

THEOLOGIA MORALIS SANCTI ALPHONSI

Reduced into a Compendium, and Adapted to the Use of the Venerable American Clergy
by Anthony Konings, C.SS.R.

ORDER

The Treatise on the Sacraments in General and the Treatise on Order, from Volume II

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TREATISE ON THE SACRAMENTS IN GENERAL

We must treat concerning the Sacraments: 1° their nature and division; 2° matter and form; 3° the Minister; 4° the subject.

CHAPTER I: ON THE DEFINITION, NUMBER, AND DIVISION OF THE SACRAMENTS

1206. - I. Definition. A Sacrament is a sensible sign instituted by Christ for signifying and conferring grace.

Hence three things are necessarily required in every Sacrament, namely: 1° a sensible sign; 2° divine institution; 3° the power of producing the grace promised by Christ.

All Sacraments are perfected by three things: 1° by things as matter; 2° by words as form; 3° by the person of the Minister confecting the Sacrament with the intention of doing what the Church does. - This is clear from the Council of Florence in the Decree of Union.

Sacraments, besides sanctifying grace, produce grace which is called sacramental, i.e. they confer, if due conditions are not lacking, helps for obtaining the special end for which each Sacrament was instituted. Sacraments operate *ex opere operato*, i.e. by force of the divine institution independently of the work of the one operating, namely of the Minister and subject of the Sacraments.

1207. - II. Number. The Sacraments are seven, as is clear from Trent:¹ If anyone shall have said that the Sacraments of the New Law were not all instituted by our Lord Jesus Christ, or that there are more or fewer than seven, namely Baptism, Confirmation, Eucharist, Penance, Extreme Unction, Order, and Matrimony; or that even some one of these seven is not truly and properly a Sacrament, let him be anathema.

III. Division. Sacraments according to various properties are thus distinguished:

1° **Necessary, or not necessary.** Again, necessary Sacraments are necessary either by necessity of means, or by necessity of precept. By necessity of means, at least in implicit vow, Baptism is necessary, which is the gate of the Church and of the kingdom of heaven; Penance is necessary for those who have fallen into mortal sin after Baptism; and, according to St. Alphonsus,¹ probably also the Eucharist, both on account of the words of Christ:² Unless you shall have eaten, etc., you shall not have life in you; and because the Eucharist is the end of all the Sacraments. - By necessity of precept all the others are necessary, with the last two excepted, which are not necessary for private persons, but only for the community.

2° **Imprinting, or not imprinting,** character in the soul. Baptism, Confirmation, and Order imprint character; the others do not imprint. - Trent.³

3° **Formed, or unformed,** according as they produce grace while they are received, or, with an obstacle intervening, suspend their effect until the obstacle is removed.

4° **Sacraments of the living or of the dead,** according as they already suppose sanctifying, or first, grace, and only increase it; or, from their primary institution, confer that same grace.

Notes to n. 1207 - note sequence 1. (1) Session 7, Canon 1. Notes to n. 1207 - note sequence 2. (1) L. VI. 192. (2) John 6. 54. (3) Session 7, Canon 9.

1208. Questions. - Query 1° Can the Sacraments of the dead confer second grace?

Resp. Affirmatively. But this can happen in a twofold case: 1° when venial sins alone are subjected to the keys, which frequently

happens; 2° when a penitent, guilty of mortal sin, approaches the Sacrament of Penance with perfect contrition; because perfect contrition with the vow of the Sacrament, even before reception of the same, justifies a man: therefore then the Sacrament confers not first grace, but second grace only.

Query 2° Can Sacraments of the living sometimes avail to confer first grace?

Resp. Affirmatively, more probably; not indeed *per se*, as is clear from their institution, but *per accidens*, or by means of Charity infused by force of the Sacrament in a subject not voluntarily opposing an obstacle. The case would be if someone of good faith, about to approach a Sacrament of the living, approaches in mortal sin, either because he is ignorant of this, or because he thinks himself contrite, or because he thinks that he approaches licitly in that state; now, in these circumstances the Sacrament of the living infuses grace into the soul, and therefore blots out the sin. For Sacraments always confer grace on those not placing an obstacle.¹ But an obstacle is not placed by him who approaches thus in good faith.²

1209. - Query 3° Is attrition required or does it suffice, that Sacraments of the living may confer first grace?

Resp. Affirmatively to each: 1° indeed it is required, because first grace cannot be infused except by the destruction of mortal sin; but the destruction of mortal sin cannot happen without detestation of the same, namely without contrition or at least attrition; 2° it suffices, because from the things said Sacraments of the living can sometimes confer first grace: but this could not happen if attrition did not suffice, since a sinner justified by perfect contrition would always approach the Sacrament.³

Query 4° Is original sin blotted out in Baptism valid indeed, but unformed because of defect of disposition in the adult baptized?

Resp. Negatively. The reason is, because no sin dissolving from the friendship of God is forgiven except through reconciliation with God, i.e. through justification. But this cannot happen unless first grace is infused; but this first grace is not infused if dispositions are lacking. Therefore. But once the obstacle has been removed, whether by perfect contrition with the vow of the Sacrament, or by the Sacrament with attrition, the sacramental grace of Baptism revives, or its suspension ceases, and it blots out original sin, and at the same time all actual sins committed before Baptism. But the Sacrament of Penance blots out sins committed after Baptism, and, according to the sentence which St. Alphonsus¹ calls most common, but whose foundation does not seem convincing to him, the sin of fiction, or of depraved disposition, with which the Sacrament of Baptism was received. Yet insofar as this depraved disposition persevered after Baptism, it is certainly blotted out through the Sacrament of Penance.

Notes to n. 1209 - note sequence 1. (1) Trent, Session 7, Canon 6. (2) L. VI. 6. 269. St. Thomas, Part 3, q. 72, a. 7 ad 2; q. 79, a. 3. (3) L. VI. 6. Notes to n. 1209 - note sequence 2. (1) L. VI. 142. ## CHAPTER II.

ON THE MATTER AND FORM OF THE SACRAMENTS.

I. ON THE NATURE AND UNION OF MATTER AND FORM.

1210. - Definitions. Matter is a sensible thing to be determined to the notion of a Sacrament through form. Hence matter is that which in the Sacrament is more indifferent, and has a less perfect signification; and therefore it must be determined through another thing for signifying.

Matter is twofold: one remote, and another proximate. The former is the sensible thing itself, which is employed in the Sacrament, or the thing about which the sacramental action is exercised. The latter is the very application, or use, of the remote matter in the sacramental action. Thus in Baptism water is the remote matter, ablution the proximate matter.

But form is the part of the Sacrament which determines the matter for effecting the Sacrament, and which ordinarily (n. 1554. II.) consists in words uttered by the Minister.

1211. Principles. - I. Matter and form are altogether necessary for the validity of a Sacrament; therefore, with either one lacking, Sacraments cannot be confected. The reason is, because a Sacrament cannot be confected except in that mode in which Christ instituted it, who alone is the author of the Sacraments. It is of faith. It is clear besides from dogmatic definitions, especially from the Council of Florence in the Decree of Union, etc.¹

II. In confecting a Sacrament, outside the case of necessity, matter and form ought to be employed morally certain. The reason is, because, unless necessity urges, it is not lawful to use probability which does not remove the danger of invalidity. Cf. n. 60. I.

III. Matter and form ought to be united, or applied, by the same Minister and toward the same subject. "The reason is, because if one should place the matter, and another the form, the words of the form would not be verified; for the Minister, who, for example, should say: I baptize thee, while another pours out the water, would utter what is false, since he himself would not baptize.

IV. That a Sacrament be valid, there ought to be so great a conjunction or simultaneity between matter and form that one affects the other. The reason is, because otherwise the words would not fall upon such a thing, nor therefore with it constitute one total sign.

1. In the Eucharist physical simultaneity is required between matter and form; for the demonstrative pronoun THIS and HERE cannot be verified unless the matter is present.

2. In the other Sacraments moral simultaneity suffices, and that diverse according to the diverse nature of the individual Sacraments. Hence:

a) In Penance absolution can be deferred for some little time, for example for an hour; for it was instituted in the manner of a forensic judgment, in which sentence is not always immediately pronounced.

b) In Matrimony the consent of one party can follow the consent of the other for as long as this is morally judged to endure, as happens in contracts, whose nature Matrimony imitates.

c) In the other Sacraments, for validity, it suffices that the matter be applied immediately (i.e. within a space less than one *Pater*) before the form is pronounced, or immediately after it has been uttered. - In practice, however, as safer, the sentence of Cajetan is to be advised, which requires that the form be begun before the application of the matter is completed, or conversely.¹

Notes to n. 1211 - note sequence 1. (1) L. VI. 427. Notes to n. 1211 - note sequence 2. (1) L. VI. 9.

II. ON THE CHANGE OF MATTER AND FORM.

1212. - There is given a twofold change both in matter and in form, namely substantial and accidental.

The change will be substantial in matter, if according to the use and estimation of men this cannot be called the same as that which was determined by Christ, as if in Baptism you should employ wine instead of water; but in form, if the sense of the words intended by Christ is changed into another, as if in Baptism you should say: I anoint thee in the name, etc. But the change is called accidental which is concerned only with the qualities of the thing, as if you baptize with water not blessed; or which does not change the sense of the words, as if in place of: I baptize, you should say: I wash.¹

Principles. - **I.** Every substantial change in the matter and form of a Sacrament invalidates the Sacrament, because it is no longer the rite instituted by Christ; and, if it is voluntary, constitutes grave sin, because it inflicts grave injury upon the author of the rite.

II. No accidental change in the matter and form invalidates a Sacrament; yet it induces grave or light sin, according as it is, or is not, notable.

The form of the Sacraments can be changed substantially in many ways:

1° By subtraction of an essential syllable or words, as if you say: I baptize, omitting that word thee; but not of accidental words, as if in Latin you say: I baptize thee, omitting that word I.

2° By addition, by which the truth of the Sacrament is taken away, as: I baptize thee in the name of the greater Father, of the lesser Son; but not by that addition by which only the error of the Minister is expressed, in a separate proposition, and not as an explicit or implicit condition, as: by the authority conferred upon me by Calvin, I, etc.

3° By variation of words through others not synonymous, as if in place of: I absolve, you say: I change.

4° By transposition of words, which ordinarily is only accidental, as: Thee I baptize.

5° By corruption of the same, for example by changing letters, which will more easily be substantial at the beginning than at the end of the words; because more easily for hearers the sense will be changed, for example in "in the name of the mother" for "of the father," than in "of the chalice" for "of the cup."

6° By interruption, by which the unity of the sentence is taken away, as if, after having said: This is, you should recite a Psalm or delay long; but not if, after having said: I thee, you should cough, impose silence, saying: Be silent, chatterers, and then at once conclude: baptize, etc.

Notes to n. 1212. (1) L. VI. 11.

III. ON THE REPETITION OF THE SACRAMENTS IN DOUBT CONCERNING THE VALID APPLICATION OF MATTER AND FORM.

1213. - A threefold rule must be established:

I. Sacraments can be repeated whenever there is a prudent doubt concerning their value. The reason is, because if perchance the Sacrament were not valid, those who approach to receive it would be deprived of its fruit. But that a prudent fear of so great an inconvenience is a sufficient reason why

the Sacrament should be repeated is clear from the very well-known axiom: Sacraments are on account of men.

II. Sacraments generally cannot be repeated without grave sin, when there is no prudent doubt concerning their value. The reason is, because without cause they would be repeated, and therefore a grave injury would be inflicted upon them.

III. Sacraments ought to be repeated whenever, a prudent doubt concerning their value having arisen, charity, justice, or religion demands this; that is, whenever from justice, charity, or religion they ought to have been conferred or administered. The reason is, because the nullity of the Sacrament, if perchance it were present, would turn to the harm of the neighbor, and sometimes to contempt or irreverence of Religion. But then they are to be repeated only conditionally, that reverence for the Sacrament may be provided for.¹

Notes to n. 1213. (1) L. VI. 27 sq.

1214. Resolves. - 1° The Sacraments more necessary, and those which are conferred only once, namely Baptism and Order, are more easily to be repeated, even if a much greater probability makes for the value of the Sacrament against doubtful or only slightly probable reasons in the opposite direction. - Thus commonly.

2° Absolution is to be repeated with a penitent guilty of mortal sin, if there is prudent doubt concerning the due utterance of the form. But if the penitent is not in the state of mortal sin, it will not be necessary to repeat the form, since Communion can be permitted to him even without absolution.

3° The Minister who doubts lightly, and does not know why he fears, or only does not reflexively remember that he pronounced the words of the form, sins mortally *per se* if he repeats the form, or even one word three or four times. The reason is, because he changes the form, and introduces a new rite concerning the gravest action of all. Moreover he exhibits Christ, whom he represents, as speaking ridiculously. In practice, however, the scrupulous who repeat the form are for the most part excused from mortal sin, indeed often also from venial sin, because, too much agitated by scruples, from perplexity or without advertence, they act so foolishly. - Thus Voit.¹

4° If in Mass after the Consecration a doubt arises for you concerning the due utterance of the form, or concerning its total omission, you ought not, nor can you, repeat anything, since otherwise you are not accustomed to omit these things; for one must judge from things commonly occurring, unless nevertheless you doubt very probably, as the Rubric speaks. - See St. Alphonsus.²

Notes to n. 1214. (1) P. 2. n. 27. 31. (2) L. VI. 224.

CHAPTER III: ON THE MINISTER OF THE SACRAMENTS

The Minister of the Sacraments is he who, in the name of Christ, whose place he bears, performs the sacramental action.

We must treat: 1° of the requisites in the Minister for conferring the Sacraments; 2° of the office of the Minister in the administration of the Sacraments.

ARTICLE I: ON THE REQUISITES FOR THE ADMINISTRATION OF THE SACRAMENTS, OR ON THE ATTENTION, INTENTION, FAITH, AND PROBITY OF THE MINISTER

§ I. ON THE ATTENTION OF THE MINISTER

1215. - Definition. Attention is the application of the mind to the things which are being done, or it is an act of the intellect by which a man considers that which he is doing.

Division. Attention is distinguished as twofold: one internal, which consists in the advertence itself of the mind to that which is being done; another external, which excludes every action physically incompatible with internal attention. - See the things said at n. 402.

Principles. - I. For the validity of the conferral of Sacraments no other attention is required except that which is found in every truly human act. Therefore Sacraments can be validly ministered even by a distracted Minister, or one thinking at the same time about other affairs. The reason is, because in order that an act be and be considered human, what is looked to is not actual attention, but the procession of the act itself from an act of the rational will. Moreover attention often does not depend upon the will of man; but Christ could not require in the Minister of the Sacraments a condition which is sometimes impossible.¹

II. For the licit conferral of Sacraments attention is required, so that every voluntary distraction be absent. The reason is, because the reverence due to the Sacrament demands that it be treated diligently, and that the danger of erring be avoided. Nevertheless, according to the common sentence of theologians, voluntary distraction ordinarily does not exceed venial sin, unless one exposes himself to a danger of gravely erring in the form.²

They except the Eucharist, i.e. the canon, and especially the Consecration and Communion, during which every notable voluntary distraction, on account of the greatest dignity of the Sacrament, is probably mortal. Others, however, deny this. St. Alphonsus adheres rather to the former sentence.³

Notes to n. 1215. (1) Ib. (2) Ib. (3) Ib. and n. 410. Dub. 5. Exam. Ord. n. 125.

§ II. ON THE INTENTION OF THE MINISTER

1216. - Definition. Intention is an act of the will tending toward some end, or an act of the will by which one intends to do or omit something.

Division. It is manifold, namely: 1° actual, virtual, habitual, and interpretative (n. 5. 4°); 2° internal or true, or external, which regards only the external act; 3° determinate or indeterminate, or in a

confused way; 4° absolute or conditioned.

Principles. - I. For the validity of a Sacrament there is required in the Minister some true and serious will at least of doing that which the Church does. - It is clear from Trent.¹

II. Nevertheless an actual intention is not required, but a virtual one suffices. The reason is, because actual intention, although best and desirable, is sometimes morally impossible; but a virtual intention sufficiently flows into the action of the Minister, so that this can be called truly human and deliberate. - Thus all.

III. A habitual intention does not suffice, nor an interpretative one; not the first, because it is neither actually elicited by the will, nor, although sometimes elicited, does it endure in some effect or in a series of actions; not the second, because it is neither actually elicited, nor was it ever actually elicited, but it would only be elicited if the mind were thinking about the thing to be done (n. 5. 4°).

Notes to n. 1216. (1) Session 7, Canon 11.

1217. Questions. - Query 1° Is an internal intention required?

Resp. Affirmatively; because, if the Minister should intend only the external act, that act - for example, ablution, which can be referred both to cleansing stains and to baptizing - would not be determined to its being.¹

Query 2° Is there required in the Minister the intention of doing what the Roman Church does?

Resp. Negatively, provided he has the intention, at least implicit, of doing that which the true Church does, even if from error he should think his own heterodox church to be the true Church.²

Query 3° Is there required in the Minister the intention of confecting a Sacrament?³

Resp. Negatively, at least explicitly, provided this intention is not excluded. For it suffices that he intend in general and implicitly to do what the Church does.⁴

Notes to n. 1217. (1) L. VI. 16. (2) Ib. 20. (3) Ib. 21. (4) Ib. 22.

1218. - Query 4° Must the intention of the Minister be determined to a certain matter and person?

Resp. Affirmatively. The reason is: 1° as regards the matter, because, as was said above in q. 1°, otherwise it would remain in a state of indifference; for it cannot be drawn from that state and determined to the Sacrament except through the intention of the Minister; 2° as regards the person, because the effect of the Sacrament cannot be applied in general, but to some subject; otherwise no application would be made. - Nevertheless an error in the person does not stand in the way of the validity of the Sacrament, except in Matrimony, or unless the Minister should bind his intention exclusively to a certain person. But even in this case he would validly administer the Eucharist, as is clear.¹

Query 5° Is a Sacrament valid when conferred with a conditioned intention?

Resp. 1° With Matrimony excepted, as being a contract (concerning which later), negatively, if the condition added is either concerning an impossible thing and is seriously added, as: I absolve thee, if thou hast touched heaven with thy finger, because then no intention of absolving is present; or concerning a future contingent thing, because such a condition suspends the intention of the Minister, and prevents the form here and now from being applied to the matter; nor afterward can it

be applied, the condition having been verified, since then the matter and form have already ceased to be present.

Resp. 2° Affirmatively, if the condition is either concerning a future necessary thing, and the suspension of the Sacrament is not really intended, because the intention under such a condition passes over into an absolute intention; or concerning a past or present thing, and in fact this exists, because even then a conditioned intention passes over into an absolute intention; but if the condition is not verified, then there is no intention, since it has been restricted to a non-existing condition.²

Notes to n. 1218. (1) Ib. 19. (2) L. VI. 26.

1219. - Query 6° Is it lawful to confer Sacraments with a conditioned intention, in doubt whether they have been validly conferred?

Resp. 1° As regards Sacraments imprinting character, it is certain that this is lawful. For it is established by Canon Law, where in doubt of Baptism this form is indicated: If thou hast not yet been baptized, I baptize thee, etc.¹

Resp. 2° Also as regards other Sacraments it is lawful, if a sufficient cause adds the condition. The reason is, because Sacraments are on account of men, and, by adding a condition, reverence due to the Sacrament is sufficiently preserved, provided also that the consultation of the Sacrament itself be looked after as much as can be done, and with the good of those who receive the Sacrament, if perhaps they are capable of it, and with reverence toward the Sacrament. - Thus more commonly with St. Alphonsus, against some.² But it is certain that in extreme necessity, where nothing is present except doubtful matter, the Minister not only can, but also is held under grave obligation, to minister the Sacrament conditionally.³

Query 7° Must the condition be expressed in words?

Resp. Negatively. The reason is, because it is enough for reverence toward the Sacrament if it is conceived in the mind. Indeed Gobat thinks that it is not necessary for him who administers the work to have the condition explicitly and formally in mind, but it is enough if it is held implicitly and virtually, as he who wishes to hear Confessions according to the institution of Christ or the intention of the Church has it; because thus also reverence due to the Sacrament is sufficiently preserved. Yet it is to be added by mouth also where the Rubric prescribes this, as in conditioned Baptism, especially if it is conferred publicly, lest, namely, bystanders believe Baptism to be repeated absolutely, and, on account of the sentence, although little probable (and contrary to the Rubric of the Missal), of those who hold that the value of a Sacrament does not depend on the intention of the Minister, but only on the serious conferral of it, it is more right to express the condition also in words.⁴

Note. - 1° More rightly, according to St. Alphonsus, it is held that Sacraments are invalidated by a condition humanly unknowable. - 2° If the Minister has two intentions contrary to each other, and at the same time, the predominant one prevails; and so, whatever uniting incompatibles may have been chosen beforehand, if neither is predominant, the Sacrament does not subsist. - But if they have been successive, the later one prevails, unless the first, not revoked, had virtually excluded any subsequent one beforehand. - If doubt remains, the Sacrament will be doubtful.⁵

Notes to n. 1219. (1) Decr. L. III. T. XLII. c. 2. (2) L. VI. 27. 28. (3) L. VI. 29. H. A. Tr. XIV. 8. Quaest. Retr. Rec. n. 17. Miss. de def. V. 2. (4) L. VI. 24. 26. (5) Session 7, Canon 12 on Sacraments in general, and Canon 4 on Baptism.

§ III. ON THE FAITH AND PROBITY OF THE MINISTER

1220. Principles. - **I.** For the value of the Sacraments neither faith, nor probity, or state of grace, is required in the Minister. It is clear: 1° from the perpetual practice and tradition of the Church, which has never wished those baptized by heretics and the wicked to be rebaptized. It is clear: 2° from the definition of the Church. - Trent.¹

II. For the licit administration of the Sacraments, however, faith and probity are required in the Minister, at least if he has been consecrated for conferring Sacraments, and confects solemnly, i.e. with the whole rite prescribed by the Church. Therefore he sins gravely who ministers Sacraments in mortal sin; for a Minister destitute of faith, or unworthy, inflicts grave injury on God and Christ, by treating sacred things unworthily, and, as much as is in him, by contaminating them. Moreover, since the Minister of the Sacraments represents Christ, the primary Minister, who is the Saint of saints, and bears his person, it is necessary that he himself also be holy.

Notes to n. 1220. (1) Session 7, Canon 12 on Sacraments in general, and Canon 4 on Baptism.

1221. Questions. - **Query 1°** Does a Minister sin gravely who confers a Sacrament in mortal sin, in a case in which he has not been specially ordained or consecrated for this, for example, if a woman ministers Baptism in the state of sin?

Resp. Negatively, probably; because the obligation of having holiness in a Minister does not arise precisely from the very holiness of Christ and of the Sacrament according to itself, but from the consecration of the Minister for conferring the very holiness of Christ and of the Sacrament. - Billuart,¹ St. Thomas,² and many others.

Yet not a few others affirm, both on account of the reason diametrically opposed to the negative sentence, namely on account of reverence due to Christ, whose minister also in this case is a lay person, although he is not a minister of the Church, and on account of the Sacrament, since here too sacred things, and indeed in a grave matter under grave obligation, are being handled. Thus Collet, Lacroix, Lugo, etc. - St. Alphonsus adheres to the affirmative sentence as intrinsically and by far more probable.³

Query 2° Does a priest, or consecrated Minister, sin gravely when he ministers indeed a Sacrament in mortal sin, but not solemnly, for example, Baptism without ceremonies in a case of necessity?

Resp. It is disputed, as in the preceding question; but St. Alphonsus adheres to the affirmative.⁴

Query 3° Does a Minister sin gravely in mortal sin, if grave necessity urges?

Resp. Negatively, speaking rigorously, namely if the danger is so urgent that no time is allowed for an act of contrition to be elicited by him. But this hypothesis must generally be denied. Moreover, a Minister conscious of mortal sin is not excused who can foresee such a case of necessity, as a Pastor and others (for example, priests exercising the care of souls subsidiarily, or ministering in large hospitals or in camps), who by office are bound to minister the Sacraments, and by an almost special obligation are held to remain habitually in the state of grace.⁵ Resolve the same concerning midwives.

Notes to n. 1221. (1) Diss. 5. a. 4. (2) Part 3, q. 64, a. 6; and in 4 Dist. 5, q. 2, a. 2. (3) L. VI. 32 and Retract. 61. Conf. diretto per le genti di campagna, cap. 17. n. 7. Vind. p. 928. 2. Ed. 2a. T. II. p. 587. LXXXIII. (2). (4) L. VI. 32. (5) L. III. 27.

1222. - Query 4° Does he sin who, outside the celebration of Mass, ministers the Eucharist in mortal sin?

Resp. Affirmatively, probably. The reason is, because grave injury is done to the Most Holy Eucharist. For although he does not act as an efficient cause in confecting the Sacrament, nevertheless he is its dispenser, and for this is specially consecrated, and he undertakes a ministry by which he cooperates immediately in sanctification (n. 219. § Otherwise).¹

Query 5° Do they sin who in mortal sin touch or carry the Most Holy Eucharist, whether mediately or immediately?

Resp. It is disputed. There is a threefold probable sentence:

I. It affirms in each case, because the thing is most holy, or the Body of Christ, which they handle unworthily. St. Alphonsus calls this very probable.²

II. It denies, because here there is no administration of a Sacrament, nor does matter so grave appear that it would induce mortal sin. - Thus Lacroix,³ Salmant.,⁴ Busemb.,⁵ and St. Alphonsus says that this is not improbable.⁶

III. It thus distinguishes: They who immediately touch the Most Holy Eucharist in mortal sin do indeed sin gravely, but not they who touch mediately. The reason is repeated from the very diverse grade of irreverence between the first and second case. - Thus Billuart.

Notes to n. 1222. (1) L. VI. 38 and Retr. 62. (2) L. VI. 35. (3) L. VI. 35. (4) n. 101. (5) Tr. I. c. 7, p. 11. n. 106. (6) L. VI. 37.

1223. - Query 6° Do they sin gravely who exercise other sacred functions in mortal sin?

Resp. Negatively; because all other exercises of Orders besides the confection and administration of Sacraments do not seem to require holiness under grave obligation, since they are not proximately ordered to the sanctification of the soul. - Thus more commonly and more probably Salm., Mazzotta, and St. Alphonsus says that this is sufficiently probable.¹ - Nevertheless a preacher exercising from office is with difficulty excused from mortal sin, who from office preaches, and inveighs against that very vice of which he is publicly defamed, since the scandal impedes the fruit of doctrine.²

Query 7° Is a Minister confecting a Sacrament held to confess beforehand, if he is guilty of mortal sin?

Resp. 1° Affirmatively, if there is question of the celebration of Mass, and the availability of a confessor is not lacking to him; because all the faithful who are guilty of mortal sin and about to communicate must first make Confession, from the Decree of Trent.³

Resp. 2° But negatively, more probably, if there is question of other Sacraments; because by no law is he obliged to Confession; and therefore it suffices that he elicit an act of contrition.⁴

1224. - Query 8° Does he sin gravely who hears Confession in mortal sin, but does not absolve, or with the purpose of eliciting contrition before he absolves?

Resp. Negatively, more probably; because a confessor, by hearing Confession, does not confect the Sacrament.⁵

Query 9° How many sins does a confessor commit by absolving several penitents successively in mortal sin?

See the response at n. 219.

Notes to n. 1224. (1) L. VI. 41. (2) L. VI. 41. (3) Session 13, cap. 7. (4) L. VI. 34. (5) L. VI. 36.

ARTICLE II: ON THE OFFICE OF THE MINISTER

1° As regards the obligation of ministering Sacraments; 2° as regards the obligation of sometimes denying them; 3° as regards the mode of conferring them.

§ I. ON THE OBLIGATION OF MINISTERING SACRAMENTS

1225. Principles. - I. Those who have the care of souls are held under grave obligation from justice to minister the Sacraments to their subjects reasonably asking. For by taking up the care of souls they have obliged themselves to this by a tacit contract entered into with the subjects, from whom they receive support or at least honor.

Therefore they are held if the common precept of receiving them urges, or if the private necessity or utility of the one asking demands the administration, for example, if the one asking foresees some danger, or is placed in temptation and needs the grace of the Sacrament, or if he wishes to exercise a devotion suitable to his state, or to gain an Indulgence, etc.

II. Others not having the care of souls are not held to minister Sacraments from justice; yet sometimes they are held from charity, namely in a grave necessity of the neighbor.¹

1226. Questions. - Query 1° Who are considered to have the care of souls?

Resp. All those who from office, or by a special title of spiritual jurisdiction or delegation, ought to feed or care for some part of the fold of Christ. Therefore such are Bishops, Pastors, and whoever have subsidiary care of souls from a commission or public office, as among us are quasi-pastors and their coadjutors. Likewise, with respect to Regulars, their own Prelates or Superiors.²

Query 2° Which Sacraments are to be ministered in necessity, even with danger of death, whether by those having the care of souls or by others?

Resp. 1° Those who do not bear the care of souls certainly are held only to minister the Sacraments absolutely necessary for salvation, namely Baptism and Penance, or Extreme Unction when someone can in no way confess, and is more probably known to be in mortal sin. The reason is, because they are held only from charity alone to assist the neighbor in the gravest danger of salvation. But only the aforesaid Sacraments are necessary for salvation. Therefore, etc. - Thus most commonly theologians with St. Alphonsus.³

Resp. 2° Even those bearing the care of souls are very probably held to minister only the aforesaid Sacraments with any danger whatsoever. The reason is, because the other Sacraments are not of such necessity that one is held to confer them with grave danger of life. - Thus St. Alphonsus,⁴ relying on the Declaration of Gregory XIII (12 Oct. 1576), and the Declaration of the S. C. C. approved by the same Pontiff. (O) p. 399. Nevertheless those who bear the care of souls are held to expose life not only in extreme necessity, but also in grave necessity, while other Ministers are obliged to this only in extreme necessity.⁵ Cf. the things said at n. 279. 3rd Rule.

Query 3° Is one held to expose life for ministering the aforesaid Sacraments with probability only of success or of necessity?

Resp. It seems it must be denied, because it is too hard to exact so heroic an act for aiding the neighbor, unless there is morally certain hope of success and the necessity is sufficiently certain. Hence you are not held to expose life in order to baptize or absolve someone, if you probably must perish before you can fulfill this, or if you legitimately presume that he is baptized, or is not placed in the state of mortal sin, or even that he can easily assist himself by an act of perfect contrition.¹ Cf. n. 279. 2nd Rule.

Notes to n. 1226 - note sequence 1. (1) L. VI. 58. (2) Ib. (3) H. A. Tr. VII. 28. L. VI. 58, 233, 729. (4) L. VI. 233. (5) L. III. 27. Notes to n. 1226 - note sequence 2. (1) L. III. 27. Appendix annotation (omicron), to n. 1226. q. 2°. R. 2°. p. 10. col. 2. Benedict XIV speaks otherwise in de Syn., L. XIII. c. 19, not mentioning the Decree of S. C. Conc. of the year 1576 approved by Gregory XIII, by which it is declared: "that the Pastor is held to minister to his parishioners laboring under plague only the Sacraments necessary for salvation, namely Baptism and Penance." But he adduces the Response to the postulate of the Vicar Apostolic of Julia Caesarea (Algiers), by which Viaticum also and Extreme Unction are declared to be ministered by them in time of plague. l. c. n. 1. 10.

1227. Resolves. - 1° Those having the care of souls sin gravely not only if they deny their ministry without reason, but also if they often show themselves morose and difficult; because thus they deter the faithful from the Sacraments, and the matter falls back to the same as if they denied the Sacraments.

2° Nevertheless it is not mortal to deny the Sacrament of Penance or of the Eucharist to one or another, or to the same person once or twice, asking without necessity; because the harm can easily be repaired, nor is the subject therefore judged to be gravely unwilling. Yet Confession is rarely deferred for men, especially those rarely confessing, particularly today, without grave danger to the soul.

3° If subjects ask irrationally, there is no sin. Hence the pastor is not held daily to spend time with a scrupulous person or little devout souls, nor is this expedient for them.

4° If the pastor has suitable coadjutors, he will not be held so rigorously to receive the Confessions of his subjects; yet he ought to satisfy the faithful who request him by name, unless either he is impeded, or the penitents are readily going to approach another confessor.

5° Generally speaking, those bearing the care of souls sin gravely who do not wish to receive the Confessions of their subjects except on a few determined days within the month; because they are the cause that the faithful remain long in the state of sin and are kept away from receiving the Sacraments.¹

See more where the individual Sacraments are treated; and recall the things said concerning the office of Pastors in the Treatise on States, n. 1141. IV.

Notes to n. 1227. (1) L. VI. 58.

§ II. ON THE OBLIGATION OF DENYING SACRAMENTS TO THE UNWORTHY WHO ASK

1228. Principles. - I. The Minister is held under grave obligation, *per se* speaking, to deny Sacraments to the unworthy, because the natural law obliges a dispenser faithfully and according to his will to dispense the goods of the Lord; but the certain will of Christ is that Sacraments not be conferred upon the unworthy, according to that saying of Matthew:¹ Do not give the holy thing to dogs, nor cast your pearls before swine.

II. Sacraments, in which the Minister acts the part of dispenser alone, can be ministered to those asking without prior inquiry into their disposition, and can be denied only to those concerning whose unworthiness it is certain. The reason for the first is, because in these he does not act the part of judge, and therefore is not held to inquire. The reason for the second, because each one is presumed good until he is proved evil.

I said: 1° *in which the Minister acts the part of dispenser alone*. For it is otherwise if at the same time he ought to act the part of judge, and thus in Penance he is held to inquire concerning the acts of the penitent; in the Baptism of adults, concerning consent and dispositions; in Order, concerning the dignity of the one to be ordained; in Matrimony, concerning impediments. 2° *concerning whose unworthiness it is certain*. But it is certain if a) the crime is certain, or public suspicion concerning it is so vehement that it is equivalent to moral certitude, which cannot be laid aside by a probable reason; b) the penance is doubtful.²

Notes to n. 1228. (1) 7. 6. (2) L. VI. 43. 48.

1229. Special Rules. - I. A Sacrament is not to be ministered to a public sinner, even one asking secretly, not even from fear of death, as St. Alphonsus thinks; because no reason is present why an exception should be made to the general rule; indeed a grave scandal of the faithful would follow. - Except: 1° Penance, unless someone is prohibited from it, for example, on account of reserved censures;¹ 2° if someone has given a sufficient indication of conversion, such as is Confession made at least before several by one who is not notoriously placed in an occasion or in habitual scandal.²

II. To an occult sinner, asking secretly, the Sacrament is likewise to be denied;³ because reverence toward the Sacrament and charity toward the neighbor in these circumstances entirely demand this.

III. To a truly occult sinner, asking publicly, the Sacrament is not to be denied. The reason is drawn from the inconveniences which would follow from the denial of the Sacrament; for scandals and disturbances would arise in the Church, and especially the faithful, having been led into suspicion, lest they be prohibited from the Sacraments, would withdraw from them. - Thus all with St. Thomas,⁴ St. Alphonsus.⁵

Except nevertheless: 1° the Sacrament of Order, from which, on account of the public good, the unworthy man is to be repelled even with his own infamy, if he cannot otherwise be kept away, and this although the offense cannot be proved juridically. Nor is the Bishop obliged to the manifestation of the cause of the repulse, nor does an appeal belong to the one repelled, but only recourse to the Holy See.⁶

2° Matrimony, if the pastor outside Confession knows some impediment, or knows that the spouses are ignorant of the rudiments of the Faith, and this on account of protecting the legitimation and education of offspring.⁷

Notes to n. 1229. (1) Scav. T. III. n. 40. (2) L. VI. 44-49. q. Ref. 63. (3) L. VI. 50. St. Thomas, Part 3, q. 80, a. 6. (4) Part 3, q. 80, a. 6. (5) L. VI. 50. (6) Ib. 52. Benedict XIV, de Syn. L. XII. c. VIII. n. 3. 4. (7) L. VI. 54.

1230. Questions. - Query 1° When is a sinner considered public or notorious, or occult; or secretly asking for a Sacrament?

Resp. 1° That sinner is called public whose crime or very bad life is notorious, either by law, or by juridical proof or sentence, or by fact, as if the crime was committed in a public place, or by fame

among many, arising nevertheless from sufficient indications.¹

Resp. 2° A sinner secretly asking is called one who is found alone with the Minister, or with a few others of whom deservedly no account is had, as are little children, etc. Otherwise he is considered to ask publicly. (X) p. 414.

Query 2° Is the Sacrament to be denied to an unworthy person asking publicly, whose crime is not simply public, but known nevertheless to most of those present, not to all?

Resp. Negatively, more probably; because he still possesses fame among those few who do not yet know his crime. Except if one or another upright person is ignorant, who is thought not likely to divulge it (n. 519. R. 3°).² - Hence only then is the Sacrament to be denied to an unworthy person publicly asking, when either his unworthiness is absolutely public (by fame, by law, or by fact), although perhaps known to none of those present; or respectively public, or known to all those present, which very rarely happens in great cities, especially ours, on account especially of the defect of personal knowledge; but it can happen more easily in small places.

Notes to n. 1230. (1) Ib. 44. (2) Ib. 45. Appendix annotation (X), to n. 1230. q. 19. p. 19. col. 1. Lest on account of notoriety, undeservedly judged to be such, a Sacrament be publicly denied, I have judged it useful to hand down a fuller exposition of notoriety. What the notorious is, in general, was said in n. 522, Resp. 2°. I say that something is notorious by law by juridical proof or sentence. Here proof is understood as full, such as that is called which produces as much faith as suffices for defining controversies; for example, the spontaneous Confession of the accused made in judgment and not revoked; the depositions of two witnesses greater than every exception, etc. - Sentence in this place is understood as definitive, or one which has passed into a thing judged. Something is notorious by fact when it is done so publicly that it cannot be concealed by any tergiversation. As that fact itself is, so this notorious is threefold: namely, notorious of a permanent fact, which continually presents itself to the sight of men, as the concubinage of one who is publicly seen retaining a concubine in his house; notorious of a fact immediately passing or momentary, as heresy publicly uttered; notorious of an interpolated fact, which is done publicly indeed, not continuously, but nevertheless is repeated rather often at intervals, as, for example, drunkenness by a drunkard. That something be notorious by fact, it is required that it be public by reason both of place, which must be public, for example a street, and not some private house; and of time, therefore not committed at night, unless on account of the multitude of those present in the public place where the crime is committed the night seems to be equated to day; and of the multitude of bystanders; for by defect of this the crime perpetrated by day and in a public place could be equated to one admitted at night. Fame, by reason of the notorious about which there is question here, is not that which is called fame of name, "reputation," and about which there was speech in n. 516, but fame among men, which is so called with respect not to the man made infamous, but to those among whom it prevails or is circulated, that which people say or tell; the common talk, report, saying. Therefore the notorious of fame is public insinuation or proclamation, from suspicion indeed alone, yet proceeding from a certain author; and this, in the present matter, not concerning the general quality of some man, that he is good or bad, but concerning some particular fact, for example, that Titius admitted such a crime. Fame of this kind, or fame arisen concerning some particular fact, by reason of its origin can still be distinguished in three ways: 1° As it is the vain voice of the populace and rumor among the people, which has no certain authors nor probable causes or reasons for believing thus, "rumor; hearsay"; 2° As it arises from some malicious, suspect persons, or those seeking their own advantage and utility. Neither the former nor the latter is to be attended to; 3° As it has drawn its origin from persons worthy of faith, grave, and concerning whose advantage there is no question, or, as St. Alphonsus says, from sufficient indications, so that it appears from what reason and cause the fame had its origin; and concerning this fame alone there is speech for the present. Fame accepted in such a way differs from rumor. For fame properly is when the whole city, or neighborhood, or the greater part of a community asserts something; but a community ought to consist of at least ten persons. But rumor is when some smaller part, for instance a half, a third, or a fourth part, speaks thus. Then fame proceeds from a certain author, for instance when it has arisen from certain and honest persons who said among the people that they had seen something and were present; but rumor proceeds from an uncertain author. Resolves. - 1° In order that some crime be held as notorious, and this, as is required in our matter, in the reason of crime or as formally criminal, it suffices, if there is question of the notorious by notoriety of fact, that the fact be permanent or even interpolated. But if the question is about a fact immediately passing or momentary, for example, someone publicly

utters heresy, from the very crime publicly perpetrated, from the very fact of heresy uttered, it is not yet established that he who perpetrated the crime, uttered the heresy, admitted the crime in the reason of crime, the heresy in the reason of heresy or as formally evil. Therefore in this case the Sacraments are not immediately to be denied, but inquiry must first be made whether, just as the fact itself, so also the formal malice of the fact is publicly certain. 2° In order that, on account of the notoriousness of an interpolated fact, for example in the case of a public customary sinner, a Sacrament can be publicly denied, it is required that perseverance in the evil custom be evident and publicly known. Wherefore the Sacrament is to be conferred if either the custom has been interrupted for a longer time, by the work of the customary sinner himself or even by some physical cause, for example illness, or nothing more has been publicly heard about it for a longer time. 3° The notorious of fame, in order to the denial of a Sacrament, is not to be attended to unless the fame, that is, the public insinuation or proclamation itself, is uniform, solid, constant, and perpetual, that is, not vague, light, or contrary, or, as Canonists have it, shaken by contrary allegations. It can be proved by two witnesses greater than every exception, deposing that they have heard it said so publicly, and indeed by the greater part of the people; for it does not suffice to depose that they heard it said so publicly, since it can happen that one alone said this publicly. Besides, they must express the certain persons, at least two, from whom they heard it, so that it may be known whether these are such that faith can be had in them. Finally, they must assign the probable causes by which the people was induced to believe: for example, because those persons, to whom faith can be had and from whom they heard it, asserted that they had seen it thus with their own eyes. 4° Before how many persons a crime ought to have been committed in order to be notorious by fact, and by how many, especially in a more populous community, it ought to be publicly insinuated or proclaimed in order to be notorious by fame, is defined rather by the judgment of a prudent man than by some general rule; compare nn. 522, 1564. But since this matter in practice is not without difficulty, and the judgment concerning the requisites for the notorious both of fact and of fame is also often arduous, in a matter of as much importance as the public denial of a Sacrament, the Ordinary is to be consulted if time permits; but if time does not permit this and the notoriety is doubtful, the Sacrament is not to be publicly refused. > Notes to appendix annotation - note sequence 1. > > 1 Reiffenstuel, L. 2. T. 19. n. 11. | 2 An apt, legitimate witness greater than every exception is one who can be repelled by no legitimate exception; and if anything differs here from those, it differs only as the comparative from the positive. Reiffenstuel, L. 2. T. 20. n. 7-11. But exception is the same as exclusion, for example of a witness, judge, etc. Id. T. 25. n. 1-5; and it is called legitimate if it is granted by law. | > Notes to appendix annotation - note sequence 2. > > 1 A sentence is said to have passed into a thing judged when it has not been appealed from. Reiffenstuel, L. 2. T. 27. n. 2 sq. | 2 Cf. Schmalzgrueber, T. 10. P. 1. Tit. 1. § 1. | > Notes to appendix annotation - note sequence 3. > > 1 Lib. VI. 44. | 2 Reiffenstuel, Lib. 2. T. 20. n. 387 sq.

1231. - Query 3° Is the Sacrament to be denied to a sinner when his crime is not public where he asks, but is public elsewhere?

Resp. Negatively, at least more probably; because on the one hand, by ministering the Sacraments to him, there is no scandal of others, and on the other hand, if they were denied, those inconveniences and harms would arise which proceed from denial made to an occult sinner. - But one must say otherwise if knowledge of that crime is easily about to come into that place.¹

Query 4° How ought Pastors to conduct themselves in the celebration of Matrimony of those who notoriously have incurred ecclesiastical censures?

Resp. The Sacred Penitentiary, 10 Dec. 1860, dub. 10: "Care is to 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 unless the marriage is celebrated, grave harms seem to be imminent therefrom, the Pastor should consult the Ordinary, who, having considered the account of things and circumstances and weighed all things which are handed down by approved authors, and especially by St. Alphonsus (L. VI. 54), should declare those things which he shall have judged more expedient in the Lord." Namely, according to the Holy Doctor, the Pastor will be able to assist "in order to avoid death, or other graver evils of the community, or of the contracting parties themselves, for example, lest they themselves persevere in sin."

Query 5° Is it lawful to simulate the administration of a Sacrament, lest it be conferred on an unworthy person?

Resp. Theologians distinguish a twofold simulation: one formal, by which the Minister directly intends to deceive; another material, by which someone does not directly intend to deceive, but from another motive is induced to simulate, for example, if he is compelled by grave fear, etc.

I say: It is never lawful, not even materially, to simulate a Sacrament. The reason is, because every simulation is an injury and grave irreverence toward Christ, whom the Minister mocks by abusing sacred things instituted by him.

1232. - Query 6° In what precisely does simulation of a Sacrament consist?

Resp. Theologians do not agree. Some say that generally it consists in this, that it can lead those receiving or others into error. More probably, according to the common sentence, it seems to be present only when something is put fictively which pertains to the essence of the Sacrament, so that the neighbor is necessarily deceived; and thus they distinguish simulation from dissimulation, which is had when the fiction or defect is exterior and, *per se* speaking, can be recognized, as, for example, if in the confection matter or form is not placed, but something else is substituted in its place, so that something other than the Sacrament is done. This dissimulation is lawful from a licit cause, since thus truth alone is hidden, and the Sacrament is not treated irreverently, scandal, contempt, intention of deceiving, etc., being excluded. (Cf. the number immediately following, 1233. 6° and 8°.) Hence the C. S. O., if ever it happened that infidel parents offered infants for Baptism, not so that they might become Christians, but so that they might be preserved from certain diseases, never permitted the pouring of water without the utterance of the form, so that the parents might thus desist from importunate prayers, since "Baptism is the gate of all the Sacraments and the profession of the Faith, and can in no way be feigned."¹

1233. Resolves. - 1° Among those who, as publicly unworthy, are to be kept away from Communion, the Roman Ritual enumerates excommunicates, interdicted persons, and the manifestly infamous, as harlots, concubinaries, usurers (at least public by law, or condemned by sentence of a judge), magicians, sorcerers (among whom fortune-tellers also are to be held), blasphemers (as also are to be held those who by writings or words are accustomed to assail God, or the Saints, or Religion and the Church with calumnies). "But as often," says Kenrick,² "as the exterior composition of the body denotes a humble soul, it can be had as a retraction of those things which one has contumeliously uttered"), and other public sinners of this kind, such as public customary impenitents, those publicly known as enrolled in some condemned society, actors and actresses exhibiting impious or base plays. - "Public sinners," says Kenrick,³ "who resist the legitimate authority of their prelates, or behave badly with grave offense of the faithful, are unworthy to be admitted to the Eucharist; but whenever the manner of acting, even if unjust, can be extenuated from error of mind or some other reason, it is better to repel no one approaching, but to leave him to the judgment of God and of the confessor." - Nor are all those to be barred who have publicly committed some grave sin, since scandal is regularly removed by Confession made or presumed. Yet, as is clear *per se*, those are to be barred who are publicly and actually in sin, for example, those manifestly and here and now drunk, or women so immodestly denuded that the denudation is mortal *per se* (n. 295. 11°).

2° To a public sinner, even one dying but nevertheless still master of himself, the Sacraments are to be denied, unless he repents not only before God, or in Confession, but also before men, unless perhaps the matter has been erased by oblivion. But this penitence before men ought to be exhibited outside Confession, and in such a way (for example, before witnesses), that it can come to the knowledge of others. Cf. Rit. Rom. on the Communion of the sick.

3° If Sacraments are to be denied publicly, let them be denied in a prudent manner. Hence all those things must be guarded against by the Minister by which either he would become liable to laws punishing defamation, or a greater impediment would be put in the way of the conversion of the unworthy person. Hence the motives of the refusal are not to be publicly exposed; and the priest, as he is assisting at the Sacred Table with others, should pass by without signifying anything either by words or by a nod. But if he comes alone during Mass, the priest will remain at the altar, announcing to the unworthy person through another that he may go away, but not why.

4° A priest would sin most gravely who in Mass should pronounce the consecratory words over bread and wine while excluding the intention of consecrating. Nor can those be excused by good faith who, laboring under crass ignorance and celebrating in mortal sin, simulate Consecration lest they become guilty of sacrilege, even if they omit the words of Consecration altogether.

5° A confessor would sin gravely who should utter the words of absolution without the mind of absolving, even if he were doing this in order to free himself more easily from an indisposed penitent instantly and importunately asking absolution, or even exacting it by most grave threats. - Several say that in this case a confessor can say: I do not absolve thee..., pronouncing the word *not* so softly that it is not heard by the penitent. St. Alphonsus does not judge this improbable;⁴ but the confessor could more easily pronounce other words or prayers rather than the form of absolution; moreover this case seems to be almost chimerical.

6° A confessor, however, does not simulate the Sacrament of Penance when he recites prayers over an indisposed penitent, lest bystanders perceive that he is dismissed without absolution; for it is established among all that penitents are often dismissed by only a blessing, and sometimes without the intention of confessing or completing the confession they approach the sacred tribunal.⁵

7° A priest sins gravely who offers a host not consecrated for a consecrated one, even to a person knowing and consenting, as sometimes happens to miserable priests when an accomplice, who is a woman, comes to the Sacred Table to save reputation. The reason is, because thus a host not consecrated is exposed to adoration both by bystanders and by the one receiving herself knowingly with external reverence, which constitutes external and material idolatry, and therefore something intrinsically evil.⁶

8° Yet according to the common sentence they do not sin, at least not gravely, who from grave fear simulate entering Matrimony. The reason is, because since voluntary consent is lacking, according to the sentence now certain, which holds that spouses themselves are the ministers of this Sacrament, matter and form are lacking, and therefore there is no simulation of the Sacrament, but only of the matrimonial contract. Otherwise the error could be sufficiently perceived from the circumstances, and thus deception would not necessarily be present.

Notes to n. 1233. (1) Anal. J. P. Ser. 2. col. 1807. (2) Tr. XVII. 37. (3) Tr. XVII. 37. (4) L. VI. 59. (5) Ib. (6) Ib. n. 61.

§ III. ON THE MODE OF CONFERRING SACRAMENTS

1234. - It is not enough if the minister diligently observes those things which regard the matter and form; but he ought carefully to keep all the laws of the Holy Church concerning the administration of the Sacraments. Hence the Minister sins who contemns them, omits them without sufficient cause, or changes them;¹ and this according to the gravity of the matter, and therefore gravely, if either he neglects integral ceremonies (namely those which complete the sacramental action and indicate its effects more clearly, as exorcisms in Baptism), or even accidental ceremonies (which pertain to the ornament and decorum of the act, as genuflections), in great quantity, or with grave scandal, or from contempt.

1235. Questions. - Query 1° Is the use of the Roman Ritual of precept in the administration of the Sacraments?

Resp. Affirmatively, as regards our Provinces, yet with the modifications conceded by the Holy See,² it being forbidden:

1° That priests depart from it "under the pretext of custom or any other pretext whatsoever."³

2° That "if they have judged it expedient, for the sake of explanation, to add a version in the vernacular language of those things which" in administering the Sacraments and in the burial of the dead they recite in the Latin language, "they use any other than that which shall have been sanctioned by the Ordinary."⁴

3° That the Latin form of the prayers never be omitted.⁵ (I) p. 400.

I said: affirmatively as regards our Provinces; but whether the use of the Roman Ritual in the administration of the Sacraments is of precept everywhere, disputed on each side, see, if you please, in De Herdt.⁶

Appendix annotation (pi), to n. 1235. 3°. p. 14, col. 2. In a Capuchin case it was asked: "Whether the custom of saying Agnus Dei and Domine non sum dignus in the vernacular language is to be eliminated." ...? And S. R. C. responded: "The custom is to be eliminated," May 23, 1835, ad 5, n. 4748. - And most recently as regards the aforesaid custom S. R. C., in a Ratisbon case, April 15, 1880, ad 6, declared: "The formulae which pertain to the administration of the Sacraments must be expressed altogether in the Latin language, except the responses of the godfather and godmother in the Sacrament of Baptism, and the words of consent of spouses in the Sacrament of Matrimony." I believe the priest must recite in the Latin language, but the recipients can recite in the vernacular, as the same De Herdt notes, Pr. Rit. Rom. p. 32 under 9, from Martinucci.

1236. - Query 2° What sacred vestments are required for the administration of the Sacraments?

Resp. With the case of urgent necessity excluded, a stole and surplice are generally required. - It is said, *surplice*; for "the rochet is not a sacred vestment to be employed in the administration of the Sacraments, and therefore for administering them the surplice must necessarily be used."⁷

But the stole ought not to be worn except in the confection of Sacraments and Sacramentals, and in the act of preaching where custom prevails, and also in certain other functions, as is prescribed in the Roman Ritual. But the use of wearing the stole as a sign of jurisdiction and preeminence is reprobated as an abuse.⁸

More things concerning the mode of administering Sacraments will be treated where the individual Sacraments in particular are considered. - Generally let the following admonition of the Second

Plenary Council of Baltimore be kept before the eyes:¹ "While they minister Sacraments, let the words be pronounced distinctly and articulately; let their approach, countenance, motions of the body, and modulation of the voice express consciousness of the most holy thing which is being done, and excite the faithful to firm faith and inward devotion. Moreover, according to their strength and the circumstances of things, let priests take care that those things which are required for the dispensation of the Sacraments be clean and becoming. Let Pastors instruct the flock committed to them concerning the Sacraments and the religious preparation to be put before these, as often as occasion is offered."

Notes to n. 1236 - note sequence 1. (1) Trent, Session 7, on the Sacraments, Canon 13. (2) Conc. Plen. Balt. II. a. 210-212. (3) Ib. a. 213. (4) Ib. a. 214, 215. (5) Ib. a. 215. (6) S. Lit. Prax. T. III. p. 369. ed. 1870. (7) S. R. C. 10 Jan. 1852. n. 5165. (8) S. R. C. 7 Sept. 1816; 11 Sept. 1847; 7 Sept. 1850. n. 4524. 5107. Notes to n. 1236 - note sequence 2. (1) a. 208.

CHAPTER IV: ON THE SUBJECT OF THE SACRAMENTS

1237. - The subject of a Sacrament is called he who receives the Sacrament, and is capable of the effect of the Sacrament.

The subject of the Sacraments is man alone as a wayfarer; because, as is clear from Sacred Scriptures and tradition, the Sacraments were instituted for wayfaring men alone. Yet not all men are capable of all the Sacraments. For neither can women receive the Sacrament of Order, nor can children not yet using reason receive the Sacraments of Penance and Extreme Unction.

The reason *a priori* why man alone as a wayfarer is capable of the Sacraments is the will of Christ the Lord, the institutor of the Sacraments. But the reason of fittingness is, because, according to the order of the present Providence, man alone as a wayfarer is capable of first grace or of the increase of grace; but the Blessed or souls detained in purgatory are not of this kind, since for them there has already been determined a measure of glory corresponding to the grace which they had in mortal life. Much less are the damned capable of grace, as being now separated from God for eternity.

These things having been posited, we must treat of the requisites both for the valid and for the licit reception of the Sacraments.

ARTICLE I: ON THE REQUISITES FOR THE VALID RECEPTION OF THE SACRAMENTS

1238. Principles. - **I.** For validly receiving the Sacraments no probity is required, nor properly Faith in the subject, if you except the Sacrament of Penance. This is clear from the practice of the Church, which has never permitted heretics and wicked men, duly baptized and ordained, to be baptized or ordained again. It is also clear, as regards Faith, from the express definition of the Council of Trent¹ concerning the Baptism of infants.

II. In infants or perpetually insane persons no disposition is required, nor intention, so that they may validly receive the Sacraments of which they are capable, namely Baptism, Confirmation, Order, and the Eucharist, which formerly was ministered to them. This is clear from the practice of the Church, and from the common sentence, etc.

III. In adults, for the valid reception of Sacraments, some intention is required; because it is not fitting that an adult be sanctified unless he wills it. Hence a neutral intention does not suffice, by which someone is so disposed in mind that he neither consents nor dissents.² For of such a one it cannot be said that he wills to receive the Sacrament. But for most Sacraments a habitual intention suffices, even sometimes one only confused, or implicit, with the nature of each Sacrament considered; because the conferral of Sacraments is a certain donation and benefit, for accepting which habitual intention suffices. I say: 1° *for most Sacraments*: on account of the exceptions concerning which n. 1240. I say: 2° *implicit*: i.e. contained in the will to live, or at least to die, as becomes a Catholic, and, as regards Baptism, in the will of doing all things necessary for salvation, but according to the things to be said at n. 1240. R. 1°.

IV. For validly receiving the other Sacraments, reception of Baptism is pre-required; therefore an unbaptized man is in no way capable of the other Sacraments.

The reason is, because the other Sacraments were instituted for the Church alone; but through Baptism alone men become members of the Church. Therefore, etc. Thus Eugene IV defined in the Decree for the Armenians.

Notes to n. 1238. (1) Session 7, on Baptism, Canon 13. (2) L. VI. 81 from St. Thomas, Part 3, q. 68, a. 7, c.

1239. Questions. - Query 1° Is attention required in the adult subject, that he may validly receive a Sacrament?

Resp. Absolutely negatively. For intention suffices, as has already been explained, even in Sacraments which require a virtual intention; the reason is, because a human act does not proceed from attention, but from the will or from intention. - Besides, most Sacraments, as was said, do not require even a virtual intention; therefore *a fortiori* they do not require attention on the part of the subject. Moreover attention is not required in the Minister for confecting a Sacrament, as is clear from the things said above at n. 1215; therefore *a fortiori* it is not required in the subject.¹

Hence penitents are sometimes tormented by scruples in vain from this, that they suffered distractions while they were being absolved, or that they were absolved without having noticed this.

Notes to n. 1239. (1) Sporer, n. 157.

1240. - Query 2° What intention is required in adults for the individual Sacraments to be received?

Resp. 1° For validly receiving Baptism in adults, there is required an intention at least habitual, which has been expressed beforehand and never retracted. Yet some say that an implicit will of Baptism suffices, such as would be in him who would have the will of doing all things necessary for salvation, provided nevertheless that this implicit will in an unbeliever is not likewise implicitly excluded through gravely culpable ignorance of the true Faith.¹

2° For Confirmation an interpretative will suffices. Thus it can be conferred upon a dying person deprived of his senses. - The same will suffices in one receiving the Eucharist.²

3° For Penance there is required either an actual intention, or at least a virtual one; and therefore a habitual intention does not suffice, at least in practice.³

4° For Extreme Unction there suffices a habitual, or implicit, or interpretative intention, as theologians commonly say, and as is clear from the Roman Ritual, where concerning it it is said: "This Sacrament is to be supplied to those deprived of their senses, who beforehand asked for it, or likely would have asked for it;"¹ "and the same," says St. Alphonsus,² "Lugo, etc., say concerning the Sacrament of the Eucharist."

5° For Order, certainly in an adult an interpretative intention does not suffice, because without an explicit will no adult can undergo the gravest obligation of the Clerical State. Yet a habitual intention suffices. But in practice, in one receiving Order, there will always be an actual intention, or at least a virtual one.³

6° For Matrimony there is required an intention at least virtual, because Matrimony is perfected by a contract, for which deliberation and full will are necessary.⁴ (p) p. 400.

Notes to n. 1240 - note sequence 1. (1) L. VI. 82. (2) L. VI. 82. (3) Ib. Notes to n. 1240 - note sequence 2. (1) L. VI. 82. (2) Ib. (3) Ib. (4) Ib. (5) Ib. 86. Appendix annotation (rho), to n. 1240. 6°. p. 16, col. 2. To the question: Of what Sacraments, and of which ones, are deaf-mutes capable? Craisson responds, Manuale, n. 3239-3241. "Either they have been taught according to modern methods, or not; if the former, they can validly receive all the Sacraments just like other men, indeed also licitly receive them (Order excepted), provided no other impediments are present. "If the latter, the Sacrament of Baptism can validly and licitly be conferred on them" and Confirmation, "at least if, insofar as can be done, they are taught Christian doctrine. "As regards the other Sacraments: concerning Matrimony Innocent III speaks thus (cap. Cum apud sedem 23 de spons.): 'If such a person wishes to contract, it cannot or ought not be denied to him, since what he cannot declare by words, he can declare by signs.' "It is also supposed by most Doctors that other Sacraments can be administered to the deaf and mute, if in them the required dispositions appear, or nothing appears from which they are to be judged indisposed; but almost all those Doctors wrote before the time in which the modern method of teaching the deaf and mute was invented. Moreover, by many experiments it seems to be established that the deaf and mute who are not taught by this new method have no true knowledge of God and of the rules of morals, and a fortiori do not arrive at the knowledge of the mysteries and supernatural truths; consequently they cannot have any human will of receiving the Sacraments, nor the dispositions necessary for receiving them with fruit (see Montaigne, Recherches sur les sourds et les muets). Nevertheless the Ritual of Belley, at the end of the first volume, thinks that the Sacraments of Confirmation and the Eucharist can be conferred on them, since these were administered of old (and still today in the Eastern Church) to children; but it says that Penance and Extreme Unction can be conferred on them under condition; as regards Matrimony, that the question was solved by Innocent III above reported; but that it is not lawful to admit them to Orders, because they are irregular. "Although we would not wish to reject those who think the aforesaid solutions are to be embraced, nevertheless in practice we would not dare, especially, to join in Matrimony mutes and deaf persons not taught according to modern methods. For although Innocent III says that they ought not to be repelled from Matrimony, if they wish to contract, nevertheless the Pontiff supposes or requires that they wish to contract; but in this, today especially, is the difficulty: since, as we have already said, from many experiments it seems to be established that such deaf and mute persons, not taught, do not have a moral will, on account of defect of moral cognitions; but the contract of Matrimony is a human and moral act, for which true human will is required." (Yet not all agree with Montaigne. See Philosophia Christ. of Sanseverino, reduced into compendium, T. I. n. 82. 3°.) "Whatever may be the case concerning Matrimony, Penance and Extreme Unction are not to be administered to deaf and mute persons not taught except under condition."

ARTICLE II: ON THE REQUISITES FOR THE LICIT RECEPTION OF THE SACRAMENTS

1241. Principles. - I. For receiving Sacraments of the living licitly and fruitfully, besides the intention of receiving them, the state of grace is pre-required. For these, from their primary institution by Christ, are ordered not to conferring first grace, but its increase, since they suppose first grace already in the subject. Hence they sin gravely who knowingly receive Sacraments of the living in the state of mortal sin, and indeed more gravely than those who unworthily minister or confect them.¹ But the state of grace must be procured through Confession, if one is to approach the Eucharist; or at least through perfect contrition, if there is question of other Sacraments, as was said above concerning the Minister. Yet it is safer, as much as can be done, always to put Confession before the reception also of other Sacraments.

I said: *for receiving Sacraments of the living licitly and fruitfully*, etc. For although in a case of grave necessity they more commonly assert that it is lawful to receive Sacraments of the living in the state of mortal sin even without contrition, when time for eliciting it is not available, nevertheless thus no fruit would be perceived from it. This would happen, for example, if a layman kneeling at the bench of communicants suddenly remembered a mortal sin not yet blotted out.² But the case, as it is posited, will be very rare, either because time remains for eliciting contrition, or because the sin has already been indirectly blotted out through Confession.

II. For Sacraments of the dead to be received licitly by adults, there are required acts at least implicit of Faith and Hope, according to the things said by the Apostle:³ He who comes to God must believe that he is, and that he is a rewarder to those who seek him. Cf. the things said at nn. 257-261, 270. Moreover an act of sorrow concerning sins is required, because remission of sins is given to no one without retraction or sorrow for sins committed. But these things in the Sacrament of Penance are necessary also for validity, because they pertain to the disposition of the penitent.⁴ But attrition suffices, as will be said in its own place.

Notes to n. 1241. (1) L. VI. 86. (2) Ib. (3) Heb. 11. 6. (4) Trent, Session 14, on Penance, c. 4. St. Alph. L. VI. 86.

1242. Questions. - Query 1° Do Sacraments received validly but illicitly, the obstacle having been removed, revive, or produce the graces proper to them?

Resp. Affirmatively, at least for most Sacraments. The reason is, because it happens only *per accidens* that they do not produce their proper effects, namely on account of the obstacle; and therefore those effects indeed remain suspended while the obstacle remains; nevertheless, once this has been removed, they ought to be applied to the soul. This is admitted as certain for Sacraments imprinting character. The same must more truly be said also of the Sacrament of Penance (as will be said at n. 1348, q. 7°), and *a fortiori* of Extreme Unction (at least if the obstacle was involuntary) and Matrimony, which cannot be repeated in the same illness or the same marriage.¹

Query 2° What disposition is required in the subject, that an unformed Sacrament may revive?

Resp. This general rule is commonly established: that disposition is required which was lacking, and whose absence caused the obstacle to the effect of the Sacrament, or precisely that must be placed which was necessarily required in the reception of the Sacrament. Hence *per se* attrition suffices for the reviviscence of Baptism, Penance, and Extreme Unction. But perfect contrition, or attrition with Confession, is required for the other Sacraments, namely for Confirmation, Order, and Matrimony. - Likewise if Baptism was unformed on account of the defect of Faith alone, it will revive through an act of Faith with attrition for the sin of unbelief. The reason is, because, just as the obstacle was induced because of the lack of some required disposition, so it is removed through the placing of the same: for no reason then remains why the effect of the Sacrament should remain suspended. - Thus St. Thomas (for Baptism),² Lugo,³ Lacroix.⁴ But the Eucharist does not revive, unless perhaps while the obstacle is removed before the species are consumed. Otherwise, the more frequently someone had communicated sacrilegiously, so much more abundantly would he be enriched with graces when he became contrite, or, being attrite, confessed.⁵

Query 3° Does attrition suffice that unformed Baptism may revive, if the one receiving has committed other grave sins after Baptism?

Resp. Negatively; because sins committed after Baptism are the necessary matter of the Sacrament of Penance, and therefore cannot be remitted except through that Sacrament, or through perfect contrition with the vow of the Sacrament of Penance included in it. - Lugo,⁶ Lacroix.⁷

Notes to n. 1242. (1) L. VI. 6. 87. 444. 707. Exam. Ord. n. 4. (2) Part 3, q. 69, a. 10. (3) D. 9. n. 50 sq. (4) n. 207. (5) L. VI. 87. (6) D. 9. n. 55 sq. (7) n. 207.

1243. - Query 4° Is it lawful to ask for a Sacrament from an unworthy Minister?

Resp. 1° It is not lawful without cause; because thus without reason an unworthy Minister would be induced to sin gravely. But this is illicit *per se*, because charity demands that we impede the sin of the neighbor which we can easily impede.¹

Resp. 2° But it is lawful if the Sacrament cannot easily be asked from another priest, nor can its reception easily be deferred; for no one is held, with great inconvenience, to yield his right for impeding the free sin of another. Therefore then the one asking for the Sacrament simply permits the sin, but is not the cause of the sin. But a sufficient cause would be necessity or notable utility of the Sacrament, which will be present more easily in the Eucharist and in Penance, and a lesser cause suffices if it is asked from one prepared, or from a pastor.²

Note. - The faithful a) are not held to inquire concerning the dignity of the Minister; b) outside the case of danger of seduction, they can always ask Sacraments from a priest who is not certainly known to be unworthy, and who, with the Bishop knowing and approving, performs the functions of the sacred Ministry; nor c) are they held to abstain from asking precisely because they know that the Minister not long before fell into mortal sin; for it can be presumed (not, however, against the truth) that it was blotted out by penitence. See L. VI. 89. § fin.

Query 5° Is it lawful to ask for a Sacrament from a Minister unworthy on account of some censure or canonical inability?

Resp. Distinguish. Either there is question of ecclesiastical right alone, or of divine right. In the former case, subdistinguish. - If he has been publicly and by name censured or rendered unable, it will not be lawful except in extreme or very grave necessity, as if there is question of Baptism; of Penance; of Viaticum; of Extreme Unction, in the case in which the sick person could not receive another Sacrament; of Order, if the community needed priests; of Matrimony, if it were necessary either for the spiritual salvation of one dying, or for a great temporal utility of children. - If not publicly and by name, it is more truly lawful, because the Council of Constance absolutely conceded to the faithful communion with those tolerated.¹ (Which persons today are to be called tolerated, see n. 1673. § But.) Yet it is supposed that the Minister is not unworthy on account of sin, in which case the resolution handed down in the immediately preceding question holds.

If there is question of divine right, it must be said that ordinarily it is prohibited to receive Sacraments publicly from a Minister, even one tolerated, at least on account of the contempt and disdain of censures which would proceed from this. - This is to be extended by a stronger right to those excommunicated who are enrolled in some heretical or schismatic sect. For although it cannot be doubted that these same persons commonly ought to be numbered among the tolerated, nevertheless the Church has always judged communication in divine things with them illicit in general; since through it divine or natural right is almost always harmed, on account of the danger of perversion or participation in a heretical or schismatic rite, or on account of the danger and occasion of scandal.²

Notes to n. 1243 - note sequence 1. (1) L. VI. 89. (2) L. III. 79. L. VI. 89. Notes to n. 1243 - note sequence 2. (1) L. VI. 88. (2) Gury, Edit. in Germ. 4a P. II. n. 964 (1).

APPENDIX: ON SACRAMENTALS

"Besides the Sacraments properly so called, the Church also has other sacred things, which formerly, indeed in a broader and less proper sense, were also called Sacraments. But for many centuries it has come into usage that they be called Sacramentals."¹

1244. Various Species of Sacramentals. - Universally they are: 1. Rites and ceremonies which the Church uses in the administration of the Sacraments. 2. Blessings and Exorcisms outside the dispensation of the Sacraments. 3. Sacred things, to which, either from divine institution - as to the Most Holy Name of Jesus and to the Sign of the Cross - or from the blessing of the Church, as to lustral water, some salutary power is annexed. 4. Certain pious exercises, as the Lord's Prayer, striking of the breast, the *Confiteor*, almsgiving.

1245. The Power and Efficacy of Sacramentals. - "The origin of the name" of Sacramentals, says the Second Plenary Council of Baltimore,² "is from this, that although they are far inferior to the Sacraments in power and merits, nevertheless in effects they imitate them in a certain way."

It is said: 1° "they imitate them in EFFECTS." For a), like Sacraments of the living, they confer grace, namely actual grace and an increase of habitual grace; b), like Sacraments of the dead, they remit sins, especially light ones; c), like Sacraments imprinting character, so some Sacramentals constitute things strictly sacred.

It is said: 2° they imitate them in effects IN A CERTAIN WAY. For according to the more common sentence, and, according to St. Alphonsus,³ the truer one, they cause their effects, i.e. remission of sins and temporal benefits which we expect from them, not *ex opere operato*; and therefore not infallibly, but by way of impetration, i.e. on account of the prayers and blessings by which the Church obtains, for those using Sacramentals, pious motions of sorrow or charity, through which sins are remitted, and benefits, even temporal ones; but these only insofar as they are salutary for us.⁴

Notes to n. 1245. (1) Conc. Pl. Balt. II. a. 341. (2) Ib. (3) L. VI. 92. (4) St. Thomas, Part 3, q. 87, a. 3, c.

1246. Administration of Sacramentals. - 1. The obligation of ministering them, according to Suarez,¹ is present "on the supposition of the necessity of a man possessed by a demon, or another similar necessity, ... because" the Ministers of the Church "are held to assist the necessities of their faithful by suitable remedies, and those instituted by the Church." Possevin also suitably admonishes:² "In remedies for the good of the people, for example against hailstorms, locusts laying waste the crops, not only should" the priest "be readily available, but even of himself, without being asked, he should propose them. Let him do the same in the mortality of animals and in like things; not because he is held to these things from precept, but because by acting thus he will acquire the benevolence of the people and will increase its devotion, and will merit by an act of charity."

2. They are to be ministered with faith and confidence; with a clean heart and pure intention; worthily and devoutly; lest the mockeries of unbelievers either be feared, or be provoked by an unbecoming mode of administering.

3. "Let preachers and rulers of souls especially take care that they explain to the faithful, and more often inculcate, the nature, signification, and right use of these things. Let them

persuade those who lean too much on their own wisdom and ability that these things, although they seem light and minute, are not to be contemned, since they profit not a little for living piously and obtaining salvation. But let them again and again warn the ruder common people, who are carried away by the contrary error, lest they attribute too much efficacy to the things themselves, and keep them with a certain blind and immoderate confidence, and pursue them with superstitious veneration, as if they could do very much of themselves, without a pious disposition of mind. But let them most sharply rebuke those who have sacred things of this kind, as will be the custom among the Heathen, almost in place of amulets, which would keep them, even when involved in the most foul mire of vices, immune from the anger of God and vengeance."³

Notes to n. 1246. (1) De Rel. Tr. V. L. IV. c. IV. n. 5. (2) Praxis Curae Past. c. XII. n. 47. (3) Conc. Pl. Balt. II. a. 350.

1247. - Exorcisms hold the principal place among Sacramentals; these were treated at nn. 375-377; and Blessings. Of these, some are private, which are given also by lay persons, for example, by parents to children; others are liturgical, which are given by Ministers deputed for this. These are divided in various ways.

I. By Reason of Effects. Some blessings are invocative, namely of the benignity of God upon persons - for example, upon a woman after childbirth - or upon things - for example, upon foods - and are counted among transitory Sacramentals, because persons or things blessed in this way do not change their state, or from profane things do not become strictly sacred, and therefore can be applied to profane yet honorable uses, as before the blessing, as foods and drinks, a house, a ship, etc.; likewise, according to St. Alphonsus,¹ blessed water and blessed candles (I think, outside the day of Purification?) - others are constitutive or consecrative, which are numbered among permanent Sacramentals, because persons or things blessed in this way change their state and from profane things become strictly sacred, nor can they any longer be applied to profane uses, even honorable ones, as chalices, vestments, altar stones, Agnus Dei, etc.

Note. - Missals and Sacred Bibles, as also sacred images, ought not to be applied to a profane use; but one must say otherwise concerning other papers on which sacred names are incidentally and accessorially inscribed.²

II. By Reason of Rite. Some are verbal, in which anointing is not employed; others real, in which it is employed.

III. By Reason of Objects. Some are of persons, as of an Abbot; others of things, as of a Church.

IV. By Reason of the Minister.

A. Some are Papal, as the blessing of the Agnus Dei, of the Pallium, etc.

B. Others pertain to Bishops, and to them alone, and indeed in such a way that without Pontifical Indult they cannot be delegated to simple priests; but things which had been blessed with a faculty delegated without an indult of this kind ought to be blessed anew before use, if this can be done without scandal.³ They are real blessings, and are found only in the Pontifical. Of this sort are the consecration of a chalice, of an altar, of a bell. Which of these our Bishops can delegate, see p. LXXIII. n. 6. 12; and which things, when the See is vacant and in a case of necessity, are delegated to the administrator, p. LXXII. n. 28.

C. Others pertain to Bishops, but in such a way that they can be done also by others having the faculty. They are found in the Ritual and Missal under the title: "Blessings to be done by Bishops or by others having the faculty." They are the following:

1. Blessings of sacerdotal garments, of cloths and corporals, under which also are palls; of the tabernacle, i.e. the pyx and lunula (but by the rite of the Ritual, not of the Pontifical. S. R. C. 16 March 1876. Acta, t. 13. p. 33); of a solemn cross or images, which is done publicly, with a concourse of the people, with solemnity, chant, several ministers, etc.; but not the private blessing, which is done without the said apparatus by one priest with one minister.
2. The blessing and reconciliation of a church not yet consecrated, and of a public oratory and cemetery, and also the blessing of the first stone.

Note. - a) It is certain that a Bishop by his own right can delegate even a simple priest for the blessings enumerated under 2), because this faculty of delegating is specially expressed in the Ritual. But whether he can also delegate those which are listed under 1) is disputed;⁴ yet our Bishops have an Apostolic indult for this (see p. LXXI. n. 13).

b) By the Superiors of those religious Institutes which communicate in privileges with the Mendicants, the blessings concerning which under C. can be done, provided there is not question of churches, oratories, or cemeteries belonging to others, nor of garments, vestments, or vessels for the use of churches belonging to others, nor of crosses or images to be blessed solemnly in places not subject to them.

D. Others pertain to simple priests, which nevertheless again are of a twofold kind; for:

1° Every priest can give certain ones, namely those which in the Missal or Ritual are prescribed to be done by "a priest," with no addition. Yet a simple priest will not be able to impart these: 1) in another's church, or in chapels or oratories annexed to a church, against the will or contradiction of the pastor or rector; 2) publicly and solemnly in places of another's jurisdiction; 3) if in favor of the pastor there stand an immemorial custom, or a synodal law, or an agreement.

2° Certain ones only a pastor, or one delegated by him, can give, namely those which are marked in the Ritual as to be done by the Pastor, or by another priest; for then it is understood: by another priest with the permission of the Pastor.⁵ But by the right of the Pastor are: the blessing of houses on Holy Saturday; the common blessing over crops and fields, at least if it is done solemnly; likewise perhaps the blessing of houses to be done at another time outside Holy Saturday, because in the Ritual for this blessing mention is made of the Pastor; nevertheless Cavalieri denies this;⁶ finally the blessing of the baptismal font, of nuptials, and, except in the case of a legitimate contrary custom, of women after childbirth. - Moreover the distinction between parochial and non-parochial blessings can scarcely be of use here. Yet see n. 1138.

V. Finally, by Reason of Necessity, blessings are divided into prescribed and non-prescribed.

To the prescribed pertain:

a) Episcopal blessings of each kind (see under IV. B. C.), except the blessing of a cemetery - since the blessing of the place or sepulcher suffices - and the solemn blessing of crosses or images. - From sacerdotal garments and vestments:

1° The purificator, veil, and burse are not necessarily to be blessed.⁷ 2° Probably the cincture and pall are to be blessed.⁸ 3° But certainly the corporal, amice, alb, maniple, stole, chasuble, and cloths.⁹ 4° The pyx and lunula ought not to be consecrated, but nevertheless probably to be blessed. The monstrance is laudably blessed.¹⁰

b) Parochial blessings, except the blessings of a woman after childbirth, of fields, of fruits, and of houses.

c) Those which according to the Rubrics are prescribed on certain days of the year, for example on the day of Purification, or on Sundays before the principal Mass (concerning which see De Herdt¹¹ or our Ceremonial¹²).

Notes to n. 1247. (1) L. VI. 94. (2) Benger. Comp. der Past. Theol. p. 498. (3) Decr. 22 Sept. 1703. 3. (4) L. VI. 378. Dub. 4. De Herdt. T. III. n. 129. (5) Scav. T. IV. n. 350. Gury, Ed. in Germ. 4a, p. II. n. 233. (4). (6) De Herdt. T. III. n. 129. (7) S. R. C. 7 Sept. 1816. n. 26. L. VI. 389. (8) L. VI. 376. 388. (9) Ib. 384. 385. De Herdt. T. I. n. 173. 2°. (10) T. III. n. 184 sq. (11) T. III. n. 134 sq. (12) P. II. ch. VII. p. 122. Ed. 1875.

1248. With What Rite Blessings Are to Be Done. - Blessings which either from precept, or publicly in churches or public oratories before the people gathered for this, are done outside Mass, are to be given with surplice and stole according to the reason of the season,¹ standing and with head uncovered, hands joined, with a minister carrying the vessel of blessed water and the sprinkler, and with the formula prescribed in the Missal or Roman Ritual or approved by the S. C. Rit. - For blessing those things for which a special blessing is not had, the Blessing for all things can be used (see *Exc. ex R. R.*, Ed. 1872, p. 260; Ed. 1874, p. 252), or the Sign of the Cross is to be made over the thing to be blessed with the formula: In the name of the Father, etc.; then the thing itself is sprinkled with blessed water.²

If the cross has the image of the Crucified, the blessing for images is to be employed. Craisson, *Elem. Jur. Can.*³ If the blessing is done at the altar, all things are recited at the Epistle corner, and the priest uses a cope. The things to be blessed, if they are sacerdotal vestments, can be placed upon the altar; but otherwise, if they are candles and other things of this kind, which are to be placed upon a table before the altar, or at the Epistle corner.⁴ - The church is the more proper place of blessings, although not necessarily of all; for the blessings of certain things, as of water, sacerdotal vestments, and the like, can from a reasonable cause be done in a profane or honorable place.⁵

Notes to n. 1248. (1) i.e. with a stole of the color of the office of the day, unless otherwise in the proper places of the liturgical books something is noted as regards the color. De Herdt, Pr. Rit. Rom. C. 10. § 3. n. 2. (2) Scav. T. IV. n. 344. 356. (3) n. 703. (4) Ib. n. 705. (5) De Herdt, l. c. n. 1.

Treatise on Order

We must treat 1° of the nature and division; 2° of the matter and form; 3° of the minister; 4° of the subject of Order.

Chapter I. On the Nature and Division of Order

1513. - By the name of Order here is understood a grade of Clerics consecrated for special ecclesiastical Offices.

Order is defined: a Sacrament of the new law by which spiritual power is handed over, and grace is conferred for duly undertaking ecclesiastical functions.

1514. Things to be established. - **I.** Order is a true Sacrament of the new law, properly so called. - See the arguments among the Dogmaticians.

II. Seven Orders are numbered, namely, Presbyterate, Diaconate, Subdiaconate, Acolythate, Exorcistate, Lectorate, and Ostiarate. The first three are called Major or even Sacred; the others Minor. - See the arguments among the Dogmaticians.

1515. Questions. - **Quaer.** 1° What is the nature and property of these Orders?

Resp. 1° Ostiarate is the Order by which there is conferred a special power of opening or closing the door of the Church, of admitting the worthy, and of excluding the unworthy.

2° Lectorate is the Order by which a special power is handed over of reading psalms and lessons from the pulpit in the Church, and of catechizing the people, or instructing them in matters of Faith.

3° Exorcistate is the Order by which there is conferred on someone a special power of casting out demons through exorcisms instituted by the Church.

Nevertheless today the faculty of exorcizing is reserved to Priests alone, who can use it only with the license of the Ordinary (n. 376).

4° Acolythate is the Order by which there is conferred on someone a special power of serving the Subdeacon during the solemnities of Mass, of lighting candles, and of preparing and presenting the cruets of wine and water.

5° Subdiaconate is the Order by which there is conferred on someone a special power of serving the Deacon in solemn Mass, and of chanting the Epistle with solemn rite.

6° Diaconate is the Order by which there is conferred a special power of immediately assisting the Presbyter in solemn Mass, of chanting the Gospel during solemnities, of preaching, of solemnly baptizing, and of dispensing the Most Holy Eucharist. But whether the Deacon, in order to preach at any time, needs the special license of the Bishop, or whether the license of the Pastor or Rector of the Church suffices, seems to have to be defined from particular statutes or custom. Cf. n. 1257. II. 1287. III.

7° Presbyterate is the Order by which there is conferred a special power of consecrating the Body and Blood of Christ in the celebration of Mass, of absolving from sins, and of feeding subjects by work and doctrine.

To these add Episcopate and First Tonsure, of which the former is the complement of Priesthood itself, but the latter is not an Order, but a disposition to Orders, by which someone is enrolled as a Cleric.

Quaer. 2° Whether Diaconate is a Sacrament?

Resp. Affirmatively, according to the common and certain opinion. - See the Dogmaticians.

Quaer. 3° Whether Subdiaconate also is a Sacrament?

Resp. It is disputed; the more probable OPINION denies. For both the matter of the Sacrament of Order is lacking, namely imposition of hands, and also its form; for in the form of Subdiaconate the conferral of grace is not expressed, but only of spiritual power. Nor does Subdiaconate seem to be numbered among the Major Orders from divine institution, but only ecclesiastical, since among the Greeks it is not held as a Sacred Order.¹

Say the same concerning the Minor Orders.²

Notes to n. 1515. (1) L. VI. 737. (2) Ib.

Chapter II. On the Matter and Form of Order

1516. - Matter and form are various for the various Orders.

I. As regards the Minor Orders, by reason of matter, the Ostiary is ordained by the handing over of the keys of the Church; the Lector by the handing over of the book of lessons; the Exorcist by the handing over of the book of exorcisms; the Acolyte by the handing over of empty cruets, or at least of one, and of a candlestick with an extinguished candle, because it belongs to him to prepare light, wine, and water for Mass. - The form proper to these Orders is contained in the words which the Bishop uses while he hands over the instruments themselves. (32) p. 422.

II. As regards Subdiaconate, among the Greeks the imposition of hands is judged as the matter. Among the Latins it is disputed. According to some, the handing over of the empty chalice with the empty paten is its only proximate matter. But others contend that the handing over of the book of Epistles is likewise the essential matter of this Order. - But the form is contained in these words: *See whose ministry*, etc.; according to the opinion requiring also the handing over of the book of Epistles, the form corresponding to this handing over must be added.

III. As regards Diaconate, the matter is established as twofold, namely the imposition of the right hand of the Bishop, and the handing over of the book of Gospels. Whether each of these is necessary, or only one, is in controversy. Some Theologians judge only the imposition of hands necessary; others, only the handing over of the book; others finally, each. But as regards practice, this last opinion, as the safer one, is to be held. - Consequently the form also is held as twofold. That which is added to the former matter is this: *Receive the Holy Spirit for strength, and for resisting the devil and his temptations. In the name of the Lord.* - That which accompanies the latter matter is of this kind: *Receive the power of reading the Gospel in the Church of God, both for the living and for the dead. In the name of the Lord.*

IV. As regards Presbyterate, its matter among the Greeks is placed in the sole imposition of hands; but among the Latins it is twofold, at least by precept, namely the imposition of the hands of the Bishop, and the handing over of the chalice with wine, and of the paten with the host placed upon it. But it is disputed among Theologians what is the essential matter. More probably it consists in the second imposition of hands alone, which is made by the Bishop with the assisting Presbyters.

The form also varies according to the diversity of matter; wherefore concerning it likewise there is dispute. Hence the form which corresponds to the handing over of the instruments is this: *Receive the power of offering Sacrifice to God, and of celebrating Masses, both for the living and for the dead. In the name of the Lord.* But the form proper to the imposition of hands is the prayer itself which the Bishop recites while he imposes hands upon those to be ordained a second time, or together with the priests.

Appendix annotation (32), to n. 1516. I. p. 209. col. 1. "Although one key can be sufficient matter for the ordination of an Ostiarius, nevertheless the Rubric is to be observed, which prescribes that keys are to be handed over; these, whether they are of silver, iron, or wood, provided they are apt for opening, constitute the remote matter of this Order." S. R. C. Civitaten., to 1, 11 March 1820. It is not strictly necessary that the Ostiarius close and open the doors of the church with the key. S. R. C. Marsorum., 12 Nov. 1831. In the Ordination of an Ostiarius, the keys need not necessarily be the keys of the church, but any key whatever can be employed. S. C. de P. F. to the Vicar Apostolic of Cochin-China, 23 March 1844. Collect. p. 355 n. 818.

1517. Questions. - Quaer. 1° Whether physical touch of the instruments is required?

Resp. St. Alphonsus says that there is given a twofold probable opinion, and consequently that the safer one must be followed in practice. There are some who think the negative opinion safe, on account of a twofold Response of the Sacred Congregation of Rites, the one on December 3, 1661, the other on January 21, 1863. The former sounds thus: "To the scruple of Brother Ephrem Chasteau, pro-agent of the French Recollects, namely that he did not touch with physical touch the chalice in his ordination to the Presbyterate; - the Sacred Congregation responded: That he can continue the celebration of the Most Holy Sacrifice without any scruple, and with altogether safe conscience." The latter response, which is not found in the Collection of Gardellini, is said by the patrons of the negative opinion to be altogether similar to the former both as to the case and as to the response. But from these it is in no way lawful to conclude that the negative opinion is safe. For, as the anonymous annotator of Gury, Roman ed. 1873, rightly notices, "although the doubt concerning the validity of ordination when someone omitted to touch the chalice, even if he touched the paten, is not identical with the proposed general doubt: whether physical touch of the instruments is required; nevertheless, even supposing a connection of each doubt, here it would be necessary to know whether the Sacred Congregation responded concerning a doubt of law, or rather concerning a doubt of fact, since it often happens that responses of this kind regard not questions of law, but a particular case. But that the cited resolution of the Sacred Congregation is to be received in this latter sense is suggested by the mention of scruple which occurs there; for if there had been a question of law, to bring forward a doubt of this kind, on account of the opposed opinions of Theologians, by the name of scruple, would seem alien from the practice of the Sacred Congregation." (33) p. 422.

For the rest, no reasonable and founded scruple can exist in one ordained. For in practice Bishops are accustomed to proceed in such a way that in a matter of such great moment they always hold the safer way. Besides, upon so many Ministers and Officials is incumbent the duty of watching over the rite to be observed in Ordination, so that moral certitude is had that all things were rightly and validly done.

Quaer. 2° Whether the handing over of each species is necessarily required?

Resp. Affirmatively, more probably, because by the handing over of one species the power over the whole Sacrifice is not handed over. - St. Alphonsus.

Quaer. 3° Whether he is validly ordained who touches the host but not the paten; and who touches the chalice and paten, but not the host?

Resp. to the 1st. Affirmatively, with the common opinion, which seems most probable. The reason is that the host and wine are the substantial matter of Order, by which principally the power over the Body of Christ is signified, and only for the sake of fittingness from the precept of the Church are chalice and paten used. Nevertheless in practice the safer part is to be followed.

Resp. to the 2nd. Also affirmatively with the common and truer opinion, says St. Alphonsus. The reason is 1° because then the host is touched by means of the paten; but immediate touch of the host is not prescribed by the Church, but only of the paten, as is clear from the Pontifical; 2° because the wine in the chalice is never touched immediately: therefore neither is it required that the host be touched immediately. For the rest, the one to be ordained must take care that he touch the chalice, the paten, and at the same time the host, and thus he will remove himself from every scruple.

Notes near nn. 1516-1517, matter and form of Order and physical touch (printed p. 209).

1 L. VI. 749. | 2 Ib. 739 sq. | 3 Ib. 743. | 4 Gardell. 2143. Vol. I. p. 364.

Notes near n. 1517, touch of instruments and species (printed p. 210).

1 P. II. n. 702. (1). (*). Cf. Vindic. p. 358. 2a Ed. T. I. p. 439 sq. | 2 L. VI. 750. | 3 Ib. 751.

Appendix annotation (33), to n. 1517. q. 1. p. 210. col. 1. Strength is added to the sentence of St. Alphonsus from the Response of the Holy Office, 19 Aug. 1851, in which the imposition of hands in the ordination of Deacon and Presbyter is said to have to be supplied if it was done without corporal touch. Collect. p. 358 n. 824.

Chapter III. On the Minister of the Sacrament of Order

1518. Principles. - **I.** Only a Bishop is the ordinary Minister of the Sacrament of Order. - See the arguments among the Dogmaticians.

II. A simple priest, when the Supreme Pontiff commits it, can be the extraordinary Minister of Tonsure and the four Minor Orders, and probably also of Subdiaconate, and according to others also of Diaconate.

It is proved as regards Tonsure and Minors from Councils, especially from Trent, where it is said: "It is not lawful for Abbots and any others whatsoever, however exempt and privileged, hereafter ... to confer Tonsure or Minor Orders upon anyone who is not a regular subject to them." Therefore Trent supposes that they can confer those Orders upon their Religious. - As regards Subdiaconate, see St. Alphonsus.

III. A Bishop can licitly ordain only his own subjects, which the Doctors commonly understand also concerning Tonsure.

But others he cannot licitly ordain without the faculty of their Bishop. - It is drawn from Trent.

1519. Questions. - **Quaer.** 1° Who is judged to be the proper Bishop of the one to be ordained?

Resp. A Bishop can be proper by a fourfold title, namely the title of nativity, domicile, benefice, and familiarity; concerning which, as regards these Provinces, the following must be noted:

1° Since now among us there is no benefice in the strict name, only the titles of nativity or origin and domicile are to be attended to, not of benefice nor of familiarity; for by the title of familiarity no one can be ordained unless also a benefice is at once, i.e. within a month, conferred upon him.

2° Concerning the title of nativity or origin, the Second Plenary Council of Baltimore has these things: "The place of origin is called the city, town, or village where someone was naturally born, namely where the father has true domicile. But if he is born elsewhere per accidens, for example on the occasion of a journey, embassy, trade, or any other temporal delay, then birth of this kind, being fortuitous, must by no means be attended to, but only the true and natural origin of the father. But if the father has remained in a foreign place where the son is born for so long and with such intention that he has there contracted domicile by law, then not the origin of the father but the domicile must be attended to for the ordination of the son. In the newly baptized, converted from heresy or infidelity, the place of origin is judged to be that in which they receive Baptism. For thus it was established by Paul III; and thus the practice of the Roman Curia holds itself." - But if the son is illegitimate, the origin of the mother is attended to; if exposed, the place in which he was exposed.

3° Concerning the title of domicile, the same Council notes these things: "A subject ... by reason of domicile, for the effect of receiving Orders, is judged to be only he who, although he was born elsewhere, nevertheless has established it stably in some place, either by residence of ten years, or by transferring to that place the greater part of his goods with furnished houses, and by dwelling there for a notable time, and moreover affirms by oath that he has the intention of remaining. From this it is clear that several things are required by positive law for constituting domicile properly so called for

those to be Ordained than for those about to receive the other Sacraments. If someone has two domiciles, he will be able to seek Orders from the Bishop of either place, because each is held in place of his own Bishop."

4° "By a foreign Bishop," i.e. in our provinces neither of origin nor of domicile, "no one can be ordained unless he brings with himself the dimissorial letters of his own Bishop." Therefore dispensation from requiring these must be obtained from the Holy See in the case in which there would be question of a European to be ordained, lacking domicile here, and to whom "by the laws of his fatherland it is forbidden that a Bishop, without permission of the civil government, give the faculty of departing."

5° Testimonial letters are also sometimes required, although someone is ordained by the Bishop either of origin or of domicile, and indeed:

a) If someone is to be promoted to further Orders who was assumed to clerical Tonsure, or even to Minor Orders, by another Bishop, by whatever title this one was proper. For this one, if he is ordained by the Bishop of domicile, is held to show to him the testimonials of the Bishop of origin; but the testimonials of the Bishop of domicile if he is ordained by the Bishop of origin.

b) Whoever, whether not yet a cleric, or already promoted to Minors or Tonsure by another Bishop, by whatever title, "has departed from the place of his own origin," situated, for example, in Europe, or in another diocese of these Provinces, "is held to offer testimonial letters of the Ordinary of his origin to the ordaining Bishop," although proper by reason of domicile, or otherwise certain concerning the morals of the one to be ordained. "Nor does it matter whether the one to be ordained departed from the place of origin at that age in which he could have been bound by a canonical impediment, or before, when because of defect of years he could not be subject to an impediment of this kind."

c) "If someone has drawn out a delay for so great a space of time in that place in which he was born not naturally, but per accidens, that he could have contracted some canonical impediment there, then he is held also to show testimonial letters from the Ordinary of that place to the Bishop ordaining." Besides these things the Council established:

d) "That Bishops, and their examiners, ... from all, besides the other requisites, should require also testimonial letters, to be subscribed by the Rectors or Superiors of Colleges and Seminaries" where they were students, "in which it may be disclosed what kind of work they gave to studies; and also by Pastors or priests of proved life of other places in which they spent some notable time."¹

Quaer. 2° Who can grant dimissorial letters?

Resp. 1° Only the Bishop of the one to be ordained, provided he has taken possession, although not yet consecrated and although existing in a foreign diocese, the See not being vacant, can give dimissorial letters, whether by himself or through his Vicars General, if he acts in remote places or has conferred that power on them. For it belongs to the Bishop alone to govern the diocese and to confer Orders by ordinary right.²

Resp. 2° But when the See is vacant, the Chapter indeed has the faculty of conceding dimissorial letters, but not within a year from the day of vacancy, unless someone is constrained to receive Orders within that year on account of a benefice requiring personal service. - Thus from Trent.³

The dimissorial letters which the Chapter, the See being vacant, is prohibited from giving within a year from the day of vacancy, the Administrator also is prohibited from giving, who among us is in the place of the Chapter, or rather of the Capitular Vicar; but since in our Provinces there can be no question of those constrained to benefices, Kenrick thinks that the Administrator can give dimissorial letters even within a year from the day of vacancy, if necessity of providing for the care of souls presses.⁴

Quaer. 3° By what Bishop are Regulars to be ordained?

Resp. By the Bishop in whose diocese is the monastery where they are then dwelling. Except if after Trent they have obtained a special privilege, that they can be ordained by any Bishop whatsoever. But that privilege is not acquired by communication.⁵

If nevertheless the Bishop either is absent or will not have an ordination at the next time established by law, or, according to Lucidi T. I. n. 107, the Episcopal See is vacant, the Superior, dimissorials having been handed over, will be able to send subjects to be ordained by any Bishop whatsoever, provided only they show to this Bishop the testimony of the Vicar General, or Chancellor, or Secretary of the proper Bishop, and provided moreover the concession of dimissorials is not by design deferred to a time in which the diocesan Bishop either is going to be absent or will have no ordinations. The one ordaining can examine those to be ordained; he ought not to. - But these things, prescinding from a special privilege, are valid only as regards those Regulars who emit solemn vows, and those professed.¹

But in the ordination of Regulars, the disposition of the Roman Pontifical is to be observed as regards the formula: *Do you promise obedience to your Ordinary*, etc.²

Quaer. 4° What Mass is to be said by the Bishop in the general conferral of Orders, when on the Saturdays of the Four Times, or before Passion Sunday, some feast occurs: namely, of the feria, or indeed of the feast?

Resp. Of the feria. - Thus the Sacred Congregation of Rites has declared many times.

Notes near nn. 1518-1519, minister of Order and the proper Bishop (printed p. 210).

1 L. VI. 752. | 2 Sess. 23. c. 10. Ref. | 3 L. VI. 762. Cf. De Ang. T. I. p. 200, and Zeits. für Th. 1880. p. 527. | 4 L. VI. 769. | 5 Sess. 23. c. 8. Ref.

Notes near n. 1519, title of nativity, domicile, and familiarity (printed p. 211).

1 Sess. 23. c. 9. Ref. C. Speculatores. Innoc. XII. | 2 a. 317. | 3 C. Speculatores. Innoc. XII. | 4 C. Cupientes. | 5 Ib. | 6 a. 318. | 7 Honorante. Prax. Sac. Trib. Urb. Vicarii, Rome, 1762. p. 21. Pauli III C. Cupientes, which Constitution of Paul afterward Clement XI confirmed and enlarged by C. Propagandae.

Notes near n. 1519, testimonial letters for ordination (printed p. 211).

1 Conc. Pl. Balt. II. a. 319. | 2 Kenr. Tr. XX. 15. | 3 Conc. Pl. Balt. II. a. 320. | 4 Ib. a. 321. | 5 Ib.

Notes near n. 1519, dimissorial letters and Regulars to be ordained (printed p. 212).

1 Conc. Pl. Balt. II. a. 322. | 2 L. VI. 787. | 3 Sess. 7. c. 10. Ref. S. Alph. L. VI. 788. | 4 Tr. XX. 21. | 5 L. VI. 768.

Notes near n. 1519, Regular ordination formula and Mass of ordination (printed p. 212).

1 L. VI. 768. 768. Acta, Vol. I. p. 358 sq. Anal. Jur. Pont. Ser. 2, Col. 2818. Ser. 7; Col. 744 sq. Craisson. Man. n. 2045. 2690. 7°. | 2 S. R. C. 22 Jul. 1848 in Gandav.

Chapter IV. On the Subject of the Sacrament of Order

1520. Principles. - I. The subject of Order is only a baptized male.

The first reason is because women, by divine institution, are altogether incapable of any Order whatever. This is clear from Sacred Scripture.³ It is proved also from the perpetual practice of the Church, and from the unanimous consent of the Fathers and of all the Doctors.

The second reason is clear. For no one before receiving Baptism is able to receive any other Sacrament whatever.

But a baptized little boy, not yet possessed of reason, would indeed be ordained validly, but illicitly.

1521. - II. In order that someone may duly receive Orders, the following conditions are required:

1° That he be bound by no irregularity, suspension, excommunication, or interdict.

2° That he have attained the age required by the Sacred Canons.

3° That he present fitting knowledge, proved by an examination.¹

4° That, in the cases set forth in n. 1519. q. 1°, he show either testimonial or dimissorial letters.

5° That he be ordained at the due time, and with the due interstices interposed.

6° That positive probity of life have divine vocation also as its companion.

7° That ordination be made by grades, namely that a higher Order not be received before a lower, and indeed under mortal sin; nevertheless an ordination otherwise received would be valid, if you except the Episcopate, which prerequisites Priesthood.²

8° That those to be ordained receive the Holy Eucharist; which statute of the Roman Pontifical more truly binds presbyters under mortal sin, deacons and subdeacons under light sin; but for those to be initiated to Minors it is judged to be of counsel alone.³

9° That, if there is question of Regulars, those things be observed which were said above n. 1195. C). 5° and n. 1519. q. 3°, and which will be said n. 1522 under 2°. - Regulars have besides the privilege that they can be ordained outside the times.⁴

10° That, if there is question of a married man remaining in the world, he cannot licitly be promoted to any Order, not even to Tonsure, except with the express and spontaneous consent of his consort.⁵ Except: **a)** if on account of the wife's adultery a legitimate divorce has been made, and indeed juridically, if the crime is not notorious;⁶ **b)** if, on account of heresy or apostasy from the Faith on her part, the judge has decreed perpetual separation (but today perpetual separation scarcely is accustomed to be permitted); likewise generally **c)** if the man has converted himself to the Catholic Faith, the wife remaining in infidelity. - But among us such a married man would be ordained most imprudently, unless first a sentence of divorce had been obtained from the civil judge.

But is it required besides that the wife enter Religion, and in the same solemnly profess?

Resp. 1° Negatively, generally, but the perpetual vow of chastity suffices.

Resp. 2° Affirmatively, if either the wife were young and the man became a religious, or the man were assumed to the Episcopate.

Resp. 3° Neither a vow nor entrance into Religion is required if the wife committed the crime of adultery.

11° That the names of secular clerics who are to be assumed to Sacred Orders be recited in the Church of the parish to which they belong.² But this custom does not obtain among us, says Kenrick.³

12° That the Order received be exercised before one ascends to a higher one.⁴ Nevertheless, as to precept, without a strict mandate of the Bishop, it is not certain, especially as regards Minors, whose exercise has almost become obsolete.⁵

13° That there be the intention of clericaling, i.e. the will of permanently devoting oneself to the clerical state.⁶

Notes near n. 1520, subject of the Sacrament of Order (printed p. 212).

3 I Cor. 14. 34. I Tim. 2. II. 12.

Notes near n. 1521, conditions for receiving Orders (printed p. 213).

1 Conc. Pl. Balt. II. a. 316. | 2 L. VI. 793. | 3 Ib. 801. | 4 S. Alph. de Priv. n. 115, 116. | 5 L. VI. 812. | 6 Ib. 969.

Notes near n. 1522, title of support for Subdeacon (printed p. 213).

1 L. VI. 969. | 2 Trid. Sess. 23. c. 5. Ref. | 3 Tr. XX. 33. | 4 Trid. Sess. 23. c. 11. 13. 17. Ref. | 5 L. VI. 801. | 6 Ib. 785. | 7 Instr. cit. n. 2. | 8 Ib. n. 3. | 9 Ib. n. 14.

1522. - For one to be ordained Subdeacon there is required besides a title of honorable support,¹ lest, namely, clerics constituted in Sacred Orders be compelled, either from begged subsidies or from sordid gain, to procure for themselves with dishonor to Sacred Order those things which are necessary for living. It is useful in this matter to hand down a synopsis of the Instruction which the Sacred Congregation de Propaganda Fide issued for Mission places on April 27, 1871.

1° "A twofold title is distinguished: namely the ecclesiastical and the patrimonial. This latter ... obtains when the one to be ordained is furnished with such goods, certain, stable, and fruitful, coming from elsewhere than from the Church, which in the judgment of the Bishop are judged to suffice for his fitting support."⁷ - "The ecclesiastical ... title is subdivided into the benefice-title and the title of poverty, to which certain other species, as it were subsidiary and extraordinary, must be added, namely the titles of the Common Table, and of Service of the Church, Mission, Sufficiency, and College."⁸ - The titles of Benefice, Service of the Church, Sufficiency, and College being passed over, since they do not occur among us, and the title of Patrimony already having been explained above, which can also be used among us,⁹ it remains that we treat of the title of Poverty, and of the Common Table, and also of the title of Mission.

2° "The title of Poverty ... is placed in religious profession, by force of which those who have emitted solemn vows in an approved Religion have all things in common, from the revenues of goods, if the Religion itself possesses any, or from the pious offerings of the faithful, of which they have need for

sustaining life. But what they call the title of the Common Table touches those clerics who, dwelling after the manner of Religious in the discipline of common life, pronounce either no vows, or only simple vows, and accordingly are permitted to go out or to be dismissed from the religious house, and to return to the world. For the title of poverty does not pertain to them, as is gathered from the Constitution *Romanus Pontifex* of St. Pius V, on the day before the Ides of October, 1568. But of these clerics those only can be promoted to Sacred Orders under the title of the Common Table whose Congregations or Institutes have been enriched by the Apostolic See with a special privilege for this." Therefore religious of Orders in which solemn vows are emitted cannot, without a special indult, be promoted to Sacred Orders under the title of poverty so long as they are bound only by simple vows, according to the norm of the Decree of Pius IX (see n. 1187). This is clear also from the Response of the Sacred Congregation of Regulars, January 20, 1866, to the Archbishop of Mexico.

3° "The title of Mission ... is accustomed to be used ... for those who ... devote themselves to the service of Apostolic Missions ... in places ... in which the condition of things is such that the common law of the Church concerning those things which regard the title prerequisite for Sacred Ordination cannot be observed to the letter. But those who have been ordained under a title of this kind obtain from the apostolic ministry in the Mission to which they have been assigned the things necessary for life."² - In order that someone can be ordained under this title, there is required:

a) A special indult granted by the Holy See to the Ordinary (regularly either for a certain time, or for a fixed number of cases), the conscience of the same being strictly burdened, that it be used "only in favor of those who, by disposition and docility of soul, rectitude of intention, aptitude of mind, progress in sacred studies, integrity of morals, and contempt of worldly things, give hope that they will be strenuous heralds of the Gospel."¹ - An indult of this kind was granted by the Supreme Pontiff to the several Bishops of these Provinces on January 24, 1868, for the term assigned to each of them for the exercise of the other faculties (p. LXX. sq.).²

b) An oath³ [p. LXXIII. note 2 and n. 374. 8°. See several declarations concerning its sense T. I. p. 473 (κ)]. To those emitting it, and likewise to those repeating it on the anniversary day, Pius VI, in an audience of May 7, 1775, granted a plenary indulgence, applicable to the departed, provided in both cases they have confessed and been refreshed by Holy Communion.⁴

4° Just as other titles, so also this one, of which there is question, can be lost according to canonical sanctions, and be taken away by Ordinaries, with the consent, however, of the Sacred Congregation, to which it belongs to release those so ordained from the bond of the oath offered.⁵ "But if, the title generally having been lost, or even the title of Mission, another is not substituted for it, the priest does not for that reason remain suspended; but Ordinaries are held to compel those ordained to the substitution of another title, just as provision has been made by the sacred Canons. This Sacred Congregation declared this in the general meetings of September 1, 1856."⁶

"Likewise regular priests who have pronounced solemn vows, and by Apostolic indulgence are permitted to live in the world, or who have issued simple vows and have departed from their Congregations or Institutes, lest they be compelled to beg with dishonor to their proper grade, are bound to provide for themselves concerning a canonical title; but in places of Missions they are bound at least to prove that means are at hand for them by which they may provide for their own support, as is fitting."⁷

"Those who have ascended to ecclesiastical Orders under the title of some certain Mission, when they have dismissed the office of Missionary, without doubt lose their title, and must provide themselves with another; but if they are deputed to the service of another Mission, in order that they may assume the title of this Mission, a new concession of the Holy See will be necessary; for neither does the faculty, if any has been obtained by the Ordinary of that Mission, of ordaining clerics under the mentioned title, suffice for them."⁸ See also *Past.-Bl. für N. Amer.*⁹

Notes near n. 1522, title of Mission and canonical title (printed p. 214).

1 Instr. cit. n. 4. | 2 Ib. n. 6. | 3 Instr. cit. n. 7. Conc. Pl. Balt. II. a. 89. | 4 Conc. Pl. Balt. II. a. 323. note 1. | 5 Instr. cit. n. 8. | 6 Ib. n. 15. | 7 Cf. nevertheless Conc. Pl. Balt. II. n. 90. | 8 Ib. n. 11. | 9 Instr. cit. n. 12.

1523. Questions. - Quaer. 1° What knowledge is required in candidates to be promoted to Orders?

Resp. 1° Of those to be initiated to Minors, it is required that they at least understand the Latin speech; **2°** of those to be initiated to Subdiaconate and Diaconate, it is required that they be learned in letters, and in those things which pertain to exercising the Order; **3°** finally, of those to be initiated to Priesthood, it is required that they be found fit to teach the people those things which are necessary for salvation to all, and to minister the Sacraments. - Trent.³ But the end of the Council, which indicates the lowest limits of knowledge, is to keep the unlettered away from Orders, without its being prohibited to the Bishop to require from those to be ordained a richer knowledge, which deservedly is now required everywhere.⁴

Quaer. 2° What age is required for receiving Orders?

Resp. 1° For receiving Tonsure it is required that the one to be initiated possess the use of reason, namely that he be at least seven years old. - Trent.⁵ **2°** As regards Minors, no age is assigned in Canon Law. **3°** Of Subdeacons is required the twenty-second year of age. **4°** Of Deacons, the twenty-third. **5°** Of Priests, the twenty-fifth. **6°** But for the Episcopate the thirtieth year is required. It is gathered from Trent.⁶ But it suffices that the indicated year have been begun, with the exception, however, of the Episcopate and Tonsure.⁷ But dispensation as regards age is reserved to the Supreme Pontiff.⁸ For the faculties usually granted to our Bishops in this matter, see p. LXX. n. 3, and p. LXXII. n. 3.

Quaer. 3° At what time and place can Orders be conferred?

Resp. 1° Tonsure can be conferred on any day, hour, and place (even outside the proper diocese of the one ordaining). - Thus from the Roman Pontifical.

Resp. 2° Minors can be conferred anywhere, but in the proper diocese of the one ordaining,¹ on single Sundays or double Feasts of precept, even suppressed,² provided they are conferred in the morning. - See the Roman Pontifical. But this is to be understood of an ordination which is not general; since a general ordination must be made on those days on which Major Orders can be conferred, unless custom permits this on Wednesday or Friday before the general ordination.³

Resp. 3° Major Orders by law, and under grave obligation, are to be conferred during the celebration of Mass: **1°** on the Saturday of each of the Four Times; **2°** on the Saturday before Passion Sunday; **3°** on Holy Saturday.³ But by dispensation obtained from the Pope (for the granting of which a faculty has been conceded to our Bishops. See p. LXX. n. 1), they can also be conferred outside the times, namely on other Sundays or Feasts of precept, even suppressed. - But whether with a dispensation of

this kind Orders, whether Minors or Majors, can be conferred on doubles which are not, nor have been, of precept, is controverted. To St. Alphonsus the opinion denying is more probable,⁴ and the Sacred Congregation of the Council followed it in the Caesaraugustana, January 15, 1689.⁵

"But to the Bishops of the Federated Provinces," says Kenrick,⁶ "it is indulged that they confer Orders outside the times; wherefore it seems lawful for them to confer them on any day whatever, at the equal judgment of the Bishop." - But in what sense these words of the most illustrious Kenrick are to be understood is not sufficiently clear. If as interpretive of the privilege, as seems to be concluded from the context (see the cited place), we do not acquiesce in the opinion of the most learned man; for neither, according to St. Alphonsus, is any difference to be admitted between the privilege of conferring or receiving Orders on three feast days and the privilege of ordaining outside the times, as also seems to be clear from the Decree of Innocent XII dated December 14, 1693,⁸ and from several concessions which may be seen in the Bullarium of the Congregation de Propaganda Fide,⁹ and is clearly evident from the declaration in Caesaraugustana above. - But if Kenrick wished to testify only concerning the custom of the Federated States, we admit, with St. Alphonsus, that that custom can be legitimate.¹ - The indult is to be read before the conferral of Sacred Orders. Pontifical.

Addendum and Corrigendum. - The opinion of St. Alphonsus concerning the sense of the indult for conferring Orders outside the times is confirmed by the Response of the Sacred Congregation of Rites of the same day, 18 May 1883, in the Marionopolitana. "Doubt II. Whether the faculty of conferring Sacred Orders outside the times, by force of art. 1, Form. I., generally granted to missionary Bishops, is limited, unless there is a very special indult, to those days alone on which by common law it is lawful to confer Minor Orders, namely feast days of precept, even those abrogated in favor of the faithful? Or whether it extends to all individual days of the year, or at least to all on which an Office of double rite is recited?" The Sacred Congregation responded: "Affirmatively to the first part: negatively to the second."

Note besides concerning the same privilege: **a)** outside the case of contrary custom or indult, Orders to be conferred must be on separated days. L. VI. 796; **b)** a Bishop cannot use the favor of another's subject unless he is fortified with an indult for this. (γ) p. 393.

It is not lawful without reasonable cause to perform general ordinations of Sacred Orders outside the Cathedral, or, in another place of the diocese, outside the more worthy church.

Quaer. 4° What is to be said about interstices?

Resp. 1° Between the Minors certain interstices are to be observed, unless something else seem more expedient to the Bishop. - Thus from Trent.³ - But the time is not determined. In many places by custom the four Minors are conferred on the same day.

Resp. 2° As regards Majors, this was established by Trent:⁴ between the last of the Minors received and Subdiaconate, one year must intervene, computed not mathematically, but ecclesiastically, e.g. from the Four Times of one year to the Four Times of the following year; unless necessity or the utility of the Church, in the judgment of the Bishop, demand otherwise. Say the same between Subdiaconate and Diaconate, unless for any reasonable cause whatever something else seem good to the Bishop. The same also is to be said between Diaconate and Presbyterate, unless the Bishop determine otherwise on account of the notable and certain utility of his own Church. But to our Bishops a fuller power as regards this is conceded. See p. LXX. n. 1.⁵

But he would sin gravely who on the same day, besides the four Minors, also received Subdiaconate, unless a contrary custom excuse, which is to be proved by the Bishop.⁶

Note. - Dispensation in the interstices can be given by the Bishop also to Regulars duly dismissed to him, but not to subjects of another diocese, to whom it must be conceded by their own Ordinary, mention of it having been made in the dimissorials. - Craisson, *Manuale*.¹

Quaer. 5° Does a Cleric sin who, initiated in Minors, takes a wife?

Resp. Speaking in itself, it is certain that he does not sin gravely, indeed not even lightly, if he does this on account of a just cause, e.g. to end enmities, or temptations of the flesh, or to come to the aid of a poor woman, etc.; otherwise he will not be excused from venial sin.² - I said: speaking in itself; for it is greatly to be feared, says St. Alphonsus, lest he be in a bad state who, certain of his vocation to the ecclesiastical state, withdraws from it in order to enjoy the world.

Quaer. 6° Is it required that the one to be ordained be confirmed?

Resp. Trent³ has these words: "Let those not be initiated with first tonsure who have not received the Sacrament of Confirmation." But it is disputed whether these words are of precept, or only of counsel: "Commonly," says St. Alphonsus,⁴ "they say that Confirmation is not required in one to be ordained under grave obligation, but is indeed required under light obligation; because, although the words of Trent rather indicate fittingness than precept, nevertheless he who acts contrary in this matter is not excused from at least a light disorder."

Quaer. 7° Does he sin who receives some Order without the intention of ascending to higher ones?

Resp. 1° He does not sin gravely, even if he receives Major Orders and does not intend to receive Priesthood. - Thus St. Alphonsus, who says that this is certain and common.⁵

Resp. 2° Nor probably does he in itself sin venially, because by no law is it prescribed to anyone that he ascend to higher Orders, unless someone accept a benefice requiring Priesthood or Sacred Order.⁶

See nevertheless what was said concerning those ordained under the title of Mission, n. 374. 8°.

Quaer. 8° Whether and how does an ordained man sin who omits the recitation of the prayers which after ordination are imposed by the Bishop by way of penance?

Resp. The Theologians do not agree on this. For some say that he sins gravely, because the matter of the precept is grave. Others hold that he does not sin at all, because the Bishop does not impose a precept. Finally others judge that omission of this kind at least is not mortal, since this is not certain concerning it, and indeed this opinion is probable to St. Alphonsus.¹

As regards these prayers, this Declaration of the Sacred Congregation of Rites is had:² "The words of the Roman Pontifical: *The Nocturn of such a day*, understand of the single Nocturn in the ferial office, or of the first of Sunday, as in the Psalter, that is, of twelve Psalms with their antiphons of the time, which the ordaining Bishop can designate, either of the very day on which he has the ordination, or of another, according to his judgment." - But when the Bishop expresses nothing other than what the words of the Pontifical relate, the Nocturn of the feria is to be said, which corresponds to that day on which the ordination was made.

Quaer. 9° Whether or how are newly ordained priests held to read the three Masses prescribed by the Bishop?

Resp. 1° They are not held to apply them according to the intention of the Bishop, and therefore can receive a stipend for them.³

Resp. 2° Probably the obligation to say them at least is not grave; nor are they to be said before non-impaired days arrive, since they must be votive Masses.⁴

Quaer. 10° What should newly ordained priests, celebrating with the Bishop, especially observe as regards the pronunciation of the form of Consecration?

Resp. 1° That, as far as can be done, they finish the form together with the Bishop; **2°** that they have the intention of consecrating only when they have finished the form at the same time with the Bishop; **3°** that in the Consecration of the Chalice they intend also not to consecrate, if perchance they did not consecrate the bread.⁵ Practically, on account of the easy disturbance of those to be ordained, it will be best that one of the assisting ministers form the intention of which under **2°** and **3°**, and that those to be ordained be forewarned simply to conform their own to this.

Quaer. 11° To what are priests held by force of the obedience which they promised to the Bishop in ordination?

Resp. Benedict XIV explains thus (in the Epistle *Ea quo dilectus*, January 14, 1747): "We acknowledge that a Presbyter, by the force of this promise, is bound by this law, among others, as a strict one, that he cannot depart from the service of the Church to which he has been assigned without the license of the Bishop." (34) p. 422.

Quaer. 12° Can priests, or even Pastors, embrace the religious state when the Bishop refuses?

Resp. See n. 1158.

Quaer. 13° Is absolution to be granted to a Cleric habituated in an occult shameful vice, who wishes to ascend to Sacred Orders, without a previous experiment of continence?

Resp. Negatively, even though he has been sincerely converted to the Lord, and therefore can be absolved at once. And so he will not be able to receive Sacred Order unless he has given some time to work at extirpating the depraved habit. But if he persist in wishing to receive Sacred Order, St. Alphonsus does not judge him disposed for absolution, because he violates the law of the Church in a grave matter. He excepts only the case in which God grants the penitent an extraordinary grace of compunction, which renders him so proved that he himself can at once receive Sacred Order without being proved by the experience of time. But even in this case, for one wishing to be ordained at once, it is more prudent that absolution be deferred, so that he may be more firmly proved by the experience of time, provided there is not reason to fear, from the delay, a proximate danger of infamy. The same concerning a drunkard.

Notes near n. 1523, knowledge, age, time, and place for Orders (printed p. 215).

1 Instr. cit. n. 13. | 2 16th year, p. 108. | 3 Sess. 23. c. 4 sq. Ref. | 4 L. VI. 792. Adv. 2. | 5 Sess. 23. c. 4. Ref. | 6 Ib. c. 12. Ref. | 7 L. VI. 799. | 8 Ib. 800. | 9 Ib. 798.

Notes near n. 1523, ordination days and the indult outside the times (printed p. 216).

1 L. VI. 798. | 2 S. R. C. 12 Nov. 1831 in Mars. 16 Mar. 1833 in Claremont, etc. | 3 L. VI. 794. | 4 Ib. 797. Dub. 4. de Priv. n. 116. | 5 Apud Lucidi, de visit. T. I. p. 180. | 6 Tr. XX. 34. | 7 De Priv. n. 116. | 8 Bull. Rom. Ed. Taur. T. XX. p. 587. § 5. | 9 App. 1. p. 175 and 305.

Notes near n. 1523, interstices and separated days for Orders (printed p. 217).

1 L. VI. 797. Dub. 4. | 2 Herdt, Pr. Pont. T. III. n. 355. | 3 Sess. 23. c. 11. Ref. | 4 Ib. c. 11. 13. 14. Ref. | 5 Ex. Ord. 44. L. VI. 795. | 6 L. VI. 796.

Notes near n. 1523, confirmation and intention for higher Orders (printed p. 218).

1 n. 2036, 2037. | 2 L. VI. 785. | 3 Sess. 23. c. 4. Ref. | 4 L. VI. 785. | 5 L. VI. 785. | 6 Ib. 785.

Notes near n. 1523, imposed prayers, Masses, and obedience after ordination (printed p. 218).

1 Ex. Ord. 91. | 2 11 Aug. 1860 in Granat. | 3 L. VI. 829. | 4 Ex. Ord. 91. S. R. C. 11 Apr. 1840 in Barchin. | 5 Ex. Ord. n. 232.

Appendix annotation (gamma), to n. 1523. q. 3^o, p. 216, col. 1. The reason is that the faculty granted to a Bishop of conferring Holy Orders outside the times is strictly local, and he cannot exercise it outside the territory of the diocese, either by himself or through another Bishop, although furnished with a similar Indult; for into that Indult, as being contained in n. 1 of the Faculties Form I ([p. LXX](/manuals/konings/iii-faculties#h2)), falls the clause of those faculties: "nor can he use them outside the boundaries of his diocese" ([p. LXXII. n. 29](/manuals/konings/iii-faculties#h2)), concerning the sense of which clause see the Appendix to this volume (p. 398, col. 1, 4^o). The same observation holds for dispensation in irregularities ([p. LXX. n. 2](/manuals/konings/iii-faculties#h2)). Both are clear from the grace granted to the Bishops of the Province of Westminster (Collectio Lacensis, T. III. p. 963. XLV. XV.) in favor of those who are staying in a seminary common to several dioceses, yet with the clause: with the consent of the respective Ordinary. The Bishops of the Province of Quebec obtained the same grace. The faculty of dispensing in age, as is clear per se, is subject to the same limitation. Appendix annotation (34), to n. 1523. q. 11^o. p. 217. col. 2. The Pontiff says: among other laws; for this is not the only law by which, by force of that promise, they are bound. In order that this may be rightly understood, these things must be noted. I. The promise about which there is speech adds to the obligation of obedience, by which all diocesan and other secular clerics, yes, and Regulars outside the cases in which they are exempt from it, are bound to their Ordinary, the bond of contract. This is clear from the words of Benedict XIV in the praised Constitution Ex quo dilectus, 14 Jan. 1747: "Nor do We think that that solemn pledge of obedience and reverence, which the Presbyter makes into the hands of the one ordaining, according to the most ancient custom of the Church, is to be held as a bare and empty formula." II. Obedience embraces the strict obligation of executing whatever the Ordinary, within the limits of his right, prescribes. - I say: within the limits of his right. - Hence: A. To reject the command of the Ordinary: a) he would be bound, if there were question of a thing evidently evil; b) he could licitly do so if the Ordinary certainly exceeded the limits of his right. I said: evidently and certainly; for in doubt either concerning the liceity of the thing commanded or concerning the right of the one commanding, one must obey. Cf. the things said in n. 101. IV; n. 1171. III; n. 1664. q. 1^o. § In doubt concerning obedience. B. The rights of the Ordinary to which that obligation of obeying responds are reduced to these: 1. The right of teaching; 2. The right of commanding; 3. The right of judging; 4. The right of correcting and punishing; 5. The right of administering, and these indeed are said to be comprehended in the law which they call of jurisdiction; 6. The right of diocesan law, in which are contained the emoluments which pertain to the Bishop. The Ordinary does not transgress the limits of his power, and therefore he is to be obeyed: 1^o In the exercise of the right of teaching, when he condemns depraved opinions which are spread abroad in his diocese against sound doctrine, or concerning which there is danger that they be spread abroad, or when he prohibits books or newspapers by which dangerous novelties, etc., are disseminated. He decides the same when he prescribes a Catechism for procuring uniformity in teaching children. - But a Bishop would transcend the limits of his power if he wished to interdict in his diocese the defense of those opinions concerning which, with Faith and the rule of morals safe, one can freely dispute. This, however, is not so to be understood as if the Bishop did not have the right of interdicting by law, for example, some kind of dances or the manner in which lovers visit one another, etc., if he prudently judges that kind or this manner to be full of danger; for in such things there is no question of licit or illicit by reason of

itself, but of licit or illicit by reason of danger. Besides, if even indifferent acts, according to the certain sentence of all theologians, can be the object of a prohibiting law when the prohibition of them conduces notably to the common good, n. 104. II, why not a fortiori dangerous acts? Therefore when the Ordinary prudently judges that such things are to be interdicted by law in his diocese, he acts not from a freely disputed opinion, but from a sentence altogether certain. 2° The right of commanding, or of making laws, embraces: 1) The right of procuring by opportune statutes the execution of the laws of the Church, for example, concerning the residence of pastors, n. 1139, concerning the negative obligations of clerics, n. 1132, etc.; for Bishops are the executors of the Canons in their diocese. 2) The right of decreeing those things which have been left aside by Common Law, or those things which are not against the Canons but outside the Canons, Benedict XIV, de Syn., L. 12. c. 6. n. 1. For although Bishops cannot prohibit those things which are expressly and certainly permitted by Common Law, for example, access to taverns in an itinerary on account of necessity, nor concede by law what is forbidden by the same Common Law, for example, access to taverns in whatever case, nevertheless they can: a. fill up, so to speak, the gaps of Common Law; for Common Law could not foresee all and singular necessities of whatever dioceses, and provide for them. Thus a Bishop, if he has judged it opportune, will be able to interdict to his clergy assistance at horse races. They can also b. in those things which are not passed over by Law, sometimes define by their laws the time, place, and mode not defined by Common Law. Thus Eugenius IV in his Constitution Cantate, 4 Feb. 1441. § 13, and the Roman Ritual, Tit. 2, command that newly born infants be baptized as soon as conveniently can be done; but they do not define the precise time, which nevertheless it is whole and entire for Bishops to determine. Benedict XIV, l. c. n. 7. Indeed, there are not a few heads of universal discipline in which Law itself expressly leaves to Bishops the mode in which they are to be observed to prescribe. Thus Trent, Sess. 14. c. 6 de Ref., indeed prescribes the clerical habit, but wishes the form of this to be determined by the Bishop: "according to the ordination of the Bishop himself." They can besides c. assist Common Law by their decrees, adding penalties, or increasing those which have been established by Common Law; for thus "they do nothing against the Canons, but protect and foster the Canons themselves." Benedict XIV, l. c. n. 2. Finally, they can d. sometimes prohibit certain things concerning which it is controverted among Doctors whether they are contained by Common Law. Let an example be quiet or non-noisy hunting, n. 1132. 2°, which, for example, the Provincial Council of Vienna permits if it is moderate, Coll. Lac. T. V. col. 199. b, but Cologne absolutely forbids, ib. col. 378. c. Cf. Benedict XIV, ib. L. 11. c. 10. n. 8. In commanding, however, the Bishop must avoid lest the sanction by which he confirms his laws be immoderate and too grave, especially by inflicting censures. Benedict XIV, ib. L. 10. c. 1. 2. 3. 3° The right of judging regards either the internal forum, concerning which we treated in n. 1390 sq., or the external forum, concerning which in the Treatise on Censures. 4° The right of correcting and punishing belongs to the Bishop with regard to all things which have been introduced in the diocese against Faith, good morals, or ecclesiastical discipline; and to this extent this right differs from the right of judging, because in some things, for example in cases in which suspension from informed conscience is brought, n. 1686. 17, it can be exercised by him extrajudicially, especially in the very act of visitation of the diocese, n. 1136. § In all. To this also pertains the right of the Bishop "without the noise and figure of judgment, and with the truth of the fact alone inspected," that is, even the form of summary judgment being omitted, to proceed against Clerics who "dare to keep at home or outside women concerning whom suspicion can be had, or to have any familiarity with them." Trent, Sess. 25. c. 14 de Ref. 5° The right of administration includes among other things the power of the Bishop, with the rules of law, whether common or particular recognized by the Holy See, being observed, such as, for example, is that which was established in the Second Plenary Council of Baltimore, of conferring benefices of free collation, or among us quasi-parishes or other ecclesiastical offices, for example of coadjutors or assistants; the right of transferring a Rector to other quasi-parishes; the right of erecting, uniting, dismembering parishes or quasi-parishes; the right of protecting and caring for the temporal goods pertaining to pious places or churches; the right of erecting schools, orphanages, hospitals, etc. 6° Concerning the right belonging to the Bishop from diocesan law, see the things said in n. 631. Cf. De Angelis, Præl. Jur. Can., L. I. Tit. XXXI. 12° sq., and Linz. Quart. Schr., 1882. p. 15 sq.

Appendix. On Clerical Vocation

Notes near n. 1524, clerical vocation from Scripture (printed p. 218).

1 L. VI. 823. Cf. Conc. Pl. Balt. II. a. 108, 109. | 2 L. VI. 63-77. Concerning the drunkard n. 67. § Prob. 3. Cf. Vind. p. 778. Ed. 2a. T. II. p. 433. | 3 Hebr. 5. 4. | 4 Act. 1. 24. | 5 Joan. 10. 1. | 6 Ib. 15. 16.

Notes near n. 1524, signs of clerical vocation (printed p. 219).

1 Luc. 10. 2. | 2 23. 21. | 3 L. VI. 802. | 4 L. VI. 73. 802. | 5 I Tim. 5. 22. | 6 Dist. 24. c. 2. | 7 L. VI. 803.

1524. - I. The necessity of divine vocation is proved first of all from Sacred Scripture: *Nor does anyone take the honor to himself, but he who is called by God, as Aaron was.*³ - Hence the Apostles, in order that they might substitute another Apostle into the place of Judas the traitor, prayed thus to God: *Thou, Lord, show whom thou hast chosen.*⁴ Christ Himself said: *He who does not enter by the door into the sheepfold is a thief and a robber; but he who enters by the door is the Shepherd of the sheep.*⁵ - Again: *You have not chosen me, but I have chosen you.*⁶ - Again: *Pray ye the Lord of the harvest, that he send laborers into his harvest.*¹ Therefore those who have not been called by God intrude themselves, and they themselves are those concerning whom the Lord says through Jeremiah: *I was not sending the prophets, and they themselves were running.*²

II. The chief signs of divine vocation to the ecclesiastical state are the following: fitting knowledge; probity of life; right intention, or the desire of devoting oneself to the divine glory and the salvation of souls.⁴

He who, without vocation explored from such signs, intrudes himself into the sacred ministry, or wishes to be enrolled in the Sacred Militia principally on account of human ends, as if he were going to live without care when he has arrived at cures, cannot be excused from great presumption and from grave fault, since he exposes himself to great danger of damnation. But Bishops commit themselves to greater danger who promote to Sacred Orders those not called, from that word of the Apostle: *Impose hands quickly on no one, nor communicate in the sins of others.*⁵ Hence in Canon Law it is prescribed that *no one be ordained unless he has been proved.*⁶

Quaer. What must be done by the Bishop, in order that he may sufficiently prove candidates for Sacred Orders?

Resp. Thus St. Alphonsus:² "For this proof to be sought by the Bishop, it is not enough that he himself know nothing evil about the one to be ordained, but he must be made certain concerning his positive probity, according to the sublimity of the grade to which he strives to ascend. ... In this matter Bishops in seeking this proof ought not to be content with the simple attestation of Pastors, who, led by human considerations, easily indulge Clerics in granting attestations of this kind, lest they draw upon themselves their hatred and that of their relatives; but besides, from others worthy of trust, by taking secret information, they must be made certain not only that the one to be initiated is not evil, ... but also that he is positively good, namely that he lives a spiritual life, is assiduous in the

Churches, frequents the Sacraments and prayer, lives separated from secular persons, is accompanied by well-mannered companions, devotes himself to study, uses modest dress, etc."