? - Response. Negative, also according to Decree no. 2283, Ascoli, 10 April 1728, to VII and VIII." Sacred Congregation of Rites, 4 December 1903.

Mass Offerings

"In order that the celebration of manual Masses may be fulfilled with due solicitude, that dispersions of offerings and forgetfulness of obligations assumed may be avoided, the Sacred Congregation of the Council has enacted several provisions, even in very recent times. But amid so great a changeableness of affairs and fortunes in our age and the increasing malice of men, experience has taught that even greater precautions must be employed, lest the pious wills of the faithful be frustrated, and that a matter most grave among all be carefully and sacredly guarded. For this reason the Most Eminent Fathers of the Sacred Congregation, after taking counsel once and again, judged that certain provisions should be enacted, which Our Most Holy Lord Pope Pius X carefully weighed, approved, and ordered to be published, as follows.

"First, the Sacred Congregation declares that by manual Masses in the present Decree are understood and regarded all those which the faithful request to be celebrated after offering a manual stipend, to whomever or in whatever manner they deliver this stipend, whether directly or in wills, provided that they do not constitute a perpetual foundation, or one of such a kind and such duration that it ought to be regarded as perpetual.

"Likewise numbered among manual Masses are those which indeed burden in perpetuity the patrimony of some private family, but are constituted in no church, which Masses can be satisfied anywhere by any priests, at the judgment of the head of the family.

"Those, however, are equivalent to manual Masses which, being constituted in some church or annexed to benefices, cannot for one reason or another be applied by the proper beneficiary or in the proper church; and therefore, either by law or with an indult of the Holy See, must be entrusted to other priests so that they may be satisfied.

"Now concerning all these the Sacred Congregation decrees:

"1. No one can seek and receive more Masses than he can probably celebrate within the limits of time established below, either by himself or through priests subject to him, if there is question of a diocesan Ordinary or regular Prelate.

"2. The useful time for fulfilling obligations of manual Masses is one month for one Mass, six months for one hundred Masses, and another longer or shorter period of time, more or less, according to the greater or smaller number of Masses.

"3. No one is permitted to assume so many Masses that he himself probably cannot satisfy them within one year from the day the obligation was received; always saving, however, a contrary will of the offerers, who may demand a shorter time for the celebration of the Masses, either explicitly or implicitly because of some urgent cause, or may grant a longer time, or of their own accord give a greater number of Masses.

"4. Since in the Decree *Vigilanti* of 25 May 1893 it was established, 'that henceforth each and every beneficiary and administrator of pious causes everywhere, or those in any manner bound to fulfill obligations of Masses, whether ecclesiastics or laymen, at the end of each year shall deliver to their proper Ordinaries, in the manner to be defined by them, the obligations of Masses which remain and which they have not yet satisfied'; to remove ambiguities the Most Eminent Fathers declare and establish that the time prescribed by these words is to be understood in such a way that, for founded Masses or Masses annexed to some benefice, the obligation of depositing them runs from the end of that year within which the obligations ought to have been fulfilled; but for manual Masses the obligation of depositing them begins after one year from the day the obligation was received, if there is question of a large number of Masses; saving the prescriptions of the preceding article for a smaller number of Masses, or a different will of the offerers.

"The conscience of all whom it concerns is gravely burdened concerning the entire and perfect observance of the prescriptions established both in this article and in the preceding ones.

"5. Those who have an excessive number of Masses concerning which they are permitted freely to dispose (without detriment to the will of the founders or offerers concerning the time and place of the celebration of the Masses) can entrust them, besides to their proper Ordinary or the Holy See,

also to priests acceptable to them, provided that they are certainly and personally known to them and are above every exception.

"6. Those who have delivered Masses with their offerings to their proper Ordinary or to the Holy See are relieved of every obligation before God and the Church.

"Those, however, who have entrusted to others for celebration Masses received from the faithful, or in any manner committed to their trust, remain bound by the obligation until they have obtained certification of the completed celebration; so that if, through the loss of the offering, the death of the priest, or any other cause, even a fortuitous one, the matter has come to nothing, the one entrusting them must supply it from his own resources and is bound to satisfy the Masses.

"7. Diocesan Ordinaries shall immediately enter in order in a book, together with the respective offering, the Masses which they accumulate according to the provisions of the preceding articles, and shall take care, to the extent of their ability, that they be celebrated as soon as possible, yet in such a way that the manual Masses are first satisfied, and then those which are equivalent to manual Masses. In their distribution, moreover, they shall observe the rule of the Decree *Vigilanti*, namely: 'they shall first distribute the Mass intentions among priests subject to them whom they know to be in need of them; then they shall entrust the others either to the Holy See, or to other Ordinaries, or even, if they wish, to priests outside the diocese, provided that they are known to them and above every exception'; the rule of article 6 concerning the obligation always remaining in force, until they have required certification of the completed celebration from the priests.

"8. It is altogether forbidden for anyone to deliver obligations of Masses and their offerings, received from the faithful or from pious places, to booksellers and merchants, to administrators of journals and newspapers, even if they are religious men, and also to sellers of sacred utensils and vestments, even though they are pious and religious institutes; and, in general, to anyone whatsoever, even ecclesiastical men, who request Masses not expressly in order that they may celebrate them, either by themselves or through priests subject to them, but for any other end whatsoever, though it be a most excellent one. For it is evident that this cannot be done without engaging in some kind of commerce with Mass offerings, or diminishing the offerings themselves; the Sacred Congregation judged that both must be altogether guarded against. Therefore, henceforth anyone who presumes to violate this law, either by knowingly delivering Masses as above or by receiving them, besides the grave sin which he shall commit, shall incur the penalties established below.

"9. According to the things established in the preceding article, it is decreed that the stipend assigned by the faithful for manual Masses, and the proper offering according to the following articles for founded Masses or Masses annexed to some benefice (which are celebrated as equivalent to manual Masses), can never be separated from the celebration of the Mass, nor converted to other things or diminished, but must be delivered to the celebrant entire and in its own kind; declarations, indults, privileges, and rescripts, whether perpetual or temporary, granted anywhere, under any title or form, or by any authority, and contrary to this law, having been abolished.

"10. Therefore it is unlawful and altogether prohibited to sell or buy books, sacred utensils, or any other things, and to enter into subscriptions (as they call them) with journals and newspapers, by means of Masses. This holds not only if there is question of Masses to be celebrated, but also if there

is question of Masses already celebrated, whenever it passes into use and custom and tends toward the support of some commerce.

"11. Likewise, without a new and special permission of the Holy See (which will not be given unless true necessity has first been established, and with due and suitable precautions), it is not lawful to deduct anything from the offerings of Masses which the faithful are accustomed to give to more celebrated Shrines, in order to provide for their adornment and ornamentation.

"12. But anyone who shall dare, in any manner or under any pretext, to violate the provisions established in the preceding articles 8, 9, 10, and 11, if he is of the priestly order, shall be subject to suspension *a divinis* reserved to the Holy See and incurred by the fact itself; if he is a cleric not yet initiated into the priesthood, he shall likewise be subject to suspension from the orders received, and moreover shall be rendered incapable of obtaining higher orders; but if he is a layman, he shall be bound by excommunication *latae sententiae* reserved to the Bishop.

"13. And since in the Constitution *Apostolicae Sedis* it was established that there are subject to excommunication *latae sententiae* reserved to the Supreme Pontiff 'those collecting alms of a greater amount, and deriving profit from them, by causing Masses to be celebrated in places where Mass stipends are customarily of a smaller amount,' the Sacred Congregation declares that nothing has been taken away from this law and sanction by the present Decree.

"14. Nevertheless, lest a sudden innovation be harmful to certain pious causes and religious publications, it is permitted that subscriptions by means of Masses already entered into be extended until the end of the year from which they were instituted. Likewise, it is granted that indults for the reduction of Mass offerings which are found to have been granted to some for the benefit of Shrines or other pious causes remain in force until the end of the current year.

"15. Finally, with respect to Masses annexed to benefices, whenever they are entrusted to other priests for celebration, the Most Eminent Fathers declare and establish that the offering ought to be none other than the synodal offering of the place in which the benefices were erected.

"For Masses founded in parishes and other churches, however, the offering which is given ought to be none other than that which is found to have been fixed in perpetuity in the foundation or in a subsequent indult of reduction; always saving, however, the rights, if there are any, legitimately recognized either for the fabrics of churches or for their rectors, according to the declarations given by the Sacred Congregation in the case of Munich, 25 July 1874, and of Hildesheim, 21 January 1898.

"For in the case of Munich, 'in view of the fact that the offerings of Masses from certain legacies took the place in part of the parish priest's congrua, the Most Eminent Fathers judged that it was lawful for the parish priest, if he could not satisfy them himself, to entrust those Masses to another priest, assigning the ordinary offering of the place, whether for read or sung Masses.' And in the case of Hildesheim it was declared that 'in legacies of Masses founded in some church, there can be retained for the benefit of the ministers and servants of the churches that portion of the revenues which at the beginning of the foundation, or in another legitimate manner, had been assigned to them independently of the special work to be furnished for the fulfillment of the legacy.'

"Finally, it shall be the duty of the individual Ordinaries to take care that in individual churches, besides a schedule of perpetual obligations and a book in which the manual Masses delivered by the

faithful are listed in order with their offering, there be in addition books in which the satisfaction of the aforesaid obligations and Masses is recorded.

"It shall likewise be their duty to watch over the full and complete execution of the present Decree, which His Holiness commands to be inviolably observed by all, anything whatsoever to the contrary notwithstanding.

"Given at Rome, from the Sacred Congregation of the Council, 11 May 1904." - Cf. no. 627.

Another Suspension Added

"... Our Most Holy Lord Pope Leo XIII ... establishes and decrees that henceforth anyone of the clergy who, in order to lend assistance in any manner to civil wars and political contests, abandons his proper place of residence without a just cause recognized by legitimate ecclesiastical authority, or lays aside clerical dress, even though he has not taken up arms and has by no means shed human blood; and still more one who of his own accord enrolls in the military in a civil war, or presumes to direct military actions in any manner, even if he continues to retain ecclesiastical dress; shall immediately and by that very fact remain suspended from the exercise of orders and grades, and from every ecclesiastical office and benefice; and shall moreover be rendered incapable of obtaining any ecclesiastical offices or benefices in the future, until he has been restored by the Apostolic See; any power of dispensing for this purpose being taken away from the respective Ordinaries of the dioceses, even if they enjoy the most ample, whether customary, as they are called, or extraordinary, faculties of rehabilitating clerics; anything whatsoever to the contrary notwithstanding." Sacred Congregation of the Council, 12 July 1900; *M. E.*, vol. 12, p. 294.

Whether, after the Constitution *Apostolicae Sedis*, the Censure Enacted against Those Who Remove Books from the Udine Library without Permission Still Remains in Force

"Whether, after the Constitution *Apostolicae Sedis*, the excommunication *latae sententiae* reserved to no one, enacted by Clement XI through a Brief of 21 August 1711 against those who dare or presume, without the prior permission of the then Patriarch of Aquileia, but now of the Archbishop of Udine, to remove, carry away, lend, etc., books, quires, or leaves existing in the then Patriarchal, but now Archiepiscopal, Library of Udine, still remains in force. - Response. Affirmative." Holy Office, 7 September 1898.

The Prohibition and Excommunication of the Canons of the Vatican Basilica Is Abrogated

"Our predecessor of happy memory, John XXI, by the Letters *Vineam Domini Sabaoth*, commanded the Canons of the Vatican Basilica never to enter that Basilica unless vested in choir dress. Nicholas III, likewise Our predecessor, confirmed that command by the Bull *Civitatem sanctam Ierusalem*. The Roman Pontiffs Eugene IV, by the Letters *Si universis*; Nicholas V, by the Letters *Quanto prae ceteris*; and Paul V, by the Letters *Super Cathedram*, not only confirmed the same command, but also willed it to be observed under the penalty of excommunication incurred by the fact itself by those acting contrary to it.

"We, desiring to testify Our benevolence to those same beloved sons, the Canons of the Basilica of Saint Peter, and to the other clergy serving there, by the tenor of the present letters revoke, suppress, and abrogate the aforesaid command not to enter that Basilica unless clothed in choir dress, and also the penalty of excommunication enacted against transgressors.

"We nevertheless admonish that no one ever dare to enter the Choir without choir dress; and at the same time We exhort all to be present in choir in good time, so that they may take part in the choral functions from their very beginning.

"Furthermore, We are pleased to use this occasion earnestly to encourage, if there is need, those same beloved sons, the Canons, beneficiaries, and all the clerics of the same Basilica, to recite the divine Office worthily, attentively, and devoutly, but especially to guard against all haste, than which nothing is more hostile to attention and devotion, nothing more contrary to the edification of the faithful who hear.

"Given at Rome, at Saint Peter's, on 31 January 1904, in the first year of Our Pontificate. - Pope Pius X."

On the Privileges of Religious

It was declared in the Holy Office, 22 March 1881: 1. that regular prelates, by force of their privileges, cannot absolve their subjects from censures enacted by the Constitution *Apostolicae Sedis*, whether reserved to the Roman Pontiff in a special manner or simply; but 2. that they can absolve from censures reserved to bishops, even if occult; 3. that, with respect to the faculty of those same prelates to absolve their subjects from censures reserved to the Roman Pontiff which are not contained in the aforesaid Constitution and which pertain to internal governance, nothing was changed by the same Constitution; 4. that religious prevented from going to Rome cannot be absolved by their regular superiors from censures contained in that Constitution and reserved to the Supreme Pontiff, but must have recourse to the Holy See for the necessary faculties.

On the Constitution *Sacramentum Poenitentiae*

Instruction of the Sacred Roman and Universal Inquisition to All Archbishops, Bishops, and Other Ordinaries of Places Concerning the Observance of the Constitution *Sacramentum Poenitentiae* of Benedict XIV

"The things which the Supreme Pontiff Benedict XIV, of glorious memory, confirmed and decreed in the Constitution issued on 1 June 1741, whose beginning is *Sacramentum Poenitentiae*, are reduced principally to these four heads. First, just as had already been enacted previously, especially by Gregory XV in the Constitution dated 30 August 1622, which begins *Universi*, all Ordinaries of places as well as Inquisitors are appointed judges for investigating, proceeding against, and punishing with condign penalties those who solicit to base acts in confession, although exempt in any manner from ordinary jurisdiction. Likewise, all priests constituted to hear sacred confessions, as had also been prescribed previously, are bound to admonish their penitents to denounce solicitors of this kind to the Inquisitors or Ordinaries of places as soon as they can; and not to absolve those same penitents who refuse to obey in fulfilling this duty. Furthermore, in the third place, except at the point of death, the case of those who falsely accuse innocent priests of solicitation before ecclesiastical judges, or wickedly procure that it be done by others, is reserved to the Apostolic See. Fourth and finally, every faculty and jurisdiction to hear the sacramental confessions of an accomplice in a base sin committed against the sixth commandment of the Decalogue is taken away from every priest, unless an altogether extreme necessity is urgent, namely, if at the very point of death another priest is lacking who can perform the office of confessor, or cannot be called or approach without some grave infamy or scandal that would arise. - Constitution *Apostolici muneris* of the same Supreme Pontiff Benedict XIV, 8 February 1745. - And the case of those confessors who shall have dared to absolve an accomplice in a base sin is reserved to the Apostolic See.

"There is certainly no doubt that all and each of these prescriptions, prohibitions, and reservations extend their force universally to all nations and are to be steadfastly and inviolably observed everywhere on earth. This is most evident even to one reading the Constitutions of Gregory XV and Benedict XIV; and the same has been confirmed by the authority of subsequent Pontiffs, as occasion offered, up to the present day. - And indeed, when the Apostolic Vicar of Cochinchina asked: 1. Whether the Constitution of Benedict XIV against solicitors also binds Franciscan missionaries who exercise the ministry in Cochinchina? 2. Whether the same Constitution can be restricted and moderated in some case because of the great scarcity of confessors in that same kingdom of Cochinchina? by command of Pius VI, in the year 1775, the reply was made in a suitable instruction: To 1. Affirmative; to 2. Negative. And recently Our Most Holy Lord Pope Pius IX, by a Decree of this Supreme Inquisition on Wednesday, 27 June 1866, declared that, in the faculties which bishops and other Ordinaries of places possess by Apostolic grant for absolving from all cases reserved to the Apostolic See, cases reserved in the Bull of Benedict XIV which begins *Sacramentum Poenitentiae* must henceforth always be excepted and regarded as excepted. - He moreover commanded this Decree to be notified, without any exception, to all Ordinaries everywhere on earth endowed with the aforesaid faculty of absolving.

"Therefore, all Ordinaries of places must strive most earnestly lest the force of the things salutarily provided in the aforesaid Constitution gradually grow weak anywhere. But the Most Eminent Fathers, Cardinals and Supreme Inquisitors, recently learned that the same Constitution was not everywhere being put into execution as it ought to be, and that in some places certain abuses had crept in, both in fulfilling the burden of denunciation and in instituting judgment against solicitors, which could by no means be tolerated without harm to justice and provident severity. They therefore judged that it would not be unwelcome even to the Ordinaries of places if the Decrees made by this Supreme Congregation against those abuses according to the norms of the sacred canons were collected into one and placed before their eyes. For this purpose they ordered the present Instruction to be issued.

"1. Persons, whether men or women, whoever they may be, solicited to base acts in confession, or on the occasion or under the pretext of confession, as is explicitly prescribed in the aforesaid Constitution, must report the matter to the Holy See or to the Ordinary of the place.

"2. Every priest who solicits in confession must be denounced, even one lacking jurisdiction, and also one who consents to the solicitation of the penitent, although he immediately ceases to speak about the base matter, defers its completion to another time, and does not furnish absolution to the penitent. - From the Decree of 11 February 1661, confirmed in the Constitution *Sacramentum*.

"3. Denunciations of this kind can be omitted by no one without mortal fault. Penitents must be admonished concerning this matter, and their good faith does not excuse confessors from admonishing and instructing them.

"4. Priests constituted to hear sacred confessions who do not admonish their penitents concerning this obligation must be punished. - From the Declarations under dates of 20 March 1624 and 1 October 1626, in Albitius, *On Inconstancy in Faith*, chapter 35, no. 17.

"5. Penitents who have been admonished and altogether refuse cannot be absolved; but those who for a just cause must defer the denunciation, and pledge and seriously promise to make it as soon as they can, can be absolved.

"6. Anonymous denunciations against those soliciting to base acts have no force; for denunciations must be made judicially, namely, before the bishop or his delegate, with the intervention of an ecclesiastical man who acts as notary, and with an oath and the expression and subscription of one's own name; nor does it suffice if it is made by certificates or by letters without the name and surname of the author. - Albitius, place cited, no. 21. - Furthermore, it is forbidden that, in receiving denunciations, witnesses be present besides the judge and notary, each of whom must be an ecclesiastical man furnished with the special deputation of the bishop drawn up in writing. Care must also be taken that those denouncing are not asked whether they consented to the solicitation; and it would be most fitting if nothing were noted in the records concerning consent of this kind, however spontaneously manifested. - From the declaration of Urban VIII on Thursday, 17 April 1624.

"7. The burden of denunciation is personal and must be fulfilled by the person solicited herself. But if she is prevented by most grave difficulties from being able to accomplish this herself, then, either in person, or by letter, or through another person acceptable to her, she should approach her own Ordinary, or the Holy See through the Sacred Penitentiary, or even through this Supreme Inquisition, setting forth all the circumstances; and thereafter she should conduct herself according to the

instruction which she will receive. But if necessity is urgent, she should conduct herself according to the counsels and admonitions of her confessor. Yet if, detained by no impediment, she altogether refuses denunciation, in this case and the other cases mentioned above the confessor is to be praised who has not denied his assistance to the penitent and has consulted either the Ordinary or the Holy See for suitable provisions, the name of the penitent nevertheless being suppressed. Approved authors hand down the formulas to be employed in these cases, among whom are Pignatelli, title 1, consultation 104; Carena; Albitius; etc.

"8. The case not infrequently occurs that a confessor or another ecclesiastical man is deputed by bishops, to whom this power certainly belongs, to receive denunciations in a matter pertaining to the crime of solicitation without the intervention of a notary. A sheet is appended to this Instruction concerning the manner in which a denunciation must be drawn up in these cases. For the most suitable men who are appointed to this most grave duty must be instructed concerning the act of denunciation to be received in judicial form, and admonished that immediately after receiving the denunciation they cautiously transmit it without delay to the bishop himself by whom they were deputed, and retain no copy or any trace of the completed act for themselves. And in approximately this manner the burden of denunciation is fulfilled without difficulty. Certainly, the Ordinaries of places must bring it about that there be no need to apply to places subject to their jurisdiction that which was declared for the missions of Pernambuco in America on 22 January 1627: namely, *that women who have been solicited are not bound to denunciation if the ministers of the Inquisition and the vicars of the bishop dwelling in distant regions cannot be approached without grave inconvenience*.

"9. If in the denunciations, as not rarely happens, other persons are indicated who were perhaps likewise solicited, or who can in some manner bear testimony concerning this crime, all these also must be examined separately in the judicial form expressed above; and they must be questioned first in generalities, and then by degrees, as the matter permits, descending to particulars, whether and how they themselves were in fact solicited, or saw or heard that other persons had been solicited.

"10. After a denunciation has been received, proceedings are not undertaken immediately, but the ecclesiastical superior must diligently inquire whether the person denouncing is worthy of faith. The crime of solicitation is for the most part perpetrated secretly; hence there is a privilege that, in cases instituted against this crime, even singular attestations are admitted for making full proof. But in the aforesaid Constitutions of the Supreme Pontiffs it is prescribed that proceedings are not to be undertaken with singular witnesses unless presumptions, indications, and other supporting evidence concur. Therefore, the weight of each denunciation and its qualities and circumstances must be seriously and accurately weighed; and, before proceedings are undertaken against the person denounced, it must be evident and established to the judge that the women or men denouncing are of good name and are not led to accuse by enmity or by another human affection. For witnesses of this kind, though singular, must be free from all private affections so that complete faith can be accorded to them. - From the Instruction given by command of Pius VI in the year 1775 to the Apostolic Vicar of Cochinchina.

"11. It is the custom of this Supreme Inquisition that, after one or two denunciations, a rescript be issued that the person denounced be observed, that is, that he be regarded as suspected concerning the crime reported, so that as soon as the matter has been established by new denunciations, he is to be summoned to judgment. For the most part, proceedings customarily begin only after the third

denunciation. For a formal examination, parish priests or men of proven faith and distinguished virtue, especially ecclesiastics, are summoned; under oath to speak the truth and preserve secrecy, they are examined concerning the qualities of the persons denouncing and of the person denounced, and concerning their mutual hatreds and enmities. After these inquiries have been completed, the accused is brought to judgment and, before the judge, with the intervention of an ecclesiastical man who acts as notary, he must answer under oath to speak the truth concerning the individual circumstances of each denunciation and examination. The greatest care is taken that the names of those denouncing not be disclosed to the accused, and that the sacramental seal not be violated in any manner.

"12. When the truth of the crime committed has become evident, the accused having been admitted to his defense as the laws demand, one must proceed to forbidding him in perpetuity to hear confessions, withdrawing each and every faculty for that office granted to him even through any privilege or by the Holy See itself. The bishop himself, and not another delegated by him, shall pronounce a sentence of this kind; and, according to the measure of the fault and with all the circumstances considered, he shall also inflict upon the accused the other penalties which are decreed in the aforesaid Constitutions. Furthermore, if the accused confessed the crime in judgment, he must make a suitable abjuration, so that he may thus purge himself from the suspicion of heresy which he incurred; and he shall be punished with this penalty also in the sentence itself. It is to be noted that all penalties of this kind, and the incapacity itself for celebrating the most holy Sacrifice of the Mass prescribed in the Decree of Benedict XIV in August 1745, are only *ferendae sententiae*. Nevertheless, there must be abstention from inflicting degradation and handing over to the secular arm. That, indeed, was enacted by Gregory XV; but it must be regarded as imposed for terror rather than in order that it be put into execution. - Albitius, work cited, chapter 15, no. 13, and Benedict XIV in a private letter dated 11 November 1713 to Emmanuel de Azevedo, priest of the Society of Jesus.

"13. Those who, entirely unanticipated by any denunciations concerning this crime, moved by conscience, present themselves to the Ordinary of the place or his delegate, spontaneously confess the crimes of solicitation committed by them, and seek pardon, must be dismissed with a suitable abjuration and salutary penances only; with the counsel or precept added that they abstain from hearing the sacred confessions of the persons solicited. Nor are they to be affected by the other penalties mentioned previously, even if denunciations should subsequently be added. But those who, already anticipated by judicial process but not yet cited, spontaneously present themselves, and likewise those whom the Ordinary of the place shall discover, from denunciations received afterwards, to have confessed in their spontaneous appearance a truth not complete but diminished, do not enjoy the benefit of immunity; nevertheless, at the prudence of the Ordinary himself, let them be punished more mildly.

"14. That which must be most greatly cared for and observed in treating these cases, whether by Apostolic commission or by the proper right of bishops, is that these same cases, as pertaining to the faith, be conducted most secretly and, after they have been decided and already put into execution, be entirely suppressed by perpetual silence. All officials of the ecclesiastical curia, and any others whatsoever who are assumed for treating these cases or as advocates for defending them, must take an oath to preserve secrecy; and the bishops themselves and other Ordinaries of places are bound to preserve secrecy, as provided in law in the chapter *Statuta*, final, *On Heretics*, in the Sixth, and in the

Clementine *Multorum*, section *Porro*, *On Heretics*. Those, however, who satisfy the burden of denunciation, and those who are subjected to examination in these cases, are bound, even if they are priests, to swear at the beginning to speak the truth and, when the act is completed, to preserve secrecy, touching the most holy Gospels of God. If these things are observed cautiously and sacredly, no danger of odium or infamy or any other danger whatsoever can be feared which would restrain either witnesses from speaking the truth or competent judges from investigating and punishing the crime of solicitation with condign penalties.

"15. It was granted by Pius VI in the Instruction mentioned above, given in the year 1775 to the Apostolic Vicar of Cochinchina, that, since it is most difficult in those regions so distant and dissimilar to observe exactly all the things which are to be observed in these cases, and since, if some of these things are omitted, justice does not permit penalties to be inflicted against accused persons concerning whose crime sufficient proof has not yet been made in judicial form, then it would perhaps be more prudent if, outside the order of judgment, proceedings were undertaken to meet so great an evil by easier and more expeditious means and methods, which the prudence of the Apostolic Vicar joined with zeal for souls will suggest in particular cases. But now everyone sees that this indulgence made for places so distant and dissimilar is neither common to all nor can rightly be introduced everywhere without the authority of the Apostolic See.

"16. Furthermore, if Ordinaries of places become involved in more grave difficulties in drawing up processes, or even, after a process has been drawn up, in pronouncing sentence against those soliciting to base acts in confession, they can, with the acts transmitted, refer the matter to this Supreme Congregation, which will furnish particular instructions adapted to the individual cases, as is often done, and will itself pronounce the definitive sentence if it shall be expedient.

"These are the things which conduce to the cautious and correct execution of the aforesaid Pontifical Constitution and which, as easily observed everywhere, this Sacred Congregation of the Supreme and Universal Inquisition earnestly commends to the pastoral zeal and solicitude of the Ordinaries.

"Given at Rome, 20 February 1867."

On the Sin of Solicitation and Complicity

"1. Whether any confessor can absolve a priest who solicited in the act or place of sacramental confession.

"2. When a confessor can be considered guilty of a base sin, so that if he absolves an accomplice, he incurs the penalties and censures threatened by the Constitutions of Benedict XIV, *Sacramentum Poenitentiae* and *Apostolici muneris*?

"Response. To 1. Since solicitation, provided that it was simple, is reserved to the Holy See by no law, nothing prevents a soliciting priest, otherwise rightly disposed, from being absolved by any confessor.

"To 2. In order to discern when a confessor ought to be regarded as guilty of an external base sin grave in its kind, so that if he attempts to absolve an accomplice he ought to be regarded as bound by the penalties and censures inflicted through the Constitutions of Benedict XIV, let him consult approved authors, and especially Saint Alphonsus de Liguori." Holy Office, 15 September 1859.

Decrees of the Holy Office, 11 February 1661

"1. Whether a confessor is to be denounced who gives the penitent in confession a paper to be read later at home, in which he solicited her to venereal acts? - The Lord Qualifiers judged that he is to be denounced and that the negative opinion is not probable.

"2. Whether a confessor consenting to solicitation, but immediately ceasing to speak of that base matter, deferring its completion to another time, and not furnishing absolution to the penitent, falls under the penalties contained in the Bull of Gregory and is to be denounced? - They judged that he falls under them and that the confessor is to be denounced, the contrary opinion, which they judged not to be probable, having been rejected.

"3. Whether a confessor, when soliciting, is to be denounced because of the smallness of the matter? - Since in venereal matters there is no smallness of matter, and even if there were, there would be none in the present matter, they judged that he is to be denounced and that the contrary opinion is not probable.

"4. Whether a confessor who solicits a woman saying in confession that she wishes to confess on the following day, and dissuades her from confession, is to be denounced? - If the solicitation takes place outside the place of confession and without the pretext of confession, they judged the negative opinion to be probable; otherwise, if it occurs in the confessional or in the place of confession.

"5. Whether a priest lacking jurisdiction is to be denounced if he solicits a penitent in confession? - They judged that he is to be denounced and that the negative opinion is not probable.

"6. Whether an interpreter is to be denounced if he solicits a penitent in confession? - They judged that the negative opinion is not without its probability.

"7. Whether one commanding a confessor to solicit in confession is to be denounced? - They judged that the negative opinion is not without its probability.

"8. Whether, when the confessor and penitent solicit one another, the confessor is to be denounced? - They replied affirmatively and judged that the negative opinion is not probable.

"9. Whether a confessor who has been solicited is to be denounced if, induced by fear, he consents to the solicitation? - They judged that he is to be denounced and that the negative opinion is not probable.

"10. Whether a confessor falls under the penalties of the Apostolic Constitution against solicitors if he solicits a woman in other sacraments, namely Baptism or Matrimony, and whether he is to be denounced and, after denunciation, can be punished by the Inquisitors? - Concerning each article they judged the negative opinion to be probable.

"11. Whether a confessor who solicits a penitent to illicit acts other than venereal acts is to be denounced? - They judged the negative opinion to be probable.

"12. Whether a confessor, if he praises a penitent for her beauty and loveliness, is said to solicit her and is therefore to be denounced? - They judged that, if that praise is serious and savors of no depraved intention, the negative opinion is probable. But if otherwise, it is not probable.

"13. Whether a confessor who has abjured because of another solicitation is to be denounced (that is, if, otherwise accused of solicitation, he has detested heresy)? - They judged the negative opinion not

to be probable and therefore that he is to be denounced; this was also resolved on 26 July 1628.

"14. Whether anyone is bound to denounce a soliciting confessor if he heard this not from persons worthy of faith, but only from frivolous persons? - They judged that the negative opinion is not without its probability.

"15. Whether a confessor sitting in the confessional who solicits a woman standing before the confessional, without pretending that it is a confession, is to be denounced? - They judged that the negative opinion is not without its probability."

"16. Whether a confessor who, while hearing confession, gives a gift to a woman, so that by this act he is said to have solicited her, is to be denounced? - They gave the same reply as to the twelfth."

Place of Confession; Simulation of Confession

"1. Whether places in which the confessions of nuns are customarily heard are to be regarded as places appointed for hearing confessions, like true confessionals? - 2. Whether the same is to be said concerning places constructed in the form of those in which the confessions of cloistered nuns are customarily heard, in which are heard the confessions of women dwelling in places commonly called *Conservatories* or *Retreats*? - 3. Insofar as they are to be regarded as true confessionals, whether they are to be considered such only with respect to nuns and others dwelling in the aforesaid places, or also with respect to other women from outside? - Response. To the three doubts, affirmative." Holy Office, 25 November 1874.

"1. Whether by the words *pretending to hear confessions* in the Bull against solicitors, solicitation and confession, either true or simulated, are required conjointly, so that unless these two circumstances concur, the burden of denouncing ceases.

"2. Whether, when a room for hearing confessions is also a place of conversation for the confessor, the burden of denouncing arises insofar as solicitations occur there.

"Response. To 1. The concurrence of either one suffices. - To 2. Affirmative." Holy Office, 28 April 1700.

Denunciation to Be Made by All

"The Pontifical Constitutions issued against solicitors embrace all nations and consequently bind Greeks as well as Armenians to their observance." Holy Office, 13 June 1710.

"It was resolved on 28 June 1597, 28 February 1598, and 15 April 1612 that, when the woman is noble and modest and cannot be induced to give testimony, the Sacred Congregation is to be consulted in the City of Rome. But outside the City, the bishop or inquisitor is to be consulted; if they have difficulty, let them consult the Sacred Congregation; but if not, let them give confessors the faculty of absolving the penitent who for just causes refuses to denounce, who nevertheless must be absolved under the condition that, when the causes cease, she is bound to do this, and also not to approach the confessor by whom she was solicited." Albitius, *On Inconstancy in Faith*.

On a Solicitor Already Deceased

"Whether a denunciation of solicitation must be made even though the solicitor is deceased.

"Response. Negative, provided that the solicitation is not joined with certain and formal heresy." Sacred Congregation of the Holy Office, 6 March 1839.

How a Denunciation Is to Be Made

Form for receiving a denunciation without the intervention of a notary, from the cited Instruction, *A. S. S.*, vol. 3, p. 505 ff.

"On the ... day of the month of ... in the year ..., there appeared voluntarily and personally before me, the undersigned, stationed at ... (*he shall note the place where he is found for receiving the act*), specially delegated for this act only by the Most Illustrious and Most Reverend N. N., as appears from the letters of the same Ordinary directed to me and dated ... (*he shall state on what day the letters themselves were written*), which are to be attached to the present record, N. N. (*he shall write the name, surname, father, native place, age, condition, and residence of the person denouncing; and if she is a religious, he shall also state the name by which she was called in the world. He shall then continue*), to whom was administered the oath to speak the truth, which she took by touching the Most Holy Gospels of God (*which he shall have her touch*); she set forth as follows, namely:

"Here the person denouncing must declare in the vernacular language that she knows the Ordinary of the place has obtained the faculty to receive, without the intervention of a notary, that which she is about to set forth for the relief of her conscience, because for just causes she cannot present herself to the same Most Reverend Prelate; then she must relate continuously the matters pertaining to the solicitations made to her, whether they were words, writings, or acts, accurately describing the place, time, occasion, occurrences, and individual circumstances, and also whether these things happened in the act of confession or before or after sacramental absolution. She must name the confessional and the soliciting confessor himself; and insofar as she does not know, or has forgotten, his name and surname, she shall accurately describe his person, noting all his distinguishing characteristics, so that he can be recognized. Let the delegate take notice that the person denouncing is not to be asked whether she in any manner gave or refused consent to the base act, since she is not bound to manifest her own defects. After these things have been written out as they are related, the delegate shall require what follows, and nothing else besides.

"Asked whether she knows, or has heard it said, that the said N. N. (*naming the person*), a confessor, solicited other penitents to base acts; and insofar as, etc.

"She answered: (*He shall note the answer, and if it is affirmative, he shall inquire into the names and surnames of the persons solicited and the cause of her knowledge*).

"Asked concerning the reputation of the aforesaid confessor N. N., both with her and with others; and insofar as, etc.

"She answered: (*He shall write out the answer*).

"Asked whether she made the aforesaid deposition from hatred or love, and concerning enmity and other general matters, etc.; and insofar as, etc.

"She answered: Rightly (*if she says that she denounced in order to relieve her own conscience*). If more than one month has elapsed since the solicitation, she shall also be asked:

"Asked why she delayed so long in denouncing the aforesaid matters to her own Ordinary and relieving her conscience?

"She answered: (*He shall note the answer*).

"The act is to be closed in this manner.

"These things having been had and received, etc., the man (or woman) was dismissed, having been sworn (or sworn, feminine) to preserve silence by touching anew the Most Holy Gospels of God (*she shall swear again upon the Gospel*), and in confirmation of the foregoing signed her name (*and if she does not know how to write*), and since she did not know how to write, as she asserted, she made the sign of the Cross (*he shall require her to make the sign of the Cross with the pen*).

"After the person denouncing has signed her name or made the sign of the Cross, the delegate shall sign himself in this manner:

"These acts were done through me, N. N., specially delegated as above by the Most Illustrious and Most Reverend Prelate N. N.

"He shall then transmit the entire act directly to his own Ordinary who delegated him, together with the instruction and letters received, retaining absolutely nothing with himself."

Instruction Concerning the Inquiries in Cases of Solicitation

"1. In no. 10 of the Instruction of the Sacred Roman and Universal Inquisition concerning the observance of the Apostolic Constitution *Sacramentum Poenitentiae*, it is commanded that, *before proceedings are undertaken against the person denounced, it must be evident and established to the judge that the women or men denouncing are of good name and were not led to accuse by enmity or by another human affection*.

"2. A precept of this kind, like all things which pertain to the manner of proceeding of this Supreme Tribunal, is to be regarded as of the strictest law, so that, if it is neglected, proceedings cannot continue further.

"3. Nor is it sufficient that this become known in just any manner, but it is altogether necessary that it become known to the judge in a certain judicial form; in the forum of the Holy Office, usage has obtained that this is signified by the proper expression: *to conduct inquiries concerning the person denounced and those denouncing him*.

"4. But now, since this Supreme Tribunal has perceived that this is not always observed by everyone, or is observed only after a long time, namely, when the reception of testimony is difficult and sometimes impossible, it has ordered this Instruction to be issued on this matter as a norm for the Most Reverend Ordinaries.

"5. Therefore, whenever the Ordinary receives any denunciation concerning the unspeakable crime of solicitation, he shall proceed immediately to conduct the inquiries. For this purpose, either by himself or through a priest specially delegated by him, he shall summon separately, and with the circumspection which is fitting, two witnesses, as far as possible from the ecclesiastical body, but in any case above every exception, who know well both the person denounced and each and every person denouncing. He shall judicially question them under the sanctity of an oath to speak the truth and preserve the secrecy of the Holy Office, setting down their testimony in writing according to the

following formula; and as soon as possible he shall transmit directly and by a secure route to this Supreme Congregation an authentic copy of both testimonies together with the respective denunciation.

"6. It was said: 'either by himself or through a priest specially delegated by him'; for nothing prevents the Ordinary, for a reasonable cause, from entrusting this duty to some pious, learned, and prudent priest, provided that a special delegation is imparted to him in the individual cases and the oath to discharge the duty faithfully and preserve the secrecy of the Holy Office has first been administered to him.

"7. But if only two witnesses cannot be found who know at the same time the person denounced and each and every person denouncing, more must be summoned. In this case, namely, as many witnesses as above will have to be summoned as will be necessary so that there may be twofold testimony with respect to the person denounced and each person denouncing.

"8. Whenever, moreover, an oath to preserve secrecy and, for the diverse cases, to speak the truth or to discharge a duty faithfully is to be administered, the oath itself must always be taken by all, even priests, touching the Most Holy Gospels of God, and not otherwise. It shall be within the power of the Ordinary, if he shall judge it necessary or expedient because of the circumstances of affairs, places, or persons, to threaten violators with an excommunication incurred by the fact itself and reserved in a special manner to the Roman Pontiff.

"9. The formula of interrogation follows.

"On the ... day of the month of ... in the year ...

"Having been summoned, there appeared personally before me, the undersigned Bishop of ... (*let the name of the diocese be noted. But a delegate shall say: before me, the undersigned, specially delegated by the Right Reverend Lord Bishop of ... for this act only*), stationed at ... (*let the place where the business is conducted be noted*),

"N. N. (*name, surname, and qualities of the witness summoned*), to whom was administered the oath to speak the truth, which he took by touching the Most Holy Gospels of God, was asked by me:

"1. Asked: Whether he knows the priest N. N.? (*name, surname, and qualities of the person denounced*).

"He answered: ... (*let his response be written out in the language which the witness uses*).

"2. Asked: What is the manner of life of this priest; what are his morals; what is his reputation among the people?

"He answered: ...

"3. Asked: Whether he knows the men or, as is more often the case, the women N. N.? (*name, surname, and qualities of each person denouncing*).

"He answered: ...

"4. Asked: What is the manner of life of each of them; what are their morals; what is their reputation among the people?

"He answered: ...

"5. Asked: Whether he considers them worthy of faith, or, on the contrary, judges them capable of lying, calumniating in judgment, and even committing perjury?

"He answered: ...

"6. Asked: Whether he knows if there has ever perhaps existed between them and the aforesaid priest any cause of hatred or enmity?

"He answered: ...

"Then, the oath to preserve the secrecy of the Holy Office having been administered to him, which he took as above, he was dismissed; and before departing he signed his name in confirmation of the foregoing.

"Autographic signature of the witness or his sign of the cross.

"These acts were done through me, N. N. (*name, surname, and qualities of the Bishop or his Delegate who received the testimony*).

"Given at Rome, 6 August 1897."

On the Constitution *Officiorum ac Munerum*

Obligation of the Constitution *Officiorum*

"Whether the aforesaid Constitution has obligatory force also for English-speaking regions, which some think enjoy a tacit dispensation? - Response. Affirmative." Sacred Congregation of the Index, 23 May 1898.

On the Prohibition of Books

"45. Prohibited books, until they are expurgated, can be retained until, with diligence applied, they are corrected." Proposition condemned by Alexander VII.

On the Reading of Sacred Scripture

"79. It is useful and necessary at every time, in every place, and for every class of persons to study and to know the spirit, piety, and mysteries of Sacred Scripture. - 80. The reading of Sacred Scripture is for all. - 81. The obscurity of the holy word of God is not a reason for laymen to dispense themselves from reading it. - 82. Sunday must be sanctified by Christians with readings of piety, and above all of the Holy Scriptures. It is harmful to wish to draw a Christian away from this reading. - 83. It is a delusion to persuade oneself that knowledge of the mysteries of Religion ought not to be communicated to women through the reading of sacred books. The abuse of the Scriptures did not arise from the simplicity of women, but from the proud learning of men, and heresies were born. - 84. To snatch the New Testament from the hands of Christians, or to keep it closed to them by taking away from them the means of understanding it, is to close for them the mouth of Christ. - 85. To forbid Christians the reading of Sacred Scripture, especially of the Gospel, is to forbid the use of light to the sons of light and to cause them to suffer a certain kind of excommunication. - 86. To take away from the simple people this consolation of joining their voice to the voice of the whole Church is a practice contrary to Apostolic practice and the intention of God." Propositions of Pasquier Quesnel condemned by Clement XI.

"1. Whether under the name of those who devote themselves to theological or biblical studies are included also students who devote themselves to theology and the Hebrew and Greek languages in seminary schools? And, in the affirmative: 2. Whether a bishop can permit students in the schools, under the guidance of a professor, to read and translate Hebrew and Greek texts edited by non-Catholics, provided that the dogmas of the Catholic Faith are not attacked in the prolegomena or annotations of such books? - Response. To 1. Affirmative. - To 2. Negative, unless they have obtained a special faculty from the Holy See." Sacred Congregation of the Index, 21 June 1898.

Books of Devotion

"Whether it is prohibited in books called books of devotion to add a translation in the vernacular language to the Latin text of the Order of Mass, and especially of the Canon. - Response. The books and their translations in the vernacular language in question are, by canonical prescriptions and Apostolic Decrees, entirely reserved to the authority of bishops; and therefore it is not lawful for the

faithful to use editions of these unless they bear the express approval of the bishops." Sacred Congregation of Rites, 4 August 1877; New York.

Books Containing Errors of the *Syllabus*

"Whether works, which are very numerous, infected with errors condemned by the *Syllabus*, are considered prohibited by the words of article 14 insofar as they contain errors proscribed by the Apostolic See? - Response. Affirmative, if they defend or uphold these errors." Sacred Congregation of the Index, 23 May 1898.

Books of Indulgences

"Whether in decree no. 17 of the General Decrees concerning the prohibition and censure of books recently issued by Our Most Holy Lord Pope Leo XIII, these words: *let them not be published without the permission of the competent authority*, are to be understood in such a way that henceforth all books, booklets, sheets, etc., of indulgences are to be referred only to the Ordinaries of places in order to obtain permission? Or are they to be subjected to the review either of the Sacred Congregation of Indulgences or of the Ordinary of the place according to the norms established before the new Constitution *Officiorum ac Munerum*? - Response. To the first part: Negative. - To the second: Affirmative." Sacred Congregation of the Index, 7 August 1897.

"Article 12, section 3, of the Decrees issued after the old Rules of the Index is to be understood in such a way that, if there is question of publishing the grant of some indulgence, or a summary of indulgences which is to be taken from an Apostolic Brief or Rescript, or a summary already published by authority of the Sacred Congregation, it is within the power of the Ordinary to grant permission to print the grants of those indulgences (provided that there is not a special and express prohibition for some list); but, on the contrary, if there is question of a summary previously collected but never approved, or now to be collected for the first time from various grants, the express permission of the Sacred Congregation of Indulgences is required. His Holiness approved." Sacred Congregation of Indulgences, 22 January 1858.

On the Approval of Books

"Whether chapters extracted from periodicals and published separately (commonly called *tirages à part*, or separate offprints) are to be regarded as 'new editions' and therefore require a new approval, as is required by article 44? - Response. Negative." Sacred Congregation of the Index, 25 May 1898.

"Whether Ordinaries who, after the examination of a book submitted to their prior censorship has been completed, deny permission to publish it are bound to indicate to the author the reasons for the permission denied? - Response. Affirmative, if the book appears capable of correction or expurgation." Sacred Congregation of the Index, 3 September 1898.

Books of Missionaries

"The Sacred Congregation, moved by just causes, deliberately decreed that henceforth it is lawful for no Apostolic missionary, of whatever rank, condition, preeminence, religion, or state, to commit to print, under any pretext, by himself or through another or others, any work of his own or of another without the express written permission of this Sacred Congregation in the customary form, etc.,

under the penalty of deprivation of office, of active and passive voice, of suppression of that work, and of excommunication *latae sententiae*, incurred by the fact itself and reserved to Our Most Holy Lord alone. It commanded the aforesaid and each one of them that, in the event that they obtain the aforesaid permission, they are bound to print it at the beginning of the work itself under the same penalties; any privileges, faculties, permissions, etc., even those otherwise given or granted orally, notwithstanding, all and each of which are to be considered revoked in every manner by the present Decree and regarded as revoked." Sacred Congregation for the Propagation of the Faith, 6 December 1655.

"Since therefore, as We have learned, although at another time the Congregation of Our Venerable Brothers, the Cardinals of the Holy Roman Church, for just causes had forbidden anyone to publish in print without its permission books and writings in which missions were treated in any manner, nevertheless many, either ignorant of what the same Congregation had decreed or rashly transgressing its Decree, publish writings and books often containing false and inept things, not without offense to pious and learned men: We, moved by these and other grave causes, with the counsel of the aforesaid Cardinals, by Apostolic authority and by the tenor of the present letters, again forbid anyone of whatever state, rank, and condition, even a regular of any order, congregation, institute, and society, even of Jesus, although he be one concerning whom specific and individual mention would have to be made, to publish, by himself or through another, without the written permission of the Congregation of those same Cardinals, which he is bound to print at the beginning of the work, books and writings in which missions or matters pertaining to missions are treated, under the penalties, incurred by the fact itself, of excommunication *latae sententiae*, from which no one can be absolved by anyone other than Us, or the Roman Pontiff existing at the time, unless placed at the point of death, and of deprivation of office and of active and passive voice, as well as of suppression of the works." Clement X, Brief *Creditae nobis*, 6 April 1673; *Collectanea*, no. 1872.

"It is in no way expedient that, in the Empire of China and the Kingdom of Tonkin, any writings or books be published, whether treating directly or indirectly of religion or discussing ecclesiastical matters, unless after the prior examination and approval of this Sacred Congregation. It nevertheless declared exempt from this law small doctrinal works, catechisms, instructions and prayers which serve for the daily use of the faithful; under this condition nevertheless, that they cannot be disseminated among the people unless the respective bishops of the places, or the Apostolic Vicars, have first examined them and permitted them to be published." Sacred Congregation for the Propagation of the Faith, 28 December 1770; 31 March 1836, to the Apostolic Vicar of Cochinchina; 31 August 1840, to the Apostolic Vicar of Siam; 30 September 1848, to the Apostolic Vicar of Western Cochinchina.

"And since it has been learned that in several vicariates books and booklets are published in which the morals and customs of pagans are discussed, and which refer more or less directly to the interpretation of the Apostolic Constitution of Benedict XIV, of holy memory, which begins *Omnium sollicitudinum*, the Most Eminent Fathers judged that the Apostolic Vicars and missionaries are to be admonished that a copy of every instruction and booklet in which matters pertaining in any manner to the interpretation of the aforesaid Bull are treated must altogether be sent to this Sacred Congregation." Instruction of the Sacred Congregation for the Propagation of the Faith to the Apostolic Vicars of India, 8 December 1868.

"Whether the sermons or preachings of missionaries are understood to be included under the prohibition concerning the printing of books of religion, in such a way that the examination and approval of the respective Apostolic Vicar is not sufficient. - Response. Insofar as they wish them to be published in print, affirmative; otherwise, negative in the case, provided that the Apostolic Vicar has approved those sermons." Sacred Congregation for the Propagation of the Faith, 27 September 1843.

On Irregularity

Irregularity Arising from Heresy

"1. Whether being born in heresy, or having parents, uncles, brothers, or cousins who are heretics or married to heretics, is by the common law an impediment which excludes one from religious profession?

"2. Whether it is correct to say that, by reason of another's heresy, only those who have either a heretical grandfather, father, or mother incur irregularity?

"3. Whether the doctrine of those who teach that such irregularity is not incurred in Germany can be followed, because there *relatives labor under no infamy*; and whether such doctrine can be extended to all those regions where the dominant religion is heterodox or Protestant?

"4. Whether those legitimately dispensed from irregularity with respect to Sacred Ordination can, by reason of religious profession, be promoted to the prelacies of the Order; or whether they can be authorized for this by their superiors when these superiors possess, by an ancient direct grant subsequent to the Council of Trent, the power 'by Apostolic authority, in the forum of conscience only, to absolve those incurring irregularity from any head or cause whatsoever, except voluntary homicide, bigamy, and mutilation of members, and also to dispense with them, even with rehabilitation and the removal of the stain of incapacity and infamy'?

"Response. To 1. Negative, saving the proper Constitutions of each religious family.

"To 2 and 3. Let the decree of Wednesday, 4 December 1890, be given; that is: "Heretics converted to the Catholic faith, and children of heretics who persist in heresy or have died in it, to the first and second degree through the paternal line, but through the maternal line to the first degree only, are irregular even in Germany and in the other places concerning which the petition is made; and therefore they need a dispensation in order to be promoted to tonsure and orders.

"To 4. As set forth, negative." Holy Office, 3 February 1898.

On Indulgences

On the Nature and Value of Indulgences

"17. The treasures of the Church, from which the Pope grants indulgences, are not the merits of Christ and of the Saints. - 18. Indulgences are pious frauds upon the faithful and remissions of good works; and they are among those things which are lawful, and not among those which are expedient. - 19. For those who truly obtain them, indulgences do not avail for the remission of the punishment due before divine justice for actual sins. - 20. Those who believe that indulgences are salutary and useful for the fruits of the spirit are deceived. - 21. Indulgences are necessary only for public crimes and are properly granted only to the hard and impatient. - 22. Indulgences are neither necessary nor useful to six classes of men: namely, to the dead or dying, the sick, those legitimately impeded, those who have not committed crimes, those who have committed crimes but not public ones, and those who perform better works. - 40. Souls freed from Purgatory by the suffrages of the living are less blessed than if they had made satisfaction for themselves." Propositions of Martin Luther condemned by Leo X.

"60. Through the sufferings of the Saints communicated in indulgences, our offenses are not properly redeemed; but through the communion of charity their sufferings are imparted to us, so that we may be worthy to be freed by the price of the Blood of Christ from the punishments due for sins." Proposition of Michael Baius condemned by Saint Pius V.

"16. It is not fitting to seek indulgences for the punishment due to one's own sins, because it is better to satisfy divine justice than to seek divine mercy; since the former proceeds from pure love of God, while the latter proceeds from interested love of ourselves, and is neither pleasing to God nor meritorious, because it is to wish to flee the cross." Proposition of Michael de Molinos condemned by Innocent XI.

"40. The proposition asserting that an indulgence, according to its precise notion, is nothing other than the remission of a part of that penance which was established by the canons for the sinner; as though an indulgence, besides the bare remission of canonical punishment, does not also avail for the remission of the temporal punishment due before divine justice for actual sins: False, rash, injurious to the merits of Christ, long ago condemned in article 19 of Luther. - 41. Likewise, insofar as it adds that the Scholastics, puffed up by their subtleties, introduced an ill-understood treasury of the merits of Christ and the Saints and substituted for the clear notion of absolution from canonical punishment the confused and false notion of the application of merits; as though the treasures of the Church from which the Pope grants indulgences are not the merits of Christ and the Saints: False, rash, injurious to the merits of Christ and of the Saints, long ago condemned in article 17 of Luther. - 42. Likewise, insofar as it adds further that it is still more lamentable that this chimerical application was wished to be transferred to the departed: False, rash, offensive to pious ears, injurious to the Roman Pontiffs and to the practice and sense of the universal Church, leading into the error branded with a heretical note in Peter de Osma and again condemned in article 22 of Luther. - 43. Finally, insofar as it most shamelessly inveighs against certificates of indulgences, privileged altars, etc.: Rash, offensive to pious ears, scandalous, insulting to the Supreme Pontiffs and to the practice frequented by the whole Church." Propositions of the Synod of Pistoia condemned by Pius VI.

"I also affirm that the power of indulgences was left by Christ in the Church and that their use is most salutary for the Christian people." Tridentine Profession of Faith.

Power of the Pope, Bishops, and Others with Respect to Indulgences

"42. It is foolish to believe in the indulgences of the Pope and bishops." Article of John Wycliffe condemned by the Council of Constance.

"6. The Pope cannot remit to any man the punishment of Purgatory." Proposition of Master Peter de Osma condemned by Sixtus IV in 1479.

"Whether one who has the faculty of blessing crosses, rosaries, etc., and applying indulgences to them can also bless crosses and rosaries for himself and, by using these, also gain the indulgences for himself? - Response. Affirmative." Sacred Congregation of Indulgences, 16 July 1887.

"1. Whether indulgences which a bishop grants avail only within the limits of his diocese or also outside it? 2. Whether they can be acquired within the limits of the diocese also by faithful who are not subjects of the bishop granting the indulgences? 3. Whether subjects of the bishop granting indulgences can gain them also while they are staying outside the diocese? - Response. To 1. Affirmative to the first part; negative to the second, unless there is question of subjects of the bishop granting them and of personal indulgences. To 2. Affirmative, provided that the indulgences have not been granted to some particular class of persons. To 3. Provision was made in 1." Sacred Congregation of Indulgences, 26 May 1898.

"When it was reported to Our Most Holy Lord that an ancient custom was generally in force in the regions of Latin America, although no written document concerning it exists, namely, that Archbishops grant eighty days of Indulgence instead of forty days as by law; and when the same Most Holy Lord was petitioned by the Archbishops attending the American Plenary Council in the City that He might deign to ratify and confirm that custom; His Holiness, wishing to establish a certain and uniform discipline in Latin America and to pursue the Churches of that region with particular love, graciously decreed by His Apostolic authority that henceforth all the Archbishops of Latin America may freely enjoy and use the privilege of granting eighty days of true Indulgence in the customary form of the Church. Concerning these matters, the same His Holiness ordered the undersigned Secretary of the Sacred Congregation for Extraordinary Ecclesiastical Affairs to issue this Decree without the dispatch of any Brief and commanded that it be entered into the acts of that Sacred Congregation." 4 July 1899.

"The Pontifical jubilee of Leo XIII, of happy memory, celebrated everywhere with solemn rejoicing by the Catholic world, certainly furnished a fitting occasion on which several sacred Prelates, especially from the Neapolitan and Sicilian region, in order to consecrate the auspicious event with a certain new pledge of piety and religious fruit, earnestly offered petitions in jointly signed letters that their faculty in bestowing indulgences might be somewhat increased by the Apostolic See. - These petitions, interrupted by the death of that excellent Pontiff, but again and humbly presented, after consultation with the Sacred Congregation of Indulgences and Sacred Relics, by the undersigned Cardinal, Prefect of the same Congregation, in an audience held at the Vatican on 28 August of this current year, as soon as Our Most Holy Lord Pope Pius X learned of them, He testified that He had nothing more greatly among His desires than to honor the glorious memory of His Predecessor with

a worthy token of honor in this matter also, and moreover fully to extend His own paternal charity toward all ecclesiastical orders. Therefore, His Holiness, having received a report of everything, deigned not only to assent to the aforesaid desires, but also graciously to decree that henceforth the Most Eminent Fathers, Cardinals, may grant an indulgence of two hundred days in their titular churches as well as in their Dioceses, Archbishops one hundred days, and finally Bishops fifty days, provided nevertheless that all things observed by them up to the present in grants of indulgences of this kind are observed. He willed this grant to remain perpetually in force also for future times. Anything whatsoever to the contrary notwithstanding.

"Given at Rome, from the Secretariat of the Sacred Congregation of Indulgences and Sacred Relics, on 28 August 1903."

Faculty of Blessing Chaplets, Crosses, Etc.

"1. It is fitting that one who desires to obtain the faculty of blessing chaplets, crosses, rosaries, medals, etc., with the application of the Apostolic indulgences and those of Saint Bridget should present a petition furnished with commendatory letters from his own Ordinary if he belongs to the secular clergy, but, if he is a religious, from the Superior of his Order or Institute approved by the Holy See.

"2. In order that the aforesaid faculty be exercised validly, it will be necessary that the priest be approved for hearing sacramental Confessions, at least of men.

"3. For the lawful exercise of that faculty, the consent of the Ordinary of the place in which one wishes to use it is required, the Decree of this Sacred Congregation of 8 June 1888 remaining in force with respect to exempt religious. It is desirable that this consent be express; nevertheless, tacit or implicit consent also suffices, and, in some case when it cannot practically be done otherwise, even consent prudently presumed suffices." Instruction of the Sacred Congregation of Indulgences, 14 June 1901; *A. S. S.*, vol. 34, p. 124 ff.

On the Blessing of Crosses, Etc., with the Application of Indulgences

"1. Whether, for applying indulgences to crosses, rosaries, etc., any rite is necessary besides the sign of the cross made by a priest who has received this faculty. 2. Whether the indulgence granted attaches only to the figure of Christ made of metal, wood, or any other material, so that it can be transferred from one cross to another without danger of losing the indulgence conferred upon it? - Response. To 1. Negative. To 2. Affirmative." Sacred Congregation of Indulgences, 2 April 1840.

"1. Can one who has obtained the faculty of blessing crosses, sacred medals, and prayer chaplets with the application of indulgences lawfully use that faculty publicly, for example, in a church or oratory before the faithful gathered there and holding in their hands the objects to be blessed, if the clause *privately* is in the indult of the faculty?

"2. When the clause *in the customary form of the Church* exists in the indult, does it suffice to form the sign of the cross by hand over the objects to be blessed, without pronouncing the words of the formula of blessing and without sprinkling holy water?

"3. If a formula is necessary, does any formula suffice, provided that it is approved by the Ordinary, or must the formula of the Roman Ritual necessarily be employed?

"4. When the clause *in the customary form of the Church* does not exist in the indult of the faculty, does it suffice to form the sign of the cross by hand over the objects to be blessed?

"Response. To 1. Negative. - To 2. Affirmative. - To 3 and 4. Answered in the second." Sacred Congregation of Indulgences, 7 January 1843.

"Whether the aforesaid declarations also comprehend both the blessing of chaplets or rosaries of Saint Dominic which are blessed by the Fathers of the Order of Preachers, and the chaplets of the Seven Dolors which are blessed by the Fathers of the Order of the Servants of Mary; so that priests who obtain, either from the superiors of the aforesaid Orders or immediately from the Apostolic See, the faculty of blessing the aforesaid chaplets can accomplish this by the sign of the cross alone; or whether, for the validity of the act, the formula of blessing together with sprinkling with holy water must altogether be employed. - Response. For the Rosary and Seven Dolors chaplets the formula must be observed, since the responses of the Sacred Congregation of 11 April 1840 and 7 January 1843 do not comprehend the cases treated in the proposed doubt." Sacred Congregation of Indulgences, 29 February 1864.

Urbi et Orbi. Decree Concerning Rules or Norms for Distinguishing True Indulgences from Apocryphal Ones

"Among the other duties entrusted to this Sacred Congregation of Indulgences and Sacred Relics, this one is preeminent: namely, to distinguish true Indulgences from apocryphal ones and to proscribe the latter. It has discharged this duty by very many Decrees concerning apocryphal Indulgences, issued up to the present time and contained in the authentic collection of Decrees. But although this Sacred Congregation has always been vigilant from the very beginning of its institution concerning the publication of Indulgences, lest false ones creep in among the Christian people, nevertheless, since even in our age there are not lacking those who, moved either by ill will or even by irrational zeal, do not fear to spread among the faithful false, or at the least very suspect, Indulgences annexed either to prayers or to pious exercises, it has therefore come about that several Prelates have approached this Sacred Congregation so that it might issue its judgment concerning certain Indulgences. They did this principally, moved by the cause that not only might true Indulgences be distinguished from false ones, but especially that the way might be closed to the enemies of the Church for calumniating her and despising the heavenly treasury of Indulgences.

"Therefore, in order that this Sacred Congregation might apply a present remedy to this evil, insofar as it could be done, it resolved to establish certain rules or norms by which, when they were kept before the eyes, an easy way might be opened not only to Ordinaries of places but also to the Christian faithful themselves for discerning what judgment should be made concerning certain Indulgences which are commonly published among the people and display a doubtful mark of authenticity.

"When this proposal of the Sacred Congregation was reported to Our Most Holy Lord Leo XIII, His Holiness approved it and ordered it to be put into execution as soon as possible.

"Therefore, the Sacred Congregation, employing the study of the Most Reverend Consultors, took care that an Index of the aforesaid rules be worked out; it then submitted this Index for examination by the Most Eminent Fathers, Cardinals, in a general Congregation assembled at the Vatican on 5

May 1898. But they, after maturely weighing the aforesaid Index, reserved it, with some changes, to be weighed again by themselves in another Congregation.

"This was done in the General Assembly held at the Vatican on 3 August 1899, in which the Most Eminent and Most Reverend Fathers judged that the Index should be proposed as below:

"Rule 1. All indulgences contained in the most recent Collection published by the Sacred Congregation of Indulgences are authentic.

"Rule 2. General indulgences which are not presented in the aforesaid Collection, or which are said to have been granted after the Collection was published, are to be regarded as authentic only when the autograph document of their grant has been authenticated by the Sacred Congregation of Indulgences, to which it must be presented, under penalty of nullity, before they are published.

"Rule 3. Let those Indulgences be regarded as authentic which were granted to religious Orders and Congregations, Archconfraternities, Confraternities, Archsodalities, Sodalities, pious Unions, pious Societies, certain more celebrated Churches, Pious Places, and Objects of devotion, and which are contained in Summaries authenticated and approved by the Sacred Congregation of Indulgences and printed by its authority or permission.

"Rule 4. Let neither general nor particular Indulgences be regarded as authentic which are contained in books, booklets, summaries, sheets, cards, or even images printed without the approval of the competent authority; this approval is to be granted after diligent authentication and distinctly expressed.

"Rule 5. All Indulgences of a thousand or several thousand years, at whatever time they are said to have been granted, are apocryphal or now entirely revoked.

"Rule 6. Let plenary Indulgences which are asserted to have been granted to those reciting only a few words be regarded as suspect; excepting Indulgences at the point of death.

"Rule 7. Indulgences circulated in printed or handwritten booklets, sheets, or cards in which, for frivolous or even superstitious causes and uncertain revelations, or under illusory conditions, Indulgences and graces exceeding use and measure are promised, are to be rejected as apocryphal.

"Rule 8. Sheets and booklets in which the liberation of one or more souls from Purgatory is promised to the faithful who recite one or another prayer are to be rejected as fictitious; and the Indulgences customarily added to the aforesaid promise are to be regarded as apocryphal.

"Rule 9. Indulgences asserted to be of more recent grant are to be regarded as apocryphal or at least gravely suspect if they are extended to an unusual number of years or days.

"His Holiness approved these rules on 10 August 1899 and commanded them to be published by a general Decree.

"Given at Rome, from the Secretariat of the same Sacred Congregation, 10 August 1899."

Commentaries on the Aforesaid Rules, Added as Opportune with the Approval of the Sacred Congregation of Indulgences and Sacred Relics

"On Rule 1. This rule regards the collection commonly called *Collection of Prayers and Pious Works for Which the Holy Indulgences Have Been Granted by the Supreme Pontiffs*. - Rome, Printing Office of the Sacred Congregation for the Propagation of the Faith, 1898.

"The foundation of the rule is manifestly evident from the very end which the Sacred Congregation set before itself in publishing that book. For already in the year 1877, when the first edition of the Collection of which we speak was being prepared for official publication by this Sacred Congregation itself, this declaration was read in the preliminary Decree: 'The Supreme Pontiff graciously consented that an authentic compilation or Collection of each and every prayer and pious work which up to the present day had been enriched or augmented with indulgences should be most diligently prepared by the Secretariat of the same Sacred Congregation.' Therefore, that first edition, and afterwards likewise the second edition in the year 1886, was declared authentic by the same Sacred Congregation; but now in the Decree prefixed to the third edition of the year 1898 it is read thus: 'Our same Most Holy Lord Pope Leo XIII approved by His Apostolic authority a Collection of this kind printed by the Printing Office of the Sacred Congregation for the Propagation of the Faith; and it is therefore to be held by all as the genuine and authentic Compilation of Indulgences hitherto granted for all the Christian faithful and for certain groups of them designated therein.'

"On Rule 2. With the approval of Popes Benedict XIV and Pius IX, a Decree of the Sacred Congregation of Indulgences was promulgated on 28 January 1756 and 14 April 1856 with this tenor (Authentic Decrees of the Sacred Congregation of Indulgences, nos. 205 and 371): 'Since it is discovered by daily experience that very many general grants of indulgences are issued without the knowledge of the Sacred Congregation, from which many abuses and confusions emanate, the matter having been maturely weighed, it declared by the present Decree that those who hereafter obtain general grants of this kind are bound, under penalty of the nullity of the favor obtained, to bring a copy of those grants to the Secretariat of the same Sacred Congregation.' This, however, applies only with respect to indulgences altogether and in every respect general: namely, those which were granted to all the faithful for certain prayers or pious works, and indeed in perpetuity. It does not apply to those which additionally require enrollment in a pious Union, etc., or the visitation of a determined church, or which impose an obligation to wear a certain scapular or medal, etc., or which are granted for a certain determined time; all these indulgences are rather to be regarded as particular ones, to which the Decree of Benedict XIV and Pius IX does not extend.

"It can, moreover, be established that the authentication of new general indulgences was performed by the Sacred Congregation if those indulgences are presented by books or authors worthy of every trust, who receive grants of this kind from the Sacred Congregation itself or, at least with its permission, communicate them to their readers.

"On Rule 3. There is question here not of altogether general indulgences, concerning which the preceding rule treats, but of those which are particular in some manner, as is evident from the very tenor of this rule. Now, some of the Summaries named here, as will be said immediately in the following rule, can be authenticated and approved by Bishops alone; but others must necessarily be proposed to the Sacred Congregation of Indulgences for authentication and approval. It is clear,

moreover, that all Summaries of this kind, if they were certainly authenticated and approved by the Sacred Congregation itself, are to be regarded by all as certainly authentic and do not need another authentication and approval by Bishops, even if perhaps episcopal authentication and approval by itself alone would have been sufficient.

"On Rule 4. In the new Constitution *On the Prohibition and Censure of Books*, Decree XVII reads thus: 'All books, summaries, booklets, sheets, etc., of indulgences in which their grants are contained are not to be published without the permission of the competent authority.' And in Decree XV it is read: 'Images printed in any manner of Our Lord Jesus Christ, the Blessed Virgin Mary, etc., whether they have prayers annexed or are published without them, are not to be published without the permission of ecclesiastical authority.' Hence it is clear that the authenticity of indulgences, whether general or particular, printed in any manner is not established unless the approval of the competent authority is present; for the necessary element prescribed for recognizing and establishing authenticity is lacking.

"It is said, however, that the approval is to be distinctly expressed, that is, with the name of the one approving and with the place and time at which the approval was given.

"The competent authority in general is the Sacred Congregation of Indulgences itself, excepting, however, the following cases, in which the approval of the Ordinary of the place also suffices (Authentic Decrees, no. 383):

"1. If there is question of publishing the grant of some particular indulgence, or of publishing a Summary of indulgences which is to be taken from only one Apostolic Brief or Rescript;

"2. If there is question of a Summary already published by authority of the Sacred Congregation; excepting, however, the list of indulgences called Apostolic (for chaplets, medals, etc.), which requires the approval of the Sacred Congregation wherever and in whatever language it is published; excepting also every translation of the entire Collection of Indulgences called the *Raccolta*. Nevertheless, the individual indulgences contained in it can, as is evident, be published by authority of the Bishop;

"3. If there is question of Summaries of those Confraternities which, by grant of the Holy See, are erected by Religious Institutes or aggregated by Archconfraternities; for then the authentication and approval of the Bishop of that place where Institutes or Archconfraternities of this kind have their principal seat suffices (Authentic Decrees, no. 388).

"In all other cases the authentication and approval of the Sacred Congregation itself is required, especially if there is question of a Summary of indulgences previously collected but never approved, or now to be collected for the first time from diverse grants.

"Finally, it is clear that all Summaries of this kind, if they certainly were already authenticated and approved by the Sacred Congregation itself, are to be regarded by all as certainly authentic and do not need another authentication and approval by Bishops, even if perhaps from what was said episcopal authentication and approval by itself alone would have been sufficient.

"On Rule 5. Indulgences of this kind were always judged by the gravest authors to be foreign to the practice of the Apostolic See. In fact, if they are said to have been granted before the fourteenth century, they cannot stand with the more ancient discipline of the Church (thus Theodore of the Holy Spirit, *On Indulgences*, II, 247); for it is manifestly evident that in the thirteenth and even the

fourteenth century indulgences were still very small (for example, 10, 20, or 40 days; one year; rarely 5 or 7 years; most rarely 20 years). But if they are attributed to later centuries, many authentic Decrees indeed exist by which indulgences of this kind are condemned as apocryphal, but not even one document of such a grant which is certainly authentic has yet been able to be produced. But if some doubt could exist concerning a certain indulgence of this kind, recently, by a Decree of this Sacred Congregation dated 26 May 1898, all indulgences of a thousand or several thousand years were revoked, so that today not even one can be admitted.

"On Rule 6. The Supreme Pontiffs have been accustomed with great liberality to grant a plenary indulgence to the Christian faithful placed at the point of death, under this condition: that, at least contrite of heart, if they were unable to receive the Most Holy Sacraments of Penance and Communion, they devoutly invoke the name of Jesus with the mouth, or at least with the heart, and accept death with an even mind from the hand of the Lord as the wages of sin. But apart from the point of death it was never the custom of the Holy See to grant a plenary indulgence to the faithful reciting only a few words. In fact, in the entire authentic Collection of prayers and pious works which is called the *Raccolta*, not even one example of this kind is found, unless perhaps you except that very well-known prayer 'Behold, O good and most sweet Jesus,' to be recited before an image of the Crucified. But first, that prayer does not consist of so few words, and in it some meditation upon the sorrows and wounds of Jesus Christ Crucified is presupposed; and besides, in order to gain the plenary indulgence, confession and Communion, and also prayers according to the intention of the Supreme Pontiff, are required. Therefore, that which was said in explaining the preceding rule can be repeated here: namely, that no certainly authentic document exists by which a plenary indulgence was ever granted by the Supreme Pontiffs to the Christian faithful reciting only a few words; but many certain Decrees reject such indulgences as either apocryphal or suspect.

"On Rule 7. This rule scarcely needs explanation. For since indulgences ought to be granted only for pious and reasonable causes, the Holy See has never promised trifles or things ridiculous or impossible of this kind in bestowing indulgences. Indeed, lest the minds of the faithful be deceived by fallacious hope and harmful presumption, several Councils opportunely admonished them not rashly to give credence to booklets or writings of this kind (cf. Theodore of the Holy Spirit, II, p. 327). Certainly the catalogues of indulgences proscribed by the Supreme Pontiffs manifestly prove this. It is sufficient from among many to cite a certain prayer which was said to have been found in the sepulcher of Our Lord Jesus Christ and formerly revealed to Saints Elizabeth, Queen of Hungary, Mechtilde, and Bridget; this prayer, together with all its extravagant promises, was already condemned as apocryphal in the year 1678, and now again by a Decree of 26 May 1898 by this Sacred Congregation.

"On Rule 8. Although in past centuries the Supreme Pontiffs also used this formula in granting indulgences, that they promised to the Christian faithful reciting certain prayers (not only a few words, as above in the sixth rule), or performing certain pious works, the liberation of one soul from Purgatory, this must nevertheless commonly be understood in no other sense than that any plenary indulgence offered by the Supreme Pontiffs to the faithful living was declared applicable also to any soul detained in Purgatory, as the style of the Curia now in use has it. It cannot, however, be proved from authentic documents that any one of them ever promised the liberation of several souls at once from Purgatory, much less for the recitation of only one or another prayer.

"Therefore, just as assertions of this kind must be regarded as ill-founded, so also the indulgences annexed to such promises are to be rejected as apocryphal and of no value; all the more because indulgences of this kind are for the most part to be numbered among those unusual and excessive ones of which mention was made in the preceding rule.

"On Rule 9. For a long time now, as is known, the Church has been accustomed to grant partial indulgences in certain stable formulas, such as, for example, 50, 100, 200, or 300 days; or one year; or 3, 5, or 7 years and as many quarantines. But indulgences, for example, of 1,080 days, such as were read as indicated on certain medals of the Blessed Virgin Mary which were sold at Loreto about forty years ago, are altogether foreign to the practice of the Apostolic See; they were therefore declared apocryphal by this Sacred Congregation on 23 February 1856 (Authentic Decrees, no. 370). In these present days, indulgences of a very great number of days are often indicated on sheets because authors or editors converted, by their own judgment, numbers of years and quarantines into corresponding numbers of days; so that when a calculation of this kind was made, immediately a thousand or several thousand days of indulgence resulted. There is no doubt that this proceeds from a certain blameworthy rivalry; for they wish thus to demonstrate before the eyes that the indulgences, for example, of one confraternity or pious work are greater than those which were granted to other similar ones. It is greatly to be desired that Ordinaries of places by no means approve cards or booklets of this kind, even if the calculation should appear to correspond to the truth in every respect."

"It was reported to this Sacred Congregation of Indulgences and Sacred Relics that certain chaplets are being distributed in Rome and also outside it, to which a great abundance of plenary and partial Indulgences is attributed, it being affirmed that for each bead or grain of them, for each *Our Father* and *Hail Mary*, the Indulgences of the Holy Land are annexed.

"A report concerning this having been made to the Holiness of Our Lord Pope Leo XIII by the undersigned Cardinal Prefect in the audience of 6 September 1898, His Holiness ordered it to be declared, for the instruction of the faithful, that the Indulgences of the Holy Land cannot and must not be understood to have been granted for each bead or grain of the aforesaid chaplets for each *Our Father* and *Hail Mary*. But if some number of chaplets was truly blessed with the Indulgences of the Holy Land, it must be understood, as in fact it is, that by this blessing the aforesaid chaplets were simply made equivalent to those which touched the Holy Places, and nothing more. Therefore, the faithful who piously retain them can acquire only the Indulgences described in the *Collection of Prayers and Pious Works for Which the Holy Indulgences Have Been Granted by the Supreme Pontiffs*, published with Pontifical approval, as they are read there under the title *Chaplets and Rosaries of the Holy Land*; it is to be observed, however, that in order to gain any one of the Plenary or partial Indulgences enumerated under the aforesaid title, it is absolutely necessary to fulfill the pious works and conditions respectively prescribed, just as they are expressed in that same Collection.

"We publish these declarations as a norm for the faithful in execution of the express mandate received from Our Most Holy Father and Lord.

"Given at Rome, from the Secretariat of the Sacred Congregation of Indulgences and Sacred Relics, 6 September 1898."

"Decree. *Urbi et Orbi*. - 26 May 1898. - Since this Sacred Congregation of Indulgences and Sacred Relics has been entrusted from its very institution with the duty of watching lest false and apocryphal, or already revoked, Indulgences be rashly published, it has repeatedly been asked whether Indulgences of a thousand or even several thousand years, which are read in certain Summaries and even in Pontifical Constitutions, are to be retained as true, or rather are to be banished among the apocryphal, especially for the reason that they seem immoderate.

"Now, since this Sacred Congregation has generally observed that the grant of the aforesaid Indulgences rests, for the most part, upon no foundation or upon a supposititious one, and has moreover considered that which the Most Holy Council of Trent taught in session 25, chapter XXI, Decree on Indulgences, namely, that moderation is to be employed in granting Indulgences, lest ecclesiastical discipline be weakened by excessive facility, it judged it opportune, as it has been accustomed to do on other occasions, that all Indulgences which reach the number of a thousand or several thousand years, leaving aside whether they are to be numbered among the true or the apocryphal, should be revoked and abrogated; for both the changed circumstances of the times and the discipline now in force in the Church seemed to demand this.

"Therefore, the Most Eminent Fathers placed over this Sacred Congregation, in a general Congregation held at the Vatican on 5 May 1898, after mature consideration of all things, answered by unanimous vote: All Indulgences of a thousand or several thousand years are to be entirely revoked, if it should please His Holiness.

"A report concerning all these matters having then been made to Our Most Holy Lord Pope Leo XIII in the audience held on 26 May 1898 by the undersigned Cardinal Prefect, His Holiness ratified and confirmed the judgment of the Most Eminent Fathers, and commanded it to be declared by a general Decree that all Indulgences of a thousand or several thousand years which hitherto are said to have been, or have in fact been, granted are revoked and are to be regarded by all as revoked. Anything whatsoever to the contrary notwithstanding.

"Given at Rome, from the Secretariat of the same Sacred Congregation, on 26 May 1898."

On Several Indulgences Annexed to the Same Pious Work

"Whether, if indulgences under various titles are annexed to the same pious work which cannot be repeated by the faithful, all can be gained? - Response. Affirmative, provided that the works enjoined truly cannot, or are not customarily, repeated, as confession, unless it is otherwise necessary," namely, in a case of relapse. Sacred Congregation of Indulgences, 14 December 1877; *A. S. S.*, vol. 10, p. 563.

On Several Plenary Indulgences to Be Gained on the Same Day

A person can gain several plenary indulgences on the same day, the conditions, of course, having been fulfilled, whether the indulgences coincide on one day because of a feast or a person has, through his devotion, assigned them to such a day of the week or month. But a person is bound to visit a church or public oratory, when such a visit is required, as many times as there are indulgences to be gained. Nor indeed does it suffice that in one and the same church as many prayers or visits be

repeated as there are indulgences to be gained, unless the person leaves the church after each visit and enters it again. Sacred Congregation of Indulgences, 29 February 1864; *A. S. S.*, vol. 1, p. 116.

On the Donation of Objects Which Have Indulgences Annexed

"Whether crosses, chaplets, rosaries, statues, etc., which before any use have passed from one person, then to another, and even to a third and fourth, lose their indulgences? - Response. Negative." Sacred Congregation of Indulgences, 16 July 1887.

On Confession and Communion on the Eve of Feasts

"Decree *Urbi et Orbi*. - Among the other conditions which must be observed in fulfilling the works enjoined for the acquisition of indulgences is this: that those works be done within the time defined in the grants. But in order that the Christian faithful might more easily be encouraged to gain them, this Sacred Congregation placed over Indulgences and Sacred Relics, with the approval of the Supreme Pontiffs, has repeatedly judged it proper to make provision in this matter, with respect to the prescribed confession and Communion, either through a favorable interpretation or through indults.

"Hence, by a Decree of 19 May 1759, it determined: Confession suffices if it is fulfilled also on the eve of the feast for which the indulgence was granted; and likewise, by a Decree of 12 June 1822, it declared: Communion can be received on the vigil of the feast.

"Although these indults left no room for doubt concerning those indulgences which are granted for feasts properly so called, beginning, namely, from first Vespers until sunset of the feast day itself, so that a member of the faithful is free either to confess on the feast day itself and be refreshed by Holy Communion, nevertheless several doubts arose thereafter whether the same should be said of other indulgences to be gained within the space of one day and beginning from the commencement of the natural day, which, namely, were granted not by reason of an occurring feast but for any other cause; as is accustomed to happen for the Fridays of the month of March, the Sundays preceding the feast of Saint Aloysius, the Forty Hours' Prayer, and any other similar cases.

"Therefore, Our Most Holy Lord Pope Pius IX, in an audience held by the undersigned Cardinal Prefect of the same Sacred Congregation on 6 October 1870, in order to remove every reason for doubt and to render the fulfillment of confession and Communion more convenient, graciously commanded that it be declared and decreed, as by this Decree it is declared and decreed: that either confession alone, or confession and Communion, can be performed on the day immediately preceding that for which any indulgence has been granted, not only by reason of an occurring feast according to the Decrees cited, but also for any other cause whatsoever, whether of devotion, of a pious exercise, or of a solemnity, as would be the case for the aforementioned and other days of this kind, for which an indulgence with the condition of confession and Communion has already been granted or shall hereafter be granted, although the time for acquiring it is to be reckoned from the beginning of the natural day and not from first Vespers; nevertheless, in fulfilling the other works enjoined, the general rule concerning the manner and time prescribed in the grants is to be observed.

"And His Holiness willed that nothing be considered changed with respect to the Decree of 9 December 1763 in favor of the Christian faithful who have the praiseworthy custom of confessing at

least once a week, with the privileges, conditions, and restrictions there enumerated. Anything whatsoever to the contrary notwithstanding." Sacred Congregation of Indulgences, 6 October 1870.

On Weekly Confession for Gaining Indulgences by Those Who Are Accustomed to Confess Once a Week

"Since the Sacred Congregation of Indulgences on 31 March 1759 had been of the opinion that sacramental confession, when it is imposed in Briefs for obtaining an indulgence, must altogether be made even by those who are not conscious of mortal sin, and likewise that the aforesaid confession can also suffice if it is fulfilled on the eve of the feast, ... very many petitions from communities of regulars, and especially of nuns, and also from parish priests and certain bishops for their dioceses, were presented, in which the very great difficulty that sometimes, indeed very often, occurs in making sacramental confession either on the feast or at least on its vigil was set forth. Therefore, in order that so profitable a treasury of indulgences might be rendered conveniently attainable by the faithful, they earnestly petitioned that it might be deemed worthy to provide some opportune remedy from Apostolic benignity. These petitions having been referred to the aforesaid Sacred Congregation, the following doubt was proposed in it: Whether and how counsel should be given to His Holiness concerning the execution or declaration of the aforesaid Decree in the case? And the response was: Counsel should be given to Our Most Holy Lord that He deign to grant an indult to all the Christian faithful who, striving to cleanse their souls by frequent confession of sins, are accustomed to approach the Sacrament of Penance at least once a week, unless they are legitimately impeded, and are conscious of no mortal fault committed by them since the aforesaid last confession, so that they may obtain all and every indulgence even without an actual confession, which otherwise, according to the determination of the aforesaid Decree, would be necessary for gaining them. Nevertheless, nothing is to be changed concerning indulgences of a Jubilee, whether ordinary or extraordinary, and others granted after the manner of a Jubilee, for the attainment of which, just as the other works enjoined, so also sacramental confession is performed within the time prescribed in their grant. - His Holiness, greatly desiring to satisfy the pious desires and wishes of the good, and to bestow the graces of indulgences especially upon those who, by living piously and holily, render themselves more worthy of the gifts of divine mercy, graciously assented and commanded the aforesaid indult to be issued in the form subscribed." Sacred Congregation of Indulgences, 9 December 1763.

"Whether the aforesaid privilege also avails those who are not accustomed to confess at least once a week, but more rarely, yet have confessed within the week before the feast to which an indulgence is annexed? - Response. Negative." Sacred Congregation of Indulgences, 12 March 1855.

On Confession Made Within the Week for Gaining Indulgences in Places Where There Is a Scarcity of Confessors

"The Decree of 9 December 1763 remaining in force for those faithful who approach confession at least once a week, as regards the other faithful, however, in places in which, because of a scarcity of confessors, the faithful cannot frequently be cleansed by sacramental confession, let the said Decree be communicated to the petitioners, and, after the matter has been discussed with His Holiness, let it be extended to all the Christian faithful of either sex, so that a confession made within the week before the feast can suffice for gaining the indulgence, the other conditions enjoined having been fulfilled, and provided that they are conscious of no mortal fault committed after the confession was

made; nothing being changed concerning indulgences granted in the form of a Jubilee, as in the cited Decree of 9 December 1763. - His Holiness graciously approved the judgment of the Sacred Congregation and commanded it to be published." Sacred Congregation of Indulgences, 12 June 1822.

Interpretation of the Indult Concerning Weekly and Fortnightly Confession for Gaining Indulgences

"1. By a Decree of the Sacred Congregation of Indulgences, given on 12 June 1822, it is granted that sacramental confession made within the week before a feast can suffice for gaining an indulgence. It is asked: 1. Whether the words *within the week* signify only the eight days which immediately precede the feast, or rather that whole and complete week which runs before the feast, so that, for example, a confession made on Sunday suffices for gaining an indulgence on the Saturday of the following week, upon which day the feast would fall, although thirteen days would then have intervened between the confession and the feast? 2. Whether a confession made on the eighth day before the feast, by virtue of this indult, suffices only for gaining one indulgence, or whether through this confession other indulgences also can be gained which occur within the aforesaid time and for the gaining of which sacramental confession would otherwise be required?

"2. Whether, when confession is prescribed as a condition *sine qua non* in the Bull or Brief by which an indulgence is granted, it is necessary that sacramental absolution be given to the penitents in order to gain the indulgence?

"Response. To 1. As regards the first part of the first question: Affirmative; as regards the second part: Negative. As regards the first part of the second question: Negative; affirmative as regards the second part. - To 2. Negative." Sacred Congregation of Indulgences, 15 December 1841.

"Decree. - Lotharius Kubel, Bishop of Leuce and Vicar Capitular of the Archdiocese of Freiburg, on 14 January 1877, had petitioned this Sacred Congregation placed over Indulgences and Sacred Relics that there, because of a scarcity of priests, a confession made twice a month, with the requisite conditions observed, might suffice for gaining the indulgences occurring within the aforesaid time, just as other dioceses also rejoice in such a grant by Apostolic indult. The favor was granted, but in the manner and form customary, namely, by answering: 'His Holiness, complying with the prayers, graciously assented to the requested indult, so that priests and the other faithful of the Archdiocese of Freiburg who are accustomed to make sacramental confession within one or two weeks of each month can gain, without sacramental confession, each and every plenary indulgence granted during that interval of time, provided that, etc.' But the aforesaid Bishop, doubting whether seven days or eight were to be understood under the word *week*, and whether the words *within two weeks* should be understood so that two confessions within the month suffice, or rather so that confession must be made in every course of fourteen days, approached the Sacred Congregation as a petitioner, asking that it deign to resolve these doubts.

"1. Whether the prescribed confession must be made in each week within seven days, or rather within eight days?

"2. Whether the words *within two weeks* are to be interpreted strictly, so that confession must be made within fourteen days, or rather whether two confessions in a month suffice?

"Response. To 1. Affirmative to the first part, that is, the prescribed confession must be made in every running period of seven days. Negative to the second part.

"To 2. Affirmative to the first part, that is, the prescribed confession must be made in every running period of fourteen days. Negative to the second part.

"And a report concerning all these matters having been made to Our Most Holy Lord Pope Leo XIII, His Holiness graciously approved the resolution of the Sacred Congregation." Sacred Congregation of Indulgences, 15 November 1878.

"For a fuller declaration of this matter, it is now asked:

"1. Whether a member of the Christian faithful who is accustomed to make confession each week and on a fixed day, for example, Saturday, satisfies the obligation of the prescribed confession?

"2. Whether a member of the Christian faithful who, in those places for which the indult is in force, is accustomed to make confession every other week and on a fixed day, for example, Saturday, satisfies the obligation of the prescribed confession?

"Response. To 1. Affirmative. - To 2. Affirmative." Sacred Congregation of Indulgences, 25 February 1886.

On Communion

"1. Whether the Christian faithful who, according to the canon *Omnes utriusque sexus*, receive the Sacrament of the Eucharist during Paschal time can, through this Holy Communion, gain a plenary indulgence for the gaining of which Holy Communion is prescribed among the other conditions.

"2. Whether a priest celebrating Mass in honor of the Blessed Virgin Mary for an alms received can, through the Holy Communion received in the Sacrifice of the Mass, gain an indulgence to be applied either to himself or to the departed, if Holy Communion is prescribed for gaining it.

"Response. To 1. Affirmative, provided that the indulgence to be gained is not in the form of a Jubilee, for which alone a special confession and Communion are required; for this was sufficiently declared by Our Most Holy Lord Pope Gregory XVI through a Decree of this Sacred Congregation in a case from Munster, on 19 March 1841. To 2. Affirmative." Sacred Congregation of Indulgences, 10 May 1844.

"It has been established by custom that the Most Holy Sacrament of the Eucharist is solemnly carried by pastors of souls to the habitually infirm and chronically ill faithful, who because of some permanent physical impediment are unable to leave their homes, only on certain principal feasts during the year; and therefore faithful of this kind are deprived of as many plenary indulgences as they would obtain if, after fulfilling the conditions enjoined, they could approach the Holy Eucharistic table more frequently. Therefore, very many pastors of souls and a great many other ecclesiastical men presented most humble petitions to Our Most Holy Lord Pope Pius IX that He might deign, from Apostolic benignity, to make provision concerning this. A faithful report concerning all these matters having been made to the same His Holiness by me, the undersigned Substitute of the Secretariat of the Sacred Congregation of Indulgences, in the audience held on 18 September 1862, His Holiness, providing for the spiritual welfare of the flock entrusted to Him, mercifully granted that the aforesaid Christian faithful, excepting, however, those who live in community, may acquire each

and every plenary indulgence already granted or to be granted hereafter which they could otherwise acquire in the places where they live if they were not in that physical condition, and for the acquisition of which Holy Communion and the visitation of some church or public oratory in those places is prescribed, provided that, being truly penitent and having confessed, and having fulfilled all the other conditions, if any were enjoined, they faithfully perform, in place of Holy Communion and the visitation, other pious works to be enjoined by the respective confessor." Sacred Congregation of Indulgences, 18 September 1862.

"His Holiness assented that the sick or those worn out by old age who live in community and under a rule, and who cannot visit churches or oratories or perform other things prescribed for indulgences, can nevertheless gain the indulgences by fulfilling other pious works to be prescribed according to the judgment of the confessor." Leo XIII, 16 January 1886; *A. S. S.*, vol. 18, p. 462.

On the Prayers Enjoined

"1. Whether several plenary indulgences can be gained on the same day when the reception of the divine Eucharist is prescribed for each one?

"2. Whether prayers already obligatory, for example, the canonical Hours, can satisfy for prayers prescribed by the Supreme Pontiff for gaining a plenary indulgence?

"3. Whether five *Our Fathers* and *Hail Marys*, which are customarily recited, suffice to fulfill the intention of the Supreme Pontiff when it is prescribed that a church or altar be visited and prayers be poured forth there, as, for example, is prescribed for gaining the plenary indulgence granted to associates in the Work of the Propagation of the Faith?

"4. Within which hours of that day or of the preceding day must the prayers prescribed by the Supreme Pontiff for gaining a plenary indulgence be recited?

"Response. To 1. Affirmative, provided, however, that the other conditions respectively imposed are observed. - To 2. Negative. - To 3. The prayers required in grants of indulgences for fulfilling the intention of the Supreme Pontiff are left to the choice of each member of the faithful, unless they are particularly designated. - To 4. Within the same time designated for the acquisition of the indulgences." Sacred Congregation of Indulgences, 29 May 1841, case from Saint-Brieuc.

"When prayer for a determined end, for example, for the extirpation of heresies, etc., is prescribed for gaining indulgences, is an explicit intention, expressed on each occasion, required?

"Response. Negative." Sacred Congregation of Indulgences, 22 February 1847.

"Our Most Holy Lord Pope Pius IX graciously declared that indulgences annexed to prayers are valid in whatever language they are recited, provided that the translations are faithful. But although fidelity of the translation is required for gaining the indulgence, nevertheless, in order that the fidelity of the translation may be established, the declaration of the Sacred Congregation of Indulgences through the Most Eminent Prefect, or of one of the Ordinaries of the place where the language into which the prayer is translated is vernacular, suffices; an indulgence having been originally granted to the recitation of that prayer." Sacred Congregation of Indulgences, 29 December 1864.

"1. When, for gaining indulgences, whether plenary or partial, it is prescribed to pray according to the mind or intention of the Supreme Pontiff, does it suffice, as some teach, to pray mentally? And,

insofar as the response is negative: 2. Is the opinion teaching that the most devout recitation even of one *Our Father* and *Hail Mary* with the *Glory Be to the Father* suffices to fulfill the condition of praying for the intention of the Supreme Pontiff to be rejected; or rather is the opinion of those who require the recitation of five *Our Fathers* and *Hail Marys*, or equivalent prayers, to be admitted?

"Response. To 1. It is indeed praiseworthy to pray mentally; nevertheless, some vocal prayer must always be joined to mental prayer. - To 2. Let the Decree in a case from Saint-Brieuc, under date of 29 May 1841, at doubt 3, be given." Sacred Congregation of Indulgences, 13 September 1881. Compare the beginning of this number above.

"Whether and how deaf-mutes can make up for the inability by which they are hindered from reciting prayers enjoined for acquiring indulgences?

"Response. His Holiness is to be petitioned for a general Decree to be published by this Sacred Congregation and confirmed by Apostolic authority, by force of which it is to be established: 1. That if among the works prescribed for gaining an indulgence is the visitation of some church, deaf-mutes are bound devoutly to visit that church, although they only raise their mind to God and have pious affections. - 2. That if public prayers are among the works, deaf-mutes can gain the indulgences annexed to them by being bodily joined to the other faithful praying in the same place, but likewise with the mind alone raised to God and with pious affections of heart. - 3. That if, finally, there is question of private prayers, the respective confessors of the mute and deaf can commute those prayers into other pious works manifested in some manner, as they shall have judged expedient in the Lord. - His Holiness not only approved the aforesaid judgment, but also commanded that a favor and grant of this kind, most lovingly bestowed, be published by a general Decree." Sacred Congregation of Indulgences, 15 March 1852.

"Although this Sacred Congregation placed over Indulgences and Sacred Relics, in order to supply for the inability by which deaf-mutes are hindered from reciting prayers enjoined for gaining indulgences, has already made provision through the General Decree of 16 February 1852, in which it decreed: 'That if there is question of private prayers, the respective confessors of the mute and deaf can commute those prayers into other pious works manifested in some manner, as they shall have judged expedient in the Lord'; nevertheless, the Bishop of Chambery, considering in his mind that deaf-mutes are now instructed by a more perfect method so that they may attain Indulgences more easily and with more abundant spiritual fruit, presented the following doubt to this Sacred Congregation for resolution:

"Whether it is expedient that deaf-mutes, without having recourse to their respective confessor in individual cases, be granted by a general Decree the favor of acquiring Indulgences by pouring forth the enjoined prayers in signs or mentally, or only by reading them without any pronunciation?

"Response. Affirmative; and His Holiness is to be petitioned for the favor, the general Decree of 16 February 1852 remaining in force.

"His Holiness approved the judgment of the Most Eminent Fathers and mercifully granted the requested favor." Sacred Congregation of Indulgences, 15 July 1902.

On the Visitation of a Church

"1. Petitions: 1. That the condition of visiting a church, often prescribed generically for gaining indulgences, may be fulfilled by persons of either sex living in community and under a rule by visiting the domestic oratory.

"2. That the sick or those worn out by old age who live in community and under a rule, and who cannot visit churches or oratories or perform other things prescribed for indulgences, may nevertheless gain the indulgences by fulfilling other pious works to be designated according to the judgment of the confessor.

"3. That in a case in which some moral impediment, to be judged according to the decision of a prudent confessor, exists against visiting some church (for example, a church of regulars or a parish church) which by law would have to be visited in order to gain some indulgence, this visitation of the designated church may, according to the judgment of the confessor, be commuted into another pious work, for example, the visitation of another church.

"Response. To 1. Not expedient. - To 2. Affirmative. - To 3. Negative." Sacred Congregation of Indulgences, 16 January 1886. Cf. no. 1361, On Communion.

"Among the pious works which are customarily prescribed for gaining indulgences, the visitation of some church or even public chapel is especially to be numbered. Now, Pope Clement XIII, of happy memory, greatly desiring to provide for the spiritual good of the brothers and sisters of confraternities, sodalities, or congregations existing everywhere and erected by authority of the Ordinaries, had graciously granted, on 2 August 1760, that the brothers and sisters of those same associations who suffered from some bodily infirmity or were detained in prisons could enjoy each and every one of the same indulgences which the other brothers and sisters could enjoy, yet in such a way that, the visitation of the church being omitted, they faithfully and devoutly performed the other pious works enjoined which they could perform according to their strength; which favor the same Supreme Pontiff had commanded to be granted at the prayers of each confraternity, sodality, or congregation. But when, on 8 May 1874, the Most Eminent Fathers placed over the safeguarding of Indulgences and Sacred Relics, in a general Congregation held at the Vatican, after the doubt had been proposed: Whether recourse to the Apostolic See would still be required by each confraternity, sodality, or congregation so that their brothers and sisters might enjoy the Clementine Indult, adopted the affirmative judgment and at the same time judged that His Holiness should be petitioned that by a general Decree the aforesaid indult might be granted to the brothers and sisters of all confraternities, sodalities, or congregations without their special recourse, Pope Pius IX, on 25 February 1877, graciously granted the requested favor, but without any special mention being made of publishing a general Decree concerning it, as had been requested by this Sacred Congregation. From this, some judged that it would by no means be necessary for the individual confraternities, sodalities, or congregations to petition for this indult for themselves; but others, by no means acquiescing in this judgment, again proposed the doubt: Whether that grant (of the Clementine Indult) now actually avails for all confraternities, sodalities, or congregations without the special recourse to the Holy See which was formerly required. To this doubt the Most Eminent Fathers, in a general Congregation held at the Vatican Palace on 25 June of the current year, answered, in order to remove every reason for doubt: Affirmative, and His Holiness is to be petitioned for the promulgation of the Decree according to the resolution of the Sacred Congregation of 25 February 1877. Therefore,

a report concerning all these matters having been made to Our Most Holy Lord Leo XIII on 16 July 1887, the same His Holiness graciously commanded it to be declared and decreed, as by the present Decree it is declared and decreed, that the aforementioned Clementine Indult is extended to all confraternities, sodalities, and congregations, without any confraternity, sodality, or congregation hereafter having need of special recourse to the Holy See in order to enjoy the aforesaid Indult. Anything whatsoever to the contrary notwithstanding." Sacred Congregation of Indulgences, 20 August 1887.

On the Time of Indulgences

"Whether, unless something else is expressly contained in the Indults, the indulgences to be gained begin at midnight or rather at first Vespers? - Response. 'From midnight to midnight.'" Sacred Congregation of Indulgences, 14 December 1877.

"On 12 January 1878 it was resolved by the Sacred Congregation of Indulgences that, unless something else is expressly contained in the Indults, the indulgences to be gained begin not at first Vespers but from midnight to midnight. Now, it is asked whether this is to be understood so strictly that even those indulgences to be gained on feasts do not begin except from midnight to midnight, if the clause *from first Vespers* is not added in their grants? - Response. The terms of the grant are to be observed." Sacred Congregation of Rites, 16 July 1887.

On the Jubilee

On the Rules Handed Down by Benedict XIV

"Whether in both an ordinary and an extraordinary Jubilee all the rules handed down by the Holy Father Benedict XIV, to which the Bull of the Jubilee is not opposed, are to be observed? - Response. Affirmative." Sacred Congregation of Indulgences, 6 February 1852. This general Decree was confirmed by Pius IX on 15 March of the same year. Cf. Benedict XIV, Constitutions *Cum Nos nuper*, *Convocatis*, *Inter praeteritos*, and *Celebrationem*.

On the Suspension of Faculties

"It pleases the Holy See that the indulgences, faculties, and indults granted by the Bull of the Crusade remain in force also in this Jubilee year; and let the Most Eminent Archbishop take care that this favor come to the knowledge of those whom it concerns, by sending letters to the Commissioners of the Crusade in Sicily and to the Archbishop of the Diocese of Naples for the Commissioners of Southern Italy." Sacred Penitentiary, 19 January 1900.

"The Bull of Pius IV, *Divina disponente clementia*, of 17 July 1561 remaining in force, the Indulgences of the Holy Land granted therein remain valid and in force also in this Jubilee year. - By special and express Apostolic authority, the Sacred Penitentiary graciously grants that the faculties granted by the Sacred Penitentiary to Confessors remain valid and in force this year in favor of all pilgrims in the Holy Places." Sacred Congregation for the Propagation of the Faith, 2 April 1900.

"Whether the suspension of faculties made by the Bull *Quod Pontificum* on 30 September 1899, by reason of the Jubilee, comprehends, with no exception made, the faculties in the printed folio customarily granted by the Sacred Penitentiary to Ordinaries and confessors for the internal forum? - Response. This suspension does not extend to those penitents who, at the time of confession, in the judgment of the Ordinary or confessor, cannot here and now approach the City without grave inconvenience." Sacred Penitentiary, 21 December 1899.

"The Sacred Penitentiary, after mature consideration of the matters set forth, declares that, by the Bull *Quod Pontificum*, all the faculties which Bishops and Ordinaries have, whether from the common ecclesiastical law, especially that of the Council of Trent, or from a special Indult perhaps granted by the Apostolic See in some particular case for determined persons expressly designated by name, remain valid and in force for both forums and for any cases whatsoever, both occult and public.

"But all the other faculties, whether temporary or perpetual, granted in whatever manner, whether by the Sacred Penitentiary, by some Sacred Congregation, or even immediately by the Supreme Pontiff Himself, cease entirely if they are for the internal forum; if they are for the external forum (of which kind the faculty of dispensing in mixed marriages is to be considered), they remain.

"But in order to make provision for those who are legitimately impeded from approaching Rome, provision was made by the declaration of this Sacred Penitentiary given on 21 December 1899." Sacred Penitentiary, 19 January 1900; *M. E.*, vol. 11, p. 495.

On the Place and Time of the Works Enjoined

"Those who, for any cause whatsoever, fulfill or complete the prescribed conditions partly in one diocese and partly in another can gain the Jubilee, if they observe the ordinances of the Ordinaries of the places." Sacred Penitentiary, 15 January 1886; 1875.

"When in the Apostolic Letters by which the Jubilee of this year is proclaimed two fasts are prescribed, nothing is expressly determined as to whether they must be performed in one and the same week. It is therefore asked: Must these two fasts be performed on two days of one and the same week? - Response. Negative." Sacred Penitentiary, 11 March 1886.

On Travelers

"The indult (Bull *Gravibus Ecclesiae*, 24 December 1874) for those sailing and making a journey who are prevented from performing, during the course of the Jubilee year, the works enjoined for gaining the Jubilee is extended even beyond the year." Sacred Penitentiary, 1875.

The same Sacred Penitentiary, on 30 January 1886, responding to questions concerning the extension of the Jubilee of that same year for travelers, said: "In the present Jubilee nothing concerning an extension is to be proposed."

On Confession and Communion

Can one Confession and Communion, generally speaking, satisfy the precept of annual confession and Paschal Communion and at the same time acquire the Jubilee? - Response. Negative. Sacred Penitentiary, 25 January 1875; 27 February 1879; 25 March 1881; 15 January 1886.

"In the *Admonitions Extracted from the Constitutions of Benedict XIV*, at no. XIV, it is read: If anyone, after making Confession, should fall into mortal sin (which may God avert) before he has fulfilled all the works enjoined for gaining the Jubilee, he will have to make Confession again before he fulfills at least the last of those enjoined works, in order that he may obtain the Indulgence annexed to the Jubilee. It is asked: In this case, does Holy Communion suffice for the final work? - Response. Affirmative." Sacred Penitentiary, 20 February 1900.

On Visits to Churches

"Whether public oratories can be numbered among the churches to be visited? - Response. Affirmative, provided that the oratories themselves are devoted to public worship and Mass is customarily celebrated in them." Sacred Penitentiary, 1875; 1879; 25 March 1881; 15 January 1886.

"Whether, in order to distinguish the visits numerically, it is necessary and sufficient that the faithful leave and again enter the same designated church? - Response. Affirmative." Sacred Penitentiary, 1875.

"Insofar as four visits in a day must be performed in the same church, it is asked whether, in order to distinguish visits of this kind from one another, it is necessary to leave the church after each one, or whether it suffices, while remaining in the same church, to pass from one place to another, or even merely to rise, as is commonly done for the Stations of the Holy Way of the Cross? - Response. It is necessary to leave the church." Sacred Penitentiary, 25 January 1875.

"Concerning the following doubt regarding the visitation of the Sacred Basilicas, which is prescribed as a necessary condition for gaining the Jubilee indulgence, it is asked: Whether, when the visitation of the four Basilicas has been completed on the same natural day, a new visitation of the four Basilicas can begin immediately when a new ecclesiastical day begins, by entering again the Basilica visited last? - Response. Affirmative." Sacred Penitentiary, 31 January 1900.

"In the *Admonitions Extracted from the Constitutions of Benedict XIV*, no. XXIV, it is read: 'The visitation of the four Basilicas must be made in one day, namely, either from one midnight to the next, or from the Vespers of the preceding day until the evening twilight of the following day.'

"It is asked for the safe practice of the faithful: Whether one who, for example, after the fourteenth hour of the civil day, has completed the visitation of the four Basilicas, whether he followed the reckoning of the natural or the ecclesiastical day, can again enter the last Basilica and there immediately repeat a new visit, with the intention of completing the remaining visits on the following day?

"Response. Abstracting from the determination of the time at which Vespers begin, concerning which he should consult approved Authors, as regards the rest, affirmative." Sacred Penitentiary, 20 February 1900.

Visits to churches can precede or follow confession and Communion. Sacred Congregation of Bishops and Regulars, 27 August 1776. Cf. Bizzarri, ed. 1885, p. 392. But generally, with respect to indulgences, although it may be said in the Indult: "those who, having confessed and been refreshed by Holy Communion, shall visit a church on this or that day," etc., nevertheless the visit "can be fulfilled either before or after the fulfillment of the other pious works." Sacred Congregation of Indulgences, 19 May 1759.

"Whether religious can gain the Jubilee by performing in their own church the visits prescribed for this purpose? - Response. Negative." Sacred Penitentiary, 1875.

"Whether abbots and regular prelates, since they have quasi-episcopal jurisdiction over subjects within the enclosure of their respective monastery, can designate the church or oratory of their own monastery to be visited by their subjects for gaining the Jubilee indulgence? - Response. Negative." Sacred Penitentiary, 15 December 1886.

"Whether the visits which he [the Ordinary] performs together with the chapter and seminary, in garments that are not choral but black, chanting in a subdued voice, can be considered as processions to the four churches designated for gaining the Jubilee; and consequently whether it is at his [the same Ordinary's] discretion to diminish the number of visits, just as it is within his faculty to diminish those which are made processionally? - Response. Insofar as processions cannot be made in the customary manner, affirmative." Sacred Penitentiary, 1875; 30 January 1886.

"The faithful who in processions remain outside the doors of the church or oratory because of its narrowness, and pray with the others, form one body morally and consequently satisfy the visitation for gaining the Jubilee." Sacred Penitentiary, 1875.

On the Fast Prescribed by Strict Law

"The fast prescribed for obtaining the Jubilee cannot be fulfilled on days reserved by strict law for fasting, nor on the Ember Days during the year, and not unless fasting foods are employed, the use of any indult or privilege whatsoever, even of the Bull of the Crusade, being forbidden with respect to the quality of foods. But in those places where it is difficult to use fasting foods, the Ordinaries can grant that eggs and milk products may be used, the form of the ecclesiastical fast being observed in other respects." Sacred Penitentiary, 15 January 1886; 26 February 1879; 25 March 1881.

"Whether in the fast required for the Jubilee the use of eggs and milk products is lawful at least in those regions in which, by custom or dispensation, it is permitted in fasts enjoined by a precept of the Church? ... - Response. ... Let the declaration of the same Sacred Penitentiary which is transmitted herewith stand. ... Let fasting foods be employed, the use of any indult or privilege whatsoever, even of the Bull of the Crusade, being forbidden with respect to the quality of foods. ..." Sacred Penitentiary, 4 March 1879.

Fasting foods exclude meats, eggs, and milk products. From the cited Responses and another Response of the same Sacred Penitentiary, 2 April 1881.

On Alms

"The quantity [of alms] ought so far to correspond to the means of individuals, insofar as that which suffices for the poor does not suffice for the rich." Sacred Penitentiary, 30 January 1886.

On the Commutation of the Works Enjoined

"When a just cause arises for commuting the enjoined works prescribed in the Bull of the present Jubilee (8 December 1864), can such a commutation be made outside the act of sacramental confession? - Response. From the declaration made by Our Most Holy Lord Pope Pius IX, affirmative." Sacred Penitentiary, 16 March 1865.

"The petitioner supplicates that the confessor may be able to commute them [the works enjoined] and to dispense from Communion with children not yet capable of Communion, even outside the act of sacramental confession. - Response. Not expedient." Sacred Penitentiary, 30 January 1886.

"The petitioner supplicates that the confessor may be able to commute the works enjoined for the Jubilee, or some of them, not only once but several times, for one who wishes to gain the Jubilee several times. - Response. Confessors do not lack this faculty." Sacred Penitentiary, 30 January 1886.

"Whether, in favor of those who intend to repeat the Holy Jubilee, the works enjoined by the Most Holy Father can be commuted, just as for just and reasonable motives they can be commuted the first time that someone gains the Jubilee? - Response. Affirmative." Sacred Penitentiary, 18 March 1886.

"Whether confessors delegated by the Bishop [outside Rome] by force of the Bull *Aeterni pastoris* can use, outside confession, the faculties of commuting the visits to the Basilicas [for those impeded from coming to Rome]? - Response. Affirmative, but toward their own penitents." Sacred Penitentiary, 10 May 1900.

On Acquiring the Jubilee Several Times

"Whether one who has already gained the Jubilee indulgence the first time can gain it again if he repeats the works enjoined? - Response. Affirmative." Sacred Penitentiary, 1 June 1869; 26 February 1879; 25 March 1881; 15 January 1886. Nevertheless, the same Sacred Penitentiary on 25 January 1875 declared: "By force of the present Jubilee ... the indulgence of the Jubilee itself can be acquired only once." In the Encyclical Letter of Pius IX *Gravibus Ecclesiae* of 24 December 1874, by which a great Jubilee was proclaimed, these words are contained: "let them obtain ... the most plenary indulgence ... once."

"Once, that is, only the first time [the Jubilee can be acquired] with respect to the other favors [annexed to the same Jubilee], namely, absolutions from censures and from reserved cases, commutations, or dispensations." Sacred Penitentiary, 15 January 1886; 1 June 1869; 25 January 1875; 26 February 1879; 25 March 1881.

"Whether confessors can absolve a penitent who, having already been absolved from reserved cases and from censures, has fallen into them again before he has fulfilled the works prescribed for acquiring the Jubilee? - Response. By virtue of the Jubilee one can be absolved from reserved cases and from censures only once, or, negative." Sacred Penitentiary, 1885. Cf. Lehmkuhl, *Theologia Moralis*, ed. 1884, no. 555.

On Absolution from Reserved Cases

"1. Whether a person can be absolved by his confessor on the ground that he had never been entangled in any reserved case in his previous confessions and therefore had never used this Jubilee privilege? - 2. If affirmative, whether he must again perform the works which are enjoined for obtaining the Jubilee? - 3. Whether the solution which Your Eminence shall deign to render is to be regarded as a general rule to be observed also in other Jubilees? - Response. To 1 and 2. Affirmative. To 3. The Apostolic Letters are to be observed." Sacred Penitentiary, 1873.

On the Use of the Extraordinary Faculties of the Jubilee

"Whether confessors can use the extraordinary faculties toward one who indeed asks to be absolved and dispensed, but does not have the will to perform the works enjoined and to gain the Jubilee? - Response. Negative." Sacred Penitentiary, 1 June 1869; 15 January 1886.

On the Choice of a Confessor

"With respect to the choice of a confessor, must he be approved by the Ordinary of the place or by the Ordinary of the order [with respect to regulars]? - Response. According to the Apostolic Letter *Gravibus Ecclesiae*, in order to gain the Jubilee, regulars can choose for themselves any confessor who is nevertheless approved by the Ordinaries of the places for hearing the confessions of secular persons." Sacred Penitentiary, 1875.

"Since the Bull proclaiming the Jubilee grants that a confessor be chosen from those actually approved and does not add *by the Ordinaries of the places*, can a regular choose a regular priest approved only by the regular superior and not by the Ordinary of the place, and receive from him the

application of the privileges or faculties of the Jubilee? - Response. Affirmative." Sacred Penitentiary, 30 January 1886.

On Absolution from Heresy

"Whether, as concerns the faculties of absolving, there are other limitations besides those which were made in the Brief beginning *Arcano*, and whether one can be absolved from heresy manifested externally and the obligation of denouncing heretics and their supporters ceases? - Response. ... One can indeed be absolved from heresy, but heretics, their supporters, and others are to be denounced according to law." Sacred Penitentiary, 16 March 1865.

"Whether the faculty of absolving penitents from heresy is contained among the faculties granted for the Jubilee? - Response. Affirmative, the errors having first been abjured and retracted, according to law." Sacred Penitentiary, 1 June 1869. "The abjuration can be secret before the confessor himself." Sacred Penitentiary, 20 February 1900; *M. E.*, vol. 12, p. 13.

"The same His Holiness moreover grants that, during the Jubilee, the faithful rightly disposed can be absolved even from the crime of heresy, the obligation, however, of abjuring the errors or the heresy, repairing scandals, etc., according to law, remaining in force." Sacred Penitentiary, 25 January 1875; *A. S. S.*, vol. 4, p. 617.

On Absolution from the Guilt of Invading the Temporal Dominion of the Supreme Pontiff and Ecclesiastical Goods

Can those guilty of rebellion against the pontifical civil government and those who have unlawfully acquired ecclesiastical goods in Italy be absolved by virtue of the Jubilee? - Response. Affirmative, under the conditions expressed in the Letters of the Sacred Penitentiary of 2 June 1869. Sacred Penitentiary, same day and year; 25 January 1875; 26 February 1879; 25 March 1881.

On the Commutation of Vows

"In other Jubilees the faculty of commuting vows by dispensing is customarily granted; but in the present Jubilee only the faculty of commuting them is granted. Can it be understood that in this case also the faculty of commuting vows by dispensing has been granted? - Response. Negative." Sacred Penitentiary, 1875.

Repeated Use of the Faculties

"Whether, during the time of the present Jubilee, confessors may use several times the extraordinary faculties granted to them toward the same penitent who has not yet fulfilled all the works enjoined for gaining the Jubilee indulgence? - Response. Affirmative." Sacred Penitentiary, 25 January 1901.

On the Privileged Altar

"The privilege is not granted to the consecrated altar stone, so that any fixed altar upon which a portable stone is placed would become privileged; but it is given to a determined altar specially dedicated in honor of some Saint, so that the privilege itself inheres exclusively in the fixed altar." Sacred Congregation of Indulgences, 27 September 1843, case from Liege.

"1. Can a simply consecrated stone, which they call a portable or traveling Altar, enjoy the privilege? - 2. Is it necessary that the Altar be fixed in the strict liturgical sense [namely, made entirely of stone, whose mensa consists of only one stone immediately joined to the supports and consecrated], in order that it can be adorned with the privilege? 3. Does it suffice that it be even of wood, by no means fixed to the wall, with a stone consecrated in the middle of the mensa and specially dedicated to some Saint? - Response. To 1. Negative. - To 2. Negative. - To 3. Affirmative." Sacred Congregation of Indulgences, 15 July 1902.

For gaining the indulgence of a privileged altar, the application of the Mass is necessary, which must be a Requiem Mass when it is permitted by the rubric. Sacred Congregation of Rites, 22 July 1848, case from Belley.

"Whether a Mass celebrated at a privileged altar is privileged of itself, or whether it is necessary that either the one offering the alms or the priest intend the application of the privilege? - Response. Affirmative to the first part; negative to the second." Sacred Congregation of Indulgences, 12 March 1855, case from Verona.

"Whether the Indulgence of a privileged altar can be gained for the soul of one departed person if the respective Mass is offered not only for the departed person but at the same time also for the living? - Response. Negative; and let the Decree in a case from Squillace, given on 25 August 1897 at doubt 2, be given." Sacred Congregation of Indulgences, 23 January 1901.

"1. Can the indulgence of a privileged altar be separated from the application or fruit of the Sacrifice when the Sacrifice is to be celebrated for the departed?

"2. Can the same indulgence of a privileged altar be separated when the Sacrifice is celebrated for the living, so that the aforesaid indulgence can be applied for the departed according to the choice of the celebrant?

"3. How is the inscription which is found on some altars, of this tenor, to be understood: *Privileged altar for the living and the departed?*

"Response. To 1 and 2. Negative. - To 3. It is to be interpreted in such a way that even for the living, if the Sacrifice of the Mass is applied for the living at the altar in question, a plenary indulgence is understood to have been granted: for the living after the manner of jurisdiction; for the departed after the manner of suffrage." Sacred Congregation of Indulgences, 5 August 1897; *M. E.*, vol. 12, p. 532 ff.

"Whether the privilege of an altar, whether properly so called or personal, can be applied to the souls of several departed persons in a Mass of any day [the requisite conditions being observed], just as it was expressly, but specially, declared by the Sacred Congregation on 19 May 1761 for a Mass on the day of the Commemoration of All the Faithful Departed, 2 November? - Response. Negative." Sacred Congregation of Indulgences, 29 February 1864, case from Angers.

On the Gregorian Thirty Masses, the Altar of Saint Gregory on the Caelian Hill, and Gregorian Altars *ad instar*

"1. The confidence which the faithful retain that the celebration of thirty Masses, which are commonly called Gregorian, is specially efficacious, through the good pleasure and acceptance of divine mercy, for the liberation of a soul from the punishments of Purgatory, is pious and reasonable;

and the practice of celebrating these Masses is approved in the Church. - 2. The confidence which the faithful retain that the celebration of Mass at the altar of Saint Gregory in his church on the Caelian Hill is specially efficacious, through the good pleasure and acceptance of divine mercy, for the liberation of a soul from the punishments of Purgatory, is pious and approved in the Church. - 3. The same is to be said of Gregorian altars *ad instar*." Sacred Congregation of Indulgences, 15 March 1884; 24 August 1888; *A. S. S.*, vol. 16, p. 508 ff.; vol. 21, p. 254 ff.

"1. Can the Masses which are called Gregorian and are to be celebrated for the departed, according to the most ancient institution of Saint Gregory recognized and approved by the Church, also be celebrated for the living? - 2. Is any indulgence from the Supreme Pontiffs annexed to those Gregorian Masses, as is read in the cited work of the Reverend D. Louvet? And insofar as the response is affirmative: 3. For whom was the same indulgence granted, only for the departed or also for the living? - 4. If the aforesaid Masses cannot be said for the living, to what will a priest be bound who in good faith celebrated them for the living at the request of such persons?

"Response. To 1. Negative. - To 2. It is not established that an indulgence was granted; but from the Decree of this Sacred Congregation of 13 March 1884, the pious practice and special confidence which the faithful retain, that the celebration of thirty Masses is specially efficacious, through the good pleasure and acceptance of divine mercy, for the liberation of souls from the punishments of Purgatory, was recognized and approved. - To 3. Provision was made in the preceding responses. - To 4. A priest who celebrated the Masses according to the intention of the one offering, who thought that suffrages could be anticipated while life still endured, is bound to nothing." Sacred Congregation of Indulgences, 24 August 1888.

Indult for the Heroic Act of Charity

"Our Most Holy Lord Pope Pius IX not only confirmed anew the indulgences already granted for the heroic act of charity, but also willed to declare them as follows: 1. That priests professing this oblation can enjoy the Indult of a personal privileged altar on every day of the year. - 2. That all the Christian faithful who make the same vow or oblation can gain a plenary indulgence applicable only to the faithful departed on whatever day they approach Holy Communion, and on every Monday of the year when they hear the Holy Sacrifice of the Mass in suffrage for those same faithful departed, provided that in either case they shall have visited some church or public oratory and shall have prayed there piously for some space of time according to the intention of His Holiness. - 3. That it is lawful for the same Christian faithful likewise to apply to the souls of the departed each and every indulgence, granted in whatever manner or to be granted hereafter, which they can gain. - 4. That, in order that perpetual aid may be given more and more to souls committed to the expiatory flames, this indult is to be regarded as extended, insofar as is necessary, to the Christian faithful throughout the whole world who make the said oblation. Moreover, the same His Holiness, having before His eyes both adolescents who do not yet approach Holy Communion and the sick, the elderly, farmers, those detained in prisons, and the other faithful who cannot either approach the Holy Synaxis or hear the Holy Sacrifice of the Mass on Monday, mercifully granted that, for each and every one of the Christian faithful who, because of a legitimate impediment, cannot hear Mass on Monday, the Mass which they are bound by precept to hear on Sunday shall suffice for the acquisition of the aforesaid indulgence granted, as above, on every Monday; but for each and every one of the faithful who either

are not yet capable of receiving the Holy Eucharist or for another legitimate reason cannot receive this Sacrament, He graciously entrusted to the judgment of the respective Ordinary of places for the time being the faculty of subdelegating an approved confessor for the opportune commutation of Communion into other works. Anything to the contrary notwithstanding, etc." Sacred Congregation of Indulgences, 20 November 1854, *Urbi et Orbi*.

Declarations Concerning the Heroic Act of Charity

"1. Whether among the satisfactory works which in the heroic act of charity are offered for the souls in Purgatory are comprehended also indulgences which have been declared by the Supreme Pontiffs applicable to the Christian faithful departed?

"2. Whether this oblation is satisfied by those who wish to reserve for themselves the indulgences which are granted for the living; or whether these indulgences must be applied to the departed in order to satisfy the pious resolution, according to the indult granted by the Supreme Pontiff to those making the heroic act of charity?

"3. Whether, first, it is an integral part of the heroic act of charity, or a condition prescribed for participation in the privileges, that all one's own satisfactions and indulgences not only be offered for the souls in Purgatory but also be left to the Blessed Virgin to be distributed as shall have pleased her; or, second, whether this placing into the hands of the Virgin is to be regarded only as a pious devotion accessory to the act and to be commended to the Christian faithful?

"4. Whether the plenary indulgences which the Christian faithful making the heroic act of charity gain both because of Holy Communion and because of hearing Mass on Monday must be applied to the souls which the Blessed Virgin Mary desires to liberate from Purgatory before others, or can be applied to any soul in Purgatory?

"5. Whether the plenary indulgence of a personal privileged altar, first, must be applied by a priest who has made the heroic act of charity to the soul for whom he celebrates Mass; or, second, can be applied at will to any departed person; or, third, must be applied to the souls which the Blessed Virgin Mary desires to liberate from Purgatory?

"Response. To 1. Affirmative. - To 2. Negative to the first part; affirmative to the second. - To 3. Negative to the first part; affirmative to the second. - To 4. Provision was made in the preceding responses. "To 5. To the first part, affirmative, for in this manner the privilege of the altar is granted by the Supreme Pontiff; as to the second and third parts, provision was made in the response to the first part." Sacred Congregation of Indulgences, 18 December 1885.

On the Requisites for the Indulgences of the Way of the Cross

"Whether, for gaining the indulgences granted for the visitation of the fourteen Stations of the Way of the Cross, the recitation of six *Our Fathers*, *Hail Marys*, and *Glory Bes* is required in addition to the aforesaid visitation of the Stations? - Response. For obtaining the indulgences granted for the visitation of the fourteen Stations of the Way of the Cross, nothing else is required than, while meditating on the Passion of our divine Redeemer Jesus Christ, to proceed from one Station to another, insofar as the multitude of persons visiting the aforesaid Stations or the capacity of the place in which they have been erected permits. Thus the matter stands from the Bull *Inter plurima* of

Benedict XIII, 3 March 1726, confirmed by another Bull, *Exponi nobis*, of Clement XII, dated 16 January 1731, and the Decree of the Sacred Congregation of Indulgences dated 3 April 1731, and also the Brief of Benedict XIV which begins *Cum tanta*, dated 30 August 1741. Hence it is that *We adore You, O Christ*; the *Our Father*; the *Hail Mary*, etc.; and *Have mercy on us, O Lord*, are only a laudable custom introduced by the pious Christian faithful into the exercise of visiting the Stations of the Way of the Cross. In witness whereof .... 22 September 1829."

Formula of Blessing with a Plenary Indulgence for Secular Tertiaries of Saint Francis and of Other Orders

"If this indulgence is imparted immediately after sacramental absolution, the other things being omitted, the priest shall say absolutely:

"'May Our Lord Jesus Christ, who gave to the blessed Apostle Peter the power of binding and loosing, Himself absolve you from every bond of offenses, so that you may have eternal life and live forever and ever. Amen.

"'Through the most holy Passion and Death of Our Lord Jesus Christ, by the prayers and merits of the most blessed ever-Virgin Mary, of the blessed Apostles Peter and Paul, of our blessed Father N., and of all the Saints, by the authority committed to me by the Supreme Pontiffs, I impart to you a plenary indulgence of all your sins. In the name of the Father + and of the Son and of the Holy Spirit. Amen.'" Authentic Decrees, no. 444.

"Whether the Ordinary under whose jurisdiction Tertiary nuns live can delegate a Priest of his choosing, who is not approved for hearing the confessions of the nuns, to impart general absolutions and Apostolic blessings to those same nuns? - Response. Affirmative." Sacred Congregation of Indulgences, 27 May 1903.

On Confraternities

"1. Whether Pious Unions or Societies which do not at all come under the name of Confraternities and Congregations are comprehended under the enactments of the Constitution of Clement VIII which begins *Quaecumque*?

"2. Whether for the erection of Confraternities, for example, of the Most Holy Trinity, of the Most Holy Rosary, of the Blessed Virgin Mary of Mount Carmel, or of the Sorrowful Virgin, and of other such confraternities which are erected by Religious Orders in their respective Churches, the consent of the Ordinary is necessary?

"Response. To 1. Affirmative, with respect to erection or institution, with respect to the approval of statutes, with respect to aggregation, and with respect to the publication of Indulgences. - To 2. If there is question of Confraternities properly so called, that is, constituted after the manner of an organic body and with a sackcloth habit, affirmative; if of Confraternities taken broadly, sufficient provision was made by the consent given by the Ordinary for the erection of the Convent of the Order in the diocese." Sacred Congregation of Indulgences, 5 August 1897.

"1. Whether, in enrolling the Christian faithful in the Sodality of the Blessed Virgin Mary of Mount Carmel, scapulars can licitly and validly be employed which, although made of wool, are nevertheless

covered on one side with silk or cotton cloth, and on the other by an image which covers the entire or almost the entire scapular, so that the cloth does not appear at all or almost at all?

"2. What is to be held when one scapular bears an image of the Blessed Virgin Mary of Mount Carmel, while the other, which is joined by a band, bears an image of the Sorrowful Blessed Virgin Mary, of the Most Holy Rosary, or even of the Most Sacred Heart of Jesus?

"3. Whether the names of those enrolled in the Confraternity must necessarily be sent to the nearest Confraternity, or rather whether it is free to transmit them to the Moderator of any Confraternity?

"4. Whether, in the enrollment of several persons, the single formula in the plural number which, by the Decree of the Sacred Congregation of Indulgences of 18 April 1891, can be employed is to be said before the imposition is begun, or rather while the first imposition is made?

"5. Whether, in the case set forth above, since men and women are generally to be enrolled, it is fitting to say: 'Receive, men and women,' or simply, 'Receive this habit,' as is found in the formula of the breviary approved in the Decree of the Sacred Congregation of Rites dated 24 July 1888?

"Response. To 1. Negative. - To 2. The variety of images does not impair the validity of the scapular, provided that the color, form, and cloth appear in the scapular, which are to be retained as substantial; excepting, however, the scapulars of the Most Holy Trinity and of the Passion of Our Lord Jesus Christ, in which the proper images are necessary. - To 3. Negative to the first part; affirmative to the second part. - To 4. The formula in the case is to be said immediately before the scapulars begin to be imposed, with the priest holding them in his hands. - To 5. If the men can easily be separated from the women and the function can be performed in a twofold act, which would certainly be more fitting, then, as customary, the longer formula could be employed, with the requisite changes. But if in one act the men are to be enrolled indiscriminately with the women, then, in order to avoid cacophony, the shorter formula is better employed, by saying only: 'Receive this habit,' etc." Sacred Congregation of Indulgences, 18 June 1898.

"1. Is it necessary that the members of the Confraternity of the Blessed Virgin Mary of Mount Carmel recite the Little Office as it exists in the Roman Breviary, even if the greater part of the people are entirely ignorant of the Latin language? - 2. Are those members who do not know how to read, and therefore in place of reciting the Little Office of the Blessed Virgin Mary are bound to observe abstinence on Wednesday and Saturday, also bound to observe it on Friday, as the faithful who are not Latin Americans are actually bound? - 3. Are they likewise bound to observe all the fasts of the universal Church without being able to enjoy the very ample dispensation recently given to those living in Latin America by the Decree of the Sacred Congregation of Extraordinary Ecclesiastical Affairs dated 6 July 1900?

"Response. To 1. Affirmative, unless a person belongs to a rite approved by the Holy See which employs another language, according to the Decree of this Sacred Congregation dated 18 August 1868; but His Holiness is to be petitioned that the vernacular language may be used in private recitation. - To 2. Negative, for the purpose of enjoying the Sabbatine privilege. - To 3. His Holiness is to be petitioned that the members of the Confraternity of the Blessed Virgin Mary of Mount Carmel, as regards fasts, may be able to use the diocesan Indult, with the faculty being given to the confessor of commuting, for individual petitioners, the abstinence of Wednesday and Saturday into other works, and that He deign to declare both concessions valid for every region. Anything whatsoever to

the contrary, and especially the decision for Capua of 3 December 1892, notwithstanding." Sacred Congregation of Indulgences, 11 June 1901.

On the Plenary Indulgence at the Point of Death

"... Therefore, providing in this manner for the salvation of souls, insofar as it was permitted to Us in the Lord, We took care to extend and render easier the pious custom of applying the pontifical plenary indulgence to children of the Church placed at the point of death; and, the faculty having been permitted to Our venerable and beloved sons, the bishops and prelates of churches, to subdelegate other priests for this purpose, both in cities and in dioceses, We think that no small relief has been brought by Us to their anxieties and cares. Nevertheless, We wish it to be declared to them that it was not Our intention to exempt them altogether from this office of paternal charity, of visiting personally the wretched sick who desire to obtain plenary absolution at the final moment, but to aid their piety opportunely, lest, while they themselves are detained by other pastoral cares, they should have to grieve that the faithful committed to them departed this life deprived of so great a spiritual benefit. But those who rejoice to exercise a pious work of this kind personally [which indeed We trust that all will do whenever they are not legitimately impeded] should remember that it is to be afforded not only to the more noble and powerful of this world, but also to the poor and to persons of lowly condition. Concerning this matter, the homily of Our predecessor Saint Gregory the Great, homily 28 on the Gospels, upon chapter IV of John, *There was a certain ruler whose son was sick at Capernaum*, can profitably be read; in it he observes the wonderful and heavenly manner of acting of Our most beloved Redeemer Jesus Christ, who, when invited to visit the ruler's sick son, refused to go, yet declares that He will go to the servant of the Centurion even though He was not invited. What is this, that the ruler asks Him to come to his son, and yet He refuses to come; but He is not invited to the servant of the Centurion, and nevertheless promises to go bodily? He does not deign to be present bodily with the ruler's son; He does not disdain to hasten to the servant of the Centurion.

"... And since the Roman Ritual enjoins priests who piously assist the faithful laboring in their final agony, or administer to them the Sacraments of the Church, that if the sick person can obtain a plenary indulgence granted by legitimate authority, they should recall it to his mind and propose what he must do to obtain it; but of those who have been reduced to such a state, some retain, with full cognition, the complete use of speech, while others have lost the faculty of speaking, although they previously gave indications of sincere contrition and, while still using reason, do not cease repeatedly to give them: therefore, so that all the aforesaid may more certainly be able to obtain the fruit of the indulgence, We command the aforesaid priests to strive by every means to arouse the dying faithful to elicit new acts of sorrow for sins committed and to conceive affections of most fervent charity toward God, but especially to accept death itself with an equable and willing mind from the hand of the Lord. For this is the principal work We impose and enjoin upon persons placed at such a moment, whereby they may prepare and dispose themselves to obtain the fruit of the plenary indulgence." Benedict XIV, *Pia Mater*. Cf. *A. S. S.*, vol. 11, p. 405 ff.

"At least the mental invocation of the Most Holy Name of Jesus is a condition *sine qua non* for all the Christian faithful who, placed at the point of death, wish to obtain a plenary indulgence by virtue of this blessing." Sacred Congregation of Indulgences, 22 September 1892; *A. S. S.*, vol. 25, p. 316.

"Lest the Christian faithful living in mission territories in any part of the world, and placed in the final danger of life, should lack those spiritual aids which the Catholic Church, as a pious Mother, is accustomed mercifully to impart to her children departing from this world, Our Most Holy Lord Clement XIV, Pope by Divine Providence, because of the extraordinary charity with which he embraces them paternally, most lovingly grants to each and every Most Reverend Patriarch, Archbishop, Bishop, Vicar Apostolic, and also to the Most Reverend Prefects or Superiors of missions, whether of the secular or regular clergy, now existing or at any time to exist in mission territories, as above, the faculty of imparting the blessing with a plenary indulgence to the aforesaid faithful reduced to the final agony, with this extension also, that they can and may communicate a faculty of this kind to priests and respectively to missionaries subject to their jurisdiction, but only for places in their dioceses or for the districts of the missions, provided that in imparting this blessing the formula prescribed by Benedict XIV, of sacred memory, in the Constitution given on 9 April 1747 which begins *Pia Mater*, to be recorded below, is observed.

"But since it can easily happen that some of the aforesaid Christian faithful depart this life without having been fortified by the Sacraments of the Church and without the assistance of any priest, therefore His Holiness, from the abundant font of Apostolic benignity, grants a plenary indulgence also to them if, being contrite, they shall have invoked the name of Jesus at least in their heart, shall have accepted death from the hand of the Lord with that Christian submission of mind and humility of spirit which is fitting, and shall have commended their soul into the hands of their Creator. In order that this last part of the Decree may become known to all the Christian faithful, let the aforementioned prelates and superiors take care and strive to publish it repeatedly in their dioceses and missions, and especially at the time of sacred visitation." Sacred Congregation for the Propagation of the Faith, 5 April 1772.

"According to the indult granted by the Holy See, all missionaries have by communication the faculty of bestowing a plenary indulgence upon those placed at the point of death. But since they rarely find the faithful placed precisely at the point of death, it comes about that some bestow the said indulgence when there is merely danger of death, although it does not appear to threaten very nearly; but others, according to the rigor of the words, do not apply it except at the time when the agony appears near; and then, when they do not observe so proximate a danger of death, whether by means of medals to which indulgences of this kind are annexed by authority of the Holy See, which they give to the faithful, or by means of the invocation of the Most Holy Name of Jesus, as has been granted by several Supreme Pontiffs, they admonish the faithful to fulfill the conditions by which they may merit to obtain so great a benefit. If the Sacred Congregation should judge it proper to determine to which position adherence should rather be given, all of us, however many we are, will stand ready for the judgment of the Holy See. - Response. As to that which is disputed among the missionaries concerning the time for imparting a plenary indulgence to those placed at the point of death, the Sacred Congregation judged that circumstance of time sufficient for its lawful conferral which suffices for conferring Extreme Unction itself, namely, when the sick person is seen by force of the illness to be tending toward death. Nor is a time nearer to the agony to be awaited, when the sick person, scarcely in possession of himself, is entirely incapable of producing those movements of soul which the Roman Ritual demands, so that the fruit of so great a benefit, as of Extreme Unction, may be perceived more abundantly. Therefore, it will be the duty of missionaries, after sacramental anointing has been administered to the sick person, to arouse him to conceive in his mind those things which

are read in the same book of the Ritual, and immediately afterward to fortify him with so signal a benefit of plenary remission; and they should perform this especially when they foresee that they will not return." Holy Office, January 1780.

"Can the Apostolic blessing be imparted several times when a new danger of death recurs? - Response. Negative while the illness, even if prolonged, continues; but affirmative if the sick person has recovered and then for any cause returns into a new danger of death." Sacred Congregation of Indulgences, 24 September 1838.

"1. Whether, by virtue of the preceding resolution [case from Valencia, 5 February 1841, by which a sick person cannot, in the same point of death, gain a plenary indulgence to be imparted by several priests having the faculty], it is forbidden that this plenary indulgence at the point of death, which is commonly called the Papal Blessing, be imparted several times by the same or by several priests having this faculty to a sick person remaining in the same danger of death? 2. Whether, by virtue of the same resolution, it is likewise forbidden that a plenary indulgence at the point of death be imparted several times to a sick person placed in the same circumstances as above by several priests having this faculty from different titles, by reason of enrollment in the Confraternity of the Most Holy Rosary, of the Holy Scapular of Mount Carmel, of the Most Holy Trinity, etc.? - Response. Affirmative to both, the resolution in the case from Valencia dated 5 February 1841 remaining in force." Sacred Congregation of Indulgences, 12 March 1852; 12 June 1884; *M. E.*, vol. 12, p. 532 ff.

"Since on the one hand it is expressly determined that an Indulgence at the point of death cannot be applied for the departed, but on the other hand those who have made the heroic act for the departed can offer for them all Indulgences, even those which otherwise are not applicable for the departed, it is therefore asked: a) Whether those who have made the aforesaid heroic act can, and indeed, if they do not wish to revoke that act, even must offer for the departed the Indulgence gained at the point of death? And if affirmative: b) Whether, the heroic act having been made, a plenary Indulgence at the point of death, although gained under various titles and by repeating the respective works, is nevertheless gained for the departed only once and not several times? - Response. To the first part: No response is to be given. To the second part, the doubt having been reformulated as follows: Whether those who have made the aforesaid heroic act and can gain several Plenary Indulgences at the point of death under various titles may gain at least one Plenary Indulgence for the departed, but reserve the others for themselves? - Response. As in the preceding response to the first part, and according to the mind; the mind, however, is that the plenary Indulgence granted for the point of death is gained only once, that is, at the true point of death, even if the dying person has a right to it under various titles." Sacred Congregation of Indulgences, 23 January 1901.

"1. Whether a plenary indulgence at the point of death, which is customarily granted without another declaration added, is to be understood at the true point of death, at the presumed point, or finally at both? 2. Whether a plenary indulgence at the point of death is to be granted to all who petition? 3. Whether those who are contrite but neither have confessed nor been refreshed by Holy Communion obtain the plenary indulgence which the Roman Pontiffs commonly grant to petitioners for the point of death? - Response. To 1. It is to be understood only at the true point of death. - To 2. It is to be granted to all who petition. - To 3. Persons of this kind who are contrite gain the indulgence if the Pontiff in his grant does not require confession or something else similar." Sacred Congregation of Indulgences, 23 April 1675.

Appendix

"In order that the Christian faithful, amid this present bitterness of the times, may flee more fervently to the Most Sacred Heart of Jesus, continually render to Him homage of praise and reparation, and strive to implore divine mercy, petitions have more than once been presented to Our Most Holy Lord Pope Pius X that the following invocation might be added three times to the prayers which, by command of Leo XIII, of sacred memory, are customarily recited after the private celebration of Mass: *Most Sacred Heart of Jesus, have mercy on us*, with some Indulgence granted to the priest and to the others who devoutly recite it together with him.

"Now His Holiness, to whom, on account of the singular piety cultivated even from his earliest years, nothing is more important or more desirable than that the devotion of the nations toward the Most Holy Heart of Jesus, in which the treasures of all graces are hidden, should increase more and more each day, judged it most pleasing to assent to the petitions; and therefore he deigned graciously to grant to all of the Christian people who, together with the priest himself, after the private celebration of Mass, add the aforesaid invocation to the prayers already prescribed, an Indulgence of seven years and as many quarantines, applicable also to the departed. Anything whatsoever to the contrary notwithstanding.

"Given at Rome, from the Secretariat of the Sacred Congregation placed over Indulgences and Sacred Relics, on 17 June 1904.

"1. Whether, for gaining the Indulgences, it suffices that the priest say only, 'Most Sacred Heart of Jesus,' and the people respond, 'Have mercy on us'? - 2. Whether the recitation of the same invocation, to be added to the prayers already prescribed after the celebration of Mass, is obligatory?

"Response. To 1. Affirmative. - To 2. Although an obligation properly so called was not imposed by the Supreme Pontiff, nevertheless the Most Blessed Father wills that provision be made for uniformity, and therefore that individual priests be exhorted to recite that invocation." Sacred Congregation of Indulgences, 16 August 1904.

A. M. D. G. - To the Greater Glory of God.

Index of Treatises (as printed)

On Human Acts 3

On Conscience 7

On Laws 10

On Sins 34

On the Theological Virtues 35

On the First Precept of the Decalogue 66

On the Second Precept of the Decalogue 84

On the Third Precept of the Decalogue 88

On the Fourth Precept of the Decalogue 90

On the Fifth Precept of the Decalogue 96

On the Sixth Precept of the Decalogue 103

On the Seventh Precept of the Decalogue 104

On the Eighth Precept of the Decalogue 135

On the Precepts of the Church 136

On Particular States 159

On the Sacraments in General 262

On Baptism 270

On Confirmation 296†

On the Eucharist 306

On Penance 371

On Extreme Unction 414

On Holy Orders 418

On Matrimony 445

On Censures 540

On the Constitution *Apostolicae Sedis* 548

On the Constitution *Sacramentum Poenitentiae* 565

On the Constitution *Officiorum ac Munerum* 575

On Irregularity 578

On Indulgences 579

On the Jubilee 596

Appendix 609

Alphabetical Index of Subjects (as printed)

A number followed by a semicolon (;) indicates a Treatise of the first Volume of the *Moral Institutions*. A number followed by a period (.) designates a Treatise of the second Volume.

Abortion: Unlawfulness 745;

Abstinence: With regard to time 1571; Condiments 1572; Coots, hartshorn 1572; Saturday in Belgium and in Italy 1573; Indult for Latin America ib.; With regard to the Greeks ib.; Quinquennial faculty of bishops 1577; To be anticipated or dispensed from by bishops ib.; Indults customarily granted at Rome 1626; Indults for the Spanish Dominions, Bull of the Crusade ib.; Religious with regard to Indults ib.

Sloth: Unlawfulness 343.

Activity: Human activity necessary for perfection 4;

Act: Division of human acts; good, evil; natural, supernatural; honest, meritorious 6; 89; Motive of human acts 79; 82; Heroic act of charity 1380.

Adultery: With the husband's consent 793;

Advocate: A cause of divorce to be defended 19.

Alienation: Of ecclesiastical goods 1139,

St. Alphonsus: Authority 131; 136;

Privileged altar: Indulgence 1378. Not gained and to be supplied 629. Gregorian 1379.

Latin America: Privileges 282; Indult concerning fasting and abstinence 1573;

Love: Twofold love of God 6; Not necessary for acting honestly 6; 79; On pure love 376;

Archives: Sacred 204.

Astrology: Unlawfulness 475;

Attrition: Useful for salvation 79;

Authority: Extrinsic 114; 117; etc., 122; 126; 131; 136; What it is 166; Of the Church 180; Civil 183; 184;

Baptism: Council of Trent 389. Baptism of desire 391. Effects 394. To be conferred once ib. Matter and form 396. In the mother's womb and over clothing 402. Ablution 406. Form 412. Form in the present indicative ib. Invocation of the three Persons ib. Expression of the one baptizing, of the one baptized, and of the act of baptizing ib. Minister 419. Ceremonies 430. Baptismal font 432. Omission of the ceremonies by reason of horror and scandal 433. By reason of necessity ib. Holy Oils of the preceding year in the blessing of the font 434. Blessed water to be used in the conferral of baptism 435. In private homes 437. Name of the one to be baptized 438. Ceremonies to be supplied 440. To be administered by heretics 367; Catholic and heretical sponsors ib. A heretical sponsor or one bound by a censure 442. The parents themselves as sponsors 443. Spiritual relationship of the father baptizing ib. Religious as sponsors ib. A sponsor holding the infant 450. Spiritual relationship with

regard to a proxy 455. In private baptism 459. Dispositions necessary for receiving baptism 460. Baptism not to be deferred 463. Children of infidels, heretics, apostates 464. Doubtfully baptized persons 465. Exposed infants 466. Persons baptized by catechists in mission territories 467. Persons baptized by heretics 468. Caesarean operation, the mother being dead 471.

Blesseds: Cult, images, Office, Mass, feast days, prayers, relics, Patrons 462; 463;

War: Lawfulness 753; Non-intervention 757;

Benedict XIV: Encyclical *Vix pervenit* on Usury 1095;

Benefices: With regard to government salaries 870; Reserved benefices 188. 192. Plurality 191. Secularized religious ib. Vacancy through profession of simple vows 192. Profession of faith 193. Choice of the more worthy 195. Competitive examination 190. Doctorate ib. Synodal examiners 202.

Beneficed clerics: Profession of faith 364;

Blasphemy: Unlawfulness 535;

Goods: To take away ecclesiastical goods 498; Their alienation, sale, exchange, emphyteusis, pledge and mortgage, lease, investment 1139; Of Religious Institutes ib. Usurpation of ecclesiastical goods 1331; 244.

Calumny: Unlawfulness 1486; Killing of a calumniator 733;

Exchange: Lawfulness 1176; Unlawfulness 1176;

Canon: Profession of faith 364; Residence 217. Service through substitutes ib. Choral discipline in the City 218. Choir distributions 220. Chapters 222. Conventual Mass 225. Assistance owed to the bishop 226. Election of the vicar capitular 227. Honorary Canons ib. Apostolic Protonotaries ib.

Chapter: Of Canons 222.

Censure: Nature 1084. Power to impose censures 1088. Reservation. See *Reservation*. Absolution 1100. Excommunicated persons to be avoided 1108. Minor excommunication 1109. Excommunication deprives one of Apostolic Rescripts 1116. Suspension *ex informata conscientia* 1125. Rite of burial 1149. Decree on obsequies 1151. Funerals in churches of regulars ib. Ecclesiastical burial to be denied 1156. On suicides 1157. On heretics and sectarians 1158. Burial of notorious excommunicates 1159. Cremation of bodies ib. Orientals with regard to the Constitution *Apostolicae Sedis* 1162. Excommunication for heresy 1164. Excommunication for reading books of heretics 1165. Popular elections of parish priests and of the Supreme Pontiff 1166. Those who compel lay judges 1170. Acts of the Holy See 1171. Absolution of an accomplice 1173. On usurpation of benefices 1174. Absolution from excommunications reserved to the Supreme Pontiff 1176. On duelists 1185. Masonic sects 1186. On the departure of nuns 1188. Collection of Masses 1195. On political elections in Italy 1196. Those who communicate with excommunicates 1199. Usurpers and purchasers of ecclesiastical goods 1202. Indult of composition ib. Faculties of confessors in the City 1203. Clerics presuming to contract civil marriage ib. Those who injure ministers of the episcopal curia 1208. Alienation of ecclesiastical goods 1209. Those who absolve a solicitor 1210. Those who print sacred books 1211. A bridegroom abducting a bride 1212. On the commerce of missionaries 1218. Reserved suspension, art. 3, 1222. On titular bishops 1232. To exercise pontificals in another diocese 1233. Alms for Masses 1238. Another suspension added 1240 *bis*. Those who remove books

from the library of Udine 1247. Excommunication upon the Canons of the Vatican Basilica ib. Privileges of regulars 1248.

Charity: See *Love*. Precept 378; Whether we are bound always to act from charity 381; When the precept of charity urges ib. On charity toward one's neighbor 382, Desire of a neighbor's temporal evil 389; Almsgiving 397; Correction by masters 409; Admonition 412; 415;

Clerics: Holiness 95. Celibacy 97. Continence with regard to the Greeks ib. Clothing of Missionaries 101. 102. Divine Office 104 et seq.Enrollment in military service 174. Bullfighting 180. Dwelling with women 181. Commerce, Shares 182. Office of advocate 185. Political affairs ib. Attending government Universities ib. Care of souls 245. Those departing for America ib. Clerics in lower orders 246. Disciplinary criminal causes of clerics, see the entry *Process*. Prescription in criminal causes of clerics ib.

Communion: See *Eucharist*. Easter Communion 1552; Sacrilegious 1559; Preparation, thanksgiving 452; 455;

Compensation: Occult compensation of servants 1473;

Complicity: Sin 1251.

Councils: Provincial 181; Canons of the Vatican Council on the Catholic Faith 345; On the Roman Pontiff 357;

Concupiscence: Dominant 6; 69; When it is a sin 54; 58; Its movements must be resisted 58;

Competitive examination: For parishes 190. Doctorate ib.

Condition: In contracts, contrary to law 972;

Confession: Annual 1552; Null 1559;

Confirmation: Council of Trent 473. Matter 475. Blessing of chrism 479. Minister 484. Validity of confirmation conferred by schismatic and Catholic Oriental priests ib. A simple priest confirming 485. Instruction for a simple priest confirming ib. Omission of the admonition by an extraordinary minister ib. Confirmation of children 489. Before first Communion ib. Obligation of confirmation 490. Prerequisite dispositions 492. Ceremonies 494. Sponsor ib.

Confraternities: Erection, enrollment, conditions for gaining indulgences 1380.

Sacred Congregations: Decrees of the Sacred Congregation of Rites 178; Subjection to their decisions 356;

Conscience: Certain, doubtful 100; 139;

Custom: Legitimately established 190;

Contemplation: State 452; 455;

Contract: Oath 970; Conditions contrary to law 972;

Convent: Erection 272;

Cooperation: With regard to servants 440; 441; With regard to political matters ib.; With regard to superstitious and heretical rites 365 et seq.; With regard to the building of temples of heretics and

infidels 367; 368;

Corporals: Washing 506;

Correction: By masters 409;

Craniotomy: Unlawfulness 745;

Crusade: Bull 1626;

Cupidity: See *Concupiscence*.

One who causes damage: One who commands, one who counsels 1396; Restitution 1357;

Doubt: To be considered 100; 139;

Tithes: Abolition, obligation 1331; 1548; To be paid to clerics 870;

Decretals: Force 169.

The dead: Office 131.

Delight: In an evil thing 389; Venereal 765;

Desire: Of an evil thing 288; 389;

Detraction: Unlawfulness 1486;

God: Images of God the Father 460; Creation of all things 357;

Devotion: Sensible 452; 455; Toward Jesus Christ Our Lord, the Blessed Virgin Mary, the Saints 456; Various, reproved 460;

Days: Feast days 452; 455; Days on which Mass is forbidden in private oratories 644;

Dispensations: Matrimonial dispensations to be granted by the Bishop 264; 266; By telegram 285; See *Matrimony*.

Divorce: Sentence 19.

Doctorate: Conditions, *honoris gratia* 190.

Masters: Obligations 94.

Dominion: Of property 838; Of the Church 869;

Duel: Unlawfulness 747; Irregularity ib. To offer, to accept 748;

Church: Legislative power, its object, obedience to be rendered to it 180; Laws ib. Coercion ib. Temporal power ib. Roman 181; Superior and independent power 184; A true and perfect society ib. Canons of the Vatican Council 356; Access of heretics to Catholic churches 367. To build temples of heretics ib. Preaching in a temple of heretics ib. Dominion 869;

Education: Of offspring 671;

Elections: Municipal, political in Italy 440; 441;

Alms: To be given 397; Profits the Souls in Purgatory 457;

Bishop: Power 181; Residence 204. A regular 252. Faculties granted pass to successors 250; 258; Their subdelegation 254; 264; 266; Privileges 262; Quinquennial faculties, with regard to cases reserved to the Holy See and matrimonial dispensations 264; 266; Quinquennial faculty with regard to abstinence 1577; faculty with regard to anticipating or dispensing from fasting and abstinence 1577; With regard to dispensation from religious vows 254. Canonical Visitation of Convents 272; Reconciliation of heretics 346; Election, presentation, deposition of bishops 188. 192. Bishop-administrators 224. Visitation of the diocese 209. Government of seminaries 210. Preaching 212. Mass for the people 213. Sacred vessels and Relics of the Holy Cross, upon his death 1047; Process to be instituted in causes of clerics 7. 8.

Eucharist: Council of Trent 495. How long Christ remains really present 496. Matter 501. Bread and wine with regard to the sacrifice of the Mass ib. Unleavened and leavened bread 504. Communion in another rite 505. The discipline of the Orientals to be preserved and protected ib. Water to be mixed with the wine 509. Whether water mixed with wine is converted into the Blood of Christ ib. Form of consecration 521. Efficacy ib. Minister 526. A deacon administering the holy Viaticum 527. Distribution of the holy Eucharist outside Mass 535. The holy Eucharist to be brought to the sick ib. Distribution of the holy Eucharist in a sordid place and without the due ceremonies ib. When carried by heretics, to be adored 367; Communion to be administered in a Mass of the Dead 537. The holy Eucharist to be reserved 549. Exposition and benediction of the Most Holy Sacrament ib. On the pyx, monstrance, and purificator 551. On the lunette ib. On the lamp before the Most Holy Sacrament, on electric light 553. On renewal of the ciborium 554. On Communion under both species 558. Council of Trent ib. On Communion of little children ib. On the first Communion of children 560. On Communion to be given to those condemned to death 567. On preparation for Communion 568. On the dispositions necessary for receiving the holy Viaticum ib. On Confession to be made before Communion 573. Frequent Communion 579. On the hour of fasting required for Communion 580. On fasting with regard to the recently baptized ib. The fast required with regard to Mass 595. Nature of the sacrifice of the Mass 606. Council of Trent on the sacrifice of the Mass ib. Mass for infidels, for heretics, for excommunicates 610. Mass is profitably offered for the dead ib. The sacrifice of the Mass independent of the merit of the priest 611. Requiem Mass applied for the living or for others 612. Application of the fruit of the sacrifice 614. Multiple stipend of Masses 621. Obligation of celebrating by reason of a benefice 622. Obligation of applying Mass on suppressed days with regard to beneficed clerics ib. Mass for the people ib. Lawfulness of a stipend for the celebration of Masses 623. Burdens of Masses not to be multiplied excessively 624. Mass entrusted to another, part of the stipend being retained ib. Reduction of Masses ib. Administrators of churches ib. Stipends for Masses in view of the person 625. How Masses are to be assessed 626. Trafficking on the occasion of Masses 627. Plenary indulgence to be gained at a privileged altar 629. Requiem Mass to be said by obligation 630. Private Mass on Thursday and Saturday of Holy Week 635. Mass on the night of the Nativity of Our Lord Jesus Christ 638. Three Masses on the day of the Commemoration of All the Faithful Departed in Spain and Portugal ib. Instruction of the Sacred Congregation for the Propagation of the Faith on celebrating twice in one day ib. Instruction on the purification of the chalice in the aforesaid case ib. Stipend for the second Mass ib. What is to be understood by Church, Public Chapel, Semipublic Oratory 639. Mass to be celebrated by outsiders in churches of regulars ib. Celebration of Mass in temples of heretics ib. In a private home ib. At sea ib. In semipublic oratories ib. The Eucharist to be reserved in the same ib. Profanation of a church 641. Consecration and execration of churches 641.

Consecration and execration of sacred vessels ib. On portable and fixed altars 643. Faculty and formula for blessing sacred furnishings ib. Mass without sacred vessels and vestments ib. On the pall, corporal, purificator 644. On the material of the chalice 645. On the small cross and the blessing of the cross 647. On the color of vestments 652. On the material of sacred furnishings ib. On the minister serving Mass 653. On lights in the celebration of Mass 654. Celebration with the head covered and with a ring 655. Sprinkling of blessed water before Mass 657. On Collects ib. On purification of the chalice ib. Mass in another church ib. On the Requiem ib. Prayers and sequences in Masses of the dead ib. Chant and the vernacular language during Mass ib. Gregorian chant ib. A priest assisting at the Mass of a newly ordained priest ib. A subdeacon not in sacred orders in a sung Mass ib. Prayers after Mass ib. Observance of the sacred rites ib., Appendix.

Gospel: Precepts 74; 180;

Examiners: Synodal 202.

Excommunication: See *Censure*.

Exemption: Of regulars 272; Erection of new Convents ib. Of Missionaries ib. Canonical visitation ib.

Exequatur: 440; 441;

Extreme Unction: Council of Trent 861. Oil not blessed by the bishop 864. Anointing of the loins and feet ib. Minister and subject 866. Administration by means of an instrument 867. Ceremonies 868. Penitential Psalms and Litanies ib. To be conferred immediately after baptism 870. A gravely ill person not near death 871. Prerequisite dispositions ib. and 492. With regard to soldiers 780.

Feast: Feast days 452; 455; 1551; In the universal Church, in the United States of America, in Spain, in Italy 1551; Institution, transfer 1550; Sanctification 639; Hearing Mass 642; Mass to be heard from one's own parish priest 644; In the Ship's Chapel 644; Abstinence from servile works 652;

Fideicommissary bequests: For pious causes 1030; 1033;

Faith: Nature 345; Negative infidelity, heresy 346; Reconciliation of heretics ib. Admission of sons under paternal authority to the profession of faith ib. Necessity of faith 348; Things to be believed by necessity of means 349; Mysteries of the Trinity and the Incarnation 350; Necessity of precept 353; When it obliges 354; Not necessary for acting honestly 79; Object 356; Chinese and Malabar rites ib. Dogmatic fact ib. Text of St. John, 1 Ep. ch. 5, v. 7; Fire of Hell ib.; On God the Creator of all things 357; On the Church of Christ ib. Condemned propositions 359; External profession 364; Profession of faith 193. 346; 364; Faith to be professed before public authority 364; To enter temples of heretics ib. 367; To build them ib. To contract matrimony before a heretical minister ib. Communication in civil matters, in divine things 367; Mixed schools of Catholics 367; Public disputation with a heretic 367; Oath of missionaries 368; Heretics assisting at and serving in the sacred functions of Catholics ib. Baptism to be administered by heretics ib. Catholic and heretical sponsors ib. Catholics and heretics with regard to the Eucharist ib. To hear Masses of schismatics ib. Catholics celebrating in temples of heretics ib. On the celebration of Mass by heretics in churches of Catholics ib. On application of Mass for heretics ib. Sacrament of penance with regard to Catholics and schismatics ib. To receive orders from schismatics ib. Matrimony with regard to Catholics and heretics ib. Catholics and heretics with regard to funerals ib.

Sons under paternal authority: With regard to abstinence 1616;

Fornication: Unlawfulness 782;

Funerals: Of regulars 279; Catholics and Heretics 367; See *Censure*.

Theft: Unlawfulness 1296; Restitution 1307; Killing of a thief 731; 732;

Grace: Petition by telegram 285;

Greeks: Continence of clerics 97.

Heresy: Sin and to be denounced 346; Reconciliation of heretics ib. To enter temples 365; 367; Communication in civil matters, in divine things, with heretics 367; Public disputation with a heretic ib. To build temples of heretics ib. Preaching in a temple of heretics ib. Access of schismatics to churches of Catholics ib. Freedom of worship 369;

Homicide: Unlawfulness by private authority, even in the absence of public justice 722; Killing of a thief 731; 732;

Canonical Hours: Obligation 104. With regard to religious of simple vows and nuns 107. Restitution 117. Form 124. Little Office of the Blessed Virgin Mary 129. Office of the Dead 131. Litanies ib. Order 132. Votive Offices throughout the year ib. Recitation of one Office in place of another 133. Commemorations at Vespers 137. Suffrages ib. Prayer to be added after Matins 141. Additions from devotion 145. Time 148. Matins and Lauds to be recited on the preceding day 152. Impossibility of integral recitation 170.

Fast: Obligation 1571; With regard to time 1571; Condiments 1572; Indult for Latin America 1573; With regard to the Greeks 1573; Before the consecration of a church and before ordinations ib. To be anticipated or dispensed from by bishops 1577; Morning collation 1585; Small meals during the day 1586; Reversal of the principal meal and the evening collation 1591; Abstinence from dairy foods 1601; Eating meat several times in a day when an Indult is granted 1606; Promiscuous use of flesh-meat and fish 1607; 1626. The sick with regard to such promiscuous use ib. Laborers and travelers 1616; Sons under paternal authority ib. Indults customarily granted at Rome 1626; Indults for the Spanish Dominions, Bull of the Crusade ib. Indult for the Neapolitan Provinces ib.

Jesus Christ: Cult 460; Most Sacred Heart ib. Countenance ib. Most Holy Soul ib. Holy Thorn ib. Holy Cross ib. Images ib.

Ignorance: Invincible, vincible 50;

Images: Sacred images to be venerated 456; 460; Reproved 460; Of Servants of God 461; 462; 463; Of Blesseds 462; 463;

Immunity: Ecclesiastical 260;

Indians and Negroes: Who are understood in the Constitution *Trans Oceanum* 282;

Indulgence: Nature and value 1349. Power of the Pope, of Bishops, and of others with regard to indulgences 1351. Faculty to bless rosaries, crosses, etc. 1352. Blessing of crosses, etc., with the application of indulgences 1353. Decree concerning rules or norms for distinguishing true indulgences from apocryphal ones 1355. Commentaries on the aforesaid rules ib. On several indulgences attached to the same pious work 1360. On several plenary indulgences to be gained on

the same day ib. On the donation of things that have indulgences attached ib. On confession and Communion on the vigil of feasts 1361. On weekly confession for gaining indulgences by those accustomed to confess once a week ib. On confession made within the week for gaining indulgences in places where confessors are lacking ib. Interpretation of the indult concerning weekly and fortnightly confession for gaining indulgences ib. On Communion ib. On the prescribed prayers 1362. On visiting a church 1363. On the time of indulgences 1364. On the Jubilee, see *Jubilee*. On the privileged altar, see *Altar*. Heroic act of charity 1340†. Declarations concerning the heroic act of charity ib. Way of the Cross ib. Formula of blessing with a plenary indulgence for secular Tertiaries ib. On Confraternities ib. Plenary indulgence at the article of death ib. Sale of pious objects 520; Of regulars 270; 281;

Indults: For Spain, for the Neapolitan Provinces, for the City 1626;

Infamy: For simony 521; For a duel 747;

Hell: Fire 356;

Infidelity: Negative 346; Superstitious rites 368; Building of temples ib. Application of Mass for infidels ib.

St. John: Text of 1 Epistle, ch. 5, v. 7, 356;

St. Joseph: Friend of the Sacred Heart; cult of the Heart 460; Feast 1551;

Irregularity: For a duel 747; With regard to Greek priests 260; From heresy 1341.

Jubilee: Rules handed down by Benedict XIV 1367. On suspension of faculties ib. On the place and time of the prescribed works 1368. On travelers ib. On confession and Communion 1369. On visits to churches 1370. On a fast prescribed by strict law 1371. On almsgiving 1372. On commutation of the prescribed works 1373. On gaining the jubilee several times 1374. On absolution from reserved cases ib. On the use of extraordinary jubilee faculties ib. On the choice of confessor ib. On absolution from heresy ib. On absolution from the guilt of invasion of the temporal dominion of the Supreme Pontiff and of ecclesiastical goods ib. On commutation of vows ib. Repeated use of faculties ib.

Jews: Communication 366; To serve them ib.

Judge: The judge's private knowledge in a matrimonial cause 13. Sentence in favor of a less or equally probable opinion 18. Sentence of divorce 19.

Oath: Formula for examiners of the writings of Servants of God 551; Formula for those ordained under the title of the missions 912. To be taken by missionaries ib. 368; Lawfulness 552; Political and Protestant 553; page 53. Before a schismatic priest 367; Perjury 554, 557; Dispensation 569; In contracts 970;

Justice: Twofold 6;

Legacies: Pious 1057; Duration of an annual legacy 1059;

Law: Nature 166; Possibility 171; 183; Promulgation, acceptance 168, 170; Ecclesiastical ib. Divine 180; Old, New ib.; Civil 183; Penal ib. Manner of satisfying the law 214; Power of dispensing 237; etc.

Liberty: From intrinsic necessity 10; Of human acts 11; Of conscience and of worship 184; 369;

Books: Approval 1312. Of Missionaries ib. Obligation of the Constitution *Officiorum* 1301. Prohibition of books 1302. Reading of Sacred Scripture 1304. Books of devotion 1306. Books containing errors of the Syllabus 1308. Books of indulgences 1310.

Litanies: Approval 131. Additions ib. Chant ib.

Sacred places: Devotion to be observed in them 452; 455;

Teaching posts: To compete for them in Italy 440; 441;

Magnetism: Unlawfulness 485;

Malefactors: Killing 719, 722; Killing of a thief 731; 732; Killing of a calumniator 733;

Slaves: See *Slavery*.

Mary: Blessed Virgin, prayer and devotion 456; Interior 460; Images ib. Feast of the Immaculate Conception 1551; Little Office 129. Litanies 131. Angelic Salutation ib.

Matrimony: Council of Trent 919. On betrothals of infants and minors and mixed betrothals ib. On the validity of betrothals ib. Civil marriage does not produce the impediment of public propriety 923. Copulation after betrothal 926. Matrimony with regard to soldiers 780. Of minors, against the wishes of their parents 928. Banns 949. Secret marriages ib. Proof of free status 951. Marriage of foreigners ib. Instruction of the Holy Office ib. Supplementary oath ib. On the time of the banns 952. On dispensation from impediments when recourse to the Holy See is impossible 955. Lawfulness of matrimony and of subsequent marriages 957. Marriage presumed by law is abolished 958. Consent of the contracting parties 959. Consent declared by some sign 960. Base condition 966. Contract and sacrament 969. The Church alone establishes impediments 971. Civil power with regard to betrothals, matrimony, and impediments of matrimony ib. Civil marriage 973. Nuptial blessing 976. Mass for spouses ib. Celebration of matrimony in a private home and oratory ib. Marriages of Freemasons ib. Marriages of Protestants among themselves and mixed marriages ib. Blessing of a woman after childbirth ib. Unity of matrimony 977. The matrimonial bond is indissoluble 978. Marriages dissolved among Protestants ib. Matrimony is dissolved through religious profession 979. A spouse converted to the faith is free if the infidel spouse refuses to cohabit. But the faithful spouse is not free if the other spouse lapses into heresy or paganism ib. Baptism does not dissolve marriages of infidels contracted within degrees prohibited by the Church while they were in infidelity. An infidel spouse converted to the faith is bound to receive back the infidel spouse who has converted ib. Pauline privilege after renewal of consent ib. Necessity of interpellation of the infidel spouse 980. Impossibility of interpellation and Apostolic Indult ib. Omission of interpellation of the other party ib. On the departure of an infidel spouse, impeded after long cohabitation on account of discord and other causes, refusing the education of the offspring in the Christian religion, after dispensation has been obtained, on account of adultery; on departure with regard to catechumens ib. Separation of bed and cohabitation 981. Divorce to be sought from a lay judge 983. Whether heretics are subject to impediments of ecclesiastical law 984. Impotence 994. Marriages contracted by minors in infidelity ib. On the certain or doubtful death of a former spouse 996. On doubtful marriage ib. By what indications the death of a spouse is proved ib. Impediment of consanguinity 997. Affinity from illicit and licit intercourse 1002. Dispensation in the first degree of affinity from licit intercourse ib. Affinity contracted in infidelity ib. Whether sodomy produces an impediment of matrimony ib. On spiritual

relationship with regard to baptism and confirmation 1009. On legal relationship 1011. On an impediment from private betrothals 1014. On the impediment of public propriety from civil marriage ib. On the impediment of public propriety in infidels converted to the faith ib. On the profession of simple vows with regard to dissolution of matrimony 1015. On doubtful baptism in relation to matrimony 1016. On an unknown conferral of baptism with respect to matrimony ib. On the unlawfulness of mixed marriage ib. On the power and cause for dispensing in mixed marriages, on the conditions to be laid down beforehand, on its sacred rite ib. Declaration of the Instruction of the Secretariat of State, 15 Nov. 1858, ib. Faculty to dispense from impediments of matrimony when mixed marriages are at issue ib. Declaration of faculties for dispensing in mixed marriages ib. On the conditions necessary for dispensation in mixed marriages ib. On the absence of every blessing, prayer, and sacred vestment in mixed marriages, on conditions to be exacted in writing, on the banns ib. On the nuptial blessing not to be tolerated in mixed marriages ib. What those who contracted mixed marriages without the consent of the Church ought to do ib. Whether it is lawful to contract matrimony before a heretical minister ib. Whether it is lawful to report a child born to a heretical minister ib. On the impediment of adultery 1018. On the impediment of crime with regard to infidels 1019. On the impediment of force and fear 1023. On the impediment of abduction 1024. Council of Trent on the solemnity of matrimony 1026. On quasi-domicile in relation to matrimony ib. On quasi-domicile in the United States of America ib. On those passing from a place where the Council of Trent was promulgated to a place where it was not promulgated ib. Clandestine marriages in Holland and in the federated provinces of Belgium between heretics, and between one Catholic party and another heretical party, are declared valid 1026. On the force of the Declaration of Benedict XIV with regard to marriages of heretics in Belgium ib. Extension of the Declaration of Benedict XIV to the Duchy of Cleves ib. Association of heretics 1027. With regard to Catholics and heretics 367; Promulgation of the Decree of Trent: clandestine marriages of heretics in places of infidels; common impossibility of approaching the parish priest and seeking dispensation 1028. Before a heretical minister 365; Quinquennial faculties of bishops with regard to matrimonial dispensations 264; 266; Dispensations by telegram 285; Doubtful matrimony with regard to use 1032. Drawing up the process of matrimonial causes 1034. Dispensation from impediments 1035. Causes for obtaining matrimonial dispensations; which things must be expressed in obtaining the dispensation itself 1036. Validity of a dispensation when incestuous intercourse is concealed 1038. All impediments to be set forth ib. Precautions to be employed with regard to dispensation in the first degree of affinity and in the first and second degree both of affinity and consanguinity 1041. Composition payment 1042. Dispensation with the poor ib. On the power of bishops over public diriment impediments 1044. Dispensation by only one Ordinary ib. Cumulated dispensation ib. Anticipatory and common dispensation ib. Omission of clauses in a dispensation 1045. Modifications to Apostolic Letters for the granting of matrimonial dispensations ib. Doubts concerning the clauses used by the Apostolic Datary in issuing matrimonial dispensations ib. Manner of verifying the causes in the execution of matrimonial dispensations by the official to whom that execution is committed 1045. Execution of the dispensation ib. Various clauses of dispensations 1046. Dispensation *in radice* 1050. Artificial fecundation 1052. Use of matrimony when conception is more difficult 1045. Onanism 1058. Competence in matrimonial causes ib. The judge's private knowledge in a matrimonial cause 15†. Sentence of divorce to be pronounced by a lay judge and by a syndic 19.

Merit: Of human acts 6; 89;

Mass: Application for heretics 367; To hear a Mass of schismatics ib. Catholics celebrating in temples of heretics ib. Heretics celebrating in churches of Catholics ib. Application of Mass for infidels 368; For the people 213. For the Souls in Purgatory 457; Privileges of regulars 273; Requiem Mass for deceased bishops 262; Privileges of bishops 262; Days on which it is forbidden in private oratories 644; To be heard 642; From one's own parish priest 644; In the Ship's Chapel ib. Devotion in hearing Mass celebrated by a Bishop 647; Gregorian Masses 1379. See *Eucharist*.

Missionaries: Regulars with regard to dependence upon their own Superiors and upon the Ordinary of the place 272; Apostolic 244. Clothing 101. 102. Political affairs 185. Mass for the people 213. Examination for administration of the sacraments 757. Latin missionaries with regard to the confession of Oriental nuns 791.

Mohatra: Unlawfulness 1158;

Masturbation: Unlawfulness 810; 823;

Nuns: More recent 248. The bishop as their superior ib. Their dependence upon the Ordinary ib. See *Regulars*.

Admonition: To be given 412; 415;

Mounts: Of Piety 1094.

Morality: Of external acts 71;

Loan: Profit from a loan 1095; Legal and conventional interest, fruits from fruits 1104; 1105;

Negroes: See *Indians*.

Curate-economus: Jurisdiction 244.

Offices: To compete for civil and political offices in Italy 440; 441; Offices of piety 457; Divine Office, see *Canonical Hours*.

Holy Oils: Tax to be paid 508;

Works: Moral 69; External 71; 72; Indifferent 74; Good, Evil; Supernatural, natural; honest, meritorious 6; 75; 89; Pious, Servile 632†;

Laborers: Obligations 94; Wage 1271; With regard to fasting 1616.

Prayer: Nature, conditions, efficacy 452; 455; Of a sinner ib. Object ib. Thoughts, Discourses, and affections ib.; Sleep ib.; Purgative, illuminative, unitive way ib.; Devotion ib.; Communion ib.; Feast days ib.; Sacred places ib.; Acts of virtues ib.; Contemplation ib.; Precept 453; 454; To God, to the Blessed Virgin Mary, to the Saints 456; For the Souls in Purgatory 457; To bind oneself to pray for a benefactor 508;

Ordinary: Of places, see *Bishop*.

Order: Council of Trent 873. Council of Carthage 875. Consecration of a bishop 881. Elevation and extension of the hands in the priesthood ib. Imposition of hands by bodily touch ib. Corrupted form 882. Anglican ordinations ib. Doubtful touching of the instruments 884. Chalice without wine, paten without a host 885. Touching of the paten and chalice 886. Touching of the instruments before pronouncement of the form 888. Omission of the handing over of the book of the Gospels 889.

Omission of touching the book of Epistles ib. Omission of the candlestick ib. Ringing of the bells and the book of lessons ib. Keys ib. Doors of the church to be closed and opened ib. First Tonsure ib. Erroneous anointing of the hands 890. Sacred orders invalidly conferred ib. Ordination *per saltum*, without a title of special office, baptismal innocence having been lost 891. Constitution *Speculatores* of Innocent XII, 892. An Abbot conferring orders ib. Excardination and ordination of clerics ib. Testimonial letters 893. On those who were subject to military service ib. Dimissorial letters for Regulars 894. Baptism with respect to orders 896. In what things ordinands must be instructed 897. Documents to be presented by those promoted to orders in the City ib. On spiritual exercises to be performed by ordinands ib. On heretics with regard to sacred orders 898. On priests to be admitted to the exercise of orders after abjuring schism 898. Doubtful intention 900. Intention revoked at the time of sacred ordination because of scruples ib. Dispensation from interstices 904. On the time of ordination 906. Dispensation from age 909. Title of ordination 912. Formula of the oath to be taken by those ordained under the title of the missions ib. On military service with regard to profession and orders 913. On ordination of Novices and Professed of simple vows 914. To receive orders from schismatics 367; 368; On three Masses to be celebrated by newly ordained priests 916. On the Nocturn to be recited by the newly ordained ib.

Orientals: Privileges of Greek priests 260; Apostolic Prefectures in the East are abolished 272; With regard to Apostolic Constitutions, with regard to Mass for the people 213.

Kisses: On account of carnal delight 765; 782;

Parish priest: Whether he is a judge of the faith 182; Dismemberment of a parish 244. Residence of parish priests 204. 228. Preaching 212. 239. Explanation of the catechism 239. Mass for the people 213. Assistance to be given to the dying 234. Blessing of homes and of women after childbirth 242. Competent support 244.

Childbirth: Acceleration 742;

Patron: Feast 1551;

Sin: Philosophical 287; Voluntary in sin 288. Venial 312; not all works are sins 313; 316; Neither faith nor charity is required for avoiding sin 313; 316; Occasion 318;

Pensions: Ecclesiastical 187.

Perfection: Christian 4; 452; 455; 180;

Perjury: Unlawfulness 554; 557;

Piety: Offices 457;

Pledge: Fruits 1273;

Punishment: Without Sin 227; Capital punishment in a state not yet perfectly constituted 722;

Penance: Council of Trent 661. Nature ib. Sacrament 664. Necessity 663. Matter 665. Forgotten sins 666. Confession of venial sins ib. Confession of female catechumens 671. To be exacted conditionally from converted heretics 672. With regard to Catholics and schismatics 367; Perfect contrition 677. Universality of penance 679. Contrition prior to absolution 681. Servile fear 686. Attrition 686. 689. Beginning of love in it 693. Firmness of purpose 694. Reserved cases, see *Reservation*. Usefulness of

confession for piety 696. Integrity, presence 696, 698. Through an interpreter 699. Examination of conscience 701. External act of sin with regard to confession 702. Habit of sinning 707. Quantity and quality of satisfaction 725. Works of mortification 734. Force of satisfaction ib. Penance to be fulfilled by oneself 735. Satisfaction to be fulfilled before absolution 736. Formula of absolution 748. Absolution by telephone ib. Stole to be used ib. Confession of women in churches and at the grating ib. Prescriptions concerning confessionals in the public churches of the City and in Institutes of women ib. Assistance to be given to the dying 753. Minister of the sacrament of penance 755. Missionaries with regard to examination for administration of the sacraments 757. Approval with regard to the confession of voyagers ib. Power of the Vicar Capitular with regard to confessors, approval *ad beneplacitum nostrum*, recall of confessors and parish priests for examination ib. Defect of jurisdiction without a colored title 769. Absolution by one not approved in the article of death when an approved confessor is present 773. Freedom of confession 778. Soldiers with regard to penance 780. Beneficed clerics with regard to the choice of confessor 781. Jurisdiction of regulars 782. With regard to guests and servants ib. With regard to pupils living in a college 785. A regular hearing confessions, against the will of the superior, by delegation of the bishop 784. Restriction of faculties for regular confessors 786. Confession of regulars; made outside the Order 790. Superiors in Rome are forbidden to hear the confessions of subjects ib. Confessors of suppressed convents of regulars ib. Confessors of religious outside the enclosure ib. Confessors of nuns 791. Latin missionaries with regard to the confession of Oriental nuns ib. Reservation to be made by bishops 795. Decree of Clement VIII on reserved cases of regulars ib. Faculty to absolve from reserved cases 797. Absolution of cases and censures reserved to the Pope in the article of death and in a more urgent case 799. Faculty of bishops with regard to absolution of papal cases ib. Absolution of censures reserved even in a special manner to the Pope when it is impossible to approach the Holy See, and reincidence ib. Direct absolution of papal cases, obligation to abide by the mandates of the Church, and reincidence ib. Obligation of the Decree of 23 June 1886. Absolution from cases reserved to the Roman Pontiff when it would be hard for the penitent to await the time necessary for requesting the faculty ib. Impossibility of sending a letter ib. Recourse to the Ordinary ib. On absolution to be granted, denied, deferred 809. Absolution of one in a habit of sin and of one in a proximate occasion ib. On the sacramental seal 831.

Supreme Pontiff: Power 181; 237; etc.

Preaching: Of bishops, parish priests, others 212. In a temple of heretics 367;

Prescription: In criminal causes 913; Possession required 916; Good faith required 925; In criminal causes of clerics 7. 8.

Priests: See *Priest*, *Privilege*.

Princes: Civil 701, 704.

Privilege: Of the forum 260; Constitution *Odoardus* ib. Of Greek priests 260; Of bishops 262; Of regulars 270; 281 et seq.Of Latin America 282.

Probabilism: In the sacraments, in faith, in a judge 114; 117; etc.; Slight, highest, extrinsic ib. and 122; 126; 131; 136; A probable opinion in concurrence with a more probable one 119;

Process: Manner of proceeding summarily in disciplinary criminal causes of clerics for ecclesiastical courts 7. 8. Provisional arrangement for acts of appeal in criminal causes ib. Decree of 18 Dec. 1835 for criminal causes ib. Intervention of a defender at meetings of the Sacred Congregation of Bishops and Regulars held for criminal causes ib. Decree of Clement VIII on Appeals ib. Manner to be observed by bishops in the United States of North America in hearing and deciding criminal and disciplinary causes of clerics ib. Method of treating business in contentious proceedings before the Sacred Congregation of Bishops and Regulars ib. Rule to be observed in causes that are proposed before the Sacred Congregation of the Council with the order of law observed ib. Order to be observed in causes concerning the nullity of Religious Profession ib. Drawing up the process of matrimonial causes ib. Competence in matrimonial causes ib. Regular superiors can never in any way take cognizance of causes of their subjects pertaining to the Holy Office ib. Prescription in criminal causes of clerics ib.

Propositions: Chronological series of condemned propositions 359;

Property: Lawfulness 838;

Apostolic Protonotaries: Privileges 227.

Children: With regard to laws of the Church 195;

Purgatory: Existence 457; Suffrages ib.

Rebellion: Whether lawful 706;

Government: Various forms of civil government 705;

Royal placet: 440; 441;

Regulars: Privileges and indulgences 270; 273; 279; 281; Exemption 272; Erection of new Convents ib. Missionaries ib. Canonical Visitation by the Ordinary ib. With regard to Indults concerning abstinence 1626; Canonical Hours 107. 132. Benefices 191. 192. Preaching 212. Order to be observed in causes concerning the nullity of Religious Profession 7. 8. Regular superiors can never in any way take cognizance of causes of their subjects pertaining to the Holy Office ib. Price for entrance 518; Dependence of regulars upon civil authority 240. 248. Rules for the reform of regular men and nuns ib. Institutes of more recent religious ib. Without habit and without common life ib. Tertiaries ib. Solemnity of vows ib. Holiness of religious life 249. Dispersed 251. A regular Bishop 252. 72 *bis*. Dispensation from vows 254. Testimonial letters of Ordinaries to be sought before the admission of novices 261. Form to be observed in admission to the habit and to profession ib. Secularized religious with regard to testament and succession 1037; 1038; 1042; With regard to benefices 191. Ceremonies of Vestition and Profession ib. Qualities required in those to be admitted ib. Prohibition against receiving anything from novices ib. Place and duration of the novitiate 268. Prolongation of the novitiate and delay of Profession 270. Time and form by which professed religious of simple vows may renounce dominion over their goods 274. Privileges and rights of simple professed religious in regular Orders 276. Spiritual exercises to be performed by women who wish to receive the monastic habit or make profession 277. Simple vows before solemn profession of men ib. Simple vows before solemn profession of nuns ib. On the place designated for professed religious and on explicit profession ib. On return to the order with regard to secularized and expelled religious ib. Ordination of novices and professed religious of simple vows, and their expulsion 279. On the force of the

solemn vow of poverty 280. Ownership by solemnly professed regulars by Pontifical dispensation for Belgium ib. Bestowal of gifts upon regulars of either sex forbidden 285. On common life in religious Orders 288. On enclosure of regular men 294. On enclosure of nuns ib. On collecting alms by nuns ib. On the manner of electing regular superiors 297. Reelection of Abbesses or Superioresses ib. Obedience with regard to dispersed regulars 299. Spiritual direction, the vow and virtue of obedience 300. Account of conscience to be rendered to Superiors, Confession, Communion 301.

Relics: Cult 460; Of the Holy Thorn, of the Holy Cross, ancient, distinguished ib. Recognition 462; 463; Sale 508;

Reservation: Quinquennial faculties of bishops with regard to reserved papal cases 264; 266; See *Penance*.

Restitution: For small thefts 1307; For damage 1357; To pious causes 1421;

Mental reservation: Unlawfulness 554; 557; 1528;

Rites: Chinese, Malabar, Superstitious 356; 368; Observance of sacred rites 657.

Priest: To open a vein 701; 704; Care of souls 245. Departing for America 245. Of a lower Order 182;

Sacrament: Decree for the Armenians 304. Council of Trent ib. Efficacy ib. Intention of the minister 339. Faith and probity of the minister 349. Simulation 375. Rite 377. Consent in adults 381. Dispositions 386.

Sacrilege: To take away ecclesiastical goods 498.

Saints: Cult 456; Images ib. Nativity 460; Relics 460; 462; 463;

Satisfaction: Of good works 72;

Scandal: 422;

Schism: See *Heresy*.

Schools: Mixed schools of Catholics 367; Catholic, Protestant, mixed, neutral 700;

Seminary: Government 210.

Burial: See *Censure*.

Slavery: Trade 860;

Servant of God: Cult, process 461; 462; 463; Images 462; 463; Relics 462; 463;

Simony: Sale of sacred things 508; Sale of benefices 510; To give a temporal thing for a spiritual one 511; Price for entrance into religion 518; Sale of pious objects 520; Infamy 521;

Civil Society: Legislative power, obligation of civil laws, possibility, penal laws 183; 184;

Society of Jesus: Dependence of missionaries upon their own Superiors and upon the Ordinary of the place 272;

Associations: Heretics as members 367;

Solicitation: Instruction of the Holy Office 1251. Sin of solicitation ib. Decrees of the Holy Office 1252. Place of confession, simulation 1258. Denunciation to be made by all 1272. The solicitor

already deceased 1277. How denunciation is to be made 1278. Instruction concerning investigations in causes of solicitation ib.

Hope: Nature, lawfulness 370; Necessity 376;

Spiritism: Unlawfulness 485;

Betrothals: See *Matrimony*.

Suffrages: For the souls in Purgatory 457;

Superiors: Obedience to civil and ecclesiastical superiors, their support 701; 704; Generals of Religious Orders with regard to faculties granted to them 250; 258; Of Missions 272;

Suspension: See *Censure*.

Syndic: Divorce to be pronounced 19.

Synod: Priests, parish priests 182;

Taxes: Ecclesiastical 508; 520;

Telegrams: With regard to petitions for grace 285;

Temples: See *Churches*. To build temples of heretics 367; To build temples of infidels 368;

Third Orders: Precedence 281; Participation in indulgences 248. Formula of blessing with a plenary indulgence 1380.

Testament: Old, New, Distinction. Legal precepts of the Old Testament, Precepts of the New Testament 74; 180; Capacity to make a will with regard to secularized religious 1037; Succession of religious 1038; 1042; Right of succession with regard to pensions of regulars 1047; Sacred vessels owed to the cathedral church when the bishop dies 1047; Relics of the Holy Cross to be transmitted by bishops to their successors 1047;

Theologian: With regard to contemplation 452; 455;

Fear: Useful for salvation 79;

Trinity: Images 460;

Tyrant: Defense 706;

Universities: Catholic, Protestant, mixed 700;

Usury: Unlawfulness 1080; Obligation of delayed restitution 1093;

Sale: Resale 1154;

Way of the Cross: Requirements for indulgences 1380.

Vicars Apostolic: Mass for the people 213. Dependence of missionaries upon them 272.

Vicar Capitular: Election 227.

Violence: On the part of the devil 64; 65;

Virtue: Acts 6; 452; 455;

Vice: Acts 6;

Reproach: Unlawfulness 1516;

Pleasure: To act for its sake 82;

Vow: Excellence 570; Of communities 588; Solemnity 248.

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INDEX

Abortion.
— Unlawfulness, 745.
Abstinence.
— With regard to time, 1571.
— Condiments, 1572.
— Coots, hartshorn, 1572.
— Saturday in Belgium and in Italy, 1573.
— Indult for Latin America, 1573.
— With regard to the Greeks, 1573.
— Quinquennial faculty of bishops, 1577.
— To be anticipated or dispensed from by bishops, 1577.
— Indults customarily granted at Rome, 1626.
— Indults for the Spanish Dominions, Bull of the Crusade, 1626.
— Religious with regard to Indults, 1626.
Sloth.
— Unlawfulness, 343.
Activity.
— Human activity necessary for perfection, 4.
Act.
— Division of human acts; good, evil; natural, supernatural; honest, meritorious, 6, 89.
— Motive of human acts, 79, 82.
— Heroic act of charity, 1380.
Adultery.
— With the husband's consent, 793.
Advocate.
— A cause of divorce to be defended, 19.
Alienation.
— Of ecclesiastical goods, 1139.
St. Alphonsus.
— Authority, 131, 136.
Privileged altar.
— Indulgence, 1378.
— Not gained and to be supplied, 629.
— Gregorian, 1379.
Latin America.
— Privileges, 282.
— Indult concerning fasting and abstinence, 1573.
Love.
— Twofold love of God, 6.
— Not necessary for acting honestly, 6, 79.
— On pure love, 376.
Archives.
— Sacred, 204.
Astrology.
— Unlawfulness, 475.
Attrition.
— Useful for salvation, 79.
Authority.
— Extrinsic, 114, 117.
— etc, 122, 126, 131, 136.
— What it is, 166.
— Of the Church, 180.
— Civil, 183, 184.
Baptism.
— Council of Trent, 389.
— Baptism of desire, 391.
— Effects, 394.
— To be conferred once, 394.
— Matter and form, 396.
— In the mother's womb and over clothing, 402.
— Ablution, 406.
— Form, 412.
— Form in the present indicative, 412.
— Invocation of the three Persons, 412.
— Expression of the one baptizing, of the one baptized, and of the act of baptizing, 412.
— Minister, 419.
— Ceremonies, 430.
— Baptismal font, 432.
— Omission of the ceremonies by reason of horror and scandal, 433.
— By reason of necessity, 433.
— Holy Oils of the preceding year in the blessing of the font, 434.
— Blessed water to be used in the conferral of baptism, 435.
— In private homes, 437.
— Name of the one to be baptized, 438.
— Ceremonies to be supplied, 440.

— To be administered by heretics, 367.
— Catholic and heretical sponsors, 367.
— A heretical sponsor or one bound by a censure, 442.
— The parents themselves as sponsors, 443.
— Spiritual relationship of the father baptizing, 443.
— Religious as sponsors, 443.
— A sponsor holding the infant, 450.
— Spiritual relationship with regard to a proxy, 455.
— In private baptism, 459.
— Dispositions necessary for receiving baptism, 460.
— Baptism not to be deferred, 463.
— Children of infidels, heretics, apostates, 464.
— Doubtfully baptized persons, 465.
— Exposed infants, 466.
— Persons baptized by catechists in mission territories, 467.
— Persons baptized by heretics, 468.
— Caesarean operation, the mother being dead, 471.
Blesseds.
— Cult, images, Office, Mass, feast days, prayers, relics, Patrons, 462, 463.
War.
— Lawfulness, 753.
— Non-intervention, 757.
Benedict XIV.
— Encyclical *Vix pervenit* on Usury, 1095.
Benefices.
— With regard to government salaries, 870.
— Reserved benefices, 188, 192.
— Plurality, 191.
— Secularized religious, 191.
— Vacancy through profession of simple vows, 192.
— Profession of faith, 193.
— Choice of the more worthy, 195.
— Competitive examination, 190.
— Doctorate, 190.
— Synodal examiners, 202.
Beneficed clerics.
— Profession of faith, 364.
Blasphemy.
— Unlawfulness, 535.
Goods.
— To take away ecclesiastical goods, 498.
— Their alienation, sale, exchange, emphyteusis, pledge and mortgage, lease, investment, 1139.
— Of Religious Institutes, 1139.
— Usurpation of ecclesiastical goods, 1331, 244.
Calumny.
— Unlawfulness, 1486.
— Killing of a calumniator, 733.
Exchange.
— Lawfulness, 1176.
— Unlawfulness, 1176.
Canon.
— Profession of faith, 364.
— Residence, 217.
— Service through substitutes, 217.
— Choral discipline in the City, 218.
— Choir distributions, 220.
— Chapters, 222.
— Conventual Mass, 225.
— Assistance owed to the bishop, 226.
— Election of the vicar capitular, 227.
— Honorary Canons, 227.
— Apostolic Protonotaries, 227.
Chapter.
— Of Canons, 222.
Censure.
— Nature, 1084.
— Power to impose censures, 1088.
— Absolution, 1100.
— Excommunicated persons to be avoided, 1108.
— Minor excommunication, 1109.
— Excommunication deprives one of Apostolic Rescripts, 1116.
— Suspension *ex informata conscientia*, 1125.
— Rite of burial, 1149.
— Decree on obsequies, 1151.
— Funerals in churches of regulars, 1151.
— Ecclesiastical burial to be denied, 1156.
— On suicides, 1157.
— On heretics and sectarians, 1158.
— Burial of notorious excommunicates, 1159.
— Cremation of bodies, 1159.

— Orientals with regard to the Constitution *Apostolicae Sedis*, 1162.
— Excommunication for heresy, 1164.
— Excommunication for reading books of heretics, 1165.
— Popular elections of parish priests and of the Supreme Pontiff, 1166.
— Those who compel lay judges, 1170.
— Acts of the Holy See, 1171.
— Absolution of an accomplice, 1173.
— On usurpation of benefices, 1174.
— Absolution from excommunications reserved to the Supreme Pontiff, 1176.
— On duelists, 1185.
— Masonic sects, 1186.
— On the departure of nuns, 1188.
— Collection of Masses, 1195.
— On political elections in Italy, 1196.
— Those who communicate with excommunicates, 1199.
— Usurpers and purchasers of ecclesiastical goods, 1202.
— Indult of composition, 1202.
— Faculties of confessors in the City, 1203.
— Clerics presuming to contract civil marriage, 1203.
— Those who injure ministers of the episcopal curia, 1208.
— Alienation of ecclesiastical goods, 1209.
— Those who absolve a solicitor, 1210.
— Those who print sacred books, 1211.
— A bridegroom abducting a bride, 1212.
— On the commerce of missionaries, 1218.
— Reserved suspension, art. 3, 1222.
— On titular bishops, 1232.
— To exercise pontificals in another diocese, 1233.
— Alms for Masses, 1238.
— Another suspension added, 1240 bis.
— Those who remove books from the library of Udine, 1247.
— Excommunication upon the Canons of the Vatican Basilica, 1247.
— Privileges of regulars, 1248.

Charity.
— Precept, 378.
— Whether we are bound always to act from charity, 381.
— When the precept of charity urges, 381.
— On charity toward one's neighbor, 382.
— Desire of a neighbor's temporal evil, 389.
— Almsgiving, 397.
— Correction by masters, 409.
— Admonition, 412, 415.

Clerics.
— Holiness, 95.
— Celibacy, 97.
— Continence with regard to the Greeks, 97.
— Clothing of Missionaries, 101, 102.
— Divine Office, 104.
— et seq.Enrollment in military service, 174.
— Bullfighting, 180.
— Dwelling with women, 181.
— Commerce, Shares, 182.
— Office of advocate, 185.
— Political affairs, 185.
— Attending government Universities, 185.
— Care of souls, 245.
— Those departing for America, 245.
— Clerics in lower orders, 246.
— Prescription in criminal causes of clerics, 246.

Communion.
— Easter Communion, 1552.
— Sacrilegious, 1559.
— Preparation, thanksgiving, 452, 455.

Compensation.
— Occult compensation of servants, 1473.

Complicity.
— Sin, 1251.

Councils.
— Provincial, 181.
— Canons of the Vatican Council on the Catholic Faith, 345.
— On the Roman Pontiff, 357.

Concupiscence.
— Dominant, 6, 69.
— When it is a sin, 54, 58.
— Its movements must be resisted, 58.

Competitive examination.
— For parishes, 190.

— Doctorate, 190.
Condition.
— In contracts, contrary to law, 972.
Confession.
— Annual, 1552.
— Null, 1559.
Confirmation.
— Council of Trent, 473.
— Matter, 475.
— Blessing of chrism, 479.
— Minister, 484.
— Validity of confirmation conferred by schismatic and Catholic Oriental priests, 484.
— A simple priest confirming, 485.
— Instruction for a simple priest confirming, 485.
— Omission of the admonition by an extraordinary minister, 485.
— Confirmation of children, 489.
— Before first Communion, 489.
— Obligation of confirmation, 490.
— Prerequisite dispositions, 492.
— Ceremonies, 494.
— Sponsor, 494.
Confraternities.
— Erection, enrollment, conditions for gaining indulgences, 1380.
Sacred Congregations.
— Decrees of the Sacred Congregation of Rites, 178.
— Subjection to their decisions, 356.
Conscience.
— Certain, doubtful, 100, 139.
Custom.
— Legitimately established, 190.
Contemplation.
— State, 452, 455.
Contract.
— Oath, 970.
— Conditions contrary to law, 972.
Convent.
— Erection, 272.
Cooperation.
— With regard to servants, 440, 441.
— With regard to political matters, 441.
— With regard to superstitious and heretical rites, 365.
— et seq.; With regard to the building of temples of heretics and infidels, 367, 368.
Corporals.
— Washing, 506.
Correction.
— By masters, 409.
Craniotomy.
— Unlawfulness, 745.
Crusade.
— Bull, 1626.
Cupidity.
One who causes damage.
— One who commands, one who counsels, 1396.
— Restitution, 1357.
Doubt.
— To be considered, 100, 139.
Tithes.
— Abolition, obligation, 1331, 1548.
— To be paid to clerics, 870.
Decretals.
— Force, 169.
The dead.
— Office, 131.
Delight.
— In an evil thing, 389.
— Venereal, 765.
Desire.
— Of an evil thing, 288, 389.
Detraction.
— Unlawfulness, 1486.
God.
— Images of God the Father, 460.
— Creation of all things, 357.
Devotion.
— Sensible, 452, 455.
— Toward Jesus Christ Our Lord, the Blessed Virgin Mary, the Saints, 456.
— Various, reproved, 460.
Days.
— Feast days, 452, 455.
— Days on which Mass is forbidden in private oratories, 644.

Dispensations.
— Matrimonial dispensations to be granted by the Bishop, 264, 266.
— By telegram, 285.
Divorce.
— Sentence, 19.
Doctorate.
— Conditions, *honoris gratia*, 190.
Masters.
— Obligations, 94.
Dominion.
— Of property, 838.
— Of the Church, 869.
Duel.
— Unlawfulness, 747.
— Irregularity, 747.
— To offer, to accept, 748.
Church.
— Legislative power, its object, obedience to be rendered to it, 180.
— Laws, 180.
— Coercion, 180.
— Temporal power, 180.
— Roman, 181.
— Superior and independent power, 184.
— A true and perfect society, 184.
— Canons of the Vatican Council, 356.
— Access of heretics to Catholic churches, 367.
— To build temples of heretics, 367.
— Preaching in a temple of heretics, 367.
— Dominion, 869.
Education.
— Of offspring, 671.
Elections.
— Municipal, political in Italy, 440, 441.
Alms.
— To be given, 397.
— Profits the Souls in Purgatory, 457.
Bishop.
— Power, 181.
— Residence, 204.
— A regular, 252.
— Faculties granted pass to successors, 250, 258.
— Their subdelegation, 254, 264, 266.
— Privileges, 262.
— Quinquennial faculties, with regard to cases reserved to the Holy See and matrimonial dispensations, 264, 266.
— Quinquennial faculty with regard to abstinence, 1577.
— faculty with regard to anticipating or dispensing from fasting and abstinence, 1577.
— With regard to dispensation from religious vows, 254.
— Canonical Visitation of Convents, 272.
— Reconciliation of heretics, 346.
— Election, presentation, deposition of bishops, 188, 192.
— Bishop-administrators 224. Visitation of the diocese, 209.
— Government of seminaries, 210.
— Preaching, 212.
— Mass for the people, 213.
— Sacred vessels and Relics of the Holy Cross, upon his death, 1047.
— Process to be instituted in causes of clerics, 7, 8.
Eucharist.
— Council of Trent, 495.
— How long Christ remains really present, 496.
— Matter, 501.
— Bread and wine with regard to the sacrifice of the Mass, 501.
— Unleavened and leavened bread, 504.
— Communion in another rite, 505.
— The discipline of the Orientals to be preserved and protected, 505.
— Water to be mixed with the wine, 509.
— Whether water mixed with wine is converted into the Blood of Christ, 509.
— Form of consecration, 521.
— Efficacy, 521.
— Minister, 526.
— A deacon administering the holy Viaticum, 527.
— Distribution of the holy Eucharist outside Mass, 535.
— The holy Eucharist to be brought to the sick, 535.
— Distribution of the holy Eucharist in a sordid place and without the due ceremonies, 535.

— When carried by heretics, to be adored, 367.
— Communion to be administered in a Mass of the Dead, 537.
— The holy Eucharist to be reserved, 549.
— Exposition and benediction of the Most Holy Sacrament, 549.
— On the pyx, monstrance, and purificator, 551.
— On the lunette, 551.
— On the lamp before the Most Holy Sacrament, on electric light, 553.
— On renewal of the ciborium, 554.
— On Communion under both species, 558.
— Council of Trent, 558.
— On Communion of little children, 558.
— On the first Communion of children, 560.
— On Communion to be given to those condemned to death, 567.
— On preparation for Communion, 568.
— On the dispositions necessary for receiving the holy Viaticum, 568.
— On Confession to be made before Communion, 573.
— Frequent Communion, 579.
— On the hour of fasting required for Communion, 580.
— On fasting with regard to the recently baptized, 580.
— The fast required with regard to Mass, 595.
— Nature of the sacrifice of the Mass, 606.
— Council of Trent on the sacrifice of the Mass, 606.
— Mass for infidels, for heretics, for excommunicates, 610.
— Mass is profitably offered for the dead, 610.
— The sacrifice of the Mass independent of the merit of the priest, 611.
— Requiem Mass applied for the living or for others, 612.
— Application of the fruit of the sacrifice, 614.
— Multiple stipend of Masses, 621.
— Obligation of celebrating by reason of a benefice, 622.
— Obligation of applying Mass on suppressed days with regard to beneficed clerics, 622.
— Mass for the people, 622.
— Lawfulness of a stipend for the celebration of Masses, 623.
— Burdens of Masses not to be multiplied excessively, 624.
— Mass entrusted to another, part of the stipend being retained, 624.
— Reduction of Masses, 624.
— Administrators of churches, 624.
— Stipends for Masses in view of the person, 625.
— How Masses are to be assessed, 626.
— Trafficking on the occasion of Masses, 627.
— Plenary indulgence to be gained at a privileged altar, 629.
— Requiem Mass to be said by obligation, 630.
— Private Mass on Thursday and Saturday of Holy Week, 635.
— Mass on the night of the Nativity of Our Lord Jesus Christ, 638.
— Three Masses on the day of the Commemoration of All the Faithful Departed in Spain and Portugal, 638.
— Instruction of the Sacred Congregation for the Propagation of the Faith on celebrating twice in one day, 638.
— Instruction on the purification of the chalice in the aforesaid case, 638.
— Stipend for the second Mass, 638.
— What is to be understood by Church, Public Chapel, Semipublic Oratory, 639.
— Mass to be celebrated by outsiders in churches of regulars, 639.
— Celebration of Mass in temples of heretics, 639.
— In a private home, 639.
— At sea, 639.
— In semipublic oratories, 639.
— The Eucharist to be reserved in the same, 639.
— Profanation of a church, 641.
— Consecration and execration of churches, 641.
— Consecration and execration of sacred vessels, 641.
— On portable and fixed altars, 643.
— Faculty and formula for blessing sacred furnishings, 643.
— Mass without sacred vessels and vestments, 643.
— On the pall, corporal, purificator, 644.

— On the material of the chalice, 645.
— On the small cross and the blessing of the cross, 647.
— On the color of vestments, 652.
— On the material of sacred furnishings, 652.
— On the minister serving Mass, 653.
— On lights in the celebration of Mass, 654.
— Celebration with the head covered and with a ring, 655.
— Sprinkling of blessed water before Mass, 657.
— On Collects, 657.
— On purification of the chalice, 657.
— Mass in another church, 657.
— On the Requiem, 657.
— Prayers and sequences in Masses of the dead, 657.
— Chant and the vernacular language during Mass, 657.
— Gregorian chant, 657.
— A priest assisting at the Mass of a newly ordained priest, 657.
— A subdeacon not in sacred orders in a sung Mass, 657.
— Prayers after Mass, 657.
— Observance of the sacred rites, 657.

Gospel.
— Precepts, 74, 180.

Examiners.
— Synodal, 202.

Excommunication.

Exemption.
— Of regulars, 272.
— Erection of new Convents, 272.
— Of Missionaries, 272.
— Canonical visitation, 272.

Exequatur, 440, 441.

Extreme Unction.
— Council of Trent, 861.
— Oil not blessed by the bishop, 864.
— Anointing of the loins and feet, 864.
— Minister and subject, 866.
— Administration by means of an instrument, 867.
— Ceremonies, 868.
— Penitential Psalms and Litanies, 868.
— To be conferred immediately after baptism, 870.
— A gravely ill person not near death, 871.
— Prerequisite dispositions, 871.
— and, 492.
— With regard to soldiers, 780.

Feast.
— Feast days, 452, 455, 1551.
— In the universal Church, in the United States of America, in Spain, in Italy, 1551.
— Institution, transfer, 1550.
— Sanctification, 639.
— Hearing Mass, 642.
— Mass to be heard from one's own parish priest, 644.
— In the Ship's Chapel, 644.
— Abstinence from servile works, 652.

Fideicommissary bequests.
— For pious causes, 1030, 1033.

Faith.
— Nature, 345.
— Negative infidelity, heresy, 346.
— Reconciliation of heretics, 346.
— Admission of sons under paternal authority to the profession of faith, 346.
— Necessity of faith, 348.
— Things to be believed by necessity of means, 349.
— Mysteries of the Trinity and the Incarnation, 350.
— Necessity of precept, 353.
— When it obliges, 354.
— Not necessary for acting honestly, 79.
— Object, 356.
— Chinese and Malabar rites, 356.
— Dogmatic fact, 356.
— Text of St. John, 1 Ep. ch. 5, v. 7; Fire of Hell, 356.
— On God the Creator of all things, 357.
— On the Church of Christ, 357.
— Condemned propositions, 359.
— External profession, 364.
— Profession of faith, 193, 346, 364.
— Faith to be professed before public authority, 364.
— To enter temples of heretics, 364, 367.

— To build them, 367.
— To contract matrimony before a heretical minister, 367.
— Communication in civil matters, in divine things, 367.
— Mixed schools of Catholics, 367.
— Public disputation with a heretic, 367.
— Oath of missionaries, 368.
— Heretics assisting at and serving in the sacred functions of Catholics, 368.
— Baptism to be administered by heretics, 368.
— Catholic and heretical sponsors, 368.
— Catholics and heretics with regard to the Eucharist, 368.
— To hear Masses of schismatics, 368.
— Catholics celebrating in temples of heretics, 368.
— On the celebration of Mass by heretics in churches of Catholics, 368.
— On application of Mass for heretics, 368.
— Sacrament of penance with regard to Catholics and schismatics, 368.
— To receive orders from schismatics, 368.
— Matrimony with regard to Catholics and heretics, 368.
— Catholics and heretics with regard to funerals, 368.

Sons under paternal authority.
— With regard to abstinence, 1616.

Fornication.
— Unlawfulness, 782.

Funerals.
— Of regulars, 279.
— Catholics and Heretics, 367.

Theft.
— Unlawfulness, 1296.
— Restitution, 1307.
— Killing of a thief, 731, 732.

Grace.
— Petition by telegram, 285.

Greeks.
— Continence of clerics, 97.

Heresy.
— Sin and to be denounced, 346.
— Reconciliation of heretics, 346.
— To enter temples, 365, 367.
— Communication in civil matters, in divine things, with heretics, 367.
— Public disputation with a heretic, 367.
— To build temples of heretics, 367.
— Preaching in a temple of heretics, 367.
— Access of schismatics to churches of Catholics, 367.
— Freedom of worship, 369.

Homicide.
— Unlawfulness by private authority, even in the absence of public justice, 722.
— Killing of a thief, 731, 732.

Canonical Hours.
— Obligation, 104.
— With regard to religious of simple vows and nuns, 107.
— Restitution, 117.
— Form, 124.
— Little Office of the Blessed Virgin Mary, 129.
— Office of the Dead, 131.
— Litanies, 131.
— Order, 132.
— Votive Offices throughout the year, 132.
— Recitation of one Office in place of another, 133.
— Commemorations at Vespers, 137.
— Suffrages, 137.
— Prayer to be added after Matins, 141.
— Additions from devotion, 145.
— Time, 148.
— Matins and Lauds to be recited on the preceding day, 152.
— Impossibility of integral recitation, 170.

Fast.
— Obligation, 1571.
— With regard to time, 1571.
— Condiments, 1572.
— Indult for Latin America, 1573.
— With regard to the Greeks, 1573.
— Before the consecration of a church and before ordinations, 1573.
— To be anticipated or dispensed from by bishops, 1577.
— Morning collation, 1585.
— Small meals during the day, 1586.

— Reversal of the principal meal and the evening collation, 1591.
— Abstinence from dairy foods, 1601.
— Eating meat several times in a day when an Indult is granted, 1606.
— Promiscuous use of flesh-meat and fish, 1607, 1626.
— The sick with regard to such promiscuous use, 1626.
— Laborers and travelers, 1616.
— Sons under paternal authority, 1616.
— Indults customarily granted at Rome, 1626.
— Indults for the Spanish Dominions, Bull of the Crusade, 1626.
— Indult for the Neapolitan Provinces, 1626.
Jesus Christ.
— Cult, 460.
— Most Sacred Heart, 460.
— Countenance, 460.
— Most Holy Soul, 460.
— Holy Thorn, 460.
— Holy Cross, 460.
— Images, 460.
Ignorance.
— Invincible, vincible, 50.
Images.
— Sacred images to be venerated, 456, 460.
— Reproved, 460.
— Of Servants of God, 461, 462, 463.
— Of Blesseds, 462, 463.
Immunity.
— Ecclesiastical, 260.
Indians and Negroes.
— Who are understood in the Constitution *Trans Oceanum*, 282.
Indulgence.
— Nature and value, 1349.
— Power of the Pope, of Bishops, and of others with regard to indulgences, 1351.
— Faculty to bless rosaries, crosses, etc, 1352.
— Blessing of crosses, etc., with the application of indulgences, 1353.
— Decree concerning rules or norms for distinguishing true indulgences from apocryphal ones, 1355.
— Commentaries on the aforesaid rules, 1355.
— On several indulgences attached to the same pious work, 1360.
— On several plenary indulgences to be gained on the same day, 1360.
— On the donation of things that have indulgences attached, 1360.
— On confession and Communion on the vigil of feasts, 1361.
— On weekly confession for gaining indulgences by those accustomed to confess once a week, 1361.
— On confession made within the week for gaining indulgences in places where confessors are lacking, 1361.
— Interpretation of the indult concerning weekly and fortnightly confession for gaining indulgences, 1361.
— On Communion, 1361.
— On the prescribed prayers, 1362.
— On visiting a church, 1363.
— On the time of indulgences, 1364.
— Heroic act of charity, 1340.
— Declarations concerning the heroic act of charity, 1340.
— Way of the Cross, 1340.
— Formula of blessing with a plenary indulgence for secular Tertiaries, 1340.
— On Confraternities, 1340.
— Plenary indulgence at the article of death, 1340.
— Sale of pious objects, 520.
— Of regulars, 270, 281.
Indults.
— For Spain, for the Neapolitan Provinces, for the City, 1626.
Infamy.
— For simony, 521.
— For a duel, 747.
Hell.
— Fire, 356.
Infidelity.
— Negative, 346.
— Superstitious rites, 368.
— Building of temples, 368.
— Application of Mass for infidels, 368.
St. John.

— Text of 1 Epistle, ch. 5, v. 7, 356.
St. Joseph.
— Friend of the Sacred Heart; cult of the Heart, 460.
— Feast, 1551.
Irregularity.
— For a duel, 747.
— With regard to Greek priests, 260.
— From heresy, 1341.
Jubilee.
— Rules handed down by Benedict XIV, 1367.
— On suspension of faculties, 1367.
— On the place and time of the prescribed works, 1368.
— On travelers, 1368.
— On confession and Communion, 1369.
— On visits to churches, 1370.
— On a fast prescribed by strict law, 1371.
— On almsgiving, 1372.
— On commutation of the prescribed works, 1373.
— On gaining the jubilee several times, 1374.
— On absolution from reserved cases, 1374.
— On the use of extraordinary jubilee faculties, 1374.
— On the choice of confessor, 1374.
— On absolution from heresy, 1374.
— On absolution from the guilt of invasion of the temporal dominion of the Supreme Pontiff and of ecclesiastical goods, 1374.
— On commutation of vows, 1374.
— Repeated use of faculties, 1374.
Jews.
— Communication, 366.
— To serve them, 366.
Judge.
— The judge's private knowledge in a matrimonial cause, 13.
— Sentence in favor of a less or equally probable opinion, 18.
— Sentence of divorce, 19.
Oath.
— Formula for examiners of the writings of Servants of God, 551.
— Formula for those ordained under the title of the missions, 912.
— To be taken by missionaries, 912, 368.
— Lawfulness, 552.
— Political and Protestant, 553, page 53.
— Before a schismatic priest, 367.
— Perjury, 554, 557.
— Dispensation, 569.
— In contracts, 970.
Justice.
— Twofold, 6.
Legacies.
— Pious, 1057.
— Duration of an annual legacy, 1059.
Law.
— Nature, 166.
— Possibility, 171, 183.
— Promulgation, acceptance, 168, 170.
— Ecclesiastical, 170.
— Divine, 180.
— Old, New, 180.
— Civil, 183.
— Penal, 183.
— Manner of satisfying the law, 214.
— Power of dispensing, 237.
Liberty.
— From intrinsic necessity, 10.
— Of human acts, 11.
— Of conscience and of worship, 184, 369.
Books.
— Approval, 1312.
— Of Missionaries, 1312.
— Obligation of the Constitution *Officiorum*, 1301.
— Prohibition of books, 1302.
— Reading of Sacred Scripture, 1304.
— Books of devotion, 1306.
— Books containing errors of the Syllabus, 1308.
— Books of indulgences, 1310.
Litanies.
— Approval, 131.
— Additions, 131.
— Chant, 131.
Sacred places.
— Devotion to be observed in them, 452, 455.
Teaching posts.

— To compete for them in Italy, 440, 441.
Magnetism.
— Unlawfulness, 485.
Malefactors.
— Killing, 719, 722.
— Killing of a thief, 731, 732.
— Killing of a calumniator, 733.
Slaves.
Mary.
— Blessed Virgin, prayer and devotion, 456.
— Interior, 460.
— Images, 460.
— Feast of the Immaculate Conception, 1551.
— Little Office, 129.
— Litanies, 131.
— Angelic Salutation, 131.
Matrimony.
— Council of Trent, 919.
— On betrothals of infants and minors and mixed betrothals, 919.
— On the validity of betrothals, 919.
— Civil marriage does not produce the impediment of public propriety, 923.
— Copulation after betrothal, 926.
— Matrimony with regard to soldiers, 780.
— Of minors, against the wishes of their parents, 928.
— Banns, 949.
— Secret marriages, 949.
— Proof of free status, 951.
— Marriage of foreigners, 951.
— Instruction of the Holy Office, 951.
— Supplementary oath, 951.
— On the time of the banns, 952.
— On dispensation from impediments when recourse to the Holy See is impossible, 955.
— Lawfulness of matrimony and of subsequent marriages, 957.
— Marriage presumed by law is abolished, 958.
— Consent of the contracting parties, 959.
— Consent declared by some sign, 960.
— Base condition, 966.
— Contract and sacrament, 969.
— The Church alone establishes impediments, 971.
— Civil power with regard to betrothals, matrimony, and impediments of matrimony, 971.
— Civil marriage, 973.
— Nuptial blessing, 976.
— Mass for spouses, 976.
— Celebration of matrimony in a private home and oratory, 976.
— Marriages of Freemasons, 976.
— Marriages of Protestants among themselves and mixed marriages, 976.
— Blessing of a woman after childbirth, 976.
— Unity of matrimony, 977.
— The matrimonial bond is indissoluble, 978.
— Marriages dissolved among Protestants, 978.
— Matrimony is dissolved through religious profession, 979.
— A spouse converted to the faith is free if the infidel spouse refuses to cohabit. But the faithful spouse is not free if the other spouse lapses into heresy or paganism, 979.
— Baptism does not dissolve marriages of infidels contracted within degrees prohibited by the Church while they were in infidelity. An infidel spouse converted to the faith is bound to receive back the infidel spouse who has converted, 979.
— Pauline privilege after renewal of consent, 979.
— Necessity of interpellation of the infidel spouse, 980.
— Impossibility of interpellation and Apostolic Indult, 980.
— Omission of interpellation of the other party, 980.
— On the departure of an infidel spouse, impeded after long cohabitation on account of discord and other causes, refusing the education of the offspring in the Christian religion, after dispensation has been obtained, on account of adultery; on departure with regard to catechumens, 980.
— Separation of bed and cohabitation, 981.
— Divorce to be sought from a lay judge, 983.
— Whether heretics are subject to impediments of ecclesiastical law, 984.
— Impotence, 994.
— Marriages contracted by minors in infidelity, 994.

— On the certain or doubtful death of a former spouse, 996.
— On doubtful marriage, 996.
— By what indications the death of a spouse is proved, 996.
— Impediment of consanguinity, 997.
— Affinity from illicit and licit intercourse, 1002.
— Dispensation in the first degree of affinity from licit intercourse, 1002.
— Affinity contracted in infidelity, 1002.
— Whether sodomy produces an impediment of matrimony, 1002.
— On spiritual relationship with regard to baptism and confirmation, 1009.
— On legal relationship, 1011.
— On an impediment from private betrothals, 1014.
— On the impediment of public propriety from civil marriage, 1014.
— On the impediment of public propriety in infidels converted to the faith, 1014.
— On the profession of simple vows with regard to dissolution of matrimony, 1015.
— On doubtful baptism in relation to matrimony, 1016.
— On an unknown conferral of baptism with respect to matrimony, 1016.
— On the unlawfulness of mixed marriage, 1016.
— On the power and cause for dispensing in mixed marriages, on the conditions to be laid down beforehand, on its sacred rite, 1016.
— Declaration of the Instruction of the Secretariat of State, 15 Nov. 1858, 1016.
— Faculty to dispense from impediments of matrimony when mixed marriages are at issue, 1016.
— Declaration of faculties for dispensing in mixed marriages, 1016.
— On the conditions necessary for dispensation in mixed marriages, 1016.
— On the absence of every blessing, prayer, and sacred vestment in mixed marriages, on conditions to be exacted in writing, on the banns, 1016.
— On the nuptial blessing not to be tolerated in mixed marriages, 1016.
— What those who contracted mixed marriages without the consent of the Church ought to do, 1016.
— Whether it is lawful to contract matrimony before a heretical minister, 1016.
— Whether it is lawful to report a child born to a heretical minister, 1016.
— On the impediment of adultery, 1018.
— On the impediment of crime with regard to infidels, 1019.
— On the impediment of force and fear, 1023.
— On the impediment of abduction, 1024.
— Council of Trent on the solemnity of matrimony, 1026.
— On quasi-domicile in relation to matrimony, 1026.
— On quasi-domicile in the United States of America, 1026.
— On those passing from a place where the Council of Trent was promulgated to a place where it was not promulgated, 1026.
— Clandestine marriages in Holland and in the federated provinces of Belgium between heretics, and between one Catholic party and another heretical party, are declared valid, 1026.
— On the force of the Declaration of Benedict XIV with regard to marriages of heretics in Belgium, 1026.
— Extension of the Declaration of Benedict XIV to the Duchy of Cleves, 1026.
— Association of heretics, 1027.
— With regard to Catholics and heretics, 367.
— Promulgation of the Decree of Trent: clandestine marriages of heretics in places of infidels; common impossibility of approaching the parish priest and seeking dispensation, 1028.
— Before a heretical minister, 365.
— Quinquennial faculties of bishops with regard to matrimonial dispensations, 264, 266.
— Dispensations by telegram, 285.
— Doubtful matrimony with regard to use, 1032.
— Drawing up the process of matrimonial causes, 1034.
— Dispensation from impediments, 1035.

— Causes for obtaining matrimonial dispensations; which things must be expressed in obtaining the dispensation itself, 1036.
— Validity of a dispensation when incestuous intercourse is concealed, 1038.
— All impediments to be set forth, 1038.
— Precautions to be employed with regard to dispensation in the first degree of affinity and in the first and second degree both of affinity and consanguinity, 1041.
— Composition payment, 1042.
— Dispensation with the poor, 1042.
— On the power of bishops over public diriment impediments, 1044.
— Dispensation by only one Ordinary, 1044.
— Cumulated dispensation, 1044.
— Anticipatory and common dispensation, 1044.
— Omission of clauses in a dispensation, 1045.
— Modifications to Apostolic Letters for the granting of matrimonial dispensations, 1045.
— Doubts concerning the clauses used by the Apostolic Datary in issuing matrimonial dispensations, 1045.
— Manner of verifying the causes in the execution of matrimonial dispensations by the official to whom that execution is committed, 1045.
— Execution of the dispensation, 1045.
— Various clauses of dispensations, 1046.
— Dispensation *in radice*, 1050.
— Artificial fecundation, 1052.
— Use of matrimony when conception is more difficult, 1045.
— Onanism, 1058.
— Competence in matrimonial causes, 1058.
— The judge's private knowledge in a matrimonial cause, 15.
— Sentence of divorce to be pronounced by a lay judge and by a syndic, 19.

Merit.
— Of human acts, 6, 89.

Mass.
— Application for heretics, 367.
— To hear a Mass of schismatics, 367.
— Catholics celebrating in temples of heretics, 367.
— Heretics celebrating in churches of Catholics, 367.
— Application of Mass for infidels, 368.
— For the people, 213.
— For the Souls in Purgatory, 457.
— Privileges of regulars, 273.
— Requiem Mass for deceased bishops, 262.
— Privileges of bishops, 262.
— Days on which it is forbidden in private oratories, 644.
— To be heard, 642.
— From one's own parish priest, 644.
— In the Ship's Chapel, 644.
— Devotion in hearing Mass celebrated by a Bishop, 647.
— Gregorian Masses, 1379.

Missionaries.
— Regulars with regard to dependence upon their own Superiors and upon the Ordinary of the place, 272.
— Apostolic, 244.
— Clothing, 101, 102.
— Political affairs, 185.
— Mass for the people, 213.
— Examination for administration of the sacraments, 757.
— Latin missionaries with regard to the confession of Oriental nuns, 791.

Mohatra.
— Unlawfulness, 1158.

Masturbation.
— Unlawfulness, 810, 823.

Nuns.
— More recent, 248.
— The bishop as their superior, 248.
— Their dependence upon the Ordinary, 248.

Admonition.
— To be given, 412, 415.

Mounts.
— Of Piety, 1094.

Morality.
— Of external acts, 71.

Loan.
— Profit from a loan, 1095.

— Legal and conventional interest, fruits from fruits, 1104, 1105.
Negroes.
Curate-economus.
— Jurisdiction, 244.
Offices.
— To compete for civil and political offices in Italy, 440, 441.
— Offices of piety, 457.
Holy Oils.
— Tax to be paid, 508.
Works.
— Moral, 69.
— External, 71, 72.
— Indifferent, 74.
— Good, Evil; Supernatural, natural; honest, meritorious, 6, 75, 89.
— Pious, Servile, 632.
Laborers.
— Obligations, 94.
— Wage, 1271.
— With regard to fasting, 1616.
Prayer.
— Nature, conditions, efficacy, 452, 455.
— Of a sinner, 455.
— Object, 455.
— Thoughts, Discourses, and affections, 455.
— Sleep, 455.
— Purgative, illuminative, unitive way, 455.
— Devotion, 455.
— Communion, 455.
— Feast days, 455.
— Sacred places, 455.
— Acts of virtues, 455.
— Contemplation, 455.
— Precept, 453, 454.
— To God, to the Blessed Virgin Mary, to the Saints, 456.
— For the Souls in Purgatory, 457.
— To bind oneself to pray for a benefactor, 508.
Ordinary.
Order.
— Council of Trent, 873.
— Council of Carthage, 875.
— Consecration of a bishop, 881.
— Elevation and extension of the hands in the priesthood, 881.
— Imposition of hands by bodily touch, 881.
— Corrupted form, 882.
— Anglican ordinations, 882.
— Doubtful touching of the instruments, 884.
— Chalice without wine, paten without a host, 885.
— Touching of the paten and chalice, 886.
— Touching of the instruments before pronouncement of the form, 888.
— Omission of the handing over of the book of the Gospels, 889.
— Omission of touching the book of Epistles, 889.
— Omission of the candlestick, 889.
— Ringing of the bells and the book of lessons, 889.
— Keys, 889.
— Doors of the church to be closed and opened, 889.
— First Tonsure, 889.
— Erroneous anointing of the hands, 890.
— Sacred orders invalidly conferred, 890.
— Ordination *per saltum*, without a title of special office, baptismal innocence having been lost, 891.
— Constitution *Speculatores* of Innocent XII, 892.
— An Abbot conferring orders, 892.
— Excardination and ordination of clerics, 892.
— Testimonial letters, 893.
— On those who were subject to military service, 893.
— Dimissorial letters for Regulars, 894.
— Baptism with respect to orders, 896.
— In what things ordinands must be instructed, 897.
— Documents to be presented by those promoted to orders in the City, 897.
— On spiritual exercises to be performed by ordinands, 897.
— On heretics with regard to sacred orders, 898.
— On priests to be admitted to the exercise of orders after abjuring schism, 898.
— Doubtful intention, 900.

— Intention revoked at the time of sacred ordination because of scruples, 900.
— Dispensation from interstices, 904.
— On the time of ordination, 906.
— Dispensation from age, 909.
— Title of ordination, 912.
— Formula of the oath to be taken by those ordained under the title of the missions, 912.
— On military service with regard to profession and orders, 913.
— On ordination of Novices and Professed of simple vows, 914.
— To receive orders from schismatics, 367, 368.
— On three Masses to be celebrated by newly ordained priests, 916.
— On the Nocturn to be recited by the newly ordained, 916.

Orientals.
— Privileges of Greek priests, 260.
— Apostolic Prefectures in the East are abolished, 272.
— With regard to Apostolic Constitutions, with regard to Mass for the people, 213.

Kisses.
— On account of carnal delight, 765, 782.

Parish priest.
— Whether he is a judge of the faith, 182.
— Dismemberment of a parish, 244.
— Residence of parish priests, 204, 228.
— Preaching, 212, 239.
— Explanation of the catechism, 239.
— Mass for the people, 213.
— Assistance to be given to the dying, 234.
— Blessing of homes and of women after childbirth, 242.
— Competent support, 244.

Childbirth.
— Acceleration, 742.

Patron.
— Feast, 1551.

Sin.
— Philosophical, 287.
— Voluntary in sin, 288.
— Venial, 312.
— not all works are sins, 313, 316.
— Neither faith nor charity is required for avoiding sin, 313, 316.
— Occasion, 318.

Pensions.
— Ecclesiastical, 187.

Perfection.
— Christian, 4, 452, 455, 180.

Perjury.
— Unlawfulness, 554, 557.

Piety.
— Offices, 457.

Pledge.
— Fruits, 1273.

Punishment.
— Without Sin, 227.
— Capital punishment in a state not yet perfectly constituted, 722.

Penance.
— Council of Trent, 661.
— Nature, 661.
— Sacrament, 664.
— Necessity, 663.
— Matter, 665.
— Forgotten sins, 666.
— Confession of venial sins, 666.
— Confession of female catechumens, 671.
— To be exacted conditionally from converted heretics, 672.
— With regard to Catholics and schismatics, 367.
— Perfect contrition, 677.
— Universality of penance, 679.
— Contrition prior to absolution, 681.
— Servile fear, 686.
— Attrition, 686, 689.
— Beginning of love in it, 693.
— Firmness of purpose, 694.
— Usefulness of confession for piety, 696.
— Integrity, presence, 696, 698.
— Through an interpreter, 699.
— Examination of conscience, 701.
— External act of sin with regard to confession, 702.
— Habit of sinning, 707.
— Quantity and quality of satisfaction, 725.

— Works of mortification, 734.
— Force of satisfaction, 734.
— Penance to be fulfilled by oneself, 735.
— Satisfaction to be fulfilled before absolution, 736.
— Formula of absolution, 748.
— Absolution by telephone, 748.
— Stole to be used, 748.
— Confession of women in churches and at the grating, 748.
— Prescriptions concerning confessionals in the public churches of the City and in Institutes of women, 748.
— Assistance to be given to the dying, 753.
— Minister of the sacrament of penance, 755.
— Missionaries with regard to examination for administration of the sacraments, 757.
— Approval with regard to the confession of voyagers, 757.
— Power of the Vicar Capitular with regard to confessors, approval *ad beneplacitum nostrum*, recall of confessors and parish priests for examination, 757.
— Defect of jurisdiction without a colored title, 769.
— Absolution by one not approved in the article of death when an approved confessor is present, 773.
— Freedom of confession, 778.
— Soldiers with regard to penance, 780.
— Beneficed clerics with regard to the choice of confessor, 781.
— Jurisdiction of regulars, 782.
— With regard to guests and servants, 782.
— With regard to pupils living in a college, 785.
— A regular hearing confessions, against the will of the superior, by delegation of the bishop, 784.
— Restriction of faculties for regular confessors, 786.
— Confession of regulars; made outside the Order, 790.
— Superiors in Rome are forbidden to hear the confessions of subjects, 790.
— Confessors of suppressed convents of regulars, 790.
— Confessors of religious outside the enclosure, 790.
— Confessors of nuns, 791.
— Latin missionaries with regard to the confession of Oriental nuns, 791.
— Reservation to be made by bishops, 795.
— Decree of Clement VIII on reserved cases of regulars, 795.
— Faculty to absolve from reserved cases, 797.
— Absolution of cases and censures reserved to the Pope in the article of death and in a more urgent case, 799.
— Faculty of bishops with regard to absolution of papal cases, 799.
— Absolution of censures reserved even in a special manner to the Pope when it is impossible to approach the Holy See, and reincidence, 799.
— Direct absolution of papal cases, obligation to abide by the mandates of the Church, and reincidence, 799.
— Obligation of the Decree of 23 June 1886. Absolution from cases reserved to the Roman Pontiff when it would be hard for the penitent to await the time necessary for requesting the faculty, 799.
— Impossibility of sending a letter, 799.
— Recourse to the Ordinary, 799.
— On absolution to be granted, denied, deferred, 809.
— Absolution of one in a habit of sin and of one in a proximate occasion, 809.
— On the sacramental seal, 831.

Supreme Pontiff.
— Power, 181, 237.

Preaching.
— Of bishops, parish priests, others, 212.
— In a temple of heretics, 367.

Prescription.
— In criminal causes, 913.
— Possession required, 916.
— Good faith required, 925.
— In criminal causes of clerics, 7, 8.

Priests.

Princes.
— Civil, 701, 704.

Privilege.
— Of the forum, 260.
— Constitution *Odoardus*, 260.
— Of Greek priests, 260.
— Of bishops, 262.
— Of regulars, 270, 281.
— et seq.Of Latin America, 282.
Probabilism.
— In the sacraments, in faith, in a judge, 114, 117.
— etc.; Slight, highest, extrinsic, 117.
— and, 122, 126, 131, 136.
— A probable opinion in concurrence with a more probable one, 119.
Process.
— Manner of proceeding summarily in disciplinary criminal causes of clerics for ecclesiastical courts, 7, 8.
— Provisional arrangement for acts of appeal in criminal causes, 8.
— Decree of 18 Dec. 1835 for criminal causes, 8.
— Intervention of a defender at meetings of the Sacred Congregation of Bishops and Regulars held for criminal causes, 8.
— Decree of Clement VIII on Appeals, 8.
— Manner to be observed by bishops in the United States of North America in hearing and deciding criminal and disciplinary causes of clerics, 8.
— Method of treating business in contentious proceedings before the Sacred Congregation of Bishops and Regulars, 8.
— Rule to be observed in causes that are proposed before the Sacred Congregation of the Council with the order of law observed, 8.
— Order to be observed in causes concerning the nullity of Religious Profession, 8.
— Drawing up the process of matrimonial causes, 8.
— Competence in matrimonial causes, 8.
— Regular superiors can never in any way take cognizance of causes of their subjects pertaining to the Holy Office, 8.
— Prescription in criminal causes of clerics, 8.
Propositions.
— Chronological series of condemned propositions, 359.
Property.
— Lawfulness, 838.
Apostolic Protonotaries.
— Privileges, 227.
Children.
— With regard to laws of the Church, 195.
Purgatory.
— Existence, 457.
— Suffrages, 457.
Rebellion.
— Whether lawful, 706.
Government.
— Various forms of civil government, 705.
Royal placet, 440, 441.
Regulars.
— Privileges and indulgences, 270, 273, 279, 281.
— Exemption, 272.
— Erection of new Convents, 272.
— Missionaries, 272.
— Canonical Visitation by the Ordinary, 272.
— With regard to Indults concerning abstinence, 1626.
— Canonical Hours, 107, 132.
— Benefices, 191, 192.
— Preaching, 212.
— Order to be observed in causes concerning the nullity of Religious Profession, 7, 8.
— Regular superiors can never in any way take cognizance of causes of their subjects pertaining to the Holy Office, 8.
— Price for entrance, 518.
— Dependence of regulars upon civil authority 240, 248.
— Rules for the reform of regular men and nuns, 248.
— Institutes of more recent religious, 248.
— Without habit and without common life, 248.
— Tertiaries, 248.
— Solemnity of vows, 248.
— Holiness of religious life, 249.
— Dispersed, 251.
— A regular Bishop, 252, 72 bis.
— Dispensation from vows, 254.
— Testimonial letters of Ordinaries to be sought before the admission of novices, 261.

— Form to be observed in admission to the habit and to profession, 261.
— Secularized religious with regard to testament and succession, 1037, 1038, 1042.
— With regard to benefices, 191.
— Ceremonies of Vestition and Profession, 191.
— Qualities required in those to be admitted, 191.
— Prohibition against receiving anything from novices, 191.
— Place and duration of the novitiate, 268.
— Prolongation of the novitiate and delay of Profession, 270.
— Time and form by which professed religious of simple vows may renounce dominion over their goods, 274.
— Privileges and rights of simple professed religious in regular Orders, 276.
— Spiritual exercises to be performed by women who wish to receive the monastic habit or make profession, 277.
— Simple vows before solemn profession of men, 277.
— Simple vows before solemn profession of nuns, 277.
— On the place designated for professed religious and on explicit profession, 277.
— On return to the order with regard to secularized and expelled religious, 277.
— Ordination of novices and professed religious of simple vows, and their expulsion, 279.
— On the force of the solemn vow of poverty, 280.
— Ownership by solemnly professed regulars by Pontifical dispensation for Belgium, 280.
— Bestowal of gifts upon regulars of either sex forbidden, 285.
— On common life in religious Orders, 288.
— On enclosure of regular men, 294.
— On enclosure of nuns, 294.
— On collecting alms by nuns, 294.
— On the manner of electing regular superiors, 297.
— Reelection of Abbesses or Superioresses, 297.
— Obedience with regard to dispersed regulars, 299.
— Spiritual direction, the vow and virtue of obedience, 300.
— Account of conscience to be rendered to Superiors, Confession, Communion, 301.

Relics.
— Cult, 460.
— Of the Holy Thorn, of the Holy Cross, ancient, distinguished, 460.
— Recognition, 462, 463.
— Sale, 508.

Reservation.
— Quinquennial faculties of bishops with regard to reserved papal cases, 264, 266.

Restitution.
— For small thefts, 1307.
— For damage, 1357.
— To pious causes, 1421.

Mental reservation.
— Unlawfulness, 554, 557, 1528.

Rites.
— Chinese, Malabar, Superstitious, 356, 368.
— Observance of sacred rites, 657.

Priest.
— To open a vein, 701, 704.
— Care of souls, 245.
— Departing for America, 245.
— Of a lower Order, 182.

Sacrament.
— Decree for the Armenians, 304.
— Council of Trent, 304.
— Efficacy, 304.
— Intention of the minister, 339.
— Faith and probity of the minister, 349.
— Simulation, 375.
— Rite, 377.
— Consent in adults, 381.
— Dispositions, 386.

Sacrilege.
— To take away ecclesiastical goods, 498.

Saints.
— Cult, 456.
— Images, 456.
— Nativity, 460.
— Relics, 460, 462, 463.

Satisfaction.
— Of good works, 72.

Scandal, 422.
Schism.
Schools.
— Mixed schools of Catholics, 367.
— Catholic, Protestant, mixed, neutral, 700.
Seminary.
— Government, 210.
Burial.
Slavery.
— Trade, 860.
Servant of God.
— Cult, process, 461, 462, 463.
— Images, 462, 463.
— Relics, 462, 463.
Simony.
— Sale of sacred things, 508.
— Sale of benefices, 510.
— To give a temporal thing for a spiritual one, 511.
— Price for entrance into religion, 518.
— Sale of pious objects, 520.
— Infamy, 521.
Civil Society.
— Legislative power, obligation of civil laws, possibility, penal laws, 183, 184.
Society of Jesus.
— Dependence of missionaries upon their own Superiors and upon the Ordinary of the place, 272.
Associations.
— Heretics as members, 367.
Solicitation.
— Instruction of the Holy Office, 1251.
— Sin of solicitation, 1251.
— Decrees of the Holy Office, 1252.
— Place of confession, simulation, 1258.
— Denunciation to be made by all, 1272.
— The solicitor already deceased, 1277.
— How denunciation is to be made, 1278.
— Instruction concerning investigations in causes of solicitation, 1278.
Hope.
— Nature, lawfulness, 370.
— Necessity, 376.
Spiritism.
— Unlawfulness, 485.
Betrothals.
Suffrages.
— For the souls in Purgatory, 457.
Superiors.
— Obedience to civil and ecclesiastical superiors, their support, 701, 704.
— Generals of Religious Orders with regard to faculties granted to them, 250, 258.
— Of Missions, 272.
Suspension.
Syndic.
— Divorce to be pronounced, 19.
Synod.
— Priests, parish priests, 182.
Taxes.
— Ecclesiastical, 508, 520.
Telegrams.
— With regard to petitions for grace, 285.
Temples.
— To build temples of heretics, 367.
— To build temples of infidels, 368.
Third Orders.
— Precedence, 281.
— Participation in indulgences, 248.
— Formula of blessing with a plenary indulgence, 1380.
Testament.
— Old, New, Distinction. Legal precepts of the Old Testament, Precepts of the New Testament, 74, 180.
— Capacity to make a will with regard to secularized religious, 1037.
— Succession of religious, 1038, 1042.
— Right of succession with regard to pensions of regulars, 1047.
— Sacred vessels owed to the cathedral church when the bishop dies, 1047.
— Relics of the Holy Cross to be transmitted by bishops to their successors, 1047.
Theologian.
— With regard to contemplation, 452, 455.
Fear.
— Useful for salvation, 79.
Trinity.

— Images, 460.
Tyrant.
— Defense, 706.
Universities.
— Catholic, Protestant, mixed, 700.
Usury.
— Unlawfulness, 1080.
— Obligation of delayed restitution, 1093.
Sale.
— Resale, 1154.
Way of the Cross.
— Requirements for indulgences, 1380.
Vicars Apostolic.
— Mass for the people, 213.
— Dependence of missionaries upon them, 272.
Vicar Capitular.
— Election, 227.
Violence.
— On the part of the devil, 64, 65.
Virtue.
— Acts, 6, 452, 455.
Vice.
— Acts, 6.
Reproach.
— Unlawfulness, 1516.
Pleasure.
— To act for its sake, 82.
Vow.
— Excellence, 570.
— Of communities, 588.
— Solemnity, 248.

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