

Institutiones Morales Alphonsianae, Volume II - Treatise V: On Penance

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Treatise I: On the Sacraments in General and Treatise V: On Penance

Treatise I

On the Sacraments in General

One must treat: 1. of the Nature; 2. of the Minister; 3. of the Subject of the Sacraments; 4. of Sacramentals.¹

Chapter I

On the Nature of the Sacraments

So that the nature of the Sacraments may become known, 1. certain things must be premised concerning their notion and distinction, whether numerical or specific; 2. their efficacy, or power, must be inquired into; 3. their constitution must be weighed, which is placed in matter and form.

Article I

On the Notion and Distinction of the Sacraments

1390. DEFINITION. A Sacrament of the New Law is a sensible sign of invisible grace, for sanctifying the people of God, permanently instituted by Christ.²

It is said: 1. a sensible sign, that is, one which denotes internal grace and can be perceived by an external sense. For thus the means of salvation are adapted to the nature of man, who, in operating, is subject to the senses, and at the same time they become the foundations of divine worship and of Christian society. 2. Of invisible grace, which the Sacrament produces *ex opere operato*, that is, by force of the divine institution, independently of the work of the one operating, namely of the minister conferring and of the subject receiving, provided the subject is rightly disposed. 3. Instituted by Christ, in distinction both from the Sacraments of the old Law and from the Sacramentals of the Church, which have not been instituted by Christ. There is added: permanently, or stably; for as long as the Christian religion shall remain, so long also will the Sacraments remain.³

“Therefore three things are required for constituting a Sacrament: 1. an external sign; 2. a promise of grace; 3. the institution of Christ, since all the Sacraments have their power from the passion of Christ the Lord.”⁴ See the Dogmatic theologians.

1391. NUMERICAL DISTINCTION. “It is of faith that there are seven Sacraments of the New Law, neither more nor fewer,” as the Council of Trent defined, sess. 7, can. 1.

The Council of Florence, in the Decree to the Armenians, thus demonstrates the fittingness of this sevenfold number: “For spiritual life, just as bodily life, needs seven things: 1. That the faithful be generated, and this Baptism furnishes; 2. that they be increased and strengthened, and this Confirmation gives; 3. that they be nourished, and this the Eucharist furnishes; 4. that they be healed, and this Penance bestows; 5. that the remains of sins be taken away and the powers of the soul be refreshed, and for this there is Extreme Unction; 6. that ministers of the Church be formed, and this Sacred Ordination furnishes; 7. that children be begotten and religiously educated for the worship of God and the conservation of the human race, and this Matrimony gives.”⁵

1392. SPECIFIC DISTINCTION. The Sacraments, according to their various properties, are distinguished:⁶

1. Into Sacraments of the dead, that is, Baptism and Penance, which of themselves are conferred upon the spiritually dead, that is, those lacking grace, and produce first grace; and of the living, which of themselves are not administered except to those having first grace, and work an increase of grace in them.
2. Into repeatable Sacraments, as the Eucharist, Penance, Extreme Unction, Matrimony; and unrepeatable, as Baptism, Confirmation, and Order, on account of the character which they impress indelibly.

¹On the Sacraments in general see St. Thomas, 3, q. 60-65; Salmanticenses, tr. I; Billuart, etc.; but the Roman Catechism should be read first.

²Cf. book VI, 2, and the work on Trent, sess. 7; *Exam. Ordin.*, n. 1.

³Cf. book VI, 1-5.

⁴*Exam. Ord.*, n. 2.

⁵Cf. *Catech. Rom.*, p. 2, c. 1, n. 15; St. Alph., *Condotta ammir.*, p. 2, c. 1, n. 6-12.

⁶Book VI, 6; *Exam. Ord.*, n. 4.

3. Into a permanent Sacrament, as is the Eucharist, which consists in a permanent thing; and transient Sacraments, as are all the others, “because they are Sacraments only when they are made and applied.”⁷
4. Into Sacraments necessary by necessity of means for salvation, as are, for all, at least in implicit desire, Baptism, and more probably also the Eucharist, as will be explained in its own place (n. 1563); likewise, for those fallen into mortal sin, Penance; and necessary by necessity of precept, such as are Confirmation and Extreme Unction, according to the more probable opinion, altogether to be urged. Order and Matrimony are not necessary for private persons, but for the community.
5. Sacraments are called formed, when in the one receiving they really produce grace; unformed, when indeed they are valid in themselves, but in the one receiving, on account of the obstacle which he places, they do not produce the ultimate form of the Sacrament, that is, grace.⁸

1393. Note. In the old Law there were true Sacraments, as the Council of Trent openly implies when it hands down that the Sacraments of the New Law differ from the Sacraments of the Old Law. Such was the tree of life in the state of innocence; the sacrifice of Melchisedech and circumcision in the state of the law of nature; the paschal lamb, various purifications, and consecrations of priests in the Mosaic law. Yet these Sacraments, and even circumcision itself (as the more probable opinion teaches), did not confer grace by a power proper to themselves, that is, *ex opere operato*, but *ex opere operantis*, that is, from the merit of acts of faith, religion, penance, etc., which those ministering or receiving elicited. But for blotting out original sin there sufficed, more probably, faith in Christ to come, manifested by some exterior sign, especially through circumcision.⁹

Article II

On the Power and Efficacy of the Sacraments

1394. There are two EFFECTS of the Sacraments: one common to all, namely grace; the other proper only to some, namely character.

§ 1. On the Grace of the Sacraments A twofold grace is conferred through the Sacraments: sanctifying grace and sacramental grace.

1395. Principles. I. All the Sacraments confer SANCTIFYING GRACE, which renders man a friend of God (see the Dogmatic theologians).¹⁰

This grace is FIRST or SECOND, namely: the Sacraments of the dead, Baptism and Penance, of themselves and primarily confer first grace, by which namely the sinner is justified; the other Sacraments, which are called of the living, confer of themselves and primarily second grace, that is, an increase of pre-existing grace.

We said of themselves and primarily. For: 1. The Sacraments OF THE DEAD sometimes and accidentally confer second grace, when namely they find grace already existing in the soul; otherwise they would be sterile, which assuredly would be said absurdly and impiously. 2. The Sacraments OF THE LIVING, according to the common opinion, can likewise confer first grace, when namely someone in the state of lethal sin receives the Sacrament with good faith and at the same time with attrition. That this must be said of the Most Holy Eucharist seems to be concluded from the words of Trent (sess. 13, can. 5), defining: “If anyone shall say that the principal fruit of the Most Holy Eucharist is the remission of sins, let him be anathema.” St. Thomas hands down this very thing,¹¹ not only concerning the Eucharist, but also concerning Extreme Unction; and theologians commonly agree with the Angelic Doctor, who affirm the same concerning the other Sacraments of the living. But the reason for the affirmation is that in Trent (sess. 7, can. 6) it is read: “If anyone shall say that the Sacraments of the New Law ... do not confer grace on those placing no obstacle ... let him be anathema”; now indeed, “he who approaches a Sacrament of the living with attrition, which excludes affection for sin, both actual and habitual, already places no obstacle”; therefore.¹²

Note. It can happen in many ways that one guilty of mortal sin receives a Sacrament of the living in good faith, namely: 1. if he invincibly does not know that he is in the state of sin; 2. if he invincibly thinks himself perfectly contrite, or

⁷Book VI, 190, 2.

⁸Book VI, 6, note 4; *Exam. Ord.*, n. 4.

⁹Book VI, 3-4.

¹⁰Cf. Lugo, *De Sacram.*, disp. 4, sect. 3.

¹¹3, q. 72, a. 7, ad 2; and q. 79, a. 3.

¹²Book VI, 6; *Exam. Ord.*, n. 4.

rightly absolved, when he is not; 3. if he invincibly does not know that the state of grace is required for the reception of a Sacrament, etc. (cf. n. 1547).

1396. II. "The Sacraments also confer SACRAMENTAL GRACE, namely helps for obtaining the end for which each Sacrament is instituted."¹³ See again the Dogmatic theologians.

In particular: 1. BAPTISM supplies to a man not placing an obstacle a special help, so that he may be able to conquer concupiscence, despise the enticements of the world, and perform Christian works. 2. CONFIRMATION, so that, when occasion is given, he may profess and defend the faith fearlessly. 3. The EUCHARIST, so that he may remain in the love of Christ and in union with God, by advancing in it from day to day. 4. PENANCE, so that he may detest more perfectly the crimes committed, avoid occasions of sins, persevere in grace, and be able to expiate past faults. 5. EXTREME UNCTION, so that he may be purged from the remains of sin, be relieved in illness, and more easily resist the snares of the demon. 6. ORDER confers on sacred ministers helps by which they may worthily carry out ecclesiastical offices. 7. MATRIMONY bestows powers upon spouses for restraining inordinate concupiscence, for preserving conjugal fidelity, for piously educating offspring, and for constantly fulfilling all the obligations of the conjugal state.¹⁴

1397. Questions. Q. 1. Whether Sacraments received FEIGNEDLY, or WITH AN OBSTACLE, revive when that obstacle has been removed?

Preliminary notes. 1. When a Sacrament is indeed valid, but unformed, it is said to be received FEIGNEDLY, because the one receiving in a certain way feigns that he is disposed for the fruit of the Sacrament, when he is not. 2. This feigning is called an OBSTACLE to grace, and is either material, when namely the omission of the required disposition is inculpable, on account of ignorance, forgetfulness, etc.; or formal, when the omission is culpable, so that it contains the malice of sacrilege.

Resp. 1. The Sacrament of BAPTISM, received with feigning, whether material or formal, when the obstacle has been removed through a subsequent disposition, revives. Thus commonly the authors (except Scotus and a few others) from St. Augustine and St. Thomas.¹⁵ "The reason is that sin before Baptism, or consummated in the very reception of Baptism, is not subject to the keys of the Church; whence it must necessarily be remitted through the power of Baptism alone, which, when the obstacle has been removed, has the effect previously suspended by reason of the feigning."¹⁶

2. Many probably teach the same concerning CONFIRMATION, ORDER, EXTREME UNCTION, and MATRIMONY. The reason is that Confirmation and Order absolutely, Extreme Unction in the same danger of death, and Matrimony while the same spouse is living, cannot be repeated; nevertheless it seems consonant with divine goodness that such recipients should not remain forever deprived of the sacramental grace which they need.
3. The Sacrament of PENANCE does not revive when the feigning is formal, and the reason is that then the Sacrament is invalid. But whether it revives when the feigning is only material depends on the question whether this Sacrament can be valid and at the same time unformed. Some indeed deny it, because the dispositions of the recipient required for the liceity of the Sacrament are at the same time the matter of the Sacrament required for its validity; but others commonly and more truly affirm it, for the case namely in which someone places some material obstacle; if, for example, having two mortal sins, one of theft and the other of sacrilege, he in no way thinks of the sacrilege, nor confesses it, nor grieves over it, not even implicitly, and receives absolution for the theft alone, having conceived attrition from the supernatural turpitude of that sin. For in this case, the Sacrament, in which all the essential parts are found (that is, attrition and sincere confession with absolution), cannot, on the one hand, be called invalid; but on the other hand, it is not informed by grace, because the sin stands in the way, concerning which he neither accuses himself nor grieves. Whence that confession, since it is valid, is not to be repeated, and therefore the Sacrament received with a material obstacle, when this has finally been removed, revives. Thus Suarez, Lugo with St. Thomas¹⁷ and others.
4. The EUCHARIST, as is commonly taught, whether the feigning is material or formal, does not revive, unless the obstacle is removed before the sacred species are consumed. It does not revive if the feigning was formal; "otherwise this absurdity would follow, that a priest who several times in his life had celebrated sacrilegiously, if at death he confessed with remiss attrition, would receive the whole heap of graces of so many sacrilegious Communion;

¹³Ibid.

¹⁴Cf. *Exam. Ord.*, n. 22; work on Trent, sess. VII, n. 8-10.

¹⁵3, q. 69, a. 10.

¹⁶Book VI, 87.

¹⁷In 4, dist. 17, q. 3, art. 4, ad 1.

indeed, the more often he had celebrated unworthily, the more abundantly he would be enriched with graces.”¹⁸ Nor, more probably, does it revive if the feigning was only material, because, since this Sacrament from its institution can be frequently repeated, there was no need that a broader efficacy be attributed to it.

Q. 2. How must the OBSTACLE be removed, so that the Sacrament may revive?

Resp. In order that Sacraments validly, but feignedly, received may revive, more probably there is required and suffices the same disposition which was required and sufficient in the reception itself for obtaining grace. Hence: 1. The Sacraments of the dead, namely Baptism and Penance (received with a material obstacle), revive through universal attrition. 2. The Sacraments of the living, that is, Confirmation, Extreme Unction, Order, Matrimony, and, while the sacred species have not yet been consumed, the Eucharist, likewise revive through attrition, if they were received with a material obstacle; for in such a case, even these Sacraments accidentally produce grace in one attrite. Otherwise, if they were received with a formal obstacle, because otherwise they do not seem able to revive except through the Sacrament of Penance received, either in reality with attrition, or in desire with perfect contrition.¹⁹

§ 2. On Character 1398. “Character is a certain spiritual, indelible seal, impressed on the soul of one receiving a Sacrament. It is impressed only in Baptism, Confirmation, and Order; and it signifies the power or dignity received from Sacraments of this kind.”²⁰

It is fitting, according to the Angelic Doctor,²¹ that Sacraments through which a man is constituted in some state which of itself is perpetual should impress a character, by which man is deputed to that state; but through these three Sacraments alone man is constituted in some new state which of itself is perpetual, namely through Baptism he is enrolled forever in the family of Christ, through CONFIRMATION in the army of Christ, through ORDER in the ministry of Christ. Thus there are only three Sacraments which, even if received illicitly, impress a character. Hence: “1. In Baptism character is the sign of the sheep of Christ, by which the faithful are made fit for receiving the other Sacraments. 2. In Confirmation it is the sign of the soldiers of Christ, by which they receive strength for constantly professing the Faith. 3. In Order it is the sign of the ministers of Christ, by which they acquire power for ministering the Sacraments to the faithful.”²²

Article III

On the Constitution of the Sacraments, or on Matter and Form

1399. “All the Sacraments are perfected by three things, namely by things as matter, by words as form, and by the person of the minister conferring the Sacrament with the intention of doing what the Church does.” Thus Eugene IV, to the Armenians. We shall treat of the MINISTER in chapter II.

DEFINITIONS. Generally, that has the notion of matter which is determinable and perfectible through another; but that has the notion of form which is determinative and perfective of another.²³ Hence in the Sacraments:

1. MATTER is a sensible thing, to be determined to the notion of a Sacrament through the form. It is twofold: remote, or the pre-existing sensible thing which is employed in the Sacrament, or about which the sacramental action is exercised; and proximate, which 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.
2. FORM is the part of the Sacrament which determines the matter to producing the sacramental effect; and it consists in words uttered by the minister, or, for the Sacrament of Matrimony, and this alone, in signs which can hold the place of words.²⁴

1400. Principles. I. Each Sacrament has its OWN matter and form, divinely instituted. It is certain that Christ determined in species the matter and form of Baptism and the Eucharist, as is clear from the Scriptures. As regards the other Sacraments, the same is not altogether certain. For some, with St. Bonaventure, probably think that the Lord constituted the matter and form of several Sacraments, for example Confirmation and Order, only in a general way, by committing to his Apostles the care of determining those signs more particularly when occasion should be given. Yet others, with St. Thomas, more

¹⁸Book VI, 87.

¹⁹Cf. Lugo, disp. 9, n. 50 ff.

²⁰*Exam. Ord.*, n. 24.

²¹3, q. 63, a. 6.

²²*Exam. Ord.*, l. c.

²³Billuart, *de Sacram.*, diss. 1, art. 4, § 2.

²⁴Cf. book VI, 887.

commonly and more probably affirm that all matters, and also forms as to substance, were determined in species by Christ; and consequently that the diversity of sacramental rites which exists between Latins and Greeks, or between the ancient and present Church, does not pertain to the essence of the things.²⁵

Hence you will deduce: 1. Christ the Lord must be called the immediate author of the Sacraments, because, even in the former opinion, he distinguished all the Sacraments singly. 2. The Church, in the dispensation of the Sacraments, can establish or change those things which she judges to be more expedient for the utility of those receiving or for the veneration of the Sacraments themselves, yet with their substance preserved, as Trent has it, sess. 21, cap. 2.

1401. II. For making a Sacrament, certain matter and form must be applied TOGETHER by the same minister, with every essential VARIATION excluded. But that, from the institution of Christ, conjunction, invariability, and certitude of matter and form are required will be clear from what is to be said; for each must be treated singly.

1. As Regards the Conjunction of Matter and Form 1402. So that a Sacrament may be validly made, two RULES must be observed:

Rule 1. Matter and form must be UNITED or applied by the same minister and toward the same subject.²⁶ The reason is that, if one should place the matter and another the form, the words of the form would not be verified; for example, if Titius should say: "I baptize thee," while Caius pours the water, Titius would utter something false, as is plain.

Rule 2. Between matter and form there must be such a CONJUNCTION that, according to the moral estimation of men, with the nature of each Sacrament considered, the one affects the other; or, in other words, the conjunction must be such that, according to human usage, the words are judged to fall upon such a thing and to constitute with it one moral sign. Otherwise the words of the form would not express the truth.

We said with the nature of each Sacrament considered; for according to the diversity of the Sacraments, the conjunction, or simultaneity, must be diverse.

Whence: 1. In the EUCHARIST physical conjunction is required, since the demonstrative pronoun This and This cannot be verified unless the matter is present. 2. In BAPTISM,²⁷ CONFIRMATION, EXTREME UNCTION, and ORDER it suffices for validity that the matter be applied immediately before the form is pronounced, or immediately after it has been uttered. But a delay of one Our Father between the two would invalidate the Sacrament. Whence, in practice, the opinion of Cajetan, as safer, is to be advised; he requires that the form be begun before the application of the matter is completed, or conversely. 3. In PENANCE, which follows the nature of a judgment, a longer delay of time, for example of one hour, can intervene between accusation and absolution. 4. Finally, in MATRIMONY, the same interval is admitted as in contracts, namely it suffices that the consent of one be placed while the consent of the other perseveres.²⁸

2. As Regards Invariability 1403. Preliminary note. In the matter and form of the Sacraments there can occur a twofold variation or change, namely substantial and accidental. "A substantial change of matter is said to occur when, according to the common use and estimation of men, it differs, in name and in reality, from that which Christ prescribed. An accidental one is said to occur when it retains the same use and name with it. A change of form is essential when the same sense does not remain; accidental, when it remains."²⁹

1404. Principles. I. A SUBSTANTIAL change in matter or in form, whether it is made on purpose and deliberately, or from error or inadvertence, always prevents the validity of the Sacrament. The reason is that through such a change the rite instituted by Christ is taken away (cf. n. 1400).

1405. II. An ACCIDENTAL change does not prevent the validity of the Sacrament; but, according to the gravity or smallness of the change, it induces grave or light sin. The reason for the first is that an accidental change does not take away the institution of Christ. The reason for the second is that it takes away the rite prescribed by the Church: either under grave obligation, for example when she commands that consecrated water be employed in solemn Baptism; or under light obligation, for example when she orders that even the least interruption in pronouncing the words of the form be avoided.³⁰

²⁵Book VI, 12; *H. A.*, XVII, 15; 1 *Elench. qq. ref.*, n. 60.

²⁶Gury, n. 197, III.

²⁷1 *Elench. qq. ref.*, n. 59.

²⁸Book VI, 9, 10, 446.

²⁹Book VI, 11.

³⁰Book VI, 109; cf. *Exam. Ord.*, n. 6.

Matter is changed substantially in many ways, the principal of which we shall enumerate in their proper places.

1406. Form can be changed especially in six MODES, as is indicated by these little verses:

Take nothing from the form, add nothing, vary nothing; Beware to transpose, to corrupt words, to delay.

1. By OMISSION: a change of this kind is substantial if essential syllables or words are omitted, for example the word Thee in the conferral of Baptism; but it is only accidental if non-essential words are omitted, for example I, in the same conferral of Baptism.
2. By ADDITION: this is substantial if it takes away the truth of the Sacrament, for example if you say: I baptize thee in the name of the greater Father, of the lesser Son, etc.; accidental, if it does not remove the due sense, for example if you say: In the name of the Father, who created thee, etc.
3. By VARIATION of words: this can be substantial or accidental according as the explicit sense of the form is taken away, for example if you say: In the name of the Most Holy Trinity; or is retained, for example, I wash thee.
4. By TRANSPOSITION; this ordinarily is only accidental, as: Thee I baptize.
5. By CORRUPTION of words, namely from a change of letters. Such a change is more easily substantial at the beginning than at the end of words, because the sense is more easily changed for those hearing, for example if one says: in the name of the mother instead of of the Father; than if one says: chalis instead of chalice.
6. By INTERRUPTION, by which the unity of the speech can be taken away, as if, after having said, This is, you recite a psalm or delay much; but not if, after having said, I thee, you cough, or impose silence on children, and then immediately conclude baptize, etc.

3. As Regards Certitude 1407. Preliminary note. Doubt concerning the matter or form of the Sacraments can be of law or of fact. The first is when it is doubted whether such matter, for example water extracted from flowers in Baptism, or such a form, was instituted by Christ as valid. The other is when it is doubted whether the matter or form to be employed, or already employed, is that which Christ instituted: for example, whether this liquid is water; whether the form was duly uttered.

RULES. In every doubt, whether of law or of fact, concerning matter and form, or generally concerning the VALIDITY of the Sacraments, three rules must be observed: The first is: If there is possibility, let the safest way be chosen, that is, the safer or morally certain opinion. The second: If there is no possibility, let the way be chosen which is nearest to the safest, that is, when certain matter is lacking, let doubtful or probable matter be employed, but under a conditioned form, so that counsel may be taken both for the necessity or grave utility of the recipient, and for the reverence due to the Sacrament. The third: When the impossibility ceases, what the impossibility prohibited must cautiously be supplied.³¹ The first and second rule have already been weighed in the Treatise on Conscience (n. 82). Finally, concerning the third, here:

1408. IT IS ASKED. Whether and when a Sacrament not rightly made can or must be REPEATED?

Resp. 1. If it is prudently doubted whether one of the three unrepeatable Sacraments has been validly conferred, it must again be conferred under condition: Baptism indeed, on account of the greatest necessity of this Sacrament; Order, lest it happen that the Sacraments be invalidly administered; Confirmation, lest the soldier of Christ lack strength for constantly holding and professing the faith. The reason is that, on the one hand, in doubt concerning the validity of a Sacrament, the opinion favoring souls is to be preferred; but on the other hand, no irreverence is inflicted upon the Sacrament when it is conferred under condition from a reasonable cause.

Resp. 2. If there is prudent doubt concerning the validity of a repeatable Sacrament, it CAN be conferred again under condition when notable utility of neighbor is present; but it MUST be, when the Sacrament is necessary. The reason is the same as above.

Resp. 3. To repeat, on account of an empty doubt, a Sacrament, although under condition, is of itself a grave sin. The reason is that a rash repetition of a sacramental action is grave irreverence. Nevertheless, by accident the scrupulous are excused, on account of perplexity. And he seems to sin only venially who repeats a word or syllable in the utterance of the form.

Note. When doubtful Baptism is conferred publicly, the condition must be expressed in words (as the Ritual wills), lest those standing by believe that Baptism is being repeated absolutely against the law of the Church. Indeed, it will be safer

³¹Cf. Haine, *de Sacram.*, cap. 4, dub. 11.

(or at least more becoming) to express the condition in words whenever any Sacrament whatever is ministered under condition, whether publicly or privately.³²

Chapter II

On the Minister of the Sacraments

1409. DEFINITION. The minister of the Sacraments is called the one who, in the name of Christ, whose mandatary he is, completes the sacramental action.

DIVISION. One minister is ordinary, who, according to the customary order constituted by Christ and by the Church, can make the Sacrament. Another is extraordinary, who, outside this order, makes some Sacraments, but on account of a peculiar privilege, delegation, or necessity. Thus in Baptism the ordinary minister is a priest; the extraordinary minister, in a case of necessity, is any man whatever (cf. n. 1411).

These things having been noted beforehand, we shall treat of those things which are required in the minister, 1. that he operate validly, 2. that he operate licitly.

Article I

On the Requisites in the Minister That He May Operate Validly

1410. Principles. I. For the valid making or administration of the Sacraments there is not required in the minister either the STATE OF GRACE, or PROBITY OF LIFE, indeed not even FAITH itself. This is established from Trent, sess. 7, can. 11 and 12; and the reason is that the Sacraments operate not from the disposition of the minister, but through divine power, according to the institution and merits of Christ.³³ But indeed:

1411. II. There is required in the minister POWER divinely granted. The reason is that God alone can join grace to the acts of the minister. But certain Sacraments can be conferred by Bishops alone, either exclusively, as Order, or by ordinary faculty, as Confirmation. Others fall equally under the power of Bishops and simple priests, yet with suitable subordination, as the Eucharist, Penance, and Extreme Unction. Finally others do not require for themselves a specially consecrated or deputed minister, as Baptism, which can validly be conferred by every man; and Matrimony, whose ministers are the contracting parties themselves.³⁴

1412. III. There is required in the minister at least an INTENTION, or will of doing what the Church does; but a VIRTUAL intention suffices. The reason why some intention is required is that the matter and form of the Sacraments are of themselves indifferent to the being of a Sacrament, since they can be ordered to a joke or to another end; therefore they must be determined through intention.³⁵ Now, to denote the object and quality of the intention:

It is said 1. There is required at least the intention of doing what the Church does; this is clear from the Decree of the Council of Florence, where it is said that the Sacraments are made “with the intention of doing what the Church does.” Nicholas I declared the same, who responded that Baptism conferred by a Jew or pagan is valid, “if it was conferred with true matter and form; for such a Baptism is valid, on account of the general intention of doing what the Jew or pagan has heard is done by Christians or by the Church of Christ.”³⁶

From this you will deduce: 1. That for the validity of a Sacrament there is not required an explicit intention of making a Sacrament; or of performing an external rite as formally and absolutely sacred; or of producing the effect of the Sacrament: for these are held implicitly in the intention of doing what the Church does. 2. That a mimicking intention, or another by which the intention of doing a sacred thing would be excluded, does not suffice, as is drawn from the condemnation of Luther;³⁷ nor does an intention, even a serious one, of placing an external act suffice; for that act could be directed to other ends, for example to exciting faith, as heretics will; whence the opinion of Catharinus, teaching that an external intention suffices, is scarcely probable (and therefore in no way safe), although concerning this opinion no express definition of the Apostolic See has come forth.³⁸ 3. The authors add that there is not required the intention of doing what the Roman

³²Book VI, 28-29, and 2 *Elench. qq. ref.*, 17; cf. also the MISSAL, *de Defectibus*, V, 2, where a tacit condition is valid.

³³Book VI, 13.

³⁴*Exam. Ord.*, n. 10; book VI, 113, 170, 539, 761, 897.

³⁵*Exam. Ordin.*, n. 9, 18.

³⁶Book VI, 22, end.

³⁷Trent, sess. 14, can. 9, on Penance.

³⁸Cf. Panzuti, book VI, 19-21.

Church does, but that the intention of doing what the true Church instituted by Christ does suffices. Whence those rightly baptized by heretics, who deny that the Roman Church is the true Church, are not to be rebaptized.³⁹

1413. It is said 2. A VIRTUAL intention suffices (cf. n. 272, 6). For it is certain that an actual intention is not required; although this is excellent, and therefore greatly to be desired, nevertheless it is not always possible to man, “because, besides the intention,” as St. Thomas writes,⁴⁰ “when a man wishes to intend much, he begins to think other things.” It is likewise certain that a habitual intention does not suffice (namely one which someone had at some time and has not revoked, and which endures in no effect); because an intention of this kind does not make the action elicited in a human manner, as is required in the minister, from whom the Sacraments proceed as from an operating cause. Much less sufficient will be the intention which is called interpretative, when someone, for example sleeping or drunk, has no actual intention and never had one, but would have it if he noticed. Therefore a VIRTUAL intention is required and suffices, namely that by which someone, although here and now he does not intend to make a Sacrament, nevertheless acts by force of an actual intention previously had; as if someone, for example, having had in the morning the intention of celebrating Mass, afterwards goes to the church, clothes himself with sacred vestments, etc. For, led by such an intention, the minister operates in a truly human manner, since the intention is the true cause of the act which he places. Thus all.⁴¹

Hence you will deduce: 1. A minister who in the usual manner placed the actions required for a Sacrament, provided he did not exclude the intention, afterwards doubts concerning the same only imprudently; because at least he willed to do what otherwise is usually done by himself or by others, and thus he had the intention in act exercised. 2. Even a coerced intention and one extorted by fear suffices for the validity of the Sacrament, because fear does not take away the voluntary. Matrimony is excepted, from which force and fear must be absent, at least from the definition of the Church. 3. The Sacrament is valid even if the minister perhaps erred concerning the person of the recipient, unless his intention was bound exclusively to some determinate person, which is wont to happen only in Matrimony.

1414. Questions. Q. 1. Whether a Sacrament conferred with a CONDITIONED intention is valid?

Resp. Affirmatively, if the condition is appended concerning a present or past thing; for, since the added condition has already been verified, the conditional intention passes into an absolute one. Nor does an appended condition of this kind prevent the validity of the Sacrament, nor even its liceity, if namely it is appended on account of a just cause, as we shall say in its own place (n. 1663, q. 5).

But the Sacrament is not valid if the condition concerns the future; because no Sacrament is perfected unless the form is applied to present matter. Matrimony is excepted, which, after the likeness of other contracts, can be celebrated under a condition concerning the future; for then the Sacrament is perfected when, the condition having been fulfilled, the contract is perfected.⁴²

Similarly, a Sacrament is not valid if a condition is appended which cannot be known humanly, for example, “I absolve thee, if God truly foreknows that it will be that thou restore.” The reason is that, since God has committed the administration of the Sacraments to the knowledge and will of men, a condition cannot be appended which is impassable to human knowledge.⁴³ Recall what was said, n. 1408, Note.

Q. 2. What if the minister has two contrary intentions?

Resp. 1. If those two contrary intentions are simultaneous, the predominant one prevails, namely that which would be chosen by the minister if he knew that both could not stand together; but if neither is predominant, the minister effects nothing, for the one destroys the other. 2. If one intention succeeds another, the later one prevails. Except if through the former any subsequent will whatever was revoked, at least virtually; for then the prior will, provided it is not expressly revoked, certainly prevails. If doubt perseveres, the validity of the Sacrament will be doubtful. These things can happen especially in the Eucharist and in Matrimony.⁴⁴

Q. 3. Whether, besides intention, ATTENTION also is required in one making a Sacrament?

Resp. Certainly attention is required for LICEITY, as will be seen below.⁴⁵ But the opinion of Lacroix, who affirms that attention is necessary for the VALIDITY of a Sacrament, seems improbable. For all authors say that for the validity of a

³⁹Book VI, 20-23.

⁴⁰3, q. 64, a. 8, ad 3.

⁴¹Book VI, 15-18; *H. A.*, XIV, 2.

⁴²Book VI, 25, 26.

⁴³*Ibid.*, 26; see also St. Alphonsus on Trent, sess. 7, n. 31.

⁴⁴Book VI, 24.

⁴⁵Cf. book VI, 224, and 410, dub. 5.

Sacrament, nothing else is required, besides matter and form, than the intention of the minister, as was defined by the Councils. Nor does it prevent this to say that an action which happens without attention is not human; for although a man, about to operate in a human manner, must attend to the end of the work which he intends to perfect, nevertheless it is not required that he actually attend to the work which he executes. Hence Suarez excellently teaches that a minister, although distracted, truly makes the Sacrament; because, as he says, his action is simply human and free, and proceeds from a prior intention.⁴⁶

Article II

On the Requisites in the Minister That He May Operate Licitly

Besides those things which are necessary for validity, three things are required on the part of the minister, namely that 1. he be worthy and fit; 2. that he act worthily and rightly; 3. that he confer the Sacraments on the worthy.

1. That He Be Worthy and Fit 1415. Principles. I. In order that the minister of the Sacraments be worthy and fit, there is required first that the CHURCH in some way have DEPUTED him. The reason is that the making and administration of the Sacraments is part of the sacred ministry, which Christ committed to his Church.

But one is deputed either generally or specially: generally indeed for private Baptism in a case of necessity, and for Matrimony; specially, however, for the other Sacraments; for these cannot validly be made except by a consecrated or ordained minister, nor licitly administered (indeed, if Penance is in question, not even validly), unless by a minister endowed with some jurisdiction, at least delegated.

1416. II. For the licit making and administration of the Sacraments there is required that the minister (at least if he is consecrated and ministers solemnly) be IN THE STATE OF GRACE. The reason is that holy things are to be treated holily, and because the minister must be conformed to Christ, whose person he bears and in whose name he operates.⁴⁷ “Wherefore” (thus the Roman Ritual) “he will perpetually take care of this, that he conduct life integrally, chastely, and piously; for, although the Sacraments cannot be defiled by the impure, nor the effect impeded by wicked ministers, nevertheless those ministering them impurely and unworthily incur the guilt of eternal death” (cf. n. 583).

1417. From these things it follows: 1. Pastors and other priests upon whom from office it is incumbent to minister the Sacraments are bound always to have themselves prepared for ministering the Sacraments in the state of grace. But if someone, existing in mortal sin, must minister them, he is first bound to elicit an act of perfect contrition; but he is held by no law to confess, except before Communion or the celebration of Mass, according to the Decree of Trent, sess. 13, cap. 7.⁴⁸ “But if he has an abundance of a Confessor, and the account of time and place allows, it is fitting to confess.” Thus the Roman Ritual (cf. n. 1547).

2. One celebrating Mass in mortal sin commits four mortal sins, because he unworthily consecrates, unworthily ministers, ministers to himself unworthily, and unworthily receives.⁴⁹ Yet he sufficiently expresses these in confession if he says: “I celebrated in mortal sin.”
3. A priest (or Deacon) ministering the Eucharist in mortal sin sins mortally, because he unworthily places an act by which he proximately concurs toward the sanctification of those communicating. Thus one must hold with Suarez and many against Lugo and others. Yet he does not commit several sins if he distributes Communion to several, because it is one banquet.⁵⁰
4. A Confessor commits as many sins as the persons whom he absolves while constituted in mortal sin; because each absolution is a complete judgment. But if he only hears confession, more probably he does not sin gravely, because he does not make the Sacrament.⁵¹

NB. See other things n. 1439, on the unworthy MINISTER.

1418. Questions. Q. 1. Whether one sins gravely who, necessity compelling, ministers a Sacrament in mortal sin if he HAS NOT BEEN ORDAINED to it; or, if he has been ordained, ministers it NOT SOLEMNLY?⁵²

⁴⁶Book VI, 14.

⁴⁷Cf. St. Thomas, 3, q. 64, a. 6.

⁴⁸Book VI, 33, end, and 34.

⁴⁹Ibid., 35, Hence; and *Exam. Ordin.*, n. 11, end.

⁵⁰Book VI, 35; *Exam. Ordin.*, 13; 1 *Elench. qq. ref.*, n. 62.

⁵¹Book V, 50, q. 6; VI, 36.

⁵²*H. A.*, XIV, 6, end; *Exam. Ordin.*, n. 12.

Resp. The first opinion denies this with St. Thomas; because he does not exhibit himself as a minister of the Church, but aids one suffering necessity. This opinion is indeed probable; but the second opinion, affirming, considered according to reason, seems more probable. The reason is that the obligation of ministering in the state of grace is not derived only from the consecration of the minister, but also from the sanctity of the Sacraments themselves, which must always be handled holily; and indeed under grave obligation, in a grave matter. Moreover, although a minister who is not consecrated does not act in the name of the Church, nevertheless he acts in the name of Christ, cooperating immediately with Him for the sanctification of the soul; whence whoever exercises such an office ought to be endowed with sanctity.⁵³

Hence, more probably, speaking per se, the following sin gravely: 1. a layman, or a priest, ministering Baptism non-solemnly in a case of necessity, if he ministers in mortal sin; 2. one contracting Matrimony in mortal sin; and since such a person at the same time receives and ministers the Sacrament, he stains himself with a twofold sin.⁵⁴ We have said, speaking per se; for, per accidens, a minister, whether consecrated or not consecrated, is excused if he ministers in mortal sin the Sacrament of Baptism or Penance in necessity, for example if he could not be contrite so quickly, and there were danger that the dying person would depart without Baptism or absolution, as is commonly taught.⁵⁵

Q. 2. Whether a minister sins gravely who, in mortal sin, exercises other SACRED FUNCTIONS which are not the making or administration of the Sacraments?

Resp. Some affirm with St. Thomas, who says that all who exercise, from office, the functions of the Order received, from the Bishop even to the Porter, commit grave fault if they are in mortal sin. But others more commonly, and sufficiently probably, deny this with Suarez; and the reason is that, since all the other exercises of Orders, besides the making and administration of the Sacraments, are not proximately ordered to the sanctification of the soul, they do not seem under grave obligation to require the sanctity of those exercising them. Yet these commit venial fault, and indeed the graver, the more their action approaches the ministry of a Sacrament.⁵⁶

Hence: 1. Not improbably several authors assert that he does not sin gravely who, existing in mortal sin, touches the Eucharist immediately or mediately from office, for example by carrying it in procession, or by blessing the people. Yet the opposite opinion of St. Thomas is also very probable.⁵⁷

2. Deacons and subdeacons who, in mortal sin, minister at the altar do not sin gravely, according to a sufficiently probable opinion, even if they minister frequently.⁵⁸
3. A Bishop who, in mortal sin, makes chrism or holy oil does not seem to sin gravely.⁵⁹ Nor does a Bishop or priest sin mortally who, in mortal sin, consecrates a church, blesses sacred vestments or corporals, assists at Matrimony, blesses ashes, lustral water, etc. Thus very commonly against a few.⁶⁰
4. A preacher, preaching in mortal sin, does not sin gravely, as is taught more commonly and more probably. Yet authors commonly do not excuse him from venial sin, on account of some irreverence which is done to the divine word. Nay more, if the preacher inveighs against a vice concerning which he himself is publicly defamed, he does not seem to be excused from mortal sin; because then he gives scandal and impedes the end of doctrine.⁶¹

2. That He Act Worthily and Rightly 1419. Among SACRAMENTAL RITES, some are essential, others only accidental: ESSENTIAL rites are those which Christ the Lord Himself instituted, and without which the Sacrament is invalid. ACCIDENTAL rites are called those which the Church has prescribed for the more fitting decency and splendor of the sacramental action.

1420. Principles. I. There is a grave obligation of observing all ESSENTIAL rites of the Sacraments. This namely is required: 1. by religion; “for it is in a certain way to mock Christ, the author of the Sacraments, to employ, against His institution, signs for conferring grace in His name which He Himself did not assume for this”;⁶² 2. by charity, because

⁵³Book VI, 32; *Exam. Ordin.*, n. 12.

⁵⁴*Ibid.*, end; 1 *Elench. qq. ref.*, n. 61.

⁵⁵*Ibid.*, 33.

⁵⁶*Ibid.*, 37-40.

⁵⁷*Ibid.*, 35, end.

⁵⁸*Ibid.*, 38.

⁵⁹*Ibid.*, 39.

⁶⁰Book VI, 40.

⁶¹*Ibid.*, 41.

⁶²Reuter, p. 4, tract. 1, cap. 1, n. 14.

otherwise one's neighbor is deprived of a great spiritual good; 3. by justice, if the Sacrament is requested; for by the very fact that the minister consents to confer it, he tacitly obliges himself to its valid conferral.⁶³

Hence: 1. One ministering sins mortally if he uses false matter or form, or, outside necessity, doubtful matter or form. 2. He also sins gravely when he pronounces the words of the form corruptly, inarticulately, without devotion, if from this he undergoes proximate danger of erring in substantial matters. Otherwise venially, unless scandal or contempt is present (cf. nn. 1405 and 1406).

1421. II. All rites prescribed by the CHURCH, or received by custom, even IN ACCIDENTAL MATTERS, must be observed with diligent care.

The reason is that the Sacraments, as holy things, must be handled holily, and the precepts of the Church oblige in conscience. Whence Trent (sess. 7, can. 13): "If anyone shall say that the received and approved rites of the Catholic Church, accustomed to be used in the solemn administration of the Sacraments, may either be contemned, or be omitted by ministers according to pleasure without sin, or be changed into other new rites by any pastor whatsoever of the Churches: let him be anathema" (cf. n. 583).

Hence: 1. If the aforesaid rites are omitted or changed from contempt, it is mortal. 2. If from negligence, it is often mortal, when the omission or change is notable, or in a grave matter. But what omission, in individual Sacraments, is to be held notable matter, will be explained below in the proper places. 3. If some ceremony or laudable custom is omitted which is only of counsel, there will per se be no sin.

1422. It is asked: Whether it is of precept to use the ROMAN RITUAL in the administration of Sacraments and Sacramentals?

Resp. Affirmatively, unless perhaps other rites have been granted somewhere. This is established from the Bull of Paul V, *Apostolicae Sedis*, of June 16, 1614, in which one reads that the Roman Ritual contains "rites ... which ought to be observed" by all exercising the care of souls.⁶⁴ The Sacred Congregation of Rites declared the same thing, on April 7, 1832, and May 23, 1835, saying: "Those books alone are to be employed, and in them only blessings which are conformable to the Roman Ritual; ... nor are other formulas to be employed, provided it is not established that they have been approved by this Sacred Congregation."⁶⁵ Nor is it licit for Bishops to change the prescriptions of the Roman Ritual at will; and if perhaps a Bishop had established changes, this is not a sufficient dispensation for priests (S. R. C., January 10, 1852).⁶⁶

We have said unless other rites have been granted somewhere; for the Holy See, for diverse dioceses, has approved Rituals differing in several matters from the Roman Ritual. Moreover, customs according to or beside the law can be retained, as is clear from the Roman Ritual itself and from several declarations of the Sacred Congregation of Rites. But customs contrary to the Rubrics and decisions of the Sacred Congregation of Rites must be eliminated. Yet if abuses are general and inveterate, the Bishop "in correcting these should proceed with all patience and doctrine, and, according to the opportunity given him, should strive to eliminate them in such a way that the faithful suffer no scandal from it." S. R. C., May 9, 1857, to the Bishop of Limburg.⁶⁷

Note from the ROMAN RITUAL: 1. "In every administration of the Sacraments the priest is to be vested in a surplice, and over it with a stole of that color which the rite of the Sacrament demands; unless in ministering the Sacrament of Penance occasion, or custom, or place sometimes advises otherwise. 2. He shall also employ at least one cleric, if he has one, or several, according as the nature of the place and of the Sacrament requires, in becoming habit and likewise vested in surplice."

3. That He Confer the Sacraments on the Worthy 1423. Principles. I. A minister conferring the Sacraments on the UNWORTHY sins gravely, unless from denial graver inconveniences would follow.

The first is clear: 1. from Matthew 7:6: "Do not give what is holy to dogs..." And from 1 Corinthians 4:2: "Here now it is required among dispensers that a man be found faithful." 2. From reason; for a minister who knowingly and willingly would dispense the Sacraments to the unworthy would violate both the virtue of religion, because he would handle the Sacraments irreverently and defraud them of their effects, and the precept of charity, because he would cooperate in the sin of those receiving unworthily. The second follows from what was said on Cooperation; for it is licit, on account of proportionately grave causes, and by giving one's work to a good thing, to cooperate materially in the sins of others.

⁶³Book VI, 619.

⁶⁴Ibid., 285, dub. 4.

⁶⁵Cf. Gardellini, n. 4681, 5; 4748, 9.

⁶⁶Ibid., n. 5165, 4.

⁶⁷Benger, *Compend.*, n. 317.

Whence it is licit to minister the Sacraments to one asking unworthily, if this is necessary to avoid scandal, or unjust defamation, or violation of the sacramental seal.

1424. II. The minister ought to INQUIRE concerning the worthiness of the recipient, according to the nature of each Sacrament. Namely, Sacraments are to be distinguished in whose administration the priest is judge, from those in whose conferral he is only dispenser. Of the former kind are Baptism of adults, Penance, Order, and Matrimony with respect to the impediments of Matrimony: therefore for these Sacraments the minister ought, from positive indications, to form for himself a prudent judgment concerning the worthiness or fitness of the recipients. Of the latter kind are Confirmation, the Eucharist, and Extreme Unction, to which Sacraments all have a right who live as Catholics. Whence for administering these it suffices that it is not established to the minister that those asking are positively unworthy.⁶⁸

From the preceding principles the following RULES are drawn:

1425. Rule 1. A HIDDEN sinner asking publicly is not to be denied a Sacrament. This is established by the example of Christ, who gave Communion to Judas. And the reason is that in these circumstances Christ is judged to yield His right, both so that the sinner may not lose the reputation to which he has a right, and especially so that many very grave inconveniences, such as scandals, omission of the Sacraments, etc., may be avoided.⁶⁹

1426. Rule 2. A HIDDEN sinner, asking secretly, is to be denied the Sacrament until his penitence is established. The reason is that both reverence for the Sacrament and the good of the one asking demand this.

It is said 1. a hidden sinner, namely one whom the minister knows as such from certain knowledge, but outside confession; 2. asking secretly: this happens when the one asking is found either alone with the minister, or only with a few, and of such condition that no attention should deservedly be paid to them, as little children would be; 3. until his penitence is established; but this is established if it is known to the minister that the guilty man has made confession either with him or with another priest, even secretly. Nor is one to inquire whether absolution was given; for, even if the minister himself had denied it, he could not, without breaking the seal, admonish the guilty man, nor, as the truer opinion holds, repel him from the Sacrament under the pretext of other causes.

1427. Rule 3. A PUBLIC sinner, unless he has given sufficient signs of conversion and has removed scandal, is to be denied the Sacrament, whether he asks for it publicly or secretly. The reason is that the divine precept presses: "Do not give what is holy to dogs"; nor is an excusing cause given, as is plain from what has been said.

It is said 1. a public sinner. But a sinner is called public either absolutely, namely when his unworthiness is certain and notorious to the community, by notoriety of law, or of fact, or of reputation (cf. n. 1199); or respectively, when the unworthiness is known only to those in whose presence the Sacrament is requested. If, therefore, the community, or all those present, know the unworthiness of the one asking, the Sacrament is to be denied. And the same must be said if knowledge of a crime committed in another place will easily come into the parish, or if there already exists so grave a suspicion of it that it is equivalent to moral certainty. More probably, however, it is not to be denied if the unworthiness of the one asking is known only to most of those present. The reason is that such a sinner still possesses his reputation with respect to those who are ignorant of his crime.⁷⁰

It is said 2. the Sacrament is to be denied; under this name not only the Most Holy Eucharist is to be understood, but also the other Sacraments, even though the priest is their simple dispenser. Penance alone is excepted, which, since it was instituted for sinners, is never to be denied to anyone, unless perhaps a special prohibition has been made, for example on account of reserved censures, or because the penitent must first make satisfaction or furnish a guarantee of making satisfaction.⁷¹

It is said 3. unless he has given sufficient signs of conversion. For whenever the crime is certain and notorious, the penitence likewise ought to be certain and notorious. But a sufficient indication of conversion is had if a sinner who is not living in habitual scandal makes confession publicly or before several, so that the penitence is shortly to be manifested. It is otherwise if there were a notorious occasion first to be left, or if some retraction to be made beforehand were pressing.⁷²

1428. Let it be noted: 1. Among those who are to be kept from Communion as publicly unworthy are enumerated in the Roman Ritual: excommunicated persons who are notorious, those interdicted, and those manifestly infamous, as prostitutes, concubinarians, usurers, at least those who are public by law or condemned by sentence of a judge, magicians,

⁶⁸Book VI, 43.

⁶⁹Book VI, 50; cf. Lugo, *De Sacram.*, disp. 8, sect. 10-14.

⁷⁰Book VI, 44, 45.

⁷¹Scavini, III, n. 40.

⁷²Book VI, 47.

sorcerers, among whom are fortune-tellers, blasphemers, for example those who are accustomed by writings or words to assail religion and the Church with calumnies, and other public sinners of this kind,⁷³ as are

public customary sinners, those notoriously enrolled in condemned sects, actors and actresses exhibiting impious or shameful plays, those rebelling against the legitimate authority of their prelates, etc. To these, moreover, must be added, as is clear, those who are publicly and actually in sin, for example those manifestly here and now drunk, or women so immodestly uncovered that the uncovering is per se mortal.

2. "The Sacraments, if they are to be publicly denied, must be denied in a prudent manner. Whence all things must be avoided by the minister by which either he himself would become liable to the laws punishing defamation, or a greater impediment would be put in the way of the conversion of the unworthy person. Therefore the motives of the denial are not to be publicly explained; wherefore, if the unworthy person approaches the sacred Table with others, the priest should pass him by in such a way that he reveals nothing either by words or by nod. But if during Mass he alone approaches, let the priest remain at the altar, and through another let him inform him that he cannot offer him the sacred banquet, yet without saying why he cannot."⁷⁴

With respect to the dying in particular, see n. 1854 in the Treatise on Penance.

1429. Questions. Q. 1. What is to be done IN DOUBT concerning the crime or concerning penitence?

Resp. Distinguish. 1. If the crime is certain and penitence doubtful, the Sacrament certainly is to be denied until penitence is established, because infamy possesses. 2. If there is doubt concerning the crime, the Sacrament cannot be denied, except in the case in which a positive sign of the fitness of the one asking would be required, as was said (n. 1424).

There is excepted: 1. The Sacrament of ORDER, from which an unworthy cleric, even though hidden, must altogether be kept; because he who thrusts himself into public offices for which he is not fit is to be repelled even with infamy, if it cannot be done otherwise, on account of the public good. Thus from Trent (sess. 14, cap. 1, *de Ref.*).⁷⁵ Nor is the Bishop obliged to manifest the cause of the rejection; nor does appeal belong to the one rejected, but only recourse to the Holy See⁷⁶ (see n. 1916, q. 2).

2. MATRIMONY, at which the pastor is prohibited from assisting, for example if outside Confession he has known some impediment, as will be said in its place. Yet he can be excused, even though the contracting parties are publicly unworthy, if he assists in order to avoid death or grave evils of the community, or of the contracting parties themselves, for example lest they themselves persevere in sin, e.g. in civil marriage.⁷⁷

Q. 2. Whether fear of DEATH or INFAMY can excuse a minister if he confers a Sacrament on the unworthy?

Resp. 1. "The first opinion affirms, provided the Sacrament is not demanded in hatred of the faith, or in contempt of religion. The reason is that, if the infamy of a sinner publicly asking for a Sacrament excuses such ministration and repairs the irreverence toward the Sacrament, why ought not death or infamy to be undergone by the minister excuse him?"⁷⁸

2. But the second opinion, to which St. Alphonsus adheres, denies; because the adequate reason on account of which the Sacrament is not to be denied to a hidden sinner is not that his reputation be preserved for him, but especially, except in the case of Matrimony, that "grave inconveniences be avoided which would follow from it, namely scandals of others, by which, if a priest could publicly deny Communion on account of a hidden crime, perhaps even the good would be deterred from the reception of Communion, fearing lest because of hatred or imprudence they might be cast away by the priest, etc. But these inconveniences and scandals certainly do not intervene in a minister who would be forced by fear to minister a Sacrament to an unworthy person; indeed it would be an edification to the people if, in order to preserve reverence for the Sacrament, he exposed himself to the danger of death."

Q. 3. Whether it is licit to SIMULATE or DISSIMULATE a Sacrament, lest it be conferred on the unworthy?

Note beforehand. 1. SIMULATION of a Sacrament is had when the minister places its matter and form, or the form alone, without the internal intention of making the Sacrament. It is distinguished into formal and material. Formal is that by which the deception of another is directly intended; material is that by which the deception of another is only permitted.

⁷³Konings, n. 1233.

⁷⁴Konings, n. 1233.

⁷⁵Book VI, 50.

⁷⁶Ibid., 52.

⁷⁷Ibid., 54.

⁷⁸Ibid., 49; cf. 1 *Elench. qq. ref.*, n. 63.

2. DISSIMULATION of a Sacrament is said to be had when the fiction or defect is so exterior that it can be known of itself: as, for example, if the matter or form of the Sacrament is not placed, but in its place something else is substituted, so that something other than a Sacrament is done.

Resp. 1. It is never licit, not even materially, to SIMULATE a Sacrament. The reason is that every simulation inflicts a grave injury on the Author of the Sacraments, by abusing sacred things instituted by Him. Hence Innocent XI proscribed this proposition: "Urgent grave fear is a cause for simulating the administration of a Sacrament." Say the same concerning reception, because the same reason applies.

Resp. 2. It is licit, for cause, to DISSIMULATE a Sacrament, provided this is done apart from contempt, scandal, intention of deceiving, or another evil circumstance. The reason is that then neither is sacrilege committed, since the sacred sign instituted by Christ is absent, nor a lie, since deception of neighbor is neither intended nor necessarily had; only the truth is hidden, which, when a just cause accedes, all with St. Thomas permit⁷⁹ (cf. n. 1181).

1430. From these things you resolve: 1. It is never licit to utter the words of absolution over one indisposed, or the words of consecration over bread without the intention of consecrating, or to omit the consecration during the celebration of Mass. Nor similarly is it licit to give to one approaching the sacred Table, even one knowing and consenting, a host not consecrated in place of a consecrated one. The reason is that in this case, "although indeed a Sacrament is not simulated, which is not there, nevertheless bread is exposed to the adoration of those standing by and of the recipient himself, who, just as he would sin externally by adoring an idol, even from fear of death, so also would sin externally by adoring an unconsecrated host; and he would sin more gravely than if he communicated unworthily."

2. It is licit for a confessor to pray over one indisposed and to impart a blessing to him, lest his indisposition be disclosed to the others; for this is not an abuse of a sacred thing, since no sacramental thing is placed; nor a lie, because either of itself or from the circumstances the action can be explained, and only for a grave cause is the error of others permitted. Likewise, one can, without simulation, approach the confessional, kneel, and speak about a matter. Likewise, in the case in which someone cannot dispose himself for Communion, it is licit for him, to avoid infamy or scandal, to agree with the priest that the latter only pronounce over him the words: *Corpus D. N. J. C.*, etc., without giving a host; because then a Sacrament is not simulated.

Finally, neither is it illicit for spouses, on account of grave fear, for example of infamy or scandal, to simulate the external celebration of Matrimony; for where voluntary consent is lacking, there the matter and form of the Sacrament are lacking; whence indeed the contract is simulated, but the Sacrament is not simulated.⁸⁰

Note. On the OBLIGATION which a pastor has of ministering the Sacraments, it will be said in the Treatise on the Clerical State (n. 2271). See what has already been said, nn. 485 sqq. and 491 sqq., with respect to the obligation of charity by which other priests are bound.

Chapter III

On the Subject of the Sacraments

1431. The SUBJECT of a Sacrament is he who receives the Sacrament and is capable of the effect of the Sacrament.

That only man as wayfarer is the subject of a Sacrament is established both from Sacred Scripture and from the perpetual tradition of the Church; for he alone is capable of first grace or of its increase. Yet not every man as wayfarer is capable of all Sacraments. Thus infants are incapable of Penance and Matrimony; women, of Order; the healthy, of Extreme Unction.⁸¹

In this chapter we must treat: 1. of the requisites for valid reception of a Sacrament; 2. of the requisites for licit reception.

Article I

On the Requisites for Valid Reception of a Sacrament

1432. Principles. I. For VALID reception of the Sacraments there is not required faith, nor probity in the subject, if you except Penance. This is established from the practice of the Church, which never permitted heretics or wicked men,

⁷⁹Book VI, 59.

⁸⁰Book VI, 59-62; *Exam. Ordin.*, 16-17.

⁸¹Book VI, 79.

rightly baptized or ordained, to be baptized or ordained again. A fortiori, ATTENTION is not required, which is not even demanded in the minister.

1433. II. In every recipient, BAPTISM is prerequisite for the validity of the other Sacraments: “The reason is that the Sacraments were instituted for the Church alone, and men become of the body of the Church through Baptism alone, as Eugene IV defined in the Decree of Faith to the Armenians.”

Hence: 1. If the Eucharist were ministered to a Jew or pagan, he would indeed receive the Body of Christ, but only materially, as the pyx receives it. 2. The marriage of unbelievers, even if it were made according to the rite of the Church, would always be a mere contract.⁸²

1434. III. In ADULTS, for valid reception of the Sacraments, INTENTION is required, yet diverse according to the diverse nature of the Sacraments. The reason is that God, in His present providence of things, does not will adults to be justified or sanctified without their will and consent; and therefore He has established that the means of salvation be applied only to those willing. Whence Innocent III says: “But he who never consents, but wholly contradicts, receives neither the thing nor the character of the Sacrament.”⁸³ Therefore one who has himself merely passively, neither willing nor dissenting, and a fortiori one who resists, or one who intends to make a game, does not perceive the Sacrament.

We have said, intention is required, yet diverse according to the diverse nature of the Sacraments. The reason is that some Sacraments require one cooperation from the recipients, others another. For: 1. Some, as PENANCE and MATRIMONY, are not made except by the acts themselves of the subject, which have themselves as matter or form, and therefore for the validity of these Sacraments there is required in the recipient, as in the minister, at least a virtual intention.

2. Others, as BAPTISM and ORDER, have this proper to themselves, that they impose on the recipients obligations of a new state. But since it is in no way equitable that such obligations be imposed on an adult without his positive consent, it follows that for reception of each Sacrament there is required an intention at least habitual, that is, an intention already had and not retracted. The assertion is confirmed by the practice of the Church; for on the one hand it is prohibited in the Roman Ritual that an adult who has fallen into madness or into a sudden illness be baptized, unless before, when he was in possession of himself, he had desired Baptism; and on the other hand the Church never reiterates the Sacraments of Baptism and Order for those who received them from a will previously had.⁸⁴
3. Finally others, as CONFIRMATION, the EUCHARIST, EXTREME UNCTION, require for themselves only this, that the subject be capable of the sacramental operation, which is a benefit of God from the work worked. Whence, that they be validly received, an interpretative intention suffices, namely that which the recipient indeed never had, but probably would have had, if he were in possession of himself. Specifically concerning Extreme Unction the Roman Ritual has this: “This Sacrament is to be given to those destitute of their senses, who previously asked for it, or who would probably have asked for it.” The same is also commonly admitted concerning Confirmation and the Holy Eucharist, with Lugo, Sporer, etc.⁸⁵ Yet take notice that it is illicit, outside danger of death or perpetual madness, to confer Sacraments on adults while they do not enjoy the actual use of reason.

1435. IV. In INFANTS, and the perpetually insane, for VALID reception of the Sacraments of which they are capable, namely Baptism, Confirmation, the Eucharist, and Order, no disposition or intention is required. This is established from the practice of the Church and the common opinion. The reason is that infants are not justified or sanctified through an act of their own will, of which indeed they are incapable, but through the will of another; whence Christ and the Church are judged to supply their intention, just as in civil matters a tutor supplies for a ward.⁸⁶

Article II

On the Requisites for Licit Reception of a Sacrament

In infants and the perpetually insane, that no disposition is required in order that they usefully receive the Sacraments of which they are capable is the common opinion. But in adults, besides those things which are required for valid reception, several other things are required for licit reception of a Sacrament. Hold the following:

⁸²Book VI, 79.

⁸³Cap. *Majores*, v. fin., *de Baptismo*.

⁸⁴Book VI, 82; *Exam. Ordin.*, 19.

⁸⁵Book VI, 82.

⁸⁶*Ibid.*, 80.

1436. Principles. I. For licitly and fruitfully receiving the Sacraments OF THE DEAD, namely Baptism and Penance, there are required in adults acts of FAITH, HOPE, at least virtual, and sorrow for sins, which must at least be ATTRITION. This is established from Trent, sess. 14, cap. 1, where the dispositions necessary for justification are set forth at length. Yet sorrow in one to be baptized ought to concern actual sins, not original sin; because no one repents of the deed of another.⁸⁷

1437. II. For licitly and fruitfully receiving the Sacraments OF THE LIVING, by divine law the preexisting STATE OF GRACE is required. The reason is that the Sacraments of the living were instituted primarily for increasing sanctifying grace; therefore, speaking per se, they already presuppose

it present in the subject, although per accidens they can generate it (cf. n. 1395).

Hence: 1. He who knowingly receives a Sacrament of the living in the state of mortal sin sins gravely; and indeed more gravely than the minister who makes or ministers it, because he not only handles it unworthily, but also renders it useless, and thus impiously mocks Christ the Lord, the Author of the Sacraments. 2. He who is conscious to himself of grave fault is held to confess before he receives the Eucharist, as Trent commands.⁸⁸ If the matter concerns the other Sacraments of the living, he is held to be contrite;⁸⁹ whether he is also held to confess is denied more commonly and more probably (cf. nn. 1500 and 1684, 2).

1438. III. Besides the said conditions, the reverence owed to the Sacrament requires actual DEVOTION; the greater this is, the more abundant are the fruits perceived from the Sacrament. This is established from Trent, sess. 6, cap. 7. The reason of the first part is clear of itself. The reason of the second is that, although the Sacraments confer grace from the work worked, nevertheless divine wisdom, which in all things and through all things strives to promote the good will of man, has so instituted the Sacraments that, according to the greater disposition of the subject, a more abundant supply of graces is conferred. "Thus from the same fire," says the Angelic Doctor, "he receives more heat who approaches it more, although the fire, as far as concerns itself, pours forth its heat equally to all"⁹⁰ (cf. n. 534).

Hence it follows that in practice one must not admit the opinion which makes licit the RECEPTION of the Sacraments with a probable opinion; because such an opinion, although speculatively it is not destitute of some foundation, "almost never will be able to be brought down into practice by recipients without detriment to their own soul."⁹¹

Moreover, there are also other CONDITIONS, from the law of the Church, to be fulfilled in reception of the Sacraments; these we shall explain when we have come to the individual Sacraments. Meanwhile:

1439. It is asked: Whether it is licit for a faithful person to RECEIVE or ASK for Sacraments from an unworthy minister?

Resp. 1. When the minister is unworthy ON ACCOUNT OF SOME CENSURE or INABILITY, it is licit to ask Sacraments from him, even without grave cause, if he is tolerated; because the Council of Constance absolutely conceded to the faithful communication with tolerated persons. But if he is not tolerated, but one to be avoided, or is a heretic or schismatic, then only in extreme or very grave necessity is it licit to receive from him Penance or Baptism; probably also the Eucharist and Extreme Unction, namely in the case in which the sick person cannot receive the other Sacraments, provided scandal or suspicion of communication with intruded ministers or heretics is avoided.⁹² And these things indeed are from the law of the Church concerning censures (cf. n. 1292, 2 and 1327, Question). With respect to natural law, attend to the following RULE:

2. If the minister is certainly unworthy ON ACCOUNT OF MORTAL SIN, it is not licit, without grave cause, to ask Sacraments from him. The reason is that from the law of charity we are held to impede the sin of neighbor, when we can impede it without grave inconvenience. And this holds, even if the one ministering is the pastor, or is otherwise already prepared; because even external sin must be impeded. "Only," says St. Alphonsus, "would I except him who would receive the Eucharist from an unworthy priest who was actually ministering it to others, according to the opinion ... that it is only one sin to minister the Eucharist to several." We have said, without grave cause, namely of necessity or notable utility: when this stands, it is licit to ask Sacraments from an evil minister, because cooperation with his sin is merely material (cf. n. 519).

"Hence the doctors say that Sacraments are LICITLY received from a sinner minister: 1. if the precept of confession or communion presses; 2. if from delay of reception danger of a fall is imminent; 3. if you must fulfill the precept of hearing

⁸⁷Ibid., 86.

⁸⁸Book VI, 86.

⁸⁹Ibid., 34.

⁹⁰3, q. 69, a. 8.

⁹¹Book I, 51.

⁹²Book VI, 88; cf. VII, 339 and II, 79; cf. also 2 *Elench. qq. ref.*, n. 19.

Mass; 4. if otherwise you must remain for a long time in mortal sin, and you cannot, indeed if you do not wish to, approach another confessor, nor wait an hour, because to be liberated from sin as soon as possible is not a small utility; 5. if you must be without Communion, at least for a long time, or without the fruit of confession, even if you do not have mortal sin; 6. if otherwise you cannot gain a jubilee; 7. if you need a skilled director and do not have another, provided, adds Sporer, you would have to wait a long time for another; 8. if you wish to apply Mass for a deceased friend.”⁹³

What, YOU WILL ASK, in doubt whether the minister is unworthy?

Resp. 1. Any minister is presumed worthy, unless the contrary is established. Hence, probably, you can ask a Sacrament even from him whom you know to have sinned a little before, because he is to be presumed to have already disposed himself, at least by contrition. 2. A minister is judged unworthy if he is a customary sinner, or if he is voluntarily living in a proximate occasion of sin. Likewise, if after sin he has not confessed beforehand, before the celebration of Mass.⁹⁴

Chapter IV

On Sacramentals

1440. DEFINITION. Sacramentals are ecclesiastical ceremonies, or external acts of religion accommodated to worshipping God.⁹⁵

DIVISION. Sacramentals are reduced to four species, which 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 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 prayer in a dedicated church, the Lord’s Prayer, especially recited in the name of the Church, striking of the breast, the *Confiteor*, alms prescribed by the Church.⁹⁶

The principal Sacramentals are customarily expressed by this verse:

Praying, sprinkled, eating, confessed, giving, blessing.

1. On the Power and Efficacy of Sacramentals 1441. I. “Sacramentals have some EFFECTS, yet not infallible, of which those using them piously and duly are made participants. The first is the excitation of pious movements through prevenient graces. The second is remission of venial sins, by means of movements of this kind, penance expressed or implicit. The third is remission of temporal punishment due to sins. The fourth is the putting to flight or repression of the devil. The fifth is bodily health, or a similar temporal benefit.”⁹⁷

What particular effect, in the temporal order, this or that Sacramental can especially produce is to be gathered from the institution of each, from the manner and prayers of the Church by which they are made; for individual Sacramentals have not been instituted for the same singular end, although all tend to divine worship and to our progress.⁹⁸

1442. II. “Sacramentals cause these effects, not from the work worked, but FROM THE WORK OF THE WORKER: namely by the prayer of the Church impetrating them; also by the prayer of the faithful piously using Sacramentals, for example the sign of the cross, blessed water.”⁹⁹ “Hence, after the taking of blessed water, etc., it is advised to all the faithful to excite themselves to an act of sorrow or of love.”¹⁰⁰

2. On Exorcisms and Blessings The principal place among Sacramentals is held by Exorcisms and liturgical Blessings.

1443. I. EXORCISMS, from the common opinion of the doctors, have this special property, that they infallibly expel or at least repress demons quasi from the work worked, on account of the peculiar power, conceded by Christ the Lord to the Church, of commanding demons. Recall what was said, n. 622.

⁹³Book VI, 89.

⁹⁴Ibid., end.

⁹⁵Cf. Cavalieri, tom. IV, cap. 11-15 and cap. 23-28.

⁹⁶Book VI, 90.

⁹⁷Polman, 3, p. n. 197; cf. Suarez, in 3 P., disp. 15, q. 65, sect. 5.

⁹⁸Book VI, 93.

⁹⁹Polman, loc. cit.

¹⁰⁰Book VI, 92.

1444. II. LITURGICAL BLESSINGS are rites which, in the name of the Church, are performed by sacred ministers, and thus they differ from blessings which are given in a private name by laymen, for example by parents to children. They are DIVIDED in various ways:¹⁰¹

1. By reason of effects, they are constitutive or invocative. 1. CONSTITUTIVE or consecratory blessings are those by which either persons or things are deputed to divine worship, or are permanently constituted in a sacred and religious being; they are called permanent Sacramentals, because they imitate the Sacraments which imprint a character. Of this kind are: 1. with respect to PERSONS, first tonsure, the consecration of an Abbot, Abbess, nun, etc.; 2. with respect to THINGS, the blessing of a church, oratory, cemetery, chalice, paten, chrism, sacred oils, salt for baptism, vestments for the Sacrifice, altar, wax lamb, etc. 2. INVOCATIVE blessings are those by which the kindness of God is invoked, that He may bestow something good on persons or things to be blessed; they are called passing Sacramentals, because the things so blessed do not change their state, or do not become strictly sacred, and therefore can be turned to profane uses, provided these are honorable.

Of this kind are the blessing of the Supreme Pontiff, of a Bishop, and of a presbyter in Mass, and much more the Blessing with the Most Holy Sacrament, the nuptial blessing, the blessing of a woman after childbirth, etc.; likewise the blessing of houses, fields, produce, foodstuffs, etc.

2. By reason of rite, some are REAL, in which an anointing is employed; others VERBAL, which are perfected by words alone. Likewise, some are solemn, others simple, according as they are done with greater pomp or without preparation.
3. By reason of minister, some are PAPAL, as the blessing of the Pallium, wax lamb, golden rose, and prince's sword; others EPISCOPAL or PRIESTLY, concerning which fuller things must be said.

A) To BISHOPS belong: 1. Real blessings, as of a chalice, altar, bell; likewise the blessing of chrism itself and of the sacred oils. These are found only in the Pontifical, and are so proper to Bishops that without a Pontifical Indult they cannot be delegated to presbyters. Whence things which have been blessed without an Indult of this kind ought before use to be blessed anew, if it can be done without scandal (S. R. C., decree of September 22, 1703, ad 3).¹⁰² 2. Blessings which are found in the Missal and Ritual under the title: Blessings to be done by Bishops, or by others having faculty, namely: the blessing of priestly garments, cloths and corporals, the tabernacle, that is, the pyx and lunette; likewise of a cross or images if it is done solemnly with concurrence of the people; then: the blessing and reconciliation of a church not yet consecrated, of a public oratory, or cemetery, or of the primary stone. In these, from the Ritual itself, and in those, from the Holy See by indult, Bishops receive the faculty of delegating. Yet the blessing of a cross can be done by permission of the Bishop.¹⁰³

B) To PRIESTS, without delegation, belong all blessings which are contained in the Missal and Ritual, from the blessing of water up to the blessings to be done by Bishops, or by others having faculty. Yet not a few of them are by right of the pastor, and are noted in the Ritual as to be done by the Pastor, or by another priest, understand, by permission of the pastor, according to the common interpretation. Of this kind are the blessing of nuptials, the blessing of the baptismal font, the blessing of houses on Holy Saturday, the common blessing over produce, and the blessing of fields, at least if it is done solemnly; likewise the blessing of women after childbirth, to which only women who have given birth in legitimate marriage have a right,¹⁰⁴ where custom or synodal statutes so dispose.¹⁰⁵

1445. It is asked: With what rite are blessings to be done?

Resp. "Blessings which by precept or publicly in churches or in public oratories before the people gathered for this are done, outside Mass are to be given with surplice and stole according to the nature of the time, standing and with head uncovered, with 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 Sacred Congregation of Rites. For blessing those things for which no special blessing is had, the blessing *ad omnia* can be used; 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 to be sprinkled with blessed water.

"If the cross has the image of the Crucified, the blessing for images is to be used. If the blessing is done at the altar, all things are recited on the Epistle side, and the priest uses a cope. The things to be blessed, if they are priestly vestments,

¹⁰¹ Cf. Quarti, *De sacris Bened.*; and Ferraris, verb. *Benedictio*.

¹⁰² Gardellini, n. 3663.

¹⁰³ Gardellini, n. 764.

¹⁰⁴ S. C. Conc., June 18, 1859.

¹⁰⁵ Konings, n. 1247-D.

can be placed upon the altar; otherwise, if they are candles and other things of this sort, they are to be placed upon a table before the altar, or on the Epistle side.”¹⁰⁶

3. On the Sign of the Cross and Lustral Water 1446. I. In blessings, in ceremonies, and in our actions we often use the SIGN OF THE CROSS, and most fittingly; for this sign has power: 1. by way of invocation, namely of Christ crucified and His merits; 2. as a work of faith and a profession of the Christian religion; 3. on account of the honor which we give to the cross.[^vol2-0008-fn-1]

II. The use of LUSTRAL OR BLESSED WATER is commended by antiquity; for learned men teach that it flowed from Apostolic tradition and always flourished in the Church. The sprinkling of lustral water is a symbol of interior washing; and, sanctified through the prayers of the Church, it has, from the merits of the same Church, much efficacy for producing salutary effects, and especially for warding off demons. Hence, “the sick are sprinkled with blessed water according to the prescription of the RITUAL, that they may be stronger for repelling the temptations of the demon. The corpses themselves of the dead are sprinkled with prayer, that for the souls of Purgatory the ardor may be mitigated and wholly extinguished.”[^vol2-0008-fn-2]

Note. 1. To blessed water, when a cause accedes, water not blessed can be added, provided the latter is always in a lesser quantity. 2. In time of Interdict the sprinkling of blessed water can be done, provided the people are sprinkled without any solemnity. For obtaining the effects of blessed water, moral contact suffices.[^vol2-0008-fn-3]

¹⁰⁶Konings, n. 1248.

Treatise V

On Penance

1643. "Let us approach the work of expounding this Treatise ON THE SACRAMENT OF PENANCE, to which indeed one must diligently apply oneself with every study before other matters, since in it is contained the sum of all moral theology and the questions more pertaining to practice; and therefore I have spared no labor, that I might satisfy the desire of readers, and that they might find here all things necessary to be known."¹⁰⁷ Thus St. Alphonsus.

That we may touch the principal things which pertain to this Treatise of greatest moment, we shall treat in a threefold dissertation: 1. on the nature of the Sacrament of Penance; 2. on the Subject; 3. on the Minister.

Dissertation I

On The Nature Of The Sacrament Of Penance

In this first dissertation we shall treat: 1. on the notion of penance; 2. on the matter and form of the Sacrament.

Chapter I

On The Notion Of Penance

The Sacrament of Penance is the virtue itself of penance elevated by Christ the Lord to the dignity of a Sacrament. Wherefore, we must speak: 1. of Penance as it is a virtue; 2. of Penance as it is a Sacrament.¹⁰⁸

Article I

On Penance As It Is A Virtue 1644. DEFINITION. Penance is "a virtue tending to the destruction of sin, insofar as it is an offense of God, by means of sorrow and satisfaction."¹⁰⁹

It is called a virtue, namely one which is referred to justice as a potential part, and is supernatural, as is clear from Trent, which teaches (sess. 6, can. 3) that without the grace of God man cannot repent as he ought; - tending to the destruction of sin, by which words the MATERIAL Object of penance is expressed, namely every sin, both mortal and venial, as to be destroyed or avoided; insofar as it is an offense of God, by which its FORMAL Object is shown, which is the reparation of the injured right of the divine Majesty; wherefore, he does not rightly repent who indeed sorrows for his sin, but without respect to the offense of God; by means of sorrow and satisfaction, which are the acts by which penance obtains its end, that is, peace with God. Moreover, sorrow for sin and detestation of it, with the desire of making satisfaction and the purpose of not sinning thereafter, pertains to the very essence of penance. - Nor therefore does a simple purpose of beginning a better life suffice; in this Luther erred, who affirmed that penance is contained in novelty of life alone, or reconsideration.¹¹⁰

DIVISION. Penance can tend to the destruction of sin in a twofold way: 1. through an act of perfect sorrow, which is also called contrition, and is detestation of sin from the motive of perfect charity, by which God is loved above all things; 2. through an act of imperfect sorrow, which is also called attrition, and is detestation of sin from motives of an inferior order, for example from fear of eternal punishment.

1645. Principles. I. Through true penance ALL SINS can be destroyed. - This is of faith from Trent, sess. VI, cap. 14, and sess. XIV, cap. 1. But true penance, through which sins, whether mortal or venial, ARE REMITTED, is either perfect contrition, even outside the Sacrament, yet with the desire, at least implicit, of receiving it; or attrition, with real reception of the Sacrament. These things will be expounded more fully below (n. 1673). - Concerning the other effects of penance it will be said more conveniently where the effects of the Sacrament are treated (n. 1653).¹¹¹

1646. II. Penance is altogether NECESSARY for all men who have defiled themselves with some mortal sin, in order to obtain grace and justice. This is of faith, from Trent (loc. cit.). But it is necessary: 1. BY NECESSITY OF MEANS: for since the offense of mortal sin proceeds from this, that the will of man is turned away from God through a turning toward

¹⁰⁷Book VI, 426.

¹⁰⁸On this virtue see St. Thomas, 3, q. 85; Lugo, *De Sacr. Poenit.*, disp. I-XI; Suarez, disp. I, sect. 1 and 2.

¹⁰⁹Book VI, 434; *H. A.*, XVI, 1.

¹¹⁰Cf. Laymann, book 5, tr. 6, cap. 1.

¹¹¹Cf. *Inst. catech.*, p. 2, c. 5, n. 17.

some changeable good, it cannot be that the offense be remitted unless the will, through a true change, turns itself again to God, with detestation of the turning it had toward a changeable good, and with the purpose of amendment; both of which pertain to the notion of penance. - 2. BY NECESSITY OF PRECEPT, both natural, by which each one is bound to make satisfaction for an injury inflicted and to seek again the divine friendship, and positive, often mentioned in the sacred writings. St. Thomas suitably says to the point:¹¹² "By natural reason man is moved to repent concerning the evils which he has done; but that man do penance in this or that way is from divine institution."

Nor yet is penance so necessary that it is always required explicitly; for accidentally implicit and virtual penance can suffice, such as is contained in an act of perfect love of God, for example if someone, forgetful of his sin, elicits an act of perfect charity.¹¹³

1647. Questions. Q. 1. WHEN does the aforesaid precept of penance oblige?

Resp. The precept of reconciling oneself with God through penance obliges: 1. of itself in the article, or in probable danger, of death or of perpetual insanity, because then no other time is available for doing penance; 2. accidentally, when one who has fallen into mortal sin must administer a Sacrament, or receive some Sacrament of the living; likewise, when he suffers grave temptations which he judges himself unable to resist unless he elicits an act of contrition; - finally, when he is bound to elicit an act of charity toward God; for then, if the memory of sin occurs, he is bound to detest it. - But the precept of sanctifying Feasts does not import an obligation of contrition.¹¹⁴

Q. 2. Whether the precept of penance, outside danger of death or insanity, ever obliges OF ITSELF, so that its delay involves a special sin?

Resp. Many authors indeed affirm; but the denying opinion is probable, because, apart from a positive precept, for example annual confession, the time of penance is not determined, although it ought to be determined of itself by reason of an affirmative precept. - Hence St. Thomas teaches¹¹⁵ that final impenitence is not a special sin.

But accidentally, certainly he sins gravely who, existing in mortal sin, delays and procrastinates his conversion for a notable time; because he violates at least the precept of charity both toward God and toward himself, since St. Thomas teaches¹¹⁶ that it cannot be that a man without justifying grace keeps himself immune from new sin for a long time. - Hence, a delay of one month seems grave to St. Alphonsus, who adds: "Yet it is true that the rude with difficulty notice that obligation."¹¹⁷ (cf. 472, q. 2).

Scholium

On The Remission Of Venial Sin 1648. Things to be noted beforehand. 1. Venial sin is never remitted in those contaminated by mortal sin; for the remission of any fault is founded in the friendship of God and in sanctifying grace. Hence the guilt of those venial sins will inhere in the damned eternally.

2. The remission of mortal sin can occur without the remission of venials; for venial sin does not conflict with sanctifying grace.

3. One venial sin can be remitted without other venials, namely if a man truly sorrows for one, and not for the rest. The contrary must be said of mortal sins, all of which conflict with habitual grace.

Questions. - Q. 1. Whether penance is required for the remission of venial sin?

Resp. Venial sin is never remitted without penance, whether formal, that is, express and explicit, or virtual and implicit, namely one which is contained in some supernatural act. - This is clear both from Sacred Scripture, which universally requires penance for the abolition of any sin; and from the Doctors expressly affirming this;¹¹⁸ and finally from reason itself, which sanctions that he who sinned by his own will should not obtain pardon unless by his own will through penance he withdraws from sin.

Q. 2. What penance is required for the remission of venial sin EX OPERE OPERANTIS, or outside the Sacrament?

¹¹²3, q. 84, a. 7.

¹¹³Cf. Book VI, 437.

¹¹⁴Ibid., 437; *H. A.*, XVI, 10.

¹¹⁵2.2, q. 14, a. 2.

¹¹⁶1.2, q. 109, a. 8.

¹¹⁷*H. A.*, XVI, 10; *Conf. diretto*, XV, 5.

¹¹⁸Cf. St. Thomas, 3 p., q. 87, a. 3; St. Bonaventure, *In 4 sent.*, dist. 20, p. 1, a. 1, q. 2.

Resp. Several things must be distinguished: 1. If someone is guilty of mortal and venial sin at the same time, perfect contrition is required, which takes away both, as is gathered from the things noted beforehand. Yet not every act of contrition or charity takes away all venials, but only those to which it is opposed formally, or at least virtually. Hence the full remission of all venials is obtained only when the act of charity generally excludes affection for all venials, or when someone is so disposed that he wishes never to admit any venial sin, and sorrows, or would sorrow if it occurred to memory, for any one admitted. Thus commonly (cf. n. 471, 2).

2. If someone is guilty only of venials, an act of charity or of perfect contrition does not seem to be required; but more probably a motion of imperfect contrition suffices, for example prayer, by which pardon is humbly implored, or an act of some virtue which is repugnant to venial fault, or detestation of venials proceeding from consideration of their supernatural turpitude, for example because they are against the obedience owed to God, or elicited from the motive of hope. The reason is that, since venial sin conflicts neither with charity nor with habitual grace, it suffices that the disordered adhesion to a creature be removed from some supernatural motive and from a motion of actual grace.¹¹⁹

Q. 3. What penance is required for the remission of venial sin EX OPERE OPERATO, or through a Sacrament?

Resp. Distinguish. Remission can be obtained either in the Sacrament of Penance, or in other Sacraments. Now:

1. In the Sacrament of Penance, formal sorrow is required,¹²⁰ so that the matter of the Sacrament be present (cf. n. 1659). But through this Sacrament are also remitted, more probably, venials involuntarily omitted,¹²¹ concerning which there is no formal or virtual complacency; for by the force of absolution, to which no obstacle is placed, there is conferred an increase of grace which of itself is remissive of sin; and besides, either in part or wholly, the punishment due to venials is remitted, if any remains.
2. In other Sacraments the matter proceeds otherwise. For: - 1. Baptism remits venials joined with original sin or with actual mortal sins, provided no obstacle is placed to this remission, that is, provided there is not a will actually or habitually adhering to venial sin. Thus commonly with St. Thomas.¹²² - 2. Extreme Unction likewise remits, according to a probable opinion, all venials, if they have in some way been retracted; for this Sacrament also was instituted to take away sins, as we shall see below (n. 1873). - 3. The Eucharist gives, *ex opere operato*, actual grace for exciting fervor, by which the just man obtains remission of venials (cf. n. 1513, 1). And the Sacrifice of the Mass produces this same effect, but only by way of impetration (n. 1591, 1). - 4. Whether other Sacraments also have a special power for the remission of venials is indeed uncertain, but the affirming opinion is more probable.

How venial sins are remitted through SACRAMENTALS, see what was said at n. 1441.

Article II

On Penance As It Is A Sacrament 1649. DEFINITION. Penance is a Sacrament consisting in the acts of the penitent and in the absolution of the priest; - or, it is an external rite instituted by Christ, by which, through juridical absolution given by a priest, sins committed after Baptism are remitted to a contrite and confessed man, with competent satisfaction enjoined.

1650. Principles. I. There exists in the Church a SACRAMENT OF PENANCE, by which sins committed after Baptism are truly remitted. This is of faith from Trent (sess. 14, can. 1), defining thus: "If anyone shall say that in the Catholic Church Penance is not truly and properly a Sacrament, instituted by Christ our Lord for reconciling the faithful themselves to God, as often as they fall into sins after Baptism: let him be anathema." But the reason for this definition is clear; for Penance bears before itself everything which is required for the notion of a true Sacrament, namely a sensible and sacred sign, divine institution, and annexed grace, as will be clear from the words of Christ to be cited immediately.

1651. II. The Sacrament of Penance was instituted IN THE MANNER OF A JUDGMENT, in which the penitent is at once the accused and the accuser of himself, while the judge is the absolving priest. - This is clear from the words of the Savior (John 20:22-23): "Receive the Holy Spirit: whose sins you shall forgive, they are forgiven them; and whose you shall retain, they are retained." By these words all the faithful of Christ who have fallen into fault are commanded to present themselves before this tribunal, so that through the sentence of priests, as often as they have sinned, they may be freed

¹¹⁹Cf. St. Thomas, 3 p., q. 87, a. 3, ad 3.

¹²⁰H. A., XVI, 23.

¹²¹Suarez, disp. 12, sect. 2.

¹²²3 p., q. 87, a. 1, ad 2.

from the incurred guilt. Therefore it is clear that the Sacrament was instituted in the manner of a judgment. Hence Trent thus says (sess. 14, can. 9): "If anyone shall say that the sacramental absolution of the priest is not a judicial act: let him be anathema."

1652. III. The Sacrament of Penance, either in reality or in desire, is NECESSARY for all who have fallen into mortal sin after Baptism, by necessity of PRECEPT, indeed also of MEANS. - This is clear from Trent (sess. 14, cap. 2, end), where it is said: "But this Sacrament of Penance is necessary for those fallen after Baptism, as Baptism itself is necessary for those not yet regenerated." Namely, thus from the positive ordinance of Christ, who mercifully conceded to those fallen after Baptism, or having suffered shipwreck, this second plank, by which they may safely, although laboriously, escape again from the abyss of perdition. - But that it is conceded as a single remedy and one necessarily to be taken, is clear from the words of Christ: *I will give the keys... they are forgiven... they are retained*; for keys would be given in vain if entrance lay open without their help; nor would sins be retained through the Church if remission of them could be obtained by another way.

We said either in desire, namely explicit or implicit; for as for those not yet baptized the desire of Baptism suffices for justification and salvation, which is called baptism of the Spirit, or of the love of God above all things, so also for the baptized after a fall the desire of the Sacrament of Penance suffices, included in perfect contrition, yet in such a way that, if afterward the Sacrament can be received, it is altogether necessary.¹²³ (Recall what was said at n. 1645 and 1646.)

But when the reception of this Sacrament is obligatory will be said below, where Confession is treated (n. 1683 sqq.).

1653. Questions. Q. 1. What are the EFFECTS of the Sacrament of Penance?

Resp. They are principally the following: 1. Sins are remitted, as to fault and eternal punishment, so perfectly that they never revive through a subsequent sin; and this is through the infusion of sanctifying grace. 2. Temporal punishment is remitted both by reason of absolution, and by reason of the satisfaction imposed by the confessor; and indeed in a greater or lesser degree, according to the disposition of the penitent. But never, Trent being witness, can we arrive at complete newness and integrity without great weepings and labors on our part, divine justice requiring this. 3. Good works previously done in charity, and mortified through sin, revive. 4. Sacramental grace is conferred, through which we pursue sin with always greater hatred and are more efficaciously preserved from it.

To these add many other SECONDARY EFFECTS which well-disposed penitents, indeed also the whole Christian society, obtain from this benefit of God.¹²⁴ On this matter see the Dogmaticians.

Q. 2. In what things does the SACRAMENT of Penance differ from the VIRTUE of penance?

Resp. Especially in these: 1. Penance, insofar as it is a virtue, is placed under the genus of habit; as it is a Sacrament, it is placed under sacred sign. 2. The virtue through its acts is a part of the Sacrament; but this is the whole itself, which, besides the acts of the virtue, also includes absolution. 3. The virtue requires, for causing justification, a perfect act or contrition; the Sacrament justifies even with attrition alone, as will be seen below. 4. The virtue is a cause of grace by way of disposition, and *ex opere operantis*; the Sacrament, by way of an instrumental efficient cause, and *ex opere operato*.¹²⁵ (cf. n. 1659, end.)

Chapter II

On The Matter And Form Of The Sacrament Of Penance

Article I

On The Matter Of This Sacrament 1654. As in the other Sacraments, so also in the Sacrament of Penance, there is a twofold matter, namely REMOTE and PROXIMATE.

§ 1. On The Remote Matter The REMOTE matter, namely that about which the proximate matter is concerned in this Sacrament, is twofold: 1. necessary, which by precept must be subjected to the proximate matter; 2. sufficient only and free, which can indeed, but need not, be subjected to the proximate matter.

1655. Principles. I. The REMOTE matter of the Sacrament of Penance is sins committed after Baptism.¹²⁶ Thus all.

¹²³Cf. St. Thomas, 3, q. 84 sqq.; Lugo, *De Sacr. Poenit.*, disp. 12 sqq.

¹²⁴Cf. Roman Catechism, *De Sacr. Poenit.*, n. 36.

¹²⁵Cf. Salm., tr. 6, c. 2.

¹²⁶*H. A.*, XVI, 1; Book VI, 425.

It is said, 1. sins, whether mortal or venial; but not mere imperfections, for example that you have not responded to divine inspirations, that you have not done the good which you could, etc. For since these are opposed only to counsels, they do not have of their own nature the notion of sin

to be destroyed through penance.¹²⁷ - Except if accidentally they reach venial faults, as was said at n. 341.

It is said, 2. committed after Baptism; the reason is both because original sin and actual sins committed before Baptism are destroyed through Baptism itself, and because the power of the keys extends only to those who through Baptism are subjected to the Church.

It is asked: Whether and how sins must be confessed if, on account of doubt, BAPTISM IS REPEATED under condition?

Resp. 1. If he whose Baptism is to be repeated has already accused his sins in good faith, and was absolved from them, he is not bound to confess again. The reason is that, if the prior Baptism was valid, they have already been remitted through penance; but if otherwise, they will be remitted through Baptism.

2. If he has not yet accused the sins committed after doubtful Baptism, as happens among Protestants, he is bound to confess them; for if the prior Baptism was valid, the sins committed afterward cannot be destroyed through the repeated Baptism, as it is null. - Hence, when the Bishops of England asked: "Whether sacramental confession ought to be required from new converts in England, and whether it ought to be integral?" the Congregation of the HOLY OFFICE, on December 17, 1868, responded affirmatively to both, and that the Decree issued July 14, 1715, was to be given, in which namely it is contained: "that he is to be rebaptized under condition; and, Baptism having been conferred, let him confess the sins of his past life, and be absolved from them under condition."¹²⁸ (cf. n. 1833).

1656. II. The NECESSARY matter of Penance is all mortal sins not yet directly remitted through this Sacrament. - This is clear from Trent, which (sess. 14, cap. 5) declares "that all mortal sins of which penitents, after diligent examination of themselves, have consciousness, must be enumerated in confession." The reason is clear from what was said at n. 1646.

We said sins not yet directly remitted, or those which have not yet been expressly declared in confession, nor pardoned through valid absolution by force of jurisdiction extending itself to them. Hence, the necessary matter of confession is sins remitted through perfect contrition with only the desire of the Sacrament; likewise sins omitted either on account of inculpable forgetfulness, or on account of another just cause in a confession rightly made, and which were remitted together with others indirectly, or necessarily through the infusion of grace; likewise reserved sins, although distinctly declared, over which the absolving priest did not have jurisdiction, even though, from a grave cause, he had to impart absolution over the other sins.

1657. III. FREE and SUFFICIENT matter is both all venial sins not yet remitted by the power of the keys, and mortal or venial sins already directly remitted before, and confessed again. Thus all.¹²⁹

We said, 1. venial sins not yet remitted by the power of the keys are matter: 1. free, because from Trent (sess. 14, cap. 5) "they can be kept silent without fault and expiated by many other remedies" (cf. n. 1648, q. 2); 2. sufficient, because the words of the Savior, *whatsoever you shall loose*, etc., do not distinguish between mortal and venial sins, and the Council, loc. cit., declares that venials are rightly and usefully said in confession. And truly, if confession had to be made concerning mortal sins alone, many, because of fear of publicly betraying themselves as gravely guilty, would be drawn back from that Sacrament; many, from false conscience, would judge themselves lightly guilty, etc.

We said, 2. sins already directly remitted are matter: 1. free, because what has once been remitted cannot any longer be called into fault; 2. sufficient, which is more than sufficiently clear from the Constitution of Benedict XI *Inter cunctas* and from the practice of the faithful. But the theological reason is that sin, although already remitted, nevertheless remains committed; and therefore the sinner can again and again sorrow for it and ask pardon, and likewise the priest can more often in the name of God pardon and remit it, just as among men it is customary that the same injury be more often remitted from the heart. And because the form of absolution, on account of the proximate matter which truly exists, namely confession and contrition, is verified, sanctifying grace is conferred, not indeed first grace, but second grace, with a fuller remission of temporal punishment, and the other effects which the Sacrament produces in a man already justified.

1658. It is asked: Whether a DOUBTFUL sin is sufficient matter of the Sacrament?

Resp. Only a sin actually committed is sufficient matter. Therefore, if the penitent confesses only a sin doubtfully committed, the Sacrament is exposed to danger of nullity. Hence:

¹²⁷Cf. Lugo, *De Poenit.*, disp. 3, n. 9-20.

¹²⁸*Collect. S. Sed.*, n. 475; *Acta S. Sed.*, IV, 320; cf. Konings, n. 1340, q. 4.

¹²⁹Book VI, 425.

1. If someone declares no certain sin, he should first be questioned about the obligations of his own state, about pride, vain glory, evil thoughts, the manner of acting with parents and other neighbors, detraction, anger, envy, etc. For many, unless they are helped in this way, respond that they know nothing more.
2. Pious penitents are to be advised that, to doubtful sins, as also to their lighter daily faults, they always add some certain sin from those already confessed, concerning which namely they sorrow more vehemently and on account of which they can conceive a firmer purpose.¹³⁰ - But those who hold this salutary custom are to be forewarned not to append an accusation of this sort from mere use.
3. It does not seem to suffice if a penitent, whose conscience is not manifest to the confessor, simply says: "I accuse myself of all the sins of my past life." For the Sacrament of Penance was instituted by way of accusation and judgment; hence the accusation and judgment ought, ordinarily speaking, to be concerned with certain matter, and at least determined in species. - Therefore, except in a case of necessity, in which formal integrity of confession suffices, it is preferable to add: "Especially I accuse myself of sins committed formerly against such a precept or such a virtue," without the circumstances or number being expressed.¹³¹

§ 2. On The Proximate Matter 1659. Scotus indeed and the Scotists contend that the whole essence of the Sacrament of Penance, namely matter and form, consists in the absolution of the priest alone; but that the acts of the penitent are only dispositions prerequired for obtaining the effect of the Sacrament. - But the other Theologians who lived after the Council of Trent commonly teach with St. Thomas that the acts of the penitent with the words of absolution are intrinsic parts of the Sacrament, and that they cooperate for the conferral of grace in Penance, just as washing cooperates in Baptism.¹³² Hence we say:

I. The three acts of the penitent, namely CONTRITION, CONFESSION, and SATISFACTION, are the proximate matter of the Sacrament of Penance. From Trent, sess. 14, cap. 3 and can. 4; from the Roman Catechism,¹³³ and from the Ritual, which says absolutely: "The remote matter is sins, but the proximate matter is the acts of the penitent." They are called by the Council quasi-matter, "not because they do not have the notion of true matter," says the Roman Catechism, "but because they are not matter of that kind which is applied extrinsically, as water in Baptism and chrism in Confirmation." "In those Sacraments," says St. Thomas,¹³⁴ "which have an effect corresponding to human acts, the human acts themselves are in place of matter, as occurs in Penance and in Matrimony." Nor is it an obstacle that contrition is not sensible of itself; for it is made sufficiently sensible through confession and other exterior signs of penance.¹³⁵ Hence it can be said that the proximate matter of this Sacrament is properly sorrowful confession, since the Sacrament of Penance is intrinsically composed from it.

Let these other words of St. Thomas also be noted:¹³⁶ "Every Sacrament," he says, "produces its effect not only by the power of the form, but also by the power of the matter; for from both there is one Sacrament. Hence, as the remission of fault in Baptism occurs not only by the power of the form, but also by the power of the matter, namely water, nevertheless more principally by the power of the form, from which the water itself also receives power; so also the remission of fault is an effect of penance, more principally indeed from the power of the keys, which the ministers have, on whose part is taken that which is formal in this Sacrament; but secondarily from the force of the acts of the penitent pertaining to the virtue of penance; yet insofar as these acts are ordered in some way to the keys of the Church."

1660. II. Contrition and confession are ESSENTIAL parts of the Sacrament, but satisfaction is only an INTEGRAL part. Thus commonly.¹³⁷ It is said, 1. Contrition and confession are ESSENTIAL parts, that is, so necessary that if one of them is lacking, the Sacrament cannot in any way stand; for without confession the information of the cause is impossible, and without contrition, in which the will of satisfying is necessarily included, reconciliation cannot be perfected.

It is said, 2. Satisfaction is an INTEGRAL part. By an integral part is understood that without which the Sacrament indeed exists essentially, but not altogether integrally; as he is essentially a man who lacks an arm or a leg, but nevertheless not whole and perfect. Hence sin can be remitted and reconciliation perfected before the satisfactory work imposed by the judge is fulfilled for obtaining remission of temporal punishment. - Yet this remission of punishment, insofar as it is

¹³⁰Ibid., 427, doubt 2.

¹³¹*Praxis*, n. 71 and 188; cf. Ciolli, *Direttorio pratico*, n. 30, 2.

¹³²Cf. St. Alphonsus in Trent, sess. 14, n. 30-36.

¹³³*De Poenit.*, n. 21 and n. 13.

¹³⁴3, q. 84, a. 1, ad 1.

¹³⁵Book VI, 425, 482; *H. A.*, XVI, 1.

¹³⁶3, q. 86, a. 6.

¹³⁷Cf. Salm., tr. 6, c. 2.

obtained through satisfaction, is also an effect of the Sacrament, although secondary; and therefore it is required for the integrity of the Sacrament, or, as Trent says (loc. cit.), “for the full and perfect remission of sins.”¹³⁸

Article II

On The Form Of The Sacrament Of Penance 1661. I. The FORM of the Sacrament of Penance is the words of the priest: *I absolve you from your sins*. - This is clear from Trent (sess. 14, cap. 3), where it says: “The Holy Synod teaches that the form of the Sacrament of Penance, in which its force is chiefly placed, is set in those words of the minister: *I absolve you*, etc.” Therefore it is clear that the form must be indicative, not deprecative, whatever may formerly have been disputed about the validity of a deprecative form.

Let it be noted: 1. The words *I absolve you* are of the essence; otherwise the presence of the penitent would not be indicated, nor would the very force of absolution be expressed. Some deny that the pronoun *you* is required for the value of the form, since this is sufficiently expressed in the word *your*. Although, speculatively speaking, this opinion seems more probable, nevertheless it cannot be held in practice, because the value of the Sacraments must be provided for most safely.¹³⁹

2. The words *from your sins*, more probably, are not of the essence if it is said: *I absolve you*; because by the word *you* the matter is already sufficiently determined through the presence of the penitent who has confessed. But because the opposite opinion is also probable, those words could not be omitted without grave sin; and if they had been omitted, absolution would have to be repeated under condition.
3. The words *In the name of the Father*, etc., are not of the essence, because Christ did not here, as in Baptism, make mention of the Most Holy Trinity. Hence their omission would not exceed venial fault. Likewise, the pronoun *I* is not essential, as is clear.¹⁴⁰
4. A form expressed by equivalent words would be valid, for example: *I pardon, I remit your sins to you*; or even if, for the sake of honor, it were said: *I absolve Your Lordship, Your Excellency*... But it would be illicit because unusual and contrary to the practice of the Church.
5. Several also would be validly absolved by this one form: *I absolve you* [plural], etc., because all things required for validity are found in it. But this can also be done licitly in a case of necessity, for example in shipwreck, before battle, or in battle itself.¹⁴¹

I ABSOLVE YOU FROM YOUR SINS, IN THE NAME OF THE FATHER +, AND OF THE SON, AND OF THE HOLY SPIRIT. AMEN. (If the penitent is a layman, the word of suspension is omitted.) - The Passion of our Lord Jesus Christ, the merits of the Blessed Virgin Mary and of all the Saints, whatever good you have done and whatever evil you have endured, may they be for you unto the remission of sins, the increase of grace, and the reward of eternal life. Amen.

“But in more frequent and shorter confessions, *May Almighty God have mercy*, etc., can be omitted, and it will suffice to say: *Our Lord Jesus Christ*, etc., as above up to this: *The Passion of our Lord*, etc.”¹⁴²

“But when some grave necessity urges in danger of death, he will be able to say briefly: *I absolve you from all censures and sins, in the name of the Father +, and of the Son, and of the Holy Spirit. Amen.*”

Concerning these things it must be noted: 1. The words *May Almighty God have mercy*... *Indulgence*, etc., can be omitted without any sin, according to the common opinion. - 2. The words *Our Lord*, outside necessity, according to many, cannot be passed over without venial fault; and their reason is that the Ritual seems to prescribe them even in more frequent confessions, as was noted above; yet others, with the common opinion, contradict this. - 3. The words *The Passion of the Lord*, etc., can always be omitted without fault; nevertheless, since through them, according to the opinion of St. Thomas, the good works of the penitent are raised to the dignity and merit of sacramental satisfaction, it is greatly to be advised that they never, or at least very rarely, be left unspoken.¹⁴³ - 4. The elevation of the hand and the formation of the cross are not necessarily required while absolving, although it is better to observe the custom. - 5. A pious custom has similarly prevailed that the confessor bless the penitent before confession with these words: *May the Lord be in your heart and on your lips, that you may rightly confess all your sins*; but neither is this formula of blessing prescribed by any

¹³⁸Cf. Lugo, disp. 12, sect. 2, n. 40.

¹³⁹Book VI, 430, doubt 1; *H. A.*, XVI, 5.

¹⁴⁰Ibid., doubts 2 and 3; *H. A.*, ibid.

¹⁴¹Book VI, 486; cf. Croix, book 6, p. 2, n. 645.

¹⁴²To be understood: exclusively, S. R. C., February 28, 1847 (Gardellini, n. 5029, in Viglevanen.).

¹⁴³Book VI, 430, doubts 3 and 4.

law. - 6. The confessor gives absolution sitting, in the manner of a judge pronouncing sentence. - 7. "It is advisable," says St. Alphonsus,¹⁴⁴ "that in the presence of other penitents the words of absolution be said quietly, lest, if someone is dismissed without absolution, others perceive it."

1663. Questions. Q. 1. Whether absolution can be sent to an ABSENT person?

Addendum printed at the end of Volume II: Page 192 at end: Similarly invalid would be absolution given by telephone, because, although by expressed voice, nevertheless it would be directed to an absent person. - (Cf. what Dr. A. Eschbach excellently wrote on this matter, *Nouvelle revue theologique*, tom. XIX, p. 393).

Resp. No, since the form of the Sacrament cannot be expressed otherwise than by the voice. And this is certain among all; for in the year 1602 Clement VIII proscribed as false and rash this proposition: "It is licit through letters, or through a messenger, to confess sacramentally to an absent confessor, and to obtain absolution from him while he is absent."¹⁴⁵ Therefore, since the Pontiff declared absolution of this sort illicit, he also declared it invalid, because in cases of necessity he could not have prohibited it. Now, such is the prohibition that absolution cannot even be sent to a penitent who has made confession while present, as Pope Paul V expressly declared on July 17 in the year 1605.¹⁴⁶

Q. 2. What PRESENCE of the penitent is required, that he can be absolved?

Resp. Moral presence suffices, namely that within which men, with an ordinary voice, although somewhat raised, can and are accustomed to speak. Many extend this to twenty paces, especially if the penitent has not yet gone out from the sight of the confessor. But in a case of necessity, absolution is to be given whenever the one to be absolved is perceived by some sense. Hence, a penitent can be absolved who has already withdrawn from the confessional and is not much distant, and indeed licitly if he cannot conveniently be called back; likewise one who falls from a roof, who falls into a river, who, affected by plague, cannot be approached, etc. Yet, if the one to be absolved should be more than twenty paces away, absolution would have to be given under condition.

Q. 3. Whether by the words *I ABSOLVE YOU* the priest can validly absolve the penitent both from sins and from censures?

Resp. Yes, according to the common opinion of authors. "The reason is that nothing prevents those words, from the intention of the priest, from being directed to absolution both from censures and from sins."¹⁴⁷ Yet this, unless there were altogether absent any suspicion that the penitent had incurred some censure, is not excused from venial fault, since it is against the use of the Church. Indeed, a Priest who, against the prohibition of the Church, wished to absolve the penitent first from sins and then from censures would sin gravely; but if the penitent were in good faith, he would be validly absolved from sins, although absolution from censures had not been premised; because the prohibition of the Church cannot invalidate a Sacrament whose value depends on divine law, when all essential requisites concur for it (cf. n. 1405).

Q. 4. Whether absolution can validly and licitly be given UNDER CONDITION?

Resp. 1. It is given VALIDLY if it is given under a condition concerning the past or the present; for when the condition is verified, the form of the Sacrament passes before God into an absolute form; but when the condition is not verified, the Sacrament is not confected, nor does the priest intend to confect it. (Recall what was said at n. 1414.)

Resp. 2. It is also given LICITLY "provided a just cause is present; namely if, absolution being denied, notable detriment would threaten the soul of the penitent." Thus St. Alphonsus¹⁴⁸ with the common body of Doctors, against some.

Moreover: 1. The reason why it is licitly given is this: the Sacraments are for men, and the reverence owed to the Sacrament is preserved intact by the reasonable condition which is added. More probably, a condition retained in the mind suffices; although it is safer to express it in words, for example, "if you are contrite..., if you are disposed..., if you are capable, I absolve you."

2. The reason why it is not licitly given except when notable detriment is feared is that a condition is not rashly to be added to the form, and in a divine rite something is not easily to be changed. Besides, the priest ought to be a prudent dispenser, which he certainly would not be if from a slight cause, or in every doubt, he imparted conditional absolution. Yet extreme necessity, or danger of life, is not required, as Collet contends with certain others. For rigor of this sort would equally be harmful to penitents, especially to those who are to be judged unlikely to return to the confessor, and who, dismissed without absolution, would incur the danger of eternal damnation.

¹⁴⁴Book VI, 429; *H. A.*, XVI, 5.

¹⁴⁵*H. A.*, XVI, 5.

¹⁴⁶Book VI, 428.

¹⁴⁷Book VI, 430, doubt 4.

¹⁴⁸*Ibid.*, 431.

Q. 5. What are JUST CAUSES for giving absolution under condition?

Resp. These just causes can be either on the part of the confessor or on the part of the penitent. - The principal ones are the following:¹⁴⁹

I. ON THE PART OF THE CONFESSOR: 1. If he positively or prudently doubts whether he absolved or not; for then he is bound to say: "if you are not absolved, I absolve you." - 2. If he doubts whether he has jurisdiction over the penitent, that is, in a doubt of fact, for example when there is doubt whether he received jurisdiction from the Ordinary, or whether he lost it on account of revocation; for then, with sufficient cause, he can absolve conditionally, saying: "if I can, I absolve you," etc. But in this case, says St. Alphonsus,¹⁵⁰ the penitent must be warned "that he has been absolved only under condition, so that if afterward perhaps it becomes known that the confessor truly lacked jurisdiction, that penitent should confess his mortal sins again, as he ought." But in a positive doubt of law, that is, if because of the authority of Doctors the jurisdiction of the priest is probable, as, for example, in common error, he can give absolution in an absolute manner; because, a grave cause standing, the Church certainly supplies, as will be explained below (n. 1755 and 1756).

II. ON THE PART OF THE PENITENT there is a twofold species of cases, and therefore a twofold rule must be established:

Rule 1. A penitent who, placed in EXTREME necessity of soul, presents doubtful matter or disposition, is to be absolved under condition, lest perhaps he suffer grave detriment. - Hence the following are to be absolved under condition: 1. All the DYING, unless their incapacity or unworthiness is known, or can be positively presumed. - 2. Penitents DOUBTFULLY DISPOSED, if they are in grave danger of death, although not proximate, for example a woman in difficult childbirth, a sailor or another about to undertake a long voyage, a soldier about to fight with the enemy, a sick person before a very difficult surgical operation; or if it is prudently feared that, dismissed without absolution, they will thereafter altogether recoil from the sacred tribunal and languish in their sins, lest they pass over to heretics, lest they be alienated from the Church or from good works, lest they draw others to evil, etc.; or even if the necessity of communicating presses, for avoiding scandal or infamy, as easily happens in the first Communion of children and in general Communions, especially if the number of communicants is small.

Rule 2. A penitent who, placed in ORDINARY necessity, presents only doubtful matter or capacity, is SOMETIMES to be absolved, even under condition, lest he be deprived of a notable spiritual good. Hence the following are to be absolved under condition: 1. CHILDREN or the HALF-WITTED, whose use of reason is doubtful, or whose instruction concerning truths necessary to be known is doubtful, or whose sins are doubtful, especially if they are mortal of themselves. Therefore these are to be absolved both in danger of death, and when the precept of annual confession or of paschal Communion presses, and sometimes during the year, although they declare only venials and doubtful sins, lest perhaps they remain in a lethal state and be forced to live for a long time destitute of the help of sacramental grace. Yet great and accurate diligence must be premised, so that, as far as can be done, they are well instructed and rightly disposed.¹⁵¹ - 2. PIOUS PENITENTS who bring only imperfections, and can declare nothing certain from their past life; to these absolution under condition can be given once a month.

Let it be noted: 1. Penitents guilty of mortal sin who, on account of doubtful disposition or doubtful jurisdiction, have been absolved under condition, do not thereby have a right to the Holy Eucharist. For the precept of the Apostle stands in the way, saying: "But let a man prove himself..." Nor does doubtful, or merely probable, proof suffice when the sin was certain, but it must be certain morally (cf. n. 1756). - Hence, not only should the confessor not invite them to Holy Communion, but he should, if he can, prudently turn them away from receiving it.

2. Yet if they are already determined of themselves, or if from the denial of Communion a great evil is feared, let them be left in good faith, and let them be warned to excite themselves again to contrition.¹⁵²

Dissertation II

On The Subject Of The Sacrament Of Penance

1664. That every and only baptized man, fallen into at least venial fault, is the SUBJECT of the Sacrament of Penance, is already sufficiently known from the things disputed above. But this is proper and peculiar to this Sacrament, that its subject must contribute something, not only to its licit and fruitful reception, but to its very confection, namely by

¹⁴⁹Book VI, 432; *H. A.*, XVI, 6.

¹⁵⁰*Ibid.*

¹⁵¹Book VI, 432; cf. *Prax.*, n. 91.

¹⁵²*Ibid.*; *H. A.*, XV, 34; Konings, n. 1344.

placing the proximate matter, which consists in the acts of the penitent himself, namely in CONTRITION, CONFESSION, and SATISFACTION. Therefore we must treat accurately of these acts, which are at once the proximate matter of the Sacrament and dispositions of the subject for receiving it.

Chapter I

On Contrition

1665. DEFINITION. Contrition is defined: "Sorrow of soul and detestation concerning sin committed, with the purpose of not sinning thereafter." Thus Trent, sess. 14, cap. 4.

It is an act of the virtue of penance, by which man assumes hatred toward sin committed by himself, and detests it so that by no pact whatever would he ever have wished himself to have sinned. But sadness of will necessarily accompanies such an act of detestation. But because contrition is defined as sorrow of soul and detestation concerning sin committed, Theologians dispute whether its essence consists in sorrow, or rather in detestation. The latter opinion seems truer to St. Alphonsus, because sorrow indeed is not the cause of detestation, but detestation is the cause of sorrow. - For the rest, as both are required, so one is contained in the other; for he who detests his sin necessarily sorrows for it, and conversely. Besides, detestation perseveres in the Blessed, but sorrow no longer does.¹⁵³ (Recall what was said at n. 1644.)

These things having been premised, we shall treat, according to the Tridentine definition, 1. of the sorrow of the penitent; 2. of his purpose.

Article I

On The Sorrow Of The Penitent We shall treat: 1. Of sorrow or contrition of the penitent, insofar as it is required in the Sacrament of Penance, abstracting from the perfection or imperfection of that sorrow; 2. Of perfect and imperfect contrition.

§ 1. On The Contrition Required In The Sacrament 1666. Principles. I. Contrition is absolutely NECESSARY, both for the VALIDITY and for the LICITITY of the Sacrament of Penance, as often as it is received. The reason is that contrition is the proximate matter and an essential part of the Sacrament; therefore a Sacrament received without contrition is null, and consequently illicit. - Hence, although diligent labor is to be placed in the examination of conscience, more diligent labor must nevertheless be placed in exciting sorrow of soul. And although a brief space of time can suffice for conceiving this sorrow, it is nevertheless safer to prolong a little, or to repeat, the act of contrition, lest by too much haste it be extinguished in its very beginning.

We said: As often as it is received, namely lest the confession of venial sin be excluded. "For it is certain that, although outside the Sacrament some motion of grace or charity suffices for its remission, as St. Thomas teaches, nevertheless in the Sacrament FORMAL sorrow is altogether required, nor does virtual sorrow suffice, as the Doctors commonly teach with Roncaglia, Concina, and Croix, against a few."¹⁵⁴ - But:

It is doubted, 1. Whether he sins mortally who confesses venials without sorrow? "Genettus, Juveninus, and Natalis Alexander deny it; they say that as often as the mind of profaning the Sacrament is absent, to frustrate it in light matter does not exceed a light irreverence. But other Doctors commonly and rightly affirm it, and Lugo calls the former opinion altogether false, saying that the gravity of the injury does not consist in the matter, but in the frustration of the Sacrament, by not placing suitable and essential matter, as sorrow is. Hence, whether it is frustrated on account of grave matter or on account of light matter, the irreverence is always grave."¹⁵⁵

It is doubted, 2. Whether in the confession of venials it suffices to sorrow for one without another? - "Some deny this; but Suarez, Lugo, and others commonly and rightly affirm it. And the reason is clear, because venials are not necessary matter, but sufficient matter. But Castropalaus, Lugo, Sporer, Tamburini, etc., say that it suffices to repent of a multitude of venials, without repenting of any one in particular; but Arriaga and Dicastillo contradict them, saying that sorrow concerning at least one of them is necessary. But these opinions are easily reconciled, because it is impossible that he who repents of a multitude should not sorrow for the last things which constitute the multitude."¹⁵⁶ Likewise, it suffices to sorrow for a certain species of venials, or for deliberate ones alone.

¹⁵³Book VI, 435; *H. A.*, XVI, 8; *Op. in Trid.*, sess. 14, c. 2.

¹⁵⁴Book VI, 449.

¹⁵⁵*H. A.*, XVI, 23.

¹⁵⁶*H. A.*, 23; Book VI, 449, doubt 2.

1667. II. Contrition, in order to obtain pardon, must be TRUE, SUPERNATURAL, APPRETIATIVELY SUPREME, UNIVERSAL at least with respect to mortal sins, EFFICACIOUS, and finally must have joined to itself CONFIDENCE of pardon. We say in order to obtain pardon, and this both in the Sacrament and outside the Sacrament; because the aforesaid qualities or CONDITIONS also pertain to the virtue of penance (cf. n. 1644 and 1645).

1. It must be TRUE. "It is necessary," says St. Alphonsus,¹⁵⁷ "that the soul conceive true sorrow, true displeasure, true bitterness concerning sin committed, and that it detest and abhor it." For contrition is called sorrow of soul or of heart, that is, of the will. Therefore contrition, or attrition, which is only thought to exist, even inculpably, does not suffice; nor does the desire of absolution without affection concerning sins, as some wish against the common opinion. And the reason is that true sorrow of the will is an essential part of the Sacrament.¹⁵⁸ - Nor does it suffice to sorrow that you do not sorrow, nor a mere wish of not sinning. Yet Bonacina rightly notes that with the act by which someone sorrows that he does not sorrow for sins, there is usually joined sorrow for the sins, even if the penitent does not discern it.¹⁵⁹
2. It must be SUPERNATURAL, both by reason of the motive from which it is elicited, which must be proposed to the mind by faith, and also by reason of the principle from which it proceeds, which is divine grace, without which no one can repent as he ought. - Hence, if someone sorrowed even most intensely, or in good faith, because his sin is repugnant to reason, or because it deprives him of reputation, health, or some temporal good, he would have merely natural sorrow, of itself plainly inept for obtaining justification, which is of the supernatural order. Hence this 57th proposition was condemned by Innocent XI: "It is probable that natural contrition, provided it is honorable, suffices." Yet the occasion of penance can be natural, as is clear from the example of the Ninevites.
3. It must be APPRETIATIVELY SUPREME, namely so that the offense of God displeases more than any other evil which could have happened to us. The reason is that "as God is the supreme good among all things which are to be loved, so also sin is the supreme evil among all things which men ought to hate."¹⁶⁰ And the same reason runs concerning VENIAL sin; wherefore one must also sorrow supremely for it, that pardon may be obtained from God. We say appretiatively supreme, not intensively; because although it is fitting and to be desired that no end or measure be placed in the detestation of sin, this nevertheless is not required, nor is it in the common power of men.¹⁶¹
4. It must be UNIVERSAL, at least with respect to mortal sins. For the Lord says (Ezek. 18:21-22): "If the wicked man shall do penance for all his sins... I will not remember all his iniquities." The reason is clear: for it cannot be that he who truly sorrows for his sins detests one and takes complacency in another, since he knows that divine friendship is altogether extinguished by every mortal sin. - Yet there are not required, as is more commonly held, individual acts of sorrow for individual sins, which would often be impossible; but it suffices to sorrow for all universally, from a motive common to all, because universal sorrow virtually extends itself to all sins.¹⁶² (cf. n. 1397, 3.)
5. It must be EFFICACIOUS, namely so that it turns the will away from sin and disposes it to doing all things by which relapse is avoided. And to this pertain the words of Ezekiel (18:31): "Cast away from you all your transgressions... and make for yourselves a new heart and a new spirit." (cf. n. 1680, on formal purpose.)
6. It must have joined to itself CONFIDENCE OF PARDON; otherwise it would be similar to the sorrow of the damned in hell, who also repent of their sins, but without hope of remission. But the sorrow of the truly penitent is filled with hope and consolation; because the more a man repents of having displeased God, the more he trusts in divine mercy, and the more his consolation is increased. Hence St. Bernard thus addressed the Lord: "Lord, if it is so sweet to weep concerning Thee, what will it be to rejoice concerning Thee?"¹⁶³

But are EXPLICIT acts of faith and hope required for obtaining grace in the Sacrament of Penance? Some indeed affirm, because sinners are said by Trent to prepare themselves for justification by these acts. But others more commonly deny it, because the necessity of those acts cannot be demonstrated by any sufficient reason. - Yet these opinions can be reconciled very well; for the penitent, by eliciting an act of sorrow, also explicitly elicits, not now reflexively but exercitively, acts

¹⁵⁷ *Instit. catech.*, p. 2, c. 5, n. 13.

¹⁵⁸ Book VI, 433, 2.

¹⁵⁹ *Ibid.*, 6.

¹⁶⁰ Roman Catechism, *De Poenit.*, n. 27.

¹⁶¹ Note. The appretiation of one object is the work both of reason judging one thing to be greater than another, and of the will freely pursuing it as a greater good.

¹⁶² Book VI, 438; *H. A.*, XVI, 12.

¹⁶³ *Instit. catech.*, p. 2, c. 5, n. 18.

of faith and hope; because then without doubt he exercitively believes that his sins will be remitted to him by the power of the Sacrament, and explicitly hopes that pardon will be granted to him through the Sacrament and on account of the merits of Christ.¹⁶⁴

1668. III. Contrition, which is a part of the Sacrament of Penance, must be SENSIBLE in some way, and must be MORALLY UNITED to the other essential parts of the Sacrament. - This is clear from what was said concerning the Sacraments in general (n. 1402 and 1434).

1. It must be SENSIBLE, not indeed so that it redounds into sense or the sensitive appetite; for such sorrow, although it often arises from sadness of the will, is not necessary; but so that it is manifested by some sign, for example through sorrowful confession, through petition for pardon, etc.; otherwise the confessor could not rightly judge concerning the disposition of the penitent (cf. n. 1817, q. 1).
2. It must be MORALLY UNITED to confession and absolution, so that from the diverse parts there may be one Sacrament. Wherefore the following things come to be discussed.

1669. Questions. Q. 1. Whether contrition must PRECEDE absolution?

Resp. Yes; otherwise absolution, which is the form of the Sacrament, would not be applied to its matter and would be invalid. Indeed, neither is contrition altogether safe when it is put off to the point of absolution; because it can easily happen, especially in the confession of the rude, that the form of absolution ends before the act of contrition has been elicited.

Q. 2. Whether contrition must also PRECEDE the ACCUSATION of sins?

Resp. The first opinion affirms it, both because sorrow, as the matter of this Sacrament, must be sensible and is not made sensible except through confession, and because confession ought not to be a simple narration, but a sorrowful accusation. The second and more common opinion denies it, and the Ritual greatly favors this, saying: "The confession having been heard, he will try to lead him to sorrow by efficacious words," namely the confessor. To the first contrary reason it is answered that sorrow is made sensible not only through confession, but also by other signs and words; but to the second it is answered that only this is required: "that confession not be a mere narration of sins, but have the character of a sacramental accusation; and for this it suffices that the confession be made with the mind of obtaining absolution, and that afterward sorrow be manifested at least through petition for, or expectation of, absolution; for thus the confession becomes well sacramental." And the very defenders of the first opinion concede this; whence it is clear that the two opinions differ more in words than in reality, and that the second, understood in the way we have said, is altogether safe.¹⁶⁵ "To calm scruples, confessors are accustomed, if they doubt concerning the internal disposition of the penitent, to excite him to sorrow concerning the sins just explained. This is done if it is said: *I sorrow for and accuse myself of the sins narrated.*"¹⁶⁶

Q. 3. Whether the act of contrition must be elicited IN ORDER TO THE SACRAMENT?

Resp. No, from the more probable opinion; "both because from Trent attrition, however had, suffices, and because sorrow is ordered at least to absolution when it is manifested through confession."¹⁶⁷ - Yet the opposite opinion, which says that an act of contrition, when it was not elicited in order to the Sacrament, must be renewed in confession, is also probable, and therefore is to be held in practice.¹⁶⁸ (cf. n. 1659, end.)

Q. 4. For how much time does an act of sorrow morally ENDURE for receiving the Sacrament validly?

Resp. According to the various circumstances, a longer or shorter space of time must be assigned: 1. If confession is made solely from sorrow for sins, sorrow endures virtually at least for one, or even another, day. - 2. But if it is made from mere devotion, or from precept, from vow, or from the mandate of a rule, a shorter space, for example from morning to evening, ought to intervene. For the rest, in practice it is counseled that the act of contrition always be renewed before absolution.¹⁶⁹

Q. 5. Whether he is bound again to elicit an act of sorrow who immediately after ABSOLUTION confesses a sin omitted through forgetfulness?

¹⁶⁴Book VI, 439; *H. A.*, XVI, 13.

¹⁶⁵Book VI, 445.

¹⁶⁶*Ibid.*, 445 (from the 6th ed.); *H. A.*, XVI, 19; *Conf. dir.*, XV, 7.

¹⁶⁷*H. A.*, XVI, 21.

¹⁶⁸Book VI, 447; *Conf. dir.*, loc. cit.; cf. *Vindic. Alph.*, p. 5, q. 2.

¹⁶⁹Book VI, 446; cf. Konings, n. 1348, q. 5.

Resp. According to the more common opinion, he is not bound; because the prior sorrow, since it is universal, extends itself also to the forgotten sins and perseveres up to the second absolution. - But according to another opinion, still probable and therefore to be followed as safer, a new Sacrament must be confected; because through the first absolution the judgment has already been completed, and therefore a new act of sorrow must be elicited, a new penance imposed, and a new absolution imparted.¹⁷⁰

§ 2. On Perfect And Imperfect Contrition 1670. Every act of contrition, as is already clear from what has been said, requires this for itself, that it be elicited from a truly supernatural motive; and in this respect, indeed, all and each of the acts of contrition generically agree. But because the motives from which they are elicited are of unequal order, and because on account of this inequality some are more perfect and efficacious than others, Theologians, relying on this foundation, distinguish two principal SPECIES OR DEGREES of contrition, one of which they call perfect contrition, and the other imperfect contrition. - Of each, separately, we must now treat.

I. On Perfect Contrition

1671. DEFINITION. PERFECT contrition, or contrition simply so called, is that which is elicited from the motive of divine charity, that is, insofar as sin

is an offense of God, the Supreme Good and to be loved above all things. For divine Goodness, just as on account of its supreme loveliness it draws our will to love of itself, so likewise it moves it to detestation of the evil which is opposed to it. - Hence an act of perfect contrition will be, for example, the following: *My God, with my whole heart I sorrow for all my sins, and they displease me because I have offended Thee, infinite goodness.*

Two things worthy of note must be premised here: 1. Several Theologians probably teach that an act of perfect contrition can be elicited from the motive of any offended divine attribute. For he, they say, who loves divine justice, wisdom, mercy, beneficence, already loves God Himself, since these attributes are God Himself. But others commonly and more probably hold that perfect contrition must proceed altogether from the sole motive of charity, namely from divine goodness contemned through sin, insofar as this is the root and aggregate of all perfections. For, from Trent, contrition must be perfected or informed by charity; but the object of charity is God insofar as He is Infinite Goodness itself, or the infinite Good.¹⁷¹

2. Perfect contrition admits several DEGREES, among which are distinguished: 1. Contrition in a remiss or lowest degree, by which at least mortal sin is excluded from the motive of predominant charity. - 2. Contrition in a perfect degree, or intense degree of reason, by which in addition any venial sin and any affection for it are excluded. - 3. Contrition in the supreme and most intense degree of reason and sense, such as by special grace was granted to some sinners, who died from the vehemence of sorrow. - Yet these diverse degrees are of the same nature, because more and less do not vary the species.¹⁷² (cf. n. 465 seq.)

1672. Principles. I. PERFECT contrition, even in the lowest degree, always JUSTIFIES a man before the Sacrament is actually received. This is proved, 1. from Scripture (Prov. 8:17): "I love those who love me." "Charity covers a multitude of sins" (1 Pet. 4:8). - 2. From Trent, which (sess. 14, cap. 4) teaches "that contrition perfected by charity... reconciles man to God before this Sacrament is actually received."¹⁷³ 3. From the Fathers and Doctors, among whom St. Chrysostom:¹⁷⁴ "Where charity is, all evils have been taken away"; and St. Thomas:¹⁷⁵ "Charity cannot be with mortal sin." 4. From the 32nd proposition of Baius, condemned by Gregory XIII: "That charity which is the fullness of the law is not always joined with the remission of sins." But the theological reason is that an act of perfect contrition is a formal act of charity toward God, or an act intrinsically joined with charity, as is clear from the very definition of contrition.

We said, 1. even in the lowest degree. For it suffices that the love of God attain to the notion of charity, which consists in the love of God for His own sake, above all things. "And the reason is evident," says St. Alphonsus,¹⁷⁶ "because as any aversion from God as from the ultimate end, even in a remiss degree, suffices for losing God's friendship, so any true conversion suffices for recovering it." Hence St. Thomas:¹⁷⁷ "Any contrition is informed by grace making one pleasing;

¹⁷⁰Book VI, 448; H. A., XVI, 22; Conf. dir., XV, 7; cf. Vind. Alph., p. 5, q. 3.

¹⁷¹Book VI, 436; H. A., XVI, 9; cf. Vindic. Alph., p. 5, q. 1.

¹⁷²Cf. St. Alphonsus in Trent, sess. 14, n. 42.

¹⁷³Cf. Book VI, 422.

¹⁷⁴In Ep. 2 to Timothy, homil. 7, n. 3.

¹⁷⁵2.2, q. 45, a. 4.

¹⁷⁶Book VI, 442, Posito igitur.

¹⁷⁷Suppl., q. 5, a. 3, Sed contra.

therefore however small it is, it destroys every fault.” And this opinion seems so certain to our Blessed Doctor that he rejects the opposite altogether as improbable and false.¹⁷⁸

We said, 2. always justifies, that is, even outside the case of necessity. This is likewise certain against Adrian and Cajetan, although the Council of Trent abstained from condemning those authors. It is clear from the condemned 71st proposition of Baius: “Through contrition even joined with perfect charity and with the desire of receiving the Sacrament, guilt is not remitted, outside the case of necessity or martyrdom, without the actual reception of the Sacrament.”¹⁷⁹

1673. II. Perfect contrition of itself does not justify a man except WITH THE DESIRE OF THE SACRAMENT, at least implicit. - 1. This is clear from the very nature of contrition; for, in order that it be true and perfect, there is required the will to fulfill all the precepts of God; but confession is a divine precept; therefore. - To the point Cardinal de Lugo says aptly:¹⁸⁰ “Contrition is said to justify in order to the keys, not because it receives the power of justifying from the Sacrament, but because, when it justifies outside the Sacrament, it has in itself the implicit desire of subjecting mortal sins to the keys; to this a man remains bound even after he has been justified through contrition.” - 2. This is further clear from Trent (sess. 14, cap. 4), where it is declared that the desire of the Sacrament is included in perfect contrition.

We said with a desire at least implicit; for it can happen that a sinner elicits an act of perfect contrition without actually thinking about confession, either from inadvertence or from invincible ignorance; but that ignorance or inadvertence detracts nothing from the merit of charity and contrition. Therefore. - Besides, from Trent the desire which is included in contrition suffices; but what is included in another thing is implicit, not explicit. - Yet if the sinner actually thinks about the precept of confession, he certainly must either confess, or elicit the purpose of confessing; otherwise contrition would not be true, as is evident.¹⁸¹

1674. Several things must be noted here: - 1. Perfect contrition is not the very form which justifies the sinner, but is, in the present providence, the final disposition or final preparation for justification. For, when from actual grace there has been placed in the sinner an act of charity or of perfect contrition, habitual grace is immediately infused into him, by which the man loving God and loved by God is rendered just and a friend of God. This is drawn from Trent, sess. 14, cap. 4, and sess. 6, cap. 7.

2. Contrition, whether considered on the part of charity or on the part of sensible sorrow, can increase to such a degree that it suffices for the FULL DESTRUCTION of fault and punishment; as is clear from the example of the good Thief. For charity, which begets displeasure, can be so greatly intensified in act that the contrition following from it merits not only the removal of fault, but also absolution from every punishment. - Likewise, sensible sorrow, which the will excites in contrition, can be so greatly intensified that it suffices for the destruction of the whole punishment, by way of satisfaction.¹⁸²
3. Most vehement contrition can further bring this about, that it removes the very REMAINS OF SIN. “For St. Thomas teaches¹⁸³ that God sometimes removes the remains of sin successively through His cooperating grace, but sometimes immediately through a great commotion, by which man obtains perfect spiritual health... as is clear concerning St. Magdalene.”¹⁸⁴

Concerning the NECESSITY of contrition, recall what was said at n. 1647.

II. On Imperfect Contrition

1675. DEFINITION. IMPERFECT contrition, or attrition, is detestation of sin which is commonly conceived either from consideration of the turpitude of sin, or from fear of hell and punishments, and which has joined to itself an initial, but not predominant, love of God. - It is elicited, for example, by these words: *My God, because on account of my sins I have lost paradise and have deserved eternal hell, I sorrow above every evil that I have displeased Thee.*

We said, 1. commonly conceived, so that it may be intimated with Trent (sess. 14, cap. 4) that there are also other motives of attrition, as are sadness over the loss of grace and divine friendship, hope of pardon, hope of eternal beatitude, non-predominant love of God, for example on account of His beneficence and mercy; yet all these motives are inferior to charity.

¹⁷⁸Book VI, 442, *Ex his*.

¹⁷⁹Cf. *H. A.*, XVI, 16.

¹⁸⁰*De Euch.*, disp. 3, n. 3.

¹⁸¹Book VI, 437, doubt 4; cf. Lugo, disp. 5, sect. 8, and disp. 8.

¹⁸²St. Thomas, *Suppl.*, q. 5, a. 2.

¹⁸³3, q. 86, a. 5, ad 1.

¹⁸⁴Book VI, 70.

We said, 2. from consideration of the turpitude of sin: namely one made not only according to the dictate of reason, but according to the light of faith; for example if the sinner considers within himself that through sin he has been despoiled of the beauty of grace, has departed from the rectitude of virtue, and leads a life unworthy of a Christian. For unless a supernatural consideration moves sorrow, attrition is not supernatural.

We said, 3. or from fear of hell and punishments; understand fear: 1. honorable, that is, not formally but only materially servile, by which the will of sinning is excluded, as we noted (n. 457, 2); - 2. supernatural, by which punishment is feared insofar as it is inflicted by God, the supreme judge and avenger of sins. For he who sorrowed from fear of disease or infamy coming to himself from sin would not sorrow as he ought (cf. n. 1667, 2).

Whether attrition conceived from fear of temporal punishments insofar as they are inflicted by God suffices? - "Some deny with Cano, Concina, etc., saying that sorrow must arise from fear of eternal punishments, because, since the punishment of mortal sin is eternal, the penitent must conceive sorrow for sins from fear of an eternal evil. - Others with Lugo, Suarez, etc., more commonly and more probably affirm it, from these words of the Council of Trent: 'Attrition is conceived from fear of hell and punishments.' For here the Council distinguishes other punishments from the punishments of hell, in which assuredly all other punishments are included. But because the first opinion cannot be said improbable, in practice we cannot embrace the second."¹⁸⁵

We said, 4. and some initial love of God. For Trent teaches (sess. 6, cap. 6) that sinners, while they are disposed to justification, "begin to love God as the font of all justice, and therefore are moved against sins," etc. But this beginning of love is already had in attrition, both through fear of divine vengeance, according to that saying (Ecclus. 25:16): "The fear of God is the beginning of His love"; and through hope of pardon and eternal beatitude. Hence St. Thomas:¹⁸⁶ "From this," he says, "that we hope goods can come to us through someone, we are moved toward him as toward our good, and thus we begin to love him." Therefore he who approaches the Sacrament with attrition and hope of pardon already begins to love God as his liberator, justifier, and glorifier.¹⁸⁷

1676. Principles. I. Attrition, OUTSIDE THE SACRAMENT, cannot of itself justify a man. - This is clear from Trent (sess. 14, cap. 4), where it is read: "And although without the Sacrament of Penance it cannot of itself bring the sinner to justification, nevertheless," etc. - The reason is that justification consists in perfect conjunction 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 joined by charity.¹⁸⁸

1677. II. Attrition SUFFICES, as the prerequired disposition, for obtaining pardon of sins, even lethal sins, IN THE SACRAMENT of Penance. - This opinion today is morally certain, and the opposite, which requires predominant love, is no longer probable. - It is proved: 1. From Trent (sess. 14, cap. 4), where it is said that attrition disposes to justification in the Sacrament of Penance. These words cannot be understood as though attrition disposes only remotely to justification, as the acts of the other virtues do; for thus it disposes even outside the Sacrament. Therefore it disposes proximately, namely so that grace can be infused through absolution. - 2. From reason: the Sacraments actually work what they signify. Therefore of itself this ought to happen: that when the priest imparts absolution, at that very point of time sins are remitted and the life of grace is conferred on the spiritually dead soul. Now if predominant charity had to be present in sorrow, the Sacrament of itself would never cause grace, because all would approach it already justified, since, according to St. Thomas,¹⁸⁹ every sorrow, however small, proceeding from predominant charity is true contrition justifying of itself; therefore the Sacrament of Penance could no longer be called a Sacrament of the dead, but of the living. The reason of the end for which the Sacrament was instituted is added. "It was necessary," says the Roman Catechism,¹⁹⁰ "that the most merciful Lord should provide for the common salvation of men by an easier way." Now, if attrition did not suffice with the Sacrament, the matter would certainly no longer be so.¹⁹¹ Therefore. - A penitent who is actually attrite is said to become habitually contrite under absolution, because grace, and therefore charity, are conferred on him through absolution, and thus he is made habitually converted to God.

1678. It is asked: Whether one who, IN THE ARTICLE OF DEATH, has confessed with attrition alone, is also bound to elicit contrition?

¹⁸⁵H. A., XVI, 17; Book VI, 443; cf. *Vindic. Alphons.*, p. 5, q. 4.

¹⁸⁶1.2, q. 40, a. 7.

¹⁸⁷Book VI, 442, Objic. 3.

¹⁸⁸Ibid., 440, Objic.

¹⁸⁹Suppl., q. 5, a. 3.

¹⁹⁰*De Poenit.*, n. 36, end.

¹⁹¹H. A., XVI, 14-16.

Resp. "The first opinion affirms with Suarez, Bonacina, etc. But the second opinion, much more common with Lugo, Laymann, etc., denies it; and Suarez calls it very probable, because, granted that the opinion is certain, as has been shown, that attrition alone suffices for confession, he who has confessed with it is already morally certain of divine grace. - This second opinion is very probable; but it cannot be denied that the first is altogether to be advised to the dying; especially because at the end of life we are bound to an act of love, which cannot be satisfied unless we detest sin when it occurs to memory, as is commonly taught."¹⁹²

Article II

On Purpose 1679. DEFINITION. Purpose, which is the other part of contrition, is the fixed and ratified counsel or decree of the will, not to sin any more

in the future. - It is an act of the virtue of prudence. "Penance," says St. Thomas,¹⁹³ "also regards future sin, according as it has something of the act of prudence joined to it... And because of this, he who is contrite sorrows for past sin and guards against future sin."

DIVISION. A TWO-FOLD purpose is distinguished: one explicit or formal, the other implicit or virtual. - The former is had when someone, thinking of future time, expressly enters upon the counsel of not sinning any more; the latter, when someone actually sorrows for his sins without extending his thought to future time; for in such sorrow the will of not sinning any more is already included.

1680. Principles. I. A FORMAL or VIRTUAL purpose of not sinning thereafter is of the essence of the Sacrament of Penance. - This is clear from what was said concerning contrition; for this, in order that it be appetitatively supreme, must exclude every affection for sin and every will of sinning; but this is nothing other than the purpose of not sinning any more in the future; therefore.

It is asked: Whether in the Sacrament of Penance a VIRTUAL or IMPLICIT purpose in sorrow suffices?

Resp. There are three opinions. - The first denies it with Scotus, Cano, Cajetan, etc., because although sorrow necessarily includes purpose, nevertheless Trent seems in fact to require a formal purpose, saying: "with the purpose of not sinning thereafter." - The second, with Lugo, etc., affirms it, namely if sorrow is elicited from a universal motive. This rests likewise on the authority of Trent, saying "that attrition, if it excludes the will of sinning, with hope of pardon, already disposes man to obtain grace in the Sacrament." Finally, the third opinion, which Holzmann holds, distinguishes and says: If the penitent thinks nothing of the future, as is accustomed to happen with the sick near death, an implicit purpose suffices. But otherwise, if he thinks of the future, in which case he must formally propose amendment, because according to Trent each one ought through penance to begin a new life. Thus St. Alphonsus.

"These two last opinions are indeed more probable; but because the first does not lack its probability, in practice before the fact the SAFER is to be followed"; indeed even after the fact, if it is certain that explicit purpose was lacking; for he who certainly committed grave fault is bound to fulfill confession of it, not only probably, but also certainly validly.¹⁹⁴ (cf. n. 427, Hence 2.) - Yet, says Scavini,¹⁹⁵ "in practice no one ought to be disturbed about this; since it scarcely, and not even scarcely, happens that a truly contrite penitent omits even an explicit purpose, although he does not reflect on this, which is not necessary."¹⁹⁶

1681. II. There are three conditions of a true purpose, namely that it be FIRM, UNIVERSAL, and EFFICACIOUS. - Thus all.

1. The purpose must be FIRM. This imports that the penitent has a will altogether deliberate not to relapse into fault, and is disposed in soul so that he would not wish to admit sin in the future from fear of any evil, or from desire of any good. - Such a disposition is required for true conversion, as is clear; because the will of sinning must be abolished absolutely and for any case whatever.¹⁹⁷

It is asked: Whether purpose can be firm with FORESEEING of relapse?

Resp. 1. He who fears relapse because of experienced mutability of his will is not therefore to be judged to lack firm purpose; for theologians commonly say that a serious will of not relapsing can stand with fear of a fall from human frailty.

¹⁹²H. A., XVI, 11; Book VI, 437, doubt 2; cf. Sporer, *Theol. Sacram.*, p. 3, c. 2, sect. 2, n. 192.

¹⁹³Suppl., q. 2, a. 4.

¹⁹⁴Note that here there is a doubt of law, and indeed of divine law.

¹⁹⁵Book III, n. 292.

¹⁹⁶Cf. *Vindic. Alph.*, p. 5, q. 6.

¹⁹⁷Book VI, 451.

- Hence, a confessor would certainly err who refused absolution to a truly disposed penitent because he foresees that he will relapse. But on the contrary:

Resp. 2. He who certainly believes that he will relapse cannot prudently be held as disposed. "I do not deny," says St. Alphonsus¹⁹⁸ against many, "that, speculatively speaking, firm purpose of the will could well consist with knowledge of relapse; but when someone certainly believes that he will relapse, practically he gives a certain suspicion that the purpose of his will is not sufficiently firm; for it is impossible that someone firmly propose to amend himself, knowing that God does not deny His helping grace to one doing what is in him, and nevertheless, these things notwithstanding, believe certainly that he will return to his sins. Hence Croix rightly says that such a penitent, before he is absolved, must be disposed so that he hopes he will be freed from sins, not through his own powers, but through the help of God." (cf. n. 539.) But to prove the firmness of purpose, "it is not necessary, indeed it is NOT EXPEDIENT, to make particular comparisons, for example: I would rather suffer this or that evil than sin mortally; because they are dangerous. And much less is it expedient to choose hell rather; because according to the present providence of God, since hell is destined for those who are confirmed in sin through eternal hatred toward God, man would incongruously choose hell in order to avoid sin, in which he could not remain without sinning."¹⁹⁹

2. The purpose must be UNIVERSAL, at least concerning mortal sins. Thus all with St. Thomas.²⁰⁰ "Nor are certain authors to be heard who think that, just as particular sorrow is valid, so also particular purpose is valid; for it is answered that particular sorrow is admitted because sorrow regards only sins committed; but particular purpose cannot be admitted, because anyone must be prepared to avoid all mortal sins which he can commit; and therefore Trent, speaking of sorrow, says: 'Sorrow is detestation concerning sin committed'; but speaking of purpose, it says, 'with the purpose of not sinning thereafter.'"

"It was said concerning mortal sins; because with respect to venials, it is certain with St. Thomas that it suffices if the penitent proposes to abstain from some one, saying, for example, I propose not to lie any more, without proposing to abstain from the rest. For the rest, a man can propose to avoid all deliberate venial sins; and as regards indeliberate sins, it suffices to propose to avoid them insofar as human frailty permits, as the same Angelic Doctor says."²⁰¹ (cf. n. 1667, 4.)

3. The purpose must be EFFICACIOUS, that is, have force for doing what is proposed. "Therefore it is necessary that the penitent propose not only to avoid sin, but also to apply the means for avoiding sin, and notably the proximate occasions of sinning, as is commonly taught."²⁰² But concerning these there will be a longer discourse where the office of the confessor is treated (cf. n. 1821).

Meanwhile let it be noted: 1. "It is not always true that only then is purpose efficacious when that which is proposed is carried out; otherwise, as often as the penitent relapsed, so often would he be bound to repeat confessions; for relapse is not always a sign of an infirm purpose, but often only a sign of a changed will. Thus Peter truly proposed rather to die than deny Christ, and nevertheless at the first voice of the maidservant he denied." Thus St. Alphonsus against the Rigorists.²⁰³

2. A defect of true purpose is discerned more from neglect of the means than from multiple relapse; because it is easier to apply remedies than to abstain from sin, on account of the vehement propensity into it from custom.²⁰⁴ But when relapse into sins is to be held as a morally certain argument of a vicious purpose will be explained below, where Recidivists are treated (n. 1828).

Chapter II

On Confession

1682. SACRAMENTAL CONFESSION is the accusation of one's own sins, made to a priest legitimately approved, for receiving their pardon by the power of the keys. - By the power of the keys, that is, by force of the power which the priest received from Christ the Lord of remitting sins, by opening heaven and closing hell.²⁰⁵ (cf. n. 1651.)

¹⁹⁸Ibid., 451.

¹⁹⁹Ibid., 433, 7.

²⁰⁰3, q. 87, a. 1, ad 1.

²⁰¹H. A., XVI, 25; Book VI, 451, 2.

²⁰²Ibid., 451, 3.

²⁰³Ibid., 3.

²⁰⁴Cf. Billuart, *De Poenit.*, diss. 6, art. 10, § 6, Obj. 7.

²⁰⁵Cf. St. Thomas, Suppl., q. 17 sqq.

That all things pertaining to this matter may be treated suitably, we shall speak: 1. of the necessity of confession; 2. of its conditions; 3. of invalid confessions and those to be repeated.

Article I

On The Necessity Of Confession Confession is prescribed both by divine law and by ecclesiastical law. Wherefore the following things are established:

1683. Principles. I. Sacramental confession, by DIVINE law, is NECESSARY for salvation for all who have fallen into mortal sin after Baptism. For it is of faith that confession is of divine institution (n. 1650).

Hence: 1. No baptized person can be saved after a grave fall unless he has at least the implicit desire of confessing; for no one can be saved unless he wishes to fulfill all the commands of God (cf. n. 1652).

2. Only the baptized who are guilty of mortal sin are bound, of themselves, to confession; for only mortal sins committed after Baptism are the necessary matter of the Sacrament of Penance. We say of themselves, because accidentally it can happen that those guilty only of venials are bound to confession, for example by reason of scandal which could arise in the time of precept; or by reason of danger of falling into presumption or into graver sins, especially as the danger of death approaches.

1684. This precept: 1. Obligates of itself in danger, and so much more in the article, of death; likewise, in foresight of some probable case which can afterwards take away the faculty of confessing, lest it happen that this precept is never fulfilled, and lest those things which by divine precept are necessary for salvation be neglected, among which sacramental confession is numbered. Thus he is bound to confess who is “entering a dangerous voyage or conflict; a delicate woman about to give birth for the first time, or one who is accustomed to have difficult births; one condemned to death; a sick person who has signs of natural death”; likewise a sinner, if he probably believes that he will no longer have the availability of a confessor through his whole life. But otherwise, if he fears only forgetfulness of sin.²⁰⁶

It is doubtful whether it obligates, of itself, more often in life. - St. Thomas, Scotus, and others deny it, because the sinner can be reconciled to God through contrition. - But the Salmanticenses, Croix, and others more commonly affirm it. And this seems more probable, because according to what was said concerning the similar precept, namely of Communion, since the precept is divine, Christ left it to be determined by the Church, which determined that it obliges at least once a year.²⁰⁷

2. It obligates accidentally: 1. if one about to receive the Eucharist is in mortal sin (cf. n. 1548); - 2. if it is necessary for overcoming a grave temptation, or for extirpating an evil habit; 3. if someone must be in the state of grace, for example for receiving or administering some Sacrament, and cannot elicit perfect contrition, or is not morally certain concerning it; - 4. if within a year one defiled by mortal sin does not become contrite; for he is bound to confess by reason of charity toward himself, lest he remain long in mortal sin; yet it is common that he is not bound immediately after sin.²⁰⁸ (cf. n. 1647.)

1685. II. The ECCLESIASTICAL precept, issued by the Fourth Lateran Council, sounds thus: “Every faithful person of either sex, after he has come to the years of discretion, shall faithfully confess all his sins at least once a year to his own priest, and shall strive according to his own strength to fulfill the penance enjoined on him.” This precept was afterward confirmed by Trent in sess. 14, cap. 5.

It is said, 1. Every faithful person; it is understood, every baptized person, even a heretic or apostate, unless inability excuses them.²⁰⁹

It is said, 2. after he has come to the years, etc.; it is understood, one who has come to the knowledge of God, at least in a crude way, and has deserved eternal punishment for himself through mortal sin. Wherefore: 1. Children are bound by this precept, even before the seventh year, if, having already attained the use of reason, they have sinned gravely. In doubt, let them be absolved under condition, lest perhaps they remain in mortal sin and be deprived of sacramental grace. 2. Confessors err gravely who never absolve children committed to them before the age of first Communion; for one

²⁰⁶Cf. Panzuti, book 6, n. 269.

²⁰⁷Book VI, 663.

²⁰⁸Ibid., 437, doubt 1, and 663.

²⁰⁹H. A., XII, 35.

discretion suffices for sin and for confession, and another is required for Communion.²¹⁰ Pope Pius IX openly reprobated this dangerous use prevailing in some places.²¹¹ (cf. n. 1663, q. 5, Rule II.)

It is said, 3. all his sins. Here the question is raised whether those who have not sinned mortally in that year are bound to confess within the year. Sylvester and others with St. Bonaventure affirm; but the common and truer opinion

denies it with St. Antoninus, Suarez, etc., because the Church, in prescribing confession, prescribes that confession which is to be made according to the institution of Jesus Christ. But the Lord prescribes only the confession of mortals, as Trent declared (sess. 14, cap. 5). And this very thing is deduced from the cited text *Omnis utriusque*; for by prescribing confession of all sins, it certainly understands the confession of mortals only, because it is certain among all that there is no obligation of confessing all venials.²¹²

It is said, 4. once a year. "This year properly ought to begin from January and end in December; but, according to common custom, it is taken from Easter to Easter."²¹³ Hence: 1. He who, when the time of Easter has already begun, foresees that he will not in the future have the convenience of confessing through the whole year, must anticipate confession, if he has sinned mortally, because he has already contracted the obligation. - 2. But he who has not satisfied the precept within the year, even involuntarily, is bound, from the more probable and more common opinion, to satisfy it as soon as possible in the following year; because the term is not set to end the obligation, but to urge it; and therefore, as often as he neglects an offered occasion, so often does he sin mortally, as Suarez, Lugo, etc., probably say; and the reason is that "that sin does not persevere in some effect, but only in an evil purpose, because of which sins are now multiplied when it endures for a long time."²¹⁴ Yet the opposite opinion, which says there is one sin, is not to be condemned (cf. n. 328, Rule 2).

It is said, 5. shall faithfully confess; and therefore satisfaction is not made through an invalid confession, and much less through a sacrilegious one. For this reason, the 14th proposition, which said: "He who makes a voluntarily null confession satisfies the precept of the Church," was deservedly condemned by Alexander VII.²¹⁵ Nor is satisfaction made, as Gousset rightly notes, by a confession in which absolution is not given; because reconciliation with God is prescribed, not a new accusation of sins.²¹⁶

It is said, 6. to his own priest, namely to any approved priest.²¹⁷ "One's own priest," says the Angelic Doctor,²¹⁸ "is not only the parochial priest, but also the Bishop or Pope; hence he who has confessed to his Bishop, or to someone holding his place, has confessed to his own priest." And the S. C. of Bishops declared in the year 1584 that if a Bishop ordered that no Confessor at Easter hear the confessions of penitents without license of the Curate, no account was to be taken of such a decree.²¹⁹

1686. Questions. Q. 1. Who are EXCUSED from the precept of confession?

Resp. The following are excused: 1. those who are in physical inability; for example, those who do not have the availability of a confessor, or those who are absolutely ignorant of the confessor's language; 2. those who are in moral inability, for example those who prudently fear revelation of the seal, or who cannot confess without notable inconvenience of life, fortune, etc. But once the cause has been removed, they are bound as soon as possible to fulfill the precept. - The sick, to whom a confessor can be called, are not excused.²²⁰

Q. 2. Whether a penitent who in the following year confesses the sins of the past year satisfies the precept of both years?

Resp. Some affirm, but others deny. Yet the truer opinion thus distinguishes: 1. If he confesses the mortal sins both of the past and of the present year, he satisfies both obligations; because he fulfills the whole end of the precept, which is reconciliation with God. 2. If he confesses only the grave sins of the past year, for example because in the current year he has only venials, he satisfies only for the past year. - Hence, if after the confession has been made he falls into mortal

²¹⁰Book VI, 432 and 666.

²¹¹Cf. *Analecta J. P.*, series 92, p. 1008.

²¹²*H. A.*, XII, 35, and Book VI, 667.

²¹³*H. A.*, *ibid.*; Book VI, 662.

²¹⁴Book VI, 668; *H. A.*, XII, 36.

²¹⁵*H. A.*, XII, 35; Book VI, 672.

²¹⁶Gousset, *Theol. mor.*, II, n. 414.

²¹⁷Book VI, 564 and 574.

²¹⁸Opusc. XIX, *contra impugnantes Relig.*, cap. 4, vers. fin.

²¹⁹Benedict XIV, *De Syn.*, book 11, cap. 14.

²²⁰Book VI, 673.

sins, he is bound to confess again, so that he may satisfy the precept of the present year.²²¹

Q. 3. What are the PENALTIES imposed upon transgressors?

Resp. In the chapter *Omnis utriusque* it is thus sanctioned: "Otherwise, while living, let him be barred from entrance into the church, and, dying, let him lack Christian burial." But those penalties are not incurred except after the sentence of the judge. The prepubescent are universally excused, from the common interpretation of the Doctors.²²²

Note. Several Doctors say that Religious and Nuns are bound under grave obligation to make confession EVERY MONTH, even if they are not subject to grave sins, from the Clementine *Ne in agro*, § *Sane. De statu monach.* - But more commonly it is taught that this is not grave, unless it is clear that the constitutions of the Religion oblige under grave obligation. Indeed Suarez says that the aforesaid decree does not import a precept, but only counsel. And Trent, sess. 25, cap. 10, intimates the same thing both for confession and also for Communion.²²³

Article II

On The Conditions Of Confession 1687. There are four conditions of confession, namely: it must be VOCAL, SECRET, TRUE, and INTEGRAL.²²⁴ A few things must be said about the first three conditions; but more about the fourth.

I. Confession must be VOCAL, that is, it must not be made in writing or by sign, but by the voice of the penitent himself, as is clear both from the common use of the Church and from the Bull of Benedict XI *Inter cunctas*, in which (§ 1) it is said: "Unless an article of necessity occurs, confession of the mouth must be made to the priest." - Except if there is a grave cause, for example excessive and extraordinary shame, or an impeded tongue, and things of this sort; because in such a case it suffices, after the confessor has read the confession, that the penitent say: "I accuse myself of all these sins." Thus commonly.²²⁵

Let it be noted: 1. He who cannot confess by voice, for example a mute, is bound at least to confess by signs or writing as often as he can do so conveniently and without danger. The reason is that he who is bound to an end is also bound to means that are not difficult.²²⁶ And thus teaches the more probable and common opinion with St. Thomas.²²⁷ - 2. He who without grave cause makes the whole confession by nod or in writing sins mortally, and consequently is not absolved, unless good faith excuses him.²²⁸

1688. II. Confession must be SECRET, or auricular, that is, made to the priest alone; not indeed from necessity of the Sacrament, but from the use of the Church. - Public confession through an interpreter is indeed licit if it is done from a reasonable cause and abuse is guarded against; but it does not seem ever to oblige of itself, by force of divine or ecclesiastical precept; hence it must never be imposed.²²⁹ - Except if a sinner placed in the article of death and not able to confess secretly doubted whether he was perfectly contrite; in this case he would be bound, from charity owed to himself, to choose what is safer; but with universal attrition it would suffice to confess one or another less infamous sin, or even only venial fault.²³⁰

Let it be noted: 1. Public confession, which once flourished in the Church, was not sacramental except insofar as it was imposed as satisfaction and reparation for sins previously confessed to a priest. 2. If someone wishes to confess integrally through an interpreter, care must be taken that responses be given by signs rather than by words, namely so that the interpreter does not understand them. The interpreter must also be warned of the obligation of observing secrecy.

1689. III. Confession must be TRUE, or faithful, that is, stained by no hypocrisy or falsity, so that the penitent does not fall short in rightly declaring sins committed, nor exceed in exaggerating them or in adding fictitious faults. This sincerity is required absolutely in grave and necessary matter; otherwise in free matter, or matter not necessarily pertaining to the present judgment of the confessor.

²²¹Ibid., 669; *H. A.*, XII, 37.

²²²Book VI, 674; *H. A.*, XII, 38.

²²³*H. A.*, XVI, 2.

²²⁴Cf. St. Thomas, Suppl., q. 9, a. 4, where 16 conditions are required for perfect confession.

²²⁵*H. A.*, XVI, 27; Book VI, 429, 493.

²²⁶Book VI, 479; cf. *1 Elench. qq. ref.*, n. 78.

²²⁷In 4, dist. 17, qu. 3, a. 4, solut. 3, ad 2m.

²²⁸Book VI, 429, 493.

²²⁹Cf. *Collect. S. Sedis*, n. 476-479.

²³⁰*H. A.*, XVI, 27, 35; Book VI, 494.

Hence: 1. It is a GRAVE sin containing the malice of pernicious lying and sacrilege to deny in confession a mortal sin not yet confessed, or to cover it in such a way that it cannot be understood by the confessor; or to confess what is certainly mortal as doubtful; or to increase the number of mortal sins, unless perhaps this is done from scruple, from disturbance of soul, or from simplicity, as often happens.

2. It is of itself VENIAL falsely to accuse oneself of a light sin which was not committed, or to deny a venial sin which was committed; likewise, to deny a mortal sin which has already been accused; or to narrate a false story which is extraneous to confession. But accidentally such lies would be mortal sins and would render the Sacrament void, if the penitent denied things which he is bound to confess for the confessor's judgment to be rightly formed, for example with respect to an evil habit, proximate occasion, if he brought fictitious matter of absolution, etc.²³¹
3. There is no sin, nor is sincerity harmed, speaking of itself, "if someone, after having fallen more gravely, first confesses this to another, and then only venials to his ordinary confessor; unless, however, on that occasion he remains in a moral occasion of sinning, or goes around for this reason, that he may sin more freely; for then he will sin gravely, and on account of the defect of attrition, the confession will be null."²³²

It is asked: Whether sins ALREADY CONFESSED must necessarily be distinguished from sins NOT CONFESSED?

Resp. No, of itself. But otherwise, if this were necessary "on account of a proximate occasion to be removed, or on account of a reserved case, or on account of another circumstance," for example so that the confessor can render a just judgment and impose a congruous penance (cf. n. 1716). "Yet it is safer to separate new sins from old ones."²³³

1690. IV. Confession must be INTEGRAL, that is, it must comprehend all things which, from the will of Christ, are to be declared in sacramental confession (cf. n. 1656).

A twofold integrity is distinguished, namely material and formal. Confession is materially integral when in it are set forth all and each of the mortal sins committed after Baptism and not yet directly remitted by the power of the keys. It is formally integral when the penitent sincerely declares all things which, here and now, in view of the circumstances, he can and is bound to accuse, although some sins are omitted from forgetfulness, or invincible ignorance, or on account of another just cause.

But since this question is of great moment, it must be carefully weighed. And therefore we must treat: 1. of material integrity; 2. of formal integrity; 3. of the manner of procuring integrity.

§ 1. On The Material Integrity Of Confession 1691. Principles. I. MATERIAL integrity in confession is NECESSARY from divine precept, but not from the necessity of the Sacrament.

Thus all. The FIRST is clear: 1. From Trent, sess. 14, can. 7: "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 with 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 sin: let him be anathema." 2. From reason; for without such integrity, neither can sacramental judgment rightly be exercised, nor equity be preserved in establishing punishments.²³⁴ The SECOND is proved from these words of the same Council (sess. 14, cap. 5): "The other sins which do not occur to one thinking diligently are understood to be included in the same confession in general." From this declaration it is clear that formal integrity sometimes suffices, and material integrity is not always required (cf. n. 1697).

From these things you will deduce: 1. Since the precept of material integrity is positive, it sometimes admits excusing causes, and to it, as to other positive precepts, that general rule can be applied: "A doubtful law does not oblige." 2. Nevertheless accidentally, or indirectly, material integrity is also required for the value of the Sacrament, as often namely as it can be had physically and morally. The reason is that transgression of the precept, when it becomes voluntary and culpable, also takes away formal integrity, and thus redounds into an essential defect and renders the confession invalid and sacrilegious.

1692. II. In order that confession be materially integral, there MUST BE EXPRESSED the species and number of all mortal sins, the circumstances changing the species, the external act of sin, and the morally evil effect of sin. This is clear from the praised words of Trent and from other arguments to be expounded below.²³⁵

²³¹Book VI, 495-497; *H. A.*, XVI, 28.

²³²Book VI, 471, 5.

²³³*H. A.*, XVI, 4; Book VI, 425; cf. Lugo, disp. XVI, n. 46.

²³⁴Book VI, 465.

²³⁵*Ibid.*, 465-470; *H. A.*, XVI, 29.

We said, 1. species, namely the lowest species, such as is set forth in the Treatise on Sins (n. 324); otherwise mortal sins would not be declared as they are, since not all agree in one genus of malice. Hence the 25th proposition was condemned by Alexander VII: "He who has had intercourse with an unmarried woman satisfies the precept of confession by saying: I committed with an unmarried woman a grave sin against chastity, without explaining intercourse."

But he who cannot reveal the lowest species

is bound to reveal the superior, or generic, species; for example if someone knows that he sinned against chastity, but does not remember the specific sin, he is bound to say that he gravely offended against chastity. Likewise, he who knows that he sinned mortally, but is ignorant even of the generic species of the sin, ought to say that he sinned gravely, but does not remember of what sin he is guilty.

We said, 2. number; for the Council says that individual sins are to be confessed. Therefore, if a certain number can be had, it must be indicated so that it is neither increased nor diminished. - If a certain number cannot be had, the more likely number must be indicated, with this word added: *about*. If the more likely cannot be had, it suffices to say about how often the sin was committed in a day, in a week, in a month, or even in a year. - But if even this cannot be indicated, at least it must be said whether consent was always given, and whether the temptation or occasion of such sin often occurred.²³⁶ (cf. n. 1705.)

But it must be noted: 1. He who, after a confession made in good faith, discovers that the true number is greater than the approximate one which he denoted with the particle *about*, is not bound to confess the true number again as often as it was contained in the approximate one. But this is to be judged from the arbitration of the prudent. Behold the NORM which St. Alphonsus hands down:²³⁷ "About three, understand two or four; about 10, understand 8 or 12; about thirty, 27 or 33; about one hundred, 95 or 105; about one thousand, 950 or 1050." From this general norm you will conclude that the included number increases the more, the greater the number denoted by the particle *about* has been. 2. He who discovers that the number is less is not bound to retract himself, both because by exaggerating the number in good faith he did not sin, and because thus he harmed no one except himself alone. 3. He who expressed a certain number without the particle *about*, saying for example, *I blasphemed three times*, and afterward remembers that he blasphemed four times, is bound to declare this omitted time, because it was not included in the accusation.

We said, 3. circumstances changing the species; for it is of faith that these also must be declared with the number and species of sins, as is clear from Trent (loc. cit.); and the reason is that they constitute a special malice. Understand this if the malice of a diverse species which the circumstance induces is grave; for if it is light, for example the light irreverence of one who in church steals another's book, it is not necessary to express it in confession, as is established concerning venials.

And this same thing must be said of those circumstances which are called general, such as ingratitude toward God, disobedience, sloth, etc.; for from the very fact that they are general and common to any mortal sin, they are already understood of themselves. It is otherwise, however, if they were formally and reflexively intended.²³⁸ (cf. n. 180, q. 2, and n. 302.)

We said, 4. the external act of sin; because it perfects the internal act and differs from it morally; hence, without declaration of the external act, for example fornication, the confession of sin would not be integral.²³⁹ - Besides, without declaration of the external act the confessor could not, for the most part, discharge his office as is fitting concerning absolution to be granted or deferred, admonitions to be given, etc. This is also clear from the universal custom of the faithful, which explains the law in this sense (cf. n. 328).

We said, 5. and the morally evil effect, namely one which followed from a cause advertently placed and not retracted. Thus, for example, he who inflicted a lethal wound from which death followed must say: *I committed homicide*. Likewise, he who made himself drunk, foreseeing that because of drunkenness he would omit Mass, is bound to confess both the drunkenness and the omission of the Sacrifice. The reason is that such an effect, as being evil and indirectly willed, is a sin in itself according to the truer opinion, and therefore the same reason stands for its accusation as for the accusation of the external act of sin (cf. n. 314). Exception is made if before the effect the perverse will had been retracted; because in this case the effect follows merely materially and is not morally evil; hence it is probable that the penitent is not bound to confess it.²⁴⁰ (cf. n. 322, q. 2; n. 760, q. 5; n. 796.)

²³⁶ H. A., XVI, 103, IV.

²³⁷ Book VI, 466.

²³⁸ Suarez, disp. 22, sect. 4, n. 15.

²³⁹ Cf. Book V, 42; St. Thomas, 1.2, q. 72, a. 7, and Lugo, disp. 16, n. 437.

²⁴⁰ Cf. Book IV, 149, and V, 10; cf. Salm., tr. 20, cap. 10, n. 28; Lugo, disp. 16, n. 439.

These things having been explained, it remains that we weigh two questions of great moment: namely, 1. whether notably aggravating circumstances within the same species must be declared; 2. whether doubtful sins must be declared.

I. On Aggravating Circumstances

1693. Circumstances are called notably aggravating when they increase not lightly the malice of the sinful act within the same species, for example by reason of duration, intensity, degree, manner, time, person, place, etc.

Now, it is certain that aggravating circumstances must sometimes be declared: 1. by reason of censure or reservation, for example if theft is reserved when it reaches such a quantity, if the striking of a cleric was grave or enormous, etc.; - 2. by reason of the number of sins, and thus the circumstance of length of time through which hatred or concupiscence toward a woman endured must be declared; because, from the nature of passion, a longer space becomes a circumstance multiplying sins, as was seen in the Treatise on Sins (n. 328); - 3. by reason of necessary direction, namely when the confessor asks about custom, occasion, or even the obligation of restitution. Thus all (cf. 1689).

But, apart from a reason of this sort, which is accidental, Theologians dispute gravely on both sides whether circumstances NOTABLY AGGRAVATING must be opened necessarily and of themselves. - There are three probable opinions. - The FIRST, which Suarez, Soto, Gonet, Sanchez, Concina, etc., hold, and which the Roman Catechism with the Ritual seems to favor, affirms, saying that the same reason which obliges one to open circumstances changing the species also obliges one to open aggravating circumstances, because both notably change the judgment of the confessor. The SECOND, which Laymann, Sporer, Busenbaum, etc., hold, similarly affirms, but restricts the obligation only to those circumstances which regard the substantial integrity of the sin in the individual, as is the quantity of theft and the degree of conjunction in incest; otherwise, they say, the confessor cannot form for himself a due judgment concerning the substance of the sin. Finally the THIRD opinion, more common and more probable, absolutely denies with St. Thomas, St. Antoninus, St. Bernardine of Siena, Scotus, Navarrus, Lugo, the Salmanticenses, and not a few others. The reason is: 1. because the Council of Trent mentions no other circumstances to be opened except those which change the species of sin; therefore it seems not obscurely to intimate that their manifestation suffices for this, that the Confessor form for himself a right judgment concerning the gravity of crimes and the punishment to be imposed. For here not every equality, but only a certain equality, is required; 2. because otherwise penitents would always fluctuate among anxieties, since they could always doubt about the integrity of their confessions in determining which circumstances are, and which are not, notably aggravating; - 3. especially because no one must be obligated to observing a doubtful law, as we have often said; but the law of confessing notably aggravating circumstances is at least doubtful, since very grave Doctors dispute on both sides; therefore.²⁴¹

Nor is it an obstacle here to say that in the matter of the Sacraments we cannot follow only probable opinions; because this proceeds when the value of the Sacrament is at issue, but otherwise concerning integrity; and as regards value, it is certain that formal integrity suffices.²⁴²

1694. We note: 1. Ordinarily it is expedient to open the more notable circumstances in confession; for this contributes not only to greater peace and humility of soul, but also to obtaining more abundant grace. Therefore the Christian faithful are usefully exhorted to open such circumstances generally, although they are not obligated to this. - Yet except shameful matter, in which this is very rarely expedient. Indeed the confessor would be a scandal to the penitent and would create danger for himself if, without just cause, he inquired about circumstances of this sort.

2. "Of diminishing circumstances, only those must be explained which either altogether remove malice, or make mortal into venial, as smallness of matter, indeliberation, etc., for example if on Friday, in ignorance, you had eaten meat, or which otherwise notably change the judgment of the confessor, at least as to species."²⁴³

It is asked: Whether the penitent must declare the number of PERSONS with whom he sinned?

Resp. No, of itself. The reason is that it suffices to declare the number of sins with their various species; but a sin does not change species from the fact that it was perpetrated with several persons. Hence, he who has fornicated with three different women, or three times with the same woman, satisfies by saying that he fornicated three times; nor is he bound to say whether they were prostitutes or others. Yet if he is in a proximate occasion of sin, for example because he sinned several times with the same person, he is bound to open such a circumstance. Thus commonly with Bonacina,²⁴⁴ Croix,²⁴⁵

²⁴¹Book VI, 467-468, v. *Nec obstat*, and n. 585, doubt 3.

²⁴²*H. A.*, XVI, 29, end.

²⁴³Book VI, 471, 6.

²⁴⁴*De Poenit.*, qu. 5, diffc. 3, n. 14.

²⁴⁵*Ibid.*, n. 1040.

etc.

Note. Whether the circumstance of sacred time in which a sin was committed must be manifested, see n. 580, end. - Whether the degree in incest must be manifested, see n. 786.

II. On Doubtful Sins

1695. The penitent can doubt: 1. Whether he has confessed a sin certainly committed; 2. Whether he has committed a grave sin certainly to be confessed, namely being uncertain either about the fact itself or about the gravity of the fact. Wherefore the following rules must be established:²⁴⁶

Rule 1. If it is doubted whether a sin certainly committed has been declared in confession, it must be declared. The reason is that the certain obligation of confession possesses in this case, and therefore satisfaction is not made to it by doubtful confession. And all agree in this opinion if a negative doubt is at issue. - But if the doubt is positive, namely so that the confession of the sin is equally probable with its omission, although several deny the obligation of confession, St. Alphonsus nevertheless affirms it, relying on this reason, that satisfaction is not made to a certain obligation except by fulfillment at least morally certain.²⁴⁷ (cf. n. 96 and 97.) “Nor yet do I reprove,” the Blessed Doctor adds,²⁴⁸ “what those authors hand down, namely that he who was diligent in confessing his sins, if afterward, after much time has elapsed from when he perpetrated it, he doubts whether he omitted some sin, is not bound to confess, since he can believe, in that case, morally certainly that he has already confessed it. And Concina adds: ‘Those who have led a right life for a longer time, although before they had been habituated in vices, if afterwards they doubt that they omitted some sin or circumstance in a general or particular confession, due diligence having preceded, the confessor ought to impose that they no more confess concerning those things, and that they never apply the mind to them.’” If scruples are at issue, see n. 1838.

Rule 2. If it is doubted whether a sin was committed, or whether it reaches mortal sin, and after due inquiry the doubt cannot be overcome: from the more probable opinion, whether the doubt is negative or even positive, from nearly equiprobable conjectures, there is not, I say, an obligation of itself of confessing such a sin. The reason is: 1. because the Council of Trent does not impose, as the adversaries suppose, the confession of sins as they are in conscience, but of sins of which penitents have consciousness, that is, certain knowledge or memory; - 2. because a certain burden is not to be imposed for a doubtful offense, nor, in doubt whether a law exists, is the obligation of the law present, as Benedict XIV wisely says.²⁴⁹ And this runs even if someone wished to communicate, as we have already said (n. 1548, dic. 2).²⁵⁰

It was said of itself, for: 1. in the article or danger of death, if someone positively doubts whether he is guilty of grave sin, “he must either elicit contrition, or receive absolution, by confessing at least other certain matter.”²⁵¹ - 2. In a practical doubt whether something is licit or not, the penitent must seek counsel, lest afterward he act in bad faith and sin gravely (cf. n. 42).

1696. St. Alphonsus admonishes,²⁵² writing: 1. In practice, ordinarily speaking, it is more advisable to persuade penitents, for greater quiet of their conscience, to confess all doubtful sins, provided they are not scrupulous. 2. Those who are of a timid conscience, and for a long time have never, or only very rarely, sinned mortally, when they doubt whether they consented to a temptation, especially if they remember that, when the temptation rushed in, they resisted; or when they doubt whether they were in perfect wakefulness: these can hold as certain that they did not sin mortally, since it is morally impossible that the will, confirmed in a good purpose,

is changed without such a change becoming clearly known.

3. If sinners who from an evil habit consent to temptations doubt whether they consented, they are presumed to have consented and are bound to confess; because, if they had resisted, they would certainly remember the effort in repelling the temptation. Therefore a mere doubt about consent given or denied scarcely ever subsists (cf. n. 337, q. 3).

It is asked: Whether he who has confessed some mortal sin as DOUBTFUL is bound afterward to repeat it when he recognizes it as CERTAIN?

²⁴⁶Cf. Book VI, 473-478; but cf. *Istruz.*, XVI, 30-34, where there are later corrections; likewise *Conf. diretto*, XIV, 12, and XV, 17.

²⁴⁷2 *Elench. qq. ref.*, n. 16 and 18.

²⁴⁸*H. A.*, XVI, 33; Book VI, 477 (from the 5th ed.).

²⁴⁹*Instit. or Notif.*, 80, n. 19.

²⁵⁰*H. A.*, XVI, 30 (*Istruz.*, where more accurately); Book VI, 473.

²⁵¹*Ibid.*

²⁵²*H. A.*, XVI, 32; Book VI, 476.

Resp. Distinguish. 1. If the doubt was about the existence of the fact, he is bound to repeat it, according to the very common and true opinion. And the reason is that the whole substance of the sin was not explained; for it was declared only as doubtful, although it was certainly committed. Hence Dominicus Viva writes:²⁵³ “The negative opinion, which Father Pellizzarius followed, although it has not been condemned, nevertheless was expurgated from that codex (tr. 5, c. 3, n. 56) by the S. Congregation of the INDEX, which does not wish to tolerate it; wherefore in practice one must abstain from it.”

2. If the doubt was about the quality of the sin, that is, if the penitent confessed a sin whose gravity either he himself, or the confessor, or both did not know, but afterward, having read or heard Theologians, recognized it to be mortal, he is not bound to repeat it; because no circumstance occurs which was not expressed, nor is it necessary that the confessor determinately know whether the sin which he hears is mortal or not. Thus very commonly.²⁵⁴

§ 2. On Formal Integrity 1697. FORMAL integrity, as was said (n. 1660), consists in this: that the penitent confess all sins which, in view of the circumstances, he can morally confess. This, as is evident, does not fulfill the whole law, but the part of the law possible here and now, with the burden of supplying the defect once the impediment has been removed.²⁵⁵ The following things will make the matter clear.

Principles. I. Formal integrity suffices whenever the penitent is in PHYSICAL inability of furnishing material integrity. The reason is that no one is bound to the impossible (recall what was said at n. 221 sqq.). - Moreover, ON ACCOUNT OF PHYSICAL INABILITY, besides those who are ignorant of sins or have forgotten them, the following are excused:

1. The dying, or others placed in danger of death, on account of defect of time or failure of mind.²⁵⁶ We shall treat of these in particular below (n. 1720, 2, and n. 1854, 5).
2. Mutes, on account of defect of speech. Therefore these, having signified by nods one or another sin, can be absolved both at the time of death and at the time of the paschal precept. Yet if by writing or signs they are able to reveal all sins, they are bound to this, provided danger of manifestation or another grave inconvenience is absent, as was already said (n. 1687).
3. The deaf, who cannot respond to the confessor, nor know how to declare all their sins. - But otherwise the hard of hearing; for these must be led into some remote place, yet with due cautions used as to time and place, if women are at issue.
4. Those ignorant of the language of the region in which they are, and who do not have the availability of a confessor by whom they can be understood. These, if they manifest sorrow for their sins by signs, can, like mutes, be absolved in the time of precept or of another necessity. Nor are they bound to use an interpreter, as was shown above²⁵⁷ (n. 1688).

1698. II. Formal integrity likewise suffices if the penitent is in MORAL inability of making a materially integral confession. The reason is that the precept of confession, since it is positive, does not oblige with grave inconvenience extrinsic to confession (cf. n. 223). - We say extrinsic; for no difficulty intrinsic to confession itself, however grave, ever excuses, because confession is by its own nature laborious. Hence, if intrinsic difficulty excused, its precept would vanish.

Moreover, MORAL INABILITY is then judged to be had when two conditions are verified. The first is when the necessity of confessing presses: for example because the paschal precept must be satisfied, or because the reception of the Eucharist or the celebration of Mass cannot be omitted without note of infamy or scandal; or even because otherwise the penitent would have to remain in mortal sin, even if only through one day. The other is if, from the declaration of all mortal sins to this priest, grave spiritual or temporal damage would threaten the penitent, or the confessor, or some third person.²⁵⁸ Therefore, in the aforesaid necessity, the following EXCUSES:

1. Danger to the life of the penitent, confessor, or third person; for example if in time of plague the priest himself prudently fears infection, and therefore does not allow the penitent to confess integrally; if enemies arrive, for

²⁵³ *De Sac. Poenit.*, q. 2, a. 3, III.

²⁵⁴ Book VI, 478; *H. A.*, XVI, 34.

²⁵⁵ *H. A.*, XVI, 35.

²⁵⁶ Book VI, 487; *H. A.*, *ibid.*, 39.

²⁵⁷ Book VI, 479; *H. A.*, XVI, 35.

²⁵⁸ Book VI, 487; *H. A.*, XVI, 39.

example immediately before battle, in which case all, after exhibiting some general sign of contrition and confession, could be absolved by this single form of absolution: *I absolve you* [plural], etc.²⁵⁹

2. Danger of scandal or fall, both on the part of the penitent and on the part of the confessor; for example if a woman certainly knew the very great frailty of the confessor, etc.
3. Danger of revelation, or violation of the seal; for example if the confessor cannot confess integrally without manifesting the sins of some person heard in confession; - likewise if one who is hard of hearing confesses while others stand by; or if a gravely wounded man or a woman giving birth confesses, who cannot be left by those serving them; or if the penitent from grave cause fears that the confessor may break the law of the seal. But this case, if it must ever be said to happen, is very rare.
4. Danger to reputation; for example 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 of a sick person who has confessed before the carrying of the Most Holy Sacrament, and is now just about to be refreshed through Holy Communion, if he then, because the past confessions were invalid, had to make a more lengthy confession. In this case, the confessor, having heard some sin, should absolve the sick person, give him Communion, and afterward return to receive the integral confession.²⁶⁰
5. Danger for the scrupulous person of grave detriment, both in spiritual progress and in health of body and mind (cf. n. 28 and 1835).
6. Reservation of sin or censure, according to those things which are found at n. 1551 and n. 1775, note 2. But:

The multitude of affairs does not excuse. For the 59th proposition, which sounds thus, was condemned by Innocent XI: "It is licit sacramentally to absolve those who have confessed only by halves, by reason of a great concourse of penitents, such as, for example, can happen on the day of some great festivity or indulgence."²⁶¹ Nor can an exception be admitted if, on account of the prolixity of confession, others would easily suspect that the penitent is burdened by many faults.²⁶² But whether danger of manifesting an accomplice excuses will be weighed below (n. 1702).

1699. III. When the excusing cause ceases, the penitent is bound to SUPPLY the defect of confession, not immediately, but when he will again be obliged or will wish to confess.²⁶³ The reason is that an actual impediment does not simply remove the obligation of integral confession, but only suspends it. Hence, when the impediment has been removed, the divine precept revives in whole. It is otherwise clear from the 11th proposition condemned by Alexander VII, which said: "Sins omitted or forgotten in confession, on account of imminent danger of life or on account of another cause, we are not bound to express in the following confession."

It was said, 1. not immediately; for the obligation must be accepted morally, especially because sins inculpably omitted have already been destroyed, and because delay brings the soul into no danger. Thus commonly.

It was said, 2. but when he will be obliged or will wish. For: - 1. The obligation of supplying is not affixed of itself to a time or circumstances, and therefore does not of itself press, except when the precept of confessing again presses, for example at the time of annual confession (cf. n. 1548). - 2. When the impediment ceases, it is not licit to keep silent sins forgotten or omitted in the confession which first follows. For the Doctors more commonly interpret thus the sense of the proposition condemned by Alexander VII;²⁶⁴ and the reason is that it pertains to the integrity of the subsequent confession to declare all mortal sins of which consciousness is had, as Trent speaks.²⁶⁵

1700. It is asked: To what are those bound who in GOOD FAITH have made confessions lacking integrity?

Resp. They are not indeed bound to repeat them integrally, "because for such confessions all things essentially required were already present. - Yet they are bound to explain the species and number omitted, so that they may at least make the present confession integral." Thus commonly.²⁶⁶

²⁵⁹Book VI, 485, 486.

²⁶⁰Book VI, 484, 485.

²⁶¹Ibid., 595.

²⁶²Ibid., 485, end.

²⁶³Ibid., 479.

²⁶⁴Cf. Viva, *Thes. damn.*, proposition 11 condemned by Alexander VII.

²⁶⁵Sess. 14, cap. 5.

²⁶⁶Book VI, 504.

But let it be noted: 1. He who held a uniform manner of living and inculpably omitted declaring the number of sins satisfies the law of integrity if “at the beginning of confession he has revealed to the present confessor that in past years he has always confessed badly by omitting number, and the confessor, by receiving the confession of that year from the beginning, at the same time forms a judgment concerning past years.” Likewise, if, after the confession has been received, the confessor has distinct knowledge of the sins of the present year, “he will indeed be able, without the prior confessions being repeated, at the same time to form for himself a distinct judgment concerning past years.” 2. Otherwise it must be said “if from the present confession he has only confused knowledge of the faults confessed, as often happens in longer and involved confessions; in that case, as Lugo well says,²⁶⁷ he is bound to take distinct knowledge of the species and number omitted in past confessions.”²⁶⁸

Scholium

On The Manifestation Of An Accomplice 1701. It is certain, 1. That an accomplice must be concealed as often as confession can be materially integral without his manifestation. Therefore it is not licit, for declaring a venial sin or a mortal sin already confessed, to reveal the grave sin of another.²⁶⁹

It is certain, 2. That a penitent guilty of mortal sin not yet confessed is bound to go to a confessor to whom the accomplice is unknown, if he can go to him

without temporal or spiritual inconvenience. - For then the precept of guarding the reputation of the neighbor presses, especially if a more infamous crime is at issue.

It is certain, 3. That, generally, it is not licit for the confessor to inquire for the name of the accomplice, even for a good end, for example for correction; for this is opposed to charity and renders the Sacrament of Penance odious. - This is clear from the Bull of Benedict XIV *Ubi primum*, in which the Pontiff, speaking of confessors who under penalty of denying absolution require the name of the accomplice, declares: 1. that they sin gravely and incur suspension from hearing confessions, but only of *ferendae sententiae*; 2. that they are to be denounced within a month, not indeed by the penitent himself, but by another who knows them, if nevertheless on account of this they denied absolution and did not act from simplicity; 3. that those teaching this detestable practice to be licit incur by the fact itself excommunication reserved to the Supreme Pontiff,²⁷⁰ which same thing Pius IX sanctioned in the Constitution *Apostolicae Sedis* (cf. n. 1328). These things having been premised, let the following be:

1702. Questions. Q. 1. Whether there is an obligation of confessing a mortal sin which CANNOT be explained without manifestation of the accomplice?

Resp. Yes, when another confessor to whom the accomplice is unknown cannot conveniently be had. Thus the common opinion against some who say that the natural precept of preserving the reputation of the neighbor must be preferred to the positive precept of preserving the integrity of confession. But the reason for the affirmative opinion is “because the divine precept of confessing integrally must be observed whenever it can licitly be observed; and it can be observed sufficiently licitly in our case, since the manifestation of another’s crime is not illicit when it is done from a reasonable cause”; and therefore the natural precept then ceases (cf. n. 1198). - Add that “the accomplice, by consenting to the sin, has already lost the right to his reputation in order to the confession of that sin.”²⁷¹

Q. 2. What are the CAUSES EXCUSING from seeking another confessor to whom the accomplice is unknown?

Resp. According to the opinion of very many, they are the following: - 1. If danger of death or the precept of annual confession presses. - 2. If it is grave for the penitent to omit confession or Communion. - 3. If he would open his conscience with difficulty to another than his accustomed confessor. - 4. If otherwise he would be deprived of the benefits of some extraordinary indulgence. - 5. If otherwise he would have to remain in sin even for one day. - 6. If, by going to a confessor to whom the accomplice is known, he will have better direction or will receive notably greater consolation. - 7. If it is believed that the accomplice has yielded the right to his reputation, as if a brother sinned with a sister whom he knows cannot be separated from the company of the mother in order to go to another confessor. Hence, mothers and wives are often excused who manifest the sins of husbands and sons to a confessor who knows them, by reason of seeking

²⁶⁷ *De Poenit.*, d. 16, n. 640.

²⁶⁸ Book VI, 504, dic. 3.

²⁶⁹ *Ibid.*, 489.

²⁷⁰ Book VI, 491; *H. A.*, XVI, 40-41.

²⁷¹ Book VI, 489.

counsel, alleviating sorrow, etc.; for it would be too hard for them if they were bound to seek another confessor.²⁷² - Yet the advantage of direction must be compared with the infamy.²⁷³

Q. 3. Whether it is EVER licit for the confessor to INQUIRE for the name or knowledge of the accomplice?

Resp. 1. The confessor can, indeed must, although from this he comes into knowledge of the accomplice, inquire about circumstances which change the species of sins, or which are necessary for better consulting the conscience of the penitent; for example, whether the accomplice in a shameful sin is in the first or second degree of consanguinity or affinity, whether he is bound by a vow of chastity, whether he lives in the same house, etc.

Resp. 2. A penitent who would not wish to reveal the accomplice cannot be absolved when this is necessary for averting or repairing public damage. Therefore in a case of this sort, the confessor will be able to impose on the penitent in general that he reveal the accomplice to him who can avert the damage or scandal. But while the prohibition of Benedict XIV stands, that is, as often as revelation can usefully be made to another,²⁷⁴ it will never be licit for the confessor to say: *Reveal him to me*. But if the penitent of himself and by his own will asks the confessor that he himself take these parts upon himself and reveal the accomplice voluntarily, the confessor does not sin, and can certainly use that knowledge for applying a remedy; but for the most part this is not expedient on account of the danger of scandal and offense of the sacred ministry.²⁷⁵

§ 3. On The Manner Of Procuring The Integrity Of Confession The obligation of procuring the integrity of confession pertains both to the penitent and to the confessor. - Wherefore the following things are established:

1703. Principles. I. The PENITENT is bound, and indeed, speaking of itself, under grave obligation, to premise before confession a diligent EXAMINATION of all mortal sins which he has committed. The reason is that without such an examination he could not, to use the words of Trent, search out all the recesses of his soul.²⁷⁶

The diligence of this examination is to be estimated according to the capacity of the penitent, the delay of time, and the other circumstances. "For this a middling diligence suffices, such as a prudent man employs in arduous affairs; or such as, morally speaking, learned and timorous persons are accustomed to employ, even if someone thinks that by greater diligence he would find more."²⁷⁷ The penitent can satisfy this obligation without excessive labor if, after imploring God's help, he recalls to mind the precepts of the Decalogue and the precepts of the Church, the capital sins, the obligations of his own state, and at the same time inquires whether and how often he offended regarding all these things, by thought, word, and deed. - And he will more easily attain this if he turns over in his mind the places to which he went, the persons with whom he conversed, the business which he transacted, and the affections of soul to which he was accustomed to yield.²⁷⁸

Let it be noted FOR PRACTICE: 1. Danger of publication being removed, it is useful to write sins, lest they slip from memory; but excessive anxiety is to be avoided; and therefore this should be prohibited to the scrupulous.²⁷⁹

2. Those who are morally certain that they are immune from mortal sins are not bound to spend much time in searching their conscience, provided they can supply matter which truly suffices for the Sacrament. - Nevertheless they are to be exhorted not to hurry too much through the examination of conscience, and to spend at least five minutes on it, by which they may be better able to recognize their defects and to extirpate those recognized.²⁸⁰
3. Those who are scrupulous ought not to search their conscience much; indeed, diligent investigation must sometimes be interdicted to them; for if they had sinned gravely, they would always have the sin before their eyes.
4. The sick are not bound to an accurate examination as the healthy are, as is clear. Therefore one must watch carefully lest they defer their confession under the pretext that they have not yet sufficiently searched their conscience; let the confessor himself examine them. For it is better to restore them to the state of grace through absolution, even

²⁷²Book VI, 490.

²⁷³Ibid., 488, 6.

²⁷⁴Cf. *De Synodo*, book 6, cap. 11, n. 1.

²⁷⁵Book VI, 491-492.

²⁷⁶Sess. 14, cap. 5.

²⁷⁷Book VI, 471, 1.

²⁷⁸Cf. *Inst. catech.*, p. 2, c. 5, n. 3 sqq.

²⁷⁹Book VI, 471, 3.

²⁸⁰Cf. *Gury*, II, n. 508.

if they have confessed imperfectly, than, the Sacraments of the Church being delayed, to expose them to certain danger of damnation.²⁸¹ (cf. n. 1854.)

1704. II. The CONFESSOR can, indeed sometimes MUST, supply the examination of conscience, and himself procure the integrity of confession. To the point the Holy Doctor says thus: "Although the duty of examining conscience is principally the penitent's, nevertheless, whatever other Doctors may have said, it must not be doubted that if the confessor has recognized that the penitent has not discussed his conscience diligently enough, he himself is bound to question him, first about sins into which he could likely have fallen, and afterward about their species and number, as is proved from chapter *Omnis utriusque* on Penance and from the Roman Ritual."²⁸²

But he is bound to this as judge, that he may know the cause, and as minister of the Sacrament, that he may procure its integrity (cf. n. 1834).

1705. It is asked: What must the confessor do if penitents approach without sufficiently discussing their conscience?

Resp. 1. If they are sufficiently instructed, they are to be sent away to another time: "With most humane words," says the Roman Catechism,²⁸³ "he will send them away from himself, and will exhort them to take some space of time for thinking over their sins, and then to return." The reason is that it can scarcely happen that someone, at least if a longer confession is at issue, being suddenly asked, remembers all things.²⁸⁴ Except if circumstances suggest otherwise.

Resp. 2. If they are rude, they are not easily to be sent away. "They act wrongly," says St. Alphonsus,²⁸⁵ "who dismiss the rude, that they may examine themselves better." And he gravely adds: "Fr. Segneri calls this an intolerable error, and by the best right, because men of this sort, however much they labor, will with difficulty examine themselves as is fitting, and as exactly as the confessor himself can examine them; and on the contrary, when they have been dismissed, there will be danger lest, terrified by the difficulty of examining themselves, they be drawn back from confessing and harden in sins. - Nevertheless let the confessor notice that he is not bound to question these so minutely; let him ask only about sins into which they can easily fall, in view of their condition and capacity. Indeed, when the penitent, although rude, seems to be sufficiently instructed and diligent in confessing his sins with circumstances..., then the confessor is bound to ask nothing else."

Resp. 3. If they are customary sinners, the confessor should not spend too much time by anxiously inquiring about the number of sins; because often it is impossible to find such a number. Many, because of the importunity of the confessor, respond only by guessing: one hundred times, one thousand times; but what prudent man will give faith to them? - The confessor does better if he diligently inquires into the state of the penitent, "namely the manner of living, the application which he expends on other affairs, the time of the custom with the accomplice, the place where he especially stayed; and then he should inquire about the number by asking the penitent about how often he sinned in a day, in a week, or month, proposing to him several numbers, for example 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, it will be best done if he is again asked about a greater number." But in this the confessor should take care not to form a certain judgment about the number; let him note the frequency in general, and make judgment confusedly, apprehending the sins, whatever number they are before God.²⁸⁶ (cf. n. 1805.)

Article III

On The Repetition Of Confession In this article we shall treat: 1. in general, of confession to be repeated; 2. in particular, of general confession.

§ 1. On Invalid Confession To Be Repeated 1706. Principles. I. Confession is INVALID as often as something essential is lacking to it, whether on the part of the CONFESSOR or on the part of the PENITENT.

This follows from what was said concerning matter and form, and concerning the minister. - Therefore:

²⁸¹ Elbel, *De Poenit.*, n. 153.

²⁸² *H. A.*, XVI, 102; Book VI, 607.

²⁸³ *De Poenit.*, n. 60.

²⁸⁴ Book VI, 471, 2.

²⁸⁵ *H. A.*, XVI, 103.

²⁸⁶ *Ibid.*, IV.

1. On the part of the CONFESSOR, confession is invalid: 1. If he lacks the power of jurisdiction; for example because he has received it in no way; or because it has been taken from him by law, for example toward an accomplice in a shameful sin; or because he is impeded by censure, namely if he himself is an excommunicated person to be avoided, or a denounced suspended person; or because, restricted by reservation of the case, it does not extend to that case which the penitent alone confesses, etc. - 2. If he substantially vitiated the form, or if he did not have the will of absolving. - 3. If he understood no sin. We say no sin, because if he understood some sin, the absolution is valid, if the penitent received it in good faith; for him there remains only the obligation of confessing the sins which the confessor did not hear.²⁸⁷ - 4. If he remembers nothing when he absolves, that is, neither the sins, nor the state of the penitent, nor the penance enjoined; for then he is not a judge, since he absolutely does not know the cause; hence he absolves neither validly nor licitly. But after a confession made by the penitent in common, he would already absolve validly, although not yet licitly.²⁸⁸
2. On the part of the PENITENT, confession is invalid: - 1. If he was incapable, for example invalidly baptized, or ignorant of things necessary by necessity of means. - 2. If he was indisposed: that is, if he approached as one excommunicated, knowingly violating the prohibition of the Church; if he kept silent a mortal sin from malice or grave negligence, or falsely accused himself of it; if he voluntarily omitted the number of sins, or the species, or a specifying circumstance; if he told a grave lie; if he was gravely negligent in examining conscience; if he was not attrite, which is usually clear from this, that he sought a deaf or unlearned confessor, etc.; if he did not have true purpose; if he did not wish to remove the occasion, to forgive an enemy, to make restitution; if he was a recidivist in the same evil habit, etc.²⁸⁹

1707. Let it be noted: 1. Confession can be invalid without being sacrilegious. It is simply invalid or null if sorrow or purpose is lacking without the penitent noticing such a defect. - It is null and sacrilegious if he notices the defect and acts in bad faith.

2. Some confession can be invalid, indeed sacrilegious, without all subsequent confessions therefore being invalid. For perfect forgetfulness of the defect committed in the preceding confession, and good faith which accompanies later confessions, bring it about that these are valid of themselves, and they remove indirectly the defect of invalidity included in the antecedent confession. In this case, only the invalid confession must be repeated, but not the later confessions.²⁹⁰

1708. II. Every confession of mortal sins about whose invalidity it is MORALLY CERTAIN must be REPEATED. The reason is clear from what was said at n. 1706; for through a confession of this sort the sins were not remitted; therefore their confession must be repeated.

We said morally certain; for in morals absolute certainty is not required in order that an obligation be imposed or removed, but moral certainty suffices (cf. n. 33 and 34). "If someone, for example, immediately after confession, without any effort, falls, he exhibits a morally certain sign that his past confessions were null, because sorrow and purpose were lacking."²⁹¹ Therefore such a one must repeat confessions of this sort.

But in doubt about the validity of confession, this TWO-FOLD RULE must be established and held: - 1. If it is prudently doubted about the existence of an act essential for the validity of confession, for example if it is positively doubted whether the confessor placed the form, whether he had jurisdiction, etc., whether the penitent elicited an act of contrition: confession must be repeated from that principle: "Satisfaction is not made to a certain precept by doubtful satisfaction." - 2. If it is doubted about the manner of the act, that is, if it is doubted whether an act was rightly placed, as it was to be placed by law, for example whether a purpose certainly elicited was sufficiently efficacious, whether sins certainly confessed as to substance were sufficiently declared: in such a case, confession must not be repeated, because the rule of law is valid: "In doubt, one must stand for the value of the act." Hence St. Alphonsus²⁹² with Fr. Segneri says: "Penitents are not bound to repeat confessions as often as presumption, and consequently possession, stands for their value, unless nullity is clear." Thus, for example, a penitent who after confession avoided occasions and for some time resisted temptations can well judge that his confessions were valid, nor is he bound to repeat them (cf. n. 50 and 51).

1709. Questions. Q. 1. HOW is an invalid confession to be repeated?

²⁸⁷ H. A., XVI, 42; Book VI, 498, 499, 626.

²⁸⁸ Book VI, 502, doubt 3.

²⁸⁹ H. A., XVI, 43; Book VI, 501.

²⁹⁰ Cf. *Prax. Conf.*, n. 22, *Si autem*.

²⁹¹ H. A., XVI, 46, end.

²⁹² *Ibid.*, 46; Book VI, 505.

Resp. 1. If it is made before another confessor, it is a new confession, and therefore all and each sins must be accused.

Resp. 2. If it is made before the same confessor, from the more probable and more common opinion, it suffices if the penitent accuses himself in general of sins already revealed, provided the confessor remembers them at least confusedly. - But if he has preserved the memory of no sin, it suffices if he remembers the state of the penitent, or reassumes confused knowledge of his conscience. The reason is: 1. because such a confession, although invalid or even sacrilegious, was nevertheless made in order to receive absolution, and can well be called sacra-

mental, since it already obliges to the sacramental seal; 2. because, although it had not been sacramental on the part of the penitent, nevertheless its ratification or general repetition joined with the knowledge which the confessor previously had concerning the individual sins is reckoned sufficient for sacramental judgment, and for making it valid and integral.²⁹³ - And this holds *a fortiori* if, absolution having been delayed for some time, the penitent again presents himself to the confessor.

Q. 2. What if the confessor remembers only the PENANCE enjoined?

Resp. 1. If he remembers the penance itself, he can absolve, even if he no longer knows the state of the penitent. For many grave Doctors concede this, and the reason seems to be that from the very knowledge of the penance he can form for himself a judgment concerning the state of the penitent.

Resp. 2. If he recalls that he did impose a penance, but does not know what it was, nor can this be taught him by the penitent, it is controverted whether he can licitly absolve. - Several with St. Antoninus affirm; but St. Alphonsus denies. For such an opinion seems to him too extended, because the priest must form for himself a judgment, at least confusedly, concerning the state of the penitent, both for giving absolution and for enjoining a penance, which indeed must be imposed in order to make the Sacrament integral (cf. n. 1715).²⁹⁴

Q. 3. Whether and how confession made to a confessor NOT ATTENTIVE or inept must be repeated?

Resp. 1. If it was made in bad faith, for example if the penitent noticed that the confessor either was not hearing, or was sleeping, or was ignorant, or did not understand the gravity of the sin, the confession certainly must be repeated; because the penitent sinned by the act by which he confessed.²⁹⁵

Resp. 2. If it was made in good faith, a distinction must be made: 1. If it is clear that the confessor heard nothing, the whole confession must be repeated, as is clear from what was said (n. 1706). - 2. If it is clear that the sins were not declared as to number or species, or that some certain sin was not understood, the integrity of confession must be supplied. - 3. "Finally, if when the confession is finished you understand that the confessor did not perceive some sins, whether because of sleep or distraction, but you do not know which those are, you are bound, according to the very common opinion, to repeat it if the confession was brief, because you can prudently doubt concerning the individual sins. But if it was long, you are not bound, on account of the contrary reason," and because, in that case, God is presumed not to oblige to the integrity of confession with such great inconvenience.²⁹⁶ Hence it will be enough to confess those things concerning which you doubt whether they were understood by the confessor.

Q. 4. Whether sins narrated HISTORICALLY outside confession must be repeated?

Resp. 1. If the confessor has preserved distinct knowledge of all of them, they are not to be repeated, but it suffices if the penitent says: "I accuse myself of all these things which I have already narrated to you." 2. If the confessor remembers them confusedly or only in part, they must be repeated in full; otherwise neither the first nor the second confession would be sacramental: not the first, because it was not made in order to absolution and without the burden of the sacramental seal; not the second, because the sins were not declared individually, as is required by the Council of Trent.²⁹⁷

§ 2. On General Confession 1710. DEFINITION. General confession is the repetition of several confessions. It embraces either the whole life or a notable part of it, for example one or several years.

DIVISION. One general confession is NECESSARY, namely one which must be made on account of the invalidity of past confessions; another is SPONTANEOUS or free, which is made from the counsel of the confessor or from the devotion

²⁹³Book VI, 502.

²⁹⁴H. A., XVI, 44; Book VI, 502, doubts 2 and 3.

²⁹⁵Book VI, 499.

²⁹⁶Ibid., 499; H. A., XVI, 42.

²⁹⁷Book VI, 502, doubt 1, end; cf. *Vindic. Alph.*, p. 5, q. 8.

of the penitent. This latter, moreover, can be, according to the character of the persons and circumstances, either useful, useless, or even harmful.

PRACTICAL RULES. - I. General confession, UNDER GRAVE OBLIGATION, regularly, must be enjoined upon all who have confessed sacrilegiously or invalidly. This is clear from what was said in the preceding section.

We said regularly, because the penitent must not always be warned about the invalidity of past confessions, namely when he is in good faith and it is foreseen that he will not consent to repeating them. For in this case, absolution indirectly extends itself to confessions made invalidly. Yet sometimes a prudent confessor will be able so to examine the penitent that he, even not knowing it, makes a general confession. Once this has been made, nothing now seems to stand in the way of manifesting to him the invalidity of past confessions, so that he may depart with perfect serenity of soul.

But if the penitent shows himself DISPOSED, it must be gathered from the circumstances whether confession is to be begun immediately, or deferred to another time. - In this matter it must be considered: whether the penitent himself desires delay in order to consult a more perfect preparation; whether he is truly suited to making a good examination of conscience; whether some obstacle, either on the part of the penitent or on the part of the confessor, could arise by which confession would be impeded.

These things considered, if confession truly seems TO BE PROCRASTINATED, let the penitent be taught the manner of rightly preparing himself and the method of making an examination of conscience, with an admonition added that in this affair he proceed accurately indeed and diligently, but not scrupulously; let him be admonished about applying diligence, which consists in this, that through prayer and frequent repetition of acts of contrition he procure true contrition for himself; and finally, for raising his soul, let there be shown the ease with which a general confession, which grants great peace to the mind, is usually made, especially because the opportune and paternal help of the confessor will not be lacking to him.

But if the penitent is altogether unable to return, or not except after a long time, or if the necessity of communicating presses, general confession must be received IMMEDIATELY. - If there were a great concourse of penitents, or a brief space of free time, the confessor will be able to restrict himself to things altogether necessary, by contracting instructions and exhortations; yet with the admonition added that the penitent either return to him later, even after a longer time, in order to hear the other instructions which are necessary; or at least that, as soon as he can, he meet another zealous confessor by whom he may be instructed.²⁹⁸

1711. II. General confession, although not necessary, is ordinarily TO BE CONCEDED to those asking it; and to very many, even not asking, prudently TO BE ADVISED. Hence the following admonition of St. Alphonsus to the people:²⁹⁹ "I exhort each one, unless he has already done it, to confess all the sins which he has ever committed in his life: and I speak not only for those who have confessed sacrilegiously... or invalidly... but also concerning anyone who wishes to betake himself to a good life."

We said, 1. ordinarily to be conceded: for if you except the scrupulous and certain others concerning whom it will be said below, general confession, or at least a partial repetition of confessions, profits much for conceiving greater sorrow for sins, for peace and tranquility of soul, and for a persevering change of life.³⁰⁰ Indeed, it not rarely happens that what at first was judged only useful is afterward recognized as truly necessary.

We said, 2. prudently to be advised: for it is licit neither to thrust it upon all indiscriminately, nor upon anyone by importunate exhortations, when it is not necessary.³⁰¹ But it is to be advised opportunely, whether total or partial, as will seem expedient: - 1. to those whose prior confessions are judged doubtfully valid; - 2. to those who need more accurate instruction for a Christian manner of life, especially if they are men of good will who are foreseen to receive counsel with a ready soul; - 3. to those whom the desire of a more perfect life holds; - 4. to those who are in danger of life, or are forced to commit themselves to such danger; - 5. to spouses, and to all ending or beginning a part of life of graver moment; - 6. to all the faithful, universally, on extraordinary occasions which, according to the mind of the Church, are offered to them for expiating consciences and producing worthy fruits of penance, such as Jubilee and Missions; - 7. to pious persons who make a sacred retreat, in which they do a useful thing by repeating the confessions of the whole year.³⁰²

1712. III. General confession is not to be conceded, but is TO BE PROHIBITED to all those to whom it is judged notably

²⁹⁸ Cf. St. Alphonsus, *Monita ad conf.*, n. 15.

²⁹⁹ *Inst. catech.*, p. 2, c. 5, n. 11.

³⁰⁰ Cf. *Monita ad conf.*, loc. cit.

³⁰¹ *Prax. Conf.*, n. 20, 5.

³⁰² Cf. St. Francis de Sales, *Philotée*, p. I, ch. 6.

harmful. - Such are: 1. The scrupulous, to whom one general confession indeed may be of profit, but repeated confession will harm; hence they are not to be heard in this, but are earnestly exhorted to blind obedience. - 2. Penitents who have sinned much against the sixth precept and cannot, without danger of again defiling themselves, repeat a confession already validly made; hence it suffices if they sorrow for the sins and renew the accusation summarily. 3. Certain occasionaries and recidivists, who are not truly disposed and sometimes ask for general confession so that they may more easily catch at absolution. These betray themselves by the manner in which they accuse themselves of sins committed from the last confession; and therefore they are to be warned and kindly instructed to leave the occasion and to fight strenuously against the evil habit, and afterward to make general confession with fruit (cf. n. 1822 and 1823).

1713. It is asked: What is the MANNER of receiving a general confession?

Resp. 1. BEFORE CONFESSION, the confessor must take care to know the explicit state of the penitent and the various circumstances from which he can be directed toward questioning prudently and fruitfully. Hence: 1. let him examine whether a necessary confession is at issue or not, according to what was said at n. 1710; for if it is necessary, the penitent must be heard, questioned, and helped with much greater diligence and care; but if it is not necessary, he must certainly be warned that so great a diligence is not required, indeed that he is free to keep some things silent. 2. Let him prudently inquire concerning the condition of the penitent, whether he is celibate or not, about his age, occupations or offices, about his manner of living, etc.; if he is married, from what time, whether he has children, etc. 3. Let him ask about the state of conscience, whether here and now he is entangled in some evil custom or by some evil affection of soul; whether perhaps he has been enrolled in some condemned society; whether he has frequently approached the Sacraments, and with what dispositions; whether he concealed sins; at what time; for how long; whether he confessed them afterward, and repeated sacrilegious confessions; and how often? - But to obtain these notions, ordinarily, it is expedient first to receive the particular confession.³⁰³

2. IN THE CONFESSION ITSELF, let the confessor help the penitent, not disturb him. If the penitent is prepared, let him confess in his own way. - If he is scarcely prepared or rude, first let him ask from him the sins which weigh most upon him, that he may proceed more securely; then let him himself immediately supply the necessary things, according to a uniform order, for example of the Decalogue, the precepts of the Church, and particular obligations, unless a special reason suggests otherwise.
3. AT THE END OF CONFESSION, let the general question not be omitted: whether the penitent still has something in mind. Wherefore we notice that, for greater peace and purity of soul, especially if a confession only useful is at issue, even matter not necessary can rightly be declared and asked about, that is, doubtful mortal sins, graver venials, aggravating circumstances, except in shameful matter, and generally all things which apprehensively, or from the mind of the penitent, can be grave. Otherwise a little-instructed penitent, who does not know how to distinguish light things from grave in the manner of theologians, and necessary circumstances from non-necessary, always thinks that many things were lacking to his confessions which had necessarily to be declared.³⁰⁴ - See the rest at n. 1804 sqq.

Chapter III

On Satisfaction

1714. Things to be noted beforehand. Satisfaction in general, according to the force of the name (*I do enough*), signifies the payment of any debt whatever, but especially compensation for an injury inflicted on another.³⁰⁵

Taken in the stricter sense, as here, it is defined: "Voluntary toleration of punishment for compensating the injury inflicted on God through sin, and for redeeming the graver temporal punishment deserved."

We say redeeming; for when fault and eternal punishment have been remitted through the Sacrament of Penance, the whole temporal punishment, to be paid either in this life or in the other, is not always remitted. This, through the merits of Christ, must be redeemed by our laborious works, as Trent teaches (sess. 14, cap. 8).

Satisfaction is one thing sacramental, and this is now treated; another extrasacramental, which consists in pious and laborious works spontaneously undertaken, and also in the evils and hardships of this life sent by God and patiently tolerated (cf. Trent, sess. 14, cap. 9).

³⁰³Cf. Gury, II, 519.

³⁰⁴Konings, n. 1380; cf. Scavini, vol. IV, append. 65 and 66.

³⁰⁵Roman Catechism, *De Poenit.*, n. 62; cf. Lugo, disp. 24 and following.

SACRAMENTAL satisfaction is customarily defined: Penance, or a good work, imposed on the penitent by the confessor through the power of the keys, both for the vindication of past sins, which is called vindicative satisfaction, and for the custody of new life, which is called medicinal satisfaction.

In order that our treatment may extend to all things which pertain to satisfaction, we shall treat: 1. of the imposition of penance; 2. of its fulfillment; 3. of Indulgences, which can supply for the defects of our satisfactions.

Article I

On The Imposition Of Penance 1715. Principles. I. The confessor, in giving absolution, is bound TO IMPOSE a penance, or satisfaction. - This is clear from Trent, sess. 14, cap. 8, where it is said: "Therefore the priests of the Lord ought, insofar as the spirit and prudence shall suggest, according to the quality of the crimes and the faculty of the penitents, to enjoin salutary and fitting satisfactions; lest, if perhaps they wink at sins and act more indulgently with penitents by enjoining certain very light works for very grave offenses, they be made participants in the sins of others."

Therefore the confessor sins if he does not impose penance; and indeed he sins GRAVELY if the confession has been made concerning mortal sins. For by force of his threefold office he must do this: as minister, consult the integrity of the Sacrament; as judge, take vengeance upon sins; and as physician, provide medicine by which the spiritual infirmity of the penitent may be driven away. But if the confession was about venials or about mortal sins already confessed, it is probable that the confessor does not sin gravely if he imposes no penance. Thus Lugo, the Salmanticenses, and others, against Suarez and others, who also probably teach the contrary. But finally, if fulfillment of the penance is impossible, for example in the article of death, there will be no sin.³⁰⁶ (cf. n. 1854, 5.)

Let it be noted: 1. Penance is regularly to be imposed before absolution. The reason is that thus the order of judgment is preserved, which requires that the accused first promise satisfaction before he is absolved. Yet if it has been omitted through forgetfulness, it can be imposed immediately after absolution, both because thus it is still morally united to it, and because the aforesaid order is not essential.³⁰⁷

2. If the penitent, when absolution has already been given, accuses a new sin, a new penance, at least a light one, must be imposed on him. For the prior one is not judged to be valid; because, although a work already due from another precept can be imposed, nevertheless a work due from the same title of sacramental satisfaction cannot be imposed.³⁰⁸
3. If absolution is deferred, satisfaction can already be imposed the first time, both so that relapse may be guarded against, and so that afterward a lesser penance may be imposed.

1716. II. The QUANTITY of penance must be PROPORTIONED both to the sins and to the faculty of the penitent, according to the prudent estimation of the confessor. This is clear from Trent, loc. cit., and from the Roman Ritual, where it is read: "Finally, let the confessor enjoin a salutary and fitting satisfaction, insofar as the spirit and prudence shall suggest, account having been taken of the state, condition, sex, and age, and likewise the disposition of the penitents."

We said, 1. proportioned to the sins; hence of itself grave penance is to be imposed for mortal sins, light penance for venials or mortal sins already confessed. Moreover, that is to be judged a GRAVE PENANCE, at least according to the present custom of the Church, which corresponds to a work which is enjoined by the Church under grave obligation, or which would of itself oblige under grave obligation if it were prescribed. - Hence a grave penance, and one ordinarily sufficient for grave sin, is to hear one Mass, to fast on one day, to recite the Rosary, even only the third part, the Little Office of the B. V. M., the Litanies of the Saints, the Penitential Psalms, to perform the Way of the Cross, to meditate for a third part of an hour, and similar things. But to recite the Psalm *Miserere*, or five *Pater* and *Ave* only once, would not be grave.³⁰⁹

We said, 2. proportioned to the faculty of the penitent, according to the prudent estimation of the confessor. But the prudence of the confessor consists chiefly in this: that he first have before his eyes the spiritual good of the penitent, then the vindication of divine justice; for, from the nature of the Sacrament, one must intend the amendment and salvation of the penitent more than satisfaction and punishment.³¹⁰

³⁰⁶Book VI, 506-508.

³⁰⁷Ibid., 514, 8; and *H. A.*, XVI, 47.

³⁰⁸Book VI, 513, doubt 2, and *ibid.*, XVI, 47.

³⁰⁹Book VI, 515.

³¹⁰*H. A.*, XVI, 50; cf. Book VI, 508-510.

And hence it is why penance can be DIMINISHED for many reasons, namely: 1. If the penitent approaches very contrite, or after he has done many penal actions, because he has already made satisfaction fittingly. - 2. If he approaches in the time of Jubilee or of plenary Indulgence, because by fulfilling the required conditions he already undergoes punishment and makes satisfaction. Yet some penance must always be imposed, as Benedict XIV declared,³¹¹ both because no one can be secure about gaining the whole Indulgence, and because the Sacrament must always be made integral.³¹² - 3. If the penitent is infirm in body, since the Ritual says: "Let the priest remember that grave penance is not to be enjoined on the sick, but only that penance which, if they recover, they may perform at an opportune time." - 4. If he is infirm in spirit, so that it is prudently feared that he will omit a penance proportioned to the faults. For thus they commonly teach, and deservedly; because, as our Holy Doctor says:³¹³ "Although, according to the reason of divine justice, satisfaction adequate to sins is required, nevertheless, from divine clemency, account must be had of the powers of penitents, both of body and of soul."

1717. You will ask whether the confessor can, for grave faults, impose a grave penance under a LIGHT obligation? The affirming opinion is more common and more probable, because the legislator, such as the priest is whom Christ established as judge, can prescribe grave matter under light obligation. - In practice, indeed, such a manner of acting ought not to be held, at least ordinarily, because from Trent a condign penance according to the quality of the crime is to be imposed. - Yet the confessor will be able to hold it thus licitly, indeed usefully, so that after first imposing a grave penance, and indeed under grave obligation, he adds another graver one under light obligation; if the penitent fulfills it, he indeed satisfies sacramentally, but if he neglects it, he is not burdened with grave fault. "But I by no means approve," says St. Alphonsus,³¹⁴ "what Medina and others say, namely that a confessor can sometimes enjoin a penance without any obligation. This, I say, is altogether improbable; for a legislator can make and not make a law; but if he makes it, he certainly cannot make it without obligation, since law must necessarily oblige at least under light obligation."

From what has been said you will gather: 1. How imprudently confessors act who impose great penances which they foresee penitents will not fulfill. - "O how many unlearned confessors are found," St. Alphonsus exclaims,³¹⁵ "who do not hesitate to absolve those who are either in a proximate occasion of sinning or indisposed recidivists, and foolishly think that they are curing them by imposing grave penances on them! From this it happens that those persons, although they accept the penance so that they may seize absolution, nevertheless, after absolution has been obtained, because no remedy is prescribed to them by which they may be preserved, shortly relapse miserably, do not fulfill the penance, and, deterred by its gravity, afterward abhor confession, and thus languish longer in sins."

2. "Outside the case of very grave infirmity or most vehement contrition, the confessor would not act well if for mortal faults he enjoined a penance light in itself, which brings a light obligation." Hence St. Thomas of Villanova wisely notes: "In my judgment you will accomplish this if you enjoin one easy penance and counsel a sharper one."³¹⁶

1718. III. The QUALITY of the penance must be so determined that the satisfaction is at once VINDICATIVE and MEDICINAL. - This is clear from Trent, sess. 14, cap. 8, where it is said: "But let them have before their eyes that the satisfaction which they impose is not only for the custody of new life and the medicine of infirmity, but also for the vengeance and chastisement of past sins."

Moreover: 1. VINDICATIVE OR PENAL works are reduced chiefly to these THREE: prayer, alms, and fasting, which are opposed to sins committed against God, against neighbor, and against oneself. By PRAYER is understood whatever regards the worship of God, as confession, communion, visitation of a church, etc.; by ALMS, any work of mercy; and by FASTING, any affliction of the body. - For the rest, every good work is valid for penal satisfaction, as is commonly taught; for, in the state of fallen nature, every virtuous action has the character of punishment from this, that, original justice having been lost, we are all inclined to earthly things and our own advantages.³¹⁷

2. MEDICINAL satisfactions are those which heal the remains of sins, that is, which remove evil habits, restrain depraved desires, remove occasions of sinning, and cut away the roots or causes of sins. Such are acts of virtues, internal and external, opposed to the vices of the penitent. Wherefore the RITUAL admonishes: "Let the confessor take care, as much as can be done, to enjoin penances contrary to the sins, as alms to the avaricious, fasts or other

³¹¹Encyclical *Inter praeteritos*.

³¹²Book VI, 519.

³¹³*Ibid.*, 509.

³¹⁴Book VI, 518; *H. A.*, XVI, 48.

³¹⁵Book VI, 510, *Ex his*.

³¹⁶*Ibid.*, 510; *H. A.*, XVI, 51.

³¹⁷Book VI, 514.

afflictions of the flesh to the lustful, offices of humility to the proud, and exercises of devotion to the slothful.” For making these things clear, the following will help.

1719. Questions. Q. 1. What works generally CAN or CANNOT be imposed?

Resp. 1. Not only external and supererogatory works can be imposed, but also: 1. Internal works, as acts of charity, contrition, mental prayer, etc., because they are of themselves meritorious and are made external or sensible through imposition and acceptance. - 2. Works already due from elsewhere, for example hearing Mass on a feast day, fasting on a vigil, because, since they are of themselves satisfactory, they can be elevated through the power of the keys to the merit of sacramental satisfaction. Yet other works are to be joined to these, unless the frailty of the penitent suggests otherwise; for it is equitable that the sinner feel the weight of sin. - But neither can a work already due under the title of sacramental satisfaction be imposed. - 3. Works to be applied to others, whether deceased or even living; for satisfaction, in this case, stands on the part of the good will by which the penitent applies his work to others. - 4. Cessation from a good work, for example from Communion, because it can be an act of virtue, for example for preserving the obedience of the Confessor. Except if the omission of the customary work provides others an opportunity for judging that such omission was enjoined by the confessor in penance for hidden sin.³¹⁸ Some penance can also be imposed, as St. Alphonsus notes,³¹⁹ under condition of relapse, for example: “if you again blaspheme, you will recite such a prayer.” But it is expedient that it be imposed for a short time, or until another confession, and that another proportioned penance be added for the sins confessed.

Resp. 2. The following CANNOT be imposed: 1. Entrance into Religion, because it seems too hard. - 2. Marriage, because it requires complete liberty. Yet a penitent who needs this remedy is earnestly to be exhorted to the conjugal state. - 3. Public penance for hidden sins, because the seal of confession would be violated indirectly, and because the Roman Ritual expressly forbids this. But it can be imposed for public sins, as is drawn from these words of Trent: “It is necessary that a condign penance according to the manner of the fault be publicly enjoined upon this public sinner”; understand, if scandal cannot be repaired otherwise.³²⁰

Q. 2. What penances, for the sake of PRUDENCE, are not to be imposed?

Resp. The following are not to be imposed: 1. Perpetual penances, or those lasting for a long time; both because they would induce danger of forgetfulness or excessive anxiety, and because, since such penances perhaps would be imposed on the same penitent by various confessors, he would be bound by innumerable chains and for his whole life. 2. Unusual penances moving the wonder of the people, for example if it were imposed on someone to recite five *Pater noster* in the middle of the church with arms extended, etc. - 3. Afflictions of the flesh, vigils, fasts, if the penitents are youths, peasants, workers occupied in continual labor, sons in the family whose parents would be displeased by such austerities. - 4. Pilgrimages, prolonged prayers, alms, if the penitents are placed under the power of others, or are so poor that they are bound to procure a living for themselves by continual labor. - 5. Penances involved in many works, because they are easily given to forgetfulness. - 6. Also imprudently, generally, it is imposed on children that they ask pardon from parents or from others on account of disobedience, irreverence, or petty thefts; because these often render confession hateful and for the most part are omitted, etc.³²¹ - 7. St. Charles Borromeo admonishes that Masses to be celebrated not be imposed; or at least, that the confessor not accept those which he himself has imposed; nor alms to be distributed by himself, lest he fall into suspicion of avarice.³²²

Q. 3. What penances OUGHT RATHER to be imposed?

St. Alphonsus responds:³²³ “1. As regards practice, this is the rule: that for sins of sensuality, bodily mortifications be imposed; for sins of avarice, alms; for blasphemies, prayers, etc. - Yet it must always be considered what is more expedient or will be more profitable to the penitent. For although in itself it is most useful to impose frequentation of the Sacraments, mental prayer, and alms, yet it is accustomed to happen that such works turn to harm for those who are not at all, or little, accustomed to them.

“2. The penances which are usefully imposed on all, generally, are the following: - To join oneself to some Congregation; - to elicit every evening, at least for some time, an act of sorrow; to renew every morning the good purpose, and to say with St. Philip Neri: ‘Lord, do not remove Thy hand from me today, lest I be made a traitor to Thee’; - to visit daily the Most

³¹⁸Cf. Book VI, 513, 514; *H. A.*, XVI, 52, 53.

³¹⁹*Prax. Conf.*, r. 13, III, and Book VI, 524.

³²⁰Book VI, 511-512; *H. A.*, XVI, 52.

³²¹Cf. *Gury*, II, 526.

³²²Cf. *H. A.*, XVI, 52; Book VI, 512; *Prax. Conf.*, n. 34.

³²³*Istruz.*, XVI, 54.

Holy Sacrament of the Altar and some Image of the Virgin Mother of God, and during this visitation to ask earnestly for holy perseverance; - to recite the Rosary; - and both morning and evening to say three *Ave Maria* to the Blessed Virgin, with this little prayer: *My Mother, help me today, lest I sin against God*; this slight penance, namely to recite the Angelic Salutation three times with the aforesaid little prayer, I am accustomed to impose on all those who do not yet do it; - when going to bed, to say: 'At present I ought to be in the fire of hell'; or these other words: 'The day will come when I must die in this very bed'; - to read daily, especially if they are ecclesiastics, some spiritual book."

1720. Admonitions. 1. It will not be beside the point to add here the things which St. Charles Borromeo wisely admonishes thus: "Let the confessor impose such a penance as he judges can be fulfilled by the penitent. Hence sometimes, if he sees it expedient, let him ask whether he can, or whether he doubts that he can, perform the penance imposed on him; otherwise he will change or diminish it."³²⁴

2. As regards the dying, if someone is destitute of the senses, he can be absolved without any penance; but excepting this case, some penance, at least light,

is to be imposed, such as to kiss the crucifix, to invoke the names of Jesus and Mary, at least in the heart, etc. - But it is not expedient to impose on the sick person as penance that he patiently suffer the inconveniences of infirmity; for this could become for him the occasion of many scruples. "On the contrary, the Salmanticenses rightly notice that if the sick person can satisfy through alms, these are certainly to be enjoined by the confessor, since everyone is bound to do that penance which he can."³²⁵ (Cf. n. 1716, and hence 3.)

3. It is also useful to know the rigor of the penances which were once prescribed in the PENITENTIAL CANONS. Moreover this knowledge is useful both because from them the confessor learns to estimate the gravity of sins which the Church once was accustomed to punish so rigidly, and especially because from this rigor of the canons he will be able to instill in penitents greater horror of sins, so that they may receive a milder penance with a readier soul.³²⁶

Article II

On The Acceptance And Fulfillment Of Penance 1721. Principles. I. The penitent is bound TO ACCEPT penance sacramentally enjoined. The reason is: 1. because, just as the confessor, as judge, has the right and obligation of imposing penance, so the penitent, as the accused, must revere and execute the sentence of the judge; 2. because the penitent is bound, no less than the confessor, to procure the integrity of the Sacrament.³²⁷ Yet if the penance seems to him more grave than is just, and too onerous with respect to his sin or his strength, he can, if the confessor does not wish to moderate it, depart without absolution and go to another confessor. But understand this if the penance is truly unreasonable. But if he refused to accept it from sloth, and wished to be absolved from sins with a light penance, he does not seem able to be excused from grave sin, nor is he to be absolved.³²⁸

1722. II. The penitent is bound, under grave obligation, TO FULFILL a grave penance imposed for grave sins. - The reason is that grave matter of itself obliges under grave obligation. Hence, if he omits it wholly or in notable part, he sins gravely. - But he is bound under light obligation to fulfill a light penance imposed for light faults. Thus commonly.

But if a grave penance has been imposed for light faults, it is sufficiently probable, against Bonacina, Roncaglia, and others, that it obliges only under light obligation; because "as the confessor was not bound, indeed could not impose it under grave obligation, so neither is the penitent bound under grave obligation to fulfill it." - Except if it was imposed as medicinal for venials which greatly dispose to mortal sin; or if mortal sins already formerly confessed are at issue, concerning which the penitent has not yet done a condign penance, for example because he was absolved in some danger of death.³²⁹

And here it must be noted that the penitent is not bound to fulfill the penance when the confession was invalid; because the sacramental sentence of the judge was null, and therefore the Sacrament to be made integral is not present. - The same must be said of a penance imposed without absolution, unless it is medicinal, or unless it is ordered to absolution through a subsequent confession in which the confessor intends to impose a lesser penance.³³⁰

³²⁴Book VI, 510; cf. Reuter, *De Poenit.*, n. 392-395.

³²⁵*H. A.*, XVI, 49; Book VI, 507.

³²⁶Cf. Book VI, 530, where the penitential canons are reported.

³²⁷Book VI, 516.

³²⁸*Ibid.* and *H. A.*, XVI, 55.

³²⁹Book VI, n. 517, and *H. A.*, *ibid.*, 56.

³³⁰Cf. Gury, II, 534.

1723. III. The penitent must fulfill the penance at the TIME assigned by the confessor, or AS SOON AS he conveniently can. Namely, he sins gravely if from grave negligence he defers for a long time a penance gravely obliging; because of itself it is grave to prolong for a long time a notable debt. But as often as the penance has not been fulfilled at the established time, there always remains the burden of performing it; because the time is intended only accessorially, that is, not for ending the obligation, but for urging it.³³¹

Hence St. Alphonsus notes:³³² 1. Although there is not an obligation of fulfilling the penance before Communion, as the 22nd proposition condemned by Alexander VIII required, nevertheless he sins gravely who defers it for a long time, for example for a year, or even for six months; but not for only one month, provided the penance is not medicinal and provided he can fulfill it in the future. 2. He does not sin gravely who transfers the fast of Friday to Saturday, or who procrastinates the Communion of individual months to six or eight other days, unless, as we have already said, the penance is medicinal, and its delay induces danger of relapse.

1724. IV. The MANNER or CIRCUMSTANCE of fulfilling penance, for example that it be done with knees bent, arms extended, OBLIGES at least under venial sin. But when the obligation is to be judged light or grave “depends on the light or grave annoyance which the circumstance brings, either of itself or respectively to the penitent, according as the confessor imposing the penance signified. Thus commonly.”³³³

Let it be noted: 1. Prayers imposed as penance can be recited while Mass of precept is heard, unless something else was established by the confessor. - Prayers also can be recited alternately with companions, if from the use of the Church or the practice of the faithful they are customarily recited as in choir, for example the Rosary, etc. If the confessor has imposed as penance two Masses to be heard on the same day, they must be heard successively, not at the same time; because it must reasonably be presumed that the confessor intended this.³³⁴

2. One existing in mortal sin fulfills the penance validly, nor is he bound to repeat it. For thus teaches the common and more probable opinion; and the reason is that to fulfill the precept it suffices to place the prescribed work, although the end of the precept is not obtained. - Yet it is probable that he sins venially, because one who places an obstacle to the partial effect of the Sacrament cannot be excused from some fault.³³⁵

3. No other intention of satisfying is required except that which the penitent had by accepting the penance; for it perseveres at least habitually, unless it has been retracted. Thus Lugo and others more probably. “For this reason,” says St. Alphonsus,³³⁶ “each one in any satisfactory work which he places always intends by a general will to satisfy first for the work due rather than for other works of supererogation.”

1725. Questions. Q. 1. Whether satisfaction can be fulfilled THROUGH ANOTHER?

Resp. 1. Extrasacramental vindictive satisfaction can well be fulfilled through another; for another can pay a debt for another, especially a friend, as St. Thomas proves.³³⁷ 2. Sacramental satisfaction cannot be fulfilled through another, because the acts of the penitent are the matter of the Sacrament, and therefore, just as I cannot be contrite or confess for another, so neither can I satisfy. This is also clear from the 15th proposition condemned by Alexander VII: “A penitent by his own authority can substitute another for himself, who fulfills the penance in his place.”

Except the case in which the confessor grants this to the penitent, as Suarez says with St. Thomas; for then not now the work, but the very act of the penitent by which he asks satisfaction from another for himself, holds the place of formal satisfaction.³³⁸

Q. 2. To what is a penitent bound who HAS FORGOTTEN the penance?

Resp. Some, as Bonacina, St. Antoninus, etc., wish that he is bound to repeat the confession, so that the Sacrament may be made integral. - But Suarez, Vasquez, etc., more commonly, and perhaps more probably, deny such an obligation, even if the penitent had culpably forgotten the penance. The reason is that, on the one hand, the fulfillment of the penance has become impossible, and on the other hand the law is very doubtful whether sins already directly remitted must be confessed again, so that the Sacrament may be made integral. Yet, if the penitent thought that the confessor was still

³³¹H. A., XVI, 57; Book VI, 525.

³³²H. A., *ibid.*, 57; Book VI, 521.

³³³Book VI, 517, *An autem*.

³³⁴H. A., XVI, 57.

³³⁵H. A., XVI, 60; and Book VI, 522 and 523.

³³⁶H. A., *ibid.*, 58, *end.*

³³⁷Suppl., q. 13, a. 2.

³³⁸Book VI, 526.

mindful of the penance enjoined, he would be bound, if he conveniently can, to go to him; because in this case fulfillment of the penance would still be morally possible.³³⁹

Q. 3. Who can COMMUTE a penance?

Resp. 1. It is certain and common among the Doctors, whatever Diana says with fewer others, that it cannot be commuted by the penitent himself, not even into a work evidently better; for just as it can be imposed by the confessor alone, so it can be changed by him alone.³⁴⁰

Resp. 2. He who imposed it can commute it, 1. because a legislator can change his own law. And this indeed he can do: 1. without the sins declared to him being repeated, provided he still knows the penance enjoined, or at least remembers confusedly the state of the penitent's conscience; 2. even outside confession, if it is done immediately after absolution and before the penitent departs; because the same judgment is judged still to persevere morally. Thus the more common and truer opinion.³⁴¹ 2. Any other confessor can do the same, provided: 1. he does this within confession; 2. he commutes from a just cause, for example because he notices that the penitent has not fulfilled the penance and will not easily fulfill it: in this case he can probably change it even of his own accord; 3. the penance was not imposed by a Superior on account of reserved cases, as Suarez, Lugo, and others rightly say against Sanchez and others; because an inferior does not have the faculty of changing the sentence of a Superior in a judgment previously formed. This alone could be admitted if the penitent's return to the Superior would be difficult and otherwise a grave cause suggested commutation, because the connivance of the Superior is deservedly presumed in such a case.³⁴²

Q. 4. Whether a penance can be changed by another confessor, without the sins being accused AGAIN?

Resp. Castropalaus, Lugo, and others probably deny it, saying that the penitent must repeat the confession at least summarily, so that thus the new confessor may acquire confused knowledge of the state of his conscience. - But many others, also probably, affirm with Toletus, Navarrus, etc.; and the reason is that in this later confession it is not a question of making judgment concerning the sins brought forward in the prior confession, since that has already been completed, but only concerning the weakness of the penitent in satisfying the prior penance. It is objected: But penance must be medicinal, and how will one prescribe remedies who is ignorant of the wound of the sick person? - It is answered that the confessor can gather the matter of sins from the penance imposed, and therefore can also direct himself in the commutation or diminution of penance.³⁴³

Note. - 1. The penitent is by no means freed from the first penance if, by repeating confession before another confessor, he makes no mention of the prior confession and penance; both because he is bound to render the first Sacrament integral, and because for commuting a penance there is required on the part of the confessor a positive act of the will by which the prior obligation is revoked.

2. Once the commutation has been made, the penitent can always return to the first penance, as is commonly taught.³⁴⁴

Article III

On Satisfaction Through Indulgences Among the various ways of satisfying God for sins already remitted as to fault, INDULGENCES hold no lowest place, especially the Indulgences of the JUBILEE. - Hence we shall discuss here: 1. Indulgences in general; 2. Indulgences of the Jubilee; 3. Indulgences to be gained in the article of death; 4. the privileged altar for the dead.

§ 1. On Indulgences 1726. DEFINITION. An Indulgence is the remission of temporal punishment owed to God for sins pardoned as to fault, which the Church, outside the Sacrament, from a just cause, grants to the faithful through the application of the satisfactions of Christ and the Saints.³⁴⁵

DIVISION. An Indulgence is distinguished in many ways:

³³⁹Ibid., 520; *H. A. (Istruz. more rightly)*, XVI, 59.

³⁴⁰Book VI, 528, Resp. 3.

³⁴¹*H. A.*, XVI, 61; Book VI, 529, doubt 3.

³⁴²*H. A.*, *ibid.*, 61.

³⁴³Ibid., 61; Book VI, 529, doubt 1.

³⁴⁴*H. A.*, *ibid.*, 61, end. - On sacramental Satisfaction cf. Croix, book 6, p. 2, n. 1230 sqq., where there are many useful things to know.

³⁴⁵Book VI, 531; cf. St. Alphonsus in Trent, sess. 25, n. 50-67; Lugo, *De Poenit.*, disp. 27, etc.

1. One is PLENARY, or total, which according to the intention of the one granting frees from all punishment; another PARTIAL, as are septenaries and quarantines, by which is understood that punishment to be taken away which would be taken away by a fast of 7 years or 40 days on bread and water, according to the Canons once customarily imposed.
2. One is PERSONAL, which is immediately granted to persons, for example to a Confraternity; another LOCAL, which is affixed to some place, for example a church, oratory, etc.; another REAL, which is attached to some portable thing, for example a Cross, Rosary, medal, etc. But a real indulgence is almost always also personal, since for the most part only the owner of the thing to which the Indulgence is annexed can gain it.
3. One is TEMPORAL, which is granted for a determined time; another PERPETUAL, which is granted in perpetuity or without any prefixed term.

1727. Principles. I. The Church has POWER of granting Indulgences, and has used this power from ancient times. - This is of faith, against Protestants, and is clear from Trent, sess. 25, Decree on Indulgences, where the Council condemns with excommunication him who should say that Indulgences are useless, or who should deny that this power exists in the Church. See the dogmatic authors.

Let the following be noted: 1. Only the Pope can grant plenary Indulgences, or Indulgences to the whole Catholic world. But he grants them either by himself or through delegates,

with this condition, however, that they then only obtain their effect when they have been recognized by the S. C. of Indulgences.³⁴⁶

2. Bishops, but not Titular Bishops, can, from Lateran IV, grant to their diocesans Indulgences of 40 days; and an Indulgence of one year on the day of the dedication of a church. - These Indulgences are indeed perpetual, but they are valid for the living only, nor are they applicable to the dead.³⁴⁷ Moreover it is forbidden that another new Indulgence of 40 days be attached to the same object or to the same act of piety by the successor of the Bishop.³⁴⁸
3. Cardinals can grant Indulgences of 100 days in the churches of their titles.³⁴⁹ What the faculties of Nuncios are in this matter must be recognized from Apostolic Letters.
4. Prelates, titular Bishops, and others inferior to a Bishop cannot grant any Indulgences unless from the express delegation of the Pontiff or Bishop.³⁵⁰ - The communication of merits of an Order, which Regular Superiors sometimes concede to distinguished benefactors, is not the bestowal of Indulgences, but is only, as Suarez says, an offering or donation of suffrages.³⁵¹
5. Although Indulgences of a very excessive number of years, for example indulgences of a thousand, ten thousand years, are to be held as suspect, nevertheless some of this sort have been granted, nor can their authenticity be called into doubt. Cf., for example, the Bull of Innocent XI *Nuper pro parte*, of July 31, 1679, in which is contained the summary of Indulgences which were granted to the Confraternity of the Most Holy Rosary. There, among others (cap. III, n. 3), an Indulgence of sixty thousand years is approved.³⁵²

1728. II. Indulgences, since they are graces, are TO BE INTERPRETED BROADLY, yet the propriety of the words being preserved (cf. n. 253). Therefore they are to be judged perpetual if they have been given without restriction of time; nor do those perpetually conceded cease through cessation of the cause. Yet good faith and error, even common error, do not supply for the defect of a prescribed condition.³⁵³

Let it be noted: 1. Unless this is expressed in the concession itself, whether explicitly or implicitly, for example by the clause *until our good pleasure*, Indulgences do not expire by the death of the one granting, nor before knowledge of revocation.³⁵⁴ (cf. n. 254.)

³⁴⁶Cf. *Collectan. S. Sed.*, n. 535; cf. also *Decreta authentica S. C. Indulg.*, n. 371 (Pustet ed., 1883).

³⁴⁷Ferraris, verb. *Indulgentia*, art. 2, n. 7-10.

³⁴⁸Maurel, *De Indulg.*, p. 1, § 3.

³⁴⁹Cf. Croix, book 6, p. 2, n. 1321.

³⁵⁰*Ibid.*, n. 1323.

³⁵¹Maurel, loc. cit.

³⁵²Cf. also *Decreta auth. S. C. Indulg.*, n. 374 (April 14, 1856).

³⁵³*H. A.*, XVI, 62; Book VI, 534.

³⁵⁴*H. A.*, *ibid.*; Book VI, *ibid.*

2. Indulgences annexed to some church do not cease when a new church is built in almost the same place and under the same title. But they cease if the building is made in another place, although nearby, for example in a cemetery and not in the place of the old church.³⁵⁵

And this same thing must be said of an Indulgence granted to those visiting the churches of Regulars. If it was granted with regard to the regular Family by which the churches were governed, the Indulgence, when the regular Family ceases, likewise ceases.³⁵⁶

1729. III. To gain Indulgences, all the CONDITIONS which are prescribed must be fulfilled. - Moreover, the conditions to be fulfilled on the part of the SUBJECT are usually numbered as five.³⁵⁷

1. That he be a subject of the one granting; because the concession of an Indulgence is an act of jurisdiction, which affects subjects alone. - Yet strangers are not excluded from local Indulgences which are annexed, for example, to an altar, cross, church, as the common opinion holds.
2. That he not be bound by major excommunication, because this deprives one of communion in spiritual goods (cf. n. 1292, 4).
3. That he be in the state of grace, at least when the prescribed work is completed; because punishment cannot be remitted before fault. But it is greatly to be desired that all works be done in grace, especially if the Indulgence has been granted for placating God. - Wherefore let it be noted: The clause *with at least a contrite heart, or with contrite hearts*, which is customarily inserted in concessions of partial Indulgences, does not indicate the work enjoined, but the necessity of the state of grace for gaining the Indulgence. Hence it is not required that those who are already found in the state of grace elicit an act of contrition (S. C. Indulg., December 17, 1870).³⁵⁸
4. That he have the due intention. But an intention at least virtual is required as often as an Indulgence is granted with a certain intention to be proposed to oneself, for example of praying for the happy state of the Church, of gaining a Jubilee with the privileges annexed to it, or if the day of the Indulgence is left to the determination of our will, for example within the month, within the year. Otherwise, an interpretative intention seems sufficient, or certainly the intention elicited in the morning of gaining all Indulgences occurring through the day suffices. Thus commonly.³⁵⁹
5. That he perform INTEGRALLY the works enjoined, in the PLACE, TIME, and MANNER prescribed, because Indulgences are granted under that condition. - Nor does it suffice, unless this is expressly conceded, to furnish works already due under another title, for example the Lenten fast, recitation of the Breviary, etc.³⁶⁰

1730. Now indeed:

I. As to PLACE, this is often a condition: that a parochial church or public oratory be visited. - Wherefore it must be carefully noted, from the S. C. of Indulgences, August 22, 1842, in Verdunen,³⁶¹ that "an oratory, whether in monasteries, seminaries, or other convents, canonically dedicated, to which the Christian people is not accustomed publicly to have access, is not to be judged public." Yet sometimes it is granted to Religious or others that these oratories can be visited (cf. n. 1733, q. 7). - But if a certain church is prescribed, the parochial or another church cannot be chosen in its place, unless this is granted by special privilege.

For the rest, "several grave authors teach that for the prescribed visitation of a church, in order to gain an Indulgence, it suffices to pray before the door or cemetery if because of the multitude of men you cannot enter it: thus Suarez, Bonacina... Indeed Mazzotta and Croix with Lugo add: if you pray before the door of the church when it is closed."³⁶²

II. As to TIME: 1. It was decided by S. C. Ind., August 29, 1864: "That an Indulgence is acquired by the Christian faithful on the fixed and rightly constituted day in their diocese; by regular Orders on the day rightly constituted in their Calendar; by men who have enrolled in a Sodality which belongs to a Regular Order, that an Indulgence is

³⁵⁵ *Decreta auth. Indulg.*, n. 323 (August 9, 1843).

³⁵⁶ *Ibid.*, n. 424 (August 18, 1868).

³⁵⁷ Book VI, 533, 534, 9.

³⁵⁸ *Decreta auth.*, n. 427.

³⁵⁹ Book VI, 534, under 14, 5.

³⁶⁰ *Decr. auth.*, n. 291 (May 29, 1841); cf. also *Collect. S. Sed.*, n. 555.

³⁶¹ *Decr. auth.*, n. 310.

³⁶² Book VI, 538, q. 10, end.

acquired on the day rightly constituted in the Calendar of the diocese, or in the Calendar of the Order, if they enjoy a privilege of this sort, but not on both days.”³⁶³

2. When the solemnity of a Feast is transferred, whether in perpetuity or for a time, in a legitimate manner, the Indulgence is understood to be transferred. - “But when only the Office with the Mass is transferred, and not the solemnity and exterior celebration of the Feast, the S. Congregation of Indulgences, by mandate of Pius IX, August 9, 1852, decreed that no translation of Indulgences occurs.”³⁶⁴
 3. When an indulgence to be gained once in a month or in a year is granted to those who previously have performed certain works or certain prayers through a month or through a year, the month is not necessarily to be computed from the first day to the last, nor the year from January 1 to December 31; but 30 days can be computed from any day, and 12 months from any month.³⁶⁵
 4. If an indulgence is granted in view of the mystery or Saint to be honored on that day, the works can validly be performed from first Vespers, namely from the time at which Vespers are customarily recited in choir, that is, about the second hour after noon of the preceding day, up to sunset, that is, the evening twilight of the feast day itself.³⁶⁶ - Otherwise, from midnight to midnight, as often as something else is not expressed in the Indult (S. C. Ind., January 12, 1878).³⁶⁷
- III. As to MANNER: 1. It is not necessary to recite prayers with knees bent, unless this is prescribed, as, for example, it is prescribed for the prayer *Sacrosanctae* outside the case of infirmity. - 2. The works must be done by the one who intends to gain the indulgence, except alms, which is validly given through another. 3. A merely material act does not suffice, but a human act is required.³⁶⁸
- IV. As to the INTEGRITY of the works to be performed, these two things are commonly asserted: 1. He who from inability or ignorance omits either the whole work or a notable part of it, for example if a child or old man does not fast, does not gain the indulgence, unless this work, on account of grave difficulty, by legitimate concession of the Pontiff, has been commuted for him into another. - 2. It does not harm if a small part of the enjoined work is omitted, because the work is still judged to be performed as to substance. But a small part is to be taken respectively to the whole work: thus in the Rosary the omission of one *Pater* and *Ave* seems small; but otherwise, if five *Pater* and *Ave* are required for an indulgence, and one *Pater* and *Ave* is omitted.³⁶⁹

1731. IV. The special conditions which ORDINARILY are required for a plenary indulgence are CONFESSION, COMMUNION, and VOCAL PRAYERS. Wherefore we note:

1. CONFESSION, although it is not required for certain plenary indulgences, for example for the Indulgences of the Way of the Cross, is nevertheless for the most part required by this or a similar clause which is customarily appended to various Rescripts: “to the contrite and confessed.” - Therefore confession is necessary even if someone has only venials; because it is required as a condition and prescribed work, as is clear from the Decree of the S. C. of Indulgences, approved by Clement XIII, May 19, 1759.³⁷⁰ Nor indeed is absolution required except for mortal sins.

From the Indult of December 9, 1763,³⁷¹ and from the Decree of the S. C. of Indulgences, December 15, 1841,³⁷² it was established that those who are accustomed to confess each week, that is, in any passing space of seven days, as the S. C. declared on November 23, 1878,³⁷³ can gain all Indulgences occurring through the week, for gaining which sacramental confession would otherwise be required, provided they are conscious to themselves of no lethal fault, as is clear, and provided it is not a question of Jubilee. This privilege, in several places, was extended from particular Indults to two weeks, or even to an entire month, for example in the Eastern Missions.³⁷⁴ Besides, from the decree of the S. C. of

³⁶³ *Decr. auth.*, n. 407.

³⁶⁴ *Ibid.*, n. 360.

³⁶⁵ M. Ulrich, C.S.S.R., *Trésor spirituel*, p. 1, chap. 4, art. 3, § 2, n. II.

³⁶⁶ *Raccolta* (ed. 1886), p. XXII.

³⁶⁷ *Decr. auth.*, n. 434; cf. also *Acta S. Sed.*, vol. X, p. 563.

³⁶⁸ Cf. Konings, n. 1778, III, 5 and 7.

³⁶⁹ Book VI, 534, 13, 14, 16.

³⁷⁰ *Decr. auth.*, n. 214, 295.

³⁷¹ *Ibid.*, n. 231.

³⁷² *Ibid.*, n. 295.

³⁷³ *Ibid.*, n. 439.

³⁷⁴ Cf. *Collect. S. Sed.*, n. 546 and 517.

Indulgences approved by Pius VII on June 12, 1822,³⁷⁵ those who are not accustomed to confess each week can make the confession necessary for gaining an indulgence on a feast day within eight days before the feast, if they live in places in which, in view of the scarcity of confessors, the Ordinary obtained a special Indult.

2. COMMUNION, as also confession, can be anticipated on the day before that day for which some Indulgence is granted, not only by reason of an occurring festivity, but also from any other cause whatever, for example reception into some Confraternity, the prayer of the Forty Hours, a pious exercise, etc.; “yet, in fulfilling the other works enjoined, the general rule concerning the manner and time prescribed in the concessions being observed” (S. C. Indulg., October 6, 1870).³⁷⁶

Paschal Communion is valid for gaining a plenary Indulgence occurring on the same day; except, however, the Indulgence of the Jubilee, for which a special Confession and Communion are required, unless the contrary is expressed in the Pontifical Letters. Thus from the Decree of May 10, 1844.³⁷⁷ - Likewise, one holy Communion, made at the time of Pastoral Visitation or spiritual Exercises in parishes, suffices for satisfying the paschal precept and for gaining the plenary Indulgence (cf. n. 1738).³⁷⁸ - Likewise, Communion on the day of Easter can suffice for gaining the indulgence of the Papal blessing and for satisfying the precept (Declaration of Gregory XVI, March 19, 1841).³⁷⁹

3. VOCAL PRAYERS, to be recited according to the intention of the one granting, are at the discretion of each faithful person, unless they are particularly assigned; but ordinarily they are to be poured forth in some church (cf. 1733, q. 4).

Yet Benedict XIV admonishes:³⁸⁰ “Although a brief prayer employed with a sense of fervent piety... can satisfy, nevertheless for the most part brevity of prayer is accustomed to proceed from a small study of piety or a soul little inclined to spiritual things, or from tedium and negligence.” But according to the common opinion, five *Pater* and *Ave*, or an equivalent prayer, suffice. - These prayers can also be recited alternately with a companion.³⁸¹ Posture while praying is generally not prescribed.³⁸² - As regards the sick, deaf-mutes, etc., for whom a commutation of works must be made, see n. 1733, q. 6 and 7.

1732. V. Indulgences, whether plenary or partial, can, from concession of the Pontiff, BE APPLIED to the dead. - This is clear from the use of the Church and from propositions condemned by Sixtus IV, Leo X, and Pius VI. But for this it is NECESSARY:

1. That they have been granted as applicable to the dead.³⁸³ But this concession is given by the Roman Pontiff alone.
2. That the one gaining them have an intention, at least interpretative, of applying them to the dead; for the Superior only gives the power, but does not apply them to this or that deceased person. Yet a general application suffices, for example to all the dead, because suffrages are divisible.
3. That he who intends to gain them be in the state of grace, at least when he fulfills the last prescribed work, as seems truer to St. Alphonsus against some; for no one can apply an Indulgence to another unless he has first gained it himself.³⁸⁴ The S. C. of Indulgences was asked about this matter, and on August 20, 1822, responded: *Deferred*;³⁸⁵ and being asked again, responded on February 22, 1847: Let the petitioner consult approved authors.³⁸⁶

1733. Questions. Q. 1. Whether an indulgence granted as plenary is valid as PARTIAL, if it cannot be obtained entire; for example, because of affection toward some venial sin?

Resp. Affirmative. The reason is: 1. “because just as it is not repugnant that the fault of one venial sin be remitted without the fault of others being remitted, so also the punishment”; 2. because the S. Pontiff, “by granting a plenary Indulgence, is not presumed to wish to restrict it only to those to whom all venials are remitted (who certainly are very few), but rather

³⁷⁵ *Decr. auth.*, n. 252 and n. 264.

³⁷⁶ *Ibid.*, n. 426; cf. also *Collect. S. Sed.*, n. 549.

³⁷⁷ *Decr. auth.*, n. 327.

³⁷⁸ *Ibid.*, n. 296.

³⁷⁹ *Ibid.*, n. 288.

³⁸⁰ Constitution *Inter praeteritos*, December 3, 1749, § 83.

³⁸¹ Konings, n. 1778, end.

³⁸² *Decr. auth.*, n. 398.

³⁸³ All Indulgences published in the work whose title is *La Raccolta* have been declared applicable to the dead.

³⁸⁴ Book VI, 533 and 534, 10; *H. A.*, XVI, 62.

³⁸⁵ *Decr. auth.*, n. 253.

³⁸⁶ *Ibid.*, n. 341.

to grant it according to the capacity of the subject, so that at least the punishment of those venials whose fault has been remitted may be remitted.”³⁸⁷

Q. 2. Whether someone can gain DIVERSE Indulgences, or the same Indulgences several times, ON THE SAME DAY?

Resp. 1. As regards diverse Indulgences, the faithful generally can gain them, at least if they are partial (concerning plenary ones, see question 4) and attached to diverse works, or to the same works which can be repeated several times in a day. Thus commonly the Theologians. 2. As regards the same Indulgences, attention must be paid to the letters of concession, whether namely they say *as often as*. If these determine nothing, one must stand by the interpretation and common practice of the Church.³⁸⁸

Q. 3. Whether someone can gain several Indulgences BY THE SAME ACT, or by the same work?

Resp. Affirmative, if the prescribed work either cannot be repeated, or is not accustomed to be repeated on the same day, as fasting, Communion, etc.; negative, if the work can be repeated, as prayers according to the intention of the S. Pontiff, visitation of a church, etc. - For to the question: “Whether, if Indulgences under various titles are annexed to the same pious work, which cannot be repeated by the faithful, all can be gained?” the S. C. of Indulgences responded on January 12, 1878:³⁸⁹ “Affirmative, provided the works enjoined truly cannot, or are not accustomed to, be repeated, as confession, unless it is necessary from another source.”

Q. 4. In what way can SEVERAL PLENARY Indulgences be gained on the same day?

Resp. It was asked: “1. Since from diverse decrees of the S. C. of Indulgences it is now permitted to gain several plenary Indulgences ON THE SAME DAY, the conditions having of course been fulfilled, it is asked whether the said decree concerns only Indulgences occurring on one day because of a festivity, or rather also those which each person, on account of his devotion, has affixed to such a day through the week or month? 2. He who wishes to use the decree itself, whether he is bound to visit a church or public oratory (when namely such a visitation is required) as many times as there are indulgences to be gained? - And insofar as Affirmative, 3. Whether it suffices that in one and the same church so many prayers, or visitations, be repeated as there are Indulgences to be gained, without anyone going out of the church after each visitation and entering it again?” - And the S. C. of Indulgences, February 29, 1864, responded: “To the 1st: Affirmative. To the 2nd: Affirmative. To the 3rd: Negative.”³⁹⁰

Q. 5. Whether, if the faculty of commuting works enjoined for gaining indulgences is granted, the commutation must necessarily be made IN CONFESSION?

Resp. It is disputed. Busenbaum, not corrected by St. Alphonsus,³⁹¹ denies it from the declaration of Gregory XIII. - Yet it must be affirmed when it is a question of a Jubilee, from the Constitution *Inter praeteritos* of Benedict XIV, § 63,³⁹² unless another faculty is expressly granted.

Q. 6. In what way can DEAF-MUTES gain Indulgences to which VOCAL prayers are annexed?

Resp. The S. C. of Indulgences established, and Pius IX approved on March 15, 1852,³⁹³ the following: 1. “But if among the works prescribed for gaining an Indulgence there is the visitation of some church, deaf-mutes are bound devoutly to visit the church itself, although they only raise the mind to God, and pious affections. - 2. But if among the works there are public prayers, deaf-mutes can gain the Indulgences annexed to them, indeed joined in body to the other faithful praying in the same place, but likewise with the mind only raised to God, and with pious affections of the heart. 3. But if finally it is a question of private prayers, the proper confessors of the mute and deaf can commute the same prayers into other pious works manifested in some way, according as they shall judge expedient in the Lord.”

Q. 7. In what way can the SICK gain Indulgences for acquiring which holy Communion and visitation of some church are prescribed?

Resp. From the benign concession of Pius IX, on September 18, 1862,³⁹⁴ the sick who, “on account of chronic illness, or some permanent physical impediment, are unable to go out of the house (except, however, those who dwell in community),

³⁸⁷Book VI, 534, 19, v. *Certum est*; H. A., XVI, 63.

³⁸⁸Gury, II, 1053, q. 12; cf. *Acta S. Sedis*, vol. I, p. 116 and vol. X, p. 563.

³⁸⁹*Decr. auth.*, n. 434.

³⁹⁰*Ibid.*, n. 399; cf. *Collect. S. Sed.*, n. 558.

³⁹¹Book VI, 534, 15.

³⁹²*Ibid.*, 536, 14.

³⁹³*Decr. auth.*, n. 355; cf. also *Collect. S. Sed.*, n. 557.

³⁹⁴*Decr. auth.*, n. 393; cf. *Collect. S. Sed.*, n. 553.

can acquire all and individual plenary Indulgences, provided that, truly penitent, confessed, and all other conditions having been fulfilled, if any have been enjoined, in place of holy Communion and visitation, they faithfully complete other pious works to be enjoined by the respective confessor.”

Moreover, our Most Holy Lord Pope Leo XIII, on January 16, 1886, approved a decree of the S. Congregation of Indulgences by which it is granted “that the infirm or those worn out by old age, living in community and under rule, who cannot execute the churches or oratories or other things prescribed for indulgences, nevertheless can gain indulgences by fulfilling other pious works to be prescribed at the judgment of the confessor.”³⁹⁵

Q. 8. Whether the faithful enrolled in CONFRATERNITIES are deprived of indulgences if they do not observe the STATUTES of the Confraternity?

Resp. Negative. For thus the S. C. of Indulgences responded to the question on January 25, 1842, in Cameracen.:³⁹⁶ “Provided that the Sodalties have been canonically erected, and the members fulfill the works enjoined by the Supreme Pontiffs for gaining the Indulgences annexed to their respective Confraternity, and the members themselves have been legitimately enrolled in the Confraternity: partial or general non-observance of the statutes does not hinder the acquisition of indulgences, from the fact that the statutes have been given rather for the government and right administration of the Sodality, but by no means as works enjoined for acquiring Indulgences.”

For the rest, see the Canonists concerning things pertaining to CONFRATERNITIES and SODALTIES.³⁹⁷

1734. Note. It is useful here, for the reader’s convenience, to transcribe some other RESPONSES of the S. C. OF INDULGENCES which pertain to the present matter.³⁹⁸

1. Indulgences can be applied to solid things, iron, wood, lead, etc., also to a rosary made of solid glass. Only those things which can easily be broken or torn, as paper, blown glass, etc., are excepted (S. C. Indulg., February 29, 1820).³⁹⁹ - But medals must display the image of some Saint either solemnly canonized, or at least entered in the Roman Martyrology; nor does the image of some Blessed suffice, unless at the same time the image of a Saint is present (S. C. Indulg., December 22, 1710).⁴⁰⁰
2. For blessing crosses, rosaries, etc., for Indulgences, it suffices if the sign of the cross is made by the priest who has received this faculty, although in the Indult there exists the clause “in the form customary in the Church.” But for rosaries of the Rosary and of the Seven Sorrows of the B. V., the prescribed formula and the sprinkling of blessed water are required (S. C. Indulg., April 11, 1840; January 7, 1843; and February 29, 1864).⁴⁰¹
3. It was asked: “1. Whether rosaries lose Indulgences if they are given to someone? - 2. Whether after the death of the owner another acquires ownership of them, namely of the Indulgences? 3. If the string of rosaries is broken, whether voluntarily so that they may be connected by chains, or involuntarily and by chance this has happened? - 4. If four or five beads are lost? - 5. If they are lent to a friend, either for simply reciting the rosary, or for gaining Indulgences?” - And the S. C. of Indulgences on January 10, 1839,⁴⁰² responded: To the 1st, affirmative, as often as they are not given immediately or mediately by a person having the faculty of distributing them. - To the 2nd, negative, because Indulgences do not pass beyond the person of the former owner. - To the 3rd, negative, because the same rosaries persevere as to moral form. - To the 4th, negative, from the reason brought forward in the preceding response. - To the 5th, negative in the first case, affirmative in the second. For in order that Indulgences affixed to rosaries and other movable things perish, the end of giving or lending for the communication of Indulgences is required.”
4. When the S. Pontiff grants any Indulgence to the City and the World, so that the faithful can gain such an Indulgence in various dioceses: is it required that this Indulgence be promulgated by the Ordinaries of places, or on the contrary does it suffice that they be certain that the aforesaid Indulgence was granted by the S. Pontiff? The S. C.

³⁹⁵ *Acta S. Sedis*, vol. XVIII, p. 462.

³⁹⁶ *Decr. auth.*, n. 298; *Collect. S. Sed.*, n. 563.

³⁹⁷ Cf. Ferraris, verb. *Confraternitates*; Craisson, *Man. j. can.*, n. 4654-4680; Lucidi, *de Vis. SS. Limin.*, vol. 2, p. 474 seqq.; *Decr. auth. S. C. Indulg.* (Append., nn. I, XII, XIII and Index of things); likewise the authentic Rescripts of the same Congregation published at Regensburg in the year 1885.

³⁹⁸ Cf. Del Vecchio, *Compend.*, tom. II, n. 666.

³⁹⁹ *Decr. auth.*, n. 249.

⁴⁰⁰ *Decr. auth.*, n. 32.

⁴⁰¹ *Decr. auth.*, n. 281, n. 313, 401.

⁴⁰² *Collect. S. Sed.*, n. 587.

of Indulgences responded on July 1, 1839:⁴⁰³ Negative, as to the first part; Affirmative as to the second.

5. Whether someone can use obtained indulgences, or graces, without the license and recognition of his Ordinary? Resp. Affirmative, as to use and enjoyment; but he can use the same graces only privately, provided they yield to the burden of no one, or offer an occasion of scandal, and provided the petitioner does not presume to send these faculties to print without license (December 12, 1840).⁴⁰⁴
6. Whether he who obtains diverse faculties from the Apostolic See, namely of a personal privileged altar, of erecting the stations of the Way of the Cross, of blessing crosses, medals..., must exhibit the said faculties to the Ordinary, even if no mention has been made in the Rescripts of the concessions? - Resp. Affirmative, as to the erection of the Way of the Cross; negative, relative to the other faculties, unless it has been otherwise disposed in the obtained concessions (February 6, 1844).⁴⁰⁵
7. When in Briefs of Indulgences it is said, "these presents to last for seven years," the seven years are to be computed not from the day of publication, but from the day of the date of the Brief (S. C. Indulg., May 20, 1711).⁴⁰⁶
8. It is permitted to turn prayers with Indulgences into another language without the Indulgences being lost, if the translation is faithful (S. C. Indulg., September 30, 1852).⁴⁰⁷ But so that the fidelity of a version of prayers to which indulgences are annexed may be established, the declaration of the S. C. of Indulgences through the Most Eminent Prefect, or of one of the Ordinaries of the place where the language into which the prayer is turned is common, suffices. Thus the S. C. of Indulgences on December 29, 1864.⁴⁰⁸
9. Whether those visiting the churches of the Order of St. Francis, on August 2, gain a plenary indulgence as often as they enter them and pray there for a little while? And whether it is required that Communion be made in the same church? - The S. C. I. responded on July 12, 1847.⁴⁰⁹ Affirmative to the first part; Negative to the second.

NB. As regards Indulgences of the Way of the Cross and of various Scapulars, see the authentic Acts of the S. C. OF INDULGENCES, Appendix, §§ V, VI, etc.⁴¹⁰

§ 2. On The Jubilee 1735. DEFINITION. A Jubilee is a solemn plenary Indulgence with annexed privileges, granted by the S. Pontiff to those performing certain works.

It differs only accidentally from another plenary indulgence, namely by reason of solemnity and of the privileges and graces which are annexed to it. - Yet the primary motive of the concession is not that the faithful gain the Indulgence, but rather in general that they be provoked to true penance, and so obtain God's mercy or liberation from public calamities. It is also sometimes proclaimed to foster reverence and obedience toward the Holy See: for the solemn Indulgence of a Jubilee greatly profits toward the attainment of this end.

DIVISION. A multiple Jubilee is distinguished.

1. The GREATER or ordinary Jubilee, which regularly occurs every twenty-fifth year, which is called the HOLY YEAR; and the LESSER or extraordinary Jubilee, which is granted by individual Supreme Pontiffs after the exaltation of each one, or in other particular circumstances. - The greater Jubilee is customarily granted to the City, or to Rome alone, for an entire year, which having elapsed, it is extended to the whole World for a shorter time: otherwise with the lesser Jubilee.
2. The GENERAL Jubilee, which is granted to the whole World (as the greater Jubilee, and often also the lesser Jubilee); and the PARTICULAR Jubilee, which is granted to some province, city, or community.

Note. In interpreting Bulls of Jubilee, the RULES handed down by Benedict XIV are to be observed, to which not even the Bull of Jubilee itself is opposed, according as, with regard to both an ordinary and an extraordinary Jubilee, Pius IX declared on March 15, 1852.⁴¹¹

⁴⁰³ *Decr. auth.*, n. 273.

⁴⁰⁴ Del Vecchio, vol. II, n. 666, VIII.

⁴⁰⁵ *Ibid.*, n. 666, IX.

⁴⁰⁶ *Decr. auth.*, n. 37.

⁴⁰⁷ *Decr. auth.*, n. 361.

⁴⁰⁸ *Decr. auth.*, n. 415.

⁴⁰⁹ *Decr. auth.*, n. 344.

⁴¹⁰ See also Konings, n. 1787 seqq.; Craisson, *Man. jur. can.*, n. 4602 seqq.; and especially for Scapulars, M. Ulrich, C.S.S.R., *Trésor spirituel*.

⁴¹¹ *Decr. auth.*, n. 353, and Append. § XVIII, where all these rules are reported.

I. Privileges Of The Jubilee

1736. As to these, the BULL by which the Jubilee is granted must primarily be consulted. - But those things which hitherto, according to the statutes of Benedict XIV⁴¹² and the mind of approved authors, in the time of the extension of the greater Jubilee to the whole Catholic World, have been accustomed to be granted, are summarily the following:

A) Directly for the PENITENT: Faculty of choosing a confessor from among those approved by the Bishop of the place where the confession is made. - Hence, any Regulars, Oblates, Tertiaries, etc., for the confession required for gaining the Jubilee, without the license of Superiors, can choose any priest from among the said approved ones, even a secular priest; but Nuns strictly so called, and their novices, can choose someone from among those approved by the Ordinary of the place for hearing the confessions of Nuns, whether approved for this end generally, or for other monasteries.⁴¹³ - But one once approved for Nuns, whether as ordinary or as extraordinary, but whose approbation, for example because of the lapse of the prefixed term, has ceased, can also be chosen by the aforesaid Nuns for the Jubilee, "unless it is established that the same confessor was afterward positively reproved by the same Ordinary on account of demerits which concern the confessions themselves." Thus the S. Penitentiary.⁴¹⁴

B) Directly for the CONFESSOR and indirectly for the penitent.

I. Faculty of absolving, for the forum of conscience only, "from excommunication, suspension, and other ecclesiastical sentences and censures, imposed or inflicted by law or by man for any cause whatever, reserved even to the Ordinaries of places" and to the Pontiff and S. See, "although in a special form, and which otherwise in a concession, however broad, would not be understood as granted, as well as from all sins and excesses, however grave and enormous, reserved even to the same Ordinaries and Pontiff..."⁴¹⁵ - Nor does it hinder (as is taught more probably and more commonly) if someone sinned in confidence of the Jubilee.⁴¹⁶

Yet from this broad faculty there are EXCEPTED: 1. Formal heresy externalized, although occult, unless the power of absolving from it is expressly indicated⁴¹⁷ (This power, with those things preserved which must be preserved by law, was granted in the last Jubilees, celebrated at the time of the Vatican Council and thereafter). 2. Cases and censures reserved in the Constitution *Sacramentum Poenitentiae* of Benedict XIV (see nn. 1772 and 1780). 3. Absolution of those who have been excommunicated, suspended, interdicted by name, or declared or publicly denounced to have fallen into other sentences and censures by the Holy See or by some Prelate or apostolic judge; unless within the time of the Jubilee they have made satisfaction, and have come to agreement with the parties where there was need.⁴¹⁸

II. Faculty of dispensing from irregularity, yet occult, incurred because of violation of censures, through the exercise of Order.

III. Faculty of commuting simple vows (not excepting a vow not to seek commutation),⁴¹⁹ even sworn and reserved to the Apostolic See⁴²⁰ (cf. n. 2191, 2).

But from this faculty are excepted: 1. Vows of perpetual chastity and of entering Religion (cf. n. 645, q. 2); 2. Vows in favor of a third party, if they have already been accepted, unless the third party renounces his right (cf. n. 647). Therefore vows emitted in some religious Community are also excepted.⁴²¹ 3. Penal vows preservative from sin, unless the commutation is made into another work which equally or more conduces to preservation.⁴²²

Let it be noted: 1. These absolutions, commutations, dispensations cannot be made, without a special concession, outside the act of sacramental confession.⁴²³ - See the Response of the S. Penitentiary, March 16, 1865.⁴²⁴

⁴¹²Cf. Constitutions *Benedictus* (December 25, 1750); *Celebrationem* (January 1, 1751); *Convocatis* (November 25, 1749); *Inter praeteritos* (December 3, 1749).

⁴¹³Constitution *Celebrationem*, § 9-11.

⁴¹⁴Cf. *Nouv. Revue Théol.*, tom. I, p. 430 sq.

⁴¹⁵Benedict XIV, Constitution *Benedictus*, § 4; and Pius IX, Encyclical *Gravibus Ecclesiae*, 1874.

⁴¹⁶Book VI, 537, q. 6; *H. A.*, XVI, 69.

⁴¹⁷Benedict XIV, Constitution *Inter praeteritos*, § 85.

⁴¹⁸Benedict XIV, Constitution *Benedictus*, § 5; cf. *H. A.*, XVI, 70, 71; Book VI, 537, q. 7 and 8.

⁴¹⁹Ferraris, verb. *Jubilaeum*, art. 2, n. 39.

⁴²⁰Benedict XIV, Constitution *Benedictus*, § 4; cf. Loiseaux, *Du Jubilé*, p. 460-554.

⁴²¹Constitution *Benedictus*, § 4.

⁴²²*Ibid.*, § 4.

⁴²³Benedict XIV, Constitution *Convocatis*, n. 25.

⁴²⁴*Acta S. Sed.*, vol. I, p. 176.

2. Each faithful person can enjoy these things only one time during the Jubilee; but it is not necessary that all things be applied to him at the same time, or by the same confessor; yet they can be applied only to those “who have sincerely and seriously determined to obtain the Jubilee, and with this intention of gaining it and of fulfilling the remaining works necessary for gaining it, approach confession.”⁴²⁵

II. Conditions Required For The Jubilee⁴²⁶

1737. I. For the GREATER or ORDINARY Jubilee, three conditions are usually required, namely:

1. DEVOUT VISITATION OF CHURCHES, namely of those which in the City are designated by the S. Pontiff, and outside the City by the Ordinaries of places, by praying piously in them according to the intention of the Pontiff, for example by reciting five *Pater* and *Ave*, or equivalent prayers. - It does not hinder if, while you cannot enter the church to be visited because of the multitude of men, you pray in the vestibule, or before the doors, or in the cemetery, or before the locked door of the church. But if several altars are prescribed to be visited, they must be visited in such a way that by some movement at least of the body you turn yourself to each one, with the intention of visiting it, then reciting the prayers due.⁴²⁷ If in some place only one church exists, from the general decree of the S. C. of Indulgences issued on March 15, 1852,⁴²⁸ the faculty is given to Ordinaries of granting that all the prescribed visitations be performed in this church. But these visitations in the same church must be distinguished from one another, so that each time it is necessary to enter it and to go out from it. Thus from the declaration of the S. Penitentiary, January 26, 1875.⁴²⁹
2. VALID CONFESSION, even if only formally integral (cf. n. 1731).
3. COMMUNION, made in the state of grace, or in which at least first sanctifying grace is conferred per accidens,⁴³⁰ namely if someone indisposed, but in good faith and attrite, approaches the Sacred Table (cf. n. 1395).

II. For the EXTRAORDINARY Jubilee, besides the three enumerated conditions, there are usually prescribed:

1. A FAST of three days, Wednesday, Friday, and Saturday. But a strict fast is prescribed, in which only fasting foods may be eaten, unless commutation is obtained (cf. Decision of the S. Penitentiary, March 16, 1865).⁴³¹ - 2. ALMS, either indeterminate, that is, some alms; or determinate, according to the ability of each one. But it is not necessary to expend money; it suffices to give another thing estimable by price, for example clothing, etc.

Note. For a PARTICULAR Jubilee, attention must be paid to the tenor of the Indult granted. - Ordinarily only three things are required, namely Confession, Communion, and visitation of some church.

1738. Three things here come TO BE NOTED: 1. To gain the Indulgence of a Jubilee, works already due from another title do not suffice. Hence: 1) a fast already prescribed, for example by reason of Ember Days, does not suffice, unless the S. Pontiff has granted this, for example by determining, or permitting to be determined, the Lenten time for gaining the Jubilee. 2) Annual confession does not suffice, unless this is expressly granted. 3) Paschal Communion does not suffice, even if the Jubilee is celebrated at Eastertide. Thus the S. Penitentiary, January 26, 1875. Yet sometimes the S. Pontiff has benignly granted that it suffice.⁴³² 4) Finally, the visitation of a church while someone assists at Mass on Sunday does not suffice.

2. To confessors is granted the FACULTY OF COMMUTING the works prescribed into other works, otherwise not due and of almost the same nature; not indeed to all indiscriminately, but only to those who are in physical or moral impossibility of fulfilling the common conditions. And when it is granted that the faithful can gain the indulgence of the Jubilee several times, the works enjoined can also be commuted several times (S. Penitentiary, March 18, 1886).⁴³³ Yet it must be adverted that this faculty can be exercised only within the act of confession (as was said above, n. 1737, note 1), and is not extended to all the works prescribed. For Confession is never commuted; Communion, however, is commuted only for children, and also, as it seems, for those laboring under chronic illness (from the general concession of Pius IX reported in n. 1733, q. 7, which does not except the Jubilee); finally prayers

⁴²⁵Cf. Konings, n. 1784.

⁴²⁶Ibid., 1785 sq.

⁴²⁷Book VI, 534, 14; cf. Ferraris, verb. *Jubil.*, art. 3, n. 7 seqq.

⁴²⁸*Decr. auth.*, n. 353.

⁴²⁹Cf. *Catech. dell'Anno Santo*, 1875, p. 257.

⁴³⁰Cf. Loiseaux, *du Jubilé*, ch. 5, art. 2, § 3, n. 5 (p. 202).

⁴³¹*Acta S. Sed.*, vol. I, p. 174 sq.

⁴³²Cf. Scavini, tom. IV, n. 348, I.

⁴³³*Acta S. Sed.*, vol. XVIII, p. 512.

cannot be commuted, even if the visitations of churches are commuted. Thus Benedict XIV, Constitution *Inter praeteritos*, § 53.

3. The Jubilee, at least from more recent Indults, can be PROROGUED into another but proximate time, in favor of travelers, navigators, and generally of those who are impeded by some transitory obstacle from completing all the prescribed works within the very time of the Jubilee. - Hence, if on the last day someone, for example because of a broken fast or the postponement of absolution, were prohibited from communicating, he would rightly obtain a prorogation of the Jubilee from the confessor.

1739. Questions. Q. 1. What QUANTITY of alms must be expended?

Resp. "In this, the words of the Indult are especially to be attended to; for if it is said: *As much as to each one according to his ability shall have seemed good*, then the quantity must be proportioned to the abilities of each one; hence it will suffice for a poor man to give an obol, not for a rich man. - But if it is said simply: *Whoever shall have given alms*, one must distinguish: if the Pope asks it only for exercising mercy toward the poor, then it suffices to give any sum whatever; otherwise, if alms is demanded as a subsidy for some pious work."⁴³⁴

Q. 2. Whether the POOR are bound, in order to gain the Jubilee, to give alms?

Resp. Affirmative. Because no one is so poor that he cannot at least give an obol. - But for Religious, children in the household, wives, and servants it suffices if alms is expended by their Superiors with their knowledge. - But if the Superior refuses to expend it, a commutation must be sought.⁴³⁵

Q. 3. Whether a certain ORDER is required in executing the conditions of the Jubilee?

Resp. Negative, for this is not expressed in the Bulls. - But the last work must be placed in the state of grace. But if someone after confession falls into mortal sin, although he is not bound to repeat the visitations, etc., he is nevertheless bound to confess again, nor does it suffice to be contrite, if he wishes to gain the Jubilee.⁴³⁶

Q. 4. Whether all works must be performed in ONE AND THE SAME place?

Resp. Negative, for the S. Penitentiary (in the year 1875) declared: "works begun in one place can be fulfilled and completed in another, where someone must spend his life by reason of office, service, or marriage." - Likewise, to the question: "whether he gains the Jubilee who fulfills the prescribed conditions in another diocese, where he does not have domicile, if he observes the ordinances of the Ordinary of the place where he is staying?" it was answered: Affirmative.⁴³⁷

Q. 5. Whether confession made on the VIGIL of the first day of the Jubilee suffices?

Resp. Negative, and the reason is that all works must be done within the interval of time established for gaining the Jubilee. - Yet confession can be begun either on the vigil or before, provided it is finished during the time of the Jubilee. And the whole confession can be performed in that part of the vigil which follows first Vespers; because the first day, according to ecclesiastical custom, is usually computed from first Vespers; and this is constantly observed in the ordinary Jubilee of the City, as is clear from the Bull *Peregrinantes* of Benedict XIV, May 5, 1749, § 5.⁴³⁸

Q. 6. Whether all the enjoined works must be completed in ONE week?

Resp. 1. Affirmative, as regards FASTS. This is clear from the formula usually appended, which sounds thus: "Those who have taken part in the procession, or have visited the churches, and have fasted on Wednesday, Friday, and Saturday of one of the two weeks, and likewise have confessed their sins and been refreshed with holy Communion, and have bestowed alms, etc." Therefore the three fasts must be done in the same week.⁴³⁹ - 2. As regards OTHER WORKS, in more recent Indults it has been expressly declared that they do not have to be completed necessarily within the same week. Thus Pius IX, November 20, 1846, and Leo XIII, March 12, 1881. - Indeed, sometimes the whole year is granted for fulfilling any conditions whatever (Encyclical, December 22, 1885).

Q. 7. Whether the Jubilee can be gained SEVERAL TIMES?

⁴³⁴Book VI, 538, q. 11.

⁴³⁵Ibid., q. 11, doubt 1.

⁴³⁶Benedict XIV, Constitution *Convocatis*, n. 47.

⁴³⁷Cf. *Acta S. Sed.*, VII, p. 486.

⁴³⁸Gury, II, n. 1069.

⁴³⁹Book VI, 537.

Resp. The Jubilee of the HOLY YEAR in the City, but not outside, can be gained by someone several times; and the same faculty is usually granted as to extraordinary Jubilees. But each one can enjoy the favors annexed to the Jubilee only once. Thus all,⁴⁴⁰ and the S. Penitentiary has expressly declared it concerning several particular Jubilees.

Q. 8. Whether he sins gravely who, after he has been absolved from reserved cases, afterward DOES NOT FULFILL the works enjoined?

Resp. Negative, with the common opinion. "The reason is because an obligation of this sort is not considered imposed either from the nature of the Jubilee, or from the precept of the Pontiff or confessor." But he who, with the true intention of gaining the Jubilee, has been absolved from censures, or dispensed in a vow or irregularity, does not relapse if afterward, his will having changed, he does not gain the Jubilee, even culpably.⁴⁴¹

Q. 9. Whether he who confessed in the time of Jubilee, and FORGOT or WITH CAUSE OMITTED to confess his RESERVED sins, can then be absolved by any confessor?

Resp. 1. Affirmative, if the confessor had the express intention of absolving also from reserved sins. Thus all. - 2. The same is more commonly and more probably admitted, although the confessor did not think about this; because the penitent, by force of the Jubilee, acquired the right to the favor of the Pontiff, so that from that time he can be absolved by any confessor.⁴⁴² - 3. But if someone began a confession within the Jubilee, which materially imperfect confession must be deferred longer, he will be able to be absolved from all reserved sins either then or afterward.⁴⁴³

Q. 10. Whether by an INVALID confession in the Jubilee reserved censures are absolved, and the reservation of sins is removed?

Resp. Negative, according to St. Alphonsus.⁴⁴⁴ The reason is that the Pontiff grants such a faculty for this end, that the faithful may gain the indulgence of the Jubilee. Therefore he is not presumed to grant it in favor of those who, because of an invalid confession, cannot gain the indulgence.

1740. Note. During the time in which the Jubilee of the HOLY YEAR is celebrated at Rome (but not during the time in which it is extended to the World): 1. Outside the City are SUSPENDED faculties or privileges both of absolving from cases reserved to the Apostolic See and of commuting vows, dispensing from irregularities, etc.; whether these faculties were conceded in view of indulgences, or for other causes. Thus Benedict XIV.⁴⁴⁵ There are excepted (unless something else is clear from the Bull): 1) the faculties of the S. Inquisition and its ministers; 2) faculties conceded to Bishops by the Council of Trent; 3) faculties of Regular Superiors to be exercised with their subjects; 4) faculties of Missionaries whom the Holy See sends, or the S. Congregation de Propaganda Fide; 5) faculties which the S. Penitentiary gives to Missionaries for places of missions; 6) faculties which perhaps the confessor has either obtained from the S. Penitentiary, or has as subdelegated by his own Ordinary after the manner of a habit for the internal forum and only in the act of sacramental confession (S. Penitentiary, year 1875).⁴⁴⁶

2. Similarly, in the holy year there are suspended (unless otherwise established, as in the Jubilee of the year 1875) all indulgences both plenary and particular which have been conceded for the living, and which are neither real nor local; but those conceded for the dead are not suspended. Indeed, from the concession of Benedict XIV, through the whole year of Jubilee, all Indulgences can be applied to the dead, not even those excepted which otherwise were not applicable to them.

Yet among indulgences for the living, some are EXCEPTED from suspension, namely: 1. Indulgences for the dying; 2. Indulgences for the prayer *Angelus Domini*; 3. Indulgences for visitation of the Most Holy Sacrament solemnly exposed; 4. Indulgences for those who accompany the Most Holy Sacrament carried to the sick; 5. all Indulgences which are conceded by someone other than the Pope. These things are deduced from the Constitutions of Benedict XIV and Leo XII.⁴⁴⁷

§ 3. On Indulgences To Be Gained In The Article Of Death 1741. I. The dying can, by various titles, gain SEVERAL INDULGENCES, which they call *latae*, that is, to be obtained without the ministry of a priest, namely: 1. If they possess

⁴⁴⁰Ibid., 536, 25.

⁴⁴¹Book VI, 537, q. 3; *H. A.*, XVI, 67.

⁴⁴²Book VI, 537, q. 4; *H. A.*, XVI, 68.

⁴⁴³Book VI, 535, 3.

⁴⁴⁴Ibid., 537, q. 2; *H. A.*, 66; cf. first list of reformed questions, n. 80.

⁴⁴⁵Bull *Inter praeteritos*, § 29.

⁴⁴⁶Benedict XIV, *Cum nos nuper*, May 7, 1749; cf. Loiseaux, *Du Jubilé*, last section; *Acta S. Sed.*, vol. VIII, p. 486.

⁴⁴⁷Cf. *H. A.*, XVI, 72; Book VI, 535, Resp. 2.

sacred things, for example crosses, medals, rosaries, enriched with apostolic Indulgences; - 2. if they are members of some Confraternity, for example of the Most Holy Rosary, of the Third Order of St. Francis, etc.; or if they wear some approved Scapular; 3. if they have frequently in life elicited acts of the theological virtues, etc.⁴⁴⁸

The conditions required for gaining these indulgences are the same as for the indulgence of the Apostolic Blessing (see below, q. 2). But if they are annexed, for example, to a cross, rosary, etc., it is required that the sick person have these things with him, or near the bed, although he does not see them, and that he invoke the Most Holy Name of Jesus as many times as there are indulgences to be gained.

- II. Among the indulgences which they call *ferendae* (or to be granted through the ministry of a priest), which can be gained in the article of death, there especially stands forth the APOSTOLIC BLESSING for the article of death, or GENERAL ABSOLUTION, which the Roman Ritual reports.

1742. Questions. Q. 1. When can GENERAL ABSOLUTION be imparted?

Resp. In grave infirmity, namely in the imminent article of death, under which is understood not indeed the agony, but an evident and proximate danger of death, as is gathered from the Bull of Benedict XIV. The rubric of this blessing says: "It is customarily imparted after the Sacraments of Penance, Eucharist, and Extreme Unction." In which case the *Confiteor* must be said three times (S. C. Indulg., February 5, 1841, to the 6th).⁴⁴⁹

Q. 2. What is required ON THE PART OF THE PRIEST for VALIDLY imparting this Indulgence?

Resp. 1. That he be delegated. This delegation is made by the Roman Pontiff to all Bishops requesting it, together with the power of subdelegating priests, both secular and regular; and indeed in such a way that neither the Indult granted to Bishops expires by the death of the S. Pontiff, nor the subdelegation by the departure or death of the subdelegating Bishop (Thus Benedict XIV, Constitution *Pia Mater*, April 5, 1747).⁴⁵⁰

2. That he use the formula prescribed by Benedict XIV: if this is omitted, even because of the lack of a book, the indulgence is not conferred, because it is not only directive, but preceptive. S. C. Indulg., February 5, 1841, in Valentinen., to the 8th.⁴⁵¹

NB. This formula, according to the Brief of our Most Holy Lord LEO XIII, *Quo universi* (July 7, 1882), must be used by all, even if by another title, for example from a privilege conceded to some Order or Confraternity, General Absolution is given. Wherefore, in the typical edition of the Roman Ritual (Regensburg, 1884), all other formulas which were formerly read in the appendix have been expunged.

Q. 3. What is required ON THE PART OF THE INFIRM?

Resp. 1. The intention of gaining the indulgence, at least interpretative, as is clear from the words of the Rubric. For it is said that it is to be imparted to those "who either have even requested it... or probably would have requested it, or have given signs of contrition." 2. That the sick person be "confessed and refreshed with holy Communion, or insofar as he has been unable to do this, at least contrite, and has devoutly invoked the NAME OF JESUS by mouth, if he could, but if not, in the heart." 3. An act of contrition and charity; and 4. An act by which the sick person receives death from the hand of the Lord with a calm and willing soul, as is clear from the Bull. - And these conditions indeed, as long as the sick person is in possession of his mind, are required as conditions *sine qua non* for gaining the indulgence, as the Authors commonly teach, and concerning the invocation of the Most Holy Name of Jesus the S. C. OF INDULGENCES expressly declared on September 23, 1775.⁴⁵²

Wherefore the RITUAL admonishes: "But if the sick person wishes to confess, let him (the Confessor) hear him and absolve him. If he does not ask for confession, let him excite him to eliciting an act of contrition; concerning the efficacy and power of this Blessing, if time allows, let him admonish him briefly; then let him instruct and exhort him, that he willingly bear the inconveniences and pains of illness in expiation of his past life, and offer himself ready to God for freely accepting whatever shall please Him, and patiently undergoing death itself in satisfaction for the punishments which he has merited by sinning." - It is a matter of prudence to moderate this exhortation (which can already be made in confession) in such a way that disturbance of the sick person, or indignation of the bystanders, is avoided.

Q. 4. Whether this Apostolic Blessing can be REPEATED?

⁴⁴⁸Book VI, 534, where there are many things; cf. *Raccolta delle pregh.*, etc.

⁴⁴⁹*Decr. auth.*, n. 286.

⁴⁵⁰Cf. *Decr. auth.*, append. § XV.

⁴⁵¹*Decr. auth.*, n. 286.

⁴⁵²*Decr. auth.*, n. 237; cf. de Herdt, tom. 3, p. 6, n. 25.

Resp. 1. Affirmative, in a different danger of death; 2. negative, in the same article of death. - For, from the Decree of the S. C. of Indulgences, March 12, 1855,⁴⁵³ it is prohibited “to impart several times to a sick person, remaining in the same danger of death, by the same or by several priests having this faculty, the plenary Indulgence in the article of death which is commonly called the papal blessing.” - Likewise, there it is prohibited “to impart several times to a sick person, in the same circumstances, a plenary Indulgence from another reason, for example aggregation to the Confraternity of the Most Holy Rosary, of the Holy Scapular, etc.” Nor is it permitted to repeat it because the sick person received it in the state of mortal sin, or relapsed into sin, or received Extreme Unction or absolution again. The reason is because the sick person gains the indulgence in the true article of death, if then he is in the state of grace and has already fulfilled the other conditions.

§ 4. On The Privileged Altar For The Dead In these words the S. C. OF INDULGENCES, July 28, 1840,⁴⁵⁴ declares the efficacy of this privilege:

1743. “By the Indulgence annexed to a PRIVILEGED ALTAR, if the mind of the one granting and the use of the power of the keys are considered, there is to be understood a plenary indulgence, which immediately frees the soul from all punishments of Purgatory; but if the effect of the application is considered, there is to be understood an indulgence whose measure corresponds to the good pleasure and acceptance of the divine mercy.” - But if celebration is made for several deceased persons, the indulgence of the altar is limited to one of them, except on the day of the Commemoration of All the Dead, from the decision of the S. C. of Indulgences, June 19, 1880, in Romana, to the 2nd,⁴⁵⁵ and February 29, 1864, in Andegaven.⁴⁵⁶

The Privilege can be LOCAL or real, when namely it is attached to the altar itself; or PERSONAL, when it is granted to the priest himself, wherever he is going to celebrate.

I. The LOCAL Privilege is generally subject to these rules:

1. The altar must be fixed, unless a portable one is permitted in the Indult. But fixed is here understood not in the liturgical sense, but as that which is stable and immovable, although not consecrated, and in the middle of which a consecrated stone, even removable, has been placed. Thus the S. C. of Indulgences, March 20, 1846, in Mechlinien.⁴⁵⁷
2. The privilege inheres in the altar erected in honor of some Saint or Mystery, but not in the stone. - Hence, the privilege remains: if, in a fixed altar, another likewise consecrated stone is substituted for the consecrated stone (S. C. Indulg., December 15, 1841, in Mechlinien., to the 3rd);⁴⁵⁸ likewise, if the privileged altar under the same title is built again in another place of the church, or in a destroyed church, but rebuilt in the same place (S. C. Indulg., September 16, 1723, in Murana).⁴⁵⁹
3. Perpetual burdens and foundations cannot be received for privileged altars. S. C. Indulg., November 16, 1711, in Panormitana.⁴⁶⁰

Note. On the day of the Commemoration of all the dead, all altars are privileged (S. C. Indulg., May 19, 1761).⁴⁶¹ The same must be said of the day of exposition of the Most Holy Sacrament for the Forty Hours (Thus Pius VII, through a special Rescript given on May 12, 1807).⁴⁶² Yet this must be understood of the prayer of the Forty Hours properly so called, and instituted in all things according to the Instruction of Clement XI, January 21, 1705, and according to the Constitution *Accepimus* of Benedict XIV, April 16, 1746.

- II. The PERSONAL Privilege is granted for a time, or in perpetuity; for all days, or for some days in the week. - Such an Indult does not necessarily have to be exhibited to the Ordinary, unless otherwise disposed in the concession (S. C. Ind., February 5, 1851).⁴⁶³

⁴⁵³*Decr. auth.*, n. 362.

⁴⁵⁴*Ibid.*, n. 283; *Collect. S. Sed.*, n. 659.

⁴⁵⁵*Decr. auth.*, n. 451.

⁴⁵⁶*Ibid.*, n. 402.

⁴⁵⁷*Ibid.*, n. 334.

⁴⁵⁸*Ibid.*, n. 295.

⁴⁵⁹*Ibid.*, n. 84.

⁴⁶⁰*Ibid.*, n. 41.

⁴⁶¹*Ibid.*, n. 228.

⁴⁶²Cf. Gardellini, *Instr. Clementina*, § 33, n. 9.

⁴⁶³*Decr. auth.*, n. 286.

But the time of the Privilege begins to run, not from the day of publication or use, but from the day of concession (May 18, 1711).⁴⁶⁴ “The time (however) set for confirmation of the privilege, in remote regions, is to be computed not from the day of the Date, but from the day of presentation of the Brief to the Ordinary” (February 4, 1736).⁴⁶⁵ - A priest who enjoys the personal privilege of an altar, if he has been aggregated to some Congregation which also enjoys the said privilege, can use this other privilege, provided that in the Indult it is not expressly disposed otherwise.⁴⁶⁶ It must also be noted that a priest who has made the heroic act, that is, the cession of all satisfactions for the dead, daily enjoys a personal privilege (Pius IX, September 3, 1852).⁴⁶⁷

IT IS ASKED. What things must be OBSERVED in the celebration of Mass, so that someone may enjoy the privilege, whether LOCAL or PERSONAL?

Resp. 1. The Mass of Requiem must be said (and indeed in black vestments, or for a reasonable cause violet), as often as it is permitted by the Rubrics; otherwise, the indulgence is not conceded. - Except if another Mass, for example of the Feria, of a semidouble Feast, or even a votive Mass, is celebrated by reason of the exposition of the Most Holy Sacrament, the Station of the church, or some solemnity. Thus the S. C. of Indulgences, April 11, 1864.⁴⁶⁸ But on impeded days, it suffices to celebrate the Mass of the current Feast.

2. He who has a PERSONAL privilege for three or four Masses in individual weeks must celebrate on non-impeded days, or defer to non-impeded days, insofar as they occur in the same week (S. C. Indulg., April 11, 1840, and February 22, 1847).⁴⁶⁹
3. A Mass celebrated at a PRIVILEGED ALTAR is privileged, even if neither the one offering the alms nor the priest celebrating intended to apply the privilege. S. C. Indulg., March 12, 1855, in Veronen.⁴⁷⁰ Nor does the state of grace seem to be required in the celebrant, because the efficacy of the privilege does not rest on the personal dispositions of the priest, but arises from the suffrage of the Church.⁴⁷¹
4. He who, on permitted days, did not celebrate in vestments of black color, at a privileged altar, for acquiring the plenary Indulgence, and did this in good faith, to what is he bound? - Resp. “If he was bound by agreement to celebrate Mass at a privileged altar, he must gain the plenary indulgence for those deceased persons to whom he applied the fruit of the Mass, as often as on non-impeded days he did not use vestments of black color.”⁴⁷² S. C. OF INDULGENCES, February 22, 1847 (cf. n. 1616).

Note. The Sacrifice and the indulgence of the privileged altar cannot be DIVIDED, but each must be applied for the same deceased person: 1. when in the Indult it is read: “he who shall have said Mass for a deceased person at such an altar, frees his soul” (or for deceased persons); 2. when the founder, or one expending the stipend, imposes the burden of celebrating at a privileged altar. - Otherwise, in other cases.⁴⁷³

Dissertation III

On The Minister Of The Sacrament Of Penance

In this dissertation we shall treat: 1. of the power of the minister for validly ministering; - 2. of his qualities for ministering licitly and fruitfully; - 3. of his office or obligation during confession itself; - 4. of his obligations after confession has been received.

Chapter I

On The Power Of The Minister 1744. The minister of the Sacrament of Penance is only a PRIEST having JURISDICTION over the penitent. - Hence a twofold power is required in him:

⁴⁶⁴ *Decr. auth.*, n. 37.

⁴⁶⁵ *Ibid.*, n. 116.

⁴⁶⁶ *Ibid.*, n. 272.

⁴⁶⁷ *Raccolta* (ed. 1878), p. 390, I.

⁴⁶⁸ *Decr. auth.*, n. 404.

⁴⁶⁹ *Ibid.*, n. 281 and 339.

⁴⁷⁰ *Ibid.*, n. 362.

⁴⁷¹ *Ibid.*, n. 257.

⁴⁷² *Decr. auth.*, n. 339.

⁴⁷³ Cf. Konings, n. 1863.

1. The power of ORDER, or that which is conferred in the very Ordination, and which essentially inheres in the sacerdotal character. But the reason why this power is required is that it was said to priests alone: "Receive the Holy Spirit: whose sins you shall forgive, they are forgiven them" (John 20:22, 23). - You will see more among the Dogmatic authors.
2. The power of JURISDICTION, or that which, superadded to the power of Order and completing it, renders the priest expedient, so that, as judge, he can pronounce a legitimate sentence upon the penitent as a subject. - Moreover, to obtain or freely exercise jurisdiction, according to the present discipline of the Church, approbation is prerequisite. But jurisdiction itself, just as it does not belong to all by the same title, so neither does it belong to all in the same fullness, since it can be circumscribed by diverse limitations.

Therefore, so that all things which pertain to the present matter may be treated, we shall discuss: 1. approbation and jurisdiction; 2. the acquisition and loss of jurisdiction; 3. the limitation of jurisdiction as regards persons; and 4. the limitation of jurisdiction as regards sins.

Article I

On Approbation And Jurisdiction 1745. APPROBATION and JURISDICTION are customarily used promiscuously, because Bishops in modern times grant each by one and the same act. Yet approbation is not the conferral of jurisdiction, and one can exist without the other, and in fact sometimes does exist, as will be clear from what is to be said. - Hence, the nature and necessity of each must be taught separately.

§ 1. On The Nature And Necessity Of Approbation

1746. I. APPROBATION is the juridical judgment of the Bishop concerning the fitness of some priest for hearing confessions.

It is called 1. a juridical judgment; for it is an act of the intellect, and not only of the will, as is the conferral of jurisdiction. Hence, ordinarily it is not made except after an EXAMEN has previously been instituted. Yet this is not essentially required, because a prudent judgment can be had even without examination, as often as the fitness of the priest is established from another source. 2. Of the Bishop, even if not yet consecrated; or of the Vicar general, or Vicar capitular, or Abbot having episcopal jurisdiction. - 3. Concerning fitness, that is, concerning the complete aptitude of the priest, both as regards necessary knowledge and prudence, and as regards holiness of morals suitable to the vicar of Christ in this ministry.⁴⁷⁴ Yet the judgment is accompanied by an act of the will, by which the one approving wills that he who has been judged fit can freely use his jurisdiction, whether already had or to be had.

- II. For the liceity of absolution, indeed for its validity, approbation IS REQUIRED. This is established from Trent, saying in sess. 23, *de reform.*, cap. 14: "Although priests in their Ordination receive the power of absolving from sins, nevertheless the holy Synod decrees: that no one, even a Regular, can hear confessions of seculars, even priests, nor be reputed fit for this, unless either he has a parochial benefice, or is judged fit by the Bishops through examination, if this shall seem necessary to them, or otherwise, and obtains approbation, which is to be given gratis." Certain cases are excepted, in which the Church supplies jurisdiction (cf. n. 1753 seqq.).

This approbation is necessary even for hearing confessions of venials, as is established from the decree of Innocent XI, February 12, 1679, on daily Communion, and from the common interpretation and practice of more recent Authors.⁴⁷⁵

1747. Questions. Q. 1. In what way is approbation given?

Resp. 1. Implicitly, through the conferral of a parochial Benefice. For he to whom care of souls is committed is by that very fact declared fit for receiving the confessions of those committed to him, so long as he retains his office. - But if he resigns it, approbation ceases, unless perhaps (which is customarily done) the Ordinary wished him to be approved even independently of the parochial benefice.

2. Explicitly, through an express judgment. This mode of approbation, pertaining to delegated jurisdiction alone, was introduced by the Council of Trent. For before that time it belonged to pastors to delegate their jurisdiction to other priests not approved by the Bishop, yet entangled in no censure. - But mendicant Regulars did not need the approbation of Bishops, since they freely used jurisdiction directly conferred upon them by the Holy See.⁴⁷⁶

⁴⁷⁴Cf. Book VI, 542; *H. A.*, XVI, 74; Lugo, Disp. 21, sect. 1.

⁴⁷⁵Book VI, 543.

⁴⁷⁶Cf. Book VI, 541, 544.

Q. 2. From WHICH Bishop or ORDINARY must approbation be obtained?

Resp. According to the opinion today altogether to be held, it must be obtained from the Bishop or Ordinary of the place where confessions are to be received; nor does the approbation either of the Bishop of the penitent or of the Bishop of the confessor suffice. This is established from the Bull *Cum sicut* of Innocent XII (April 19, 1700), and from the Bull *Apostolica Indulta* of Benedict XIV (August 5, 1744).⁴⁷⁷

Hence: 1. A priest approved in one diocese cannot absolve even his own penitents in another, unless he has previously obtained the approbation also of this Bishop. Yet domicile or quasi-domicile in the diocese is not required for obtaining it.

2. A pastor in his own diocese, but outside his own parish, must, like other priests, be approved for receiving the confessions of those who are not of his parish.⁴⁷⁸ Thus it is gathered from the S. C. of the Council in Leodien., August 1600.⁴⁷⁹

Q. 3. Whether approbation SOUGHT and unjustly denied suffices?

Resp. Negative, for the Council of Trent (loc. cit.) requires that the priest obtain approbation; but unjust denial is not concession. The same is established 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 rejected by him." But "although the Bishop internally disapproves, external approbation is valid for conferring jurisdiction."⁴⁸⁰

Q. 4. Whether PRESUMED approbation suffices?

Resp. 1. Presumed approbation concerning the future does not suffice, that is, which is judged would be conceded if it were sought. But approbation actually existing and declared by some sign is necessary. Hence it is not permitted to begin confessions before that consent, sought by letters, has truly been given, although it may seem certain to be obtained. Thus commonly. 2. Presumed approbation concerning the present, or tacit approbation, suffices (cf. n. 239, Req. 2). Hence he validly absolves who hears confessions in the presence, or with the knowledge and non-contradiction, of the Ordinary, to whom it is established that he does not otherwise have approbation; because then the Ordinary is presumed to give it in the present. But such a presumption, since it is founded on evident signs, certainly suffices.⁴⁸¹

Q. 5. Whether the Bishop can subject priests already approved AGAIN to examination, and LIMIT or REVOKE their approbation?

Resp. 1. The Bishop can, from a just cause, recall to examination all confessors approved by himself or by a predecessor, even pastors and Regulars, provided there is a vehement suspicion of their inexperience. This is established from the decree of the S. C. of the Council, January 15, 1667,⁴⁸² and from the Constitution *Romani Pontificis* of St. Pius V. - He can similarly, at his will, revoke approbation already given, or restrict it to place, to time, to persons, without being bound to give a reason for such revocation or restriction. This is expressly deduced from the Bull *Apostolici ministerii* of Innocent XIII, by force of which the whole matter was committed to the Bishop.⁴⁸³

Resp. 2. If revocation or restriction is made without a just cause, it is indeed illicit, but nevertheless valid. This is established from the 13th proposition condemned by Alexander VII (as above, question 3). - There are indeed Authors who deny that approbation once absolutely conceded can be validly revoked without reasonable cause; "but," says St. Alphonsus,⁴⁸⁴ "I judge this opinion scarcely probable in practice, because the injustice of the revocation would have to be clearer than light, and every danger of hallucination absent; but this can scarcely occur, since there can be innumerable just causes with the Bishop for revoking approbation, which are unknown to the confessor." But in doubt whether the revocation was made from a just cause, the presumption is for the Superior.

§ 2. On The Nature And Necessity Of Jurisdiction

1748. I. JURISDICTION, in general, is the power of ruling subjects (cf. n. 138). - Sacramental jurisdiction, of which we are here treating, is the power of absolving or binding subjects in the Tribunal of penance.

⁴⁷⁷Ibid., 548; *H. A.*, XVI, 79; first list of reformed questions, n. 76.

⁴⁷⁸Book VI, 514, doubt 2.

⁴⁷⁹In Thomas de Villanova, *Collect. manuscr.*, p. 2, fol. 274.

⁴⁸⁰Book VI, 545.

⁴⁸¹Book VI, 570.

⁴⁸²Cf. Benedict XIV, Institution 9, n. 16.

⁴⁸³Book VI, 549-552; *H. A.*, XVI, 75.

⁴⁸⁴Book VI, 551.

Jurisdiction is one thing ordinary, another delegated. - ORDINARY is that which comes to someone by reason of the office itself, to which it is annexed by ordinary law; DELEGATED, that which is legitimately granted to someone by him in whom the ordinary jurisdiction resides.

- II. For VALIDLY receiving confessions, the power of Order does not suffice, but the power of JURISDICTION is REQUIRED, whether ordinary or delegated. - This is established from Trent, sess. 14, cap. 7: "Since therefore the nature and character of judgment demands that sentence be pronounced only upon subjects, it was always held as persuaded in the Church of God, and this Synod confirms it to be most true, that the absolution which a priest pronounces upon him over whom he does not have ordinary or subdelegated jurisdiction ought to be of no moment."

Article II

On The Acquisition And Loss Of Jurisdiction Three things must be investigated in this article: 1. to whom ordinary jurisdiction belongs; 2. how delegated jurisdiction is acquired; 3. whether and when the Church supplies the defect of jurisdiction.

§ 1. On Ordinary Jurisdiction

1749. I. Ordinary jurisdiction belongs to all those who have an OFFICE to which it is annexed BY ORDINARY LAW. This is established from the very definition of ordinary jurisdiction.

Hence ORDINARY jurisdiction belongs: 1. to the Supreme Pontiff, for the whole earth and in each forum; likewise to the Major Penitentiary, but only in the internal forum. - 2. To Bishops, for their respective dioceses, likewise in each forum; likewise to Archbishops visiting the subjects of Suffragans; to Vicars capitular; to Vicars general, and these, according to the very common and truer opinion, also for each forum; as also to the Canon Penitentiary of the cathedral Church for the internal forum, where the Penitentiary is erected into an Office. - 3. To pastors, likewise to perpetual vicars or vice-rectors, for their subjects, but in the internal forum alone. - 4. To Abbots, for their whole proper Convent or territory. - 5. To general Provosts, Provincials, and local Superiors, for their subjects. - See the Canonists.⁴⁸⁵

Let it be noted: 1. Those who possess ordinary jurisdiction can exercise it, since it is personal, EVERYWHERE, over their subjects. - Hence Bishops and pastors validly absolve the faithful committed to them outside the diocese, even from cases reserved in the place of confession. Thus the S. C. of the Council, December 3, 1707, in Posnanien.⁴⁸⁶

2. They can DELEGATE their jurisdiction, or exercise it through another, even if a Superior of an inferior order, in whom ordinary jurisdiction resides, contradicts. Thus the Pope can appoint confessors against the will of the Bishop, and the Bishop against the will of the pastor. - But if the one delegating does not have the right of approving in the place of confession, he is bound to choose those approved by the Ordinary of the place. Hence the faculty of delegating which pastors enjoy has become almost useless, since Bishops customarily confer jurisdiction together with approbation, as was said in n. 1745.

1750. II. Penitents can BECOME SUBJECTS of one having ordinary jurisdiction by a threefold reason: by reason of DOMICILE, by reason of PRIVILEGE OF STATUS, and by reason of CUSTOM (cf. n. 138, Div. 3).

1. By reason of DOMICILE or QUASI-DOMICILE; namely, if they intend to dwell in the territory of one having ordinary jurisdiction in perpetuity, or for a notable part of the year (cf. n. 203). - Hence merchants, students in academies, courtiers in courts, are subject to the ordinary jurisdiction of the pastors of those places where they are staying.
2. By reason of PRIVILEGE OF STATUS, or enrollment into certain families. Thus Cardinals dwelling at Rome, who otherwise lack jurisdiction, have it, and as it were ordinary, over their own household, for the forum of Penance. Hence "they are able to choose as confessor, both for themselves and for their household, any priest," whom also, if he has been approved in the City, they can take with them outside the City.⁴⁸⁷ - Thus also Novices are subject to Superiors of Religion, and all those who are truly of the household of the house, or domestics, and continual table-companions. Thus from the Constitution *Superna* of Clement X, and from the decision of the S. C. of Bishops and Regulars, July 21, 1848, in a Parmen.⁴⁸⁸ (cf. n. 2186).

⁴⁸⁵Craisson, *Man. jur. can.*, n. 1515 seqq.

⁴⁸⁶Cf. *Resolutiones S. C. C.*, year 1704-1707, p. 548.

⁴⁸⁷H. A., XX, 65, on Privileges; Book VI, 565, doubt 2; cf. Ferraris, verb. *Cardinales*, art. 4, n. 3.

⁴⁸⁸Cf. Bizzarri, *Collectanea S. C. Ep. et Reg.*, p. 616.

3. By reason of LEGITIMATE CUSTOM, insofar as this is an indication of consent furnished by the Superior. Hence, from universal custom, the Bishop of the place whence ships set sail has the ordinary faculty of approving and delegating priests who are about to sail, for the whole time of navigation; that is, "until they arrive at a place where another ecclesiastical Superior possessing jurisdiction has been constituted."⁴⁸⁹

Likewise, chaplains of armies validly absolve soldiers who are on the road and in camps everywhere, even without jurisdiction obtained from the Bishop of the place. But they cannot absolve soldiers dwelling in garrisons without a special faculty of the Apostolic See, or the license of the Ordinary. This is established from various declarations of the S. C. of the Council.⁴⁹⁰

IT IS ASKED. In what way is ordinary jurisdiction LOST?

Resp. It is lost 1. by cessation of the Office, for example by death, resignation, removal, translation. But a pastor translated from one parish to another does not lose jurisdiction over the prior parish unless he has assumed possession of the new parish. Thus from common law.⁴⁹¹ It is lost 2. by public excommunication and one denounced by name; likewise by suspension from jurisdiction, or from every office; otherwise, if the suspension is from Order only (cf. n. 1303).

§ 2. On Delegated Jurisdiction

1751. DELEGATED jurisdiction, as was already said above, comes to priests from the legitimate commission of a Superior having ordinary jurisdiction. - For delegation of this sort there is REQUIRED, on the part of the one delegating, that he not extend it outside the territory or limits of his own jurisdiction; but on the part of the one to be delegated, that he not be an excommunicated *vitandus*, and moreover, if it is a question of receiving the confessions of seculars, that he have been previously approved (cf. n. 1746).

Jurisdiction is DELEGATED directly or indirectly.⁴⁹²

I. It is delegated DIRECTLY when power is committed to someone so that he himself by himself may absolve penitents. This happens in a threefold way, namely by man, by law, and by custom.

1. Jurisdiction is said to be delegated BY MAN when someone able to delegate expressly, by word or writing, or at least tacitly, through signs which declare present consent, commits jurisdiction to someone capable (see what was said in n. 1747, q. 4).
2. Jurisdiction is delegated BY LAW when through a law, through a Bull, through a papal Constitution, the faculty of absolving is conceded to certain persons. Thus it has been conceded to Regulars, provided they have been approved by the Bishop of the place, that they validly and licitly absolve all coming to them. Thus from the Constitution *Superna* of Clement X.
3. Delegated jurisdiction is had BY CUSTOM when the custom of absolving is a certain indication of consent furnished by the Bishop, if namely he knows it and does not protest: as when neighboring pastors of diverse dioceses help one another with mutual assistance in hearing confessions.⁴⁹³

II. Jurisdiction is delegated INDIRECTLY when the faculty is conceded to the penitent of choosing for himself one of the approved priests as confessor. This election having been made, jurisdiction is judged to have been conferred upon the confessor by the Church.⁴⁹⁴

Moreover, the PRIVILEGE OF CHOOSING a confessor for oneself belongs: 1. by common law,⁴⁹⁵ to confirmed Bishops, although not yet consecrated; likewise to inferior exempt Prelates, Auditors of the Rota, and other Prelates of the Roman Curia, and to Superiors of Regulars, even local ones, with the privileges and statutes of Orders preserved; 2. by custom, to kings and princes enjoying supreme dominion; likewise to domestics of the Roman Pontiff; - 3. by special concession of the S. Pontiff, for example in the time of Jubilee, to all seculars and Regulars, as was said above (n. 1736).⁴⁹⁶

⁴⁸⁹Cf. *Collect. S. Sed.*, n. 465; and Craisson, n. 1549.

⁴⁹⁰Cf. Zacharia, *Theol. mor.*, book 6, p. 2, n. 1518; and *Acta S. Sed.*, vol. I, p. 681.

⁴⁹¹Cf. Schmalzgrueber, *Jus eccl.*, book 3, tit. 5, n. 122.

⁴⁹²Book VI, 558, 559.

⁴⁹³Benedict XIV, Institution 86, n. 3.

⁴⁹⁴Book VI, 565.

⁴⁹⁵Final chapter, *De poenit. et remiss.*

⁴⁹⁶*H. A.*, XVI, 85 and XX, 65; Book VI, 565.

Note. Bishops and Prelates formerly could make their confessions before any priest whatever; but today they are bound to confess either before a subject whom they themselves approve, or before an external priest whom his own Bishop has approved. - But they can take this approved or elected priest with them, and use his ministry even in another diocese. Thus it was declared by the S. C. of the Council, and Gregory XIII confirmed this on December 1, 1582.⁴⁹⁷

1752. Questions. Q. 1. Whether a priest legitimately delegated can receive confessions of the faithful WITHOUT LEAVE of the pastor?

Resp. 1. Negative as regards LICEITY, if he receives them in a church subject to the pastor. For due order requires that license be sought from the rector of the church in which the sacred ministry is to be exercised. But if he receives them in a church of Regulars or of Nuns, the leave of the Superior or Superioress certainly suffices.

Resp. 2. Affirmative as regards VALIDITY; for the pastor can obstruct nothing when the Bishop has generally approved or delegated the confessor. But if in the approbation there were these clauses: *With the consent of the pastor...*, *except at paschal time*, or similar ones, they are to be understood of liceity alone. For thus universal custom bears, to which the delegating Superior is deservedly presumed to have conformed himself.⁴⁹⁸

Q. 2. Whether a priest furnished with legitimate jurisdiction in some place is able to receive confessions of TRAVELERS coming there?

Resp. St. Alphonsus affirms it, writing:⁴⁹⁹ "It is certain and common today among the Doctors that travelers, by reason of the connivance of Bishops, or better from universal custom, can confess to any confessor approved for the place where they are found; and such custom runs even if the traveler departs from his country for the end of confessing elsewhere"; provided he does not do this in fraud of reservation, as will be explained in its place (n. 1771, qq. 3 and 4). - Besides, as regards regular confessors Clement X expressly declared this in the Constitution *Superna*.⁵⁰⁰

Q. 3. In what way does delegated jurisdiction cease?

Resp. It ceases: 1. by revocation of the Superior, and this notified; - 2. by expiration of the prefixed time; - 3. by the death of the one delegating, or by his removal from office, if jurisdiction had been given for some particular person and the confession had not yet been begun; or also if it had been given generally, but with this or a similar clause: "at the decision of our will; until our good pleasure."⁵⁰¹

§ 3. On Jurisdiction Supplied By The Church

1753. Three principal cases are enumerated in which the Church SUPPLIES jurisdiction, and imparts it, for individual acts, to a priest who otherwise lacks it. The first is the case of danger of death; the second is the case of common error; the third is the case of probable jurisdiction. Wherefore the following principles must be established.

Principles. I. If DANGER OF DEATH is imminent and an approved confessor is lacking, EVERY PRIEST can absolve a dying person from ANY censures and sins WHATEVER. Thus expressly the Roman Ritual, on the Sacrament of Penance. Trent is consonant, sess. 14, cap. 7, in these words: "Most piously, lest on this occasion itself anyone should perish, it has always been guarded in the same Church of God, that there be no reservation in the article of death: and therefore all priests can absolve any penitents whatever from any sins and censures."

It is said 1. If danger of death is imminent; because the article of death and danger are equated in law. But such danger is judged to be present in battle, in a long voyage, in difficult childbirth, and in every grave and mortal disease. - And the Doctors say this same thing of him who would be in probable danger of falling into madness, or would be a captive among Turks and feared that he would have no priest any more to whom he could afterward confess.⁵⁰²

It is said 2. and an approved confessor is lacking. For the Church does not concede the faculty except by reason of extreme necessity, namely lest someone perish. But this reason ceases, or is judged to cease, when an approved one is present. Thus the very common opinion and one to be held in practice, against another which nevertheless Lugo calls probable.⁵⁰³ Except with the common opinion: 1. If the approved one would not wish or would not be able to hear the confession, because then it would be the same as if he were lacking. 2. If the dying person so dreaded manifesting his crimes to the

⁴⁹⁷Ibid.

⁴⁹⁸Book VI, 564.

⁴⁹⁹H. A., XVI, 87; Book VI, 569.

⁵⁰⁰H. A., XVI, 135; Book VI, 589; see the text of the Constitution in Croix.

⁵⁰¹Book VI, 558, 559.

⁵⁰²Ibid., 561.

⁵⁰³Ibid., 562; H. A., XVI, 93.

approved one, because for example he is his enemy, or blood-relative, or the object of the sin to be manifested, that he would be in danger of confessing sacrilegiously. 3. If the infirm person could not confess to the approved one without great difficulty or inconvenience (thus Sporer, cited by St. Alphonsus and not rejected). 4. If the approved one comes after the confession has already been begun with a simple priest (cf. n. 1780). - Except a fortiori: 1. If the approved one has been excommunicated by name, suspended, interdicted, irregular, degraded, schismatic, notoriously heretical, apostate: because such a one has lost jurisdiction, and a simple priest is to be preferred to him; 2. if he were of another diocese, because in this case he could by no means be called approved with respect to the sick person; 3. if he were the accomplice of the infirm person in a base sin⁵⁰⁴ (cf. n. 1780).

It is said 3. every priest; therefore even a priest who was never approved; even an irregular or suspended one; even an excommunicated or degraded one; indeed even a *vitandus*, schismatic, heretic, apostate.⁵⁰⁵ - Indeed all these validly absolve the one in danger when an approved one is lacking; yet not licitly unless order is preserved: that is, a priest immune from every censure and punishment should absolve rather than an irregular or suspended one; this one rather than an excommunicated one, etc.⁵⁰⁶

It is said 4. from any censures and sins whatever; because in the article or danger of death there is no reservation. Yet see what was said in n. 1282 and other things to be said in n. 1777.

1754. II. If COMMON ERROR with a COLORABLE TITLE is present, it is certain that the Church supplies the jurisdiction which is lacking to the confessor. Thus all, and it is proved from the law *Barbarius*, ff. *de Officio Praetorum*, and from can. *Infamis*, Cause 3, q. 7. - The reason is because otherwise many souls would perish, and therefore the Church is reasonably presumed to supply.⁵⁰⁷

It was said 1. If common error is present, that is, if all or almost all the faithful of that place think that the confessor is in fact furnished with jurisdiction, whether ordinary or delegated. But otherwise if the error is private, namely of one or a few. The reason is because the Church is not judged to supply except by reason of the common good, after the manner of a provider or general governor, who attends to the common good alone, and leaves the good of private persons to the care of particular providers. Thus very commonly the Theologians, against a few.

It was said 2. with a colorable, or putative, title, namely one which was conceded by a legitimate Superior, and of itself would be apt for conferring jurisdiction, unless it were made void by an occult defect. - Moreover, that defect can occur: 1. in the one conceding, for example if he had not been free in conceding, or if the Bishop had died, and, the death being commonly unknown, his Vicar continued to hear confessions; - 2. in the one receiving, whether some vice preceded, for example occult irregularity or excommunication, or whether he has been despoiled of his title and this is unknown; - 3. in the act, as if occult simony intervened, by reason of which the act would be void. Therefore, in these cases, the confessor, common error standing, validly absolves; although he sins mortally if he is conscious of his defect.⁵⁰⁸

"It is more doubtful," says the Holy Doctor,⁵⁰⁹ "whether the Church supplies jurisdiction when only common error intervenes, WITHOUT A COLORABLE TITLE.

"Busenbaum, Concina, Roncaglia, Sporer, Holzmann, etc., deny it, while they say that otherwise impious priests would take occasion from this to feign that they are confessors, and to disseminate errors. - But this reason does not convince; because although the Church denied jurisdiction to these, nevertheless it would not impede the damage. - Wherefore Lugo, Lessius, Pontius, Castropalaus, Sanchez, etc., probably affirm it, and Roncaglia, Sporer, and Holzmann themselves, with Cardenas, etc., say that it is probable, since the same reason of the common good which is brought forward for a colorable title runs also for error."⁵¹⁰ - But since this opinion is at least probable, it can sometimes, with a just cause, be licitly brought into practice, as is clear from the following principle.

1755. III. A priest VALIDLY and LICITLY absolves WITH PROBABLE JURISDICTION, with probability of law, if some gravely reasonable cause concurs. The reason is because a universal custom flourishes in the Church, and almost all confessors follow it, of absolving, when a just cause is present, with probable jurisdiction. - But such a custom certainly confers jurisdiction, and therefore the confessor now does not absolve with a probable opinion, but with true certitude, namely with reflex certitude (cf. n. 82, Except 2).

⁵⁰⁴Book VI, 563; *H. A.*, *ibid.*, 94.

⁵⁰⁵Cf. second list of reformed questions, n. 19.

⁵⁰⁶Book VI, 560; cf. first list of reformed questions, n. 82.

⁵⁰⁷*H. A.*, XVI, 90; Book VI, 572.

⁵⁰⁸Craisson, *Man. jur. can.*, n. 293, 301, 306.

⁵⁰⁹*H. A.*, XVI, 90; Book VI, 572.

⁵¹⁰NB. Some Bishops remove every doubt by expressing the will which they have of giving jurisdiction to every priest absolving from error, even private error, yet in good faith.

We said 1. with jurisdiction probable with probability of law, namely that which rests upon the opinion of grave Theologians. Therefore not any probability whatever suffices, but, as the Authors commonly hold, that is required which is supported by truly serious reason and authority.

We said 2. if a gravely reasonable cause concurs (at least, so that absolution be given licitly); because although in that case the Church can rightly be judged to supply jurisdiction on account of the good of souls, nevertheless, every just cause being lacking, she is not presumed to wish to connive at the mere liberty of priests.⁵¹¹

Moreover, a REASONABLE CAUSE would be had: 1. If the penitent especially needed the help or counsel of this confessor. - 2. If the accomplice of the sin is known to the confessor who possesses certain jurisdiction. 3. If the confessor who has probable jurisdiction prudently fears that the penitent will make a sacrilegious confession before him who has certain jurisdiction. - 4. If the penitent himself fears lest he fall into some aversion or damaging suspicion of the approved confessor. 5. If otherwise he would have to abstain from confession for a longer time. 6. If the precept of annual confession is urgent, or an occasion is given of gaining particular Indulgences. 7. If the penitent had already declared some grave sin to the confessor, and this latter doubted whether it is reserved or not (cf. n. 1769).⁵¹²

1756. IT IS ASKED. Whether it is permitted to absolve with jurisdiction doubtful by DOUBT OF FACT, for example when it is doubted whether jurisdiction was in fact conceded by the Superior, whether it endures, etc.?

Resp. Negative, unless some necessity compels, and then only under condition. But NECESSITY is judged to compel when it is better that someone be doubtfully absolved than not absolved at all, that is: 1. If the precept of annual confession is urgent; 2. if the penitent must celebrate Mass or communicate, and otherwise would incur the mark of infamy; 3. if a priest must celebrate from obligation on that day. Yet one doubtfully absolved cannot communicate unless he elicits an act of perfect contrition, and he is bound to subject the sins again to the keys, unless he learns that the confessor had true jurisdiction.⁵¹³ (cf. n. 1663, q. 5, and there at the end of the Note.)

Article III

On The Limitation Of Jurisdiction As Regards Persons 1757. To be noted beforehand. Jurisdiction, which is necessarily required for valid absolution, has this proper to itself, that it descends as it were by degrees from Superiors to inferiors. Consequently, the inferior power is rooted solely in the superior power, and depends upon this alone. From this it follows that it belongs to Superiors to limit or restrict the jurisdiction of inferiors, indeed to take it away entirely, according to this rule of law: "Every thing is dissolved by the same causes through which it is born." - And hence it has been done by very good right that limitations or restrictions of this sort have always been customary in the Church, whether as regards PLACE AND TIME, or as regards PERSONS AND SINS. The Roman Pontiff alone, in whom there is the fullness of power, enjoys jurisdiction in every way and unlimited.

Concerning the limitation of jurisdiction as regards place and time we have said enough in treating of ordinary and delegated jurisdiction. It remains that in the present and following article we speak of its limitation as regards persons, and as regards sins.

The limitation of jurisdiction as regards PERSONS, established by the law itself, especially touches Regulars and Nuns. Wherefore we shall treat separately of the concession of jurisdiction, both with respect to Regulars and with respect to Nuns.

§ 1. On The Concession Of Jurisdiction With Respect To Regulars

1758. Regulars can be considered under a twofold respect: insofar as they are confessors, and insofar as they are penitents. - Hence, so that all things which pertain to them under each respect may be treated, we shall divide the present matter into two parts, so that in order we may discuss: 1. the Regular Confessor; 2. the Confessor of Regulars.

I. On The Regular Confessor

There is a twofold reason why we judge that the question concerning the Regular Confessor is to be treated in this place: the one, so that all things which are proper to Regulars concerning jurisdiction may thus be inspected in one view; the other, so that the doctrine concerning their jurisdiction may become better known. For although the jurisdiction of a regular confessor receives no special limitation from the Law, nevertheless it is so bound by it that unless the Bishop's

⁵¹¹Book VI, 573; *H. A.*, XVI, 91; cf. *Vindic. Alph.*, p. 5, q. 9.

⁵¹²Book VI, 573.

⁵¹³*H. A.*, XVI, 81; XV, 34; Book VI, 432.

approbation accedes, it cannot be validly exercised over the Christian faithful. - With these things premised, let the following be:

1759. Principles. I. REGULARS properly so called, who pronounce solemn vows and who enjoy the privilege of exemption (likewise those who have communication of privileges with Mendicant Religious), receive jurisdiction immediately from the HOLY SEE for receiving the confessions both of THEIR OWN and of SECULARS. This is established from the Constitutions of the Supreme Pontiffs in the Body of Law;⁵¹⁴ likewise from other Constitutions, which, although they were afterwards modified, especially through Trent as regards privileges, nevertheless remained unrepealed as regards jurisdiction. Thus commonly. Hence jurisdiction is conceded to any Regular by that very fact that the Superior grants him delegation, or communication of jurisdiction, in the name of the S. Pontiff.⁵¹⁵

II. Regulars, for receiving confessions of SECULARS, need the APPROBATION of the Bishops in whose dioceses they are going to receive confessions. This is established from the decree of Innocent XII (in the year 1700), by which it was sanctioned that confessors, whoever they may be, both secular and regular, cannot hear secular penitents without the approbation of the Bishop of the place (cf. n. 1747, q. 2).

1760. From these things it is inferred: 1. The Bishop can concede approbation to Regulars at will, without restriction, or with some restriction as regards time, places, and persons. It is confirmed from various decrees of the Holy See.⁵¹⁶ See what was said in n. 1749 seqq.

2. If the Bishop has expressly conceded approbation only for some transitory act, for example for some Mission, the conceded faculty is judged 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 clear. But if the request of the faculty is general, and the concession has not been restricted, the obtained faculty is not limited to the work which was the occasion of the petition: thus, for example, if you seek the faculty on the occasion of giving spiritual exercises to Nuns in such a convent, by the same faculty received you can hear confessions also of other faithful. The reason is because “whatever is not excepted is contained in the concession.” Yet except reserved cases, which, by the law itself, are never understood as comprehended in the general faculty of hearing confessions.⁵¹⁷

1761. Questions. Q. 1. Whether the Bishop can, WITHOUT CAUSE, DENY approbation to Regulars?

Resp. Negative. “For,” says Pignatelli,⁵¹⁸ “Regular confessors do not receive jurisdiction from the Bishop, but from the Supreme Pontiff, and approbation is required only as a condition so that jurisdiction can be exercised. Therefore Bishops cannot prohibit Regulars from absolving at some time.” Yet if approbation is lacking, even if unjustly denied, free jurisdiction will also be lacking (cf. n. 1747, q. 3).

Q. 2. Whether the Bishop can REVOKE approbation conceded to Regulars?

Resp. 1. He cannot revoke approbation conceded to all Regulars of the same community without consulting the S. C. of Bishops and Regulars. Thus from the Bull *Superna*. - Except if it is a question of regions very distant from the City, and a most grave cause underlies it; concerning which the S. Congregation wished the consciences of Bishops to be gravely burdened.⁵¹⁹

Resp. 2. But the Bishop can revoke the approbation of individual Regulars in particular if a just cause is present. Moreover, if the Regular, after previous examination, was approved by the Bishop himself, without any restriction as regards persons or as regards time, the cause is not judged just unless it concerns confession. On the contrary, if he was approved by his Vicar or predecessor, or with limitation, the Bishop can, on account of any just cause whatever, revoke the approbation and subject him to a new examination. Thus from the same Bull *Superna*.⁵²⁰ - In practice, the regular confessor must always acquiesce in the judgment of the Bishop.

Q. 3. Whether a Regular once approved in some diocese needs NEW APPROBATION if, his dwelling having been changed, he returns to the same place or passes through it?

⁵¹⁴Extravagant *Super cathedram, de sepult.*; Clementine *Dudum*, same title.

⁵¹⁵Cf. *Acta S. Sed.*, vol. I, p. 678 seqq.

⁵¹⁶Cf. *H. A.*, XX, 103, end.

⁵¹⁷Gury, II, 558.

⁵¹⁸*Consult. canon.*, tom. IV, cons. 163, n. 12.

⁵¹⁹Constitution of Innocent X, *Cum sicut accepimus*.

⁵²⁰Cf. *H. A.*, XX, 103.

Resp. Negative, unless the diocesan Statutes, or the Bishop, decree otherwise. The reason is because one approved indefinitely and without limitation remains approved, at least until implicit revocation; but in the present case no revocation, not even implicit, has intervened. Therefore. Thus Croix,⁵²¹ Lugo,⁵²² with the common opinion.

Q. 4. Whether a Religious validly absolves, AGAINST THE WILL OF THE SUPERIOR, but from the express delegation of the Bishop?

Resp. 1. Negative, if the Bishop intended to give approbation only; and from another source the Superior, who has from the Rule the power of constituting confessors, is unwilling in such a way that he is judged to take jurisdiction away from his subject. The reason is clear; for then the Religious has jurisdiction from no one.

Resp. 2. Affirmative, if the Bishop intended also to confer jurisdiction; as in present practice is usually done. The reason is because the Bishop can well confer jurisdiction upon a Religious, no otherwise than upon a secular priest, over his own sheep. For whoever enjoys ordinary jurisdiction can delegate it to any priest.⁵²³

But that Religious would sin gravely against obedience, because he would transgress the precept of his Superior in a grave matter; nor could he in a case of this sort use the privileges of his own Order, because these are communicated through Superiors alone.

These things are confirmed by the declaration of the S. C. OF BISHOPS AND REGULARS. For when the doubts were proposed: - I. Whether a Religious not approved according to the laws of his own Order by his Superior, or against the will of the same, with only the faculty of the Ordinary, validly receives the confessions of seculars. - II. Whether Regular Superiors, having jurisdiction, can suspend their subjects from hearing the confessions of seculars, even from informed conscience. - And insofar as affirmative, III. Whether a suspension pronounced orally and without writing is valid? - IV. Whether absolution imparted by one who is bound by such suspension is valid? And insofar as negative, V. Whether he who attempts an absolution of this sort incurs irregularity.

The Sacred Congregation of Bishops and Regulars, the matter having been discussed, on March 2, 1866, judged that it should respond: To I. Affirmative. - To II. Affirmative; yet in such a way that the suspended Religious receives confessions illicitly, but not invalidly. - To III. Affirmative, since it is made after the manner of a particular precept. - To IV. Affirmative. - To V. Provided for in the preceding.⁵²⁴

See other things in the Treatise on the Religious State (n. 2187).

II. On The Confessor Of Regulars

1762. Principle. Jurisdiction for receiving the confessions of EXEMPTS cannot be conceded by the Bishop, but by their PRELATE or by the POPE, whether directly or indirectly. But the Prelate can concede it even to one not approved, provided that, so that the delegation may be licit, he is judged fit. This is established from what was said above concerning the origin and nature of the jurisdiction of Regulars (nn. 1757 and 1759).

Hence: 1. Regulars dwelling at home are bound to confess to the Prelate, or to confessors appointed by him, and no Regular validly confesses except before the Superior, or before him who has been appointed by the Superior. Wherefore Clement VIII (Decree of May 26, 1593) COMMANDS: "Superiors, in individual houses, shall appoint two or three confessors, according to the greater or lesser number of subjects." - Except the time of Jubilee, as was said in n. 1736.

2. Servants and other seculars who are of the household and almost continual table-companions CAN be absolved by a confessor approved either by the regular Prelate or by the Bishop. This is established from Trent, sess. 24, cap. 11, *de ref.*, and from the Constitution *Superna* of Clement X⁵²⁵ (cf. n. 2186).

1763. Questions. Q. 1. To whom can or must Regulars dwelling OUTSIDE THE CONVENT confess?

Resp. Regulars traveling with the license of their Superiors, or staying outside the Convent, must, if they have the availability of a confessor of their own Order, confess to him; for he is appointed by the law itself. "But if a companion is lacking, or another suitable confessor of his own Order, they can well, from the presumed license of the Prelate, confess

⁵²¹ *De Poenit.*, n. 1521.

⁵²² Lugo, *Disp.* 21, n. 44.

⁵²³ Gury, II, n. 563.

⁵²⁴ *Acta S. Sed.*, I, p. 678.

⁵²⁵ Cf. Book VI, 583; and *H. A.*, XX, 74.

to another SUITABLE priest, regular or secular (except the case in which it is a question of reserved sins); and in this all agree.”⁵²⁶

“But it is doubtful whether this priest must be APPROVED for confessions. Wigandt and Antoine affirm it, and Concina with Vasquez, etc. But others very commonly and more truly deny it”,⁵²⁷ because for confessors of Regulars even implicit deputation of the Superior suffices, according to the constitutions or customs of the Order, nor is approbation of the Ordinary of the place required by any law. It is established moreover from the declarations of Sixtus IV, in the Bull *Supplicari*,⁵²⁸ issued August 2, 1479, and of Innocent VII in the Bull *Provenit*,⁵²⁹ issued October 17, 1405, which concede to Regulars in that case “that they are able to choose any other suitable and discreet presbyter, Religious or Secular.” Nor was this privilege revoked by the Council of Trent, which requires approbation for confessions of seculars, but not of Regulars.⁵³⁰

Nor does the declaration of the S. C. of the Council of November 18, 1769, in Hildesimen.⁵³¹ hinder this: namely that illicit and invalid are the confessions of Religious who there were accustomed to choose for themselves a secular presbyter not approved by the Bishop; for they did not lack the availability of a confessor of their own Order, as is clear from the very exposition of the Doubt.

Nor does the Brief of Benedict XIV of March 30, 1742, in which it is required that Capuchins choose an approved one, hinder more; nor the declaration of the S. C. of Bishops and Regulars of June 3, 1861, by which the same condition is appended for the Order of Hermits of St. Augustine. For it is by no means established that the things thus established and decreed for Capuchins and Hermits must be extended to all Regulars. For each Religion has its own constitutions. - For the rest, as regards the Capuchins, “Pius IX, by Brief of September 27, 1852, modified the aforesaid disposition of Benedict XIV, by conceding to Capuchin Friars, whether lay or priests, dwelling in any place whatever because of sermons, Missions, a journey, or on account of any other legitimate cause, when there is no monastery or hospice there, and they have availability only of one priest confrere, the faculty of confessing their sins to a SECULAR priest approved by the Ordinary, or to another REGULAR priest approved by the Superior of the Order to which he belongs: - likewise by these they can be absolved from cases and censures reserved in the Order, with the obligation nevertheless remaining firm of later presenting themselves to their proper Superior, etc., so that they may again be absolved from the said cases and censures.”⁵³²

Q. 2. Whether Regulars can absolve resident students, without the Bishop’s approbation, as being of the household?

Resp. Some deny it, because resident students are not of the household, as servants are. Yet others, more commonly, affirm it. Nor does St. Alphonsus dissent; for speaking of that privilege which familiars of religious enjoy, he adds without any mark of reprehension: “Bordonus extends this to pupils of Monasteries.”⁵³³ “In practice,” says Gury,⁵³⁴ “this latter opinion is safe”; and the reason is because this has been expressly conceded to several Regular Orders, for example to Benedictines, Theatines, Somaschans, Clerics Ministers of the Infirm, etc., in which privilege the other Orders communicate by the fact itself.⁵³⁵

§ 2. On The Concession Of Jurisdiction With Respect To Nuns

1764. I. Nuns who pronounce solemn vows and are CLOISTERED cannot confess except before a priest SPECIALLY approved for them. - Nor are those exempt from the jurisdiction of the Bishop and subject to the jurisdiction of their own Order excepted from this law. Yet in this case the appointment of the confessor and his election pertain, by law, to their regular Prelate. Thus from the Bull *Inscrutabili* of Gregory XV, which Benedict XIII confirmed through the Bull *Pastoralis*, March 27, 1726. But a confessor approved for one monastery cannot by that very fact receive confessions also in other monasteries, unless he has been universally approved by the Bishop for all Nuns. Thus from the Bull *Superna* of Clement X, June 21, 1670.⁵³⁶

⁵²⁶Book VI, 575.

⁵²⁷Ibid.

⁵²⁸In Rodriguez, *Bullar.*, p. 365 (Salamanca edition, 1605).

⁵²⁹Ibid., p. 157.

⁵³⁰Book VI, 575.

⁵³¹*Thesaur. Resol.*, t. 38, p. 111; cf. also *Acta S. Sed.*, vol. I, p. 677.

⁵³²G. a Varceno, *Compend.*, tom. 2, p. 156.

⁵³³Book VI, 583, here note.

⁵³⁴Book II, n. 564 (Dumas ed., 1874).

⁵³⁵Cf. St. Alphonsus, *De Privil.*, n. 9.

⁵³⁶Cf. Lucidi, vol. II, cap. V, n. 227 seqq.

Several things worthy of note must be added here:

1. From the decree of the S. C. of Bishops and Regulars of September 20, 1642,⁵³⁷ ordinary confessors of Nuns cannot be approved except for a three-year period: this having elapsed, so that they can be confirmed, an Indult of the S. C. of Bishops and Regulars is required, which it is accustomed to concede, just causes standing, under certain conditions.⁵³⁸ - And this same thing is valid for confessors of Conservatories, as is established from another Decree issued on March 18, 1649.⁵³⁹ Yet there are Authors who think that the Bishop can permit the confessor to continue beyond three years in his office, if other suitable priests are lacking.⁵⁴⁰
2. An Apostolic Indult being saved, the confessor of Nuns must be forty years old; nor are the Vicar of the Bishop, a Canon, or another Beneficed cleric obliged to choir, a pastor, or, if it is a question of Nuns subject to the Bishop and of the ordinary Confessor, a Regular priest, to be appointed to this office.⁵⁴¹ Besides, only one confessor must be appointed for any monastery, as Benedict XIV expressly declared.⁵⁴²
3. The ordinary confessor is bound to go to hear the confessions of Nuns as often as he is called. - But let him beware lest he conduct himself as Superior of the monastery, since no authority of this kind belongs to him in any way. Thus the S. C. of Bishops and Regulars, September 7, 1797.⁵⁴³

1765. II. To Nuns, and to the novices themselves, an EXTRAORDINARY confessor is to be granted TWO OR THREE TIMES each year. This is established from Trent, sess. 25, cap. 10: "Besides the ordinary confessor, moreover, another extraordinary one, by the Bishop and other Superiors, is to be offered two or three times in a year, who must hear the confessions of all."

This statute was confirmed by Benedict XIV in the Bull *Pastoralis* issued August 5, 1748. In this same Bull it is prescribed: "that Nuns, although they are not bound to confess to the extraordinary, are nevertheless bound to present themselves to him, for hearing salutary admonitions. - Likewise, that Bishops observe this same thing, that is, establish the same law, with Conservatories. Likewise, that in the article of death there be granted by the Bishop to any Nun requesting it a particular confessor: and if the monastery is exempt, if the regular Prelate does not grant it, it is to be assigned by the Bishop, or, if the Bishop also refuses, by the Major Penitentiary, if time allows. - Likewise, that if some Nun refuses to confess to the ordinary confessor, another be appointed for her by the Bishop, for certain times; and if the monastery is exempt, by the regular Prelate, and if he refuses, it be granted by the Bishop or Major Penitentiary. - But the Pontiff exhorts Bishops not to be difficult in granting sometimes an extraordinary confessor to particular nuns requesting one. - Finally he establishes that regular Prelates of Nuns are bound two or three times in a year to assign an extraordinary one from those approved by the Bishop for confessions of Nuns, who, at least once in a year, is either a secular or of another Order; otherwise let the Bishop appoint him; and at that time the ordinary confessor is to hear the confessions of no one, neither of the abbess nor of the novices."⁵⁴⁴

The extraordinary himself, after completing his office, must not afterward go to the monastery, nor under any pretext continue commerce of any kind, under the penalties imposed on those going to Monasteries of Nuns and conversing with them⁵⁴⁵ (cf. n. 2164).

IT IS ASKED. Whether Nuns living OUTSIDE THE CLOISTER or COMMUNITY enjoy full liberty concerning the choice of confessor?

Resp. When a Doubt was proposed in these words to the S. Congregation of Bishops and Regulars: "It is sometimes conceded to Nuns, either from a motive of health, or from another cause, that, retaining the habit, they stay outside the monastery for a brief time. Hence it is asked whether, in such circumstances of things, they can confess to confessors approved by the Bishop for each sex, although not approved for Nuns." The response was: "The Most Holy, in the Audience held on August 27, 1852, commanded that the reply be made: Affirmative, during the stay outside the monastery."⁵⁴⁶

⁵³⁷ Cf. Thomas de Villanova, manuscript vol. I, p. 304, where: *Salutiarum*, September 20, 1642, to the 5th; *Lib. Decretor.*, 17, 103.

⁵³⁸ *Analecta J. P.*, series 14, col. 244.

⁵³⁹ Cf. De Alexandris, cap. 6, § 6, q. 3; and cf. Book VI, 577, Note 2.

⁵⁴⁰ Cf. Craisson, n. 1534.

⁵⁴¹ *Analecta J. P.*, series 4, col. 1289 seqq.

⁵⁴² Constitution *Pastoralis curae*.

⁵⁴³ *Analecta J. P.*, series 4, col. 1322-1324.

⁵⁴⁴ Book VI, 576.

⁵⁴⁵ Cf. Bull *Pastoralis* at the end; cf. *Collect. S. Sed.*, n. 525.

⁵⁴⁶ Cf. Bizzarri, p. 141; Del Vecchio, II, n. 745, where there is also another Response.

For the time of Jubilee, see n. 1736.

Article IV

On The Limitation Of Jurisdiction As Regards Sins 1766. Jurisdiction is restricted either generally, so that Superiors alone, with all inferiors excluded, can absolve; or specially, so that the power of absolving is taken away from only one, but not from the other confessors. Sins of the former kind are very many, and are called RESERVED CASES; of the other kind there is only one sin, namely a base sin committed with the very ACCOMPLICE to be absolved. Hence there is a twofold paragraph: 1. On reserved cases. 2. On the forbidden absolution of an accomplice.

§ 1. On Reserved Cases

RESERVATION OF CASES is the denial of jurisdiction concerning certain sins. Thus St. Alphonsus.⁵⁴⁷ - From this definition it is clear that a reserved case is one from which the confessor cannot absolve on account of defect of jurisdiction denied to him by the Superior over that case, although power of absolving from other sins has been granted.

The end of reservation is TWOFOLD: 1. that the faithful may be more efficaciously deterred from crimes whose remission they have seen to be more difficult; 2. that those who have fallen into sins of this sort may receive fitting penances, admonitions, and remedies, which it is not fitting to be given by others than by Superiors, who are always considered more prudent and more suitable.⁵⁴⁸

These things having been noted beforehand, so that all things necessary to know about this matter may be set forth, one must treat: 1. of the power of reserving sins; - 2. of the conditions of reservation; - 3. of the distinction of reserved cases; - 4. of absolution from reserved cases.

I. On The Power Of Reserving

1767. Principles. I. There exists in the Church the POWER OF RESERVING certain sins, from which inferior confessors without a special faculty cannot absolve outside the article of death. - This is established: 1. from Trent, sess. 14, on Penance, can. 11, thus defining: "If anyone shall say that Bishops do not have the right of reserving cases to themselves, except as regards external polity; and therefore that reservation of cases does not prohibit a priest from truly absolving from reserved cases: let him be anathema." - 2. From the perpetual practice of the Church, which innumerable documents attest. - 3. From the very nature of the Sacrament of Penance, having the character of judgment. For in judgments all greater causes are remitted to judges of a higher order.⁵⁴⁹

1768. II. The power of reservation is in all Superiors who enjoy the power of ORDINARY jurisdiction in the EXTERNAL forum (cf. n. 1749). The reason is because these alone, who can confer jurisdiction, can also limit it. Hence: 1. the Pope can reserve cases in the whole Church; 2. Bishops in their dioceses; 3. Prelates of Religions, and others who possess quasi-episcopal power, within the ambit of their own jurisdiction, yet under certain limits determined by the Roman Pontiff. - But such a faculty has been abrogated for pastors, at least by custom.⁵⁵⁰

Let it be noted: Superiors indeed sin gravely if they reserve cases without reasonable cause; nevertheless reservation of this sort is valid, according to the more common and truer opinion, because all jurisdiction descends from the Superior; "but in every doubt, one must stand for the power of the Superior who possesses it."⁵⁵¹

But the S. C. OF BISHOPS AND REGULARS (November 26, 1602)⁵⁵² judged that Ordinaries should be admonished not everywhere, but when it will seem expedient for the common good, to reserve to themselves the absolution only of more atrocious and graver crimes, whose reservation contributes to retaining Christian discipline and yields to edification, but not to destruction. - It also prohibits them from superfluously reserving to themselves cases specially reserved to the Apostolic See.

II. On The Conditions Of Reservation

1769. I. From the custom of the Church, a sin is not judged reserved unless it is INTERNALLY and EXTERNALLY grave, CONSUMMATED in its species, and CERTAIN. The reason is, 1. because although any sins whatever are, of themselves,

⁵⁴⁷H. A., XVI, 128; Book VI, 578.

⁵⁴⁸H. A., *ibid.*; Book VI, 581.

⁵⁴⁹Cf. Benedict XIV, *De Synodo*, book 5, c. 5.

⁵⁵⁰H. A., XVI, 130; Book VI, 578.

⁵⁵¹H. A., *ibid.*, 131; Book VI, 579.

⁵⁵²Bizzarri, *Collectanea*, p. 14.

subject to reservation, nevertheless from the Tridentine norm only the more atrocious and graver are reserved; and hence it is why an offense falling under reservation must be internally and externally grave; 2. because reservation, as something odious, is of strict interpretation, and therefore it is required that the offense be consummated in its species, and certain, and certainly reserved (cf. n. 1263).

Therefore, when the confessor suspects a reserved case, let him carefully inquire:

1. Whether the sin is INTERNALLY GRAVE with perfect advertence and full consent in grave matter. - 2. Whether it is also GRAVE AS REGARDS THE EXTERNAL ACT; for if it were externally light, it would not be reserved, although internally grave.
3. Whether it is CONSUMMATED and perfect in its species: for example, in homicide, whether death truly followed; in adultery or incest, whether copulation was consummated in the due vessel, etc. 4. Whether it is so CERTAIN that no prudent doubt remains; whether doubt of fact (for it is required by all that the sin be certainly committed with all required conditions), or doubt of law; because, when it is disputed among the Doctors whether some sin is reserved or not, the confessor is in possession of the faculty of absolving, as is taught most probably and commonly. And in the case in which this opinion were false, the Church certainly would supply⁵⁵³ (cf. n. 1755). Yet in this matter, diocesan statutes must be consulted.

1770. II. Reservation immediately affects the CONFESSOR, and mediately the penitent. - This is established from the nature of reservation, "which is not a penalty regarding penitents, but a denial or restriction of jurisdiction regarding confessors. And concerning this there seems no room for doubt; for Trent (sess. 14, cap. 7), to show that priests can do nothing in reserved cases, premises these words: *that absolution ought to be of no moment which a priest pronounces upon him over whom he does not have ordinary or subdelegated (note this) jurisdiction.*"⁵⁵⁴

Hence it is inferred: 1. A simple confessor CANNOT absolve from reserved cases, even if they were committed in a place or time in which reservation did not exist, because here and now he lacks jurisdiction; - 2. he CAN absolve from sins committed at the time and place of reservation, if reservation does not exist at the time and place of absolution.

1771. Questions. Q. 1. In how many ways can a case be reserved?

Resp. In two ways: 1. By reason of itself only, when no censure is attached to it, or is attached only accessorially: and this case is said to be reserved principally because of the sin; hence, although the censure is not incurred, nevertheless the reservation remains. 2. By reason of censure, when namely the sin is reserved principally because of the censure, so that the censure is immediately reserved, and the sin itself mediately; hence, the censure being removed, for example because someone sinned led by grave fear, the sin does not remain reserved.⁵⁵⁵

Q. 2. Whether IGNORANCE OF RESERVATION excuses from incurring it?

Resp. St. Alphonsus, with the very common opinion, distinguishes thus: 1. If cases are reserved principally ON ACCOUNT OF CENSURE, as almost all papal cases are, ignorance certainly excuses, because in reservation of this sort the character of penalty is principally considered, which is inflicted only on the contumacious. - Therefore in these cases, the censure being reserved, the sin also remains reserved; but the censure being removed, for example because it was unknown, the sin is not reserved, as is clear from the preceding question. - Yet if someone knows the censure, and is ignorant only that it is reserved, he is not excused from incurring it; because he now consents to the penalty of censure, and therefore implicitly to its reservation and to all other effects, although unknown (cf. n. 220).

2. If cases are reserved principally BY REASON OF SIN, such as are the two papal cases (cf. n. 1772), and almost all the cases which not common law reserves to Bishops, but Bishops themselves reserve to themselves, ignorance, according to the truer opinion, does not excuse from reservation. The reason is because reservation deprives the confessor himself of all jurisdiction as regards that sin.⁵⁵⁶ - And the same is valid as regards cases which Bishops reserve to themselves with censure, because while in papal cases the censure is reserved principally and the sin secondarily, on the contrary, in episcopal cases the case itself, or sin, is reserved principally and of itself, even when a censure has been annexed accessorially, for binding more strongly.⁵⁵⁷ Universal practice confirms this; hence the opinion of those who teach the contrary does not seem able to be brought into use (cf. n. 1767). - Except, however, if the contrary were positively established from the words of the Bishop, that is, if he reserved the case principally

⁵⁵³H. A., XVI, 142.

⁵⁵⁴Book VI, 581; H. A., *ibid.*, 128.

⁵⁵⁵Book VI, 581.

⁵⁵⁶Cf. first list of reformed questions, 83.

⁵⁵⁷Book VI, 581, doubt 2.

because of the censure, and expressed this;⁵⁵⁸ or if he openly said that he did not wish to comprehend in the law the case of ignorance.

Q. 3. Whether and how TRAVELERS are subject to reservation?

Things to be noted beforehand. Two things must be kept before the eyes: 1. A confessor whom reservation affects cannot absolve travelers except according to the limits of jurisdiction which he has from his Ordinary. 2. Penitent travelers, that is, those of another diocese, are subject, as regards the sacramental forum, to the laws of the place where they are actually present and confess.⁵⁵⁹ And this indeed from the will of the Church, or from universally introduced legitimate custom (cf. n. 1752, q. 2). Hence:

Resp. 1. A penitent departing into another diocese with a sin reserved in each diocese perseveres in being subject to reservation, and can be absolved in neither diocese except by one having the faculty.

2. He who confesses a sin not indeed reserved in his own country, or in the place where it was committed, but reserved in the diocese where he confesses, is likewise subject to reservation, nor can he be absolved except by one having the faculty.⁵⁶⁰ Yet here he is not bound by the censure which is reserved by the law of that diocese, because he is not a subject of that diocese in the external forum, nor is he contumacious.

3. He who confesses a sin reserved in his own country, but not in the place where he confesses, can be absolved by a simple confessor, provided he has not migrated there in fraud of reservation. Thus from the Constitution *Superna* of Clement X for Regulars, and from universally introduced custom for secular confessors⁵⁶¹ (cf. n. 1752, q. 2). - Nor does it hinder if a censure reserved by the law of his country is annexed to the sin; because it has been received that Bishops, and their delegates, absolve even from censures reserved in another diocese, unless they are public or imposed by a particular sentence.⁵⁶²

Q. 4. What is it TO MIGRATE IN FRAUD OF RESERVATION?

Resp. Different persons interpret the matter differently; but the more common and more probable opinion holds that the penitent then migrates in fraud of reservation "when he seeks another diocese for the principal end of obtaining absolution and avoiding the judgment of his own pastor"; even if he were to do this in good faith, believing that it is not forbidden. "The reason is because fraud is said to intervene where the law is rendered illusory.... But the law of reservation would be eluded if the penitent migrated elsewhere from the principal motive of seeking absolution. Hence he can well be absolved if he has gone away to some diocese for some honest end, for instance of conducting business, or of gaining an Indulgence; or so that he may confess with less inconvenience, or dispatch confession more quickly; or so that he may find an unknown or more prudent confessor who may direct him better, etc." Nor indeed does he migrate in fraud of reservation for obtaining absolution who departs from a diocese to commit a sin which is reserved there; for he does this so as not to incur the reservation itself.⁵⁶³

III. On The Distinction Of Reserved Cases

Papal, episcopal, and regular cases are distinguished.

1772. I. PAPAL cases are of two kinds. For some are reserved by themselves, or by reason of the sin; others because of the reserved censure.

1. The cases reserved to the Pope by themselves, WITHOUT CENSURE, are two: 1) False denunciation of a confessor: namely when someone falsely accuses an innocent priest before ecclesiastical judges of the crime of solicitation, whether by calumniating by himself, or by causing the calumny to be brought by others. From the Bull *Sacramentum* of Benedict XIV.⁵⁶⁴ This case is reserved most specially, namely in such a way that the Major Penitentiary himself, without consulting the S. Pontiff, cannot absolve from it, even in the time of Jubilee. - 2) Retention of gifts received from Religious. Namely, he who has received gravely illicit gifts, even if not of great price, from Religious of either sex bound by solemn vows, cannot be absolved by a simple confessor unless they have first restored them (however

⁵⁵⁸Cf. *Rev. des sc. ecclés.*, tom. XLIII, p. 352.

⁵⁵⁹Book VI, 591 and 587; *De Priv.*, n. 32, 35.

⁵⁶⁰First list of reformed questions, n. 86.

⁵⁶¹Book VI, 588-591; but cf. *De Privil.*, n. 35 (from ed. 82), and the annotation of St. Alphonsus in *Istruzione e pratica*, cap. XVI, at n. 135 (cf. also Craisson, n. 1612).

⁵⁶²*De Privil.*, n. 35 (where the last revision); likewise Book VI, 594 (in ed. 72).

⁵⁶³Book VI, 589.

⁵⁶⁴*Ibid.*, 693. But whether... (see the Bull at the end of the work of St. Alphonsus).

much he may have been disposed to restore); or unless, being unable to restore, he has promised that as soon as he is able he will restore.⁵⁶⁵

Before restitution has actually been made, in a case in which it is not impossible, the Major Penitentiary, or a Confessor appointed by him, can indeed absolve a detainer of this sort, provided that the gifts received do not exceed the value of ten Roman scudi, 54 francs, and were not from goods of the Religion, and provided that the obligation of alms is enjoined, to be determined at the judgment of himself or of the delegated confessor, which is to be expended for the benefit of the Religion or Convent to which restitution would have to be made by law, if it can be done cautiously.⁵⁶⁶ But if the gifts received exceed the value of ten scudi, or are from goods of the Religion, neither the Major Penitentiary by ordinary faculty nor another can absolve before restitution has been made, but only the Roman Pontiff. - From the Bull *Religiosae* of Clement VIII; *Nuper* of Urban VIII; *Pastor bonus* of Benedict XIV.

2. Cases reserved to the Pope BECAUSE OF CENSURE, from the Constitution *Apostolicae Sedis* issued by Pius IX, are subdivided into two classes. For some are reserved in a special way, others simply, as we saw in the Treatise on Censures (cf. n. 1313 seqq.).

1773. II. EPISCOPAL cases are also of two kinds: some are said to be reserved BY LAW, others reserved BY MAN.

1. Cases reserved to Bishops or Ordinaries BY COMMON LAW are the following: 1) the three excommunications with which are struck those attempting marriage while bound by solemn vow - those procuring abortion - and those using false Apostolic Letters (cf. nn. 1348-1350). 2) The striking of a cleric in certain circumstances (n. 1310). 3) The suspensions inflicted by Trent (nn. 1368-1374). - It is known besides that papal cases, by law, become episcopal, whether in an occult case, if they are simply reserved, or at least in the case of perpetual impediment, according to what was said in nn. 1280 and 1283.
2. Cases reserved to the Bishop BY MAN are those which any Bishop, whether in Synod or outside Synod, by general sentence, reserves to himself, and ordinarily indeed without censure.

They are various according to the diversity of places, and therefore to be learned from the statutes of each diocese. But here:

IT IS ASKED. Who are EXEMPTED from episcopal reservation?

Resp. 1. EXEMPT Religious, their Novices, familiars, and domestics, provided they are continual table-companions; hence, "if a Novice has fallen into a reserved case before entrance, he indeed will not be able to be absolved by any secular confessor, but by privilege he will be able to be absolved by a confessor of the Religion."⁵⁶⁷ But if a Religious were to offend in those things in which he is not exempt but subject to the Bishop, he certainly could incur censure and reservation.⁵⁶⁸
2. EXEMPT Nuns.⁵⁶⁹ Yet reserved cases must be excepted in matter pertaining to the Bishop as delegated by the Holy See, for example relating to enclosure, as is established from the decision of the S. C. of Bishops and Regulars (September 1746, in Nicoteren.).⁵⁷⁰

Note. Cases reserved to the Most Eminent Cardinal Vicar of the City are only TWO, namely: 1. The sin which they commit who do not satisfy the precept of paschal Communion within the time which runs between Palm Sunday and Low Sunday inclusive. 2. The excommunication to be incurred by the very fact by those who either lend or receive the certificate, commonly called *bollettino*, of paschal Communion.⁵⁷¹

1774. III. Prelates of Religions CAN, if they wish, reserve cases to themselves, but, as Clement VIII decreed on May 26, 1593, only ELEVEN, and no more without the consent of the general Chapter for the whole Religion, or of the provincial Chapter for the whole province.

The ELEVEN cases are: 1. Apostasy from Religion, even with the habit retained. - 2. Nocturnal and furtive departure from the monastery. - 3. Poisonings, incantations, and divinations. - 4. Ownership against the vow of poverty, which is a mortal sin. - 5. Mortal theft from the things of the monastery. - 6. Voluntary lapse of the flesh consummated by work. - 7. A false oath in a legitimate judgment. - 8. Procuration, counsel, or aid toward abortion of an animated fetus, even with the effect not following. - 9. Killing or wounding, or grave striking of any person whatever. - 10. Falsification of the

⁵⁶⁵Ibid., 580; *H. A.*, XIII, 8, 9.

⁵⁶⁶Cf. Book VII, 470, 11, and Folio of the S. PENITENTIARY, n. VI.

⁵⁶⁷Book VI, 583, here.

⁵⁶⁸Cf. *H. A.*, XX, 79.

⁵⁶⁹Book VI, 602, q. 6; *H. A.*, XX, 67.

⁵⁷⁰Cf. Bizzarri, p. 405.

⁵⁷¹Cf. G. a Varceno, *de Poenit.*, c. 6, art. 3, § 2.

hand or seal of the Officials of the monastery. - 11. Malicious impediment, delay, or opening of letters from Superiors to inferiors, or the contrary.”⁵⁷²

These cases are all reserved in the Religion of the Capuchins.⁵⁷³

Let it be noted: 1. Prelates CANNOT impose censures upon other cases; because this would be indirectly to reserve and to elude the prohibition of Clement VIII. Thus the S. Congregation of Bishops and Regulars, July 7, 1617. - 2. A Confessor of Regulars, if the Superior denies him the faculty of absolving, which he himself prudently judges ought to be conceded, can absolve for that time (Thus Clement VIII);⁵⁷⁴ that is, as often as the Superior unjustly denies the faculty. It is also probable that the same can be done if the time of celebration or Communion is urgent, and the Superior cannot be approached. Except if scandal, or some other grave damage, first had to be repaired.⁵⁷⁵

IV. On Absolution From Reserved Cases

1775. Things to be noted beforehand. 1. Absolution from reserved cases can be given directly or indirectly: directly, when the reserved sin is expressly declared before a confessor possessing due faculty; indirectly, when, from a just cause, it either is not declared, or is declared before a simple confessor, who can absolve only from sins not reserved.

2. Direct absolution is conceded either regularly by the reserving Superior or his delegate, or exceptionally by a simple confessor in certain circumstances. Wherefore the following principles are established.

Principles. - I. The RESERVING Superior, or his SUCCESSOR, or even the SUPERIOR OF THE ONE RESERVING, absolves from reserved cases from his own and ordinary power. The reason is because it belongs to him to absolve to whom it belongs to bind (cf. n. 1278 seq.).

1776. II. An INFERIOR cannot absolve from reserved cases unless the faculty has been delegated to him either BY MAN, that is, by the Superior, or by LAW, or by CUSTOM, or by PRIVILEGE (cf. n. 1282). - But the general principle is that the delegate represents the one delegating, and enjoys his power for the benefit of the subject. Hence the subject can approach the delegate as often as he is impeded from approaching the Superior: yet he seems to be constrained to this by no law (cf. n. 1284, q. 2).

Moreover: 1. As regards cases reserved by the Pope, BISHOPS have from LAW a threefold power, which they can subdelegate. For: 1. By ordinary power, of which Vicars general also are participants, they absolve from cases reserved by the Pontiff to the Bishop or Ordinary, as we said above (nn. 1280, 3; 1773, 1). 2. Where Trent has been received, they have from chapter *Liceat* the faculty of absolving their subjects, in the forum of conscience,⁵⁷⁶ from all occult cases simply reserved to the Pope (cf. n. 1280, 2). - They also obtain broader faculties by special Indults. See after n. 2333, Appendix I.

2. All INFERIORS need delegation of the one reserving, or of his Superior, so that they can absolve in his territory. - Hence, although a Vicar general has ordinary jurisdiction and can approve and delegate others, as is established from the Constitution *Superna* of Clement X, nevertheless without special commission he cannot either personally absolve or give to others the faculty of absolving from cases which the Bishop reserved to himself alone. St. Alphonsus says aptly to the point:⁵⁷⁷ 1. The Bishop indeed sins gravely if he unjustly denies the faculty of absolving, with harm to souls, especially if the penitent cannot be induced to approach him; yet the confessor is bound by his denial (cf. n. 1768, 1). 2. But the Superior “can always justly deny the faculty until the penitent brings to him the information necessary for repairing public scandal or damage; for otherwise, as indisposed, he can be absolved by no one.”⁵⁷⁸
3. The faculty which the Bishop grants of absolving from CASES reserved to himself extends, of itself, only to reserved SINS, but not to reserved censures. - Except, however, excommunications annexed to the same sins by the very fact. For excommunication, otherwise than must be said of suspension and interdict, obstructs absolution from sins. Hence, by that very fact that a faculty is conceded of absolving from a sin which has excommunication annexed to itself, the faculty of absolving from that excommunication is also conceded. But when the power of absolving from cases reserved to the Pope has been conceded, the power of absolving from annexed censures is always conceded; because the Pope is not accustomed to reserve cases except by reason of an attached censure⁵⁷⁹ (cf. n. 1772).

⁵⁷²Book VI, 583.

⁵⁷³G. a Varceno, loc. cit., § 3.

⁵⁷⁴Cf. *Bullar. Cherub.*, tom. IV, p. 274, after Bull 28 of Urban VIII.

⁵⁷⁵Book VI, 586, 5; *H. A.*, XVI, 134.

⁵⁷⁶Cf. first list of reformed questions, n. 95.

⁵⁷⁷*H. A.*, XVI, 134; Book VI, 586, 4.

⁵⁷⁸*H. A.*, loc. cit.

⁵⁷⁹Book VII, 115; cf. Craisson, n. 6480 and 6491.

4. A privilege or Indult for the absolution of reserved cases can be either of the one absolving himself, as is, for example, that of those who obtain a schedule of the S. Penitentiary, quinquennial faculties, etc.; or of the penitent himself, when namely a privilege is conceded to him by force of which he can be absolved from reserved cases by a simple confessor, as for example from the Bull of Jubilee, Crusade, etc.

NB. Ancient privileges, as regards censures reserved to the Pope, are at present extinguished by abrogation, according as was said in the Treatise on Censures (n. 1280, 1); but new concessions are always limited to time or to persons, and therefore their communication among Regulars cannot be made. And hence it is why the very words by which the faculty of absolving has been granted to him must be carefully weighed by the confessor.

1777. III. There is no reservation in the ARTICLE or danger of DEATH. Therefore a simple confessor, and in his defect a simple priest, can absolve from any censures and sins whatever.⁵⁸⁰ This is established from what was said in n. 1753.

But let it be noted: 1. The dying person, so that he may be duly absolved, must, if he is in possession of himself: 1) seek absolution; 2) repair scandal, if he publicly gave any, in the better way in which he then can; 3) first satisfy the injured party, unless this party validly remits the reparation of the injury, for example the church whose goods he usurped; or if he then cannot furnish this, swear that he will satisfy as soon as he can; 4) if the crime is very enormous, swear that he will perpetrate it no more⁵⁸¹ (cf. n. 1287).

2. If the sin was reserved by reason of itself, without censure, "there remains no obligation of presenting oneself to the Superior; because then the sin was truly directly absolved," as Suarez and others rightly teach.⁵⁸²
3. If a censure reserved to the Bishop or in a special way to the Pope is annexed to the reserved sin, the penitent must promise that, if he recovers, he will present himself to the Superior, not indeed so that he may again be absolved, but so that he may receive due admonition and penance, according to what was said in nn. 1274 and 1282.
4. When the Bishop is present, a simple confessor cannot licitly absolve from cases reserved by that Bishop with censure. The reason is because the confessor, by reason of the censure, would have to enjoin the dying person that, if he recovers, he present himself as soon as possible to the Superior. Since therefore the Superior himself is present, relaxation of the censure must be sought and obtained from him, unless danger of infamy or something else hinders.⁵⁸³ It is otherwise with censures reserved to the Pope; because, although the burden of presenting oneself to him is sometimes given, nevertheless in practice the Pope is never personally present.

1778. Questions. Q. 1. In what other way does reservation CEASE?

It ceases: 1. Except in a Jubilee (cf. n. 1739, q. 10), through confession, although invalid, or even sacrilegious, made to the Superior or to one having the faculty, and in which the reserved sin is accused; for thus the end of reservation is sufficiently obtained, since the Superior can now judge concerning the accused sin, and the penitent now receives from him remedies and penance "which he is always bound to fulfill, although afterward he perceives that the confession was invalid." Thus the more common and more probable opinion.⁵⁸⁴ 2. Through a VALID confession made to the Superior or to one having the faculty, although the penitent forgets the reserved case, yet inculpably. And this opinion indeed, which is commonly taught, St. Alphonsus holds as probable;⁵⁸⁵ except only the case in which from the circumstances it is positively presumed that the Superior would have delayed absolution if he had heard the sin; for otherwise he is judged to have wished to free the rightly disposed penitent from every bond, namely by using these words: "Insofar as I can, and you need."⁵⁸⁶ 3. Through confession of a DOUBTFULLY RESERVED sin, whether by doubt of fact or even of law, made to one not having a special faculty, even if the penitent afterward recognizes the case as certainly reserved. Thus the common and most probable opinion; and the reason is because in doubt odious things are to be restricted, nor is the faculty of absolving taken away except by certain reservation, as was said in n. 1769. And besides, "since this opinion is common and most probable, in the case in which perchance it were false, the Church supplies."⁵⁸⁷

Therefore, in these three cases, confession can, at least when a reasonable cause is present, be repeated or completed before a simple confessor (cf. n. 1755).

⁵⁸⁰Book VI, 561; VII, 92.

⁵⁸¹Book VI, 537, q. 7; VII, 120-127, 127-130.

⁵⁸²Book VII, 91.

⁵⁸³H. A., XVI, 96, 97; Book VI, 563; VII, 92.

⁵⁸⁴H. A., XVI, 141; Book VI, 598, q. 3 and 4.

⁵⁸⁵Book VI, 597; cf. *Vind. Alph.*, part 5, q. 18.

⁵⁸⁶Cf. first list of reformed questions, n. 87, and second list of reformed questions, n. 20.

⁵⁸⁷H. A., XVI, 142; Book VI, 600; *Conf. dir.*, XV, 44.

Q. 2. Whether he can be absolved from reserved cases who sinned IN CONFIDENCE of obtaining license?

Resp. "Some have doubted; but the more common opinion affirms it, because, granted that the one conceding license does not wish sinners to sin more easily because of it, nevertheless he does not exclude that those who have sinned on the occasion of it can be absolved, if they truly propose to avoid sin."⁵⁸⁸ And this is valid also for Jubilee, because the same reason runs, and a faculty generally conceded is not to be limited by decision.⁵⁸⁹ (cf. n. 1736, B, I).

Q. 3. Whether license given for reserved cases can be EXTENDED to sins committed after the license has been imparted?

Resp. It is not extended "if the license has been given for sins only specifically named, or determined by number. But otherwise if it has been conceded indefinitely, as is taught very commonly." Yet except "if the penitent to whom license has specially been conceded were to commit another sin after a notable time, for example after a month, or if the license had been conceded in view of some particular festivity."⁵⁹⁰

Q. 4. Whether a simple confessor can never, OUTSIDE DANGER OF DEATH, absolve from reserved cases?

St. Alphonsus responded:⁵⁹¹ "When the Superior cannot be approached, the inferior can indirectly absolve from reserved cases, if some cause is urgent: for example, so that scandal or the mark of infamy may be avoided; or so that the paschal precept may be satisfied; or if the penitent otherwise would have to persevere longer in mortal sin, because the Superior is far away. Thus commonly." And the reason is because, necessity standing, confession is formally integral, and the confessor possesses jurisdiction over non-reserved sins; hence he validly and licitly absolves.⁵⁹²

It was said indirectly, because simple confessors, as Trent declared, sess. 14, cap. 7, outside the article of death, can do nothing in reserved cases. Wherefore, the impediment ceasing, even if by its nature it were perpetual, the penitent is bound to approach the Superior or his delegate, so that he may be directly absolved from the reserved cases.

Q. 5. Whether the penitent is VALIDLY absolved who, in GOOD FAITH, confesses a reserved sin to a simple confessor, or forgets it before the same?

Resp. Affirmative, if at the same time he confesses a non-reserved sin, whether mortal or venial; because in such a case, as is sufficiently established from what has been said, the non-reserved sin is directly absolved, and the reserved sin indirectly.⁵⁹³ But the confessor sins, and gravely indeed, if knowingly, without just cause, he absolves in this way, and the penitent is always bound to repeat the confession of the sin remitted only indirectly.

Note. As regards TRAVELERS, see n. 1771, q. 3. As regards the necessity of communicating or celebrating in a case in which someone has a reserved sin, cf. n. 1551.

1779. PRACTICAL RULES. The confessor, having heard a reserved sin from which he cannot absolve, must, when the case is not urgent, immediately remit the penitent to the Superior, or to another endowed with the faculty. - Ordinarily speaking, it is not expedient that he offer himself to seek the license, lest namely the end of reservation be destroyed (cf. n. 1766). But if nevertheless charity suggests that he himself seek leave, let him hear the remaining sins, both so that he may prescribe fitting remedies, and so that he may see whether other reserved sins are present. - But when the faculty has been obtained, let him not use it unless he has first shown to the penitent the gravity of the crime committed, and has imposed upon him a salutary satisfaction (cf. n. 1289, Note).

§ 2. On The Forbidden Absolution Of An Accomplice

1780. Principles. I. It is forbidden to every priest, outside the case of extreme necessity, to dare to receive the sacramental confession OF A PERSON WHO IS AN ACCOMPLICE in a base sin against the sixth precept. Thus from the Constitutions of Benedict XIV, *Sacramentum* (June 1, 1741), and *Apostolici muneris* (February 8, 1745), namely for guarding the sanctity of the sacred Tribunal and removing dangers of souls.⁵⁹⁴

It is said 1. outside the case of extreme necessity, that is, outside the article or danger of death; because then it is permitted to absolve an accomplice, provided another priest is lacking, even a simple one, who is able to absolve; or provided that priest cannot receive the confession of the infirm person without grave scandal, or infamy of the approved priest. Yet the priest accomplice is bound to forestall such dangers of scandal or infamy, if he can, for example by departing under some

⁵⁸⁸ H. A., *ibid.*, 144; Book VI, 601.

⁵⁸⁹ *Ibid.*, 537, q. 6.

⁵⁹⁰ H. A., *ibid.*, 145; Book VI, 601, q. 4.

⁵⁹¹ H. A., XVI, 133 (cf. also *Istruz.*, same place).

⁵⁹² Book VI, 585; VII, 91 and 92, *Si quis* (cf. *Vindic. Alph.*, p. 5, q. 15).

⁵⁹³ Book VI, 596, q. 1; H. A., XVI, 139; cf. Sporer, *Theol. Sacram.*, p. 3, n. 858.

⁵⁹⁴ Cf. Book VI, 584-585; *Praxis*, n. 80.

pretext, etc.; otherwise he will not escape the guilt and penalties of a grave offense, although the absolution is valid “lest on this very occasion,” says the Pontiff, “someone perish.”⁵⁹⁵

It is said 2. of a person who is an accomplice: by which name, from the common interpretation, come not only women, but also men, nor are even the prepubescent themselves excepted. - Indeed, persons with whom the confessor already sinned before the priesthood was received are not excluded; as is established from the Response of the S. PENITENTIARY of January 22, 1879.⁵⁹⁶

It is said 3. in a base sin...: in which appellation is comprehended every sin, certain on each side, grave, external and mutual, against the sixth precept, even if it was not consummated by copulation; indeed, although it is only a base touch, or gaze, or indecent conversation, as is more commonly taught, and as is established from the Response of the S. OFFICE, May 28, 1873 (cf. n. 1324).⁵⁹⁷ - But venial faults are not comprehended, whether they are such because of smallness of matter, or because of defect of advertence or consent; nor merely internal sins, or sins not fully manifested externally; nor doubtful sins, by doubt of fact or of law; nor finally when doubt turns on whether the penitent himself also sinned gravely; because the Bull is to be understood of a formal accomplice, in mortal sin against the Sixth.⁵⁹⁸

1781. II. The confessor, outside danger of death, LACKS all JURISDICTION for absolving an accomplice as regards the sin of which he was participant. - This is established from the words of the Bull saying: “Any authority and jurisdiction therefore being taken away from him by the law itself for absolving any person whatever from a fault of this sort.” - Therefore, as long as the sin of complicity has not been directly remitted through absolution duly imparted by another priest, the confessor absolves his accomplice neither licitly nor validly. Indeed, it is probable that that sin, even after it has been directly remitted by another, can never and in no way be declared and subjected to the confessor-accomplice as sufficient matter of absolution, since he seems perpetually to lack jurisdiction over it.⁵⁹⁹

1782. III. EXCOMMUNICATION, reserved to the Roman Pontiff in a most special way, IS INCURRED by a priest who, outside extreme necessity, absolves an accomplice in a base sin. - This is established both from the Bull *Sacramentum* of Benedict XIV, and from the Constitution *Apostolicae Sedis* issued by Pius IX (cf. n. 1324).

Yet here it must be adverted that the following are not bound by the censure: 1. he who only hears the accomplice in confession, but does not absolve; otherwise, if he simulates absolution, as is established from the Response of the S. Penitentiary given on March 1, 1878, and confirmed from another Response of the Congregation of the Holy Office made to the Bishop of Périgueux on December 10, 1883⁶⁰⁰ (cf. n. 1324); 2. he who indeed absolves, but with ignorance, even crass, of the censure; or without advertence to the complicity of the penitent; for the Constitution of Benedict XIV, from which the censure was taken, requires daring, so that excommunication may be incurred.

1783. Questions. Q. 1. Whether the censure and privation of jurisdiction have place if the sin of complicity is not subjected to the keys?

Resp. Negative. For it was asked: “Whether he incurs the censures imposed on those absolving an accomplice in a base sin, who indeed absolves an accomplice, but an accomplice who did not declare the sin of complicity in confession? The reason for doubting seems to be because such a priest, even if the accomplice sacrilegiously omitted the confession of this sin, and he culpably abstained from questioning, nevertheless does not absolve from the fault of complicity of this sort, as not declared, nor subjected to the keys.”

And the S. PENITENTIARY, on May 16, 1877, responded: “The privation of jurisdiction of absolving an accomplice in a base sin, and the annexed excommunication, insofar as the confessor shall have absolved him, are in order to the base sin itself in which the same confessor was the accomplice. Nevertheless the confessor is bound with all zeal to place before the eyes of the priest who in this way absolves the accomplice, yet not from the sin of complicity, the enormity of his offense and the abominable abuse of the Sacrament of Penance; nor otherwise to impart to him the benefit of absolution than after a most grave exhortation has been premised, that he strive to lay down the office of confessor, and also with the obligation imposed that in the future he wholly abstain from hearing confessions of the accomplice; the same person who was the accomplice being admonished, if he appears again, that he accuse himself before another confessor of the sin of complicity and of the others invalidly confessed.”⁶⁰¹

⁵⁹⁵Book VI, 553.

⁵⁹⁶Cf. M. Haringer (in 2nd Regensburg ed. of the Moral Works of St. Alphonsus), Annotation to book VI, 556.

⁵⁹⁷Ibid., 554.

⁵⁹⁸Cf. H. A., XVI, 95.

⁵⁹⁹C. P. Rota, *Enchiridion confess. et iudicis* (Turin, 1884), n. 144.

⁶⁰⁰*Nouv. Revue théol.*, tom. XVI, p. 366.

⁶⁰¹Cf. Planchard, *Practica*, Dissert., p. 9 (cf. also *Collectan. S. Sed.*, n. 520).

Q. 2. Whether he avoids EXCOMMUNICATION who, when the precept of CONFESSION is urgent, INDIRECTLY only absolves an accomplice unable to confess to another without danger of grave infamy or scandal?

Resp. Some deny it; but the Salmanticenses affirm it; and this opinion (if the penitent knows or is admonished that he must afterward approach another confessor) seems more probable and safe in practice, from the fact that in a case of this sort there is not present the rash daring which the Constitution of Benedict XIV requires.⁶⁰² It also seems more conformable to the Response of the S. Penitentiary just reported.

1784. From what has been said you resolve:⁶⁰³ 1. The confessor INVALIDLY absolves: 1. A penitent with whom he agreed about seducing a woman, although afterward he did not seduce her; because it is verified that this penitent is a partner of an iniquitous agreement against chastity. - 2. A penitent from whom he only heard base conversations, if he showed that they pleased him; because by being outwardly pleased with them, he participated in them, and therefore is an accomplice of the base sin. 3. A penitent accomplice who makes a general confession, if it is certain or probable that the past confessions were invalid.

2. He VALIDLY absolves: 1. A woman whom, while sleeping or resisting, he immodestly touched, or by whom he himself, sleeping or resisting, was touched; because he does not absolve from the sin of complicity. 2. A woman with whom there intervened a kiss given in passing, or a momentary touch of hands or of honorable parts, from jest or levity. And the same would have to be said if the priest had taken the woman by the hand, although he himself, but he alone, had experienced venereal delight. For in these cases either there is not a certainly mortal sin, or it is not present on each side. 3. Resolve the same if delight, however carnal and arising on both sides, is personal to each, without any external sign and mutually unknown. - 4. Nor is the absolution invalid over other sins directly imparted to an accomplice if he inculpably omitted the sin of complicity in confession; for from the aforesaid Response of the S. Penitentiary of May 16, 1877, it is established that the priest is not deprived of his jurisdiction.

Note. The penitent accomplice himself incurs no censure or other penalty, nor is his sin subject to reservation (unless perhaps episcopal reservation, from diocesan Statutes). - Therefore let a person of this sort be benignly received by a legitimate confessor, so that he may not blush to confess his own misery; and, the confessions invalidly made before the accomplice having been repeated, and the occasion of sinning having been removed, let him be dismissed absolved. But let him be turned away, as much as can be done, from further return to the confessor-accomplice, even if the law concerning fleeing a proximate occasion does not seem absolutely to require it (cf. Response of the S. PENITENTIARY at the end).

But if besides this, on the occasion of confession, he had been solicited to sin, see n. 1795.

Chapter II

On The Qualities Of The Minister Of Penance 1785. "Now besides the power of Order and jurisdiction, which are altogether necessary, first of all there is need," says the Roman Catechism, "that the minister of this Sacrament be endowed both with knowledge and learning and with prudence; for he bears at once the person of JUDGE and PHYSICIAN."⁶⁰⁴ He also bears the person of FATHER, and indeed of a most excellent father, namely of Christ the Lord conferring upon the penitent the life of grace. Nor this alone, but he bears besides the person of TEACHER, because it is his part to admonish the penitent, and to teach him, as much as there is need, things useful or necessary to know. And because so many and so grave offices cannot be fulfilled unless they are continually supported by goodness or integrity of life: hence, so that all the qualities which every minister of Penance ought to furnish may be recalled, it occurs to treat: 1. of the knowledge of the confessor; 2. of his prudence; and 3. of his goodness or integrity of life.

Article I

On The Knowledge Of The Confessor 1786. Principles. I. The confessor is bound, and indeed UNDER GRAVE obligation, to have KNOWLEDGE of all those things which are required for the function of his office. - St. Alphonsus says gravely to the point:⁶⁰⁵ "And to dispatch myself more briefly, I affirm that the confessor who, without sufficient knowledge, exposes himself to receiving confessions is in the state of damnation." The reason is because, this knowledge

⁶⁰²Appendix to Treatise VI, on the Bull of Crusade, cap. 6, n. 262; Rota, loc. cit., n. 148. Cf. Pennacchi, *Comment. in Const. Apost. Sedis*, tom. I, Addition to Appendix IX, p. 37.

⁶⁰³Konings, n. 1406; cf. Pennacchi, loc. cit., Appendix IX, p. 305 seqq.

⁶⁰⁴*De Poenit.*, n. 56.

⁶⁰⁵*H. A.*, XVI, 100.

being lacking, the confessor certainly commits himself to danger of fulfilling his most holy office badly, with injury to the Sacrament and with harm to penitents.

Nor let it be said that knowledge is supplied by experience; for this, although it helps knowledge, nevertheless never fills its role. Hence “no confessor ought to interrupt the study of moral theology, because, from so many things so diverse and different among themselves which pertain to this knowledge, many things, although read, because they occur more rarely, fall from the mind with the passage of time: for which reason it is necessary always, by frequent study, to recall them into memory.”⁶⁰⁶ (cf. n. 4).

Hence it is inferred: 1. A priest who, ignorant in moral matters, receives confessions sins gravely. Nor does the approbation of the Superior excuse him; for this supposes the knowledge due, but by no means infuses it. 2. A Superior who grants the faculty of receiving confessions to an unlearned priest sins gravely; for he consents to and cooperates in this one’s sin. - 3. The penitent himself sins gravely who, placed in grave spiritual necessity, approaches a confessor whose knowledge he recognizes to be unsuitable to his state; because, besides the spiritual harm which he suffers, he is the cause why the Sacrament of Penance is administered in an undue manner.⁶⁰⁷

1787. II. As regards the QUALITY of knowledge, “It would surely be desirable,” says Benedict XIV,⁶⁰⁸ “that every confessor possess that knowledge which they call eminent; but since this quality belongs to few, it is altogether necessary that he be instructed at least with competent knowledge.” But this knowledge will be competent if he himself can always bring a prudent judgment in this forum; for judicial power requires this, that the things which must be judged be well discerned.

Therefore the confessor must know: 1. which sins are mortal, which venial, at least from their kind; - 2. the species and circumstances necessarily to be explained; - 3. things pertaining to restitution of goods and reputation; - 4. reserved cases, so that he may know to which his jurisdiction does not extend; likewise excommunications, censures, and irregularities, at least the more common; - 5. matrimonial impediments, and the common obligations of states; - 6. the requisites in the penitent for good disposition; - 7. opportune remedies to be opposed to sins.⁶⁰⁹

For the rest, FOR PRACTICE, it is useful to advert: 1. It is enough if the confessor is at least skilled in those things which more frequently occur, and concerning more difficult matters knows at least how to doubt, so that thus he can consult books, or learned men with due leave if he needs this. - 2. The same knowledge is not required in all; but greater or lesser knowledge according to the diversity of places and penitents: thus greater knowledge is required for hearing confessions in a city than in villages; greater for receiving confessions of Bishops, priests, and clerics, than of seculars and farmers. - 3. In more involved doubts, especially if the case is public, or easily to be made public, not only should learned men of greater experience be consulted, but often it is expedient, if time permits, that recourse be had to the Bishop himself.

IT IS ASKED. Whether a priest is bound to render himself FIT for receiving confessions?

Resp. Since Christ the Lord instituted priests for this end, that souls might be saved, and since the salvation of souls is obtained especially through the Sacrament of Penance: it follows that the office of receiving confessions is one of the chief offices of the priesthood; and therefore priests ARE BOUND, at least in grave necessity of peoples, to exercise it, and consequently to render themselves fit for it.

Hence St. Alphonsus:⁶¹⁰ “I do not see,” he says, “how those priests who, on account of idleness, withdraw themselves from this burden, can be safe in conscience, and be excused from the reproach of the Lord, and from the punishment of damnation inflicted on that idle servant who hid his talent.... Nor let priests of this sort say that they sufficiently fulfill their obligation if they assist souls in another way, namely by instructing, correcting, praying, without ministering the Sacrament of confession; for they are bound to assist them in that in which they have need for their own salvation. For if the neighbor needs food, you must assist him in food, not in garments. Nor is it valid to say that the office of hearing confessions is a work of charity, and charity does not oblige with so much inconvenience: for it is answered that this office does not have its origin from a simple motive of charity, but from the proper priestly office, as has been said.”⁶¹¹

Article II

⁶⁰⁶Ibid., 100.

⁶⁰⁷Book VI, 626 and 628, 1, 2.

⁶⁰⁸Bull. *Apostolica*, § 21 (June 26, 1749).

⁶⁰⁹Book VI, 627; *H. A.*, *ibid.*, 100.

⁶¹⁰Book VI, 625.

⁶¹¹*H. A.*, XVI, 127.

On The Prudence Of The Confessor 1788. Great prudence is required in the confessor, because the rule of souls is the art of arts, and because his office abounds in many difficulties and dangers. This prudence ought especially to show itself: 1. in choosing approved opinions; 2. in granting liberty of confession; 3. in receiving the confessions of women; 4. in questioning and admonishing penitents; 5. in giving or deferring absolution; 6. in correcting his own errors; 7. in guarding the sacramental seal. Here we shall treat only of the first three, since we shall speak of the others below.

1789. I. The confessor ought, in the CHOICE OF OPINIONS, to use the greatest prudence. - To this pertain the following RULES assigned by our Holy Doctor.

Rule 1. "If the penitent shows himself ready to follow that which is SAFER, the confessor is bound, speaking in itself, to direct him according to the safer opinions; because, since this belongs to greater perfection, the confessor is indeed bound to apply himself to the greater progress of his penitent. - But afterward it belongs to the prudence of the confessor to weigh whether the use of the safer or less safe opinion will be profitable to his penitent. Therefore I said, speaking in itself; because although that, in itself, is safer and more perfect, nevertheless it will be more dangerous to impose upon many the obligation of always acting according to the more rigid opinions. - Therefore, in practice, the confessor rather, as far as can be done, ought to be benign rather than rigid with penitents."⁶¹²

Rule 2. "The confessor, in the choice of opinions, ought then to follow the more BENIGN opinions, when these rather induce the penitent to avoid sin. But otherwise, if they rather conduce to the transgression of the law: such as those opinions which, although speculatively they may seem probable, nevertheless in practice are very dangerous; as in the matter of the sixth precept there are some concerning touches, kisses, dances, plays, repressing sensual motions, and similar things. Likewise, in the matter of simony and usury, where many things seem to be excused by reason of liberal gratitude, but in practice involve great danger. Likewise, when there is question of making compensation, or of pursuing an accusation against offenders, where there is easily danger of injustice or revenge."⁶¹³ (cf. n. 83. 2).

Moreover it is to be noted that the Holy Doctor judges that special severity must be used when there is question of procuring the common good, as will be declared below (n. 1810, Rule 32).

Rule 3. Absolution cannot be denied to a penitent, otherwise disposed, if he wishes to use some probable opinion contrary to that which the confessor holds.⁶¹⁴ - The reason is because a penitent truly disposed, after confession has been made, has a certain and strict right to absolution. Nor is it valid to say that the penitent is therefore not disposed because he refuses to follow the judgment of the confessor; for it is answered that the confessor is not judge of opinions and controversies as the Supreme Pontiff is, but is only judge of the disposition of his penitent, and of the penance which the sins deserve, as is plain from Trent, sess. 14, cap. 5. "But the disposition of the penitent consists only in having true sorrow for the sins confessed, and a firm will not to sin in the future."

Nevertheless it is required: 1. That the penitent not be rude and unlearned, but capable of forming for himself a right conscience from the opinion or probability which he judges solid, at least extrinsically, e.g. from the response of another learned and prudent man; for if he wished to act imprudently, he would not be disposed. - 2. That there not be question of judgment, whether concerning the disposition of the penitent or concerning the administration of the Sacrament; e.g. if the confessor judged that he lacked jurisdiction over such a case, the penitent must stand by his judgment; "for otherwise by absolving without due jurisdiction, or one whom he himself judges indisposed, he (the confessor) sins by acting against his own conscience." - 3. That the opinion of the penitent be not only speculatively, but also practically probable, i.e. that it lack every certainly probable danger of formal sin; because the penitent is bound to avoid such danger. - 4. That the confessor, although he does not judge the penitent's opinion as solidly probable, nevertheless does not hold it as wholly false, or resting on a false foundation; for in such a case St. Alphonsus,⁶¹⁵ with Navarrus and St. Antoninus, denies that the penitent can and ought to be absolved, unless he withdraw from his opinion (but see what will be said at n. 1810).

1790. II. The confessor should especially beware of taking away from his penitents LIBERTY OF CONFESSION. To the point St. Thomas says:⁶¹⁶ "A priest would sin if he were not easy in granting permission to confess to another; because many are so weak that they would rather die without confession than confess to such a priest: whence those who are too solicitous to know the consciences of their subjects through confession cast many into a snare of damnation, and consequently themselves." And St. Alphonsus:⁶¹⁷ "Let the confessor beware lest he prohibit his spiritual penitents, especially

⁶¹²Book VI, 605.

⁶¹³Book VI, v. *Sapienter*.

⁶¹⁴Cf. *Vindic. Alp.*, Appendix I, § 2, II, 6.

⁶¹⁵Cf. *Conf. diretto*, XV, 39; and Book VI, 604; Book III, 609.

⁶¹⁶In 4, dist. 17, qu. 3, art. 3, ad qu. 4, ad 6.

⁶¹⁷*H. A.*, tr. ult., n. 43; or *Praxis*, n. 100.

women, from approaching another confessor; and when he notices that they have approached, let him show that this was pleasing to him: indeed, let him impose upon them that sometimes they confess before others; except if someone should be very scrupulous, concerning whom he prudently fears that, if he should approach another who is ignorant of his conscience, he would be notably disturbed.” It is also to be desired that pastors from time to time summon unknown confessors; and that access to them may be easier and freer, let the pastors themselves abstain at this time from receiving confessions. Mothers of families also should cautiously be persuaded that, in this matter, they grant full liberty to their sons and especially to their daughters.

1791. III. In receiving the confessions of persons OF THE OTHER SEX, especially of those who profess piety, the confessor ought to be MOST CAUTIOUS. Wherefore let him diligently observe these prescriptions, and let him judge it unlawful to violate them:⁶¹⁸

1. From the decree of the S. C. of Bishops, Jan. 21, 1610: “Confessors, without necessity, ought not to hear the confessions of women after the evening twilight and before dawn.” But if necessity is present, let this not be done without a lighted lamp and without a witness. Access should always be granted to men before women, where this can conveniently be done.
2. In receiving their confession, especially if they are younger, let him be austere rather than affable and familiar; in no matter let him intimate that they are known to him; let him also be most restrained as to the eyes, so that he never, while they remain in the confessional, look them in the face, nor, when they depart, follow them with his eyes. - Let him abstain especially from all flattering and rather tender words, lest the tribunal of the immaculate Lamb be changed into a den of thieves.
3. Outside confession, let him flee all familiarity with them, nor let him visit them at home, except in the case of grave illness; but not even then let him receive their confession unless the door of the room is open. - Little gifts, flatteries, praises, and whatever usually conciliates friendship, are to be entirely avoided on both sides. Nor are women less to be guarded against because they are more holy; for, St. Thomas testifying, the holier and purer they are, the more they allure the mind. See other things at nn. 833, 1841 sqq., 1847 sqq.
4. “Never, without necessity, let him speak of the defects of other confessors; but rather let him sedulously seek to excuse them from some error committed.”⁶¹⁹
5. “Let him not undertake the direction of anyone who wishes to leave his own director, unless there is an urgent cause... And let him advert that, for changing a confessor, it is not enough that the penitent feels some abhorrence toward him, or that he seems no longer to have faith in his words: for, as St. Teresa says, often this is a temptation of the devil. - Hence St. Francis de Sales teaches thus: ‘The confessor is not to be changed without grave reason. But, on the contrary, neither is it expedient in this to be unchangeable, if legitimate causes of change supervene.’ ”⁶²⁰
6. “Let the confessor avoid showing himself partial with some penitent. Some attach too much benevolence of soul to some soul, when they take upon themselves every care, time, and labor for that one. - It is not to be denied that some soul will sometimes need greater assistance than another; but assistance is one thing, attachment another, which brings it about that less care is had for other penitents. Therefore it will be expedient that the confessor assign to that more needy person some particular day or time, without others receiving inconvenience.”⁶²¹
7. “In receiving the confessions of these spiritual persons, the confessor ought to beware lest he raise his voice too much, although he is not speaking of sins: because from this it can happen that others are frightened from confessing their faults, out of this fear that the confessor speaks with a loud voice.”⁶²²

See also the ROMAN RITUAL: Order of Ministering the Sacrament of Penance.

Article III

On The Goodness Or Integrity Of Life Of The Confessor 1792. “Let suitable confessors be had” (said St. Pius V), “behold the complete reform of all Christians. For it is not to be doubted that, if all confessors were strong in that knowledge and goodness of morals which so great a ministry demands, neither would the world be so befouled with

⁶¹⁸Cf. *Praxis*, nn. 119-120, where there are more things.

⁶¹⁹*Praxis*, n. 100, 2.

⁶²⁰*Ibid.*, 3.

⁶²¹*Ibid.*, 4.

⁶²²*Ibid.*, n. 101.

the filth of sins, nor would hell be filled with so many souls of the baptized. - And when I say goodness, here I do not understand only habitual goodness, that is, the simple state of grace, but positive goodness, which befits the minister of Penance. For he must handle the wounds of so many sinners without defiling himself: he must often deal with women and adolescents, receiving their confessions about those things of which they are greatly ashamed, without feeling that any harm has come to himself; with distinguished persons, all respect of human things having been cut away, he must be armed with great fortitude; and, that I may embrace all things in one word, he ought to be rich in charity, honey-sweet in meekness, grave in prudence. - Wherefore, that all these parts may be fulfilled as is fitting, there is need of no common goodness, which certainly he will never attain for whom prayer is not most familiar, nor meditation daily: for by no other way can anyone obtain the light and graces necessary for this so great office, formidable, as it is said, even to angelic shoulders.”⁶²³

But first of all the confessor ought to abound in great and sincere charity, by which he is so led that he spends and is spent wholly for souls, and proposes to himself nothing other than their salvation and spiritual progress. But it is manifest that nothing is more opposed to this charity than the execrable and truly diabolical malice of a priest who impiously and sacrilegiously abuses this most holy ministry unto the ruin of penitents, namely by soliciting them to base things. - The Supreme Pontiffs, in order effectively to exclude so nefarious an abuse and so impious a prevarication from the sacred Tribunal, have sanctioned by various Decrees that those most wicked confessors who solicit to base things be DENOUNCED before competent ecclesiastical Judges.

Hence we must here treat: 1. of the zeal and charity of the confessor; 2. of denouncing the crime of solicitation.

§ 1. On The Zeal And Charity Of The Confessor

1793. In the confessor there is required, so that he may be able fruitfully to perform his office, eminent CHARITY. - For since confession is an entirely voluntary act, by which the highest trust is shown to the confessor, it is manifest that such trust cannot be provoked unless the confessor in turn shows the highest kindness to the penitent who approaches him to open the secrets of his conscience.⁶²⁴ - Wherefore the following admonitions are handed down by our Holy Doctor:

Admonitions. - 1. Let the confessor show great charity and zeal in BENIGNLY RECEIVING all, whether poor or rich; since with God there is no acceptance of persons. - Indeed, in imitation of Christ, who says: “I came not to call the just, but sinners,” a good confessor, with the inmost parts of charity, the greater the number and the more foully stained by the filth of sins he finds souls to be, with so much the greater charity he embraces them, that he may win them for God, and he supplies courage to them with these or similar words: “Come, brother! Be of good heart! Do not fear; confess your sins without dread!” etc.

2. Let him show greater charity in HEARING the penitent. “Let him beware lest he exhibit himself impatient, or appear to be struck with wonder at the sins which are being narrated... In the act of confession let him abstain from making correction, lest perhaps, terrified, penitents keep back their sins. Nevertheless this is understood regularly speaking; for 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 himself has been habituated in some vice, so that he may comprehend the gravity of the sin. Yet let the confessor advert that he not exasperate him, nor terrify him. Wherefore, after he has corrected him as much as there was need, immediately let him give him courage to confess the remaining sins.”⁶²⁵ Let him not appear to the penitent impatient of delay, nor let him forget that that is always done quickly enough which is done well enough. Toward the badly disposed let him use much patience, and, every motion of an inflamed soul being restrained, let him endeavor sweetly and at the same time strongly to recall them to good fruit.
3. But let him show the greatest charity and zeal in WELL DISPOSING the penitent, and in helping him, as far as can be done, that thus he may cause him to obtain all the goods which flow from the Sacrament, namely justification, progress in grace, and the gift of perseverance. “Wherefore, with more vehement ardor and zeal, let him apply himself so that he cause the penitent to 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... so that the penitent may understand that what is said to him proceeds not from an angry mind, but from singular love and compassion toward his soul... Afterward, he will help him to form an act of sorrow, and, if he is disposed, let him absolve him.”⁶²⁶

⁶²³ *Praxis*, n. 1.

⁶²⁴ Cf. *Praxis*, nn. 3-5, where very many things can be read.

⁶²⁵ *Ibid.*, n. 4.

⁶²⁶ *Ibid.*, n. 5.

“But if he should be incapable of absolution, or if it will seem expedient that absolution be deferred, let him assign to him the day on which he ought to return, saying to him thus: ‘Come, brother! On such a day I await you; do not omit returning to me; be of strong and great soul, as I have said to you. Commend yourself daily to the Blessed Virgin, and come to me. If, perhaps, then you find me receiving the confessions of others, approach; for I will hear you before the others. If I am elsewhere, arrange that they summon me; I will leave all things so that you may confess.’ And thus let him dismiss him from himself with sweet words. ‘This is the way by which sinners can be made saved, namely to act with them with as much charity as can possibly be done; otherwise, if they fall upon a confessor who acts harshly with them, they will dread confession, they will neglect to confess, and unbridled they will go to perdition.’”⁶²⁷

The RITUAL also admonishes: “For those confessing more rarely or later, or easily falling back into sins, it will have been most useful to counsel that they confess often, say once a month, or on certain solemn days, and, if it is expedient, communicate.”

§ 2. On Denouncing The Crime Of Solicitation

1794. First of all it is useful to report the words of BENEDICT XIV, who, confirming the Bull of GREGORY XV, speaks thus in the Constitution *Sacramentum*: “We command all local Ordinaries... that diligently, and with every human respect set aside, they inquire and proceed against each and every priest, both secular and regular, however exempt... and of whatever dignity... who shall have attempted to solicit or provoke any penitent, whatever person he may be, either in the act of sacramental confession, or before, or immediately after confession, or on the occasion or pretext of confession, or even outside the occasion of confession in the confessional, or in another place destined or chosen for hearing confessions, with the simulation of hearing confession there, to dishonest and base things; whether by words, or signs, or nods, or touch, or through writing, either then or afterward to be read; or with them shall have had illicit and dishonest conversations or dealings with rash daring.”⁶²⁸

“Let each and all priests appointed for hearing confessions remember besides that they are held and obliged sedulously to admonish their penitents, whom they know to have been solicited by others as above, according to the circumstances of the cases occurring, concerning the obligation of denouncing to the aforesaid local Ordinaries the person who has committed solicitation, even if he be a priest who lacks jurisdiction for validly imparting absolution, or the solicitation was mutual between confessor and penitent, whether the penitent consented to the solicitation or by no means furnished consent, or a long time has already flowed by after the solicitation itself, or the solicitation was performed by the confessor not for himself, but for another person.”

On these matters three things come to be weighed: 1. when the crime of solicitation is present; 2. what the obligation of denouncing is; 3. how in practice the confessor ought to proceed.

I. When Is The Crime Of Solicitation Present?

1795. By the word SOLICITATION, in the Sacrament of Penance, is understood an invitation, incitement, or provocation to venereal things, made by a confessor, under certain clauses. It is a MOST GRAVE sin, both because it inflicts grave injury on the Sacrament, and because it brings mortal harm upon the penitent, offering him poison for medicine. If the one soliciting is the pastor himself, solicitation contains a special malice, or a special sin against justice, because from justice he is bound to feed his sheep by word and example (cf. n. 786, note 2).

It is said, 1. Invitation, namely one which is made by words or signs inductive to lustful acts. Hence solicitation must be held as complete (whether the penitent in fact consents to the sin, or resists), whenever an act suitable for alluring to venereal things is placed.⁶²⁹ - Nor does it matter whether the act is, in itself, evil or indifferent, provided from the circumstances it is afterward known that it was placed for soliciting; for example, if the confessor imposed upon a woman that she wait for him at home, or if he asked where she lived.⁶³⁰

It is said, 2. to venereal things; for a denunciation is not to be made if the solicitation was to other crimes. Nor does the obligation of denouncing press unless the solicitation was gravely culpable; wherefore it is to be noted that some acts can be held in themselves as venial, which nevertheless, if they are done by a priest engaged in the act of administering the Sacrament of Penance, become gravely culpable.⁶³¹ - But denunciation is to be made whether he solicited a male or a

⁶²⁷Ibid.

⁶²⁸Cf. Berardi, *Prax. Conf.*, n. 549 sqq.; and Benger, *Compend.*, n. 404; and Rota, *Enchiridion*, nn. 164-402.

⁶²⁹Viva, *Theses damnatae Alex. VIII*, prop. 62, n. 7.

⁶³⁰Book VI, 676.

⁶³¹Berardi, *De sollicitatione*, nn. 23-24.

female, whether he solicited to sin with himself or with another, or finally whether he solicited the penitent immediately or, through the penitent, some other person.⁶³²

It is said, 3. under certain clauses, by which namely the law defines solicitation to have sufficient connection with the Sacrament, and to be denounced as an abuse of it.

CLAUSE 1. In the act of sacramental confession. For this it is sufficient if confession has been begun, although not perfected. Note here the sixth proposition condemned by Alexander VII, which said: "A confessor who, in sacramental confession, gives the penitent a paper to be read afterward, in which he incites to venery, is not judged to have solicited in confession."⁶³³

CLAUSE 2. Immediately before or after. This word immediately, according to the more common opinion, is to be understood so strictly that no interval or action intervenes between the solicitation and the sacramental confession.⁶³⁴ - Hence a confessor is to be denounced: 1. if, before the confessional, he dishonestly touches with hands or feet a woman waiting for the sake of confession, not by chance, but by design. 2. If immediately after confession, while she approaches to kiss his hand, he himself basely touches her. Likewise, if he at once leads her into a room and there solicits her; or if immediately he says: Wait a little while, and after some interval (but not on the following day) begins to solicit: for in either case he immediately places the means of solicitation. But otherwise, if, with no such means having been placed, he approaches and solicits her when she has already gone out of the confessional.⁶³⁵ Yet attend to

CLAUSE 3. On the occasion or pretext of confession. It is said on the occasion of confession, when the confessor takes the opportunity of soliciting from a confession truly sought, or truly made; but on the pretext, when he takes the same opportunity from a fictitious confession, that is, from a confession which was proposed solely for this end, that it might serve solicitation.

Hence: 1. From the first head, a confessor is to be denounced who, having been asked for confession, diverts the conversation elsewhere and solicits, even if he has not yet sat down, nor the woman knelt. And this same must be said, although he is asked that he hear the confession only on the following day; provided the solicitation is then made in the confessional, or in the place of confession, or under pretext of confession. Likewise, he is to be denounced if, on account of the fragility of the woman known from her confession, he afterward solicits her at home; provided, from indications, it is sufficiently evident that he was induced to solicitation from that knowledge, and not from other causes.

2. From the second head he is to be denounced if, on account of an evil end, he fictitiously invites a woman to confession, and then solicits; likewise, if, called by a mother to hear the confession of her daughter, he approaches this daughter with an evil end and solicits her; or if, called to absolve a woman deprived of her senses, he comes under such pretext or occasion, and dishonestly touches her. Likewise, if he persuades a woman, already solicited outside confession and refusing on account of fear of defamation, that, pretending herself sick, she summon him for sinning. But otherwise, if he uses such a pretext not to solicit the woman, but only to deceive the Superior, members of the household, etc.; or if the woman herself, with no prior agreement, uses the pretext of confession to call and solicit the confessor; "although afterward they have relations."⁶³⁶

CLAUSE 4. In the confessional, or in another place destined or chosen for hearing confessions, with simulation of hearing confession. Therefore, that the obligation of denouncing may arise from this clause, it is necessary that simulation of confession have intervened. That is, the priest must so conduct himself that he can deservedly be believed actually to be receiving confession, e.g. by applying his ears. Hence, one is not to be denounced who, sitting in the confessional and in no way simulating confession, solicits a woman standing or sitting before the confessional. Thus from the Declaration of the HOLY OFFICE, Feb. 11, 1661, under n. 15. But otherwise, if he solicits her kneeling in the confessional, or in the place of confession. Otherwise also, according to many, if both IN THE CONFESSORIAL treat of dishonest matters, without simulating confession; for, from the Decree of Paul V (July 10, 1614), all those are to be denounced who have abused the Sacrament of Penance by employing confession, or the confessional, for dishonest ends.⁶³⁷ Others, however, not improbably contradict: because the cited Declaration of the Holy Office, which Benedict XIV approved, seems to have derogated from the Decree of Paul V by an authentic interpretation.⁶³⁸

⁶³²Book VI, 691; *H. A.*, XVI, 171.

⁶³³*H. A.*, XVI, 166; Book VI, 676.

⁶³⁴*Ibid.*, XVI, 167.

⁶³⁵Book VI, 677.

⁶³⁶Book VI, 678-679; *H. A.*, XVI, 168-169.

⁶³⁷Book VI, 680; *H. A.*, 170.

⁶³⁸*Del Vecchio*, n. 770, Vo.

1796. IT IS ASKED. Whether denunciation is to be made if the solicitation was DOUBTFUL?

Resp. Distinguish. 1. If from some fact or saying solicitation is indeed certain, but it is not evident who the one soliciting was, denunciation is to be made, so that the Superior may be able to inquire concerning the person soliciting, in the case where such inquiry is easy, without danger of defaming an innocent person. - 2. If the one suspected of solicitation is certain, and it is doubted whether the fact or saying was true solicitation, denunciation is not to be imposed on the penitent; both because in penalties the more benign interpretation is to be made, and because, in doubt, no one is to be deprived of the reputation which he possesses. Except: 1. If vehement indications of solicitation accede, e.g. on account of the evil life or bad reputation of the confessor, which would found moral certitude. - 2. If the words of themselves carry solicitation before them, and only it is doubted whether the confessor uttered them for an evil end; because, unless something else stands in the way, the presumption of intention is to be taken according to the proper meaning of the words.⁶³⁹

To this point belong two Responses of the HOLY OFFICE taken from the declaration of February 11, 1661.⁶⁴⁰ To the 12th: "Whether a confessor, if he praises the penitent for beauty and gracefulness, is said to solicit her, and therefore is to be denounced? They judged that if that is serious and smells of no evil intention, the negative opinion is probable. - To the 16th: Whether a confessor is to be denounced who, while hearing confession, gives a gift to a woman, so that by this deed he is said to solicit her? They answered the same as to the twelfth."

II. On The Obligation Of Denouncing

1797. We pre-note: 1. "The end of the law of denunciation, as Eusebius Amort skillfully adverts,⁶⁴¹ is not the correction 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 inevitable fear of all confessors of incurring the gravest punishments, even by a single act, or one repeated only once; indeed also the indemnity of the Church, lest pests of this sort steal into public offices, than which nothing is more harmful to the common good of the Church."⁶⁴²

2. But the end of each denunciation is: 1) That, if the person denouncing is otherwise very honest and worthy of faith, and suspected of no malice, revenge, enmity, or subornation, and the denounced person otherwise is a man of little fear, he may make such a denounced person suspect, so that he may be observed by the Ordinary. - 2) That, if greater indications from another source concur on the part of the denounced person, e.g. otherwise suspicious conversation, they may furnish the Ordinary a motive for employing, the first time, a paternal admonition, by which he indeed does not impute the crime, but exhorts to caution, yet in such a way that he does not render the denouncing person suspect to the denounced. For, very often, one is accustomed to proceed to judgment only from the third denunciation (Instruction of the HOLY OFFICE, Feb. 20, 1867, under n. 11).⁶⁴³ - From these things you will understand the response to the following.

1798. Questions. Q. 1. Who OUGHT to be denounced?

Resp. 1. From the Pontifical Bulls and decrees of the Holy Office, one is to be denounced: 1) A priest of whatever dignity, who is certainly guilty of the crime of solicitation, from the rules and clauses explained above. Nor does it matter that he lacked jurisdiction, if he solicited in confession⁶⁴⁴ (from the Response of the Holy Office, Feb. 11, 1661, to doubt 5, and Instr. of the year 1867 under n. 2). - 2) A confessor consenting to solicitation; nor is he excepted who, immediately ceasing to speak of base matter, deferred the completion of it to another time, and did not furnish absolution to the penitent; likewise if he consented induced by fear; and a fortiori, if the solicitation was mutual between him and the penitent. From Resp. of the Holy Office 1661 to the 2nd and 9th.⁶⁴⁵ - 3) He is to be denounced, even if a long time has flowed by from the solicitation, and the crime has remained wholly occult. Nor, more probably, does the law of denunciation cease if the one soliciting has been corrected, or because of another denunciation has already abjured before the Inquisitor, i.e. has purged himself of suspicion of heresy, or has been punished, or even has spontaneously denounced himself. A fortiori if he has offended again, he must again be denounced.⁶⁴⁶ - 4) Likewise he is to be denounced who solicited a girl who,

⁶³⁹ Cf. Book VI, 702-704; H. A., *ibid.*, 180-182.

⁶⁴⁰ Cf. Card. Albitius, *De inconstancia in fide*, cap. 35, n. 66, p. 413; P. Rota, *op. cit.*, n. 205.

⁶⁴¹ *De Poenit.*, disp. 10, § 1, qu. 19.

⁶⁴² Cf. Book VI, 686.

⁶⁴³ *Acta S. Sed.*, vol. 3, p. 499; or *Collectanea S. Sed.*, n. 518.

⁶⁴⁴ Book VI, 685; H. A., XVI, 171.

⁶⁴⁵ Cf. Albitius, cap. 35, n. 66, p. 414.

⁶⁴⁶ Book VI, 686-687; H. A., *ibid.*, 171-175.

on account of her simplicity and candor of soul, suspected nothing about the malice of impurity. She, as soon as she has become conscious of the wicked solicitation, is bound to denounce.

Resp. 2. One is not to be denounced: 1) The one soliciting, if already deceased, because the total end of the law ceases, namely both correction and punishment of the guilty. Except if there is question of repairing damage perhaps inflicted on others.⁶⁴⁷ - 2) A penitent who solicited the confessor, and an interpreter who solicited the penitent; likewise one commanding the confessor to solicit; a layman and a simple cleric who simulated themselves as confessors. Nevertheless these, if they received confession, are to be denounced, from the Constitution *Officii nostri partes* of Gregory XIII (Aug. 6, 1574) and the Edict of the Holy Office, as suspected of heresy.⁶⁴⁸ - 3) Finally, a priest is not to be denounced who, amid the administration of other Sacraments, has fallen into the crime of solicitation.⁶⁴⁹ Except if the circumstances of the matter are such that there is an obligation from natural law. For all, having seen the wolf in the sheepfold, ought to cry out.

Q. 2. Who are HELD to denounce?

Resp. 1. All and each of the solicited penitents are held, even if they consented to the solicitation; nor can they be absolved unless they first denounce, or, if there is a just cause for deferring, e.g. the necessity of communicating, at least promise to denounce.⁶⁵⁰ - But from the decree of the Holy Office, Sept. 27, 1624:⁶⁵¹ "If a woman consents to the confessor soliciting, she is not bound to manifest her consent, nor can she be questioned about this by the Bishop."

2. Besides the solicited persons themselves, every witness of this delict is held, whether by sight or by hearing, and any other person (even an impubescent) who has understood the solicitation, immediately or mediately from the sayings of the one soliciting himself, or of the person solicited (provided this person is worthy of faith), outside confession.⁶⁵² - Nor does the obligation cease to press even if there is question of denouncing one's own blood-relatives; indeed, even if the crime is known under a natural secret, or with an oath promised. Except if the solicitation was manifested for seeking counsel; because the common good requires that such a secret be kept.⁶⁵³
3. The solicited person is not exempted from the law of denunciation because another has already denounced; for each solicited person is bound to denounce.⁶⁵⁴ Nor is anyone exempted from this law on account of intrinsic and common difficulties, such as: shame of the solicited person; fear of stirring up against herself the suspicion of the judge; danger of undergoing a slight inconvenience, or of inflicting damage on the Church and souls; indeed, danger of grave, but scarcely probable, damage: for difficulties of this sort are not of such weight that they give place to epikeia.⁶⁵⁵ Nevertheless, a founded fear will be able to be a motive either for deferring the denunciation, or for obtaining a dispensation, as will be said below.
4. No one is bound to denounce himself; hence no confessor is bound to admonish a penitent whom he solicited that he denounce him. Nevertheless, if the solicitor spontaneously appears, he will enjoy the benefit of those spontaneously appearing, that is, he will be punished only with salutary admonitions and penances, unless perhaps he had already been denounced by others; in which case the penalty will only be diminished.⁶⁵⁶

Q. 3. What PENALTIES were established or threatened in the present law?

Resp. 1. The solicited penitent (and this one alone) incurs an excommunication reserved to no one, if he culpably omits for a month to denounce the guilty person, according to what was said at n. 1354. - 2. One falsely denouncing, or commanding, counseling, etc., another to denounce, falls into a case reserved to the Roman Pontiff, as was said at n. 1772. And he is bound, as is plain, to retraction. - 3. The solicitor, from the Decree of Benedict XIV of August 5, 1745, incurs perpetual inability for celebration of Mass. The Bishop, the matter having been well considered, is ordered to interdict him in perpetuity from receiving confessions, depriving him of all faculties, not even excepting those which had been granted to him by the Holy See. - But all these penalties, like the others threatened by Gregory XV, namely privation of benefice, of active and passive voice, etc., are of *ferendae sententiae*, and suppose that the guilty person had been admitted to defense, as the laws demand (from the Instr. of the Holy Office, year 1867, n. 12).⁶⁵⁷

⁶⁴⁷Book VI, 692; cf. *Nouv. Revue théol.*, tom. XVI, p. 451.

⁶⁴⁸Book VI, 688-690.

⁶⁴⁹*Ibid.*, 684.

⁶⁵⁰*Ibid.*, 693; *H. A.*, 176.

⁶⁵¹Book VI, 700; cf. Donatus, *Praxis*, tom. 4, tract. 13, qu. 51 (p. 163), where the text of the decree is had.

⁶⁵²Book VI, 695, fin.; cf. Amort, *De Poenit.*, disp. 10, § 1, qu. 11.

⁶⁵³Book VI, 698.

⁶⁵⁴Cf. Book VI, 687, fin.

⁶⁵⁵Amort, loc. cit., qu. 21.

⁶⁵⁶Cf. Instr. S. Off., year 1867, n. 13.

⁶⁵⁷Cf. *Acta S. Sed.*, vol. 3, p. 503; 2 *Elench qq. ref.*, n. 21.

Note. Besides, inquiry must be made: 1. Whether the case of solicitation, as is customary, is reserved in the diocese. - 2. Whether the solicitor attempted to absolve the accomplice: in which case the penalties are incurred which we have recalled at nn. 1781 and 1782.

III. Practical Rules For The Confessor

1799. 1. The confessor, hearing in confession that a person was solicited, before all things ought to EXAMINE: 1) whether this person is worthy of faith, whether led by hatred or malice or even levity she wishes to calumniate the priest; 2) whether all the circumstances are present which make certain the obligation of denouncing. - But let him beware of inquiring into the name of the one soliciting, and let him admonish the penitent that the case of false denunciation is reserved to the Supreme Pontiff.

2. If the solicitation is plainly evident, he is bound sedulously to admonish the solicited person, although existing in good faith, concerning the obligation which binds her, under penalty of excommunication, to denunciation. And indeed he is bound to this, even if he foresees that it will happen that the person refuses to denounce.⁶⁵⁸ “Those who do not admonish their penitents about this obligation ought to be punished” (from the Instr. of the HOLY OFFICE, Feb. 20, 1867, n. 4).
3. Let him sedulously weigh the excuses which the solicited person usually brings forward. If they seem just, let him examine whether there is a cause for deferring the denunciation, or even for petitioning relaxation of the law. - If the first, e.g. if the Bishop is absent, or if the necessity of communicating presses, the penitent will be able to be absolved, provided he seriously promises that, as soon as possible, he will satisfy his obligation.⁶⁵⁹ If the second, e.g. if there is probably danger of undergoing grave damage in the goods of reputation, fortune, or body, let the penitent, by himself or through another, e.g. through the confessor, have recourse to the Superior, explaining the nature of the impediment by which he is detained from making denunciation, and ask what is to be done by him. If necessity presses, and he pledges that he will stand by the decision of the Superior, he can be absolved.⁶⁶⁰
4. If the excuses are vain, e.g. if the penitent, on account of gifts received or to be received, says that he is impeded from denouncing by gratitude or necessity, etc.: let the confessor oppose the gravity of the sacrilege, the necessity of obeying the laws of the Church, and the penalty of excommunication to be incurred. Let him also show that no danger of infamy is present, because the solicited woman is not bound to manifest her consent; indeed, if she should spontaneously manifest it, or if the accomplice should reveal it, it will not happen that the judge ever alludes to such a fall. If he consents, absolution should not be granted to him at once, but prudently deferred until he has actually denounced.⁶⁶¹
5. If, detained by no impediment, he wholly refuses denunciation, “the confessor is to be praised who has not denied his effort to the penitent.” Therefore in this case, let him not indeed absolve the person, but make him return to himself at another convenient time. Meanwhile, let him consult either the Ordinary or the Holy See through the Sacred Penitentiary or Sacred Inquisition, all the circumstances having been explained, for an opportune remedy, the name of the penitent nevertheless being suppressed.⁶⁶²

1800. IT IS ASKED. How is denunciation to be made?

Resp. The burden of denunciation is personal, and to be fulfilled by the solicited person himself,⁶⁶³ and this in judicial form. - Hence, either let the person himself approach the competent judge, or see that the judge by himself, or through another, meet with him. - Therefore, if impeded from personally approaching the Ordinary, either let him inform him, through an intermediary or through a letter, that he has a denunciation to be made pertaining to the ecclesiastical tribunal, and that he asks that a delegated person be sent to receive it; or let him manifest the delinquent by letters.

This memorial can also be drawn up by the confessor, the sacramental seal always being safe, if the person is unable to write, or performs this with difficulty. - But if, on account of too much shame or fear of infamy, the person refuses to depose before another delegate, let the Bishop be admonished about this matter, who will be able to delegate that confessor himself to receive the denunciation in judicial form.⁶⁶⁴ Generally, indeed, it is not expedient that the confessor take this

⁶⁵⁸Book VI, 694; and *H. A.*, 178.

⁶⁵⁹Instr. S. Off. (1867), n. 5.

⁶⁶⁰*Ibid.*, n. 7.

⁶⁶¹*Praxis*, n. 83.

⁶⁶²Instr. S. Off., n. 7.

⁶⁶³*Ibid.*

⁶⁶⁴*Ibid.*; cf. *Rota*, op. cit., n. 440 sqq.

burden upon himself, because he would be exposed to not a few detractions and dangers. Yet sometimes he can be held by the law of charity to do this.⁶⁶⁵

The substantial things which must altogether be observed in a denunciation to be accepted judicially are these:⁶⁶⁶ 1. Let the day of denunciation be noted. - 2. Let an oath be received from the denouncer about speaking the truth. - 3. Let the place of the crime, its time, qualities and circumstances, and witnesses be expressed. - 4. Let the name both of the one soliciting and also of the one solicited be expressed; but if the name is unknown, it must be expressed in an equivalent way, i.e. from stature, age, features, etc. - 5. Let the denouncer and witnesses emit an oath about keeping silence, and, the acts having been drawn up, let them subscribe.

Note. For more things about the manner of proceeding in these cases, see in the cited Instruction of the HOLY OFFICE edited in the year 1867. In this it is also found noted under n. 15 what is to be done in distant regions, where the ordinary form of trial cannot be observed. See also the Canonists.⁶⁶⁷

Chapter III

On The Office Of The Confessor In Receiving Confession 1801. In this chapter we shall treat: 1. of the obligation of the confessor in general, or of his obligation toward all and each of the penitents; 2. of the obligation of the confessor in species, or of his varied obligation toward various penitents.

Article I

On The Obligations Of The Confessor In General There are many obligations of the confessor in the sacred tribunal, namely: 1. the obligation of hearing confessions; 2. of questioning the penitent; 3. of teaching the ignorant penitent; 4. of disposing the indisposed; 5. of imposing satisfaction; 6. of bringing a just sentence, whether in giving, or denying, or deferring absolution. Of all these things one by one we must now treat, except, however, the question of imposing satisfaction, concerning which we have already treated above (nn. 1715-1720).

§ 1. On The Obligation Of Hearing Confessions

This obligation can arise from a twofold head, namely from justice, and from charity.

1802. I. Pastors, or those having care of souls, are held, FROM JUSTICE, and indeed UNDER GRAVE obligation, to hear, whether by themselves or through others, the confessions of penitents committed to them, as often as these reasonably ask to be heard. The reason is because they have obliged themselves to this by undertaking the care of souls, from a tacit contract entered with their subjects, from whom they receive support or honor.⁶⁶⁸ “But the following are called pastors: Superiors, with respect to Religious; and with respect to seculars, Bishops and pastors, or those who have subsidiary care with obligation.”⁶⁶⁹

Hence, authors teach that “that pastor sins who shows himself morose and difficult in hearing confessions; especially if he has been summoned by the sick, to whom, as St. Charles Borromeo commands, he ought to hasten immediately and at any hour. Yet if the Curate once or twice, outside necessity, should refuse to hear someone’s confession, Suarez and others say, probably, that he does not sin gravely, unless some urgent occasion is present, e.g. of a Jubilee, of a solemn feast... But if the pastor has an oeconomicus (or coadjutor) approved by the Bishop, he is not held with so much rigor to be free for hearing confessions; but let him advert that it is altogether required that it be evident to him that the oeconomicus is suitable, both as to knowledge and as to morals; otherwise he himself will have to render an account to God for all the damages which will come about on account of his ignorance and wicked morals.”⁶⁷⁰

1803. II. Priests not having care of souls are not held to hear confessions from justice; but SOMETIMES they are held to this from CHARITY. For charity obliges us to succor a neighbor placed in spiritual necessity, as is, e.g., a sinner in danger of death deprived of his own pastor. Wherefore:

IT IS ASKED. Whether a confessor who is not a Curate is bound, WITH DANGER OF LIFE, to absolve a DYING person existing in mortal sin?

⁶⁶⁵Book VI, 699.

⁶⁶⁶Rota, n. 442; and Fol. Instr. S. Off. annexed in *Acta S. Sed.*, vol. III, p. 505.

⁶⁶⁷Cf. Pignatelli, tom. I, Consult. 104; Rota, op. cit.

⁶⁶⁸Book VI, 58; cf. Billuart, *De Poenit.*, disp. 5, art. 10, § 1.

⁶⁶⁹Book VI, 58.

⁶⁷⁰H. A., VII, 24 (cf. *Istruz.*, at the same place).

Resp. 1. The first opinion denies; the reason is because, since the dying person can absolutely free himself from danger of damnation by eliciting an act of contrition, he is not constituted in such necessity that another is bound to succor him with danger of life. He is excepted if he labors under so great ignorance that he does not know how to elicit an act of contrition.

Resp. 2. "The truer opinion affirms; because although the dying person can supply by contrition, nevertheless, since this is difficult, it cannot be denied that, if he is left unabsolved, he remains in great danger of his damnation. Hence it happens that, just as in the case in which the neighbor without your absolution will certainly perish, you are held to undergo certain death, so that you may absolve him; so in the case in which he remains in probable danger of damnation, you are held to expose yourself to probable danger of death; for, in equal danger, each one is bound to postpone his own temporal life to the eternal life of his neighbor."⁶⁷¹ But if the priest does not know that he is in mortal sin, he is not held to absolve with danger of life."⁶⁷² - Recall what was said at nn. 1786 and 1787.

§ 2. On The Obligation Of Questioning The Penitent

1804. "The priest ought to search out the conscience of the sinner in confession, as a physician the wound, and a judge the cause." Thus St. Thomas.⁶⁷³ - Wherefore hold the following:

Principles. I. The confessor is bound, sometimes under grave obligation, TO QUESTION the penitent. Thus all Theologians; and it is proved:

1. By the authority of the Church, especially from cap. *Omnis utriusque, de Poenit.*, in which one reads: "But let the priest be discreet and prudent... diligently inquiring both the circumstances of the sinner and of the sin." And from the ROMAN RITUAL: "If the penitent has not expressed the number, species, and circumstances of sins necessary to be explained, let the priest prudently question him."
2. By manifold reason. - The first is that omission of opportune questions redounds TO THE DAMAGE OF SOULS: for, 1) it can furnish occasion for many sacrilegious confessions, because there are many penitents who, unless they are questioned, pass over more grave sins in silence. "Frequently," says St. Thomas,⁶⁷⁴ "things which one confessing would keep silent out of confusion, when questioned he reveals." 2) Many penitents will lack opportune remedies; for the confessor, not questioning about habit, occasions, causes of sins, diligence used or not used for amendment (all of which things are usually kept silent), cannot indicate remedies by which new falls are prevented. - 3) Damage will very easily be brought also upon others; for things which turn to the detriment of others are usually passed over in accusation: such are scandals, neglect in fulfilling the very grave duties of one's own state, e.g. in the education and custody of children. Hence, unless penitents are questioned and suitably admonished, no amendment will be able to follow.

The other reason is because the omission of questions redounds TO THE PREJUDICE OF THE SACRAMENT; for, 1) it frequently prejudices its integrity: for, questions being omitted, the accusation will be made in this or a similar way: "Father, I have blasphemed, I have committed base things, I have had quarrels, etc.," with species and number not explained; - 2) it also frequently prejudices its validity: for unless the penitent is questioned, e.g. whether he has used any care not to fall again, whether he has used the prescribed remedies, etc., it will not be possible prudently to judge whether he is disposed, or whether he needs a more ardent exhortation, so that he may be rightly disposed. Hence it can most easily happen that absolutions are given which are wholly invalid.⁶⁷⁵

We said, 1. under grave obligation; for there is question of a grave matter, which regards the salvation of the penitent and the reverence of the Sacrament. - Nevertheless there can be negligence lightly culpable, as is plain.

We said, 2. he is bound sometimes; for if the penitent explains his sins and his state as much as there is need, it is clear that the confessor is held to no further questions.⁶⁷⁶

1805. II. The confessor is bound to question AS MUCH AS this is NECESSARY for procuring the validity of the Sacrament, the integrity of confession, and the healing of the penitent. - The reason is because these three things must be cared for by him, insofar as he is minister of the Sacrament. Hence, as often as he reasonably presumes, or prudently thinks, that

⁶⁷¹H. A., XVI, 125.

⁶⁷²Book VI, 624, fin. (from the 3rd edition).

⁶⁷³In 4, dist. 19, qu. 2, a. 3, in Exposit. textus.

⁶⁷⁴Ibid.; cf. *Monit. eccles.*, vol. 2, 3 and 4, Dissert: *Sulle confessioni sacrileghe*.

⁶⁷⁵Berardi, *Prax.*, n. 199 sqq.

⁶⁷⁶Cf. Book VI, 607, 2.

something of those things which are required for the aforesaid has not been sufficiently declared, so often he is bound to inquire.⁶⁷⁷ (See also n. 1809.)

Therefore: 1. For procuring the VALIDITY of the Sacrament, it may be necessary, by questioning, to investigate: 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 is keeping something back out of shame, as happens especially in boys and girls; - whether sufficient disposition is present: for knowing this, it will often be necessary to question the penitent, e.g. whether and how, after confession, he abstained from faults; whether and how he fulfilled the prescribed means.

2. For the INTEGRITY OF CONFESSION it may be necessary to question the penitent - about the number of sins; - about their species; - about circumstances changing the species (whether objective or theological); - about certain sins which he is accustomed, from inconsideration, wholly to keep back, e.g. sins of thought, and sins of omission concerning the obligations of his own state (cf. n. 1810, Rule 32).
3. For the HEALING OF THE PENITENT, questions can be necessary by which it becomes known, e.g., what the causes of his sins are, namely whether they proceed from some occasion, or habit, from lack of custody of the senses, from impure thoughts, etc.

Hence, the PRACTICE of certain confessors is especially to be disapproved, who not only do not question penitents, but do not even allow them to bring their confession to an end, and who, having heard one or another sin, interrupt the accusation, saying: "Come now, that is enough, I absolve you from all your sins." Nor can such a practice be used with that penitent who declares only venial sins (unless he is scrupulous); for often penitents begin from venial sins, being about to confess mortal sins only toward the end, which therefore, on account of the fear injected by the confessor, are easily kept back. For the rest, confession made so very hastily and cursorily usually disturbs them exceedingly, far from calming their mind.⁶⁷⁸

1806. III. Questions, where they must be made, should be MODERATE, DISCREET, and TIMELY, namely such that no greater inconvenience stands in the way than would be the defect itself of the integrity of confession.

1. MODERATE; therefore the confessor: 1) should never inquire into matters foreign to confession, nor suffer them to be narrated to himself. - 2) let him remember that he is not held to question the penitent except with ordinary diligence. - 3) Let him remember, moreover, that less distinct knowledge is required from one who, either because of incapacity, or because of sickness, or because of the multitude of sins, or for another reason, could more difficulty render exact knowledge (cf. nn. 1703 and 1705). - Hence the penitent is not to be questioned about sins which he has probably not committed; because, in this case, there is lacking a reasonable presumption and prudent doubt that the things which must be declared are not being sufficiently declared. - But because of the contrary presumption, let him be questioned about sins which usually abound in men of such a condition.⁶⁷⁹
2. DISCREET, especially in those things which regard the sixth precept. For theologians, without any exception, affirm that it is rather to be permitted that material integrity be lacking to confession than that scandal be furnished to the penitent. And the Roman Ritual admonishes concerning the same thing. Wherefore: "Questions, in the matter of chastity, ought to be few and cautious, lest (the confessor) either give occasion for investigating or betraying confession, or teach the ignorant, or offend, or expose himself or the other to danger. And if he fears these things, he ought rather to suffer something to be lacking to material integrity. And indeed, if in this matter thoughts are denied, there is no need to proceed to works. Yet the more rude deny thoughts; when asked, they confess words and works, because they do not equally recognize or advert to those thoughts."⁶⁸⁰ (cf. n. 1694).
3. TIMELY, i.e. made at the time and in the manner in which it is fitting. - Hence: 1) Certain questions are to be made before confession, but few, lest the penitent be offended: e.g. from what time he has not confessed? whether he was absolved? whether he fulfilled the penance? - 2) But questions concerning the condition of life, state, age, etc., if these do not appear from the confession itself, will more fittingly be made when an occasion has been given in the course of confession: for thus, on the one hand, every suspicion of curiosity and levity will be avoided, and on the other, the penitent will more easily respond, since his trust in the confessor has increased more.⁶⁸¹ - 3) Let the penitent first be allowed to explain himself as much as he can, as is fitting; then let him be helped from time to time by questions.⁶⁸² - 4) Toward the end, unless a better occasion has previously offered itself, let it be benignly asked of

⁶⁷⁷Ibid., 607 and 615, fin.

⁶⁷⁸Cf. V. Jaugey, *De Sacram. Poenit.*, n. 406, 3.

⁶⁷⁹Book VI, 607, 3; *Prax.*, nn. 19-20.

⁶⁸⁰Book VI, 632; cf. more in Konings, n. 1425.

⁶⁸¹*Prax.*, n. 21.

⁶⁸²Book VI, 608-609.

an unknown penitent whether there is anything which still troubles his conscience, whether he has omitted nothing in prior confessions. "Through these questions many souls are usually freed from sacrileges."⁶⁸³

St. Alphonsus also notes:⁶⁸⁴ "1) It is better if the confessor examines the sins one by one, as soon as the penitent exposes them, 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 grave burden, to repeat what had been confessed." 2) "Regularly speaking, it is not expedient that the confessor rebuke the penitent in the course of confession, lest he, being terrified, omit some sin; nevertheless, sometimes it is expedient within confession to set before him the malice of some graver sin, provided courage is immediately furnished to him," according to what was said at n. 1793, 2.

1807. Q. What ought the confessor to do with a penitent concerning whom he KNOWS or SUSPECTS some sin which that one does not confess?

Resp. Distinguish. 1. "If he knows outside confession, and knows from his own knowledge, for example by seeing him stealing, or hearing him blaspheming, without doubt he ought not absolve, if that one denies it: provided there is not present a prudent doubt whether he has confessed to another; or he has a just cause for keeping silent. Thus commonly."⁶⁸⁵

2. "But if the confessor has this from suspicion or from the report of others, the Doctors also commonly say that after diligent inquiry, if the penitent still denies, he must be absolved; for then the confessor is not able to refuse faith to the penitent, nor, on account of a suspicion or another's report, can he deprive him of the right which he has acquired to absolution by confession and by signs of contrition."⁶⁸⁶

3. Finally, if the confessor knows the sin from the confession of an accomplice, he certainly will not be able, without violation of the sacramental seal, to question the penitent in a special manner about that sin, unless he has obtained express permission for this (but this permission is not ordinarily to be sought); but only in a general manner, that is, in the manner in which he is accustomed to question other similar penitents. But whether he ought to absolve one denying is disputed. But St. Alphonsus, having brought forward the opinions of others, concludes in this manner: "In my judgment, Croix, etc., thinks better, that in that case he should in no way absolve, but only pray something, to hide the denial of absolution." Nor is the conclusion of the Blessed Doctor supported by a reason of little moment: for the confessor, by using the knowledge of confession in the aforesaid manner, by no means violates the sacramental seal; wherefore he is bound to do this for denying the Sacrament to the unworthy person secretly asking it, according to those things which we said above, nn. 1426 and 1430.⁶⁸⁷

§ 3. On The Obligation Of Teaching And Admonishing The Penitent

The penitent sometimes needs special instruction concerning things which he ought to know or do. - Hence the following are established:

1808. Principles. I. The confessor is bound TO INSTRUCT the penitent when he observes, or prudently judges, that he is ignorant of things necessary for faith and salvation. - The reason is because one who labors under such ignorance is not capable of absolution (cf. n. 427).

Nor rarely in modern times does it happen that, amid so great a neglect of divine things, men otherwise liberally educated are involved in ignorance of this sort. - Nevertheless a long instruction is not required. It is sufficient that the one to be absolved be taught the principal mysteries, and those things which pertain to receiving the Sacrament here and now rightly. As to the rest, concerning things necessary by precept to be known, it is enough if he promises that he will learn them from others, at least as to the substance. But confessors who are led by the true spirit of charity do not refuse to teach them by themselves.⁶⁸⁸

1809. II. The confessor is bound TO ADMONISH the penitent concerning his various obligations, and concerning the gravity of the sins to which he is liable; nevertheless WITH PRUDENCE. - The reason is because he is bound, from his proper office, to direct the penitent into the way of salvation. Obligations of this sort, concerning which he is bound to admonish him, are: the obligation of restoring reputation, honor, or goods; the obligation of avoiding dangerous occasions; the obligation of laying aside hatred, repairing scandal, making fraternal correction, bestowing alms according to his

⁶⁸³Ibid., 609.

⁶⁸⁴*Prax.*, n. 71.

⁶⁸⁵Book VI, 608-609.

⁶⁸⁶Ibid., 609.

⁶⁸⁷Cf. *Vind. Alph.*, tom. 2, p. 209.

⁶⁸⁸*H. A.*, XVI, 105.

condition, etc.; likewise the obligations of his own state.⁶⁸⁹ We said with prudence, namely lest he harm the penitent more than he profit him.

But let him use these FOUR CAUTIONS:⁶⁹⁰

1. Lest he present as mortal that concerning which it is probably disputed on either side among the Doctors whether it is such (cf. n. 337).
2. Before he makes a conscience of mortal sin for the penitent, let him be sufficiently certain that he has rightly understood the sense of his words; for not rarely penitents use such expressions which at first sight seem to indicate mortal sins, while in reality there is in no way question of mortal sin. - Thus, e.g., when a penitent says: I have hatred against my neighbor, sometimes there is question only of displeasure and unavoidable antipathy because of some injury received. - The same sometimes happens in girls, who say: I had evil thoughts; I had evil conversations with other girls; I committed immodesties, etc.; or in boys, who say: I did base, foul things, etc. (cf. n. 1806).
3. Let him attend whether a sin truly committed by the penitent is also truly mortal. Thus a confessor would act imprudently if, hearing a penitent accusing himself of some sin against the sixth Precept, immediately and in every case he argued that he was guilty of mortal sin. For although the principle is most true, that in venereal matter there is no smallness of matter, nevertheless this must be understood in the sense in which we spoke at nn. 768 and 769.
4. Let him attend lest 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. - But he will seek this from the natural disposition of the penitent, from his instruction, from his manner of expressing himself, and from similar probable conjectures; yet taking care lest he give him occasion for doubting, and bring upon him bad faith, which he previously lacked.

1810. Questions. Q. 1. Whether a penitent who labors under ignorance concerning some obligation is ALWAYS TO BE ADMONISHED?

Resp. Negative; for the RULES of correction must be attended to, which can be reduced to three.⁶⁹¹

Rule 1. The penitent is to be admonished, even if no fruit of amendment is hoped for, as often as he labors under VINCIBLE ignorance. For he who labors under such ignorance is already involved in the state of sin, or at least in the proximate danger of sinning formally, because he acts with a practical doubt, or from culpable ignorance. Therefore admonition cannot harm; and it can profit, since it can happen that afterward it produces its desired fruits.

Whence it follows: 1. As often as the penitent, pressed not indeed by mere scruple but by grave doubt, questions the confessor, the confessor is bound to disclose the truth, nor can he dissemble; because what the penitent was previously doing from ignorance, this same thing he will do after the question, relying on the testimony of the confessor. Nevertheless the confessor ought not respond more than he is asked: e.g. if someone bound by a vow of chastity asks whether marriage was invalid because of the vow, let him respond negatively, keeping silence about the debt; if he asks whether he ought to render the debt to the spouse, let him respond affirmatively, keeping silence about petitioning.⁶⁹² - 2. The penitent is similarly to be admonished as often as his ignorance concerns those things which he cannot be ignorant of for a long time, especially if the vice, with the progress of time, increases and is rooted out with greater difficulty. Thus impubescents who begin to contract the habit of pollution are to be strongly admonished, even if they are found in some good faith. And the same must be said of those who perhaps in good faith had contracted a merely civil marriage. - 3. Finally he is to be admonished as often as, the admonition being omitted, he would remain in a proximate occasion of formal sin.

Rule 2. The penitent is to be admonished, although he labors under INVINCIBLE ignorance, as often as fruit of amendment is hoped for. - Hence, although it is foreseen that he will not immediately obey, nevertheless the admonition is not to be omitted if there is hope that he will shortly obey; for it sometimes happens that the penitent, disturbed in mind at the beginning, rejects the correction; but afterward, the mind having become calm, thinks it over again with fruit.⁶⁹³

We said, as often as fruit is hoped for. For if from the admonition no fruit is hoped for, the common and true opinion teaches that the confessor, speaking in itself (i.e. unless another reason presses, e.g. of the public good), is bound to omit the admonition, and to leave the penitent in his good faith. Hence, e.g., "if the confessor knows that the penitent contracted

⁶⁸⁹Book VI, 608-609.

⁶⁹⁰Cf. Berardi, *Prax. Conf.*, nn. 226-229.

⁶⁹¹Book VI, 615; *H. A.*, XVI, 116.

⁶⁹²Book VI, 616.

⁶⁹³*H. A.*, XVI, 115.

marriage invalidly, because of some occult impediment, and there is danger of infamy, scandal, or incontinence if he manifests the nullity, he ought to leave him in good faith until a dispensation is obtained”⁶⁹⁴ (cf. n. 2081). Likewise, the admonition about making restitution, about repairing reputation, etc., is to be omitted if the confessor foresees that it will happen that the penitent, who is in good faith, will not obey the admonition. - The most valid reason is because of two evils the lesser must be permitted. Wherefore, in this case, the confessor ought to be silent and, by not opening the truth of the matter, permit material sin in the penitent, “because one formal sin outweighs all material sins.”⁶⁹⁵

IN DOUBT whether the admonition will profit or harm, it is to be omitted; on account of the reason already brought forward, namely because formal sins are rather to be avoided than material sins. We said in doubt; because if the admonition will more probably profit, it is still to be made.⁶⁹⁶ And “Viva and Roncaglia rightly advert that it is not easily to be judged that the penitent, the truth being known, will not obey the admonition.”⁶⁹⁷

Rule 3. The penitent is to be admonished, even if indisposed, as often as, the admonition being omitted, damage would redound to the spiritual COMMON good. - The reason is “because then the confessor, since he himself is constituted a minister for the good of the Christian republic, is bound to prefer the public good to the private good of the penitent.”⁶⁹⁸ Nor does it stand in the way that the admonition here and now may seem to be made uselessly, or even with scandal of the penitent; for such a penitent, when he afterward sees that he is absolved by no one, will more easily be amended; and meanwhile the scandal of others will cease, when they see that he is not admitted to the Sacraments.

Hence: 1. Princes, Governors, Bishops, Prelates, pastors, masters, who fail in their proper office as to those subject to them, must altogether be admonished. The reason is both because their ignorance is not easily to be supposed invincible (since each one is bound to know the obvious obligations of his duty), and “because their ignorance, even invincible, will always be for damage to the community, since with easy business others can think that what they see to be done by Superiors is licit for themselves.” And, on account of this same reason, those are to be admonished, as Benedict XIV teaches, who frequently receive the Sacraments, lest namely that be judged licit by others which is noticed to be practiced by these with impunity.⁶⁹⁹

“Moreover, Lugo well adds that if the confessor reasonably doubts whether penitents of this sort satisfy their duty, he is bound to question them about it.”⁷⁰⁰

2. Penitents are similarly to be admonished as often as the silence of confessors would be the cause why some false dogma, whether against faith, or against the law of God or of the Church, would gradually be scattered among the people: as if it were believed or said that certain illicit things, e.g. the reading of wicked books, frequenting modern dances, entrance into a masonic sect, are not illicit, because confessors seem little to oppose them.

Note. If some admonition is to be made, and it is greatly feared lest the penitent take it in a bad part, there are many authors who think that the penitent is to be admonished in more obscure words only after absolution has been given. Nor does this opinion seem to be rejected, provided it is understood of the sole case in which, on the one hand, it is despaired that the penitent will obey a clear admonition, and on the other hand, no good effect is foreseen as going to flow from denied absolution.⁷⁰¹

§ 4. On The Obligation Of Rightly Disposing The Penitent

1811. Principles. I. The confessor is bound, as much as he can, RIGHTLY TO DISPOSE the penitent who approaches indisposed. - Thus commonly.

To the point St. Alphonsus says thus: “I do not know,” he says, “how those slothful confessors can be excused from fault, who, as soon as they know that the penitent is not sufficiently disposed, dismiss him, with no diligence or very slight diligence first used for healing him. For I say that the confessor is bound, from a rigorous obligation of charity, to dispose him as much as he can, by exposing to him the deformity of sin, the value of divine grace, the danger of damnation, and similar things, even if he ought to spend much time in this. Nor ought it to be a care to him that other penitents are waiting: for then the confessor is not bound to attend to the good of others, but only of his penitent, for whom alone he will then have to render an account to God, not for the others.”

⁶⁹⁴Book VI, 611; *H. A.*, 113.

⁶⁹⁵Book VI, 610, 614; cf. Book III, 682, q. 2.

⁶⁹⁶*Ibid.*, 616, fin.

⁶⁹⁷Book VI, 614, Inf. 2.

⁶⁹⁸*Praxis*, n. 9.

⁶⁹⁹*Ibid.*, n. 9.

⁷⁰⁰Book VI, 615, fin.

⁷⁰¹*Ibid.*, 608, Hic.

But if the penitent approaches conveniently disposed, it is sufficient that the confessor exhort him to renew the act of sorrow and firm purpose.

1812. II. The confessor, in exhorting the penitent, ought chiefly to attend to THREE things: namely, TO CORRECT him, to move him to CONTRITION, and to INDICATE TO HIM THE MEANS by which holy perseverance is obtained. On this matter St. Alphonsus says thus:⁷⁰²

1. "The origin and gravity of the sickness being known," he says, "let the confessor proceed to making the due observations. - And although he, as father, ought to listen to penitents in charity, nevertheless as physician he is bound, as much as there is need, to admonish and correct them, especially those who, burdened with many mortal sins, rarely approach the Sacrament of Penance. And he ought also to fulfill this office if the penitent shines with some illustrious quality (namely if he were a magistrate, Prince, priest, pastor, or Prelate), if, without too much feeling of soul, he accused himself of some omission of his duty." Indeed, even the fervent themselves are to be rebuked when they fall into negligence, so that they may carry away more abundant fruit from the Sacrament. "Benedict XIV says⁷⁰³ that the admonitions of the confessor are more efficacious than sermons themselves; and deservedly by right, because the particular circumstances are hidden from the preacher, but openly become known to the confessor, and therefore he will be better able to use due observations and to apply remedies which are suited to the sicknesses."⁷⁰⁴
2. "After due corrections, or admonitions, it is better that labor be applied to disposing the penitent for absolution by acts of true sorrow and purpose. - Wherefore I wish confessors to be warned that there are very few penitents, especially rude ones, who approach to confess with the act of sorrow placed beforehand. Some confessors think that they have done enough for their office if they only question penitents of this sort in the following manner: Come, do you ask pardon from God for all these things? (Which in reality is not a true act of sorrow.) Are you sorry from the heart for all your sins? And with no other word inserted, they bestow absolution upon them. The manner of good confessors is wholly other than this; for these first of all labor so that penitents (the speech is about those who are held by mortal sins) conceive true sorrow and detestation of sins."⁷⁰⁵ - To this end, let the confessor first of all set forth the motives of attrition: such as the deformity of sin, the value of divine grace, the danger of damnation to be incurred through unexpected death, etc.; then the motives of contrition, namely the infinite goodness of God offended by sin, the Holy Spirit saddened, the lovable heart of Jesus afflicted with grief, and similar things.

But if the penitent is stained only by venial sins, recall what was said at n. 1648, qq. 2 and 3.

3. For consulting the perseverance of the penitent and guarding it, the confessor, as physician, ought to assign to him REMEDIES, both general and particular, which drive away the danger of relapse and confirm him in holy purposes.
- A) "The GENERAL remedies to be insinuated to all are: 1. Love toward God, since He created us for this end alone. And let care likewise be taken that the penitent know the interior peace with which those who enjoy the friendship of God are endowed, and the hell which those who are alien from God experience before the time; with added temporal ruin, which sin frequently drags along with itself. - 2. Prayer, i.e. often commending oneself to the Blessed Virgin by reciting the rosary; commending oneself to the guardian Angel, and to some Saint as particular protector. - 3. Frequency of the Sacraments, and if ever he falls into some mortal sin, that he confess immediately. - 4. Consideration of the eternal truths, and before the rest consideration of death: and to fathers of families daily mental prayer (or pious reading) in common with the family is to be insinuated, or at least the rosary with the children. - 5. The presence of God, when temptation presses, by saying: God sees me. - 6. Every evening to examine conscience, with sorrow of soul and purpose. - 7. To seculars, that they enroll themselves in some Congregation; and to priests, mental prayer and thanksgiving after Mass, and that they read through at least some little spiritual book before and after Mass."⁷⁰⁶
- B) "But PARTICULAR remedies will be assigned according to the diversity of vices: e.g. to him who is held by some hatred, let it be insinuated that daily he commend to God the one whom he hates, reciting for him the Lord's Prayer and the Angelic Salutation; and when he feels himself disturbed by the memory of the injury inflicted upon him, let him remember the insults with which he himself has affected God. To him who has fallen into base sins, let it be enjoined that he avoid idleness, flee evil companions and wicked occasions. To him who for a long time has contracted a wicked habit in this vice, let it be prescribed that he avoid not only proximate occasions, but also certain

⁷⁰² H. A., XVI, 107.

⁷⁰³ Bull *Apostolica*, June 26, 1749, § 22.

⁷⁰⁴ H. A., loc. cit.

⁷⁰⁵ *Prax.*, n. 10.

⁷⁰⁶ *Ibid.*, n. 15.

remote ones, which for one so weak in resisting have become as proximate for him.” But especially let the confessor take care that he frequently communicate; because the Eucharist is called “wine bringing forth virgins.”⁷⁰⁷ And so concerning the others (cf. n. 1831, q. 3).

§ 5. On The Obligation Of Giving, Or Denying, Or Deferring Absolution

1813. Penitents, after admonitions and exhortations have been heard, can be divided into a threefold class: for some are certainly disposed, others doubtfully disposed, and others finally positively indisposed. - Therefore the confessor, so that he may rightly and fruitfully perform his twofold office toward each, i.e. the office of JUDGE and PHYSICIAN, ought to attend to the following:

Principles. I. Absolution IS TO BE GIVEN to capable and worthy penitents, or the RIGHTLY DISPOSED, unless the good of the penitent counsels delay, as will be said at n. 1816. “The reason is because the penitent, after confession has been made, since he is disposed, has a strict right to absolution; by denying which the confessor would inflict grave injury upon him, both because he would deprive him of the grace of the Sacrament, and because he would oblige him to undergo a great burden, namely to repeat before another his grave sins.”⁷⁰⁸

1814. II. Absolution must altogether BE DENIED to incapable and unworthy persons. The reason is because to administer a Sacrament where essential conditions are lacking is a great sacrilege; and often also a most grave deception of the penitent, namely when, from invalid absolution received, he incurs greater danger of eternal damnation.

We said, 1. to the incapable, namely to those who either have never had the use of reason, or are ignorant of necessary things with necessity of means (cf. n. 1808), or are not morally present, or bring no matter to the Sacrament.

We said, 2. to the unworthy, i.e. to those certainly indisposed (cf. n. 1817, q. 4).

Wherefore St. Alphonsus gravely admonishes, saying:⁷⁰⁹ 1) Let the confessor be inflexible in deferring or denying absolution as often as it is proper; especially with priests and Ordinands. 2) Let him be full of charity, both by bringing it about according to his strength that the indisposed penitent become disposed, and by dismissing with sweet words the one whom he cannot absolve, so that this one may not be reluctant to return (cf. n. 1793, 3).

1815. III. Absolution IS TO BE DEFERRED for the penitent DOUBTFULLY DISPOSED; unless there is present a GRAVE CAUSE because of which absolution can be imparted under condition. - The reason of the first part is because otherwise the confessor would expose the Sacrament to danger of nullity, and so would commit grave sacrilege. The reason of the second part is because the Sacraments are for men, and therefore in a case in which the salvation of a man is endangered, they are to be administered in every better manner by which it can be done; but irreverence toward the Sacrament is removed by a just cause and condition. See individual cases under n. 1663, q. 4, where concerning the conditioned form. But here:

Let it be noted: 1. Delay of absolution, when it can be used, is a most efficacious REMEDY; for it shakes the drowsy, lest they fall into the sleep of death; as a carbuncle it rouses those deceived by the fallacy of sin, so that they open their eyes and know their dangerous state. - Even if they should not return to the same confessor, a just and prudent delay is not useless; because, like a strong admonition, it will be a seed of reflection and conversion, which will bear fruit in its own time.⁷¹⁰ It was said: when it can be used; for among penitents doubtfully disposed there are found some who, dismissed, would not return, and would waste away in their sins, although it is not impossible for them to dispose themselves better. These ought rather to be absolved under condition.⁷¹¹

2. The delay ought to be brief, i.e. for eight or ten days, if the sin proceeds from intrinsic frailty; indeed sometimes for a shorter time, e.g. for a day, or an hour, or even for a quarter of an hour. - But if it proceeds from an extrinsic cause, e.g. from a proximate occasion, the delay can be longer, e.g. of one month, if from the circumstances it is required (cf. n. 1831).

And indeed these principles press the Confessor insofar as he is considered solely as judge. But since the parts of physician also must be performed by him, it must be established:

1816. IV. The confessor, insofar as he performs the office of PHYSICIAN, CAN, indeed OUGHT, sometimes TO DEFER absolution for a penitent, even one RIGHTLY DISPOSED, namely when he prudently judges that such a delay will be

⁷⁰⁷Ibid., n. 16.

⁷⁰⁸Book VI, 604, Ratio.

⁷⁰⁹Cf. *Praxis*, cap. 10, nn. 173, 131 sqq., and cap. 1, n. 5.

⁷¹⁰Cf. *Vind. Alph.*, P. 6, c. 2, § 1, a. 4 (II, p. 422).

⁷¹¹Cf. Book VI, 432; *Prax.*, n. 72.

profitable for his amendment and salvation. To the point St. Alphonsus says thus:⁷¹² “It is certain and common among all that the confessor can defer absolution for a penitent even disposed, and even without his consent, whenever he prudently judges that delay is useful for his amendment. The reason is because the penitent, although he has a right to absolution by reason of confession performed, nevertheless does not have a right to be absolved at once: for the confessor, to whom not only the duty of judge but also of physician belongs, can well, indeed in my judgment is bound to, defer absolution when he judges such a remedy to be necessarily useful to the salvation of his penitent.” But that the Blessed Doctor in this matter by no means departs from the opinion of the ancient Theologians (of the sixteenth century) is found demonstrated splendidly in the *Alphonsian Vindications*.⁷¹³

We said, 1. when he judges that the delay will be profitable: as, e.g., when there is probable danger lest the penitent, after receiving absolution, break his purpose: as often happens to those who must make restitution, make a denunciation, remove an occasion of sin, reconcile themselves with enemies, learn things necessary to be known, shake off culpable negligence, etc. But the delay, in these cases, will be able to be of the very briefest time, namely until they have fulfilled the obligation. - But the obligation itself of deferring absolution will be grave or light, according as the delay itself will be judged necessary, or only useful.⁷¹⁴

We said, 2. when he judges PRUDENTLY; because one must proceed considerably. For absolution is never to be put off for one sufficiently disposed if the delay is foreseen as more harmful than profitable, or if from it a mark or danger of infamy would arise for the penitent. And the same must be said if, all things weighed, the delay would seem useless, or if such a remedy could be used with too little convenience.⁷¹⁵

Note. - According to the diversity of places and times it is expedient to defer absolution more frequently or more rarely. Thus, in great cities or in impious regions, where faith has collapsed, it hardly ever seems expedient that absolution be deferred; otherwise elsewhere, where faith is living.

1817. Questions. Q. 1. Whether and what sort of CERTITUDE is required concerning the disposition of the penitent, so that he can be absolved?

Resp. The extreme opinions being passed over, of the Rigorists, who will that no one, outside danger of death, is to be absolved before he has put forth most certain arguments of conversion; and of the Laxists, who think that absolution is to be denied to no one unless evidence holds signs of indisposition, we say with St. Alphonsus:

1. In this Sacrament, since the matter is moral, as the acts of the penitent are, MORAL or respective CERTITUDE suffices... “Hence, as regards our purpose, it is sufficient that the confessor have prudent probability concerning the disposition of the penitent, and that, on the other hand, no prudent suspicion of indisposition stands in the way; otherwise scarcely anyone could be absolved, since whatever signs of penitents furnish nothing except probability of disposition... And this seems to be sufficiently expressed in the Roman Catechism, where it is said: If, the confession having been heard, the priest has judged that neither diligence in enumerating sins, nor sorrow in detesting them, was wholly lacking to the penitent, he will be able to be absolved”⁷¹⁶ (cf. n. 1424).
2. The dispositions of the penitent ought to become known to the confessor through certain signs, whether ordinary or extraordinary. ORDINARY SIGNS indeed suffice if no indication of indisposition appears to the contrary. But if they are attacked by some positive presumption, or in other words, if there is present a founded suspicion concerning the indisposition of the penitent, e.g. because of his new and continuous falls into sin, they no longer suffice; but SOME EXTRAORDINARY SIGN is required. The reason is because the presumption which ordinary signs introduce concerning the disposition of the penitent is destroyed by the presumption which founded reasons furnish concerning his indisposition. Hence the confessor necessarily becomes hesitating and doubtful (in which case see what was said at n. 1815). But where some extraordinary sign (which either precedes the accusation of sins, or, with the confessor admonishing and exhorting, follows it) supervenes, suspicion concerning indisposition is (for the most part) removed, and the confessor judges that his penitent is now sufficiently disposed.⁷¹⁷

Q. 2. What are the ORDINARY SIGNS of sufficient disposition?

⁷¹²Ibid., 462.

⁷¹³P. 6, cap. 2, § 1, art. 1.

⁷¹⁴Cf. Berardi, *De recidivis*, n. 134 sqq.; Gaume, *Man. des confesseurs*, n. 367.

⁷¹⁵Cf. Book VI, 464, *Quidam*; cf. Berardi, loc. cit., n. 155 sqq.

⁷¹⁶Book VI, 461; *Prax.*, n. 75.

⁷¹⁷Book VI, 459; *Prax.*, n. 73.

Resp. According to St. Alphonsus,⁷¹⁸ they are the confession itself rightly made, and the protestation of the penitent asserting that he is sorry and proposes. For the presumption is in favor of the penitent, and he is to be believed when nothing stands in the way to the contrary.

Q. 3. What are EXTRAORDINARY or special SIGNS?⁷¹⁹

Resp. St. Alphonsus enumerates nine signs of this sort, which can be recalled to two heads, namely some zeal for amendment, and a special manifestation of sorrow.

1. Some ZEAL FOR AMENDMENT, for example: 1) The use of means, e.g. if the penitent diligently avoided the occasion, carried into execution the means prescribed by the confessor, used prayers, alms, etc., for rooting out the vice. - 2) Perseverance for some time, e.g. absolutely speaking, for about three weeks, or relatively to temptations, for one or another week, when previously he was accustomed to fall many times in the week. That continence can happen after confession, which is a better sign, or even before he approaches confession, so that he might dispose himself for it. - 3) A more difficult or rarer fall: more difficult, i.e. after notable resistance; rarer, namely in the same occasions and temptations. - 4) Fulfillment of some difficult obligation, as, e.g., of restitution, repairing the neighbor's reputation, etc.
2. Some SPECIAL MANIFESTATION OF SORROW, e.g. 1) Tears and sighs, at least for the most part, but especially cordial words. - 2) Spontaneous confession made, not from custom, but from an internal impulse of grace, so that divine friendship may be received, especially if there accedes a long journey, loss of notable profit, grave inconvenience, great internal or external conflict. - 3) External impulse of grace, in some extraordinary event, for example because of a sermon heard, because of the death of a friend, because of fear of an imminent scourge. - 4) Confession of sins previously concealed. - 5) Signification of a new knowledge of one's sin, or of the danger of damnation. - 6) Request for means of amendment, and similar things: for example, "if the penitent says that he repented immediately after the sin, if he desires to make satisfaction, if he accepts a great penance with a good mind, if of himself he protests that he would rather die than fall again." From signs of this sort it is rightly gathered that the penitent asserts sorrow and purpose not only with the mouth, but from the soul.⁷²⁰

"The following things are to be noted concerning these: 1. Zeal for amendment can sometimes stand with slight amendment, on account of special difficulties of amendment, which can proceed: 1) from a habit very deeply rooted, since it demands great efforts; 2) from assiduous and vehement temptations, because they entangle a man; 3) from a very light and changeable disposition, which is especially proper to adolescents, and by which it happens that with equal facility they pass to good and to evil; 4) from the facility with which some sins are committed, for example sins of heart and of mouth.⁷²¹

"2. Spontaneity of confession is to be presumed especially in those regions in which faith has grown weak; for there human respect does not impel one to receiving the Sacraments, as in others in which religion flourishes, but rather draws one back from them. For the rest, even in regions of this sort, there are not lacking those who approach the sacred Tribunal from custom alone, or from other natural motives.⁷²²

"3. In the time of a Mission which turns out prosperously, recidivists for the most part are usually rightly disposed, if they diligently attended the sermons, and at this time abstained from sin."⁷²³

Q. 4. What are the signs of INDISPOSITION?

Resp. 1. The ABSOLUTELY indisposed, and therefore incapable of the benefit of absolution, are to be judged, from the Roman Ritual:⁷²⁴ "Those who give no signs of sorrow; who DO NOT WANT to lay aside hatreds and enmities, or to restore the goods of others, if they can, or to leave a proximate occasion of sinning, or in another way to leave sins, and amend life for the better; or who have given public scandal, unless they publicly satisfy and remove the scandal"; and generally, whoever refuse to fulfill a known grave obligation.

⁷¹⁸ *Praxis*, n. 71; where advert that the ordinary signs are properly reduced to ONE, namely to confession instituted in the usual manner. But not so among many authors, especially modern ones.

⁷¹⁹ Aertnys, *De occas.*, n. 16, q. 2.

⁷²⁰ Book VI, 460, 505; *Praxis*, n. 74.

⁷²¹ Berardi, *Prax. Conf.*, n. 67.

⁷²² *Vind. Alph.*, tom. 2, p. 402, 4; p. 444.

⁷²³ Berardi, *Prax. Conf.*, n. 81.

⁷²⁴ *De Sacr. Poenit.*, c. 1, n. 22.

Resp. 2. The DOUBTFULLY disposed are to be judged: 1) Those who approach the sacred tribunal compelled, or only from human consideration, or without any preparation; - 2) those who confess without any sense of humility, narrating their sins historically and almost jokingly, or without any submission to the confessor, namely excusing their own wicked manner of acting, accusing others, etc.; - 3) those who use crafty words, seeking rather to cover over than to expose sins, or not confessing them unless they have been detected by the industry of the confessor; - 4) those who are very difficult in accepting penances and remedies necessary for sins; - 5) those finally who, remedies being neglected, have fallen back into a wicked habit after they have already been admonished by the confessor.⁷²⁵

But let it be noted FOR PRACTICE: - 1. In the Confessor there is necessary the industry of ardent charity, by which namely, according to his strength, “not without prayers poured out to God from the inmost heart” (as Leo XII says),⁷²⁶ he strives to make the unprepared prepared: and this often succeeds with true zeal.

2. “In the penitent there is not necessary an interpretative disposition, namely that if he were found in this or that conflict of circumstances, he would not sin, when he does not at all reflect on this; because otherwise, if confessors wished to presume the interpretative indispositions of penitents, they could absolve few, since they could judge that many of those whose children had been killed certainly would be moved with hatred against the killers; if they were tempted by tyrants with torments, they would fall away from the Faith, etc. - Therefore it suffices to find in the penitent that actual disposition, so that he may be absolved; namely that here and now he resolves no longer to sin in any case in general. Nor does it stand in the way that he would be indisposed by interpretative will, namely if he were admonished.”⁷²⁷

Article II

On The Varied Obligation Of The Confessor Toward Various Penitents Among penitents a twofold variety can be detected: the one, namely, which arises from their internal state of soul; and the other, which proceeds from their external condition of life. - Hence there is a twofold paragraph.

§ 1. On The Obligation Of The Confessor Toward Penitents Diverse From The State Of Soul

1818. Penitents who are distinguished from others from the very state of their soul can conveniently be reduced to SEVEN CLASSES, namely: 1. to occasionaries; - 2. to the habituated and recidivists; - 3. to converts from heresy; - 4. to the scrupulous; - 5. to those vexed by the demon; - 6. to pious and devout penitents; - and 7. finally to those enriched with the gift of contemplation.

Hence, in order, one must treat of the obligation by which the confessor is held toward these various penitents, and especially of the obligation by which he is held toward those whom we have listed in the first two species. For, as our most zealous Doctor speaks:⁷²⁸ “The greatest care of the confessor ought to be to conduct himself well with those who are in a proximate occasion of sinning, or are habituated in vices, or are recidivists. These are two great rocks against which the greater part of confessors dash themselves and fail.”

I. On Occasionaries

1819. DEFINITION. An occasion of sin is either a person or any external thing, alluring to sinning. Therefore it is constituted from two things: an external and alluring object, and an internal propensity to sin (cf. n. 373).

DIVISION. A manifold occasion is distinguished, namely: remote and proximate; and this latter is continuous or interrupted; voluntary or necessary.

1. A REMOTE occasion is that which indeed has some force of alluring to sin, but in which the danger of sinning is less probable, and in which men for the most part do not sin. We are not bound to avoid this, except perhaps under light obligation, insofar namely as a light danger of sinning would threaten us from it. Nevertheless, per accidens, we would be obliged under grave obligation, namely in the case in which grave scandal would be furnished to others (cf. n. 376).

A PROXIMATE occasion is that which induces probable or grave danger of sinning. - It is such per se, or per accidens. It is called an occasion per se, or absolutely proximate, when the external object is such that most men, through it, are for

⁷²⁵Benger, *Compend.*, n. 455.

⁷²⁶Encycl. *De extens. Jubilaei*, 1825.

⁷²⁷H. A., XVI, 112.

⁷²⁸*Praxis*, n. 63.

the most part induced into sin, e.g. a fixed look at a very base thing, dwelling with a concubine. “A proximate occasion per accidens, or relative, is that which, although with respect to others it is not proximate, nevertheless with respect to someone is proximate: either because this one, in such an occasion, has frequently fallen, or because it can prudently be feared that he will fall, on account of the known experience of his fragility.”⁷²⁹ - Therefore, just as an occasion proximate per se can be remote with respect to someone very pious and cautious; so, on the contrary, an occasion remote per se will be proximate with respect to someone who has become very weak and ready to fall.

2. A continuous occasion, or one in being, is that which is always present, without being sought: e.g. a concubine or maidservant with whom someone dwells and is accustomed to sin; an obscene book which someone keeps in his library. An interrupted occasion, or one not in being, is that which is not indeed always present, but is easily found: such as a brothel, tavern, wicked friend, lover, or mistress.
3. A voluntary occasion is that which can easily be avoided; but a necessary occasion is that which cannot physically or morally be removed: physically, for example, if someone were in prison or on a galley, or at the point of death, no longer having time or manner of expelling a concubine; morally, if the occasion cannot be dismissed without grave scandal, or without danger of falling into something worse, or without great detriment in the goods of life, reputation, or fortune.⁷³⁰

Hence ADVERT that an occasion is not judged necessary: if the scandal or danger of falling into something worse is light, or fictitious and imaginary, as often happens in cases of this sort; likewise if the damage or inconvenience to be undergone is of small moment. - Hence St. Alphonsus with Sporer and Palao does not excuse a moderately rich man who, lest he suffer damage of one hundred ducats (today I would say one thousand francs), would not wish to leave the occasion.⁷³¹

1820. Principles. I. The confessor, so that he may bring a PRUDENT JUDGMENT concerning those who are involved in an occasion of sin, ought TO ATTEND both to past falls, and to the peculiar circumstances of the penitent, and finally to the things commonly happening. Thus from the mind of St. Alphonsus and others. And indeed in truth:

1. From past falls the gravity or probability of danger is especially to be argued, in the case in which the penitent has already been involved in an occasion for some time, and has already sinned in it. Now, “some authors will that it is not a proximate occasion unless it is one in which a man has fallen almost always, or for the most part; but the more common and truer opinion teaches that a proximate occasion is that in which someone has frequently sinned.”⁷³² But frequency of falls is either relative or absolute. Relative frequency is computed according to the number of times in which someone was exposed to the occasion, and will be present, e.g., if someone in twelve visits is accustomed to sin five or six times; likewise, if he visited a woman only three or four times in a year, and for the most part sinned with her; indeed if he visited only once in a year, and nevertheless always sinned. - But absolute frequency will be present when the number of falls, considered in itself, is notable, as if two persons who meet every Sunday should fall ten or twelve times per year. Either frequency suffices for constituting a proximate occasion.⁷³³
2. From the circumstances of the penitent, especially from his known fragility, likewise the gravity of danger is to be judged, in the case in which he himself has not yet, or has rarely, been involved in the occasion, or has not yet sinned in it; for it would be unadvised to wait for experience of falls in order to bring judgment concerning the danger. Hence St. Alphonsus: “When,” he says, “an external occasion is joined with a vehement passion or vicious habit, or strong temptation, he sins who does not leave it, even if he has not yet yielded to temptation; because it will rarely happen that such a one will contain himself if he is not separated from the occasion.”⁷³⁴ - And hence it is why a maidservant, earnestly solicited by her master, is generally bound to depart from his house. We say generally; for if she were very devoted to piety, very cautious, and always used opportune remedies, she would not be absolutely bound to departure.⁷³⁵
3. From things commonly happening, and from these alone, the gravity of danger is to be judged when other special indications cannot be had from the very person of the penitent. Hence the following RULE must be held: If some occasion has induced others, involved in the same circumstances of things, into danger of sinning, it is to be presumed

⁷²⁹ *Praxis*, n. 63.

⁷³⁰ *Praxis*, 68; Book VI, 455.

⁷³¹ *Ibid.*, 455.

⁷³² *Praxis*, n. 63.

⁷³³ Book VI, 452, *Ex praemissis*; cf. Berardi, *De Occas.*, nn. 13-14.

⁷³⁴ Book VI, 452.

⁷³⁵ Cf. Konings, n. 1430.

that the same occasion will similarly induce this penitent also.

But lest the Confessor be led by false conjectures, let him remember that others, because of difference of age, state, sex, disposition, education, instruction, etc., are affected otherwise, although they are involved in the same occasions. It is also to be adverted that habituation brings it about that not all are equally excited by the allurements of sin. And thus indeed it happens that many things are more dangerous to those habituated than to those not habituated, because habit renders both consent and fall easier; and vice versa, that some things are more dangerous to those not habituated than to those habituated, since, because of long use, they have now been made more dull, or because of the use of worse things they need stronger incitements for sharpening lust. Hence St. Alphonsus,⁷³⁶ speaking of the very bad custom of certain women: "Habituation brings it about," he says, "that men, from such a sight (of women showing their breasts), are less moved to concupiscence, as experience establishes."

1821. II. Never is a penitent to be absolved who DOES NOT WISH to remove, insofar as it is in him, the PROXIMATE occasion of sin. - It is proved: 1. From Scripture (Eccli. 3:27): "He who loves danger will perish in it"; (Matt. 5:29): "If your eye scandalizes you, etc."

2. From several propositions condemned by Innocent XI: N. 61: "Sometimes he can be absolved who is involved in a proximate occasion of sinning, which he can and does not wish to omit, indeed directly and by design seeks, or casts himself into it." N. 62: "A proximate occasion of sinning is not to be fled, when some useful or honorable cause of not fleeing occurs." N. 63: "It is licit directly to seek a proximate occasion of sinning, for the spiritual or temporal good of ourselves, or of the neighbor." - 3. From reason: he who freely wills an occasion in which he will probably sin, by that very fact and implicitly wills the sin; and therefore he already sins, and is unworthy of absolution.⁷³⁷

We said insofar as it is in him: namely by taking away the danger of sinning: whether physically, i.e. by removing the external alluring object, when the occasion is voluntary; or at least morally, i.e. by healing fragility, or proclivity to evil, by opportune and suitable remedies, when the occasion is necessary (cf. n. 1825).

1822. From what has been said there arise, for practice, the following Rules:

Rule 1. One who is involved in a PROXIMATE VOLUNTARY OCCASION IN BEING, as, e.g., a concubinary, or a maid-servant frequently sinning with her master, whatever promises he may make, cannot, ordinarily speaking, be absolved, even the first time, unless he has actually removed the occasion. - The reason is the proximate danger of breaking the purpose; because the removal of such an occasion, on account of the great attachment of soul, demands an arduous victory over oneself; and therefore, if the occasion is not taken away before absolution, the penitent will easily deceive himself after absolution, falsely persuading himself that he will resist temptations, and thus, the occasion not having been dismissed, he will certainly return to the vomit. Wherefore the PENITENT who, advertent to this, wished rashly to expose himself to this danger, would be indisposed; the CONFESSOR who exposed the penitent to such danger would sin gravely, both against the office of judge, by absolving the indisposed, and against the office of physician, by not applying the necessary remedy.⁷³⁸

It was said ordinarily speaking; because exceptions are given, provided the penitent firmly promises that, as soon as possible, the occasion will be taken away. - Namely there is excepted: 1. If the occasion is such that it can easily be dismissed, e.g. a wicked book. - 2. If the penitent manifests compunction and firmness of purpose through extraordinary signs of sorrow; because prudently, in this case, because of the sign of more abundant grace received, execution of the purpose can be hoped for. "Nevertheless," Roncaglia says, "that he himself, even in this case, would defer absolution until the occasion is removed, if absolution could conveniently be deferred; and so also (St. Alphonsus adds) I would act." - 3. If a grave cause compels that absolution be granted at once; because, from a grave cause and with due precautions, it is licit to expose oneself and another to a danger which is then rendered remote; therefore, when the penitent is in some necessity of receiving absolution before he takes away the occasion, he is judged as if he were in a necessary occasion, and accordingly has a right to be absolved at once.⁷³⁹

FOUR grave CAUSES of this sort are listed, namely: - 1. Danger of death, namely if the penitent is mortally sick, and the occasion cannot be removed at once: whether because there is no time, or because grave infamy, or grave scandal, will arise from such dismissal, as often happens.⁷⁴⁰ - 2. Difficulty of returning: namely if he cannot return to the same confessor, or not except after a long time, and would find great inconvenience in repeating confession before another.

⁷³⁶Book II, 55; cf. Berardi, loc. cit.

⁷³⁷Book VI, 452-454.

⁷³⁸Cf. Book VI, 454; *Prax.*, n. 66.

⁷³⁹*Ibid.*, 454; *Praxis*, 67.

⁷⁴⁰*Ibid.*, 455; *ibid.*, 68.

The reason is the great burden either of repeating confession before another, or of remaining for a long time in the state of sin.⁷⁴¹ The same is valid if the penitent confesses in a place very distant from his own domicile, so that there would be a great burden of returning.⁷⁴² - 3. Danger of infamy, namely if he has the necessity on the same or following day of entering marriage or receiving Communion, insofar as he cannot abstain without grave infamy.⁷⁴³ Similarly, if he confesses in the time of a Mission, and cannot, without a mark of infamy, remove the occasion at once. In this case, removal of the occasion is to be remitted to some weeks after the Mission, under this condition nevertheless, that at once, if it can be done, some precaution be used, e.g. renunciation of leasing, and that remedies be prescribed for preventing relapse. Thus St. Leonard of Port Maurice.⁷⁴⁴ - 4. Danger of spiritual damage, namely if it is prudently to be feared lest the penitent, on account of the delay of absolution, since he has not yet been made constant, be alienated from confession and waste away in sins; because then the delay would rather increase the danger of breaking the purpose.⁷⁴⁵

But in the cases mentioned, the Confessor ought TO ADMONISH the penitent not to trust that he will obtain absolution in the future unless he has stood by his promises.⁷⁴⁶ - But if the penitent has already at another time been admonished by another confessor concerning removing the occasion, and has not obeyed the admonition: he is to be held as a recidivist, and therefore cannot be absolved unless he brings extraordinary signs of sorrow, as we shall say below (n. 1830).⁷⁴⁷

1823. Rule 2. One who is involved in a PROXIMATE VOLUNTARY occasion, but not in being, e.g. by frequenting games, taverns, wicked societies, can be absolved the first, second, indeed even the third time, provided he firmly proposes to keep himself from it. But if afterward amendment does not appear, absolution is to be deferred until he has actually left the occasion. Thus St. Alphonsus,⁷⁴⁸ with St. Charles Borromeo and others. - Now, the reason why one must act more mildly with a penitent of this sort seems to be in this: that when the occasion is not present (especially if the danger is not that of falling into base acts, but into blasphemies, quarrels, drunkennesses, obscene words, impure thoughts, and other things of this sort, as in the cases proposed by St. Charles), it does not allure to sin as strongly as an occasion always present, or in base matter; and therefore the penitent, who firmly proposes to guard himself from the occasion, can, without rashness, hope that it will happen that he avoids sin, whether by not approaching the occasion unless some reason is given, or by otherwise using precautions and remedies.

It was said, 1. can be absolved, that is by the confessor as judge, because he is judged sufficiently disposed. But he can also be sent away to another time by the confessor as physician, so that he may more promptly and more firmly take away the occasion from the midst. And it is counseled that this be done, even the first time, when the habit of sinning in the occasion has already grown old, so that an experiment may be taken whether in reality he removes the occasion, or at least begins to amend himself⁷⁴⁹ (cf. n. 1827).

It was said, 2. can be absolved the second, indeed even the third time, i.e. when a wicked habit is not joined with the occasion. For when the penitent, in an occasion of sinning, is formally recidivist into a wicked habit, he must be treated as a recidivist (cf. n. 1829).

1824. Rule 3. One who is involved in a PROXIMATE NECESSARY occasion can be absolved without leaving the occasion, provided he appears otherwise disposed and wishes to use the prescribed remedies. "The reason is," says St. Alphonsus,⁷⁵⁰ "because an occasion of sinning is not properly sin in itself, nor does it induce the necessity of sinning; hence true sorrow and purpose not to fall again can well stand with the occasion; and although each one is bound to take away the proximate danger of sinning, this is understood when he himself voluntarily wills such danger; but when the occasion is morally necessary, then the danger becomes remote through opportune remedies, and God then does not withdraw Himself from assisting by His grace him who has truly deliberated not to offend Him."

We said, as above: can be absolved, namely by the confessor as judge, if he appears otherwise disposed. But let us hear St. Alphonsus again:

"But IN PRACTICE," he says, "all agree that it is expedient that absolution be deferred for those who are involved in a

⁷⁴¹Ibid., 454; *ibid.*, 67.

⁷⁴²Berardi, *De Occas.*, n. 45, III.

⁷⁴³Book III, 436.

⁷⁴⁴*Disc. mist.*, n. 22.

⁷⁴⁵Berardi, *loc. cit.*, nn. 49-50.

⁷⁴⁶Aertnys, *De Occas.*, n. 8, III.

⁷⁴⁷*H. A.*, tr. ult., n. 5, fin.

⁷⁴⁸Book VI, 454; *Prax.*, n. 66.

⁷⁴⁹*Conf. diretto*, XV, 10.

⁷⁵⁰*H. A.*, tr. ult., n. 6.

proximate occasion even if necessary. Indeed, that I may say candidly what I think in this matter, I would never absolve one who is in an extrinsic proximate occasion (for concerning an intrinsic one I shall speak otherwise), especially if the occasion is concerning base matter, whenever absolution could conveniently be deferred. For I judge that the confessor as PHYSICIAN is bound to fit to his penitent the more opportune remedies, so that he may secure his salvation; and I think no antidote more apt can be ministered to one who is in a proximate occasion than delay of absolution; since experience teaches that penitents, after they depart absolved, for the most part neglect to use the prescribed means, and thus most easily fall again. On the contrary, when absolution is denied to them, they more vigilantly strive to execute the remedies and resist temptations, indeed impelled by fear lest, when they return to the confessor, they again be dismissed without absolution.

“And in the case in which the penitent previously admonished by another confessor has neglected the prescribed means, and has fallen again in the same way, I say that he must altogether be dismissed without absolution, unless perhaps he exhibits extraordinary signs of sorrow. And even for this one gifted with extraordinary compunction, ordinarily speaking, I would deny absolution, when absolution could conveniently be deferred.

“Perhaps to someone handing down these things I shall seem too rigid; but I, when I had met penitents entangled in the snares of occasions of this sort, have always acted thus and always will act; for proceeding in this way I think myself not rigid, but especially benign toward them: since no manner seems to me more apt than this, that they be snatched from sins and from eternal damnation; and on the contrary I would believe that, if by acting benignly I furnished to them the absolution which they ask, I would be the cause that they miserably languished in vices. Let each one abound in his own sense. - Would that all confessors conducted themselves thus with penitents of this sort! Far fewer crimes indeed would be committed, and many more souls would avoid perdition.”⁷⁵¹

1825. Questions. Q. 1. What REMEDIES ought the confessor to assign to a penitent who is involved in a NECESSARY occasion?

St. Alphonsus responds: “The remedies are: great prayer, - more frequent use of the Sacraments, - daily before an image of the Crucified to renew the promise of sinning no more, - to avoid being alone with her alone, - to flee from the sight of the accomplice, and similar things.”⁷⁵²

And these remedies the penitent IS BOUND to use, insofar as he can; for otherwise the occasion will indeed be necessary, but the danger voluntary: just as, in the case of shipwreck, not to seize the plank is to commit oneself to certain danger of death.⁷⁵³

Q. 2. Whether one can be absolved who, existing in a NECESSARY occasion, ALWAYS IN THE SAME WAY, notwithstanding the remedies, falls again?

Resp. Negative, if after many experiments no amendment appears, nor probable hope of amendment. Thus St. Alphonsus, as the truer opinion; and the reason is because, if someone always falls again in the same way, he is truly indisposed; for from such a relapse it is detected that either the remedies were not duly used, or the occasion is not truly necessary; for necessity of sinning is not given, and no one is tempted above what he can bear. Therefore the precept of Christ presses, saying: “If your right eye scandalizes you, pluck it out and cast it from you” (Matt. 5:29). It was said, if no hope of amendment appears; but this is judged to shine forth if the penitent, at present, brings extraordinary signs of sorrow.⁷⁵⁴

From what has been said you will resolve:⁷⁵⁵ 1. A woman ought rather to choose to perish from want than to frequent a house where she is given gifts which have already passed, or probably will soon pass, into meretricious wages. - 2. A penitent ought to leave a confessor, although useful, if from his conversation he is accustomed to consent to impure delight. - 3. A man, thieving for a long time, ought to leave the office which impels him to stealing. - 4. A glutton ought to avoid banquets; a drunkard, taverns; a lustful man, familiar and private conversations with women, etc., even if he seems to himself to have a just cause for conversing thus. - 5. An adolescent and a girl, frequenting one another with a view to marriage, are not to be absolved unless the occasion from proximate becomes remote, through means to be prescribed by the confessor (cf. n. 826). - 6. A son of a family sinning with a maidservant who dwells with him in the paternal house is not to be absolved unless he diligently uses the remedies prescribed by the confessor and thus truly removes the occasion. But, generally, an occasion of this sort cannot be removed except through the emigration of one or the other (namely, of the son or of the maidservant).

⁷⁵¹Book VI, 456.

⁷⁵²Book VI, 455; *Prax.*, n. 68.

⁷⁵³Cf. Berardi, *De Occas.*, nn. 79-83.

⁷⁵⁴Cf. Book VI, 457-458; cf. *Vindic. Alph.*, p. 5, q. 22.

⁷⁵⁵Cf. Scavini, lib. III, n. 342, fin.

Concerning occasions in particular see what was said at n. 824 and following.⁷⁵⁶

II. On The Habituated And Recidivists

From the doctrine of St. Alphonsus, one must properly distinguish between the HABITUATED and RECIDIVISTS, concerning whom not a few authors speak rather confusedly. - Hence, so that confusion of this sort may be avoided, we shall treat separately: 1. of the habituated; 2. of recidivists.

A. On The Habituated

1826. DEFINITION. A consuetudinary or habituated person, as he is distinguished from a recidivist, is one who, by repetition of sins of the same kind, has contracted a wicked habit, and confesses it the first time.⁷⁵⁷

How many acts suffice for contracting a wicked habit depends on the nature of the repeated sin itself, and on the manner in which it was committed, namely by thought, word, or deed; on the longer or shorter time which intervened between sinful acts of the same kind; on the disposition or temperament of the one sinning; on the greater or lesser intensity with which the will placed the acts, etc. - Thus, "five times in a month," says St. Alphonsus,⁷⁵⁸ "can already constitute an evil habit in some vice of EXTERNAL SIN, provided some interval intervenes among them"; for otherwise it seems to be a continuation of one sin. But in sins of consummated lust which have an accomplice, e.g. of fornication, sodomy, a much smaller number can constitute a habit: thus, e.g., one who, through an entire year, should fornicate once a month, could well be called habituated. - Finally, in sins of HEART and MOUTH a much greater number is required, so that a habit may be judged to be present.

DIVISION. Among the habituated, those must be distinguished: 1. who sin and have contracted the habit with perfect election of the will; 2. who sin and have contracted the habit from incontinence, or from weakness of the will. The former offend: 1) because of habitual perversity of will, 2) without the previous impulse of vehement passion, and therefore 3) do not easily detest the sin committed. On the contrary, the latter offend: 1) because of the force of an impelling passion, so that 2) their will is habitually good and contrary to sin; which sin therefore 3) once the ardor of passion has been extinguished, they abhor exceedingly.⁷⁵⁹

1827. Principle. A habituated person, even if no amendment has preceded, can be absolved, provided he SERIOUSLY PROPOSES to himself to use the MEANS which are prescribed to him for amending life. - Thus most commonly, against certain more rigid authors. The reason is "because such a penitent, on the one hand, is not to be presumed evil, so that he would wish to approach the Sacrament indisposed; and on the other, he is well presumed disposed, while he confesses his sins, since spontaneous confession itself is a sign of contrition, unless some positive presumption stands in the way to the contrary. Nor is it valid to say that the same wicked habit is a sign of indisposition: for, although a wicked habit renders the sinner more prone to sin, nevertheless it does not give a presumption of his weak will."⁷⁶⁰

Except: 1. If the habit is very deeply rooted, such as it is accustomed to be in one who is habituated from an evil will, or through a long time has been given to some vice, especially of the flesh; for then the confessor will be able to defer absolution (for a brief time), if something else does not stand in the way: both so that he may test how the penitent executes the remedies, and so that the penitent himself may conceive greater horror of his vice.⁷⁶¹ - 2. If the one habituated in grave sin is a cleric who shortly wishes to be promoted to sacred Orders; for positive goodness is necessary in him, as will be said in its place (n. 1916, q. 2).

IT IS ASKED. Whether absolution can be denied to a habituated person who REFUSES to confess SEVERAL TIMES in the year.

Resp. Negative, in itself, if he otherwise seems sufficiently disposed; because there is no precept of confessing several times in the year, and there are other means which can be enjoined for rooting out the habit. Nevertheless otherwise must be said if the other means are not judged sufficiently efficacious. For many penitents can find an apt remedy in confession alone. Hence Toletus says most rightly,⁷⁶² speaking of those habituated in the crime of pollution: "I scarcely think there is any other efficacious remedy than to use most frequent confession: for this Sacrament is the greatest bridle; and he who does not use it should not promise himself amendment, unless through a miracle."⁷⁶³ (cf. n. 1812, 3).

⁷⁵⁶Cf. Berardi, *De Occas.*, p. 2; Konings, nn. 1438-1469; Ciolli, *Dirett.*, n. 70.

⁷⁵⁷Book VI, 459.

⁷⁵⁸*Praxis*, n. 70.

⁷⁵⁹Cf. Berardi, *De Recidiv.*, n. 76, from St. Thomas.

⁷⁶⁰Book VI, 459.

⁷⁶¹*H. A.*, tr. ult., n. 8.

⁷⁶²*Instr. sacerdot.*, L. 5, c. 13, n. 6.

⁷⁶³Book VI, 464, in med.

B. On Recidivists

1828. DEFINITION. A recidivist generally is said to be one who after confession has fallen back into the same sins.

Of those relapsing after confession, some are recidivists formally, others only materially. FORMALLY, or a true RECIDIVIST, according to the mind of St. Alphonsus, is one who: 1. has contracted a habit of sin; 2. has been rightly admonished in another confession; and 3. has fallen back into accustomed sins in the same or nearly the same manner, with no zeal for amendment having been used, nor any of the prescribed means having been fulfilled. MATERIALLY, that one is judged a recidivist in whom one or another of the three aforesaid conditions is lacking. And he is to be treated either as a simple sinner or as a habituated person (cf. n. 1826).⁷⁶⁴

1829. Principles. I. A penitent FORMALLY A RECIDIVIST cannot be absolved if he brings only the ORDINARY sign of disposition, namely if he only asserts that he is sorry for his sins, and that he no longer wishes in the future to offend God gravely. It is established: 1. From proposition 60 condemned by Innocent XI: "For a penitent having a habit of sinning against the law of God, of nature, or of the Church, even if no hope of amendment appears, absolution is neither to be denied nor deferred, provided he orally states that he is sorry and proposes amendment." - 2. From reason: "For the habit contracted, and past relapses without any amendment, furnish great suspicion that the sorrow and purpose which the penitent asserts he has are by no means true. Hence for this one absolution is to be deferred for some time, until a prudent sign of amendment appears. And at this point the ruin of souls is to be lamented, of which so many evil confessors are the cause, by absolving without distinction so many recidivists, who when they have found confessors who always absolve them so easily, lose horror in sinning, and go on to rot in the mire of vices, even unto death." Thus St. Alphonsus.⁷⁶⁵

"Certain Doctors admit that a recidivist can be absolved with ordinary signs alone up to the third and fourth time. But to this opinion (the Holy Doctor writes) I have never been able to acquiesce, since a habituated person who after one confession relapses without amendment (at least begun), is already a true recidivist, and furnishes a founded suspicion of his indisposition."⁷⁶⁶

"And let it be noted here that this rule proceeds even with respect to venial faults; for although it is commonly admitted that those who fall into light sins can more easily be absolved, because their occasions are more frequent, nevertheless, since it is the common opinion that it is a grave sin and sacrilege to receive absolution upon light sins confessed without true sorrow and purpose; and that it does not suffice to be sorry for the multitude or excessive number of such faults, unless sorrow is had for some one in particular": it can easily happen that penitents, recidivists in venial faults, perform sacrilegious or at least invalid confessions. "Hence, let the confessor strive diligently not to absolve such penitents indiscriminately; for then, even if they are in good faith, nevertheless he himself will not be able to be excused from sacrilege, by imparting absolution to those who can be judged not sufficiently disposed for absolution."⁷⁶⁷ But see n. 1842.

1830. II. A penitent, even formally a recidivist, can be absolved as often as he furnishes SOME EXTRAORDINARY SIGN of disposition. - Thus the Holy Doctor, against Merbesius and others, who with intolerable rigor say that a habituated person can never be absolved unless his amendment is established by long experience. The reason of our opinion is because an extraordinary sign, provided it is solid and founded, takes away the suspicion of indisposition which repeated falls introduce⁷⁶⁸ (cf. n. 1817, q. 1).

"Nor is it true what the adversaries object, namely that proof of time alone is the sole sign of a changed will: for change of will depends on divine grace, which does not need time, but operates in an instant; and therefore it can become manifest not only by experiment of time, but by certain other signs. - Indeed, sometimes other signs of present disposition manifest the change of will much better than experience of time; for those signs indicate directly the disposition of the penitent; but experience only indirectly, so that not rarely it can happen that someone, even for a long time, abstains from vices for the honorableness of this world, as St. Gregory says, and nevertheless is not rightly disposed. Therefore, as often as the penitent brings true signs of sorrow and purpose (or in other words: as often as he is prudently judged to have changed his will), so often he will be able to be absolved well."⁷⁶⁹

We say, he will be able to be absolved; for he is not necessarily and always to be absolved, because the confessor can, indeed sometimes ought, as PHYSICIAN, to defer absolution for a penitent even sufficiently disposed, as we have already affirmed several times (cf. n. 1816).

⁷⁶⁴H. A., tr. ult., n. 9; cf. *Vind. Alph.*, p. 6, c. 1 (tom. 2, p. 276).

⁷⁶⁵*Praxis*, n. 71.

⁷⁶⁶*Ibid.*; cf. Berardi, *De Recidivis*, n. 82 sqq.; Ciolli, *Dirett.*, n. 71.

⁷⁶⁷*Praxis*, n. 71; H. A., tr. ult., n. 9; cf. Berardi, n. 193 sqq.

⁷⁶⁸Book VI, 459, *Secunda*.

⁷⁶⁹*Ibid.*

Let it further be noted: 1. A recidivist returning the first time will more easily be able to be absolved than the second or third time. For extraordinary signs are obtained more easily the more promptly the confessor puts the sickle to the root, and besides, the special signs of disposition required are smaller in proportion as the indications of indisposition have not yet been multiplied so much.⁷⁷⁰

2. Incontinent recidivists (from passion) can more easily be absolved than the intemperate (from habit); because in the former the confessor will very often find, or will be able to induce, some extraordinary sign, but in these latter rarely.⁷⁷¹ Hence, recidivists into blasphemies can more easily be absolved than into other sins of hatred, theft, or lust, to which the habit clings more strongly because of the greater passion which is found in them.⁷⁷²
3. A recidivist formally such, unless he is certainly indisposed, can or ought to be absolved under condition in those cases in which one doubtfully disposed can or ought to be absolved (cf. n. 1663, q. 5, Rule 1). - Advert also that, because faith has everywhere collapsed, in this our age there more often occurs the lamentable case in which it is rightly to be feared lest a penitent doubtfully disposed, and dismissed without absolution, bid farewell to the Sacraments and waste away in his sins.⁷⁷³

1831. Questions. Q. 1. Whether one must use the remedy of delay of absolution toward a recidivist SUFFICIENTLY DISPOSED?

Resp. 1. Negative, when the delay is judged more likely to harm than to profit, or to bring upon the penitent some mark or danger of infamy (cf. n. 1816).

2. Outside these cases, the matter is to be committed to the prudence of the confessor. St. Alphonsus distinguishes thus: 1) If the penitent has relapsed because of an intrinsic cause or fragility, as happens in sins of pollution, morose delectation, hatred, blasphemy, and similar things, delay is rarely expedient; because greater fruit is to be hoped for from the grace of the Sacrament than from the delay of absolution (especially for recidivists into the sin of pollution there is no remedy more efficacious than frequent confession, indeed without it amendment can scarcely be hoped for, since this Sacrament is the greatest bridle): nevertheless, an opportune threat of delay will always be profitable... It was said, rarely expedient; for sometimes it profits, or even is necessary for striking terror, e.g. if remedies for a long time have been applied in vain, if the beginnings of a vice, especially in an adolescent, must be opposed, etc. - 2) If he has relapsed because of an occasion, ordinarily delay is expedient; both because the occasion is a stronger incentive to sin: but a stronger restraint must be opposed to a stronger allurements; and because removal of the occasion, more than rooting out of the habit, depends on the will: but what depends more on the will must be exacted more rigidly.⁷⁷⁴ The same must be said of a penitent obliged to restitution, reconciliation, denunciation, repair of grave scandal⁷⁷⁵ (cf. nn. 1793, 3, and 1816).

Q. 2. Why must a RECIDIVIST formally such be treated with greater severity than one simply RELAPSED from a voluntary occasion not present?

Resp. The reason is because the occasionary is supposed not at the same time to be habituated in sin; wherefore the occasionary, or recidivist from occasion, as such, can be absolved twice or three times without the occasion having been left; but otherwise, if at the same time he is recidivist into a habit of sin, without amendment.⁷⁷⁶

Q. 3. What REMEDIES ARE TO BE ASSIGNED to recidivists INTO POLLUTION or into other lustful acts?⁷⁷⁷

Resp. The most apt will be: 1. To excite in them an ardent desire of recovering purity of mind and body, and to raise their soul to the struggle; otherwise the rest will be altogether useless. To excite the desire, let the confessor show the sick person the danger of damnation unless he corrects himself; because the more sins are accumulated, so much the more difficult is the attainment of salvation rendered; and the more intense the habit becomes, so much the weaker the will becomes. But to raise the soul to the struggle, let him insert into the penitent a sense of his dignity, by which he is man and Christian, and which by his vile habit he lowers, indeed finally no longer even feels; let him inspire in him confidence in God, in the Blessed Virgin Mary, and hope of victory, if he is going to use the remedies faithfully and constantly, even

⁷⁷⁰ *Vind. Alph.*, tom. 2, p. 402, n. 4.

⁷⁷¹ St. Thomas, 2,2, q. 156, a. 3.

⁷⁷² Aertnys, *De Recid.*, n. 15, fin.; *Praxis*, n. 75, fin.

⁷⁷³ *Vind. Alph.*, loc. cit.

⁷⁷⁴ Book VI, 463-464; *Prax.*, nn. 76-77.

⁷⁷⁵ Book VI, 693; *Prax.*, 184-185; Aertnys, n. 16, q. 4.

⁷⁷⁶ Aertnys, *ibid.*, q. 6.

⁷⁷⁷ *Ibid.*, q. 8.

if it happens that he relapses from fragility.⁷⁷⁸

2. To withdraw far from every dangerous occasion, to flee idleness and solitude, to avoid dishonest conversations, not to read amatory books, not to frequent dances and theaters, since these throw impure phantasms into the mind and soften the soul.⁷⁷⁹
3. Frequent prayer, especially to recite three times each day the Angelic Salutation in honor of the purity of the Most Blessed Virgin, morning and evening, always adding before her image the purpose of not sinning and supplication for the gift of perseverance. Very much also will serve the frequent meditation of the eternal truths, according to the divine saying: "Remember your last things, and you will not sin forever"; and according to this counsel of St. Alphonsus: "Mental prayer is to be insinuated, not only to the timorous, but also to sinners, who often, because of defect of consideration, return to the vomit."⁷⁸⁰
4. When some temptation rushes in, immediately to avert the mind elsewhere, and, if the temptation persists, to invoke several times and confidently the Most Holy Names of Jesus and Mary; thought concerning the Passion of Christ, eternal fire, death, the presence of God, remorse of conscience after sin, etc., also helps; likewise a fervent act of love toward God, with the purpose of undergoing death rather than sinning.⁷⁸¹
5. Frequenting of the Sacraments, which in wondrous ways represses the heat of lust; indeed, without it scarcely any other efficacious remedy is supplied; but especially care must be taken that the penitent return to the confessor immediately after a fall, and also that he choose for himself a stable, learned, and pious confessor.⁷⁸²
6. Marriage, if it can be done, according to the admonition of the Apostle (1 Cor. 7:2, 9): "Because of fornication let each man have his own wife, and each woman her own husband... If they do not contain themselves, let them marry; for it is better to marry than to burn." Indeed, the incontinent who would not wish to use other opportune means would be held to marriage.⁷⁸³

To these we add some NATURAL REMEDIES which can assist the supernatural ones; they are namely: 1. temperance in food and drink, especially in the evening; in the evening not to use wine, nor hot foods; - 2. temperance in sleep; not to lie in an immodest position, nor in a soft bed; in the morning to rise early; - 3. exercises which tire the body, such as walks, hunting, etc.⁷⁸⁴

Concerning recidivists into blasphemies, recall what was said at n. 599.⁷⁸⁵

III. On Converts From Heresy

1832. I. A heretic, converted to the Catholic faith, when he first presents himself to the confessor, is to be received kindly and greatly helped in the examination of conscience, from which excessive rigor is to be excluded. - He is to be asked how many years he lived in his sect while doubting concerning its truth, and whether he contemned or neglected to inquire concerning the true religion, and for how long.

If he was only a material heretic, any confessor can absolve him without a special faculty; likewise, if he was formally a heretic, but ignorant of the excommunication attached to formal heresy; for excommunication is not incurred by one who is ignorant of it. - But if even a slight doubt concerning an incurred excommunication should arise, he is to be absolved under condition, and with the profession of faith having first been made. Wherefore the confessor would act inconsiderately if, when about to reconcile a heretic, he did not beforehand procure for himself a special faculty, which he could easily need (cf. n. 443).

The exhortations should allude especially to those dogmas concerning which the newly converted man previously did not think rightly. - A penance which does not frighten him away is to be imposed upon him. - Recall what was said at n. 1479 as to Baptism, and at n. 1655 as to the obligation of confession.

1833. II. In reconciling heretics, according to the diversity of cases, a THREEFOLD MODE OF PROCEEDING is distinguished: 1. If the previous Baptism has been judged certainly valid, "only the abjuration, or profession of faith, is received,

⁷⁷⁸Cf. Segneri, *Instruct. conf.*, cap. 12.

⁷⁷⁹*Praxis*, n. 16.

⁷⁸⁰*Ibid.*, n. 16 and 124.

⁷⁸¹Book V, 8.

⁷⁸²Cf. Book VI, 464.

⁷⁸³Book III, 209; Book VI, 75.

⁷⁸⁴Cf. Berardi, *Examen. confess.*, n. 157.

⁷⁸⁵Cf. M. Haringer, annotation to Book VI, 464.

which absolution from censures follows.” Thus the S. C. of the Holy Office, on July 20, 1859.⁷⁸⁶ 2. If the nullity of the previous Baptism is established, Baptism is conferred absolutely, nor does any abjuration or absolution follow, because the Sacrament of regeneration washes away all things. 3. If Baptism is to be repeated under condition, the following order is to be observed: 1) Let the abjuration, or profession of faith, be made before two witnesses, according to the form prescribed by Pius IV, and more recently by Pius IX, with some addition.⁷⁸⁷ 2) Let conditional Baptism follow. 3) Let conditional absolution from censure be imparted. 4) Let sacramental confession be made, with absolution from sins likewise conditional.

Note. - Those who must be baptized under condition “can, for the greater ease of the ecclesiastical function, first be heard sacramentally as to the accusation of their faults. Then, after the conferral of Baptism under condition, the confessor, again taking up summarily with the penitent those things concerning which he has already made accusation, is to absolve him sacramentally, likewise under condition.” (S. OFFIC., November 1, 1875).⁷⁸⁸

1834. III. If an acatholic, in the article of death, wishes to return to the Catholic faith, he must emit a profession of Faith before two witnesses, at least as to those things which must be believed explicitly by necessity of means and of precept. And this act of conversion is immediately to be described in a public instrument, so that in this way all cavils of adversaries may be forestalled. - After this the dying man is to be duly disposed by acts of faith, hope, charity, sorrow, and purpose; then, confession having been made, he is to be absolved from excommunication and from sins, and lastly refreshed with the Most Holy Viaticum and Extreme Unction.⁷⁸⁹

IV. On Scrupulous Persons

1835. Those are called SCRUPULOUS who, from an empty cause, suspect and, with disturbance of soul, fear sin where there is none (cf. n. 27). Much care must be expended upon them. For SCRUPLES impede tranquility of mind, torture the soul, weaken the body, ruin health, disturb promptness in acting; indeed they sometimes cast one into despair, or into madness itself, and bring innumerable other evils.

Therefore, so that the confessor can provide opportune and useful governance to scrupulous persons, he must attend to four things: 1. the signs by which scruples are recognized; 2. the causes from which they arise; 3. the matter about which they turn; 4. certain rules of prudence, the application of which fits all scrupulous persons indiscriminately.

1836. I. “The SIGNS of a scrupulous conscience are these:⁷⁹⁰ - 1. Pertinacity of judgment, by which the scrupulous person refuses to obey the counsels of the wise, consults various men, but acquiesces in the judgment of none; indeed, the more he hears many, the more perplexed he becomes. 2. Frequent change of judgment from light motives; whence arises inconstancy in acting, and disturbance of mind, especially in external operations, for example in the celebration of Mass, in the recitation of the Hours, or in the administration or reception of the Sacraments. 3. To have irrelevant reflections concerning many circumstances which were present in the action, or could have been present. 4. To be fearful concerning sin in all things, and to cling in mind contrary to the judgment of the wise, and even to his own judgment; and therefore never to be content with one assertion of the confessor, but often, in the same act, to ask the same man whether, in acting according to the counsel given, the conscience can be immune from fault.”

But he is by no means to be counted among the scrupulous who always watches over himself very attentively, lest in some matter, however small, he displease God; - nor he who, after sins have been committed and confessed with moderate detestation and sorrow, is distressed and therefore desires to repeat confession; - nor he who, now and then, in a passing way, is disturbed by some empty anxiety of conscience.

1837. II. The CAUSES of scruples are some intrinsic, others extrinsic.⁷⁹¹ -

The INTRINSIC are: a disposition much inclined to anxiety and fears, such as is that of melancholic persons; weak health of the head, especially in women; excessive abstinence and immoderate vigils, from which, the head being weakened, the mind is easily disturbed; slowness of mind, which judges foolishly concerning the precepts of God and of the Church; hidden pride, inclining to excessive confidence in one’s own judgment, etc.

But the EXTRINSIC causes are: 1. God, who permits the soul to be tossed by the storm of scruples through a transitory loss of light; and indeed He permits this for this end: that man may detest committed sins more vehemently, and recede

⁷⁸⁶In *Collect. Lacens.*, tom. 3, p. 550.

⁷⁸⁷Cf. *Pontif. Rom.; Acta S. Sed.*, Vol. X, p. 72; Schneider, S.J., *Manuale Sacerd.* (ed. 10a), p. 436.

⁷⁸⁸Haine, III, p. 134.

⁷⁸⁹E. Muller, lib. 3, § 160; cf. Voit, I, n. 383; Konings, n. 1264, IV.

⁷⁹⁰Cf. Ciolli, *Dirett.*, n. 80. - Book I, 11.

⁷⁹¹*Ibid.*, 12-13.

farther from the evil way; then, that he may truly progress in humility, in confidence, in patience, in obedience, and in other virtues, and thus be found faithful in divine service. 2. The demon, who terrifies the soul by false imaginations of sins, whether committed or to be committed, disturbs mind and body, and thus fishes in troubled water. Nor is fishing of this kind done in vain. For unless his snares are avoided, the soul, in a short time, falls into tepidity, into acedia, into various faults, and finally into crimes, indeed into despair.⁷⁹² 3. Association with scrupulous persons; direction by a scrupulous confessor; reading of books which abound in severity in moral doctrine; and similar things.

To these causes, however, congruous REMEDIES must be opposed, such as are: flight from idleness, moderate occupations, honest recreations, humble prayer full of confidence toward God, avoidance of scrupulous persons; but above all prompt and blind obedience, without which it is impossible to be healed from this disease (cf. n. 28).

1838. III. The MATTER about which scruples turn consists, for the most part, of actions to be placed, evil thoughts to be repelled, and confessions already made.⁷⁹³

1. To scrupulous persons who fear that they sin in every action, it must be enjoined that they act freely, that is, by contemning scruples, indeed even by acting against them, whenever evident sin does not appear; that they never repeat works once done, and that in every doubt they always choose the part more benign to themselves. - Although, however, by acting thus, they sometimes sin materially, still they will not sin formally, by reason of the obedience which they must render to the confessor, according to this rule of St. Ignatius: "One must obey in all things in which sin is not perceived" (recall what was said at nn. 28 and 693).

2. To scrupulous persons who are distressed by evil thoughts (against chastity, faith, charity), and who think that they consent to them, let the confessor enjoin that they take no account of thoughts of this kind, because thoughts are not sins, but consent is; and let him prescribe to them that in confession they abstain entirely from declaring thoughts of this kind, unless they can swear that they certainly gave consent to them (cf. n. 1696). - For the rest, not even their oath would always be an indubitable argument concerning consent having been given. For a very scrupulous man can come into such disturbance of mind that he shows himself ready to swear, although in reality he has not sinned. But "by their fruits you shall know them," i.e., from their works, and from their ordinary manner of acting.

3. To scrupulous persons who are always distressed concerning confessions already made, if the confessor knows that they have sincerely set forth all things (or if they have already made a general confession with a prudent confessor), let him absolutely impose that they no longer think about past faults, nor make any mention of them; unless they can immediately swear that they certainly committed mortal sins, and never declared them in confession. - It is expedient to say to such distressed persons: "Be entirely quiet, I take all things upon myself"; or to repeat these words, by which St. Bernard tranquilized a certain scrupulous priest: "Go, and celebrate on my faith." But if the penitent returns after confession, let him be dismissed unheard, so that he may learn to condemn vain fears.

Concerning these things it is still to be NOTED: 1. A scrupulous person who is anxious concerning past confessions must be asked whether, knowingly, he concealed some grave sin, and whether he had it in mind to commit the same sins again. If he answers negatively, the confession is to be judged valid.

2. A scrupulous person can sometimes be excused from material integrity, namely whenever, from confession or examination of conscience, grave harm of body or soul would threaten him. And the same must be said concerning the Hours to be recited, concerning fraternal correction to be made, concerning the truth to be investigated about doubtful restitutions, and similar matters, in which new doubts always arise for him; because the law does not oblige with so great an inconvenience.

1839. IV. The MODE OF ACTING with scrupulous persons, which prudence universally advises, is expressed by the following RULES:⁷⁹⁴

1. Let the confessor be full of charity and patience, and let him listen kindly to their narration, however tedious, especially in the first times. For unless he has won for himself the confidence of the distressed person, he will accomplish nothing.

2. In responses let him be prompt, without hesitation and change; for the trembling of the scrupulous person will not otherwise be excluded.

3. Let him be brief and dictatorial. For scruples are not driven away by discourse, but by contempt and obedience. - Nor should he easily add reasons to his responses, because reasons prepare a snare for penitents of this kind.

⁷⁹²Cf. *Vera Sposa*, cap. 18, § 2.

⁷⁹³Book I, 15-19.

⁷⁹⁴Book I, 15-19; *H. A.*, I, 8-11; *Prax.*, n. 95-98.

4. Yet let him teach true doctrine and benign opinions, for example concerning attention in prayers, concerning the integrity of confession, concerning Communion received in good faith, etc. Let him above all frequently remind them of those things which holy men have handed down concerning the security and merit of obedience, namely: "That he walks entirely safely who acquiesces in and obeys the counsels of his director in all things in which sin does not appear; for then he does not obey man, but God Himself, saying: He who hears you, hears Me; and he who despises you, despises Me."⁷⁹⁵

5. Let him prescribe for them rules of acting, not particular, but general; because new cases always seem to them diverse from preceding cases. - Nor let it weary him to repeat the same things. For the sick mind is healed not suddenly, but gradually.

6. Let him excite those who have fallen, not otherwise than other penitents, to contrition, but at the same time to every confidence; for scrupulous persons especially need this.⁷⁹⁶

V. On Persons Vexed By The Demon

1840. Since it rarely happens that men are vexed by the demon in a sensible manner, there is no reason why we should dwell much on the present argument.

Before all things, the confessor must be warned that in this matter he should recede equally from excessive incredulity and from excessive credulity. "Let the confessor not be so incredulous," says St. Alphonsus,⁷⁹⁷ "that he judges all invasions or infestations of demons to be fantasies or bodily infirmities; because it must not be denied that true possessed persons are found even among Christians." Therefore let him prove all things according to those things which we said concerning divination (n. 558 and n. 622 and following).

These things being premised, it will be sufficient to have noted the following from St. Alphonsus: 1. Some possessed persons are vexed by evil spirits with horrible specters, or bodily torments. The care of these is easy: prayer, patience, and above all perfect conformity with the divine will are to be insinuated to them. 2. Those who usually trouble confessors more are those who are vexed by the demon with filthy visions, motions, and even touches... etc. But let the confessor take care that the penitent subject such acts to the keys of the Sacrament, if perhaps he fails in anything, either because of imperfect advertence, or because of some deficiency of resistance.⁷⁹⁸

The REMEDIES are: that the penitent, in so horrible a conflict, pray perseveringly and insistently, commending himself a hundred and a thousand times to God, groaning, and asking mercy at the feet of the Crucified and of the Mother of God; that he apply himself much and constantly to mortification, diligently turning the mind away from the pleasures of the senses and frequently protesting that he does not wish to consent to the operations of the demon. - Then to prayer and mortification humility with unshaken confidence must be joined; the use of the Sacraments, of the most sacred sign of the Cross, of blessed water, of private exorcism, of holy Relics, and of the book of the Gospels.⁷⁹⁹

But if someone falls miserably in these temptations, the care of him is very difficult. Let the confessor prescribe for him the remedies just recounted, and especially let him employ exorcism, at least private exorcism. - Let him delay absolving him and exhort him to return often, nor let him absolve him except after a long trial; for such conversions are rarely true, and very rarely persevering.⁸⁰⁰ See more, if you wish, in St. Alphonsus.

Note. Scaramelli⁸⁰¹ warns that exorcism profits nothing or little with persons who are in the state of contemplation; because God Himself wills their purgation through the infestation of demons.

VI. On Pious Penitents⁸⁰²

1841. "It is a work very acceptable to God to adorn spouses for Him, that is, to cultivate spiritual souls, so that they may give and hand themselves over wholly to Him. One perfect soul is more acceptable in His eyes than a THOUSAND imperfect ones. Hence, when the confessor sees a penitent living immune from mortal faults, he must apply every care to introduce him into the way of perfection and divine love."⁸⁰³

⁷⁹⁵Book I, 13.

⁷⁹⁶Cf. Reuter, *Neo-confess.*, p. 3, cap. 13.

⁷⁹⁷H. A., tr. ult., n. 50; *Praxis*, n. 110.

⁷⁹⁸H. A., ib., 50, 51; *Prax.*, 110-111.

⁷⁹⁹H. A., ibid., 52; *Prax.*, 112.

⁸⁰⁰*Praxis*, 53; ib., 113.

⁸⁰¹*Dir. mystic.*, tr. 5, c. 11.

⁸⁰²Cf. Mach, *Tesoro del sacerdot.*, Tr. 13, c. 7, § 2; Berardi, *Prax. conf.*, n. 1136; Meynard, *Traite de la vie int.*, I, chap. prelim., n. 9 sqq.

⁸⁰³*Praxis*, n. 121.

Now, so that the confessor may truly consult the spiritual utility of these souls, behold what RULES OF GOVERNMENT St. Alphonsus prescribes to him:

1. Before all things, let him take care that he instill into them a great DESIRE of Christian perfection, and a most firm PURPOSE of attaining this perfection, “by representing to them the merit which God has that He be loved, and the gratitude which we owe to Jesus Christ, who loved us even unto dying for us; and also the danger in which all souls are placed who, called by God to a more perfect life, resist Him.”⁸⁰⁴

2. Let him take care that they progress ORDERLY and GRADUALLY in perfection.⁸⁰⁵ - Hence they are to be taught: 1. To beware of the least deliberate defect, or one admitted with open eyes, yet in such a way that, after some light fault has been admitted, they do not fall in spirit, but rise from the fall by acts of humility, sorrow, and purpose, and this even if they were to fall a hundred times in a day. 2. To perform ordinary actions well, or prayers, the duties of their state, etc., and to have a right intention in all things. - 3. First to strive for patience, then only for joy in adversities. - 4. Let them learn to bear light things before they desire grave things. - Nor meanwhile should the confessor be unmindful of the saying of the Lord, saying: “The Spirit breathes where He wills”; nor should he forget that this usually happens: that even souls enriched with great gifts of God and abounding in the fruit of solid virtues are seen to be infected with various defects and imperfections, God so permitting.

3. Let him take care that he introduce them into the custom of MENTAL PRAYER. - Hence let him establish for them the time to be expended on this most holy exercise; let him himself assign to them the truths to be meditated; let him teach them the method of meditating fruitfully; and now and then, for example each month, let him ask an account of this method. - Moreover, let him watch with open eyes that they pass no day without some consideration of truths; that they frequently think of God always present to us; that they pour forth frequent and fervid ejaculatory prayers; and that, insofar as it can be done, on individual days they read something attentively and piously from a spiritual book prudently chosen (cf. n. 535).

4. Let him take care that he effectively teach them the exercise of Christian MORTIFICATION. “To assert absolutely,” says St. Alphonsus,⁸⁰⁶ “that external mortifications profit nothing or little, is a very great error.” Yet let the director take care that he not be excessive in conceding them, especially in the first fervor of devotion; nor generally should he concede them except when asked, and let him concede less than is requested. - But let him watch that they exercise themselves constantly rather in negative mortification: for example, that they abstain from curious looking, that they speak sparingly, that they be content even with unpleasant foods, that in wintertime they do not approach the fire, that they command their passions, etc.⁸⁰⁷ Moreover, the particular Examination will serve excellently as a singular aid to this exercise.

5. As regards the reception of the SACRAMENTS: 1. Let him advise general confession for those who are not scrupulous and who have not yet made it (cf. n. 1711). - 2. Let them confess once, or at most twice, in a week. But one who has fallen into a venial sin and lacks an opportune occasion of confessing should not on that account abstain from Communion, since venial sins are remitted also by other remedies. Indeed, some timorous persons will often more usefully dispose themselves for Communion by their own acts, as being those which then are wont to be more fervent, than by confession. - Concerning frequent Communion, recall what was said at nn. 1575-1582.

1842. IT IS ASKED. How ought the confessor conduct himself with penitents who bring only IMPERFECTIONS or VENIAL sins?⁸⁰⁸

Resp. 1. “If they confess imperfections which do not reach faults certainly venial, Bonacina says that they can be absolved under condition; but I judge that this is not to be admitted except very rarely, and when they themselves could not assign certain matter from past life, or not without great trouble. For the rest I say that if the penitent does not present certain matter, the confessor must not inquire into it in order to absolve him; and in the case in which he had inquired and had not found it, he is not bound to impart conditional absolution to him” (cf. n. 1658 and 1663, qu. 5, Reg. 24).

2. “If the penitent confesses certain venial sins, but usual or daily ones, for example concerning impatiences, intemperances, distractions in the Office, in prayer, and similar things, so that absolution can be given to him, it must be considered whether he has at any time imposed force upon himself, as much as he could, in order to overcome the passion; because then it can be judged that his faults proceeded rather from human frailty than from defect of sorrow or purpose. - Conversely, if he has relapsed frequently, and without resistance, into faults of this kind, then he must be dealt with as with

⁸⁰⁴Ibid.

⁸⁰⁵Cf. Konings, n. 1486.

⁸⁰⁶*Praxis*, n. 145.

⁸⁰⁷*Praxis*, n. 146.

⁸⁰⁸Cf. *ibid.*, n. 99.

a recidivist,” according to what was said at n. 1829; and therefore it must be obtained either that he truly grieve over at least some one of those sins, or that he present for matter some graver sin of past life.⁸⁰⁹ - Recall what was said at n. 340 and following.⁸¹⁰

VII. On Persons Who Enjoy The Gift Of Contemplation

1843. Preliminary Remarks. “When some soul is gifted by God with the grace of contemplation, it is necessary that the confessor know very well the mode by which he ought to direct it and free it from all illusions; otherwise he will bring the greatest harm, and, as St. John of the Cross says, he himself will have to render a great account to God.” These things are from St. Alphonsus.⁸¹¹

Wherefore, if any penitent is raised to such a state, it is necessary that the confessor, ignorant of mystical matters, send him to a suitable moderator; or, if he judges that he is not to be sent, that he himself at least have docile recourse to learned books and experienced men, by whom he can be taught.⁸¹²

Meanwhile, it will profit a confessor of this kind not a little to receive at least the NOTION here sketched of those supernatural states; for, imbued with such a notion, he will be occupied more easily and more safely in the study of such sublime things.

DEFINITION. Contemplation is defined by Guigo the Carthusian:⁸¹³ “An elevation of the mind suspended in God, tasting the joys of eternal sweetness.” It differs much from meditation: for in the latter God is sought by the labor of discourse, and the soul operates by acts of its own powers; but in the former, without labor of this kind, it contemplates God already found: for God Himself then operates, and the soul only suffers, since the very light and divine love with which it is then wholly filled render it sweetly attentive to contemplating the goodness of its God.⁸¹⁴

DIVISION. - “Contemplation is either affirmative or negative. - 1. It is affirmative when the soul, by benefit of divine light without any work of its own, beholds some truth either created, such as the unhappiness of hell, the happiness of paradise, etc., or uncreated, such as divine mercy, love, power, goodness. - 2. It is negative when it recognizes the divine perfections not in particular, but in general, with a certain confused knowledge, but one which introduces a far greater concept of the divine greatness.”⁸¹⁵ This latter is more perfect and is called by the Mystics the prayer of darkness, clear darkness, sublime knowledge of God through ignorance, pure contemplation, etc.; in it all the interior powers of the soul are suspended, and sometimes also the exterior senses.⁸¹⁶

1844. Principles. I. Infused contemplation, IN THE ACTIVE STATE, is usually preceded both by the prayer of natural recollection, or of contemplative leisure, and by purgation of soul through aridity of sense. We say it is usually preceded; for “the Spirit breathes where He wills” (John 3:8); nor are there lacking examples of souls which have been immediately raised to the last grade of contemplation without having passed through the preceding grades.

Moreover: 1. The PRAYER OF NATURAL RECOLLECTION is said to be granted to the soul “when the intellect does not need, with labor, as it were to go outside the soul in order to consider some mystery or eternal truth; but, drawn away from external things and gathered as it were within the soul itself, without labor, indeed with great sweetness, it attends to that truth or mystery, whatever it may be. - Contemplative leisure is almost the same, except that in recollection the soul attends to some particular devout thought; but in leisure, with a certain general knowledge of God, it feels itself gathered within itself and sweetly drawn by God.”⁸¹⁷

2. SPIRITUAL PURGATION consists not only in natural aridity, by which souls proceeding even by the ordinary way often labor, but in supernatural aridity, which is a drawing of grace and a certain light bringing punishment and obscurity. - This is twofold: namely aridity of sense and aridity of spirit:

- 1) Aridity of sense is a most troublesome subtraction of sensible devotion, through which the soul is led to a certain alienation from all sensible pleasures, both earthly and spiritual. It endures until, the senses having been purified,

⁸⁰⁹ H. A., Append. IV, n. 17, *Monita ad confessor.*

⁸¹⁰ Especially, as to the direction of nuns, cf. Scavini, tom. IV, n. 519; Berardi, *Prax. conf.*, n. 1137 sqq.

⁸¹¹ *Praxis*, n. 126 (likewise H. A., App. I, § 2).

⁸¹² *Ibid.*, n. 194; *Mon. ad confess.*, n. 23.

⁸¹³ *Scala Claustralium*, cap. 1, fin. (ap. Migne, *Patrolog.*, tom. 184, col. 476).

⁸¹⁴ *Prax.*, 126.

⁸¹⁵ *Ibid.*, n. 132.

⁸¹⁶ *Ibid.*, n. 135.

⁸¹⁷ *Ibid.*, n. 127.

the soul is rendered apt for the first grades of contemplation.⁸¹⁸ 2) "Aridity of spirit, or substantial aridity, is a certain divine light by which God causes the soul to recognize its own nothingness." In this state, although more attentive to pleasing God, it sees itself in a certain more terrible agony, believes all things done by itself worthy of punishments, and itself hateful to God; indeed, it sometimes experiences a thousand temptations, the punishments of the damned, and divine dereliction. God is wont through this purgation to prepare the soul for the last grade of contemplation, i.e., for passive union, in which there are ecstasies, raptures, etc.⁸¹⁹

1845. II. The GRADES OF CONTEMPLATION are indeed various and many; yet among them three principal ones are numbered, namely supernatural recollection, quiet, and union. Now:

1. SUPERNATURAL RECOLLECTION is had "when the gathering of the powers does not come about by the work of the soul itself, but by benefit of the light which God infuses, and through which a great and sensible divine love is excited in it." The soul is placed, through this infused recollection, in the PASSIVE STATE, in which "it must not investigate more curiously what that interior recollection of spirit is; but let it permit itself to be directed by God to consider those things and to make those acts toward which it knows itself to be more borne by God."⁸²⁰

2. QUIET differs from the preceding grade in this, that "in recollection the force of divine love is communicated immediately to the external senses, which God Himself causes to be gathered within the soul; but in quiet love is communicated immediately to the spirit, in the very center of the soul: and the love itself is more ardent," and sometimes is diffused to the senses themselves. Then, in quiet, "the will indeed is suspended, which remains as it were bound, because then it can love no other object besides God, who draws it to Himself; but the intellect and memory or imagination sometimes remain free and run here and there." Nor, truly, should the soul be saddened about this, but neither should it strive to gather its thoughts; for it would attempt this in vain and would lose quiet: but let it elicit only those acts toward which it feels itself sweetly impelled by God.⁸²¹ - There is usually a following:

3. UNION, namely passive union, by which God offers Himself to be seen by the soul not only as near (as in the preceding grades), but as present: and the soul experiences Him joined to itself by a certain sweet contact; whence it can no longer doubt concerning the truth of that presence. See St. Alphonsus.⁸²²

1846. III. Often certain GRACES are granted with the gift of contemplation, such as visions, locutions, and revelations, which it is of great interest to distinguish from false ones. - Now:

1. VISIONS (whether external, or imaginary, or even intellectual) can be caused by the devil. - But the probable signs from which their divine origin is recognized are these: 1) if they are rare, sudden, passing like lightning, yet immovably fixed in the mind; - 2) if in the beginning they bring confusion and terror, but in the end leave the soul in the greatest peace and in living knowledge of its misery, with a great desire of perfection. For such things ordinarily proceed neither from the devil nor from nature, although they can also proceed from the devil, who "transforms himself into an angel of light"; but "by their fruits you shall know them," i.e., demons and false prophets.⁸²³

2. LOCUTIONS, for example for imposing works, for instructing, are: either successive, when someone, meditating, feels as though he is answered by his own spirit, but as if it were an external person; or formal, when the soul hears (by the ears, imagination, or intellect) some formed words, but outside itself; or substantial, when they quickly operate that which they express: as, for example, if the soul were to hear: Do not fear, and immediately becomes intrepid. - These last are safer than all the others; the first are very uncertain, and the second very suspect. - Hence the director, if he observes that the things commanded are contrary to Christian prudence, must prohibit them altogether. But if they are not contrary, it is expedient that he suspend execution until greater certainty is acquired.⁸²⁴

3. REVELATIONS of hidden or future things, for example of mysteries of faith, states of consciences, etc., can be had in three ways, namely through visions, through locutions (as above), and through understandings of naked truths. - In these one must proceed most cautiously, especially when there is question of certifying someone because of knowledge received in revelation.⁸²⁵

⁸¹⁸ *Praxis*, n. 128, 131.

⁸¹⁹ *Ibid.*, n. 129.

⁸²⁰ *Ibid.*, n. 133.

⁸²¹ *Ibid.*, n. 134-135.

⁸²² *Ibid.*, n. 136-138.

⁸²³ *Praxis*, n. 139-140.

⁸²⁴ *Ibid.*, n. 141.

⁸²⁵ *Ibid.*, n. 142.

Note. "When God speaks and operates, it is necessary that the soul be silent and cease from its own operations; but when He does not speak, it is necessary that the soul help itself in that mode in which it can, in order to join itself to God, namely by meditations (when these are necessary), affections, prayers," etc., as in the active state.⁸²⁶

1847. Questions. QUAER. 1. What is the OFFICE OF THE CONFESSOR toward a soul which walks by the ways of contemplation?

Resp. Two things in this office of his are principal: 1. He must PRESERVE IT IN HUMILITY while it is gifted with graces. For no grade of contemplation confers impeccability; "and therefore, the more it sees itself gifted by God with graces of this kind, so much the more it must be humble and alienated from all things, loving the cross alone, and living wholly conformed to the divine dispositions, with continual fear that its infidelities from that time will be punished more bitterly, on account of the greater ingratitude with which they will be committed."⁸²⁷ Therefore let him impose on it "that it faithfully narrate all the communications which it has in prayer. Yet let him show no appetite for knowing them (nor have it write them, unless this is necessary); nor let him ever manifest to another the supernatural graces conceded to his penitent." Nor let him show to it "a sign of esteem, and much less send other penitents to ask counsel from it, or to seek solace or direction. Rather let him show that he makes less of it than of other souls which walk by the way of faith"; let him not spare its faults and defects, etc.; "because souls adorned with these favors, regularly speaking, are always and much to be humbled." - Especially, "when there is question of external graces, such as visions, locutions, and revelations, regularly speaking, it is safer that the director show that he makes little of them (because there are more false visions than true ones);⁸²⁸ and the more avidly they are sought and held in value, so much the more the person will stray from faith and humility, which is the safer way that God has placed. - Wherefore, let him give it the counsel that it pray God to concede true ecstasy, namely total alienation from earthly things and from itself, without which it will never be able to arrive at perfection."⁸²⁹

2. He must COMFORT and HELP the soul when it is placed in doubts, aridities, and temptations, which are wont to abound in these ways. To this end let him not show himself fearful, or in any way hesitating, but let him manfully comfort it to fear nothing. Let him say to it that all those suggestions of blasphemies, unbelief, impurities, and despair are not consents, but punishments which, if they are tolerated with resignation, join the mind more and more to God. "Let him exhort it to be of strong soul, and to expect great things manfully from God, while He leads it by the safer way, namely by the way of the cross. Let him also warn it that first it humble itself, as being worthy to be treated thus by God on account of the defects of past life; secondly, that it wholly resign itself to the divine will, presenting itself most ready to bear all these things, indeed even greater things for every time for which it shall please God; thirdly, let it cast itself as dead into the arms of divine mercy, and commit itself to the protection of Most Holy Mary, who is rightly called Mother of mercy and consoler of the afflicted."⁸³⁰

QUAER. 2. Must the favors of divine contemplation be SOUGHT?

Resp. Distinguish. 1. If there is question of souls which have not yet been gifted with these favors, it is safer to desire and seek only active union, i.e., perfect uniformity with the divine will; for in it certainly consists the whole perfection of divine love, and a faithful soul can, without the gift of contemplation, but with only the benefit of ordinary grace, arrive at annihilation of its own will and at transforming it into God.⁸³¹

2. If there is question of those which have already rejoiced in extraordinary graces in the passive state, again one must distinguish: 1) The graces which are called uniform with faith, such as confused and general knowledges and divine touches which unite the soul to God, are not to be rejected; and therefore they can be humbly sought and desired, so that union with God may thus be perfected and divine love take new increases. - 2) But graces which remove from faith, because they consist in certain distinct knowledges (such as visions, locutions, and revelations), are to be most constantly rejected, "yet always in the spirit of humility, and without any contempt, as would be to spit, to laugh in the face, etc. (which is not licit, as several assert); and by protesting before God that one wishes to serve Him in pure faith."⁸³² See more among the mystical authors.⁸³³

⁸²⁶Ibid., n. 127, v. fin.

⁸²⁷Ibid., n. 136.

⁸²⁸Cf. Benedict XIV, *De Beatif.*, L. III, c. 53, n. 17, where he treats of false revelations even among the Saints.

⁸²⁹*Praxis*, n. 144.

⁸³⁰Ibid., n. 130.

⁸³¹Ibid., n. 136.

⁸³²*Praxis*, n. 143.

⁸³³Cf. Scaramelli, *Direct. mystic.*; Meynard, *Traite de la vie inter.*, tom. 2.

§ 2. On The Obligation Of The Confessor Toward Diverse Penitents From External Condition

Penitents who, on account of external condition, demand a special care proper to themselves, are especially: 1. children and adolescents; - 2. the betrothed and spouses; - 3. persons of distinguished condition; - and 4. finally, the sick and the dying. As regards Nuns, see what was said at nn. 1764, 1765, 1736.⁸³⁴

I. On Children And Adolescents

1848. I. It is an excellent custom, and St. Charles Borromeo held it, to call CHILDREN, even six-year-olds, to confession, so that, by anticipating the obligation soon necessarily to be fulfilled, they may gradually become accustomed to the reception of the Sacrament. - Seven-year-olds are subject to the common law concerning annual confession, not otherwise than those greater by birth (cf. n. 194); and it is to be wished that, from this time onward, they be refreshed by the benefit of confession at least three or four times in each year.

But so that the confessor may truly consult their spiritual utility, let him attend to the following ADMONITIONS:⁸³⁵

1. Before confession, let him diligently teach them both the things necessary to be known for salvation, and all those things which regard receiving this Sacrament worthily, namely the necessity and mode of examining conscience, the necessity and motives of contrition, sincerity in confessing with opportune examples, and also the most grave obligation of the sacramental seal, incumbent not only upon the confessor, but also upon all to whom, by accident, something from confession should become known.

2. To this instruction let him join a practical exercise of all those things which must be done before confession, in confession itself, and after it. Let 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; namely, so that neither they themselves, by waiting, be exposed to weariness, nor the confessor, by hearing, to the danger of haste.

3. In the confession itself of little children, let the confessor⁸³⁶ use all charity and kindness which he can, lest namely, from fear, they hold back something. Let him permit them, indeed exhort them, that they themselves first explain their sins; in which, if they fail, especially if they seem to be distressed by fear or shame, let him help them by brief questions, for example whether they prayed morning and evening, whether they heard Mass on feast days; whether they were obedient to parents and superiors, etc. Then, whether they kept silent about some sin? whether they did anything base? But in this matter the confessor must be especially cautious. - Let him then only turn away from general questions when necessity truly demands it. In which case he will be able to ask the little child, for example, whether he heard bad words? whether he said such things? whether he played badly with other children? If he admits it, he can be asked what he did. He can also be asked whether he is fearful at night, so that thus it may be discovered whether he sleeps alone or with others, and whether some question about this matter is to be added. - It is also useful, now and then, to proceed by suggestive questions, for example, And now tell me how many times you did this? five times, ten times? And from the responses let him proceed to further things, but always with the greatest prudence, according to what was said at n. 1806. Let the confessor also beware lest he be excessive in examining, lest children conceive a horror of confession.

4. Pious instructions and admonitions are to be instilled into little children; for they are seeds which, if not immediately, nevertheless afterward will bear fruit. - Hence, just as they are to be praised if they have conducted themselves laudably, so that they may be confirmed in a right manner of living; so, on the contrary, if they have conducted themselves badly, the confessor must sweetly deter them from sin: for example by saying that sin renders the soul foul after the manner of the devil, but things rightly done effect that little children become like Angels; that God is present everywhere and beholds all things; that the same God wishes to crown the good with eternal reward, but will punish the bad with eternal torments; that God commands that we dread sins worse than a serpent, that obedience be shown to parents, that evil companions be avoided, etc. But if the child's conscience has been found erroneous, let it be corrected, lest he himself sin in the future from such a conscience.

5. Little children must be helped much in eliciting an act of sorrow. To this end the confessor will be able to use the following words: "Do you love God, who is your Lord, so great and good, who created you, died for you, etc.? This God you have offended. He wishes to give you pardon, and you hope that, on account of the blood of Jesus Christ His Son, He will forgive you. But it is necessary to repent. What do you say? Does it now repent you that you have offended Him,

⁸³⁴Cf. Berardi, *Examen*, n. 347 sqq.

⁸³⁵Cf. Konings, n. 1482; Furniss, *Le Missionnaire des enfants* (Tournai, 1888).

⁸³⁶*Prax.*, n. 90.

etc.? By these injuries which you have inflicted on God, do you know that you have deserved hell? Does it displease you that you committed them?... My God, I do not wish to offend Thee any more, etc.”⁸³⁷

6. Let him impose on little children only a light penance. - Let him greatly commend to them devotion toward the Virgin Mother of God, and the most holy and most useful custom of reciting three Hail Marys morning and evening, with that or a similar invocation: My Mother, free me from mortal sin.⁸³⁸ - Whether absolution is to be conceded to children or not; whether absolutely or conditionally, see n. 1663, qu. 5, Reg. 2a.

7. Finally, after confession care must be taken that they spend some brief time in giving thanks to God and pay the penance, yet separated from companions who have not yet completed confession.

NB. As regards FIRST COMMUNION, see what was said at nn. 1573-1574.

1849. II. ADOLESCENTS of either sex, who have already been admitted to Holy Communion, likewise demand a special care proper to themselves. Over these the confessor must watch with most open eyes, so that they may be preserved immune from the corruption of the age and the enticements of the flesh. - But for this end nothing more efficacious can be devised than frequent reception of the Sacraments.

1. In hearing their confessions, let him see: - whether and to what dangers their faith and morals are exposed; - with what companions they foster familiarity; by what enticements, as it were, they are exposed to sin or have been exposed, whether by thoughts, by conversations, by little songs, by looks, by bad books, or by familiarity with others; - what their first mortal sins were like, whether of malice or of infirmity.

2. Let him exhort them to sincerity, and induce them faithfully to open temptations, lest, deprived of opportune means, they succumb. - Let him especially teach them the necessity of praying and of fleeing the dangers of sin. - Generally, let him be more ready in teaching and admonishing than in questioning. But let him abstain from any little word whatever which he would not wish to be heard by others.⁸³⁹

3. “Concerning the STATE to be chosen by some adolescent, let the confessor not dare to determine it for him; but only from indications let him take care to persuade that state to which he can prudently judge the adolescent himself to be called by God”⁸⁴⁰ (cf. n. 2142, q. 2). “But as regards girls who desire to consecrate their virginity to Jesus Christ, let him not permit them to vow chastity perpetually, unless he knows them to be well founded in virtues, and taught in the rules of the spiritual life, and especially exercised in prayer. In the beginning he can permit them only to vow chastity for some definite time, namely from the solemnity of one feast to another of another feast.”⁸⁴¹ As regards the state of matrimony, see nn. 1851, 1951.

4. Concerning the RELIGIOUS STATE in particular, let the director conduct himself cautiously: 1) lest he easily induce anyone to embrace it, unless indications of true vocation manifest themselves; for the danger of inconstancy would be feared (and especially in girls), if more vivid exhortations or flatteries had induced them to take up such a kind of life; 2) lest he introduce a long delay and impediments for those adolescents who desire to embrace the religious state with a right end; for less probation is required for a vocation to Religion than for a vocation to exercise the priestly office in the world, as St. Alphonsus warns.⁸⁴² - See what is to be said at n. 2142, concerning vocation.

II. On The Betrothed And Spouses

1850. I. The BETROTHED are generally to be admonished that they celebrate matrimony as quickly as possible; for thus very many sins are impeded. Recall what was said at n. 826 and following, to which add the following.⁸⁴³

1. Let the confessor first see whether any impediment is present, whether prohibiting or diriment, ecclesiastical or civil, so that it may be removed opportunely. See n. 1984 sqq. and n. 2041 sqq.

2. Let him use every zeal and industry, so that the betrothed, purified by holy confession, may receive this great Sacrament fruitfully. - The matter having been accomplished in vain, let him dismiss the indisposed without absolution, without, however, denying to those asking, if they have truly confessed, a certificate of confession made. Let him absolve the

⁸³⁷ *Praxis*, n. 91.

⁸³⁸ *Ibid.*, fin.; cf. Mach, *Tesoro del Sacerd.*, tr. XII, c. 1, art. 3, § 3.

⁸³⁹ Cf. Konings, n. 1483.

⁸⁴⁰ *Praxis*, n. 92.

⁸⁴¹ *Ibid.*, 93.

⁸⁴² *Ibid.*; cf. Ciolli, *Direttorio*, n. 89-91; Mach, op. cit., tr. XIII, c. 7, app.

⁸⁴³ Ciolli excellently discusses the betrothed, loc. cit., n. 94-96.

doubtfully disposed under condition, as was said above at n. 1663, q. 4 and 5. - Moreover in either case, let him gravely admonish them to prepare themselves, through perfect contrition, for entering matrimony worthily, and to return shortly to confessing, with all mention of the sacrilege by which those contracting unworthily defile themselves omitted, in order to forestall a greater sin, unless perhaps a certain fruit could be hoped for from an admonition of this kind.⁸⁴⁴

3. Let him admonish them concerning the most grave end of matrimony, and concerning the obligations of spouses and parents (cf. n. 699 sqq. and n. 703). - But speaking of those things which regard the use of matrimony, let him use the greatest prudence. "For innocent betrothed women, who perhaps are ignorant of copula, are not to be instructed by a priest before matrimony; but if they ask anything, they are first to be sent back to their mothers. This especially holds for betrothed women of a more honorable condition, who are wont to be taught by their mothers on the day before matrimony. If they do not have a mother, let the pastor or confessor point out to them some prudent and pious matron, from whom they may learn all those things which it is fitting for spouses to know."⁸⁴⁵ But if the betrothed have already been corrupted, or are by no means ignorant of the base matter, let the confessor teach them, yet briefly and with the most chaste words, as is set forth in the following rule.

1851. II. "SPOUSES are to be taught that not all things are licit for the married, but that the sanctity of matrimony can be defiled by grave sins. Wherefore the following general RULES are to be handed down to each: 1. All those things are licit to spouses which are ordered to the generation of offspring, or to the legitimate use of marriage. - 2. They are immune from mortal fault if deliberately they do nothing by which they expose themselves to great danger either of losing semen on the part of either one, or of harming a fetus conceived. - 3. For the rest, if afterward they doubt concerning some matter, counsel must be sought from the confessor.

"Moreover, each is to be taught: 1. The HUSBAND, that he not ask the debt at those times in which copula can be gravely harmful to the wife, for example at the time of purgation, or of grave disease. - 2. The WIFE, that she is bound under grave sin to obey the husband in rendering the debt, unless she is excused from a just cause, for example because of infirmity."⁸⁴⁶

1852. Let it be noted: "1. The instruction premised, which of itself is incumbent on the pastor, is to be handed down either on the day before matrimony is to be contracted, or a little after it has been contracted, according as it shall have seemed expedient; or as often as younger spouses ask to be taught by the confessor concerning this matter, or are noticed to need instruction of this kind.

2. "Instruction of spouses concerning things to be observed in the case of abortion, as regards Baptism of the aborted fetus, wholly pertains to the pastor; nevertheless, when an occasion has been given, namely when the confessor notices that spouses are ignorant of these things, or have failed in their office in this matter, let him himself not neglect to teach them. The same must be said concerning those things which spouses must avoid, that they may beware of abortion.

3. "Let the confessor not omit to admonish younger wives, for whom it is fitting, that they not take with themselves into bed an infant not yet one year old, nor boys or girls already six years old; and much more, that they not permit children of this kind of either sex to sleep together in the same bed."⁸⁴⁷

IT IS ASKED. How must one proceed with spouses who are placed in a PROXIMATE OCCASION of sin because of abuse of matrimony against nature, for example if one directly pollutes the other, if one is accustomed to consent to onanism, sodomy, one's own pollution, etc.?

Resp. They are to be treated as habituated persons or recidivists in a necessary occasion. But if, remedies having been applied, they always relapse in the same way, without probable hope of amendment, they are in no way to be absolved unless they have removed the occasion, according to what was said at n. 1825, q. 2. - Indeed, in this case, a spouse who is placed in proximate danger of sinning because of the solicitation of the consort is bound to make separation if no other remedy remains,⁸⁴⁸ as will be seen in the Treatise on Matrimony (n. 2124, 2).

III. On Persons Of Distinguished Condition

1853. St. Alphonsus admonishes:⁸⁴⁹ "With persons of this kind (i.e., with princes, magistrates, prelates, pastors, priests, etc.), although corrections must be applied in milder and more discreet words, nevertheless let it be done with greater

⁸⁴⁴Cf. Muller, lib. III, § 163.

⁸⁴⁵Aertnys, *Fascicul. Theol. mor.*, n. 40, q. 2.

⁸⁴⁶Ibid.

⁸⁴⁷Ibid.

⁸⁴⁸Aertnys, *ibid.*, n. 40, qu. 3.

⁸⁴⁹*H. A.*, XXI, 4; cf. St. Thomas, 1.2, q. 73, a. 10.

fortitude and warmth of soul, since from the sins of these persons, on account of the graver harm which can be brought to others by their evil example, a more pernicious consequent license of crimes is wont to exist.” (cf. n. 1810, Reg. 3a).

See the *Praxis Confessarii* n. 48 and following, as regards the questions to be asked of those who are of a conscience little meticulous. See also the things set forth in Part 4, *On Particular States*.⁸⁵⁰

IV. On The Sick And The Dying

1854. “No work of charity is present which is more acceptable to God and more conducive to the salvation of souls than to help those placed in the extreme danger of life to die holily; for at the time of death, on which the eternal life of each one depends, the powers of hell are stronger, but those of the sick are weaker.”⁸⁵¹

Moreover, the sick lying dangerously ill are of a twofold kind: some enjoy the use of reason and the senses; others are destitute of the senses. As regards guilty persons condemned to capital punishment, see in St. Alphonsus⁸⁵² (cf. n. 2300 and 2311, 2).

I. As regards the sick USING REASON AND THE SENSES, the Ritual admonishes: “Let the confessor approach the sick man so prepared that he have ready arguments apt for persuading, and especially examples of the Saints, which avail very much; by which he may console, excite, and refresh him in the Lord.”

Moreover, to many other things which the Ritual hands down concerning the visitation and care of the sick, and which are to be observed faithfully, it is helpful to add some things excerpted from the writings of St. Alphonsus,⁸⁵³ namely the following:

1. Having entered the room of the sick person, let the confessor speak to the one lying ill in a friendly manner, by inquiring how he is; and having exhorted him to conform himself to the will of God, let him gradually transfer the conversation to instituting confession. Yet in the first visit, unless necessity urges, let him generally be silent concerning it; but after, on the second or third visit, he has begun to speak about it and has assigned the day and hour for instituting it, let him skillfully take care that the sick man make it without procrastination, especially if the disease is of such a nature that delirium could easily supervene. See also n. 2332.

2. If the sick man is a scandalous man, for example living in concubinage or in a merely civil marriage, an author of bad books, notoriously excommunicated, etc., commonly he must not be heard unless first he has promised amendment and due satisfaction; for it is to be feared lest, confession already having been begun, he refuse to obey; from which it could easily happen that the confessor, bound by the sacramental seal, would be forced to administer the last Sacraments to one unworthy. - Nevertheless circumstances can persuade otherwise, for example if death is imminent, and immediate confession already signifies reparation of scandal.

3. As regards confession itself, let him take care that it be made so diligently that nothing of those things which are required for integrity and contrition be omitted, and so moderately that the penitent is neither affected by annoyance nor wearied by too much application of mind. - But if imminent danger of death, or the gravity of the disease itself, or other grave reasons persuade this, let the confessor urge material integrity less, but, with the admonition premised that the penitent complete his confession afterward if he recovers, let him watch much and almost solely over the dispositions of his soul.⁸⁵⁴

4. If those serving the sick man cannot withdraw, let the confessor admonish him to declare at least one sin, and this a light one; when this has been declared, let him incite him in a few words to sorrow concerning all sins which he has committed, and then impart absolution to him. - Finally, if someone could confess no special sin, for example because he is deprived of speech, but gives signs of penance, and shows that he wishes absolution, he is also to be absolved; absolutely, if no prudent doubt concerning his disposition underlies; otherwise, conditionally (cf. n. 1663, q. 5).

5. Let him impose a light penance, indeed sometimes a very light one, such as invocation of the Most Holy Names of Jesus and the Virgin Mary; but let him add, as the Ritual wills, to this penance another more proportioned one for the time in which the sick man will have recovered. But it will be enough, says St. Alphonsus, to enjoin on him that he return in time of health; or, that he satisfy by alms, if he can (cf. n. 1720, 2).

⁸⁵⁰ Cf. Ciolli, n. 100-104; Berardi, *Prax. Conf.*, n. 1138, as regards priests.

⁸⁵¹ *Praxis*, n. 227; cf. Mach, op. cit., Tr. XII, cap. 2.

⁸⁵² *Ibid.*, 108-109.

⁸⁵³ *Praxis*, 231 sqq. (cf. Scavini, lib. IV, app. VII).

⁸⁵⁴ *Ibid.*, n. 105.

6. If a convenient occasion seems present, “let him exhort the sick man to dispose opportunely concerning his domestic affairs: for this is expedient for the peace of the family, and the more so if it is necessary for the relief of his conscience. - Yet in this the priest should carefully beware lest he himself fall into any note of gain (or into the hatred of relatives).”⁸⁵⁵

7. The sick man must be forearmed against temptations.⁸⁵⁶ If he is tempted against FAITH, he is to be exhorted to elicit acts of faith without any examination; that, as soon as the temptation rushes in, he have recourse to prayers and turn thought aside to other things; also, if the temptation persists in urging much, let the confessor explain to him in few words the motives of credibility, and take care that the one tempted, by his own prayers and those of others, obtain the grace of resisting and persevering. - If he is tempted against HOPE (and this temptation indeed is very frequent), let the confessor set forth to him the reasons why we must hope; let him pray for him, and rarely, while he is hearing, have conversation about matters which inject terror. - Let him also watch that temptations of vainglory, impatience, excessive aversion from death, excessive love toward relatives and temporal goods, as well as temptations of hatred and vengeance, be kept away from him.

8. Let the confessor suggest to the sick man, but with few words and only at intervals, acts of virtues by which Christians ought to dispose themselves for a holy death, namely acts of faith, hope, charity, contrition, conformity with the divine will, and acceptance of death. Nor should he omit now and then to offer him an image of the Crucified, and other holy images, that he may kiss them.

9. Finally let the priest take care that the sick man gain all the Indulgences which he can; but especially the plenary Indulgence in the article of death, which the Apostolic blessing has annexed to itself. - Hence let him admonish him, contrite, to implore the Most Holy Names of Jesus and Mary, once or more often (by mouth, if he can; but if not, by heart)⁸⁵⁷ (cf. n. 1741).

10. When the sick man is already in his last moments, care must be taken that persons whose presence could bring some danger to the dying man be removed from his room.⁸⁵⁸ But let the priest frequently sprinkle him with blessed water, frequently fortify him with the sign of the cross, and frequently offer him sacred things to be kissed. - Let him pour forth many prayers together with those standing by, nor omit to recite the accustomed prayers of the Church.

11. Let him hand him a blessed candle, so that, holding it, he may profess that he dies in the Faith. - But let him disturb him by no touch of the body, nor do anything by which death could be accelerated. - As long as the struggle with death endures, let him repeat the holy acts, and multiply them and pronounce them in a loud voice, so that thus they can be heard by the dying man.⁸⁵⁹

12. The SIGNS of imminent death, see in St. Alphonsus.⁸⁶⁰

1855. II. With dying persons DESTITUTE OF SENSE the following things are to be observed:

1. All dying persons destitute of senses who, before the privation of the senses, expressly showed a desire of confession, for example by ordering a priest to be called, are to be absolved, more safely however under condition. The reason is that confession, in the case, becomes known to the confessor sufficiently sensibly through the testimony of another, and is as it were confession by an interpreter. This is established from the Roman Ritual on the Sacrament of Penance.

2. All dying persons wholly destitute of senses who have lived as Christians are to be absolved under condition, even if they have manifested by no sign either sorrow concerning their sins or desire of confession. The reason is that in such persons sorrow and desire of absolution can be presumed through sensible signs, for example through sighs, movements of the body, anxious breathing manifested, although these are not perceived by the confessor.⁸⁶¹

3. For the same reason, other dying persons destitute of senses who have lived little as Christians are to be absolved under condition. Indeed, it is sufficiently probable that a dying Catholic who, in the very act of sin, has been deprived of senses, for example in a duel, adultery, theft; likewise free-thinkers, Freemasons, apostates, etc., is to be absolved conditionally. - Nor does it stand in the way that attrition and confession in these persons are very doubtful; because, in the case of extreme necessity, even in the administration of the Sacraments it is licit to use a slight and little-founded probability.⁸⁶²

⁸⁵⁵Ibid., n. 233.

⁸⁵⁶Ibid., n. 237 sqq.

⁸⁵⁷*Praxis*, n. 276.

⁸⁵⁸Ibid., 236.

⁸⁵⁹Ibid., 276.

⁸⁶⁰Ibid., 280-283; cf. also Capellmann, *Medicina past., De Agonia*.

⁸⁶¹Book VI, 482.

⁸⁶²Book VI, 483.

4. Under condition, similarly, those can be absolved who, although they have never professed the Catholic faith, nevertheless have shown a will inclined toward it; provided that they had 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 a certain reason for conjecturing that they wish to depart life in the communion of the Church.⁸⁶³ But if heretics have given no indication of this will, they are not to be absolved even if they give signs of sorrow; because such persons can never prudently be presumed to furnish those signs in order to confession, from which they shrink exceedingly.⁸⁶⁴

You will resolve for practice: 1. A dying Catholic, or one not certainly a heretic (even if perhaps unknown), in every case in which it is not evidently established that he is already dead, or actually altogether indisposed, or refusing the Sacraments, is to be absolved either absolutely or conditionally (according to his condition).

2. Nevertheless an act of contrition is to be suggested to him briefly and in a loud voice, if he has given no signs or doubtful signs of penance. For physicians testify that "hearing generally persists even to the last time, and not rarely, when the other senses have already plainly been extinguished, it still remains."⁸⁶⁵

IT IS ASKED. How often must ABSOLUTION be renewed for a dying person?

Resp. 1. If, having already confessed duly, he still flourishes in the senses, absolution must be renewed for him several times; yet in such a way that, before it is imparted anew, a new sign of sorrow and confession, at least some sort of sign, is manifested. For thus the sick man is rendered more secure concerning the state of grace, or certainly sanctifying grace is increased, and the punishments of Purgatory are diminished.

Resp. 2. If the dying man (likewise having confessed) is already destitute of senses, and manifests no sign of sorrow, it is not expedient to impart absolution to him frequently within the same day, i.e., not more often than every three or four hours; for a grave and urgent cause (on account of which alone the Sacrament can be administered under condition) is not present here of itself, so that the words of absolution should be repeated more frequently. We have said of itself; for, upon a dying man accustomed to bad thoughts, or entangled by some passion of hatred or impure love, or very impatient with the troubles of disease, or also now about to die, they can be repeated more often. "It will not be out of place," adds St. Alphonsus, "to admonish the sick man, while he is capable in mind, that if he cannot speak, he give some determined sign when he seeks absolution, or when the priest wishes to confer it upon him, for example that he close or open his eyes, lift his hand, incline his head, and similar things."⁸⁶⁶

Resp. 3. Finally, if the dying man has been so destitute of senses that he could never either confess or express contrition, he is to be absolved much more often, at least under condition; because it can happen that he succumbs to hidden temptations, and especially because it can happen that the infinite mercy of God mercifully grants him the grace of compunction, which he previously lacked, in a lucid interval.⁸⁶⁷

NB. Recall what was said at n. 929, II, 1282 and 1777.

Chapter IV

On The Obligations Of The Confessor After Confession Has Been Received

The obligation of the confessor after confessions have been received is twofold: - one, and this per accidens, is occupied in correcting errors committed; - the other, in preserving the sacramental seal.

Article I. On The Obligation Of Correcting Errors Committed

The errors which escape the confessor can be occupied: 1. about the value of the Sacrament, e.g. if he did not absolve, or if he absolved without jurisdiction; 2. about the integrity of confession, e.g. if he doubts whether he omitted questions that should have been asked; 3. about the obligations of the penitent, as if he left him in an occasion of sin, if he did not oblige him to due restitution, or obliged him to an undue one.

Wherefore the following things are established:

⁸⁶³Konings, n. 1371.

⁸⁶⁴Book VI, 483, fin.

⁸⁶⁵Capellmann, loc. cit.

⁸⁶⁶*Praxis*, n. 276, 11.

⁸⁶⁷*De infirmis et moribundis*; cf. Van Egeren (fascic. 13), *Confessar. moribundorum*; Berardi, *Prax. Conf.*, n. 762 sqq.

1856. Principles. I. An error about the VALUE OF THE SACRAMENT, committed with grave fault of the confessor and with grave DAMAGE of the penitent, must be repaired by the confessor, even with his own GRAVE inconvenience. The reason is that, although the confessor from charity alone took upon himself the burden of hearing the confession of the penitent, nevertheless, after he has heard it, he is bound from office, and from a quasi-contract, to administer the Sacrament to him rightly. Hence, if he administers it invalidly, he is an unjust damager.⁸⁶⁸

It was said, 1. with grave fault; because from light fault there does not arise a grave obligation of repairing damage (cf. n. 950, qu. 1 and 3). - Exceptions: 1. If the confessor is a pastor; for he, from another title, i.e. by reason of the stipend received, is bound to avert spiritual damage from his subjects; 2. if the penitent were in grave danger of dying in the state of mortal sin, i.e. if he were in the article of death, or in probable danger of not confessing any more; for then the obligation of charity urges.

It was said, 2. with grave damage, namely a persevering damage, which needs reparation. - Hence, if the penitent afterwards has confessed to another priest, or if he has received the Eucharist or Extreme Unction, he need not necessarily be admonished concerning the error, since he is supposed already to have been morally certainly justified.

1857. II. An error about the INTEGRITY OF CONFESSION must be repaired in a diverse mode, according as namely the confessor bore himself NEGATIVELY or POSITIVELY. For:

1. If he bore himself NEGATIVELY, whether from forgetfulness, or even from culpable negligence, e.g. by not questioning (when he should have done so) concerning the species and number of sins, he is not bound to repair the error outside confession. And the same must be said if he omitted imposing a penance or handing down salutary admonitions and remedies. The reason is that the obligation of procuring the integrity of the Sacrament directly affects the penitent, not the confessor, who therefore is not censured to be the efficacious cause of the omission, nor is he bound to repair it, except per accidens, in another confession, as spiritual physician and minister of the Sacrament.⁸⁶⁹

2. If POSITIVELY, and with grave fault, he erred, e.g. by inducing the penitent not to explain otherwise the number or species of sins, he is bound, with the previous permission of the penitent, to repair the error, even outside confession; for, by natural right, each one must remove a cause of evil which he positively and voluntarily posited (cf. n. 513). Understand this, however, provided he can do it without his own grave damage and scandal; for just as grave damage excuses the penitent, so also it excuses the confessor from the integrity of confession.⁸⁷⁰

1858. III. An error about the OBLIGATIONS OF THE PENITENT, tending to his damage or that of a third party, must be repaired by the confessor, even with his own grave inconvenience, if he POSITIVELY and with GRAVE fault induced the penitent into error. But otherwise, if he induced him with no fault, or with fault only light, or if he bore himself negatively. - The reason for the first assertion is that by his counsel or doctrine, in reality, he existed as an unjust and efficacious cause of the damage (cf. n. 980 and 981). - As regards the latter, if indeed he positively, but inculpably, or with light fault, drew the penitent into a damaging error, he is bound (as he who inculpably moved fire to another's house) to impede the damage with some inconvenience to himself, but not with grave inconvenience. And the same must be said if the confessor, not having been questioned, bore himself negatively; for in this case he cannot be called an efficacious cause of the damage, and therefore he is not bound from justice, and with grave inconvenience, to repair the damage; nevertheless he is bound from charity, and with some inconvenience to himself, namely one proportioned to the gravity of the damage brought on, and to his negligence or fault, as is clear from the things said at n. 989.⁸⁷¹

From these things it is inferred: the confessor is sometimes bound to make RESTITUTION in the place of the penitent, namely in the two following cases:

1. If he positively, and with his own grave fault, exempted him from the obligation of restitution, and afterwards either never recalled the error committed by himself, or recalled it later, namely at a time when the faculty or will of making restitution was now lacking to the penitent, because previously he could have made restitution and would have willed to do so.

2. If indeed inculpably, or without grave fault, he positively exempted him from restitution, and afterwards, when he could have admonished him concerning the error and could conveniently have done so, from grave negligence he did not admonish him. And the same must be held if the confessor culpably obliged the penitent to pay what he did not owe, and he has now paid it; for then, on account of the same reasons, he is bound to repair his damage.⁸⁷²

⁸⁶⁸Book VI, 619; *H. A.*, XVI, 121; 1 *Elench. qq. ref.*, n. 85.

⁸⁶⁹Book VI, 620.

⁸⁷⁰*Ibid.*

⁸⁷¹Book VI, 621; *H. A.*, XVI, 122.

⁸⁷²*Cf.* Book III, 564 and 994.

1859. Questions. Q. 1. Whether the confessor can, without the permission of the penitent, OUTSIDE CONFESSION, speak with him concerning a defect committed in confession?

Resp. Distinguish. 1. If the judgment has been completed through the conferring of absolution, he cannot, without his permission, speak concerning the error; because such an admonition would be a reproach of sin, which would render confession odious. - 2. If the confessor did not absolve, either because he forgot to give absolution, or because he pronounced it badly, he can admonish the penitent concerning this defect, even outside confession, because then no reproach of sin intervenes.⁸⁷³

Q. 2. Whether the confessor ought, if the same penitent RETURNS to confession, to ADMONISH him concerning the defect committed in the preceding confession?

Resp. In the affirmative, with light or grave inconvenience, according to the principles established above; for then the confessor must again, from office, question and teach the penitent, and therefore correct errors committed by himself.

Article II. On The Obligation Of Preserving The Sacramental Seal

1860. The SACRAMENTAL SEAL, or the seal of confession, induces an obligation of keeping silent, even before the penitent himself, both about sins and about all other things manifested in confession, in order to absolution.⁸⁷⁴

Principles. I. There is a most strict obligation of preserving the seal of confession inviolably. It is clear: 1. From natural right, which commands that it be preserved both by title of fidelity, and by title of justice, and by title of religion; whence it happens that the violation of it includes in itself a threefold sin: namely the sin of sacrilege against the Sacrament, the sin of infidelity against an onerous, although tacit, promise of preserving a secret, and the sin of detraction, if the delicts of the penitent were not public. - 2. From positive divine right, at least implicit; for from the institution of Christ confession ought to be secret; therefore by that very fact the obligation of preserving the seal was imposed by Christ on confessors. - 3. From ecclesiastical right, as is clear from several places of Canon Law, especially from the Fourth Lateran Council, c. 31, *Omnis utriusque sexus*, where it is said: "Let him beware altogether (the confessor), lest by word or sign, or in any other way, he betray the sinner in any respect. But if he should need more prudent counsel, let him cautiously seek it without any expression of the person." - Nevertheless, the confessor is not bound in this matter to avoid every empty suspicion, but only a probable one.⁸⁷⁵

We said a most strict obligation; and indeed in truth: 1. It is most strict, because it does not admit smallness of matter, for the reason that matter, even the very lightest, includes the whole rationale of the precept. Exception: if the danger of revelation is little probable; in which case, if a revelation should follow, it should be censured to follow from a fortuitous event. - 2. It is most strict, because it never admits any exception; for if it ever admitted any, penitents would always have to fear lest such a sin would be that cause for licitly breaking the seal; therefore the Sacrament would be rendered odious. Hence the obligation of the seal urges, although, with it remaining inviolate, greater damage would follow to the penitent (thus from the decree of the Holy Office issued on November 18, 1682, by mandate of Innocent XI); although the manifestation would serve for exterior governance, without the penitent noticing in any way (thus from the decree of Clement VIII, issued May 26, 1593); although it is a question of the revelation of one venial sin; although otherwise the confession cannot be made entire (e.g. if the penitent cannot be questioned without the voice being raised); although it is a question of avoiding one's own death or that of others, indeed although the safety of the whole kingdom should be endangered.⁸⁷⁶ - 3. It is most strict, because it forbids using, in this matter, a probable opinion; for this would be to the prejudice of a certain right which another possesses, etc. Wherefore the confessor is held to the seal, even in doubt whether something was said by the penitent in order to confession.⁸⁷⁷ - 4. It is most strict, because it perseveres in force even after the death of the penitent; for each one, even after death, wishes to be held good.⁸⁷⁸ But if anyone should teach or believe that this seal does not oblige gravely, he would have to be DENOUNCED, as suspected of heresy.⁸⁷⁹

1861. II. The obligation of the seal arises from EVERY and ONLY SACRAMENTAL confession, namely one which is made with the intention of accusing oneself and obtaining absolution; because this, and this alone, includes the rationale of the precept. - It is said, 1. from every sacramental confession; whether already completed, or begun, valid or invalid and sacrilegious; whether absolution is given, or not. - 2. From only sacramental confession; wherefore there is no obligation

⁸⁷³Book VI, 622; *H. A.*, ib., 124.

⁸⁷⁴*H. A.*, XVI, 147.

⁸⁷⁵Book VI, 635, 661; Gury, II, n. 647.

⁸⁷⁶Book VI, 634, 656, 657; Scavini, III, n. 382.

⁸⁷⁷Book VI, 633, 637; *H. A.*, XVI, 164.

⁸⁷⁸Book VI, 634.

⁸⁷⁹Cf. Albitius, cap. 35, n. 86 sqq.

of the seal if someone approaches the confessor with the intention of deceiving him, mocking him, drawing him into sin, or extorting something from him. - But if someone approaches him not for this end, that he institute confession, but that he make complaints, or that he ask counsel, the priest indeed ought to keep silent about the things heard, not however from the obligation of the sacramental seal, but from the obligation of natural secrecy alone. Similarly, if someone outside confession should commit a secret matter to a priest, with this formula added, “under the seal of confession,” the obligation would not exceed the obligation of a committed secret.⁸⁸⁰

With these things having been premised in general, the following must be weighed: 1. Who are held to the seal; 2. what things fall under the seal; 3. when the seal is not injured; when it is injured.

§ 1. Who Are Held To The Seal 1862. Principle. All are held to the seal, to whom NOTICE of sacramental confession has COME in any way whatever, whether from the confession itself, or from means ordered to it. The reason is that, if Christ had not bound the obligation of the seal to confession, however heard, He would not have sufficiently provided for penitents; for confession would be very odious if penitents knew that their sins revealed in confession could ever be revealed by someone. Besides, a thing passes with its own burden; therefore that notice also passes with the obligation of the seal.

Therefore, there is held: 1. The confessor, as is clear. - 2. A simple priest, who pretends himself to be a confessor; indeed also a layman, who was held to be in place of a priest. - 3. A Superior, to whom one absolved from a reserved case presents himself by law, or from whom permission of absolving from a reserved case is sought. - 4. An interpreter, or one who, asked by another, for instance by an uneducated person, etc., wrote his confession. - 5. One who furtively, or by chance, although inculpably, hears something. Thus bystanders are held to the seal, in whose presence confession is made from necessity, as in shipwreck, in battle. But otherwise, if the penitent, for his own confusion, wishes to confess publicly. - 6. All to whom something from things heard in confession has been revealed sacrilegiously or imprudently; hence concerning this they cannot even converse among themselves. - 7. A doctor or another, who is consulted with the permission of the penitent; for although the notice of the sin is directly manifested to him for the instruction of the confessor, nevertheless indirectly it is manifested also in order to absolution to be imparted and the Sacrament to be perfected.⁸⁸¹

1863. Questions. Q. 1. Whether one is held to the seal who READS A PAPER in which the penitent WROTE the confession?

Resp. 1. Of itself he is not held; the reason is that that writing is not confession, but preparation for confession; nevertheless it induces the obligation of natural secrecy, and indeed under grave sin, unless it is a question of the very lightest faults.

Resp. 2. Per accidens he is held to the seal, if such a paper necessarily pertains to confession: e.g. 1) if a mute person confesses by writing to a confessor present, and by chance another reads it; because then the reader in reality draws the notice of sins from his actual confession; - 2) if someone by letter should seek from a Superior permission for a reserved case, and another should read it; - 3) and the same must be said if someone reads a paper relating not to a confession already made, but prepared for making confession to a priest; because that presentation is a certain begun confession.⁸⁸²

Q. 2. Whether a doctor consulted by the penitent himself is held to the seal?

Resp. 1. Affirmatively, if he is consulted about confession to be made before that very one, and if the penitent manifests his faults to him; because this consultation is to be held as a begun confession.

Resp. 2. Negatively (although there is an obligation of natural secrecy), if it is a question of confession to be made before another. The reason is that the obligation of the seal arises from sacramental confession alone, in which the penitent actually manifests his sins in order to obtaining absolution. Thus more probably, against some who reject this opinion for this reason, because, they say, such a revelation would render confession odious; but this reason is not of great moment; for, as St. Alphonsus excellently observes, not confession itself, through a revelation of this kind, would be rendered odious, but the consultation.⁸⁸³

Q. 3. Whether the PENITENT is held to the sacramental seal with respect to the confessor?

Resp. Negatively, “because the seal was instituted only in favor of penitents, not of confessors.” Nevertheless the penitent is held to natural secrecy concerning those things whose publication could bring either damage to the confessor, or injury

⁸⁸⁰Book VI, 636; cf. Muller, lib. III, § 169.

⁸⁸¹Book VI, 647-648; and 1 *Elench. qq. ref.*, n. 77.

⁸⁸²Book VI, 650.

⁸⁸³Book VI, 649.

or contempt to the Sacrament. "But to me," says St. Alphonsus, "penitents seem to be held to this secrecy (although natural) more strictly than others; for others voluntarily provide counsel, but the confessor is bound to provide it from office... Hence the penitent is more rigorously held to beware lest damage come to the confessor on account of counsel given to himself."⁸⁸⁴

§ 2. What Things Fall Under The Seal 1864. Principle. The matter of the seal is constituted by all and each of those things HEARD IN CONFESSION, whose revelation would render the Sacrament of Penance ODIIOUS to the faithful, and whatever the penitent REASONABLY does not wish to be manifested by the confessor.

Hence, UNDER THE SEAL there fall: 1. All the sins of the penitent, both mortal and venial, both present and past, both occult and manifest, provided they were declared in a truly sacramental confession. - 2. The circumstances of sins, even those explained after absolution, whenever they were disclosed in order to confession: e.g. if one illegitimate by birth has received Sacred Orders. - 3. The objects of sins: e.g. if someone confesses that he hates his mother because of her adultery, or because she was unwilling to correct his brother concerning theft: the adultery and the theft fall under the seal. - 4. The sins of an accomplice, even imprudently manifested in confession. - 5. The penance imposed, unless it is minimal, namely that which usually is imposed for the very lightest venial sin. - 6. All things which would expose the penitent to mockeries and would turn the faithful away from the Sacrament, such as natural defects, ignorance, incapacity, etc. - 7. Virtues and revelations, when they are disclosed to the confessor in order to manifest some defect committed, or one's own ingratitude toward God; but otherwise, if they are manifested so that the state of the soul may become known to the confessor.⁸⁸⁵ Hence, in a Cause of Beatification, attestations of the confessor are judged licit and useful, although not necessary.⁸⁸⁶

1865. Questions. Q. 1. Whether the SCRUPLES or SCRUPULOSITY of the penitent fall under the seal?

Resp. Affirmatively, if the manifestation would redound to a burden for him, as would happen if such a thing were said of a Prelate, of a confessor, and the like. - But otherwise, if it were said of some secular persons, for whom this would rather redound to praise.⁸⁸⁷

Q. 2. Whether sins fall under the seal which the penitent committed IN THE CONFESSION ITSELF, for instance sins of impatience, of insult against the confessor, or against others?

Resp. Negatively of themselves, because the penitent does not confess such faults, but commits them while the confessor sees. Ordinarily, however, they fall under the seal per accidens, because they involve danger of revelation; for they provide an indication from which it can be conjectured with a certain probability that the confessor either was unwilling to absolve, or noticed something in the penitent on account of some graver fault.⁸⁸⁸

§ 3. When The Seal Is Not Injured 1866. The seal IS NOT INJURED: 1. If the confessor says in general that the confession was about light matter; otherwise, if he said that it was about several venial sins, or named some fault, although minimal, in particular.

2. If he praises the conscience of the penitent. But let him beware lest he give suspicion of the bad conscience of others, who perhaps at the same time confessed to him.

3. If he says that someone confessed before him, provided the penitent by word or deed, e.g. by approaching secretly, did not signify that he wished to keep his confession occult. Likewise, if he says that he absolved such a one, provided this does not cede to the prejudice of others, about whom he does not say the same.⁸⁸⁹

4. If he says in general that he heard such a sin in confession, yet in such a way that those hearing can by no means come to knowledge of the penitent. - Nevertheless it is always more advisable to abstain from utterances of this kind, because it can happen that the hearers (especially if they are also confessors) come to knowledge, or at least suspicion, of the penitent.

5. If he uses notice which he had outside confession. But here also one must proceed cautiously, because thereafter, where there is no revelation, there can be danger of scandal, since bystanders easily believe that matters are revealed from

⁸⁸⁴Ibid., 647.

⁸⁸⁵H. A., XVI, 152-154; Book VI, 640-644.

⁸⁸⁶Benedict XIV, *De Beatific.*, Book III, c. 7.

⁸⁸⁷Book VI, 644; H. A., ib., 153, 7.

⁸⁸⁸Book VI, 643.

⁸⁸⁹H. A., XVI, 156; Book VI, 638.

confession heard.⁸⁹⁰

6. If he uses the notice of confession where no revelation intervenes, nor is any burden brought upon the penitent.⁸⁹¹ Hence the confessor can well, from that notice, reform his own morals, pray for the penitent, conduct himself more benignly toward him, consult books and wise persons, temper rigor, direct himself in questions, guard himself from dangers and occasions of spiritual or temporal damage, instruct others or admonish them in general to take care for themselves, abstain from the celebration of Mass in a polluted church, etc., provided that (as was said) every danger of revelation or burden is absent.⁸⁹²

7. If he manifests something with the previous permission of the penitent. For since the seal is in favor of the penitent, nothing prevents him from yielding his right. Hence St. Thomas:⁸⁹³ “The penitent can bring it about that what the priest knew only as God, he may know also as man: which he does when he licenses him to speak. And therefore if he speaks, he does not break the seal of confession.”

But concerning this PERMISSION OF THE PENITENT several things occur to be noted, namely:

1. The permission must be: 1) “formal and express; for presumed, tacit, interpretative, and virtual permission (even for the good of the penitent himself) does not suffice;” - 2) free and altogether spontaneous, not arisen from force, injury, deceit, or importunate prayers, or reverential fear; - 3) not revoked; for the penitent, according to his own pleasure, can revoke it even without cause. The reason for these things is that it is a question of a very odious matter, in which permission is not wont to be given so easily. Wherefore, it is to be sought by the confessor only when a grave necessity is urging, and then only when it can be presumed with certainty that the penitent will consent willingly. For it is ordinarily clear that a priest who outside the tribunal recalls his sins to the penitent is gravely troublesome to him, and renders confession odious to him.⁸⁹⁴

2. Having obtained such permission, the confessor can also correct or admonish others, e.g. the accomplice of the penitent, etc. Ordinarily, however, it is not expedient that he ask such permission; it will be better if he induces the penitent to open this to him outside confession; indeed, it will be better still that the penitent himself bring the matter to another who can bring a remedy to the evil.⁸⁹⁵

3. In fact, permission is given when the penitent himself outside confession begins to speak about sins declared.

4. Within the confession itself, no permission is required. The reason is that it pertains to the office of the confessor to make mention of past things, whenever it is judged to profit the penitent, e.g. to reprove him concerning relapse. - And the same is licit immediately after absolution has been given, because the sacramental judgment is censured still to endure morally.⁸⁹⁶

1867. Questions. Q. 1. What ought the confessor to do when he detects that the penitent is DEAF or HARD OF HEARING?

Resp. St. Alphonsus:⁸⁹⁷ 1. “If he notices the deafness of the penitent around the beginning of confession, let him impose on him that he return at another time and suitable place, where the confessor can speak freely, lest others hear.

2. “But if he notices this in the progress of confession, and after several due questions the penitent does not respond rightly, then it is not licit for the confessor, in a loud voice, to impose on the penitent that he return, in such a way that those standing around would hear this; because great suspicion would be given to them that he had confessed grave matter. - And therefore, in such a case, I think the counsel is that the confessor, understanding the sins in the better mode in which he can, [impose a light penance and] absolve: absolutely indeed, if the penitent is probably censured disposed; but under condition, if there is doubt about the disposition.”

Q. 2. What ought the confessor to do if he NEEDS counsel?

Resp. If danger of revelation is present, either let him propose the case in a fitting mode, e.g. as fictitious; or let him ask from the penitent permission of using sacramental knowledge; or let him have recourse to some learned counselor, to whom the person of the penitent is altogether unknown; or let him remit the penitent to another confessor, etc. - But

⁸⁹⁰ *H. A.*, ib., 156, VI, VII.

⁸⁹¹ Book VI, 657, Commonly.

⁸⁹² *Ibid.* and n. 660.

⁸⁹³ *Suppl.*, qu. 11, a. 4.

⁸⁹⁴ Book VI, 651.

⁸⁹⁵ *Ibid.*, 641, dub. 1.

⁸⁹⁶ Book VI, 652, 653; *H. A.*, ib., 156.

⁸⁹⁷ *Ibid.*, 644; ib., 155.

if he can use none of these means, let him trust in God, and, with prayer and study diligently applied, let him solve the difficulty himself, in the better mode in which he can.⁸⁹⁸

Q. 3. In what way ought the confessor to RESPOND to INDISCREET questions?

Resp. 1. If he is questioned concerning sins heard, he can rightly affirm, even with an oath, that he has heard nothing; for concerning all things which he received in confession, he has no communicable knowledge. Thus commonly with St. Thomas, who says:⁸⁹⁹ "He can swear that he does not know what he knows only as God." And this is valid even if he should be asked to respond without equivocation.

Resp. 2. If he is questioned whether he gave absolution or not, let him respond: I have discharged my office; or better, by way of rebuke: Are such questions to be asked? - But if, absolution having been denied, he were asked by a cleric whether the penitent is going to communicate, let him respond: Ask him whether he wishes to communicate. And in like manner parents, teachers, masters, etc., are to be referred to the penitents themselves, when they inquire whether absolution has been imparted to sons or subjects.⁹⁰⁰

Q. 4. In what way must one act with an INDISPOSED person asking for a CERTIFICATE of confession or of absolution?

Resp. 1. If he asks for a certificate of CONFESSION outside confession, it cannot be denied to him, whenever he truly instituted sacramental confession; because through such a denial it would be revealed indirectly that the penitent had not confessed rightly. But otherwise, if he had simulated confession, e.g. for avoiding punishment or infamy, for snatching a certificate; for in this case the obligation of the seal would not exist, and it would be asserted mendaciously that such a one had confessed. But it is never licit to lie.

Resp. 2. If he asks for the same certificate in the confession itself, or before he withdraws from the confessional, it must be conceded whenever he truly has confessed at least one sin, and a certificate is wont to be given, or is required by the Superiors of the penitent, e.g. before matrimony, in paschal time, in Colleges, etc. For the same reason is valid as above. - But otherwise, if he asks for it compelled by no necessity; because, in such a case, denial brings no burden, or danger of revelation.

Resp. 3. If one not absolved asks for a certificate of ABSOLUTION, the confessor cannot write it, because it would be to lie, as is clear. - "If however certificates were already printed, in which (imprudently indeed) it is asserted that absolution has been imparted, it seems probable, as some more recent authors say, that it can be handed to those confessed but not absolved, at least if they ask publicly; because then the confessor utters or writes no lie, but only performs a material act, by handing such a certificate."⁹⁰¹ This opinion, since it favors the seal, can be held in practice.

§ 4. When The Seal Is Injured 1868. The seal IS INJURED directly or indirectly: directly, if something is openly and expressly manifested which falls under the seal; indirectly, if the confessor so bears or speaks himself that others can know or suspect a sin or defect of the penitent, or of others, or any other things known through confession, from which, whether to the penitent himself or to others, shame, annoyance, dishonor, damage, or any burden whatever would come.[^vol2-0077b-fn-1] But if the sayings or deeds of the confessor after confession are held indifferently by penitents, the seal is not injured. In doubt whether danger of revelation or of offense is present, the safer part is to be held, i.e. the seal is to be preserved, as we admonished above (n. 1860).[^vol2-0077b-fn-2] These things having been premised, we say:

I. By WORDS the confessor indirectly violates the seal: - 1. Who addresses the penitent in so loud a voice that those standing around understand, from his responses or admonitions, what the penitent has confessed. - 2. Who says that he denied absolution to someone, or that he had not yet absolved him, or that he imposed on him a grave penance. - 3. Who, out of several penitents joined together among themselves by close relationship or kinship, as if they are brothers, greatly praises one or two, no word having been made about the others. - 4. If, in narrating some fact, he mentions such circumstances that the penitent can easily be recognized from them. - 5. Who admonishes the parents or Superiors of the penitent that they watch especially in such a place and time. - 6. Who speaks with another confessor concerning a sin which the penitent confessed to both. - 7. Who, after hearing the confessions of few persons, says that he heard such a sin, although he conceals the person; for each one suffers something of suspicion against himself from that revelation. - 8. Who says that he heard a grave sin in such a monastery, even if he does not name the person; or if he says that the Superior of the monastery does not watch sufficiently over his subjects; because such words stain the reputation of the whole Community. A fortiori, he would violate the seal who said that grave sins are committed in that Convent. - Likewise,

⁸⁹⁸Konings, n. 1499, qu. 6.

⁸⁹⁹In 4, d. 21, qu. 3, a. 1, ad 3m.

⁹⁰⁰H. A., ib., 148; Book VI, 646.

⁹⁰¹Book VI, 639; H. A., XVI, 162.

if he said this concerning an Order of stricter observance, or concerning a Religion little spread, which namely would number fewer than three thousand members. Otherwise, if he should speak thus concerning some Religious in general, or concerning an Order much spread and notoriously relaxed, every danger of suspicion concerning some monastery in particular nevertheless being excluded.[^vol2-0077b-fn-3] - 9. A preacher who, in a Community or in a village or small town, i.e. below 3000 persons, names vices in species (although public) known to him only from confessions, by saying e.g. "here blasphemy reigns; here many are thieves, onanists, etc."; or in some monastery: "here sacrileges are committed." Likewise, if, speaking concerning a town of inhabitants below 6000, he should name a sin bringing infamy, e.g. by saying: "In this place sodomy, adultery, etc., runs rampant." Otherwise, if he should speak thus concerning a larger city, or if he should rise up against sins already known to himself and to others from elsewhere.[^vol2-0077b-fn-4]

- II. By DEEDS the confessor breaks the seal: 1. Who denies a certificate of confession to those asking for it outside confession; or within confession, if the certificate is required by Superiors, or is wont to be conceded to all (cf. n. 1867, q. 4). - 2. Who after confession looks at the penitent with hostile eyes, speaks with him less amicably than before, or by his manner of acting manifests that he remembers his sins, is actually thinking about them, and makes him of less account than before. - 3. Who, without another sufficient cause, shrinks from hearing a penitent whom, from a preceding confession, he knows to be troublesome, scrupulous, indisposed, etc.; yet otherwise, if the penitent were commonly known as too prolix in confessing, and at the same time of good conscience.[^vol2-0077b-fn-5]

1869. Questions. Q. 1. Whether a priest who from confession knows that snares are being prepared for him can FLEE, or in another way take precautions against DAMAGE?

Resp. In the affirmative, if from such a caution the sin confessed is by no means manifested to others, nor any burden brought upon the penitent. Otherwise, if from the circumstances it could be conjectured that the flight occurred because of notice received in confession; for flight would be an indirect revelation of the sin confessed. And although the confessor should simulate flight from some pretext, nevertheless he would always inject some reasonable suspicion of the sin confessed.[^vol2-0077b-fn-6]

Q. 2. Whether it is licit for SUPERIORS to use the notice of confession FOR EXTERNAL GOVERNMENT, if in no way it appears that they direct themselves from that notice?

Resp. Negatively, because this would evidently cede to the burden of penitents, who, if they knew that this were licit, certainly would be drawn back from confession. It is clear from the decree of Clement VIII, May 26, 1593, § 4,[^vol2-0077b-fn-7] and the decree of the Holy Office issued by the authority of Innocent XI on November 18, 1682, by which the opposite opinion was expressly proscribed.[^vol2-0077b-fn-8]

Hence: 1. It is never licit to use the notice of confession, for removing an unworthy person from office, for denying him the suffrage of election, for denying Sacraments to a sinner, for taking keys away from a servant, etc. But the Superior can, indeed ought (as any other confessor), against an evil which becomes known to him in the forum of penance, to bring a remedy in the same forum, by obliging the penitent, if the common good requires this, to external manifestation.

2. It is not expedient to consult confessors when it is a question of someone to be promoted; for from this, as Croix well notes,[^vol2-0077b-fn-9] many inconveniences and dangers are born. And generally Confessors ought to testify only to the frequency of the Sacraments.