

THEOLOGIA MORALIS SANCTI ALPHONSI

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

PENANCE

The Treatise on the Sacraments in General and the Treatise on Penance, 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, concubinaires, 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 THE SACRAMENT OF PENANCE

**PART FIRST: ON THE ESSENCE OF THE SACRAMENT OF
PENANCE, OR ON ITS NATURE, MATTER, AND FORM**

CHAPTER I: ON THE NATURE OF PENANCE

1337. - Penance, considered generically, sounds the same as the sorrow of soul which anyone experiences after he has done or omitted something which he would wish had not been done or had not been omitted. But in the strict and proper sense penance is sorrow of soul, insofar as it is referred to God offended, and hostile to us.

I. Penance, as a virtue, is defined: A moral virtue inclining one to detestation of sin, insofar as it is an offense of God, and to an efficacious purpose of avoiding it in the future, and of satisfying divine justice.

Penance was never not necessary to the sinner by necessity of means unto salvation. For it is altogether repugnant that an impenitent sinner be received by God into friendship.

It is also necessary by necessity of divine precept, as is clear from many testimonies of Sacred Scripture, e.g. "Unless you shall do penance, you shall all likewise perish," etc.¹

The effect of perfect penance, namely of that which leads to those acts of obedience by which, from His immense mercy, God Himself has revealed that He is placated and reconciled with sinful man, is twofold: 1° remission of sins, as is clear from countless places of Sacred Scripture; 2° remission of eternal punishment. For a justified man cannot be liable to eternal punishment. It is clear also from Trent.²

II. Penance, as a Sacrament, is defined: A Sacrament of the new law instituted by Christ after the manner of a judgment, for remitting, through priestly absolution, to a contrite and confessing man sins committed after Baptism.

This Sacrament differs especially from the others in this, that it is administered after the manner of a judgment: for the penitent is present at once as accused, witness, and accuser; and the priest as judge pronouncing sentence.

Notes to n. 1337. (1) Luke 13. 5. (2) Sess. 6. c. 7.

1338. Points To Be Established. - **I.** Penance is a true Sacrament of the new law. See Dogmatics.

II. The Sacrament of Penance has the power:

1. Of remitting all sins committed after Baptism.
2. Of restoring infused virtues, yet according to the measure of disposition.
3. Of revivifying works made dead. See Dogmatics.

III. The necessary parts of the Sacrament of Penance are 1° contrition; 2° confession; 3° absolution; 4° satisfaction, insofar as it is to be accepted by the penitent. For the Sacrament of Penance was instituted after the manner of a reconciling judgment; but this cannot be had without sorrowful confession of guilt, a disposition of soul for undergoing the satisfaction enjoined, and the absolution of the priest. - But satisfaction, insofar as it is to be imposed or fulfilled, is only an integral part of

this Sacrament; because the primary effect, namely grace and the remission of sins as to guilt and eternal punishment, can be had without satisfaction.

IV. But the acts of the penitent required for the remission of sins are: 1° contrition; 2° confession; 3° satisfaction in the sense explained. This is clear from Trent.¹

V. The Sacrament of Penance is necessary - by necessity of precept in reality, and by necessity of means in desire, at least implicit - for remitting mortal sins committed after Baptism. Thus in the new law Christ the Lord, the supreme legislator and provider, has established by His divine goodness and providence.

Hence for those stained by mortal sin committed after Baptism, the Sacrament of Penance is necessary unto salvation at least by necessity of precept; but penance or contrition with the desire of the Sacrament, or with a serious purpose, at least implicit, of confessing sins when the opportune occasion has been given, is always necessary by necessity of means.

CHAPTER II: ON THE MATTER OF THE SACRAMENT OF PENANCE

1339. - As in the other Sacraments, so in the Sacrament of Penance there is a twofold matter, one remote, but the other proximate.

The remote matter is all sins committed after Baptism; which are called the matter about which, because absolution is concerned with destroying them. But it is either necessary, or merely sufficient and free.

The necessary remote matter is all mortal sins committed after Baptism, and never yet directly remitted by the power of the keys; because by divine precept sins of this kind are to be subjected to the keys. - But sufficient and free matter is all venial sins, and all sins, whether mortal or venial, already otherwise duly subjected to the keys. It is called sufficient, because any sins, even the least, can be the object of sacramental pardon. But it is called free, because there is no precept of subjecting them to the keys. Concerning these things there is proof from the perpetual practice and tradition of the Church, and also from the definition of Trent.²

But the proximate matter of the Sacrament of Penance is the three acts of the penitent, namely contrition, confession, and satisfaction, which are called as it were the matter of this Sacrament, because they are in the place of the sensible matter which in the other Sacraments is subjected to the form; for through these acts sins are proposed to be destroyed by the words of the form. This is clear especially from Trent.¹

Notes to n. 1339. (1) Sess. 14. Can. 4. (2) Sess. 14. c. 5.

1340. Questions. - **Query 1°** Are sins already duly confessed and remitted through absolution sufficient matter of the Sacrament of Penance?

Resp. Affirmatively. This is certain among all, says St. Alphonsus.²

The reason is, 1° because a sin, although remitted, is always a sin committed; and just as contrition for the same sin can be repeated with fruit, so also confession; and it happens only *per accidens* that the sin, as already remitted, is not remitted, though nevertheless *per se*, as committed, it is capable of remission. - Nor is it an obstacle that then the Sacrament does not delete this sin; for it suffices that it have the effect in first act, namely that it bestow grace destructive of sin, although *per accidens* in second act it does not delete the sin, as happens when someone approaches the Sacrament already perfectly contrite. For in each case absolution has the same force, namely an increase of grace, remission of punishment, etc.; and this grace, or increase of justice, can truly be called justification, just as an increase of heat is called heating, as Sylvius says.

2° Because a sentence already rendered can be confirmed for greater security, and greater consolation and quiet of soul, as is sometimes wont to be done in civil matters; and if perhaps the sin submitted to the keys has not yet been remitted, then it will be able to be remitted.

3° It is clear also from the Declaration of Benedict XI, in the Canon Law:³ "Although," he says, "it is not of necessity to confess the same sins again, nevertheless ... that the Confession of the same sins be repeated, we judge salutary." It is clear besides from the constant practice of the faithful, with the Church approving.

Query 2° Is an adult to be baptized conditionally, in doubt concerning the preceding Baptism, bound to confess sins already accused?

Resp. Negatively. The reason is that those sins have already been remitted through the Sacrament of Penance, if the prior Baptism was valid; but if it was not valid, they are not matter of Confession, and they will be remitted through the second Baptism. - Reuter.⁴

Query 3° Is the aforesaid adult bound to accuse sins not yet confessed, or committed after the last Confession?

Resp. Affirmatively, as is clear from what has been said n. 1264. IV. 2), and from Resp. S. Inq. p. LIX. related. The reason is that all obligations which are joined by some nexus with an act certainly performed, and which is not established to be null, remain in their force. Wherefore, since after Baptism there remains in the Church no other Sacrament by which sinners can be reconciled to God, they neither ought nor can be sent away freed from this obligation, who certainly have received Baptism, concerning whose valid collation only doubt is present.

Query 4° Must an adult who is to be baptized and absolved conditionally first be baptized or absolved?

Resp. From the Resp. S. Inq. in the preceding question 3°, he ought first to be baptized conditionally, and then to be absolved under condition. Yet it is expedient to premise Confession before Baptism for the better disposition of the one to be baptized, but to confer absolution immediately after Baptism. (6) p. 414.

Query 5° Is a sin accused only in general sometimes sufficient matter of the Sacrament of Penance, e.g. if someone says: I ACCUSE MYSELF OF ALL MY SINS?

Resp. 1° Affirmatively, certainly in a case of necessity, or when the penitent, e.g. one at the point of death, cannot accuse any sin in species, even generically. - Thus most commonly with St. Thomas. - But I think the case of moral impossibility is to be likened to the case of necessity, when a sufficient cause is present, on account of which the penitent is not to be sent away without absolution. Such a case would be given if the confessor, as not rarely happens, wastes oil and labor while he tries in vain to induce an untaught person, or one dull from old age, or a pious person not having any certain venial sin, and not absolved from them for a rather notable time, to declare some certain venial sin concerning which they sufficiently grieve, or a mortal sin already confessed. - A general accusation also suffices, when there is question of a penitent whose sins already confessed are sufficiently known to the confessor.¹

Resp. 2° Negatively, at least as to liceity, since Doctors dispute concerning the sufficiency of such accusation for the validity of the Sacrament outside the cases under 1°, and because inconveniences arise from it.²

Query 6° If the penitent offers only doubtful sufficient matter, is the confessor bound to inquire about the past life, so that he can absolve?

Resp. 1° Affirmatively, if he wishes to absolve, because otherwise the Sacrament would be exposed to danger of nullity. Except if a case occurs in which the penitent can be absolved conditionally, concerning which below.

Resp. 2° Negatively, if he does not wish to absolve, but to send the penitent away with only a blessing; because the penitent who does not bring matter certainly sufficient has no right to absolution. - Likewise, if the penitent seems to have doubtful sorrow concerning only venial sins, ordinarily the confessor is not bound to use great diligence to move him to sorrow, although he does this much better.¹ - But the contrary must be said if there is question of doubtful mortals, on account of danger to the penitent.

But the confessor sending away the penitent with only a blessing is not always bound to procure efficaciously that the penitent himself understand this well. For in fact certain causes sometimes demand that with certain persons, either very ignorant, or scrupulous, or ostentatious of piety, one proceed in this or a similar manner: "You will recite, therefore, three Hail Marys; elicit an act of contrition, and may God bless you. The blessing of God almighty," etc.

Query 7° Must a penitent be necessarily absolved who does not bring necessary matter?

Resp. Negatively *per se*, if the penitent does not ask for absolution; but even without absolution he can be permitted to receive Holy Communion; because, since he is in the state of grace, the Sacrament of Penance is not required for disposing him to that. Yet ordinarily it is expedient to absolve such a person, if he has confessed sufficient matter, concerning which he sufficiently grieves, so that he may receive both an increase of sanctifying grace and sacramental graces, and an easier remission of venial sins and punishments, etc.

But if he has not received the Sacrament for a notable time, or if he needs special helps, e.g. for overcoming temptations, or if the penitent himself, offering, as above, sufficient matter and being disposed, desires or asks it, he must be absolved.¹

Notes to n. 1340 - note sequence 1. (2) L. VI. 427. (3) c. 1. L. V. T. VII. Extravag. Comm. (4) n. 118. Notes to n. 1340 - note sequence 2. (1) Acta, Vol. IV. pp. 323. 324. (2) L. VI. 480. 488. V. Pr. Conf. 71.99. Vind. P. V. q. VII. 1). I. in fine.

Notes to n. 1340 - note sequence 3. (1) Prax. Conf. n. 71. Appendix annotation (Phi), to Tom. I. [p. LX]

(/manuals/konings/v-on-confession-sacramental-to-be-required-from-heretics-to#p6). Tom. II. n. 1340. q. 4°. p. 90. col. 1.

"The Sacred Congregation in the Meetings held on Wednesday of this month," November, "1875, ordered it to be written back ... If there is question of those who must be baptized under condition, then, for the greater ease of the ecclesiastical function, they will be able first to be heard sacramentally as to the accusation of their faults; then, after the conferral of Baptism under condition, the confessor, again taking up by summary heads with the penitent those things concerning which he has already made accusation, may absolve him sacramentally, likewise under condition."

1341. Resolves. - 1° Sufficient and licit matter of Confession is venial sins, or mortal sins otherwise confessed, according to their own species, even generic, prescinding from number and from any circumstances whatever. The reason is that thus there is had Confession of a sin, and indeed of a determinate sin, at least of one in species; nor is there an obligation of adding the number of venial sins, or of mortal sins already remitted.¹

2° If someone accuses himself of no sin in particular, and says, e.g. I know nothing, except that I must often have sinned like other men, he should be examined as children are wont to be examined. If nothing can be elicited from the last Confession, let him be asked about his past life, ... whether he ever lied in his life ... whether he ever offended his parents, or was angry, or disparaged his neighbor, etc., etc.

3° With little women, devout women, and others of this sort, who confess only confusedly and about very light things, care must be taken that they add some fault from their past life in species, at least

generically. Then, however, you will try to excite them to sorrow and purpose, and, having absolved them, you will dismiss them in peace.

4° For greater security and for perceiving the fruit more surely, penitents are to be induced so that, besides doubtful sins or even daily light sins, they always join from sins already confessed at least generically some other certain sin, concerning which they grieve more vehemently, lest perhaps the Sacrament be exposed to danger of frustration. But if the accusation of some mortal sin already confessed cannot prudently be obtained, then it will suffice if the penitent accuses himself of some venial sins, at least insofar as he has committed them innumerable times in his life, the confessor leading in this or a similar manner: "Now you accuse yourself of all sins committed in the time before this, i.e. of all disobediences, lies, murmurings, etc."

5° But penitents who observe the aforesaid practice are to be admonished that they not subject again to the keys a sin of past life only from a certain custom, especially if that sin is light; because there is fear lest they do not grieve sufficiently, and so do not attain the purpose of providing for the validity and fruit of the Sacrament.²

Notes to n. 1341. (1) Prax. Conf. n. 71. (2) Berardi, de Recid. n. 180. 5°.

CHAPTER III: ON THE FORM OF THE SACRAMENT OF PENANCE

The form of the Sacrament of Penance can be distinguished as twofold: one essential for the validity of the Sacrament, and the other only preceptive or rubrical.

1342. - I. The essential form consists in the words: *I absolve thee from thy sins*. This is clear from Trent.¹

II. The preceptive or rubrical form consists in those prayers which precede or follow the essential form. But thus it is had in the Roman Ritual: *May Almighty God have mercy on thee, and, thy sins having been forgiven, bring thee to eternal life. Amen.*

May the almighty and merciful Lord grant thee indulgence, absolution, and remission of thy sins. Amen.

May our Lord Jesus Christ absolve thee, and I, by His authority, absolve thee from every bond of excommunication (suspension), and interdict, insofar as I am able and thou needest; then: I absolve thee from thy sins in the name of the Father, and of the Son, and of the Holy Ghost. Amen.

May the Passion of our Lord Jesus Christ, the merits of the Blessed Virgin Mary and of all the Saints, whatever good thou shalt have done and whatever evil thou shalt have endured, be to thee unto remission of sins, increase of grace, and the reward of eternal life. Amen.

The right hand is raised toward the penitent from the word *Indulgence* up to the word *Passion of the Lord*; and the Sign of the Cross is made over the penitent while saying: *In the name of the Father ...* The word *suspension* is omitted for lay persons. But there is a pious custom that the confessor before Confession, while blessing the penitent, say: *May the Lord be in thy heart and on thy lips, that thou mayest rightly confess all thy sins*, or recite a similar prayer.

In practice the prayers *May Almighty God have mercy* and *May the almighty and merciful Lord grant thee indulgence* can easily be omitted, as is clear from the Roman Ritual. Indeed according to the more common opinion they can always be omitted without sin. The same also is said concerning the prayers which follow absolution; but since, according to the probable opinion, these elevate the good works of the penitent unto the merit of sacramental satisfaction, it is fitting that they be omitted as rarely as possible. - But the words *May our Lord Jesus Christ ...* cannot be omitted without venial fault, unless necessity urges, since the Roman Ritual says: "In more frequent Confessions it will be enough to say: *May our Lord ... up to the Passion of the Lord ... exclusively.*" - S. C. R.¹ and Conf. dir. *per le C.* 15. n. 2.

Notes to n. 1342 - note sequence 1. (1) S. 14. c. 3. Notes to n. 1342 - note sequence 2. (1) 28 Feb. 1847. n. 5089.

1343. Questions. - Query 1° Is absolution valid if the priest says only: I ABSOLVE; or I ABSOLVE FROM THY SINS; or I ABSOLVE THEE?

Resp. to the 1st. Negatively. The reason is that the word *I absolve* alone does not of itself carry any determinate sense, and it falls upon no subject; therefore it cannot be a valid form.

Resp. to the 2nd. Affirmatively as more probable, as it seems, at least speculatively. The reason is that by these words the subject is sufficiently determined; for the pronoun *thee* is sufficiently expressed in

the word *thy*. - Thus Lugo.² - St. Alphonsus,³ as more probable, etc. Yet not a few deny it, whose opinion, as St. Alphonsus says,⁴ as safer, is to be followed.

Resp. to the 3rd. Affirmatively as more probable, with the common opinion. The reason is that the whole effect of the Sacrament is expressed in these words, without adding *from thy sins*. - Besides, it seems to be clear also from the Catechism of the Council of Trent,⁵ where only this is said: "But the form is: *I absolve thee*." And nothing else is added there. - Roncaglia, Lugo, etc. - Yet not improbably some deny it with Lacroix, and this opinion is to be stood by in practice.

Query 2° Is the deprecative form valid, e.g. *May God absolve thee*?

Resp. Negatively, at least more probably, with St. Alphonsus,⁶ Lacroix,⁷ and very commonly others. The reason is that the Sacrament of Penance was instituted after the manner of a judgment; hence Christ wished that the priest as judge would pronounce a sentence, and would express this: therefore sins must be remitted by the priest himself as minister of Christ; therefore it does not suffice that he beseech God to remit them. Therefore, etc. Besides, from the Council of Florence the indicative form alone is prescribed as the true form of the Sacrament of Penance.

Query 3° Is the elevation of the hand and the formation of the Sign of the Cross necessary in imparting absolution?

Resp. 1° It is certain that it is not required for the validity of the Sacrament, because it pertains neither to the matter nor to the form. This is clear from the Council of Florence and Trent, and also from the unanimous consent of Theologians, at least after Trent.

Resp. 2° Nor is it required under mortal sin for liceity according to the common opinion, against a few; because it is only a Rubric, which does not seem grave. Indeed several grave authors assert that this can be omitted without sin, as Busembaum, reported and implicitly approved by St. Alphonsus,¹ and many others. At least the elevation of the hand can be omitted without sin while the prayers which precede formal absolution are recited.

Query 4° Can a priest validly absolve several by one form, saying: I ABSOLVE YOU FROM YOUR SINS?

Resp. Affirmatively, because all things required for validity are found. And it can also licitly be done in a case of necessity, e.g. in shipwreck, before battle, or in the battle itself, etc.; and such absolution would be multiple, not indeed formally, but virtually and equivalently, and there would be as many Sacraments as there were men who, through some Confession and sufficient sorrow, were disposed. - Lacroix,² and all others.

Query 5° What presence of the penitent is reckoned moral with respect to absolution?

Resp. It must be such that the words: *I absolve thee*, according to the moral estimation of men, are judged to fall upon the penitent; but that moral presence is reckoned sufficient within which men can and are wont to speak in a common voice, although a higher one. Many extend it to 20 paces, especially if the penitent is not outside the sight of the confessor. In necessity at least the penitent is to be absolved under condition whenever he is perceived by some sense. - Thus commonly with St. Alphonsus.³

Hence: 1° One who seems about to fall from a roof, to fall into a river, or to be submerged in the sea, is to be absolved, at least if he is not far distant from the confessor. 2° If the confessor, on account of danger of infection or for another cause, cannot enter the room of the sick person, he ought to absolve him from the door. 3° If a penitent were to withdraw from the confessor not yet absolved, thinking himself absolved, he would have to be absolved if he were seen at a small distance, or were certainly known to be present within the nearby crowd; yet he would have to be called back if this could conveniently be done.

Query 6° Through the words: I ABSOLVE THEE FROM THY SINS, can the confessor validly absolve the penitent both from censures and from sins?

Resp. Affirmatively, because these words: *I absolve thee from thy sins*, involve absolution from every bond arising from sins; and nothing prevents the confessor from being able to direct his intention to absolution both of sins and of censures. - Thus commonly. - St. Alphonsus,¹ Lacroix.²

Query 7° Is absolution valid if the confessor absolves from sins before he absolves from censures?

Resp. Affirmatively, because censure is not an obstacle to the validity of the Sacrament, but only to its licit reception or administration. Yet he would sin gravely who first absolved from sins before censures, because he would act against a grave prohibition of the Church: except if there is question not of excommunications, but only of suspensions and interdicts; because those censures do not of themselves deprive one of the reception of the Sacrament of Penance.³

Notes to n. 1343 - note sequence 1. (2) D. 13. n. 26. (3) L. VI. 430. Dub. 1. (4) L. VI. 430. Dub. 1. (5) P. 2. c. 5. n. 19. (6) L. VI. 430. (7) n. 639. Notes to n. 1343 - note sequence 2. (1) L. VI. 425. (2) n. 645. (3) L. VI. 429. Notes to n. 1343 - note sequence 3. (1) L. VI. 430. Dub. 4. (2) n. 1567. (3) L. VI. 430. Dub. 4.

1344. - Query 8° Whether and when is a conditioned form valid and licit?

Resp. to the 1st. It is certain that absolution under a condition concerning the present or the past is valid in every case, provided the other requisites for the validity of the Sacrament are present; for the condition in no way changes the sense of the sacramental form, which it does not affect at all; but it affects only the will of the confessor, who does not intend to absolve unless the condition added is fulfilled; but once this has been fulfilled, the form becomes absolute; and therefore nothing is found which can stand in the way of its validity. - Thus St. Alphonsus,⁴ who says that all agree concerning this. Cf. what was said n. 1218. q. 5°.

Resp. to the 2nd. It is equally certain that conditioned absolution is sometimes licit; for if it is valid, it must also be licit when necessity urges. - Thus most commonly the Theologians.⁵

Yet the doctrine of some is to be rejected as plainly lax, who hold that conditioned absolution can be imparted for any light cause whatever, and when no necessity urges, even if the sufficient disposition of the penitent, though burdened with mortal sins, is doubted in any way whatever. For no one fails to see how many sacrileges a practice of this kind would induce. Indeed the confessor would no longer be a prudent dispenser of the Sacraments, but would cast pearls before swine; and by this facility of absolving he would effect that penitents waste away in sins.¹

But no more is the doctrine of those to be admitted, who with Collet and certain others hold that absolution under condition is not to be imparted except in extreme necessity, or in extreme danger of

life; for doctrine of this kind is supremely harmful to penitents, who can return to the confessor only with difficulty, and, dismissed without absolution, incur danger of eternal damnation.

But concerning the necessity in which absolution under condition can or ought to be imparted, according to the common doctrine and practice, the following rules seem to be established:

Rule I. - Absolution can and ought to be given under condition whenever, if granted absolutely, it would expose the Sacrament to danger of nullity, and, if denied absolutely, it would expose the penitent to danger of grave spiritual harm.

Rule II. - Even if necessity of this kind does not urge, nevertheless absolution can be given under condition whenever, if granted absolutely, it would expose the Sacrament to danger of nullity, and, if denied absolutely, it would deprive the penitent of some notable spiritual good, although not a necessary one.

Hence, with due conditions observed, when necessity urges, or when a just and proportionate cause is present, it is lawful to absolve conditionally in the following cases: 1° in doubt whether the penitent is living or dead; 2° in doubt of sufficient matter, for example if there is question of a pious penitent who "confesses only imperfections, which do not reach sins certainly venial." Yet very rarely,² or once in a month,³ "and when he cannot assign certain matter from his past life, or not without great trouble";¹

3° in doubt of fact concerning jurisdiction in the cases and under the conditions to be handed down n. 1394. q. 4°.² (On doubt of law, n. 60. I.); 4° in positive doubt (n. 1213) whether the penitent has been, or has been duly, absolved; 5° in doubt whether the penitent is morally present; 6° in doubt whether a dying person destitute of the senses is capable of the Sacrament; 7° in doubt concerning the disposition of the penitent, if there is question either of the half-witted, - to whom I equate those who are so stupid or untaught that whatever you say or do, you effect nothing, as sometimes happens with our Negroes; likewise the mute who do not know how to write, unless and insofar as one can deal with them sufficiently through some signs; likewise the deaf and those somewhat deaf in the case treated n. 1369. q. 6°; likewise those having their mind so confused or their tongue so stammering that their disposition cannot be judged, - or of children who are not yet perfectly capable of reason, especially if they bring a doubtful mortal sin, indeed also, not improbably, only venial sins, - or of a relapsed person in mortal sins, and there is fear lest he not return to Confession and waste away in his sins,³ or, I add, despair, or apostatize, or pass over to heretics, - or of a dying person, or, I would add, of a woman in difficult childbirth, of a soldier about to go into battle, of one about to undertake a dangerous voyage, of one about to undergo a dangerous surgical operation, of one condemned to be beheaded, and the like; 8° if in some case the necessity of avoiding scandal or infamy would truly urge, because bystanders would see that he did not approach Communion after Confession had been made; yet the penitent could not communicate unless certainly disposed through contrition, on account of the precept of the Apostle, concerning which n. 1306 has been treated.⁴

But if the penitent is in good faith and no fruit is hoped for from admonition about not receiving Communion, the confessor should conduct himself permissively. - But if the penitent asks the confessor whether he can communicate, a distinction must be made; for he asks either because he is of doubtful faith, and then one must answer according to the things said above; - or solely because

from youth he was taught to ask in this way after individual Confessions, and then the confessor, if he does not hope for fruit from admonition, should answer evasively. - This lamentable necessity, of which I have spoken, is sometimes found when there is question of a Communion called general of Societies, especially if the number of male or female associates is small. Likewise if there is question of Communion on the occasion of funerals or the first Communion of children. - Some equate to the aforesaid necessity the necessity of celebrating Matrimony.¹ (16) p. 418.

Query 9° With what sacred vestments ought the confessor to be clothed while he hears Confessions in church, and in what place are they to be heard?

Resp. to the 1st. With surplice and violet stole,² unless custom (e.g. of certain Regulars), or occasion, or place (e.g. for the Confession of a sick person, in necessity, outside the church, where no opportunity is given for assuming surplice and stole) suggests otherwise.³ - Nevertheless, notwithstanding custom, it is fitting that in church a stole be used, as the S. C. R. rescripted.⁴ But for Confession outside the church the confessor laudably keeps a stole at home.⁵

Resp. to the 2nd. "Confessionals are to be erected in churches, for hearing the Confessions of women. ... But by the name church ... the sacristy is not to be understood, unless the place is public and open ... and it will be lawful for no priest to receive the Confessions of women in another place, without the special license of the Ordinary. But this," say the Fathers of the Council, "we trust is never to be granted except to priests advanced in age, or infirm, or on account of penitents who are deaf; or in other cases in which grave inconveniences would arise from observance of this rule. We wish also that this condition always be added, that the Confessions of women never be received in private houses, unless with grates interposed, and in an open place, insofar as the character of the place permits."⁶

Notes to n. 1344 - note sequence 1. (4) L. VI. 431. (5) Ib. 431. Notes to n. 1344 - note sequence 2. (1) L. VI. 432. Notes to n. 1344 - note sequence 3. (2) Prax. Conf. n. 99. (3) H. A. Tr. XVI. 6. (1) Prax. Conf. n. 99. Notes to n. 1344 - note sequence 4. (2) H. A. Tr. XVI. 6.84. L. VI. 489. II. 571. (3) L. VI. 432. (4) Ib. 482. 475. Coll. H. A. Tr. XV. 84. Notes to n. 1344 - note sequence 5. (1) Berardi de Recid. n. 167. Notes to n. 1344 - note sequence 6. (2) Rit. Rom. de Sacr. Pen. Conc. Pl. Balt. II. a. 293. (3) Rit. Rom. de generaliter servandis in adm. Sacr. De Herdt. Pr. Rit. c. 8. § 1. III. (4) 31 Aug. 1867. n. 5882. (5) De Herdt. T. III. n. 172. (6) a. 294-296. Appendix annotation (16), to n. 1344. q. 8°. p. 94. col. 2. Note: 1° The alleged cases are not to be referred to taxatively, as if others were not given in which conditional absolution can be given, but by way of example. The two rules set forth in n. 1344. q. 8°. p. 93. col. 2 are always to be kept before the eyes; if the confessor, holding the middle way between laxity and excessive rigor, prudently applies these also to other cases not recounted here, he will be safe. 2° In the case of a penitent doubtfully disposed, one must always labor, insofar as morally it can be done, that from doubtfully disposed he become certainly disposed.

**PART SECOND: ON THE SUBJECT OF THE SACRAMENT
OF PENANCE, OR ON THE ACTS OF THE PENITENT**

Three are numbered, namely 1° Contrition; 2° Confession; 3° Satisfaction.

CHAPTER I: ON CONTRITION

1345. - Contrition is sorrow of soul and detestation concerning sin committed, with the purpose of not sinning further. Thus Trent.¹ - Detestation of sin - which, if you except the Blessed, as incapable of sadness, necessarily includes sorrow - regards the past; but purpose is concerned with the future.

This definition abstracts from the new law, in which contrition can have no efficacy without the desire, at least implicit, of Confession. For the same Trent adds a little below: "with the desire of performing the remaining things ... which are required for rightly receiving this Sacrament" (of Penance).

Resolves. - The object of contrition is neither 1) punishments or other evils, the consequences of sin; nor 2) imperfections, even deliberate, at least speaking speculatively; nor 3) sins of others or original sin.

Not punishments; for contrition etymologically imports a breaking or crushing of a hardened will; but this hardness of the will, says St. Thomas,² is in the evil of fault, and not in punishment. Hence sorrow concerning the punishment of sin is indeed the occasion and beginning of contrition, but never essentially contrition itself.

Not imperfections, even deliberate, or voluntary actions or omissions which, with no precept being violated, are repugnant only to counsel here and now intimated either by divine inspiration, or from the dictate of reason soliciting to more perfect things, or from the directive ordinance of a Superior. For contrition is sorrow concerning sins, which imperfections are not. Yet I said: at least speaking speculatively; for, speaking practically, deliberate imperfections very often already have some fault annexed to them, for example by reason of an inordinate motive of sensuality, impatience, sloth, etc. Hence, as we said in n. 1344. q. 8°. § Hence ... 2° with St. Alphonsus, even those imperfections which do not reach sins certainly venial are sometimes sufficient matter of conditioned absolution.

Not sins of others or original sin; for contrition is sorrow concerning sin committed, or perpetrated by one's own will. - To be sure, it is fitting to foster true sorrow sincerely from the soul, both concerning original sin, by which we were constituted children of wrath, enemies of God and servants of the devil, and also concerning the sins of others, by which infinite goodness is offended and the souls of many are cast headlong into eternal destruction; but sorrow of soul of this kind is indeed displeasure and affliction, but not contrition properly so called. Thus nearly the distinguished Van Egeren.

It must be said 1° concerning contrition strictly so called; 2° concerning purpose.

Notes to nn. 1345-1347 - note sequence 1. (1) Sess. 14. c. 4. (2) Matt. 3. 2. Luke 13. 3. 5. Eccli. 2. 22. Apoc. 2. 5. Acts 3. 19. (3) Sess. 14. c. 4. (4) P. III. q. 86. art. 2. Notes to n. 1345. (1) Sess. 14. c. 4. (2) Supplem. q. 2. art. 1. Notes to nn. 1345-1347 - note sequence 2. (1) L. VI. 437. (2) H. A. Tr. XVI. 10.

ARTICLE I: ON CONTRITION PROPERLY SO CALLED

1346. - Contrition is distinguished as twofold:

1° Perfect, which is detestation of sin arising from the sole and proper motive of charity, appreciatively supreme; with the purpose, on account of the same motive, of not sinning further. - I said: a) from the SOLE motive of charity; i.e. perfect contrition ought to be elicited from a motive of charity so efficacious or predominant that by itself it suffices to excite in the sinner supreme sorrow and detestation concerning sin committed, and a firm purpose of sinning no more; not, however, so that therefore other motives, less noble than charity, must be excluded by the penitent, just as hope and charity, or faith and knowledge, do not exclude each other. - I said: b) from the PROPER motive of charity; or of divine goodness. See n. 275.¹ - I said: c) appreciatively supreme; see the same n. 275 and n. 1349. III. 1350. q. 1°. q. 2°.

2° Imperfect or attrition, which is detestation of sin arising from a supernatural motive which is inferior to charity - e.g. from consideration of the baseness of sin, or from fear of hell, or from love of eternal beatitude - with the purpose, on account of the same motive, of not sinning further. - Trent.¹ Besides, contrition is either formal or explicit, by which a man, thinking of the sin committed, directly and expressly detests it; or implicit or virtual, by which a man, not actually thinking of the sin committed, posits an act which indirectly and tacitly contains sorrow and detestation of sin, for example an act of perfect charity.

Three things must be explained here: 1° necessity; 2° qualities; 3° efficacy of contrition.

Notes to n. 1346. (1) Cf. Vind. p. 399. Ed. 2a. T. II. p. 5.

§ I. ON THE NECESSITY OF CONTRITION

1347. Points To Be Established. - I. Contrition, either perfect with the desire of the Sacrament, or imperfect with the Sacrament itself, is altogether necessary to the sinner by necessity of means for obtaining justification and salvation. This is clear from Scripture² and from Councils, especially Trent:³ "At every time this movement of contrition was necessary for obtaining pardon of sins." The reason from St. Thomas⁴ is this: "The offense of mortal sin proceeds from this, that the will of man is turned away from God through conversion to some mutable good; whence for the remission of the divine offense it is required that the will of man be so changed that it be converted to God with detestation of the aforesaid conversion and with purpose of amending."

II. Mortal sin being supposed, contrition is necessary by necessity of precept, at least sometime in life, and indeed of a natural, divine positive, and ecclesiastical precept. - Of natural precept; for the law of nature dictates that the means without which he cannot attain the end, which he is bound absolutely to procure, are to be assumed by man; but contrition, as is clear from what has been said at I, is for sinful man a means without which he cannot attain the end which he is bound absolutely to procure, namely his reconciliation with God and eternal salvation; therefore, etc. - Of divine positive precept, as is gathered from the words of Scripture cited at I. - Of ecclesiastical precept; for the Church, in commanding the faithful to confess their sins validly at least once in the year, by that very fact commands them to elicit true contrition concerning the sins to be confessed, since sacramental Confession without contrition cannot at all be validly instituted. - But it is understood that that contrition falls under the precept which is required for justification, namely perfect contrition outside the Sacrament, or attrition with the Sacrament.¹

III. The precept of contrition obliges sometimes *per se*, sometimes *per accidens*.

1° Apart from the precept of annual Confession, it obliges *per se*, i.e. from the motive of the virtue of penance - so that he who then does not elicit contrition commits a special sin of impenitence - when a grave necessity of reconciling oneself with God urges, namely in danger, even probable, of death or perpetual insanity, whether true or supposed, e.g. in a lethal disease, in war, in dangerous navigation, in difficult childbirth, in an arduous surgical operation, etc.; and this on account of the precept of attaining the last end. - I said: apart from the precept of annual Confession, in which case some say that it obliges *per se*, others *per accidens*. St. Alphonsus is silent concerning this controversy, and it seems to us a dispute about the name.

2° It obliges *per accidens*, when another precept urges which cannot be fulfilled without contrition, especially in the following cases, namely - when the precept of an act of charity urges, with memory of sin occurring, - when someone guilty of grave sin is about to receive or administer a Sacrament, - whenever the Sacrament of Penance is received, even for the sake of devotion, - when someone has fallen into mortal sin, in which case he would not be excused from a new mortal sin who deferred penance for a notable time. He would sin, namely, against the precept of charity toward God, which binds everyone at least several times in the year see [n. 277. q. 1°. R. 1°. c).], and against charity toward himself, since he would expose himself to the danger of new faults. But what time is to be called notable cannot be determined by one and the same rule for all; since the necessity of contrition varies according to the variety of greater or lesser infirmity of the sinner, of graver or lighter temptation which he suffers, of a continuing or passing occasion in which he is placed, etc. Nevertheless, speaking generally, St. Alphonsus, on account of the precept of charity toward God, thinks that time should not be extended beyond a month. Yet sinners, especially the untaught, for the most part, indeed almost always, will be able to be excused from this sin of delayed penance on account of inadvertence.²

1348. Questions. - Query 1° Is he who in danger or at the article of death receives the Sacrament of Penance with attrition bound besides to elicit an act of perfect contrition?

Resp. Some affirm it, because by the law of charity in danger of this kind each one is bound to safer means; others deny it, because means simply safe suffice. The affirmative opinion is altogether to be counseled, all the more because at the extremity of life we are bound to an act of charity, to which satisfaction cannot be made unless from the motive of the same virtue we detest sins, if they occur to memory.² Wherefore dying sinners, especially those whose penance was sufficiently weak and tepid, are seriously to be excited to contrition. Van Egeren.

Query 2° For obtaining grace in the Sacrament, besides sorrow, are explicit acts of Faith and Hope required?

Resp. Negatively. See n. 250. q. 2°, n. 270. II.

Query 3° Does he sin who confesses some venial sin without sorrow?

Resp. Negatively, more probably, provided sorrow concerning other sins, or at least one sin, is not lacking (which sorrow concerning one is necessarily included in explicit sorrow concerning a multitude), and the penitent does not knowingly subject the other sins as matter of absolution. The reason is, 1° because by reason of the validity of the Sacrament it suffices that some certain matter be offered, namely that sorrow concerning some venial sin be present, since venial sins are not necessary matter of the Sacrament of Penance, and besides, since they do not deprive one of the grace and

friendship of God, some can be remitted without others; 2° because no injury is thereby done to the Sacrament if, from a good end and with all levity excluded, they are declared. Indeed usually those venial sins also concerning which sorrow, at least certain sorrow, is not had are usefully opened, namely for the greater manifestation of conscience and direction, for conceiving some shame, etc.¹

Query 4° Must contrition precede Confession?

Resp. 1° It must certainly precede absolution, or at least coexist with it, as is clear.² "But speaking practically, it is required that sorrow precede at least absolution, because no penitent sensing himself indisposed can ask for or receive absolution.

Resp. 2° The more probable and more common opinion is that for the validity of the Sacrament it is not required that sorrow precede accusation; the reason is that sorrow, although it must be sensible, does not necessarily have to become such through Confession, since it can become such through other signs; and the Ritual strongly favors this opinion, admonishing: "When Confession has been heard," the confessor is "to lead" the penitent "to sorrow," etc. The opposite opinion differs from the one set forth only in appearance; for its patrons require only that Confession not be a mere narration of sins, but have the character of sacramental accusation: but for this it suffices that Confession be made with the mind of obtaining absolution, and then that sorrow be manifested through petition for or expectation of absolution.³

Query 5° For how much space of time does an act of sorrow morally persevere for validly receiving the Sacrament?

Resp. It can certainly persevere for one day, or even another, if the penitent elicits such an act of contrition by which he is efficaciously moved toward Confession, so that the Confession afterward instituted is truly the effect of such contrition. "But otherwise, if someone confesses from mere devotion, or for fulfilling a vow or penance."² Moreover, supposing that the act of contrition was elicited with relation to the Sacrament, and before reception of this was not retracted, for example through a new mortal sin, the distance between the act of contrition and the remaining parts of the Sacrament certainly does not seem too long: 1° if the penitent, going to church with the intention of confessing, first elicits an act of contrition, and then, morally speaking, continues in examining conscience or in prayer, remains at the confessional, and confesses in his own place; even if in the Confession itself or in the reception of absolution, on account of distraction or some other cause, he no longer thinks about contrition;¹ 2° if the penitent in the morning elicits an act of contrition from the intention of confessing that day, e.g. in the evening, or in the evening with the intention of confessing the next day in the morning, and then at the time proposed confesses and is absolved, not actually thinking about contrition.²

Query 6° Is a new act of sorrow required for receiving a new absolution, when the penitent immediately after absolution confesses a mortal sin omitted from forgetfulness?

Resp. It is controverted. The probable, indeed more probable, opinion affirms. The reason is that, although sorrow morally perseveres in itself, nevertheless it does not persevere in order to the second absolution; for probably for the validity of the Sacrament it is required that sorrow be elicited in order to absolution. On which account St. Alphonsus³ judges that at least as safer this opinion is to be held.

Query 7° Can there be a valid and at the same time unformed Sacrament of Penance, on account of defect of sufficient disposition, in the case, for example, in which someone guilty of twofold sin, say theft and perjury, from invincible forgetfulness of the perjury, would confess only the theft, grieving not from a universal motive but from the special motive of baseness which is in theft?

Resp. It is controverted. Some deny with Billuart⁴ and Elbel.⁵ Their reason is that in the Sacrament of Penance contrition is the matter of the Sacrament; therefore, if it is insufficient, the Sacrament will be invalid. But if it is sufficient, the Sacrament is valid and at the same time formed, and therefore it immediately remits sins. - Yet others affirm, and indeed grave Theologians with Lugo,⁶ Lacroix;⁷ and St. Alphonsus⁸ calls this more probable. - But their reason is that in the alleged case, on the one hand nothing is lacking of those things which are required for the validity of the Sacrament - not formally integral Confession, since everything that occurred to memory was declared; - not sorrow, since it is present concerning the sin confessed; - not absolution, as is supposed. - But, on the other hand, the Sacrament must actually lack its effect, since one mortal sin cannot be remitted without the other, but defect of sorrow stands in the way of the remission of the perjury.

Notes to n. 1348 - note sequence 1. (2) L. VI. 437. Dub. 2. H. A. Tr. XVI. 11. (1) L. VI. 449. Notes to n. 1348 - note sequence 2. (2) L. VI. 445, a. 6a ed. (3) H. A. Tr. XVI. 20. (1) Lacroix, n. 705. (2) Bouvier de Poenit. c. III. Sect. VI. Theol. Mechl. n. 43. Notes to n. 1348 - note sequence 3. (3) L. VI. 448. Cf. Vind. p. 418. Ed. 2a. T. II. p. 25. (4) Diss. 7. a. 1. (5) n. 81. (6) D. 14. n. 65. (7) n. 672. (8) L. VI. 444.

§ II. ON THE QUALITIES OF CONTRITION

1349. - The qualities necessarily required for the validity of contrition, both perfect and imperfect, are numbered as these six, namely 1° that it be internal; 2° supernatural; 3° supreme; 4° universal; and, if there is question of receiving the Sacrament of Penance, 5° formal; and 6° elicited in order to Confession.

I. Internal or true, i.e. truly conceived in heart and soul. For contrition according to Trent is sorrow of soul.

II. Supernatural, i.e. elicited through the help of grace and from a motive known by faith. For natural means cannot conduce to a supernatural end. Cf. proposition 57 among those condemned by Innocent XI. p. XVIII, and Trent.¹

But suitable motives can be reduced to four: 1° to fear of punishment; 2° to hope of reward; 3° to the baseness of sin; 4° to the love of God.

III. Supreme, so that the sinner appreciatively, i.e. from a previous appreciation or intellectual estimation of sin as the supreme evil, detests his crime more than every other evil, and is prepared in soul to lose and suffer all things rather than commit sin.

IV. Universal, as regards all and individual grave sins committed and not yet remitted. - I said: 1° as regards GRAVE sins; for as regards venial sins it is not required that it be universal, as was said n. 1348. q. 3°, and will be said n. 1350. q. 4°. R. 2°. - I said: 2° as regards ALL AND INDIVIDUAL grave sins; not because individual acts of contrition must also be elicited concerning individual mortal sins - although it is expedient to detest one by one those sins toward which one is affected by a more vehement passion - but in reality one act of contrition suffices, extending itself at least virtually to all and individual sins, both known and forgotten, in the universal: namely, it must extend itself to all

grave sins either from one universal motive, or from several particular motives which, at least taken together, extend themselves to all mortal sins committed, even those not occurring to memory. The reason is that no actual sin is remitted without sorrow; but one mortal sin cannot be remitted without another, since remission is made through the infusion of grace, which cannot stand together with mortal sin. I said: 3° As regards all and individual mortal sins committed and NOT YET REMITTED; for the precept of contrition does not extend to sins already remitted, except in the case in which these sins are necessary or free matter of Confession or sacramental absolution.

V. Formal, so that a desire for absolution does not suffice, although it be without affection for sin, - nor an act of charity; for by this desire or act alone the matter of the Sacrament is not yet posited.¹

VI. Elicited in order to Confession, at least practically, since this opinion is probable, although the opposite is more probable.²

Notes to n. 1349. (1) Sess. 6. Can. 3. (1) L. VI. 438. 449. (2) Cf. Vind. p. 411. Ed. 2a. T. II. p. 18. Notes to nn. 1349-1350 - note sequence 1. (1) Suppl. q. 5. a. 3. (2) L. VI. 440. (3) Sess. 6. c. 6. (4) 1. 2. q. 40. a. 7. Notes to nn. 1349-1350 - note sequence 2. (1) 25. 16. Notes to nn. 1349-1352 - note sequence 1. (2) Prov. 8. 17. John 14. 21. 1 Pet. 4. 8. (3) Sess. 14. c. 4. Notes to nn. 1349-1352 - note sequence 2. (1) L. VI. 437. Dub. 4. (2) Sess. 6. c. 14. et Can. 30. Sess. 14, de Poenit. c. 8. et Can. 12. (3) Disp. 11. Sect. 3. (4) Disp. 9. n. 28. Notes to nn. 1349-1352 - note sequence 3. (1) Sess. 14. c. 5.

1350. Questions. - Query 1° Must contrition be supreme intensively?

Resp. Negatively. The reason is that intensity is something merely accidental: for a greater or lesser degree of sorrow, or affection or effort, does not pertain to the essence of contrition, which can exist whole without a degree of this kind of intensity. Besides, how would you know that this or that degree of intensity must be attained? Moreover the intensity of sorrow is not always in our power. Hence, even when the sense is moved more vehemently toward temporal evil from God's offense, it is not therefore the case that the will itself, under which alone moral evil falls, is less affected by sin. It suffices, therefore, that the sin be displeasing appreciatively as the supreme evil.³

Query 2° Is a formal comparison required in appreciation between various evils and sin, or God?

Resp. Negatively. For it suffices that the sinner sincerely and truly detest sins, and not wish to sin anymore. Indeed confessors act very imprudently who, in order to explore whether sorrow is supreme, propose to penitents certain very dangerous comparisons, e.g. whether they would rather be burned alive, or suffer all the torments of the martyrs, or eat poisonous reptiles, than sin again? For such comparisons move the imagination more vividly, and when a strong temptation approaches, the true disposition which existed before is easily lost.¹

Query 3° What length of time is required for conceiving true and supreme contrition?

Resp. None *per se*, because length of time does not pertain to the essence of the act, but is merely accidental to it; wherefore it is enough that the act be substantially fulfilled, which can be done even in the smallest instant of time. Yet it is safer to elicit a more intense and more prolonged act of contrition, lest perhaps from levity or too much haste no act as to substance be conceived.²

Query 4° Must contrition concerning venial sins possess these same six qualities?

Resp. 1° It must necessarily possess the 1st, 2nd, 3rd, 5th, and practically also the 6th; namely it must be 1° internal, because contrition which is not elicited from the intimate heart is not true; 2° supernatural, because, as was said, natural contrition cannot be a means to a supernatural effect; 3°

supreme, or the sinner must detest venial sin more than all natural evils; 4° formal, so namely that the matter of the Sacrament be posited;³ 5° elicited in order to Confession. See n. 1349.

Resp. 2° But it does not have to be necessarily universal, whether in the Sacrament or outside the Sacrament. The reason is that since venial sin is not incompatible with sanctifying grace, one venial sin can be remitted without others.⁴

Query 5° Does fearful attrition (*formidolosa*), or that conceived from fear of hell, suffice for justification in the Sacrament of Penance?

Resp. Affirmatively, provided it be truly supernatural, absolutely efficacious, and only materially, but not formally or servilely servile. The reason is, 1° because attrition of this kind, since it is a true conversion to God and a true aversion from sin, removes that which stands in the way of the operation of the Sacrament; 2° because this is clearly drawn from Trent,⁵ which says that such attrition disposes the sinner to obtaining justification in the Sacrament of Penance. Cf. the Roman Catechism. Besides, 3° the same Synod² teaches that it sometimes happens that contrition is perfected by charity and reconciles man to God before this Sacrament is actually received. Therefore the Council supposes that perfect contrition is not necessary for receiving the Sacrament rightly; otherwise not only sometimes, but always, the sinner would be justified before he received the Sacrament.

Moreover attrition is called servilely servile when someone indeed grieves concerning sin and wishes to avoid it because of the punishments which he knows are to be inflicted by God; yet he would still be prepared to sin if those punishments did not exist. But it is called simply servile when someone abstains from sin indeed on account of fear of punishments, yet is not so disposed that he would wish to sin if those punishments did not exist, although he abstracts entirely from this thought: if those punishments did not exist. The former is evil, not insofar as it is fear of punishments, but on account of the depraved disposition of soul.

Query 6° Does attrition from fear of the punishments of Purgatory for venial sins suffice?

Resp. Affirmatively, with the very common and morally certain opinion; because all the reasons adduced above for the sufficiency of attrition from fear of hell are valid here also.

Query 7° Does attrition from fear of the temporal punishments of this life, to be undergone for sin as they are inflicted by God, suffice?

Resp. Affirmatively, and, as it seems, more probably, provided it is supernatural. The reason is, 1° because it seems to be clear from the words of Trent, where it says: Attrition is conceived from fear of hell and of punishments: for it distinguishes between the punishments of hell and other punishments; 2° because in fear of this kind all conditions of true attrition can be present. "Yet since" the opposite opinion, founded on the reason that Trent does not say *of hell or of punishments*, "is not lacking in its probability, at least extrinsic, I think that in practice it is safer that it be observed." Thus St. Alphonsus.³

Query 8° Is also a beginning of love required with attrition for obtaining justification in the Sacrament of Penance?

Resp. Negatively, if by a beginning of love there is understood some degree of perfect charity, by which God is loved above all things. The reason is that for rightly receiving the Sacrament an act

which outside the Sacrament would essentially justify is not necessarily preredquired. But an act of charity, and therefore "sorrow which suffices for the nature of contrition, however small it is, deletes every fault," as St. Thomas says.¹ Therefore, etc. - St. Alphonsus² says that this is morally certain.

"But if by initial love of God there is understood a certain pious movement, by which the penitent, sincerely averse from sin, trustingly turns himself to God, and begins to love Him as the font of all justice, or as his justifier, liberator, and glorifier, you will most rightly affirm the necessity of some initial love, since a true conversion of the sinner to God cannot be conceived without a begun love of God of this kind, and besides Trent³ enumerates a certain beginning of love among the dispositions required for justification in Baptism (therefore by parity in Penance). ... But ... such beginning of love of God is had by the very fact" that "the penitent, truly attrite, has recourse with hope of pardon to the tribunal of Penance"; for: 1° "True attrition is a certain sincere conversion of heart to God. But he who is converted to God with a sincere heart is certainly moved of himself toward God as toward good, and therefore he is moved by love. 2° True attrition includes a firm purpose of observing the divine commandments, among which the commandment of love of God obtains the first place. But he who firmly proposes to love God already loves God inchoatively; since a proximate voluntary disposition toward something is of itself already the beginning or inception of that thing. 3° True attrition includes hope of pardon to be obtained from God. But from this, says St. Thomas,⁴ that we hope goods can come to us through someone, we are moved toward him, as toward our good, and so we begin to love him. - Moreover, even that salutary fear of God the avenger, by which true attrition is more often conceived, already contains in itself a certain beginning of the love of God, our liberator and justifier, according to that saying of Ecclesiasticus:¹ The fear of God is the beginning of the love of Him." Thus Van Egeren.

Notes to n. 1350 - note sequence 1. (3) L. VI. 433. 442. (1) L. VI. 433. 7. (2) Ib. 433. (3) Ib. 449. (4) Ib. 449. (5) Sess. 14. c. 4. (2) Sess. 14. c. 4. Notes to n. 1350 - note sequence 2. (1) n. 8. (3) L. VI. 448. Cf. Vind. p. 426 sq. Ed. 2a. T. II. p. 34.

§ III. ON THE EFFICACY OF CONTRITION

1351. Principles. - I. Perfect contrition justifies man *per se*, even outside the Sacrament of Penance. 1° It is clear from reason; for contrition necessarily includes perfect charity: moreover, to love God perfectly is to be united with God; but union with God necessarily works separation from sin, since one cannot embrace one extreme without totally withdrawing from the opposite extreme. Therefore ... 2° It is clear from Scripture.²

II. Perfect contrition does not remit mortal sins, or does not justify man, except with the desire, at least implicit, of Confession: for sins cannot be remitted except through the means instituted by Christ; but the Sacrament of Penance in reality, or at least in desire, is the one means instituted by Christ for remitting sins committed after Baptism. Therefore, etc. It is clear besides from Trent.³

III. Attrition, as a preredquired disposition, suffices for obtaining pardon of sins in the Sacrament of Penance. This is clear from what was said n. 1350. q. 5°.

IV. But attrition outside the Sacrament cannot justify the sinner. For justification consists in the perfect union of man with God; but the attrite man, although he withdraws from creatures and begins the first steps of conversion to God, is nevertheless not yet perfectly converted to Him and united through love. Nor by its own power does attrition justify in the Sacrament, but it is only a preredquired condition; but the Sacrament itself justifies through the infusion of grace: wherefore in

the Sacrament the penitent from an attrite man becomes contrite, namely contrite equivalently, or contrite by habit, through the infusion of sanctifying grace and the habit of charity, which is conferred by the force of absolution.

1352. Questions. - Query 1° Must the desire of Confession be EXPLICIT in contrition?

Resp. Negatively, more probably with the common opinion. The reason is, 1° because for remission it suffices that someone be truly united with God with his whole heart through perfect contrition; for God, as is clear from what has been said, cannot reject a sinner approaching Him with his whole heart and from the most perfect motive; but it can sometimes happen that a sinner elicits an act of perfect contrition without thinking of Confession, whether from inadvertence or natural forgetfulness, or from invincible ignorance. Therefore for the remission of sin through contrition it is not essential that the desire of Confession be explicit. 2° Because according to Trent this desire is included in contrition; but what is included in another is implicit, not explicit.¹

Query 2° Does contrition remit not only guilt, but also the punishment owed to guilt?

Resp. 1° It certainly remits eternal punishment, because a man justified through contrition cannot remain guilty of eternal damnation.

Resp. 2° According to its greater or lesser intensity it also remits part of the temporal punishment owed after mortal or venial sins have been deleted. Hence very intense perfect contrition can even abolish all punishment; but it does not necessarily have this efficacy from its nature. - This is drawn from Trent.²

Query 3° Does attrition elicited by a just man remit venial sins outside the Sacrament?

Resp. It is controverted. More probably it seems to be affirmed. The reason is, 1° because from Trent venial sins can be remitted in various ways: therefore they are not remitted by perfect contrition alone; 2° because in the opposite opinion venial sins are not more easily remitted than mortal sins: but this is contrary to common sense; 3° because the power of remitting venial sins is commonly attributed to Sacramentals: but it would be falsely attributed to these, if contrition were required for deleting them. - Thus Suarez,³ Lugo,⁴ and many others.

Yet not a few deny it, because from Trent¹ venial sins are usefully accused in Confession; but they would not be usefully accused if they could be remitted by attrition: therefore, etc. - But it is rightly replied that venial sins are usefully exposed in Confession also for other reasons, namely on account of remission of punishment, on account of the merit of shame, on account of the advantage of direction, etc.

Query 4° Does contrition or attrition remit venial sins without the desire of the Sacrament?

Resp. Affirmatively. The reason is that by divine institution the Sacrament is necessary for mortal sins alone: therefore venial sins can be deleted without the Sacrament of Penance; therefore no desire of this Sacrament is necessarily required for their remission. - Thus all.

ARTICLE II: ON PURPOSE

1353. - Definition. Purpose is the will of not sinning further.

Division. It is twofold: 1° explicit, or formal, by which someone, thinking of the future, determines not to sin anymore; 2° implicit, or virtual, which is included in contrition itself, without the future time being held before the eyes.

Notes to nn. 1353-1355 - note sequence 1. (1) L. VI. 451. (2) Ib. 459. Notes to nn. 1353-1355 - note sequence 2. (1) L. VI. P. 2. n. 1733. (2) L. VI. 451. Cf. Vind. p. 440 sq. Ed. 2a. T. II. p. 49.

1354. Principles. - I. Purpose, at least implicit, is altogether necessary for the remission of sin; because purpose is a necessary consequent of contrition, and at least virtually included in it, as is clear from its nature and definition.

II. True purpose must possess a threefold condition; namely, it is required that it be firm, efficacious, and universal.

1° Firm, i.e. not wavering, nor conceived with a light mind, so that it would be a certain velleity, or a certain volatile sensation by which even impenitent sinners themselves are not rarely affected, or rather are deceived by the devil, lest they awaken from the lethal cauterized sleep of their conscience; but a serious decree of the deliberate will, by which the penitent simply and absolutely determines to guard against sin in the future, notwithstanding any inconvenience whatever or human fear: otherwise he would not wish to be converted to God totally and sincerely. Yet the confessor must not test the soul of the penitent by using comparisons suited to disturb his imagination.

2° Efficacious, i.e. the penitent must not only firmly determine that he does not wish to sin anymore, but also to apply the means necessary for avoiding sin and for fleeing proximate occasions, etc. - But it suffices that the purpose be efficacious affectively, i.e. it suffices that the sinner be prepared in soul to apply the necessary means; because future amendment in fact is not of the essence of purpose.

3° Universal, or it must extend to all and individual mortal sins, not only those committed, but also those which could be committed. The reason is that full and true conversion to God cannot be given without aversion from any lethal sin whatever.

But as regards venial sins, for the validity of the Sacrament it is required and suffices that a firm and efficacious purpose be present of avoiding either one of the venial sins, or all those fully deliberate, or of avoiding or diminishing with all diligence, insofar as it can be done in a human manner, those which creep in without full deliberation.

Notes to n. 1354. (1) Sess. 14. c. 5.

1355. Questions. - Query 1° In order that purpose be firm, must it also be found constant?

Resp. Negatively; at least this is not absolutely necessary. The reason is that purpose affects the present will, which by its nature is otherwise variable. Hence from relapse after Confession the weakness of purpose cannot be gathered *per se*.¹

I said: at least this is not absolutely necessary. For if the penitent relapses immediately and with almost no resistance, it furnishes an argument, or at least a vehement presumption, that he lacked a truly firm purpose; for he who firmly proposes usually does not so easily forget his purpose, but is wont to persevere constant at least for some time, and to employ efforts for resisting temptations or occasions of sin, and therefore ordinarily falls with more difficulty and more rarely.²

Query 2° Can the purpose of him be firm who indeed has the intention of not sinning, yet fears that he will relapse?

Resp. Affirmatively; for fear, which is introduced from past frailty and the inconstancy of the human will, does not impede a sincere will. Hence that penitent can have true purpose who, when the confessor asks him concerning the will of not sinning, responds: I am frail, I fear a fall, yet I do not now wish it, nor do I choose the fall: which are the words of Gerson according to Croix.¹

But in practice you will look at the character and disposition of the penitent; for not rarely you will find sinners asserting that they will relapse, who for that reason fear lest they do not have a sufficiently firm purpose, and yet show nothing besides fear of relapsing and distrust of themselves. To penitents of this kind it must be inculcated that there is question not of those things which perhaps are going to happen, but of the actual will, and of confidence to be placed in divine help.

These things are said concerning him who only fears that he will relapse; for if he certainly believed it, he would furnish a certain suspicion that his purpose is not sufficiently firm. Thus St. Alphonsus resolves practically, although speculatively he admits that firmness of purpose can stand together with knowledge of relapse. The reason is that it cannot happen that he firmly proposes amendment who, knowing that God does not deny His grace to one who does what is in him, nevertheless certainly believes that he will relapse. Hence such a penitent, before he is absolved, is to be led to hope of amendment.² - Nor can the purpose therefore be judged weak because only the confessor, on account of the known frailty of the penitent, foresees, even rather certainly, that he will relapse; for Peter was not therefore judged indisposed for Communion because he was known by Christ to be going to fall. Besides, there are those who, when they say: I believe, I believe, that I will relapse, and therefore I will indeed avoid sins if I can, yet I am not able to promise anything, lest afterward I seem unfaithful, etc., - show nothing other than a well-founded fear and distrust of self, and they must be judged as those who only fear. - Finally, to relieve the soul of the penitent who, on account of an inveterate habit of sinning altogether deliberately, which perhaps he has contracted, thinks that avoidance of such sin is morally impossible for him, it will often be most useful to teach him that here and now there is strictly required of him only the purpose of not sinning anymore deliberately, i.e. with full advertence and full consent, etc.

Query 3° For receiving the Sacrament of Penance rightly, is explicit purpose required?

Resp. According to St. Alphonsus,¹ there is a threefold opinion. The first affirms absolutely: because, although sorrow necessarily includes purpose, nevertheless explicit purpose seems to be required from Trent saying: *With the purpose of not sinning further.*²

The second denies, in the case in which sorrow is elicited from a universal motive. The reason is that sorrow of this kind includes a purpose plainly efficacious. Moreover, from the Tridentine Synod, when attrition excludes the will of sinning, it sufficiently disposes a man to obtaining grace in the Sacrament.

The third teaches that if the penitent thinks of future life, he ought formally to propose amendment. Otherwise, if the penitent, e.g. immediately about to be beheaded, thinks nothing about the future. For if he thinks about the future, he would not seem sufficiently to repent, if he did not expressly propose amendment.

But St. Alphonsus thus interposes his judgment concerning these things: "These two latter opinions are indeed the more probable; but ... since the first ... is sufficiently probable ... before the fact the safer opinion is to be followed," indeed also after the fact, i.e. a penitent who, although in good faith, confessed a certain mortal sin without explicit purpose is bound to repeat the confession. See the reason n. 67. 2°.

Yet in practice this obligation will rarely urge. 1° Because those who are troubled about this matter belong almost to the number of those who have confessed only venial sins;³ whose accusation is no more to be repeated than to be made. 2° Because ordinarily there is only doubt concerning the defect of explicit purpose; in which case one must stand for the validity of the act. See n. 67. 2°. 3° Because the faithful are wont to recite a formula of contrition which contains the act of explicit purpose. 4° Because those who grieve in the due manner concerning sins do not easily omit an explicit act of purpose.

Query 4° What purpose is required, or suffices, for venial sins?

Resp. See n. 1354. 3°; but for practice observe:

1° It is safer to elicit purpose concerning some determinate sins, especially concerning the graver ones, and concerning especially those which are committed from habit, and to add to them some sin of past life.

2° When the faithful, even those who are held as pious and confess frequently, are seen after innumerable Confessions to make no or almost no progress, it is lawful to conjecture that they conceive purposes too general and confused, and therefore sluggish and languid.

3° Not rarely penitents are found, especially women, who spend much time in examining conscience, search out the smallest faults with the greatest anxiety, and draw out their Confessions beyond measure, and yet are not very solicitous concerning sorrow and efficacious purpose. These must be seriously exhorted that, omitting anxious care to declare all venial sins in species and number, they subject to the keys with serious sorrow and purpose of amendment only those sins which burden the conscience more, and which especially are to be rooted out. Indeed it is expedient that from those venial sins they select some one principal sin, for detesting and amending which before the others they diligently labor.

Notes to n. 1355 - note sequence 2. (1) L. VI. 450. (2) Sess. 14. c. 4. (3) L. VI. 450. Cf. Vind. p. 443 sq. Ed. 2a. T. II. p. 52.

CHAPTER II: ON CONFESSION

Confession is the accusation of sins committed after Baptism, made to an approved priest, in order to absolution.

Three things pertain here, namely 1° necessity; 2° qualities; 3° repetition of Confession.

ARTICLE I: ON THE NECESSITY OF CONFESSION

1356. Principles. - I. Sacramental Confession by divine law is necessary for all who after Baptism have fallen into mortal sin. See the arguments among the Dogmaticians.

II. It is necessary also by ecclesiastical law, at least once in the year, according to custom to be computed from Easter to Easter. See n. 547. 548. L. VI. 662.

1357. Questions. - **Query 1°** When does the divine precept of Confession urge?

Resp. 1° It certainly obliges *per se* in danger, and still more in the article, of death, and often in life. - The reason of the first is that all positive precepts oblige at least in the time of necessity; otherwise they would never oblige, and would be imposed in vain. The reason of the second is that affirmative precepts do not oblige only in extreme necessity, but also when their fulfillment is judged reasonably necessary.

Resp. 2° It often obliges *per accidens*, namely 1° when the Eucharist is to be received (n. 1306. II.); 2° when the precept of reconciling oneself with God urges, or the state of grace is required, e.g. for administering Sacraments, or for receiving those which are called of the living, and an act of perfect contrition is not elicited (n. 1223. q. 7°; n. 1241. I.; n. 1347. II.); 3° when a grave temptation or depraved habit cannot otherwise be overcome.

Query 2° Does the divine precept of Confession oblige immediately once sin has been committed; or at what time does it urge?

Resp. 1° It does not oblige immediately after sin. The reason is that such an obligation rests on no certain foundation.

Resp. 2° It cannot easily be determined how often in life and at what precise time the divine precept urges. Whatever be the case, without doubt he satisfies who confesses even only once in the year; because it is not established that the divine precept urges more often, and, according to the more common opinion and, as it seems, the more probable one, Christ left the time of the obligation to be determined by the Church.¹

Notes to n. 1357. (1) L. VI. 663.

ARTICLE II: ON THE QUALITIES OF CONFESSION

1358. - Many qualities of Confession are assigned by authors, which for the most part do not pertain to its validity; but they are chiefly contained in these little verses:

*Let it be entire, simple, humble, discreet, faithful,
Vocal, sorrowing, pure, and ready to obey.*

1° Entire, i.e. let it comprehend all mortal sins not yet confessed, as will soon be said.

2° Simple, i.e. not intermingled with impertinent conversations, nor painted with words, nor adorned with figures; but a naked, clear, and brief declaration of sins.

3° Humble, i.e. it ought to be made with true humility of heart and body, namely with knees bent, unless infirmity excuses, and with head uncovered, if a man confesses; humility ought to appear also in the manner of the voice, so that the penitent narrates his sins with shame, but not in the manner of a fable or bare history.

4° Discreet, i.e. it ought to be made in honest and discreet words, especially in explaining sins against chastity; nor ought the sins or defects of others to be manifested without necessity.

5° Faithful, i.e. sincere, without a lie, especially in grave matter and what is necessary for sacramental judgment. But faithfulness or sincerity consists not only in sins being duly declared, which pertains to integrity, but also in not exaggerating them or in not adding supposed sins.

6° Vocal, i.e. Confession ought to be made by the voice itself, but not by writing, nor by other signs, without necessity or grave cause, e.g. on account of very vehement shame, on account of an impediment of the tongue, etc.; in which case, the writing having been read by the confessor, let the penitent add: "of these I accuse myself."

Moreover Confession by writing is indeed valid *per se*; yet Confession or absolution by letters would be invalid. For the form consists in words, as Eugene IV defined in the Decree for the Armenians; moreover the form must be applied to present matter. - It is clear besides from the proposition condemned by Clement VIII (see p. XVIII), and from the declaration of Paul V, 14 July 1605, in the Congregation of the Holy Office. - Absolution given to him who without grave cause had made the whole Confession by nod or writing would also be invalid; for he would have sinned mortally,¹ unless he had acted thus in good faith.

7° Sorrowing, or sorrowful, as was said above n. 1348. q. 4°.

8° Pure, namely for an honest end, or for obtaining pardon of sins and sacramental graces, but not for moving the compassion of the confessor, or for capturing his benevolence or esteem, etc.

9° Ready to obey, i.e. the penitent ought to be disposed to obey the admonitions of the confessor, for example in fleeing occasions, in applying remedies, in making restitution, in accepting penance, etc.

Among the aforesaid qualities of Confession, integrity and contrition are especially principal. Enough has now been said concerning the latter; but now we must speak particularly concerning the former.

Notes to n. 1358. (1) L. VI. 429. 493.

ON THE INTEGRITY OF CONFESSION.

1359. - Integrity is distinguished as twofold, one material, the other formal.

1° That integrity is called material to which in reality nothing at all is lacking of those things which, speaking *per se*, are to be exposed, that is, of those things which of themselves constitute the necessary matter of Confession.

2° But that is formal to which nothing of the things said is lacking through grave fault of the penitent.

Hence whenever material integrity is had, formal integrity is also had; but not vice versa.

We shall speak 1° concerning the necessity of integrity; 2° concerning the causes excusing from it.

**§ I. ON THE NECESSITY OF INTEGRITY: 1° IN GENERAL;
2° CONCERNING DOUBTFUL SINS; 3° CONCERNING THE
CIRCUMSTANCES OF SINS; 4° CONCERNING FORGOTTEN SINS**

POINT I. ON THE NECESSITY OF INTEGRITY IN GENERAL.

1360. - I. All mortal sins, committed after Baptism, must be accused by divine law, as far as this can morally be done.

It is clear 1° from the very words of the institution of the Sacrament of Penance; for thus Christ the Lord says: *Whose sins you shall forgive, they are forgiven them; and whose sins you shall retain, they are retained.* Hence the Council of Trent concludes in these words: "Our Lord Jesus Christ, when about to ascend from earth to heaven, left priests, His own vicars, as presidents and judges, to whom all mortal crimes should be brought, into which the faithful of Christ have fallen; that, according to the power of the keys, they might pronounce the sentence of remission or retention of sins. For it is clear that priests could not have exercised this judgment, the cause being unknown, if they themselves had declared their sins only in general, and not rather in species and singly. From these things it is gathered that all mortal sins, of which, after a diligent discussion of themselves, they have consciousness, must be enumerated by penitents in Confession, even though they are most hidden."

It is clear 2° from the same Council of Trent, which thus defined: "If anyone shall say that in the Sacrament of Penance, for the remission of sins, it is not necessary by divine law to confess all and each mortal sin, of which memory is had after due and diligent premeditation, even hidden sins and those which are against the last two precepts of the Decalogue, and the circumstances which change the species of the sin, ... let him be anathema."

II. To material integrity belong grave sins as to - number, - moral species, - certain circumstances, - the external act, - bad effects joined with the action and morally imputable. This is clear from what has been said and from what is to be said below.

III. Material integrity is not always necessary for the validity and fruit of Confession; for sometimes it is morally impossible, either from inculpable forgetfulness, or from other causes. But God does not command impossible things. Therefore, etc. It is also clear from these words of Trent: "But the other sins, which do not occur to one who thinks diligently, are understood to be included in the same Confession universally; for these we faithfully say with the Prophet: From my hidden sins cleanse me, O Lord."

IV. For the integrity of Confession there is prerequired a diligent examination, according to the capacity of the penitent, concerning sins committed since the last valid Confession; for he who is held to the end is held also to the necessary means.

Notes to n. 1360 - note sequence 1. (1) John 20. 23. (2) Sess. 14. c. 5. Notes to n. 1360 - note sequence 2. (1) Sess. 14. de Sacr. Poen. Can. 7. (2) Sess. 14. c. 5.

1361. Resolves. - 1° We are held, in the Confession of mortal sins, to accuse not only the generic species of sins, but also the lowest species; for these are properly called species; and the Council of

Trent requires the accusation of all species.

2° He who cannot disclose the lowest species must manifest the higher, or generic, species: e.g. if someone, knowing that he sinned against chastity, does not remember the specific sin, he must say that he sinned gravely against chastity.

3° He who knows that he has sinned mortally, but is ignorant of, or does not remember, the species, even the generic species, of his sin, must say in general that he sinned gravely, but that he does not remember of what sin he is guilty.

4° He who cannot remember the certain number is held to accuse the more probable number, or the one which more nearly approaches the truth, adding the particle *about*. But he who cannot even give a likely sum of sins is held to say how often approximately in a month, in a week, in a day, etc. He who cannot even indicate this should say whether he always consented to the temptation and whether it occurred often. Cf. what was said n. 216-227 and what is to be said n. 1424. III. c).

5° The confessor cannot exempt from the obligation of confessing integrally on account of a great crowd of penitents, e.g. on some more solemn feast day. This is clear from what has been said, and also from the 59th proposition condemned by Innocent XI. See p. XVII.

6° A defect of sincerity concerning even one mortal sin, which is omitted, constitutes a grave sin; because the divine precept of Confession is violated in a grave matter.

1362. Questions. - Query 1° What number is judged to be comprehended in the particle *about*?

Resp. This cannot be determined by an entirely certain rule; nevertheless not every excess is comprehended, nor a notable defect: but only a moderate one, greater however or lesser proportionately to the number expressed. Thus Theologians commonly establish it: a moderate excess or defect will be, relatively to *about five* sins, to add or subtract one unit on either side; relatively to *about ten*, two; relatively to *twenty*, three or four; relatively to *forty*, four or five; relatively to *one hundred*, five or six; ... and prudently in the first case the penitent will be judged to have sinned four, five, or six times; in the second, to have sinned eight, nine, ten, eleven, or twelve times; and resolve similarly concerning the others.

Query 2° Must a notable excess afterward be declared, if it is found after Confession?

Resp. Affirm. The reason is clear from what has been said; for since a notable excess is not comprehended in the number declared by the particle *about*, the penitent has not satisfied the obligation of Confession as to that excess. Therefore... Thus all.

Query 3° If someone has erred notably by exaggerating the number, must he afterward declare this also in Confession?

Resp. Neg., if in good faith he expressed that notably greater number. The reason is that he fully and integrally satisfied the obligation of Confession; for the true number was comprehended in the greater one, and therefore remitted.

Query 4° Is it always a mortal sin to lie in Confession?

Resp. Of itself one sins mortally only when the lie is concerned with necessary matter of Confession concealed without a just cause, or with grave matter falsely supposed, namely by advertently, not

from scruple or simplicity, accusing what was not committed, or what is doubtful as certain, or by exaggerating the number.

A lie therefore concerning things not pertaining to Confession or to the conscience of the penitent is not of itself mortal; because neither is it gravely harmful to the penitent, as is supposed, nor gravely injurious to the Sacrament, since it is not referred to it. - Thus commonly with St. Alphonsus against a few who say that every lie in Confession is mortal. - But if the penitent lies concerning sins, even sins already confessed and absolved, when the confessor as judge or physician asks something about them, as necessary for the present Confession, he sins gravely, because he deceives in substantial matters. Cf. pp. 58a. among the propositions condemned by Innocent XI, p. XVII.

Query 5° Does it prejudice the integrity of Confession if someone accuses venial sins to his ordinary confessor, but mortal sins to another?

Resp. 1° Neg., speaking *per se*, provided that he never receives absolution unless he has manifested all mortal sins to one confessor and is absolved by the same. The reason is that that Confession is integral which includes all mortal sins, since venial sins are not necessarily to be accused.

Resp. 2° In practice, however, attention must be paid to the circumstances of penitents and to the motives by which they are led. For those are not to be condemned who sometimes confess graver sins to an unknown confessor, but submit lighter sins to the ordinary one, if, from the shame with which they would be suffused with a confessor familiarly known, they would put themselves in danger of confessing sacrilegiously. Wherefore the confessor should never inquire curiously about this, and much less vex with questions a penitent perhaps trying to conceal it, nor, if he knows it, show that this displeases him, but rather that the use of the liberty which the Church permits most amply is approved by him, while she makes available to the faithful an abundance of several confessors. - Nevertheless they would sin gravely, and because of defect of due disposition would confess invalidly, who for that reason remained in the occasion or habit of sin, or went around for this reason, that they might sin more freely. Say the same with Bouvier concerning a seminarian who with a base habit (n. 1523. q. 13°) wishes to ascend to Holy Orders and for this reason approaches an unknown confessor, lest he be troubled.

Query 6° Does it prejudice integrity if someone feigns another voice, lest he be recognized by the Confessor?

Resp. Neg. *per se*; for provided that he opens all mortal sins, he accomplishes an integral Confession.

Notes to n. 1362 - note sequence 1. (1) H. A. Tr. XVI. 108. (2) L. VI. 466. Notes to n. 1362 - note sequence 2. (1) H. A. Tr. XVI. 28.

POINT II. ON DOUBTFUL SINS.

Doubt here can be concerned chiefly, 1° with the act of sin, or with the sin committed; 2° with the gravity of the sin, both on the part of the matter and on the part of consent; 3° with the Confession of a sin certainly committed.

1363. Questions. - Query 1° Must mortal sins doubtfully committed necessarily be accused?

Resp. Neg. most commonly, if, after a diligent examination has been made beforehand, the doubt perseveres: and this holds even if the doubt is truly positive, or if a true probability is given

concerning the sin committed. The reason is that here there is question of a doubtful law, which consequently does not oblige. And indeed from Trent those mortal sins must be accused of which consciousness is had; but there is not consciousness of doubtful sins; for to have consciousness imports certain knowledge of sin, since conscience is nothing other than knowledge of the heart and judgment concerning a sin committed. Therefore.

Others nevertheless contradict; because, as they say, it is gathered from the words of Trent that all mortal sins are to be accused as they are in conscience; and therefore, if they are doubtful in conscience, they are also to be confessed as doubtful. - But indeed it must be answered that in Trent it is not said that sins are to be accused as they are in conscience, but of which we have consciousness. In practice, however, an accusation of this kind is to be advised, says St. Alphonsus.

It is more common to teach that negatively doubtful sins are to be accused; but the denying opinion of St. Alphonsus is more probable; for there cannot be given an obligation of confessing negatively doubtful sins, since a doubt of this kind rests on no solid foundation, nor does it arise except from an empty suspicion, or fear of a sin committed, as frequently happens to the scrupulous or to those of timid conscience. - If however someone is in a positive doubt in the article of death, - knowing that he has not received the Sacrament of Penance or another Sacrament in good faith and being attrite after such a sin, - in order to escape the danger of damnation he would certainly be obliged either to receive absolution (yet he is not held to confess that doubtful sin), or at least to elicit an act of contrition.

What if he wishes to receive Communion? See n. 67. 12 a); 1307. q. 3°.

Query 2° Are sins doubtfully grave to be accused?

Resp. Neg. more probably *per se*, at least speculatively, even if a true probability is given concerning the gravity of the sin. The reason is the same as for the preceding question: for it is not established that a grave sin was committed; nor therefore can the obligation of Confession be established.

In practice, however, a twofold rule is to be followed:

Rule I. - In doubt whether the matter of the sin is grave. Boys and the unlearned ordinarily must accuse doubts, 1° because they can scarcely form a conscience by themselves; 2° because for the most part they do not know how to distinguish venial sins from mortal. Except, however, the scrupulous, who do not frequently tend to commit mortal sins. But instructed penitents are not held to accuse doubtfully grave sins, because they can form a conscience by themselves; nevertheless they are ordinarily to be gently exhorted to accuse these also, so that the confessor, observing the dangers in which the penitent is placed, may be able both to warn him and to remove them.

Rule II. - In doubt concerning full consent or perfect advertence: 1° if the penitents are of timid conscience and are not accustomed to sin gravely, they are by no means held to confess doubtful sins, because the presumption favors them which is had from things ordinarily occurring; indeed they are often to be prevented from this accusation if they seem inclined to scruples; 2° if the penitents keep a middle way between a timid and lax conscience, they are indeed not to be obliged, but certainly to be induced to declare doubtful consent, because it profits for tranquility of conscience, etc.; 3° if the penitents are of lax conscience, they scarcely ever ought not to declare doubtful sins, because the presumption scarcely ever is not opposed to them.¹

Query 3° Must grave sins, indeed certainly committed, concerning which however you doubt whether you have confessed them, necessarily be accused?

Resp. Affirm. See n. 67. 1°. Except, 1° if doubt occurs concerning the omission of a sin already committed long ago in one who was diligent in confessing his sins, because the presumption taken from things commonly occurring favors him; 2° if there is question of a scrupulous person, to whom the rule handed down in n. 44. II. 8° must be applied.

Query 4° Must he who confessed some sin as doubtful repeat it, if afterward he knows it as certain?

Resp. It is controverted. The "true and most common" opinion, says St. Alphonsus, "affirms." The reason is that that sin was not truly accused as to substance: for a certain accusation is not included in a doubtful one. - Otherwise, if someone afterward recognizes as mortal what, without any doubt added, he confessed.²

Notes to n. 1363 - note sequence 1. (1) L. VI. 471. 5. (2) Th. 478. 89. Notes to n. 1363 - note sequence 2. (1) L. VI. 471. (2) H. A. Tr. XVI. 80. 81. Notes to n. 1363 - note sequence 3. (1) L. VI. 476. Notes to n. 1363 - note sequence 4. (2) H. A. Tr. XVI. 84. L. VI. 478. Cf. Vind. p. 472. Ed. 2. T. II. p. 84.

POINT III. ON THE CIRCUMSTANCES OF SINS.

Circumstances of various kinds are distinguished in sins. (See n. 27.)

1364. Principles. - I. It is certain that circumstances changing the species are to be accused, if the malice of a diverse species which the circumstance induces is grave (for if it was light, e.g. a light irreverence of him who in a Church steals the image of another, it is not necessary, as is established concerning venial sins, to express it in Confession). The reason is that they constitute a new sin, and indeed a mortal one, of itself; and this is clear from Trent.¹

II. It is certain that circumstances lightly aggravating, or diminishing, are not necessarily to be accused, although to expose them is of itself better. The reason is that venial sins are not necessary matter of the Sacrament of Penance.

III. It is also certain that circumstances must be expressed by reason of which a sin venial from its kind becomes mortal. Likewise circumstances are to be opened which so diminish the sin that what, with them set aside, would have been mortal, becomes by reason of them either no sin, or only venial (n. 204).

Notes to n. 1364. (1) Sess. 14. c. 5 et Can. 7.

1365. Questions. - Query 1° Must circumstances *notably aggravating* the malice of mortal sins within the same species necessarily be accused?

Resp. There is a twofold probable opinion.

Opinion I, the more common and more probable, denies absolutely. The reason is: 1° because Trent requires nothing else than the Confession of the number and species of sins, and therefore seems to exclude the obligation of confessing other circumstances.² 2° Because otherwise Confessions made in good faith would have to be repeated, and penitents would have to be commonly admonished for the future about explaining aggravating circumstances. But a precept so doubtful does not oblige.

But *per accidens* even aggravating circumstances are also to be declared, namely by reason - either of number, and thus the circumstance of quantity of time through which hatred or concupiscence

toward a woman endured is to be declared; - or of censure or reservation; - or of necessary direction, as in the case of those in habit, those in occasion, and generally when there is question of the obligation to restitution.³

Opinion II affirms. The reason is, 1° because the same reason holds for accusing aggravating circumstances as for accusing circumstances changing the species; 2° because a sin increased by notably aggravating circumstances is equivalent to several sins; 3° because, if they were not accused, the confessor could not impose a proportionate penance; 4° because the Roman Catechism teaches thus.¹ - But the patrons of the first opinion reply:

To the 1st reason: "If the reasons proved equally concerning both circumstances, without cause the Council would have limited that whole doctrine to the circumstances which change the species: for it ought to have spoken concerning both in general without limitation and discrimination." Thus Lugo.²

To the 2nd. No one ever sought the multiplication of sins in the same act from the possible division of the matter.

To the 3rd. "So exact an equality is not always required in the penance to be imposed." Thus the same Lugo.³

To the 4th. The text objected here is: "Nor indeed is it necessary only to explain grave sins by narrating them, but also those things which surround each sin and greatly increase or diminish its depravity." But it can be replied that these words are explained in the same place in such a way that it is not necessary to understand them concerning merely aggravating circumstances. And indeed - a) immediately the Catechism adds: "For some circumstances are so grave that the nature of mortal sin consists from them alone: wherefore it is always necessary to confess all these." But the nature of lethal fault is not had from a circumstance alone, unless this changes either the moral or the theological species. - b) This is confirmed from the fact that it prescribes that circumstances greatly diminishing are to be confessed. For even the adversaries concede that this holds only when the diminution changes the theological species.⁴ - c) The Catechism confirms its doctrine from the necessity of expressing the circumstance of a sacred person in homicide, and of Matrimony in intercourse. But these pertain to circumstances changing the moral species.

Query 2° Must the circumstance of the degree of incest committed with blood relatives or relatives by affinity be declared?

Resp. 1° More probably, incest between blood relatives and relatives by affinity does not differ in species, since it makes no difference whether the conjunction arises from blood or from Matrimony; for intercourse with blood relatives is prohibited from the same motive from which it is prohibited with relatives by affinity: therefore the circumstance of consanguinity or affinity is not necessarily to be expressed.¹

Resp. 2° According to the common opinion of Doctors, the circumstance of conjunction in the first degree of the direct line is to be opened, namely between father and daughter; mother and son; father-in-law and daughter-in-law; mother-in-law and son-in-law; stepmother and stepson; stepfather and stepdaughter (p. 258), on account of the debt of reverence. Indeed it must be explained whether a son has sinned with his mother, by reason of the special reverence owed to the mother. - They say the same concerning the circumstance of the first degree of consanguinity in the collateral line,

namely between brother and sister. Nevertheless St. Alphonsus calls the contrary opinion equally probable.²

Resp. 3° More probably, however, the other degrees of consanguinity or affinity are not necessarily to be declared.³ Cf. n. 495.

Query 3° Must the circumstance of the dignity of the person necessarily be accused, e.g. if the one sinning is a Superior, Magistrate, Priest, etc.?

Resp. Neg. more probably *per se*, i.e. with the reason of scandal, of office, or of a particular obligation set aside. The reason is that the circumstance of the dignity of the person sinning does not change the species of sin *per se*, but at most aggravates the sin.

Query 4° Must the circumstance of a sin committed by a confessor with a penitent necessarily be declared?

Resp. Neg. more probably, provided that it has no relation to Confession. The reason is that by this sin no injury is done to the Sacrament, since it has no respect to Confession.⁴ Nevertheless it is easily clear that both such a penitent is wholly to be deterred from further confessing to that priest, and such a confessor from further admitting that penitent to Confession.

Query 5° Must the circumstance of sacred time necessarily be accused?

Resp. Neg. This is clear from the universal practice both of confessors and of penitents; indeed it is certain that the former are not solicitous about asking concerning such a circumstance, nor the latter accustomed to declare it. The circumstance of sacred time does not seem to have to be explained, unless certain things are specially prohibited on account of reverence for the time, e.g. lest someone on Good Friday present public games, comedies, or ludicrous spectacles.¹

Query 6° Does he who accuses a recent sin as committed long ago satisfy the integrity of Confession?

Resp. 1° Affirm. *per se*. "The reason,... because the sin is the same, whether he had confessed it before or not, unless perhaps the change of time brings with itself a circumstance diverse in species," or the reservation, as regards this confessor, of a sin not confessed, or the occasion or habit of sin demands something else, and provided that a sufficient penance is imposed. ... "Nor is it an obstacle that" the penitent "says that he wishes to make a general Confession; for by this he does not say that he wishes to confess only old sins, but that he wishes also to comprehend those," i.e. old ones; "for a general Confession includes all sins up to this hour. Nor also does it matter that the confessor understands that that is an old sin, for the penitent has not said this. ... Finally it does not matter that the penitent seems implicitly to indicate that they are old sins; for he truly has the intention of speaking about new sins, and wishes to speak of them, although he desires not to be understood as to this by the confessor," ... who "intends to absolve from the sins which the penitent has brought forward."²

Resp. 2° But if the penitent lies about the time, e.g. if he denies that he sinned today; and declares the sin as committed at another determined and remote time, the Doctors more commonly think that he does not satisfy his obligation. The reason is that the act which the penitent placed today is not an act placed in the past year. Hence he lies in two ways, namely by concealing the sin committed today, and by accusing a sin committed at another time. - Thus Tamburinus.³ Yet Theologians are not lacking who think this lie light. - See Lugo.⁴

Query 7° Must the external act of sin necessarily be accused?

Resp. Affirm., because it is one and the same thing with the internal act in the genus of morals, and these two constitute one total thing. Moreover the external act is directly prohibited by divine law, e.g. *You shall not commit homicide*. Besides, without the declaration of the external act the confessor generally could not perform his office, as is fitting, concerning admonitions to be given, etc. This is also clear from the universal custom of the faithful, which explains the law in this sense.

Query 8° Must the penitent declare the number of persons with whom he sinned?

Resp. Neg. *per se*. - Thus Bonacina,¹ Tamburinus,² Lacroix,³ and others commonly.

The reason is that it suffices that the number of sins and their species be declared; but sins do not change species because they were committed with several persons. Hence he who fornicated with three different persons, or three times with the same, satisfies by saying that he fornicated three times; nor is he held spontaneously to say whether the accomplice was one, or several; whether they were prostitutes, or others. - Nevertheless the penitent is held to declare it if there is a proximate occasion of sinning, as because sin was committed several times with the same person.

Query 9° Must the nearness of persons be declared in sins of grave hatred?

Resp. 1° Affirm., if there is question of nearer nearness, on account of the strict bond of piety. Hence hatred against parents, children, grandparents, grandchildren, spouse, relatives by affinity in the first degree of the direct line, and, at least if very grave evil is wished, brothers must be declared.⁴

Resp. 2° But neg. more probably, if there is question of remote nearness, namely among the other blood relatives or relatives by affinity. - Lugo,⁵ and others, against others who think the circumstance of nearness must be declared even in the fourth degree of consanguinity.

Notes to n. 1365 - note sequence 1. (2) L. VI. 468. (3) L. VI. 467. 468. 585. Dub. 3. (1) De Poenit. n. 47. (2) Ib. D. 16. n. 115. (3) Ib. n. 120. (4) L. VI. 468. ad prob. 3 ex ratione. Notes to n. 1365 - note sequence 2. (1) L. VI. 469. (2) Ib. 469. 470. (3) Ib. 470. (4) L. IV. 461. Notes to n. 1365 - note sequence 3. (1) L. IV. 278. (2) Lugo, D. 16. n. 47. 54. Cf. S. Alph. L. VI. 425. 2. (3) Meth. Conf. L. II. c. 1. (4) D. 16. n. 58. Notes to n. 1365 - note sequence 4. (1) De int. Conf. D. 5. P. 2. c. 3. Diff. 3. n. 14. (2) In Decal. L. VII. c. 1. § 1. n. 8. (3) n. 1040. (4) Lugo, De Poen. D. 16. n. 298 sq. cum communi. (5) Ib.

POINT IV. ON FORGOTTEN SINS.

Sins omitted from inculpable forgetfulness must be accused, if they return into the memory of the penitent. For by divine precept all sins committed after Baptism must be declared in Sacramental Confession; nor can present forgetfulness excuse from so great an obligation even for the future. This is clear from the 11th proposition condemned by Alexander VII. See p. XIII.

1366. Questions. - **Query 1°** Must sins omitted from forgetfulness or another just cause be accused *as soon as possible*?

Resp. Neg. more probably. For an obligation of this kind is to be understood morally, especially since these sins have already been blotted out, and therefore there is no danger to the soul in delay. - Thus more commonly.

Indeed according to several grave Theologians the penitent probably can defer the Confession of these sins until from the force of another obligation he is held to confess again. Thus it could be deferred for several months, and even to the time of annual Confession. Bon.¹ (6) p. 405. But more

probably another Confession, with these omitted, cannot be interposed. The reason is that it belongs to the integrity of Confession to declare in the actual accusation all mortal sins not yet accused, which occur to memory, or of which consciousness is had, as Trent says.²

Query 2° Must sins omitted from forgetfulness be accused before Communion, if they first occur to the mind?

Resp. Neg. very probably, even if the penitent can confess without inconvenience (n. 1307. q. 3°).

Query 3° Is a penitent, who remembers a forgotten sin and cannot, or does not wish to, confess before Communion, held to elicit an act of contrition?

Resp. Neg. with St. Alphonsus,³ Lugo,⁴ and with others commonly against certain others. - The reason is that no foundation appears why this contrition should be required. For it is not required from precept, because this is found prescribed nowhere; nor from the necessity of probation, because the sin has already been indirectly blotted out through the preceding Confession, and therefore does not need remission.

Query 4° Must a penitent accusing a grave sin, omitted in the preceding Confession from forgetfulness or another legitimate cause and already indirectly remitted, necessarily be absolved again?

Resp. Affirm. with the most common opinion. The reason is that all mortal sins, from the institution of Christ, must be subjected to the keys, so that they may be directly remitted. For although they have already been remitted, nevertheless they have not been remitted by the force of the Sacrament, or by the force of absolution, but only by the force of grace infused through the Sacrament, and concomitantly with other sins. - Sporer,¹ Collat. Andeg.² - Yet it happens that penitents confess as omitted from forgetfulness sins which, through the accusation of other sins in which they are necessarily contained, have already been sufficiently declared; in which case there will be no obligation of absolving.

The confessor may omit absolution with penitents who will return to him; since they will be directly absolved in another Confession; nevertheless it is better to impart absolution to all, when this can easily be done, for the consolation and tranquility of the penitent's mind, and also on account of the fruit to be received from the Sacrament. Add the danger lest the penitent may not be able to approach the same confessor any more.

Notes to n. 1366 - note sequence 1. (1) De integr. Conf. §. II. P. IV. n. 32. (2) Sess. 14. c. 5. (3) L. VI. 257. (4) De Euch. D. 14. n. 122. Notes to n. 1366 - note sequence 2. (1) n. 627. (2) Coll. 8. q. 8. Appendix annotation (Theta), to n. 1366. q. 1°. p. 111. col. 2. "Per accidens, however," cautiously remarks the distinguished Van Egeren, de Conf. Sacr., p. 88, "an integration of this kind" - namely, of a Confession in which a sin was omitted without fault - "will have to be completed immediately after the cessation of the impediment, namely in danger of thereafter lacking the occasion of a new Confession; as not rarely happens among the sick, who here and now, on account of the violence of the disease, are excused from material integrity, but afterward, without grave inconvenience, are able to supply the omissions before approaching death. Therefore the confessor, having heard the Confession of such a sick person which is formally only integral, should indeed render him altogether quiet; but at the same time, if it can be done, let him exhort him concerning the obligation of soon supplying the omissions, when, the violence of the disease being calmed for the time, his state conveniently permits this and the danger of death continues to exist. But so that the aforesaid exhortation may be brought to effect with the sacramental seal uninjured, the confessor, if the circumstances allow it, should address the sick person in this or a similar way: My son! now be quiet and with greatest confidence commend your spirit into the hands of the Lord, who, according to His infinite paternal goodness, does not require of you at present a further Confession of your sins, etc. Indeed it is

necessary that, when the state of your illness has changed, you accuse in a new Confession the sins now omitted, if you conveniently can; but do not be disturbed in any way about this obligation. I shall return to you shortly and often, and then you yourself should ask again to confess, if you conveniently can; or rather, if it pleases you, permit me here and now to admonish you concerning that obligation and to help you in fulfilling it, when I notice that it urges."

§ II. ON CAUSES EXCUSING FROM INTEGRITY IN GENERAL, AND ESPECIALLY AS REGARDS THE DYING

POINT I. ON CAUSES EXCUSING FROM INTEGRITY IN GENERAL.

1367. Principles. - I. Causes are sometimes given which excuse from the material integrity of Confession, because sometimes that integrity is physically or morally impossible.

II. In order that someone be judged excused from the material integrity of Confession by reason of moral impotence, although the sins occur to mind, these conditions must be observed: 1° that only those sins be omitted which cannot be declared, or from the manifestation of which grave harm would follow, whether spiritual or temporal, either to the penitent, or to the confessor, or to some third person; 2° that another confessor cannot be found to whom an integral Confession may be made without such harm; 3° that Confession be necessary here and now, as it is judged to be, a) if the precept of annual Confession or Communion must be fulfilled; b) if the reception of the Eucharist or the celebration of Mass cannot be omitted without notice or scandal; c) if otherwise someone would have to be deprived for a long time of the benefit of the Sacraments; d) if someone otherwise would have to remain in mortal sin, even for only one day.

III. Difficulty intrinsic to Confession itself, however grave it may be, never excuses. The reason is that Confession from its nature is essentially laborious, and therefore, if grave difficulty - e.g. great repugnance, or shame, or the loss of one's own reputation before the confessor - excused from integrity, the faithful would for the most part be excused from accusing mortal sins, and therefore the institution of the Sacrament of Penance would fall in greatest part. Moreover the Church could not reserve atrocious crimes, because this creates no light inconvenience for penitents.

IV. When the cause excusing from material integrity ceases, the divine precept of confessing all omitted mortal sins urges again; for when an impediment occurs, the obligation of Confession does not simply cease, but is only suspended; therefore, when the excusing cause ceases, the obligation of the whole law revives: and since the precept of Confession is not affixed to a time or circumstance, but affects the whole life, therefore sins not yet accused must afterward necessarily be accused, if this can be done. This is clear also from the 11th proposition condemned by Alexander VII. See p. XIII.

Notes to nn. 1367-1368 - note sequence 1. (1) L. VI. 487. H. A. Tr. XVI. 89. Istr. e prat. c. XVI. 39. 40. Notes to nn. 1367-1368 - note sequence 2. (1) L. VI. 479. Prax. Conf. n. 103. Cf. Vind. p. 936. 4). Ed. 2a. T. II. p. 596. (1). (2) Tr. XVIII. 69. (3) L. VI. 484. 4; 485. Ben. XIV. de Syn. L. XIII. c. 19. n. 19. Notes to nn. 1367-1369 - note sequence 1. (1) L. VI. 488. VI. 490. (2) Praxis Conf. n. 102. Notes to nn. 1367-1369 - note sequence 2. (1) Praxis Conf. n. 102. (2) Ib. n. 104. (3) L. VI. 479. Notes to nn. 1367-1369 - note sequence 3. (1) Ib. Cf. Conf. diretto per le conf. della gente di campagna. C. XV. n. 18. Vind. P. V. q. VII. Concl. nota II.

1368. Resolves. - The following chiefly excuse from the material integrity of Confession:

1° **Grave infirmity**, namely that in which integral Confession would bring great fatigue, or the proximate danger of it or of some other grave inconvenience, as for example often happens to women in childbirth when laborious delivery is imminent. Concerning the dying, n. 1370.

2° Defect of speech; thus from integrity are exempt the mute, who cannot confess integrally either by signs, or by writing, without danger of manifestation or without grave extraordinary inconvenience or great labor; likewise travelers wholly or almost wholly ignorant of the language of the region in which they confess. Hence, if there is question of a confessor who does not know sufficiently the language of the penitent, Kenrick learnedly teaches these things: once diligence has been applied to perceiving everything, "it is not necessary that one be more solicitous who has a less perfect knowledge of the language, provided there is a fair cause for exercising the sacred office, with another lacking who may execute it. Missionaries for this reason are not to be distressed in mind for the most part if, not knowing very well the language of the faithful, they do not fully understand Confessions; for necessity very often compels that they administer the Sacrament of Penance."

3° Defect of time, e.g. if soldiers must go immediately to battle. But the mere multitude of penitents does not excuse, as was said above, n. 1361. 5°.

4° Danger of life of the penitent, confessor, or a third person: e.g. if enemies arrive; if many are in danger of shipwreck or contagion; if in a contagious disease there is probable danger that the confessor be infected. Indeed sometimes in the highest danger of several persons, all, after some general sign of contrition and Confession has been shown, can be absolved by one utterance of the form thus: *I absolve you*, etc.

5° Danger of reputation, e.g. if a priest about to celebrate immediately, and needing general Confession, could not confess integrally without those standing by suspecting the matter. Say the same if there were question of a sick man confessed before the carrying of the Most Holy Sacrament and now on the very point of being refreshed by Holy Communion, who, because past Confessions were invalid, asks again for Confession, which, since it would be rather lengthy, would expose the sick man to danger of infamy. Likewise concerning a boy prepared now to receive First Communion, and concerning one to be ordained prepared now to receive Orders, if they declare to the confessor that they have hitherto confessed sacrilegiously.

6° Danger of revelation, or violation of the seal, e.g. if the confessor could not confess integrally without manifesting sins heard in Confession, etc.; or if the penitent from a grave cause fears that the confessor may break the law of the seal. But this latter case, if indeed it should ever be said to occur, is most rare.

7° Danger of scandal or fall, both on the part of the penitent and on the part of the confessor, e.g. if a woman certainly knew the very great frailty of the confessor, etc. The case of the scrupulous person in n. 44 is related.

1369. Questions. - Query 1° Is there an obligation of confessing a mortal sin which cannot be explained without the manifestation of an accomplice?

Resp. Affirm. more probably, with the common opinion, which we follow, says St. Alphonsus, provided that there is question of a mortal sin, and one not yet, or not yet rightly, confessed. The reason is, 1° because no legitimate excuse is given by which derogation would be made from the precept of integrity: for it cannot be said that a positive precept is restricted by the natural precept of not defaming one's neighbor; for this precept only prohibits that the crime of another be manifested without cause; but here there is a cause, and indeed a grave one, namely the procuring of the integrity of Confession, and the direction of conscience; 2° the accomplice, by committing the sin,

loses every right to reputation which he could have had before the confessor, in order to the Confession of this sin; and he himself implicitly consents of his own accord to this harm to reputation, when he sins.

But the penitent is held, if he conveniently can, to approach another confessor to whom the person of the accomplice is unknown.

Query 2° What are the causes excusing from seeking another confessor to whom the accomplice is unknown?

Resp. 1° If danger of death urges, or the precept of annual Confession or Communion; 2° if it would be grave for the penitent to omit Confession or Communion; 3° if someone would with difficulty open his conscience to another confessor; 4° if someone otherwise would have to remain in mortal sin, even for one day; 5° if someone otherwise would be deprived of the benefit of some extraordinary indulgence; 6° if by approaching the confessor to whom the accomplice is known, there would be better direction, notably greater consolation, etc.

Hence by reason of seeking counsel, of relieving sorrow, etc., mothers and wives are often excused when they manifest to the confessor the sins of sons or husbands, even though he may know them. For it would be exceedingly hard that they should be held to seek another confessor. Therefore, generally, there is no grave obligation of approaching another confessor for the sake of concealing the accomplice, unless perhaps there is question of a very grave and extraordinary crime.

Query 3° Is it lawful for the confessor himself to ask the name of the accomplice, e.g. for correction, etc.?

Resp. Neg., at least speaking generally, because this both induces one without just cause to detract from the neighbor, and makes the Sacrament of Penance odious. This is clear from Benedict XIV: C. *Suprema omnium ecclesiarum*, 7 July 1745, and *Ubi primum*, 2 July 1746, both of which were given for the kingdoms of Portugal and the Algarves, but which afterward through C. *Ad eradicandum*, 28 Sept. 1746, he extended to the whole world, and in which the Pontiff, speaking of confessors who under penalty of denying absolution require the name of the accomplice, declares that they sin gravely, and incur suspension from hearing Confessions, but only *ferendae sententiae*.

Query 4° Through the aforesaid letters of Benedict XIV has asking the name of the accomplice been so forbidden that in no case is it lawful?

Resp. Neg., 1° because Benedict XIV himself supposes cases in which this is lawful according to true, as he says, and sound opinions; 2° because sometimes the penitent must necessarily reveal the accomplice, and nevertheless cannot furnish this except through the confessor.

Query 5° Is there an obligation of confessing a sin which cannot be declared without the defamation of another, who was the occasion of the sin, e.g. if someone killed his own sister pregnant from a crime?

Resp. Affirm., according to the opinion set forth above in this number, q. 1°.

Query 6° Are the deaf and mute at the same time held to confess, and how?

Resp. The mute and deaf are held in some way to confess, at least by signs, unless they are so ignorant and dull that nothing can be drawn out from them. The reason is that the precept of

Confession regards all the faithful who can manifest their sins by some means. - It will be best that the confessor inquire from the relatives of such mute persons to what vices they are given, and what mode is to be held so that he may be understood by them and he himself may understand them.

Hence: 1° Mute persons sufficiently instructed are held to confess integrally, at least by signs, if these are understood by the confessor; but if they are less instructed, or could with difficulty be understood by the confessor, it will suffice for them to manifest only one or another sin, or to signify in general that they are sinners and wish to avoid sin; but these, unless there is present a certain moral certitude concerning their disposition, are to be absolved conditionally.

2° The deaf, having the use of speech, are held on their own part to confess the sins which occur to memory; but the confessor is scarcely, or hardly at all, held to question them for procuring the integrity of Confession, on account of the excessive difficulty of questioning; which reason of excessive difficulty would not exist where they could easily be questioned in writing. - But the partially deaf, or those who are not wholly deaf, should either confess with an acoustic horn employed, or be led to a remote place, whether at once or at another suitable time. But if this cannot be done without danger of the seal, because the deafness became known not at the beginning but only in the progress of Confession, after a light penance has been imposed, those certainly disposed are to be absolved absolutely, those doubtfully disposed conditionally.

Query 7° Are mute persons who know how to write held to confess by writing for procuring the integrity of Confession?

Resp. See n. 1368. 2°.

Query 8° Are those ignorant of the language of the place in which they wish to confess held to confess, and how?

Resp. Those ignorant of the language of the place in which they are staying, and lacking a confessor by whom they can be understood, are held, when the precept of annual Confession urges and in the article of death, to confess in some way, at least by general signs. The reason is that the divine and ecclesiastical precept urges. For although they cannot confess materially integrally, nevertheless they are held to that which they can do.

Query 9° Are those ignorant of the language held to confess through an interpreter, if they can?

Resp. Neg., because to confess through an interpreter is a very grave burden and subject to many dangers, e.g. of revelation, mockery, etc. Except if in danger of death the penitent ignorant of the language doubts concerning perfect contrition, because in that case Confession would be a means altogether necessary for salvation; but then it will suffice to confess one venial sin, so that in this way the other sins may be indirectly remitted.

Notes to n. 1369 - note sequence 1. (1) L. VI. 479 sq. quoad omnia. (2) Ib. 489.

POINT II. ON THE CONFESSION AND ABSOLUTION OF THE DYING.

1370. - I. Any dying person who in some way, by voice or sign, confesses, or asks for absolution, can and must be absolved, and indeed absolutely. The reason is that all requisites are present for the Sacrament and for Confession formally integral.

II. Any dying person in whom attrition and Confession can be presumed in some way, however slightly probable, can and must be absolved, but conditionally; because in a case of extreme necessity, even in the administration of the Sacraments, it is lawful to use even a slightly founded opinion. - St. Alphonsus and others more commonly against others.

III. A dying person who altogether refuses the Sacrament of Penance, or who can in no way be presumed attrite or to have wished or to wish Confession, can in no way be absolved. The reason is most plainly clear.

Notes to n. 1370. (2) L. VI. 480. (3) Ib. 482. Notes to nn. 1370-1371 - note sequence 1. (1) L. VI. 481. (2) Th. 482. (3) Ib. 483. (4) Kenr. Tr. XVIII. 211. (5) L. VI. 483. Notes to nn. 1370-1371 - note sequence 2. (1) n. 276. sub. 11. (2) L. VI. 482. (3) Tr. XVI. 37.

1371. Resolves. - 1° All dying persons not yet deprived of the senses and consenting to absolution, and obeying the commands of the confessor, are to be absolved: absolutely indeed, if they spontaneously ask for Confession, or if with a willing mind they propose to confess; but conditionally, if with difficulty they are scarcely induced to some Confession, or if there is prudent doubt concerning their sufficient disposition. - Thus commonly.

2° All dying persons deprived of the senses, who before the deprivation of the senses expressly showed a desire of Confession, e.g. by ordering a priest to be called, etc., are to be absolved, but more safely conditionally. The reason is that in the case Confession becomes known sufficiently sensibly to the confessor through the testimony of another, even of one person or mediately. This is clear from Councils and from the Roman Ritual.

3° All dying persons wholly destitute of the senses, who lived as Christians, are to be absolved under condition, even if at that time they gave no sign either of sorrow or of desire for Confession. The reason is that in these persons sorrow and the desire of absolution can be presumed through sensible signs, e.g. through sighs, motions of the body, anxious breathing, which were manifested although not perceived by the confessor.

4° For the same reason other dying persons destitute of the senses, who lived little as Christians, are also to be absolved conditionally.

5° For the same reason, sufficiently probably, a Catholic dying person, destitute of the senses in the very act of sin, e.g. in a duel, adultery, theft, etc., can and must be absolved under condition.

6° "Those who, although they have never professed the Catholic faith, have shown a will inclined toward it, can in that crisis," i.e. if they are dying and destitute of the senses, "be absolved under condition, ... if they have already been baptized in their sects" (but in doubt concerning the value of this Baptism, after Baptism has been repeated under condition); "for there is some reason for conjecturing that they wish to finish life in the communion of the Church. But if no indication of his will has been given, they are not to be absolved, even if they give signs of sorrow": because such persons can never prudently be presumed to give those signs in order to Confession, from which they greatly abhor.

Note. - Absolution is usefully conferred several times on a sick person still enjoying his senses after a brief Confession; for thus he is rendered more secure concerning the state of grace, he receives an increase of grace, and purgatorial punishments are diminished for him. - But to one destitute of the senses and giving no sign of sorrow and of desire for absolution, "it is not expedient to impart

absolution very often within the same day," i.e. more often than every three or four hours, even if only conditionally; for the grave and urgent cause which is required in order that a Sacrament be administered under condition does not exist *per se* for this kind of absolution "repeated very often within the same day."

I say: *per se*; for it could be given more frequently to a dying person habituated in evil thoughts, or entangled in some passion of hatred or impure love, or not bearing a very bitter infirmity with a willing mind, or also now on the very point of dying. - "Moreover, it will not be beside the matter to warn the sick man, while he is in possession of mind, that" when "he will not be able to speak," he should "give some determinate sign," or one agreed upon with him, "when he seeks absolution, or when the priest wishes" to confer it "upon him," e.g. to close or open the eyes, lift the hand, incline the head, and the like. Thus St. Alphonsus in *Praxis Conf.*, where he treats the matter more explicitly than in *Theol. Mor.* or in *Hom. Apost.*

APPENDIX: ON THE EXAMINATION OF CONSCIENCE

1372. Principles. - I. The penitent, speaking *per se*, is held under grave obligation to institute a diligent examination of mortal sins before Confession. This follows from the precept of procuring also material integrity, as far as can be done. For since he is held to confess the number and species of sins, by that very fact he is held to recall them into memory as far as he can by moral diligence, and therefore to institute a diligent examination; because he who is obliged to the end is also obliged to the means necessary for it. It is clear also from Trent.

II. Diligence in the examination ought to be serious, or such as is usually applied in serious matters and matters of great moment. The reason is clear; for there is question of the grave precept of Confession. - Nevertheless it is not required that it be the greatest diligence, even if someone thinks that through it, for example by thinking for another hour, he would find still other sins. - Likewise, due diligence having once been applied, no one is obliged afterward to think expressly about his past life further.

III. Nevertheless equal diligence is not required from all. For those who confess frequently need less examination than those who confess rarely; but those who are involved in worldly business need more than those who lead a private life. Likewise country people and the unlearned cannot apply that accurate diligence which the skillful and learned can.

Notes to n. 1372. (4) Sess. 14. c. 5.

1373. Resolves. - He sins *per se* mortally who from gravely culpable negligence in the examination omits some mortal sin, and he is held to repeat the Confession, as sacrilegious. Nevertheless in defect of examination there can be smallness of matter, even if a grave sin is omitted from it, e.g. on account of some inadvertence; and then the Confession is certainly valid. I said: *per se*; for *per accidens* that obligation can either cease or be greatly diminished, namely:

1° He who is morally certain that he has not committed mortal sins since the last Confession is not held to a rigorous examination before Confession, except insofar as is required for furnishing sufficient matter for the Sacrament. In practice, however, it is to be advised to pious penitents that they give attention to an examination of conscience at least for five minutes, or for about half a quarter of an hour, namely for knowing and rooting out venial defects.

2° An entirely middling diligence of examination is required in those of timid conscience, because conscience would not be silent if anything gravely culpable lay hidden within; indeed in the scrupulous inquiry is to be omitted, and sometimes altogether forbidden, as useless and often harmful: for if they had sinned gravely, they would always have the sin before their eyes.

3° For the sick, an examination so accurate as for the healthy is not required; indeed sometimes none is to be demanded from them on account of weakness of the head; nor should compliance easily be made with them when they say they are putting off Confession from day to day, as if they have not yet sufficiently discussed their conscience; but as far as their state permits, they are to be examined briefly by the confessor himself through the precepts of the Decalogue and of the Church; for it is

better to restore them to the state of grace through absolution, even if confessed imperfectly, than, with the Sacraments of the Church delayed, to expose them to the danger of damnation.

Notes to n. 1373. (1) L. VI. 471. 1.

1374. Questions. - Query 1° Is a penitent who fears lest sins fall from memory held to write them and read the writings?

Resp. Neg. The reason is that no one is held to procure the integrity of Confession through extraordinary means, and through diligence so exquisite. Besides, this is foreign to the common practice of those who fear God, and can even be prohibited to the scrupulous.

Query 2° What order is to be followed in the examination of conscience?

Resp. 1° By reason of matter: if someone has not confessed for a long time, it is expedient that he run through the order of the precepts of God and of the Church, and the special obligations of his state; otherwise it suffices to attend to evil habits, to sins more customary, or summarily to sins against God, one's neighbor, and oneself.

Resp. 2° By reason of manner: 1) divine light is to be humbly sought; 2) discussion of conscience is to be made; 3) afterward the baseness of sins and the gravity of the divine offense are especially to be considered, and thus one must insist upon eliciting sorrow and purpose.

Query 3° What is to be done by the confessor if penitents approach without their conscience having been sufficiently discussed?

Resp. 1° If they are instructed, they must kindly be dismissed, so that they may discuss their conscience more accurately and return, at least if there is question of lengthy and complicated Confessions. The reason is that it is almost impossible that someone suddenly, when asked, remember all things. Except, however, unless circumstances advise otherwise.

Resp. 2° If they are unlearned or little instructed in matters of Religion, they are not easily to be dismissed so that they may examine their conscience, at least if they have applied some diligence. The reason is that the confessor will easily supply for these. For by some questions he himself will obtain more than they, left to themselves, would furnish by a long examination, although they should strive to recall all sins into memory. Besides, it is to be feared lest perhaps, terrified by the difficulty, they may not return any more to confess.

Notes to n. 1374. (1) Elbel, n. 153. (2) L. VI. 471. 3. (3) Ib. 471. 2. (4) Ib.

ARTICLE III: ON THE REPETITION OF CONFESSION

1375. Principles. - I. Every Confession of lethal sins morally certainly invalid must necessarily be repeated. For a Confession of this kind is altogether unfit for fulfilling the law of Confession.

II. But a valid Confession, even if it lacks integrity, is not to be repeated, but only integrated, namely by supplying the defect; the reason is that the sins already declared were directly remitted by force of absolution. Therefore there remains only the obligation of subjecting to absolution the omitted sins, which had been remitted only indirectly and concomitantly. - Thus all.

III. The repetition of an invalid Confession must be made from the whole, if the penitent approaches a new confessor; because otherwise he cannot here perform the parts either of judge or of physician.

But otherwise, if he confesses to the same confessor still remembering the preceding Confession; then it suffices if he accuses himself summarily of the sins already accused, e.g. *I accuse myself of the sins already declared in such a Confession*: for this is enough that the sins invalidly declared be sacramentally accused, nor does the confessor need to hear the Confession again in order to fulfill his office. - Thus commonly. - St. Alphonsus and others against certain ones who require the whole repetition of the Confession.

IV. Confession is not necessarily to be repeated unless its invalidity is morally certainly established. See the reason n. 67. 2°.

Notes to nn. 1375-1376 - note sequence 1. (3) Ib. 502. Notes to n. 1375. (1) L. VI. 504. (2) Ib. 502. Notes to nn. 1375-1376 - note sequence 2. (1) L. VI. 502. (2) Ib. Cf. Vind. p. 480. Ed. 2a. T. II. p. 93. Notes to nn. 1375-1376 - note sequence 3. (1) L. VI. 502. (2) Ib. 499.

1376. Questions. - Query 1° Must an invalid Confession be repeated from the whole before the same confessor, if he remembers only confusedly the sins accused, or even has altogether forgotten them?

Resp. to the 1st. Neg., more commonly, even if the invalid Confession was invalid on the part of the penitent; but a general repetition will suffice. The reason is that for faults already accused a general repetition joined with knowledge antecedently had by the confessor suffices for sacramental judgment, since concerning the individual sins the confessor has already judged.

Resp. to the 2nd. Neg. also, more commonly, even if the confessor does not in any way remember that invalid Confession; therefore it will suffice that the penitent manifest his state, so that the confessor may have at least a confused knowledge, which also the penance sometimes procures, concerning him. For if in the preceding case some confused memory of the state of the penitent suffices for the confessor, it ought to suffice also in the present case; since in both cases the same reason applies.

Query 2° Must a Confession made with doubtful contrition be repeated?

Resp. Neg. *per se*. The reason is clear from what was said n. 67. 2°. I said: *per se*; for in practice attention must carefully be paid to the condition of the penitent. For if the penitent is a man sufficiently prudent and serious in his ordinary actions, or in his Confessions, there is a legitimate presumption concerning the value of the Confession; nor therefore is he to be urged to repeat it. But otherwise, if he is supposed to be a frivolous man and inconsiderate in most of his actions, because then the presumption militates against him. See n. 67. 3°.

Query 3° Are relapsers to be compelled to repeat preceding Confessions?

Resp. See n. 67. 3°.

Query 4° Must all sins be repeated explicitly which before were narrated to the confessor merely historically outside Confession?

Resp. 1° Neg., if the confessor still remembers them distinctly; then it suffices if the penitent confess them generally by saying: *I accuse myself of all those things which I have already narrated to you*. The reason is that those sins through summary Confession are sacramentally subjected to the confessor as judge, in order to absolution; and the confessor here and now sacramentally judges concerning all of them, since he remembers them distinctly.

Resp. 2° Affirm., if the confessor does not distinctly remember all of them, even if he remembers them confusedly or in part. The reason is clear from what has been said.

Query 5° Must Confession be repeated if the confessor before absolution has forgotten the sins accused?

Resp. Neg., if the confessor remembers, at least confusedly, the state of the penitent; for he absolves over certain and sufficiently perceived matter; and besides he judged sacramentally concerning the individual sins while they were being exposed to him. If he does not remember even the state of the penitent, he will easily be able to explore him by a few questions.

Query 6° Is the penitent held to go over the whole Confession again if, when it has been finished, he notices that the confessor, on account of deafness, sleep, or another distraction, did not perceive the sins?

Resp. Affirm., if he perceived absolutely nothing. Otherwise neg. But *per accidens* the repetition of the whole Confession can be necessary, namely if the penitent does not know precisely which sins were not perceived, and at the same time there is question of a brief Confession; for material integrity must always be supplied where it can conveniently be supplied. Nevertheless, if there is question of a long Confession, its repetition is not to be required, since it cannot be presumed that Christ prescribed material integrity with so great a burden.

It is said in the question: *if, when it has been finished*, etc.; because he who in bad faith confessed to such a confessor, or even to an unlearned one, would be held to repeat the Confession, as sacrilegious, in every case.

1377. Resolves. - 1° For a confessor noticing at the beginning of Confession that the penitent had confessed badly in past years, it will suffice to have questioned him only concerning the last year, if on account of the uniform manner of life he can at the same time form judgment concerning preceding years. The same, with the same uniform manner of life supposed, is to be said if he notices the defect of past Confessions after the Confession of the last year has been heard, provided that he still remembers this distinctly; nevertheless in both cases it is required that the penitent accuse himself in a general manner concerning the other years.

2° If someone has confessed to a priest lacking jurisdiction, he will be held to repeat the Confession, if afterward he detects the defect. But those chiefly and regularly lacking jurisdiction are a simple priest (n. 1394. q. 7°), an accomplice (n. 1404), an excommunicated person to be avoided [n. 1676. 1°, Exc. b)], and a suspended person denounced (n. 1689. 4°).

3° In practice the confessor should distinguish carefully Confessions which were only null from those which were also sacrilegious. For it happens that both the nullity of Confessions which were not sacrilegious and the obligation of repeating them are unknown in good faith; in which case the admonition from which no fruit is hoped is to be omitted, or at least deferred to a more suitable time. But sometimes the penitent can be so questioned that, unknowing, he repeats the Confessions, and it can be declared to him that they have now been sufficiently repeated.

4° Doubtfully valid Confessions are or are not to be repeated, according as the presumption stands for their value or nullity.

Notes to n. 1377. (3) Ib. 504. (1) L. VI. 505.

APPENDIX: ON GENERAL CONFESSION

General Confession is the repetition of several Confessions. It can be the repetition of the Confessions of the whole life, or of some time, e.g. of one or several years. We must speak briefly: 1° concerning the necessity or opportunity of general Confession; 2° concerning the method of performing it.

I. ON THE NECESSITY OR OPPORTUNITY OF GENERAL CONFESSION.

General Confession can be either necessary, or only useful, or useless, or even harmful. Hence the following rules must be established.

1378. Rule I. - General Confession must be judged necessary whenever preceding Confessions were morally certainly invalid or sacrilegious, either on the part of the penitent because of defect of contrition or integrity, or on the part of a confessor lacking jurisdiction; but in the other cases it can never be prescribed. The reason of both is clear from what was said above concerning the repetition of Confession. Cf. however n. 1377. 3°.

Rule II. - General Confession is to be permitted, or even prudently advised, although not necessary, when, the circumstances having been considered, the penitent is going to perceive notable spiritual fruit from it, e.g. by reason of greater security or peace of conscience, humility, devotion, fervor, knowledge of himself, manifestation of conscience for more perfect direction; or greater purity of soul, for obtaining divine helps more efficaciously, etc.; because the confessor from charity must promote the greater spiritual good of the penitent, when he can do so easily. Benedict XIV, c. *Apostolica*.

Rule III. - It is to be prohibited in the other cases as useless, and even harmful, when other inconveniences besides the loss of time are prudently to be feared, namely scruples, anxieties, perturbation of conscience, etc.; for if so great a burden for the confessor and the penitent is not to be undertaken without hope of notable fruit, all the more so with fear of notable harm.

1379. Resolves. - 1° General Confession is useful 1) in a doubt, not empty, concerning the value of past Confessions; 2) when a purpose of a better life more strongly impels, e.g. in the time of a Mission; 3) in the principal epochs of the Christian life, namely before First Communion; before the reception of a new state of life; when a dangerous illness is deservedly feared; when old age is approaching.

2° Besides the Confession made at the time of First Communion, another general Confession of the whole life is easily, generally speaking, to be permitted; but another would be conceded with greatest difficulty when the prior one was made sufficiently accurately, in good faith and with good will, unless perhaps it was made in youthful age, e.g. before the 26th year. Hence penitents who ask permission from the confessor to make a general Confession are to be asked for what cause they request it; whether they have already confessed generally at other times; from what time, and how often; and from the answers the confessor will judge whether this Confession is expedient or not.

3° A partial general Confession, namely of one year, or from the time of the last general Confession, is easily to be permitted to devout persons, according to the custom kept among most religious

families. Likewise, at times it can be permitted to pious penitents to repeat summarily in a few words the principal sins of their life; nevertheless attend to the various circumstances of persons.

4° But confessors must especially beware lest they too easily compel penitents to general Confession; and those are greatly to be reprehended who require this from all new penitents under the pretext of necessity, or by reason of direction, etc.

5° General Confession is not to be permitted, even in doubt concerning the validity of preceding Confessions, where from it notable inconveniences are to be feared by reason of scruples, perturbation of conscience, etc.; because grave and certain inconveniences are not to be undergone on account of a doubtful obligation.

6° It happens that young women professedly devout, although already several times confessed generally, ask to confess generally more from affection toward a new and younger confessor than from true devotion. A younger confessor should hardly ever comply with these, unless this is necessary, or prudently feared to be necessary. Except in a jubilee, etc., a Confession from the last general Confession.

II. ON THE MODE OF PERFORMING GENERAL CONFESSION.

General Confession can be made in many ways; but generally speaking it will be more expedient if it is made according to the following rules.

1380. Rule I. - Before Confession: the confessor must take pains to know explicitly the state of the penitent, and the various circumstances by which he can be directed toward questioning prudently and fruitfully. Hence:

1° Let him examine whether the Confession is necessary; for if it is necessary, the penitent must be heard and questioned with much greater care. But if it is not necessary, the penitent must first be warned that diligence of this kind is not required, indeed that he is free to keep silent about the sins he wishes. Nevertheless what at the beginning seems only useful is often found necessary in the course of the Confession, especially in doubt concerning the value of past Confessions.

2° Let him prudently inquire concerning the state of the penitent, whether unmarried or not, concerning his age, occupations or offices, concerning his family; namely whether he still has parents, brothers or sisters; and whether he lives with them, or lived with them for a long time; if he is or was joined in Matrimony, whether he has sons or daughters, in what age they are constituted, and whether he lives with them. Let him also discreetly inquire concerning the impediments of Matrimony, especially of clandestinity, where it was contracted clandestinely, and whether perhaps before a heretical minister; of disparity of cult, and of mixed religion, and, in these last two cases, whether the children are educated Catholic.

3° Let him ask from what time the penitent has confessed; whether he was absolved; whether here and now he is entangled in some depraved custom, occasion, or depraved affection of soul; whether perhaps he is enrolled in some condemned society; whether he ever concealed sins; how long; whether he afterward confessed them, or repeated sacrilegious Confessions, and how often; what other Sacraments he received, confected, or administered sacrilegiously.

These preliminary pieces of knowledge will serve the confessor very much; but he will urge these questions more or less according to the quality of the one confessing and the nature of the answers. - The confessor will procure several of these pieces of knowledge for himself if he induces the penitent to premise before the general Confession an accusation of sins committed since the last Confession.

Rule II. - As regards the order of Confession: the accusation and questions in the Confession itself must be made in a certain order, and always the same one, lest everything be mixed up with disturbance of the confessor and of the one confessing, and with danger of defect of integrity, etc. But the shorter and easier way is if the declaration of sins is made according to the order of the commandments of God, of the Church, and of special obligations according to each one's proper state. - Nevertheless questions concerning the Sixth are more prudently made at the beginning, or, if there is question of penitents who on account of their condition or for other reasons can be presumed to bear it with difficulty if they are questioned about this matter at once from the beginning, they are instituted at the end of the general Confession.

Rule III. - As regards the mode of Confession: if the penitent is sufficiently instructed, let the confessor kindly induce him to expose his sins according to the aforesaid order, promising that he will help him and, whenever there will be need, question him, so that all things may be rightly completed. - But if the penitent is unlearned, or prefers to be questioned, let the confessor take almost the whole burden of the Confession upon himself; let him question in order concerning all things which penitents of the same condition are accustomed to commit; but if there is question of a necessary general Confession, or of those who do not belong to the class of the pious, only concerning sins truly grave. But before he begins the questions, let him carefully warn the one confessing that he should fear nothing as to the difficulty of uncovering sins: *Be quiet and of good mind, he will say; I shall make your Confession; I know indeed all the sins which you could have committed; I shall uncover all these things for you; it will be yours only to respond clearly and sincerely to my questions, and to conceive true sorrow for sins.*

When the examination has been finished, let the confessor inquire from the penitent whether he is now quiet, or whether he knows that something must be added.

Then, and generally not before, let him proceed to the necessary admonitions. Finally let him exhort him not to repeat this general Confession.

CHAPTER III: ON SATISFACTION

We must treat 1° concerning the imposition; 2° concerning the fulfillment of penance.

ARTICLE I: ON THE IMPOSITION OF PENANCE

1381. Principles. - I. The confessor is held to impose a penance on every penitent who can perform it. The reason is clear, 1° because satisfaction is an integral part of the Sacrament of Penance, having an effect *ex opere operato*, and a greater effect by force of the Sacrament than without it. But the confessor, as Minister of the Sacrament, is held to procure its integrity as far as lies in him; otherwise he would not be a faithful dispenser; 2° because the confessor is held both to vindicate and to heal. This is clear also from Trent. See St. Alphonsus.

II. The confessor is held to enjoin penances both vindicative and medicinal, suitable and salutary, i.e. in some way proportionate to the number and gravity of the sins, and also to the strength and dispositions of the penitent. The reason is clear from the nature of the matter, since sacramental satisfaction is ordered to the vindication of sins, which are more or less grave, and likewise more or fewer, and also to preventing new faults. This is clear from Trent.

Notes to n. 1381. (1) Sess. 14. c. 8. (2) L. VI. 506; H. A. Tr. XVI. 47. (3) Sess. 14. c. 8.

1382. Questions. - Query 1° How great is the obligation of imposing penance?

Resp. 1° This obligation is grave from its genus. The reason is that the obligation regards a grave matter, although from smallness of matter one can sin against it only venially. - Hence the confessor can also sin gravely if, for grave faults, he should impose very light penances without an excusing cause. - Thus commonly.

Resp. 2° As regards venial sins, it is controverted. Some affirm that it is grave, because the enjoining of satisfaction pertains to the rite of this Sacrament; and since this rite was instituted by Christ, it must be held as a grave matter. - But others say that it is light, because a grave obligation of enjoining penance for light faults only cannot be proved, since in this no grave disorder appears; which opinion is probable, as St. Alphonsus says.

Query 2° When must penance be imposed?

Resp. Generally speaking it is to be imposed before absolution: the reason is that thus the order of judgment is observed, which requires that the guilty person first promise satisfaction before he is absolved. But if the confessor from forgetfulness did not enjoin the penance before absolution, he must impose it after absolution. Nevertheless it is not grave to impose penance immediately after absolution; indeed probably it is free from all fault if it is presumed that the penitent will accept the work enjoined upon him.

Query 3° How much penance must be imposed on sinners?

Resp. The quantity of penance cannot be determined universally; but it is left to the prudence and judgment of the confessor. Nevertheless, regularly and *per se*, he must impose grave penance for mortal sins. Thus from Trent.

Query 4° What penance is judged grave *per se* for one or another mortal sin?

Resp. A penance is to be judged grave, at least from the present practice of the Church, which corresponds to a work which is enjoined under grave obligation by the Church, or which would oblige of itself under grave obligation if it were prescribed.

Hence a grave penance, and one sufficient for an ordinary grave sin, will be to hear Mass, to fast, to recite the Rosary, even if only of five decades, the Little Office of the Blessed Virgin, the Litany of the Saints, and other similar things; but it would not be judged a grave penance if only the Psalm *Miserere* were imposed.

Query 5° For what cause can a lighter penance be imposed?

Resp. 1° If the penitent is very weak and infirm in body; concerning this matter the Roman Ritual speaks thus: "Let the Priest remember that a grave and laborious penance is not to be enjoined on the sick, but only that which, if they recover, they may perform at a suitable time." But if the sick person is constituted in danger of death, then he can be absolved without any penance, although it is always expedient to impose some penance on him; 2° if there is a prudent fear lest he not fulfill a greater penance, or lest on account of a heavier penance he be turned away from Confession; 3° if a greater penance would probably be more harmful to him than profitable; 4° if the penitent appears very contrite; 5° if there is present a time for gaining a plenary indulgence, especially of Jubilee. For the rest, with grave infirmity, or very vehement contrition, or some other very rare case excepted, the confessor would not act well if for mortal faults he enjoined a penance light *per se*, which carries a light obligation. For although, if it is expedient, a work may be imposed which, respectively to the sins, is light, nevertheless regularly some grave penance under grave obligation is always to be enjoined, with a heavier one added under light obligation, if it so seems.

Query 6° Can penance be imposed under the condition of relapse?

Resp. Affirm., "provided that," besides, "a proportionate penance for the sins confessed be imposed," because otherwise there would in fact be no penance, if perchance the penitent did not relapse into sin. "But it is not expedient to impose it" beyond a month or another Confession, "because afterward it is easily neglected and sins are multiplied."

Query 7° Can a public penance be imposed?

Resp. Neg., if there is question of hidden sins. - Thus the Roman Ritual. But otherwise for public sins. Nevertheless, if public penance is not so necessary, the confessor ought not to impose it on one refusing it, since otherwise his salvation can be obtained and scandal repaired.

Query 8° Can a work otherwise due be imposed for penance?

Resp. Affirm. The reason is that since that work is satisfactory, it can well be elevated through the keys to the merit of sacramental satisfaction. Nevertheless, in practice this should not be done except on account of the frailty of the penitent. Nor is it to be presumed that the confessor has chosen a work already due, unless either this is established concerning it, or there is a founded presumption. Cf. n. 134. R. ad a).

Notes to n. 1382 - note sequence 1. (1) L. VI. 506. (2) Ib. et H. A. Tr. XVI. 47. (3) Ib. 514. 8. H. A. Tr. XVI. 47. (4) Sess. 14. c. 8. L. VI. 508. Notes to n. 1382 - note sequence 2. (1) L. VI. 515. (2) H. A. Tr. XVI. 49. (3) L. VI. 508 sq. (4) Ib. 510 in fine. 518. H. A. Tr. XVI. 51. Prax. Conf. n. 13. (5) Ib. 524. H. A. Tr. XVI. 52. Prax. Conf. n. 13. III.

1383. Resolves. - 1° Perpetual penances are never to be imposed, both because they are wont to induce danger of forgetfulness or excessive anxiety, and because, if such penances are imposed by various confessors on the same penitent, he will be bound at the same time and for his whole life by innumerable bonds. Indeed penances are not ordinarily to be imposed for a long time, e.g. for a year, or for five months.

2° Those satisfactions are never to be imposed which can expose the penitent to the mockery of others, e.g. that he recite in the middle of the Church five *Paters* with arms extended, etc. - But *a fortiori* penances are not to be imposed which cannot be fulfilled without the revelation of Confession easily following.

3° Nor are fasts to be imposed on boys, country people, artisans wearied by continual labor; nor on children of a family who by fasting would cast astonishment on their parents, or even offend them. Nor are pilgrimages or lengthy prayers to be enjoined, or generally alms, on women constituted under the power of a husband, just as neither on the poor procuring their living by constant labor.

4° Penance involved in many diverse works are not to be imposed, because they could not be retained by memory; nor, ordinarily at least, penances too repugnant to nature, e.g. to sign the cross with the tongue on the ground, to visit enemies, etc. It is also generally imposed imprudently on boys that they ask pardon of parents or of others, on account of disobedience, irreverence, or little thefts; because they often render Confession odious, and for the most part are omitted, etc. (I) p. 406.

Notes to n. 1383. (1) L. VI. 512. (2) Ib. 513. (3) H. A. Tr. XVI. 52. Appendix annotation (Iota), to n. 1383. p. 128. col. 1. To the preceding resolutions I also add these things from the distinguished Van Egeren, De Satisf. Sacram. "This is most worthy of observation for a confessor, yet it is not attended to often enough: namely, that the devil is the con-cause of many causes of sin, so that the greater part of sins, especially those which are admitted by persons more fearful, is not to be judged to have been perpetrated without any instigation of the demon. And hence the practice of those is very much to be approved who, with other causes sometimes less attended to, once or twice impose for penance principally remedies specially adapted to the assault of the demon, for example, repeated invocation of the Most Holy Names of Jesus, Mary, and Joseph, imploration of the help of the Guardian Angel, veneration of the Crucifix, sprinkling with holy water, carrying blessed images, etc." To the question: What penances, considering present-day morals, are generally useful for all? he responds: "Those penances generally are useful for all which, while small mortifications or modest alms are not altogether always excluded, nevertheless consist principally in vocal prayers or other not unusual works of piety, provided these very things, insofar as it can be done, are adapted according to the diversity of cases to punish and amend sins salutarily and fittingly. But such adaptation will often be made with success through determination of the mode of execution, for example, of kneeling, of extension of the arms, etc.; - through determination of the time, for example, as often as perhaps you have relapsed; each morning or evening; at the time of Mass during the elevation of the Sacred Host and Chalice; - through determination of the place, for example, in church before the Most Holy, before an image of the Crucifix, of the Blessed Virgin Mary, of St. Joseph, before the bed before going to sleep, etc.; - but above all through determination of the intention with which they are done, while nevertheless guarding against confusion and always seeing what the capacity of the penitent can do, what it refuses to bear. And indeed, the highest importance of positively determining an intention of this kind will become more clearly evident even from these few examples, namely: "To the proud man enjoin a prayer to be recited devoutly with the express intention, that by being lifted up you may never provoke the divine indignation, like the proud Pharisee; or another time, that God may be propitious to you, as to the humble Publican; or another time, if there is question of one more devout, that some humiliation may befall you from men, etc. "To the avaricious man, a prayer with the express intention, lest by accumulating temporal goods you lose eternal goods; or another time, that you may obtain the grace of Christian mercy toward the poor, etc. "To the lustful man, a fervent prayer to the most pure Heart of Jesus, or to the Blessed Virgin conceived immaculate, that not so many men be damned eternally by reason of lust; or another time, that henceforth you may serve God with a chaste heart and please Him with a clean heart; or again, that you may be filled with a holy shame of yourself, who, created to the image of God, have plainly assimilated yourself to uncomprehending beasts, etc. "To the drunken man, a prayer for all who have seen you drunk, that they may not imitate your evil example; or

another time, for your household family, that, with God providing, it may not miserably perish by your scandal and wasting, but by the Consoler of those who mourn and the Protector of the innocent; or again, that the Savior thirsting on the Cross may preserve you from the outcry of everlasting thirst in hell, etc. "To the thief, a prayer that the paternal Divine Providence may rather send some misfortune upon you than permit you again to stretch out your hands to the goods of others; or another time, that, with the help of the grace of God, you may vividly believe that the thief will be excluded from the kingdom of heaven, or that his sin is not forgiven him unless what has been taken away is restored, etc. "To the distrustful man, a prayer before the Crucifix, that, considering the mercy of God, you may be raised up into hope and firmly trust that God, on account of Christ, will be propitious to you; to which prayer afterward for some time a pious aspiration of this kind should be joined: O Cross of Jesus, my one hope, hail; or another time, which we read was more frequently recommended by St. Alphonsus and St. Leonard: O my Jesus! mercy; or again: O Mary, show thyself to be a mother. Hail, my life, sweetness, and hope! etc. "To the blasphemer, a prayer lest your house be deprived of heavenly favor and blessing, as experience testifies happens so often by reason of blasphemy; or another time, lest you learn further on earth those infernal canticles which the damned will sing eternally; or again, that, with the grace of God exciting and helping, as soon as perhaps you relapse, under a humble striking of the breast you may proclaim: Praised be Jesus Christ, or Hallowed be thy name, etc. "To the tepid man, a prayer lest the merciful God begin to vomit you, neither cold nor hot, out of His mouth, etc. "But it is not to be passed over here in silence that the discreet choice itself of various prayers or pious exercises is intimately connected with a determination of intention of this kind; by this the attention of the penitent is accustomed to be much strengthened, while now these, now those, now certain, but few, are imposed together according as the thing calls. Suppose, for example, the case in which to one approaching Confession on the feast of Pentecost there seems to be enjoined a devout invocation of the Holy Spirit, that He may kindle in his heart the fire of His love, exceedingly diminished by venial sins. What prayer will you choose for this end? Indeed you will be able suitably to choose that any prayer proper to this Feast be recited once, for example, the Litany of the Holy Spirit; but, to excite the greater attention of the penitent, you will sometimes more aptly choose that the prayer which is found after the Litany of the Holy Spirit in prayer books be recited daily through the octave. "Moreover, there are almost innumerable prayers or other works of piety from which this choice can be made." See, for example, n. 1387 of this Compendium. "Several will occur finally" to one reading "spiritual books, or investigating the mind of holy confessors, who have committed to writing their salutary thoughts on this matter. Thus, for example, St. Alphonsus in Praxis, n. 14, while inquiring rather diligently, among penances generally useful, recounts in the first place: to be joined to some congregation; and certainly, as I note in passing, you will find no penance more useful than this. ... Thereafter the same Holy Doctor, l. c., testifies: 'I have been accustomed mostly to enjoin, or at least to advise for those who were not accustomed to use it, the penance of reciting the Angelic Salutation three times morning and evening, with the supplication: My Mother, help me today, lest I sin against God.' To not a few it has also often seemed good to enjoin for penance: for some time, and especially in the event of a base temptation or of a relapse into lust, five Pater and Ave in honor of the five Wounds, with the successive veneration of each, namely, with kissing. Still, according to all, it will be of very great profit to impose that for some time each morning a firm purpose of vigorously fighting such a vice on that day be renewed before God." It is useful besides to note three things expressly: A. Concerning suffrages for the faithful departed. - That suffrages for the dead constitute matter generally apt for all, which may sometimes be enjoined for sacramental satisfaction, the Roman Catechism is a witness of the highest authority. Moreover, for penitents accustomed to confess venial sins only, a penance of this kind will then especially become most useful when it is imposed under some mode by which they may better understand that venial sins also merit a great punishment before the divine Judge, for example under this or a similar mode: say five Pater and Ave for those faithful departed who are paying penalties in purgatory because of voluntary distractions in prayer; or another time, for those just souls which are tormented by the fire of purgatory because of disobediences toward parents, because of sins of the ears or tongue, because of tepidity in approaching the Sacraments, etc. B. Concerning the Way of the Cross. - The exercise of the Way of the Cross is one thing when public, which at fixed times is accustomed to be performed solemnly in churches; another when private, which is customarily done separately by the faithful. The imposition of the first exercise for the most part can be accommodated sufficiently to all; but the imposition - I do not say the persuasion - of the second exercise will not rarely be less accommodated to those who thus far have had no or little use of it. - But when these things have been attended to by a prudent confessor, concerning the eminent aptitude of the Way of the Cross for penance it will be useful to recall these words, most worthy of mention, from the Mystical Discourse of St. Leonard: An easier satisfaction for sins is also furnished by the frequenting of the Way of the Cross, both on account of the value of the indulgences, because of the gaining of which a penance less than just can often be imposed, and on account of the memory of the Lord's Passion, which is satisfactory in the highest degree, as Blosius says, and also because it is a most noble alexipharmacum preserving against further falls. And hence, with as much exertion and efficacy of spirit as I can, I ask and beseech all confessors that they show to their

penitents the very great treasure of the Way of the Cross, enjoining in place of penance a visitation of the Way of the Cross to be completed so many times, for example; I for now would say: once or twice; and when this has been done, let them set down the scruple whether the other imposed penances are proportionate, since a single visitation of the Way of the Cross very abundantly supplies many other penances. C. Concerning penances for priests confessing. - A confessor receiving the Confession of a priest, upon which not only this man's salvation but also that of many can happen to depend, should before all else recall in his mind that he will render to God a terrible account if, overcome by human respect and having let go the holy liberty of spirit and speech, he exercises this office almost cursorily, as though it were the simple office of absolving, with some small penance indifferently chosen. Namely, without doubt, he must direct the penitent priest, who, otherwise than the rest of the faithful, is accustomed to have no Ananias outside Confession, as much as will seem necessary, to perfection and perseverance in the first charity of the priesthood received, by opportune admonitions, and no less by penances efficaciously salutary and suitable to him. But he will be able to choose penances of this kind sometimes from works which are generally useful for all, sometimes from works specially appropriated to the priestly state, such as, for example, are judged: "a) Prayers from the Roman Missal to be said at will on certain days: for the priest himself; for the petition of tears; for the remission of sins; for repelling evil thoughts; for asking continence; for asking humility, patience, etc. "b) A brief meditation concerning the very great utility of daily mental prayer of at least one quarter-hour, without which, says St. Alphonsus, it will be most difficult to be a good priest. "c) Prayers for deceased priests who are paying penalties in purgatory because of defects committed in the hearing of Confessions, in the visitation of the sick, in the instruction of children, etc. "d) Prayers for oneself and other priests associated in the priesthood in the same parish, that, united by the bond of charity, you may collaborate with fruit in the salvation of souls. "e) Prayers for resuscitating in you, according to the admonition of the Apostle, the priestly grace received in the Ordination of the presbyter. "f) Examination of conscience concerning your priestly duties. "g) A fitting preparation for Mass, with an added act of charity and contrition; or a fitting thanksgiving with the joined prayer: O good and sweetest Jesus, etc., for gaining the indulgence. "h) To be read ... from the Roman Pontifical, if it is at hand, some part of the prayers of the Ordination of a presbyter; or from the Roman Ritual, concerning the care and visitation of the sick, etc. "i) A prayer for asking the grace of fervent devotion toward the Most Sacred Heart of Jesus, the Most Blessed Virgin, the mother specially of the ministers of her Son, etc.; or sometimes also a prayer for obtaining the grace of receiving the Sacraments of those departing this life, of which, if you consult experience, not a few priests have been deprived, with divine Providence so permitting." And many similar things, very easy for a zealous confessor, as is fitting, to find.

ARTICLE II: ON THE FULFILLMENT OF PENANCE

1384. Principles. - I. The penitent is held to accept and fulfill a reasonable penance sacramentally enjoined; because from what has been said the confessor is held to impose a penance, and indeed one in some way proportionate to the sins. But if a penance must be imposed and accepted, by that very fact, by reason of the obedience due to the confessor, it must also be fulfilled. This is clear from Trent,¹ St. Alphonsus.²

II. The penitent is held under grave obligation to fulfill a grave penance imposed for grave sins; because grave matter of itself obliges under grave obligation. - Thus all. But more probably he is obliged only under light obligation to a light penance imposed for light faults; because light matter is not capable of grave obligation. - Thus the common opinion with St. Alphonsus.³

III. The penitent must fulfill the penance at the time designated by the confessor, or as soon as he conveniently can; and, if the penance obliges under grave obligation, he will sin gravely if from grave negligence he delays it for a long time; the reason is that *per se* it is grave to draw out a notable debt for a long time. But as often as the penance was not fulfilled at the established time, the burden of performing it always remains, because the time is intended only accessorially.⁴

Notes to n. 1384. (1) Sess. 14. c. 8. (2) L. VI. 516. (3) L. VI. 517. (4) Ib. 525. Notes to nn. 1384-1386 - note sequence 1. (1) L. VI. 520. (2) Ib. 528. 529. (3) Ib. 528. 529. (4) H. A. Tr. XVI. 61. Notes to nn. 1384-1386 - note sequence 2. (1) L. VI. 529. Dub. 1°. H. A. Tr. XVI. 61. Prax. Conf. n. 18. IV. (2) L. VI. 529. Dub. 3°. Notes to nn. 1384-1386 - note sequence 3. (1) H. A. Tr. XVI. 57.

1385. Questions. - Query 1° Does a penance, grave indeed in itself, but imposed for only venial sins, oblige under grave obligation?

Resp. Neg. probably. The reason is that then satisfaction is not necessary insofar as it is grave. Hence just as the confessor was not held, indeed could not command it under grave obligation, so neither is the penitent held to fulfill it under grave obligation. Except a) if a grave penance is to be enjoined on account of venial sins greatly disposing to mortal sin, e.g. from their frequency and their special nature, as of sensuality or dishonesty;¹ b) if there is question of grave sins already confessed, for which condign penance has not yet been done, e.g. on account of very grave infirmity.

Query 2° Can the confessor, for grave faults, impose a penance which is indeed grave, but lightly obliging?

Resp. Affirm.; but see n. 1382. q. 5° at the end.

Query 3° Is the penitent held under grave obligation to fulfill the circumstances attached to the penance, e.g. that he pray on bended knees, etc.?

Resp. The solution depends on the greater or lesser affliction of the flesh which the circumstance brings, whether *per se* or with respect to the penitent.² This can also depend on the intention of the confessor, which either he himself has expressly manifested, or the penitent can presume.

Query 4° Does he satisfy who fulfills the penance in mortal sin?

Resp. Affirm., with the common opinion. The reason is that in order to satisfy the precept it suffices to place the work of satisfaction enjoined, although the end of the precept is not obtained.³

Query 5° Does he sin who fulfills the penance in mortal sin?

Resp. 1° It is certain that he does not sin gravely. - Thus Theologians commonly.

Resp. 2° More probably he sins venially. The reason is that he who voluntarily places an obstacle to the effect, even partial, of the Sacrament does not seem able to be excused from some fault.

Query 6° What delay of penance is a grave fault?

Resp. Of a grave penance, and one imposed for grave sins, a delay for six months is to be judged grave, but not a delay for a month, "provided the penance is not medicinal, ... and ... can be fulfilled in the future." But the delay of a penance whose time for fulfilling it was imposed preceptively and under grave obligation will more easily, at least regularly, be grave. Nevertheless a brief, and therefore venial, delay would be, e.g. of monthly Communion for 6 or 8 days.⁴

Query 7° If the penitent has forgotten the penance enjoined, is he held to repeat the Confession in order to receive another penance?

Resp. Neg., with the common opinion. The reason is that the fulfillment of the penance already once enjoined has become impossible through forgetfulness, even culpable forgetfulness. But no one is held to the impossible.¹

If nevertheless the penitent prudently presumes that the confessor still remembers the penance enjoined, he ought, if he conveniently can, to approach him, so that he may learn from him what it was. (17) p. 418.

Query 8° Who can commute a penance?

Resp. 1° It can never be commuted by the penitent himself, not even for the better, although a vow can be changed by the one vowing it into a work evidently better; the reason is that penance cannot be elevated to the merit of sacramental satisfaction unless it has been imposed by the Minister himself of the Sacrament of Penance.

Resp. 2° It can be commuted, 1) by the confessor who imposed it, because the legislator can change his own law; 2) by any other confessor, because any other confessor can be judge of the same cause, if the penitent submits himself to his tribunal; for the successor in the same authority can do whatever the predecessor could do. Nevertheless, according to the opinion which pleases St. Alphonsus more, it must be excepted if the penance was imposed by the Superior himself for reserved cases, because an inferior cannot change the sentence of the Superior; unless however a grave cause is present, and the Superior cannot easily be approached, and therefore his consent can be presumed.²

But for a commutation to be made licitly, a just cause is required, such as 1° if the penance seems difficult; 2° if it is foreseen that the penitent is not going to satisfy it on account of repugnance, frailty, forgetfulness, etc.³ - But the penitent will always be able to prefer the prior penance; for the commutation is made in his favor.⁴

Query 9° Is the penitent held to repeat the Confession in order to obtain the commutation of the penance?

Resp. Neg., sufficiently probably; and this whether he approaches the same Confessor or another; because there is no question of a judgment to be passed concerning faults blotted out in the preceding Confession, where judgment concerning them has already been formed, but only of a penance to be commuted; but for this the knowledge of the prior penance suffices, and the knowledge of the frailty or difficulty for fulfilling it, so that, namely, either a new penance in some way equivalent may be imposed, or the given one may be lessened according to the disposition of the penitent.¹

Query 10° Can the confessor commute penance outside Confession?

Resp. 1° Neg., if the confessor is a different one. The reason is that the confessor has no power except in sacramental judgment.

Resp. 2° If the confessor is the same one who imposed the penance, he can change it immediately after absolution, before the penitent departs; but not afterward. Thus more truly and more commonly. The reason is that for this it is required and suffices that the preceding judgment of the confessor morally persevere, which does not seem to have place if the penitent approaches the confessor outside the tribunal of Penance. Therefore, etc.²

Notes to n. 1385. (1) L. VI. 517. H. A. Tr. XVI. 56. (2) L. VI. 517. (3) Ib. 522. (4) H. A. Tr. XVI. 57. Appendix annotation (17), to n. 1385. q. 7°. p. 124. col. 1. If the forgetfulness was gravely culpable, in the following Confession, as is clear, it must be accused, as Müller rightly notes, Th. Mor., V. § 127. I say: "if the penitent prudently presumes," etc.; for example, because he has just now confessed, or there were few penitents present. I say besides: "if he can conveniently," that is, without much trouble and without moving the wonder of the bystanders. Finally I say: "he would have to approach him"; not, however, outside the confessional when, for example, the confessor has already left it; for in the case there is no question of imposing or commuting a penance. What if the confessor did not impose a penance, for example from inadvertence? If the penitent notices this before he leaves the confessional, and immediately after absolution, he ought to ask the confessor to impose a penance upon him. But if he notices this only after he has left the confessional, he is not

bound to this unless he can approach the confessor immediately after absolution has been given, as was established above for Resp. 2. h.

1386. Resolves. - 1° The penitent is not held to fulfill the penance when the Confession was invalid; because the sacramental sentence of the judge was null, and therefore there is no Sacrament to be integrated: otherwise he would have to satisfy twice for the same sins. The same is to be said for the same reason about a penance imposed without absolution. Except, 1° if the penance is medicinal, and therefore necessary by reason of medicine; 2° if the penitent approaches several times for completing the same Confession, and meanwhile the confessor, as is often done, imposes some penance on each occasion, so that a lesser one remains to be imposed at the end.

2° He sins gravely not only who omits the penance, but also he who omits a part of it notable in comparison with the whole penance; or even a part which would be grave considered in itself.

3° Universally, for judging concerning the gravity of an omission, attention must be paid to whether the matter or circumstance omitted contributes much or little to the end of the precept; whether the substance of the precept has been fulfilled, etc. Thus he fulfills the substance of the precept, and sins only venially, who standing, or in his bedroom, recites the Rosary which by order of the confessor ought to have been recited on bended knees or before the image of the Blessed Virgin; but otherwise if the penitent were ordered, e.g. to pray with arms extended;¹ for this mortification is notable, and its omission can be held grave.

4° Prayers imposed as penance can be recited even while one meanwhile hears Mass of precept, unless however something else was established by the confessor. St. Alphonsus against a few. - Prayers which from the use of the Church, or the practice of the faithful, are wont to be recited as if in choir, e.g. the Rosary, etc., could also be recited alternately with companions.

5° The penitent cannot satisfy through another person, unless however this is done with the consent of the confessor, in which case the act by which he asks satisfaction from another on his behalf will be the penance; because satisfaction is an integral part of this Sacrament. Therefore it must necessarily be placed by the penitent himself. This is clear also from the 15th proposition of Alexander VII, p. XIII.

6° If the confessor imposed as penance two Masses to be heard on the same day, they must be heard successively, but not at the same time; for we reasonably presume that the confessor intended this.

7° It is lawful to refuse a penance truly unreasonable, e.g. a manifest penance for sins altogether hidden, or entrance into a religious order. Nor does he sin who does not wish to accept a penance which he sincerely thinks is greater than is just, or too burdensome for his weakness. Therefore in either case, if the confessor is unwilling to mitigate the penance, he can leave the Sacrament already begun imperfect and approach another confessor. But he who from sloth refuses to accept a penance of itself sufficiently fair and rather easy to fulfill, which the confessor when asked refuses to change, intending to approach another confessor so that by him he may be absolved with a penance absolutely light, does not seem, with good faith set aside, able to be excused from grave sin.² Thus the illustrious Van Egeren rightly interprets St. Alphonsus.

APPENDIX: ON PENANCES MORE USEFULLY IMPOSED

I. WORKS OF PIETY.

1387. - 1° Vocal prayers, *Pater, Ave, Credo*, the Litany of the Blessed Virgin, the Rosary, or its third part; morning and evening prayers.²

2° Mental prayers, discreetly, according to the capacity of the penitent; for the unlearned, some thought concerning hell, death, or the passion of Christ, morning or evening, e.g. for the time of one *Ave*.

3° Acts of Faith, Hope, Charity, contrition, trust in God, conformity to the divine will, purpose of not sinning, ... so many times, ... e.g. morning, evening, especially in temptations or dejection of mind.

4° The offering of oneself to God very early in the morning, the Sign of the Cross, various aspirations or ejaculatory prayers to Christ, to the Heart of Jesus, to the Blessed Virgin, to the Guardian Angel. (Ordinarily they are not to be multiplied.)

5° The exercise of the Way of the Cross, especially when it is made in common; nine-day prayers in honor of the Blessed Virgin or of some Saint.

6° The hearing of sermons, assistance at Offices of the Church, e.g. at solemn Mass, Vespers, etc., or at spiritual exercises, or the pious exercise of the Marian Month, or other things of this kind, at least several times.

7° General examination of conscience in the evening, at least for a brief time; likewise particular examination concerning such a defect, or such a depraved custom, from a firm purpose of amendment.

8° Visit to any Church or Altar, or to some one in particular, to pray something there, or to ask the grace of sinning no more.

9° Pious reading, e.g. for a quarter of an hour on Sunday, or one or another chapter, e.g. of the *Imitation of Christ*, of the Lives of the Saints, or of another pious book, etc.

10° Frequenting of the Sacraments, on such a day, or at such a time, or so many times. Here the confessor should act cautiously, and should not impose the obligation on those who confess rarely, that they approach the tribunal of penance once or twice in a month for a year; but let him not enjoin this except once, and perhaps another time, and only on penitents accepting it willingly.

Notes to n. 1387. (2) Ib. 55. 57. L. VI. 516.

II. WORKS OF MORTIFICATION.

1388. - 1° Fasting, either entire according to the laws of the Church, or partial according to the physical and moral strength of the penitent. Nevertheless a penance of this kind is not to be imposed except rarely, and only on those who will accept it willingly.

2° Some subtraction of food, which can in no way harm the health of the body, or the offices or labors of the penitent, e.g. half of the usual breakfast on Friday or Saturday, or on the vigil of some feast,

etc.

3° Abstinence from wine or intoxicating liquor, on such a day, at such a time, or not to exceed a certain quantity.

4° Some subtraction of ordinary sleep, especially by rising earlier in the morning, or at a determined hour, as a remedy for sloth, or also for preventing impure temptations.

5° To pray on bended knees, or with arms extended in the form of a cross, to kiss the ground for the sake of humility, to undertake brief pilgrimages.

6° To offer to God several times illnesses, sicknesses, or other hardships of life that occur, by bearing them patiently.

7° Sometimes to be deprived of recreation, even honest recreation, e.g. walking; to repress excessive curiosity in hearing, in sight; not to remain so long at the door or windows of the house. This especially suits young women addicted beyond measure to vanity.

8° To chastise the body with moderate discreet mortification, with some scourging, with an uncomfortable posture. - But these are to be enjoined very rarely; indeed they are to be permitted with great discretion.

III. MEDICINAL PENANCES.

1389. - Since, generally speaking, contraries are cured by contraries, the following penances can be enjoined, or only advised, with discretion, however, with special attention to the quality and greater good of penitents.

1° Brief prayers are to be imposed on penitents who pray rarely and badly, to be performed morning or evening, for about a week. - For the tepid, pious readings, or ejaculatory prayers to be made several times in the day, yet few, and for few days, lest from forgetfulness they be omitted, or trouble the penitent. - For those tempted against Faith or Hope, acts of Faith, Hope, trust, or the recitation of the Apostles' Creed, etc.

2° For blasphemers, external reverence toward God, toward the Cross, ... e.g. to kiss reverently the Crucifix, or sacred images, or to say devoutly: *Blessed be the name of the Lord. Praised be Jesus Christ.*

3° For lovers of the world and its pomps, some meditation concerning the vanity of worldly things, e.g. when they rise in the morning or seek their bed, or the renewal of the promises made in Baptism.

4° For those who often omit Mass, some supererogatory Mass to be heard, e.g. a double one on Sunday, or one on a weekday, or some visit to the Most Holy Sacrament to be made several times, etc.

5° For those harboring hatred, some works of charity toward the neighbor, e.g. to greet or speak to an enemy, prudently however; prayer and an act of charity for the neighbor in general, and also specially for enemies; the recitation of the Lord's Prayer for the same, especially these words: *Forgive us our debts, as we also forgive our debtors.*

6° For the lustful, some mortification, or subtraction of conveniences, especially flight of occasions, prayer, frequenting of the Sacraments, frequent renewal of firm purpose, memory of the last things, etc.

7° For thieves and the avaricious, some alms according to their faculties, even if only one coin had to be spent several times on the poor or on the Church. But grave alms are never to be imposed, unless they are accepted willingly.

8° For the proud, certain offices of humility, e.g. to kiss the ground, to visit the poor, or kindly assist them, to treat them humanely, or to elicit various acts of humility, e.g. to say with the publican: *Lord, be propitious to me a sinner.*

9° For gluttons and drunkards, some subtraction of foods, abstinence from food and drink outside the customary meals, or abstinence from wine on such a day, or a prohibition not to exceed a certain quantity of wine at meals, etc.

Add also the works of mortification which are indicated in n. 1388.

PART THIRD: ON THE MINISTER OF PENANCE

We must treat 1° concerning the power of the Minister; 2° concerning his office.

CHAPTER I: ON THE POWER OF THE MINISTER

1390. - In order that someone validly absolve, nothing else is required on the part of the one absolving except intention, the power of Order and of jurisdiction; but that he also absolve rightly, licitly, and worthily, probity, knowledge, and prudence are required. Therefore three things are required for the adequate power of the Minister of Penance, namely, 1° the power of Order; 2° the power of jurisdiction; 3° approbation.

I. The power of Order is required, i.e. that which belongs to the Minister by force of ordination, and is intrinsically attached to the priestly character. The reason is that to priests alone was it said by Christ: *Receive the Holy Spirit; whose sins you shall forgive, they are forgiven them.* - This is established besides by the manifold definition of the Church.

II. The power of jurisdiction is required, i.e. the power by which a priest, as judge, can pass sentence on certain persons, as being his subjects. This is clear from Trent.

III. Approbation is required for hearing Confessions both licitly and validly, or a declaration of the Ordinary judging juridically concerning the suitability of the priest, or concerning the three gifts just indicated, which are necessary in order that someone absolve rightly, licitly, and worthily. - Trent.

Note. - Even a priest who is not a curate is obliged to render himself fit for hearing Confessions if he is in a place where the inhabitants, on account of a scarcity of confessors, labor under grave spiritual necessity, which today, since the number of priests has been so diminished, and especially in this region, is easily found.

Besides, it is altogether to be advised to parish priests whose subjects cannot easily find another occasion of confessing, except among them, that from time to time they call in some unknown confessors and offer their subjects every liberty of confessing to these; indeed, while strangers are exercising their office, let them not themselves hear Confessions. Thus not rarely invalid Confessions and sacrileges will be prevented. Certainly from this head already the utility of missions appears.

We must treat 1° concerning approbation; 2° concerning jurisdiction; 3° concerning the reservation of cases.

Notes to nn. 1390-1392 - note sequence 1. (1) Ib. 570. (2) Sess. 23. c. 15. Ref. (3) L. VI. 550. Notes to n. 1390 - note sequence 1. (1) John 20. 22. (2) Sess. 14. c. 7. (3) Sess. 23. c. 15 de Ref. (4) L. VI. 625. Ben. XIV. Inst. 94. Notes to n. 1390 - note sequence 2. (1) Praxis Conf. n. 201. (2) Sess. 23. c. 15 de Ref. (3) L. VI. 566. ## ARTICLE I. Notes to nn. 1390-1392 - note sequence 2. (1) H. A. Tr. XVI. 75. (2) L. VI. 551.

ON APPROBATION.

Approbation, taken nakedly, can be defined: the juridical judgment of a Prelate concerning the suitability of a priest for hearing Confessions.

Hence, for granting approbation, an examination is not essentially required; for a prudent judgment concerning suitability can be had even without an examination, when this is otherwise established.

1391. - **I say I.** Approbation is required for hearing Confessions both licitly and validly. Thus by force of Trent.

I say II. Only the Bishop can approve, or one who has quasi-episcopal jurisdiction. The reason is that it pertains only to the Prelates of the Church to judge concerning the suitability of Ministers to be deputed for hearing Confessions. This is also clear from Trent cited above. - But the Bishop can approve either by himself or through another delegated by him, because approbation is an act of jurisdiction; but ordinary jurisdiction can be delegated.

According to the present discipline of the Church, together with approbation jurisdiction also is usually conferred by the Prelate upon priests; and therefore in common usage, under the name of approbation, jurisdiction also is comprehended. But formerly, delegated jurisdiction was commonly granted by parish priests, and approbation only by Bishops; which faculty indeed now scarcely has exercise among parish priests, since scarcely now can a priest be found who, together with approbation, has not also already received jurisdiction from the Bishop.

1392. Questions. - Query 1° From what Bishop must approbation be had?

Resp. From the opinion today altogether to be held, approbation must be given by the Bishop of the diocese in which Confessions are to be heard; hence the approbation either of the Bishop of the penitents or of the Bishop of the priests does not suffice. This is clear from the Bull *Cum sicut* of Innocent XII, April 19, 1700, apud St. Alphonsus, which Bull Benedict XIV confirmed in the Constitution *Apostolica indulta*.

Query 2° Can someone absolve his own subject in a foreign diocese without the approbation of the Ordinary?

Resp. 1° Affirm., if he has truly personal or ordinary jurisdiction over him. The reason is that whoever by reason of his office has ordinary jurisdiction is considered approved by the law itself for hearing his own subjects everywhere; nor is ordinary jurisdiction, provided it is exercised without judicial stir, bound to place; but unless it is specially restricted, it can be exercised everywhere. - Thus commonly. Hence a Bishop and a parish priest can absolve their subjects outside the parish and diocese without the approbation of the Bishop of the place.

Resp. 2° Neg., if over the penitent there is had only delegated jurisdiction; because this *per se* is considered merely territorial, not personal, and therefore does not follow the delegate outside the territory.

Query 3° Does presumed approbation suffice?

Resp. Neg. The reason is that from Trent approbation actually and absolutely existing, and already obtained, is required. But for approbation of this kind actual consent declared by some sign is required. Indeed it is not lawful to begin Confessions before that consent, requested by letters, has been received, even if it seems certain to be obtained. - Thus commonly.

A fortiori, ratihabition of approbation even prudently presumed is not valid, because ratihabition has place only in acts whose value can be suspended into the future; but the value of present absolution cannot be suspended; for the value of Sacraments cannot depend on a future action.

Query 4° Can a Bishop validly and licitly limit approbation with respect to a certain time, place, and persons?

Resp. 1° Affirm. as regards validity, even without cause. The reason is that it is an act altogether dependent on the will of the Bishop, as Superior. Hence just as he can validly refuse approbation, so he can grant it only with restriction. This is also clear from the 13th proposition condemned by Alexander VII: *He satisfies the precept of annual Confession who confesses to a regular presented to the Bishop, but unjustly reprobated.* Therefore the denial of approbation, even an unjust denial, is valid; therefore *a fortiori* a restriction. - This is also clear from Trent, where it is said: *Unless he obtain approbation.* But he who obtains it with restriction simply does not obtain it for the cases excluded.... Therefore.

Resp. 2° As regards liceity, distinguish. - A Bishop can indeed restrict or even altogether deny approbation for a just cause, as is evident; because the necessity of approbation was introduced for this end, that the suitable may be separated from the unsuitable. But otherwise if he does this without a just cause.

Query 5° What are the just causes for limiting approbation to a time, etc.?

Resp. They are for the most part the following: 1° if now there is a necessity of having several confessors, which afterward ceases; 2° if the one to be approved indeed has sufficient knowledge, but greater knowledge is deservedly desired for perpetual approbation; 3° if there is a prudent fear lest, after once having perpetual approbation, he neglect study; 4° for trying how he conducts himself in hearing Confessions, namely whether he applies general principles well in practice, etc.

Query 6° Can a Bishop validly and licitly revoke granted approbation?

Resp. 1° Affirm. by reason of validity, if a just cause is present. Otherwise it is controverted. Practically, however, the opinion denying this is scarcely to be judged probable, since for the Bishop there can be innumerable just causes for revoking approbation which are unknown to the confessor.

Resp. 2° By reason of liceity, distinguish. 1° A Bishop can indeed for just causes revoke approbation even granted without limitation; for this follows from the necessity of approbation, which demands that whoever ceases to be suitable be removed from the office. 2° But he cannot revoke approbation without a just cause. For from what has been said, a Bishop cannot deny approbation without a cause; therefore *a fortiori* he cannot revoke without cause the one granted; since according to the saying: *A guest is more disgracefully cast out than not admitted.*

Query 7° Can a Bishop approve a foreign priest?

Resp. A Bishop can approve any suitable one actually existing in his diocese, even if only passing through. This is clear from the universal practice and the common opinion of Theologians against a few, who for this require a quasi-domicile, or at least a domicile of habitation in the diocese of the approving Bishop. The reason is that delegation or a mandate can be committed to anyone, provided he is capable. This is clear moreover from the practice which is universally observed in the Church.

Notes to n. 1392 - note sequence 1. (1) L. VI. 548. (2) Ib. Prima sententia. (3) Ib. 570.

ARTICLE II: ON JURISDICTION

What jurisdiction is, and what its various species are, see n. 149.

1393. Principles. - I. The power of jurisdiction is necessary for hearing Confessions, nor does the power of Order suffice. The reason is that absolution is a judicial sentence, which cannot be passed

except on subjects. Therefore subjects must be assigned to the confessor; but this pertains to him who has authority over those subjects. Moreover, this is altogether required for the right governance of the Church. For a very great inconvenience would arise if the faculty of absolving were independent of those to whom it was said by Christ: *Whatever you shall bind, ... shall be bound; ... whatever you shall loose, ... shall be loosed*. But it is especially clear from Trent.

II. Ordinary jurisdiction belongs: 1° to the Pope for the whole Church in both forums; 2° to the Bishop for his diocese, likewise in both forums, since it has been committed to him precisely that he may rule and direct it; likewise to the Archbishop, while he visits the subjects of his Suffragans; to the Capitular Vicar; to the Vicar General; and, for the internal forum, to the Canon Penitentiary of the Cathedral church; 3° to parish priests for their subjects in the internal forum; 4° to Abbots and Prelates of Regulars for their subjects.

III. Ordinary jurisdiction can be delegated, or exercised through another. The reason is that delegation is a proper act of ordinary power. Cf. n. 150. Nevertheless jurisdiction for hearing Confessions cannot be delegated except to a priest approved by the Bishop, as is clear from what was said above concerning approbation. As regards parish priests, the faculty of delegating has become almost useless; since Bishops, to whom it pertains to approve confessors, are accustomed to confer jurisdiction and approbation together, as was said in n. 1391.

IV. Delegated jurisdiction is granted by the Church to any priest in a case of extreme necessity, or in the article of death, or, as others will have it, the Church then supplies jurisdiction. This is clear from Trent.

V. Delegated jurisdiction for hearing Confessions expires by revocation made by the Superior, or by the lapse of the prefixed time; likewise by the death of the one delegating, or his ceasing from office, if it was given for some particular person and the judgment has not yet been begun; or also if it was given generally, but with the clause: *at the will of the one granting; at our good pleasure*, or another similar clause. Cf. n. 151.

Notes to n. 1393. (1) Matt. 18. 18. (2) Sess. 14. c. 7. (3) Ib. (4) L. VI. 558. 559. Notes to nn. 1393-1394 - note sequence 1. (1) L. VI. 572 sub. II. 571. H. A. Tr. XVI. n. 6. 84. (2) L. VI. 573. H. A. Tr. XVI. 91. Cfr. Vind. p. 485. Ed. 2a. T. II. p. 97. (3) Sess. 14. c. 7. S. Alph. L. VI. 560. Notes to nn. 1393-1394 - note sequence 1. (1) Inst. 86. n. 7. (2) L. VI. 544. (3) Inst. 18. n. 6. Notes to nn. 1393-1394 - note sequence 2. (1) L. VI. 561. (2) Ib. (3) Ib. 562. quaest. retr. 82. Cfr. Vind. p. 501. Ed. 2a. T. II. p. 115. (4) L. VI. 563. Notes to nn. 1393-1394 - note sequence 2. (1) L. VI. 569. (2) Ib. 571. H. A. Tr. XVI. 67. Cfr. Vind. p. 507. Ed. 2a. T. II. p. 121. Notes to nn. 1393-1394 - note sequence 3. (1) n. 1518 (al. 1618). (2) L. VI. 574.

1394. Questions. - Query 1° What is the jurisdiction of confessors in the Ecclesiastical Provinces of the United States, ordinary or delegated, and to what places does it extend?

Resp. 1° According to those things which we said in n. 1138, the common opinion almost up to this time has been that the jurisdiction of all priests is delegated. Therefore they cannot absolve those committed to them in a foreign diocese. See however T. I. (b), p. 471.

Resp. 2° That ancient custom, that approbation given for the diocese of one of these Provinces would be valid also for the others, which custom had been introduced in the year 1810 by a quasi-pact of the Bishops, has been abrogated.¹

Resp. 3° All priests among us are accustomed to be approved and are considered approved for the whole diocese, "although," as Kenrick rightly observes,² "they ought not to use the faculties

committed to them to the burden of others; wherefore, only with the good leave of the Missionary of the place, ought they to hear Confessions outside their Mission."

Query 2° Can delegated jurisdiction be subdelegated?

Resp. Neg., generally speaking, namely, unless a special concession of the one delegating is added; and then it is considered to be subdelegated in the name of the one delegating himself. The reason is that a delegate has only that power which is granted to him; but to him is granted only the power of exercising jurisdiction, not of committing it to another, unless something else is expressed. Therefore, etc. - For exceptions see n. 150.

Query 3° Does the Church supply jurisdiction when penitents invincibly are ignorant of its defect?

Things to be noted beforehand concerning a title of jurisdiction and error concerning it. - A title of jurisdiction in general is an act by which power for performing ecclesiastical functions is conferred.

A title is true or false: it is true when it labors under no vice; but in order that it be true, three things are required: 1° the free power of the one granting; 2° the ability of the one receiving; 3° the due form in the act of concession.

False is that which labors under a vice concerning one of the three things just indicated. It is also called putative relatively to those who, ignorant of its vice, deem it legitimate.

A false title can be either fictitious, or colored, or simply or notoriously null.

Fictitious is that which was not granted by a Superior, or not for the case, or place, or time, or person, concerning which there is question.

Colored is that which was granted by a legitimate Superior, and of itself would be apt for conferring jurisdiction if it were not voided on account of a hidden defect; but that hidden defect can occur: 1° in the one granting. Thus, e.g., if the death of the Bishop were unknown, his Vicar General would have only a colored title; 2° in the one receiving, whether some vice preceded, e.g. hidden irregularity, or excommunication; or whether he was deprived of his title, and this is unknown; 3° in the act, as if hidden simony had intervened, by reason of which the act would be void.

Simply null is that which was granted by a Superior to whom it does not pertain to grant, e.g. by an Archbishop, outside the cases in which the faculty of supplying the negligence of Suffragans is attributed to him; or if it was indeed granted by him to whom it pertains to grant, but labors under a vice manifest to all or almost all.

Error concerning the title can be either common among the faithful, all or almost all of the place where Confessions are heard, or private only of some person.

These things having been noted beforehand:

Resp. 1° The Church certainly supplies if the error is common and at the same time joined with a colored title. The reason is drawn from the common interpretation of Theologians supported by diverse places of the Law. For, as they say, the Church, as a pious mother, is deservedly considered to supply jurisdiction for the good of souls, since she can do this.²

Resp. 2° According to an opinion probable to St. Alphonsus, but whose opposite he says is more common, the Church also supplies if common error is present without a colored title, but with a title

only esteemed or fictitious. For the same reason urges as in the preceding case, since also in this hypothesis innumerable souls could perish.³

Resp. 3° The Church is not considered to supply jurisdiction if the error is private, e.g. if it is of one or a few. The reason is that the Church is not considered to supply except by reason of the common good, after the likeness namely of a provider or general governor, who attends only to the general good of society, and leaves the good of private persons to the care of particular providers. - Thus very commonly the Theologians against a few.

Query 4° Is it lawful to absolve with doubtful jurisdiction in a doubt of fact, for example in a case in which it is doubted whether it was truly conferred by the Superior, or whether the time for which it was granted has elapsed?

Resp. Neg., unless there presses the necessity of annual Confession, of celebrating or communicating in order to avoid infamy, of celebrating from obligation, or of absolution from mortal sin otherwise not to be had for a long time; in these cases however only conditionally, with the burden on the penitent of confessing again if he learns that the confessor truly lacked jurisdiction, and with contrition elicited before Communion (n. 1344. q. 8° under 8°).

Query 5° Is it lawful to absolve with jurisdiction probable by probability of law?

Resp. Affirm., provided the opinion is truly probable, supported by grave reason and authority. For in this case custom itself confers jurisdiction, and by force of this custom the confessor, in absolving, would not absolve with only a probable opinion, but with morally certain certitude, not direct, but reflex. - Nevertheless it is not lawful to use this jurisdiction except when a cause of grave necessity or of great utility is present, as Elbel and Wig. say, or a gravely reasonable cause, as St. Alphonsus explains. The reason is that, although in that case, for the good of souls, the Church can well be considered to supply jurisdiction, nevertheless, with no just cause added, she is not presumed to wish to connive at mere freedom of priests.²

Query 6° Do excommunicated persons to be avoided, the suspended, the interdicted, the irregular, the degraded, schismatics, notorious heretics, apostates, etc., validly absolve in danger of death, when another priest is lacking?

Resp. Affirm. The reason is that all priests can absolve in the article of death, as is clear from Trent.³

Query 7° Can a simple priest absolve not only in the article, but also in the danger of death?

Resp. Affirm. The reason is that there is nearly the same necessity of the penitent in danger and in the article of death. Besides, it is clear from Canon Law that the article and danger of death are taken for the same thing.¹

But danger of this kind is considered present: 1° in a dangerous illness; 2° in time of plague; 3° in a difficult childbirth; 4° in an arduous surgical operation; 5° before a very dangerous navigation; 6° in battle, or in other similar circumstances.²

Query 8° Can a simple priest absolve a dying person, even when an approved confessor is present?

Resp. Doctors disagree among themselves; and St. Alphonsus, after weighing the reasons of each opinion, finally gives his judgment in these words: "Nevertheless, these things notwithstanding," namely the reasons for the affirmative brought by him, "I think one must not depart from the first

opinion," namely the negative, which he calls very common, "on account of the authority of the Roman Ritual (*On the Sacrament of Penance*, near the beginning), where it is said thus: *But if danger of death threatens, and an approved (note this) confessor is lacking, any priest can absolve from any censures and sins whatsoever*. Therefore simple priests can absolve if an approved confessor is lacking; therefore they cannot if an approved one is present."³

Except: 1° if the approved confessor would not wish or would not be able to hear the Confession, because then it is the same as if he were lacking; 2° if the approved confessor is excommunicated by name, suspended, interdicted, irregular, degraded, a schismatic, notoriously a heretic, an apostate, because then the simple priest is to be preferred; 3° more probably, if the approved confessor were of another diocese, because with respect to the sick person he is by no means called approved; 4° probably, if the dying person so shuddered to manifest his crimes to the approved confessor - because, e.g., he is his enemy, or a blood relative, or the object of sin - that he would be in danger of confessing sacrilegiously; 5° if the sick person could not confess to the approved confessor without great difficulty or inconvenience, thus Mazzotta, alleged by St. Alphonsus and not disapproved; 6° if the approved confessor comes after the Confession with the simple priest has already begun; 7° if the approved confessor is the accomplice of the sick person in a shameful sin.⁴

What the law is, if there is question of reserved sins when one having the faculty is present, see n. 1403. q. 4°.

Query 9° Can a parish priest call in a parish priest of the same or of a different diocese for hearing Confessions in his parish?

Resp. 1° As regards a parish priest of the same diocese, although by force of his office he has special jurisdiction only for his own parish, nevertheless from the almost universal custom he can hear Confessions even in the whole diocese, unless the Bishop decrees otherwise. Nevertheless the proper customs of places must be consulted.

Resp. 2° As regards a parish priest of a different diocese, various opinions are brought, as Benedict XIV says. Those who affirm argue from Trent, because a parochial benefice would serve for universal approbation. Others deny, whose opinion, St. Alphonsus says, receives strength from the Response of the Sacred Congregation of the Council, December 3, 1707. - Benedict XIV admits the first opinion in those places where such a custom exists.

Query 10° Can a priest approved by the Bishop hear the Confessions of the faithful without the leave of the parish priest?

Resp. 1° As regards liceity, neg., if Confessions are heard in a Church subject to the parish priest. The reason is that due order altogether requires that, since the parish priest is the immediate Superior in his Church, leave to exercise sacred ministries there be sought from him. Nevertheless the leave of the parish priest is not required for hearing Confessions in the Chapel of Regulars or of Nuns, but the leave of the Superior or Superiorissa of the place suffices.

Resp. 2° As regards validity, it is certain according to all that the license of the parish priest is not required outside the case of annual Confession. Indeed neither is it required for annual Confession, at least *per se*, or by common law. This is clear from the common doctrine of Theologians against some, and also from the present custom and universal practice of the Church, as Benedict XIV

testifies, and as is clear from the declaration of S. C. de P. F., July 2, 1827. - But if somewhere that custom is not in force, nevertheless the Confessions must be held valid, unless the Bishop expressly contradicts; for if he is silent, he seems to consent to the universal custom of the Church.

Query 11° Does a delegate validly and licitly absolve after the elapsed term of a delegation to be renewed every year, e.g. if a crowd of penitents should flow together to some great solemnity?

Resp. 1° He absolves invalidly *per se*, i.e. by reason of jurisdiction, because in fact he has none. Nevertheless he will probably absolve validly by reason of common error, on account of which the Church is considered to supply for the good of souls.

Resp. 2° The priest sins gravely *per se* if he knowingly does this; the reason is that he exercises the function of confessor without legitimate authority; and, although then the Church supplies, he is nevertheless guilty because he unduly compels her to supply.

Query 12° Can a priest approved in some place validly hear the Confessions of pilgrims coming there?

Resp. 1° Affirm. absolutely as regards regular confessors, who have this special privilege from the Holy Apostolic See. - See the Constitution *Superna* of Clement X.

Resp. 2° Also affirm. as regards secular priests; the reason is that such is the custom having force from the tacit consent of Ordinaries, which is equivalent to ratihabition in the present. - Thus the more common Theologians and Canonists.

Query 13° Can a Bishop, under penalty of invalidity, prohibit diocesan subjects from going to confess outside the diocese?

Resp. Negatively, whether they go to confess outside the diocese to regular confessors, who have the privilege of hearing the Confessions of all the faithful coming from anywhere, or whether they confess in another diocese to secular priests. The reason is that, with the present custom of absolving pilgrims standing, these are no longer to be said to be absolved from the tacit consent of their Ordinaries, but from the will of the Church, which, by approving such a custom, grants to all approved confessors jurisdiction over pilgrims presenting themselves at their tribunal, excepting only those who go elsewhere in fraud of reservation. (18) p. 419.

Query 14° Can a simple priest absolve those sailing on the Ocean, or from whom must approbation be obtained?

Resp. 1° He cannot absolve *per se*, unless in probable danger of death, as was said above; because a priest of this kind outside that case lacks every jurisdiction.

Resp. 2° The approbation of the Bishop of the place whence the ship sets sail is required and suffices, and the faculty endures until it reaches a place where another ecclesiastical Superior possessing jurisdiction has been established. Thus S. C. O., March 17, 1869.

Query 15° Can military Chaplains absolve them everywhere without the approbation of the Bishop of the place?

Resp. 1° Affirm., if they have been specially delegated by the Supreme Pontiff to the spiritual care of soldiers, or by a major Chaplain approved by the Pope.

Resp. 2° But if they lack this special delegation, they can indeed hear Confessions in the diocese of the approving Bishop, and also outside it on the road and in camps from the tacit consent of the Bishops, as is clear from universal custom; nevertheless they cannot validly absolve in stations nor in garrisons without the license of the Bishop of the place, because they have no jurisdiction. This is clear from various Declarations of the Sacred Congregation, which P. Zacharia reports apud Lacroix. See also St. Alphonsus.

Notes to n. 1394 - note sequence 1. (5) Kenr. Tr. XVIII. 133. Notes to n. 1394 - note sequence 2. (1) Conc. Pl. Balt. II. a. 118. (2) Tr. XVIII. 138. Notes to n. 1394 - note sequence 3. (1) Scav. T. III. n. 874. (2) L. VI. 572. (3) Ib. Appendix annotation (18), to n. 1394. q. 13°. p. 132. col. 2. On the 28th day of November 1725, "in the General Congregation of the Holy Office, when the sheet sent back from S. C. de Prop. F. to the Holy Office had been reported, containing Ordinations made by the late Most Reverend Father Lord Bishop of Laranda, Vicar Apostolic of the Western Mission in the kingdom of Tonkin, of the following tenor, namely: 1. ... 2. ... 3. ... 4. ... 5. ... 6. ... 7. If some Minister of this Vicariate goes to another Vicariate to confess his sins, and the Minister of the other Vicariate should wish to confess with him, he will not be able to absolve such a Minister, and the same conversely; ... the Eminent Fathers decreed: that the reservation under numbers 1, 2, 3, 4, and 7 is to be abolished." Why, then, was it to be abolished, if custom does not confer jurisdiction over a stranger?

APPENDIX I: ON THE JURISDICTION AND APPROBATION OF REGULARS

Regulars, by reason of privileges and of immediate dependence on the Supreme Pontiff, differ in several things as regards jurisdiction from secular priests. Hence:

1395. - I say I. Regulars properly so called, or those who emit solemn vows and are endowed with the privilege of exemption, and likewise those who communicate with Mendicants in privileges, receive immediately from the Pope jurisdiction for hearing the Confessions both of their own and of seculars. Hence jurisdiction granted to individual religious priests is understood, with the communication or delegation of their own Superior added. - This is clear from the Constitutions of the Supreme Pontiffs in the *Corpus Juris*; likewise from other Constitutions, which, although afterward modified, especially by Trent, as regards privileges, nevertheless remained irrevoked as regards the substance of jurisdiction. - Thus commonly with Lugo, Lacroix, and Billuart. - There are however those who contradict, especially today, or after the Resolution given by the Sacred Congregation of Bishops and Regulars, March 2, 1866, which we report in n. 1397, q. 8°. This resolution, however, does not seem to others to settle the question, since the proposed doubt regards a Regular having a faculty from the Bishop. Nor indeed, they say, is it thereby excluded that a Regular can draw a faculty also from another source.

I say II. Regulars, for hearing the Confessions of their own, receive approbation together with jurisdiction from the Superiors of their monastery or Order; but for hearing the Confessions of seculars they receive approbation from the Bishop of the place where the Confessions are to be heard. The reason for the first is that Trent required the approbation of the Bishop only for the Confession of seculars, and did not change the ancient discipline as regards the Confessions of Regulars. The reason for the second is clear from the Decree of Innocent XII, in the year 1700, by which it was sanctioned that confessors, whoever they may be, both seculars and regulars, can by no means hear secular penitents without the approbation of the Bishop of the place.

I say III. Regulars cannot confess, at least ordinarily, outside their own Order, without the consent of their Superiors; indeed even in the Monastery, to no one other than the one designated by the Superior himself. But those living outside the Monastery, or making a journey, cannot confess except to a companion, if they have some suitable one; but if they do not have one, they can confess to any suitable priest, whether regular or secular. - These things are clear from privileges which are known to have been granted to all Religions by Innocent IV and by other Supreme Pontiffs.

Notes to n. 1395. (3) L. III. T. VI. c. 2 in Extr. Comm. L. III. T. VII. c. 2 in Clem. (1) Disp. 21. n. 4. (2) n. 1552. (3) Diss. 6. a. 7. (4) Acta, V. I. p. 678 sq.

1396. Resolves. - 1° Although Regulars have jurisdiction from the Pope, nevertheless they have it bound as regards hearing the Confessions of seculars; since for the validity of absolution the approbation of the Bishop, as a condition *sine qua non*, is required. Thus Trent decreed that "no one, even a regular, can hear the Confessions of seculars, ... unless either he has a parochial benefice, or obtains approbation from the Bishops."

2° If the Bishop expressly granted approbation only for some transitory act, e.g. for performing some Mission, the faculty received is considered to be valid for that act alone, and for every judgment then begun.

3° If the Bishop, or your Superior by his delegation, grants you approbation for a determined class of penitents, the faculty cannot be extended to others, as is evident. But if the request for the faculty from the Bishop or from the Superior is general, and the concession was not restricted, the faculty obtained is not limited to the work which was the occasion of the petition. Thus, e.g., if you seek a faculty on the occasion of giving spiritual exercises to Nuns, in such a convent, from the same faculty received, you can hear also the Confessions of other faithful. The reason is that in a concession is contained whatever is not excepted. Except however reserved cases, which by the law itself are never understood to be comprehended in a general faculty of hearing Confessions.

4° A religious missionary called by the Bishop to perform a Mission in his diocese, by that very fact receives tacit approbation for hearing Confessions during the time of the Mission for which he is called. The same must be said if he was requested by the parish priest or another Superior with the license of the Bishop. Nevertheless he is considered approved only for ordinary cases. Hence in practice recourse must always be had to the Bishop for determining the extension or measure of the approbation.

5° When a religious Superior, by delegation of the Bishop, employs a subject for general works of the Sacred Ministry, with the hypothesis of some special restriction set aside, he is considered to grant him an all-sided faculty for any penitents whatsoever, and for all reserved cases also contained in the episcopal concession; the reason is that he is considered to grant all that which he can and is accustomed to grant, according to the aforesaid rule: *In a concession is contained whatever is not excepted*.

Notes to n. 1396. (5) L. VI. 575.

1397. Questions. - Query 1° Can Regulars outside the house, when a suitable companion is lacking, confess to a priest not approved?

Resp. See n. 1195. G). b).

Query 2° Can a Bishop without cause deny approbation to Regulars?

Resp. Neg. "For," says Pignatelli, "regular confessors do not receive jurisdiction from the Bishop, but from the Supreme Pontiff, and approbation is required only as a condition, that jurisdiction can be exercised. Therefore Bishops cannot prohibit Regulars from absolving at some time."... Nevertheless, if approbation is lacking, even if unjustly denied, jurisdiction also will be lacking. Cf. n. 1392. q. 4°.

Query 3° Can a Bishop approve Regulars with a limitation of time, persons, or places?

Resp. Affirm. This is clear from various Decrees of the Holy See. - See St. Alphonsus. See however n. 1196. 4°.

Query 4° Can a Bishop revoke approbation granted to Regulars?

Resp. 1° He cannot revoke the approbation of all Regulars of the same community without consulting the Sacred Congregation of Bishops. Thus from the Bull *Superna*. - Except if there is question of regions far distant from the City, and a very grave cause is present; concerning which the Sacred Congregation willed the consciences of Bishops to be gravely burdened.

Resp. 2° But a Bishop can revoke the approbation of individual Regulars in the individual; but if there is question of a Regular approved simply and without any limitation of time, i.e. not for a determined time or at his revocation, will, or good pleasure, and approved after a previous examination, only for a just cause concerning Confession; nevertheless one approved in this way by his Vicar or by predecessor Bishops, and not by himself, he can freely revoke and subject to a new examination for a just cause. Thus from the same Bull *Superna*.

Query 5° Does a Regular once approved in some diocese need a new approbation if, after changing his habitation, he returns to the same diocese?

Resp. Neg., unless the diocesan statutes or the Bishop establish otherwise. The reason is that one approved indefinitely and without limitation remains approved at least until an implicit revocation of the approbation; but in the present case no revocation has intervened, not even an implicit one. Therefore. - Thus Lacroix, Lugo, with the common opinion.

Query 6° Does a Regular approved in some diocese need a new approbation for validly absolving if, after changing place, he passes through the same diocese?

Resp. Neg., as at q. 5°, because approbation granted indefinitely and without limitation endures until revocation. - Lacroix.

Query 7° Does a Religious validly absolve seculars by delegation of the Bishop, but without the Superior knowing?

Resp. Negatively, if the Bishop intended only to give approbation, and otherwise the Superior is so unaware that he has not given jurisdiction; for then that Religious would have jurisdiction from no one. Affirmatively, however, if the Bishop, as is usually done, intended also to confer jurisdiction. See the following question.

Query 8° Does a Religious validly absolve, with the Superior unwilling, but by delegation of the Bishop?

Resp. 1° Negatively, if the Bishop intended only to give approbation, and otherwise the Superior, who has the power of constituting confessors, is so unwilling that he does not wish to give jurisdiction or removes the jurisdiction given. The reason is clear. For then the Religious has jurisdiction from no one.

Resp. 2° Affirmatively however, if the Bishop intended also to confer jurisdiction, as from present practice is usually done. The reason is that the Bishop can well confer jurisdiction on a Religious, no less than on a secular priest, over his own sheep. For whoever enjoys ordinary jurisdiction can delegate it to any priest. - Billuart, etc.

But that Religious would sin gravely against obedience, because in a grave matter he would transgress the precept of his Superior; nor in that case could he use the privileges which many Religious enjoy, e.g. for absolving from certain censures, unless privileges of this kind had also been communicated to him by the Bishop; because a Religious receives a privilege of this kind only through the Superior himself, who from the hypothesis grants no faculty to the subject.

These things are confirmed by a Declaration which very recently came forth from the Congregation of Bishops and Regulars. For the following doubts having been proposed:

"I. Whether a Religious not approved according to the laws of his own Order by his Superior, or with that Superior unwilling, validly hears the Confessions of seculars with only the faculty of the Ordinary."

"II. Whether Regular Superiors, having jurisdiction, can suspend their subjects from hearing the Confessions of seculars even from informed conscience."

"And, in the affirmative, III. Whether an orally announced suspension, and one announced without writing, is valid."

"IV. Whether absolution imparted by him who is bound by such a suspension is valid."

"And, in the negative, V. Whether one who attempts an absolution of this kind incurs irregularity."

"The Sacred Congregation of Bishops and Regulars, the matter having been discussed, on March 2, 1866, responded":

To I. Affirmatively.

To II. Affirmatively; yet so that the suspended Religious hears Confessions illicitly, but not invalidly.

To III. Affirmatively, since it is brought by way of a particular precept.

To IV. Affirmatively.

To V. It has been provided for in the preceding answers.

Query 9° Can Regulars absolve, without the Bishop's approbation, their servants or other domestics living in the monastery?

Resp. See n. 1194. II.

Query 10° Can Regulars absolve pupils living with them, without the Bishop's approbation, as being of the household?

Resp. A twofold opinion is given. See n. 1194. II.

Notes to n. 1397 - note sequence 1. (1) Cons. Can. t. 4. Cons. 168. n. 12. (2) H. A. Tr. XX. 108 in fine. (3) C. Cum sicut. Innoc. X, 14 maii 1653. (4) H. A. Tr. XX. 103. Notes to n. 1397 - note sequence 2. (1) n. 1541. (2) Disp. 21. n. 44. (3) n. 1541. Notes to n. 1397 - note sequence 3. (1) Acta, T. I. p. 678.

APPENDIX II: ON JURISDICTION WITH RESPECT TO NUNS

1398. - I say I. Nuns emitting solemn vows and cloistered cannot confess except to a priest specially approved for them by the Bishop, although they may be exempt from the jurisdiction of that same Bishop and subject to Regulars of their own Order; yet in that case the deputation and election of the confessor belongs to the regular Prelate. Thus from the Bull *Inscrutabili* of Gregory XV and from the Constitutions of the Supreme Pontiffs.

Indeed a confessor approved for one monastery cannot validly hear the Confessions of Nuns of another monastery, unless he was approved in general for Nuns. Clement X confirmed this in the year 1670, in the Bull *Superna*.

But from the Decree of the Sacred Congregation of Bishops, September 20, 1642, the ordinary confessor of Nuns cannot be approved except for a triennium; when this has elapsed, he cannot hear Confessions any longer in the same monastery without the license of the Sacred Congregation. - But a restriction of this kind is not observed everywhere, or even, on account of the lack of confessors who are suitable for hearing the Confessions of Nuns, it cannot be observed, and then the approbation is valid until it is revoked by words or by fact. - But with an Apostolic indult saved, or unless, as was just said, it cannot be done otherwise in some region, the confessor of Nuns ought to be forty years of age; nor are the Vicar General, a Canon or another beneficed cleric obliged to choir, a parish priest, if he is much impeded thereby in carrying out his office, or, if there is question of Nuns subject to the Bishop and of the ordinary confessor, a Regular, to be deputed to that office.

Let the confessor beware lest he conduct himself as Superior of the monastery, since such authority in no way belongs to him. - Thus the Sacred Congregation of Bishops, September 7, 1797. - See *Analecta Juris Pontificii*.

I say II. Bishops and other Superiors of Nuns are held two or three times a year, even for the Novices themselves, to present an extraordinary confessor. Thus Trent established. - These statutes were confirmed by other Supreme Pontiffs, especially Benedict XIV in the Bull *Pastoralis*, issued August 5, 1748. Moreover, a particular confessor must be granted to Nuns in the article of death, if they ask, indeed also sometimes in life, if some Nun asks this or refuses to confess to the ordinary; but then for only certain extraordinary occasions the confessor must be deputed. These things are clear from the Bull *Pastoralis* of Benedict XIV just cited. Nor indeed does Trent prohibit several extraordinary confessors from being placed in charge, or from being offered beyond two or three times. Therefore the sense of the Decree is that they must be granted at least two or three times.

Notes to nn. 1398-1399 - note sequence 1. (1) L. VI. 576. (2) Ib. (3) T. II. n. 567. q. 2 (). (4) a. 417. Notes to n. 1398. (1) Cfr. Lucidi, de Vis. SS. Limin. P. 1, T. 2. de 5a rel. n. 227 sq. (2) L. VI. 577. (3) Ib. (4) Cfr. S. Alph. L. VI. 577. (5) Anal. Jur. Pont. Ser. 4. Col. 1300. (6) Ib. Col. 1289 sq. S. Alph. L. VI. 577. Not. 2. (7) Ib. Col. 1322. 1324. (8) Sess. 25. de Reg. et Mon. c. 10. Notes to nn. 1398-1399 - note sequence 2. (1) a. 417. (2) Anal. Jur. Pont. Ser. 4. Col. 1278 sq. (3) n. 1527. (4) Nouv. Rev. Theol. T. V. p. 223.

1399. Questions. - Query 1° Are all Nuns held to present themselves to the extraordinary confessor and to confess to him?

Resp. 1° All and each are held to present themselves at least to hear salutary warnings. This is clear from the same Bull of Benedict XIV, and also from an express Declaration of the Sacred Congregation of Bishops on October 19, 1621. But the reason for this disposition is that provision be made for the liberty of Nuns, who perhaps need the ministry of an extraordinary confessor; otherwise fear, or the displeasing of the ordinary confessor, or the falling into suspicion among the other Nuns, would easily prohibit them.

Resp. 2° They are not held to confess to the extraordinary confessor, but it suffices that they present themselves before him, for instance, that they ask his blessing, or receive salutary warnings from him. This is clear from the cited Bull of Benedict XIV. - See St. Alphonsus.

Query 2° What must be held concerning Nuns existing among us?

Resp. 1° As regards the approbation of the confessor, since, with those excepted about whom we spoke in n. 1205. V., the others are prohibited from emitting solemn vows, everything depends on the will of the Bishops. Therefore, unless the Bishop has signified the contrary, their Confessions are validly heard even without special deputation, and the clause: *except Nuns*, attached to jurisdiction, regards only Nuns strictly so called. But the mind of the Holy See is that even toward Nuns not strictly so called those things be observed by Bishops which are established by common law for those strictly so called in this matter. See Gury, Roman Edition 1873, and the Second Plenary Council of Baltimore.

Resp. 2° As regards the extraordinary confessor, there seems to be for the Bishop and other Superiors an obligation of procuring someone for Nuns among us living in cloister not Papal. The reason is that the end of the law is the same, namely, of providing for liberty of conscience. For if they are obliged to strict cloister, it is fair that they also use the privilege of cloistered Nuns.

Query 3° Is the Bishop held to grant an extraordinary confessor even to pious congregations of women, which are not truly Nuns?

Resp. Benedict XIV earnestly exhorts Bishops to extend to any communities of women the laws of Trent concerning extraordinary confessors of Nuns. - Constitution *Pastoralis curae*, August 5, 1748, with which several Decrees of the Sacred Congregation of Bishops and Regulars and the Second Plenary Council of Baltimore agree; indeed the Bishop is held to this in conscience, if those pious women have only one confessor designated by the Superiors, the faculty of calling another having been taken from them.

Query 4° Can cloistered Nuns be absolved by any confessor while by chance they are outside the monastery?

Resp. Affirm. with Lacroix and others. The reason is that the Constitutions *Inscrutabili* of Gregory XV and of other Supreme Pontiffs, which prohibit Nuns from confessing to another priest than one specially approved by the Bishop for Nuns, do not seem to be understood except of Nuns living in Monasteries; for they suppose that Nuns are always within the cloister. Therefore any confessors, although not approved for Nuns, can absolve Nuns coming to them by accident. Besides, a very great inconvenience would generally be present if travelling Nuns had to confess only to specially approved confessors; for often they would have to lack the Sacraments of Penance and Eucharist. The Response of the Sacred Congregation of Bishops and Regulars, August 27, 1852, agrees.

ARTICLE III: ON RESERVED CASES

The reservation of cases is a restriction or limitation of jurisdiction, or a denial of the power of absolving from certain sins, the power of absolving from the others being saved. We must treat 1° concerning reservation; 2° concerning the absolution of reserved things.

§ I. ON THE RESERVATION OF CASES, OR ON THE PRINCIPLE AND NATURE OF RESERVATION

1400. Principles. - **I.** There is given in the Church the power of reserving certain cases or causes of graver crimes, from which inferior confessors cannot absolve without a special faculty. For to the Church, as was said in n. 1392. q. 4°, belongs the power of conferring and limiting jurisdiction; therefore also of reserving cases. - Besides, this is clear from the definition of Trent.

II. The power of reserving sins belongs only to those who have jurisdiction in the internal forum and, today at least, also in the external. The reason is that it pertains to those alone who can confer jurisdiction over the society of the faithful to limit the same.

Hence: 1° the Pope can reserve cases in the whole Church; 2° Bishops in their own diocese; which reservation, according to the common opinion and the opinion truer to St. Alphonsus, is valid even as regards non-exempt Nuns, since they are not excepted in the law. Whether it is also valid as regards exempt Nuns in exempt matter is disputed probably on both sides; 3° others having episcopal jurisdiction, with respect to their own subjects.

III. Three things are required, from the custom of the Church, in order that a sin be considered reserved, namely, that it be 1° grave internally and externally; 2° consummated in its own species, and hence those favoring a homicide do not incur its reservation, since they have not consummated it, nor those committing imperfect sodomy incur the reservation of sodomy, since they have not consummated it in its own species; 3° so certain that no prudent doubt remains whether it has been perpetrated; whether it is internally and externally grave; whether it is consummated in its own species; whether it is comprehended under the reservation. The reason is that only external crimes are wont to be reserved, and indeed the graver and more atrocious; and hence it must be externally and internally grave - and because reservation, as being odious, is to be interpreted strictly, and hence it must be consummated in its own species and certain.

IV. Reservation affects the confessor immediately, and the penitent mediately; because it immediately touches the power of the confessor and restricts it.

Moreover, most episcopal cases are reserved simply, without censure; but papal cases almost all have censure, and are reserved principally on account of the censure, so that in them the censure is reserved immediately, and the sin itself mediately or accessorially. Hence in papal cases, when the censure is reserved, the sin also remains reserved; but, contrariwise, when the censure is removed, e.g. because it was unknown, neither is the sin reserved, because when the object of reservation is removed, i.e. the censure, the sin now does not remain reserved. - But the cases reserved to the Pope without censure are two: the first, namely concerning him who receives gifts from Regulars strictly so called of either sex (from the Constitutions of Clement VIII and Urban VIII. - See St. Alphonsus, H. A. Tr. XIII. 8. 9); the second, if someone wickedly, by himself or through others, denounces an innocent confessor concerning solicitation (from the Constitution of Benedict XIV).

Concerning reservation to be made by Bishops, those things opportunely occur which we have apud Benedict XIV, and of which this is nearly the sum:

- a) Let it be extended only to a few cases, and
- b) to only the more atrocious and graver crimes, whose reservation may contribute to retaining Christian discipline, and may yield to edification, not to destruction; lest otherwise, with the power of confessors restricted, an effect contrary to the pious mind of Holy Mother Church follow. Therefore let it not comprehend cases which, although they induce mortal sin, nevertheless turn upon things of small moment and are wont to occur frequently among the unlearned, such as cases of damage given and similar things. Hence also in reserving carnal sins much circumspection must be used, on account of the danger of scandals, especially among those persons on whom, on account of frequent return to the confessor, something of suspicion could fall.
- c) Let it not be superfluous, and therefore let it not comprehend those cases which are specially reserved to the Holy See, nor those in which absolution is not conferred unless with restitution or execution of those things to which the penitent is held.
- d) Let it not promiscuously, i.e. not except on account of frequent scandal or another necessary cause, be extended to those things to which by Law a major excommunication has been imposed, whose absolution is reserved to no one.

Notes to n. 1400 - note sequence 1. (1) Sess. 14. de Sacr. Poen. c. 7. (2) L. VI. 602. q. V. q. VI. (3) Ib. 582. 600. Notes to n. 1400 - note sequence 2. (1) L. VI. 580. 581. (2) Ib. 580. (3) De Syn. L. V. c. V. n. 4. et S. C. Ep. et Reg. ib.

1401. Questions. - Query 1° Does ignorance of reservation or of the censure to be incurred from it excuse?

Resp. 1° Affirmatively as regards censure, because in it the character of penalty is especially considered, which is inflicted only on the contumacious; and this whether the ignorance is of fact, e.g. that such a book was written by an apostate or heretic to defend heresy, or of law, i.e. of the censure or law, whether divine or ecclesiastical, provided however it is not gross; although even this excuses if in the decree of censure there is read: *who shall have done this knowingly, or deliberately, or rashly, or who shall have presumed*. Concerning this matter more broadly where there will be speech about Censures, n. 1664. q. 2°. q. 3°.

Resp. 2° As regards reservation, it is controverted. The more common opinion denies, to which St. Alphonsus subscribes; the reason is that reservation restricts the power of the confessor, whom it immediately affects, as was said in n. 1400. IV.; therefore whether the penitent had knowledge of the reservation or did not have it, the power of the priest remains restricted.

Query 2° Does ignorance at least excuse from reservation when it is joined with censure?

Resp. 1° Affirm. for papal cases, because papal cases, with the two excepted about which in n. 1400, are reserved on account of the censure, from which ignorance excuses, as was just said. Therefore, when the censure is removed, no reservation remains.

Resp. 2° More truly, Neg. for episcopal cases; because in these reservation is principally and *per se* considered, to which sometimes a censure is annexed as a circumstance, for this end, that sinners may be more deterred from sin. Nevertheless this must be understood concerning the cases which, not indeed Common Law, but Bishops themselves reserve to themselves.

Query 3° Can the subject of another diocese be absolved if the case is reserved only in the place of Confession?

Resp. Neg. according to the more common opinion and the opinion by far more probable to St. Alphonsus, because reservation immediately regards confessors. Sacred Penitentiary, November 21, 1873. (K) p. 408.

Query 4° Can the subject of another diocese be absolved when the sin is reserved in his own diocese, but not in the place of Confession?

Resp. 1° He can be absolved by Regulars by force of the privilege granted to them in the Constitution *Superna* of Clement X.

Resp. 2° As regards secular Confessors, the very common and truer opinion affirms. The reason is that the universal custom so has it. - Except in either case, unless someone from his own diocese has gone to another principally and solely in fraud of reservation.

Query 5° Can regular Prelates or Superiors reserve cases in their own Order or Monastery?

Resp. They can reserve only some determined by Clement VIII, which are eleven in number and can be seen apud St. Alphonsus. But they can in no way reserve others without the consent of the general Chapter for the whole Religion, and of the provincial Chapter for the whole Province.

Notes to n. 1401 - note sequence 1. (1) L. VI. 581. Tertia. Cfr. Vind. p. 515. Ed. 2a. T. II. p. 130. Rev. des science. T. 43. p. 352, 440. (2) L. VI. 580. (3) Ib. 581. Dub. 2. Gury-Dumas, T. II. n. 571. (4) Hos vide n. 1733-1735. n. 1749. p. 361. col. 1. § Firmam, n. 1753. q. 2°. R. 2°. Notes to n. 1401 - note sequence 2. (1) L. VI. 588. H. A. Tr. XVI. 135. Vind. Ed. 2a. T. II. p. 141. Rev. Th. T. VII. p. 92. 243. (2) L. VI. 589. Cfr. Vind. p. 533. Ed. 2a. T. II. p. 151. et H. A. Tr. XVI. 136. (3) L. VI. 583. Appendix annotation (Kappa), to n. 1401. q. 8°. p. 139. col. 1. "A case reserved in the diocese of the confessor is not withdrawn from reservation for this reason, that it is not reserved in the diocese of the penitent." Thus Syn. Pl. apud Maynooth, 1875, n. 86. p. 84, Dublin, 1877.

§ II. ON THE ABSOLUTION OF RESERVED THINGS

1402. Principles. - I. Those can absolve from reserved cases by ordinary power: 1° those reserving them themselves; 2° their successors in the same power; 3° their Superiors.

II. Bishops, or their delegates, can absolve:

1) Where Trent has been received, from hidden papal cases, except however those which are reserved to the Roman Pontiff in a special manner in the Constitution *Apostolicae Sedis*. This is clear from the Constitution itself, § *Firmam tamen*. See p. 361.

2) From papal cases, even notorious or public, all the faithful who on account of a legitimate impediment cannot approach the Apostolic See, lest from delay of absolution danger threaten souls. This is clear from Canon Law.

But absolution in this case is given directly, i.e. so that reservation ceases perpetually, if an impediment of this kind is perpetual. But the following are considered detained by a perpetual impediment: 1. Women, unless they are expressly noted by censure, as Nuns violating cloister. 2. Sexagenarians. 3. The sick with grave and rather long-lasting illness, such as quartan fever and the like. 4. Religious, even as regards censures incurred before entrance into Religion. For they can be absolved by their prelates or the delegate of these, except for enormous striking (n. 1753. q. 2°. R. 2°)

of a Cleric. 5. The impubes, even if they ask absolution after attaining puberty. 6. Sons of a family. 7. Those condemned to perpetual prison. 8. Those bound by the care of feeding a family or administering its goods, or of bearing a public office which cannot be left without public detriment. 9. Those living collegially, such as soldiers, seminarians, etc. 10. The poor, who are not wandering beggars. 11. All others who cannot go to Rome without grave temporal or spiritual harm to themselves or their own. All these are considered perpetually impeded, unless a founded hope is present that within ten years, or according to others five years, they will be able to go easily to Rome; nor are they then held to approach Rome by letters or through a procurator. The same faculty, in the same circumstances, belongs to any confessor if the penitent is perpetually impeded from approaching the Bishop.

If the impediment is not perpetual, but long-lasting, i.e. at least for a half-year, the Bishop can absolve, with the burden on the penitent and with an oath given by him, in the internal forum a promise, of approaching the Pope or one having faculty from him, to receive his mandates, and this under penalty of reincidence (p. 316. col. 1. 3°). But if he cannot approach even the Bishop for a half-year, he will be able to be absolved by any confessor, with the burden as above.

3) The faculties of our Bishops, see p. LXXI. n. 15. 16.

III. Any Confessor, even a Regular, cannot absolve from cases properly episcopal unless he has received the faculty from the Bishop himself, even if he could absolve from any cases whatsoever reserved to the Pope. - Thus Clement X in the Bull *Superna*.

IV. There is no reservation in either the article or danger of death. Nevertheless it is required that he who is then in possession of himself: a) ask Absolution (but see n. 1672. q. 4°). b) Repair scandal (ib. q. 7°. q. 8°). c) First satisfy the injured party, unless this party could and wished to remit the reparation of injury, or refused a just one, or unless the one to be absolved was perpetually unable to satisfy; or, if he cannot do this then, furnish sufficient caution, or at least, if he cannot even furnish this then, swear that he will satisfy as soon as he can (ib. q. 9°). d) If censure, reserved to the Bishop or in a special manner to the Pope, is annexed to the reserved sin, from which a priest cannot absolve, he swear, in the internal forum promise, that he will present himself to a superior having the faculty, if he recovers; otherwise he falls again into the same censure. e) If there is question of a grave crime, before absolution he swear, in the internal forum promise, not to fall again.

Notes to n. 1402. (1) L. V. Decr. T. XXXIX. c. 29. (2) Cfr. supra [p. LXXXI. 5. 6] (/manuals/konings/a-principal-testimonies-and-judgments-of-the-holy-see#h7) et S. Alph. L. VII. 84-86. 83-92. (1) Trid. Sess. 14. de Sacr. Poen. c. 7. Rit. Rom. L. V. Decr. T. XXXIX. c. 10. 11. L. V. T. XI. c. 22 in 6°. S. Alph. L. VI. 537. q. VII. L. VII. 120. 121, 127-131. Scav. I. I. n. 535.

1403. Questions. - Query 1° Can a simple confessor sometimes absolve from reserved things, even outside the danger of death?

Resp. Affirm., if the Bishop or one having the faculty cannot easily be approached, and on the other hand there is present either 1° danger of infamy or scandal from the omission of the celebration of Mass or Communion, or 2° necessity of fulfilling the paschal precept, or 3° fear lest the penitent remain for a long time in mortal sin. Nevertheless, if the impediment is not long-lasting, that absolution can be given only *ad effectum*, i.e. so that, notwithstanding the reservation either of sin or of censure, which is afterward to be removed by the Superior, he can now be absolved, communicate, or celebrate. If it is long-lasting or perpetual, see n. 1402. II. 2). But if the penitent has no other

mortal sins than reserved sins, and, as ordinarily happens, doubts concerning perfect contrition, he is held to accuse either some venial sin, or a mortal sin otherwise confessed, or even the reserved sin itself, if in this he is a recidivist, or in a proximate occasion of relapsing into it.

Query 2° How besides is reservation removed?

Resp. 1° It is removed indirectly, with the burden of supplying, if someone in good faith has made a valid Confession before one not having the faculty, provided he subjects another non-reserved sin to the keys.

Resp. 2° It is removed directly: a) Excepting a jubilee, through a Confession, even one null or even sacrilegious, yet made to one having the faculty, and in which the reserved sin is accused.

b) Through a valid Confession made to one having the faculty, although the penitent forgets the reserved case, yet inculpably. Thus St. Alphonsus as probable, except the case in which it is positively presumed that, if the one having the faculty had heard the sin, he would have deferred absolution.

c) Through the Confession of a doubtfully reserved sin made to one not having the faculty, even if afterward it is known as certainly reserved. Therefore in this case afterward he is not held to approach the Superior or one having the faculty.

Query 3° Is one having reserved and non-reserved sins held in Confession to accuse also the reserved sins?

Resp. Neg., probably, *per se*. The reason is that otherwise he would be held to confess those sins twice, namely to the inferior and to the Superior. I said: *per se*, or unless he is a recidivist in the reserved sin, or in a proximate occasion of relapsing into it, as was said above at q. 1°.

Query 4° Can an inferior absolve a dying person from reserved things when the Superior is present?

Resp. 1° Affirm., if the cases are purely reserved. The reason is that in the article of death there is no reservation.

Resp. 2° Neg. as regards things reserved by the Bishop with censure; because since the dying person, if he recovers, is held to approach the Superior as soon as possible, he is to be absolved by this one if he is present. (8) p. 393.

Query 5° Is the leave of the Superior required for absolving a dying person from cases with reserved censure, if it can be sought by letters or through a procurator?

Resp. Neg., according to the more common and more probable opinion, both on account of the danger of manifestation, and because anyone who cannot personally approach the Superior is considered legitimately impeded.

Query 6° Can the Superior absolve the penitent from reserved sins, and send him back to the inferior for absolution from the non-reserved?

Resp. This does not seem improbable in a case, certainly very rare, in which the Superior a) could not free himself from some very grave business, b) judged it necessary to hear the reserved sin personally, and c) the penitent was under a necessity of communicating and did not wish to confess the same sins twice.

Query 7° Can pilgrims be absolved from episcopal censures which they incurred in their own diocese?

Resp. Neg., if there is question of public censures or censures inflicted *ab homine* by a particular sentence. Otherwise affirm. Cf. however n. 1401. q. 4°. R. 2°. (19) p. 419.

Notes to n. 1403 - note sequence 1. (1) L. VI. 265. 585. Cfr. Vind. p. 554. Ed. 2a. T. II. p. 173. (2) L. VI. 596. q. I. (3) Ib. 598. q. III. IV. (4) Ib. 597. Cfr. Vind. p. 572. Ed. 2a. T. II. p. 193. (5) L. VI. 600. (6) Ib. 265. q. II. 585. Dub. 8. (7) H. A. Tr. XVI. 96. 97. L. VI. 563. L. VII. 92. Notes to n. 1403 - note sequence 2. (1) L. VI. 563. Dub. III. (2) Ib. 595. (3) Priv. n. 35. Ed. Heilig. Istr. e prat. c. XVI. 135 (+) Avvertenza. Appendix annotation (beta), to n. 1403. q. 4°. R. 2°, p. 140, col. 2. The Constitution Apostolicae Sedis does not speak of the burden of presentation except after the enumeration of excommunications which it willed to be reserved in a special manner to the Pope. Therefore it is to be judged to have willed that, for these only, the obligation of standing by the mandates of the Church remains firm. Therefore, as often as a dying person is bound by other bonds which are not reserved in a special manner to the Pontiff, the obligation of presentation no longer seems to be present, and therefore it is not to be enjoined except for cases reserved in a special manner to the Pontiff, whether they are public or even occult; but for the remaining Pontifical cases, whether occult or public, such a burden is no longer present. (2) Therefore I now think that one must depart from St. Alphonsus. (3) > Notes to appendix annotation - note sequence 2. > > 2 The Theologians of Padua on the Constitution Apostolicae Sedis, Quest. n. 164. | 3 H. A. Tr. XVI. 96. Appendix annotation (19), to n. 1403. q. 7°. p. 141. col. 1. Note, however, that nothing prevents a crime public somewhere from being held as occult in other places. Titius, for example, incurs excommunication reserved to his Bishop because he contracted Matrimony with Caia before a petty minister; the delict is publicly known in the place of the diocese of that Bishop in which he contracted. Titius, having left that diocese, fixes his seat in another where his delict is occult. If the fame of the delict cannot easily pursue him in that other diocese, he will be able to be absolved in that diocese, with the faculty, however, of the Ordinary of that diocese, if there also an excommunication of this kind exists. Cf. Theol. Pat., n. 309; St. Alphonsus, L. VI. 593 and L. VI. 78.

APPENDIX I: ON THE ABSOLUTION OF ONE'S OWN ACCOMPLICE IN A SHAMEFUL SIN

1404. - I. No confessor can absolve his own accomplice, i.e. an associate and participant in a shameful sin. This is clear from the Constitution *Sacramentum Poenitentiae* of Benedict XIV, June 1, 1741. - Likewise from another Constitution of the same Pontiff: *Apostolici muneris*, February 8, 1745.

II. A Confessor lacks all jurisdiction for absolving an accomplice as regards the sin of which he was a participant. This is inferred from the express words of the Bull, in which it is said: "Moreover there is removed from him by the law itself any authority and jurisdiction whatsoever for absolving any person whatsoever from a fault of this kind."

Notes to nn. 1404-1405 - note sequence 1. (1) L. VI. 554. S. C. Inq. 28 maii 1873. Nouv. Rev. Th. T. X. p. 118. (2) Ib. 553. (3) Ib. 555. Notes to nn. 1404-1405 - note sequence 2. (1) Scav. t. III. n. 494, sub 7. 8. (2) Diss. de Jurisd. C. 1. art. 9. 5°. (3) In C. Apost. Sed. p. 323 sq.

1405. Questions. - Query 1° What comes under the name of shameful sin?

Resp. Every grave sin against the Sixth Precept of the Decalogue, even if it has not been consummated by copula; indeed even if it is only a shameful touch or look, or speech, as today is certain.

But it is required that on each side there be a certainly mortal sin, not only internal, but also external, insofar as mutual, or externally manifested at the same time on each side.

Query 2° Under the name of accomplice do not only women, but also men, come?

Resp. Affirm. The reason is that the words of the Bull are altogether general; for in it it is said: "Who shall dare to hear the Sacramental Confession of a person who is an accomplice in a shameful sin against the Sixth Precept." Therefore the disposition of the Constitution is not to be restricted to the female sex. - Thus commonly.

Query 3° Can a priest absolve an accomplice in the article or danger of death?

Resp. Affirm., if another priest cannot be called who can perform the function of confessor; but otherwise if another priest is present, even one not approved, who can hear the Confession.

Query 4° Can a priest absolve an accomplice in death, if another cannot be called or approach without infamy or scandal?

Resp. Affirm. Nevertheless the priest-accomplice is held to prevent such dangers of infamy or scandal, if he can, e.g. by departing under some pretext, etc. Otherwise he will not evade the penalties, although the absolution is valid. This is clear from the Constitution of Benedict XIV.

Query 5° Can a priest absolve an accomplice in death, if the latter refuses to confess to another?

Resp. Affirm., if otherwise he is disposed, namely lest he perish, or at least lest his eternal salvation be endangered. Cf. n. 1402. IV.

Query 6° Can a priest absolve an accomplice from other sins foreign to himself, after that one has once been absolved by another from his own sin?

Resp. Affirm. The reason is that he lacks jurisdiction over this penitent only as regards the sin of which he himself was a participant; therefore, when that sin has been blotted out through absolution imparted by another, the prohibition now ceases, nor is jurisdiction lacking. - Except: I. if the penitent was absolved from this sin by another confessor, either 1) only indirectly, e.g. on account of inculpable forgetfulness of the said shameful sin, or 2) invalidly. II. If that priest has been absolved from the censures and penalties which he incurred on account of the attempted absolution of an accomplice by force of the faculty reported at p. LXXI. Note 2, under the burden, namely, of altogether abstaining from hearing the Confessions of the accomplice. - Nevertheless the absolution which the confessor, absolved with this burden, had given would not by the law itself be invalid; for from precisely this, that the law or precept of a Superior prohibits some act from being done, unless it expresses that by that very fact it also wishes it to be done voidly and nullly, the act must not be considered null in conscience. III. According to some, if the penitent again confesses to the accomplice that very sin itself from which complicity arises, as sufficient matter, without adding another matter; for the words, they say, of the Constitution are altogether peremptory. Thus Pruner and *Acta*. Yet this exception, although it is usefully alleged here, does not pertain to the question. St. Alphonsus does not treat this precise question.

But truly, if any shame remains in a priest who through pitiable frailty has perpetrated a shameful sin with another, if any honor due to the Sacrament, he will never afterward hear the Confession of the accomplice. Moreover, the danger of a new fall, or at least of grave temptation in the direction of such a penitent, can easily be present. Therefore the faithful are to be turned away, as far as can be done, so that afterward, with the case of necessity set aside, they never approach a confessor who is an accomplice of sin. See the same warning given in n. 1365. q. 4°.

1406. - Resolves: 1° A Confessor invalidly absolves a penitent:

- a) With whom he agreed about seducing a woman, although afterward he did not seduce her; because it is verified that this penitent is an associate of an iniquitous agreement against chastity.
- b) From whom he heard only shameful conversations, if he showed that they pleased him; because by exteriorly taking complacency in them he participated in them, and therefore is an accomplice of shameful sin.
- c) With whom he sinned against chastity before he was a priest or cleric; because it is always true that he is an accomplice, and therefore all jurisdiction is removed from him. Sacred Penitentiary apud Haringer.
- d) An impubes accomplice; because the prohibition made to a confessor of absolving an accomplice does not have the character of reservation, since the power of absolving is removed from him, not from other confessors; nor is it certain that impuberty exempts from reservation.

2° A Confessor validly absolves:

- a) A girl whom he shamefully touches while sleeping or resisting, or by whom he is touched while sleeping or resisting, although he altogether ought not hear her, lest he cast himself into the danger of sinning more gravely or formally; because he does not absolve from a sin of complicity.
- b) A woman with whom there intervened a kiss given in passing, or a momentary touch of the hands or respectable parts from play or levity. - The same holds if the confessor takes hold of a girl by the

hand, arm, or neck, and he indeed undergoes venereal delight on his own part, even externally declared, if he excites none in the penitent. The same, if a priest were to induce a woman to believe that there is no sin if she allowed herself to be shamefully touched by him; and she, deceived by him, in good faith allowed herself to be shamefully touched, without sinning formally. For in these cases either a certainly mortal sin is not present, or it is not present on each side.

c) Resolve the same if the motion, however carnal, and arising on each side, is personal to each and respectively unknown. The reason is that, in order that there be a sin of an accomplice, unity of time in which each sins does not suffice, but moral unity of action is required, or communication in one action morally.

d) Resolve the same if there is question of a mortal sin internally or externally doubtful, and this whether it is thus doubtful on the part of each or on the part of one of the two.

Note. - Saving a better judgment, we altogether dissent from some who opine that an accomplice is validly absolved if he were absolved inadvertently; for Benedict XIV, requiring presumption (see n. 1401. q. 1°. R. 1°), requires it not so that the absolution be null, but so that excommunication be incurred. - Nor do we agree with those who think that an accomplice forgetting the sin of complicity inculpably, or placed in any necessity whatsoever other than that which arises from danger of death, can be validly, although only indirectly, absolved; for the case of an accomplice is not properly a reserved case, but a case in which all jurisdiction over the accomplice is taken away from the confessor, with only the danger of death excepted; but an exception confirms the rule.

Concerning the excommunication which one absolving an accomplice incurs, see in the Treatise on Censures, n. 1715.

Notes to n. 1406. (1) L. VI. 556.

APPENDIX II: ON SOLICITATION IN CONFESSION

1407. - I. When this crime of solicitation exists. - Here there is question of the abuse of the Sacrament of Penance for shameful things, - but not of the abuse of other Sacraments for shameful things, nor of the abuse of the same Sacrament of Penance for other sins, even very grave ones (see Resp. S. C. O. a. 1661 ad Dub. 10. 11. p. LXI.). But the obligation of denouncing solicitors seems to have been imposed on account of this venereal matter alone, because, on account of the frailty of nature, this solicitation can happen more frequently and there can exist a greater danger of consenting to it.¹ Now it is asked: A) What is understood by the dishonest and shameful things to which solicitation is made? B) By what act is solicitation completed? C) What sort of nexus must intervene between solicitation and the Sacrament of Penance, so that truly and according to the mind of the legislator the solicitation is an abuse of the Sacrament?

Notes to nn. 1407-1411 - note sequence 1. (1) L. VI. 686. (2) Amort. q. 19. Notes to nn. 1407-1412 - note sequence 1. (1) L. VI. 699. Form of denunciation, see p. 196. (2) Instr. S. C. O. a. 1867. 6. [p. LXIII]/manuals/konings/x-declarations-concerning-soliciting-confessors#h3). (3) Bened. XIV. l. c. (4) L. VI. 698. Prax. Conf. n. 83. Bened. XIV. Notes to nn. 1407-1411 - note sequence 2. (1) L. VI. 687. Cf. Resp. S. C. O. a. 1661 ad Dub. 13. [p. LXI]/manuals/konings/x-declarations-concerning-soliciting-confessors#h1). (2) L. VI. 688. H. A. Tr. XVI. 175. (3) Amort. l. c. q. 19. (4) L. VI. 692. (5) L. VI. 698. Rev. Th. T. XII. p. 15, 16. n. VIII. IX. (6) Amort. q. 21. Notes to nn. 1407-1412 - note sequence 2. (1) L. VI. 693. (2) Potesta apud Amort. l. c. q. 16. Cf. L. VI. 700.

1408. - Ad A). By dishonest and shameful sins, to which solicitation is made, are understood all external lustful acts or acts of luxury, to which also pertain acts which either from their own nature, or from the particular disposition of the accomplice, or from the intention of the one acting, otherwise sufficiently manifested (e.g. by a sign or word³), are inductive to a vehement commotion of the genital spirits.² One soliciting only to acts venially dishonest, and therefore not venereal (for in these there is not smallness of matter. See n. 484. 485 and Resp. S. C. O. a. 1661 ad Dub. 3. p. LX.), is not to be denounced, because solicitation must be a grave sin. Except if from the circumstances it were certainly conjectured that the priest, by an act evil of itself lightly, had had the mind of proceeding to grave things.⁴

A Confessor consenting only to a woman soliciting him in Confession is in no way exempted from the sin of dishonest dealing in the confessional, and therefore, as guilty of solicitation to shameful things in Confession, etc., must be denounced by the penitent by whom he was solicited, and this although he immediately ceased to speak of that shameful matter, deferring its complement to another time and not giving absolution to the penitent;¹ likewise although, induced by fear, he consented to the solicitation, and a fortiori when the confessor and penitent solicited each other mutually,² for instance when the confessor, solicited to one species of shamefulness, solicited the penitent to another.

Notes near nn. 1407-1408 (printed p. 143; left-column note sequence).

1 L. VI. 684. | 2 Amort. Tr. XIII. § 24. q. 5. | 3 e.g. by a rather flattering word. | 4 L. VI. 554 sub 3. 683.

1409. - Ad B). Solicitation to shameful things is present if a confessor (or even a priest lacking jurisdiction, but here in Confession³) solicits either a male or a female to sin either with himself or

with another; nor does it matter whether he solicits the penitent himself, or, through the penitent as mediator, some other person. Moreover, solicitation of this kind on the part of the confessor can be made either immediately, e.g. by obscene words, or mediately, as by a note afterward to be read by the penitent;⁴ and it must be held as completed whether the penitent is in fact drawn into sin or resists, provided a means apt for enticing to dishonest acts is placed;⁵ nor does it matter whether the means applied is evil in itself or indifferent, provided afterward from the circumstances it is known that this was employed for soliciting, for instance if the confessor with this intention commands a woman to wait for him at home, or with this same intention asks her where she lives.⁶

1410. - Ad C). But solicitation of this kind, in order that it be an abuse of the Sacrament, must have, in the manner determined by law, some relation intervening either between itself and Confession, or between itself and the place where Confessions are heard.⁷

a) The relation required to Confession is present if the solicitation is made:

- 1) In the act of sacramental Confession begun, although not perfected; or
- 2) Immediately before it, i.e. with nothing intervening between it and the solicitation. To one using the request for Confession as a means of soliciting, apply what is to be said under 4); or
- 3) Immediately after, namely when after Confession neither the confessor nor the penitent turns aside to other things, so that the solicitation happens before any other action intervenes, - or if the confessor immediately after Confession leads a boy into a room and solicits him, because then he immediately places, if not the solicitation, at least its means; (20) p. 419. or
- 4) On the occasion of Confession (true). e.g. if the confessor, having been asked or inducing to Confession, turns aside and solicits, although he has not yet sat down, nor the woman knelt, and this although he has been asked only by the woman to hear her Confession on the following day, provided nevertheless that then the solicitation is made in the Confessional or in the place of Confession or under the pretext of Confession (see Resp. S. C. O. a. 1661 ad Dub. 4. p. LX.), - or if, on account of knowledge had in the woman's Confession, he should solicit her afterward at home, provided that from indications it is sufficiently clear that he was moved to this by that knowledge, not by other causes; (21) p. 419. or
- 5) Under the pretext of Confession (fictitious), if the confessor from an evil end fictitiously invites a woman to Confession and then solicits her, or persuades a woman that, pretending herself sick, she should summon him to sin. (22) p. 419.

b) A relation to the place where Confessions are heard will be present if the prohibited acts are exercised:

- 1) In the confessional properly so called.
- 2) In any place whatsoever where Confessions are customarily heard, although a confessional is not found there.
- 3) In any place whatsoever which the confessor at his own choice has chosen for hearing Confessions; and thus even in a field, etc.

But in order that the obligation of denouncing arise on account of the circumstances narrated under b), it is necessary that simulation of Confession be added, i.e. the confessor and penitent must act in

such a way that the former seems to hear the confession (e.g. by applying his ears), the latter to make it. Hence he is not to be denounced who, sitting in the confessional, solicits a woman standing before the confessional, without simulating Confession. See Resp. S. C. O. a. 1661 ad Dub. 15. p. LXI. - Yet this simulation is not required if he solicits in the confessional a person who likewise is found in it; for in order to denounce it suffices that he himself in the confessional treats of shameful matters, without simulating that he hears Confession. (23) p. 419.

Notes near nn. 1408-1410 (printed p. 143; right-column note sequence).

1 S. Off. T. I. p. LX. 2, and p. LXII. 2. | 2 S. Off. p. LX. 8. 9. | 3 Resp. S. C. O. a. 1661 ad Dub. 5. p. LX. Instr. S. C. O. a. 1867 sub. 2. p. LXII. | 4 Prop. 6 condemned by Alex. VII, p. XIII. Cf. Resp. S. C. O. a. 1661 ad Dub. 1. p. LX. | 5 Viva, theol. trutina damn. thes. 6. n. 7. | 6 L. VI. 676. | 7 Ib. 676-680.

Appendix annotation (20), to n. 1410. a). 2). 3). p. 144. col. 1. That phrase "immediately before or after" some understand morally, so that if only something physical intervenes, or the interval is so brief that it ought to be computed as nothing, the confessor is still to be denounced by force of these clauses. The common sentence, which St. Alphonsus follows, L. VI. 617, takes it strictly, that is, physically. Nouv. Rev. Th., T. XII. p. 29. n. XXIX. Appendix annotation (21), to n. 1410. a). 4). p. 144. col. 1. From the examples which I allege it is clear that the word "occasion" here comes in a double signification: one of opportunity, the other of motive. "In both ways," says Passerinus, "Confession can be called an occasion of soliciting, either because they offer opportunity for doing this," as in the example which I bring forward in the first place, "or even because they offer a motive from which the confessor moves himself to solicitation," as in the example which I add in the latter place. Nouv. Rev. Th., T. XII. p. 31. n. XXX. I say at the end: "provided it is sufficiently established from indications," etc. Indications of this kind will be present if, for example, the confessor, after the sins have been heard, asks the woman where she lives, whether she is accustomed to remain at home alone, or asks some similar things; or, when he has approached for sinning, as Ballerini notes, by words or deeds he has recalled something from those things which he accepted from Confession. Theol. Pat., n. 393; Nouv. Rev. Th., T. XII. p. 34. n. XXXV. Appendix annotation (22), to n. 1410. a). 5). p. 144. col. 1. "But whether a confessor must be denounced who agreed with a woman that, to elude the domestics, she pretend to be sick and call him to the house for perpetrating sin? Concina and Mazzotta, l. c., affirm; likewise Fagundez apud Potestà, num. 513, and Sanchez apud Diana, p. 4. tr. 5. r. 37, because the pretext of confession then seems manifest enough. But more probably they deny, because then it is not verified that the confessor solicits or executes sin under the pretext of confession; thus the pretext of confession then is already ordered not to solicitation but to deceiving the domestics." St. Alphonsus, L. VI. n. 679. Cf. Theol. Pat., n. 394, 395. "External signs of simulation on the part of the confessor are to sit in a suitable place, to bless the woman, to hold the hand before the face, as is accustomed to be done in hearing confessions, and finally to extend the hand over her head while pretending to absolve her. But on the part of the woman the signs are genuflection, the sign of the cross, striking of the breast, joining of the hands, humble conversation with the confessor, which exteriorly appears as an accusation of sins." Potestà apud Nouv. Rev. Th., T. XII. p. 44. 2.

1411. - II. The obligation of denouncing does not bind, as is clear of itself, the one soliciting, nor is he held to warn the one solicited by him of that obligation. It must be made to the Holy See or to the Ordinary. But the end of denunciation is:

1) That, if the person denouncing is otherwise a very honorable person and worthy of faith, and not suspect of any malice, revenge, or enmity, or of subornation, and the one denounced is otherwise a man of little fear, a denunciation of this kind may render the denounced one suspect, so that he may be watched by the Ordinary. Cf. Instr. S. C. O. a. 1867 sub. 11. p. LXIV.

2) That, if otherwise greater indications concur on the part of the one denounced, e.g. otherwise suspect conversation, they may furnish the Ordinary with a motive, the first time, for employing a paternal warning, by which indeed he does not impute the crime, but exhorts to caution, yet in such

a way that he does not render the person denouncing suspect to the one denounced. For "for the most part" it is the custom "not to proceed" to trial "except from the third denunciation." Instr. S. C. O. a. 1867 sub. 11. p. LXIV.

Hence the adequate end of the law is understood: namely, the Pontiff intends the punishment of the guilty party rather than his amendment, in order, that is, to repair the harm to the Church and the scandal,¹ or, as Amort says, the end is not the amendment of a particular person, but the public security of the Sacrament and of souls, from the certain chastisement of so abominable a crime, and from the unavoidable fear of all confessors of incurring very grave punishments, even by one act or only once repeated; indeed also the indemnity of the Church, namely lest pests of this kind creep into public offices, than which nothing is more harmful to the common good of the Church.²

Wherefore:

- a) Each and every person solicited is altogether held to denounce, nor is he exempted from the obligation of denouncing because another has denounced.
- b) A Confessor must be denounced again if he offends again, after he has been punished on account of the first crime, or has not been fully convicted concerning solicitation.
- c) The penitent is held to denounce the solicitor, even if from fraternal correction he hopes for his amendment; indeed, according to St. Alph., even if he has certainly been amended.
- d) Denunciation must be made even if the solicitation cannot be juridically proved, or the crime is occult, or was perpetrated a long time ago. Nor can it be said that so late a denunciation can have no effect; for perhaps it will serve for the complement of other preceding denunciations concerning the same confessor, or with other indications for closing the door to dignities against hypocrites of this kind, or at least for the perpetual terror of the confessor, lest by repeated solicitation he complete the measure of sins, since solicitations "committed even a long time before can sometimes be called before the tribunal." But after the solicitor has departed from life, he is not to be denounced, because then the total end of the law ceases, namely both the amendment and the punishment of the guilty party.
- e) There must also denounce, but today no longer under excommunication, every witness of this delict, whether by sight or by hearing, and whoever (apart from the case of advice having been asked) has learned the solicitation immediately or mediately from the sayings of the solicitor himself, or of the person solicited (provided this one is worthy of faith), outside Confession.
- f) The person solicited or conscious of the solicitation is not excused from denunciation on account of difficulties intrinsic to the denunciation and almost common, such as the shame of the solicited one; fear of suspicion that will arise against oneself in the judge; danger of inconvenience or harm, which is slight relatively to the person denouncing and to the harms probably to be feared for the Church and for souls, or even danger of grave harm, but which is not probable: for these are not of such a kind that they give place to epikeia.

1412. - Practice of the Confessor. a) If it is doubted whether the deed or saying of the confessor was true "solicitation," the penitent is not to be obliged to denunciation, unless either 1) vehement indications of solicitation are added, or 2) the words of themselves present solicitation, and it is only

doubted whether the confessor uttered them for an evil end... See the application of this rule in Resp. S. C. O. a. 1661 ad Dub. 12. 16. p. LXI.

b) Before the Confessor obliges the person solicited to denunciation, which is the condition of absolution, he must seriously weigh whether this person merits belief; because, if there is a grave, just, and very probable suspicion, strengthened by several indications, that she, led by hatred, wishes to calumniate some priest, she would not be obliged to denunciation, but rather would have to be rebuked for her malice. But in every case the person solicited is to be instructed concerning the very great crime reserved to the Supreme Pontiff alone, which she would commit through a false denunciation.

c) Let confessors altogether abstain from inquiring the name of the solicitor, although they are held to question the penitent concerning circumstances that must necessarily be known.

d) But if the confessor certainly knows that the penitent has been solicited, he is held diligently to warn her, although she is existing in good faith (Instr. S. C. O. a. 1867. 3. p. LXII.), concerning the obligation of denouncing, even if he certainly foresees that the solicited one is not going to denounce. - He should also indicate the mode of denunciation more accommodated to the circumstances of the person, place, and time. On this matter Amort gives the following rules: 1) When the Bishop or Vicar General (of the place in which the penitent is staying, says Kenrick) is in the vicinity, so that he can easily be approached by the person solicited herself, she is held to denounce the solicitor in her own person, and to say that N. N., a Priest, Pastor, Religious, solicited her to shameful things in the Sacrament of holy Confession. 2) If the Ordinary cannot conveniently be approached on account of distance or another cause (e.g. the illness of the solicited one, etc.), the person solicited is held to denounce the solicitor by letter, with her own and the solicitor's name written; but letters of this kind are to be transmitted with altogether such caution and security that no prudent fear remains concerning their loss. 3) If the person solicited cannot denounce even by letter, she is held to approach the rural dean, or a confessor, or another prudent man, who in her name may write to the Ordinary, or, through the Sacred Penitentiary or the Sacred Congregation of the Holy Office, to the Holy See (Instr. S. C. O. a. 1867. 7. p. LXIII.). Yet "regularly it is not expedient that the confessor take upon himself this burden of carrying the denunciation in place of the penitent, or of receiving it... Besides, we do not deny that in some case, for instance, if somewhere public harm were imminent, nor another way were open for avoiding it, the confessor could be obliged from the law of charity to undertake a burden of this kind; but this will rarely happen."

When a denunciation of this kind has been made, the Ordinary will write back to some ecclesiastical man, in whose prudence he trusts, that he may receive the testimony of the solicited one under oath, and may remit it with his own testimony concerning the honesty and fitness of the one denouncing to the Ordinary. And in this way the act of denunciation will be completed.

e) Therefore denunciation is never to be made anonymously, and indeed must always be directed personally to the Bishop or to the Vicar General, not to the office of the Ordinariate.

Let confessors diligently take care that they not impart Sacramental absolution to solicited penitents, unless, first bringing the denunciation to effect, they have indicated the delinquent to the competent judge. For since denunciation is a very arduous thing, the confessor must not show himself too credulous toward the promises of the penitent, and the solicited regularly cannot be absolved unless

denunciation has first been made: but if there is an impediment to making the denunciation immediately, they must at least be prepared to denounce as soon as possible; otherwise they sin gravely and incur excommunication. But an impediment will be present if there is a just cause (Instr. S. C. O. a. 1867. 5. p. LXII.) for deferring it, - namely if the Bishop, Vicar General, etc., are far distant, or if there is necessity of communicating in order to avoid scandal or gain a jubilee, - and the person can be believed, that she is going to denounce. But if the penitent is not a faithful and God-fearing person, concerning whom it can be believed that she will satisfy her obligation, - or, even if one could not rightly doubt concerning the person's firm purpose of denouncing immediately, nevertheless there would be no grave inconvenience in deferring absolution, - she will have to be stimulated to making the denunciation as soon as possible by a delay of absolution.

f) If a person certainly solicited has refused denunciation, the confessor must inquire into the cause of the refusal, and, insofar as he can, remove it. In order, e.g., to remove from those denouncing the fear of infamy, he will be able to say: A woman denouncing is not received by the ecclesiastical judge as an accomplice, but as a witness; nor is she held to manifest her own consent; indeed she cannot even be questioned by the judge concerning it; but if from simplicity she declares that she consented, this is not noted in the records (Instr. S. C. O. a. 1867. 6. p. LXIII.). Nor is there danger of infamy for the one denouncing; because, if the confessor denounced, in order to diminish his own delict before the judge, were voluntarily to confess that he had performed dishonest acts with the person denouncing and with her consenting, the judge does not give faith to the confessor, but rather believes that he says this in order to evade judgment or lessen the penalty. On the other hand the woman is not held to manifest her own consent, nor does the judge concern himself with it.

If the penitent, on account of gifts received or to be received, says that she is impeded from denouncing by gratitude or necessity, or adduces other insufficient excuses, the confessor should seriously warn her concerning the gravity of sacrilege, concerning the obligation of obeying ecclesiastical laws enacted for preventing the greatest scandals and harms, - and also concerning the penalty of excommunication, which the person solicited incurs by the fact itself if, without legitimate cause, she does not denounce the solicitor as soon as possible (i.e. within a month), - and he should not easily admit those things which persons of this kind are accustomed to adduce, that they may be freed from the burden of denunciation. But if the solicited one, led by false shame or impious mercy, does not wish to denounce the solicitor, the confessor should not absolve her, but dismiss her as indisposed.

g) But if the confessor discovers that the person solicited is otherwise well disposed for the Sacrament of Penance, but has a just cause for resisting, namely on account of probable danger of grave harm in the goods of reputation, fortune, or body, - or that on account of panic fear or great shame she can in no way be brought to denounce the solicitor by herself or through the confessor, then indeed he should not absolve her, but should make her return to him at another convenient time; meanwhile, however, concealing the penitent's name and adding the causes which suggest her exemption from the obligation of denunciation, he should set forth the whole case to the Bishop: so that he may declare what in the Lord shall have seemed opportune, or, according to the condition of things, may request from the Sacred Penitentiary a dispensation concerning it (Instr. S. C. O. a. 1867. 7. p. LXIII.). For the Holy See sometimes grants the faculty to the confessor of dispensing the penitent for that occasion from the burden of denouncing, especially if the solicitor has already been

amended and has done penance. Indeed then, after a serious promise has been made of standing by what is to be resolved, even in a case of necessity she can be absolved immediately.

Note. - Concerning the mode of proceeding in causes of solicitation, see Instr. S. C. O. a. 1867. 8-16. p. LXIII.-LXV.

Even exempt Regulars are to be denounced to the Ordinaries of places, as is clear from the Constitution of Gregory XV. Cf. n. 1202. O). 2°.

Notes to n. 1412 - note sequence 1. (1) L. VI. n. 702. Prax. Conf. n. 83. (2) L. VI. 615. 694. (3) L. c. q. 12. (4) Tr. XVIII. 245. Notes to n. 1412 - note sequence 3. (1) Cf. Amort. q. 21.

CHAPTER II: ON THE OFFICE OF THE MINISTER

1° In Confession; 2° after Confession.

ARTICLE I: ON THE OFFICE OF THE MINISTER IN CONFESSION

There must be treated 1° of the duties of the confessor in general; 2° of his manner of acting with the various kinds of penitents.

§ I. ON THE DUTIES OF THE CONFESSOR

A fourfold duty or office of the confessor is assigned, namely 1° of Father; 2° of Physician; 3° of Doctor; 4° of Judge.

POINT I. ON THE OFFICE OF FATHER.

1413. - The Confessor is a spiritual father, who gives spiritual life to the penitent, or restores and fosters it; for in the tribunal of Penance he acts in the place of the best of all parents, namely Christ Himself, and therefore by penitents he is called by the sweetest name of father. But that which especially stands out in the true name of father is remarkable and inexhaustible charity. For what affection is stronger than the affection of a father? What is truer, purer, more chaste, more constant, fuller of solicitude and more alien from one's own advantage, indeed readier and more prompt for every kind of privation and inconvenience? Therefore such must be the charity of the confessor, so that, clothed with the bowels of mercy of Christ Jesus, Who came not to call the just, but sinners, he may know how to deal zealously, patiently, and meekly with sinners. Thus, as a good father, he will sustain all things for his spiritual children: for charity is patient, ... bears all things, ... endures all things.

The Confessor must be full of charity toward penitents, both at the beginning, and in the course, and at the end of Confession. It is pleasing to hear St. Alphonsus himself speaking on these things.

Notes to n. 1413. (1) Leo XII, in the Bull for the Jubilee, a. 1825. (2) 1 Cor. 13. 4 sq. Notes to nn. 1413-1419 - note sequence 1. (1) Prax. Conf. n. 10. (2) Eccl. 7. 40. Notes to nn. 1413-1419 - note sequence 2. (1) n. 15. 16. (2) Tr. XXI. 5. 6.

1414. - I. At the beginning of Confession. "First he" (the Confessor) "must employ charity in receiving kindly all, whether they are poor, or rude, or sinners. Some spend time only in hearing the Confessions of certain devout persons or persons of rank, because they have not so much courage as to repel these from themselves. But if some miserable sinner approaches them, he is heard unwillingly and is driven away loaded with reproaches: whence it happens that that wretched one, after he has brought the greatest force upon himself so that he might come to confess his sins, feeling himself so harshly received, conceives hatred for the Sacrament of Penance, and, despairing that he can find someone who may help him and absolve him from sins, rushes headlong with loosened reins into the slippery way of a lost life, and falls into despair of salvation. Good confessors act otherwise. When sinners of this kind flow together to them, they receive them kindly, and, as a victor over captured prey, they exult, considering that the lot has fallen to them to snatch a soul from the hands of the demon. They know that this Sacrament was instituted properly not for the just, but

for sinners; for venial faults, in order to be remitted, do not need sacramental absolution, since they can be blotted out in many other ways. They know also that Christ protested in these words: I came not to call the just, but sinners. Therefore the confessor, clothing himself with the bowels of charity, the more he finds souls stained by the multitude and atrocity of sins, the more, that he may gain them for God, should embrace them with greater charity, and give them courage with these or similar words: Come, brother, be of good courage, do not fear; confess your sins fearlessly. Open all things confidently; be ashamed of nothing: it does not matter if you have not looked into all the recesses of your conscience; it suffices if you answer what is asked. Give thanks to God, Who has awaited you until now for penance. Now your life must be changed. Rejoice, because God certainly remits all sins to you, however great, if you have a good will, and therefore He has awaited you, that He might spare you: therefore say all things with a cheerful soul, cover nothing with wrappings."

Notes to n. 1414. (1) Matt. 9. 13. (2) Prax. Conf. n. 3.

1415. - II. In the course of Confession. "He must show far greater charity in hearing the Confession. Let him take care not to show himself impatient or affected by weariness; nor let him show himself struck with amazement at the sins which are narrated; provided the penitent is not so hard or insolent in soul that he exposes several and more atrocious sins without any shame, and without any displeasure and sense of soul; because then one must labor with all one's powers that the penitent may perceive how great is their deformity and magnitude; and therefore then a sharper correction is required, so that he may be awakened from lethal lethargy. It is indeed true that... in the act of Confession confessors must abstain from making correction, lest perhaps penitents, frightened, hold back sins; nevertheless this is understood when speaking regularly: besides, many times it is expedient not to proceed to further things, and immediately to correct the penitent, especially when he confesses a very enormous sin, or if he has been habituated in some vice, so that he may comprehend the gravity of the sin. Yet let him advert not to exasperate him, nor to terrify him. Wherefore, after he has corrected him as much as shall have been needed, immediately let him give him courage for confessing the remaining sins, saying: Come, brother, do you wish to recover from this vice? Is it not so? And since you are prepared to do this, be of cheerful soul. Therefore narrate the remaining sins, holding back nothing. Take care, I beg you, lest you commit some sacrilege; for this would be the greatest of all the sins which you have committed until now. Therefore say all things with a strong soul; conquer yourself: confess all things sincerely: for God is prepared to spare you."

Notes to n. 1415. (1) Prax. Conf. n. 4.

1416. - III. At the end of Confession. "At the end of Confession also it is necessary that the confessor apply himself with a more vehement ardor and zeal, so that he may make the penitent perceive the gravity and multitude of his sins, and the miserable state of damnation in which he is found; but let this always be done with the greatest charity. Nevertheless it is more fitting then to use graver words, so that thus he may better be able to return to a good fruit of mind; nevertheless he must effect that the penitent understand that what is said to him proceeds not from an angry soul, but from singular love and commiseration toward his soul, which can be expressed in this way: My son, do you consider the life of a damned one which you have led? Do you perceive the evil which you have worked? What evil has your God ever done to you, Whom you have so recklessly despised? If there had been no one more hostile to you than Jesus Christ, could you have borne yourself worse

toward Him? But, I ask you, consider who this Jesus is? He is the one Who, though He was God, needing nothing, was made man for you, wished to die on the cross, that He might redeem you from hell. Ah! son, if meanwhile you had died, if on this night, whither would you have gone? Where would you now be? You would be in the eternal fire of hell. What will become of you, if you go on in the future to live the life you have led until now? Will you be able to be saved thus? Awake and see that, unless you change your morals for the better, you are already damned. What good have you gathered for yourself from so many sins? Do you not consider that you prepare for yourself a double hell, one here of anguish and misery, another there of punishments? Come, son, turn away from evil, cease to sin, and commit yourself wholly into the arms of God, which are extended to receive you: enough, as much as you have sinned against Him. I wish to help you with all my powers and with my whole heart; come to me always and whenever you please, since you will find a father who will receive you kindly. Behold, now firmly resolve that you wish to be made holy. It depends on you. For God is always prepared, and has imparted this time to you for this, that you may turn yourself away from evil and do good. O how good it is to have God as a friend! etc."

To the charity of Father can also be referred the following warning of the Second Plenary Council of Baltimore: "Lest any delay hinder those wishing to confess, we earnestly exhort and beseech pastors of souls that they be present at the confessionals for hearing penitents on each Sabbath, and on the Vigils of Feasts at least in the evening time, and on Sundays and feast days in the morning before the first Mass.... But if the number of the faithful is greater than that all who approach can be heard on one day, let him also choose other times, other days, which he may spend on this necessary work."

Notes to n. 1416. (1) Prax. Conf. n. 5. (2) n. 291.

POINT II. ON THE OFFICE OF PHYSICIAN.

The Confessor is a true physician of souls, since he must rescue them from the various diseases of sin, remove them from the depraved affections of the passions, and restore them to divine grace. Therefore the Confessor, as a skilled physician, must 1° know the cause of the evil; 2° heal it; 3° prevent relapse. Let us hear St. Alphonsus again.

1417. - I. The Confessor must know the cause of the disease. "For the Confessor, that he may meet the infirmities of his penitent with opportune remedies, the origin and cause of all his spiritual diseases must be known. Some... beyond the species and number of sins inquire nothing else: if they see the penitent disposed, they immediately absolve him; but if not, without spending one word, they dismiss him at once, saying with a turned eye: Depart from me, because I cannot absolve you. Good confessors proceed otherwise: for these first begin to investigate the origin and gravity of the disease, by questioning concerning the habit of sinning, concerning occasions, concerning the time, concerning the place, concerning the persons with whom, and with what concurrence of things. For thus they will be better able to correct the penitents, dispose them for absolution, and add salutary remedies."

Notes to n. 1417. (1) Prax. Conf. n. 6.

1418. - II. He must heal the disease. "When the origin and gravity of the disease have been known, let the confessor proceed to make the due admonitions. And although he as Father must listen to penitents with charity, nevertheless as physician he is held, as much as is needed, to warn and correct them, especially those who, burdened with many mortal sins, rarely approach the Sacrament of

Penance.... Nor then must the confessor attend to other penitents who surround him. For, as St. Francis Xavier used to say, it is better to hear the rightly made Confessions of a few than the disordered and fruitless Confessions of many. Here it is necessary to advert how wrongly those confessors act who, if they find a penitent indisposed, immediately order him to go away from them, lest they spend some time with him.... And it matters little that others wait or depart unconfessed; for the confessor must render an account on the day of judgment concerning this one only, who now confesses to him, not concerning others." - I think an exception from this rule conformable to the mind of the holy Doctor in the case in which, on the one side, there is a crowd of penitents who, unless they are heard now, cannot or are foreseen not to be about to return except after a long time, and on the other side, the penitent who needs a longer time, e.g. on account of a necessary general Confession, can easily return and is hoped with foundation to be about to return.

"After due corrections or warnings, it is better that labor be spent on disposing the penitent to absolution through acts of true sorrow and purpose; wherefore I wish confessors to be warned that those penitents are very few, especially the rude, who come to confess with an act of sorrow premised. Some confessors think that they have done enough for their office if they merely question penitents of this kind in the following way: Come, do you ask pardon from God for all these things (which in truth is not a true act of sorrow)? Are you sorry from the heart for all your sins? and, with no other word interposed, they bestow absolution on them. Altogether different from this is the method of good confessors. For these first of all labor so that penitents (the discourse is about those who are held by mortal sins) may conceive true sorrow and detestation of sins. And first they prepare them through an act of attrition, e.g.: My son, where now ought you to be in eternity? In hell. Ah! in that fire you would always be tortured! Nor would any hope remain to you any longer that you could be rescued thence! There you would be dwelling, abandoned by all, rejected by God for all eternity! Therefore, are you sorry that you have offended God on account of the hell which you have deserved?... Afterward let him take care that an act of contrition be elicited, in this way: My son, what have you done? You have sinned against God, the highest and infinite good; you have had no regard for Him; you have turned your face away from Him: you have cast Him behind your back; you have despised His friendship and grace. Come therefore, because you have offended God, infinite goodness, are you now sorry from your whole heart? Detest and hate, above all evils, all the injuries by which undeservedly you have affected so good a God. Are you not now ready to die a thousand times rather than commit these things in the future?"

Notes to n. 1418. (1) Prax. Conf. n. 7.

1419. - III. He must prevent relapse. The confessor will prevent relapse by assigning to the penitent remedies suited to the disease. But remedies are either general or particular.

1° General remedies are 1) pious prayer and love toward God; 2) frequent invocation of the Blessed Virgin Mary, of the holy Guardian Angel, and of the holy Patron; 3) frequency of the Sacraments and Confession as soon as any mortal sin has been committed; 4) consideration of the eternal truths, especially of death and of the last end, according to that saying: Remember thy last things, and thou shalt not sin forever; 5) recollection of God present when temptation presses, by saying: God sees me; 6) evening examination of conscience with sorrow of soul and purpose; 7) mental prayer and pious readings, especially for priests.

2° Particular remedies will be assigned according to the diversity of vices: e.g. to him who is held by some hatred, let it be suggested that daily he commend to God him whom he hates, reciting for him the Lord's Prayer, etc. And when the memory of the injury disturbs him, let him recall the insults by which he himself has affected God. - To him who has fallen into shameful sins, let it be enjoined that he avoid idleness, flee evil companions and depraved occasions. - To him who has contracted a depraved habit through a long time in this vice, let it be prescribed that he avoid not only proximate occasions, but even certain remote ones, which to one so weak are as if proximate. But especially let the confessor take care that this one communicate frequently; because the Eucharist is called: wine bringing forth virgins. And thus concerning others.

The confessor will assign other remedies according to his prudence, the circumstances of occasions, persons, etc., having been inspected. For prudence is the chief quality which must stand out in a physician. - See St. Alphonsus in *Praxis Confessarii*; and in H. A. Cf. n. 1389.

POINT III. ON THE OFFICE OF DOCTOR.

The Confessor, that he may rightly fulfill the duty of doctor, must have sufficient knowledge, so that he may fittingly teach penitents.

SECTION I.

ON THE KNOWLEDGE OF THE CONFESSOR.

1420. Principles. - I. The Confessor is held under grave obligation to know all those things which are required for rightly fulfilling his duty. - Thus all with St. Alphonsus, who speaks thus: "I affirm that that confessor is in a state of damnation who exposes himself to hearing Confessions without sufficient knowledge." The reason is that otherwise a confessor of this kind exposes himself to the evident danger of badly discharging so grave a duty, with injury to the Sacrament and with great detriment to souls.

Therefore God requires special knowledge from His Ministers, as is clear from various words of Sacred Scripture: *The lips of the priest shall keep knowledge, and they shall seek the law from his mouth.* - *Because thou hast rejected knowledge, I will reject thee, that thou shalt not perform the priesthood for Me.* - *If the blind offer leadership to the blind, both fall into the pit.* - *Woe to you, blind guides!* - It is clear also from innumerable testimonies of the Holy Fathers: "No art is presumed to be taught, unless it is first learned by attentive meditation. Therefore the pastoral magisterium is undertaken by the unskilled with great rashness, since the governance of souls is the art of arts." - St. Gregory. Cf. what was said p. XCIII. under IV.

II. Nevertheless the Confessor is not held:

1) To have knowledge so perfect that he can always immediately and by himself solve all doubts that occur; but it suffices if he can do this in cases commonly occurring, and concerning more difficult ones knows at least how to doubt, so that he may consult books or, with due permission (if he has need of it), learned men. For greater knowledge can be had with more difficulty, since not even the more learned themselves are able immediately to solve all cases. Hence in more involved doubts, especially if the case is public or easily to be made public, not only are other learned men and men of greater experience to be consulted, but especially the Bishop is to be heard, if time is available. -

Sometimes also the warning which Lugo gives will be useful: "When counsel must be given for the future, or restitution imposed, or a doubtful contract prohibited, or something similar, if the confessor cannot by himself" (or not immediately) "resolve it, it will be good counsel to ask the penitent whether he is prepared to consult skilled men and to stand by their judgment concerning that doubt" (or to return to himself, the confessor): "but if the penitent promises, let him absolve, telling him the obligation which he has of consulting someone or some persons concerning that doubt" (or of returning to himself, the confessor). Nor even

2) Is the confessor held to discern concerning each of the sins accused whether they are mortal or not; since this is often impossible; but it suffices that he hear each thing as it was done, and know how to judge concerning them, both according to common principles and according to the adjuncts of things set forth by the penitent, and to apply a suitable remedy. Nor ought it then move the confessor that afterward he certainly knows that, while the confession was being made, it was uncertain to him. On the matter St. Alphonsus warns with Suarez, that although in some case the confessor does not discern which things are grave or light; if nevertheless the penitent in good faith says his sin, the Confession is valid; and although afterward it is noticed that it was mortal, there is no reason that it be repeated in another Confession. Nor

3) Is the same knowledge required in all, but greater or lesser according to the diversity of places, penitents, and adjuncts. It is said: a) of places, and thus lesser knowledge is required in small towns. - It is said: b) of penitents, and thus likewise lesser knowledge is required for hearing the Confessions of boys or country people than for hearing merchants, judges, etc., who have more difficult cases. But for the Confessions of a learned Theologian much less knowledge is required, because the confessor can be instructed by the penitent himself, provided nevertheless, I would add, that he is God-fearing, concerning whom you may not legitimately suspect that he chose one less learned in order that he might be absolved more easily. - It is said: c) of adjuncts; for the scarcity of priests will be able to excuse a Bishop, so that, if on account of it the faithful otherwise would have to lack a confessor for a long time, as happens more easily in Mission places, he may send a less sufficient minister.

Nevertheless the less sufficient are held diligently to apply themselves to studies, and they are to be warned by the Bishop concerning this obligation. - Lugo.

It is clear of itself that in the article of death, another being lacking, even an ignorant and unlearned priest must hear the Confession and absolve.

Notes to n. 1420 - note sequence 1. (1) n. 15. 16. (2) Tr. XXI. 5. 6. (3) H. A. Tr. XVI. 100. (4) Malach. 2. 7. (5) Osee 4. 6. (6) Matth. 15. 14. (7) Matth. 23. 16. (8) P. I. C. 1. Notes to n. 1420 - note sequence 2. (1) Disp. 21. n. 71. S. Alph. L. VI. 627. H. A. Tr. XVI. 100. (2) L. VI. 627. (1) Disp. 21. n. 74. S. Alph. L. VI. 627. H. A. Tr. XVI. 100. Notes to nn. 1420-1423 - note sequence 1. (1) L. VI. 610. (2) Ib. 616. (3) Ib. 610. 615. 616. Notes to nn. 1420-1423 - note sequence 2. (1) L. VI. 616. § fin. (2) Ib. (3) H. A. Tr. XVI. 113. (4) Ib. 611. (5) Ib. 611. (6) L. VI. 612. (7) L. VI. 612.

1421. Resolves. - 1° Any Confessor whatsoever is held to know all those things which regard the value, substance, integrity, and effect of the Sacrament of Penance, and which are required for its licit administration, both on his own part and on the part of the penitent. Hence also what is the difference between a Confession simply null or invalid and one which, besides, is sacrilegious.

2° He must know also the common obligations and the proper obligations of states; the various species of sins; their adjuncts changing the species; the principles of discerning between mortal and

venial sins, and what things are mortal and venial in individual precepts, at least according to general principles and the common opinion of Theologians. Likewise which acts are valid and licit. The reason is clear, because he must know that concerning which he must judge; otherwise he will not be able to render an equitable judgment.

3° He must know cases and censures from which he cannot absolve, and with respect to those from which he can absolve, under what conditions he can do this; impediments of Matrimony; conditions of contracts; various causes of restitution; roots and occasions of sins; remedies to be brought to them; salutary and suitable satisfactions to be imposed, etc.

4° Therefore a confessor sins who certainly knows that the aforesaid knowledge is lacking to him, even if he hears Confessions from charity alone and obedience. Nor does the approbation of the Bishop excuse him of itself; for this does not give the knowledge due from the nature of the thing, nor supply its defect. I have said: certainly knows; for he who doubts concerning his aptitude will be able to lay aside the doubt, when the Prelate, who knows him well, imposes that duty on him.

5° The Superior also sins who gives permission to an ignorant confessor to hear Confessions, because he consents to and cooperates with his sin. H. A. Tr. XVI. 99 in fine.

6° The penitent himself also sins who deliberately chooses an inept confessor. Nevertheless, if someone is in good faith, the Confession will be valid; because on the part of the penitent there intervenes an integral declaration of sins and due disposition of soul; on the part of the confessor there intervenes at least cognition of sins under the confused notion of sin, which suffices for the matter of the Sacrament. L. VI. 628 sub 1 and 2.

7° Experience cannot supply knowledge, but only assist it; but where knowledge is destitute of support, it will drive a rash confessor into very many errors, and those most grave.

8° Therefore every Confessor whatsoever is held diligently to apply himself to the study of Moral Theology; and, as St. Alphonsus asserts, he must never interrupt that study; "because from so many diverse things and things disparate among themselves, which pertain to this knowledge, many things, although read, since they happen more rarely, in the progress of time fall from the mind; wherefore it is necessary always by frequent study to recall them into the mind."

9° Hence it is clear how gravely they err who consider the knowledge of Moral Theology easy and hardly worthy of any attention, repeatedly saying that nearly all cases can be solved by some common sense, with knowledge of general principles. - Aptly the same St. Alphonsus says: "Let those who aspire to this duty of hearing Confessions not easily persuade themselves that they can render themselves sufficiently suitable for so great a duty without prolonged study of moral knowledge, for which certainly it does not suffice to run through some little summary of those which are carried about; nor is it enough to know the general principles of this faculty, as certain men think, who (despising Casuists) arrogate to themselves the name of literati. For moral knowledge is not only very necessary to the Christian commonwealth, since the good governance of souls depends upon it, but it is also supremely difficult; both because it requires a general knowledge of all other sciences, offices, and arts; and because it embraces so many diverse matters separated among themselves; and because in great part it consists of so many positive laws, which are found cited only among Casuists, and especially among more recent ones, since laws of this kind come forth day by day. - Finally it becomes most difficult on account of innumerable circumstances of cases, upon which the variation

of resolutions depends: for from the diversity of circumstances diverse principles must be applied, and in this the difficulty consists, since this cannot be done without great discussion, or the accurate reading of several books which examine and elucidate matters."

Notes to n. 1421. (1) H. A. Tr. XVI. 99. 100. (2) Ib. (3) L. VI. 628.

SECTION II.

ON THE OBLIGATION OF TEACHING PENITENTS.

1422. Principles. - I. The confessor is held to teach penitents all those things which pertain to the Sacrament being rightly received here and now. The reason is that, since the priest is the minister of the Sacrament, he must procure its valid and licit reception, and therefore deliver the instruction necessary here and now.

II. He must teach penitents, when he adverts that someone is ignorant of something from those things which are necessary for living Christianly, such as, e.g., the obligations of his own state.

III. Nevertheless, per se and strictly, he is not held to instruct them concerning all things which they ought to know and can learn from elsewhere. The reason is that the duty of doctor in a confessor pertains of itself only to the right administration of the Sacrament of Penance. Yet per accidens there could be an obligation from charity, when with the greatest difficulty the penitent could acquire this knowledge for himself either by himself or through another.

IV. In teaching or warning a penitent concerning the gravity of sin, the confessor should employ these four cautions:

1° That he not set down as mortal that concerning which it is disputed among Doctors with probability on each side whether it is such.

2° Before he makes a conscience for his penitent concerning a mortal sin, let him be sufficiently certain that he has rightly understood the sense of the penitent's words; for not rarely penitents use such expressions which at first sight seem to indicate mortal sins, while in truth there is no question of a mortal sin in any way. Thus, e.g., when the penitent says: I have hatred against my neighbor, sometimes there is question only of displeasure and inevitable antipathy on account of some injury received. The same sometimes happens in girls, who say: I had bad thoughts; I made bad conversations with other girls; I committed immodesties, etc.; - or in boys, who say: I did shameful things.

3° Let him advert whether the sin truly committed by the penitent is also truly mortal. Thus the confessor would act imprudently if, hearing a penitent accusing himself of some sin against the Sixth Precept, immediately and in every case he accused him of mortal sin. For although the principle is most true that in venereal matter there is not smallness of matter, nevertheless it must be understood in the sense in which we spoke n. 484. 485. Wherefore, speaking with St. Alphonsus concerning sins of non-consummated luxury, we taught (n. 486-492 and 503. 3°) that certain things, although, for the most part, especially among persons of different sex, they are not done without mortal sin, nevertheless can sometimes be done without mortal sin, because they are done from curiosity, levity, etc., and with the proximate danger of consent, grave scandal, lustful intention

(under which in practice also comes the intention of merely sensible delight), and grave influence on pollution set aside.

4° Let him advert whether perhaps the penitent is in good faith, insofar, namely, as that which he does is indeed in itself a mortal sin; but he thinks that he either does nothing evil or sins only venially. On this matter let there be the following:

Notes to n. 1422. (1) L. VI. 608 sq. (2) Ib. (1) Berardi, de Recid. n. 225-229.

1423. Questions. - Query 1° Must a penitent laboring under ignorance concerning some obligation always be warned?

Resp. 1° Affirm., if the ignorance seems vincible, i.e. if the confessor adverts that the penitent doubts in such a way that good faith is now lacking. The reason is that in the admonition being made no danger is imminent; but otherwise the penitent, acting with that doubt, is not free from sin.

Resp. 2° If the ignorance of some obligation is invincible, the penitent is to be warned if fruit from the admonition is hoped for; but otherwise, generally speaking, if it is not hoped for. The reason is that on the one hand this admonition would not profit, and on the other hand it would harm him; since, having been warned, he would sin formally in the future. Therefore if no fear of harm is present, it is to be made.

Therefore the penitent is to be warned, 1° whenever he himself asks concerning the malice of some thing; because, since he doubts concerning the licitness of the thing, he is no longer in invincible ignorance, and because the silence of the confessor would often be an approval of error, which is never licit. Yet prudently the confessor will not extend the response beyond that concerning which the penitent asked; 2° whenever the silence of the confessor would harden him in the purpose of performing an evil thing; 3° whenever his ignorance turns upon the primary principles of natural law, or upon their proximate conclusions; because such ignorance, although possible as regards proximate conclusions (n. 167. q. 1°. Resp. 2°), cannot be invincible for long; 4° whenever, the warning omitted, the penitent would remain in a proximate occasion of sinning formally; 5° if the ignorance would yield to the common harm, as in a Pastor, Bishop, confessor, etc., since the public good must prevail over the private good. Besides, there is hope that the penitent, if he is absolved by no one, will finally amend himself; next, public scandal must be met, arising thence e.g., namely that penitents would say that such a thing cannot be impious or iniquitous, because confessors are little solicitous concerning it, and say nothing; rarely, finally, will such ignorance be inculpable; 6° if the penitent is going to obey a brief warning, although in the beginning he does not acquiesce; 7° if the ignorance turns upon those things which must be known by necessity of means, as is clear from what was said n. 257-259 and 1422. I.

Query 2° Must an admonition be made in doubt whether it will profit or harm?

Resp. 1° Affirm., if it is more probably going to profit; otherwise, if it is more probably going to harm.

Resp. 2° In a doubt equal on each side, generally speaking, formal evils are rather to be avoided than material ones.

Query 3° Must a spouse be warned concerning the invalidity of Matrimony on account of an occult impediment which the confessor detects?

Resp. Neg., generally speaking, until the confessor has obtained a dispensation, unless this can be obtained immediately and easily from the Pope or Bishop. The reason is that most often the greatest inconveniences would follow thence, e.g. danger of infamy, scandal, quarrels, or incontinence, etc., and therefore material fornication would become formal. - Thus commonly with St. Alph.

But can the confessor oblige a spouse, ignorant of the impediment and denying the debt, to render it? Resp. affirmative. The reason is that, with the persuasion of the spouse standing that the Matrimony is valid, he is held to render the debt, so that he may follow the dictate of conscience. More safely he will say to the penitent in general, that he cannot be absolved who refuses to satisfy his obligation, and that it is now known that a spouse is held to render the debt.

Query 4° Must a penitent, about to contract Matrimony, be warned concerning an unknown impediment?

Resp. Generally speaking, the warning is to be made. - Thus commonly with St. Alph. - The reason is that after Matrimony ignorance can cease by no means with difficulty, e.g. from the fact that it is detected that consanguinity, affinity, etc., is present between the spouses; and then, besides the easy danger of sinning formally, other most grave inconveniences can follow, namely scandals, quarrels, and perhaps even separation of the spouses, etc. - Yet St. Alphonsus excepts the case in which no fruit at all is hoped for from the warning, nor can the impediment easily be detected; because it is better to permit a material sin until a dispensation is obtained than to furnish the occasion of a certain formal sin.

Note. - Let the Confessor take care that he be neither too easy nor too difficult in supposing the good faith of the penitent. Let him take counsel from probable conjectures, drawn e.g. from the natural character of the penitent, from his instruction, from the nature itself of the sin, and especially from the words and expressions of the penitent himself.

POINT IV. ON THE OFFICE OF JUDGE.

There must be treated 1° of the case to be instructed; 2° of the sentence to be rendered.

SECTION I.

ON THE CASE TO BE INSTRUCTED, OR ON THE OBLIGATION OF QUESTIONING PENITENTS.

1424. - Principle I. The practice of making no questions is not a little to be disapproved, especially for these reasons:

1° It is because that practice redounds to the harm of souls; for: a) it can produce not a few sacrileges, insofar as many are those who, unless they are questioned, do not reveal graver sins. "Frequently," says St. Thomas, "those things which the penitent would be silent about from confusion, when questioned he reveals"; - b) it leaves many without opportune remedies; for the confessor not questioning concerning habit, concerning occasions, concerning causes of sins, concerning diligence employed or not employed for amendment, etc. (which things penitents for the most part pass over in silence), will not be able to assign suitable remedies for preventing relapses; - c) it harms others also than penitents, insofar as penitents, for the most part, do not accuse themselves of scandal, or of most grave omissions in the duties of their own state, e.g. in the education and custody of children;

and thus, unless they are questioned and suitably warned, they do not cease from the same scandals and omissions.

2° It is because it redounds to the prejudice of the Sacrament; for: a) very often it prejudices its integrity, as if the confessor does not question a penitent accusing himself in this way: Father, I have done shameful things, the species and number not having been explained; - b) it often prejudices validity also; for if the confessor does not question penitents, e.g. whether they have employed any care for not relapsing, whether they have fulfilled the remedies assigned, etc., he will never be able prudently to judge whether they are disposed, or whether they need a more fervent exhortation in order that they may be disposed, and thus he will often give absolutions that are altogether invalid.

3° It is because it is opposed to the concordant opinion of Theologians.

4° It is because it is opposed to the authentic rules of the Church, as is clear from the Canon *Omnis* and from the Roman Ritual.

Principle II. Since the confessor must procure three things, i.e. the validity of the Sacrament, the integrity of Confession, and the cure of the penitent: therefore, whenever he reasonably presumes or prudently doubts that something of those things which are required for these has not been sufficiently declared, he is held to inquire concerning it. - Hence:

1° For procuring the validity of the Sacrament, it can be necessary to investigate by questioning - whether sufficient matter is present, e.g. if there is question of imperfections, or of light faults which are often committed without advertence; - whether the penitent holds back anything from shame, as especially happens in boys and girls; - whether sufficient disposition is present, for knowing which it will often be necessary to question the penitent, e.g. whether and how after Confession he has abstained from faults; whether and how he has fulfilled the prescribed means.

2° For the integrity of Confession, it can be necessary to question the penitent - concerning the number of sins, - concerning their species; - concerning circumstances changing either the objective or the theological species (n. 27); - concerning some sins which he is accustomed from thoughtlessness altogether to pass over in silence, e.g. sins of thought, and sins of omission concerning obligations of one's own state.

3° For the cure of the penitent, questions can be necessary through which it becomes known, e.g., what are the causes of his sins, whether namely they proceed from some occasion; from some habit; from a defect of custody of the senses; from impure thoughts, etc.

4° The penitent must not be questioned concerning sins of which it is not likely that he committed them; for then a reasonable presumption and prudent doubt are lacking that those things which must be declared are not sufficiently declared. - But on account of the contrary presumption "he should be questioned concerning the sins which are accustomed to abound in men of such a condition."

5° If the penitent seems sufficiently instructed, as devout persons, Religious, Ecclesiastics, and is sufficiently accurate in explaining his sins, he is to be questioned concerning nothing, unless perhaps there is fear lest he hold back something from shame, or unless it is necessary to add some question for assigning opportune remedies to him. The reason for each part of the resolution is the same as that which was just alleged under 4°.

Principle III. Questioning, where it must be made, should be moderate, prudent, opportune.

1° Moderate. Hence the confessor:

- a) Should never ask useless things, nor suffer them to be narrated to him.
- b) Should be mindful that he is not held to question the penitent except with ordinary diligence.
- c) Should remember besides that a less distinct knowledge is required "from him who either on account of incapacity, or on account of sickness, or on account of the multitude of sins, or for another cause, could render an exact knowledge with more difficulty.... And this is the reason why from a prostitute and a concubinary and the like we ask less exactly and distinctly the number of sins than if for one month or for one week only e.g. they had been in that sin." Besides "it must be adverted," says St. Alphonsus, "concerning the number of sins of which some are held by a depraved habit, since a certain number cannot be had, let the confessor take care to know the state of the penitent, namely the manner of living, the application which he spends on other affairs, the time of habit with the accomplice, the place where he especially stayed; and then let him question concerning the number, questioning the penitent how often approximately he sinned in a day, or in a week, or month, proposing to him several numbers, e.g. three or four times, eight or ten times, so that he may see to which number he rather adheres. And if the penitent adheres to the greater number, the best thing to do will be if he is again questioned concerning a greater number. But in this the confessor should advert not to form a certain judgment concerning the number; let him note the frequency in general, and make a judgment in a confused way, apprehending the sins as many as they are before God. Some Doctors say that concerning the internal sins of the habituated, such as sins of hatred, of depraved delights and desires, it suffices for the most part to question concerning the time through which the evil habit endured; but this altogether does not satisfy me, because it can be that someone is more intent on external business, or stays where fewer occasions of depraved thoughts occur to him; another will be more allured by another passion of soul; and therefore general questions must be employed concerning one's own application, concerning place, concerning inclination of soul, etc., so that he may form a judgment of greater or lesser frequency of internal acts."
- d) Those confessors err who, from boys, half-witted persons, the hard of hearing, stammerers, men of confused mind (who now affirm, now deny to the same question), would wish to know how the matter precisely stands. Moreover in this manner, the more they question, the less they understand, and the more they confound both the penitents and themselves. Hence St. Alphonsus wrote: "After two or three questions, the confessor should not be anxious if the judgment which he makes seems to him to be too confused; for from involved and confused consciences it is morally impossible to hope for greater clarity."

2° Prudent. Concerning this quality of questions it will soon be treated more broadly, where there is question of questions concerning shameful things.

3° Opportune. The question, namely, must be made at the time and in the manner in which it is suitable. Hence:

- a) Certain questions must be made before Confession, but few, lest the penitent be offended: e.g. from what time has he not confessed? was he absolved? has he fulfilled the penance? is he not anxious about his past life? Yet this last question must be made only when the penitent has not confessed for a long time, or when a general Confession is being instituted from a determinate time. - But questions concerning the condition of life, state, age, etc., if these are not made manifest from

the Confession itself, will be made more suitably when an occasion is given in the course of the Confession: for thus on the one hand every suspicion of curiosity and levity will be avoided; but on the other hand the penitent will more easily respond, since his confidence in the confessor will have grown more.

b) "It is better" if "the confessor examines the sins one by one as soon as the penitent sets them forth, than that he defer the examination until the end; because either the confessor easily forgets those things which he heard, or the penitent would have to be obliged with his own grave burden to repeat the things confessed." Yet this warning of St. Alphonsus, according to the mind of the holy Doctor himself, does not hold where there is question of easier or shorter Confessions, nor in the case in which the penitent accurately declares his sins. For apart from necessity the accusation of the penitent is not to be interrupted by any questions, or even warnings, lest namely fear or confusion be injected into him thence.

c) Those confessors would be vehemently disapproved who would scarcely concede to penitents time for responding to questions, and would urge them with an impatient voice, repeating: What further? Do you know other things? etc. For they would disturb and confound the penitent.

Notes to nn. 1424-1425 - note sequence 1. (1) Prax. Conf. n. 90. (2) De Sacr. Poen. Notes to nn. 1424-1425 - note sequence 2. (1) Prax. Conf. n. 90. (2) C. 24. n. 11. Notes to n. 1424 - note sequence 1. (1) In IV. Dist. XIX. q. II. solutio III. expos. textus. (1) L. V. Decr. T. XXXVIII. c. 12. (2) Ordo ministr. Sacram. Poenit. Notes to n. 1424 - note sequence 2. (1) S. Th. 4. d. 19. S. Alph. L. VI. 607. III. Prax. Conf. n. 19. 20. I. (2) L. VI. 607. II. (3) Lugo, Disp. 16. Sect. 14. n. 594. (4) Prax. Conf. n. 20. IV. Notes to n. 1424 - note sequence 3. (1) Prax. Conf. n. 20. IV. (2) Prax. Conf. n. 20. II. Notes to nn. 1424-1425 - note sequence 3. (1) L. VI. 487. (2) De Recid. n. 199. sq. p. 184 sq. Ed. 1a.

1425. - Principle IV. Questions concerning carnal sins must be: 1) necessary; 2) prudent; 3) modest; 4) such as do not bring grave harm to the confessor himself. I explain each.

1) Necessary, i.e. they must be made from a just cause; for without a just cause it is illicit to expose - oneself to temptations, - the penitent to the same temptations, and besides to the suspicion that the confessor delights in such conversations, or even that he is practically versed in things of this kind, - the Sacrament, Religion, and the priestly body to reproach, insofar as to the penitent an occasion is easily given afterward of laughing and joking concerning inept questions made to him.

But questions are necessary, or are made from a just cause, if they are required either for aiding the shame of the penitent, or for knowing what remedies are to be assigned to him, or for procuring the integrity, even material, of Confession.

1° For aiding the shame of the penitent. This can more easily be present in boys and adolescents. Therefore St. Alphonsus wisely warns: "Many times, even if boys deny" that they have committed shameful things, "it is profitable to use suggestive questions with them, e.g. and now tell me, how often have you done these things? Five times? ten times?" - Yet those confessors exceed who in every Confession make and repeat questions for aiding the shame of the penitent, even with those concerning whom it is not likely that they commit shameful things and hold them back. Indeed, although this suspicion is present, one must beware of questions too often repeated and multiplied. - But much more and in a very worse manner do those confessors exceed who, under the pretext of aiding the shame of penitents, make many particular and minute questions, even when one or another, expressed in generic words, would suffice.

2° For knowing what remedies are to be applied. For this it ordinarily suffices to inquire whether sins arise from some occasion, or from an evil habit, or from freedom of the senses, or from depraved thoughts. - I have said: ordinarily suffices; because if the penitent could employ fasts and other macerations (which indeed is a rarer case), it would be useful also to know whether his sins arise chiefly from carnal motions, and whether these arise from a more robust constitution of body. But it is not necessary to question directly concerning these motions; for if the penitent is asked whether he always rushes into sins on account of evil thoughts, from his response the confessor will be able to infer whether the cause of his sins is to be placed in thoughts of the mind rather than in motions of the body.

3° For procuring the integrity, even material, of Confession. For this not only do questions suffice which are necessary for knowing the species, and, insofar as it can be morally known, the number of mortal sins, but questions concerning other things besides species and number are altogether to be disapproved. Hence confessors exceed when they question: whether a) concerning circumstances only aggravating; - or b) concerning imperfect acts preliminary to copula or done immediately after copula, when the penitent already accuses himself of copula (n. 218. 4°; 222); - or c) concerning the manner in which the sin was committed, if that manner does not change the species; - or d) concerning the number of imperfect acts which were done in the same impulse of passion (n. 220. Note).

I said: the species and... number of mortal sins; for it is not necessary to question concerning simple temptations, concerning carnal motions, concerning involuntary pollutions, concerning light disorders in the use of Matrimony, unless from another head a good reason urges for questioning concerning some of these. Hence, if someone moved by a vain scruple comes to Confession saying that he committed shameful things in childhood without cognition of malice, and now wishes to accuse them because he never confessed them, the confessor will teach him that no obligation is present of accusing such things; yet if the penitent desires to disclose them for greater tranquillity, this can be permitted to him; but it will not be necessary to add questions.

Note. - In questioning penitents concerning the species of sins, the distinctions of Theologians are to be followed as a norm, provided the penitents are not such that concerning them (either on account of childish age, or on account of extraordinary ignorance or stupidity) it cannot be presumed that they have formally contracted those special malices. Cf. n. 199. Resolves 2°.

2) Prudent. For Theologians cry out with one voice that it should rather be permitted that material integrity be lacking to Confession than that scandal be furnished to penitents through imprudent questions. - But an imprudent question is one which contains the danger lest it produce evil rather than good; and especially lest penitents learn the malice which perhaps they are ignorant of, and thus on account of that very question begin to sin. Cf. *Lit. Rom.*

3) Modest. But questions will not be modest if the confessor uses words too free, shameless, and least fitting to priestly modesty.

But what expressions will the confessor be able to use in particular cases, so that with due prudence and modesty he may question penitents?

Behold some particular examples of questions for some cases often occurring in practice.

A girl says: I made indecent jokes with my sister in bed; - the Confessor should ask: were these touches very shameful?

A married woman says: I had copula in a preposterous manner. - The Confessor will ask: in this manner can you conceive offspring?

A husband says: I touch my wife with my hands; - the Confessor will ask: do you linger in these touches, without coming to the conjugal act? On account of these touches did an evil effect happen?

An adolescent says: I did shameful things with my brother in bed; - that the confessor may understand whether sodomy was present, he will ask: therefore did you touch your brother with your hands? To the one responding affirmatively he will add: did you do something worse with him?

A man says: I sinned with a woman, or I slept with a woman, or I did what I wished with a woman; - these things are to be understood of perfect copula, and therefore no question is to be made, except for knowing whether that woman was married, consanguineous, etc.

A married man says: I did shameful things with a girl; - the Confessor will question him, saying: did you make the matrimonial act with her?

A girl says: I did shameful things with a lover; - the Confessor will add: did you do these things with the hands, or also in a worse manner? - Thus he will understand whether there was, or was not, union of bodies, in which there is present the malice of fornication. Yet if the confessor sees the necessity of knowing whether this fornication was effectively completed, he will also be able to say: by that which you did, could you become pregnant? To the one responding affirmatively he can further question, saying whether she actually remained pregnant, that he may forearm her against temptations to abortion, and that he may strive to impede scandal in the best possible way.

A man says: I have a vice of touching women; - the Confessor will be able to add: are these touches very shameful?

A married woman says: I did not well perform the matrimonial act; - the Confessor will be able to say: in the manner in which you bear yourself with your husband, can you conceive offspring? If she affirms, then he will teach her that in that manner there is a light fault, or even none, if the husband wishes to do this; but if she denies, then the confessor will add: explain therefore what you did.

A girl or boy says: I touched myself. - Should it then be inquired whether pollution was present? Certainly not at all. "Let him take care," says St. Alphonsus, "not to inquire of girls or boys whether emission of semen was present," lest namely "they apprehend what they had not yet known, or be placed in curiosity of learning." The same caution is to be had generally with respect to unmarried women, even adult ones; whence P. a Bergamo wrote: "Nevertheless nothing is to be hinted concerning pollution; since this is not equally sensible to all women; indeed to many it is altogether unknown;... whence one must abstain from these words: pollution, corruption, and the like.... Worthy of being known is that the vice of pollution is not so common generally among women as among males, and very many women are in no way infected with this lust. Therefore one must speak more cautiously with women, lest they draw malice from our expressions."

Here finally it can be asked what questions are to be made to girls or young persons who accuse nothing at all concerning faults against the Sixth Precept, if the confessor fears lest they hold something back from shame? He can say: have you heard evil conversations? have you had evil

thoughts? Have you done some indecent thing? Have you made evil jokes? These questions can induce no danger, because, if the penitent does not know the malice, he will not learn it; nor will he be placed in curiosity of learning what these words of the confessor signify, because he will understand that there is question of indecent things and jokes in another kind. Meanwhile, if they respond negatively, sometimes the confessor will be able to use a suggestive question, saying, as was noted above from St. Alphonsus: And now say, how often have you done these things? If they affirm that they have committed indecent things, or have made evil jokes, then the confessor will be able to say, e.g.: explain what these indecent things and these evil jokes are which you did? Did you do them secretly? Were you alone? Where were you? Would you have done thus, if your mother had been there? If your mother had seen you, would you have been suffused with shame? And on account of shame you have never accused these sins; is it not so? Ordinarily from the responses the confessor will know either certainly or almost certainly whether that boy truly did shameful things, and thence, according to the rules given above, he will be able to come to other questions, if they seem necessary. - Some confessors instead of saying: have you done some indecent thing? say: have you committed some dishonesty? or: have you committed something against the virtue of holy purity? I judge that these questions made thus abruptly are not sufficiently prudent; because, if the girl does not know the malice, she will not be able to attach any sense to these questions, and therefore she will easily be in curiosity of learning what those words mean; whence also she will easily seek an explanation from other girls, and thus she will badly learn what she was well ignorant of. - Other confessors behave much worse, and to nearly all boys, girls, and adolescents they say abruptly: have you touched yourself? But they do this because from experience they know that other questions, made in general and under a certain veil, are not effective, as this one is, for extorting the confession of sin. I indeed confess that this open question is more effective, so that, if other questions extort confession from seven or eight boys, this one will extort confession from nine or ten; but I judge altogether that it is not ordinarily to be employed; for if it were ordinarily employed, it would teach malice to very many; but is it fitting, in order to aid some, to inflict harm of this kind on very many others? - At most, therefore, such a question will be able to be made in some rare case, when namely the confessor is certain of the sin committed by the penitent, the confession of which he could not obtain unless by employing the aforesaid question.

4) That they bring no grave harm to the confessor himself. For if the confessor on account of some special questions would be cast into grave danger of sinning mortally, certainly he neither ought, nor would be able, to make them. That he ought not is clear; because, just as a penitent is not held to the material integrity of Confession with his own grave spiritual harm, much less will the confessor be held to procure the same integrity with grave harm to his own soul. Besides, all know that charity begins from oneself. But that then he cannot make those questions is clear from the general obligation itself of avoiding grave dangers of sinning mortally, when it is possible to avoid them. Besides, if there were question only of some temptation or of some carnal motion, through these things the confessor would not be obliged to abstain from necessary, prudent, and modest questions; but rather he should fortify himself with prayer, and, before he begins to hear Confessions, renew his right intention. Thus almost concerning questions Berardi.

1426. Questions. - Query 1° What must the confessor do in doubt concerning the sincerity of the penitent?

Resp. There is a common rule, and as it were a received axiom: The penitent is to be believed, both when speaking for himself and against himself. The reason is that the penitent in the Sacred Tribunal is at once defendant and witness, his own accuser and advocate, and otherwise in doubt is always to be presumed truthful. Wherefore, after opportune questions, the confessor must absolve the penitent denying.

Query 2° What must the confessor do if he knows certainly that some sin is being sacrilegiously held back or denied by the penitent?

Resp. 1° If he knows it from the Confession of another, and has not obtained from this one license to speak with the accomplice concerning the sin declared (which license is not ordinarily to be sought), he must, lest the seal of Confession be violated, only question generally, as he otherwise would have done or ought to have done; but if the penitent questioned has denied it, let him answer nothing, but, where this can be done without suspicion, let him merely exhort generally that the conscience be opened with all confidence. But whether the confessor must absolve such a penitent is controverted. - St. Alphonsus, after reporting the opinions of others, concludes thus: "Better, in my judgment, Croix thinks,... that in that case he should in no way absolve, but only pray something to conceal the denial of absolution." And rightly indeed. For whenever, as in the case, injury to the seal can be avoided, the Sacrament cannot be ministered to one unworthy who asks it occultly.

Resp. 2° If he knows it outside Confession, of itself he must absolve the penitent denying, because the penitent speaking for himself and against himself is to be believed; nor of itself can the report of another make greater faith than the declaration of the penitent himself; nor therefore is the confessor held to believe others more than the penitent himself. For if the penitent committed that sin, the confessor must presume that he either has forgotten his sin, or has confessed it to another, or has a just cause for holding it back, or that the reporters rather were deceived.

I said: of itself; for, if the confessor is altogether certain concerning the sin committed by the penitent, because e.g. he himself saw him stealing, heard him blaspheming, etc., or knows it from the certain report of others, he cannot absolve the one denying, provided he is certain that he had not forgotten his sin, nor has any motive for holding it back; for this rule: The penitent is to be believed, etc., holds indeed in a less certain matter, but not in an evidently certain matter.

In practice let confessors take care not easily to give faith especially to women, although pious, by whom they are informed concerning the sins and the manner of life of those who are going to approach them; for very often some things are exaggerated, and not rarely reports of this kind bend the judgment of the confessor concerning the disposition of those approaching him to the worse side than is fitting.

Notes to n. 1426. (1) L. VI. 681. (2) Ib. Si autem. H. A. Tr. XVI. 120. Cf. Vind. p. 587. Ed. 2a. T. II. p. 209. (1) L. VI. 681. Cf. Vind. p. 287. Ed. 2a. T. II. p. 209.

SECTION II.

ON THE SENTENCE TO BE RENDERED, OR ON ABSOLUTION TO BE GRANTED, DELAYED, OR DENIED.

1427. Principles. - I. Absolution must be granted from justice and under grave obligation to every penitent rightly confessed and disposed. The reason is that in the very act of Confession there is

entered into a certain quasi-contract, by force of which the penitent rightly confessed and disposed has the right to receive the Sacrament. But otherwise an intolerable burden would be imposed on the penitent without just cause, namely that he institute Confession before another, without besides being able certainly to trust that he is going to receive absolution from that new confessor. Moreover this is also required by the end of the institution of the Sacrament and of the tribunal of Penance, which was instituted by Christ for the sake of imparting mercy. Therefore the priest, denying absolution to a penitent disposed, would act unjustly, would abuse the power of the keys, and would render the Sacrament odious.

II. Nevertheless absolution can be delayed for a brief time, even for a penitent sufficiently disposed, and even without his consent, when namely the confessor judges that this is useful for his amendment. The reason is that the delay of absolution is not the denial of the same; and, although a disposed penitent has a right to absolution, nevertheless he does not have a right, at least speaking of itself, to obtaining it immediately. For the confessor is not only judge, but also physician; and therefore, if he judges such a remedy to be going to profit the amendment of the penitent, he will be able to use it prudently; indeed he will be held to use it, when he judges that a remedy of this kind is necessarily useful for the salvation of the penitent. - Thus expressly St. Alphonsus, from whom that Theologians, even older ones before the Sixteenth Century, do not dissent, the *Vindiciae* clearly prove.

I said: at least speaking of itself; because if the delay of absolution 1° is judged more likely to harm than to profit, or 2° cannot be done without a sufficiently notable inconvenience of the penitent, it must be granted immediately: for the penitent is then considered to have a strict right to obtaining it immediately.

III. Absolution is altogether to be denied in every case, even of extreme necessity, to penitents certainly indisposed. But to penitents doubtfully disposed, absolution is to be delayed, or, according to the rules handed down n. 1344. q. 8°. pag. 93. col. 2., can be imparted under condition, or even sometimes must be.

IV. In order that the delay of absolution may be the more profitable, the penitent is gently to be drawn to consent to it.

Notes to n. 1427. (1) L. VI. 462. Prax. Conf. n. 76. (2) Ed. 2a. T. II. p. 303 sq. (3) L. VI. 463. (4) Ib. 482. 461. (5) Ib. 463.

1428. Questions. - Query 1° Is it often expedient to delay absolution for a sufficiently disposed penitent, without his consent?

Resp. Outside the two cases alleged n. 1427. II., "it is better to say," says St. Alphonsus, "that a certain rule cannot be established in this; but the confessor must direct himself from the occurring circumstances, and, after he has commended himself to God, as he shall have been inspired by God, let him delay or impart absolution." Then he distinguishes a twofold kind of recidivists, and for each brings forward its proper resolution, as will be explained n. 1480.

Query 2° Is certitude concerning the disposition of the penitent required, so that he can be absolved?

Resp. 1° Absolute certitude is not required, nor even strict moral certitude, such as is required in other Sacraments, e.g. concerning wine for the consecration of the Eucharist. The reason is that the Sacrament of Penance scarcely admits a more certain judgment of this kind.

Resp. 2° Prudent probability is required and suffices, to which no prudent suspicion of indisposition is opposed. For evidence is not possible.

Query 3° What are the ordinary signs of sufficient disposition?

Resp. A rightly made Confession with a protestation of penance and purpose.

Query 4° Is the confessor held to excite sorrow in the penitent?

Resp. 1° Affirm., if the penitent does not seem sufficiently disposed; the reason is that one absolving an indisposed person exposes the Sacrament to the danger of frustration; "but if he dismisses him without absolution, he exposes him to the danger of remaining long in the state of mortal sin, or even of not returning any more." - Nor is he excused from this because he must spend much time on it, or because others are waiting, provided nevertheless that there is hope that he is to be disposed here and now.

Resp. 2° Neg., if the penitent seems sufficiently instructed and disposed, as are mature penitents, and those who confess frequently. For then the confessor is held to nothing, neither by reason of charity, since the penitent does not need special help, nor by reason of reverence of the Sacrament, which is exposed to no danger.

Query 5° Can, indeed must, a penitent be absolved who wishes to follow an opinion opposed to the sentence of the confessor?

Resp. Affirm., provided 1° the opinion of the penitent is somewhat probable, at least extrinsically; for the confessor is not a judge of opinions; 2° the penitent is not so unlearned that he is unable to form for himself a right conscience from probability, at least extrinsic, e.g. from the response of another learned and prudent man, with whom, against the opinion of the confessor, he wishes to stand: for he would act against conscience; 3° there is not question of a judgment which directly regards the administration of the Sacrament, e.g. the disposition of the penitent or the jurisdiction of the confessor, because then there is question not only of permitting the penitent his own opinion, but of following it in one's own operation: I add, from the mind of St. Alphonsus, 4° the opinion of the penitent must be not only speculatively but also practically probable, or not joined with a certainly probable danger of formal sin, as was said n. 87. Reg. 1. 2°: for then there is question of judgment concerning the disposition of the penitent.

Notes to n. 1428. (1) L. VI. 461. in medio. Vind. p. 649. Ed. 2a. T. II. p. 275. (2) Prax. Conf. n. 71. initio. (3) L. VI. 608. (4) L. VI. 604. H. A. Tr. XVI. n. 118. 119. Bouq. Th. fund. n. 355.

§ II. ON THE MANNER OF ACTING WITH VARIOUS KINDS OF PENITENTS

There must be treated: 1° of those in occasions; 2° of the habituated and recidivists; 3° of the Confession of children before First Communion; 4° of the Confession of adolescents after First Communion; 5° of the Confession of persons of the other sex; 6° of the Confession of persons of distinguished condition; 7° of the Confession of persons professing piety.

POINT I. ON THOSE WHO ARE PLACED IN AN OCCASION OF SIN.

SECTION I.

ON THE OCCASION OF SIN IN GENERAL.

1429. Definition. - An occasion of sin is generally defined: an external circumstance which, whether from its own nature, or from the frailty of the man who is found in it, allures, or induces, to sinning. Hence it differs from the danger of sinning, by which name comes whatever impels to sin, whether that be intrinsic or extrinsic.

Division. - A manifold occasion is distinguished, namely proximate or remote; absolute or relative; present or not present; voluntary or necessary.

1° A proximate occasion is that which induces a probable danger of sinning; remote, however, that which induces a slight [danger], or in which commonly men, for the most part, do not sin.

2° An absolute occasion, or occasion *per se*, is that which of itself induces to sin, and therefore is such with respect to men taken commonly; but a relative occasion, or occasion *per accidens*, is that which, although it is not an occasion with respect to others, is nevertheless such with respect to someone, his frailty being considered, or because he has frequently fallen in it. Wherefore, just as an absolute proximate occasion can be a relative remote one for one who is very pious and cautious, so on the contrary an absolute remote occasion can be a relative proximate one for one who is weak and prone to vice, especially shameful vice.

3° A present occasion, or occasion *in esse*, is that which is continually present to someone, without its being sought, e.g. if he keeps a concubine at home, or is accustomed to sin with a maidservant; but a not-present occasion, or one not *in esse*, is that which is absent, and at intervals either is sought or occurs, as a tavern is relative to a drunkard, a mistress with respect to her lover.

4° A voluntary occasion is that which can easily be dismissed; but a necessary one is that which cannot be removed physically or morally.

Moreover the causes which truly render some occasion necessary are nearly these:

1° Complete impossibility of avoiding the occasion, e.g. if a concubine were shut up in a prison of which her concubinary were the guard.

2° If the occasion cannot be avoided without sin, suppose of injustice, or without true and grave scandal, as if a wife were in occasion on account of cohabitation with her husband, and from separation there would follow spiritual ruin in the children or scandal among the people.

I said: a) without TRUE scandal; for fictitious or imaginary scandal is not scandal. Of this kind would be that which a concubinary would invent, alleging that the people, if he cast out the concubine, would be confirmed in the suspicion which it already has concerning his concubinage; for that very suspicion itself is already the scandal, which cannot be removed except by the casting out of the concubine.

I said: b) without scandal ... GRAVE; for a light one is not proportioned to the grave danger of one's own ruin.

3° If the occasion cannot be deserted without grave temporal harm in goods, whether of fortune, of reputation, or of life, or without another grave difficulty.

4° According to Berardi and others. When the person in occasion cannot withdraw himself from one occasion without certainly falling into another equal or worse occasion, or into another equal or

worse spiritual danger. The reason is that no one can be obliged to something useless or to something worse. Hence Gury wrote: "A maidservant would not have to be obliged to depart at once from the house ... for the case in which ... she could not depart except so as to fall into an equal danger and perhaps into a greater one." Yet one must beware of hallucination, which in this matter is very easy; for it is too easy to be deceived, where it is sweet to believe. Thus it is very easy for a concubinary to believe, e.g., that he will sin in an equal way even with a new maidservant, and nevertheless to delude himself; concerning which matter Viva wrote: "Certainly the danger, considered in itself, of sinning with a new maidservant is not the same ... as of sinning with a concubine."

Notes to nn. 1429-1434 - note sequence 1. (1) L. VI. 452. H. A. Tr. ult. n. 2. (2) L. VI. 455. 456. Pr. conf. n. 68. 69. Notes to n. 1429 - note sequence 1. (1) L. VI. 452. H. A. Tr. ult. n. 1. (2) Ib. (3) L. VI. 455. Notes to n. 1429 - note sequence 2. (1) Cas. consc. n. 700. (2) In prop. 41, damn. ab Alex. VII. (3) Berardi de Occas. n. 61 sq. (4) L. VI. 452. Notes to nn. 1429-1434 - note sequence 2. (1) Tr. 6. c. 5. p. 4. n. 59. (2) T. III. n. 472. Notes to nn. 1429-1434 - note sequence 3. (1) L. VI. 455. Pr. C. 68. Ber. 79 sq. (2) L. VI. 454.

1430. - Principle I. In order that a right judgment may be made concerning the probability of the danger which makes some occasion proximate, according to the mind of St. Alphonsus a distinction must be made between an occasion in which someone has already been placed for some time, and an occasion which is now to be approached for the first time.

In the former case the occasion will have to be held proximate if someone has frequently sinned in it; nor is it required that he always or almost always have sinned in it, or even more often than not. But it makes no difference whether the frequency is relative or absolute. Relative frequency is computed according to the number of times in which someone was exposed to the occasion, and it will be present, e.g. if someone in twelve visits is accustomed to sin five or six times. But absolute frequency will be present when the number of falls, considered in itself, is notable, as if two persons who meet on single Sundays fall ten or twelve times in a year, or if for several years you have always sinned in a house which you visit only once in the year.

In the latter case, one must stand by the presumption taken from things which commonly happen: namely, it must be presumed that probable danger of sinning will be present for someone if that very occasion commonly brings that probable danger to other persons placed in the same circumstances. - I said: placed in the same circumstances; for diversity of circumstances, whether on the part of the subject, or on the part of the occasion itself, or on the part of the manner in which the same occasion is approached, induces a difference in the degree of danger.

On the part indeed of the subject, a difference of age, state, sex, temperament, virtue, education, instruction, affections, etc., can have great influence. Thus some things are very dangerous to children and not to adults; to youths and not to old men; to the lustful and not to the cold; to those leading a celibate life and not to the married; to men and not to women, or conversely to women and not to men. Thus some things are very dangerous to common people, but not to persons of distinguished condition and well educated. Thus frail persons and those lacking the fear of God will find grave dangers where persons endowed with virtue and piety will be in slight or no danger. Thus a prolonged conversation with a woman ordinarily exposes those who pursue her with disordered love to grave danger; but not those who do not have such an affection. Thus books of impious men or heretics, which ordinarily would expose secular persons to very grave danger, expose a Religious

man, very grounded in Theology, to slight or no danger. It must also be adverted that habituation produces great differences. For on one side many things are more dangerous to the accustomed than to the unaccustomed, insofar as custom renders consent and fall easier; and on the other side some things are more dangerous to the unaccustomed than to the accustomed, insofar as some things from long use (or from use of worse things) no longer make any impression; whence St. Alphonsus wrote: "Habituation causes that men are less moved to concupiscence from such a sight" (of women showing their breasts), "as is clear from experience."

But on the part of the occasion itself, many circumstances can induce a great difference in the degree of danger. Thus it is one thing to converse with a young, beautiful, adorned, immodest woman, full of allurements; and another thing to converse with an old, deformed, grave, modest, pious woman, etc. Thus it is one thing to be present at a comedy represented with sufficient honesty and sufficient decency; and another thing to be present at a comedy very shameful or represented very shamefully.

Finally, on the part of the manner in which the occasion is approached, many circumstances can likewise induce a difference in danger. Thus it is one thing to speak with a girl secretly, witnesses being removed, frequently, for a long time, and without any caution; and another thing to speak with her in the presence of others, rarely, for a brief time, and with opportune cautions.

Notes to n. 1430. (1) Cf. L. VI. 452. § Notandum vero, quod aliquando, and § Cum occasio externa conjungitur cum passione. (2) Ib. n. 50. (3) Ber. Occ. n. 13.

1431. - Principle II. In order that someone may be treated as constituted in a proximate occasion, it is required that the occasion from proximate has not become remote. But that it has become remote is known from nearly these indications:

1st If from sufficient experience it is clear that the gravity of the danger has vanished; as, for instance, if someone was accustomed almost daily to become drunk in a tavern, and now already for a long time indeed frequents the tavern daily, but, on account of the purpose made, has never become drunk. But a much longer experience is required in chastity.

2nd If some cause has supervened which evidently destroys the gravity of the danger, as if someone had had a custom of sinning with a woman near him, not on account of affection toward her, but on account of the mere discharge of lust; but now has taken as wife her sister, whom he very much loves. I say: evidently or sufficiently certainly, so as to exclude the case, e.g., of one promising amendment yesterday.

3rd According nevertheless to only some Theologians. If the penitent shows extraordinary sorrow and purpose. But I would admit this third indication only if the occasion, which I suppose to be voluntary, a) is not present, nor going to last long; or b) is not very alluring, as if, e.g., there is question of an associate with whom the penitent himself was accustomed first to introduce depraved conversations.

4th If other means sufficient for rendering the occasion remote without separation are present, and it can be presumed that the penitent will in fact employ them.

1432. - Principle III. Absolution is not to be denied to a penitent constituted in a remote occasion, even if he does not wish to desert it. The reason is: 1° because it does not induce a proximate danger of sinning mortally; 2° because too hard an obligation would be imposed on the penitent, since such

occasions generally cannot be morally avoided. Yet make an exception, and that per accidens, if the occasion, although remote, unless it is deserted at once, is going shortly to be proximate, as if with the occasion there is joined a vicious habit, or a great temptation or vehement passion.

Notes to n. 1432. (1) Ber. Occ. n. 15 sq. (2) L. VI. 452. H. A. Tr. ult. n. 2.

1433. - Principle IV. A penitent is never to be absolved who refuses to desert a voluntary proximate occasion, whether that occasion is proximate per se or per accidens; whether *in esse*, or not *in esse*. This is clear from propositions 61, 62, 63, condemned by Innocent XI, p. XVII; likewise from the 41st condemned by Alexander VII, p. XIV.

1434. - Principle V. But to a penitent who is placed in a necessary proximate occasion, absolution cannot be denied on account of that occasion, if from elsewhere he is found disposed, and is willing to use the prescribed remedies. The reason is that no one is bound to that which is either physically or morally impossible; and from elsewhere the occasion of sinning is not of itself a sin, nor does it cast a man into the necessity of sinning. And this sentence indeed, according to St. Alphonsus, is most probable; "but," he adds, "in practice all agree that it is expedient that absolution ... be deferred. Indeed ... I would never absolve," thus the holy Doctor continues, "one who is in an extrinsic proximate occasion, ... especially if the occasion is concerning shameful matter, whenever absolution could conveniently be deferred. For I judge that the confessor, as physician, is held to fit to his penitent the more opportune remedies, so that he may work out his salvation; and I think that no other more apt antidote can be ministered to him who is in a proximate occasion than the delay of absolution; since experience teaches that penitents, after they depart absolved, for the most part neglect to employ the prescribed means, and thus very easily relapse." - Note that the holy Doctor says: whenever absolution could conveniently be deferred ... as physician, etc. For which reason, if there is question of a penitent whom the confessor prudently and before God judges not going to return, or not except after a long time, the delay of absolution will no longer have the character of medicine.

I said: is willing to use the prescribed remedies. Here it is asked, what remedies are to be assigned to the penitent who is placed in a necessary occasion? Resp. They are of a threefold kind: 1° some are directed to diminishing the force of the occasion; 2° some to diminishing the force of passion; 3° finally some to increasing spiritual strength.

First indeed it is necessary to diminish the force of the occasion. Not rarely a few words spoken with a strong soul; - not rarely some serious threat or reproach; - not rarely even one opening of the mouth for crying out; - not rarely even once to report the matter to someone who can apply a remedy, - suffice so that the treacherous plotter is cast down in spirit and ceases from every annoyance. The Salmanticenses wrote that such a person in occasion ought "not to mingle long conversations with that woman, and not even to joke lightly." He will also have to avoid looking at her with delay, and, as far as possible, not to speak about her, not to think about her, etc. But especially, says Scavini, "it must be inquired ... whether some circumstances generate the proximate occasion, in which case, by removing the circumstances, the occasion will be removed; e.g. sin is never committed except while in the evening he converses in the kitchen with the maidservant; then entrance into the kitchen at that time should be prohibited, and the occasion will be removed." Moreover these and similar things will be able, if not to destroy the force of the occasion, at least to diminish it not a little.

Secondly it is necessary to diminish the force of passion, by providing it no foment through idleness, through freedom of the senses, through depraved thoughts, through depraved readings, through intemperance, etc.; likewise by subjecting it through labor, through fasts and other macerations, if this is possible.

Thirdly it is necessary to increase spiritual strength. This is done chiefly by prayer, frequency of the Sacraments, and meditation on eternal truths.

As to prayer, care must be taken that the penitent, every morning and evening, and also when temptation comes, earnestly implores God and the Blessed Virgin for grace so necessary to him. But everyone knows how great is the usefulness of novendial prayers, devout assistance at the Sacrifice of the Mass, visitation of the Most Holy [Sacrament], renewal of purpose before the Crucifix, etc. Moreover prayers have greater force if they are joined with alms.

As to frequency of the Sacraments, care must be taken that the penitent choose for himself a stable confessor, learned and pious, as far as possible, and that he confess to him with the greatest frequency with which he can. But especially care must be taken that the penitent return to Confession immediately after a fall.

Finally, as to meditation on eternal truths, care must be taken that the penitent every day seriously think again about death, divine judgment, and eternal torments. But if for the penitent there were an opportune occasion of making spiritual exercises (even privately in his own home), as if he were a priest, or a rich person, or a Religious, then the confessor would have to employ every effort with him, that he may undertake them and perform them rightly; indeed, when possibility is given, there can be a true obligation of recurring to extraordinary means of this kind, namely when the evil and danger of the soul is great and extraordinary.

1435. - Principle VI. Never, i.e. not even the first time, can he be absolved who is placed in an occasion, necessary indeed, but such that, while it stands, amendment cannot be hoped for, or no hope exists that the remedies will be going to profit. The reason is that to wish to remain in such an occasion is to wish the sin, and the removal of the occasion is here the sole means of salvation. Except the occasion which it is altogether impossible to remove. See n. 1429. 4°. 1°. Cf. n. 1436, q. 2°.

1436. Questions. - Query 1° Can a penitent who sincerely promises that he will abandon a voluntary proximate occasion of sin be absolved before he has abandoned it?

Resp. 1° **Affirm.**, and that not only once or twice, but even three times, if a) there is question of an occasion not *in esse*; b) the purpose of avoiding the occasion is firm; for if the habituated person otherwise betrays indications of indisposition, as if after the first or second absolution he falls back in the same way and with no effort employed for avoiding the occasion, he will have to be treated as formally a recidivist, and therefore neither the second nor third time will he be absolved without some extraordinary sign, as will be clear from the things to be said n. 1473 sq. - But it must be noted that here only whether he can be absolved is asked; for although the confessor, as judge, can absolve this penitent, as sufficiently disposed, nevertheless he can also, as physician, delay absolution, so that he may see whether the penitent in truth avoids the occasion or at least begins to amend himself; indeed it will be expedient to act thus, even the first time, if the custom of sinning in the occasion is already inveterate. I said: and that not only once, etc. For several times before the real execution of the purpose he cannot be absolved.

Resp. 2° **Neg.**, if there is question of a present occasion or one *in esse*, not even the first time. If however the penitent either a) gives extraordinary signs of sorrow AND absolution cannot conveniently be deferred; or b) cannot return to the same confessor, or at least not except after a long time, NOR has been unfaithful to a promise already made before concerning removing the occasion (in which case he is to be treated as a recidivist, i.e. not absolved unless he brings extraordinary signs), he not only can be absolved, but has a right to receive absolution.

The reason of the rule is that "the taking away of the present occasion" is "a greatly arduous matter; ... and therefore, if the occasion is not taken away before absolution, the penitent will easily after absolution deceive himself, falsely persuading himself that he will resist temptations.... For which reason, if such a one wished to be absolved before he deserts the occasion, he would be indisposed, because he would constitute himself," and that voluntarily, as is supposed in the question, "in a probable danger of breaking his purpose; and therefore the confessor" absolving him "would sin both against the office of judge and of physician." And indeed against the office of judge, because he would absolve one indisposed; but against the office of physician, because he would not apply to him the remedy necessary to his salvation.

The reason of the 1st exception is that those extraordinary signs indicate that the penitent has been endowed with more abundant grace, from which he can be hoped to be more constant in removing the occasion. But that absolution even in this case is to be deferred, if it can conveniently be deferred, is from this, that the little cord of occasion is broken with difficulty. - The reason of the 2nd exception is that then the occasion here and now is necessary, since it cannot conveniently be taken away before absolution. But that absolution even in this case is to be deferred, if the penitent has not stood by the promise previously made concerning removing it, will be clear from the principles which we shall hand down concerning recidivists n. 1473 sq.

Query 2° Can he be absolved who, existing in a necessary occasion, after remedies have been employed, always relapses in the same way?

Resp. **Neg.**, if there is no hope of amendment, whatever finally must happen. Thus St. Alphonsus, as the truer [opinion]. The reason is that, although on account of a just cause the danger of sin can be permitted, nevertheless the formal sin itself can never be permitted; but, when no hope of amendment appears, danger and sin become one single thing. - Hence a woman ought rather to perish from poverty than to frequent a house where she receives large alms, but which always degenerate into the wage of prostitutes. I said: if there is no hope of amendment. But this is judged to be present "if in the present [case] the penitent brings extraordinary signs of sorrow."

Notes to n. 1436. (1) L. VI. 454. (2) Ib. (1) L. VI. 457, 458. Cf. Vind. p. 603 sq. and 609 sub 6. Ed. 2a. T. II. p. 227 sq. and p. 233 sub 6.

1437. Resolves. - 1° "A maidservant vividly solicited by her master, ... if ... she is frail and little devout ... is held to depart from his house," although she has not yet sinned. The reason is that the occasion here, although still remote, is shortly going to be proximate. See n. 1432. - But if "she were given to piety, and cautious, and employed opportune remedies for repelling temptations and opposing passion, then I would not bind her to taking away the occasion." St. Alphonsus. The reason is that then the occasion cannot be presumed shortly going to be proximate.

2° Paul has often sinned with his maidservant, and can dismiss her without grave inconvenience. On occasion of spiritual exercises, to which he applies himself far from his own home, he confesses. It is asked whether he can be absolved before he has in fact dismissed the maidservant. Resp. distinguish. Either he has promised others that he will dismiss the maidservant, or not. If the former, he will not be able to be absolved unless he offers extraordinary signs, such as spiritual exercises are not when they have been performed perfunctorily and for this reason only, because the Superior or diocesan statutes compelled him to them. If the latter, he will be able to be absolved. See the reason of this resolution n. 1436. q. 1°. R. 2°.

3° Peter, on account of his business, or because otherwise he would be judged, not without manifest danger of enmities, to disregard those laws of relationship which are accustomed to be observed among relatives, goes two or three times in the year to a house which for him is a proximate occasion of the sin of lust, or to a certain city in which he is accustomed to sin with prostitutes. It is asked, 1° whether Peter must be obliged no longer to approach that house or city; 2° whether he can be absolved if he has promised to employ the prescribed remedies?

Resp. to the **1st Neg.**, if he is prepared to use the prescribed remedies.

Resp. to the **2nd Neg.**, if (which nevertheless will be rare in the case) absolution can conveniently be deferred, or if he is a recidivist and does not bring extraordinary signs of sorrow. The reason of each response is clear from the things said n. 1434.

4° Those who are not sui juris, as a son or daughter of a family and a wife, and are placed in a proximate occasion *in esse* with a male servant, a maidservant, a relative, or a husband, can be absolved if they seriously promise to employ the remedies prescribed by the confessor, and absolution cannot conveniently be deferred; otherwise, if either a) absolution can conveniently be deferred, or b) after remedies have been employed in vain, they always fall back in the same way and do not give extraordinary signs of sorrow. This follows from the things said n. 1436.

5° Caia, deprived of parents and destitute of every human hope, lives in concubinage with Peter, to be expelled from his house and to perish from hunger unless she continues to obey Peter's lust. It is asked whether she can be absolved before she has left Peter's house? - Neg. This follows from the things said n. 1436.

Notes to n. 1437. (1) L. VI. 452. § Ex praemissis. (2) Cf. Vind. p. 610. III. 1. 2. Ed. 2a. T. II. p. 233. III. 1. 2.

SECTION II.

ON PARTICULAR OCCASIONS.

Of these some, for the most part, are voluntary; others, for the most part or frequently, are necessary; concerning each kind separately there must be treated.

Note. - While in those things which I hand down in this Section II, I teach that some occasion does not necessarily have to be abandoned, do not understand this as if in no event, and not even in the cases concerning which I treated n. 1435; 1436. q. 2; 1437. 3°. 4°. 5°, it had to be abandoned; but these things must be taken in the sense indicated n. 1434; i.e. it will be lawful to try the remedies concerning which in the same n. 1434, until hope of amendment has vanished.

**A. ON THOSE PARTICULAR OCCASIONS WHICH,
FOR THE MOST PART, ARE VOLUNTARY.**

There must be treated: 1° of concubinage; 2° of dances; 3° of theatres; 4° of conversations; 5° of depraved companions; 6° of depraved books; 7° of dice-play; 8° of taverns.

I. ON CONCUBINAGE.

1438. Definition. - Concubinage properly so called is the frequent and continued lying together of an unmarried man with an unmarried woman, keeping her as if she were a wife, whether in the same house or in another. - I said: properly so called; for if there were frequent and continued lying together with a married man or a married woman, it would be concubinage improperly so called.

Notes to nn. 1438-1439 - note sequence 1. (1) L. IV. 435. Salm. Tr. XXVI. c. II. n. 21. (2) Casus. n. 692. 693. Notes to nn. 1438-1439 - note sequence 2. (1) L. IV. 436. (2) Ib. Notes to nn. 1438-1439 - note sequence 3. (1) L. IV. 436. (2) Ib. 435. q. I. (3) Ib. Notes to nn. 1438-1439 - note sequence 4. (1) L. IV. 437. 441. L. III. 31. (2) L. IV. 452. Salmant. Tr. XXVI. C. II. n. 35. (3) L. III. 52. Aertnys, De Occasionariis et recidivis, n. 21. q. 2°. Notes to nn. 1438-1444 - note sequence 1. (1) n. 471. (2) L. IV. 427. Notes to nn. 1438-1444 - note sequence 2. (1) L. IV. 427. (2) Conc. Pl. Balt. II. n. 471.

1439. Questions. - **Query 1°** Is he a concubinary, or at least is he held to separation, who rarely has sinned with a domestic woman?

Resp. 1° He is not a concubinary, since that frequent and continued lying together is not present which, as was said in the definition, is required for concubinage.

Resp. 2° He is not held to separation, provided that 1) the danger of relapse without separation either has already become remote or can be rendered remote; 2) on account of special circumstances either on the part of the subject, or on the part of the occasion itself (n. 1430), it cannot be presumed that the danger of relapse, although for now remote, will shortly again become proximate; 3) separation is not necessary for ending or repairing scandal which perhaps has arisen. The reason of the 1st is that the occasion is not, or at least is no longer, proximate; the reason of the 2nd and 3rd is clear from the things said n. 295. 12°; 301; 1432. - In practice, however, on account of the defect of the second condition, separation will often be necessary.

Case. - Lampridius once or twice sinned with his maidservant; he confesses after three months, affirming that he is sorry with his whole heart and that he will employ suitable means for avoiding relapse; but that he cannot cast out the maidservant, who is very useful to him. All these things having been weighed, the confessor absolved him. It is asked: Could Lampridius ... have been absolved? Gury resolves: "Lampridius absolutely could have been absolved, without dismissing the maidservant at once, the circumstances of the case being considered; or some experiment of time could be permitted."

Query 2° Can a concubinary ever be absolved before he has dismissed the concubine; or a concubine, before she has deserted the concubinary?

Resp. Distinguish. For on one side the occasion is either voluntary or necessary; but on the other the concubinage is either public or occult.

If 1) the concubinage is public and the occasion voluntary, Neg., and that although he gives signs of great sorrow. "The reason is both because it would beget scandal to see him who still keeps a concubine at home, or frequents her house, approach the Eucharist; and because a public sinner

should not be absolved unless he also publicly does penance, and satisfies for the scandal." Therefore, before he is absolved, he must dismiss the concubine, or, if she lives outside the house, not approach her for some notable time.

If 2) the concubinage is public and the occasion necessary, ordinarily the concubinary will be able to be absolved in one case only; namely, when he lies dangerously ill, and the remedy of Matrimony can be employed. But if there is no place for this remedy, he will indeed be able to be absolved and fortified with the Sacraments of those going forth [from this life], provided nevertheless that a) the presence of the concubine or concubinary is not joined with proximate danger of sinning, or this danger can both be rendered remote and is in fact rendered so; and b) scandal either is not present, or, if it is present, is removed. But scandal is not present if the morally insuperable difficulties which impede the expulsion of the concubine or the desertion of the concubinary are of themselves manifest to the people or altogether presumable by them. But scandal is removed, in the case in which those difficulties were unknown to the people, if the sick person makes them manifest openly to some witnesses. (24) p. 420.

It is clear of itself that here there is question of a sick person in possession of himself; for, if the sick concubinary is found destitute of his senses, he must be absolved under condition, and also anointed with Holy Oil, as is clear from the things said n. 1371. 4°, and will be clear from the things to be said in the Treatise on Extreme Unction, n. 1508. q. 8°.

If 3) the concubinage is occult and the occasion voluntary, namely such as can easily and immediately be removed before absolution, absolution cannot be given, as is clear from the things said n. 1436. q. 1°. R. 2°, and that although the penitent brings extraordinary signs (except the cases concerning which in the cited place); for "experience shows too much that, absolution having been obtained, the occasion is afterward taken away with difficulty, and thus he very easily returns to the vomit." Except, according to the mind of St. Alphonsus, if the concubine lives outside the house. See n. 1436. q. 1°. R. 1°.

If 4) the concubinage is occult and the occasion necessary, one must attend to why it is necessary.

If a) it is necessary by reason of scandal or infamy, "commonly speaking he is not to be absolved.... The reason is that in prolonged concubinage it is morally impossible for the matter not to become known to others." I said: COMMONLY speaking; for "if otherwise grave damage of reputation cannot be avoided," in this "very rare case" he will be able to be absolved. "But in that case I say that it is altogether expedient that absolution at least be deferred, until the continence of the penitent is proved by experience; unless the case were that the penitent (otherwise sufficiently disposed, as is supposed) could not return any more; ... or if the necessity of communicating were imminent for avoiding positive infamy." The reason of the resolution is clear from the things said n. 1434. - Hence a priest who (which may it be absent!) would live most miserably in concubinage with a female relative or maidservant without any suspicion on the part of the people, will be able to be absolved if, by casting out the concubine forthwith and without delay in the case of grave illness, or immediately after he has returned home from Spiritual Exercises, that which is occult would become public with great scandal. Nevertheless he would have to resolve to dismiss the concubine as soon as he could do so without the aforesaid scandal. Cf. however n. 1437. 2°. - Resolve the same if in the time of a Mission there were question of dismissing a maidservant, in the case in which dismissal, made precisely at that time and immediately, would cause infamy.

If **b)** it is necessary by reason of damage in goods of fortune, a distinction must be made. Namely, he will be able to be absolved if there is question of damage which would make the man fall from his proper state, as if, e.g., a maidservant is very poor and a notable wage, e.g. of many years, is owed to her, which the master will not pay if she departs. The reason is that to fall from one's own state is a sacrifice so grave that practically it cannot have the character of a means for liberating the penitent from sins; for it is easier that he effectively cease from sins, while the occasion remains, than that he dismiss it with so intolerable a sacrifice. "But in these cases regularly" (i.e. except the cases just alleged under a) "absolution is also always to be deferred."

If **c)** it is necessary on account of complete impossibility of removing it, or because it is not possible to withdraw oneself from it without falling into another equal or worse one: recall the things said n. 1429. 4°, and the admonition concerning absolution regularly to be deferred, as in the preceding cases.

Query 3° Would one who was publicly thought to be a concubinary, and was not, be held to dismiss the woman on account of whom such an estimation came upon him?

Resp. 1°. If he gave occasion to the rumor neither by an evil work nor by one less right, he is not held; but it suffices that he make known that an opinion of this kind is false; for then the scandal, as calumniously excited, either will cease or will become Pharisaic.

Resp. 2°. If by a work either evil or less right he gave occasion to the opinion, separation, if it can be done without grave damage, must be enjoined; because anyone is held by natural right to remove scandal; but he will be able to accomplish this with difficulty without separation, since he gave cause to the scandal. If separation cannot be done without grave detriment, he is not held to it; since charity, by force of which he must remove scandal, does not oblige with so great an inconvenience; therefore it suffices that he strive to remove the scandal by exemplary life and by making known the truth.

Query 4° What if provision can be made for the salvation of the concubinaries through Matrimony?

Resp. 1° This remedy is expedient when either **1)** the concubinary or the concubine labors under a certainly lethal disease; or **2)** no unhappy outcome from such a Matrimony can be feared.

Resp. 2° That remedy ought to be employed in that twofold case, if it is necessary for legitimating offspring. - See the things to be said in the Treatise on Matrimony, n. 1539. q. 4°.

Appendix annotation (24), to n. 1439. q. 2°. p. 167. col. 2. I said: "ordinarily in one case alone ... he can be absolved." For it can happen, even outside danger of death, that 1° the concubine either in no way or here and now cannot be dismissed or avoided, that is, a necessary occasion; 2° the penitent is prepared to remove as soon as possible and in the best way he can the public scandal which exists from the concubinage, and to avoid that which would exist from access to Holy Communion; 3° no good effect can be hoped from the delay of absolution. If these three things are present together, although they will be very rarely present, some teach that the concubinary, or concubine, can be absolved. That the first truly be present, two things are required: 1° that the occasion be truly necessary; for the affection by which concubinaries cling to their filthy pleasures not rarely brings it about that either they oppose specious pretexts to separation or exaggerate the difficulties of it; 2° that it is necessary precisely because from separation there would exist damage in goods of fortune so grave that by force of this he would fall from his proper state or be cast into grave necessity. See the example of the maidservant which I bring forward, p. 168. col. 1. under: If 2). For other damages, for example in reputation, in the case of public scandal, which has already stripped the concubinary of reputation, are not to be attended to. Cf. St. Alphonsus, L. IV. n. 437. 441. The second supposes a penitent who affirms as certain that the base commerce has now ceased for a long time, which nevertheless the people still believes to endure. They say that this man, if the first and third requisite are present,

can be absolved, yet with the conditions of the second requisite being observed. For hence, as is supposed, the occasion is necessary, and by the long interruption of the base commerce there is given an extraordinary sign of disposition; but from that, as likewise is supposed, the scandal which endures he cannot remove for the present, and he is prepared to remove it as soon as he can; nor is he going to give a new scandal, as again is supposed, namely by approaching Holy Communion, for he seriously promises that he will not approach it, at least in the place where he is known. The third requisite would be lacking if, all things considered, the delay of absolution is judged to be the stimulus by which that phrase "as soon as possible and in the best way he can," concerning which in the second requisite, may be completed more quickly. Cf. Berardi, Ed. 2. n. 151; Aertnijos, p. 30.

II. ON DANCES.

1440. - By the name of dance in Moral [Theology] comes the act of dancing, not insofar as it is considered in itself alone, but insofar as it is joined with diverse circumstances, either depraved or dangerous, on which the whole guilt of dances depends.

Depraved circumstances are, e.g. - obscene embraces, touches, conversations, nakednesses, gestures, - a depraved intention, - the character of scandal (concerning which n. 295. 8°), - grave prohibition of parents, - an ecclesiastical law forbidding them, etc. Circumstances of this kind render dances illicit per se; other circumstances make them more or less dangerous, or an occasion of sin. Here we treat of dances primarily under the character of an occasion of sin.

1441. - The general rule to be held in this matter is this. If the danger which dances bring is grave or probable, and no grave cause is present for approaching it, dances must be avoided under mortal [sin]. - But if the danger is light or not probable, or if a grave cause excuses, then either a light sin or none will be present. Therefore the quantity of the danger and the gravity of the cause must be attended to.

I. The Quantity of Danger. In order that this may be known, the criteria of the probability of danger handed down n. 1430 must be consulted; and hence 1) it must be considered whether the penitent at other times has been present at dances, and whether on account of them he has sinned frequently or not. If he has sinned frequently, and now the circumstances are not so different that it ought to be presumed that this time he will not sin, it will be most clearly established that the danger is grave. - But if from the particular experience of the penitent no conjecture can be made, then 2) the rule must be taken from those things which commonly happen. - But what commonly happens? Commonly these are found in grave danger:

a) Both women and men, if they approach dances not only on some one occasion, e.g. once or twice in a year, but with great frequency. The reason is that frequency of this kind is accustomed on one side greatly to excite lust, and on the other side to take away the will of praying, of frequenting the Sacraments, and of employing cautions which would be especially necessary for avoiding sins. Add that in the case no help can be expected from God, because no necessity is accustomed to compel anyone to approach dances frequently and very often.

b) Those girls of common condition who carry before themselves much levity, joined with much beauty or womanliness, especially if they are also very lustful and have their own lovers at those dances. For it is established by experience that young men, with girls of this kind on occasion of dances, abound in special flatteries, - i.e. in closer embraces and claspings of hands; likewise in conversations not only amorous, but also not rarely altogether obscene; - and finally, if they can, they kiss them and shamefully touch them, whether in the intervals when they cease from dancing from

time to time, or even in the very act of dancing, especially when the very quality of the dance offers an opportunity of this kind, whether of kissing or of shamefully touching. But it is established by the same experience that these girls are accustomed to consent to the temptations of men, at least by words and internal delectation. Therefore it must altogether be said that they are placed in grave danger.

c) Those leading the dances called Round dances, as our Bishops warn. See n. 295. 8°.

But what if some girl wishes to approach dances not too frequently, but only once or twice in the year, and is sufficiently well conducted, and does not carry before herself the levity described above; will she cast herself into grave danger?

"I judge," says Berardi, "that grave danger as to a girl of this kind ordinarily is not present. I am moved by experience. For those girls having sufficient fear of God, who once or twice in the year are present at dances, if they are asked whether on account of dances they have committed some mortal sin, whether by deed, by word, by thought, whether in the very act of dancing or afterward, ordinarily respond negatively."

But it is asked whether these things which have been said for girls concerning whom in the case are valid also as to dances called Round dances?

Resp. Those dances, although in general, nevertheless not always and in every case, or among persons of every kind, are immodest; and this especially for this reason, that not all in dancing employ embraces so close, and that proximity of breast and face so indecorous, which commonly are employed; for those dances can take place even if some distance is preserved in the embraces. It is true that the matter greatly depends on the will of the man; but, if an honorable and well conducted girl, such as is supposed in the case, seriously says that she does not wish to be so closely pressed, certainly she will not be pressed in that way by force. Wherefore, as regards our present case, the words which our Bishops use concerning these dances, whether in the decrees of the Plenary Council of Baltimore II, or in the Pastoral Letters cited n. 295. 8°, cannot be objected; for they call those dances immodest only in that sense, that today they commonly, not that they necessarily, are conducted immodestly (as at present carried on). - Therefore, saving a better [judgment], this would be my practice as to those dances. To all indeed I would most vehemently dissuade them, but I would not prohibit them to all indiscriminately, or to each individual, under denial of absolution; nevertheless certainly to those who would lead them either a) immodestly, or b) frequently, or c) with relative proximate danger, or d) with scandal of others in places where either they are not accustomed to be led, or the warning of the Bishops, concerning which n. 295. 8°, is urged. These things concerning the quantity of danger.

II. But for making a judgment concerning the degree of fault in approaching dances, it is not sufficient to weigh the degree of danger which is found in them; but it is necessary also to weigh the cause which impels one to approach the same dances. For if the danger is not of great moment, causes also not of great moment can excuse from every fault, even venial. But if the danger were grave, grave causes alone could excuse. But what will be causes not of great moment, and what kinds will be grave causes? Causes not of great moment are accustomed to be, e.g., the end of relaxing the soul; of more easily finding an occasion of Matrimony; of not displeasing a lover; of satisfying neighbors inviting to dances; of not exposing oneself to some censure or ridicule, etc. But grave

causes can be, e.g., if a woman were going to render her own husband hostile to herself, or if a girl would give occasion of great disturbance in her family, because her parents have announced dances in their own house, or her brothers have already agreed with companions that they are going to lead their sister to dances appointed by common counsel, etc. Yet in order that causes of this kind truly ought to be considered grave, it is necessary that no means be present by which the aforesaid disturbances can be avoided.

1442. - Query. How should confessors and Pastors conduct themselves as to dances?

Resp. 1° Let them avoid excess and defect of zeal against them. They exceed who inveigh against them with too much force and without any prudence. They are deficient who are touched by no care to impede them.

Resp. 2° **Confessors:** a) As to absolution to be denied or conceded, let them follow the rule handed down n. 1441. b) Even in cases in which the confessor does not deny absolution, he would conduct himself badly if he permitted dances with so much facility that he would not even give counsel of abstaining from them. For, however much dances may seem innocent, they are always dangerous, by reason both of the loss of devotion and modesty, and of the danger of implicating oneself in premature and inconsiderate loves. Wherefore the confessor, as much as he prudently will be able, must employ every care so that he may either avert penitents from dances, or at least diminish the aforesaid dangers by some admonitions and opportune means. These admonitions are chiefly the following, namely, that the penitent 1° form a right intention; 2° preserve modesty in all things, especially as to clothes, gestures, and conversations; 3° in no way yield to vicious sympathies, whether of others toward himself, or of himself toward others; 4° after the dance, revolve in mind holy and congruent reflections, which close entrance to depraved thoughts.

Resp. 3° **The Pastor:** a) Let him have persuaded to himself that by dances great dissipation is produced in the Parish, and, whether directly and proximately, or indirectly and remotely, occasion is given to many sins; whence he will take care according to his powers that he impede them, or at least diminish them. b) Let him use the necessary prudence, so that he may choose the more apt way which conduces to this end. - First indeed he will obtain much, if, rightly satisfying all the duties of the office of a good pastor, he instills into the faithful committed to him the fear of God, hatred of sin, care of the soul, and benevolence and esteem toward himself. Then in this matter he will profit especially if he fosters piety in girls.

Notes to n. 1442. (1) De Occas. n. 166. Ed. 1a.

III. ON THEATRES.

1443. - Of these: 1) Some are notably shameful - whether on account of notably shameful things either exhibited or recited in them (n. 295. 8°), - or on account of women with breasts and arms enormously uncovered either acting in or present at the spectacle, especially if, as is usual, they are contemplated with telescopic eyeglasses (opera-glass), - or on account of scenic dances (ballets), with which they are commonly intermingled. 2) Others besides are contrary to our most holy Faith, - whether because they traduce the Catholic Religion, now as tyrannical, bloodthirsty, cruel; now as hostile to knowledge, lights, progress; now as ridiculous, despised, vile; now as false, superstitious, impious, - or because they expose sacred rites, and the Sacraments themselves, to mockery, or exhibit

priests, Pontiffs, Religious men, and nuns as given to shameful things, - or because they extol or excuse crimes, e.g. vengeance, suicide, adultery, vices of the flesh, etc.

1444. - Query. What practice must be held as to theatres?

Resp. 1° "Let Pastors prudently avert the faithful from theatres ... and scenic games, especially those which are known to be full of evil and danger. Let them take care, however, lest by following opinions too rigorous they restrict Evangelical liberty. For if there are games of this kind which are subject neither to danger of sinning nor to scandal, it can be permitted to laymen to be present at them. But in preaching let them censure in general and grave words those games which, as very often happens, offer nothing except occasion of sinning." Thus the Plenary Council of Baltimore II.

Resp. 2° Absolution is to be denied in the following cases:

1) To some by reason of scandal (n. 295. 8°), unless a proportionate cause of permitting the scandal is present (n. 296 sq.).

2) To others by reason of cooperation in things notably shameful or gravely adverse to Religion. But cooperation will be either positive, namely by money or applause; or negative, namely by not impeding those things, when either by office there is an obligation of impeding them, or at least otherwise they can conveniently be impeded.

3) To others by reason of a voluntary occasion, namely: a) to spectators of representations which are contrary to Faith and Religion, unless both the character of scandal and the danger of perversion are absent, e.g. in a person most firm in Faith and very well fortified against falsehoods; b) to spectators of comedies even not gravely shameful, namely those to whom they are a relative proximate occasion; c) to spectators of gravely shameful comedies, unless they approach the spectacles only out of curiosity or for vain solace, the danger of consent in shameful delectation being excluded. By reason of this danger St. Alphonsus says: "I would in no way excuse from mortal [sin] an adolescent who without necessity wished, for the sake of curiosity, to be present at" gravely shameful "comedies of this kind, unless someone were very fearful [of God], and moreover had experienced several times that he had never sinned lethally by watching them; provided that by his example he did not furnish other adolescents an occasion of assisting at shameful representations of this kind"; d) today also universally to those who approach a theatre, without having first had certitude concerning the absence of obscenities and impieties. The reason is that, from things commonly happening, they expose themselves to probable danger. But especially fathers of families must make themselves certain concerning this matter before they concede to children the liberty of approaching a theatre.

I said in Resp. 2° under 3): to others by reason of a VOLUNTARY occasion; for if a cause sufficiently grave and sufficient for approaching the theatre is present - as if parents or a husband command, AND at the same time great disturbance and discord would inevitably follow if their will were resisted - those approaching are to be treated according to the principles of necessary occasion. - But a cause sufficiently grave and sufficient will not be that, e.g., the price for entrance through the whole time in which the representations will have place has already been given; - for the price is not recovered by attendance; - or that there is question of a representation from which the profit to be received is destined for a philanthropic end, e.g. for a children's asylum, for a hospital, for the poor, etc.; for, if someone wishes to contribute something to that end, he will be able to do it without approaching the representation, namely by paying the price without attendance. Nevertheless this

cause can sometimes have force, namely as to magnates, whose absence would have to be much noted, so that publicly they would have to be reproached as inhuman, cruel, enemies of the poor, etc.; especially if factions were fervent, and there were question of a matter which greatly interested those factions; in which case it will belong to the prudence of the confessor to determine whether such and so great a necessity is present which excuses both from individual danger and from scandal, or whether a way can easily be found of saving body and soul at the same time, e.g. by removing oneself from the city, by presenting oneself at the theatre for a brief time and afterward departing, etc. - Thus Berardi.

IV. ON CONVERSATIONS (VISITS, PARTIES, ETC.).

1445. - A twofold kind of conversations must be distinguished: one of those in which great danger is ordinarily found, such as are: a) in cities those in which either often and very often there are conversations against Religion, or almost always you hear conversations either openly or ambiguously obscene, you see immodest women, and, wherever you turn your eyes, you behold dangerous things; b) those rural ones in which, the parents in no way watching, girls have every liberty of conversing with suitors, etc. - The other kind of conversations is of those in which nothing is done or said against Religion or honesty, so that all things proceed with sufficient decency, the time being spent in play, singing, music, and narration of public or private news. The danger of these conversations is reduced to some possible temptations because of the intervention of persons of diverse sex; to some murmurings; to some levities, by praising, e.g., this or that beautiful girl, by speaking about the theatre, about spectacles, about this or that treatment of Matrimony, etc. To this second kind also belong those rural conversations in which, with the heads of families thus disposing and watching, all things proceed outwardly with sufficient decency.

1446. - "This distinction having been made, I judge," says Berardi, "that, at least ordinarily speaking, he who, without grave cause, wishes to approach conversations of the first kind cannot be excused from mortal sin."

"I said: without grave cause; for if someone for a grave cause should approach one of conversations of this kind (e.g. because otherwise he would render hostile to himself that family especially necessary to him), then perhaps it will be able to be permitted that, instead of deserting the same conversation immediately and totally, he desert it little by little, by finding some excuses (which will never be lacking to one willing), by whose aid he will at length be able sufficiently to free himself from it, without rendering that family hostile to himself."

"But as to the second kind of conversations, the confessor will diligently consider the particular cases and their circumstances. Thus, e.g., if there is question of a married woman who approaches a conversation, the confessor will examine her, whether she furnishes occasion of jealousy to her own husband; whether at the time of conversation she leaves maidservants alone with male servants; whether then she leaves her own sons or daughters in some danger, etc. - If there is question of a girl, he will ask her whether she plays or sits at the side of a lover with danger of furtive touches; whether she indulges malicious looks, etc. - If there is question of a married man, he will ask him whether he furnishes occasion of discord between himself and his own wife; whether he exceeds in play with grave detriment of his family, etc. - If there is question of a son of a family, he will ask him whether he approaches that conversation against the will of his parents; whether there he enters into

friendship with some depraved companion; whether he exposes too much money to play, etc. - Above all, however, the confessor will weigh whether the penitent in those conversations (which outwardly proceed decently) nourishes genial affections in his heart, and consents to depraved desires. From this examination the confessor will be able to collect whether that conversation is immune from every grave danger even in the particular case, or whether it contains grave danger. Afterward he will observe whether this grave danger (if it is present) must be placed in any single time, or whether it must be placed only in the assiduity and excessive frequency of conversation. Likewise whether the danger can be rendered remote by opportune cautions, or whether total separation is necessary."

Notes to n. 1446. (1) De Occas. n. 177 sq. (2) Ib. n. 189, 190.

V. ON DEPRAVED COMPANIONS.

1447. - Query. How should the confessor conduct himself as to those penitents whom he finds to have evil companions?

Resp. Let him examine: **1)** whether there is truly question of a proximate occasion of mortal sin, concerning which there would undoubtedly be question, a) if the penitent were placed in grave danger of doing gravely depraved actions, whether with the companions themselves (e.g. by committing sodomy with them), or from their instigation (e.g. by going with them to brothels). Say the same if b) there were question of danger of having or hearing conversations which cannot be had or heard without mortal [sin]. Nevertheless in this case judgment would not have to be hastened, but first the quality of the conversations themselves would have to be examined, i.e. whether they are of several species (e.g. against Religion, against charity, against chastity, etc.), and whether they truly contain grave guilt. Recall the things said n. 491. I. 1°-5° and n. 492, where concerning the cases in which foul speaking is mortal.

But in the hypothesis that the conversations cannot be excused from mortal [sin], and there is truly question of a proximate occasion, let him examine: **2)** whether this occasion is voluntary or necessary. Certainly it can be necessary, if companions of this kind are found in the same college, in the same workshop, etc. (and concerning these cases n. 1460-1465), or if those companions are his own neighbors, insofar as (as often happens in the country) it is morally impossible altogether to avoid encounters with them.

VI. ON DEPRAVED BOOKS AND NEWSPAPERS.

1448. - The reading of depraved books and newspapers is interdicted by natural law and by ecclesiastical law. Concerning this latter we shall speak n. 1702 sq.; concerning the former we must treat in this place.

For knowing the degree of fault in reading them, insofar as this is interdicted by natural law, it is necessary to distinguish books into two classes. Some are full of impieties or obscenities: others are only erotic, i.e. treating of loves, without any or almost any impiety or obscenity.

"As to books of the first class I say," says Berardi, "that, ordinarily speaking, and natural law alone being considered, it is a mortal sin to read them, even if they are read only on some one occasion. The reason is that such books are extremely dangerous and fatal."

Books of the second class, "as are many comedies, tragedies, dramas, poems, and some moderate romantic books, in which many things indeed are found very tender and affective, but nothing or almost nothing is present which smacks of impiety or of obscenity," are "all dangerous to youth"; and, ordinarily speaking, grave danger is present for those who are wholly occupied in readings of this kind about loves, but not for those who sometimes read some one of these books. But for the greatest part this matter depends "on particular circumstances, and especially" it is "to be attended to whether the reading is done from a lustful end, or with special danger, the age, temperament of the reader, and especially his morals and experience of falls having been inspected." Cf. above n. 233, Resp. to the 1st.

1449. Questions. - Query 1° What must be said concerning the reading of many newspapers, in which here and there some or many things hostile to the Catholic Religion are found?

Resp. "I judge," says Berardi, "that the reading of those newspapers can be gravely illicit by natural law, the quality of the person reading, the frequency of reading, and the quality of the newspaper itself being inspected, i.e. the multitude of impieties contained in it, the manner of announcing them, etc." Cf. above n. 310, d). (25) p. 420.

Query 2° Can a penitent having a depraved book which is not his own, but another's, return it to the owner?

Resp. Distinguish. "If no," says the same Berardi, "or a small inconvenience will follow from the burning of the book, certainly he will be held to burn it from charity toward the owner, because charity then prevails over that small violation of justice (if there is any). But if notable inconveniences will follow from the burning of the book, then the penitent can return it to the owner." L. IV. 753. § fin.

Notes to n. 1449. (1) De Occas. n. 201. sq. Ed. 1a. (2) De Occas. n. 204. Ed. 1a. (3) Ib. n. 206. Appendix annotation (25), to n. 1449. q. 1°. p. 178. col. 2. I. From the things said it is clear that the confessor, if there is question of books or newspapers professedly impious or obscene, among other things is bound to these: 1° He is bound, when a prudent suspicion is present, to ask a penitent who is silent about this matter whether he reads them, and this even if he is existing in good faith, which can scarcely be admitted. The reason is that omission of the question does not free from formal sin against Faith or morals a penitent reading books or newspapers of this kind, since, as was said, such books or newspapers are maximally dangerous, that is, they cast those reading them into proximate danger of sinning formally against Faith or chastity. 2° He is bound to warn them, even in the case in which he hopes for no fruit from the warning. The reason is that from the warning greater evils are not to be feared than those which are produced from the reading. 3° He is bound to deny absolution to those refusing to abstain from the reading of them. For they are to be compared to those who do not wish to leave a voluntary proximate occasion. 4° He is bound to compel a penitent who retains such books to cast them away, and one who has subscribed to such a newspaper to withdraw his name. If he sincerely promises that he will do this, he can be absolved. But if afterward he shall not have stood by his promises, ordinarily he is not to be absolved before he has satisfied his obligation. This follows from the things said in n. 1436. q. 17. 5° He is bound to prescribe suitable antidotes to a penitent who from necessity and with due license reads books or newspapers professedly impious, lest the poison harm him: namely, that he at the same time read good books or good newspapers which defend Religion; that he pray for the conservation of faith, frequent the Sacraments, etc. I said: "professedly impious," for with respect to books or newspapers professedly obscene there is given no necessity or license of reading them, outside the case excepted in Rule VII of the Index. II. As regards books and newspapers which are not professedly impious or obscene, the confessor must: 1. To the best of his powers impede the reading of them: especially a) when the penitent is conscious of the obligation of abstaining from the reading of them, or doubts about it; b) when he is ignorant of the obligation, yet can be warned with hope of fruit, or at least without fear of a greater evil; c) when the Confessor notices that that continual or frequent reading begins to bring notable detriment to the penitent in Faith or morals, for this he can in no way permit. 2. Sometimes to make the obligation of abstaining from the aforesaid reading, namely when the following conditions have been posited: a) that the

penitent invincibly is ignorant of the grave obligation of abstaining from continual or frequent reading of this kind; this ignorance in many arises from the marvelous prejudices with which they are imbued; b) that from warning no fruit is hoped, but rather greater evils are to be feared, for example alienation from the Sacraments, from Religion; for a lesser evil can be permitted so that a greater may be avoided, and the Confessor must follow the example of Christ, concerning whom Matthew 12. 20 testifies: "The bruised reed He will not break, and smoking flax He will not extinguish"; c) that the Confessor try to draw his penitent away from reading of this kind by admonitions and persuasions, or at least to insinuate distrust concerning depraved little books and newspapers, and to induce him to the study of Religion; for as a physician he is bound to administer antidotes to the penitent, by which he may remove the danger. - Godschalk, De proh. lib., c. 6, apud Aertnjs n. 86.

VII. ON DICE-PLAY.

1450. - Concerning the dangers of play see n. 1050 Note.

Query. Can one who, because of play, is placed in a proximate occasion of disorders, concerning which n. 1050 Note, render this occasion remote by employing cautions and moderation?

Resp. This depends on the circumstances. Sometimes indeed he will be able to do this; but if he is borne to playing by an excessively great passion, or if the quality of the companions or place almost necessarily draws him to play and to excesses, then no remedy remains except in the first hypothesis altogether to desert play, and in the second to desert those companions and that place.

Notes to n. 1450. (1) L. IV. 471.

VIII. ON TAVERNS.

1451. - The dangers of taverns are: **1)** drunkenness, and the disorders which ordinarily accompany drunkenness (see n. 243); **2)** play, and the sins which are accustomed to arise from play; **3)** neglect of prayer, of the obligation of Mass, indeed even of the Paschal precept; **4)** lust; **5)** quarrels, beatings, indeed, especially among us, homicides.

1452. Questions. - **Query 1°** Can a tavern-goer render this occasion remote by abstaining from excesses, without entirely leaving the tavern?

Resp. "If the tavern-goer," says Berardi, "frequents the tavern without grave necessity, and if from a vice too inveterate he has contracted a great passion for drinking excessively, then in no way can he have hope of rendering this occasion remote without total separation. Indeed it is necessary besides to desert those companions who are accustomed to turn aside to the tavern, and sometimes, especially in the beginning of conversion, it will not be enough to wish to desert the companions, but it will also be necessary to place oneself in the impossibility of complying with their invitations: which can be done by handing over to the wife the money as soon as it has been earned; for thus, destitute of money, he is compelled to repel every temptation of turning aside to the tavern."

Query 2° Are there any causes which render this occasion of the tavern necessary?

Resp. Affirm., namely the necessity of one's own craft, e.g. because someone is a driver, broker, merchant, brewer, etc. (26) p. 421.

Notes to n. 1452. (1) Berardi, de Occas. n. 207. Ed. 1a. (2) Ib. n. 210. Appendix annotation (26), to n. 1452. q. 2°. p. 174. col. 1. There are honest taverns, would that there were many, namely such as not only do not spontaneously offer occasions of sinning, for instance depraved newspapers, irreligious and base conversations, secret rooms for lust, prostitutes, dishonest amusements, but in which the tavern-keepers also strive, to the best of their powers, to impede sins. It is clear of

itself that frequenting taverns of this kind for the sake of relaxing the mind, if moderation is observed in time, in drink, in play, and in conversations, is not unlawful.

**B. ON THOSE PARTICULAR OCCASIONS WHICH, FOR
THE MOST PART OR FREQUENTLY, ARE NECESSARY.**

There must be treated: 1° of visits of lovers for contracting Matrimony; 2° of a woman who, on account of violence inflicted or fear struck into her, suffers her own violation; 3° of some domestic occasions; 4° of dangers on account of service; 5° of dangers in schools, colleges, and workshops; 6° of dangers in arts and offices.

I. ON VISITS OF LOVERS FOR CONTRACTING MATRIMONY.

1453. - Young men and girls loving one another and keeping company are placed in a proximate voluntary occasion - either a) without the intention of future Matrimony, - or b) without a founded hope of the same. Therefore these are to be treated in the manner which was said n. 1433 and 1436. q. 1°. - But if the intention and hope of Matrimony are present, distinguish. For either they visit one another in such a way that grave sin and its proximate danger are absent, or not. In the former case they can be absolved; in the latter they are to be treated as those who are placed in a proximate necessary occasion. See n. 1434, 1436. q. 2°.

But the cautions to be employed, lest the keeping company become sinful, or a proximate danger of sin, are: - 1) That they not dwell under the same roof; - 2) that one alone not be together with one alone, especially at that time (e.g. while the parents have gone out of the house), or in those places (e.g. in a field; in a solitary lane in night hours), where they are not observed by others. For these things, especially if they happen not by chance, but by counsel, will not happen except from an end of lust or with the greatest danger of lust. Wherefore one must act most severely with parents, and especially with the mother, and the grave obligation of vigilant custody and caution must be urged; - 3) that they not keep company without the knowledge or against the will of parents, or of those who are in the place of parents to them; for then most certainly they are going to visit one another secretly, and at those times and places at which they cannot be observed; - 4) that the keeping company not be protracted too long; wherefore a prudent confessor should leave no stone unturned, so that he may avert from keeping company those between whom Matrimony cannot be contracted except after a long time, or is foreseen as having to be contracted after a long time; - 5) that the visits not be more frequent or more protracted than prudence, especially from the practice of the God-fearing, permits. Nevertheless the girl will be able to tolerate these (special cautions being opposed to the special danger which arises from them), if there is fear lest otherwise she be deprived of prosperous nuptials; - 6) that lovers not approach each other with proximate danger either of obscene touches, or of kisses, embraces, etc., prohibited under grave [sin] [see concerning the Sixth, n. 487. 488]; - 7) that lovers fortify themselves in a special way with spiritual helps, but chiefly with frequency of the Sacraments.

Let St. Alphonsus be heard concerning these things. "But generally speaking concerning young men and girls who love one another mutually, all these are not indiscriminately to be condemned for grave fault; but ordinarily I judge that with difficulty are they outside the proximate occasion of sinning lethally. This is too clear by experience; for out of a hundred adolescents scarcely two or three, in that occasion, are found immune from mortal [sins]."

Resolves. - 1° As soon as lovers frequently fall into mortal sin, they are to be treated as those who are placed in a proximate occasion, and therefore the occasion must either be altogether taken away, or from proximate be rendered remote. - It must be taken away, if in fact (all things considered) there is no hope that it will become remote, or it is not necessary, i.e. if without grave damage the lovers can renounce present Matrimony and await an occasion of another Matrimony.

But it is taken away either by renouncing Matrimony, or by contracting it, or by interrupting the visits until it is contracted.

It is rendered remote (supposing that it is necessary), if, the confessor taking care, they soon contract Matrimony, and meanwhile employ greater cautions, first of all diminish visits, are never alone, etc.

2° If lovers cannot converse except alone, suppose because the beloved woman is a maidservant or a widow living alone, they are placed in a necessary occasion from this cause at least, and are to be treated as such.

3° If the parents unjustly resist the Matrimony, the keeping company, provided nothing else stands in the way, is not illicit.

Note. To lovers only honorable kisses are lawful, according to the custom of the country, e.g. on arrival and departure.

Notes to n. 1453. (1) H. A. Tr. ult. n. 3. (2) Aertnys, n. 49, 51.

II. ON A WOMAN WHO, ON ACCOUNT OF VIOLENCE INFLICTED OR FEAR STRUCK INTO HER, SUFFERS HER OWN VIOLATION.

1454. - I say I. In any hypothesis a woman is held not to consent by the will, and therefore to abstain from every act of positive cooperation. The reason is clear of itself. - Hence in no hypothesis will it be lawful for her in any way to compose or accommodate herself to the shameful act, by removing, e.g., clothes, etc. - Hence also, if she foresees that violence will be inflicted on her, in the case, e.g., in which she would approach such a house alone, she must, if she can, not approach the same house alone.

I say II. The cases of this violation can be reduced to three.

The first case is when the violence is total and absolute, so that the woman physically cannot either cry out, or move herself, or in any way impede copula; and in this case she is held only to resist by the will; for no one is held to the impossible.

The second case is when without danger of notable damage, or infamy, or excessive shame she can cry out or resist extrinsically. The resolution of this case we gave n. 20. under 2°. § Women sin gravely, etc.

The third case is when she would indeed have hope of avoiding the foul congress by crying out or otherwise resisting extrinsically, but only with danger of notable damage to herself (e.g. of death), or of infamy, or of excessive shame.

Concerning this case I note the following:

1) As regards the danger of infamy to be feared from crying out, it is necessary that there be question of true infamy, e.g. of the danger lest a girl be held as corrupted; for often not infamy, but rather

honor and praise comes to a woman crying out that she may preserve her honesty.

2) Let the things said n. 462. q. 2° and q. 3° and n. 20 under 2° be recalled, where we hand down the doctrine of St. Alphonsus concerning this case.

3) Lugo notes: "In practice violent oppression, and without fault on the part of the woman, must be believed with difficulty. For it is very rare that, if she wishes, she cannot in some way resist and impede violation; but on account of ... weakness of soul, and sometimes also on account of a hidden affection of lust, which they are altogether ashamed to manifest, they consent."

Nevertheless it can be believed with less difficulty that the oppression of white women by Black men, such as sometimes happens in this region, was altogether unwilling; for they are accustomed to abhor Black men.

From the things said you resolve: 1° If a woman were shamefully touched by a man with whom she is making a journey in a carriage, certainly she is held to resist in the better way in which she can; but, outside the case of proximate danger of consent, she would not be held to throw herself down from the carriage, while it is moving swiftly, with very grave danger of breaking her bones.

2° A woman permitting herself to be touched by another with a touch which commonly is judged modest, as taking, handling of the hand, embrace and kisses according to the custom of the country, does not sin, unless it is established to her that it is done from a depraved affection; indeed even in this case she will be able to bear herself permissively, if otherwise she would inject suspicion of infamy, or others would be scandalized, which nevertheless certainly is not to be feared when those touches are done openly.

Notes to n. 1454. (1) De Just. D. 10. sect. 10 n. 199.

III. ON SOME DOMESTIC DANGERS.

There is question: 1° of a woman who is placed in danger on account of a male servant or another living in the same house; 2° of an adolescent who is placed in danger on account of a brother by whom he is shamefully touched while he lies in bed together with him; 3° of some other domestic dangers which parents are held to avert from children.

1455. - I. As to the woman concerning whom under 1°, let the confessor weigh whether separation is necessary for taking away the probability of danger, and, if it is necessary, whether the circumstances allow that it be exacted, by procuring namely that the male servant, or he who is for her the occasion of sinning in the house, be expelled. Hence the question can be made whether separation is to be judged morally possible if, in order to obtain it, it is necessary to reveal the matter either to the father or to the husband? I say that one general rule cannot be given in this matter. Ordinarily nevertheless a distinction is to be made between a girl who without grave inconvenience can reveal the matter to her mother (who afterward will manifest the matter itself to the father), and a wife who can have a just repugnance to manifesting it to her husband. The first indeed can fear no damage from her parents, who will have the greatest care of proceeding most cautiously, so that they may guard the honor of their own daughter; but the second can fear the imprudences of the husband, the calumnies of the servant, scandal of the family, publicity of the matter, and similar very grave evils.

But if the circumstances do not allow that the expulsion of the servant or of another familiar be procured, the confessor will have to exact the application of other means, and especially he will

provide that the tempter not find her alone, especially in bed, or in remote places. The cure will be easy if the woman is not very prone to venery, and if she does not have affection toward the tempter; otherwise the cure will be most difficult. For the rest, the confessor will take counsel from the general rules, from the consideration of particular circumstances, and especially from divine light implored by fervent prayers.

1456. - II. The adolescent concerning whom under 2°, I suppose, cannot easily destroy the gravity of this danger so long as he sleeps with that lascivious brother; and I say: if, by warning the parents concerning this wicked action of the brother, he can hope for a change of bed, he will be held to employ this means; but if he cannot hope for this, on account of the extreme poverty or negligence of the parents, it can happen that either the confessor himself or the Pastor can and must provide for this scandal; and, if this hope is present, the penitent will have to be obliged to notify the confessor himself outside Confession, or the Pastor. But if neither this, nor any other way is available for obtaining a change of bed, nor can the adolescent without grave inconvenience to himself (which regularly is present) always or on most nights sleep on the ground or on a bare board, he is to be treated as one placed in a necessary occasion.

1457. - III. 1° Parents, and especially mothers, must be admonished concerning the most grave obligation which they have, of averting or removing from the house, as much as they can, all those things which redound to the scandal of the family, e.g. male servants or maidservants who could be dangerous to the virtue of their children (see n. 447. 2°); books or newspapers harmful to morals or religion; scandalous pictures or sculptures; nakednesses of sons or daughters, etc.

2° As to parents who allow children to sleep with themselves in the same bed or room, or with others of diverse sex in the same bed, see n. 432. 5°.

Notes to n. 1457. (1) L. IV. 430.

IV. ON THE DANGERS OF GIRLS EXERCISING SERVICE.

1458. - I say I. On account of the dangers which are accustomed to accompany service, especially today, a girl who is not driven to it by necessity should by no means seek service, especially if she lacks singular piety and prudence, except nevertheless in the case in which an occasion is offered to her of entering service there where from certain information she has known that no danger is present.

I say II. But if a girl already exercising service is subjected to temptations, and is exposed to a danger either proximate, or now indeed remote but shortly going to be proximate (see n. 1432), she will have to be treated as constituted in a present proximate occasion, and that either voluntary or necessary, according as the service will be able to be deserted with or without grave difficulty. - But if the occasion were necessary, the special remedies will be nearly these: 1° To threaten the male servant, or son, or master tempting her that the matter will be reported to the father, mother, master, wife. 2° If threats are made in vain, or are foreseen to have to be made in vain, to warn the mistress either by herself or through her mother, if thence it is lawful to hope for an efficacious remedy.

1459. - Query. If the tempter is the master, is the maidservant held to warn his wife, although she foresees that from this discord will follow between her and the husband?

Resp. "I judge," says Berardi, "that a maidservant, if she can easily procure for herself another service immune from a similar danger, certainly is held rather to choose this means. But if it is not expedient for her to desert that service, then ordinarily she ought, either by herself or through her own mother, to warn the mistress, if she hopes for fruit (and ordinarily fruit can be hoped for), although she sees that the aforesaid discord will follow. The reason is that, for the most part, discord of this kind is not accustomed to be of such moment that it outweighs the evils arising from this shameful love of the master toward the maidservant. Add that this love cannot for long remain unknown to the wife; whence the discord would not be avoided by the silence of the maidservant."

Concerning the maidservant who is impeded from hearing Mass of precept, or from observing abstinence, recall the things said n. 408. 11°, and n. 573. 6°. - The same is valid concerning a male servant, as is clear of itself.

Notes to n. 1459. (1) De Occ. n. 251. Ed. 1a.

V. ON DANGERS IN SCHOOLS, COLLEGES, SEMINARIES, ETC.

When the so-called public schools must be deserted as proximate occasions was said n. 435. The cases to be treated here pertain chiefly to Catholic colleges, schools, etc.

1460. - The dangers of schools can be reduced to two principal classes. For some are found within the schools themselves; others while boys approach them, or return home from the same. Concerning these latter dangers it must only be said that depraved companions are to be avoided by young persons, and that a grave obligation can fall upon parents of procuring that under the custody of some upright man the children approach school and be led back home from it; for there can be a very great danger lest the children be wholly perverted, if on that occasion they are left without custody.

1461. - Dangers of the former kind - some have place because the teachers themselves furnish scandal to the disciples, or at least are touched by no care concerning the morals of the disciples; - but others, although the teachers are upright and satisfy their own duty.

In the former hypothesis, the gravity of the danger standing, ordinarily there is one remedy only, namely either to desert the school, or, if there is question of a Catholic school, to open the matter by oneself or through the parents to the Pastor; or, if of a public [school], and a remedy is hoped for thence, to some one of the school Trustees, or to another who can provide.

In the latter hypothesis, as if, e.g., a boy is tempted by some companion sitting at his side, recourse must be had to the teacher for a remedy.

1462. - This obligation is much more present if the author of seduction were bringing scandal to several other fellow-disciples, unknown to the teacher; for then there would be question of public scandal, which can be so damaging that it must be impeded even with grave inconvenience. - This rule is valid not only for schools, but also (and much more) for colleges, seminaries, etc., and St. Alphonsus openly adheres to it.

1463. - **Query.** Is a disciple who is in no way tempted by a fellow-disciple, but himself from his own frailty tempts the fellow-disciple, and, other means having been tried in vain, is placed in continual danger of sinning, nor can contain himself because that fellow-disciple sits at his side, held to reveal his own frailty to the teacher, so that he may change the place for the aforesaid fellow-disciple?

Note. The resolution to be given is valid also for similar cases perhaps occurring in colleges and seminaries, as, e.g., if a collegian or seminarian from his own weakness is placed in danger on account of another collegian or seminarian remaining in the same room. Say the same of a young man or girl who cannot withdraw himself or herself from grave danger unless by revealing his or her own frailty to the father or mother, etc. These things having been noted:

Resp. Before all things the confessor must weigh whether it is to be presumed that the Superior can and wishes to apply that remedy; and in the affirmative case it must also be weighed whether the remedy can be applied so cautiously that the penitent is not going to suffer public infamy. For if public infamy of this kind were going to arise for a penitent enjoying a good name, he could not be compelled to undergo such infamy, because in such a case there would be question of a necessary occasion. But if the whole inconvenience consists only in revealing one's own frailty to the Superior, then the confessor must weigh whether such a revelation constitutes a grave or light inconvenience. Without doubt there are cases in which a revelation of this kind cannot be made by the penitent without the greatest and extreme difficulty, as if, e.g., he enjoys great esteem with the Superior, or is very timid and ashamed; for shame can be so great that some would choose rather to be damned than to manifest their own sin to such a person, as St. Thomas wrote: whence it is no wonder if several are going to have a most grave difficulty in manifesting a shameful sin to the Superior, and much more to father or mother, with whom they must converse daily. But while this great difficulty stands, the penitent is not to be obliged to undergo so great a burden, because then there would be question of a necessary occasion. Sometimes, on the contrary, he would have to be obliged to this revelation, because sometimes cases are given in which a revelation of this kind can be done sufficiently easily, e.g. if other sins of the same kind of the penitent are already known to the Superior; if the penitent has an open temperament and one easy for manifesting sins; if it is easy for him by letters or through a third person to render the Superior more certain concerning that matter, etc. Nevertheless the confessor, as much as possible, will avoid taking upon himself the burden of denunciation of this kind.

Notes to n. 1463. (1) Regul. pei Semin. § 1. n. 3. (1) Suppl. q. 8. a. 4. ad. 6.

VI. ON DANGERS IN ARTS AND OFFICES.

1464. - Some arts are not only dangerous, but altogether iniquitous. Such are all superstitious arts, e.g. the art of healings, magical art, divinatory art, etc., to which modern animal magnetism and spiritism are reduced. Such also are the usurious art, shameful pimping, etc. No one does not see that arts of this kind can be made honorable by no reason, and must altogether be deserted. But other arts are not iniquitous per se, but only dangerous. Thus soldiers are exposed to many dangers of sinning because of blasphemies and fornications which are very common to them; likewise merchants and brokers because of frauds, perjuries, etc.; likewise physicians and surgeons because of the treatment of women; likewise farmers because of shameful conversations, bestialities, etc.; likewise carriage-drivers because of blasphemies, drunkennesses, etc.; likewise almost all artisans because of immodest or impious conversations, etc. Say the same concerning various offices in which many dangers are found, as happens, e.g., in the office of Confessor, Advocate, Judge, Magistrate, etc.

1465. - **Query.** Is someone held to desert an art not iniquitous per se, but gravely dangerous for himself?

Resp. **Neg.**, if either 1) the gravity of the danger can easily be destroyed by the penitent through other means, e.g. by changing not the art, but the workshop; or 2) there is a grave reason for not deserting the art, and the penitent is prepared for rendering the danger remote, and for undergoing sacrifices the more grave in proportion as the ruin is greater to the danger of which he is exposed.

C. ON OCCASIONS WHICH ARE PROPER ESPECIALLY TO THESE REGIONS.

Such are:

1466. - I. Certain occasions of drunkenness. The principal are: taverns and drinking-houses; - companions and friends given to this vice; - certain special days, whether of the week or of the year, as the day on which the weekly wage is accustomed to be paid to workers; the Fourth of July; the day designated annually by the Government for public giving of thanks; the first of the year; Carnival; Easter; Monday of Easter and Pentecost; the feast of St. Patrick; days fixed for political elections; - certain fairs; - festivities which come under the name of picnics, excursions, etc.; - the day on which Baptism is conferred on an infant; - banquets or nuptial feasts; - vigils beside the bodies of the dead (wakes); - funerals.

1467. - II. Certain occasions of lust, whether internal or external. Besides those enumerated above under A and B, here must be noted: a) games called kissing plays. b) Many of those which we enumerated n. 1466 among occasions of drunkenness, as excursions, picnics, wakes, etc. c) If one alone with one alone is carried by carriage, or walks through solitary places, such as in the country, especially among us, are most frequent.

1468. - III. Occasions of injustice. Such are: 1° several public offices which either easily offer a means of becoming rich unjustly, or scarcely can be obtained, carried on, or retained, without indulgence being shown to the unjust cupidity of others (cf. n. 453. 456. 458). 2° Certain trades, e.g. those which are exercised by those who in English are called pedlers. 3° Administration of another's property by those who are over workers (foremen), by clerks of bankers or other businessmen (clerks, book-keepers), by conductors of public carriages, etc.

1469. - IV. Occasions of heresy or apostasy. These can be or become of this kind: 1° Service among heretics, apostates, or infidels. 2° Reading of certain heretical newspapers or books. 3° More intimate association with non-Catholics. 4° Public schools, or those of higher instruction (high schools). 5° To approach the sermons of non-Catholics. 6° Mixed marriages and courtship previous to them, etc.

POINT II. ON THE CONSUETUDINARY AND RECIDIVISTS.

Notes near nn. 1466-1469, particular occasions of drunkenness, lust, injustice, and heresy (printed pp. 178-179).

1 L. VI. 459. | 2 Prax. Conf. n. 70. | 3 De Recid. n. 77. Ed. 1a. | 4 2. 2. q. 156. a. 3. ad 3.

1470. - A consuetudinary, or habituated person, must carefully be distinguished from a recidivist, and the former is said to be he who, by the repetition of sins of the same kind, concerning which either he has not yet confessed, or (practically speaking) has not yet been confessed and admonished, has contracted a true propensity to those sins, or a depraved habit of them.

How many acts suffice for contracting a depraved habit depends on the nature of the repeated sin itself, and on the mode in which it was committed, namely by thought, word, or deed; - on the longer

or shorter time which intervened between the acts themselves of the same kind of sin; - on the temperament or disposition of the penitent; - on the greater or lesser intensity with which the will placed the acts, etc. - Thus "five times in a month," says St. Alphonsus, "can already constitute an evil habit in some vice of external sin, provided that between the acts themselves some interval intervenes. And in the matter of fornications, sodomies, and bestialities a much smaller number can constitute a habit: one who, e.g., would fornicate once in a month for a year, can well be called habituated." (27) p. 421.

Among the habituated some are such simply, or incontinent; but others are habituated in evil will. - The latter sin a) because of habitual perversity of will; b) without a previous impulse of vehement passion, or from proper election, or at least from only light concupiscence; c) they do not easily detest the sin committed. - But the former, on the contrary, sin 1) from the impulse of vehement passion; so that 2) habitually their will itself is good and contrary to sin, which therefore 3), the impulse of passion having passed, they very greatly abhor. Thus Berardi from St. Thomas. (28) p. 421.

He is called a recidivist who, although admonished and having promised amendment, has fallen back into the same sin of custom. But according to the mind of St. Alphonsus one must well distinguish between a recidivist such formally and materially. The former is he who has fallen back in the same or almost the same way; the latter, who after his last Confession indeed fell back, but not in the same or almost the same way. - Therefore, that someone may be called a recidivist formally such, three things are required: 1° That he has contracted a habit of sin; 2° that in another Confession he was rightly admonished; 3° that he fell back into the habit or into the sin of habit in the same or almost the same way, no study of amendment having been employed, or prescribed means.

Notes near n. 1470, consuetudinaries and recidivists distinguished (printed p. 179).

1 Vind. Ed. 2a. T. II. p. 276. col. 1 (1). | 2 L. VI. 459. | 3 Ib. | 4 Prax. Conf. n. 70. | 5 L. VI. 459. | 6 Prax. Conf. n. 70. | 7 L. VI. 460.

Appendix annotation (27), to n. 1470. p. 179. col. 2. I say: from the very nature of the sin. Wherefore, other things being equal, that is, the interval which intervenes between the acts, the character of the penitent, the intensity of the acts, etc., n. 1477. Note, p. 182. col. 1, more acts are required for inducing a habit in sins of work not consummated than in consummated sins, for instance in touches than in fornication; likewise, as regards consummated sins, in those which are committed alone, for example pollution, than in those which are perpetrated with another. I say besides: from the manner in which it is committed. - For which reason, other things again being equal, more acts are required in order that a habit exist from sins of the mouth or heart than in order that it exist from sins of work. Thus it can happen that from sins of the mouth or heart a habit is not born unless they are repeated twice or three times in a week. Universally it can be said that the matter depends on the difficulty or facility with which men are accustomed to commit diverse sins; and therefore, other things being equal, as was said above, the more easily some sin is accustomed to be committed by reason of itself, the more acts are required. And from this principle proceed the things just noted and set forth. - Aertnijs, n. 18. Appendix annotation (28), to n. 1470. p. 179. col. 2. The incontinent are found chiefly among those who are habituated in blasphemies and imprecations, and often also among those who have contracted a habit of pollution. You will find those habituated in evil will especially among those who are habituated in hatred, in injustices, and in base love. Aertnijs, n. 13.

1471. - Principle I. A depraved habit is not of itself a sign of indisposition. The reason is that "although ... it renders the sinner more prone to sin, nevertheless it does not give a presumption of his infirm will." - Hence the habituated person can be absolved at once and regularly must be, "even if no amendment has preceded, provided that he seriously proposes it"; i.e. he is disposed "by true sorrow and firm purpose of employing efficacious means for amendment." Moreover sorrow and

purpose of this kind are presumed from the Confession itself, spontaneous indeed; which presumption yields only to some positive presumption to the contrary. - I said: can be absolved AT ONCE and REGULARLY must be. For "if the habit were very rooted," such as it is accustomed to be in him who is habituated in evil will, and universally in those who for a long time were given to some vice, especially of the flesh, "the confessor also can defer absolution for him," a) "for experiencing how constant the penitent is in reducing the prescribed means to practice, and" b) "that he himself may conceive greater horror of his vice."

1472. - Principle II. Nor is it a sign of indisposition that someone has become a recidivist into the sin of habit, provided that he is only such materially (n. 1470). But the following show a recidivist to be only such materially - "the fulfillment of means prescribed by the confessor"; - "a smaller number of sins," ... namely "when the penitent was in the same occasions of sinning," but not when that smaller number of sins is to be attributed to another cause than the purpose of amendment, e.g. to illness, with which he labored after the last Confession; - "if ... after the last Confession he contained himself for a long time, e.g. for 20 or 30 days, when before he was accustomed to fall several times in a week"; - "if the relapse" was only "after a great conflict," or long and energetic resistance, or in a very vehement temptation; - if after relapse and before Confession he abstained from sin for a notable time. - The reason of the principle is that in cases of this kind relapse, even frequent, is deservedly attributed, not to a defect of true sorrow and firm purpose, but to greater infirmity which exists from a depraved habit. - Hence the confessor ought especially to ask a penitent who has fallen back into the sin of habit: a) whether he employed the means prescribed for amendment; b) how often and in what circumstances he fell back. From the response it will be clear whether the relapse is a sign of indisposition or not. But if it is not, he can and must absolve him. But whether at once, we shall soon say.

1473. - Principle III. A recidivist formally such (n. 1470), by the very fact that he has fallen back in the same or almost the same way into the sin of habit, offers a founded presumption of his indisposition; - which presumption, unless it is taken away by a contrary presumption, makes his disposition at least doubtful, and therefore that he must be held and treated as doubtfully disposed.

I say: 1° he offers a founded presumption of his indisposition. "For he who firmly proposes (Lugo says well) a thing morally possible to himself, does not so easily forget his purpose," or does not act as one who had no purpose at all; "but at least for some time perseveres, and falls with more difficulty or more rarely." Therefore by this very fact that he has fallen back in the same or almost the same way into the sin of habit, he offers a founded presumption of an infirm purpose.

I say: 2° which presumption, unless it is taken away by a contrary presumption, makes his disposition at least doubtful. But that contrary presumption is not founded by ordinary signs of disposition, namely the usual affirmation or protestation of penitents, that they sincerely are sorry and firmly purpose; but only by extraordinary signs (or some special manifestation of sorrow), and these solid and founded, namely such from which with foundation the will of the penitent can be argued truly to have been changed for the better.

Notes near nn. 1471-1473, habituated persons and formal recidivists (printed p. 180).

1 L. VI. 459. | 2 Prax. Conf. n. 73. Vind. Ed. 2a. T. II. p. 285 sq.

1474. - St. Alphonsus enumerates nine signs of this kind, and here, for the sake of aiding memory, we review them under four headings, according as they are collected, namely either A) as manifesting primarily sorrow of soul; or B) from the motive itself of Confession; or C) from those things which the penitent performed before he approached Confession; or D) from the accusation itself and from the mode in which it is instituted.

1475. - **A.** Tears, sighs, or cordial words extraordinarily manifest sorrow of soul or compunction of heart. But cordial words "sometimes," says St. Alphonsus, "can be more certain signs than tears"; for tears "sometimes proceed from some passion which penitents set forth; or from the motive of denied absolution, or of damage suffered or imminent." Besides there are those who by their very temperament are more easily moved to tears, and for whom these flow at even the lightest motions of soul and such as are almost immediately to be calmed. Hence regularly they are to be valued less in women than in men. "For the rest," adds St. Alphonsus, "the tears of penitents for the most part arise from compunction of heart, especially if they are poured out after hearing a sermon or the admonition of a confessor offering some motive of compunction."

1476. - **B.** The motive itself of Confession, namely:

a) "Spontaneous Confession, namely if the penitent approaches, not now to fulfill the Paschal precept, nor on account of some custom of confessing oneself on some feasts, nor does he approach impelled by parents, by a master or teacher: but comes altogether spontaneously, and truly inspired by divine light, for the sole end that he may receive divine grace. Especially if for confessing himself he has undertaken a long journey, has abstained from notable gain," e.g. "from the gain of that day, has sustained a grave inconvenience, or has overcome a great internal or external conflict."

b) "If he has come moved by some extraordinary impulse, suppose on account of a sermon heard," or a Mission frequented, or spiritual exercises performed, "or the death of a friend" or relative, "or on account of fear of some imminent scourge," e.g. of an epidemic disease, or because he was snatched from some proximate danger of death.

Note. - 1° It has been said under a), that that Confession is not spontaneous which is instituted for fulfilling the Paschal precept. Take care nevertheless not to conclude thence that he who has not confessed through the whole year and only in the Paschal time approaches the Sacrament of Penance, by this very fact, or a priori, must be held as indisposed. Rather you will say that he who spontaneously and for the end that he may obey the Church and reconcile himself with God approaches the Sacred Tribunal in the Paschal time, is to be presumed disposed, until this presumption is not destroyed by a contrary presumption. Nevertheless many approach Paschal Confession without any preparation of soul and from mere custom; others, because they are compelled to it; others, because it is their interest that they be judged good Christians. All these indeed commonly show sufficiently, by the very manner of confessing, the defect of due disposition. - Nevertheless let the confessor remember that especially in the Paschal time he is obliged to dispose penitents; for that time is almost the only one in which he can act directly upon the soul of penitents of this kind. - Which persons in this time can be absolved conditionally, see above n. 1344. q. 8°. II Rule.

2° The spontaneity of Confession is to be presumed especially in those regions or nations in which faith has languished; for there human respect does not impel to receiving the Sacraments (as in

others in which religion flourishes), but rather draws back from them. For the rest, even in regions or nations of this kind there are not lacking those who approach the Sacred Tribunal from custom alone, or from other motives also.

Notes near nn. 1474-1476, extraordinary signs and spontaneous confession (printed pp. 180-181).

1 L. VI. 460. Prax. Conf. n. 74. | 2 Ib. | 3 Ib. | 4 Ib.

1477. - C. Those things which the penitent performed before he approached Confession. Such are: "study" (serious indeed or equal, but not some very minimal and scarcely perceptible one) "employed for amendment; ... or if the penitent employed fasts, alms, prayers and Masses, that he might make a good Confession, and dispose himself for absolution; flight" or removal "of occasions; ... fulfillment of means prescribed by the confessor.... If the penitent, before he approaches, has restored the thing or reputation taken away"; has burned or otherwise destroyed depraved books, toward which he was much affected; has renounced a condemned society, etc.

Note as to the study of amendment. - This is not to be judged precisely from the degree of amendment which followed; for it can happen that a lighter amendment must especially be attributed: either **1)** to a very rooted habit; or **2)** to assiduous and vehement temptations; or **3)** to a very light and changeable temperament, which is especially proper to young persons, and by which it happens that they pass with equal facility to good and to evil; or **4)** to the rusticity of the penitent, to his dullness, to his labile memory, to his occupations, and also to the little care of confessors in assigning congruent remedies to him; or **5)** to the condition of the sin itself, suppose because it is most easily committed, as sin of heart and mouth. Indeed even in sins themselves of deed this must be attended to; for someone pollutes himself more easily than he fornicates; he is more easily seduced than he seduces, etc.

Notes near n. 1477, prior efforts toward amendment (printed p. 181).

1 L. VI. 460. Prax. Conf. n. 74. | 2 Vind. Ed. 2a. p. 402. 4. p. 444 (4). T. II.

1478. - D. The accusation itself, and the mode in which it is instituted. a) "If the penitent confesses sins previously kept silent through shame." b) "If on account of the admonition of the confessor he shows that he has apprehended a new knowledge and horror of his sin, and of the danger of his damnation." c) "If he himself" the penitent "asks remedies from the confessor, or new means for amendment; likewise if he promises to fulfill the means which the confessor then suggests to him, especially if he was never admonished to employ them," or if he promises "better to execute the means" previously "given by the confessor.... But I judge that these promises are not to be trusted altogether, if other signs are lacking: since penitents, that they may seize absolution, easily promise, but afterward attend to it with difficulty."

"Others add other signs, as if the penitent gladly accepts a great penance; if he asserts that he repented of the sin as soon as he committed it; if he protests that he wishes to die rather than sin. But I do not know whether these signs alone can be sufficient; rather I would say that they can serve for aiding other signs which alone would not suffice."

From these things conclude that it is not so difficult for a sagacious confessor to find in the penitent - or for a confessor burning with true zeal for souls to induce in the same - some extraordinary, solid,

and founded sign, e.g. that which was brought forward under b) in this number. Wherefore let the confessor well attend to these words of His Holiness Pope Leo XII in the Bull of Jubilee of 1825: "Many indeed present themselves to the ministers of the Sacrament of Penance altogether unprepared, but very often nevertheless such that from unprepared they can become prepared, if only the priest, clothed with the bowels of mercy of Jesus Christ, who came not to call the just, but sinners, knows how to deal with them studiously, patiently, and meekly."

Notes near n. 1478, accusation and mode of confession (printed p. 182).

1 L. VI. 460. Prax. Conf. n. 74. | 2 Ib. | 3 Ib.

1479. - I say: 3° that he must be held as doubtfully disposed and treated.

Hence: a) Absolution here and now is not to be conceded to him; for it is not lawful to administer a Sacrament with doubtful matter; but contrition, which is the matter of the Sacrament of Penance, is doubtful in a recidivist formally such. Therefore.

b) Absolution is to be deferred for him until prudent probability is had, namely solitary [probability] (n. 52. 3°), concerning his disposition, or contrition; in other words, until he brings sufficient signs of amendment. - But as to the time to which absolution is to be deferred, St. Alphonsus hands down this rule: 1° If there is question of recidivists from intrinsic frailty, regularly a delay of 8 or 10, or at most 15 or 20 days suffices. For if it is protracted beyond that time, it will easily exceed the strength of the penitent, which otherwise is sufficiently weak, and he will fall in spirit and return with difficulty. - If 2° there is question of recidivists in an extrinsic proximate occasion, a longer experience is required, since the occasion "is a stronger incentive to sinning. But an experience of a month will always suffice." Yet it seems that not even to so long a time is it to be protracted, if within that time the penitent cannot approach the occasion; for so great a delay would be frustrated in this case of its end.

c) Absolution will have to be deferred also for him who already after the first admonition is formally a recidivist; because even here he is doubtfully disposed. Indeed regularly the disposition of this one is more doubtful than of him who falls back after a second or third admonition; for the first, by its own nature, has a greater force for moving than subsequent ones.

For the rest, for other reasons a recidivist returning the first time will be able to be absolved more easily than the second or third time. For extraordinary signs are obtained from a confessor the more easily, the more promptly and quickly he puts the sickle to the root, and moreover the fewer special signs of disposition are exacted, the less multiplied still are the indications of indisposition.

Recall also the things said above n. 1476, Note 2, concerning judgment about the spontaneity of Confession in regions or nations in which faith has languished and frequency of the Sacraments has been greatly diminished.

Note. - Do not wonder that St. Alphonsus is more severe toward a recidivist formally such than toward a penitent who has fallen back from a voluntary occasion not present, whom he teaches can be absolved twice or three times. For: 1° this latter is supposed not to lack a firm purpose of avoiding the occasion, nor to have neglected all means of amendment, suppose prayer, renewal of purpose, etc. (n. 1436. q. 1°. R. 1°), and therefore he is not judged to be a recidivist formally such. 2° Relapse (and this is perhaps the stronger reason) from a contracted habit of itself induces a greater suspicion of

indisposition than relapse from a transitory passion; for this latter is determined from the sudden and more vivid presence of the object in the occasion; but on the contrary habit, as St. Thomas teaches, is a quality which according to its own nature has this, that it is not easily changed. - For the rest, as physician, the confessor must be more severe with recidivists from occasion; because the physician attends not to the present disposition (as does the judge), but chiefly to future dangers, or to the very causes of the disease.

d) A recidivist formally such, unless he is certainly indisposed, can or must be absolved under condition in those cases in which one doubtfully disposed can or must be absolved (n. 1344. q. 8°). Advert also that, because faith everywhere is collapsing, in this our age there occurs more often a case to be lamented, in which it is rightly feared lest a penitent doubtfully disposed and dismissed without absolution say farewell to the Sacraments, and waste away in his sins.

Notes near n. 1479, deferring absolution for recidivists (printed p. 182).

1 Conc. Pl. Balt. II. n. 286. Cf. Vind. Ed. 2a. T. II. p. 340. col. 1 (1). | 2 Prax. Conf. n. 72.

Notes near n. 1479, recidivists, habit, and future danger (printed pp. 182-183).

1 Vind. Ed. 2a. T. II. p. 378 sq. | 2 1. 2. q. 49, art. 2. ad 3. | 3 Prax. Conf. n. 71. Vind. p. 786.
2. Ed. 2a. T. II. p. 399 sq.

1480. - Principle IV. For a recidivist, although disposed sufficiently or enough, i.e. such materially, or even formally, but bringing extraordinary signs, the confessor, as physician, can defer absolution, even without his consent, whenever he prudently judges the delay to be useful for his amendment; indeed he is held to this when he judges such a remedy to be necessarily useful for the salvation of his penitent. See the things said n. 1427. II. But whether it is expedient ORDINARILY to use this remedy or not, without the consent of the penitent? See the things said n. 1428. q. 1°, to which St. Alphonsus adds: "If the penitent has relapsed from intrinsic frailty, ... I say with the most common sentence of the Doctors, that it is rarely expedient to defer absolution for a recidivist, when he is disposed: for the grace of the Sacrament must be hoped to be able to profit him more than the delay of absolution." But "it will always be profitable that the confessor terrify recidivists of this kind" from intrinsic frailty "and show as if he could not absolve them."

St. Alphonsus says: 1° if the penitent has relapsed from FRAILITY; for from the mind of the holy Doctor I judge that absolution is regularly to be deferred for a penitent, even sufficiently disposed, if he has relapsed into the sin of habit and there is question of one habituated in evil will (n. 1471). For according to the holy Doctor (ibid.) absolution already can be deferred for a habituated non-recidivist, if there is question of a very rooted habit.

I add, from Berardi, the following cases in which I judge according to the mind of St. Alphonsus that regularly it is fitting or even necessary that absolution be deferred, even for a recidivist from intrinsic frailty.

The first case can be if the penitent is placed in great danger of eternal damnation, namely insofar as remedies have indeed already been employed by him for a long time, and with sufficient diligence and perseverance also, but with no or almost no amendment of the depraved custom (which case certainly, as experience shows, is not chimerical), especially if that miserable man, living perpetually thus in the state of mortal sin, is already old, or labors under slow phthisis, and much more if the

danger is present lest at some time sudden death attack him, since, e.g., an apoplectic stroke had already threatened him at other times. For in such and so great a danger reason counsels that, all other remedies having been tried in vain, it is necessary to try (at least for the most part) even the remedy of delaying absolution; for extreme remedies must be applied to extreme evils.

The second case can be if the habituated penitent brings great and extraordinary scandal, as several Theologians note, e.g. Sanchez, Bonacina, Sporer, and Laymann; for hope, even moderate, of impeding the ruin of many souls must prevail over the fear of bringing damage to the penitent; for public damage must be esteemed much more than private.

The third is the case of restitution (especially if there is question of a great sum), as was said n. 719. 4°.

The fourth is the case of reconciliation to be executed with an enemy, or between husband and wife, as St. Francis Xavier and Roncaglia note.

St. Alphonsus says: 2° if the penitent has relapsed from INTRINSIC frailty: for if he has relapsed on account of an occasion, it will be necessary to act with him as was said n. 1479. b).

Notes near n. 1480, physicianly delay of absolution (printed p. 183).

1 Vind. Ed. 2a. T. II. p. 402. 4. | 2 Prax. Conf. n. 76. | 3 Ib. | 4 Ib. n. 77. L. VI. 464 in fine. Cf. Vind. Ed. 2a. p. 404 sq. et 423 sq. | 5 De Recid. n. 110 sq. Ed. 1a.

1481. - The Manner of Acting with Consuetudinaries and Recidivists.

1° As to admonitions. Those who are of a lighter mind, and do not sufficiently perceive the gravity and danger of the sin of habit and relapse, let the confessor strive to shake and terrify them, and teach with graver words to how great a danger they expose their eternal salvation, unless they inflict serious violence upon themselves. - But to the faint-hearted let him add courage, and let him exhort them not to renounce the purpose of amendment, trusting in the aid of Him who does not desert those who are of good will. Especially let him admonish them that, when they fall back, they beware for themselves of melancholy and faint-heartedness, and rather at once elicit an act of contrition, renew the purpose, and, as soon as it can be done, have recourse to the remedy of Confession, lest namely that first relapse become the cause of many others. But let the confessor himself also take the greatest care that courage and patience not fail him.

2° As to the means of amendment. See the things said n. 1434.

3° As to the delay of absolution. Let the confessor take the greatest care that it be as little hateful to the penitent as can be done. Therefore let him strive to convince him of its necessity or usefulness, and let him dismiss him from himself only with most humane words, and lovingly induce him to return to him at the determined time. For recidivists, since they easily lose heart, when after some time they always fall back into the same sins, will with difficulty return to a confessor by whom they are treated less kindly.

Notes near n. 1481, practical handling of consuetudinaries and recidivists (printed p. 184).

1 L. II. Dec. c. XXXII. n. 45. | 2 De II. Dec. D. IV. q. 1. p. 13. | 3 n. 332. | 4 L. V. Tr. VI. c. IV. n. 10. | 5 L. IV. Ep. 8. n. 14. | 6 Q. 5. c. 4. Reg. 1a. | 7 Cf. Vind. Ed. 2a. T. II. p. 426 sq.

POINT III. ON THE CONFESSION OF CHILDREN BEFORE FIRST COMMUNION.

1482. - 1° When the annual obligation of the same exists, see n. 115. 548. q. 1°. Very much to be commended is the practice of those pastors who take care that all the little children of their parish, who have already completed their seventh year, are brought to the Sacrament of Penance twice, three times, or even four times a year. But lest these Confessions of little children be frustrated of the fruit hoped for,

2° Due preparation is required for it, or a special instruction concerning the Sacrament of Penance. This: **a)** should take place before the first Confession, and, if it can be done, also before each quarterly Confession of the little children; **b)** should be accommodated to their capacity; **c)** should be so instituted that a provident, not however anxious, solicitude for receiving this Sacrament worthily may be impressed upon the little children, and that they may learn to love it rather than fear it; **d)** should teach the necessity and the manner of the examination of conscience, by running through the precepts of the Decalogue, insofar as these are commonly violated by little children or probably have been violated; - likewise the necessity and motives of contrition, and that it must be obtained from God, as a gift of grace, by fervent prayers; - the most grave obligation of the Sacramental seal, incumbent not only upon the confessor, but also upon all to whom by accident something from another's Confession should have become known, and at the same time should admonish them that they themselves also not disclose anything from their own Confession to others, not even the penance. - Although, however, it is not to be prohibited absolutely to little children that they commit their Confession to writing, care must nevertheless be taken that in the Formula for the Examination of Conscience, which is found in certain books of prayers, they not mark their sins by some sign; that they not present the written Confession to the schoolmaster to be corrected; that they not show it to others, or preserve it. - The little book *Catechism of Christian Doctrine for Beginners*, p. 76 sq., exhibits the best norm of instruction. By M. Müller, C.SS.R., printed by the Brothers Kreuzer, Baltimore, and Fr. Pustet, New York and Cincinnati, published in 1874.

After this instruction let a practical exercise be made with the little children concerning those things which are to be done before Confession, in it, and after it, namely the invocation of the Holy Spirit, the examination, contrition, and Confession. - Let the little children be admitted publicly in the Church to Confession, but on individual days or parts of a day only that number of them which can conveniently be heard; thus, namely, neither will they themselves by waiting be exposed to the danger of weariness, nor the confessor by hearing to the danger of haste. - After Confession let them be occupied for some space of time in giving thanks to God and in performing the penance, separated, however, from companions who have not yet completed Confession.

3° In the very Confession of little children the confessor: **a)** "Must employ all charity and gentler methods," lest, namely, from fear, proper to their age, they keep something back, or shrink from Confession. - **b)** Let him give ear to the little child, waiting until he himself begins to declare his sins; but if he remains silent, he will have to be exhorted gently to begin. But if the confessor shall have exhorted him to this in vain, let him himself take upon himself the whole burden of the Confession. - **c)** In what manner little children are to be questioned concerning the Sixth precept of the Decalogue, see n. 1425. - **d)** Since little children are held to repair the honor of parents which has been injured by asking pardon, "it is better to take care that before absolution they ask this pardon.... But if this act cannot conveniently be exacted from them; ... rather let it be suggested as a counsel,

since certainly parents are presumed, at least for the most part, to remit this obligation to their children, lest the children again incur an offense of God." - e) Before absolution the act of contrition should be elicited with the little children by questioning. - f) "The penance ... should be light, insofar as it can be."

Concerning absolution to be conceded or not to little children, and that either absolute or conditioned, see n. 1344. q. 8°. IIa Reg. 7°.

Note. Even those little children who are not yet capable of absolution will be heard in the confessional not without fruit, so that thus they may learn to confess, and on this occasion may be taught in what manner thoughts, words, and works ought to be examined, how they ought to pray morning and evening, and how they ought to conduct themselves at home and in church. St. Charles Borromeo commends this practice even with those little children who have not yet completed the fifth or sixth year of age.

Notes to nn. 1482-1484 - note sequence 1. (1) Prax. Conf. n. 119. (2) Ib. (3) Ib. (4) Ib. (5) Ib. n. 120. Notes to n. 1482. (1) Prax. Conf. n. 90. (1) Prax. Conf. n. 34. (2) Ib. n. 91. Notes to nn. 1482-1484 - note sequence 2. (1) Chap. XV.

POINT IV. ON THE CONFESSION OF ADOLESCENTS AFTER FIRST COMMUNION.

1483. - 1° Let the confessor spare no care that they approach the Sacraments several times a year. For thence the fear of the Lord is increased in them, seduction and the weak fear of men are forestalled, and sincerity of soul in opening the hiding-places of conscience is fostered. Hence

2° Let the confessor beware lest he turn adolescents away from himself by rougher words or harsher rebukes, but rather let him take care to bind their hearts to himself by paternal benevolence, admonishing and exhorting them with benevolent gravity to Christian vigilance, to perseverance in good, and to extirpating the vices into which he shall have learned that they are more inclined.

3° In hearing their Confessions: **a)** Let him see whether and to what dangers their faith and morals are exposed; - with what companions they foster association; - by what, as it were, beginnings they are exposed or have been exposed to sin, whether by thoughts, or by conversations, or by songs, or by sights, or by association with others; - what kind their first mortal sins were, whether of malice or of infirmity. - **b)** Let him exhort to sincerity, to energetic resistance to be opposed to temptations, to flight from dangers and occasions. - **c)** Let him be more employed in teaching and admonishing than in questioning. - **d)** Let him abstain from any little word whatsoever which he would not wish to be heard by others.

4° Let him show no displeasure to them, if at any time they have gone to another confessor; indeed let him even dissemble that he knows this; but let him attend to the cause why he suspects that they did it. But if the penitent of another confessor has come to him, let him hear him for the present; but let him inquire into the cause, and in the case in which he has detected that no sufficient reason for changing confessor is present, let him exhort him to return to the same confessor; for for preserving innocence and changing life for the better, no means is more suitable than regularly always to approach the same confessor.

Concerning the state of life to be chosen by adolescents, consult what was said n. 425. 426. 1150 sq. and 1524.

POINT V. ON THE CONFESSION OF PERSONS OF THE OTHER SEX.

1484. - The confessor:

1° "Regularly in the confessional with younger" persons of the other sex "should be rather rigid," i.e. grave, "than gentle."

2° "It is imprudence ... to cast the eyes upon penitents when they withdraw from the confessional, and to look at them for some time."

3° Unless the reason of pastoral office demands it, "outside the confessional let him not even linger to converse with them, ... and let him avoid all familiarity, ... and especially let him never go to their houses."

4° "Let him abstain also from receiving," especially in favor of himself alone, "little gifts."

5° "Let him not be so devoted to the Confessions of women that through this he refuses to hear men," i.e. males, "coming to him," or cannot conveniently hear them. Wherefore the practice existing in certain churches is to be commended, namely that on one side of the confessional, namely on the right of the confessor, men alone stand, on the other women alone, and that to devout persons some day or time be assigned, in which they can conveniently approach, without others being compelled to wait because of them.

6° Letters pertaining to the direction of women should be: **a)** only responsive, and not even these should be employed while direction can be provided otherwise; **b)** grave, and, insofar as it will be possible, brief; **c)** so written that, with the Sacramental seal prescinded, they can be read by the Bishop. Thus Dubois, *Pratique du zèle ecclésiastique*.

POINT VI. ON THE CONFESSION OF PERSONS OF DISTINGUISHED CONDITION.

1485. - Here there is question especially of the manner in which the more honorable, for example the principal persons among parishioners, priests, and Prelates are to be treated. "With such persons corrections must be employed in gentler and more discreet words, but with greater fortitude and warmth of soul, since from the sins of these, because of the graver damage which can be brought to others by their bad example, a more pernicious consequent license of crimes is accustomed to arise."

Notes to n. 1485. (2) H. A. Tr. 21, n. 4.

POINT VII. ON THE CONFESSION OF PERSONS PROFESSING PIETY.

1486. - Penitents who live free from mortal faults are to be led to perfection, but

1° In order and by degrees. - Hence let them be taught: **a)** "To beware of the smallest deliberate defect, or one admitted with eyes open," yet in such a way that after some light fault has been admitted they do not fall in soul, but rise from the fall by acts of humility, sorrow, and purpose, and this even if they fell a hundred times in the day. **b)** To perform well ordinary actions, or prayers, the duties of their state, etc., and to have a right intention in all things. **c)** First to strive for patience, and only afterward for joy in adversities. **d)** Let them learn to bear light things before they desire grave things.

2° Let them exercise themselves especially in obedience toward the confessor, parents, and husband; in charity toward the neighbor, especially toward domestics; in patience, in the exercise of the

presence of God, in special devotion toward the Blessed Virgin Mary, St. Joseph, the Guardian Angel, and the Patron Saint.

3° a) Let them apply themselves daily for some time to mental prayer according to their capacity, and never omit it, or other exercises of piety or mortification, because of dryness of spirit. b) Let them apply themselves to Christian mortification in such a way that they prefer internal to external, but not neglect this latter. But in external positive mortification, for example fasts, disciplines, etc., let them do nothing without the counsel of the confessor. But he in general should concede less than is asked; he should especially intend to restrain gluttony and sensuality; he should be discreet in conceding mortification of sleep; and above all he should exhort to negative mortifications, such as to deprive oneself of the sight or hearing of curious things, etc.

4° As regards the frequentation of the Sacraments: 1) Let him advise general Confession to those who are not scrupulous and have not yet made it. 2) Let them confess once, or at most twice in the week. But he who has fallen into venial sin and lacks a suitable occasion of confessing should not on that account abstain from Communion, since venial sins are remitted also by other means. - Indeed certain timorous persons often dispose themselves more usefully for Communion by their own acts, since these are then accustomed to be more fervent, than by Confession. Concerning the contrition required for the Confession of venial sins, see n. 1340. q. 7°, 1350. q. 4°, 1355. q. 4°; concerning the absolution of those who confess only doubtfully venial sins, n. 1344. q. 8°; concerning the frequency of Communion, n. 1313; concerning the direction of those who are endowed with the gift of higher prayer, or Contemplation, *Prax. Conf.*

Recall also what was said concerning the manner of acting with women (n. 1484), and concerning not preventing penitents of this kind (unless they are scrupulous) from sometimes going to another confessor (n. 1483. 4°), whom they must also sometimes be commanded to approach.

Notes to n. 1486. (3) *Prax. Conf.* n. 121. (4) *Prax. Conf.* n. 161. (5) *Ib.* n. 162. (1) *Prax. Conf.* n. 122-128. (2) *Ib.* n. 145. 146. (3) *Ib.* n. 148. (4) *Ib.* n. 126-144. (5) *Ib.* n. 100.

ARTICLE II. ON THE OFFICE OF THE MINISTER AFTER CONFESSION

The obligation of the confessor after Confession is twofold: 1° *per accidens*, as to repairing defects committed; 2° *per se*, as to preserving the Seal.

§ I. ON THE OBLIGATION OF CORRECTING DEFECTS COMMITTED IN CONFESSION

1487. Principles. - I. An error gravely culpable and gravely harmful to the penitent himself, by the confessor, from justice, and therefore also with damage relatively grave to himself, speaking *per se*, must be repaired.

I say: 1° *gravely culpable*, because an inculpable or lightly culpable error must be repaired from charity alone, and therefore *per se* with only light inconvenience.

I say: 2° *from justice*, as is clear from what was said n. 746. For the error, as in the principle is supposed, was an efficacious and theologically gravely culpable cause of damage; it was moreover an unjust cause, even in him who heard the penitent's Confession from charity alone, because to the obligation of charity there was added the obligation of justice, namely by force of the quasi-contract

concerning the Sacrament to be administered rightly, by which contract the confessor is bound by the very fact that he undertakes the Confession of anyone.

I say: 3° *speaking per se*: for the case is to be excepted in which he could not repair the error without injuring the seal, for example because he would gravely offend the penitent by renewing discourse about the Confession; likewise the case of a penitent invalidly absolved who afterward either had confessed to another or had received the Most Holy Eucharist, because in either case he is presumed with moral certainty to have been justified (n. 1208. q. 2°), and the damage was repaired.

II. An error harming some third party is to be repaired according to the rules concerning cooperation in damage: namely from justice, if the confessor positively, by command or counsel, cooperated in the damage of the third party (n. 1438. q. 1°. R. 1°. 3°); but from charity alone, if negatively, by not admonishing concerning restitution to be made, since, as confessor, he is bound toward that third party by no bond of office or quasi-contract (n. 774. q. 1°).

III. An error, even gravely culpable, concerning the integrity of Confession is committed either negatively (when the penitent was not questioned concerning species or number, though he ought to have been questioned concerning them), or positively (by inducing him not to explain them).

In the former case it is not to be corrected outside Confession: for the obligation of confessing integrally directly affects not the confessor, but the penitent; hence, although the former is held to question the latter within Confession concerning species and number, nevertheless when the judgment has been finished this obligation ceases in the confessor.

In the latter case a gravely culpable error must be corrected even outside Confession: for by natural law everyone is held to remove the cause why another violates a grave precept, namely of integral Confession. Except if the error cannot be repaired without scandal or grave damage to the confessor; for these things excuse the penitent from integrity, and therefore also the confessor. "But if the error shall not have been gravely culpable, a much slighter cause will excuse from correcting it outside Confession, and this cause will never not be present, since the confessor can never admonish the penitent concerning the error admitted without inconvenience and shame."

Notes to nn. 1487-1488 - note sequence 1. (1) For instance, absolution invalidly conferred; a decision affecting the penitent with grave damage, even only temporal; counsel exposing one's neighbor to the danger of formal sin. (2) It seems otherwise must be said concerning a pastor, since he is held from justice and independently of an error committed to avert grave spiritual damage from subjects. L. VI. 619. (3) *Per se*, I say; because, if the penitent invalidly absolved were in the article of death or in grave danger of no longer confessing, charity would oblige with even grave inconvenience to the reparation of the error: for there would be question of a neighbor constituted in extreme necessity (n. 279. 2° and 3° Reg.). (4) L. VI. 619. Notes to nn. 1487-1488 - note sequence 2. (1) L. VI. 620. Notes to nn. 1487-1488 - note sequence 3. (1) L. VI. 621. (2) *Ib.* (3) *Ib.* (4) *Ib.* 622. Notes to nn. 1487-1491 - note sequence 1. (1) L. VI. 622. (2) L. V. Decr. T. XXXVIII. c. 12. (3) L. VI. 635. 661. Notes to nn. 1487-1491 - note sequence 2. (1) L. VI. 634. (2) *Ib.* 636 sq. Notes to nn. 1487-1493 - note sequence 1. (1) L. VI. 647. 648. (2) *Ib.* 647. (3) *Ib.* 651 sq. Notes to nn. 1487-1496 - note sequence 1. (1) L. VI. 640. 641. (2) *Ib.* 642. (3) *Ib.* 641 sq. Notes to nn. 1487-1491 - note sequence 3. (1) L. VI. 635. (2) *Ib.* 638. (3) H. A. Tr. XVI. 148. Notes to nn. 1487-1493 - note sequence 2. (1) L. VI. 650. (2) *Ib.* (3) *Ib.* 649. (4) *Ib.* 640. Notes to nn. 1487-1496 - note sequence 2. (1) H. A. Tr. XVI. 154. (2) *Ib.* (3) L. VI. 643. H. A. Tr. XVI. 154. (4) L. VI. 638. Notes to nn. 1487-1496 - note sequence 3. (1) L. VI. 639.

1488. Questions. - Quaer. 1° To what is a confessor held who unduly released a penitent from making restitution, or on the contrary obliged him to it?

Resp. 1° If with grave fault he unduly released the penitent, he is held to correct the error; but if he does not correct it, or the penitent, who otherwise would have made restitution, meanwhile has become unable to make restitution, the confessor himself is held to restore in his place, because he violated the right of the creditor, namely by impeding the restitution due to him. I said: *who otherwise would have made restitution*. For if, although admonished, he would not have made restitution before the inability, neither will the confessor be bound.

Resp. 2° If with grave fault he obliged the penitent to undue restitution, he is held from justice to retract the error; and, if the penitent has already restored, he is held to make good the damage to him.

Resp. 3° If inculpably or from light negligence he unduly obliged or released the penitent from the obligation, he is held from justice to correct the error, not however with so grave an inconvenience. The reason is that on the one hand everyone is held from justice to impede lest by his action, even inculpable, he cause damage to another which he can easily forestall; but on the other hand from light or only material fault ordinarily there does not arise an obligation with grave inconvenience.

Quaer. 2° To what is a confessor held who omitted to admonish the penitent concerning restitution to be made?

Resp. 1° He is held to admonish the penitent within Confession concerning the obligation, with some inconvenience, if no or only light fault intervened, at least by reason of charity; but with greater inconvenience if in the omission he sinned gravely, or perhaps also if he to whom restitution is to be made would suffer very grave damage thence, although the confessor sinned in no way or only lightly in the omission.

Resp. 2° Whether in that case the confessor is held to restore, see n. 774. q. 1°. and what was said n. 1487. under II.

Quaer. 3° Whether he is held to restitution who from only light fault released the penitent from the obligation of restoring, if afterward he neglects to admonish him, when he easily can?

Resp. Affirmatively. The reason is that, although the confessor without fault, at least grave, exempted the penitent from restitution, nevertheless, since his counsel continues to influence the damage of the creditor, he himself, the error being known, is held from justice to remove the cause of the damage, if he easily can (n. 749. q. 3°).

Quaer. 4° Whether a confessor, without the license of the penitent, can speak with him outside Confession concerning a defect committed?

Resp. Negatively, according to the more probable opinion, to which St. Alphonsus subscribes and which Lugo calls common, if the penitent has already departed; the reason is that that admonition outside Confession is burdensome to the penitent. Besides, since after absolution the judgment has been completed, that admonition would be separated from Confession. Nevertheless, if the confessor had not absolved the penitent, or had not absolved him rightly, i.e. with the form badly pronounced, even without license asked he could, and speaking per se ought, to disclose his error, saying, for example, that he did not absolve; by which manner indeed neither is the seal broken, nor can there be a reasonable offense of the penitent.

§ II. ON THE SEAL OF CONFESSION

The Seal of Confession is a religious obligation of preserving secrecy concerning those things which are known from Sacramental Confession.

We must treat 1° of the obligation of the seal; 2° of the subject of the seal; 3° of the object of the seal; 4° of the various modes of violating it.

POINT I. ON THE OBLIGATION OF THE SEAL.

1489. Principles. - I. There is given a most strict obligation of preserving inviolably the Seal of Confession. It is established 1° from natural law, and indeed by title both of fidelity, and of justice, and of religion, whence it comes about that he who violates it sins gravely by the sin of sacrilege against the Sacrament, of infidelity against the onerous, although tacit, promise of preserving secrecy, and of detraction, if the sin is not public; 2° from positive divine law, at least implicit; for from the institution of Christ Confession must be secret: therefore by that very fact there has been imposed by Christ upon confessors the obligation of preserving the seal; 3° from ecclesiastical law, as is clear from several places of Canon Law, especially from the Fourth Lateran Council, c. 21, *Omnis utriusque sexus*, where it is said: "Let the confessor beware altogether, lest by word or sign, or in any other way whatsoever, he in any degree betray the sinner; but if he should need more prudent counsel, let him cautiously seek it without any expression of the person." - Yet the confessor is not held to avoid every vain suspicion in this matter, but only a probable one.

II. The obligation of the Seal of Confession always presses in every case, even after the death of the penitent, so that in no possible case is it lawful to reveal anything heard and received in Confession. The reason is manifestly clear; for, if some exception could be given, men would always fear lest such a sin were that cause for breaking the seal licitly; and therefore the Sacrament would become odious. Moreover no cause of attaining good, or of fleeing evil, can compensate for that evil of hatred of the Sacrament. Therefore in this the Sacramental secret differs from the natural secret: that although the latter sometimes arises on the occasion of Confession, nevertheless it does not oblige in every case; but the former can be violated in no possible case, as was said.

III. The obligation of the seal arises from every and only Sacramental Confession, namely that which is made with the mind of accusing oneself and obtaining absolution. It is said: 1° *from every*, because then the whole reason of the precept is present; and this holds, even if absolution had not been conferred from any cause whatsoever, since Confession is made in order to receive absolution at some time. It is said: 2° *from only*, because only Sacramental Confession includes the reason of the precept, since any other manifestation has no relation with the Sacrament of Penance.

IV. The obligation of the seal ceases if the penitent has given license to use the knowledge from Confession. But this license ought to be 1° express, 2° altogether spontaneous, 3° not revoked, nor 4° extended beyond the limits permitted by the penitent, 5° with the conditions at the same time preserved which were placed by him, nor 6° should it be asked, unless a reasonable cause demands it.

1490. Resolutions. - 1° A Confession which knowingly is made to a layman, or to a priest lacking jurisdiction, does not induce the obligation of the seal, but only of the natural secret. It would have to be said otherwise if the priest were believed to be approved; because the Confession on the part of the penitent is truly Sacramental.

2° If someone approaches a confessor with the mind of deceiving him, ridiculing him, drawing him into sin, or extorting something from him, he does not accuse himself in order to the Sacrament, and consequently there is no obligation of the Sacramental seal.

3° If someone opens his conscience to a confessor without the will of receiving absolution, and neither in order to making Confession, nor by way of continued Confession, but so that he may obtain counsel, or so that in some way he may satisfy the command of a Superior, only the obligation of the natural secret presses, because this is not done in order to absolution to be given or given already.

1491. Questions. - Quaer. 1° Whether there is smallness of matter in violation of the seal?

Resp. Negatively, at least in direct revelation. The reason is that matter, even the lightest, includes the whole reason of the precept.

I said: *at least in direct revelation*; because if the danger of indirect revelation is very remote or little probable, there can be lightness of matter. For revelation, if perhaps some followed then, would be judged to follow by chance and per accidens.

Quaer. 2° Whether it is lawful to use a probable opinion in the matter of the seal?

Resp. Negatively, because it is not lawful to use a probable opinion to the prejudice of the certain right which another possesses, etc. Therefore the confessor is held to the seal even in doubt whether something was said by the penitent in order to Confession.

Quaer. 3° What ought the confessor respond to one questioning him concerning things heard in Confession, or concerning absolution imparted?

Resp. As to the first, let him respond, even with an oath if need be, that he knows nothing, or has heard nothing; because he has no communicable knowledge. - Thus all.

As to the second, let him respond: I have performed my office; or: Are questions of this kind to be asked?

POINT II. ON THE SUBJECT OF THE SEAL.

1492. Principles. - I. Primarily every confessor is held to the seal, whether true, or fictitious and through error esteemed legitimate, and consequently even a layman who would feign himself a priest and hear Confession. The reason is that as often as someone confesses in order to the Sacrament, whoever hears him by that very fact contracts the obligation of the seal; otherwise hatred of the Sacrament would follow thence. - Thus all.

II. Secondly those who become participants in Confession are held, or all those to whom knowledge of the Confession comes in any way whatsoever, whether from the Confession itself, or from means ordered to it. It is said: 1° *from the Confession itself*; for the matter accused came to their knowledge by the same occasion or cause on account of which the obligation of the seal is given, namely lest hatred be created against the Sacrament. It is said: 2° *from the means*; for hatred of the means redounds upon the end itself.

Hence the following are held to the seal: 1° interpreters employed in performing Confession; 2° Superiors from whom, outside the Sacrament, a faculty is sought of absolving or of receiving

absolution from a reserved case; 3° those who, while someone is confessing, hear a sin, whether deliberately or even inculpably, and likewise if some should perhaps hear it from these; 4° those who write the Confession of the uneducated, or of those ignorant of the language of the confessor, especially if the Confession cannot be made in another way; 5° doctors consulted by the Confessor, even with the license of the penitent; 6° all those to whom the confessor sacrilegiously or imprudently had manifested sins heard in Confession.

1493. Questions. - Quaer. 1° Whether the penitent also is bound by the seal with respect to the confessor?

Resp. 1° He is not held to the Sacramental seal, because the obligation of the seal is only in favor of the penitent.

Resp. 2° But he is held to the natural secret concerning those things which he cannot reveal without unjust damage to the confessor, or contrary to his reasonable will, or without injury and contempt of the Sacrament.

Quaer. 2° Whether the confessor can speak with the penitent concerning his Confession?

Resp. 1° He can speak in Confession concerning all past Confessions. Let this nevertheless be done cautiously and from sufficient reason, lest perhaps the penitent be offended.

Resp. 2° He can also speak after absolution before the penitent has departed, or if afterward he has returned. The reason is that although the Sacrament has been completed, nevertheless the judgment still morally perseveres.

Resp. 3° Outside the Sacred Tribunal, he cannot make even any word at all with him without the penitent's license concerning those things which pertain to his Confession. Except if the penitent himself first speaks concerning his conscience, i.e. concerning those things which were the matter of Confession. But then the confessor ought not exceed the matter about which the penitent made words.

Quaer. 3° Whether he is held to the seal who reads a paper in which the penitent wrote a Confession?

Resp. 1° Negatively, per se. The reason is that this is not a means of itself ordered to Confession, and consequently it does not per se bring in the obligation of the Sacramental seal, but only of the natural secret; yet this per se presses under grave, unless there is question of the lightest faults.

Resp. 2° Per accidens the obligation of the seal can be present, if the paper were or had been a necessary means to Confession: for example if it were written by a mute person, or directed to a Superior on account of some reservation; likewise if the paper had already been handed to the priest; but especially if someone were to read it while it is in the hand of the confessor, or in the act of Confession, or it had been lost by the confessor himself, or found in the confessional; for in these cases it pertains to Confession.

Quaer. 4° Whether a doctor consulted by the penitent himself is held to the seal of Confession?

Resp. Negatively, at least more probably, if he is consulted concerning Confession to be made to another; but he is held only to the natural secret. The reason is that the obligation of the seal arises from Sacramental Confession alone, in which the penitent manifests sins in order to absolution. - St.

Alphonsus, against some who therefore affirm, because revelation would render Confession odious. But, as the holy Doctor deservedly replies, not the Confession itself, but the consultation would become odious.

I said: if he is consulted concerning Confession to be made to another; because if the penitent consults him concerning Confession to be made to himself, he is held by the seal, since this consultation must be regarded as Confession begun.

POINT III. ON THE OBJECT OF THE SEAL.

1494. Principles. - **I.** The object of the seal is all sins confessed, even venial sins, at least in particular, and all things which pertain to the individual explanation of sins. The reason is that the reason of the seal presses not only for sins, but also for all those things which help to explain them, and besides, these constitute one thing with sins. - I said: *even venial sins, at least in particular*. For he certainly would wound the seal who would say that Titius confessed, for example, a lie, or several venial sins; but not he who would say that he confessed venial matter. For by the very fact that he confessed, he is supposed to have confessed matter of this kind. In practice nevertheless the question seems to me, with others, to be decided according to circumstances, by considering whether by such a saying Confession could perhaps be rendered odious.

II. The object of the seal is also whatever has been manifested in Confession, and the revelation of which would yield to the burdening of the penitent or to hatred of the Sacrament; because the seal was introduced lest, from fear of revelation, the faithful be drawn back from the Sacrament of Penance.

III. Those things do not become the object of the seal through Confession which the confessor knows not from Confession alone, but at the same time from elsewhere, and insofar as he knows them in this way.

1495. Resolutions. - Under the seal of Confession fall:

1° All circumstances of sins, even those declared after absolution: for they are morally one thing with the sins already accused; indeed the same must be said even if it were doubtful whether the circumstances had been declared in order to Confession or not.

2° The sins of an accomplice, even if they were revealed without necessity with the sin, because they were said from the intrinsic occasion of Confession.

3° The penances imposed, unless perhaps they are very light, or from those which are accustomed to be imposed for the lightest faults.

4° Defects manifested through Confession for explaining the character of the sin, for example if the penitent says that he received Sacred Orders with an irregularity, because he is illegitimate, etc.

1496. Questions. - **Quaer.** 1° Whether the virtues and scruples of the penitent fall under the seal?

Resp. to the 1st. Negatively, per se, unless thence there follows a burdening of the penitent or of others. Resolve the same concerning extraordinary gifts of God. But that burdening would follow if these gifts had been manifested for better declaring the malice of one's own sin because of ingratitude.

Resp. to the 2nd. Affirmatively, if scrupulosity is in some way matter of Confession, or elsewhere from such manifestation there would follow a burdening of the penitent. But scrupulosity would be matter of Confession as to acts which the penitent from a scrupulous judgment thought to be sins and confesses; likewise scrupulosity which as a moral defect is subjected to the Sacramental judgment. - But its manifestation would have to be regarded as a burdening of the penitent if there were question of a Prelate, confessor, and the like, but not if of lay persons, to whom this rather turns to praise.

Quaer. 2° Whether natural defects of the penitent fall under the seal?

Resp. 1° Affirmatively, if there is question of "those defects the manifestation of which the penitent can bear with difficulty of itself, as it would be to say that he is dull in mind, irascible by nature, rude, incapable, poor, if he were of civic birth."

Resp. 2° But negatively, if they are "defects which are not to him a source of shame or reproach, such as to be blind, deaf, a beggar, and the like; and, on the contrary, they already commonly are known."

Quaer. 3° Whether sins committed in the very Confession fall under the seal, for example impatience, insult against the confessor?

Resp. 1° Negatively per se, because the penitent does not confess those faults, as is clear.

Resp. 2° Affirmatively nevertheless for the most part, although only per accidens; because, although those sins are not per se matter of the seal, nevertheless often per accidens they involve in some way the danger of revelation: for they furnish a probable judgment that the confessor either was unwilling to absolve the penitent, or on account of a graver fault reproved him more severely, etc.

But theft committed by the penitent to the damage of the confessor himself at the time of Confession would not fall under the seal. Indeed if it were established that the thief came to confess so that he might have an occasion of stealing, the sins accused by him would not be matter of Confession; since such a Confession would not be true, but only simulated.

Quaer. 4° Whether he violates the seal who says that he heard such a person in Confession?

Resp. Negatively; for that someone approaches to confess is recognized externally or outside Confession. Besides, this is not of itself odious, but rather brings praise. Nevertheless the confessor would be held to the natural secret if someone had approached secretly to confess; indeed even to the Sacramental secret, if by word or deed, namely by approaching secretly, he had signified "that he did not wish it to be known that he had confessed."

Quaer. 5° Whether he violates the seal who says that he absolved such a penitent?

Resp. Negatively, per se, because that cannot be burdensome to the penitent in such a case. Nevertheless in certain circumstances it could become burdensome to others, concerning whom the same cannot be said. - Thus commonly. Therefore parents, teachers, masters, questioning concerning absolution given to sons or subjects, are to be referred to the penitents themselves. Similar questions are accustomed to be made by Nuns devoted to the care of the sick in hospitals, so that they may know whether they ought to prepare the things necessary for administering Viaticum: these likewise are to be referred to the sick; or it is better that license be sought from the sick person to admonish

the Nuns or others. But it will suffice to say to the sick person who is going to receive the Holy Eucharist: I shall admonish, etc.

Quaer. 6° Whether a confessor handing to a penitent not absolved a certificate in testimony of Confession can declare that he was absolved?

Resp. By no means. The reason is that it would be a lie, which, since it is intrinsically evil, can never be uttered. Thus St. Alphonsus. The holy Doctor excepts, as probable, if the certificates had been printed and in them it were said that absolution had been given, at least if they are sought publicly; because such certificates would be handed to all, and therefore the confessor would perform "only a material act" by "providing such a certificate."

Quaer. 7° How is a certificate of Confession to be drawn up?

Resp. It is customarily drawn up thus: I, the undersigned, testify that I heard the Confession of N., on such a day, etc.; to this certificate the confessor subscribes his name. Or more briefly: I heard such a one in Confession, on the day, etc. It can also be said: I heard a Sacramental Confession; because every Confession which is made in order to receiving absolution is Sacramental, whether absolution was given or not.

Quaer. 8° Whether a confessor violates the seal who denies a certificate of Confession to an indisposed penitent?

Resp. 1° Affirmatively, as often as he denies a certificate to a penitent asking for it outside Confession. The reason is that he uses knowledge of Confession for acting externally, and indeed with great burdening of the penitent.

Resp. 2° Affirmatively, even if the penitent not absolved asks for the certificate within Confession, and there is question of those circumstances in which it is customary to be given, or it is required by Superiors of the penitent, as often happens in the Paschal time for students of colleges, servants, etc. The reason is that from the denial of the certificate it becomes known to others that the penitent was not rightly confessed nor absolved, and therefore it will be an indirect violation of the seal. - Thus commonly.

Resp. 3° But negatively, if the penitent asks for a certificate in Confession outside the aforesaid circumstances, or when it is not customarily given to all, or is not required by Superiors. The reason is that then the confessor, saying nothing, bears himself merely negatively, and does not approve that Confession by positive testimony, to which he is not held. Besides, the penitent is not compelled by necessity of declaring to others that he was not absolved; hence, if he says this, he himself makes known his indisposition, not the confessor.

Sometimes, however, the confessor can give even to an indisposed penitent a certificate of Confession on account of various inconveniences which would follow from its denial; nor then will he cooperate in the sacrilege of the penitent, who perhaps uses this testimony of Confession for receiving a Sacrament of the living, for example the Eucharist or Matrimony, in the state of sin; the reason is that the penitent will have to attribute this to his own malice.

Resp. 4° Negatively also, as often as the penitent made a simulated Confession, for example to flee punishment, to avoid infamy, or to snatch a certificate, as if a young man with a view to Matrimony should thus confess: "I have done what young men of my condition are accustomed to do: nothing

else remains to be said: I do not ask absolution, but a testimony of Confession performed." For the seal is not broken whether within or outside Confession the certificate is denied. The reason is that the seal arises from Sacramental Confession alone, which here in no way is had. Nor generally can the confessor concede such persons a certificate, because without sufficient reason he would cooperate in their future sacrilege. Besides he would assert what is false, namely that they had confessed, which is not true.

Quaer. 9° What ought the confessor do when detecting that the penitent is deaf?

Resp. See n. 1369. q. 6°. Hence 2°.

Quaer. 10° Whether a confessor can admonish the accomplice, with the license of the penitent, or another person for correcting the accomplice?

Resp. Affirmatively. The reason is that the accomplice from the Confession of the other accomplice acquires no right to the Sacramental seal; for this seal was instituted in favor of penitents only; and consequently the right of secrecy is acquired by him alone who commits it to another.

Ordinarily, however, it is not expedient that the confessor seek such license; but it will be better to induce the penitent to open this matter to him outside Confession; indeed it will be still better that the penitent himself report the matter to another, who can bring a remedy to the evil.

POINT IV. ON THE VARIOUS MODES OF VIOLATING THE SEAL.

1497. - The seal can be violated in a twofold mode: 1° directly, by revealing expressly something pertaining to the secrets of Confession, for example if it is said: Titius did this, etc.; 2° indirectly, by saying or doing something from which someone can know or suspect either the object of the seal, or from which the Sacrament is rendered odious, or shame, trouble, disgrace, damage, or any burdening whatsoever can arise for the penitent or for others, for example accomplices.

Rule I. - The seal is violated indirectly as often as penitents or others can deservedly be offended by the sayings or deeds of the confessor from knowledge had from Confession alone. But it is not judged to be violated if the penitents would have these things indifferently, and there is no question of the proper matter of the seal. The reason for each is sufficiently clear from what was said above. - Thus commonly.

Rule II. - In doubt whether in such a mode of speaking or acting there is present danger of revelation or offense, one must stand for the safer part, or in favor of the seal. - Thus commonly; and it is clear from what was said above n. 1491. q. 2°.

Rule III. - There is no violation of the seal if someone narrates a sin heard in Confession in such a way that by no indication can the sinners be revealed. Nevertheless, excluding the usefulness of instruction or of asking counsel, one must generally abstain from similar narrations. The reason is that lay hearers, especially the simple, easily are scandalized, suspecting that the seal is violated. And sometimes in these frequent and mixed conversations there is danger lest someone be brought into suspicion of the penitent, indeed that revelation also follow.

Notes to nn. 1497-1499 - note sequence 1. (1) L. VI. 641. (2) Ib. 492. Notes to nn. 1497-1499 - note sequence 2. (1) L. VI. 654. Notes to nn. 1497-1499 - note sequence 3. (1) L. VI. 654. (2) S. C. C. 18 nov. 1681. (3) In 4 Dist. 21. q. 3. a. 1. ad. 1. (4) L. VI. 659. (5) Ib. (6) Disp. 23. n. 110. (7) L. VI. 656. 657. Notes to nn. 1497-1499 - note sequence 4. (1) L. VI. 655 sub 4. Notes to nn. 1497-1499 - note sequence 5. (1) Ps. 140. 3. (2) Sap. 9. 4.

1498. Resolutions. - He indirectly violates the secret of Confession:

1° Who, praising one above the others whom he heard, says that he committed only venial sins; because others thence are easily brought into suspicion of mortal fault.

2° Who speaks with others concerning the sin of a penitent known through Confession alone, though these know it from elsewhere, even if the hearers do not notice that it was received from Confession.

3° Who says that he did not absolve such a one, that he sent him back to such a time, or that he has not yet absolved him, or that the Confession has not yet been completed; the reason for the last is that a long Confession ordinarily denotes many sins, or the indisposition of the penitent, unless it were known to be a general Confession, or one resumed after a long time, and the penitent not bear this with difficulty. Likewise he who concerning Titius, known as a thief, says that he confessed to him his thefts with great contrition.

4° Who in a loud voice, or in another way intelligible to the bystanders, reproves the penitent; for this is both grave for the penitent and suggests to others the suspicion that he confessed grave sins; but *a fortiori* if by raising the voice too much he were to repeat the sins of the penitent, or question concerning their circumstances.

5° Who speaks with another confessor concerning the sins of some penitent, even if he had confessed the same sins to each.

6° Who, after hearing the Confessions of few persons, says that he heard such a sin, although he conceals the person; for the individuals suffer something of suspicion against themselves from that revelation. Likewise he who narrates sins known from Confession in such a way that hearers can by some reason conjecture or suspect who committed them.

7° Who, narrating the sins of some person which he knew outside Confession, adds some circumstance known from Confession alone, or who uses the knowledge of Confession to determine or confirm the matter more.

8° Who would say that in such a monastery he heard a grave sin, even if he did not name the person; because the individual Religious of that convent suffer detriment. *A fortiori* he would violate the seal who would say that in that convent, or even in that Order, such sins are committed. - But it is otherwise if he would say that he heard a grave sin of some Religious in general, without naming his Order, because there is neither revelation of the seal, nor does it redound to the burdening of the penitent or of any Order, since among various Orders there are not lacking some less good Religious. Resolve the same if he were speaking of a grave sin of only one Religious, naming the Religion, provided the Religion is large and notoriously relaxed, and sins of this kind are such as are accustomed to occur among the relaxed, and in this one have notoriously occurred, and also all danger of suspicion concerning some monastery in particular is absent. - But scandal of lay persons must be carefully guarded against.

9° Who after Confession looks at the penitent with a stern eye, does not speak to him as he was accustomed to do before, and shows by harsher words, gestures, or his whole manner of acting that he remembers his sins, is actually thinking about them, and makes less of him than before.

10° Who would decline the Confessions of a penitent because this one, for example, is accustomed to approach less well disposed, unless there is present a just cause altogether independent of

Confession.

1499. Questions. - Quaer. 1° Whether the Confessor can deny Communion to a penitent to whom previously he denied absolution, if this one approaches the Sacred Table, or assistance at the Matrimony of him whose impediment, or Ordination to him whose irregularity, he knows only from Confession?

Resp. Negatively. See n. 1229.

Quaer. 2° Whether he breaks the seal who says that such a vice reigns in a city or village, or that grave crimes are committed there?

Resp. Distinguish. Affirmatively, if the place is sufficiently narrow, for example if it does not contain about three thousand men, i.e. Catholics. Otherwise, if the town is large, and public crimes are often committed there.

Quaer. 3° Whether preachers can use knowledge of Confession for speaking about those things concerning which they would not have thought, unless they had heard Confessions?

Resp. Affirmatively, with danger of revelation and burdening of the penitents excluded. The reason is, 1° because it can be a burden to no one that sometimes priests direct themselves in sermons from the knowledge of Confession, provided that here and now that burden is not present: therefore they can generally inveigh against vices which secretly spread abroad; 2° because for the confessor this would be too grave a burden; for he would always fear lest in preaching he use the knowledge of Confession. Nevertheless let the confessor beware lest he speak publicly about entirely particular sins of one or another penitent, especially if he has the sermon before some small community, for example in a monastery of Nuns, etc.; because then a burdening could easily be induced. Moreover Missionaries cannot reveal to the Pastor grave sins heard in Confession in general, that he may watch more. - Yet, according to St. Thomas, "the confessor can say to the Prelate that he should watch more diligently over his flock, yet in such a way that he does not say anything by which by word or nod he betrays the one confessing."

Quaer. 4° Whether a priest who from Confession knows that snares are being prepared for him can flee, or in another way forestall damage?

Resp. 1° Affirmatively, if from such caution the sin accused is not at all manifested to others, nor is any burdening brought to the penitent.

Resp. 2° Negatively, if he cannot flee without in some way manifesting that some sin had been accused by the penitent. The reason is that that flight would be an indirect revelation of a confessed sin; and, although the confessor might simulate flight under some pretext, nevertheless he would always furnish a reasonable suspicion of the sin declared. Lugo nevertheless notes that experience shows that a revelation, even indirect, is never necessary for escaping those dangers, since they can be met either from the license of the penitent or in other ways without breaking the seal.

Quaer. 5° Whether Superiors can use knowledge of Confession for external governance, if it in no way appears that they direct themselves from that knowledge?

Resp. By no means, with St. Alphonsus and others commonly against some older Theologians who defended the affirmative opinion. - The reason is that evidently this would yield to the burdening of

penitents; and those who knew that such doctrine was everywhere taught could be drawn back from Confession. See the Decree of Clement VIII, p. XVII. XVIII.

Quaer. 6° Whether at least sometimes, or when, the confessor can use knowledge of Confession?

Resp. According to all Theologians, this can be done in the following cases: 1° for praying for the penitent, or acting more benignly toward him; 2° for consulting books or wise men, prudently however, with danger of revelation excluded; but if this danger is present, he who needs counsel should either propose the case in a suitable manner, for example as fictitious, or ask license from the penitent for using Sacramental knowledge, or seek elsewhere a learned counselor to whom the person of the penitent is altogether unknown, or remit the penitent to another confessor, etc. But if no means is at hand by which the seal may remain intact, nothing remains except that the Confessor, relying on divine aid and employing other suitable means, namely prayer and study, resolve the difficulty himself in the better manner in which he can; 3° for directing himself through experience acquired from Confessions, for example for increasing or tempering rigor, and for directing himself from the Confession of one toward prudently questioning or instructing others, giving no suspicion of the prior Confession; 4° for reforming his own morals, for correcting his own defects, or for performing his office better, for example for shaking off sluggishness, for watching more vigilantly over subjects, with suspicion of revelation excluded, etc., because everyone is held to correct his defects as soon as he notices them; nor can any penitent reasonably be offended because the confessor, on account of things heard in Confession, changes his life for the better.

Conclusion. - In a matter so grave, and so dangerous, the confessor must be supremely cautious lest he utter any little word, or do or hint anything, whence there could follow hatred, even the least, of the Sacrament, burdening of the penitent, offense or scandal of any others whatsoever. Therefore let him be prudent and discreet not only in words, but in his whole manner of acting.

Let him frequently pray with the Psalmist: *Set, O Lord, a guard to my mouth, and a door of circumstance to my lips*; or with the Wise Man: *Give me wisdom, the assistant of thy seats*. - Above all let Missionaries beware, and all who, for example in the Prayers of Forty Hours, assist Pastors extraordinarily, of imprudences, of useless loquacity, of boasting concerning many general Confessions heard, concerning great fish caught, etc. But especially let them see that they say nothing concerning anything heard or done in the tribunal of Penance in the midst of gatherings of priests or during dining, notably in the presence of a woman serving at table.

FORMULA FOR DENOUNCING A SOLICITOR. [SEE N. 1412 UNDER D).]

N. N. in the year of his or her age ... from the Parish N. (Quasi-parish; Mission), before me the undersigned, outside the Sacrament of Penance, complains that N. N. (Pastor, Quasi-Pastor, Missionary, Priest, Religious) in ... (Parish, Quasi-parish, Mission, College, Monastery) ... solicited her (him) in Confession (on the occasion, etc.) by words (deeds) of this kind ... to dishonest and shameful things, and is prepared to confirm this by oath also before the Episcopal delegate, her (his) own or neighboring Pastor N. N.

N. N., Priest, etc.

Given ...