SUMMA THEOLOGIAE MORALIS

according to the mind of St. Thomas and the norm of the new law

III

On the Sacraments

by Fr. Benedict Henry Merkelbach, O.P.

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B. Second series: *On Embryology and on Sterilization*, octavo, 105 pp.

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Summa of Moral Theology

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Mariology

Treatise on the Blessed Virgin Mary, Mother of God and Mediatrix between God and men, octavo, 424 pp.

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Vicar General.

Prologue

In the first volume of this work, there are found expounded in general the more universal principles of the whole of moral science, and also the doctrine concerning the theological virtues, which are concerned with the ultimate end itself, which in things to be done is the first principle.

In the second volume there was said in particular concerning the various means intrinsically necessary for the end from the very nature of the thing, to which the moral virtues dispose us; all of these are reduced to the four cardinal virtues.

But there are also other extrinsic means, prescribed for salvation from the positive will of God, namely the sacraments instituted by Christ the Lord; among which the Most Holy Eucharist excels, which at the same time is the continual sacrifice of the New Law. Wherefore in the present volume the whole moral doctrine concerning the sacraments comes to be handed down, both in general and in special, with all rules and precepts which pertain to them.

But it does not seem possible to understand those practical questions perfectly unless a right concept is present concerning the general nature of the sacraments and concerning the proper character of each one; and we hold it to be contrary to pedagogy to separate moral solutions from the speculative doctrine on which they rest. Therefore let it please us, after the manner of a foundation, to expound also the speculative questions concerning the sacraments, yet briefly and summarily, leaving longer demonstrations, deeper explanations, and more subtle investigations to dogmatic theologians.

Concerning the sacraments ecclesiastical legislation has decreed many things, whose canons and prescriptions certainly will have to be attended to, yet with a certain moderation: namely when, and insofar as, it will be necessary for a sufficient understanding or for a fuller knowledge of moral theology, such as can seem to be duly required in priests. We intend to remain spare from greater abundance, lest we wish to convert moral science into canonical discipline; for we judge that more perfect elucidations of texts, more intricate problems, more special ways in juridical process, and the synthetic aspect of the whole of law are to be reserved to jurists.

May God grant that, under the patronage of the Blessed Virgin, the work begun may be completed unto the more certain instruction of schools, the greater utility of the clergy, and the more perfect building up of the body of Christ.

I was writing on the feast of St. Albert the Great, Confessor and Doctor of the Church, November 15, 1932.

The Author.

Special Moral Theology: On the Sacraments

Introduction

1. Matter to be treated. - Theology is a science deduced from the principles of revelation concerning God Himself and other things in order to God. It embraces several parts:

1. One is merely speculative, dogmatic, whose direct end is solely to know the truth concerning God Himself: both a) in Himself, as a supernatural being elevated above all things, and b) as the supernatural principle, or author and end of things, especially of man, whom God has destined to the intuitive vision of Himself, to which man can come through grace. From this there spontaneously arises:

2. Another part, practical, moral, whose direct and principal end is to direct human actions. For if God is our principle and end, there follow in us moral relations and offices toward Him: namely, we must acknowledge Him as our author, and tend toward Him as ultimate end. The moral part treats in general and in special a) of human acts by which we must tend toward God, of their rules, namely of conscience and of law, and of their principles, namely of habits, that is, of virtues and of the gifts of the Holy Spirit, all of which are means intrinsic to man and necessary by their very nature, by which we tend toward God; and on the contrary b) it treats of sins by which we are distanced from God or withdraw from Him, and of their principles, or of vices.

These two parts are necessary in theology, so that without them it could not even be conceived, for it cannot exist unless it concerns God and unless it is made by man knowing the supernatural end; but if these are present, it is also understood to be complete of itself.

3. But in the present order, after original sin, from His free will God ordained other special means extrinsic to man, so that we may be able to know Him and tend toward Him. These are namely a) the Incarnate Word, who showed us the way of truth and leads us to the salvation of eternal beatitude; b) the sacraments, by which we obtain grace and salvation, and which have their efficacy from Christ. And thus a third part of theology was added.

Now the doctrine concerning the Incarnate Word is wholly speculative and therefore is explained in dogmatic theology; but the doctrine concerning the sacraments, in general and in special, is partly speculative, partly practical. Since, however, the sacraments were instituted rather that they may be received than that they may be believed, they pertain more to moral theology, and therefore sacramental doctrine is more rightly and more suitably expounded in the moral part. And this is the matter which now is to be treated.

The division handed down is that of the *Summa* of St. Thomas, who in I, q. 2, proem., writes: "First we shall treat of God, not only according as He is in Himself, but also according as He is the principle of things and their end, and especially of the rational creature; second, concerning the movement of

the rational creature into God; third, concerning Christ, who, according as He is man, is for us the way of tending into God."

2. The order to be followed in the treatment. - The matter to be explained is the whole doctrine concerning the Sacraments, both in general and in special, and concerning certain other things which have connection, relation, or likeness with them, such as sacramentals, rites and ceremonies, irregularities or impediments, censures or indulgences. These things are to be declared according to the natural order itself of the sacraments, namely:

1. On the Sacraments in general,
2. On Baptism,
3. On Confirmation,
4. On the Eucharist as sacrament and sacrifice,
5. On Penance,
6. On Extreme Unction,
7. On Order,
8. On Matrimony.

Treatise: On the Sacraments in General

Introduction

St. Thomas III, q. 60, a. 1 and 2.

3. Sacrament according to the name etymologically signifies that which makes sacred, or a means of making sacred; whence it is denominated from order to something sacred and to sanctity. In Greek it is called *mysterion*, which signifies that which is hidden; but it sounds almost the same: for sacred or divine things are wont especially to be secret.

But because something sacred exists in many ways, and order to sanctity exists in many ways, the signification of sacrament is manifold. For just as healthy is said not only of the animal which properly has health, but also by analogy of the face or color which is a sign, and of medicine which is a cause of health, so sacraments are called not only those things which have in themselves some hidden sanctity, but all those things which have toward that sanctity either the order of a sign or of a cause, or any other relation whatever. Hence the word sacrament signifies in ecclesiastical speech:

a) divine truths, sacred in themselves, exceeding the light of reason,[1] and especially those which in the ancient Church were hidden from the non-initiated;

[1] Mt. XIII, 11: "To you it is given to know the mysteries of the kingdom of heaven"; Eph. I, 9: "that He might make known the sacrament of His will"; likewise III, 3, 9; Col. I, 27; I Tim. III, 16; Wis. II, 22; VI, 24; I Cor. XIII, 2.

b) figures, parables, similitudes, symbols by which supernatural realities are proposed to us;[2] in which sense St. Augustine often spoke;[3]

[2] Apoc. I, 20: "the sacrament of the seven stars"; XVII, 7: "I will show you the sacrament of the woman"; Eph. V, 32: "a great sacrament in Christ and in the Church"; Dan. II, 18, 30, 47.

[3] *De Civitate Dei*, book X, 5: "A visible sacrifice is a sacrament, that is, a sacred sign, of an invisible sacrifice"; *Contra Faustum*, book XIX, 11, ceremonies of external worship, and book II *On the Merits and Remission of Sins*, rites imposed on catechumens are called sacraments; ep. to Marcellinus 138, n. 7: "signs, when they pertain to divine things, are called sacraments."

c) ceremonies or rites and signs instituted for the worship of God, by which man is sanctified with sanctity and initiated into sacred things.[4]

[4] I Cor. IV, 1: "Let a man so account us as ministers of Christ and dispensers of the mysteries of God."

In profane speech it is taken: a) for every secret, insofar as it is not to be violated but to be kept as if it were sacred: thus in Tob. XII, 7, it is read: to hide the sacrament of the king is good; b) for an oath, especially of soldiers toward the republic, because it is made by something sacred, and because it is not to be violated but is to be kept as something sacred; c) for the money of litigants deposited in a temple, because there it is kept as a sacred thing.

Now for many centuries, by the usage of theologians and of the Church, the word sacrament has become especially proper to sanctifying signs;[5] whence in the present treatise it is taken in this sense: "properly," says St. Thomas, q. 60, a. 2, "a sacrament is said, according as we now speak of sacraments, to be that which is a sign of a sacred thing insofar as it is sanctifying men."

[5] In the twelfth century Hugh of St. Victor says that the sacraments contain grace; the *Summa Sententiarum*, that they confer it; Peter Lombard, that they cause it. This doctrine was received by common usage and approved by the Council of Trent.

And it has a positive foundation in the Fathers, although among them the sense of the word sacrament is very indeterminate. For they describe sanctifying signs, recalling a visible symbol in which there is the power of the Holy Spirit and invisible grace. Cf. Tertullian, *On Baptism* IV; Ambrose, *On the Holy Spirit*, I, 77; Augustine, *Questions on the Heptateuch*, III, 84.

4. Division of the treatise. - The treatise is divided into five parts: on the essence of the sacraments, on necessity or existence, on effects, on cause, and on number.

The first part is: On the essence of a sacrament: 1. on the notion and signification of the sacramental sign; 2. on the parts of the sacramental sign: a) on matter and form, b) on the union of matter and form; 3. on the determination of the sacramental sign: a) on the cause determining matter and form; b) on the change of matter and form.

The second part is: On the necessity of the sacraments in the present order, before original sin, before and after Christ.

The third part is: On the effects of the sacraments: A. on grace: 1. on grace caused by the sacraments: a) on habitual grace making one pleasing, b) on special or sacramental grace, c) on unequal grace caused; 2. on the mode by which grace is caused: a) on the efficient causality of the sacraments, b) on the instrumental causality of the sacraments, c) on the causative power of the sacraments, d) on the causality of the sacraments of the Old Law; 3. on the time at which grace is caused; B. on character: 1. on the existence of character; 2. on the essence of character; 3. on the sacraments imprinting character.

The fourth part is: On the cause of the sacraments: 1. on the instituting cause; 2. on the administering cause or minister: a) on the various ministers, b) on the faith and sanctity of the minister, c) on the intention of the minister, d) on those to whom the sacraments are to be administered; 3. on the receiving cause or subject: a) on the conditions of valid reception, b) on the conditions of licit reception.

The fifth part is: On the number of the sacraments: 1. on the sevenfold number; 2. on the order of the sacraments, or comparison with one another.

There follows an appendix: on the ceremonies of the sacraments and sacramentals.

The theory concerning the sacraments in general is not exhibited in the Scriptures or in the Fathers, but only doctrine concerning each one; nevertheless it has its foundation in St. Augustine; and it was built up by the Scholastics of the twelfth century, who began to consider all the sacraments after the manner of one.[6]

[6] Concerning the Sacraments there can usefully be consulted: St. Thomas, in III, q. 60-65, with the commentaries of Cajetan, John of St. Thomas, Sylvius, the Salmanticenses, Nugno Cabezudo, Billuart; likewise Peter de Ledesma, *Summa de Sacramentis*; Drouin, *De Re Sacramentaria*; among the Jesuit scholastics, St. Robert Bellarmine, Suarez, and de Lugo; among recent dogmatic theologians, Franzelin, Billot, Heinrich-Gutberlet, Hugon, De Baets, Van Noort, Pohle, Diekamp, Del Val, Sasse; likewise Haine, *Principia dogmatico-moralia universae theologiae sacramentalis*; De Smet, *Tractatus dogmatico-moralis de Sacramentis in genere*; Chardon, *Histoire des Sacrements*; Hahn, *Die Lehre von den Sakramenten in ihrer geschichtlichen Entwicklung*; Oswald, *Die dogmatische Lehre von den h. Sakramenten*; Probst, *Sakramenten und Sakramentalien in die drei erste Jahrhunderten*; Pourrat, *La Theologie sacramentaire*; Schanz, *Die Lehre von den h. Sakramenten der Katholische Kirche*; Gihr, *Die h. Sakramente der Katholische Kirche*; for practical questions, St. Alphonsus and modern manuals, such as Ballerini, Lehmkuhl, Marc, Aertnijs-Damen, Genicot-Salsmans, Noldin-Schmitt, Prummer, Tanquerey, Vermeersch; among canonists, Cappello, *Tractatus canonico-moralis de Sacramentis*, I; among orators, Monsabre, *Les Sacrements*.

First Part: On the Essence of a Sacrament

Question One: On the Notion and Signification of the Sacramental Sign

St. Thomas III, q. 60, a. 1, 2, 3.

5. Definition of sacrament. - Several definitions of sacrament are handed down,[1] which nevertheless can all be reduced to two. The first is: sacraments are ceremonial practical signs of human sanctification. In this definition there is indicated:

[1] Gregory the Great, on chapter 16 of book I of Kings: "A sacrament is that in which, under the covering of visible things, divine power more secretly works human salvation." - Hugh of St. Victor, book I *On the Sacraments*, part 9, c. 2: "A material element, outwardly proposed sensibly, representing from likeness, signifying from institution, and containing by sanctification invisible and spiritual grace." - The Master of the Sentences: "A sacrament is that which is so a sign and form of invisible grace, that it bears its image and exists as a cause." - Council of Trent: "A symbol of a sacred thing and a visible form of invisible grace, having the power of sanctifying," sess. 13, c. 3. - Catechism of the Council of Trent: "A sacrament is a thing subject to the senses which, from the institution of God, has power both for signifying and for effecting sanctity and justice," or according to the formula composed from Augustine: "A visible sign of invisible grace, instituted for our justification." - Theological Catechism for Ordinands: "A practical sign of a sacred thing (sanctifying)." - Scotus: "It is a sensible sign effectively signifying the grace of God, or a gratuitous effect of it, from divine institution, ordained to the salvation of man as wayfarer." - Sylvius: "A sacrament of the Old Law is a sacred sign figurative of grace to be given through the passion of Christ. A sacrament of the New Law is a visible form of invisible grace, having the power of sanctifying from the institution of God." Or: a visible sign of invisible grace divinely instituted for our sanctification, as is said in law and in St. Canisius.

A. The genus to which the sacraments belong: namely, they are signs, and indeed external signs which signify by a likeness of sensible things.

B. That which is proper to them and by which they differ from other signs, namely:

1. They are ceremonial signs,[2] that is, sacred signs on the part of the thing signifying, instituted permanently by law, belonging to public and ordinary worship.

[2] Augustine, *Against Faustus*, book XIX: "They are signs by which the faithful are gathered together into one name of religion" and are distinguished from others; whence they ought to be sensible.

Thus they differ a) from all signs which, although they do not pertain to worship, nevertheless represent divine things, such as martyrdom, and also all creatures;

b) from symbols which are not instituted by law, such as images of Christ, of the Cross, of the Saints;

c) from those things which are not instituted permanently and in perpetuity, such as the fiery tongue on the day of Pentecost, and the signs by which Christ remitted sins.[3]

[3] Hence the following are not sacraments: the passage through the Red Sea, the rock pouring forth waters, the manna, the bronze serpent, the immolation of Isaac, the words of Christ constituting the apostles priests or working miracles, the baptism of John, the descent of the dove, the washing of the feet, the breathing upon the disciples, extraordinary charisms.

2. They are practical signs, that is, efficacious signs, conferring that which they signify.

Thus they are distinguished from merely speculative signs, representing divine things, for example for the instruction of the people, such as likenesses of mysteries, the image of the cross, and the accidental ceremonies of the sacraments.[4]

[4] Likewise the words of Scripture; and those ceremonies of the Old Law which signified the sanctity of Christ by which He is holy in Himself, not that by which He sanctifies.

3. They are signs of human sanctification, and indeed of the hidden sanctification by which man is joined to God as supernatural end; whence they are sacred also on the part of the thing signified.

Thus they are distinguished both from sacramentals, such as the consecration of an altar and the sprinkling of blessed water, which signify a disposition toward sanctity;[5] and from sacrifice, which is the sign of the interior affection by which man devotes himself to God, but not of sanctification to be conferred through it: for the direct end of sacrifice is that by its action God be honored, but the end of a sacrament is that by its reception man be sanctified.

[5] Other examples are: tonsure, absolution from censures, religious profession, exorcism, the blessing of marriage, the consecration of a virgin, the blessing of an abbot, the washing of the feet.

Sanctification is twofold: one interior, which is effected through grace making one pleasing and through the infused virtues, by which man becomes capable of eternal life: this belongs to the New Law; the other external and legal, which consists in external consecration, purification, insertion into the people of God, deputation to sacred ministries (Heb. IX, 13), and which is at the same time figurative of the former: this is proper to the Old Testament. But the sacraments effect the sanctity proper to that economy to which they belong, whence arises the fundamental difference between the sacraments of the Old and New Law: the latter signify and effect interior sanctity in the present; the former signified and effected in the present legal sanctity, by which someone before the law is held as pure, holy, fit for the offices of religion, and by the conferral of this they were signs, figures, types, and real promises of Christ the Savior whom they proclaimed as about to come, and of future interior sanctification to be conferred through the passion of Christ and the sacraments of the New Law.[6]

[6] Cf. I-II, q. 103, a. 2. - Hence q. 61, a. 4, ad 3: "Those things [of the Old Law] were fitting for prefiguring grace; but these things [of the New Law] are fitting for showing grace as present." And Augustine, on Psalm 73: "Those things only promised and signified; but these give salvation."

The sacraments of human sanctification in the Old Law are enumerated: circumcision, the initiation of priests, the eating of the paschal lamb and of the loaves of proposition, several expiations and purifications. But the following are not sacraments: the consecration of the tabernacle or of vessels, sacrifices, expiations of houses.

6. Another definition of St. Thomas. - The definition given above indicates that by which sacraments are distinguished from other signs, namely, that they are practical signs; but it is not altogether complete, because several things are signified by the sacraments which are not produced by them. Hence St. Thomas hands down another definition: *A sign of a sacred thing, insofar as it is sanctifying men* (a. 2); in which these last words, "insofar as it is sanctifying men," are referred not to the sign but to the sacred thing; whence the sense is: a sign of a sacred thing according as this is the cause of our interior sanctification.

For a sacrament is properly said to be that which is ordained to signify our sanctification. But in it "three things can be considered: namely, the very cause of our sanctification, which is the passion of Christ; and the form of our sanctification, which consists in grace and the virtues; and the ultimate end of our sanctification, which is eternal life. Therefore all these things are signified by the

sacraments"; for they signify a sacred thing insofar as it sanctifies, that is, the cause of sanctification insofar as it produces its effects. But this is the essential difference between a sacrament of the Old and of the New Law, that the former signified Christ as about to come and future sanctity; but the latter represents redemption already accomplished and present sanctity, whence it is "both a commemorative sign of that which preceded, namely, the passion of Christ, and a demonstrative sign of that which is effected in us through the passion of Christ, namely, grace, and a prognostic, that is, a prenunciative sign of future glory" (a. 3). But the sacraments of the Old Law prenunciated all these things.

Thus in Baptism are signified at once grace, which is the seed of glory, and the death, burial, and resurrection of Christ, according to Rom. VI, 3-6; in Confirmation is signified the mystery of Christ crucified, which to the Jews is a scandal and to the Gentiles foolishness (I Cor. I, 23); in Matrimony is signified the union of Christ and the Church, and Christ loved the Church and delivered Himself for her, that He might sanctify her (Eph. V, 25-32); the Eucharist is "the sacred banquet, in which the memory of the passion is recalled, the mind is filled with grace, and a pledge of future glory is given to us" (cf. I Cor. XI, 24-25; John VI, 50-59).

Similarly in the Old Law, circumcision (Gen. XVII, 10; Rom. IV, 11) signified the cause of sanctification, the advent of Christ in the flesh from the seed of Abraham; the form of sanctification, the grace of Christ binding concupiscence; and since it was done on the eighth day, which is the day of Christ's resurrection, it also represented the end of sanctification, future resurrection and glory. Likewise the paschal Lamb signified Christ to be immolated, the refreshing grace of the Eucharist, and salvation to be obtained by the blood of Christ.

7. Corollaries. - From the aforesaid it is easily understood:

1. Why St. Thomas places the sacraments in the genus of sign, but not in the genus of cause: a) because the sacraments do not cause except insofar as they signify; b) because the sacraments also signify sacred things which they do not cause.

2. It is also understood that the word sacrament is not an univocal term but an analogous one, which is said perfectly and simply of the sacraments of the New Law, imperfectly and in a certain respect of the sacraments of the Old Law.[7] For they differ either a) in the very signification of sanctity, which they signify practically and simply, or only speculatively and in a certain respect; or b) in the very sanctification which they effect, which is either true and perfect sanctity, or only an imperfect shadow of it.

[7] "Sacrament is not divided through the sacraments of the Old and New Law as a genus through species, but as an analogous term into its parts, as healthy into having health and signifying it: but a sacrament simply is that which causes sanctity; that which is only a sign is not a sacrament except in a certain respect, and therefore to be a cause can be placed in the definition of sacrament, just as having health is placed in the definition of healthy," St. Thomas, on IV *Sentences*, d. 1, q. 1, a. 1, qc. 3, ad 5. And in the *Summa*, III, q. 62, a. 1, ad 1: "The sacraments of the New Law are at once causes and signs; and hence it is that, as is commonly said, they effect what they figure. From this it is clear that they have the ratio of sacrament perfectly insofar as they are ordained to something sacred, not only by way of sign but also by way of cause."

3. Sacraments a) in order to Christ, are certain remains of the divine Incarnation, by which Christ left us a memorial of Himself and applies to us His merit and the fruits of His passion. Whence

they are said to have flowed from His side and to have streamed forth from His most Sacred Heart, together with the Church (Augustine, on John, tr. 120, n. 2);

b) in order to the Church, they are tokens by which the faithful are distinguished from infidels; bonds by which the members of the Church are gathered into one visible body; instruments of divine life and sanctity; and therefore they belong to the essential constitutive elements of the Church;

c) as to men, they are fountains of salvation, medicines which heal wounds, instructions and teachings by which man is led by sensible things to spiritual things;

d) as to God, they are marvelous inventions of divine Wisdom by which God remedies us, and signal effects of Omnipotence, which conferred on weak elements the power of sanctifying.

8. Observation. - That the sacraments, as they have been described, in fact exist is the conclusion of the whole of sacramental theology.

Question Two: On the Parts of the Sacramental Sign

Article I: On the Matter and Form of the Sacraments

St. Thomas III, q. 60, a. 4 and 6.

9. Notions. - A sign is that through which someone comes to the knowledge of another thing. For this three conditions are required: that it be manifestative, that it express an order to another distinct thing, and that it be known first.

A sign is divided into natural and conventional, according as it leads to the knowledge of another thing by its own nature, as smoke signifies fire and a footprint an animal, or because of a connection arising from positive institution, as an olive branch indicates peace. The conventional sign is twofold: a) arbitrary or at pleasure, which of its nature is wholly indifferent to signifying something: such signs are words, for what we call a house could be called a stone, and vice versa; b) symbolic, which of its nature, independently of positive institution, does not indeed signify another thing, yet of its own nature has an aptitude for signifying this rather than that, on account of some likeness, agreement, or analogy which it has of itself with the thing signified. Thus bodily washing or eating of its own nature has an aptitude for signifying the purification or refreshment of the soul.

10. Principle I. The sacraments, both of the Old and of the New Law, are not natural signs, nor merely arbitrary signs, but for them there are required things which signify symbolically.

It is proved: a) They are not natural signs, because between corporeal and spiritual things there is no natural connection; therefore they are conventional signs from positive institution.

b) They are not merely arbitrary signs but symbolic signs: It is connatural to man that through likenesses of sensible things he come to the knowledge of spiritual things; but the sacred things which are signified through the sacraments are certain spiritual goods by which man is sanctified; therefore it is connatural to man that sensible things be taken as sacraments. But the wisdom of God provides for each thing according to its nature. Therefore it is fitting that the wisdom of God take as sacraments sensible things which have a certain likeness with sacred things. Whence Augustine, ep. 98 to Boniface, n. 9: "If sacraments did not have some likeness to those things of which they are sacraments, they would not be sacraments at all."

11. Principle II. For the perfection of the New Law it is required that the sacraments consist of symbolic things and at the same time of words. - This is certain and belongs to Catholic doctrine.[1]

[1] This manner of speaking is already employed by Peter Lombard, IV *Sentences*, d. 1, under D.

It is proved: a) From the Scriptures, for Baptism (Eph. V, 26; John III, 5 and Mt. XXVIII, 19), the Eucharist (Mt. XXVI, 26; Mk. XIV, 22; Lk. XXII, 19), and Extreme Unction (Jas. V, 14, 15); it is perhaps indicated for Order (Acts VI, 6; XIII, 3) and for Confirmation (Acts VIII, 15).

b) From Tradition, whose witnesses are both the Fathers, as for Baptism: *Didache*, c. 7; Justin, *Apology* I, 61; Tertullian, *Against Praxeas* 26; *On Baptism* 13; Origen, on Romans V, 8; for the Eucharist: Justin, *Apology* I, 66; Irenaeus, *Against Heresies* IV, 18, 5; V, 2, 3; Origen, on Matthew XI, 14; for these sacraments and certain others, such as for Confirmation and Order, commonly from the fourth and fifth century, for example Gregory of Nyssa, oration on the Baptism of Christ; especially Augustine, on John tr. 15, n. 4; tr. 80, n. 3; - and all liturgical texts and Rituals, which already exist from the fourth and fifth century and by which it is established that the individual sacraments are composed of things and words; - and Councils, such as the Florentine, decree for the Armenians.

c) By reason of most fitting congruity: The sacraments of the New Law can be considered in a threefold way: 1. on the part of the sanctifying cause, which is the Incarnate Word, to which the sacrament is conformed in a certain way in this, that a word is applied to a sensible thing, just as the Word of God is united to sensible flesh; 2. on the part of the sanctified man, who is composed of soul and body, to whom the sacramental medicine is proportioned, which through the visible thing touches the body and senses, and through the word is believed by the soul; 3. on the part of the sacramental signification itself: words, says Augustine, *On Christian Doctrine* II, 3, have obtained the primacy of signifying among men, because through words we can express more distinctly what we have conceived in the mind, and therefore for the perfection of sacramental signification it was fitting that the signification of sensible things be determined through some words. For water can signify both washing, because of its humidity, and refreshment, because of its coldness; but when it is said: I baptize thee, it is made manifest that we use water in Baptism for signifying spiritual cleansing.

The aforesaid difference of the sacraments corresponds to the difference of the economy itself of the Old and New Law:

1. The former was less expressed, the latter of clearer signification, according to the Apostle, Heb. X, 1, distinguishing the shadow of heavenly things in the Old Testament, the image of heavenly things in the New, and the heavenly things themselves in glory; whence in the sacraments of the Old Law things sufficed which signified heavenly things rather obscurely and as through a shadow; on the contrary in the New Law a clearer signification as through an image was required, and therefore the sacraments consist of things and words.

2. The signs of a present thing ought to be clearer than the signs of a future thing; but the sacraments of the Old Law were announcements beforehand of Christ as about to come, and therefore they did not so expressly signify Christ, but by things alone, as do the sacraments of the New Law, which proceed from Him and have in themselves a certain likeness of Him, as

consisting not of things alone but also of words.[2] Cf. Augustine, *Against Faustus*, book 19, cc. 16 and 17.

[2] In the Old Law words were sometimes employed, but they were merely ceremonial, not sacramental.

12. Principle III. The sacraments of the New Law consist of things and words as of matter and form. - This manner of speaking belongs to the usage received by the Church from the thirteenth century onward,[3] which it would not be lawful to disapprove.

[3] They generally say that William of Auxerre (d. 1231) first spoke thus in the *Summa aurea*, composed between 1215 and 1220. Others assign Stephen Langton (d. 1228), as Gillmann, who in *Taufe in nomen Jesu* and *Sakramentenlehre* vindicates this against Schanz.

It is proved: The things and words of which the sacraments consist are rightly called matter and form by analogy. For just as corporeal things consist of two really distinct principles, of which 1) one, matter, is indeterminate and imperfect potency (prime matter, - marble), the other, form, is act determining matter to such or such an existence and perfecting it (soul, - the form of the statue); 2) matter is presupposed, form accedes; and thus 3) by the union of these one being is constituted (one living thing, - one statue): so the sacraments consist of two things: 1) of things which signify more confusedly, indeterminately and imperfectly, and of words which signify more distinctly, determinately, perfectly, and which therefore determine the things to some determinate signification, as was declared in the preceding number; 2) the things are presupposed to the words, according to that saying of Augustine, tr. 80 on John, n. 3: "Baptism is consecrated by the word: take away the word and what is water except water? The word accedes to the element and it becomes a sacrament"; 3) by the union of these there is constituted one sacramental sign having one signification.

But since by this formula the very composition of the sacramental sign is indicated at once so aptly and concisely, by the usage of the universal Church, both Greek and Latin, and by the Councils of Constance, art. 22 against Wycliffe and Hus, Florence, decree for the Armenians, and Trent, sess. 14 on penance, c. 2 and 3; on extreme unction, c. 1, it was consecrated.

13. Observations. - 1. Matter and form here are understood as real parts of the sacrament; besides them, metaphysical or logical parts can be assigned, namely: on the one side, the whole sensible thing, consisting of things and words, which is the sign; on the other side, its signification through which it is a sign, which is the metaphysical form of the sacrament, as humanity is in man.

2. From the fact that a sacrament is defined as a conventional sign, it would be badly concluded that it is a mere being of reason, which does not exist except while it is known. It is not indeed a physical being which has its own existence, but a moral and juridical being. Such are obligations, jurisdictions, titles, dignities, deputations, conventional signs: these do not exist except dependently on the ordination of some practical intellect; but that ordination, as long as it is not revoked, remains affixed to the subject. Hence in the things and words of a sacrament together with institution there is present a real foundation, so that it may be conceived as a sign. Therefore although the signification itself is some relation of reason, nevertheless the foundation of this is real, and therefore the sacrament also exists while it is not conceived. In the same way the relation of creator in God is of reason, but in Him and in creatures there is present the foundation that God be called creator, and this foundation is real, for God remains creator even if He is not conceived as such.

3. The things which are the matter of the sacrament are understood not only as exterior things, such as water, chrism, etc., but also sacred rites or sensible human actions, such as washing, anointing, imposition of the hand, confession, etc., because in these there is the same indeterminate ratio of signifying as in things; likewise the words of the form, although regularly they are voices, can be those things which are equivalent to them, as the signs by which a mute person enters marriage.

In particular, the matter and form are: in Baptism, the washing of a man by water, and: *I baptize thee in the name of the Father and of the Son and of the Holy Spirit*; in Confirmation, the chrismation of a man on the forehead, and the words: *I sign thee with the sign of the cross and confirm thee with the chrism of salvation...* or other equivalent words; in the Eucharist, the accidents of bread and wine, and: *This is My body, this is My blood*, etc.; in Penance, the acts of the penitent: contrition, confession, satisfaction, and the absolution of the priest: *I absolve thee...*; in Extreme Unction: the multiple anointing, and: *May the Lord forgive thee whatever thou hast committed*; in Order: imposition of hands or handing over of the instruments, with the appropriate words; in Matrimony, the handing over of bodies and acceptance expressed by words or signs.

4. From the matter *out of which* the sacramental sign is intrinsically constituted or composed, there must be distinguished, in three sacraments, the extrinsic matter *about which* the sacrament merely turns: the former is called proximate matter, the latter remote matter. Such is the substance of bread and wine in the Eucharist, sins in Penance, bodies in Matrimony: for although they are prerequired for the sacrament, nevertheless they do not enter into the sensible sign. - In the other sacraments, because they consist in the application or use of a sensible thing, the matter *out of which* is called remote, namely the thing itself which is applied, for example water, oil; the proximate matter is the application or use of it, for example washing, anointing.

5. From the Council of Florence, teaching in the decree for the Armenians that "the sacraments are perfected," that is, confected, "by things as matter, by words as form, and by the person of the minister with the intention of doing what the Church does," do not conclude that the sacraments are not composed of matter and form: for the Council uses the verb *to perfect*, because the intention of the minister, which is necessary for effecting the sacrament, does not enter into the composition of the sacramental sign. But if things and words did not compose, they would not stand to each other as matter and form; nor, as Trent says, sess. 14, c. 3, would they be parts of the sacrament, required for its integrity.

Article II: On the Union of Matter and Form

14. Principle I. For the essence or validity of a sacrament, of itself the moral union or simultaneity of the parts suffices. - For a sacrament is not physically one, but a moral composite, namely, one sign; for this there suffices that union by which, according to the common estimation of men, each part concurs toward one signification. Hence between matter and form there must be so great a conjunction that according to the moral estimation of men, with the nature of each sacrament considered, one affects the other; that is, that the words are judged to fall upon such a thing, and

with it to constitute one total sign. From this it follows that that union or simultaneity of matter and form is not the same in all the sacraments, because the sacramental signs are of diverse nature.

1. Hence the sacrament of Penance does not require strict union, because it was instituted by way of judgment, in which the sentence does not necessarily follow immediately after the examination of the case; whence someone can be absolved after several hours or days, provided the confessor retains the idea of the state of the penitent.

2. Similarly in Matrimony, because it is a contract: for it suffices that the consent of one be placed while the consent of the other still morally perseveres.

3. On the contrary in the Eucharist total physical simultaneity is required, because the pronouns *hoc* and *hic* demonstrate that the matter is present at the time at which the words are pronounced.

4. Finally, for the other sacraments a few authors, among whom is Cajetan, require a certain physical simultaneity because their forms signify the application of matter in the present; but a partial simultaneity, namely, by which the form begins to be uttered before the matter ceases to be applied, or, vice versa, the matter begins to be applied before the form ceases to be uttered. Many others hold that those sacraments are valid if the form is pronounced immediately before or immediately after the matter has been applied, because the present time expressed in the form, for example, *I baptize thee*, morally speaking admits a certain latitude, just as is clear from the fact that Baptism is certainly valid, even if the washing is not done except under the words: *in the name of the Father...*

In practice: since in the sacraments it is regularly illicit to use an opinion only probable when there is danger of nullity, one must act according to the first opinion, as moreover is prescribed by the Ritual, and hence it is required at least for liceity; but if the sacrament has been administered otherwise, let it be repeated conditionally.[1]

[1] Readers of very recent works would easily think that something in this matter has been changed; and that now it is altogether certain that a sacrament is to be held as valid and not to be repeated conditionally, when it has been administered so that the form is immediately connected with the matter or vice versa.

But this conclusion does not agree with the instruction of the Holy Office, May 2, 1858, which says that Baptism is to be repeated conditionally if, once the washing has been completed, the form is pronounced, or on the contrary, once the utterance of the form has been completed, one proceeds to the washing. And St. Alphonsus, who seems to approve the contrary opinion in *Moral Theology*, book VI, n. 9, in *Examination of Ordinands*, n. 6, and in *Confessor Directed*, n. 3, calls it practically not probable. But they invoke:

1. Several decrees of the Holy Office (September 12, 1877; March 17, 1897; November 30 and December 14, 1898), by which ordinations are declared valid. But, as Prummer notes, they do not decide the question, because it is not established concerning the essential matter and form of Order; - besides, it is particular to this sacrament that first the imposition of hands is made upon individuals, and then only is the prayer uttered over all; but from that which is particular to a certain sacrament a general rule cannot validly be deduced which holds for all. Especially

in the decree of March 17, 1897, there was no doubt concerning the simultaneity of matter and form, but the question was concerning the immediate touch of the chalice, which, although the ordinand had previously touched it immediately, nevertheless under the pronunciation of the form he was kept from it by the hands of others: the ordination is declared valid, because mediate touch suffices and was present through the mediation of the hands of others.

2. Also the response of the S. Congregation for the discipline of the Sacraments, November 17, 1916. It is the solution of a certain case proposed concerning the validity of Baptism: "to the proposed doubt: Whether Baptism in the case can be said to be valid, they judged that the answer should be: as proposed, negatively." Before the solution in the *Acta Apostolicae Sedis* there is placed a certain note of some consultor, in which among various considerations one reads: "It is common doctrine that for the validity of Baptism a physical union of matter and form is not required, but that moral union is enough, which is had both if the washing is done immediately before the form is completed, and if it is done immediately after." Yet these things are not found in the decree itself, nor do they have approval or authority from the Congregation, because they are not the motive on which the decree is founded, since Baptism in the case is nevertheless declared invalid.

A fortiori it cannot be said that the decree of the Holy Office mentioned above from 1858 was revoked by this other Congregation for the discipline of the Sacraments; and consequently it must be said to preserve its value.

15. Principle II. By the same minister there must be made the union or total application of the form to the matter, and in the sacraments in which external matter must be applied to a subject, the matter also must be placed and the form pronounced by the same minister. - For the confecting of a sacrament is one sacramental action to be placed in the name of Christ, which is composed of two parts, namely, from the application of the form to the matter, or also of both to the subject; whence the application must be made by the same minister, nor would it be one action if it were divided between two ministers; - and otherwise the sense of the words of the form would for the most part not be verified, as if one person poured water in baptizing and washed, and another said: *I baptize thee*.[2]

[2] The opinion concerning the probable value of the sacrament in the case in which matter and form at the same time were not placed by one and the same minister is altogether to be rejected, as is also clear concerning Baptism from the decree of the S. Congregation for the Sacraments, November 17, 1916.

Nevertheless 1) for the sacraments in which matter is not to be applied to a subject, the same minister need not place matter and form, but it suffices that he apply the form to the matter. Thus in Penance the priest applies the form, namely absolution, to the matter or acts placed by the penitent; in the Eucharist the priest would validly consecrate the matter, namely the host or chalice, placed on the altar by a deacon; in Matrimony the spouse accepts the body offered by the other party.

2. Several can validly place together the whole matter and form of the whole sacrament, as if several together poured water in baptizing and said: *I baptize thee...* or *we baptize thee* (n. 140); and ordained presbyters consecrate together with the bishop.

3. In sacraments which consist of several integral parts, the individual parts can validly be placed by different persons, provided the same person regard the matter and form of each part. Thus, with one priest consecrating the host, another would validly consecrate the chalice; and in Extreme Unction, one priest could perform the first anointing under its due form, another the second, a third the third, etc., as is wont to be done in the Greek Church.

Question Three: On the Determination of the Sacramental Sign

Article I: On the Cause Determining Matter and Form

St. Thomas III, q. 60, a. 5 and 7.

16. Principle I. God determined the sacramental signs. - This is certain.

It is proved: It does not belong to someone to determine that which is in the power of another, but only that which is in his own power. But the sanctification of man is not in man's own power, but in the power of God sanctifying. Therefore it does not belong to man by his own judgment to determine the signs by which he is sanctified, but this must be determined by divine institution.

17. Principle II. In the New Law God determined the sacramental signs through Christ, committing the determination to be made to His human will. - This is certain, because it follows from the doctrine of Trent defining, sess. 7, can. 1, that Christ instituted the sacraments.

God could determine signs in various ways: a) by Himself, with no man intervening, as He did in the Old Law, which Moses merely promulgated; b) He can deputize a man to determine a sign which afterward He holds ratified: thus, before the Mosaic law, men are said quite generally to have determined certain sacraments by interior instinct; c) He can leave the determination of the sign to the human will of Christ, and thus He acted in the New Law.

It is proved: 1. From the sources of revelation: for certain sacraments it is established from the Scriptures, namely for Baptism (John III, 5; Mt. XXVIII, 19), for the Eucharist (Mt. XXVI, 26), and for Penance (John XX, 22-23); - for the others from tradition, whose witness is the Council of Trent, sess. 21, c. 2, teaching that the very substance of the sacraments was not left to the choice of the Church; therefore it was determined by the institutor, whom c. 1 and sess. 7, can. 1, says to be Christ.

2. By reason of fittingness: Christ as man merited for us the grace given through the sacraments; whence it was fitting that He Himself by His human will should determine the signs by which it is conferred.

18. Principle III. Christ did not determine matter and form in the individual, but only as to substance; indeed, more probably, He did not always determine them determinately in the ultimate species, but, for certain sacraments, only generally and confusedly.

The first part is proved: For Christ does not require special water, for example rain water, or wine, for example white wine, or oil, for example Palestinian oil; but whatever is truly oil, wine, water, etc., suffices for the sacrament. Likewise He did not determine the form as to the material sound of the words, as to language or grammatical expression, but only as to the essential signification. Therefore He did not determine matter and form in the individual, but only as to substance.

The second part is proved: Christ does not seem to have determined matter and form in the same way in all the sacraments:

1. most perfectly He determined them for the Eucharist and Baptism;

2. less perfectly for the sacrament of Penance, which He only established as to be exercised by way of judgment; and for Extreme Unction, which we have insinuated and sketched, Mk. VI, 13;

3. likewise for Matrimony, which He simply elevated to the dignity of a sacrament, leaving to the choice of the Church and of the contracting parties the determination of the signs by which they would express consent;

4. probably in a very general way for Confirmation and especially for Order: He determined only that signs and words suitable for expressing the character and the grace proper to Confirmation, or the power of Order, should be employed by the Church; but the Church determined different signs for different times and places, and thus is explained the diversity of matter and form in the valid ordinations of the Latin and Greek Church. "Whence we believe," says Innocent IV, in c. *Presbyter*, *de sacr. iterandis*, "that unless forms had afterward been discovered, it would suffice for the ordainer to say: 'Be a priest,' or other equivalent words; but in subsequent times the Church ordained the forms which are observed." And the Council of Florence, in the decree for the Armenians, indicates for Confirmation and Order another matter and form than were in use at first.[1]

[1] That decree, although it is not an infallible document, nevertheless is not merely practical or disciplinary, as it has seemed to some; but a dogmatic decree which explains the doctrine of the Roman Church on the Sacraments, and which the Pontiff, in the name of the Council and of the Roman Church, handed down to the Church of the Armenians: in which it cannot easily be admitted that an error crept in.

Nor say: The Council of Trent declared that the Church cannot change the substance of the sacraments; but substance is constituted by essential elements, namely, matter and form, without which the sacrament cannot exist. - It can be answered: in the matter and form of the sacraments, according to the manner of speaking of the Council, only those things are substantial which Christ instituted; whence if He determined certain matters and forms in a general way, the substance of these sacraments is not changed through the greater specific determination made by the Church, provided that the general signification defined by Christ is retained.

And indeed, in the sacraments attention must be given to that which is more principal and formal, namely, signification, by which something is formally constituted as a sign, which is the metaphysical form of the sacrament, and to the efficacy of this sign for conferring special grace in order to the end of each sacrament. But if this was determined by Christ, it can truly be said that He instituted the substance of the sacrament; nor is more required by the Council, as is established from the opinion of those who were present at the council, such as Ruard Tapper[2] and Ravesteyn[3] of Louvain.

[2] *Explanation of the 20 Articles of the Venerable Faculty of Sacred Theology of Louvain*, a. 1.

[3] *Apology of the Decrees of the Council of Trent*.

Article II: On the Change of Matter and Form

St. Thomas III, q. 60, a. 7 and 8.

19. Notions. - It must be noted beforehand:

1. that the determination of matter and form was not left to the choice of men, as is clear from the preceding article, but was made by Christ or, perhaps partially, by the Church, but in such a way that they cannot be changed by the minister;

2. that in matter and form there is distinguished the essential part, without which the essence of the sacrament does not subsist and the sacrament is not valid; and the perfecting or merely integral part, which concurs in constituting the sacrament, without which nevertheless it is valid, but imperfect or incomplete, for example satisfaction in fact with respect to Penance, the anointing of the feet in Extreme Unction, the words: *in the name of the Father...* for the form of absolution.

20. Principles. - I. A change made deliberately by the minister with the intention of changing the essentials of the sacramental rite renders the sacrament invalid, even if a legitimate rite remains, because the minister does not seem to have the intention of doing what the Church does.

II. Every essential change in matter or form renders the sacrament invalid. An essential change is present:

1. When the matter which is employed, according to the common usage and estimation of men, does not agree in the same ratio and name with the essential matter which the Church employs, even if perhaps physically it does not differ, for example if wine or ice is taken in place of water.

This can happen[1] a) by defect of completion, if the matter is not yet perfect for natural use, for example raw bread;

[1] On these things cf. Cappello, cited work I, n. 22.

b) by corruption, if the matter has lost its former nature, for example moldy bread or vinegar;

c) by admixture of another matter, so that from the very nature of the thing or from the estimation of men there is held to be a certain new matter, and not the former matter, for example if barley is mixed with wheat in great quantity.

2. When the very sense of the form is corrupted.

This happens: a) if the words have a sense diverse from the sense intended by the Church, for example if someone were to say: *hic* (adverbially) *est corpus*; *I baptize in the name of the mother*;

b) if they are pronounced with a great interruption, so that morally they do not seem to cohere: the interruption of syllables much more easily changes the sense than the interruption of words; whence in practice the word begun is to be repeated unless there is a very slight interruption;

c) if they are pronounced separately by several persons, or by him who does not place the matter when this is to be applied to the subject;

d) if the essentials are omitted partially, for example for Baptism: *te, in the name of the Father*.

III. On the contrary, an accidental change does not render the sacrament invalid. An accidental change is present:

1. When the matter, according to the common estimation, remains the same, but some accident of it is changed contrary to the precept of the Church or the reverence of the sacrament, for example if someone without necessity baptizes in water not blessed or turbid.

2. When a change in the form leaves the due sense.

This happens in several ways: a) by a mere change of language or by the use of several languages in the same form;

b) by transmutation of words into words that are altogether synonymous from common usage, for example: *I wash thee, I cleanse thee*;

c) by mere transposition of words or inversion of order, for example: *I baptize thee, this is My body*;

d) by a small interruption in pronunciation, provided the form remains morally one, for example if someone says: *I baptize thee, be silent! in the name...*, or if for a few moments he coughs or sneezes between the words;

e) by an addition which does not change the sense, for example: *in the name of the Father the creator...*; *I commend thee to the Blessed Virgin Mary and I baptize thee...*;

f) by subtraction of a word or syllable which is not of the essence: *I, for*;

g) by a small corruption or mutilation of a word from haste or stammering, for example: *in nomine Patrias, et Filias..., copus, calis, e e ego*.

IV. If the form is ambiguous or equivocal, so that, according to the common manner of speaking, it has a double sense, it depends on the intention of the minister whether the change is substantial or accidental, according as the form is uttered in the due sense or in a false sense.

Thus, for example: *In the name of the Father and of the Daughter* is a valid form if it is said thus from ignorance of the Latin tongue, but if it is said in order to introduce heresy it is invalid; - *in the name of the greater Father and of the lesser Son...* is valid in a Catholic sense, invalid in an Arian sense; - *I baptize thee in the name of the Father, I baptize thee in the name of the Son, I baptize thee in the name of the Holy Spirit*, if it is said to signify that the essence of the Father, the Son, and the Holy Spirit is not the same, is invalid; otherwise it is valid, as among certain sects which have the right intention of uttering it (Holy Office, January 11, 1882).

21. Corollaries. - From this follow the conclusions:[2]

[2] Cappello, cited place.

1. An error of the minister, if it is merely internal, does not invalidate the form, provided a right intention is present; but if it is manifested exteriorly, it must be seen whether the essential words of the form remain whole or not: in the first case the sacrament is valid, in the other invalid.

2. A depraved intention of the minister can induce a substantial change of the form, when the minister deliberately uses substantially erroneous or equivocal words.

3. It is not necessary that the words of the form present of themselves the sense intended by Christ; it is required and suffices that from the way in which they are here and now uttered, according to the common manner of receiving them, they suggest such a sense to the hearers.

4. Grammatical errors, generally speaking, do not induce a substantial change of the form, unless a plainly diverse sense arises from them, or unless the words result not merely corrupted but wholly diverse, as if you were to say: *I am baptized in the name...* This also holds concerning corruption by defect of tongue, or by ignorance or haste.

22. A change of the matter or form of the sacraments is a sin of sacrilege. - For it includes irreverence toward the sacraments; and indeed:

1. An essential change is a mortal sin from its whole genus, because a) it always contains grave irreverence toward the sacrament, of which it is a simulation and mockery, and toward Christ, in whose name one ministering thus would act and would do nothing; b) besides, it is a grave sin against charity toward neighbor, because he is defrauded of a notable spiritual good; and c) against justice, at least if the administration of the sacrament falls upon the minister from office, indeed always, because by the very fact that he voluntarily undertakes in himself the administration of the sacrament, by tacit contract he obliges himself to administer it validly and rightly, as far as he can.

2. An accidental change, outside a case of necessity, is a sin of sacrilege, mortal from its own genus, because there is in the Church a grave precept, laid down from reverence toward the sacraments, imposed upon ministers, that they not administer the sacraments except with the solemnity, language, grammatical form, and ceremonies instituted by the Church observed (Council of Trent, sess. 7, can. 13); which precept, however, admits lightness of matter.

Hence a) if the change is notable, the sin will be grave; b) if the change is slight, the sin will be venial, as if some priest in private Baptism used the vernacular language, or from negligence corrupted the form somewhat; unless, however, he acted thus from contempt, with danger of erring in the substance, or with grave scandal of the faithful.

23. Practical rules. - I. Outside necessity, it is never lawful to use doubtful or probable matter or form, indeed even matter or form probably valid.

For the value of the sacraments depends on Him who instituted or determined the matter and form; but the doubt or probability, even greater probability, of an opinion cannot bring it about that matter and form which were not instituted have been instituted, that inept matter and form become apt, that, for example, that which is not water become water; therefore one who uses them exposes himself to the danger not of confecting but of simulating a sacrament, and at the same time of inflicting detriment on his neighbor. Whence just as he who makes a sacrament null sins mortally against religion and charity or justice, so also he who exposes himself to the same danger. Hence the proposition which asserted that it is lawful in conferring the sacraments to follow a probable opinion

concerning the value of the sacrament, with the safer opinion abandoned, was condemned by Innocent XI.[3]

[3] Proposition 1 among the condemned: "It is not illicit in conferring the sacraments to follow a probable opinion concerning the value of the sacrament, with the safer one abandoned, unless law, convention, or danger of incurring grave harm forbids it; hence an opinion only probable must not be used in the conferral of Baptism, priestly Order, or episcopal Order."

II. In a case of urgent necessity or of great utility, when it cannot be done otherwise, it is lawful to use doubtful matter or form, at least for a sacrament of necessity. Thus, for example, an infant in danger of death must be baptized in doubtful matter if no other is present; a dying man doubtfully disposed is to be absolved.[4]

[4] Except the Eucharist, for which, on account of the danger of idolatry, it is never lawful to employ probably invalid matter, unless perhaps for completing the sacrifice.

The reason is that in such a case the minister does not expose himself to the danger, but rather permits it, and he does not do injury to his neighbor, since he bestows upon him what he can bestow. In this case, so that the reverence of the sacrament may be cared for in some way, and irreverence, as far as possible, be repaired, the sacrament is to be administered under a condition: *if I can*, or *if thou art capable*; which condition then sufficiently repairs the irreverence of the sacrament (cf. n. 84, 3 A).

We say: in some way, as far as possible. For by adding the condition, we are not able to remove from the sacrament every irreverence from the danger of nullity, even material irreverence; whence one who, in the case, would administer without sufficient necessity, or rashly repeat the sacrament, even under condition, would without doubt inflict grave injury upon it and would sin mortally, exposing himself without reason to the danger of doing nothing and of playing in a most grave matter: for if the reason is insufficient, it is judged not to be present, and the condition, if the doubt is empty, is held as not added. - But we add the condition so that we may declare that we act only under compulsion of necessity, and that we may better show and protest that we do not inflict voluntary irreverence upon the sacrament: "Therefore the reason," says Lehmkuhl, *Moral Theology* II, n. 37, "why the condition... is expressed, is rather the reverence due to the sacred rite instituted by Christ, so that the minister may protest that, if the necessary condition is lacking for him, it is not in his mind to make the very attempt of acting in the name of Christ; by which he may be further removed from every profanation of a sacred thing."

24. Observation. - The aforesaid rules hold for the one receiving just as for the one ministering; whence it is illicit to receive a doubtful sacrament, especially because one receiving in this way often inflicts great harm on himself.

Second Part: On the Necessity of the Sacraments

Only Question: On the Sacraments of Different Times

St. Thomas III, q. 61.

25. Principle I. After original sin the sacraments are necessary for man unto salvation, by necessity of fittingness. - The sacraments indeed are not necessary by absolute necessity: for God can sanctify man by the means by which He wills. But after original sin they were necessary by necessity of fittingness on account of the threefold condition of fallen human nature:

1. As to the intellect, to which it is proper in this state that it be led into spiritual and intelligible things only through corporeal and sensible things;[1] therefore divine wisdom fittingly confers the helps of salvation, by which man is instructed concerning spiritual things, under corporeal and sensible signs.

[1] In the state of innocence the intellect did not receive knowledge from sensible things but from the influence of the divine light. "Intellection," says Cajetan, on a. 2, ad 2, "because it proceeded from species not acquired from the senses but infused by God, did not depend on phantasms but used them as inferiors, just as the soul used the subjected body." Namely, he knew spiritual things more from the influence of the divine light.

2. As to the affection: for by sinning man subjected himself through affection to corporeal things; but a medicinal remedy ought to be applied to man where he suffers the disease; and therefore it was fitting that God should apply spiritual medicine to man through certain corporeal signs, so that he, in humility subjecting himself to corporeal things, might through them be raised up to God. Moreover, if spiritual things were proposed to him bare, his mind, devoted to corporeal things, could not be applied to them.

3. As to action: for fallen man is most prone to exterior and corporeal actions; whence it would be too hard for him to abstain totally in divine worship from corporeal acts; and therefore corporeal exercises were fittingly instituted in the sacraments to avoid any superstitious exercises whatever.

"Thus, therefore, through the institution of the sacraments man is fittingly instructed through sensible things according to his nature (fallen and left to itself); he is humbled, acknowledging himself subject to corporeal things, while he is assisted through corporeal things; he is also preserved from harmful actions through the salutary exercises of the sacraments" (a. 1). It can be added that this is fitting to the social nature of men, that they be gathered by sacred signs into one faith and one worship of religion, for "it is necessary for human salvation that men be united into one name of true religion" (a. 1), as Augustine notes, *Against Faustus*, book 19, c. 11.

26. Principle II. Before original sin it was not fitting that sacraments be given. - It is proved:

1. Medicine is not necessary except for the sick; but the sacraments are certain spiritual medicines, which are applied against the wounds of sin, as was said in the preceding number; therefore they were not necessary before sin.

2. In the state of innocence higher things ruled lower things and in no way depended on them; for just as the mind was totally subject to God, so also the lower powers of the soul were subject to the mind, and the body to the soul. But through the sacraments the soul depends on sensible things as to instruction and sanctification. Therefore the sacraments are contrary to the order of the state of innocence.

3. Moreover, men would be born furnished with grace; therefore this grace ought not to have been caused through sacraments.

Whence "in the state of innocence man did not need sacraments, not only insofar as they are ordained to the remedy of sin, but also insofar as they are ordained to the perfection of the soul" (a.

2).

27. Principle III. For fallen nature before and after Christ very different sacraments were necessary. - It is proved:

Sacraments are necessary for salvation as signs of the things by which man is sanctified. But after sin, no one can be sanctified except through Christ. Therefore before Him there were necessary signs by which man would profess his faith concerning the future advent of the Savior; after Him, signs which proceed from Him and have power, and by which we profess our faith in Christ born and suffering, and in redemption fulfilled (a. 3 and 4).

28. Observations. - 1. Different sacraments fit different times. Hence a) before the Mosaic law, men were moved toward God by the sole instinct of the law of nature and of divine inspiration, with no law given exteriorly; whence the sacraments were not determined, but from an interior instinct men determined by what sensible things they would use for the worship of God, or also signify faith in future redemption; - b) but in the course of time, both because of the darkening of the law of nature from the sins of men, and at the same time so that faith in Christ might be more express, a determinate written law was given, in which certain sacraments were also determined (a. 3, ad 2).

2. In the Old Law, properly speaking, sacraments are those things which were given in the people of God, whether to ministers or to the faithful, for a certain consecration or deputation to the worship of God; namely, a) the institution of the people in the state of worshiping God, which was done through circumcision; b) the institution of priests in the state of worshiping God through consecration (Ex. XXIX; Lev. VIII); c) the use of those things which pertain to worship, as for the people the eating of the paschal lamb (Ex. XIII), for the priests the eating of the loaves of proposition (Lev. XXIV, 9); d) the removal of uncleannesses by which some are impeded from worship, which was done through various expiations and purifications (Lev. XIV; Num. XIX). All these things were ordained to figuring Christ (I-II, q. 102, a. 5).

3. Certain sacraments of the New Law had figurative sacraments corresponding to them in the Old Law. For Baptism corresponds to circumcision, the Eucharist to the banquet of the paschal lamb, Penance to all the purifications, and Order to the consecration of the high priest and of priests. - But to Confirmation, which is the sacrament of the fullness of grace unto strength, no sacrament can correspond in the Old Law, because the time of fullness had not yet arrived; similarly to Extreme Unction, which is the immediate preparation for the entrance into glory, whose access was not yet open in the Old Law, the price not yet having been paid. Finally Matrimony existed in the Old Law insofar as it was unto the office of nature, but not insofar as it is the sacrament of the conjunction of Christ and the Church, which had not yet been made (ad 3).

Third Part: On the Effects of the Sacraments

Chapter I: On the Principal Effect: Grace

29. The doctrine of the Church attributes a twofold effect to the sacraments: one principal, which is conferred by all, namely, grace; the other secondary, which is found in some: character. Concerning grace the Council of Trent teaches three things, which we are going to explain in three questions:

1. it defines that the sacraments of the New Law truly contain the grace which they signify and confer it *ex opere operato* (sess. 7, can. 6 and 8);

2. it teaches the mode of causality: Baptism, say the same of the other sacraments, is the instrumental cause of justification (sess. 6, c. 7);

3. it defines when the sacraments cause grace: namely, in those not placing an obstacle, that is, in all, so far as is on God's part, if they receive them rightly (sess. 7, can. 6 and 7).

Question One: On Grace Caused

Article I: On Grace Making One Pleasing Caused by the Sacraments

St. Thomas III, q. 62, a. 1; on IV *Sentences*, d. 1, q. 1, a. 4; Disputed Question *On Truth* 27, a. 4.

30. Notions. - *Opus operatum*[1] is the work which is effected, and it is opposed to the *opus operantis*: this is the very subjective operation of man according as it is imputable to him and has dignity, value, merit from him; the former is not the meritorious operation itself but the objective work itself produced, abstracting from the personal value and merit of the one operating.

[1] This formula seems first to have been used by Peter of Poitiers (d. 1205), in *Book of Sentences* V, c. 6; it was employed by Innocent III, *On the Mystery of the Holy Altar*, book III, c. 5; by William of Auxerre, *Summa aurea*, on IV, d. 1, a. 2 and 3; by St. Albert the Great, on IV *Sentences*, d. 1, a. 5; it is also reported by St. Thomas, on IV *Sentences*, d. 1, q. 1, a. 5, qc. 1, and by St. Bonaventure, on IV, d. 1, a. 1, q. 5.

In the sacraments the *opus operatum* is the sensible sign itself; this external work objectively considered:

1. positively: according to the Council of Trent, confers grace;

2. negatively: that sign does not have power from the subjective disposition or merit, whether of the minister operating the placing of the sacrament, or of the man operating the reception, but from God;

3. whence the subjective operation, whether of the minister or of the recipient, by its own power is in no way the cause of that grace which is conferred through the objective external sign;

4. nevertheless it is its condition *sine qua non*; for without the work of the one ministering there would not be the external work worked, and without the disposition which is the work of the recipient, in him there would be an obstacle, on account of which the *opus operatum* could not confer grace.[2]

[2] "Baptism is established not by the merits of those by whom it is administered, nor of those to whom it is administered, but by its own sanctity and truth, on account of Him by whom it was instituted, to the destruction of those using it badly, to the salvation of those using it well," Augustine, *Against Cresconius* IV, 19.

31. Thesis. The sacraments of the New Law cause grace *ex opere operato*. - This is of faith from the definition of the Council of Trent, sess. 7, can. 6-8, against the Protestants.

The thesis is opposed:

1. to the Protestants, who teach that the sacraments are symbols ordained to exciting faith, and signs of divine promises, not conferring sanctification except through the faith of the recipient, as they generally say with Luther (cf. can. 5 and 8); or also that the Holy Spirit, on the occasion of the sacrament, excites faith in the predestined, not in others, as the Augsburg Confession has it (cf. can. 7); or that they are external signs of justice accepted through faith, or mere signs of Christian profession by which the faithful are distinguished from infidels, as is more pleasing to Zwingli, the Socinians, Unitarians, and Rationalists (cf. can. 6);

2. to the Modernists, whose following proposition was condemned (41): "The sacraments look only to this, that they recall into the mind of man the always beneficent presence of the Creator";

3. also to the Donatists, Waldenses, and Wycliffe, who contended that the sacraments do not operate *ex opere operato* but dependently on the virtue of the minister, and therefore that sacraments conferred by a depraved minister are invalid (cf. can. 8 and 12).

It is proved: 1. From the Scriptures, which teach:

a) that the effect of the sacraments is not so much faith as grace which sanctifies (Eph. V, 26; I Cor. VI, 11), spiritually cleanses (Eph. V, 26), washes away or remits sins (Acts II, 38; XXII, 16; I Cor. VI, 11; John XX, 22, 23; Jas. V, 14, 15), by which we are reborn and renewed spiritually (John III, 5; Tit. III, 5), which consists in the conferral of the Spirit of Christ and of salvation (Acts II, 38; VIII, 17; XIX, 6; Mk. XVI, 16; Gal. III, 27; I Pet. III, 21; Heb. X, 22); moreover all these things indicate habitual grace making one pleasing;

b) they teach that this effect is obtained by the power of the sensible sign itself, as through a cause: for when the sign has been placed, the effect is immediately had (Mk. XVI, 16; Acts VIII, 17; Gal. III, 27); it is obtained through an external sign: through the laver (Tit. III, 5); by the laver of water in the word of life (Eph. V, 26); by the imposition of hands (II Tim. I, 6); by eating the flesh of Christ (John VI, 55); the laver itself regenerates and renews (Tit. III, 5); indeed causality is attributed to water just as to the Holy Spirit Himself (John III, 5). Therefore the sensible sign itself is a true cause of grace.

2. From Tradition: according to the Fathers a) the Holy Spirit and the power or divine omnipotence flows into the elements, and thus a supernatural power is present in the symbols for sanctifying men;[3] - b) they compare the sacraments to natural causes, and especially the water of Baptism regenerating with the maternal womb from which we are generated;[4] - c) they explicitly state that the end and effect of the external sign is grace to be produced in the soul;[5] and therefore they extol and wonder at the power of the symbol.[6] Whence Symbols and Councils confess one Baptism unto the remission of sins (Council of Milevis, can. 2; Constantinople I; Orange II, can. 25; Florence, decree for the Armenians).

[3] Tertullian, *On Baptism* 4; Cyril of Jerusalem, mystagogical catechesis 3, n. 3; Cyril of Alexandria, on John III, 5; Ephraem, *Against Scrutators*, sermon 40.

[4] Cyprian, ep. to Donatus n. 4; Cyril of Jerusalem, mystagogical catechesis 2, n. 4; Chrysostom, on John, hom. 26, n. 1; Gregory of Nyssa, oration on the Baptism of Christ; Ephraem, Hymn on Virginity XXXVIII, 3; Leo, sermon 5 on the Nativity of the Lord, 5.

[5] Epistle of Barnabas 11-12; Hermas, similitude IX, 36; Origen, on John VI, 17; Tertullian, *On the Resurrection of the Flesh* 8; *On Baptism* 5 and 7; Optatus of Milevis, *On the Schism* V, 1; Augustine, on John tr. 3, n. 5; on Psalm 83, 2.

[6] Augustine, on John tr. 80, n. 3, and several alleged under a and b.

3. From the practice of the Church, which administers sacraments to children, to the insane, to those destitute of senses; uses in the sacraments the Latin, Greek, etc., tongue; commands the reception of the sacraments to all. But if the sacraments did not confer grace *ex opere operato*, but only excited faith, it would follow a) that Baptism conferred on infants would be of no efficacy; b) that sacraments conferred on him who did not understand the language would effect nothing; c) that the sacraments would confer grace as much on bystanders as on recipients, which nevertheless even the Protestants themselves deny. Therefore the practice of the Church is against the Protestants.

32. Corollary. - From what has been said it is easily understood that the words of the sacraments are not merely sermonic and promissory, as the Protestants say, but consecratory: for although, which we do not deny, 1) they can instruct the bystanders and excite them to faith, because they are real preachings of the divine word; likewise 2) they themselves contain divine promises or recall promises already made; nevertheless 3) and principally, they are immediately ordained to the blessing, consecration, or sanctification of the thing or person, and only secondarily and dependently on this principal end are they also sermonic and promissory (Council of Trent, sess. 7, can. 5 and 6). - Moreover they are consecratory in a threefold way: a) as to the matter, which they determine to sacramental signification (n. 12); b) as to the recipient, insofar as they are part of the sign sanctifying and consecrating him; c) as to their origin: for they were instituted by Christ and thus consecrated to producing supernatural effects.

Whence Hugh of St. Victor, *On the Sacraments* l. n. et scr. (P.L. CLXXVI, 35): "The sacraments of grace, through the invocation of the Trinity, receive sanctification in themselves and then confer sanctification, so that from sanctification they may be sanctifying."

33. Observation. - The Protestants object with texts of Scripture: a) affirming that we are justified through faith; and b) excluding the value of works distinct from faith.

Reply to the first: through faith we are justified, because faith is one, indeed the first, of the dispositions required for justification, since it is the root of all the others; whence we are justified through faith in an affirmative sense, not exclusively: for the Scriptures also indicate or require other dispositions (I John III, 3; Rom. VIII, 24; Lk. VII, 47; I John III, 14; Lk. XIII, 3; Acts II, 38; III, 19), indeed they affirm that faith itself does not suffice (I Cor. XIII, 2; Jas. II, 24-26; Gal. V, 6).

To the second: hence those works are excluded which do not rest on faith, such as works of the Mosaic law, or merely natural works, but not works which arise from faith itself, since these also are necessary (Jas. II, 24-26; Mt. VII, 21; Rom. II, 6-13).

These things are customarily explained more broadly in the treatise on Grace.

Article II: On Special or Sacramental Grace

St. Thomas III, q. 62, a. 2; on IV *Sentences*, d. 1, q. 1, a. 5.

34. Thesis. The individual sacraments of the New Law cause a special grace proper to themselves. - This is certain.

The sacraments not only cause common grace making one pleasing, with the infused virtues and gifts of the Holy Spirit which are connected with it as properties; but beyond this they cause special grace, which adds something diverse to it in the diverse sacraments. Hence sacramental grace is not that special grace alone, nor common grace making one pleasing alone, but grace making one pleasing according as a certain special grace accompanies and affects it.

It is proved: 1) from documents of the Church: For it follows from the doctrine of the Council of Trent asserting, sess. 7, can. 6, that the sacraments contain and confer the grace which they signify; but since their signification is diverse, the grace also must be diverse; which moreover is indicated for each by the Council of Florence, in the decree for the Armenians.

2. from reason: The sacraments are ordained to special effects in the Christian life; otherwise the sacraments would have been instituted in vain, and instituted as diverse. Whence they produce a special grace, and indeed a) diverse from that which is obtained outside the sacraments, and b) diverse in each sacrament.

35. The formal ratio of sacramental grace. - Sacramental grace is a special help for attaining the proper end of each sacrament; nevertheless this is explained in diverse ways. Many more recent authors, after Cajetan and Suarez, hold that it is habitual grace intrinsically one and the same, insofar as it induces an extrinsic order or exigency toward special actual graces corresponding to the end of each sacrament, and therefore gives a right to having those graces at the opportune time. But more probably with St. Thomas we say that habitual grace is in some way intrinsically diverse, or grace making one pleasing insofar as either there is intrinsically in it a certain special mode or vigor;[1] or, which is more pleasing to others,[2] from it flows a special habit: contrary to those defects for repairing which the individual sacraments were instituted. For just as original justice included a vigor or habit by which the lower faculties were perfectly subjected to reason, and by which concupiscence was totally taken away, so sacramental grace is a vigor or habit lessening concupiscence precisely insofar as it is opposed to the end of the sacrament; but because man received that mode, vigor, or habit, therefore he also has a right to receive actual graces at the opportune time.

[1] Thus John of St. Thomas, Cabrera, Contenson, the Salmanticenses, Billuart, and Tanquerey interpret St. Thomas.

[2] Thus Paludanus, Capreolus, and recently Billot.

It is proved: God provides no less for the supernatural order than for the natural order, and therefore for supernatural acts He gives to man not only actual graces, but habitual and permanent principles by which he can habitually effect them (I, n. 618); therefore also for the special effects of the sacraments He gives not only actual graces, but principles by which we are habitually disposed toward them. But the sacraments of the New Law were instituted against the wounds of sin. Therefore habitual helps are given by which the wounds of sin are habitually bound in some measure.

36. Sacramental grace is diverse in the individual sacraments. - For:

1. In Baptism it is habitual grace making one pleasing and regenerative, insofar as it fully renews man, who is freed from every debt of sin and regenerated into the new life which is through

the faith of Christ; whence there is added special help against the darkening of the intellect and the slowness of heart for believing, which directly impede faith.

2. In Confirmation it is strengthening grace, insofar as it increases the life of faith and leads it to perfect age, with special help against fear and worldly respect.

3. In the Eucharist it is nutritive and unitive grace, insofar as it spiritually transforms man into Christ through charity, with special help against self-love impeding man from persevering in the love of God.

4. In Penance it is healing or reparative grace, insofar as it formally remits actual sins and converts to God, with special help against the wounds of actual sin.

5. In Extreme Unction it is fully healing and alleviating grace, insofar as it alleviates the soul of the sick man and wipes away the remnants of sins, with special help against oppression of soul in the last dangers of life.

6. In Order it is consecrative grace of ministers, insofar as it fits one for carrying out sacred offices holily, with special help against the weakness which withdraws one from these offices.

7. In Matrimony it is grace unitive of souls and restraining concupiscence, insofar as it assists toward performing the offices of marriage holily, with special help against concupiscence as it withdraws one from these offices.

37. Observation. - Let the words of St. Thomas be noted, IV *Sentences*, d. 1, q. 1, a. 4, qc. 5, ad 2: "The grace of the virtues is opposed to sin according as it contains the inordination of act; but sacramental grace is opposed to it according as it wounds the natural good of the powers of the soul."

Article III: On the Unequal Grace of the Sacraments

38. Notions. - Certain sacraments of themselves and primarily are instituted for causing first grace, namely, that which is given to him who does not have it, or which makes a just man from an unjust man. They are called sacraments of the dead, because they can be received in the state of mortal sin, although they ought not to be: they are Baptism and Penance. The other five of themselves and directly are instituted for causing second grace, namely, that which supposes another grace preexisting and increases it, or which from a just man makes a more just man. They are called sacraments of the living, because they ought to be received in the state of grace. Therefore diverse dispositions are required of themselves for receiving the sacraments.

Hence it is asked: 1) whether the sacraments of the dead can sometimes accidentally produce second grace, and the sacraments of the living first grace;

2. whether the grace produced is proportioned to the dispositions, so that, with the same dispositions given, equal grace is conferred, or on the contrary unequal grace.

39. Thesis I. Just as the sacraments of the dead cause second grace in those who already have grace, so, by parity, accidentally it happens that the sacraments of the living cause first grace: not indeed in those who know that they are receiving the sacrament unworthily, for these

commit a new sin and do not have contrition; but in those who, judging in good faith that they are rightly disposed, inculpably receive a sacrament in the state of sin and at the same time have attrition for their sins. - The first part is certain; the other is the opinion of St. Thomas and the more common and more probable one.

It is proved: The Council of Trent defines in a general way that the sacraments, after the manner of natural causes, confer grace on those not placing an obstacle. But the just man who has grace certainly does not place an obstacle to grace. Therefore the sacraments of the dead also confer grace on him. - Likewise the sinner approaching in good faith, who has imperfect contrition for sin, does not place an obstacle to grace, as is clear from him who receives Baptism and Penance. Therefore the sacraments of the living also confer grace on him. This is very probable concerning all, but concerning Extreme Unction it is most certain from Jas. V, 15 (q. 72, a. 7, ad 3; q. 79, a. 3; Supp., q. 30, a. 1).

For diverse reasons it can happen that someone constituted in mortal sin receives in good faith a sacrament of the living:

1. if he invincibly does not know that he is in the state of mortal sin, or is forgetful of it;

2. if he invincibly judges falsely that it has been purged by contrition, or by a good confession or valid absolution, when it has not;

3. if he invincibly does not know that the state of grace is required for the reception of the sacrament, and thinks that attrition suffices.

40. Thesis II. Sacraments diverse in species cause, of themselves or in those unequally disposed, unequal grace; sacraments of the same species confer, of themselves or in those equally disposed, equal grace, but unequal grace in those unequally disposed.

The first is proved: Sacraments of diverse species of themselves, that is, with equal disposition supposed, confer unequal grace. For a nobler and worthier cause of itself produces a nobler or greater effect. But some sacraments are more perfect than others, so that the Eucharist excels all. Therefore of themselves they produce unequal grace, and the Eucharist of itself confers grace greater than all the others (q. 64, a. 3).

The second is proved: Sacraments distinct only in number of themselves, that is, with equal disposition supposed, confer equal grace; whence two infants receive equal grace in Baptism. But, with unequal disposition supposed, they confer unequal grace, greater or lesser according to the quantity of the disposition, as Trent says concerning all justifying grace, sess. 6, c. 7. For the sacraments operate after the manner of natural causes, which in equally disposed subjects cause an equal effect, in more disposed subjects a greater effect, in less disposed subjects a lesser effect (q. 69, a. 8).

Question Two: On the Mode by Which the Sacraments Cause Grace

41. Notions. - A cause is a principle influencing the being of another. An extrinsic cause is twofold: for either it influences by acting or operating, and then it is efficient; or it influences by way of object,

insofar as it is known, and then it is a good moving an agent that for its sake he do something, and this is final.

An efficient cause is divided:

a) on the part of the power by which it acts, into principal, which by its own proper and complete power operates an effect similar or proportioned to itself; and instrumental, which, by exercising its proper action and producing an effect proportioned to itself, is at the same time moved by a principal agent, and thus cooperates toward its effect: the operation of an axe is to cut, but insofar as it is moved by the craftsman, it cuts artfully;

b) on the part of the mode by which it attains the effect, into perfecting, which effects the ultimate perfection of the thing, as an animal generates an animal; and disposing, which effects some disposition requiring from another the introduction of the ultimate perfection: thus the action and seed of the father do not effect the human soul, but a disposition in the matter which requires the infusion of the soul.

A moral or occasional cause is that which, by bringing forward a motive, for example by its dignity, excites, attracts, and thus moves an intelligent cause to produce an effect; it is called moral because, according to the common estimation, the effect of the intelligent cause is rightly imputed to it. By some it is called an efficient cause, because it moves the person to effecting; but it can be called efficient only metaphorically and improperly, for the motive moves, not indeed by producing something, but by way of object, insofar as it is known and someone acts for its sake; and therefore it is reduced rather to the causality of end than to the causality of efficiency.

Now it is asked whether the sacraments are merely occasional or also moral causes, or rather truly efficient instrumental causes, or even physical causes, and how their causality can be understood. In this question it will be difficult to arrive at true certitude; wherefore it is permitted to us in this matter to speak by reporting or opining, rather than by disputing or deciding.

Article I: On the Causality of the Sacraments Properly So Called and Efficient

St. Thomas III, q. 62, a. 1 and 3; on IV *Sentences*, d. 1, q. 1, a. 4; Disputed Question *On Truth* 27, a. 4.

42. State of the question. - A. Some have said that the sacraments are not efficient causes of grace *per se*, because they operate something, but causes *per accidens*, because God, once the sacraments have been placed, operates the effect.

Thus many of the older authors at the time of St. Thomas, then Scotus, Henry of Ghent, Durandus, Gabriel Biel, the Nominalists, and others; St. Bonaventure also favors it, although he speaks hesitantly. St. Thomas attacked this opinion, because the sacraments would not be true and properly so-called causes, but only signs and conditions without which grace would not be produced; which seems repugnant to the sayings of Sacred Scripture and especially of the Holy Fathers:

"Some say that they are not a cause of grace by operating something, but because God, the sacraments having been employed, operates grace in the soul; and they set down the example of one who, bringing a leaden denarius, receives a hundred pounds from the ordinance of the king: not that that denarius operates anything toward having the aforesaid quantity of money, but the will of the king alone operates this... But if someone considers rightly, this mode does not transcend the ratio of

sign; for the leaden denarius is nothing except a certain sign of the royal ordinance concerning this, that money be received by this man... According to this, therefore, the sacraments of the New Law would be nothing more than signs of grace; whereas nevertheless from many authorities of the Saints it is held that the sacraments of the New Law not only signify, but cause grace" (q. 62, a. 1).

Although this opinion was not expressly proscribed by the Councils of Florence and Trent, nevertheless it cannot admit in the proper sense their doctrine, which is nothing other than the voice of tradition: namely, "that the sacraments of the New Law differ from the ancient ones in that they contain and confer grace, while the sacraments of the Old Law did not cause it." Whence from this time it was abandoned by theologians.

B. More recent authors have changed that opinion somewhat: the sacraments are administered in the name of Christ, and consequently are morally actions of Christ, just as the actions of an ambassador are judged rather actions of the king than of himself. But the actions of Christ have merit, an objective infinite dignity. Therefore the sacraments participate in this dignity, insofar as Christ derives merits into them and presents them to God for obtaining and demanding our sanctification. Now the merits of Christ by their dignity have the power of moving God to bestowing grace. Therefore the sacraments are moral causes of grace as truly as the merits of Christ themselves: this is the only difference, that the merits have their own proper dignity, while the sacraments have dignity derived from them; whence the sacraments are moral causes, not principal but instrumental.

Melchior Cano, Molina, Becanus, Vasquez, and many others of the Society of Jesus attribute moral causality to the sacraments; especially Lugo, Franzelin, and Pesch, who proposed it better.

43. Are the sacraments to be called moral causes? - This manner of speaking is less approved, for various reasons:

1. If the sacraments were only moral causes, they would not be properly so-called efficient and instrumental causes, and therefore what the Holy Fathers and Councils assert of them would not be verified in the proper sense.

2. Granted that they were instruments of Christ as man, nevertheless they would not be instruments of God, whom they move and by whom they are not moved for obtaining grace, for otherwise God would pray to Himself.

3. They would be impetratory causes. But impetration is a causality proper to sacrifice, which is the sign of internal prayer; but the ratio of sacrifice differs essentially from the ratio of sacrament. Therefore the impetrative causality of sacrifice is not to be attributed to the sacraments.

4. They would not be true causes but only signs: a) Sacramental actions are not from the very person of Christ, but are only morally judged to be His actions. But merit is the value of a personal action and therefore inseparable from it. Therefore the sacraments do not have intrinsically the dignity of the merits of Christ, but only extrinsically are judged to have this dignity. - b) That which in the sacraments causes grace is not so much the operation of the minister as the external sign itself. But this cannot have moral dignity, but at most represent

merits as the price by which grace is acquired. Therefore they are only signs of the merits of Christ and of grace.

5. Whence this moral causality does not sufficiently distinguish them from the sacraments of the Old Law, which also represent the merits of Christ, as will be said in a. 4: for the fact that the merits are past or future does not change the mode of causality.

44. Are the sacraments true efficient instrumental causes? - If the sacraments are not moral causes, it follows that they are true efficient causes: not indeed principal causes, because of their own nature they do not have supernatural power proportioned to grace or to other supernatural effects; whence the effect produced is not assimilated to them but to God; - but instrumental causes, which from the influx of God express order to grace.

Hence it is understood in what sense the sacraments are said to contain grace: not as if it were in them as an accident in a subject, a thing in a place, or liquid in a vessel, as the Protestants falsely impute to Catholics; but as in a sign and in an efficient cause: for it is necessary that the effect be somehow pre-contained in the power of the cause.

Article II: On the Instrumental Causality of the Sacraments

St. Thomas III, q. 62, a. 1-4; q. 63, a. 6, ad 3; q. 66, a. 1; q. 68, a. 8; q. 73, a. 1 and 6; q. 84, a. 1; Supp., q. 30, a. 3; q. 34, a. 2; q. 42, a. 1 and 3; IV *Sentences*, d. 1, q. 1, a. 4; Disputed Question *On Truth* 27, a. 4.

45. The origin of the question is of the historical order. In the Commentary on the Sentences St. Thomas proposes that the sacraments are instrumental dispositive causes of grace, insofar as they cause in the soul a disposition, namely, character or some other adornment, which is a necessity or title demanding that grace be caused by God; but in the *Summa Theologica* he does not mention this, but simply says that the sacraments are instrumental causes of grace. Hence it is asked whether St. Thomas changed his opinion and left behind dispositive causality, as Cajetan maintains; or, on the contrary, whether in the *Summa* he holds the same opinion but explains it more briefly, not explicitly mentioning the disposition because that was sufficiently known, while all who in his age attributed true causality to the sacraments understood it as merely dispositive: thus, for example, William, St. Albert the Great, Innocent V.

The older Thomists for almost three centuries interpreted St. Thomas in this latter way, such as Paludanus, Peter of Tarentaise, Capreolus, Ferrariensis, Deza, Sylvester Prierias, Dionysius the Carthusian; indeed Cajetan himself as a younger man wrote thus. But in the Commentary on the *Summa Theologica*, Cajetan lays down that St. Thomas there expounds a new opinion proper to himself, namely, that the sacraments are instruments by which, under the motion of God, a physical power is attributed for effecting grace itself; and in this way afterward the Thomists rather generally interpreted the holy Doctor. In more recent time Billot returned to the older authors, and contends that St. Thomas never changed his opinion but was constant in asserting merely dispositive causality; which, however, he himself understands not as physical but as intentional, namely, one which produces something of the moral and juridical order, which does not exist except dependently on the intention and ordination of the practical intellect, such as right, title, dignity, moral power,

deputation to office, etc. Several followed Billot, while certain others defended physical dispositive causality.[1]

[1] On this question see Billot, *On the Sacraments of the Church*, I, th. 6 and 7; Pegues in *Revue Thomiste*, 1904; Hugon in the dogmatic work, and in the little work *La causalite instrumentale en theologie*; Richard, *La causalite instrumentale*, in *Revue Neo-scolastique*, 1909; Leroux, *Les Sacrements causes dispositives intentionnelles de la grace*, in *Revue Ecclesiastique de Liege*, 1914-15; Tuyaerts, *Utrum S. Thomas causalitatem Sacramentorum mere dispositivam unquam docuerit*, in *Angelicum*, 1931; Simonin and Meersseman, *De Sacramentorum efficientia apud Theologos Ord. Praed.*, 1936.

They observe: a) that St. Thomas after the commentary on the Sentences wrote the Disputed Questions *On Truth*, and in q. 27, a. 4, explains the causality of the sacraments with respect to grace without mentioning any disposition caused by them; and nevertheless in the reply to 3 this is again indicated, and again in the Question *On Power* 3, a. 4, ad 8, which nevertheless is of later composition; - b) that he never explicitly retracted the doctrine on dispositive causality; - c) and that neither in the *Summa* did he in any way refute it, which nevertheless would have been altogether necessary for one denying it, since in the Schools it was then universally received.

Yet these arguments are by no means convincing; and therefore generally the Thomists continue to affirm that the silence of the holy Doctor in the *Summa* sufficiently manifests that dispositive causality is to be abandoned and that it is sufficiently refuted implicitly, in the replies to objections.

Hence it is asked: 1. whether the sacraments are in some sense instrumental dispositive causes, namely, effecting a disposition to grace; 2. whether, even given this, they are besides instrumental perfective causes effecting grace itself.

Both can be admitted, for even those who say that the sacraments effectively and physically cause grace itself can admit that they previously cause some disposition to grace.[2]

[2] Hugon testifies to this, *Dogmatic Treatise*, III, on the Sacraments, q. 3, a. 2, n. xx.

46. Are the sacraments instrumental dispositive causes toward grace? - Thus it seems to be affirmed: The sacraments truly produce some effect, for example character in Baptism, which effect is a disposition, which not only removes impediments to grace, for then it would not be a true cause, but which requires from God the infusion of grace.

According to the manner of speaking of St. Augustine, distinguishing between the sacrament or sign and the reality or effect of the sacrament,[3] three things are to be distinguished in the sacraments:[4] 1) the external sign, composed of matter and form, which is rightly called *sacramentum tantum*, because it signifies and is not signified; 2) the grace conferred, which is called the *res sacramenti*, because it does not signify but is only signified; 3) the necessitating disposition to grace, which at least by nature precedes grace and, as an intermediate between the two, is called *res et sacramentum*, because on the one side it is the reality signified by the external sign, and on the other side it is a sacrament or sign signifying grace. Now the sacraments truly effect that which is *res et sacramentum*, and this is the disposition or title to the infusion of grace.

[3] Questions on the Heptateuch, III, 84.

[4] The distinction is already in use in the twelfth century and is found in Hugh of St. Victor, William of Auxerre, the Master of the Sentences, and Innocent III, c. 6, X, III, 41, *de celeb. Missae*, c. *cum Marthae*. It is handed down by St. Thomas, q. 63, a. 6, ad 3; q. 66, a. 1; q. 73, a. 1 and 6; q. 84, a. 1; Supp., q. 30, a. 9; q. 34, a. 2; q. 42, a. 1.

It is proved: The sacraments effect that which they figure as to be conferred by them. But they directly and immediately signify some effect distinct from grace, and only mediately and dependently on that effect do they signify the very conferral of grace. Therefore the sacraments directly and immediately effect the disposition on which the conferral of grace depends.

The minor is proved: The words of the form, on which the signification of the matter depends, directly and immediately signify something diverse from grace:

1. In the Eucharist they evidently signify the presence of the body and blood of Christ, and only mediately the spiritual refreshment of the soul, insofar as the body and blood of Christ are received.

2. In Matrimony the contract signifies the conjugal bond, which requires grace insofar as it represents the union of Christ with the Church.

3. In Order there is signified sacred power or character, whose office cannot fittingly be exercised without grace.

4. Likewise in Confirmation.

5. Likewise in Baptism, in which the sense of the form is: I confer to thee the sacrament, that is, the sign of washing. For Baptism can be valid and not produce grace on account of an obstacle; but a practical sign which does not effect that which it immediately signifies is invalid; therefore Baptism does not immediately signify grace, but character, which is the internal sign of washing and interior renovation.

6. In Extreme Unction, the deprecative form signifies that the sick man is committed into the hands of God, whose indulgence is expected; whence the sick man receives something by which he is internally devoted to God and by which he has a right to the reception of alleviating grace.

7. Penance was instituted by way of judgment; but in human judgment, absolution from prison signifies a right given to liberation; therefore also the words: *I absolve thee from sins*, are rightly said to signify: I give thee a right to liberation from sins. Whence the *res et sacramentum* is interior contrition signified by the acts of the penitent, insofar as through absolution it becomes a title to grace which frees from sins.[5]

[5] In conformity with St. Thomas, who thus explains the form of Penance, q. 84, a. 3, ad 5.

47. Observations. - 1. A sacrament, since it is a sign for men, is necessarily external; whence the disposition or title to grace is called a sacrament not properly, but only analogically, insofar as it is sensible through another; for this it is required that it be infallibly and necessarily connected with the external sign.

2. Grace, although it is the root and seed of glory, cannot be called a sacrament of glory, because it is not connected infallibly with the external sign.

3. Almost all theologians admit the existence of that which is called *res et sacramentum*, but they do not agree in assigning it: for Penance some indicate peace of conscience and serenity of soul, and for Extreme Unction the alleviation of soul and confirmation against the dangers of death. Yet not rightly: a) because they are not immediately signified by the external sign; b) because they are produced through the mediation of grace and because they are not connected infallibly with the external sign, for the sacraments can be valid and not produce these effects. Therefore just as grace cannot be called a sacrament, so neither can those things.[6]

[6] Cf. John of St. Thomas, *On the Sacraments*, disp. 33, a. p. 5.

48. Are the sacraments also instrumental perfective and physical causes producing grace itself? - Let it suffice in this scholastic question to hand down the principal arguments which are brought forward on each side.

A. Those who deny physical causality productive of grace argue thus:

1. "A secondary instrumental cause does not participate in the action of the higher cause except insofar as by something proper to itself it operates dispositively toward the effect of the principal agent: for if it acted there in no way according to that which is proper to itself, it would be employed for acting in vain; nor would determinate instruments of determinate actions need to exist" (I, q. 45, a. 5). Therefore the sacraments operate only dispositively toward the effect of the principal agent, God; and consequently they produce only an effect previous to grace, which is caused by God.

2. Grace is properly created, or at least is produced by an action which is equivalent to creation, because it is a participation of the divine nature for which no creature has a positive capacity; whence the production of grace requires infinite power, which cannot be communicated to a creature. Therefore just as no creature can be an instrument of creation, so neither can it be an instrument attaining grace itself.

3. An instrument ought to cooperate with the principal agent: for by exercising its proper action it ought to act instrumentally, just as an axe by cutting wood produces the form of a bench. Whence the instrumental action ought to be in the same line as the proper action of the instrument, of which it is the modification and elevation. But the action proper to the sacraments is to signify; yet no physical causality belongs to the action of signifying, whence it is said that they cause by signifying.

4. The sacraments confer grace when and where they do not exist, for those which are received with an obstacle, once the obstacle has been removed, confer grace (n. 57), and matrimony can be valid even if entered by proxy or if consent is not renewed. But a) a physical cause does not act except when and where it exists; b) in the aforesaid cases the sacraments do not cause grace except by a disposition left in the soul; therefore likewise in other cases, because the Holy Fathers speak of causality in the same way for all circumstances. Therefore the sacraments are not physical causes of grace itself.

5. The sacraments operate in the same mode as Christ performed miracles. But the humanity of Christ only designated by sign or gesture certain things by divine command, and thus

produced an exigency that miraculous works be done in them; the divinity physically effected them. Therefore the sacraments produce only an exigency in the soul, so that in it God Himself would physically effect grace.

6. The Fathers compare the causality of the sacraments to human generation. But parents do nothing except dispose matter; God infuses the principle of life, which is the soul. Therefore the sacraments produce only a disposition to the principle of supernatural life, which is grace; God alone infuses it.

Thus the older authors cited above; more recently Billot and his disciples, such as Van Noort, Horace Mazzella, Richard, De Smet, Blondiaux, Leroux, Bittremieux, de la Taille, who nevertheless hold intentional dispositive causality, while others maintain physical dispositive causality, such as Delval, De Bellevue, and Gonthier.

B. Those who hold that the sacraments physically produce grace itself and attain it directly and immediately, answer thus, while at the same time arguing to the contrary:

1. Instruments are said to operate dispositively either on the part of the thing operated, insofar as they effect a previous disposition, or at least on the part of the mode of operating, by modifying the action of the principal agent so that they are not pure means but truly act; whence it is not always required that they have a term distinct from the principal effect.

2. Grace is not properly created, but is educed from the potency of the soul; whence nothing prevents it from being caused through an instrument: indeed, to effect grace by one's own power requires infinite divine power, but not to do this by derived and instrumental power.

3. In the instruments of creatures the action must be accommodated to the effect to be produced, but in the instruments of God the action need not necessarily be accommodated, because God can effect anything by the action of any instrument whatever. And yet by exercising their proper action the sacraments act instrumentally: as when water touches the body, it at the same time washes the heart (q. 62, a. 1, ad 2).

4. In the sacraments there is present divine power, which is simultaneously present to all places and times; moreover sacraments validly received leave in the soul a disposition or vestige, which God can use as a physical instrument for afterward conferring grace.[7]

[7] There are several ways explanatory of the reviviscence of the sacraments in the opinion of physical causality, as can be seen in Billuart, Hugon, Marin-Sola, in *Divus Thomas*, 1925; Haynal, in *Angelicum*, 1927.

5. The humanity of Christ physically cooperates with the Word, and is a physical instrument in performing miracles and producing supernatural effects. Therefore the sacraments too are physical instruments in the production of grace.

6. The Holy Fathers, if their words are taken in the proper and full sense, cannot be understood except of true power, efficacy, and physical causality. Wherefore this causality altogether befits the excellence and dignity of the Sacraments of the New Law as celebrated in the tradition of the Church.

Thus not only the Thomists generally after Cajetan, such as John of St. Thomas, Nugno Cabezudo, Sylvius, the Salmanticenses, Gonet, Gotti, Billuart, but also Suarez, St. Bellarmine, Valentia, the Conimbricenses, and the Sorbonne doctor Ysambert; and most recently Oswald, Bucceroni, Mattiussi, Hugon, Nepveu, Casajoana, Heinrich-Gutberlet, and others.[8]

[8] Especially worthy of reading is Hugon in the cited work, p. 47, note 1.

From these things it is clear that Thomists are by no means compelled to abandon the opinion of physical causality, but that it can seem to them more probable, and indeed deservedly.

Article III: On the Causative Power of the Sacraments

St. Thomas III, q. 62, a. 4 and 5.

49. In the sacraments there is present a divine instrumental power for producing sacramental effects. - The power of the sacraments is extolled by the Fathers; and deservedly. For in every cause some power is required for producing an effect, which in an instrument is not permanent but is communicated to it through the motion of the principal agent; whence in the sacraments, for producing spiritual effects, there is a spiritual instrumental power, having a flowing, passing, and incomplete being, from one thing into another, just as motion also is an imperfect act from an agent into a patient (a. 4).

This power is understood in diverse ways according to the diverse manner of declaring the efficiency of the sacraments. By some there is admitted only a power of the intentional order, which wholly depends on the ordination of the intellect, and serves to manifest and convey outwardly its intentions, whether speculative or practical: thus words by which a law is promulgated, or a testament is made, or someone is deputed to an office, are instruments by which the intellect causes in another an obligation, rights, or other moral relations. Now they say that the sacraments receive such a power participated from the divine intellect, for causing deputation to sacred offices, a title or right which requires grace. - But by others a real power of the physical order is maintained; they rather consider intentional power to be extrinsic to the sacraments and insufficient, since to them it seems not to transcend the ratio of sign.

But lest one think that spiritual power cannot be present in a material sign: "Spiritual power cannot be in a corporeal thing by way of a permanent and complete power... Nevertheless nothing prevents there being spiritual power in a body instrumentally, namely, insofar as a body can be moved by some spiritual substance for inducing some spiritual effect; just as in the sensible voice itself there is a certain spiritual power for exciting the intellect of man, insofar as it proceeds from the conception of the mind. And in this way spiritual power is in the sacraments, insofar as they are ordained by God to a spiritual effect" (ad 1).

50. The sacraments received their power from Christ, and especially from His passion. - For an instrument is twofold: one separated, as a staff; the other conjoined, as a hand. But through the conjoined instrument the separated instrument is moved, as a staff by the hand. Now the principal efficient cause of grace is God, with whom the humanity of Christ cooperates as a conjoined instrument, and the sacrament as a separated instrument. And therefore it is necessary that salvific power be derived from the divinity of Christ through His humanity into the sacraments (a. 5).

But liberation from sins and sanctification, which is done through grace, are from the merits and satisfactions of Christ; therefore the sacraments have power especially from the passion of Christ, and therefore they are said to have flowed from the side of Christ: for water and blood represent Baptism and the Eucharist, to which all the sacraments are reduced (cf. Rom. VI, 3; Eph. V, 2 and 25-26).

51. Observation. - Power is granted to the sacraments:

1. in a certain way inchoatively and in first act, through the institution of Christ, and for some through the sanctification or blessing of the matter which was made by Christ if the matter itself is the use, as for Baptism and the Eucharist; otherwise it is done by His ministers, as in Confirmation and Extreme Unction: to these sacraments there is given that they can sanctify;

2. completively or consummatively and in second act, from the command of Christ, when in His name the minister applies the sacraments to use: then there is given to them that they actually sanctify.

52. Corollaries. - From the aforesaid it is understood:

1. That the sacraments operate their effects by the same mode of causality as the humanity of Christ performed miracles or remitted sins.

2. That the Protestants falsely attribute to us that God is not the one who justifies, but that the sacraments do this by their own power, which they call a magical force.

Article IV: On the Causality of the Sacraments of the Old Law

St. Thomas III, q. 62, a. 6.

53. Thesis I. The sacraments of the Old Law did not properly cause grace. - This is certain.

It is proved: 1. From the Scriptures. The Apostle calls them weak and needy elements (Gal. IV, 9): weak, because they could not cleanse from sin; needy, because in themselves they did not contain grace; - they effected only legal sanctity, the cleansing of the flesh, and never had power to cleanse conscience and make the one serving perfect (Heb. IX, 10-13); - wherefore justification in the Old Testament was given by the power of faith, but never by the power of law, that is, by the power of the works, observances, sacraments of the law (Rom. III, 28), among which is circumcision itself (IV, 9). Whence the law was reproved because of its weakness and uselessness (Heb. VII, 18).

2. From Tradition: The Fathers teach the difference between the sacraments of the Old and New Law, as Augustine, on Psalm 73, n. 2: "If we distinguish the two Testaments, the Old and the New, the sacraments are not the same: the sacraments of the New Law give salvation; the sacraments of the Old Law announce the Savior beforehand." The Council of Florence afterward declared this difference, in the decree for the Armenians: "those did not cause grace, but only figured that it was to be given through the passion of Christ"; but Trent defines it, sess. 7, can. 2, nevertheless not formally establishing in what precisely it consists.

3. From reason: Under the Old Law the price of our grace, which was the passion of Christ, had not yet been paid. But with the price not yet paid, the sacraments could not have in themselves power derived from the passion of Christ, but were only signs of the future passion, and like a written pledge displaying the promise of the merits of Christ. Therefore they were signs of grace, not causes.

54. Thesis II. In certain sacraments before Christ justification and grace were conferred by God.

It is proved: a) God by an antecedent, sincere, and operative will wills the salvation of all; this will would be understood with difficulty unless He had instituted a remedy or rite by which, before the use of reason, little children would be justified from original sin. Men determined this rite by interior instinct, God holding it ratified; but in the time of Abraham, for males of his race, the sacrament of circumcision was instituted. b) This principle, on the first occasion occurring in the controversy against the Pelagians and Donatists, Augustine and the other Fathers after him explicitly proposed. Hence c) for many centuries now this has been admitted by common consent in the School, although some, as St. Bonaventure, said that outside the case of circumcision an external sacrament is not required, but the internal faith of the parents suffices. Whence d) Innocent III, c. *Maiores* on Baptism, asserts that original guilt was remitted through[1] the mystery of circumcision.

[1] Understand as through a medium, not as through a cause.

But that which has a foundation in the salvific will of God, was explicitly declared by the Holy Fathers, admitted by all theologians, and confirmed by the authority of the Holy See, cannot be denied without temerity. Therefore.

55. Thesis III. In the sacraments of the Old Law grace could be conferred through faith in the future Redeemer, of which faith they were protestative signs. - Christ is the head of the people of the redeemed, whence all are sanctified through His influx, which comes to us through the sacraments. In the New Law Christ can operate through them as an efficient cause, because they were instituted by Him; this He could not do in the Old Law, because an efficient cause cannot be posterior to its effect. Therefore Christ could not influence except by way of final cause, which is foreknown and desired; and therefore the sacraments of the Old Law were only signs prefigurative of the passion and redemption of Christ, and protestative signs of faith and hope in the desired Redeemer and His merits.

And indeed:

1. Adults were aggregated to the people of God and sanctified, by the power of Christ's merits, *ex opere operantis*, that is, by acts of faith, hope, and charity which they exercised and manifested in the sacraments, and to which these could excite them.

2. Little children, however, through the acts of others applying the sacrament and confessing faith in their name, were aggregated to the faithful people, whose faith was applied to them, so that they were already accounted by God among the faithful. This faith of the people in Christ was the medium by which they were united to the merits of Christ, on account of which God gave grace to them: therefore the sacrament was not a true cause, but a mere condition without which grace was not given to them, and a sign representing the future merits of Christ, on

account of which grace was conferred by God. "And therefore," says St. Thomas, ad 3, "in circumcision grace was conferred, insofar as it was a sign of the future passion of Christ." In this sense it is said by some that in circumcision grace is conferred as if *ex opere operato*, namely, not actively, but passively.

Question Three: On the Time at Which Grace Is Caused by the Sacraments

St. Thomas III, q. 69, a. 10; Suppl., q. 9, a. 1.

56. Notions. - The sacraments confer grace *ex opere operato* upon those who do not place an obstacle; which formula the Protestants explain erroneously, as if Catholics taught that the external work itself justifies without faith or a good internal movement or disposition of the one acting, provided that in him there is not an actual contrary disposition, but he conducts himself negatively. - But all Catholics teach that the obstacle is not only a contrary act, but also the state of habitual adherence to sin, for the removal of which supernatural acts of faith, hope, and imperfect contrition are required; and these acts, although they are not the cause of grace, since they do not influence its production, nevertheless are the condition without which it would not be produced, because they remove that which would impede the infusion of grace.

Indeed, the greater or lesser that disposition is, the greater or lesser grace the sacrament confers (n. 40): in the same way fire burns wood more efficaciously when it is drier, although dryness is a mere condition removing what prevents, and is not the efficient cause of combustion.

For this to be well understood, it must be defined what fiction and obstacle are in the sacraments.

A. Fiction is the same as simulation: it consists in this, that someone by word or deed shows what is not in the truth of the matter. It is twofold:

1. essential, when someone feigns that he wills to receive a sacrament while he does not will it: this renders the sacrament invalid;

2. accidental, when someone receives a sacrament without the due disposition but with an obstacle: for one who receives a sacrament shows that he wills to receive grace; whence if his will remains adhering to sin, he shows something other than what is in the truth of the matter, and thus there is a fiction by which he feigns that he is disposed for the effect of the sacrament while he is not: then the sacrament is valid, but formless, i.e., without fruit or the form of grace.

B. An obstacle is twofold:

1. a positive, contrary, or formal obstacle is the fully voluntary and gravely culpable lack of the disposition required for the grace of the sacrament, for example, lack of faith or of imperfect contrition; namely, the sin of unworthy reception of the sacrament, or the act here and now posited contrary to the infusion of grace;

2. a negative or material obstacle is the unconscious lack of the disposition necessary for the grace of the sacrament, from ignorance or forgetfulness not gravely culpable, or the mere state of adherence to sin.

One can also distinguish: the obstacle simply, which, as we have said, impedes the principal effect of the sacrament, grace itself; and the obstacle in a qualified respect, which impedes only some secondary effect.

57. Principles. - I. The sacraments do not operate *ex opere operato* before they are really received. For an efficient cause does not operate before it exists; whence if someone with perfect contrition has the desire or vow of a sacrament, he receives sanctifying grace *ex opere operantis*, yet not that which is the *res et sacramentum*, nor sacramental grace.

II. Sacraments received invalidly on account of essential fiction never produce anything, because in truth they are not sacraments.

III. Sacraments validly received effect:

a) that which is the *res et sacramentum* at the time at which they are received; otherwise they would not have their signification. The Eucharist is excepted, in which the *res et sacramentum*, namely Christ, exists present before reception.

b) likewise sanctifying and sacramental grace, if an obstacle is not present;

c) if an obstacle is present, provided and for as long as the *res et sacramentum* remains, they confer this grace at the moment at which the obstacle is removed, and indeed as often as the sinner is justified. The reason is that the sacraments operate according to the norm of natural causes, which, if they are impeded from producing an effect because of an obstacle, immediately upon the obstacle being removed obtain the effect, provided that in the subject there has been left a disposition toward it. But the sacraments once completed leave in the soul a disposition which demands grace. Therefore, once the obstacle has been removed, they confer grace for as long as the disposition demanding it remains; and this theologians call the reviviscence of the sacraments. Therefore reviviscence consists in this, that a valid sacrament, but one formless because of the indisposition of the subject, once this indisposition has been removed, obtains its effect, namely that of grace, whether primary or secondary.

The obstacle is removed:

1. a negative obstacle, *per se*, by the disposition whose lack was the obstacle, i.e., by imperfect contrition alone, as was said in n. 39;

2. *per accidens*, if mortal sin supervenes, it is removed only by perfect contrition, or by imperfect contrition with a new sacrament: the reason is that no sacrament has the power of remitting sin committed after it;

3. a positive or contrary obstacle is removed also in this way, namely by perfect contrition, or by imperfect contrition with a new sacrament: for fiction, insofar as it impedes the effect of the sacrament, is by nature posterior to the sacrament, just as the effect itself is; therefore by this sacrament the sin of fiction or of unworthy reception is not remitted.

58. Corollaries. - From the principle laid down it follows:

1. That Baptism, Confirmation, and Order revive during the whole of life, because they leave a permanent disposition in the soul, the character. This is beyond every doubt for Baptism, because the removal of original sin is absolutely necessary for salvation, and it cannot be obtained either by the sacrament of Penance, or by repeated Baptism, and therefore not by the vow of this latter.

2. That the Eucharist does not revive, because, once the sacrament has passed, nothing remains in the soul; but if someone, by sorrowing for sins before the species are corrupted, were to obtain grace, this would not be reviviscence, because the sacrament is still present.

3. That Extreme Unction and Matrimony revive during the same illness or the same marriage: for so long the *res et sacramentum* remains. Thus the far more common opinion.

4. That Penance probably revives, in the case, which is held by many theologians as possible, in which contrition is had sufficient as a part of the sacrament, but insufficient as a disposition for grace: it revives when a disposition sufficient for grace comes to it, but only once, because in this way the right to remission of sin granted by absolution has already been exhausted.

Chapter II: On the Secondary Effect: Character

Question One: On the Existence of Character

St. Thomas III, q. 63, a. 1.

59. Character (from the Greek word χαρακτήρ,[1] i.e., figure, seal, mark; *merkteeken*) is a spiritual seal, distinctive from others, indelibly impressed upon the soul, by which man is deputed and consigned to certain offices of Christian worship.

[1] The Greek Fathers, however, do not use this word but the term σφραγίς, a seal, from the verb σφραγίζειν, to seal, to sign, which is also used in the Scriptures.

It is said:

1. a seal, because although of itself it is not sensible, nevertheless for us it is a sign by reason of the external rite by which it is conferred;

2. spiritual, both by reason of the power which is handed over for divine things, and by reason of the subject in which it is received;

3. indelible: it is a property which belongs to character, because it is a certain spiritual consecration which remains as long as its subject remains;

4. impressed upon the soul: not the very Word of God, as Rosmini erroneously said,[2] but something created in the soul; which nevertheless is not to be understood of the very essence of the soul but of its faculty;

[2] Condemned proposition 28.

5. by which man is deputed to the offices of Christian worship: character contains an aptitude or power of receiving or performing divine things;

6. distinctive from others: since it is a seal, it has the office of distinguishing before God indeed and the angels, and also before men, by reason of the visible sacrament by which it is impressed.

60. Thesis. Certain sacraments impress upon the soul a character, or a spiritual seal distinct from grace. - This is of faith from the Council of Trent, sess. 7, can. 9, confirming the Council of Florence, and sess. 23, c. 4 and can. 4, against Wicleff, who said that character was unknown to Scripture and the Fathers, and against the Protestants, who say that Innocent III devised it.

The doctrine is not clearly drawn out from the Scriptures, although they affirm that Christians are sealed, which seems to be understood of the sacraments (II Cor. I, 21-22; Eph. I, 13; IV, 30); nor from primitive tradition, because all the texts could strictly be understood of sacramental grace.

1. From the beginning the Fathers acknowledge an impressed seal which marks and distinguishes men before God and the angels, which they compare to the character by which soldiers are marked on the body, or sheep on the back, with the stamping of coin, and of a ring in wax, or with the mark of circumcision: by this seal the faithful are signed as belonging to the family and flock of God.[3] Yet the Fathers do not always sufficiently distinguish the seal from the grace of the sacrament, nor do all hold it as incapable of being lost.

[3] Hermas, *Similitudes* VI, 3; IX, 16; II Clement VIII, 6; Tertullian, *On the Spectacles*, 24; *On the Resurrection of the Flesh*, 8; Clement of Alexandria, *Who Is the Rich Man That Shall Be Saved?*, 42; *Stromata* II, 3; Hippolytus, *On Christ and Antichrist*, 6; Cyprian, ep. 73; Cyril of Jerusalem, Catecheses I, 2-3; XVIII, 33; XXI, 7; XXII, 7; Chrysostom, on II Corinthians, book III, n. 7; hom. 2 on Ephesians, n. 1; Ambrose, *On the Mysteries*, 42; *On the Holy Spirit*, book I. Thus for Baptism: Hermas, II Clement, Clement of Alexandria, Tertullian, Cyprian, Basil, Cyril of Jerusalem; for Confirmation: Clement of Alexandria, Tertullian, Cyprian, Cyril of Jerusalem, Ambrose; for Order: Gregory of Nyssa, on the Baptism of Christ.

2. From the fourth century they explain it more explicitly, and call it indelible, unbreakable, and indissoluble, such that it can be broken by no effort.[4]

[4] Basil, on Holy Baptism, 4-5; Gregory Nazianzen, oration on Baptism; Gregory of Nyssa, oration on Baptism, n. 11; Cyril of Jerusalem, Pro-catechesis, 16, 17; *Apostolic Constitutions*, III, 16.

3. Finally, they say that it is separable from grace, and that in itself it is not changed when grace is lost.[5] Thus the doctrine which at the beginning lay hidden implicitly and was brought forth obscurely, afterward was proposed explicitly and clearly; but from the beginning it was certainly contained in the very practice of the Church.

[5] Ambrose, *On the Holy Spirit*, book I; Basil and Gregory Nazianzen, cited place, and especially Augustine.

It is proved:

1. From the practice of the Church: Certain sacraments once validly conferred have always from the beginning of the Church been held as unrepeatable; but there can be no reason for this matter unless because they imprint an indelible character, as Augustine argues, on Psalm 39.

With the whole Church, namely, approving, he defended against the Donatists: a) that the validity of the sacraments does not depend on the goodness of the minister, but that true sacraments are dispensed by heretics and schismatics; b) that certain sacraments cannot be repeated without

sacrilege, even in those who received them from heretics; c) that the reason for unrepeatability is that the sacraments have an unfailing effect, an indelible character. In this controversy Augustine could appeal to the sense of the whole Church and to universal custom.

2. By reason of fittingness: The sacraments depute men to some spiritual and sacred functions. But he who is deputed to something is customarily consigned for it, just as soldiers were accustomed to be marked with bodily marks, because they were deputed to bodily warfare. Therefore it is fitting that in the sacraments the faithful be marked with a spiritual character.

This is confirmed: Just as the New Law not only externally, but by participation in the divine nature, renders us internally holy and adopted sons of God, so it belongs to its perfection that we be deputed to divine things and be made participants of divine power, not only by an extrinsic ordination of reason, but also by an intrinsic and inhering consecration and sealing.[6]

[6] St. Thomas, on IV *Sentences*, d. 4, q. 1, a. 2, qc. 2, ad 3.

Question Two: On the Essence of Character

St. Thomas III, q. 63, a. 2, 3, 4 and 5.

61. Character is not a thing of reason, or a mere relation, but a real and absolute quality, not indeed a habit but a power. - For:

1. It is not a mere ordination or relation of reason, but is also something physical, as is evident a) from the Councils, which call it inhering in and impressed upon the soul; b) from the holy Fathers, who compare it to a bodily mark or character, which they impressed upon the body of those who were enrolled in military service; c) from the consent of all Theologians, with Durandus alone excepted. Whence it could not be denied without the note of temerity.

2. It is not a mere relation: for although it includes a real relation as a sign, distinctive and configurative to Christ, nevertheless there must be a real foundation of these relations.

3. It is not a habit, because no one can use a good habit badly; but someone can use character badly, as a priest does while he consecrates sacrilegiously; therefore character is not a habit.

4. It is a power, by which someone is made capable for the offices of divine worship.

It is proved: By character we are deputed to divine worship, which consists in receiving divine things and handing them on to others. But for each of these a power is required, whether receptive or active. Therefore character is a power.

62. The power of character is ministerial and instrumental. - To have character belongs to the ministers of Christ; but a minister is related after the manner of an instrument insofar as, as a servant of his lord, he is deputed to certain offices; therefore the power of character is like an instrumental power, not complete, but participated. Moreover, since character is a power ordering to acts of worship, St. Thomas concludes that it does not reside in the essence of the soul, but in a power; and indeed in the practical intellect, because worship is a profession of faith.

Theologians do not explain that power in one way, but according to their diverse opinions concerning the causality of the sacraments. Those who defend moral or intentional causality say that in character there is handed over a moral power, which does not confer the simple ability to receive or hand on sacred things, but the ability to do so from office and as a minister of Christ deputed to this, although that deputation is sometimes a condition required for validity; nevertheless this power is not granted except with a spiritual seal by which the soul is physically signed as a minister of Christ. Whence they admit a twofold element in character, really distinct. - On the other hand those who hold physical causality teach that character is a physical power, and nothing besides, which gives the simple ability, namely, the ability validly or fittingly to receive or confer sacred things.

63. Character imports a threefold relation. -

1. It is a sign of grace, the infusion of which it asks from God: for in the New Law no one can fittingly exercise the office of worship without grace.

2. It is a distinctive sign: the actions of character are to be exercised in the visible Church; whence it must become known to the faithful. But from its nature it is invisible. Therefore it is not a distinctive sign except because of its necessary connection with the external sacrament, insofar as when this is posited character is had, and character cannot be had outside the sacrament.

3. It is a sign configurative to Christ: just as a coin is configured to the king whose image it bears, so sacramental character is a participation of the priestly power of Christ, by which we are assimilated and configured to Him. For character is a participation of the power of Him by whose authority the faithful are deputed to their offices; but Christ does this insofar as He has the fullness of the priesthood, and is the author and institutor of the whole worship; therefore.

Since Christ does not have participation but the fullness of the priesthood, there is no character in Him.

64. Character is indelible, not only in the present life, which is of faith from the definition of the Council of Trent, sess. 7, can. 9, and is evident from the unrepeatability of the three sacraments, which is explained by the Fathers through character; but also in the future life, which is the common doctrine and seems certain.

It is proved: That which has no cause of corruption is preserved in being by God. But character cannot be corrupted, neither on the part of the subject, because the soul is immortal; nor on the part of the principal cause, because Christ remains a priest forever; nor on the part of itself, because it has no contrary.

It is confirmed: Character is a certain consecration; but a thing consecrated to God, for example oil, an altar, etc., always remains such as long as it exists whole; therefore.

In the blessed it remains unto glory, but is ordered to other acts proper to the heavenly hierarchy; in the damned it remains unto ignominy: for from it the condemnation of those who neglected so great a gift will appear more just.

Question Three: On the Sacraments Which Imprint Character

St. Thomas III, q. 63, a. 6.

65. Thesis. Three sacraments imprint character. - This is of faith from the Council of Trent, sess. 7, can. 9, defining the doctrine already explicitly affirmed by the Council of Florence, decree for the Armenians.

It is proved:

1. From Tradition, which acknowledges only Baptism, Confirmation, and Order as altogether unrepeatable, because these sacraments inhere in us and remain; but the external sacrament does not remain nor is it in man; therefore the *res et sacramentum* remains. But the *res et sacramentum* which perpetually signs man is character. Therefore.

2. From theological reason: Character is imprinted by those sacraments by which man is deputed to a special office of public worship. But this is not done by Penance and Extreme Unction, which are instituted against the accidental defect of sin; nor in Matrimony, which deputes to a domestic office; nor in the Eucharist, which does not order man to something more perfect, but is itself the end and consummation of all things. Therefore only in Baptism, Confirmation, and Order, by which man is deputed to divine things from office, either to receive them, or to defend them, or to minister them.

66. Observation. - Through the character of Baptism, man is consecrated as a servant of Christ and a member of the Church, and receives the passive power of sacramentally receiving all sacred things whatsoever.

Through the character of Confirmation he is consecrated as a soldier of Christ, and receives a power partly active, of professing the faith of Christ from office, partly passive, of more fittingly receiving other sacraments and especially Order.

Through the character of Order he is consecrated as a priest of Christ and leader in the Church, and receives the active power of confecting and ministering the sacraments.

Whence, just as Christ is king, prophet, and priest, so in the Church of Christ endowed with the threefold power of Christ, through Baptism we are configured to Christ the king, insofar as we are made His servants; through Confirmation we are configured to Christ the teacher and prophet, when we are marked as soldiers of the faith which He Himself taught; through Order we are formally configured to Christ the priest and are made His ministers and dispensers of the mysteries of God.

Fourth Part: On the Cause of the Sacraments

67. Matter to be treated. - To cause a sacrament is not simply to determine the sacramental sign, or the matter and form, but is to give to them the power of signifying and effecting; and this can be done in two ways: 1. by authority, i.e., as principal efficient cause, by a power proper to oneself and not derived from another superior; 2. by ministry, i.e., as instrumental cause, or by a power derived from a superior, which again is twofold: a) principal ministerial, which has a certain principality with respect to other instruments, and b) simply ministerial, which is immediately ministering.

Moreover, any kind of power whatever can be considered either in the institution or in the dispensation of the sacraments. Besides, for the existence of a sacrament there is required a subject capable of reception, which is the material cause. Hence we shall speak: 1. of the instituting cause, 2. of the ministering cause, 3. of the receiving cause.

Question One: On the Instituting Cause

St. Thomas III, q. 64, a. 1, 2, 3, 4.

68. Principle I. God alone is the principal cause, by the power of authority both instituting the sacraments and operating in them. - This is certain.

It is proved: He institutes something who gives to it force and power, as is clear in the institutions of laws. But the power of a sacrament is from God alone. Therefore God alone can institute a sacrament. The minor is proved: God alone can operate in the soul, and He alone as principal cause can confer either grace, which is a participation of His nature, or a right to it, or the instrumental power of causing it. Whence God alone is able by His own power to institute a sacrament, and to communicate to it the power of conferring grace (a. 1 and 2).

69. Principle II. Christ as man has principal ministerial power over the sacraments, insofar as He operates toward the interior effects of the sacraments meritoriously and efficiently.

It is proved: Christ 1. as head of the whole of humanity, from the fullness of grace merited for others the graces of salvation, and thus supplied the merits which are applied in the sacraments; and 2. by the hypostatic union He is an instrument conjoined to God, while the other ministers are separated instruments. Whence in the genus of ministerial cause He has a certain principality with respect to the other ministers, which is called the power of excellence (a. 3).

This consists in four things: 1. in this, that the merit and power of the passion of Christ operates in the sacraments (I Tim. II, 5, 6; Eph. V, 2), and therefore 2. the sacraments are ministered in His name (John I, 33; Acts II, 38; I Cor. I, 13); whence 3. most fittingly the power of instituting them was left to Him, and 4. He Himself could confer their effect even without them (Luke V, 20; VII, 48; XXII, 19; Mt. IX, 2).

70. Principle III. Christ instituted all the sacraments of the New Law. - This is of faith, defined by the Council of Trent, sess. 7, can. 1, against the Reformers; and it is also evident from condemned propositions 39 and 40 of the Modernists.

The assertion is to be understood of at least mediate institution, because the Council did not intend to define more, since it did not wish to condemn theologians defending that.[1]

[1] This is evident from the history of the Council and from the testimony of those who were present at the Council, such as Ruard Tapper and Dominic Soto. Cf. De Baets, in *Revue Thomiste*, March 1906.

But it is sufficiently certain that Christ immediately, by Himself, instituted all the sacraments and did not confer upon the apostles, by a certain general and indeterminate mandate, the power from their own authority of determining sacraments at will according to species and number; but that He Himself determined each sacrament, i.e., the seven signs with some special grace, and indeed to its proper end. Yet one who said that Christ did not reveal all the sacraments by Himself to the apostles, but some by means of the Holy Spirit after the ascension, although that opinion rests on no solid

argument, nevertheless would not certainly affirm something which is already judged erroneous in sacred doctrine by the Church.[2]

[2] Yet the manner of speaking of certain moderns is not to be approved, when they assert that Christ instituted certain sacraments only in their principles. The manner of speaking is equivocal; indeed false, if they intended that those sacraments were instituted only virtually, as conclusions which only afterward are known to be deducible from principles and are deduced. For then they would not be formally revealed.

It is proved:

1. From the documents of revelation: If Christ had given to anyone the power of instituting sacraments, He would especially have done this to the Apostles. But they declare that they are only ministers and dispensers of mysteries (I Cor. I, 12; III, 5; IV, 1). Therefore. - Whence Ambrose, *On the Holy Spirit*, I, prologue, 18: "For ours are the services, but Yours, O Christ, are the sacraments." And Augustine, on John, tract. 5, shows that a sacrament does not depend on the dignity of the minister, because it is the sacrament of Christ.

2. From the Council of Trent, which denies to the Church the power of changing the substance of the sacraments (sess. 21, c. 2); but there would be no reason for this if the power of instituting sacraments had been handed over by Christ to the apostles or to the Church.

3. From reason: The sacraments pertain to the very constitution of the Church and are the foundations of the New Law; therefore they had to be instituted by the very founder and institutor of the New Law, Christ; as Dionysius the mystic already observed, in the books *On the Heavenly Hierarchy*, I, and *On the Ecclesiastical Hierarchy*, I.

Among the scholastics several are cited who seem to have admitted mediate institution for certain sacraments, such as Hugh of St. Victor, the Master of the Sentences, Alexander of Hales, and St. Bonaventure for Extreme Unction; William of Auxerre, Alexander of Hales, and St. Bonaventure for Penance; St. Bonaventure again and Alexander for Confirmation. Some, however, understand them benignly of the revelation or manifestation of the institution through the Holy Spirit; others of the final determination of matter and form. That they can be understood in this way does not seem certain, at least for all.

71. Christ instituted the sacraments in various circumstances and times:

1. The Eucharist and Order at the Last Supper.

2. Baptism, when in the Jordan by His contact He sanctified the waters and conferred upon them the power of sanctifying, whence He Himself also afterward baptized (John III, 22); but He did not impose the precept of Baptism until after the resurrection (Mt. XXVIII, 19).

3. Penance on the day of the Resurrection (John XX, 23).

4. Matrimony, probably when He blessed the wedding at Cana of Galilee (John II), but He indicated the law of indissolubility in Mt. XIX, 6, 9.

5. Confirmation and Extreme Unction He did not minister, because the fullness of grace was not fittingly to be granted before the coming of the Holy Spirit, nor immediate preparation for

entrance into glory before the ascension of Christ; but a) He instituted Confirmation by promising the Holy Spirit (John XIV, 17); b) Extreme Unction by sketching beforehand its future institution (Mark VI, 13), and after the resurrection by speaking with the apostles concerning the kingdom of God, to whose constitution the sacraments pertain (Acts I, 3); but c) they were not promulgated except through the apostles.

72. Observation. - Christ could have communicated the power of excellence to ministers; for He could have granted to a mere man such a fullness of grace that he would have merited *de condigno* for all others grace to be dispensed through the sacraments, as St. Thomas teaches, a. 4. But in fact He reserved it to Himself, "for the utility of the faithful, lest they should place hope in man, and lest there should be diverse sacraments, from which division would arise in the Church, as among those who said: I am of Paul, I am of Apollo, I am of Cephas (I Cor. I, 12)" (ad 1).

Question Two: On the Ministering Cause

Article I: On the Various Ministers of the Sacraments

St. Thomas III, q. 64, a. 3 and 7.

73. Christ as man is the principal minister confecting and dispensing the sacraments, not indeed by Himself, but through visible legates who, by power received from Him, perform the visible sacraments in His name. This is evident from various places of Scripture (John I, 33; Eph. V, 25; I Cor. I, 12; Mt. XXVIII, 19) and from the very form of the Eucharist.

Hence not only Christ and the sacraments themselves, but also the ministers are true instrumental causes of sanctification. And therefore, just as He could determine the sacramental signs themselves, so also Christ could determine the person or minister by whom the signs would be effected, and indeed in such a way that, if this person of the minister were lacking, the sign would not be valid nor would it produce its effects. Whence those are secondary ministers who are determined by Christ the institutor.

74. The secondary ministers in fact are:

1. By ordinary law, wayfaring men, as being similar at once to Christ and to the recipients, using reason, whom alone Christ addresses when in the Gospel He treats of ministers (cf. Mt. XXVIII, 19 for Baptism; Luke XXII, 19 for the Eucharist; John XX, 23 for Penance; Jas. V, 14 for Extreme Unction; I Cor. IV, 1 sq. and Eph. IV, 8 sq. generally); - but not Angels or separated souls, although extraordinarily Christ could assign this power to them: for He has not bound His power to ministers or signs.

2. Yet not all wayfarers; rather the ordinary ministers and ministers of solemnity, acting from office, are those who are specially consecrated for this through the sacrament of Order, as the Council of Trent defines, sess. 7, can. 10 against the Protestants (Eph. IV, 11). Matrimony is excepted, in which the contracting parties are the ministers.

3. The extraordinary minister and minister of necessity can be a layperson in Baptism and in the distribution of the Eucharist.

Let it be noted that no one can minister a sacrament to himself, except the Eucharist.

Article II: On the Faith and Sanctity Required in the Minister for Licit Ministration

St. Thomas III, q. 64, a. 5, 6, 9 and 10.

75. Principle I. For the validity of a sacrament, in the minister there is not required faith or sanctity. - The latter is of faith, from the Council of Trent, sess. 7, can. 12; the former, however, is of faith for Baptism from Trent, sess. 7 on Baptism, can. 4, and for the other sacraments is theologically certain from the common consent and practice of the Church, and is deduced from arguments similar to those for Baptism.

It is proved:

1. If faith or sanctity were required, this would be either from the nature of the sacrament and of ministerial power, or from the positive will of Christ. But:

A. Not the first: The sacraments do not operate by the power of the merits or faith of the minister, but by divine power and from the merits of Christ (John I, 33; I Cor. III, 4, 5, 7; I, 13). But these cannot be impeded by the malice of man, even of the minister. Therefore his faith or sanctity is not required from the nature of the sacrament or of ministerial power.

"Ministers," says St. Thomas, "operate instrumentally in the sacraments, because in a certain way there is the same ratio of minister and instrument.... An instrument does not act according to its proper form and power, but according to the power of that by which it is moved. And therefore it is accidental to an instrument, insofar as it is an instrument, whatever form or power it has, apart from that which is required for the ratio of instrument; just as that the body of a physician, which is the instrument of a soul having art, be healthy or infirm.... Whence the ministers of the Church can confer the sacraments, even if they are evil" (a. 5). "Moreover, just as charity pertains to the proper power of man, so also does faith. Whence just as it is not required for the perfection of a sacrament that the minister be in charity..., so the faith of the minister is not required for the perfection of the sacrament; but an unbeliever can provide a true sacrament, provided that the other things are present which are of the necessity of the sacrament" (a. 9).

B. Nor is it required by the positive will of Christ, as is proved from perpetual tradition. This is evident:

a) from the disciplinary controversy between St. Cyprian and St. Stephen, Roman Pontiff: the former, according to the custom introduced by Bishop Agrippinus, one of his predecessors, rebaptized those baptized by heretics and schismatics, because he held these sacraments as invalid; against him St. Stephen, invoking the common usage of the Church, forbade rebaptizing, indeed threatened St. Cyprian with excommunication;

b) from the dogmatic controversy, held in the fourth century, between St. Augustine, whom the whole Church approved, and the Donatists, who held as invalid the sacraments conferred by sinners, at least public ones;

c) from the Councils of Arles (314), can. 8; Nicaea I (325), can. 8 and 19; and Constantinople I (381), can. 7, which command that certain heretics be admitted without rebaptism; from the Council

of Carthage I (348) and Laodicea, can. 78; Constance, sess. 45, a. 4 against Wicleff, and a. 22 of the profession of faith for the Wicleffites and Hussites; likewise from the decrees of Innocent III in the profession of faith for the Waldensians; of John XXII against the Fraticelli; of Eugene IV in the decree of union.

2. If no one without interior faith and sanctity validly conferred the sacraments, there would be perpetual uncertainty and anxiety of salvation among the faithful.

Let it be noted that the sacrament of Penance, outside the moment of death, is invalidly ministered by schismatics and heretics, not from defect of faith but from defect of jurisdiction.

76. Principle II. For the liceity of the confection and ministration of a sacrament, in the minister there is required the state of grace; indeed he commits the mortal sin of sacrilege who, in the state of mortal sin, a) as minister, b) acting from the office to which he was consecrated, c) places a sacramental action by which he ministerially sanctifies. - This is certain.

It is proved:

1. From the Roman Ritual, which expressly asserts this, tit. I, n. 3 and 4:

"Since in the Church of God nothing is held more holy, or more useful, and nothing more excellent, or more divine, than the Sacraments instituted by Christ the Lord for the salvation of the human race, the Pastor or any other Priest to whom their administration belongs must remember above all that he handles holy things, and that at almost every moment of time he ought to be prepared for the office of so holy an administration. Wherefore he will perpetually take care to conduct his life uprightly, chastely, and piously; for although the Sacraments cannot be stained by the impure, nor can their effect be impeded by depraved ministers, nevertheless those who minister them impurely and unworthily incur the guilt of eternal death. Therefore the Priest, if he is conscious to himself of mortal sin (which God forbid), must not dare to approach the administration of the Sacraments, unless first he repents in heart; but if he has the availability of a confessor, and the consideration of time and place permits, it is fitting that he confess."

2. From reason: It is a grave irreverence toward God and the sacraments to be an unclean instrument of God for producing most holy effects; for right order demands that the deputed minister, by reason of his office, be conformed both to the Lord, according to Lev. XIX, 2: Be holy, because I am holy; and to the sanctity of the thing which he perfects. Namely, he commits irreverence who in the name of Christ acts with God for the salvation of men, while he himself is an enemy of God.

Whence St. Thomas: "There is no doubt that evil men presenting themselves as ministers of God and of the Church in the dispensation of the sacraments sin. And because this sin pertains to irreverence toward God and contamination of the sacraments, insofar as it is on the part of the sinner - although the sacraments according to themselves are uncontaminable - it follows that such a sin from its genus is mortal"[1] (a. 6).

[1] Insofar as it is on the part of the minister himself, says Cajetan, that action is stained, since it is treated as profane, not as sacred. One who sacrilegiously eats the Body of the Lord does not discern it from other foods but receives it as profane food, says Paul; the same happens in one ministering unworthily.

But when one of the three aforesaid conditions is lacking, the gravity of the sin is not proved with sufficient certitude; nevertheless it is venial, because to exercise a sacred office in the state of sin always includes some irreverence.

77. Corollaries. - From the foregoing it follows:

1. A minister in the state of sin a) solemnly baptizing commits mortal sacrilege; b) baptizing privately is not proved to sin mortally, because he does not act from office, as minister, but as any Christian; c) *a fortiori* if a midwife or layperson baptized in a case of necessity.

2. One ministering in the state of sin Penance, Extreme Unction, Confirmation, or Order sins mortally, because he always presents himself as minister. Yet he would not sin if in an unforeseen case time did not remain for eliciting an act of perfect contrition, or for confessing before he administers a sacrament which cannot be deferred. This is extremely rare, because almost always at least some moment of time remains.

3. A priest who confects the Eucharist in the state of mortal sin sins gravely; but he who only distributes it is not proved with certitude to sin mortally, because the distribution of communion is not a sacramental action causing grace and sanctifying, but merely applying the sacrament, nor is it an action strictly ministerial, because one offering communion is not in the strict sense a minister acting from intention in the name of Christ.

4. A pastor assisting at marriage in the state of sin does not sin mortally, because he is not the minister of the sacrament. Contracting parties in the state of sin sin mortally insofar as they receive the sacrament unworthily, but not insofar as they minister, because they are not ministers specially constituted.

5. Those are not proved to sin mortally who in the state of sin a) exercise the diaconate, subdiaconate, or minor orders; or b) perform sacramentals or blessings; or c) confect the chrism of Confirmation or the oil of the sick; or d) hear confession but do not absolve, or before absolution become contrite; or e) transfer the Holy Eucharist, or lift it from the ground, or bless the people with it; or f) touch corporals, chalices, relics, etc.; or g) preach, unless by reason of scandal if they are public sinners. The reason is that all those actions do not tend proximately to the sanctification of the soul.

78. Observations. - 1. One who in the state of sin ministers several sacraments without interruption probably does not commit as many sins as there are sacraments, because they constitute only one morally single action, one ministration.

2. A minister conscious of mortal sin must, before he ministers a sacrament, dispose himself for grace, either by confession, which is more advisable, or by perfect contrition, for the eliciting of which it suffices to apply moral diligence. But if there is question of confecting the Eucharist, since at the same time it must be received, by the precept of the Church he is bound first to confess, however contrite he may seem to himself (Council of Trent, sess. 13, c. 7, and C.I.C., can. 807).

3. According to the Roman Ritual, cited place, the pastor or any other priest to whom by office the administration of the sacraments belongs is bound always to keep himself prepared to minister them in grace; whence even if in a case of necessity he does not sin mortally by ministering a sacrament, nevertheless he will sin because, by not repenting, he exposes himself to the danger of ministering the sacraments unworthily or in the state of sin. The same is to be said of priests for whom occasions of ministering are ready at hand, such as those who minister in large hospitals or camps or parishes. The same is to be said of midwives, but under venial sin.

4. Besides the state of grace, there is regularly required in the minister: both that he have the legitimate faculty of administering the sacrament, by which he is deputed by the Church to this, or due ordinary or delegated jurisdiction or license, because the ministration of the sacraments of itself is the office of a pastor; and that he not be specially prohibited from this by censure, irregularity, or another impediment.

79. Cooperation in illicit ministration. - Since good dispositions in the minister are required for licitly ministering the sacraments, there follows in the recipient an obligation, from charity and religion, not to receive them except from a worthy minister, so that both scandal, by asking for the sacrament, and cooperation in irreverent ministration of the sacrament, by receiving it, may be avoided. - And indeed he sins gravely:

1. Who asks for or receives a sacrament from one who is going to minister it invalidly or doubtfully, because this is directly to induce or to cooperate in an intrinsically evil action.

2. Who asks for or receives from a heretical or schismatic minister, because this would be communication in divine things; the case of extreme necessity is excepted for Baptism and Penance, and, if this is lacking, for Extreme Unction, unless however this would be held as a profession of heresy or schism (I, n. 755).

3. Who asks for or receives from a censured minister who is to be avoided, unless in danger of death, and indeed for all the sacraments, if other ministers are lacking (can. 2261, § 3).

4. Who asks for or receives from an evil minister, unless there is a reasonable cause of necessity or utility, and unless there is question of Holy Communion, which does not exceed venial sin. - But to ask from a tolerated minister, who is not in the state of sin, is not a sin.

Let it be noted: a) It does not suffice that the minister be held evil from conjectures or empty rumors; but his malice must be morally certainly established; wherefore it does not suffice that someone know that he sinned mortally, for example yesterday, since today he can be supposed amended, unless it is certainly established that he is habitual or is remaining in a voluntary proximate occasion.

b) Since another's malice harms no one in his own right, hence to ask a sacrament from an evil minister is licit, and sometimes obligatory, if a just cause is present, especially if another who can or will minister is lacking (can. 2261, § 2). Any reasonable cause whatever suffices, even a slight one, if there is question of a tolerated minister who from office is bound to minister, as when a parishioner wishes to receive the sacraments according to Christian custom (a. 6, ad 2); if there is question of

other ministers, a cause sometimes graver is required, such as, according to St. Alphonsus, *Theologia Moralis*, book VI, n. 89: 1. if the precept of confession or communion presses; 2. if from delaying reception danger of sin threatens; 3. if otherwise you must remain in mortal sin; 4. if a jubilee to be gained occurs (or a plenary indulgence in a place where these would be rare); 5. if you wish to apply Mass for a deceased friend; 6. if otherwise you must long be without communion or a skilled director.

Article III: On the Intention Required in the Minister for Valid Ministration

St. Thomas III, q. 64, a. 8 and 10.

80. Principle I. For the validity of a sacrament, in the minister, besides power, there is required the intention or deliberate will of confecting a sacrament. - This is of faith from the Council of Trent, sess. 7, can. 11, and can. 4 on Baptism, defined against the Protestants.

It is proved:

1. From Tradition, whose witnesses are Innocent III, the profession of faith for the Waldensians; the Council of Constance, last session, constitution against Wicleff, a. 22; Florence, decree for the Armenians; and Trent already cited.

2. From the Scriptures, in which it is implicitly asserted, I Cor. IV, 1: A priest, in the ministration of the sacraments, is a minister of Christ; but in order that a man be a minister of Christ, he must will to act in the name of Christ and intend what Christ instituted; therefore. The minor is proved:

a) A minister differs from a blind instrument in this, that he is a voluntary agent; whence he must will to use his ministerial power, and thus through his will subject himself to the principal agent: for a human act does not operate beyond the intention of the agent.

b) Similarly, there was given to ministers not a mere deputation but a power (Mt. XXVIII, 18-19; John XX, 21; Luke XXII, 19); but one who has a power can use it or not use it; and therefore there is required in ministers an intention of using their power or of acting in the name of Christ.

Therefore intention is required on the part of the minister.

3. By reason: The placing of matter and form is an indifferent action which can signify various things and be done for various ends: washing, for example, for bodily cleanliness, for health, for play, for mere exercise, for representation alone; therefore it must be determined to one sacramental signification, which will not be done except by the intention of the minister. Therefore intention is also required on the part of the work.

Nor should you say: the external rite is determined by the words of the form; therefore intention is superfluous. - Reply: supposing that the words are pronounced in the name of Christ, in the person of Christ; otherwise they would not have their sacramental signification.

81. Principle II. The required intention is the will, at least virtual and implicit, absolute or equivalent to this, determined to a certain matter and person, of performing the sacramental rite. - It is said:

1. Will; hence one deprived of reason, perfectly drunk, or dreaming, does not confect a sacrament, even if he previously intended this, because he does not act in a human mode, from intention.

2. On the part of the subject: at least virtual and implicit: for an interpretative intention does not suffice, which someone would have had if he had adverted to this or that; nor a merely habitual intention, i.e., one once had and not retracted, for these do not make a human act (I, n. 55) nor influence the constitution of a sacrament. Nor is an actual intention required, which someone here and now has, because this is not always in man's moral power; but a virtual intention is required, by which someone, from the force or influx of a past actual intention, places or continues to place the sacrament.[1] Likewise an explicit intention is not required, by which someone says: I intend to make a sacrament; but an implicit one suffices, contained in another act, as if someone, having been called, goes to the church and, distracted, performs all things required for Baptism.

[1] Among the older authors, virtual intention is sometimes called habitual, as in St. Thomas, a. 8, ad 3; but he understands virtual, for he adds: "from the power of the first intention the sacrament is perfected." Yet to avoid equivocations, the terminology received today must be preserved.

In practice, one who places the actions according to custom and does not exclude intention has an implicit intention; *a fortiori* one who fears whether he has sufficient intention, by this very fact has more than sufficient intention.

3. On the part of the mode by which the will is borne toward the object:

a) Absolute or equivalent to this, i.e., conditioned concerning the past or present: for if, at the moment at which the sacrament is made, this condition is verified, the intention passes into an absolute one and the sacrament is valid; otherwise it is not perfected from defect of intention. But a condition concerning a future contingent thing (for example, if you restore), and also concerning a necessary future thing (for example, if the sun rises), with the mind of suspending the sacrament, renders it invalid: for it impedes the union between the intention of the minister and the application of matter and form, since it suspends the present intention and makes it so that the minister does not have the will of confecting the sacrament in the present; moreover, when the condition has been verified, there also is not then a sacrament, because then matter and form no longer exist.

Matrimony is excepted, which follows the nature of a contract; whence, when the condition has been verified, if consent has persevered, the matter and form of matrimony are present, for they coincide with the persevering intention.

b) Determined to a certain matter, because otherwise it would be indifferent, for example, if someone, knowing there are eleven hosts, wished to consecrate ten without indicating which ones; and to a certain person, because otherwise no application would be made, for example, if someone said: I absolve thee, to two persons.

But it suffices that it be determined to the present person, whoever that person may be; whence a man who is thought to be a woman is validly absolved, and Peter who seems to be Paul. Error concerning the person does not invalidate, unless the minister were to bind his intention to a determinate person; in matrimony, however, error of person is substantial, because the person is the very object of the contract.

4. On the part of the object: of performing the sacramental rite. For the rite of itself is indifferent and can be posited for a diverse end: as sacred or as profane, indeed by playing, or by pretending, without, namely, the will of confecting a sacrament; therefore in order that it be a sacrament it must be determined by the intention of doing the rite as sacramental, or of doing what the Church does,[2] as the Councils say, or what is done in the Church. This must be explained further.

[2] The first who used the formula was William of Auxerre, on IV *Sentences*, On Baptism.

82. Principle III. For the validity of a sacrament, external intention does not suffice, i.e., the intention only of doing the external act; but there is required, at least implicitly, an internal intention of doing what Christ instituted, or at least what the Church does. - Therefore the intention of positing the external act, even seriously and in the habit of a minister, but merely materially (although inwardly someone wills to simulate), does not suffice; this intention they call external, namely from the part of the object, and some have said that it suffices;[3] for:

[3] It is attributed to Alan of Lille; it was formally proposed by Catharinus, Salmeron, Contenson, Juenin, Natalis Alexander, Serry, Drouin, and others.

a) One who has only external intention, but internally does not have the intention of doing what the Church does, implicitly intends to simulate a sacrament, although not openly; but one who simulates a sacrament, whether openly or secretly, cannot be said to act in the name of Christ.

b) The external act, even one posited in a sacred place by a minister clothed in sacred vestments, can be done for a diverse end: it can be a serious or simulated action, done in the name of Christ or in one's own name, a profane representation or exercise, or a sacred action. Therefore it will not be determined to the being of a sacrament except through an internal intention, consonant with the external act, namely of doing the act formally as sacred, as instituted by Christ and intended by the Church.

This opinion in practice must be altogether held, because the sacraments are to be ministered in the safer way (n. 23); indeed the contrary seems not safe even speculatively, because proposition 28 was condemned by Alexander VIII: "Baptism conferred by a minister who observes every external rite and the form of baptizing is valid, while inwardly in his heart he resolves within himself: I do not intend what the Church does." For although the one who only negatively does not say: I intend what the Church does, but positively does not add: I do not intend what the Church does, has not been explicitly condemned; nevertheless, because he implicitly says this, therefore with Benedict XIV[4] it is rightly judged that, from the condemnation of the proposition, a grave wound has been inflicted on the opinion which asserts that this suffices.

[4] *On the Diocesan Synod*, book VII, 4, 8.

83. Corollaries. - Since implicit intention suffices, hence:

1. There is not required an explicit intention of that which the Church intends, namely, of confecting something sacred, or a sacrament, or of producing its effect.

2. Nor is faith in Christ, the Church, or the sacrament required; but whatever the minister's opinion may be concerning Christ, concerning the sacrament and its efficacy, he ministers

validly provided that he wills to perform the rite which the Church performs, and which by her is held as sacred, even if he himself thinks it to be nothing: "for because the Church does something, therefore consequently and implicitly he intends to do something, although not explicitly," says St. Thomas, on IV *Sentences*, d. 6, q. 1, a. 3, sol. 2, ad 1.

3. Nor is an explicit intention required of doing what the Roman Church does, but a general intention of doing what the true Church does, whatever the minister may think of that Church; whence a heretic, by willing what his own Church does, which he falsely thinks to be true, implicitly wills what the Church of Christ and the Roman Church does.

4. Nor is an express thought about the Church required, but the intention of doing something which identically the Church does suffices, for example, what is commanded in the Gospel, what Christians do, what is asked by the one requesting: thus baptized persons minister the sacrament of matrimony which they are ignorant to be a sacrament of the Church.

5. Indeed even if the minister has two contrary intentions, for example, of doing what Christ instituted but not what the Church does, what the Church does but not what the Roman Church does, of celebrating matrimony but dissoluble or not a sacrament, of making a sacrament but not of giving grace; the sacrament is valid, provided that the general intention of doing what the Church in fact does is predominant and prevails over the intention proceeding from error, i.e., provided that this is the intention which, according to his actual disposition, the minister would choose if he knew that both could not stand together at the same time.

But if each were equal, nothing would be operated, for one would destroy the other; but if there were doubt about this, the sacrament would be doubtful.

84. He sins gravely from defect of due intention:

1. Who ministers a sacrament without intention, or under a future condition suspending the intention, because it is not a valid sacrament, but a simulation and mockery of it.

2. Who ministers under a hidden condition extrinsic to the sacrament, whether it is unknowable in a human way, for example, if you are predestined, if God sees that you will die this year; or whether it is knowable, for example, if you are fasting, if you have recited the Rosary; because from the very placing of the condition there arises doubt concerning the validity of the sacrament, and hence he exposes himself to the danger of doing nothing and of frustrating his neighbor of the sacramental effect; and on the other hand there can be no reason for such ministration. Indeed to some, among whom is St. Alphonsus, *Theologia Moralis*, book VI, n. 28, it seems more probable that a sacrament confected under a hidden condition unknowable in a human way is invalid, because "since God has committed the administration of the sacraments to the cognition and will of men, a condition cannot be placed which cannot fall under human cognition."

3. Who without grave cause ministers under a hidden condition concerning the present or the past and intrinsic to the sacrament, or from its nature required for its value, so that doubt concerning the value does not arise from the very placing of the condition: for he plays in a

most grave and most holy matter, because he incurs the danger of making the sacrament null, and thus inflicts irreverence upon Christ and exposes his neighbor to great harm.

On the contrary:

A. It is licit if a sufficient cause is present, such as is generally had when the sacrament here and now is necessary or very useful and cannot be had as certainly valid:

a) if a serious doubt arises whether a sacrament which cannot be repeated was conferred or validly conferred, or whether the confessor absolved the penitent; then let the sacrament be ministered under the condition: if you are not yet baptized, absolved, etc.;

b) if there is doubt whether a capable subject is had, for example, whether a child confessing matter of mortal sin is possessed of reason, whether one deprived of the senses wishes to receive the sacrament or is still alive, whether the one to be absolved repents, whether the fetus is a man; then let the sacrament be ministered under the condition: if you are capable;

c) if there is doubt concerning the validity of the matter or form, for example, whether this is water, or concerning the power of the minister: for doubt concerning the power of the minister, or concerning his jurisdiction for the sacrament of Penance, renders the matters and forms doubtful; then let the sacrament be ministered under the condition: if I can.

B. To place an open condition which someone knows to be verified in fact seems only venial, because no danger of nullity is present for the sacrament, just as also to repeat without reason a syllable or word in the pronunciation of the form.

C. Finally, matrimony, since it is a contract, is validly and, if a grave cause is present, also licitly ministered under a condition concerning the future.

85. Observations. - 1. Since the pastor is not the minister of matrimony, no intention is required in him, but his voluntary assistance suffices so that he can testify to the contract.

2. In order that someone minister licitly, attention to the external act is also required, or the application of the mind to those things which are being done; nevertheless the defect of this is only a slight irreverence, unless there is danger of erring substantially.

3. The Church in the Rituals nowhere acknowledges ministration under the condition: if you are disposed; whence it seems that one must abstain from it. For the conditional form is to be used in a case in which there is doubt concerning the validity of the sacrament, lest it be exposed to the danger of nullity; but not if there is doubt only concerning the disposition of the recipient, especially because such a ministration impedes the reviviscence of the sacrament. For if the condition is lacking, in the case the disposition, the sacrament would be invalid and therefore could no longer revive.

Nor should you say that by the condition: if you are disposed, the minister understands capacity. - That indeed could be, if he expressly intended it so. But it is not the received sense: for the capacity of receiving the sacrament is one thing, and the disposition for the fruit of the sacrament is another. The words: if you are capable, I baptize you or absolve you, from the very context signify: if you are capable of Baptism or absolution; on the contrary the words: if you are disposed..., signify: if you

have the dispositions required for receiving Baptism or absolution well, namely, with fruit. Moreover it is not opportune to suggest another sense, because this is to introduce equivocation and an occasion of continuing the error of those who think that even in doubt of disposition alone one must minister under condition.

4. The condition is not to be expressed by voice, except sometimes so that scandal may be avoided, or if it is prescribed by a ritual, as happens for the sacraments which are customarily ministered publicly, as for Baptism in a case of repetition: if you are not yet baptized; or for Extreme Unction in doubt of death: if you are alive.

Article IV: On Those to Whom the Sacraments Are to Be Ministered

St. Thomas III, q. 80, a. 6; q. 81, a. 2.

86. The office of ministering the sacraments in one who has the care of souls. - Those who have the care of souls, i.e., who by office or by a special title of jurisdiction, whether ordinary (a bishop, prelate of a religion, pastor, and those who are after the manner of a pastor), or delegated (pastors' coadjutors and assistant vicars, according to can. 476, § 6), ought to feed some part of the sheepfold of Christ, are bound under grave obligation from justice, by reason of office, contract, stipend, etc., to minister the sacraments to their subjects. In particular:

1. They are bound under grave obligation regularly to minister the sacraments personally to their subjects as often as they reasonably ask, even for a cause of devotion (can. 467, § 1 and 892, § 1); - unless they themselves are legitimately impeded, or can, without inconvenience to the subjects, minister them through others: yet to deny them sometimes, of itself, is not mortal, because ordinarily the harm can easily be repaired.

Hence a pastor sins gravely who habitually or by custom: a) is slow and difficult in hearing confessions, especially of the sick; or b) takes it ill if some communicate during the week, and makes them wait a long time and thus turns them away from Communion; or c) refuses to carry the Eucharist to the sick, even outside danger of death.

2. In grave necessity, and *a fortiori* in extreme necessity, they are bound, even with evident danger to life, to minister the necessary sacraments, namely Baptism and Penance (S.C.C., October 12, 1576), and, if they can with the same danger, the Eucharist and Extreme Unction; but if sufficient certitude concerning Penance is not had, they ought to minister Extreme Unction, which would be necessary *per accidens*.

Yet a pastor can entrust the ministration to others, unless he is expressly and by name required; but he cannot depart from the flock in a time of common danger, for example, plague (S.C.C., December 6, 1576).

3. In common necessity they are bound to minister the Eucharist and Extreme Unction even with grave inconvenience.

87. The obligation of ministering the sacraments in a simple priest. - Other priests, not from justice, but, when those who have the care of souls are lacking, from charity, are bound to minister

the sacraments. And indeed:

1. in common necessity, under light obligation, if they can do it without inconvenience;

2. in grave necessity of a neighbor, under grave obligation, with inconvenience not very great;

3. in extreme necessity of a neighbor, or grave necessity of the community, they are bound to minister even with danger of life, provided there is a founded hope of helping and there is not another who may help.

Hence you are not bound, in order to baptize or absolve someone, certainly to expose your life, if you probably must perish before you can carry out your office, as if a little child not yet baptized must morally certainly be suffocated in the flames before you can reach him, because no one is bound to a useless work, or to one prudently presumed such, with grave harm to himself; - or if you probably presume that he is baptized or is not in the state of sin, or also that he can easily help himself through an act of contrition; - or if you, existing in mortal sin, doubt concerning your own contrition; - or if, by your death, the salvation of several others would be endangered.

88. The obligation of denying the sacraments. - Since conditions and dispositions are required for receiving the sacraments validly and licitly, there follows in the minister an obligation not to minister them to the incapable or unworthy. For this of itself is the grave sin of sacrilege insofar as a sacred thing is exposed to profanation, according to Mt. VII, 6: Do not give what is holy to dogs; of infidelity insofar as the minister acts against the office of a good dispenser; and of scandal or cooperation in grave sin. Yet *per accidens* it is licit on account of a most grave cause, because by an action not evil it is licit to cooperate in another's sin, in order to avoid a greater evil (I, n. 489), namely, to avoid scandal, or the unjust defamation of the one asking, or the illegitimate use of knowledge acquired in sacramental confession.

Hence there arises an obligation of knowing in some way the state of the recipient; and indeed:

1. If there is question of sacraments in whose administration the priest is as a judge, he is bound to inquire concerning the fitness and worthiness of the recipient and to judge from positive indications. Thus especially:

a) in the sacrament of Penance, greater certitude of the dispositions of the recipient is required before the others, since there the minister is truly a judge;

b) in Order, inquiry must be made concerning the knowledge and probity of the recipient, which especially regards the common good of the Church;

c) in Matrimony the pastor is bound to inquire concerning impediments and sufficient instruction;

d) in the Baptism of adults inquiry must be made concerning faith and the purpose of Christian life.

2. For the other sacraments, Confirmation, Eucharist, Extreme Unction, the priest is not bound positively to judge concerning the disposition of the recipient; any faithful person, when he outwardly asks reverently, is presumed worthy, unless the contrary is established.

89. Rules to be observed in denying the sacraments. - A. The sacraments generally are to be denied:

1. to the incapable or unfit, who, namely, cannot validly receive them, or an adult who does not will to receive them, because in the case there would truly be a simulation of the sacrament, and therefore an abuse of a sacred thing intrinsically evil: thus if someone wished to confer Baptism upon one already baptized or upon one who does not wish to be baptized. But if there is doubt concerning capacity in a case of necessity, let the sacrament be ministered under condition;

2. to a public sinner, for example, one excommunicated by name or notoriously existing in mortal sin, whether he asks publicly or secretly, unless he appears amended with due dispositions; there is excepted, for the sacraments of necessity, the moment of death if he is deprived of the senses and there is at least some probability of due disposition;

3. likewise to a secret sinner secretly asking, provided the minister knows the sin otherwise than from confession, for otherwise the sinner cannot even be admonished outside confession.

B. On the contrary, to a secret sinner publicly asking, or to a public sinner asking in a place where he is not recognized as such and is not foreseen soon to be recognized, if he cannot be passed over without scandal or defamation, Baptism, Confirmation, Eucharist, and Extreme Unction are to be granted;[1] unless he wishes to receive the Eucharist for positively dishonoring it: for then he is to be repelled as an unjust aggressor of the honor due to the sacrament. But absolution is given secretly, and Order is not given to all; whence they are to be denied to the indisposed.

[1] The aforesaid rules are handed down in the Code of Law, for the Eucharist, can. 855.

But if the sinner asks when only certain little children are present, or those who know the sinner, he is judged to ask secretly, unless they are going to divulge the matter.

According to can. 2197, a delict is public if it has already been divulged, or has happened or is situated in such circumstances that it can and ought prudently to be judged that it will easily be divulged, whether it is notorious with notoriety of law after the sentence of a competent judge or the confession of the delinquent made in court, or with notoriety of fact, when the delict is publicly known and committed in such circumstances that it can be hidden by no evasion and excused by no suffrage of law. Moreover, it can be public either absolutely, if the delict is known quite commonly, or relatively, if it is known by many and those present or by the greater part, without yet having reached the common knowledge of the crowd.

From can. 855, "the publicly unworthy are the excommunicated, the interdicted, and the manifestly infamous," such as publicly known prostitutes or concubinaries, "unless their repentance and amendment is established and they have first satisfied public scandal." To these are to be equated heretics and schismatics, even those erring in good faith, to whom, according to can. 732, "it is forbidden to minister the sacraments... unless first, having rejected their errors, they have been reconciled to the Church."

In doubt concerning the publicity of the delict, the sacrament is rather to be given to one asking openly; in doubt concerning amendment or the retraction of a certainly public delict, or concerning

scandal removed, it is rather to be deferred.

Where the unworthiness arises from crime alone, apart from scandal to be removed, it suffices that the sinner be publicly confessed, so that his repentance will soon be divulged. But if amendment or satisfaction or retraction must be made to remove scandal, regularly the scandal must first be removed by removal of the occasion or public retraction, or at least one exhibited in such a way that it can soon be made known; - unless, however, the sinner asks secretly, or scandal can be forestalled in another way.

90. Observations. - 1. To avoid the sacrilege of unworthy reception, it is not licit to simulate the ministration of a sacrament, which is a greater sin, as being a pure sacrilegious lie. To simulate a sacrament is externally to act as if it were a sacrament, so that the absence of the sacrament cannot become known. Whence simulation of a sacrament is the fictitious placing of a rite or apparently sacramental action, so that externally it is signified that a sacrament is being confected or ministered, which nevertheless is invalid because of a hidden defect; because in confecting or ministering the sacrament, at least something essential is changed or omitted, namely, matter or form or due intention. Thus, for example, to minister matter and form without intention, or so to pronounce the words of absolution, to celebrate Mass by consecrating water or by omitting the words of consecration, which also includes danger of material idolatry. Simulation of a sacrament is never licit; whence proposition 29 was condemned by Innocent XI: "Pressing grave fear is a just cause of simulating the administration of the sacraments."

Dissimulation or concealment differs from simulation of a sacrament, not indeed of the sacrament but of the denied sacrament. This consists in doing externally something other than a sacrament, which has a certain likeness with it; whence it is the substitution of another rite for the sacramental rite, or the placing of a non-sacramental action, by which neither the external appearance of a sacrament is present nor does it seem that a sacrament is confected or ministered, but nevertheless the denial of this can be hidden from those standing by. Thus, for example, to give a blessing in place of absolution, at least if the penitent is not deceived thereby; to say the formula of communion, "The Body of the Lord," etc., and pass over the consenting sinner; to go to the confessor or enter the confessional. Now, sometimes, when a just cause is present, it is licit to dissimulate the denial of a sacrament, not indeed directly so that one's neighbor may be deceived, but so that the truth may be hidden.

Let it be noted that matrimony, because it follows the nature of a contract, is licitly contracted fictitiously on account of grave fear: this is not simulation of a sacrament, because matrimony extorted by fear cannot be a valid sacrament; indeed it is not even true simulation of a contract, because from the circumstances the fiction can be understood by all. Whence it is only dissimulation of denied consent.

2. To minister a sacrament to an unworthy person, who asks it by threatening death or an equivalent evil, is certainly illicit if it is asked in hatred of the faith or contempt of religion; and also more probably if for another reason: for such asking is positively injurious to the sacrament and, as it were, an invasion of the honor and reverence due to the sacrament, with which the minister by yielding would proximately cooperate; and from this evil only mediately would there follow the good effect, namely, escape from death.

Question Three: On the Receiving Cause

Article I: On the Conditions Required for Valid Reception

91. The subject of a sacrament is its true cause, but a material cause. - The one receiving is not, as the minister is, the efficient cause which gives power to the sacraments, but the material cause, insofar as, if the one receiving or some disposition in him is lacking, there is not a subject capable of receiving the immediate effect of the sacrament, and consequently the sacrament does not have its signification and is invalid.

The subject is man as wayfarer, who alone is capable of receiving grace through a sensible sign; for Baptism it is every such man; for Confirmation and the Eucharist, one baptized; for Order, a baptized male; for Matrimony, one baptized who has the use of reason; for Penance, one baptized who has sinned; for Extreme Unction, one baptized who has sinned and is sick.

92. Principle I. For the validity of a sacrament there is required in an adult, besides capacity, the intention of receiving the sacrament, or what Christ instituted and the Church does, or what Christians receive. - The reason is that, just as no adult is justified and saved without his own consent, as the Council of Trent says, sess. 6, c. 7, so neither does he receive the means of salvation, nor is he initiated into newness of life or consecrated to God: for these things must be received by an adult in a human manner.

So the Third Council of Carthage (a. 397) and the First of Orange, can. 12 (a. 441); Innocent III, l. 3, t. 42, cap. *Mai.* de Bapt.; and then all theologians; the Roman Ritual; Instruction of the S.C.P.F., June 23, 1830; and decree of the Holy Office, November 28, 1900. In children this intention is supplied by the intention of Christ and of the Church.

Nor does the Council of Florence stand in the way, urging only three things: matter, form, and the intention of the minister; for the Council 1. wished only to express those things which have themselves actively toward perfecting the sacraments; - 2. it treats of those things which are necessary for all sacraments; but now the one receiving is not required for perfecting the Eucharist; likewise intention is not required in little children.

93. Principle II. The required intention is habitual, i.e., actual and not retracted; and indeed, of itself a habitual implicit intention of receiving the sacrament suffices, or of receiving what Christ instituted and the Church does, or what Christians receive. - In the subject, the intention of receiving the sacrament, or the positive consent of the will, is a condition, required for its validity, that the reception of the sacrament may be voluntary; whence:

A. On the part of the act or of the subject, a lesser intention suffices than in the minister:

1. An actual or virtual intention is not required, which has influence as a cause or active principle, and not as a mere condition: for the one receiving is not the active principle of the sacrament, but only its passive subject; whence in him there is not required an intention which would be the principle of a human action.

2. But there is required, and there suffices, an implicit habitual intention, once had and persisting in the present, as not having been retracted.

3. But a merely interpretative intention does not suffice, which is in no way had, but which would only be had if the thought occurred: namely, by which someone would will, but does not yet will.

But if at times they say that an interpretative intention in some way suffices, there is a dispute about words: they speak thus improperly, and they do not understand a merely interpretative intention concerning the future, but one presumed concerning the present, by which someone, according to his habitual knowledge and present disposition of living in a Christian manner, would explicitly ask for the sacrament if it were asked of him; - but that is an implicit habitual intention, which, on account of present conjectural signs, is presumed to be present.

They say, however, that for Penance and Matrimony a virtual intention is required, because the subject must place human acts; - but that is not required precisely in the subject, for receiving those sacraments, but for placing part of the sacramental sign, namely, the matter which the one receiving must supply, and indeed at the moment at which he supplies it: for the matter consists in human acts, for which at least a virtual intention is required.

The Eucharist, since it is permanent, is valid without the intention of the one receiving: nevertheless this is required for valid sacramental reception.

B. On the part of the object, the same intention is required as in the minister: for the subject must voluntarily receive the same thing which he ministers. It is, namely, the will of receiving the sacrament or rite as sacred, at least implicitly, for example, of receiving what Christ instituted, or what the Church does, or as Christians or Catholics receive, or of living or dying according to Christian custom; - but the sole intention of saving oneself contained in contrition does not suffice, whatever some have said.

1. For this intention is not sufficiently determined; for it is not more determined to one means of salvation, for example, Baptism or Penance, than to others, for example, *ex opere operantis*; indeed, if it sufficed, almost every man would have the intention of receiving Baptism: for everyone, even a Mohammedan or a Jew, even one who has never heard of Baptism, can have such an intention, and yet who can say that he has the will of embracing the Christian religion? Namely, that one has the will of saving himself, but through the Jewish or Mohammedan religion, not through the Church and the sacraments of Christ. For one who adheres to another opposed religion cannot be judged to have the implicit will of embracing the religion of Christ through Baptism. Whence through the centuries there was no custom of baptizing such persons in their last moments, as now some attempt to introduce.

Similarly, a heretic who does not admit the sacrament of Penance, indeed positively refuses to receive it, has the will of saving himself; how could it be said with any probability that by this very fact he wills to receive Penance?

2. Such an intention is not absolute, but merely conditioned concerning the future: for the will of receiving a sacrament, say Baptism, is contained in contrition only conditionally. This is only the will of observing the precepts, but is not immediately the will of Baptism; immediately it is the will of examining the religion of Christ if it is proposed, and, if it is known to be true, of

receiving Baptism; whence one who has this will immediately intends to fulfill the known precepts, and would will Baptism if its obligation were known, but he does not know this and does not will it. Therefore one who has only the will of salvation cannot validly receive the sacraments.[1] With this will, indeed, one can belong to the soul of the Church through grace and charity, but not to the social body of the Church, and consequently cannot receive Baptism and, *a fortiori*, the other sacraments: for these are social bonds by which we are joined to the body.

[1] Hence it cannot be said with Génicot that by the Holy Office only a certain mode of acting is recommended.

Therefore, just as for conferring a sacrament a certain general intention of saving or sanctifying does not suffice, but a determined intention of sanctifying through such a determined means or sacrament is required, so for receiving a sacrament the general will of salvation does not suffice, but a determined intention of saving oneself through a determined sacrament is demanded.

3. Hence in all ecclesiastical documents there is constantly presupposed in the one receiving not only the will of salvation, but the intention of receiving the sacrament. Thus the Ritual, t. 2, c. 3, n. 1: "let him be baptized only knowingly and willingly; and in danger of death, if he is unable to ask for Baptism, it is required that he have manifested in some probable way the intention of receiving Baptism"; which words the Code repeats, can. 752, and it also requires that an adult "ask for Baptism, each one by his own movement of soul" (can. 745). In the same way the Ritual prescribes, t. 5, c. 1, n. 8: "Extreme Unction cannot be given except to a faithful person" (can. 940), and n. 11: "to the sick who, when they were in possession of their mind, asked for it at least implicitly or would probably have asked for it" (can. 943). And the Holy Office, to the question "whether a missionary can confer Baptism in the article of death upon a Mohammedan adult who in his errors is supposed to be in good faith (and therefore has the will of saving himself), if he has already lost advertence...," answered, March 30, 1898: "Concerning Mohammedans dying and already deprived of their senses, one must answer as in the decree of the Holy Office, September 18, 1850: If previously they have given signs of willing to be baptized, or in the present state by a nod or in another way have shown the same disposition, they can be baptized under condition, insofar, however, as the missionary, after considering all the circumstances of things, has thus prudently judged." From this response it is clear that the Holy Office does not esteem the contrary opinion as probable, since it is held as not to be attended to in practice.[2]

[2] So Suarez, Lugo, Noldin, Marc, Prümmer, Umberg.

94. Practical conclusions. - In practice, an implicit habitual will of receiving the sacrament is had:

1. for Baptism, in the will of receiving the Christian religion or of being a Christian and living as a Christian;

2. for Confirmation, in the will of being a perfect Christian or of living or acting as a good Christian;

3. for Viaticum and Extreme Unction, in the will of dying according to Christian custom or of not dying without the sacraments; and this also suffices for Penance, in the article of death,

provided some confession of sins or manifestation of contrition has preceded.

But such a will does not suffice, and an explicit one is required:

a) for receiving Holy Communion in other circumstances, because the will of living as a Christian does not contain the will of receiving the sacrament of the Eucharist so often and at such a time;

b) for Order and Matrimony, in which a new state with new offices must be undertaken.

95. Corollaries. - From what has been said it follows that the sacrament is invalid:

1. which someone receives with a neutral intention, neither consenting nor dissenting but conducting himself negatively;

2. which someone receives in simulation, with essential fiction, for example, playfully and mockingly;

3. which is received through mere force, with the soul resisting.

On the contrary, it is validly conferred upon those sleeping, drunk, fallen into madness, deprived of the senses, who previously had the intention of receiving those things; but it is illicit unless in probable danger of death, or unless the impediment of the use of reason is perpetual.

Article II: On the Requisites for Licit Reception

96. Principle I. For the licit reception of a sacrament in an adult there are required: a) the capacity and intention necessary for validity; - b) the disposition necessary for fruit or effect.

For fruitful reception, one disposition is required in the sacraments of the living and another in the sacraments of the dead. In these latter there are required faith, hope, and attrition, without which no adult can be justified; but not charity. In the former there is required consciousness of the state of grace, i.e., that by which he does not know himself to be in the state of sin. But if someone is conscious of sin and wishes to receive the Eucharist, he must confess by a special precept; for the other sacraments of the living, even an act of charity or of perfect contrition also suffices.

97. Principle II. He commits a grave sin of sacrilege who receives a sacrament unworthily; namely:

1. he who receives a sacrament without capacity or intention, because it is a simulation and mockery of the sacrament. Thus a woman who would approach ordination, one asking for absolution without attrition, one receiving Confirmation while not baptized;

2. he who receives a sacrament without the disposition required for fruit, because he deprives the sacrament of its principal effect, namely grace, to signify and produce which it was instituted; whence he renders the signification of the sacrament partially false and evacuates its end.

Fifth Part: On the Number of the Sacraments

Question One: On the Septenary Number of the Sacraments

St. Thomas, III, q. 65, a. 1.

98. Thesis. The sacraments of the New Law are seven, neither more nor fewer. - It is defined as of faith in the Council of Trent, sess. 7, can. 1, against the Protestants.

It is proved: 1. From the documents of revelation: a) Scripture and the Fathers make mention of each sacrament, as is proved in the special treatises on the individual sacraments; and besides these they acknowledge no others properly so called. Whence b) the Church has always condemned those who rejected any one of these seven: thus in the third century the Novatians, denying Confirmation; in the fourth century the Manichaeans, thinking wrongly about Matrimony; in the fourteenth century the Wycliffites, opposing Extreme Unction; in the sixteenth century the Protestants, of whom some admitted only three sacraments, others only two, in which error they still persevere today, the Ritualists excepted. Hence c) in this doctrine there is perpetual agreement among the Latin Church, the Greek Church, and all the Oriental sects, as is established from the Liturgies and Rituals, and from the Second Council of Lyons and the Council of Florence; which shows that the doctrine itself already existed before their separation and rests upon common tradition.

2. From the reason of fittingness: The sacraments are ordered to perfecting man in the spiritual life, which must be conceived by likeness to bodily life. But bodily life is to be considered 1. with regard to individual persons, who exist before society, and thus for it there is required a) *per se*, that man first be generated and born, then that he grow to perfect age and be strengthened for full life, finally that he be nourished and preserved in life; b) *per accidens*, if he becomes sick, that he first be healed from sickness, and then that he fully recover from the remnants of sickness; - 2. with regard to society there is required power both of ruling it and of preserving it by producing new members. Therefore, by parity, in spiritual life 1. considered with regard to individual persons, there is required a) *per se*, that man acquire it through Baptism; then that in it he grow to the fullness of life and be strengthened to perfect age through Confirmation; finally that he preserve and nourish it through the Eucharist; b) *per accidens*, however, if man has sinned, that he be healed from the sickness of sin through Penance, and be fully freed from the remnants of sins through Extreme Unction; - 2. considered with regard to the Church, there is required both the power of ruling the multitude spiritually through Order, and the power of propagating and preserving it through Matrimony. Order, however, is numbered before Matrimony, because it participates more in the notion of spiritual life, to which the sacraments are ordered.

"The number of the sacraments is also clear according as they are ordered against the defect of sin. For Baptism is ordered against the lack of spiritual life; Confirmation against weakness of soul, which is found in those newly born; Eucharist against the instability of soul toward sinning; Penance against actual sin committed after Baptism; Extreme Unction against the remnants of sins, which, namely, have not been sufficiently removed, either from negligence or from ignorance; Order against the dissolution of the multitude; Matrimony as a remedy against personal concupiscence and against the defect of the multitude which happens through death"[1] (a. 1).

[1] Other fittingnesses are handed down by others. Thus St. Albert the Great, in IV Sent., d. 2, a. 1, opposes the seven sacraments to the seven capital sins; St. Bonaventure, in the *Breviloquium* VI, 3, orders them to the seven principal virtues.

Let the words of St. Thomas, ad 8, be noted: "For the deletion of venial sin an infusion of grace is not required. Whence, since in any sacrament of the New Law grace is infused, no sacrament of the New

Law is instituted directly against venial sin."

99. Observation. - Before the twelfth century all seven sacraments are never found numbered together. For the Fathers a) do not treat systematically concerning the sacraments, and they indicate only those things which are necessary for the particular end which they set before themselves, more often a practical one, as, for example, the instruction of neophytes; and, on account of the discipline of the secret, sometimes they speak sparingly and do not deal at length with the sacraments. - b) Moreover, the sacraments, although under one respect, because they cause grace, they are similar, under other respects are most diverse things; whence the Fathers do not enumerate together except those which have a special likeness or connection, as, for example, the sacraments of Christian initiation, which were conferred together, namely, Baptism, Confirmation, and Eucharist; - or the consecratory sacraments: Baptism, Confirmation, and Order, with which the Eucharist is sometimes numbered; - or those which are especially medicinal: Penance, Extreme Unction, and Matrimony. - c) Hence among the Fathers and other writers there is found a special doctrine concerning the individual sacraments, but not a general doctrine of the sacraments; nor was it possible: for since the signification of the word "sacrament" was not yet perfectly determined, sometimes under this same name, together with the sacraments properly so called, they enumerated other sacred signs,[2] or even, in enumerating sacred signs, they could omit certain sacraments. - d) But in the twelfth century, when the sense of the word sacrament had already been perfectly determined, when a theological synthesis of the whole of Christian doctrine had been made, they also began to treat concerning the sacraments in general, and at once there is found a complete and exclusive enumeration of them,[3] to which all thereafter unanimously consent.

[2] Thus Peter Damian enumerates twelve sacraments, Hildebert nine. Bernard says there are many, among which he counts the washing of feet.

[3] A complete enumeration of the seven sacraments is already handed down by the author of the *Sentences of Divinity*, probably around 1147-1148; perhaps earlier by St. Otto of Bamberg in a sermon held at the beginning of the twelfth century, but others say the sermon was composed by a biographer, who nevertheless wrote around 1150-1152. Peter Lombard adopted it, and then all. This common usage is established from the profession of faith imposed on the Waldensians by Innocent III.

Question Two: On the Order of the Sacraments

St. Thomas, III, q. 65, a. 2, 3, 4.

100. A fourfold order or comparison can be distinguished among the sacraments: the order of nature, of dignity, of necessity, and of priority in use.

The order of nature, which is observed in the ordinary enumeration of the sacraments, is the order of relation to the perfection of the spiritual life, which has already been indicated above, n. 98.

101. Order of dignity. - The Eucharist is simply more worthy and more perfect than all the others:

1. Insofar as it is a sign of sanctification, both a) rememorative of the Passion of Christ, because it most perfectly represents the death of Christ, i.e., the very separation of body and blood (I Cor. XI, 24-25); and b) demonstrative of grace, because it signifies grace by way of nourishment or of the union of the soul to Christ, and thus the union of the soul to the other members united to Christ the Head, and the union between the Church, the mystical body of Christ, and Christ the Head; and c) prognostic of glory, because it contains the very object of beatitude.

2. Insofar as it is a cause of sanctification, because in it Christ is contained substantially; in the other sacraments there is contained only the instrumental power participated from Christ.

3. Insofar as it is an act of religion: for as sacrifice it is the principal act of external worship, in which Christ Himself most perfectly proclaims the excellence of God and our subjection.

Hence the other sacraments are ordered to the Eucharist as to an end: Order to its confection, Matrimony to its representation, the others to its reception, at least to its better reception. Cf. Council of Trent, sess. 13, c. 3.

After the Eucharist the rest come in the following order: Order, Confirmation, Baptism, Extreme Unction, Penance, Matrimony; for the Council of Trent, sess. 7, can. 3, bears witness that they are not equal among themselves. Yet these can be more worthy in a certain respect: Baptism by reason of necessity, Order and Confirmation by reason of ministry, because they are not conferred except by a bishop; Matrimony by reason of signification.

102. Order of necessity. - Three sacraments are simply necessary by necessity of means for spiritual life: Baptism absolutely for all, Penance under condition for those fallen after Baptism, Order for the Church (Prov. XI, 14). The others are necessary only by necessity of fittingness, insofar as without them spiritual life is not had so fittingly.

By necessity of precept Baptism and the Eucharist are necessary; Penance, however, under condition of sin committed after Baptism. There is no precept concerning Order and Matrimony, because they do not pertain to all. Likewise, concerning Confirmation and Extreme Unction there is probably no rigorous precept *per se*; yet in practice, one who, given the opportunity, refused them, would easily sin *per accidens*, from contempt, or negligence of so great a means of salvation, or scandal. And in this sense we think the Code, can. 787 and 944, is to be understood.

103. Order of priority in use. - It is twofold: one with regard to validity, and thus Baptism must precede the other sacraments. The other with regard to liceity, and thus Confirmation must precede Order, the lower order the higher; likewise, supposing sin, Penance must be placed before the reception of the Eucharist in reality, and at least in desire before the reception of the other sacraments of the living.

Appendix: On the Ceremonies of the Sacraments and Sacramentals

Article I: On the Ceremonies of the Sacraments

104. Ceremonies are accidental rites customarily used in the solemn administration of the sacraments. Whence they differ from the sacraments, because they are not of divine institution but of ecclesiastical institution; and because they are not ordered directly to conferring grace, but to promoting veneration toward the sacraments and devotion.

Protestants despise them as superstitious. But from the beginning certain ceremonies have always been used in the Church in ministering sacred things; and to the Church power has been given to institute all those things which pertain to the fittingness of worship and of the ministration of the sacraments, as the Council of Trent teaches, sess. 22, c. 5. Whence sess. 7, can. 13, defines: "If anyone shall say that the received and approved rites of the Catholic Church, customarily used in the solemn administration of the sacraments, can either be contemned, or be omitted by the ministers according

to their pleasure without sin, or be changed into other new rites by any pastor whatsoever of churches, let him be anathema."

105. The utility of ceremonies is manifold: 1. they contribute to the adornment and majesty of divine worship and to reverence for the sacraments, so that holy things may be treated holily, while they excite greater reverence in ministers, recipients, and bystanders; 2. they vividly declare and, as it were, render visible to the eyes the marvelous efficacy of the sacraments, and they lead the intellect, as it were by the hand, so that it may grasp sacramental doctrine and retain it impressed upon itself; 3. thus they raise the mind to the contemplation of divine things, and excite faith and charity; 4. it can be added that they distinguish the members of the Church from heretics, who do not observe these ceremonies.

106. The obligation of observing ceremonies is grave from its genus, so that ministers are bound in conscience and under sin to observe ceremonies, whether prescribed by the universal Church or in their own particular region or order or rite, unless necessity excuses. But if the matter were left to the judgment of ministers, the greatest deformity and confusion would arise.

Even apart from contempt or scandal, those sin who without a just reason omit or change ceremonies, gravely or lightly according to the matter; this will more easily be grave in proportion as the ceremonies are of higher signification, or have a special effect, or are not observed in greater quantity, or as greater scandal of the faithful is apt to follow from it.

Article II: On Sacramentals

107. A sacramental etymologically is that which pertains to a sacrament; whence the ceremonies accompanying the essential rite of the sacraments are often called sacramentals by the ancient theologians. Yet in present-day use, under this name come ecclesiastical rites which have a peculiar likeness with the sacraments, and are, as it were, lesser sacraments.[1] They have both difference from and analogy with the sacraments: they are practical signs which in some measure depute to divine worship, and they have an effect, but one inferior to sacramental grace. For they are things or actions which the Church is accustomed to use, in a certain imitation of the sacraments, in order to obtain effects, especially spiritual ones, from her own impetration (can. 1144). They can be defined: sensible and sacred rites instituted by the Church for signifying and producing certain effects, both spiritual and temporal. They are called:

[1] The word *sacramentalia* is already used by Peter Lombard, in IV, d. 6, H.

1. sensible rites: for they are things, such as holy water, an Agnus Dei, the paschal candle, or actions such as blessings of persons or things, the sign of the cross, the prayer *Confiteor*;

2. instituted by the Church, which nevertheless received from Christ Himself the power of instituting them; whence if certain ones existed independently of the Church, nevertheless they have from the Church that they are sacramentals, namely, stably instituted;

Hence can. 1145: "Only the Apostolic See can constitute new sacramentals, or authentically interpret those received, abolish or change any of them";

3. for signifying and producing certain effects, both especially spiritual and temporal: namely, effects to be obtained from her own, i.e., the Church's, impetration.

Hence they are distinguished a) from mere ceremonies of the sacraments, such as the white garment in Baptism or sacred vestments, which are ordered solely to the adornment of worship, and to reconciling reverence to the sacraments and to signifying their efficacy; b) from the sacraments, both by reason of origin, and by reason of the effect, which is not justification itself and habitual grace or its increase, and by reason of the mode of operating, because they are not efficient causes *ex opere operato*, but as moral causes they have influence *ex opere operantis Ecclesiae* and by force of her impetration.

108. Benedictions for the most part constitute sacramentals, or are even sacramentals. - Benedictions are distinguished:

1. Constitutive, by which a thing or person becomes sacred, i.e., is deputed or consecrated to divine worship: thus the blessing of a church, oratory, bell, vessels, vestments; the consecration of a church, altar, chalice; the blessing of an abbot or virgin; the deputation of a cleric to divine ministry through tonsure. They are the efficient cause of a sacred thing, and *per se* they are not properly sacramentals; yet *per accidens* they can be such if by the blessing itself or by the use of the blessed thing they obtain for us goods that are to come to us as by a moral cause, as, for example, a blessed rosary or scapular.

2. Invocative, by which some particular benefit is obtained for a thing or person from the goodness of God. They are sacramentals, as moral causes obtaining an effect: thus the blessing of a woman, of an infant, of the sick, of nuptials, of a field, of a house, of a table, of foods, of animals.

3. Constitutive and at the same time invocative, by which things are blessed for this end, that from their application or use some good may permanently redound to man or some evil may be averted: thus blessed breads or ashes, blessed palms, medals, an Agnus Dei, lustral water, etc.

4. To these last are referred exorcisms for repelling the harmful action of the devil upon persons or things: in these, invocative formulas are mingled, and at the same time the devil is commanded and a necessity is established for him to desist from harmful action.

Hence sacramentals are reduced to three species: a) to the blessings of the Church, b) to the use of blessed things, and c) to exorcisms.

Formerly other divisions were customarily handed down, but they were neither scientific nor sufficiently founded.

109. The efficacy of sacramentals is sufficiently understood from what has thus far been set forth. Namely, they obtain four effects:

1. the conferral of actual grace for carrying out special offices, for salutary works, or for the fervor of charity;

2. the remission of venial sin, or also of temporal punishment, insofar as they excite a movement of contrition, or contain at least implicitly a retraction of sin, or satisfaction;

3. the restraint and repulsion of the devil;

4. the bestowal of a temporal good, for example, health, or prosperity of fields, insofar as it can be useful for salvation.

They are obtained *ex opere operantis Ecclesiae*, not from the dispositions of the one ministering or of the one receiving, although in a greater or lesser degree according to the dispositions of the one receiving, upon which they depend as upon a condition; but they do not depend upon the dispositions of the one ministering, for example, of a most holy man, although from these another effect *ex opere operantis ministri* can be added.

Nevertheless they are not obtained immediately, nor infallibly, because the conditions required so that prayer may be infallibly efficacious can be lacking, and an obstacle can be present on the part of the thing asked or on the part of man; but when the required conditions are given, the impetrations of the Church are infallibly heard.

110. Dispositions of canon law. - A. Concerning the minister it is established:

can. 1146: "The legitimate minister of sacramentals is a cleric to whom power for this has been conferred and who has not been prohibited by competent ecclesiastical authority from exercising that power"; as it is prohibited to the excommunicated and personally interdicted, even if they are required after sentence, except in danger of death (can. 2261 and 2275).

can. 1147: "§ 1. No one who lacks the episcopal character can validly perform consecrations, unless one to whom this is permitted either by law or by apostolic indult."

§ 2. "But any presbyter can impart blessings, except those which are reserved to the Roman Pontiff or to the Bishop or to others." Reserved to the Pontiff are the pallium or Agnus Dei; to the pastor, the nuptial blessing and the blessing of homes on Holy Saturday; to the bishop, the solemn blessing of a church or bell.

§ 3. "A reserved blessing which is given by a presbyter without necessary license is illicit, but valid, unless in the reservation the Apostolic See has expressed otherwise."

§ 4. "Deacons and lectors can give validly and licitly only those blessings which are expressly permitted to them by law."

B. Concerning the rite to be observed:

can. 1148: "§ 1. In confecting or administering sacramentals, the rites approved by the Church are to be observed accurately.

§ 2. Consecrations and blessings, whether constitutive or invocative, are invalid if the formula prescribed by the Church has not been used."

C. Concerning the subject:

can. 1149: "Blessings, to be imparted first of all to Catholics, can also be given to catechumens; indeed, unless a prohibition of the Church stands in the way, even to non-Catholics, for obtaining the

light of faith or, together with it, health of body." Nevertheless, the excommunicated and personally interdicted after sentence are prohibited from receiving them (can. 2260 and 2275), as are those who have dared to enter a mixed marriage without the dispensation of the Church (can. 2375).

can. 1152: "Exorcisms can be performed by legitimate ministers not only upon the faithful and catechumens, but also upon non-Catholics or the excommunicated."

Treatise: On Baptism

Introduction

111. The first sacrament is Baptism, preceding all the others in the order of reception and of necessity, as that by which we are regenerated unto spiritual life. It is called from the Greek word βαπτίζω, which properly signifies the same as to immerse, to dip, to wash (*plonger, laver*; - *dompelen, dopen*); whence it signifies washing, and is used in various senses, even in the Scriptures, whether for common washing (Judith XII, 7), or for legal and ritual washing (Neh. IV, 23; Mk. VII, 4; Heb. IX, 10), or for the baptism of John (Mt. III, 7, 11), or finally for Christian baptism (Mt. XXVIII, 19; Mk. XVI, 16). Metaphorically, however, it is used for a great affliction, as for the Passion of Christ (Luke XII, 50; Mk. X, 38), and for the copious outpouring of the grace of the Holy Spirit (Acts I, 5).

In the stricter and theological sense, however, it is taken for the sacrament of regeneration through the laver of water and the express invocation of the Most Holy Trinity.

112. Baptism is defined: A sacrament of the New Law instituted by Christ the Lord, in which, through the washing of water imparted by a minister under the invocation of the Most Holy Trinity, man as wayfarer is regenerated unto supernatural and divine life and is joined to the Church. In this definition there is indicated:

1. The genus to which Baptism pertains: a sacrament of the New Law,
2. The author of Baptism, or the principal efficient cause: instituted by Christ the Lord,
3. The matter: in which through the washing of water,
4. The form: under the invocation of the Most Holy Trinity,
5. The ministerial cause: imparted by a minister,
6. The subject: man as wayfarer,
7. The effect, both principal, or grace: is regenerated unto supernatural and divine life; and secondary, or character: and is joined to the Church.

113. Baptism has been designated by various names:

1. From the matter it is called the laver (λουτρόν) of water (Eph. V, 26), the sacrament of water, the generative wave, the river of living water.
2. From the form, the seal (σφραγίς; II Cor. I, 22), the sign or sealing of faith, the sacrament of faith, the sign of the Most Holy Trinity.
3. From the effect: the laver of regeneration and renewal (Tit. III, 5; Hermas, sim. IX, 16), the washing away of sins (Acts XXII, 16), and illumination (φωτισμός: II Cor. IV, 4, 6; Heb. VI, 4), especially among the Greeks.

114. Division of the treatise. - The treatise is divided into five questions:

1. On the sacrament of Baptism itself: a) on its institution, b) on the matter, c) on the form.

2. On the effects of Baptism.

3. On the necessity of Baptism.

4. On the minister of Baptism.

5. On the subject of Baptism, namely, on those to be baptized: a) adults, b) children, c) children of non-Catholics, d) the unborn, e) abortives, f) monsters, and g) those to be rebaptized under condition.

There is added an appendix on the ceremonies of Baptism.[1]

[1] Besides the general works on the Sacraments, the special works on Baptism can usefully be consulted: St. Thomas, III, q. 66-71, with the commentaries of Cajetan, Sylvius, and Billuart; - likewise Suarez; - among more recent writers: Tanquerey in dogmatic and moral theology; De Smet, *De Sacramentis in genere, Baptismo et Confirmatione*; - dogmaticians such as Billot, Van Noort, and Hugon; - historians and cultivators of positive science: Corblet, *Histoire dogmatique, liturgique, archéologique du Sacrement de Baptême*; Ermoni, *Le Baptême dans l'Église primitive*; *Dict. de Théol.*, art. *Baptême*; *Imposition des mains*; Coppens, *L'Imposition des mains et les rites connexes*; d'Alès, *De Baptismo et Confirmatione*; for practical questions, St. Alphonsus and the modern manuals known to all; among canonists, Cappello, *Tractatus canonico-moralis de Sacramentis*, I; Claeys-Bouaert and Simenon, *Manuale Iuris Canonici*.

Question One: On the Sacrament of Baptism Itself

Article I: On the Institution of Baptism

St. Thomas, III, q. 66, a. 1 and 2.

115. State of the question. - The Reformers admitted that Baptism had been instituted by Christ, but they denied the power of the sacrament, since they said that it availed only for exciting faith, and consequently that the baptism of John had the same force as the Baptism of Christ. Liberal Protestants and Modernists, however, deny that Christ instituted Baptism.

For they contend that Christ founded a merely spiritual religion without external rites, and that Christians borrowed the rite of Baptism from the Jews or Greeks; - or they assert that Christ retained the baptism of John as a symbol of purification and penance, but that the primitive Christian community joined to baptism the nature and necessity of a sacrament. Hence proposition 42 of the Modernists was condemned: "The Christian community introduced the necessity of baptism, adopting it as a necessary rite and attaching to it the obligations of Christian profession."

Against these, all Catholics hold as a dogma that the sacrament of Baptism was instituted by Christ Himself, although they think differently concerning the time of its institution.

116. Thesis. Baptism is a true sacrament instituted by Christ, essentially diverse from the baptism of John. - It is of faith: the first from the Council of Trent, sess. 7, de Sacr., can. 1, confirming the Council of Florence; the second from the same session, de Bapt., can. 1.

It is proved: 1. From the words of Christ, who indicated all the elements of a sacrament: a) He attributed to Baptism the power of regenerating man and of opening the kingdom of God (John III, 5); b) He determined the matter, namely washing, and the form, the invocation of the Most Holy Trinity (Mt. XXVIII, 19); c) He instituted it in perpetuity (ibid., 20), and established a universal law necessarily to be observed for obtaining salvation (John III, 5; Mk. XVI, 16).

2. From the practice of the universal Church from the beginning: from the very day of Pentecost the rite of Baptism is used by the apostles for the remission of sins (Acts II, 38, 41; VIII, 12, 38; XVI, 14-15, 33), which they minister in the name or authority of Jesus (II, 38; VIII, 16; XIX, 1-5), and which is imposed upon all as a condition of aggregation to the Christian community, even upon Paul, who had received a mission from Christ (IX, 18), upon Cornelius, who visibly received the Holy Spirit (X, 44-48), and upon those who had received the baptism of John (XIX, 1-5). This rite the Church always retained as necessary, as is already witnessed by the *Didache* VII; Ep. Barn. XI; Hermas, sim. IX, 16; Justin, Ap. I, 61. These things cannot be explained unless Baptism had been instituted by Christ Himself; which besides the Evangelists openly testify (Mt. XXVIII, 19; Mk. XVI, 16; John III, 5).

117. Baptism seems to have been instituted when Christ was baptized by John (Mt. III, 16 sq.).

For then, according to St. Thomas, a. 2, by the contact of His flesh, in the presence of the manifestation of the Most Holy Trinity, He conferred upon water its sacramental signification and power of sanctifying; yet its definitive efficacy He conferred by His death and Passion, in whose power the sacraments operate; finally, by a preceptive command He imposed Baptism upon all before the Ascension (Mt. XXVIII, 19).

There are, however, those who think otherwise:

a) Some, such as Alexander of Hales, say that Baptism was instituted only after Christ's resurrection; but this does not seem to be admitted, both because Christ and the apostles baptized while Christ was living (John III, 22; IV, 1-2), which would be less well understood of the baptism of John; and because the apostles would have received the Eucharist and Order before Baptism, which does not seem fitting.

b) Others, such as St. Bernard and Estius, say that Christ instituted Baptism by saying to Nicodemus: Unless someone has been born again of water... (John III, 5); but He does not seem to have instituted the sacrament in a private conversation.

c) Finally others, such as many Scotists, Suarez, the Wirceburgenses, and Pesch, indicate the time at which Christ sent the apostles to preach (Mt. X, 1-10; Luke IX, 1 sq.; Mk. III, 15; VI, 7); but no positive foundation is assigned for this assertion.

118. Observation. - "In the sacrament of Baptism three things are to be considered: namely, something which is sacrament only; something which is reality and sacrament; and something which is reality only. Sacrament only is something visible existing exteriorly, which, namely, is the sign of an interior effect: for this pertains to the notion of a sacrament; but the exterior thing set before the sense is the water itself, and its use, which is washing... done under the prescribed form of words. But the reality and sacrament is the baptismal character, which is the reality signified by the exterior

washing; and it is the sacramental sign of the interior justification which is the reality only of this sacrament, namely, signified and not signifying" (a. 1).

Article II: On the Matter of Baptism

St. Thomas, III, q. 66, a. 3, 4, 7, 8.

119. Errors. - Concerning the matter of Baptism several have erred. Certain Gnostics and Manichaeans, with Irenaeus, Tertullian, and Augustine as witnesses, excluded water from the conferral of Baptism, which they said had arisen from an evil principle; the followers of Marcus mixed oil with water; the disciples of Simon Magus and the Cathari, taking literally the words of Mt. III, 11, posited fire as the matter, and therefore they baptized in a dark place among lamps.

Luther and Beza contended that whatever can be in place of a bath, when water is lacking, is apt for Baptism. Calvin, although he acknowledged that water is required in Baptism, understood the word "water" in the text of John III, 5 metaphorically of living water, or the vivifying Spirit after the likeness of water. The Quakers repudiate Baptism of water as a Jewish rite, and acknowledge only spiritual Baptism, which is in the testimony of a good conscience and the reception of the Holy Spirit.

Baptists and Anabaptists, as also many Greek schismatics with Mark of Ephesus, admit only Baptism by immersion; they hold the mode more commonly used in the Latin Church from the fourteenth century to be invalid, or even heretical.

120. Principle I. The remote matter of Baptism is every natural water, and only natural water (can. 737). - It is defined as of faith in the Council of Trent, sess. 7, de Bapt., can. 2: "If anyone shall say that true and natural water is not of the necessity of Baptism (against Luther), and therefore shall twist those words of Our Lord Jesus Christ: Unless someone shall have been born again of water and the Holy Spirit, to some metaphor (against Calvin), let him be anathema."

It is proved: 1. From the documents of revelation. Christ determined water (John III, 5 and 22-26); the Apostles baptize only in water (Acts VIII, 27-39; X, 44-48). Whence Paul calls Baptism the laver of water (Eph. V, 26), and Peter in I ep. III, 20: "The ark in which... souls were saved through water, which also of like form now saves you: Baptism." The primitive Church firmly holds this practice, as is established from the *Didache* VII; Ep. Barn. XI; Justin, Ap. I, 61; the Fathers refute the heretics who do not use water; all Liturgies from the beginning prescribe water; Innocent III declares water necessary for true Baptism. The Councils confess this: Lateran IV, c. 1; Vienne, const. de fide cath.; and Florence, for the Armenians.

2. From the fittingness of reason: "From divine institution water is the proper matter of Baptism; and this fittingly... a) with regard to the effects of Baptism, to which there correspond the properties of water, which by its humidity washes, from which it is fitting for signifying and causing the washing away of sins; by its coldness it also tempers the excess of heat, and from this it is suited to mitigating the concupiscence of the fomes; by its transparency it is receptive of light, whence it is suited to Baptism insofar as it is the sacrament of faith...; - b) because by reason of its commonness and abundance it is the fitting matter for the necessity of this sacrament: for it can easily be had everywhere" (a. 3).

121. For the validity of Baptism there is required natural or elementary water in a liquid state, i.e., everything which among men comes under the use and name of water.

Such is water of rivers, rain, a well, a spring, ponds, cisterns, a bath, marshes, lakes, the sea, whether it be bitter or poisonous or sweet, whether warm and boiling or cold and icy, whether blessed or not blessed. Likewise water dissolved from snow, ice, hail, dew, mists, condensed vapors, or flowing from stones (which is called the sweat of pavement), leaves, or walls in rainy or winter time; likewise water obtained by chemical art or by distillation of another element, if it is pure from foreign elements; likewise water mixed with foreign matter in a small quantity, provided not only chemically but also according to common estimation water certainly predominates and it is still called water, for example, putrid water (Holy Office, April 17, 1839), turbid or somewhat muddy water, mineral, sulphurous, ferruginous water, etc.

Hence 1. invalid matter includes: wine, oil, juice of flesh or fat, humors of an animal or human body: milk, blood, urine, saliva, tears, sweat, phlegm, amniotic fluid, spittle, phlegmatic discharges, etc.; - juice expressed from trees, fruits (apples, pears, cherries), flowers, herbs, roots, grains; - snow, ice, hail, hoarfrost, vapor, and other things not dissolved, because they are not apt for washing; - water very much mixed, so that it has more of a foreign substance than of water, or is no longer apt for washing, for example, mud, ink, very good beer, good coffee, good tea, good broth, lye. For all these things are not water; or if they are, according to common estimation they do not have the use or name of water.

2. Doubtful matter includes thin broth, lye not too thick, small beer, ordinary tea-water or coffee-water, weak ink, water dissolved from salt, artificial water extracted by distillation from flowers or herbs, for example, rose-water, violet-water, etc., or water flowing from a vine or trees.

122. For liceity there is required pure and clean water; but in solemn Baptism, water specially consecrated for this. Solemn Baptism, however, is that which is ministered with all the ceremonies (can. 737, § 2), as, outside danger of death, it is regularly to be conferred (can. 759, § 2).

He sins gravely, against reverence for the sacrament, who without necessity uses impure, dirty, turbid water, - or who in solemn Baptism does not use consecrated water (can. 757, § 1): but if in a case of necessity consecrated water is lacking, blessed water is to be used; otherwise natural water (Holy Office, June 20, 1883); outside the case of necessity new water is to be blessed (April 17, 1839).

In merely private, or non-solemn, Baptism, it is better to use blessed water, - or, if the one baptizing is a priest or deacon, even consecrated water; others cannot use consecrated water.

123. Principle II. The proximate matter of Baptism is the exterior washing of the body, - which can be valid not only by immersion, but also by infusion or sprinkling. - The first pertains to the faith, as is established from the universal preaching and use of the Church, and from the very signification of the name: Baptism is indicated in many places of Scripture (Acts II, 38; XXII, 16; I Cor. VI, 11; Eph. V, 26; Tit. III, 5; Heb. X, 22), and is clear from the unanimous testimony of the Fathers and Liturgies (can. 737).

The second is certain from the doctrine of the Church, which is established from the rituals and from the practice of the liturgy, and is reported in the Code of Law, can. 758; to this also can be referred the definition of the Council of Trent, sess. 7, de Bapt., can. 3.

It is proved: 1. The name Baptism, although etymologically it signifies immersion, nevertheless by common use, also reported in the Scriptures, signifies every washing (n. 111).

2. To the essence of Baptism there pertains the washing of water by which the interior washing away of sins is signified; when this is preserved, the essence of the sacrament is preserved. But it is preserved not only by immersion, but also by infusion or sprinkling, which, provided the water flows, truly washes. Therefore not only by immersion, but also by infusion or sprinkling, the essence and consequently the validity of Baptism is preserved.

3. From the beginning, the mode of baptizing by infusion or sprinkling was sometimes used, as the *Didache* VII, 3, explicitly testifies. Besides, the Apostles themselves seem thus to have baptized at Pentecost three thousand men on one day, and on another five thousand men (Acts II, 41), since in these circumstances the rite of immersion would scarcely have been possible; likewise when St. Paul baptized the jailer in prison (XVI, 33). And in Baptism by immersion, which was the ordinary rite, immersion among adults was not customarily total, but the water rose up to the knees or the middle of the body and at the same time was poured over the head. Moreover the Baptism of the sick, who were baptized while lying in bed, was held as valid; and martyrs in prison or in the very place of execution were baptized by pouring.

4. "Sometimes a necessity can threaten (of baptizing otherwise than by immersion) on account of scarcity of water, or on account of weakness in the one to be baptized, to whom danger of death can threaten from immersion. And therefore it must be said that immersion is not of the necessity of Baptism" (a. 7).

Nor does it stand in the way that by immersion alone our being placed with Christ in the tomb is figured (Rom. VI, 3). - For "in immersion the figure of Christ's burial is represented more expressly..., but in the other modes of baptizing it is represented in some way, although not so expressly: for in whatever way the washing is done, the body of man, or some part of it, is placed under the water, just as the body of Christ was placed under the earth" (ad 2). Besides, this figurative signification in Baptism is merely secondary.

124. For the validity of Baptism there is required a washing of the one to be baptized by the one baptizing; otherwise the sense of the form would not be verified, and besides universal tradition so holds. It is said:

1. Washing, for which it is required that water immediately and physically touch the body and successively flow and run over some part of it, so that it is judged washed or cleansed. Yet for this a small quantity suffices; nor is it necessary that bodily filth be wiped away: for the washing of Baptism is ordered only to spiritual amendment. It can be done either a) by motion of the one to be baptized in the water, or b) by motion of the water upon the one to be baptized; namely:

a) By immersion, for which it is required 1. that someone be moved in or under the water; whence Baptism would be invalid if someone were held unmoved in unmoved water; 2. and probably, according to some, also that he be drawn out of the water.

Hence the killing ablution by which someone would throw an infant into a river is doubtfully valid; moreover it is gravely illicit, because evils are not to be done that goods may come: for the very throwing into a place from which the child cannot be rescued is already of itself evil, as tending directly to killing alone, nor does it immediately have a good effect, as washing does, but only mediately and *per accidens*, because in fact it terminates rather at water and washing than at something else. Namely, in the case, washing is the effect of the throwing, which, even if it were not done into water, would nevertheless cause death.[1] - Yet it is licit to wash with icy water, when another is lacking, even if death were feared to be somewhat accelerated, because this action *per se* and immediately tends to washing and sanctification, not to killing; whence death would come about *per accidens* and would be compensated by the more excellent good of eternal life.

[1] Billuart, *de Baptismo*, art. 3, § III.

b) Also by infusion and by sprinkling, although this last mode is dangerous in practice. For both, some motion of the water is required.

Whence invalid matter is the mere touch of water without flow, such as a drop or a wet cloth remaining on the forehead; washing performed by one or another drop, or after the manner of an anointing, is easily doubtful (Holy Office, December 14, 1898); it is valid if someone by the motion of a finger or wetted cloth washed a part of the body.

2. Washing of the one to be baptized, i.e., a) of the whole body or of a principal part, namely, of the head, in which all the interior and exterior senses flourish (a. 7, ad 3).

Baptism is valid if it is done upon a head covered with an ulcerous crust, because the crust is nothing but the skin of the infant foully disfigured by disease, and otherwise a man whose whole head was covered with smallpox could neither be washed nor baptized; - Baptism is doubtful if the washing is done on other members than the head, because in none is there the integrity of life as in the head; and it is the more doubtful in proportion as it is done on a less notable member and one more remote from the head; whence it is more probably valid if it is done over the heart, chest, neck, shoulder blades, shoulders; more doubtful on the arm or leg; very doubtful on the foot, hand, finger (can. 746, § 2 and 3).

b) of the body itself, which must be touched physically and immediately.

Hence there is doubt concerning the value of Baptism conferred on the hair, even of the head, because it is not certain that hair is part of the body;[2] it is more doubtful if on the beard or nails; very doubtful if on the umbilical cord or on one of the two membranes which immediately envelop the infant in the mother's womb and which arise from the ovum: for although they are of fetal origin, nevertheless they are not a permanent part of the infant but rather a covering or transitory instrument; almost certainly invalid if it is done on the third exterior membrane enveloping the fetus, because this arises from the substance of the mother; invalid if on the clothes or body of the mother (Holy Office, May 21, 1671).

[2] But if the head is covered with hair, the priest, while with the right hand he pours water over the crown of the head, ought with the left to part the hair, or take care that the water runs over the temples of the head, or, what in practice is easier, confer Baptism on the forehead, because nowhere is it prescribed that washing must be done on the crown. (Cf. Noldin, Th. M., III, n. 60). - Some, such as Lugo and Génicot, think that Baptism conferred on the hair is as certain as on the skin, for if the hairs of an animal are washed, the animal is said to be washed. Yet it can be answered that this is true of an animal

which cannot be washed otherwise, not of man, who by his nature does not have hair everywhere, and therefore is capable of being washed immediately.

3. Washing by the one baptizing: for if it were done by the one baptized, or by a third party, or by a natural cause alone, for example, while a child slips into water, the words would be false: I baptize you. Whence Baptism is invalid in which the form is pronounced, but not by the one who does the washing (S.C.S., November 17, 1916).

Baptism is valid if someone holds an infant under water falling without the help of another or already poured out by another, because the one holding is the sole cause of the washing; but if another intends or knows that he is pouring water upon the infant, Baptism is doubtful, because there is doubt whether the one who holds, or the one by whose aid the water descends, is the cause of the washing.

125. For liceity, that mode of washing is to be observed which is in use among the individual Churches (can. 758). - The Greeks baptize by threefold immersion, which they can also use while they are staying among Latins; but in the Latin Church generally the washing is to be done by threefold infusion performed in the manner of a cross.

He sins gravely who, in solemn Baptism, changes the usual mode of washing, or does not do the threefold infusion. Threefold washing in honor of the Most Holy Trinity was used from the beginning of the Church, as the *Didache*, VII, 4, testifies.

Article III: On the Form of Baptism

St. Thomas, III, q. 66, a. 5 and 6.

126. Principle. The form of Baptism is: I baptize you in the name of the Father and of the Son and of the Holy Spirit, or another equivalent form (can. 737). - It is certain.

It is proved: 1. From the words of Christ, Mt. XXVIII, 19, as they were understood in the constant and perpetual tradition of the Church.

2. From the practice of the Church from the beginning, as is established from the testimonies of the *Didache* VII; Justin, Apol. I, 61; Tertullian, *de Bapt*. 13; *adv. Prax*. 26; Cyprian, ep. 73; Ambrose, *de Myst*. IV, 20; Augustine, *c. Don*. VI, 25; *Const. Apost*. VII, 22; Can. Ap. can. 49; Can. Hipp., can. 133; and of the Greek and Latin rituals; likewise Lateran Council IV, c. 1 *Firmiter*; Council of Vienne, const. *de fide cath.*; Florence, for the Armenians; and Trent, sess. 7, de Bapt., can. 4, although this is not directly the object of the definition.

3. By reason of fittingness: "It is necessary that in the form of Baptism the cause of Baptism be expressed. Now its cause is twofold: one indeed principal, from which it has power, which is the Holy Trinity; but the other instrumental, namely the minister, who hands on the sacrament exteriorly. And therefore in the form of Baptism mention must be made of both. The minister, however, is touched upon when it is said: I baptize you; the principal cause, when it is said: in the name of the Father and of the Son and of the Holy Spirit. Whence this is the fitting form of Baptism" (a. 5). This certainly befits the sacrament of the initiation of faith, whose chief mystery is the Most Holy Trinity.

127. For the validity of Baptism, five things must be expressed in the form: the person baptizing, - the act of baptizing exercised upon another, - the person baptized, - the unity of the divine essence, - the trinity of persons under distinct and, probably, proper names.[1]

[1] De Smet, o. c., n. 233, departs from the received mode of speaking, saying that for the validity of the form two things suffice, namely, mention of the baptismal action and the distinct invocation of the Most Holy Trinity: mention of the person ministering (*I*) is not required, since the minister is sufficiently designated by the sacramental operation itself; nor mention of the person of the subject (*you*), because in the very action of baptizing affecting a certain person, the subject is sufficiently determined; whence the Holy Office decreed valid the form of the Armenians in which such mention is lacking: My hand baptizes (or: let it baptize) now in the name... - We answer, with St. Thomas, a. 5, ad 2, that at least implicit equivalent mention is required, not only on the part of the matter but also on the part of the form; whence also in the aforesaid form of the Armenians the words "now, my hand" sufficiently indicate the subject whom the hand here and now washes.

1. The person baptizing must be expressed either explicitly, as in the Latin form, or at least implicitly, as in the Greek form: N., the servant of Christ, is baptized in the name..., in which the word "is baptized,"[2] from the circumstances, has the same force as "is baptized by me," "is baptized by this my ministry," as St. Thomas explains, a. 5, ad 1.

[2] Not: "let him be baptized," as several have said, but this arose from confusion because of the likeness with βαπτίζεται.

Hence the omission of the pronoun *I* would not invalidate Baptism in the Latin language; but in modern languages one must see whether there is an intention of rightly pronouncing the form and whether the action of the minister is sufficiently indicated from the circumstances; whence in practice Baptism will often be invalid.[3]

[3] Thus the S.C.C., February 11, 1797, declared valid, from the sufficiently clear intention of the one uttering it, the form: "Enfant, je te baptise en nom..." (Aertnijs, Th. M., II, n. 49, 2).

2. The act of baptizing also must be expressed; otherwise the form would not determine the matter, since the pouring of water could be done for various ends, as St. Thomas observes, ad 2, and as is certainly established from the condemnation of proposition 27 by Alexander VIII;[4] - and indeed an act exercised in the present, otherwise the present tense "I baptize" would not be verified.

[4] "Baptism conferred at some time under this form was valid: In the name of the Father..., with these words omitted: I baptize you." - Likewise Alexander III, c. 1, III, 42: "If someone has immersed a child in water in the name of the F... and has not said: I baptize you in the name..., the child is not baptized."

Baptism is valid if someone uses a synonymous word: I wash you, lave you, immerse you, dip you, plunge you; - it is not valid if only the will of baptizing is expressed: I wish to minister to you the sacrament of Baptism (Holy Office, June 23, 1840), or if the present action is not expressed: he has been baptized in the name (S.C.P.F., March 27, 1631), or if the mode of washing is not signified but another mode or the effect alone: I cleanse you, purge you, anoint you, I minister to you the sacrament of the remission of sins, etc.; - it is doubtful if this is doubted: I place upon you (over you) the water of God (Holy Office, February 17, 1897), I Christianize you, or make you a Christian.[5]

[5] Of itself it signifies the effect of Baptism, but by usage of speech in certain languages the word signifies the sacramental action, namely, sacramental washing: I baptize. Thus for the Slavonic language, as we know from the approval of the Slavonic ritual (in the year 1894).

3. The person baptized must be expressed, because the form must be concerned with a certain person.

It is expressed by the word "you" or another equivalent (S.C.P.F., July 5, 1631), as: Paul is baptized, this my servant, or such a servant (N.) of Christ, I baptize your lordship or your majesty, or: I baptize you, if there are several.

4. The unity of the divine essence is expressed by the words: in the name.

Hence Baptism would be invalid if someone said: in the names, or simply: in... or with the Father..., or on the part of the Father...; - or: in the name of the Father and of the Son, and the grace of the Holy Spirit; - or: in the name of the Father through the Son in the Holy Spirit; - doubtful if: in the power, majesty, authority of the Father..., or: in the one God, Father, Son, Holy Spirit; - or: name, without "in."[6] In these cases, either the essence of God or His unity is not sufficiently expressed, or at least this is uncertain.

[6] Some have said this last form ambiguous, because of the decree of the S.C.C., September 12, 1801, alleged by *N. Revue Théol.*, XX (1868), p. 113. But Lehmkuhl observes (Th. M., II, n. 89, note 1) that this is so from the usage of the Italian or Etruscan language, by which they were accustomed to suppress the letter *i* before *m* and *n*, so that *n' nome* is entirely *in nome*; wherefore it is by no means established that this also has force in the Latin language or another language.

Ambiguous are the forms: with the name, into the name (*op den naam*); of the greater Father, the lesser Son; in the name of the Father, in the name of the Son, in the name of the Holy Spirit; or: I baptize you in the name of the Father, I baptize you in the name of the Son, I baptize you in the name of the Holy Spirit; whence their validity depends on the intention of the one uttering them, and thus the Roman decrees which speak of the first and last case are to be understood.[7] Likewise locutions somewhat corrupted, such as in the name of the Father and of the Daughter, in the name of the Fatherlands and Daughters, and the form: in the name of God the Father, and of God the Son, and of God the Holy Spirit, which nevertheless some hold as doubtful. Similarly a form to which there is added: and the Blessed Virgin Mary, or: in the name of the Blessed Virgin Mary, because it depends on the intention whether the same name is attributed to the Blessed Virgin herself as to God; but if someone were to say: in the name of the Blessed Virgin Mary, and of the Father..., it would be at least doubtful, if not invalid.

[7] Concerning the sense of the last decree they do not entirely agree. Cf. Lehmkuhl, l. c., note 3.

5. The trinity of persons must be expressed

a) under distinct names.

Hence Baptism conferred in the name of Jesus, of God, of the one and triune God, of the Most Holy Trinity, of three persons, in the name of Paternity, Filiation, and Spiration, in the name of mother, son... is invalid. Omission of the first word "and" does not render the form invalid (S.C.C., September 12, 1801); omission of the double "and," with the word "in the name" not repeated, renders it doubtful; omission of the second word "and" renders it ambiguous, whence validity depends on the intention of the one uttering it (S.C.C., May 12, 1753), but according to others it is then doubtful.[7]

b) probably also under proper names.

Whence Baptism conferred in the name of the begetter or unbegotten, of the begotten and of the proceeding, of the spirated or of the gift; - of the creator, redeemer, and sanctifier; - of the almighty, wise, and good; - of the Father, Christ Jesus, and the Holy Spirit; - of the first, second, third person of the Most Holy Trinity; - of the Father and of the Son and of the Spirit, omitting "Holy," will be doubtful.

128. For liceity it is required that the form be used as it is indicated in the ritual of one's own Church; for each one must follow his own rite (can. 733, § 2; Roman Ritual, tit. 2, c. 1, n. 9).

According to the Roman ritual the form is: N., I baptize you in the name of the Father, and of the Son, and of the Holy Spirit, the *Amen* being omitted (so the S.C.R., June 9, 1853), with which word formerly the people or clergy present responded to the ministering priest. The Greeks, on the contrary, say: N., the servant of Christ, is baptized in the name of the Father and of the Son and of the Holy Spirit. Amen.

A small change, transposition, addition, or omission, which leaves the sense, is of itself a venial sin; a notable change, even one leaving the sense, is a grave sin, for example, if a Latin priest were to use the Greek form, or conversely.

129. Observations. - 1. The form must be pronounced simultaneously with the pouring of water, not only morally, so that one immediately succeeds the other, but also physically. Thus not only for liceity, but also probably for validity, so that the form is at least partially pronounced during the washing. This must be held absolutely in practice, because in doubt concerning the value of a sacrament that which is safer is to be done (n. 14).

2. Formerly there was dispute concerning the validity of Baptism conferred in the name of Jesus or of Christ, because of certain locutions of Scripture (Rom. VI, 3; Acts II, 38; VIII, 12, 16; X, 48; XIX, 5). Several, such as Peter Lombard and Cajetan, thought this valid in all times;[8] others, however, such as St. Bonaventure, St. Thomas, and Scotus, said that by special dispensation or from the prompting of the Holy Spirit it was done so that only in apostolic times could it be validly conferred in this way.

[8] They allege the response of Nicholas I to the Bulgarians. But there is no question of an infallible act, and besides there is dispute over its sense. Cf. Van Noort, o. c., n. 189.

The first opinion contradicts the universal and most ancient tradition, whence by command of Pius V it was expunged from the works of Cajetan. The other opinion seems improbable. For now the better interpreters of Scripture think that the words "in the name of Jesus" do not express the liturgical or ritual formula of Baptism, but are a juridical formula which indicates the character of Baptism: namely, that it was instituted by Christ and ministered by His authority and power, distinct from the other baptisms of the Jews and particularly from the baptism of John, by which men are incorporated into Christ and which they receive for the profession of the name of Jesus. The Scriptures themselves also intimate this interpretation (Acts XIX, 2-3): for when St. Paul found the Ephesian disciples in ignorance of the Holy Spirit, he asks them: "In what, then, were you baptized?", thus insinuating that mention is made of the Holy Spirit in the very conferral of Baptism.

3. Certain modern authors have thought that Baptism in antiquity was sometimes ministered without a form, because in several descriptions of Baptism the form is not mentioned. But the

negative argument proves nothing, because there are sufficient and most ancient documents in which explicit mention is made of the words of the form.

Question Two: On the Effects of Baptism

St. Thomas, III, q. 69, and q. 66, a. 9.

130. The effect of the sacrament of Baptism, even in infants, is regeneration and renewal in spiritual life, or birth unto a new supernatural life, by which man is configured to the death and resurrection of Christ, and therefore a) dies to sin, and b) lives to God. This the Scriptures proclaim: the first in Acts II, 38; XXII, 16; I Cor. VI, 9-11; Rom. VI, 3-6; the second in John III, 5-6; Tit. III, 5; Rom. VI, 4-11; and the Fathers celebrate it from the beginning. Whence Baptism:

A. negatively: In all those not placing an obstacle, it removes every sin, and therefore causes

1. the remission of original sin, for which it was principally instituted;

2. the remission of every actual sin, if they have committed any, whether mortal or even venial;

3. the remission of every punishment due to sin, not only eternal but also temporal, so that the baptized person, immediately after death, enters into glory;

4. consequently the opening of the gate of the heavenly kingdom, from which we are impeded by the guilt of fault and of punishment.

It is of faith from the Council of Trent, sess. 5, can. 5, and sess. 6, c. 7 and 14, by which Florence, decree for the Armenians, is confirmed.

But if someone places an obstacle, once the obstacle has been removed through penance, he obtains the aforesaid effects (q. 69, a. 10), so that Penance acts first as removing what prohibits, Baptism first as the cause of grace (ad 2); and therefore, if someone on account of an obstacle has not yet obtained some effect, such as the remission of venial sin, by the power of Baptism it will be remitted afterward, together with the punishment due, when, namely, he retracts the fault, whether in this life, or at least in the first instant after death.

B. positively: To those not placing an obstacle it confers grace, as is of faith from the definition of the Council of Trent, sess. 5, can. 5, and sess. 7, can. 6; but if an obstacle is present, Baptism will confer grace at that moment at which the obstacle is afterward removed through penance:

1. habitual grace making one pleasing, without which, according to faith, remission of sin is not had, as we know from the doctrine concerning justification and grace;

2. all the infused virtues and the gifts of the Holy Spirit, which, according to certain doctrine, are infused together with grace;

3. special sacramental grace, namely, for exercising faith and leading a Christian life, as was said in n. 36;

4. a right to actual graces necessary for this end, to be obtained during life.

C. finally: All who receive validly it consecrates and signs with an indelible character, which must be believed by faith from the Council of Trent, sess. 7, can. 9: thus man is incorporated into Christ and, at least by right and obligation, becomes a disciple of Christ and a member of the Church (n. 66).

This effect is also produced in those who place an obstacle to grace. Moreover, it causes the baptized person to be subject perpetually to the jurisdiction of the Church: thus Trent, sess. 7, de Bapt., can. 8 and 14, and the Code of Law, can. 87.

131. Observation. - Although Baptism does not at once take away the penalities of the present life, nevertheless by its power they lose the nature of punishment, and they will be taken away from the just in the resurrection. Thus St. Thomas, a. 3:

"Baptism has the power of taking away the penalities of the present life; nevertheless it does not take them away in the present life; but by its power they will be taken away from the just in the resurrection... And this reasonably: 1. indeed, because through Baptism man is incorporated into Christ and is made His member... And therefore it is fitting that there be done in the incorporated member that which was done in the head. Now Christ from the beginning of His conception was full of grace and truth; nevertheless He had a passible body, which after suffering and death was raised up to glorious life. Whence also the Christian in Baptism obtains grace as to the soul; nevertheless he has a passible body, in which he can suffer for Christ; but at last he will be raised up to impassible life, as the Apostle says... (Rom. VIII, 11 and 17); 2. this is fitting on account of spiritual exercise, namely, so that man, fighting against concupiscence and other passibilities, may receive the crown of victory... 3. this was fitting, lest men approach Baptism on account of the impassibility of the present life, and not on account of the glory of eternal life... (I Cor. XV, 19)."

132. Corollary: The sacrament of Baptism cannot be repeated; as the Council of Trent defined, sess. 7, De Sacr., can. 9, and De Bapt., can. 11 and 13. St. Thomas shows this by a fourfold reason, q. 66, a. 9:

"1. Because Baptism is a certain spiritual regeneration, insofar, namely, as someone dies to the old life and begins to live a new life... But of one thing there is only one generation. And therefore Baptism cannot be repeated, just as neither can carnal generation...

2. Because we are baptized into the death of Christ, through which we die to sin and rise again in newness of life. But Christ died only once. And therefore Baptism ought not to be repeated...

3. Because Baptism imprints a character which is indelible, and is given with a certain consecration. Whence, just as other consecrations are not repeated in the Church, so neither is Baptism...

4. Because Baptism is given principally against original sin. And therefore, just as original sin is not repeated, so neither is Baptism..."

Question Three: On the Necessity of Baptism

St. Thomas, III, q. 68, a. 1 and 2; q. 66, a. 11 and 12.

133. Principle I. After the Gospel has been promulgated, by the positive ordination of God the sacrament of Baptism is necessary for all men *per se* and ordinarily, by necessity of means for

salvation; but for adults it is also necessary by necessity of natural and divine precept, since that means must be received by them voluntarily. - It is of faith.

It is proved: For adults from the words of Christ, Mt. XXVIII, 19 and Mk. XVI, 16; for all, even children, from John III, 5-6: Unless someone shall have been born again of water and the Holy Spirit..., which words affirm that Baptism is the condition without which there is no spiritual life; and the Church has understood that this is so, even for children. As is established from perpetual tradition; and from the Council of Florence, decree for the Armenians and for the Jacobites; and from the definition of Trent, sess. 7, can. 5, sess. 5, can. 5, and sess. 6, c. 4 (can. 737, § 1).

The necessity of Baptism as a means is denied by the Pelagians, who reject original sin, and by Protestants, who hold that faith alone suffices; for children, Lutherans say that it is necessary; Calvinists, on the contrary, although they hold it as a rite of introduction into the Church; Baptists deny the validity of Baptism in infants. Several Modernists say that the necessity of Baptism arose from ecclesiastical law (prop. 42).

134. Principle II. The sacrament of Baptism can extraordinarily or *per accidens* be supplied by Baptism of blood, or martyrdom, or by Baptism of the Spirit, or an act of charity or perfect contrition with at least an implicit desire of the sacrament itself. - It is certain from the tradition of the Church.

It is proved: A. Baptism of blood is martyrdom, or death inflicted and endured for Christ, for the true faith, or for another Christian virtue.

It takes the place of the sacrament, as is established from the words of Christ, Mt. X, 32, 39; Luke IX, 24; even in children, which is clear from the fact that the Church has always honored as martyrs the innocents killed by Herod, "who confessed not by speaking but by dying." This is altogether most fitting: for since the sacraments have efficacy from the Passion of Christ and His merits, it is necessary that a real imitation of the Passion of Christ, by which man is most greatly configured to Christ, obtain the application of the merits of the Passion and the effect of the sacrament (q. 66, a. 11).

B. Baptism of the Spirit[1] or of desire is not so called because the desire of Baptism is present, since this is also present in the other baptisms of adults, but because only the desire of Baptism is present: it is an act of charity or of contrition perfected by charity, which includes at least implicitly the desire or vow of Baptism, in the will of doing all things which God commands under grave obligation and of applying all means necessary for salvation, among which the first is Baptism; "insofar," says St. Thomas, q. 66, a. 11, "as someone's heart is moved by the Holy Spirit to believing and loving God, and to repenting of sins."

[1] This denomination is in use from the beginning of the thirteenth century.

It takes the place of the sacrament in adults, because, since the sacraments have power from the Holy Spirit as from the first cause, someone can through the power of the Holy Spirit obtain the effect, not only without Baptism of water, but even without Baptism of blood. As is established from the altogether general assertions concerning the love of God (John XIV, 23) and concerning penance (Ez. XVIII, 21), which are confirmed by the fact of Cornelius, upon whom, before he had been baptized, the Holy Spirit visibly descended (Acts X, 33, 44); likewise from the Council of Trent, sess. 6, c. 4, and from the doctrine concerning justification *ex opere operantis*, i.e., by an act of charity and perfect

contrition, which is demonstrated in the treatise on grace, and is drawn from the condemnation of proposition 30 of Baius.

But since the vow of the sacrament is required, it follows that those who have been justified by Baptism of the Spirit or of blood remain obliged, given the opportunity, to receive the sacrament of Baptism; whence one already lethally wounded in hatred of the faith would be to be baptized if he should continue to live for a few further instants.

135. Corollary. - Baptism is threefold: of water, of the Spirit, and of blood.

1. Baptism of water, namely, the sacrament of Baptism, is an external ceremonial sign: a sacred rite instituted by Christ and ministered in His name, so that it may be His instrument unto the remission of sins and insertion into the Church. It justifies *ex opere operato* with attrition alone, imprints a character, and remits all punishments due to sins, as was explained above, n. 130.

2. Baptism of the Spirit, or of desire, is an act of charity or of contrition perfected by charity. It is not a sacrament, because it is not an external sign, and consequently does not imprint a character; whence after such a baptism there remains the obligation of receiving the sacrament of Baptism. It justifies *ex opere operantis*, and ordinarily does not remit all punishments.

3. Baptism of blood, or martyrdom. It is not a sacrament, because it is not a sacred ceremonial sign or a rite instituted by Christ, which is ministered in His name so that it may be His instrument for sanctification; whence it does not imprint a character. It justifies quasi *ex opere operato*, namely not actively, but passively, with attrition alone, and in it all punishments due to sins are remitted. It excels the others on account of greater and more perfect conformity with Christ, and therefore God bestows greater grace in it (q. 66, a. 12).

Do not think that attrition does not suffice for Baptism of blood, but that the disposition of charity is required according to that text, I Cor. XIII, 3. - For a) by martyrdom received in due disposition without an obstacle, charity is obtained by that very fact; b) charity is required for this, that martyrdom be not only a means of justification, but also a meritorious work; and in this sense the Apostle seems to speak.

Question Four: On the Minister of Baptism

St. Thomas, III, q. 67.

136. Notions. - A minister is one kind ordinary, who by force of the order received is deputed primarily to confer Baptism; another extraordinary, who by force of order is deputed to this only secondarily, but primarily to assist the minister of a higher order; - another legitimate, who besides has due license for baptizing; another illegitimate, who does not have this license; - another is the minister of solemn Baptism, which is ministered with all the rites and ceremonies prescribed in the ritual being observed; another the minister of non-solemn or private Baptism, which is conferred without all the ceremonies (can. 737, § 2).

137. Principle I. The ordinary minister of Baptism is every priest, and only a priest, as the Council of Florence says, decree for the Armenians. Since the conferral of Baptism is an act of a pastor, and by it the baptized person is aggregated also to a particular Church, but to make

aggregation pertains to him who has jurisdiction in that Church; hence the faculty of baptizing solemnly is reserved to the pastor and the Ordinary of the place, and another priest cannot legitimately use his power unless he has obtained license from the pastor or the Ordinary of the place; nevertheless this license in a case of necessity is legitimately presumed, even for solemn Baptism (can. 738, § 1).

Hence 1. the Ordinary of the place and the pastor have the reserved right of baptizing, by themselves or by a delegate, all who have domicile or quasi-domicile in their territory, and also vagi, while they are actually staying in the territory.

2. They cannot of themselves baptize pilgrims, because these are not subjects, and therefore they are to be brought to their own parish; unless this cannot easily and without delay be done: for then any pastor in whose parish they are can baptize them solemnly (can. 738, § 2); as can often happen if a mother gives birth in a sanatorium.

3. Outside their own territory they cannot baptize, not even their own subjects, without due license of the pastor or Ordinary of the place (can. 739).

4. The Baptism of adults, where it can conveniently be done, is to be referred to the Ordinary of the place, so that, if he wishes, it may be conferred more solemnly (can. 744).

5. Parents sin who, outside a case of necessity or without license of the pastor, bring their offspring to other priests, because they violate the right of their own pastor; likewise priests who, outside a case of necessity, baptize such offspring without ordinary or delegated faculty, and indeed of itself gravely, although more often in various circumstances grave fault can be absent.

138. Principle II. The extraordinary minister of solemn Baptism is a deacon; who nevertheless cannot use his power without license of the pastor or Ordinary of the place, which is not to be conceded except for a just cause. The cause is judged sufficient if the pastor is absent or sick, or if he is occupied with having to preach a sermon or with hearing confessions. Where necessity urges, license is legitimately presumed (can. 741).

A deacon baptizing solemnly: 1. can and ought to use all the rites and ceremonies; 2. but he cannot bless salt and water; whence, if blessed salt is lacking, let him omit the ceremony with the prayer joined to it (S.R.C., February 10, 1888); 3. if he baptizes without license of the pastor or Ordinary of the place, he sins, and indeed of itself gravely; but he does not contract an irregularity, because he does not usurp an order.

139. Principle III. The extraordinary minister of private Baptism is any man using reason, whether male or female, whether Catholic or heretic or schismatic, whether faithful or unbeliever, who always baptizes validly, but licitly in danger of death and when an ordinary minister is lacking (can. 742); as is certainly established from the doctrine and practice of the Church; indeed, it is of faith from Lateran Council IV, cap. *Firmiter*; the Council of Florence; and from Trent, sess. 7, can. 4, defining that Baptism conferred in due manner by heretics is true Baptism.

Concerning this let it be noted:

1. A case of necessity exists only in danger of death; not, however, if a priest cannot be had except after a long time on account of distance, bad weather, or illness. Probable danger of death suffices, indeed a founded fear, which in missions can more easily be admitted on account of various circumstances (S.R.C., February 10, 1888).

2. In private Baptism an order among ministers is to be observed: "if a priest is present, let him be preferred to a deacon; a deacon to a subdeacon; a cleric to a layman and a man to a woman, unless for the sake of modesty it is fitting that a woman rather than a man baptize, or unless the woman knows better the form and mode of baptizing," says the Ritual, tit. 2, c. 1, n. 16, and this is confirmed by can. 742, § 2. This rule is to be understood concerning Catholic ministers, so that:

a) any faithful person not excommunicated is to be preferred to any heretic, even a priest;

b) a faithful person is also to be preferred to a cleric under censure after declaratory or condemnatory sentence (Holy Office, August 20, 1671);

c) a woman outside the family is preferred to the father of the infant, for, says the ritual, "it is not licit for the father or mother to baptize their own offspring, except in danger of death, when no one else is at hand who may baptize" (can. 742, § 3): thus lest a double paternity be accumulated in the same person.

3. He sins gravely who baptizes against the aforesaid order when a priest not prohibited is present; nor can the priest yield his right except by reason of decency, for example, for baptizing a fetus in the mother's womb. Likewise it will be grave if an unbeliever, heretic, schismatic, or excommunicated person to be avoided is preferred without necessity to a Catholic, even a layman. In other cases, to invert this order is probably only venial.

140. Principle IV. Several ministers, each of whom places the whole sacramental sign independently of the action and intention of the others, baptize validly, although not licitly. For then each one is the cause of the whole sacrament, and consequently they act as ministers of Christ, who gave to each the power of confecting the whole sacrament independently of others; - on the contrary, if they acted as partial and inadequate causes which must contribute their powers to one another and are dependent on one another, because thus they would not act as a minister of Christ but as a common and simultaneous cause.

Hence, given that two baptize:

1. If each intends to baptize not by himself alone but conjointly with the other, or dependently on the action and intention of the other, then neither baptizes, because several ministers cannot concur in the sacrament as partial causes.

2. *A fortiori* if one washed and the other uttered the form.

3. But if each intends to baptize separately, or independently of the intention of the other, then the one who first completes the matter and form baptizes validly, the other invalidly; - if each completes them at the same time, each baptizes, but "they would not hand on one sacrament

and another sacrament, but Christ, who is the one baptizing interiorly, would confer one sacrament" (a. 6).

4. If together at the same time they say: we baptize you, understanding themselves as partial causes coming together to confer one Baptism, as is the more natural sense of the words, they baptize invalidly, because they essentially change the sense of the form (a. 6); - on the contrary, validly, if each should say this as total and independent causes.

141. Observations. - 1. In Baptism of necessity, as far as can be done, two witnesses or at least one should be used, by whom the conferral of Baptism can be proved (can. 742, § 1).

2. Let the pastor take care that the faithful, especially midwives, physicians, and surgeons, thoroughly learn the correct mode of baptizing for a case of necessity (Ritual, tit. 2, c. 1, n. 13; can. 743). This obligation is grave.

3. When it falls to the pastor to judge concerning the value of private Baptism, it is better first to question the person baptizing, then the witnesses, separately. One must examine:

a) who baptized and in what circumstances: for if Baptism was conferred by a person who is accustomed to be anxious, disturbed, and perplexed, or if Baptism was conferred by a prudent person, but in more difficult circumstances, in which, because of the danger of a sudden event, everything had to be done hastily and in disturbance, there is more easily room for doubt;

b) what form he pronounced, whether integrally, whether vocally and not only mentally;

c) what and how much water he poured, and where;

d) whether at the same time he uttered the form and washed;

e) what intention he had: for sometimes certain midwives confer the sacrament under a condition concerning the future: if you will die, if you will not be able to be brought to the church, if you will not be able to be born, etc., which renders the sacrament invalid. Yet inquiry will chiefly be concerning matter and form, because a right intention is presumed unless there is a special reason for doubting.

Generally it is expedient that the pastor, before he poses determinate questions, induce the person who baptized to narrate how he acted.

Question Five: On the Subject of Baptism

S. Th. III, q. 68, a. 1.

142. The subject of Baptism is every and only man as wayfarer, not yet baptized, whether infant or adult (can. 745, § 1). - It is said:

1. every man, because Baptism is necessary for all men by necessity of means for salvation, or the ultimate end of eternal life (n. 133); whence every man is to be baptized, even one who has already been justified *ex opere operantis* by Baptism of the Spirit, or who had been miraculously formed and had not contracted original sin;

2. only man as wayfarer, because the sacraments befit men as wayfarers, but not angels or separated souls (n. 91);

3. not yet baptized, because Baptism can be repeated neither licitly nor validly, since it imprints an indelible character;

4. whether an infant, who does not yet have the use of reason, or an adult, who has attained sufficient use of reason. Moreover in adults, for validity there is required an intention at least habitual and implicit, and for liceity, besides this, several other dispositions; - but in children no disposition is required, and similarly in the perpetually insane who have never had the use of reason, because in this they are equated with children.

Hence can. 745, § 2: "1. Under the name of little children or infants come... those who have not yet attained the use of reason, and to them are reckoned the insane from infancy, in whatever age they are constituted;

2. But those are considered adults who enjoy the use of reason, and this is enough for each one by his own motion of soul to seek Baptism and to be admitted to it."

In particular one must speak of adults, children, children of non-Catholics, unborn children, abortive fetuses, monsters, and the doubtfully baptized who are to be rebaptized.

Article I: On Adults to Be Baptized

S. Th. III, q. 68, a. 3, 8, and 12.

143. Principle I. Adults are bound to seek and receive Baptism as soon as they morally can, i.e. worthily and conveniently. - For throughout his whole life man ought to turn himself and tend toward God, his supernatural end, according to the mode prescribed by God, i.e. in His true visible Church. But Baptism is the ordinary means necessary of itself so that man may be converted perfectly to God, his supernatural end (n. 133-134), and it is the means altogether necessary so that he may enter the true Church. Therefore man is bound to receive Baptism as soon as he morally can, and he cannot put it off from day to day (cf. Council of Trent, sess. 7, can. 12).

But since Baptism, as to its principal effect, can be supplied by desire, it is not to be conferred upon adults altogether immediately; rather, for the sake of probation, it is fitting "to defer it until some certain time: 1. indeed, for the caution of the Church, lest she be deceived by conferring the sacrament upon those approaching feignedly; 2. for the utility of those who are baptized, because they need some space of time in order that they may be fully instructed concerning the faith and exercised in those things which pertain to the Christian life; 3. ...for a certain reverence of the sacrament, while at the chief solemnities, namely Easter and Pentecost, men are admitted to Baptism, and thus receive the sacrament more devoutly."

"Yet this delay is to be omitted for two reasons: 1. indeed, when those who are to be baptized appear perfectly instructed in the faith and suitable for Baptism, as Philip immediately baptized the eunuch (Acts VIII), and Peter baptized Cornelius and those who were with him (Acts X); 2. on account of illness or some danger of death... But he sins who defers receiving Baptism beyond the time

appointed by the Church, unless from a necessary cause, and with the license of the prelates of the Church" (a. 3).

The sin is grave by its genus, and therefore he sins mortally not only who defers out of contempt, but also who defers out of negligence without a reasonable cause; not only one who defers until the end of life, which the Fathers gravely reprehended, but also one who defers for a notable time: for prudently estimating this in practice, circumstances are to be considered, especially the cause of the delay (Suppl., q. 6, a. 5).

But the necessity of deferring somewhat can exist: instruction in religion to be completed, a grave evil here and now to be avoided, a very grave persecution to be feared, as if a minor would be cast out of the house by his father and thus reduced to misery. Yet then faith and Baptism of the Spirit must be received at once.

144. Principle II. In adults, besides the will of receiving Baptism, there is regularly required due instruction concerning the mysteries of faith and sorrow for sins. - As can. 752, § 1 says: "An adult, unless knowing and willing and thoroughly instructed, is not to be baptized; besides, he is to be admonished to be sorry for his sins."

And so: 1. For the validity of the sacrament and the impression of the character, there is required an intention, or positive will, at least habitual and implicit, of receiving Baptism (a. 7), and a general will of salvation is not sufficient (n. 93).

2. For liceity and for obtaining the grace of the sacrament, there are required as dispositions (Council of Trent, sess. 6, c. 6):

a) assent of faith, and therefore instruction in the principal mysteries, even of the Most Holy Trinity and the Incarnation (Holy Office, January 25 and May 10, 1703), and exercise in the obligations of the Christian life; without which faith, moreover, supernatural sorrow and the remission of sins are impossible (a. 8);

b) a movement of hope toward eternal life, and toward grace and the remission of sins to be obtained in Baptism; without which hope sorrow for sins is not possible;

c) true and sincere supernatural attrition, appreciatively supreme, concerning all one's own sins, at least mortal sins, and at least habitual, i.e. once had and not retracted. Therefore the sacrament is not to be conferred on sinners who have the purpose of persisting in sin: "1. because through Baptism men are incorporated into Christ...; but so long as someone has the will of sinning, he cannot be joined to Christ... 2. because in the works of Christ and of the Church nothing ought to be done in vain; but that is in vain which does not attain the end to which it is ordered: but no one having the will of sinning can at the same time be cleansed from sin... 3. because in sacramental signs there ought not to be any falsity: a sign is false when the thing signified does not correspond to it; but from the fact that someone presents himself to be washed through Baptism, it is signified that he disposes himself for interior washing, which does not happen in one who has the purpose of persisting in sin" (a. 4).

Nevertheless satisfactory works are not to be imposed on those to be baptized, because Baptism frees from every penalty (a. 5); nor is a special exterior confession of sins to be made to the priest, but an

interior one suffices, and that general one which they make by renouncing Satan and all his pomps and works. "Yet if any to be baptized, from their own devotion, should wish to confess their sins, their confession should be heard, not so that satisfaction might be imposed on them, but so that spiritual instruction of life might be handed on to them against their customary sins" (a. 6).

145. Principle III. In a case of necessity it suffices in an adult that he show in some way that he gives assent to the principal mysteries of faith and seriously promises that he will observe the commandments of the Christian religion; - indeed, if in danger of death he cannot even seek the sacrament, he is to be baptized absolutely if he certainly manifested an intention of receiving it, and under condition if he manifested it in some probable way. - Thus according to can. 752, § 2 and 3.

If he has in no way manifested the will of receiving it, Baptism cannot be conferred upon him. But if afterward he recovers, his instruction will have to be completed; and if doubt concerning the value of the Baptism conferred remains (on account, for example, of an intention merely presumed), he will have to be baptized again under condition.

146. Corollaries. - 1. The insane and the furious are not to be baptized, unless they have been such from birth or before attaining the use of reason: for then they are to be baptized as infants (can. 754, § 1), to whom they are equated (can. 745, § 2).

But those who have had the use of reason are to be treated as adults (a. 12). Hence a) if they have lucid intervals, while they are of sound mind, let them be baptized if they wish; b) besides, when danger of death is imminent, they are to be baptized if, before they became insane, they showed a desire of receiving Baptism (can. 754, § 2 and 3).

These things also hold concerning those who suffer from lethargy or phrenesis: only when awake and willing are they to be baptized; but if danger of death threatens, they are to be baptized if before the lethargy or phrenesis they had a desire of receiving Baptism (ibid., § 4).

2. Those doubtfully insane and doubtfully adult are not of themselves to be baptized, but Baptism is to be deferred until they are more fully developed; in a case of necessity, if it is impossible to wait, let them be baptized under condition (Holy Office, July 18, 1892).

Article II: On Children to Be Baptized

S. Th. III, q. 68, a. 3 and 9.

147. Principle I. Infants are capable of Baptism. - This is of faith, as is established from the profession of faith imposed by Innocent III on the Waldensians, from Lateran Council IV, cap. *Firmiter,* Vienne, and Trent, sess. 7, on Baptism, can. 13, against the Anabaptists, and from the whole tradition and practice of the Church from the beginning.

It is proved: that children be baptized 1. is necessary, because they are born in original sin, which is cleansed by Baptism; 2. is fitting, "so that, nourished from childhood in those things which belong to the Christian life, they may persevere in it more firmly"; 3. is fruitful, because the sacraments produce grace in all who place no obstacle; but children cannot place an obstacle (a. 9).

Nor should you say that children cannot receive faith, but lack the faith and intention by which adults are led to Baptism. For although they do not receive actual faith, nevertheless they receive the

habit; but they do not need an actual disposition or intention, but are led to Baptism by the faith and intention of the Church.

148. Principle II. The children of the faithful are to be baptized as soon as possible. - The precept of baptizing them is of divine law (n. 133); the precept of baptizing them as soon as possible, if not of divine law, at least is of ecclesiastical law introduced by custom (can. 770).

This is established from Pope Siricius (384-398), ep. to Himerius, 2; from the Council of Florence, decree for the Jacobites, which "admonishes that sacred Baptism is not to be deferred for forty or eighty days or some other time according to the observance of certain persons; but it ought to be conferred as soon as can conveniently be done"; from Trent, sess. 7, can. 12, pronouncing anathema on the Baptists who said "that no one is to be baptized except at the age at which Christ was baptized, or in the very article of death"; likewise from the Roman Ritual, tit. II, c. 1, n. 39; from Benedict XIV, Const. *Omnium sollicitudinum*, September 12, 1744; from the Holy Office, January 11, 1899, and from Leo XIII, ep. August 13, 1899, who most vehemently reproves the custom of deferring the Baptism of infants, than which "nothing... is more unjust, nothing more contrary to ecclesiastical sanctions...: this detestable usage, impious at once toward God and toward men, wherever it has unhappily prevailed, we condemn and execrate from our soul."

St. Thomas gives the reason: "If children are to be baptized, Baptism is not to be deferred: 1. indeed, because in them greater instruction, or even fuller conversion, is not awaited; 2. on account of danger of death, because they cannot be helped by any other remedy, except through the sacrament of Baptism" (a. 3).

From these things it is clear that Baptism is to be conferred on infants as soon as morally, i.e. conveniently, it can be done, for example within three days; and that to defer it for a long time is a grave sin. And therefore parents gravely sin who without a just reason, out of negligence, put off the Baptism of infants for a notable time, for example for a month, or perhaps for 10-15 days; and even for a shorter time if there is a special danger for the infant, or scandal, or a particular precept of the region or diocese.

Hence: 1. "Let infants be baptized as soon as possible, and let pastors and preachers frequently admonish the faithful concerning this grave obligation of theirs" (can. 770).

2. It cannot be sustained, as it pleased some, such as Ballerini, Genicot, and Noldin, that a delay of Baptism, even a notable one, is not a grave sin where danger of death is not to be feared. Namely, this is not conformable to the words of the Ritual, of the Code, and of Leo XIII. Hence in the new editions of Noldin's work this was emended by Fr. Schmitt.

Article III: On the Children of Non-Catholics to Be Baptized

S. Th. III, q. 68, a. 10; II-II, q. 10, a. 12.

149. Principle I. Infants of Jews and unbelievers, outside danger of death, are not to be baptized when their parents are ignorant of it or unwilling (can. 750, § 1). - For although they are baptized validly, as must be held against Durandus, nevertheless they are not baptized licitly, both because in this way the natural right of parents is violated, and because an injury is done to the faith and to the sacrament on account of the certain danger of defection, and because it is contrary to the

custom and law of the Church: thus St. Thomas and the Thomists against the school of Scotus, which held this to be licit, unless in a case in which greater inconveniences would follow. This doctrine of St. Thomas the Church approved, namely Benedict XIV in the Constitution *Postremo mense*, February 28, 1747, and the Constitution *Probe te meminisse*, December 15, 1751, and the Instruction of S.C.P.F., August 17, 1777.

It is proved from St. Thomas: "Children, sons of unbelievers, either have the use of reason or they do not have it. But if they have it, already as to those things which are of divine and natural law, they begin to be of their own power, and therefore by their own will, against the will of their parents, they can receive Baptism, just as they can also contract marriage. And therefore such persons can licitly be admonished and induced to receive Baptism. - But if they do not yet have the use of free choice:

1. According to natural law they are under the care of their parents, so long as they cannot provide for themselves... And therefore it would be contrary to natural justice if such children were baptized against the will of their parents; just as also if someone having the use of reason were baptized unwillingly.

2. It would also be dangerous to baptize the children of unbelievers in such a way, because they would easily return to unbelief on account of natural affection toward their parents.

3. And therefore the custom of the Church does not have this, that the children of unbelievers be baptized against the will of their parents" (a. 10).

It is said: outside danger of death; for in danger the necessity of the infant's salvation prevails, which cancels the right of the parents, and there is not so great a danger of perversion.

150. Exceptionally these infants can be baptized in three cases:

1. When they are placed in such danger of death that they are prudently foreseen to die before attaining the use of reason (Holy Office, July 18, 1892); the danger is to be understood as proper to the infant, not common to all even when a plague is raging (S.C.P.F., August 17, 1777).

2. When, being placed outside the power of their parents (i.e. of father, mother, grandfather, grandmother) or guardians, they can be educated in the Catholic religion: for then neither is the right of the parents violated, nor is there danger of perversion, as if they have been exposed or abandoned by their parents, or if parents and guardians are entirely lacking, or have lost their right over them, or can in no way exercise it (can. 750, § 2, 2).

3. If both parents consent to Baptism, or one or the other, or the guardians who in place of the parents exercise paternal authority, or at least one of them, and at the same time there is hope of Christian education (Holy Office, February 13, 1867; can. 750, § 2, 1), or even hope of the conversion of the parents: for there is equal natural right in each parent, which in the case is committed to the Church, and, exercised in favor of the child, prevails over the perverse will of the others.

Nevertheless they ought not to be baptized, unless in proximate danger of death; - indeed not even while this danger stands, if the sacrament cannot be conferred without exciting the hatred and persecutions of unbelievers against the Christian religion: for the common good of the Church is to be preferred to the private good of one person (S.C.P.F., August 17, 1777).

151. Principle II. Infants of two heretics or schismatics, or of two Catholics who have fallen into apostasy, heresy, or schism, although they could be baptized by strict right, nevertheless the Church has established that generally the same norms be observed as for the infants of unbelievers (can. 751).

For the Church a) of itself can baptize infants of baptized parents, because these are subjected by Baptism to the laws of the Church; whence of itself it is the right of the Church to urge the observance of the divine law, and to compel those parents to the Baptism of their children or to baptize the children against the will of the parents.

b) Yet, since generally there is no hope of Catholic education, but on the contrary there is great danger of defection, the Church, for the sake of prudence, does not use her right, and has established that the norms handed down above for infants of unbelievers are to be observed. Hence they cannot be baptized if the parents, when for example a minister of their own sect is lacking, seek Baptism but are unwilling to promise Catholic education (Holy Office, August 26, 1885); on the contrary, if they promise, and at the same time there is probable hope of due education, even if only one seeks and promises.

c) These norms are said to be observed generally, because special circumstances can be present which counsel otherwise.

152. Observation. - The same norms are not prescribed as to be applied to infants of Catholics who, having become indifferent, do not live in a Christian manner: for those infants, if they are offered, ordinarily can be baptized, because some hope of Catholic education is easily present. The same holds if one or the other parent is Catholic; in which case this one, as far as he can, ought to admonish the non-Catholic spouse concerning the Baptism conferred (S.C.P.F., November 20, 1672).

Article IV: On Unborn Children to Be Baptized

S. Th. III, q. 68, a. 11.

153. State of the question. - By unborn are understood fetuses enclosed in the womb of the mother, or at least not yet perfectly brought forth. These, on account of grave illness or the condition of the mother, or because of difficult birth, can be in danger, so that it may be necessary to baptize them before birth. Now for those who are already partly brought forth, if they put forth the head, Baptism conferred upon it is certainly valid; if they put forth another member, Baptism conferred upon it is doubtful, according to what was said in n. 124. But concerning those who are entirely enclosed in the womb, there is a twofold opinion of theologians:

The first opinion, of almost all the older writers, denies that Baptism can validly be conferred upon them, both because no one can be reborn before he has been born (John III, 5), and because the one to be baptized must be a distinct member of human society, and consequently it does not suffice to wash the mother; but the infant himself is enclosed in the womb, as for centuries the Roman Ritual, t. 2, c. 1, n. 16, used to say after St. Thomas, q. 68, a. 11 and in IV Sent., d. 6, q. 1, a. 1. Yet this

reason does not hold, because it supposes that the infant cannot be touched directly and immediately, which today is false: for commonly he can be touched by an instrument; - but the first reason has only slight probability: for a man is already said to be born in the womb, as is read in Mt. I, 20: "That which is born in her is of the Holy Spirit."

Whence the other opinion, which is of a few of the ancient writers but now morally of all the more recent writers, rightly affirms that Baptism is conferred validly upon infants in the mother's womb: for one who has contracted original sin and is man as wayfarer is capable of Baptism (Council of Trent, sess. 5, can. 4), provided he can be touched.

154. Principles. - I. "No one enclosed in the mother's womb is to be baptized until there is probable (in the proper sense, namely likely) hope that, duly brought forth, he can be baptized" (can. 746, § 1).

For outside a case of necessity it is not fitting to baptize in the womb, all the more because Baptism, on account of the difficulty of certainly washing the head of the infant, easily becomes doubtful; but to minister a doubtful sacrament is not licit outside necessity.

II. If probable hope is lacking that the infant can be duly brought forth:

1. "If the infant has put forth the head and danger of death is imminent, let him be baptized on the head; nor afterward, if he escapes alive, is he to be baptized again under condition.

2. "If he has put forth another member, let him be baptized on that member, if danger is imminent, under condition (*if you are capable*, or *if I can*); but then, if once born he lives, he is again to be baptized under condition (*if you are not yet baptized*)" (can. 746, § 2 and 3).

Since the principal member, namely the head, has been put forth, the infant is already considered born, because the chief part has been born, and therefore Baptism is certainly valid; on the contrary, if another member has been put forth, Baptism is not sufficiently certain. Hence theologians conclude: if, when some member has been put forth and Baptism has been conferred on it, danger of death persists, and another member much nobler or very near to the head is put forth, let him be baptized again under condition: *if you are capable and are not yet baptized*.

III. When danger of death is wholly imminent, an infant enclosed in the womb is, as far as possible, to be baptized under condition.

For in the case, before all else care must be taken for the eternal salvation of the infant. For this the membranes in which the infant is enclosed are to be broken, so that he may be washed immediately with water. The cutting of the membranes can easily be done by means of an instrument in instant danger of death during the last periods of gestation, when the fetus is at least probably viable; but in the earlier periods, very rarely, on account of the great danger brought upon the birth, the infant, and the mother from the destruction of the membranes; whence it is not to be attempted unless it is certain both that the fetus is living and that its life is being diminished: for then before all else the soul of the infant seems to have to be saved.

It is no obstacle that cutting the membranes in the first months is equivalent to direct killing, which can never be licit, not even for conferring Baptism. For in the case there is an action which immediately has a twofold effect: one good, the other evil. For the very perforation of the membranes does indeed take away an element necessary for the temporal life of the infant, namely the amniotic

fluid, whose outpouring it causes; but just as immediately it confers an element necessary for spiritual life: the possibility of touching the infant and conferring Baptism. Namely, this possibility follows immediately from the very perforation, and not by means of the consequent outpouring of the fluid, and would subsist even if that fluid were not poured out.

Indeed it takes away extreme spiritual necessity by perforating the membrane which is the obstacle to Baptism, although in this way at the same time it places the infant in extreme temporal necessity, from the consequent loss of the fluid.[1]

[1] Do not conclude from this that the cutting of the membranes can also be done for procuring the safety of the mother. For parity is lacking; because the possibility of saving the mother would not be obtained immediately, but only by means of harm to the infant, namely by means of the outpouring of the fluid.

IV. "A fetus baptized in the womb, after birth must again be baptized under condition (*if you are not yet baptized*)" (can. 746, § 5).

The reason is both because Baptism is in itself somewhat doubtful, on account of the probability, although slight, of the opinion asserting that no one can be reborn before he has been born; and because it is very difficult to know whether someone has sufficiently touched the head. Thus Benedict XIV and S.C.C., July 12, 1794 and March 16, 1897.

155. Question: Must a fetus be extracted from the womb of the mother so that it can be baptized? - St. Thomas says, ad 3: "Evils are not to be done so that goods may come, and therefore a man ought not to kill the mother in order to baptize the child." Whence Caesarean section, or incision of the mother's abdomen and uterus for extracting a living fetus, is illicit if it quasi-necessarily brings about the death of the mother.

A. While the mother is alive, the operation is licit, and of itself the mother is bound to undergo it, with these conditions given: if 1. the mother cannot give birth naturally; 2. the safety of the mother and infant can prudently be hoped for by means of the section, for neither the mother nor the fetus himself can be killed so that the latter, before he dies, may be baptized; and 3. in the judgment of an expert the infant cannot otherwise be baptized. For then by the law of charity the mother is bound under grave obligation to prefer the eternal salvation of the neighbor, namely the infant, to the inconvenience and danger of her own temporal life.

And so it is required that 1. the fetus, for the present circumstances, be viable, otherwise by extraction from the maternal womb he would be killed; 2. the mother be robust; 3. and the surgeon be expert: for then, on account of the progress of surgical art, the danger of death for the mother is commonly sufficiently remote.

In practice: a) The obligation of the mother rarely exists, because more often the fetus survives the dead mother or there is serious hope that he will survive, and because generally by means of an instrument he can be baptized in the womb; yet it would be erroneous to say that the mother is never obligated.[2]

[2] Some practically deny the obligation, or doubt concerning it, such as Genicot, *Th. M.*, II, n. 144; Noldin, *Th. M.*, II, n. 344; Cappello, op. cit., n. 165; because it ought to be certain that the infant cannot be saved in another way, and that he would certainly be saved by the operation. - But 1. in this matter absolute certitude is not required, but it suffices that this be morally certain; 2. also it is not required that the infant be certainly saved by the operation, but that there be probable hope of this: thus according to the rules handed down in the treatise on Charity, where it treats of help to be brought in a case of

extreme spiritual necessity. Whence Fr. Schmitt emended the doctrine in this matter in the 20th edition which he gave of Noldin's work.

b) Even in the case in which she is bound to undergo the incision, generally prudence forbids admonishing the mother, if she is in good faith, concerning the grave obligation, on account of the danger lest perhaps, by denying consent, she die in the state of sin; nevertheless the priest, likewise the physician and relatives, ought to exhort her to the section.

c) The physician is bound to perform the section if it is sought from him, and is bound to exhort the mother that she undergo it, because by justice he is bound to employ the safer means for preserving the life of the mother and of the offspring; whence the priest should induce the physician to render this office.

d) By one not expert, for example by a priest, the section cannot be done while the mother is alive.

B. When a pregnant mother is certainly dead, immediately after death a Caesarean operation is to be performed, as the Ritual prescribes, tit. 2, c. 1, n. 20: "If a pregnant mother has died, the fetus, extracted by those whom it concerns, if he certainly lives, is to be baptized absolutely; if doubtfully, under condition" (can. 746, § 4).

The obligation arises from the grave precept of charity, by which we are bound to take counsel for the eternal salvation of the neighbor, in the case the infant, even with the greatest temporal inconveniences; and if the fetus is viable, there is added another reason of preserving his temporal life.

The section is to be done provided three conditions are present:

1. that the mother be morally certainly dead, whence, in doubt, it is not to be done except after the testimony of an expert concerning death;

2. that it be probable that the fetus lives; hence no one is bound to it in the beginnings of pregnancy, in the first six weeks, or according to others, in the second or third month, because then the fetus is almost always dead, or at least it is very uncertain whether he will come forth living; yet it is to be done in the fourth month, especially if the woman has perished by sudden or very rapid death, unless grave reasons are present for thinking that the fetus died before the mother or with her;

3. that a suitable person be present who has sufficient expertise to complete the section without danger to the fetus; yet no one is bound to learn the art or mode, because to satisfy the precept no one is bound to employ means remotely, namely when the precept is not yet urgent.

The obligation a) first regards the physician or surgeon, who is to be induced to do it even if he says the offspring is already dead, because in this matter they are accustomed to proceed rather lightly and to speak in this way so that they may not do the section;

b) but if he refuses or cannot be present, let anyone else suitable for this approach, as for example a midwife: for the precept of charity in extreme necessity of itself obliges all; concerning which therefore the priest should admonish, unless very grave inconveniences are feared;

c) but upon others, especially relatives, it is incumbent to take care that the section be done;

d) if others are lacking, the priest does not seem certainly bound to perform the section, both because of frequent lack of expertise, and because of indecency, and especially because of danger of scandal and of a greater evil from the slanders, hatred, and calumnies of enemies of religion: for the common good must be cared for, and the scandal of many avoided, more than the salvation of one infant procured (Holy Office, December 13, 1899); for which reason missionaries should abstain among the Chinese from demanding and carrying out the section (Holy Office, February 15, 1780). Yet these reasons do not hold for all circumstances, for example if the Catholic family is discreet, or in the missions, nevertheless with the Chinese excepted; whence, according to many, the priest would of himself be bound: although this may seem truer, nevertheless we do not dare to say that it is certain.[3]

[3] Many teach that the priest is bound, such as Cangiamila, Debreyne, the *Theologia Mechliniensis*, Vering, Konings, Lehmkuhl; yet others deny it, such as Bouvier, Gousset, Marres, Berardi. The mode of doing the Caesarean operation is indicated in Dens, *Theol. Mechl.*, Aertnijs, and in Antonelli, *Medicina pastoralis*, I, n. 446.

It should be noted that there is no doubt that the fetus can survive the mother for an hour, indeed for several hours. But so that the life of the infant may more easily be preserved, the uterus of the deceased mother is to be covered with cloths, so that it may retain warmth; but to open the mother's mouth, lest the infant perish from lack of respiration, is of no utility, because he does not breathe through the mother.

156. Observations. - 1. Baptism in the womb of the mother, the membranes first having been broken if this is possible, is conferred by means of some irrigating instrument, for example a small siphon full of water, or with some sponge, but with the other hand one must investigate whether the water touches a part of the infant; - but if these means are lacking, it is conferred by the moistened hand alone, although that mode is easily doubtful (Holy Office, December 14, 1898). Warm or tepid water should be used, because cold water would harm the mother; indeed, when from pure water a true danger of death in the mother is to be feared, it can be mixed with corrosive mercuric bichloride, one part of this chloride dissolved in a thousand parts of water, as we know from the response of the Holy Office, August 21, 1901.

2. The ministry is ordinarily to be performed by a physician, or, if he is lacking, by a midwife, who is to be taught by a physician or by the pastor.

3. The pastor is to be informed concerning Baptism conferred in this way (can. 778).

Article V: On Abortive Fetuses to Be Baptized

157. State of the question. - Immature or abortive fetuses are those which are cast forth from the womb of the mother non-viable, i.e. before the time at which, outside the womb of the mother, they can live in the circumstances determined here and now. These, if they live with a rational soul, are men and consequently certainly to be baptized; but there is doubt at what moment the fetus is animated by a human soul: whether only after some time, when the human figure already sufficiently appears (which we now know happens after about three months), as Aristotle, St. Thomas, and almost all the older writers taught, and as again is pleasing to several more recent writers; - or on the contrary from the very beginning of conception, as the moderns rather generally affirm too confidently or even without any hesitation.[1] Yet since in things necessary by necessity of means for

salvation it is illicit in practice to adhere to probable or doubtful opinions, but the safer course is to be taken, hence in practice all living or doubtfully living fetuses are to be baptized; from which the following rules are easily understood.

[1] Concerning this question, as concerning the whole matter of this and of the preceding and following article, cf. our *Questions on Embryology and on the Ministration of Baptism*, II, q. 3, 4 and 5, which explain the matter more broadly.

158. Principles. - I. Living fetuses, after about three months from conception, or presenting a sufficiently human figure, are to be baptized absolutely.

II. Living fetuses, before three months from conception, or not presenting a human figure, are at least to be baptized under condition: *if you are a man*, or *if you are capable*.

III. Doubtfully living fetuses are to be baptized under the same condition.

159. Practical corollaries. - 1. Those things which a pregnant woman has poured forth in an abortion or flow of blood are to be examined, even in the first months, so that if a fetus is detected it may be baptized. Nor should it be thought that an ejected fetus is quickly dead: it is useful to note that very small fetuses have sometimes been found living a few days after ejection.

2. Yet since, before six months, they are not accustomed to live for long, they are to be baptized quickly. For time is not to be wasted in searching for signs of life, but if the ovum appears recent and the fetus white, not yellowish nor suffused, it is to be baptized immediately. Yet a certain sign of death is putrefaction of the ovum or fetus, not beginning but well apparent, whose signs are spots and stench.[2]

[2] Concerning other signs of life or death, it is spoken of in our said little work, q. 4, III and IV.

3. Before the end of the third month, signs of life are accustomed to be uncertain and are observed with difficulty because of the smallness of the embryo;[3] whence in fact, in practice, the time at which the fetus is certainly a man and the time at which life can be observed with certitude coincide. And therefore the Code of Canon Law, as a general practical norm, which holds ordinarily and in most cases, could establish, can. 747: "Care is to be taken that all abortive fetuses, brought forth at whatever time, if they certainly live, be baptized absolutely; if doubtfully, under condition." Namely regularly, unless something certainly stands in the way, it is to be done thus. The Code speaks according to ordinary contingencies and can disregard very rare exceptions.[4] Moreover the canon can perhaps be understood concerning human life, as Vermeersch thinks.

[3] "It more rarely happens that life is observed in an embryo before the third month has been completed, at least when it has been ejected from the maternal womb without its coverings; but it is accustomed to be ejected thus from the beginning of the third month." De Smet, op. cit., n. 319.

[4] This holds even if the redactors of the Code followed the opinion of the moderns concerning animation from the first instant of conception. For, as Vermeersch notes, *Th. M.*, III, n. 219, the Code "does not propose the opinion doctrinally in the least, but merely hands down a practical norm." Moreover the authority of the Code in this matter is not irrefragable, just as neither is that of the Roman Ritual. Whence just as the Ritual, in practice concerning Baptism in the womb of the mother or concerning monsters to be baptized, could err for several centuries, so also the Code could err in a practical question; if this were established concerning it, it would have to be abandoned.

4. A fetus which is brought forth enveloped in the ovum or covering is more advisably baptized by immersion, both because it is very small, and because it so easily floats in the amniotic fluid that it is uncertain whether it is touched by the baptismal water; there is added the fact that according to some it could be killed by contact with air.[5]

[5] Capellmann, however, denies the danger, *Medicina pastoralis*, on Baptism.

Baptism is done in the following manner: under tepid water the membranes are broken, so that the amniotic fluid may flow out; once this is done, immediately the form of Baptism is pronounced: *if you are a man, I...*, while the whole matter of the ovum is immersed; and so that the sacrament may be entirely certainly valid, the fetus is also immediately extracted.

Nor can the mode which many authors have taught be approved,[6] namely that the fetus first be baptized in the membranes under condition: *if I can* or *if you are capable*; and again, when the membranes have been broken, under condition: *if you are not baptized*. For neither Baptism is certain: not the first, because it is not done upon the fetus; nor the second, because, as they say, perhaps the fetus is killed by air.

[6] Still today the *Theol. Mechl.*; Eschbach; Mourreau and Lavrand (*Le médecin chrétien*) say this; formerly Cangiamila and De Breyne taught it.

5. Baptism is not to be conferred if the fetus is certainly dead, or if the abortive ovum produces a fleshy mass which they call a mole. A mole is a vitiated fruit of conception in such a way that the fetus is totally reabsorbed or only a trace of it is found. Concerning this Jerome Florentinius already writes:[7] "If that covering poured forth appears surrounded by a membrane which is of whitish color, like intestines, of oval shape, and which at the touch of the finger becomes soft and yields, it is a sign that it is a fetus, not a mole: but if... it is shapeless flesh, interwoven with black and blood-colored veins, rough, hard, or stained with various color, then it will be judged a mole, not a fetus."

[7] *Dissertation on Men to Be Baptized Doubtfully*, Lyons, 1658.

160. Admonition. - By the pastor, according to can. 743, and by the confessor when occasion is given, physicians, midwives, and mothers are to be admonished cautiously and prudently concerning the obligation of baptizing even the smallest abortive fetuses, lest they be thrown away unbaptized. It is best if a Catholic physician, or, if he is lacking, the pastor, teaches midwives, and these, or parents, teach younger mothers or wives.

Article VI: On Monsters to Be Baptized

161. State of the question. - A monster is a fetus in which the species of the human body is totally or notably deformed; an *ostentum* is properly called that which only has members multiplied or diminished or otherwise deformed, although among moralists it is also comprehended under the general name of monster. Monsters are some simple, others joined (double or multiple), according as one individual, or two or perhaps several individuals, are present adhering to one another.

Monsters which do not present a human species but a beastly one were formerly thought to arise from intercourse of a woman with brute animals, and therefore were not baptized, as the Ritual said, tit. 2, c. 1, n. 19: "a monster which does not present the human species is not to be baptized." Today

physiologists entirely deny conception from coitus with brutes, and attribute the beastly species to the imagination of the woman or to a defect of formation; hence living monsters are generally considered to be men, and therefore are to be baptized, as the Ritual now prescribes in the new edition, n. 22, after the Code (can. 748). They are to be baptized absolutely if they certainly live and have a human species; - but if they bear a bestial species, at least conditionally, because before the end of the third month the species perhaps could have been deformed, so that it was never human, and consequently, according to the opinion of later animation, a rational soul never came to it, but only a sensitive soul is present.

162. Principles. - I. As to simple monsters: they are to be baptized absolutely if they have a human head or one nearer to human; under condition, *if you are a man*, if they have a beastly head.

II. As to joined monsters: if the monster forms several distinct men, all are to be baptized absolutely; but in doubt whether there is one or several men, one is to be baptized absolutely, the others under condition.

Hence: 1. If two (or several) heads and breasts are distinct, so that only the lower part of the trunk is common, undoubtedly two (or several) individuals are considered present, and therefore each one is to be baptized separately.

2. On the contrary, if the monster has two breasts and one head, or two heads and one breast, or two heads and breasts not distinct, let one head be baptized absolutely; the other head, or, if that is lacking, the breast which does not seem to correspond to the head, or both if neither corresponds to the head, under condition: *if you are not baptized*.

3. If there is one head and one breast, and only the lower members are multiplied, it is reckoned one center of life and one individual, to be washed only once.

163. Observations. - 1. The Code of Law says by a general formula, can. 748: "Monsters and portents are always to be baptized at least under condition; but in doubt whether they are one or several men, one is to be baptized absolutely, the others under condition." This holds of itself and regularly, provided there is the possibility of human life.

2. For an acardiac fetus is not to be baptized, which consists only of belly and feet without head and breast,[1] so that even if a heart is present, which nevertheless rarely happens, it is rudimentary and atrophic; *a fortiori* a mole, or shapeless fleshy mass, is not to be baptized, as was already said in n. 159, 5. In either case it is certainly not a man, as lacking organs altogether necessary for human life.

[1] "A head without a breast or a breast without a head are not found," Capellmann, op. cit., p. 111.

3. But if there is doubt concerning the presence of a head, Baptism should be conferred under condition.

4. In the case of a multiple monster, if danger of death is imminent and time is not available for each to be baptized separately, the minister will be able, pouring water on the heads of each, to baptize all at the same time by saying: *I baptize you* [plural] *in the name...* Yet outside imminent danger this is not licit, since then the form must always be repeated for each one.

Article VII: On Those to Be Rebaptized Under Condition

164. Principles. - Baptism can and must be repeated under condition whenever there is some positive, serious, prudent, and not-to-be-despised doubt concerning its value: namely a doubt founded not in mere scruples but in reasons of some gravity, as always happens when Baptism was conferred in the womb while the head had not yet been put forth (can. 746, § 5); - but if positive and serious doubt is lacking, Baptism cannot be repeated without grave sin.

For in the first case the law of charity of procuring eternal salvation prevails over the law of religion which forbids exposing a sacrament to nullity; in the other case, to minister a sacrament to one incapable is sacrilege.

Because of the practical importance of these principles in sacred ministry, it is pleasing to apply them to various cases which occur.

165. Children baptized by midwives, physicians, or laypersons are not of themselves and indiscriminately to be rebaptized; - and in practice, because generally some suspicion is present, they are more often to be rebaptized, unless the testimony of the baptizer is confirmed by the testimony of educated witnesses, even of one worthy of faith, or unless he himself is wholly worthy of faith.

Therefore, where an altogether serious person, even a mere midwife, who is worthy of faith, circumspect, and instructed in the rite of baptizing, should assert that an infant was duly baptized by her, there would be no reason why doubt should seriously arise concerning the value of Baptism; yet confidence is not easily to be given to declarations of midwives, because often they do not dare to confess that they baptized badly, lest they lose the confidence of the parents, or because, on account of agitation or sometimes even of drunkenness, they were not self-possessed at that moment.

An examination is to be instituted concerning such Baptism, unless someone is certain that he cannot arrive at certitude, or knows that the mode of acting of the baptizer is doubtful, or the pastor who examined the matter or another person worthy of faith testifies that the Baptisms conferred are to be held doubtful, etc. Let the examination be instituted according to the norm indicated above, n. 141, 3.

166. Exposed children are to be baptized under condition, even if a little note is attached attesting their Baptism, unless certain notice is had of the person by whom the note was written, or unless it indicates who baptized. Whence can. 749: "Exposed and found infants, unless after diligent investigation concerning their Baptism it is established, are to be baptized under condition."

167. One who, educated among Christians, lacks written or oral testimony of Baptism can be considered and is presumed baptized in a region where absolutely all are baptized.

Yet if serious doubt should arise, from positive indications, on account of some circumstance, for example because the parents were indifferent or negligent, or led a wandering or altogether disturbed life at the time of birth, etc., let him be baptized under condition.

168. Baptism conferred by a heretic or schismatic is to be subjected to examination; which examination is to be instituted in individual cases, after consulting the bishop.

1. If Baptism has been judged valid, it is not renewed; but abjuration or profession of faith is received before two witnesses, and besides, for those who have reached puberty, absolution

from censures in the external forum is given by the bishop or by a cleric specially delegated for this, and the sacrament of Penance is administered.

2. If Baptism was invalid, it is again conferred absolutely,[1] and no abjuration is made, nor is confession made, nor is absolution given.

[1] This is to be understood in order to reception into the Church; for in the case of mixed marriage Baptism is not repeated under condition if someone wished to remain in heresy: for in order to marriage, certitude concerning the value of Baptism received is not required (Holy Office, April 13, 1878).

3. If Baptism is doubtful, or if no inquiry can be instituted, or nothing can be found out concerning the value of the sacrament, it is to be presumed doubtful and repeated under condition (Holy Office, November 20, 1878).

In which case this order is to be observed:

1. abjuration or profession of faith, with absolution from censures in the external forum (for those who have reached puberty);

2. more fittingly then, hearing of sins and excitation to contrition;

3. conditional Baptism;

4. confession of sins, which, if it was made before Baptism, is to be repeated summarily, and conditional absolution.

Thus conformably to the Instruction of the Holy Office, July 20, 1859 and December 2, 1874.

Appendix: On the Ceremonies of Baptism

S. Th. III, q. 66, a. 10; q. 67, a. 7-8; q. 71.

169. Obligation of observing the rites and ceremonies. - 1. Baptism of itself and outside a case of necessity must be conferred solemnly, i.e. with all the ceremonies and rites prescribed in the ritual (can. 755, § 1). This obligation is grave by its genus, from a grave precept of the Church enacted on account of reverence toward the sacrament (n. 103); whence the minister sins gravely if without a just reason he omits all the ceremonies, or a notable part of them, or notably changes them.

Thus if he neglects the anointing with oil or chrism, the insufflation, the imposition of saliva and salt, the use of consecrated water, the profession of faith, or even several lesser ceremonies. Likewise it is a grave sin to use old oils beyond a year, if new ones can be had; for otherwise Baptism would not have to be deferred on this account, but administered with the oils of the preceding year, which therefore are to be preserved until the new ones have arrived. When blessed oil is about to be lacking, other unblessed olive oil should be added, even repeatedly, but in a lesser quantity (Roman Ritual, tit. 2, c. 1, n. 47-49); the same is to be done for blessed water if it has been diminished in the baptistery (can. 757, § 2; Rit., n. 6).

Per accidens, in danger of death, Baptism can be conferred privately: then, if it is conferred by a minister who is neither priest nor deacon, only those things are to be placed which are necessary for

the validity of Baptism; if by a priest or deacon, let the ceremonies also be observed, if time is present, which follow Baptism (can. 759, § 1).

2. The whole baptismal rite is to be performed in the language of the ritual, i.e. in Latin in the Latin Church, even as to the questions to be put to the sponsors. Yet the minister can repeat in the vernacular language the questions put in Latin and receive the responses in the same language; indeed, sometimes an indult is conceded by the Holy See that they may simply be made in this language. Likewise the sponsors can recite the *Our Father* and the Creed in the vernacular language, while the priest recites them in Latin speech.

The offspring of Catholics is to be baptized in the rite of the parents; but if the parents are of diverse rites, let it be baptized in the rite of the father, unless another thing is provided by special law. If only one of the parents is Catholic, the offspring is to be baptized in the rite of this one (can. 756). The obligation is certainly grave.

The baptized person belongs to that rite with whose ceremonies he was baptized, unless fraud, or necessity, or apostolic dispensation intervened. But if, contrary to the prescription of can. 756, at the prayers of the parents he was baptized by a minister of another rite, he belongs to the rite in which he ought to have been baptized, as the Commission for the Interpretation of the Code declared, October 16, 1919, unless nevertheless legitimate permission of the Ordinary has been added.

3. Although it is not a precept, but only of counsel, that a Christian name be given to the one to be baptized, nevertheless let the pastor take care that obscene, fabulous, or ridiculous names, or the names of empty gods or impious pagans, not be imposed (Rit., n. 54). But if this cannot be prevented, Baptism is not for this reason to be deferred, but the child is to be baptized; yet to the name imposed by the parents there should be added, in a low voice, the name of some saint, and both should be inscribed in the book of the baptized (can. 761), so that namely the person can certainly be recognized.

The right of choosing the name belongs to the parents, then to the sponsors; if these are lacking, let the pastor impose it. The name imposed in Baptism can licitly be changed in Confirmation; nevertheless this generally does not seem opportune, lest confusions arise.

4. Different ceremonies for the Baptism of infants or of adults are prescribed and are to be observed. But the Ordinary of the place, for a grave and reasonable cause, can indulge that the ceremonies for the Baptism of infants be used in the Baptism of adults (can. 755, § 2). If the ceremonies have been omitted for any reason whatever, they are to be supplied as soon as possible in the church (can. 759, § 3), which obligation is grave; whence if in danger of death a priest baptized privately, even adding the ceremonies which follow Baptism, once the danger has ceased the rest are afterward to be supplied (Rit., c. 2, n. 29). But since the ceremonies follow Baptism, hence:

a) If the Baptism of a Catholic was certainly conferred validly in infant age, for the adult the ceremonies from the rite of the Baptism of infants are to be supplied.

b) If the Baptism of a Catholic is repeated under condition, then if indeed the ceremonies were omitted in the prior Baptism, they are to be supplied; but if in the prior Baptism they were used, in the other they can be repeated or omitted (can. 760). The same seems to be said if Baptism was certainly invalid.

c) If the Baptism of a heretic is repeated conditionally in adult age, of itself the ceremonies are to be supplied; nevertheless the Ordinary of the place can permit that they be omitted (can. 759, § 2); if in infant age, the ceremonies are to be supplied secretly, for in this way Baptism is to be repeated.

d) If the Baptism of a heretic is certainly valid, it cannot be repeated, and the ceremonies are not customarily supplied. The Ritual says, c. 3, n. 12: "let them be supplied, unless for a reasonable cause it seems otherwise to the Ordinary of the place."

170. Time and Place of Baptism. - Let the following canons be noted:

1. On time: Can. 770: "Let infants be baptized as soon as possible..." (n. 148).

Can. 771: "Private Baptism, when necessity urges, is to be administered at any time and place."

Can. 772: "Even solemn Baptism can be administered on any day; nevertheless it is fitting that the Baptism of adults, according to the most ancient rite of the Church, be conferred, if it can conveniently be done, on the vigil of Easter and Pentecost, especially in metropolitan or cathedral churches."

Can. 753: "§ 1. It is fitting both that the priest who is about to baptize adults, and the adults themselves who are healthy, be fasting.

"§ 2. Unless grave and urgent causes stand in the way, an adult who has been baptized should immediately assist at the sacrifice of the Mass and receive holy communion."

2. On place: Can. 773: "The proper place for administering solemn Baptism is the baptistery in a church or public oratory," not in a semi-public or merely private one.

Can. 774: "§ 1. Every parochial church, any contrary use or privilege or custom being revoked and reprobated, should have a baptismal font, without prejudice to a legitimate cumulative (but not exclusive) right already acquired by other churches," which also subsists when new parochial churches with a font have been erected (Commission for Interpretation, November 12, 1922).

"§ 2. The Ordinary of the place can, for the convenience of the faithful, permit or command that a baptismal font also be placed in another church or public oratory within the boundaries of the parish."

Can. 775: "If the one to be baptized, on account of the distance of places or other circumstances, cannot approach or be transferred without grave inconvenience or danger to the parochial church, or to another which enjoys the right of a font, solemn Baptism can and must be conferred by the pastor in the nearest church or public oratory within the boundaries of the parish, even if these lack a baptismal font."

But if not even this is possible, either it will be possible to wait for some time until the one to be baptized can be brought to the church, or, extraordinarily, license is to be obtained from the Ordinary

for conferring Baptism solemnly at home, concerning which the following canon speaks.

Can. 776: "§ 1. But in private homes solemn Baptism ought not to be administered, except in these circumstances:

"1. If those to be baptized are children or grandchildren of those who actually hold the supreme principate of peoples or have the right of succeeding to the throne, whenever these have duly requested it;

"2. If the Ordinary of the place, according to his prudent judgment and conscience, has judged that this is to be conceded for a just and reasonable cause in some extraordinary case," for example, on account of a permanent danger of infamy, or if an impious father obstinately forbids the infant to be baptized in church, or if a sick person is foreseen as not to be brought to the church, or if a custom has prevailed for infants of nobles (cf. S. Congr. Sacr., July 22, 1925).

"§ 2. In the cases mentioned, Baptism is to be conferred in the chapel of the house, or at least in another decent place, and with baptismal water blessed in the usual way."

Therefore to baptize solemnly in the sacristy is not licit, except in those circumstances in which it can be permitted at home, and consequently only for a reasonable cause from the license of the Ordinary to be conceded in individual cases.

171. On sponsors. - Sponsors, or those who receive, are called those who receive the baptized person from the sacred font. By this they become, as it were, spiritual quasi-parents, because they receive under guardianship and care the baptized person, since he is, as it were, a newly born little one who needs a nurse and pedagogue by whom he may be instructed in faith and Christian life. Namely, sponsors assume this special care (q. 67, a. 7).

Concerning sponsors several determinations of law must be considered:

1. From can. 762 and 763, a sponsor is required a) under grave obligation indeed in solemn Baptism, "as far as can be done," i.e. unless a grave and reasonable cause excuses; whence solemn Baptism ought not to be delayed for a long time because a sponsor cannot be found, as happens more easily in mission places;

b) also in private Baptism, if one can easily be had; but if one was not present, let one be used in supplying the ceremonies, in which case, nevertheless, he contracts no spiritual relationship;

c) when Baptism is repeated under condition: namely, the same sponsor who was present at the prior Baptism is then to be used, as far as can be done; outside this case, in conditional Baptism a sponsor is not necessary, but can licitly be used.

2. Only one sponsor, even of a sex different from the one to be baptized, or at most one man and one woman, are to be used (can. 764). Hence the axiom: One sponsor suffices, two are permitted, three or more are prohibited. The obligation is grave, because the Church wished to prevent relationships from being multiplied (Council of Trent, sess. 24, cap. 2, de ref.). It is a grave sin to use three or more; to use two sponsors of the same sex is reckoned only venial, if the sponsors are of the same sex as the baptized person; if they are of a different sex, it is said by many with St. Alphonsus, *Th. M.*, l. VI, n. 155, to be mortal, because in that case

impediments of marriage are multiplied. If several sponsors approach, designated by the parents, the pastor can permit all to be witnesses, indeed even to touch, provided he externally designates one man and one woman, to whom alone he hands the infant, and admonishes them that they alone are true sponsors, and notes them alone as such. Thus St. Alphonsus, n. 154.

3. That someone be a sponsor validly, from can. 765 it is necessary: "1. That he be baptized, have attained the use of reason, and have the intention of carrying out this office; - 2. that he belong to no heretical or schismatic sect, nor by condemnatory or declaratory sentence be excommunicated or infamous with infamy of law or excluded from legitimate acts, nor be a cleric deposed or degraded; - 3. that he be neither father nor mother nor spouse of the one to be baptized; - 4. that he be designated by the one to be baptized or by his parents or guardians, or, if these are lacking, by the minister; - 5. that in the act of Baptism he physically hold or touch the one to be baptized, either by himself or through a proxy, or immediately lift or receive him from the sacred font or from the hands of the one baptizing."

Hence: a) Sponsors are not those who touch the infant but have not been designated by the parents or by the pastor, or who have been designated but do not touch the infant.

b) On the contrary, those are sponsors who, designated by the parents, if they are rejected by the pastor, nevertheless hold the infant; - unless they are rejected on account of defect of a condition required for validity.

c) No one receives the office of sponsor through a proxy unless he consents to this. But that this may be certainly established, the custom is to be reprobated by which an express mandate is not given, but only a proxy is constituted by the parents (S. C. Sacr., July 24, 1925).

4. That someone be licitly admitted as sponsor, from can. 766: "1. That he has completed the fourteenth year of his age, unless another thing seems good to the minister for a just cause; - 2. that he is not, on account of a notorious delict, excommunicated or excluded from legitimate acts (can. 2256, § 2) or infamous with infamy of law, although no sentence has intervened, nor interdicted or otherwise publicly criminal or infamous with infamy of fact; - 3. that he knows the rudiments of the faith; - 4. that he is not a novice or professed in any religion, unless necessity urges and express permission of the superior at least local is had; - 5. that he is not constituted in sacred orders, unless express license of his own Ordinary is added."

The one baptizing himself is not expressly excluded; in the case a proxy must be used (cf. S.C.R., June 14, 1873).

5. The effects of valid reception are: A. An obligation in sponsors "to have the spiritual child perpetually commended to themselves, and, in those things which regard institution in the Christian life, to take diligent care that he show himself throughout his whole life such as they promised by the solemn ceremony that he would be" (can. 769). Wherefore they are bound to take care that the children commended to them be instructed by catechetical instruction (can. 1335).

The obligation is grave since it concerns a grave matter; but it urges only in a case of necessity, when the baptized person needs the care and instruction of the sponsor, as if he is nourished among unbelievers or heretics, or has unbelieving or heretical parents, or parents altogether negligent in the instruction of their child. But if the child is nourished among Catholics, he can be presumed to be sufficiently instructed by the parents until the contrary is established (q. 67, a. 8).

B. Spiritual relationship between the sponsor and the baptized person, in the same way as between the one baptizing and the baptized person, but not between the sponsor and the parents (can. 768). From this relationship there arises a diriment impediment of matrimony (can. 1079), and guilt of spiritual incest in the case in which they sin carnally with one another.

He does not contract spiritual relationship: a) who acted only as proxy in the name of the true sponsor, since this one alone becomes spiritually related; b) who was not sponsor in Baptism, but only in supplying the ceremonies (can. 762, § 2); c) who was only a sponsor in Baptism repeated under condition: for in this case neither the sponsor who was present at the prior Baptism, nor the one at the later, contracts spiritual relationship, unless the same sponsor was used in both Baptisms (can. 763, § 2): for then alone it is established that the sponsor was present in a valid Baptism.

6. The office of the pastor in admitting, designating, and rejecting sponsors is a matter of prudence. Especially:

a) In doubt whether someone can be admitted validly or licitly to the office of sponsor or not, the pastor, if time is available, should consult the Ordinary (can. 767). Otherwise, says Vermeersch, *Th. M.*, III, n. 234, "let him rather keep away the doubtful sponsor; if he cannot do this without serious inconvenience, let him add another certainly suitable one," namely, if a second had not already been designated.

b) "In rejecting the unworthy from the office of sponsor, let the pastor use all prudence and kindness, lest he offend others or harm the good of religion. Hence let him never use harsh and injurious words, but in a gentle way let him say that he is acting solely from the prescriptions of the Church and cannot admit such a person as sponsor," notes Prummer, *Th. M.*, III, n. 147.

c) "When an infant is announced as to be baptized, let the priest already inquire immediately concerning the quality of the sponsors, and not wait until all are prepared in the church. Then immediately let him warn that another sponsor be designated" (ibid.).

d) If from the refusal of an unworthy sponsor very great inconveniences should arise, let him take care that the sponsor does not touch the one to be baptized in the act of Baptism; and if not even this is possible, he can, if grave scandal does not arise from this, tolerate the unworthy sponsor, because the law concerning unworthy sponsors to be rejected is a positive ecclesiastical law which does not oblige with so great an inconvenience. And the same holds in the case of tolerating a heretical or schismatic sponsor, although nevertheless from can. 765 he would not truly be a sponsor.

e) From the prescription of the Ritual, tit. 2, c. 2, n. 31: "The sponsors are to be admonished concerning the spiritual relationship which they have contracted with the baptized person; which relationship impedes Matrimony and diriments it."

172. Observations concerning the notation and proof of Baptism. - 1. "Pastors ought diligently and without any delay to enter in the baptismal book the names of the baptized, mention having been made of the minister, parents and sponsors, and of the place and day of the Baptism conferred" (can. 777, § 1). The obligation of itself is grave; the inscription is personally incumbent upon the pastor, unless there is a reason excusing; in which case he should at least confirm it by signature.

2. "But where it is a matter of illegitimate children, the name of the mother is to be inserted if her maternity is publicly established, or if she of her own accord seeks this in writing or before two witnesses; likewise the name of the father, provided that he of his own accord seeks this from the pastor either in writing or before two witnesses, or is known from a public authentic document; in other cases let the born child be inscribed as the child of an unknown father or of unknown parents" (can. 777, § 2). The name of the parents is to be inscribed in such a way that every occasion of infamy is avoided; if infamy is foreseen, in particular cases recourse is to be had to the S. Congregation of the Council (Commission for Interpretation, July 14, 1922).

3. "If Baptism was administered neither by the proper pastor nor in his presence, the minister should as soon as possible inform the proper pastor by reason of domicile concerning the Baptism conferred" (can. 778). If the baptized person lacks domicile, the pastor of the quasi-domicile, if he is a vagus, the pastor of the place is to be informed.

4. "To prove conferred Baptism, if prejudice is done to no one, one witness beyond every exception is enough, or the oath of the baptized person himself, if he received Baptism in adult age" (can. 779). But if proof harms the right of someone, fuller proof is required, as if the nullity of matrimony depends on it: then, however, a qualified witness would suffice, e.g. a pastor who testifies concerning things done by himself from office (can. 1791, § 1).

Treatise: On Confirmation

Introduction.

173. The second sacrament is Confirmation. - "In the spiritual life," says St. Thomas, *C.G.* IV, 60, "the first thing is spiritual generation through Baptism; the second is spiritual increase leading to perfect strength through the sacrament of Confirmation." The name is taken from the effect: for confirmation (*vormsel*, formerly *vroomsel*) is said from the verb to confirm (i.e. to strengthen, to render firm; *vromen*); but this sacrament in the spiritual life strengthens, fortifies, and leads, as it were, to a certain adult age.

The denomination has a foundation in the Scriptures, II Cor. I, 21; but it first seems to have been used in the fourth century by St. Ambrose, *On the Mysteries*, VII, 42, and most certainly by the First Council of Orange (a. 441), can. 2.

It was also called by other names:

a) from the remote matter it is called chrism of salvation, sacrament of chrism, mystery of the ointment; in Greek: χρίσμα, or τὸ μύρον, i.e. ointment, which is the name customarily used by the more recent Greeks;

b) from the proximate matter: seal or σφραγίς, consignation, anointing, imposition of the hand or χειροθεσία;

c) from the effect: gift of the Holy Spirit; sacrament of fullness; perfection and consummation, or τελείωσις and βεβαίωσις.

174. Confirmation is defined: A sacrament of the New Law instituted by Christ the Lord, in which, by imposition of the hand and anointing of chrism under the prescribed form of words, the Holy Spirit is conferred upon the baptized for professing the faith strenuously.

In this definition there is indicated:

1. The genus to which Confirmation pertains: a sacrament of the New Law.
2. The author of Confirmation: instituted by Christ the Lord.
3. The matter: in which by imposition of the hand and anointing of chrism.
4. The form: under the prescribed form of words.
5. The subject: upon the baptized.
6. The effect: the Holy Spirit is conferred for professing the faith strenuously.

175. Division of the treatise. - The treatise is divided into four questions:

1. On the sacrament of Confirmation itself: a) on its institution; b) on its constitutive parts or matter and form.

2. On the effects of Confirmation.

3. On the minister of Confirmation.

4. On the subject of Confirmation.[1]

[1] Concerning Confirmation there can be consulted St. Thomas III, q. 72, with the commentaries of Cajetan and Billuart; St. Bellarmine, *Controv.*, on Confirmation; Witasse, *Treatise on Confirmation*; Van Noort, Tanquerey, De Smet, Hugon in their works on the Sacraments; Chardon, *History of the Sacraments*; Nepefny, *Die Firmung*; Heimbucher, *Die H. Firmung*; L. Janssens, *La Confirmation*; Bickell, *Die Firmung bei den Nestorianern*; Dölger, *Das Sakrament der Firmung historisch-dogmatisch dargestellt*; *Dict. de Théol.*, art. *Chrême* and *Confirmation*; Coppens, *L'Imposition des mains et les rites connexes*; d'Alès, *De Baptismo et Confirmatione*.

There is added an appendix on the ceremonies of Confirmation.

Question One: On the Sacrament of Confirmation Itself

Article I: On the Institution of Confirmation

S. Th. III, q. 72, a. 1.

176. State of the question. - The Reformers denied to Confirmation the dignity of a sacrament; and today all Protestants, the Ritualists excepted, deny this sacrament.

Already formerly the Novatians, Waldensians, and Albigensians seem to have denied this Sacrament or at least neglected it as a useless rite. Luther was the first who expressly denied the sacrament, and asserted that it was a mere ecclesiastical ceremony. But Calvin taught that the Lord had willed that the Apostles should, by imposition of hands, communicate the charisms of the Holy Spirit or graces gratuitously given to the faithful; but when the charisms ceased, the rite also ought to have ceased. Yet the Church retained it so that catechesis might be completed with a certain solemnity, by which adolescents expounded the reason of their faith before the bishop. Therefore it was a ceremony introduced by bishops so that they might assert their authority over the faithful; but a later age posited it as a sacrament and thus took away half the efficacy from Baptism.[1]

[1] Van Noort, op. cit., n. 242.

In modern times certain Modernists maintained: "Nothing proves that the rite of the sacrament of Confirmation was used by the apostles: moreover the formal distinction of the two sacraments, namely Baptism and Confirmation, does not pertain to the history of primitive Christianity" (prop. 44). This was reproved by the Church.

177. Thesis. Confirmation is a true sacrament of the New Law, instituted by Christ and distinct from Baptism. - It is of faith from the Second Council of Lyons, profession of faith of Michael Palaeologus; Florence, decree for the Armenians; and Trent, sess. 7, on the Sacraments, can. 1, and on Confirmation, cap. 1, of which the first part is against Luther, the other against Calvin.

It is proved: 1. From the Scriptures: Acts VIII, 12-18 and XIX, 1-6, from which it is established that the Apostles imposed hands on the baptized faithful so that they might receive the Holy Spirit.

There all the essential elements of a sacrament are found:

a) a sensible sign: imposition of hands;

b) conferring grace *ex opere operato*, because, hands having been imposed, the Holy Spirit is immediately given; but He, as Scripture bears witness (John VII, 37-39; Rom. V, 5; I Cor. II, 12; III, 16; Gal. V, 22; I Thess. IV, 8), is not given without grace; but in the case grace confers virtue and strength for confessing the faith (Acts I, 8);

c) distinct from Baptism, because hands are imposed upon those previously baptized, and this belongs to the apostles alone, not to deacons; likewise distinct from Order, because the imposition was done upon all, both women and men;

d) permanently instituted: for it is used not once, but commonly, and not by one apostle indeed, but by all; and indeed as the fulfillment of the promises of Christ, who promised the Holy Spirit to all the faithful. Whence it is referred to as pertaining "to the beginning of Christ" (Heb. VI, 1-4), i.e. to the initiation of Christians. This, moreover, is clear from universal Tradition.

2. From Tradition. At the beginning there are not direct and formal testimonies, because the writers are few and do not intend to make a complete exposition of the doctrine or practice of the Church or even of the rites of initiation; but there are several incidental allusions. From the third century explicit testimonies are had concerning Confirmation as distinct from Baptism, and as pertaining to primitive discipline and continuing the practice of the apostles. In the fourth century the doctrine is common. Whence Innocent I in the fifth century recalls it as universally known and customary.

Clement of Rome II, 2; Hermas, *Simil.* IX; Irenaeus, *Adv. Haer.* I, 23, 31; Clement of Alexandria, *Quis dives salvetur*, 42; Origen, *De Princ.* I, 3, have allusions and insinuations. Explicit testimonies are exhibited by Tertullian, *De Baptismo* VI and VIII; *De carn. res.* 8; *De praescr.* 36; Cyprian, ep. 73, n. 9, and 74, n. 7; Firmilian, ep. to Cyprian n. 7 (75 among the epistles of Cyprian); the anonymous work *De Rebaptizante*, n. 3; Cornelius, ep. to Fabius (*H.E.* VI, 43); *Didascalia* III, 12; Council of Elvira (a. 306), can. 38; Cyril of Jerusalem, *Cat. myst.* III, 3; Gregory Nazianzen, or. XL, 15; Hilary, on Matthew IV, 27; X, 2; XIX, 12; Ambrose, *De myst.* VI, 29; VII, 42; Chrysostom, on Acts, hom. XVIII, 3; Jerome, *Adv. Lucif.* 9; Pacian, to Sympronianus I, 6; Optatus of Milevis, *De schism. Don.* II, 42; IV, 7; Augustine, *Contra duas ep. Pel.* II, 104; *De Trin.* XV, 26; Leo, serm. on the Nativity IV, 6.

3. From the reason of fittingness which St. Thomas explains, a. 1:

Where a special effect of grace occurs, there must be a special sacrament. But, just as in bodily life it is one special perfection to be generated unto life, and another to arrive at perfect age, so in the spiritual life it is one thing to be spiritually regenerated, and another to receive, as it were, the perfect age of this life. Therefore, just as there is a special Sacrament, namely Baptism, by which we are regenerated unto the life of grace, so there must be a special sacrament by which we attain the perfect age of this life, and this is Confirmation. Therefore Confirmation is a special sacrament.

178. Observation. - Concerning the mode and time in which this sacrament was instituted, there has been a manifold opinion. It is better said with St. Thomas, ad 1: "Christ instituted this sacrament, not by exhibiting it, but by promising it (John XVI, 7)," insofar as by His will He established that it was to be conferred, but He Himself did not minister it, because "in this sacrament the fullness of the

Holy Spirit is given, which was not to be given before the resurrection and ascension of Christ (John VII, 39)."

Article II: On the Constitutive Parts of Confirmation

S. Th. III, q. 72, a. 2, 3, 4, and 9.

179. State of the question. - There was great uncertainty and diversity of opinions concerning the constitutive parts, or concerning the matter and form, of Confirmation. In the Scriptures the apostles are said to have conferred the Holy Spirit by imposition of hands (Acts VIII, 17; XIX, 6), without any mention being made of some anointing, or even without the utterance of the words of the form being clearly indicated. But now, after a certain imposition of hands has first been made in general upon all to be confirmed at the same time - which ceremony is even omitted in certain Churches - the sacrament is conferred upon each one by anointing of chrism made on the forehead: and since this is done by the hand, in this respect it could be called a certain special imposition of the hand.

Hence they ask which elements in Confirmation were determined by Christ Himself and consequently are immutable, and which were determined by the Church; - likewise, what now is the matter and form of the sacrament, or even what it may have been at various times.

180. Diverse opinions. - To solve the aforesaid questions a manifold opinion has been pronounced:

1. The first, which Aureolus, Sirmond, and Ste-Beuve hold, places the essentials of the sacrament in the sole imposition of hands toward all who are to be confirmed and the corresponding prayer. But this is certainly false, both because it contradicts the Council of Florence, decree for the Armenians, and all rituals which place the matter in anointing, and because S.C.P.F. declared, August 6, 1840, that Confirmation in which that general imposition of hands had been omitted was not to be repeated, and because this is lacking among the Greeks. Moreover it does not combine well with can. 2 of the Council of Trent, sess. 7, on Confirmation: "If anyone says that those who attribute some power to the sacred chrism of Confirmation are injurious to the Holy Spirit, let him be anathema."

2. The second is that of Maldonatus and Sylvius, who place only anointing as the matter of the sacrament, which alone is in use among the Greeks. But in the Scriptures imposition of hands is commemorated, and tradition has always retained mention of imposition of the hand. Thus Innocent III, in 1204: "Through chrismation of the forehead there is designated the imposition of the hand which by another name is called Confirmation"; and the profession of faith of Michael Palaeologus in the Second Council of Lyons: "The sacrament of Confirmation, which bishops confer by imposition of hands by chrismating the reborn"; most recently the Code of Law, can. 780: "The sacrament of Confirmation must be conferred by imposition of the hand with anointing of chrism on the forehead and by the words prescribed in the pontifical books approved by the Church." Whence it seems necessary to say that not chrismation alone suffices, but that at least the concomitant imposition of the hand is required, insofar as chrismation must be done not by means of an instrument, but immediately with the contact of the hand applied.

3. The third requires both impositions and anointing: thus Tournely, Habert, Gotti, Concina. But it is false that the first imposition is required, as is established from the Constitution of Benedict XIV *Ex quo primum*, March 1, 1756, declaring the first imposition to be a mere ceremony and Confirmation to be conferred validly by the Greeks who omit it; likewise from the decree of the Holy Office, April 17, 1872 and March 22, 1892.

4. The fourth, which is of many, among whom are St. Bellarmine, St. Alphonsus, and Billuart, says that the matter has always been in chrismation with the concomitant imposition of the hand. But mention of an anointing distinct from the anointing used in Baptism and proper to Confirmation occurs nowhere in the primitive Church; and the Apostles themselves are not said to have used anything except imposition of hands; indeed, it does not seem that they had so great an abundance of oil for anointing the crowds. But if it is said that the apostles, from a special privilege, could confer the sacrament by imposition of hands alone, or that they sometimes did this by a miracle, but otherwise used anointing when they communicated grace alone without gifts appearing outwardly, these are conjectures without sufficient foundation.

5. The fifth, which Ruard Tapper, Morinus, Estius, and Mayer held, says that both imposition of hands and chrismation suffice. This opinion, insofar as it would affirm that even today either matter suffices and that the bishop can choose between each rite, is certainly false, as is established from the declaration of Benedict XIV. But if it affirms that for the diversity of times and places there has been a diverse matter according to the diverse determination of the Church, it is probable, but coincides with the following opinion.

6. Finally, the sixth holds that Confirmation was originally conferred by imposition of hands, but now is conferred by anointing of chrism made with the hand imposed. Namely, Christ did not altogether determine the sacramental sign, but left the ultimate determination to the Church, which for diverse times and places could determine it otherwise. In fact, early history testifies to the imposition of hands alone; at the end of the second century there was added, as a secondary rite, consignation on the forehead, without anointing, which at least in the West did not obtain before the fourth century. In the fourth century, on account of the introduced practice of separating Confirmation from Baptism, the anointing of chrism or consignation with chrism, to which a proper form was added, prevailed. But in the course of the centuries it gradually happened, namely by custom approved by the Church, that the anointing with the hand imposed prevailed and was considered as the essential rite, while on the contrary the general imposition of the hand, which originally was the essential rite, became a mere accidental ceremony. Thus several moderns, such as Billot, Tanquerey, Galtier, De Smet, and Hugon; and indeed it is better said in this way, with the historical documents considered, and what the Council of Florence already hints is verified, saying: "In place of that imposition of the hand [of the apostles], Confirmation is given in the Church."

181. The remote matter is sacred chrism, i.e. oil of olives mixed with balsam and consecrated by a special blessing by a Bishop. Thus it is clear from the Rituals and from the decrees of Clement VI, Eugene IV in the Council of Florence, Clement VIII, and Benedict XIV.

It is said: 1. *Oil of olives*, which is altogether required for the validity of the sacrament, for:

"It is properly called oil, and is especially in use where it can be had; but any other liquid is named oil from likeness to this; nor is it in common use, except as a supplement among those to whom oil of olives is lacking." Thus St. Thomas, a. 2, ad 3. Whence the sacrament would be invalid if it were made from petroleum, oil of nuts, or oil of almonds.

Oil signifies both the brightness of conscience, as the Council of Florence says, decree for the Armenians, and the fullness of the Holy Spirit unto spiritual strength, as St. Thomas says, a. 2, just as wrestlers, from an anointing of oil on the body, gave agility to the body and strength for combat.

2. *Mixed with balsam*, as was already done from ancient times, and it is more probably required for validity.

But balsam of any region suffices, provided it be in such quantity that it gives its odor. Among the Greeks many other aromatics are accustomed to be added, but this is not required for validity.

Balsam signifies the odor of good fame, as the Council of Florence says, l.c., or the sweetness of virtues and the incorruption of faith (a. 2).

3. *Blessed*, which is of the validity of the sacrament, as is very commonly taught.

In the sacraments which Christ Himself used, a blessing is not required, but from the very use of Christ the matter received aptitude as a sacramental sign. But in the sacraments which Christ did not use, a special consecration is required by which the matter is made apt to be an instrument of grace (a. 3).

4. *By a Bishop*, who bears the person of Christ (a. 3, ad 3), which is also required for validity from the Council of Florence.

Nevertheless, some think otherwise, or think that by commission of the Supreme Pontiff a priest can be delegated to consecrate chrism; yet this delegation is never granted (can. 781, § 1), even in the Greek Church, nor is it certainly known that it was granted formerly.

5. *With a special blessing*, which also is more probably required for validity, but is not altogether certain.

Hence St. Alphonsus, *Th. M.*, l. VI, n. 163, says that in the article of death the sacrament can be conferred conditionally with oil alone blessed by a bishop, on account of the great utility of the sacrament; but it is permissible to doubt greatly whether Confirmation can ever be administered as doubtfully valid, since it is not a sacrament of necessity.

For liceity, and indeed under grave obligation, fresh chrism is required. Yet in a case of necessity, when fresh chrism is lacking, or by special dispensation of the Supreme Pontiff, it is lawful to confirm with old chrism.

182. The proximate matter is the anointing of chrism on the forehead, made in the manner of a cross, immediately, by imposition of the hand. This is clear from the Roman Pontifical and from can. 780 and 781, § 2.

It is said: 1. *Anointing*, which is necessary for the validity of the sacrament, as is clear from the decrees and practice of the Church.

2. *Of chrism*, namely, composed specially from oil and balsam and blessed by a bishop, as was explained above.

The quantity used must be sufficient for anointing the forehead in the form of a cross.

3. *On the forehead*, so that it may be signified that the one to be confirmed ought not to blush for Christ. This is very probably required for validity, because such is the ancient and universal use of the Churches.

Hence, if the anointing were made on another part of the body, as on the cheek or breast, the sacrament would be doubtful, and would have to be repeated conditionally. In certain Eastern Churches anointings are made not only on the forehead but also on several other parts, but these are not essential parts, but only integral parts of the sacrament.

4. *Made in the manner of a cross*, so that thus the one to be confirmed may receive the sign of Christ, whose soldier he is made; this also is necessarily required according to the more common opinion, and is demanded by the very form of the sacrament as it is used in the Latin Church.

St. Thomas, a. 9, explains the reasons for consignation made with the cross on the forehead: "In this sacrament man receives the Holy Spirit for the strength of spiritual combat, so that he may confess the faith of Christ strongly, even among adversaries of the faith. Whence he is fittingly signed with chrism with the sign of the cross on the forehead for two reasons: first, because he is marked with the sign of the cross, as a soldier with the sign of his leader, which indeed ought to be evident and manifest. But among all places of the human body the forehead is most manifest, since it is almost never covered; and therefore the confirmed person is anointed with chrism on the forehead, so that in manifest fashion he may show himself to be a Christian, just as also the apostles, after the Holy Spirit had been received, manifested themselves, who before were hiding in the upper room; second, because someone is hindered from the free confession of the name of Christ on account of two things, namely on account of fear and on account of shame. But the sign of each of these is manifested especially on the forehead... whence those who are ashamed blush, but those who fear grow pale... And therefore he is signed on the forehead with chrism, so that neither on account of fear nor on account of shame may he omit to confess the name of Christ." The Council of Florence teaches the same.

5. *Immediately*: not by means of an instrument, but by the hand itself imposed.

Thus the Holy Office, January 14, 1885; and can. 781, § 2; otherwise a true imposition of the hand would not be present and the following condition would be lacking.

6. *By imposition of the hand*, insofar, however, as it is not distinguished from the anointing itself made by the hand, but is necessarily included in it.

The first imposition of hands made over all who are to be confirmed, which is premised to the anointing, does not pertain to the sacramental sign itself, but is a mere ceremony, so that if it has been omitted, the sacrament is not to be repeated for those confirmed, nor is it required that all those to be confirmed themselves be present for it.

For liceity it is required that the anointing be made with the right thumb, with the rest of the hand imposed over the head; but if without a just reason it were done with another finger or with the left hand, it would be a sin: it is not established that it is grave.

183. The form is: *I sign thee with the sign of the cross, and I confirm thee with the chrism of salvation, in the name of the Father, and of the Son, and of the Holy Spirit. Amen.* This is prescribed today by the Ritual and is handed down by the Council of Florence; but previously it underwent several changes. In the Greek Church there is another, substantially equivalent as to sense and certainly valid there: *Seal of the gift of the Holy Spirit*: Σφραγίς δωρεᾶς Πνεύματος ἁγίου.

St. Thomas, a. 4, shows the fittingness of the form:

"The form of a sacrament ought to contain whatever pertains to the species of the sacrament... In this sacrament the Holy Spirit is given for the strength of spiritual combat. And therefore in this sacrament there are three things necessary, which are contained in the aforesaid form. The first of these is the cause conferring the fullness of spiritual strength, which is the Holy Trinity, which is expressed when it is said: *In the name of the Father...*; the second is the spiritual strength itself which is conferred upon man through the sacrament of visible matter unto salvation, and this indeed is touched upon when it is said: *I confirm thee with the chrism of salvation*; the third is the sign which is given to the combatant, just as also in bodily combat soldiers are marked with the insignia of their leaders, and as to this it is said: *I consign thee with the sign of the cross*, in which, namely, our King triumphed."

For validity there are required:

1. *I sign thee*, namely, with the mark and character of a soldier of Christ; to which in Greek corresponds: seal or signet;

2. *I confirm thee with the chrism of salvation*, in the grace received through the anointing of the Holy Spirit; which in Greek is said: of the gift of the Holy Spirit. For to seal the gift, i.e. the grace, of the Holy Spirit is to confirm it in the one having it, to render it firmer and more stable;

3. also probably: *in the name of the Father...*; yet it is not certain, because it is lacking in the Greek, unless it be said that the whole Trinity is implicitly indicated by the name of the Holy Spirit. Besides, nothing prevents the Church from having determined a different form for the Latin and Greek Church. Whence in practice the sacrament will not be certain unless all the words are said.

An accidental change would be if someone said: *I strengthen* in place of *I confirm*; or *of sanctification* in place of *of salvation*.

Question Two: On the Effects of Confirmation

S. Th. III, q. 72, a. 5 and 7.

184. The effect of the sacrament of Confirmation, even in infants, is strengthening in the spiritual life, or fortification and increase of supernatural life, so that man is brought in it, as it were, to perfect age. This is explicitly taught by the Council of Florence, and otherwise is clear from the manner of speaking used by the Scriptures and the Fathers, according to which in Confirmation the Holy Spirit Himself is infused and conferred simply,[1] i.e. fully with all gifts, unto the strength and firmness of justice, and unto their full outpouring and abundance, whereas in Baptism He already conferred rebirth and the remission of sins.[2] And indeed:

[1] Acts VIII, 15-16; XIX, 5-6.

[2] Acts II, 38; XXII, 16; Heb. X, 22; John III, 5; Eph. V, 26.

A. On those who do not place an obstacle it confers grace, which is of faith from the Council of Trent, sess. 7, can. 1: per se, second grace, because fortification and increase in the spiritual life of itself supposes this; per accidens, probably first grace, if someone in good faith approaches in sin, being attrite concerning it (a. 7, ad 2).

Hence a) per accidens it remits mortal sin; b) it also remits venial sins, by means of fervor or the exercise of charity, according as and insofar as this contains at least implicitly their retractation; c) but if someone places an obstacle, once the obstacle has been removed by penance, he will obtain the grace of the sacrament.

Moreover, the sacrament confers:

1. habitual grace making one pleasing, which it increases, as we have said: for the Holy Spirit is not given except with grace making one pleasing (a. 7);

2. all the infused virtues and gifts of the Holy Spirit, which are infused together with grace and are proportionately increased with it;

3. special sacramental grace strengthening (ad 3), namely, for confessing the faith publicly before men strenuously and boldly, and for defending it and fighting for it; as is clear from the effect produced in the apostles;

4. the right to actual graces, necessary for this end, to be obtained throughout the whole of life at the opportune time.

B. All who validly receive it, it consecrates and signs with an indelible character, as is of faith from Trent, sess. 7, can. 9, by which the baptized man is made a soldier of Christ, receiving the power, from office, of professing the faith publicly and fighting, and of receiving sacred things more fittingly. St. Thomas shows this thus, a. 5:

"Character is a certain spiritual power ordered to certain sacred actions... But it has been said above that, just as Baptism is a certain spiritual regeneration into Christian life, so also Confirmation is a certain spiritual increase advancing man into perfect spiritual age. But from the likeness of bodily life it is manifest that one action belongs to a man immediately after birth, and another belongs to him

when he has arrived at perfect age. And therefore through the sacrament of Confirmation there is given to man spiritual power for certain other sacred actions, besides those for which power is given to him in Baptism. For in Baptism man receives power for doing those things which pertain to his own salvation, insofar, namely, as he lives according to himself; but in Confirmation man receives power for doing those things which pertain to spiritual combat against the enemies of the faith, as is clear in the example of the apostles, who, before they received the fullness of the Holy Spirit, were persevering in prayer in the upper room; but afterward, having gone out, they did not fear publicly to confess the Christian faith even before enemies. And therefore it is manifest that in the sacrament of Confirmation a character is imprinted."

"And therefore the character of Confirmation is a distinctive sign, not of unbelievers from believers, but of those spiritually advanced from those to whom it is said, I Pet. II, 2: *As newborn infants...*" (ad 1).

This effect is also produced in those who place an obstacle to grace; and it is a permanent title on account of which, once the obstacle has been removed, the grace of the sacrament is conferred and the sacrament always revives.

185. Corollaries. - 1. The character of Confirmation of necessity supposes the baptismal character, because no one can be advanced into perfect age unless first he has been born; whence if someone not baptized were confirmed, he would receive nothing (a. 6).

2. The sacrament of Confirmation is unrepeatable, because it imprints an indelible character; nor was that which was thought to have been validly administered ever repeated in the Church. But if it is sometimes read that hands were imposed on those confirmed in heresy with invocation of the Holy Spirit or for receiving the Holy Spirit, this must be understood either of a penitential rite; or of the grace of Confirmation which, on account of the removal of the obstacle by penance, is granted at that moment; or even, in certain Churches, of the repetition of Confirmation, because they held it invalid when administered by heretics, while they thought that the condition of validity posited by the Church was the true faith of the minister concerning the Most Holy Trinity.

Question Three: On the Minister of Confirmation

S. Th. III, q. 72, a. 11.

186. The ordinary minister of Confirmation is the bishop alone (can. 782, § 1), because by force of his order and office he can validly administer the sacrament without special commission of the Supreme Pontiff. - This is of faith from the Council of Trent, sess. 7, on Confirmation, can. 3, and sess. 23, can. 7, confirming the doctrine and decisions of Innocent I, Gelasius, Innocent III, and the Council of Florence. It is hinted in the Scriptures, Acts VIII, 12-17, and is clear from most ancient tradition and practice, the fittingness of which St. Thomas shows, a. 11:

"In any work the final consummation is reserved to the supreme art or power, just as the preparation of the matter pertains to lower craftsmen, but the superior gives the form...; whence a letter which is written by a notary is signed by the lord. But the faithful of Christ are in a certain way a divine work, according to that saying, I Cor. III, 9: *You are the building of God*; they are also, as it were, a certain epistle written by the Spirit of God, as is said in II Cor. III, 3. But this sacrament of Confirmation is,

as it were, the final consummation of the sacrament of Baptism, namely in this way, that through Baptism man is built into a spiritual house and is written, as it were, as a certain spiritual epistle; but through the sacrament of Confirmation, as a house already built is dedicated into a temple of the Holy Spirit, and as an epistle already written is signed with the sign of the cross. And therefore the conferral of this sacrament is reserved to bishops, who hold supreme power in the Church, just as also in the primitive Church through the imposition of hands of the apostles, whose places bishops hold, the fullness of the Holy Spirit was given."

But in order that a bishop may confirm licitly, ordinary jurisdiction is required, or permission at least reasonably presumed from him who has such jurisdiction. Hence can. 783:

§ 1. "A bishop in his diocese legitimately administers this sacrament even to outsiders, unless the express prohibition of their own Ordinary stands in the way." This holds also for exempt places according to can. 792.

§ 2. "In another diocese he needs the permission of the Ordinary of the place, at least reasonably presumed, unless it is a matter of his own subjects, to whom he confers Confirmation privately and without staff and miter."

The obligation is of itself grave, and therefore a bishop who would dare to transgress these prescriptions in some point would sin gravely.

187. The extraordinary minister of Confirmation is a presbyter to whom the faculty has been granted either by common law or by a peculiar or general indult of the Apostolic See (can. 782, § 2). - This is certain from the Council of Florence and from the perpetual use of the Church.

But whether a bishop of himself could confer this faculty upon a presbyter is doubtful, because such delegation of a simple priest is not referred to the power of order but to the power of jurisdiction. Hence if formerly this was done, it can be said to have been done with the tacit consent of the Apostolic See, whereas now it is provided by canonical law that it not be done: for at present that right is reserved to the Supreme Pontiff, nor is it validly exercised without his permission granted by law or indult.

Concerning this faculty committed to priests, the following dispositions are to be noted:

1. By the law itself, besides Cardinals of the Holy Roman Church, to whom it belongs everywhere on earth, the Abbot or Prelate nullius, the Vicar and Prefect Apostolic enjoy this faculty; yet they cannot validly use it except within the boundaries of their territory and only while their office lasts (can. 782, § 3).

2. According to the common law, a presbyter of the Latin rite to whom this faculty belongs by force of indult (and not from common law) validly confers Confirmation on the faithful of his own rite alone, unless something else has been expressly provided in the indult (can. 782, § 4). - By decree of May 1, 1948, it was granted that whenever presbyters of the Latin rite, by force of a legitimate indult, can validly and licitly administer the sacrament of Confirmation to the faithful of their own rite, they may be able to confer the same - provided it is certain that it was not already conferred immediately after Baptism, as is the custom - also upon the faithful of Eastern rites whose spiritual care remains committed to them. These things hold also

whenever the sacrament can be conferred according to the norm of the decree "On administering Confirmation to those who, from grave illness, are constituted in danger of death" (cf. below n. 5).

3. It is forbidden for presbyters of an Eastern rite, who enjoy the faculty or privilege of conferring Confirmation together with Baptism on infants of their own rite, to administer the same to infants of the Latin rite (can. 782, § 5).

They enjoy this faculty generally by force of immemorial custom, with certain exceptions such as the Maronites and Italo-Greeks; whence the administration of Confirmation to a Latin infant, although illicit, nevertheless seems rather to be valid, although some doubt concerning this.

4. It is also lawful for a presbyter, if he is furnished with an apostolic local (not merely personal) privilege, to confirm even outsiders in the territory designated for him, unless their own Ordinary has expressly forbidden it (can. 784).

5. Through the decree *Spiritus Sancti Munera* of the Sacred Congregation for the Discipline of the Sacraments, by general indult there is granted to all pastors enjoying their own territory, quasi-pastors, perpetual vicars, vicar administrators, and priests to whom exclusively and stably there has been committed, in a certain territory and with a determinate church, the full care of souls with all the rights and duties of pastors, the faculty that, by themselves, they administer the sacrament of Confirmation, in their own territory, to those persons who dwell there (not excepting pilgrims nor those staying in places withdrawn from parochial jurisdiction) and who from grave illness are constituted in true danger of death, whether they are infants or adults. - Yet it is required that the diocesan Bishop cannot be had or is impeded, nor is another Catholic Bishop present, even only titular, who can take his place without grave inconvenience. - If the dying are still capable of this, they ought, as far as possible, to be prepared for the fruitful reception of this sacrament; and, if perhaps they recover, they are to be more fully instructed.

Moreover, let the norms be observed which the same decree prescribes: "Confirmation is to be conferred with the discipline introduced by the C.I.C. and adapted to the matter being observed, and also with the rite used from the Roman Ritual excerpted, which are transcribed fully and completely below: moreover it is to be conferred gratis under any title."

"According to the norm of canon 798, the extraordinary minister is to make the notation of the sacrament conferred in the parochial book of those confirmed, inscribing there his own name and the names of the confirmed person (and if he is not his subject, also of that one's diocese and parish), of the parents and sponsor, the day and place, finally adding the words: 'Confirmation was conferred from Apostolic indult, with danger of death pressing, on account of the grave illness of the confirmed person.' The notation is to be made also in the book of the baptized according to the norm of can. 470, § 2.

If the confirmed person is of another parish, as soon as possible the minister himself should inform the proper pastor of the confirmed person concerning the sacrament conferred by an authentic document, which contains all the notices mentioned above."

"Extraordinary ministers are moreover bound, each time, immediately to send to their own diocesan Ordinary an authentic notice of the Confirmation conferred by them, with all adjunct circumstances concurring in the case added."[1]

[1] The decree exists in *A.A.S.*, t. 38 (1946), pp. 349-358. - In almost all periodicals treating theological or canonical matters, commentaries on this decree have appeared.

188. The obligation of administering Confirmation. - The Bishop is bound to administer the sacrament of Confirmation to subjects duly and reasonably seeking it, especially at the time of the visitation of the diocese (can. 785, § 1), which must be completed every five years (can. 343, § 1); but not with danger of death, because it is not a sacrament of necessity, unless perhaps in a case in which scandal would arise from non-administration. The presbyter endowed with apostolic privilege is held by the same obligation toward those in whose favor the faculty has been granted (can. 785, § 2).

The obligation by its nature is grave, unless a grave reason excuses. Whence an Ordinary impeded by a legitimate cause or lacking the power of confirming ought, insofar as it can be done, to provide at least within each five-year period that this sacrament be administered to his subjects (§ 3).

But if he has gravely neglected to administer the sacrament of Confirmation to his subjects either by himself or through another, the Metropolitan must denounce him to the Holy See (§ 4 and can. 274, 4°).

A presbyter who has neither from law nor from concession of the Roman Pontiff the faculty, if he has dared to administer the sacrament of Confirmation, is to be suspended; but if he has presumed to overstep the limits of the faculty given, he is deprived by that very fact of the same faculty (can. 2365).

By decree of the Sacred Congregation for the Propagation of the Faith, of December 18, 1947, there is moreover granted to Ordinaries of places dependent on the Sacred Congregation for the Propagation of the Faith the power of giving "to all priests subject to them and exercising the care of souls, the faculty of validly administering sacred Confirmation to the faithful, whether adults or infants, existing within the boundaries of the missionary circumscription and constituted in danger of death; and also licitly in the very place of residence of the Bishop, with any Bishop absent or legitimately impeded; and with the formula established by the Roman Ritual observed" (*A.A.S.*, t. 40 (1948), p. 41).

189. Observation. - Theologians do not agree in declaring the manner by which a simple priest obtains the power of administering Confirmation. It seems better to say that for conferring this sacrament there is required an excellent dignity, which belongs fully to bishops from their own character, but to priests not absolutely and fully, but only radically and inchoatively; whence they need an extrinsic increase of dignity by which their character is ordered to a new effect, namely, the conferral of Confirmation. But this supplement of dignity is conferred on them by a special deputation of the Pontiff, so that their inchoate power, with delegation acceding, is extended and completed. For the Pontiff, who has the fullness of power in the Church, is able to commit the lowest functions of the superior episcopal office which regard the mystical body of Christ, such as is the power of confirming, to those who already have the highest power concerning the true body of Christ, namely priests.[2]

[2] Cf. St. Thomas, a. 11, ad 1; and IV *Sent.*, d. 7, q. 3, a. 1, qc. 3; Billuart, art. 7, obj. 2; Billot, o.c. th. 36; Hugon, *Tract. Dogm.* III, on Confirmation, a. 5. - De Smet proposes another opinion, o.c. n. 401.

Question Four: On the Subject of Confirmation

S. Th. III, q. 72, a. 6 and 8.

190. The capable subject of Confirmation is every and only a baptized man not yet confirmed (can. 786). Whence it is validly conferred upon children and the perpetually insane, who, although they have no spiritual enemies to attack, can receive spiritual strength and an increase of grace; but upon adults, provided they have at least a habitual and implicit intention of receiving the sacrament (nn. 92-93).

But that it may be received licitly and fruitfully, the one receiving it must be constituted in the state of grace, since it is a sacrament of the living, and, if he has the use of reason, sufficiently instructed (can. 786), namely both concerning those things necessary to know by necessity of means and of precept, and concerning those things which regard the sacrament to be received, as the Instruction of the S.C.P.F. of the year 1774 explains.

191. A special precept of receiving Confirmation is not given per se, because the sacrament is not necessary for salvation but for the perfection of salvation (a. 1, ad 3). Hence:

a) Those who do not receive it do not per se sin gravely.

b) But to neglect so great a means of salvation regularly, and with a sufficiently great inconvenience excluded, is not done from a reasonable motive, and therefore is accustomed to include light fault; whence can. 787: "Although this sacrament is not of the necessity of means for salvation, nevertheless it is lawful for no one, when occasion is offered, to neglect it...."

c) Per accidens grave sin can be present by reason of scandal, or contempt, or special necessity on account of a peculiar danger of losing the faith.

192. Confirmation is fitting for every age and of itself is to be given to all. - For, just as it is of the intention of nature that everyone who is born bodily arrive at perfect age, although this is sometimes impeded on account of the corruptibility of the body, which is forestalled by death, so also and much more is it of the intention of God that one who is born spiritually arrive at the perfect age of supernatural life. But the soul, to which both spiritual birth and the perfection of spiritual age pertain, is immortal, and can, just as in the time of old age it can obtain spiritual birth, so in the time of youth or childhood it can obtain perfect age, because bodily ages of this kind do not prejudice the soul. Therefore Confirmation can be conferred on every age and per se ought to be given to all (a. 8).

Hence "even in childhood man can obtain the perfection of spiritual age...; and from this it is that many in childhood, on account of the strength of the Holy Spirit received, fought strongly for Christ even unto blood" (ad 2). And this sacrament is also to be given to the dying, that they may appear perfect in the resurrection.... Whence "also children departing after having been confirmed both obtain greater glory, just as here also they obtain greater grace" (ad 4).

In the first centuries Confirmation was given immediately after Baptism. From the fifth century, on account of the multiplication of the faithful in the Latin Church, the conferral of Confirmation, as reserved to the bishop, began to be separated from the administration of Baptism; and so gradually

the custom prevailed of delaying it until the years of discretion, except, however, in Spain, where the ancient custom, as among the Greeks, was preserved up to the present day.

Now the present custom of the Latin Church is more fitting, both on account of greater reverence for so great a sacrament and on account of hope of more abundant fruit in those receiving consciously. According to the present discipline consecrated by can. 788: 1. regularly Confirmation is to be delayed until the use of reason, and ordinarily is not to be administered before it; 2. nevertheless it can be conferred before this if the infant is constituted in danger of death, or if it seems to the minister expedient on account of just and grave causes; 3. yet it is not to be delayed longer, but is fittingly given at around the seventh year of age.

Appendix: On the Ceremonies of Confirmation

S. Th. III, q. 72, a. 10 and 12.

193. The accidental ceremonies to be used by the bishop in the conferral of Confirmation are indicated in the Roman Pontifical; per se they oblige under grave obligation, although certain things of lesser moment are prescribed under light obligation only (n. 106). The following are to be noted:

1. The imposition and extension of hands at the beginning over all who are to be confirmed; although it is a mere ceremony not required for validity, nevertheless all are bound to be present for it (can. 789).

2. The slap given on the cheek, so that the confirmed person may remember that, as a strong athlete, he ought to be ready to bear all adversities for the name of Christ, as they now explain symbolically;[1] yet anciently it seems to have been the kiss of peace, to which, in the course of time, by reason of decency with respect to women, a light touch succeeded.[2] Otherwise it is judged a ceremony of lesser moment which obliges only under light obligation.

[1] Roman Catechism, part 2, c. 3, n. 26.

[2] Dölger, o.c., p. 155.

3. The common blessing which is given at the end, and at which all ought to be present (can. 789).

4. The ceremony of the candle is not prescribed in the Pontifical but introduced by use alone.

5. The bandage or linen ribbon with which the forehead of the confirmed person is to be bound no longer obliges by custom, provided the anointed part is diligently wiped, lest the chrism flow down.

6. The fast which is commanded to those to be confirmed in the Pontifical is only of counsel; whence the custom has prevailed that the sacrament is administered to those not fasting, indeed after lunch.

7. Another name, besides the baptismal name, can be imposed by the bishop; it need not be (S.C.R., September 20, 1749).

8. The sacred vestments are prescribed to be put on by the bishop; nevertheless, from any just cause he can administer without miter and staff, with rochet and stole used, indeed privately even with the stole alone (Holy Office, February 12, 1851; can. 783, § 2).

The manner in which a simple priest by delegation of the Holy See must minister is indicated in the Instruction of the S.C.P.F., May 4, 1774 (Holy Office, July 1888), placed in the appendix to the Roman Ritual, and in the recent Instruction of the Sacred Congregation of the Sacraments, May 20, 1934: he cannot assume pontifical insignia, but should use surplice and stole, or also a cope; and he is bound to read out and explain his delegation to the people.

194. Time and place of Confirmation. - 1. Confirmation can be conferred at any time, but it is especially becoming for it to be administered in the week of Pentecost (can. 790). Formerly it was conferred especially, like Baptism, on the vigils of Easter and Pentecost.

2. The proper place for administering Confirmation is a church; nevertheless, from a cause which the minister judges just and reasonable, this sacrament can be conferred in any other decent place (can. 791). To minister in an indecent place, unless for a grave cause, would be a grave sin.

3. A bishop has the right of administering Confirmation within the boundaries of his diocese also in exempt places (can. 792).

195. A sponsor, according to the most ancient custom of the Church, is to be employed in Confirmation as in Baptism, if he can be had (can. 793). This obligation of itself is grave (Holy Office, September 5, 1877).

St. Thomas gives the reason, a. 10: "This sacrament is given to man for the strength of spiritual combat. But just as one newly born needs an instructor in those things which pertain to the conservation of life..., so those who are assumed for combat need teachers by whom they may be instructed concerning those things which pertain to the manner of combat.... And on account of this also he who receives this sacrament is held by another, as though to be instructed by another in spiritual combat. - Likewise also because through this sacrament the perfection of spiritual age is conferred on man..., and therefore he who approaches this sacrament is sustained, as though still spiritually weak and a child."

Let there be only one male sponsor, or one female sponsor, for each one to be confirmed (can. 794, § 2); nor are one male and one female permitted as in Baptism. But a sponsor should present only one or two to be confirmed, unless something else seems fitting for a just cause (can. 794, § 1). Whence, if a just cause is present, the minister can permit that there be only one male sponsor for all males, and one female sponsor for all females (S.C.C., June 14 and July 12, 1823), as is accustomed to happen in many places.

That someone validly be a sponsor, conditions similar to those for sponsors of Baptism are required, namely, from can. 795:

1. That he himself also be confirmed, have attained the use of reason, and have the intention of carrying out this office;

2. That he be enrolled in no heretical or schismatic sect, nor be excommunicated by condemnatory or declaratory sentence, or infamous with infamy of law, or excluded from legitimate acts, nor be a cleric deposed or degraded;

3. That he not be the father, mother, or spouse of the one to be confirmed;

4. That he be designated by the one to be confirmed or by his parents or tutors, or, if these are lacking or refuse, by the minister or by the pastor;

5. That he physically touch the one to be confirmed in the very act of Confirmation, by himself or through a proxy. For this it suffices that he place his right hand upon the right shoulder of the one to be confirmed.

The conditions oblige under grave obligation.

That someone be licitly admitted to the office of sponsor, it is necessary from can. 796:

1. That he be someone other than the sponsor of Baptism, unless a reasonable cause, in the judgment of the minister, persuades otherwise, or Confirmation is legitimately conferred immediately after Baptism;

2. That he be of the same sex as the one to be confirmed, unless something else seems fitting to the minister in particular cases from a reasonable cause;

3. That all things be present which are required for the sponsor of Baptism (n. 171, 4).

The effect of the office of sponsor is such that, as from Baptism, so also from valid Confirmation, there arises between the confirmed person and the sponsor a spiritual relationship, from which the sponsor is held by the obligation of having the confirmed person perpetually commended to himself and of caring for his Christian education (can. 797), namely if the confirmed person is in need and another is lacking; nevertheless there does not arise an impediment diriment of matrimony.

196. Observations. - 1. Let the pastor inscribe in a special book the names of the minister, of those confirmed, of the parents and sponsors, and the day and place of Confirmation; and let him write in the book of the baptized a notation of Confirmation conferred (can. 798 and 470, § 2).

2. If the proper pastor of the confirmed person was not present, concerning the Confirmation conferred the minister either by himself or through another should as soon as possible make the same pastor certain (can. 799); this burden also lies upon Cardinals themselves (can. 239, § 1 - n. 23).

3. To prove conferred Confirmation, provided prejudice is done to no one, one witness beyond every exception is enough, or the oath of the confirmed person himself, unless he was confirmed in infancy (can. 800).

Treatise: On the Most Holy Eucharist

Introduction.

S. Th. III, q. 73, a. 4 and 6.

197. The third sacrament is the Most Holy Eucharist. - For just as first in Baptism we must be reborn unto spiritual and divine life, then in it be strengthened through Confirmation and, as it were, grow unto perfect age, so through the whole of life we must be nourished in divine life, which is done through the Holy Eucharist.

198. The Eucharist is the most perfect sacrament of all, as was declared above, n. 101, so that the other sacraments are ordered to it as to an end. Hence by excellence it is called the most holy, venerable sacrament, sacrament of sacraments, or simply the Most Holy; likewise gift, holy gifts, tremendous mysteries, etc.; and therefore it has also been accustomed to be called by many names. For the dignity and perfection of this sacrament is so great that it cannot be expressed by one name, whence they have attempted to express it by several words. For:

A. Every sacrament is a sign commemorative of the Passion of Christ, demonstrative of grace, and prognostic of future glory. Now the Eucharist, 1. as a sign commemorative of the Passion of Christ, is called sacrifice, victim, sacrament of our price, new testament, memorial of redemption, holocaust of salvation, etc.; 2. as demonstrative of the union of the soul with Christ and of the members of the Church among themselves, is called communion, synaxis, mystery of peace and unity, sacrament of love, etc.; 3. as prognostic of the enjoyment of God in the fatherland, is called viaticum, because here it furnishes us the way of arriving there; likewise pledge of eternal inheritance. - Generally it is called Eucharist, i.e. good grace, because Christ in its very institution gave thanks, and it is the best act of thanksgiving offered daily to God, and because it is good grace by excellence, since it contains Christ as the fountain of all grace, charity, and eternal life.[1] This name is the principal and most ancient.[2]

[1] Whence St. Bonaventure, *De inst. novit.*: "this sacrament is the memorial of His whole love and, as it were, a certain compendium of all His benefits."

[2] Thus already in the *Didache* and in St. Justin.

B. Likewise, just as in every sacrament, so also in the Eucharist three things are distinguished: sacrament only, or the external sign, which only signifies and is not signified; reality and sacrament, which is signified and at the same time signifies; reality only, or the effect of grace, which is signified and does not signify. The sacrament only is the consecrated species of bread and wine, or the species informed by the words of consecration, which signify the body and blood of Christ present under the aspect of food and drink; the reality and sacrament are the body and blood of Christ, whose presence is signified by the species and which signify the spiritual refreshment of the soul; the reality is the spiritual refreshment itself of the soul through divine grace.[3] Now, 1. by reason of the external sign which is the sacrament only, it is called bread of life, holy bread, bread of angels, supersubstantial bread, bread which descended from heaven, - wine generating virgins, chalice of blessing, mystical eulogy or blessing and consecration; 2. by reason of the contained reality which at the same time is sacrament: body, flesh, blood of Christ, sacrament of the body and blood of the Lord, holy things, holy of holies, holy thing of the Lord, the good itself (τὸ ἀγαθόν), the perfect itself (τὸ τέλειον); 3. by

reason of the effects which are the reality of the sacrament: sacrament of grace, saving grace, life, food of souls, nourishment of eternal life, sustenance, medicine and drink of immortality, etc.

[3] Very well known are the words of Innocent III, *Decr.* l. 3, tit. 41, c. 6: "It is useful to distinguish among three things which are distinct in this sacrament, namely the sensible form, the truth of the body, and the special power. The form is of bread and wine, the truth of flesh and blood, the power of unity and charity. The first is sacrament and not reality, the second is sacrament and reality, the third is reality and not sacrament."

C. Finally, by reason of the circumstances in which it was instituted or is ministered, the Eucharist is called sacred supper, supper of the Lord, table of the Lord, heavenly table, mystical table, sacred banquet, agapae, metalepsis (i.e. assumption), sacrament of the altar, divine feasts, breaking of bread.

It is also called mystery of faith, because it is the greatest mystery to be held by faith alone, and because in one compendium the Eucharist at the same time embraces the principal divine mysteries.

199. The manifold excellence of the Eucharist was also foretold by various figures. - For:

1. As to that which is sacrament only, the chief figure was the oblation of Melchisedech, who offered bread and wine (Gen. XIV, 18); also the loaves of firstfruits (Lev. XXIII, 10) and of proposition (XXIV, 5), and the multiplication of loaves done by Christ (John VI; Mark VI and VIII).

2. As to Christ suffering, who is contained in the sacrament and thus is reality and sacrament, the figures are all the sacrifices of the Old Law, chiefly the sacrifice of expiation (Lev. XVI) and the blood of the testament (Ex. XXIV, 8).

3. As to the effect or reality of the sacrament, its principal figure was manna, which had in itself every delight and sweetness of taste (Ex. XVI, 13; Num. XI, 7); likewise the tree of life (Gen. II, 9), the hearth-cake of Elias (Judg. VII, 13; III Kings XIX, 6, 8), the jar of meal which was not exhausted (III Kings XVII, 16).

But the principal figure is the Paschal Lamb, which prefigured it as to these three things: as to the first, because it was eaten with unleavened bread; as to the second, because it was immolated by the whole people of Israel at the time of Passover, which is the figure of the immolation of Christ on the cross; as to the third, because by the blood of the Paschal Lamb the children of Israel were protected from the devastating Angel and led out of Egyptian servitude.

200. There is a twofold aspect of the Eucharist, because it is at once sacrament and sacrifice. - The Eucharist can be considered either with respect to men, whom it sanctifies, and under this aspect it is a sacrament, or with respect to God, whom it honors, or to His worship, and thus it is a sacrifice. Whence the treatise is divided into two sections, of which one treats of the sacrament itself, the other of the sacrifice, in which its minister and rite also will be discussed.

Section A: On the Sacrament Itself of the Eucharist

201. The sacrament of the Eucharist is customarily defined: A sacrament of the New Law instituted by Christ the Lord, which, under the consecrated species of bread and wine, contains the body and blood of Christ for the spiritual refreshment of man.

In this definition there is indicated:

1. The genus to which the Eucharist pertains: a Sacrament of the New Law;

2. The author of the Eucharist: instituted by Christ the Lord;

3. The external sign, which is sacrament only, consisting at the same time of matter: which under the species of bread and wine, and form: consecrated by the very words of Christ which are now uttered by the priest in His name;

4. Reality and sacrament: it contains the body and blood of Christ;

5. The reality or proper effect of the sacrament: for the spiritual refreshment of man, by which also the subject is indicated, who is baptized man; for he alone who by Baptism has been born unto spiritual life can be spiritually refreshed.

202. Division of the treatment. - According to the given definition, whose truth will be shown in the whole course of the treatise, this is divided into three parts:

The first treats of the external sacrament: 1. of the sacrament itself in itself, namely, of its existence, essence, and institution; - 2. of the matter: a) of matter in general, b) of bread, c) of wine; - 3. of the form: a) of form in general, b) of the form of consecration of the bread, c) of the form of consecration of the wine.

The second treats of the body and blood of Christ, which are reality and sacrament: 1. of the action by which Christ becomes present: a) of the real presence of Christ, b) of the ceasing-to-be and conversion of bread and wine, c) of the accidents remaining; - 2. of the mode in which Christ is present; - 3. of the species under which Christ is present.

The third treats of the effects which are the reality of the sacrament: 1. of the effects themselves according to themselves; - 2. of the use of the Eucharist for obtaining the effects, i.e. a) of the dispositions of the soul, b) of the dispositions of the body, c) of the frequency of communion, and d) of the necessity of communion.[1]

[1] Concerning the Sacrament of the Eucharist there can be consulted: St. Albert the Great, *De Sacrosancto Corporis Domini Sacramento*; St. Thomas, *C. Gent.* IV, 61 sq., and III, q. 73-80, with the commentaries of Cajetan, John of St. Thomas, the Salmanticenses, and Billuart; - likewise Suarez, on III *p.m.*; St. Bellarmine, *Controversies*: on the Sacrament of the Eucharist; Lugo, *De Venerabili Sacramento Eucharistiae*; Du Perron, *Traite du Sacrement de l'Eucharistie*; Franzelin, *Tractatus de SS. Eucharistiae Sacramento et Sacrificio*; Scheeben, *Die Mysterien des Christentums*; Billot, Van Noort, Tanquerey, and Hugon in their dogmatic works; Labauche, *Lecons de Theologie Dogmatique*, IV; de la Taille, *Mysterium Fidei*; A. Van Hove, on the Most Holy Eucharist; - Beguinot, *La tres sainte Eucharistie, expose de la Foi des 12 premiers siecles*; Corblet, *Histoire dogmatique, liturgique, archeologique du sacrement de l'Eucharistie*; Chardon, *Histoire des Sacrements*; Ermoni, *L'Eucharistie dans l'Eglise primitive*; Rauschen, *Eucharistie und Buszsakrament* (French version); Battifol, *L'Eucharistie* (5th ed.); *Dict. de Theol.*, art. Eucharistie; Struckmann, *Die Gegenwart Christi in die H. Eucharistie nach den Schrift. Quellen der Vor-Nicaemschen Zeit*; d'Ales, *Prima Lineamenta tractatus dogmatici de SS. Eucharistia*; Goossens, *Les Origines de l'Eucharistie*; Janssens, *De H. Eucharistie*; - for the practical part, St. Alphonsus in *Th. M.*, and other modern authors such as Aertnijs-Damen and Marc-Gestermann-Rausch, Ballerini, Lehmkuhl, Noldin-Schmitt and Genicot-Salsmans, Prummer, Vermeersch; - for the canonical part: Gasparri, *Tractatus canonicus de SS. Eucharistia*; and Cappello, *Tractatus canonico-moralis de Sacramentis*, I; - among orators: Monsabre, *L'Eucharistie*.

First Part: On the External Sacrament

Question One: On the Sacrament Itself or Sign

Article I: On the Existence of the Sacrament of the Eucharist

S. Th. III, q. 73, a. 1.

203. Thesis. The Eucharist is a true and properly so-called sacrament of the New Law. - Thus it is declared by the Fourth Lateran Council, c. 1, and Florence, decree for the Armenians; and it is defined by Trent, sess. 7, can. 1; nor is it denied by Protestants, a few excepted.[1]

[1] The Quakers and Unitarians deny it: these say that it is a mere commemoration of the supper.

It is proved: 1. From the fact that the definition of sacrament belongs to the Eucharist. For it is a) a sensible sign through the species of bread and wine and the words of consecration; b) of a sacred thing: for the species no longer signify the substance of bread and wine, but the body and blood of Christ; c) insofar as it sanctifies men: for the body and blood of Christ are ordered to the spiritual refreshment of the soul, according to John VI, 48-59: *He who eats this bread shall live forever*; whence it is a practical sign of sanctification; d) instituted in perpetuity by Christ the legislator of the New Law (Luke XXII, 19).

2. From perpetual tradition, which is clear from the Rituals, the Fathers, and the practice of the Church.

3. By reason of fittingness: just as for bodily life generation is required, through which man receives life, and increase, by which he is brought to the perfection of life, so also nourishment is required, by which he is preserved in life; and therefore just as for spiritual life there must be Baptism, which is spiritual generation, and Confirmation, which is spiritual increase, so also the sacrament of the Eucharist, which is spiritual nourishment.

Article II: On the Essence of the Sacrament of the Eucharist

S. Th. III, q. 73, a. 1, ad 3, and a. 2.

204. Thesis. The Eucharist contains the body and blood of the Lord not only in use, while it is received, but from the moment of consecration; whence the sacrament consists in a permanent thing, and not in a transitory reception. - Thus teach the Fourth Lateran Council, c. 1, and Florence, for the Armenians; Trent defines it, sess. 13, c. 3 and 6, and can. 4, against Protestants, namely against Luther.

It is proved: 1. From the perpetual faith and most ancient practice of the Church, which preserves the Eucharist, whether at home or in churches, adores it, and carries it to the sick and other absent persons.

2. By reason: For the essence of a sacrament it is not required that grace in fact be conferred here and now, but that the effect which it immediately signifies be had, namely, reality and sacrament (n. 46). But in the Eucharist the immediate effect is obtained before reception, as soon as the words of consecration are uttered. Therefore the sacrament of the Eucharist is had from the moment of consecration, and not only in use, while it is received. The minor is

proved: the words of consecration here and now, independently of use, signify the presence of Christ; therefore while they are pronounced, Christ becomes present; otherwise His words would be false.

205. Of what things is the permanent sacrament of the Eucharist essentially composed?

Certain theologians assert that, by difference from the other sacraments, which are not permanent but transitory, in the Eucharist the becoming is one thing and the being or having-become is another: in becoming it is composed of matter and form, namely, the substance of bread and wine and the words of consecration; in having-become, in place of matter and form there are had the species and the body or blood of Christ.

Yet undeservedly. For a) if by the name becoming they understand the successive placing of the matter and pronunciation of the form, and by the name being the matter totally placed and the form totally pronounced, then also in the other sacraments becoming and being are distinguished; - but when there is question of matter and form, it is not asked from what things the sacrament is effected, or what things produce it when it is not yet, but from what things it is constituted, or what things compose it when it truly is a sacrament; but the sacrament is not except at the moment when all the words have been pronounced and the whole sign has been placed. - b) But if by the name becoming they understand the first moment in which the whole sacrament exists, it ought not to be distinguished from being, because in the first moment when the whole comes to be, the sign is composed of the same things as in the subsequent moments when the whole has already been made.

Therefore it must be said:

1. The words of consecration are an essential and intrinsically constitutive part of the sacrament, because the species without the words do not signify Christ: for we cannot know the body of Christ through those species except insofar as we know that they have been consecrated by the words; whence the words give their signification to the species, and thus they are a part composing the sacramental sign. And so it is true to say of all sacraments, with the Council of Florence, that they are perfected by things as by matter and by words as by form.[1]

[1] Very well Mannens, *Th. Dogm.* III, on the Eucharist: "The words of consecration sensibly uttered virtually persevere and determine the species to signify and contain the body of Christ, which they do not signify and contain except insofar as they are consecrated, or insofar as they are apprehended together with the words; therefore the words concur by way of form to constitute intrinsically the sacramental sign."

2. Hence the permanent matter of the Eucharist is the species of bread and wine; the permanent form is the words of consecration insofar as they affect and determine the species in a permanent way for signifying Christ, and thus they persevere morally and in the power of signifying. For a sacrament is not a physical composite whose form must be physically preserved, but is a moral composite, for which it suffices that the form remain in power: one sign whose form, once uttered, remains as though affixed to the species and perceptible by the intellect. In the same way a passing blessing remains in blessed water.

206. Corollaries. - From the foregoing it follows:

A. That the Eucharist and the other sacraments differ: 1. For it contains something absolutely sacred, namely, Christ, but the others contain something sacred in order to something else, namely, the power of sanctifying. Whence 2. the Eucharist is perfected in the consecration of the matter, but the others in application to the man to be sanctified. Hence 3. in the Eucharist reality and sacrament is in the matter itself, and the reality of the sacrament or grace is in the recipient; in the other sacraments each is in the recipient.

B. That the appellation "sacrament of the Eucharist" can be taken in various ways: 1. properly, for the external sign alone, which is sacrament only, and then it is only the species of bread and wine and the words of consecration, which, namely, together signify the body and blood of Christ; thus it is said: the sacrament of the Eucharist contains Christ; - 2. less properly, for that which is reality and sacrament, and then it is the body and blood of Christ; in which sense it is said: the sacrament of the Eucharist is under the species, is adored, or is offered; - 3. completely, for the practical external sign together with its immediate effect without which it would not be valid, and thus it is the consecrated species insofar as they contain Christ; in this sense it is said: the sacrament of the Eucharist consists of two things, or sanctifies.

C. That those things which merely pass do not constitute the essence of the Eucharist as a permanent sacrament. Thus 1. the consecration, which is only the action confecting it; 2. the substance of bread and wine, which is not the intrinsic and proximate matter from which it is constituted, but only the extrinsic and remote matter from which the sacrament is made and about which the sacramental action is concerned; 3. the reception, which is only the necessary condition that the sacrament already perfect in itself may operate grace: for distribution need not be done by a minister with the intention of acting in the name of Christ and of doing what the Church does, but would validly be done by a child or insane person, and therefore it is not a strictly sacramental action.

207. The Eucharist is a sacrament formally one, although materially integrated from two parts. - Although the species of bread and wine are physically and materially diverse, nevertheless the Eucharist is formally and morally one in species.

It is proved: One is said not only of that which is indivisible or continuous, but also of something perfect which consists of diverse parts which come together in one thing: thus the parts of a house constitute a perfect house; in this way also a sacrament is one insofar as several things, namely matter and form, are united for signifying one thing. But it can happen that perfect signification is not had except by several matters and forms, as, for example, in Extreme Unction: then all those constitute only one sacrament. But a) the body and blood of the Lord, which precisely as separated in death are the cause of our salvation, are not distinctly and perfectly signified except through the two species separately consecrated; - likewise b) bodily refreshment does not happen through food alone but also through drink, and therefore spiritual refreshment is not sufficiently expressly and perfectly signified by food alone. Whence the species of bread and wine mutually complete each other in order to signify something one. But where there is one signification, there is a sacrament formally one.[2] - But if there were two, there would be eight sacraments in the Church, which is against the Lateran Council, Florence, and Trent.

[2] Hence it must be said with the Thomists that it is one sacrament from unity of end and signification.

Yet from what has been said it would undeservedly be concluded: 1. that each species is not a sacrament, just as each anointing perhaps is not the sacrament of the sick; for in each species there is contained reality and sacrament, namely, Christ (Council of Trent, sess. 21, c. 3 and can. 3); - 2. that the Eucharist received under one species does not confer the whole grace of the sacrament: for one species bespeaks order to the other, and is received as a part of the whole sacrifice and banquet, and thus participates in the power of signifying of the whole, indeed contains the whole Christ; whence he who receives one species receives the whole effect of the sacrament.[3]

[3] Thus also in the Old Law the smallest eating was a participation of the whole sacrifice.

208. Observation. - Since a sacrament is a moral being, there are not as many numerically distinct sacraments as there are physically distinct species, but there are as many as there are morally separated species, i.e. those which do not bespeak order to something one, e.g. to one celebration, refreshment, or distribution. Whence if ten men receive the species, there are as many sacraments; or if they are placed on different altars; - on the contrary, the two species of bread and wine in the same Mass, or the species contained in one ciborium, are only one sacrament, and he who receives several particles at once, or even after a brief interval, receives one sacrament ordered to one refreshment in one banquet.

Article III: On the Institution of the Eucharist

S. Th. III, q. 73, a. 5.

209. The Eucharist was instituted at the Last Supper, as the three Evangelists report: Matt. XXVI, Mark XIV, and Luke XXII, and the Apostle, I Cor. XI, and as the Council of Trent defines, sess. 13, c. 1.

This was done most fittingly: a) Christ is contained in this sacrament, whence He had to leave Himself under the species of a sacrament when He was about to depart in His own species. - b) The Eucharist represents the Passion of Christ and succeeded the sacrifices of the Old Law, whence it had to be instituted when the Passion was imminent, by which the old sacrifices representative of it had to cease. - c) Those things which are shown last by friends departing are accustomed to be the greatest signs of love, and those things which are said last are more retained and more deeply impressed upon the soul; whence this most excellent gift, to be retained with the greatest affection, had to be instituted immediately before the death of Christ.

210. Concerning the day on which Christ had the supper, there is controversy. - The Latins have taught rather commonly that it was held on the day on which the Jews had to eat the Paschal lamb with unleavened bread, namely, on the evening of the fourteenth day of the month Nisan (Matt. XXVI, 17, 20; Mark XIV, 12, 17; Luke XXII, 7), and consequently they say that Christ consecrated in such bread, and that Christ suffered on the very day of the feast of Passover.

On the contrary, the Greeks and certain modern critics hold that Christ suffered on the very day preparatory to the feast of Passover, on the evening of which the Passover was to be eaten (John XIII, 1, 29; XVIII, 28; XIX, 14, 31, 42; I Cor. V, 7), and consequently they teach that on the preceding day, namely the thirteenth, the Eucharist was instituted and that Christ anticipated the celebration of Passover. They explain this in various ways, either by saying that that anticipation was made according to the custom of the Galileans; or by asserting that in this year of the death of Christ there

was doubt concerning the new moon and therefore concerning the day of Passover; or perhaps that a common doubt existed concerning the dating, and that the Pharisees ate the Passover at the evening of feria five, i.e. at the beginning of feria six, according to which dating the Synoptics speak; on the other hand, that the Sadducees celebrated at the evening of feria six (which they themselves called the fourteenth of Nisan), or as the Sabbath was beginning, according to which manner John speaks.[1]

[1] Concerning this, cf. Lagrange, *S. Marc*, p. 318 sq.; Voste, *Studia Ioannea*, VIII; again Lagrange in *Rev. Bibl.*, 1930, p. 287.

Hence the Greeks conclude that Christ used leavened bread, which they also use; yet undeservedly, because from the evening of the thirteenth day, which is the beginning of the fourteenth day, the Jews had to remove all leavened bread from the house, and because the Paschal Lamb anticipated by Christ was not eaten except with unleavened bread.

Question Two: On the Matter of the Eucharist

Article I: On Matter in General

S. Th. III, q. 74, a. 1 and 2; q. 78, a. 6.

211. Principle I. The remote matter of the Eucharist is bread and wine (can. 814). - It is of faith. For although in the first times certain old heretics erred concerning this, nevertheless Catholics through the centuries agree in this, and thus the Fourth Lateran Council, c. 1, Florence, and Trent, sess. 13, in various chapters, hand it down.

It is proved: a) From the unanimous Tradition of the Greek and Latin Church, which always condemned the contrary use.

b) From the Scriptures: Matt. XXVI, 26, 27, 29, and Luke XXII, 19.

c) By reason: for it is fitting 1. as to the use of the sacrament, which is eating: just as water is rightly assumed in Baptism because bodily washing is commonly done in water, so in the Eucharist bread and wine, by which men are more commonly refreshed: for complete refreshment consists of food and drink; 2. as to the Passion of Christ, in which the blood is separated from the body, and therefore in this sacrament which is the memorial of the Passion, bread is taken separately as the sacrament of the body, and wine as the sacrament of the blood; 3. as to the effect... which is the union of the faithful with Christ and among themselves into one mystical body: for this is constituted from diverse faithful, just as bread is made from diverse grains and wine flows from diverse grapes. Thus St. Thomas, q. 74, a. 1 and ad 1. - The Catechism of the Council of Trent adds that this is fitting as to our faith: "when we observe that bread and wine are daily changed by force of nature into human flesh and blood, by this likeness we can more easily be led to believe that the substance of bread and wine is converted by heavenly blessing into the true flesh of Christ and His true blood."

212. Principle II. For the validity of the sacrament it is required that the matter be present to the minister and demonstrable, and determined in the individual by his intention.

1. It must be present physically and morally, so that by the pronouns *this* and *here*, according to the manner of speaking of men, it can be sensibly designated; otherwise the demonstrative words would not be verified: this, here.

Hence there would be consecration invalidly: a) of matter placed behind the altar, behind a wall, behind the back of the priest, unless perhaps it is held by the hand (in which case the consecration would be doubtful); b) of matter far distant, even if it can be seen: for it would not have to be demonstrated by the word: this, but by the word: that; how much nearness is required for moral presence must be left to the judgment of prudent persons, with attention given to the use of men, the practice of the Church, the position of the matter, its magnitude, smallness, etc.; c) of matter so slight that it cannot be perceived by sense: for this can neither be designated nor be a sensible sign.

2. It must be demonstrable matter; nor is it necessary that it actually be perceived, or that it be seen or touched or, as it were, struck by the sound of the words (whence the unbecoming practice of those who move their mouth very near so as to breathe their breath into the chalice and bread is to be disapproved); but it suffices that by the pronouns *this* and *here* it be demonstrable either in itself, or in another as in its whole, or container, or vessel destined to contain it.

Thus consecration is validly made: a) in darkness or by a blind priest; b) in a ciborium, pyx, chalice, cask, covered vessel; c) of a host hidden under others: for a great quantity does not stand in the way of validity, provided the whole is present to the minister. - On the contrary, hosts placed under an altar cloth, corporal, cushion, foot of the chalice, in the pages of the missal, or closed in the tabernacle are doubtfully consecrated, because it can be disputed whether they can be sufficiently demonstrated.

3. It must be determined in the individual by the intention of the minister, because the pronouns *this* and *here* designate determinate matter, and because actions are concerned with singulars and determinate things. For just as the minister does not consecrate unless he intends to consecrate, so neither does he consecrate this matter unless he determinately intends to consecrate it.

Whence someone would invalidly wish to consecrate a part of several hosts or of one host without designating which one, or the hosts which God has chosen or another has designated, if he does not know the designation: for then the matter remains indeterminate for the minister. On the contrary, someone would validly wish to consecrate all hosts except the lowest and highest; or all the even ones if they are placed in order and the beginning is determined from which they are to be numbered, although this play would be gravely illicit. It is also sufficient to determine the matter in a group, with the intention, for example, of consecrating all the hosts present, although the number is unknown or there is error concerning it; this intention is commended by the Roman Missal.

On account of this intention, when it is present:

a) If the priest unknowingly has two larger hosts in his hands, both are consecrated, and according to the Missal both are to be consumed: for he wishes to consecrate all that he holds in his hands.

b) On the contrary, hosts placed on the altar without the priest knowing are not consecrated: for the will is not borne toward the unknown. Nor does it stand in the way that formerly he formed an intention, once for all, of consecrating all the matter which is on the corporal; for that merely habitual intention does not suffice for confecting the sacrament, because here and now it does not

virtually influence:[1] for to confect a sacrament there is required a human act which demands an actual or virtual intention (n. 81; I, n. 55).

[1] Such a general intention once for all elicited is affirmed to suffice by a few more recent authors. Thus Cappello, o.c., n. 302, and P. Castillon in *N.R.Th.*, 1920; yet this latter speaks with some doubt in note 4; Noldin-Schmitt, n. 115 note, and Genicot-Salsmans, n. 174, seem to approve, but this opinion has no antiquity for itself. It is not found expressly stated in St. Alphonsus or before him; nor have I found it in Lehmkuhl, D'Annibale, Marc, Aertnijs-Damen, or Tanquerey. Ballerini, n. 56, only poses the question concerning hosts unknowingly brought: why would they not be consecrated if the priest wished to consecrate all present? But he does not resolve the question, and speaks of an intention elicited in the present. Nor does Vermeersch, n. 348, dare to call the intention secure unless it is repeated more often; but then it is already virtual. And even then it can be doubted whether it influences matter whose presence the priest does not even suspect.

c) But otherwise if the priest himself, or another with his command or with his knowledge, previously brought them to the altar to be consecrated, although at the time of consecration he does not attend to them, provided they are placed on the corporal: they are certainly consecrated, because the intention of consecrating them virtually endures.

d) But if they were not placed on the corporal, they are probably consecrated, because the intention seems to endure; yet several authors with St. Alphonsus, *Th. M.*, l. VI, n. 217, hold the contrary, because no one is judged to will to consecrate outside the corporal, since this objectively is a mortal sin; or also because, before they have been placed upon the corporal, it can be said that in him there was only the purpose of placing them there for consecration, not yet of consecrating them. Whence in practice, since it is a matter of the validity of the sacrament, the safer course must be taken; and therefore the hosts should be consumed (if they are few) after the blood, or be consecrated under condition in another Mass.

Nor does it suffice to say that the whole thing depends on the intention of the priest. Certainly, if the priest explicitly said that he wished to consecrate even outside the corporal (which would be gravely evil), without doubt the hosts would be consecrated, just as certainly they would not be if he explicitly intended not to consecrate outside the corporal; but the question is whether the intention of consecrating can be presumed to be implicitly present if the priest has explicitly intended nothing. But this can seem doubtful for those hosts whose consecration is not necessary to the very essence of the sacrifice.

e) When the chalice has been consecrated, drops adhering on the outside are not consecrated, unless this were expressly intended, which would be gravely illicit.

f) Concerning drops adhering inside the chalice, if a special intention is lacking, it is disputed whether they are consecrated: it is probable that those nearer to the bottom are consecrated, just as it is also very likely for crumbs adhering to the host.

213. Principle III. For the liceity of consecration it is required, besides this, that the use of the Church and the rites prescribed by ecclesiastical law be observed, that both matter, namely bread and wine, be consecrated at the same time, and indeed by divine law.

It is proved: a) The sacrament was instituted by Christ in the manner of a spiritual banquet; but food and drink are required for a banquet; therefore.

b) Christ commanded that this sacrament not be confected unless at the same time sacrifice is offered to God; indeed He did not give to priests the power of consecrating except by way of sacrifice,

as is clear both from the Council of Trent, which thus explains the words: *Do this in commemoration of Me* (sess. 22, c. 1 and can. 2), and from the form of ordination: *Receive the power of offering sacrifice*. Whence the sacrament cannot be separated from the aspect of sacrifice. But sacrifice is not had except by the consecration of the twofold species; without this the separation of the blood from the body of Christ would not be mystically represented.[2] Therefore by divine law each consecration is required at the same time. - From this it follows that, if someone by a predominant will absolutely did not wish the sacrifice or excluded it, the consecration would be invalid.

[2] Let it not be said: in the consecration of the bread, by force of the words the body is placed without the blood; therefore in the consecration of bread alone, by force of the words, the separation of the body from the blood is signified. - Billuart responds, diss. 3, a. 5: "In the consecration of the bread alone there is placed by force of the words the body without the blood, precisely and formally by force of the words of the consecration of the bread alone, I deny; with the consecration of the chalice added, I concede. For if I say precisely: *This is My body*, it is not formally signified that My body is separated from the blood; but it is indeed signified when I add: *This is My blood*. For then it is openly signified by force of the words that My body is placed apart from the blood by force of the words."

Nevertheless, the consecration of one matter without the other is valid, not only if it happens by chance, but also if it is done from intention and deliberately, because in all sacraments when the words are pronounced over the matter, the effect is immediately had, and does not depend on a future event:[3] for the words effect what they signify, and therefore, when the bread has been consecrated and not the chalice, the body of Christ is proposed to the faithful to be adored. - Nor does it stand in the way that the minister deliberately consecrating one matter does not have the intention of sacrificing: for although he does not intend to complete the sacrifice, nevertheless he can have the intention of beginning it, or of placing a part of it, and thus he does not altogether exclude the intention of sacrifice; but if he altogether excluded even this, the consecration would be invalid.

[3] St. Thomas in IV *Sent.*, d. 11, q. 2, a. 1, qc. 1, ad 4; d. 8, q. 2, a. 4; III, q. 78, a. 6. Lugo is sometimes cited for the opposite opinion; not rightly, however, as is clear from *De Euch.*, disp. 19, sect. 8, n. 102 and 104.

214. Question: Whether for giving viaticum to a dying person, it is lawful intentionally to consecrate one matter? - According to the Rubrics of the Roman Missal and the Code of Law, can. 817, it is altogether illicit. The reason is a) because it is mockery in the name of Christ to begin a sacrifice which one knows cannot be completed; b) because on one side the sacrament is not necessary, and on the other side the precept of Christ is most strict (n. 213), nor has there ever been a dispensation in it or can there be a dispensation, since concerning the substance of the sacraments (which also embraces integrity) the Church has no power (Council of Trent, sess. 21, c. 2).

Yet per accidens and beyond intention one matter is consecrated without the other without sin, on account of physical or moral impossibility: a) if someone consecrated water or another liquid for wine, and did not understand the defect until long afterward; or after he had noticed it, wine could not be had, or he could not use it without grave scandal or irreverence (as if it were only in the sacristy) or without danger to life (as if the wine were poisoned); b) if, the host having been consecrated, danger of death were imminent, for example from fire, the ruin of the church, or the invasion of enemies; scandal and contempt of the faith being excluded, however, for example if it were demanded by an enemy; c) if the priest, the host having been consecrated, could not continue, as if he died, lost speech, fell into insanity, and there was no other who could complete the sacrifice; but if another can supply and the sick priest can receive communion, the host must be divided and a part given to him.

215. Observations. - 1. To avoid danger of corruption for the species, no greater quantity should be consecrated than can be consumed at the opportune time.

2. If unconsecrated hosts are mixed with consecrated ones, the whole heap is to be brought to the altar and the whole is to be consecrated under condition, insofar as is necessary: namely, this must be done in this way so that the unconsecrated part may thus certainly be sufficiently demonstrated. Thus St. Alphonsus, *Th. M.*, l. VI, n. 216.

3. Little drops adhering externally to the chalice are not to be consecrated, nor are they presumed to be consecrated. It is fitting to wipe away with the purificator the little drops adhering internally before the oblation of the chalice (S.C.R., September 7, 1816), but not before the consecration. Moreover concerning them, as also concerning crumbs, one is not held to elicit an intention; but if he wishes, he will better elicit once for all the intention of not consecrating except that which has itself by way of one continuous thing: for irreverence toward the sacrament is more to be guarded against than violation of the fast. But crumbs which are in the ciborium are more fittingly consecrated, because the danger of losing them is absent.

4. On account of the danger of material idolatry and of the nullity of the sacrifice, it is never lawful to use matter (or form) probably invalid, neither so that the sick person may receive viaticum, nor so that the people on a feast day may hear Mass; but perhaps only for completing the sacrifice.

5. If smaller hosts for communicating the people are brought to the priest a little after the oblation, the oblation having been supplied mentally, it is lawful to consecrate them; indeed even if they are offered when the Canon has already begun, when otherwise several would remain without communion, or even one who otherwise would have to wait long for communion: in which case certain authors commend giving this one part of the larger host. But it is never lawful to consecrate them after the consecration has been completed, because it would be to begin another sacrifice and to make this incomplete, whence this would be sacrilege. Noldin had said this to be lawful, but in this he was generally disapproved.

Article II: On Bread in Particular

S. Th. III, q. 74, a. 3 and 4.

216. Principle I. For the validity of the sacrament there is required usual wheat bread. - It is proved:

1. From the practice of the Church, which is already indicated in the *Didache* IX, 3-4; St. Justin, *Apol.* I, 65-66; *Dial.* 41 and 117; St. Irenaeus, *Adv. haer.* IV, 17-18; Tertullian, *Ad ux.* II, 5; *Adv. Marc.* I, 14; Cyprian, *De laps.* 25; ep. 63; Clement of Alexandria, *Strom.* I, 9; *Paed.* 11; Origen, hom. 19 on Jer., 4, 18; *C. Cels.* VIII, 33.

2. From the declaration of the Council of Florence, of the Missal, and of can. 815.

3. By reason of fittingness.

Thus it is fitting, both a) because wheat bread is more commonly in use among men, for other breads seem to have been introduced in defect of this, and b) because it strengthens more, and thus more fittingly signifies the effect of this sacrament.

217. Principle II. For wheat bread four things are required: 1. that it be from the grain of wheat, 2. made with natural water, 3. baked by fire, and 4. substantially uncorrupted. - It must be:

1. From the grain of wheat, which is not any grain whatever, but the noblest.

Hence: a) Insufficient matter is bread made from barley, oats, panic-grain, maize or Turkish wheat, rice, millet, or from beans, peas, chestnuts, almonds, potatoes, or other legumes and fruits of trees: for by common estimation they are distinguished from wheat, nor do men use them for making usual bread except on account of a defect of wheat. - b) Doubtfully sufficient is bread from far, spelt,[1] rye or siligo,[2] starch (which is made from corrupted wheat), gluten. - c) But if other grains are mixed with wheat in small quantity, although this of itself is gravely illicit, sufficient matter would remain and the whole would pass into the body of Christ, because the whole by moral estimation is wheat bread; but if the mixture were great, for example equally or almost equally, it would be insufficient matter; whence wafers dyed with various colors, with which letters are usually sealed, are unsuitable matter or at least doubtful, because through the mixture they are notably altered and are not usual bread.

[1] Spelt among some seems to signify a species of wheat, namely Suevian; in which case it would be valid matter.

[2] Siligo in its classical signification is the most excellent species of true wheat; but in St. Thomas and others it seems to be the same as rye, or a certain imperfect species of wheat, in which case it is doubtful matter.

2. Made with natural water: namely, the grain reduced into flour, or at least crushed and compressed,[3] must be prepared with natural water, because generally by common use usual bread is made thus.

[3] According to the decree of the Holy Office, June 23, 1852, for validity it is not required that the bread be made from milled flour; but from grains crushed and compressed down to the white matter it is valid, and sometimes licit. But care must be taken, if it can be done, "that the wheat not merely be crushed, but by a suitable instrument be reduced into flour, which is carefully purified by a sieve."

Whence: a) Bread kneaded with milk, eggs, oil, butter, is not apt matter, even if somewhere it is customary to be made thus, unless the quantity of these is slight and water is the principal part in the mass to be formed. - b) Bread made with rose-water or water of another distillation, or even with sea water, is doubtful, because perhaps it is not usual bread.

3. Baked by fire: namely, the mass must be toasted by fire, whether in an oven or on a hot iron.

Hence raw flour does not suffice, even when kneaded with water, or boiled after the manner of a cake or loaf, or dried by the sun.

4. Substantially uncorrupted (can. 815): for if the corruption is so great that the species of bread is dissolved, as if the taste and color and other accidents are changed, from such matter the body of Christ cannot be confected.

Sometimes, however, the corruption is not so great that it dissolves the species, but there is some disposition toward corruption, which some change of taste declares; and from such bread the body of Christ can validly be confected; but the one confecting sins because of irreverence toward the sacrament, unless necessity urges. This sin is mortal from its genus.

218. Principle III. For liceity it is required that the host be 1. recently made, 2. clean, whole, and pure, and 3. of a determined figure and quality according to the rite and custom of the Churches. - The host-bread must be:

1. Recently made, so that there be no danger of corruption (can. 815 and 1272).

To use bread somewhat moldy of itself is a grave sin; yet if true necessity were present, it would not be illicit.

2. Clean, whole, and altogether pure: so that the bread be merely wheat (can. 813).

Scandal always being excluded, it seems only venial without a reasonable cause to consecrate a broken or stained host, and there is no sin if it is discovered after the oblation.

3. In the Latin Church it must be of a round figure, and for the celebrant larger, in which the image of the Crucified is expressed according to the constant custom which is to be observed (S.C.R., April 26, 1834); and made from unleavened bread.

If a larger host is lacking, the priest can, even for the sake of devotion alone, celebrate with a smaller host, provided scandal is absent; this generally can be forestalled by warning the people about the lack of a larger host.

The Greeks employ a square host, and for the particles to be distributed, triangular ones, and they use leavened bread, which many Orientals also do.

219. The diverse custom of using unleavened or leavened bread for the diverse Churches is most ancient[4] and was confirmed by the Council of Florence.

[4] From the sixth century the use of leavened bread is historically established; for the Latin Church testimonies concerning unleavened bread rise to the eighth century.

The custom of the Latin Church is more reasonable: 1. because Christ instituted this sacrament when nothing leavened had to be in the houses of the Jews; 2. because bread is properly the sacrament of the body of Christ, which was conceived without corruption; 3. because it signifies more the purity and integrity of heart with which it must be received (I Cor. V, 7, 8); 4. because the species are more easily kept uncorrupted. - Yet the custom of the Greeks has some reason: 1. on account of signification: a) because the Word was clothed with flesh as leaven is mixed with bread; b) because Christ assumed our sins as bread assumes the corruption of wheat; c) because leaven has a penetrating force and makes bread more savory, and therefore suitably designates the fervor of charity and the sweetness given by this sacrament; 2. in detestation of the heresy of the Nazarenes, who mixed the rites of the Jews with the Gospel.

It was defined in the Council of Florence, decree of union, that it makes no difference for the value of the sacrament whether leavened or unleavened bread is consecrated: for each is usual wheat bread,

nor did Christ determine the matter in the individual but only as to substance. Nevertheless every priest is bound in the celebration of Mass to observe the rite of his own Church, and indeed "wherever he offers the Sacred Sacrifice," as is now altogether certain from can. 816. This precept, because of reverence toward the sacrament in observing this most ancient rite, which is most useful for the whole Church, is urged by ecclesiastical custom to such a degree that neither for communicating the sick nor that the people on a feast day may hear Mass is it lawful to change this rite, but only in the case of making the sacrifice whole, namely if the priest after the second consecration discovers that the bread is defective and cannot have what is prescribed.

According to the new discipline of the Code, from can. 851: "The priest shall distribute holy communion with unleavened or leavened bread, according to his own rite. But where necessity urges and a priest of a different rite is not present, it is lawful for an oriental priest who uses leavened bread to minister the Eucharist in unleavened bread, and conversely for a Latin or an oriental who uses unleavened bread to minister in leavened bread; but each must observe his own rite of ministering" (cf. can. 733, § 2).

The faithful of themselves also are bound in communion to observe the rite of their own church; but from a more recent concession (S.C.P.F., August 18, 1893; November 30, 1894), if they cannot conveniently communicate in their own rite, the faculty is now given to them that, for the sake of piety, they may receive the sacrament in any rite. This is now consecrated by can. 866; but the Code advises that each satisfy the precept of paschal communion in his own rite; but it commands this for viaticum: "Holy Viaticum is to be received by the dying in their own rite, but, when necessity urges, it is lawful to receive it in any rite."

Article III: On Wine in Particular

S. Th. III, q. 74, a. 5-8.

220. Principle I. For the validity of the sacrament there is required wine from the vine. - It is proved:

1. From the institution of Christ saying, Matt. XXVI, 29: *I will not drink henceforth of this fruit of the vine...*

2. From perpetual tradition, which is established from the *Didache* IX, 2.

3. From the declaration of the Council of Florence, decree for the Armenians, of the Roman Missal, and of can. 815.

4. By reason of fittingness.

Thus it is fitting a) because only wine from the vine is properly and commonly held as wine, for other liquids are called wines according to a certain likeness to wine of the vine; b) because it signifies more the effect of this sacrament, which is spiritual gladness.

221. Principle II. For usual or potable wine from the vine there is required and there suffices juice, expressed from mature grapes, not corrupted. - Namely, every species of wine is valid matter, of whatever color, region, condition, age it may be, and expressed from whatever mature

grapes, even from dried grapes, provided that from color, odor, and taste it is recognized as true wine (Holy Office, July 22, 1706; May 7, 1879; April 10, 1889).

Hence invalid matter is:

1. Liquors or artificial wines expressed from grains, apples, pears, mulberries, pomegranates, or other fruits or herbs, as cider, beer, *rythmum*, although they have a great likeness with wine.

2. Chemically composed wine, although it contains all the elements of wine.

3. Those things which are from the vine but are not wine, as a) juice still enclosed in grapes, because it is not drink but food, nor properly wine, nor can it be sufficiently demonstrated by the words: this chalice; - b) wine imbibed in a lump of bread, because it is not only wine but also at the same time bread, nor drink but food; - c) verjuice or omphacium (*verjus*), i.e., liquid expressed from immature grapes, because it is on the way to wine but does not yet have the species of wine; - d) vinegar, which is corrupted wine, because a substantial change has been made by chemical combination between alcohol and the oxygen of the air; - e) vappa or perfectly flat wine, from which namely alcohol, which is an essential element of wine, has evaporated and the wine has become entirely putrid; - f) spirit of wine or burnt wine, etc.

4. Lora (*piquette*), which is made by water in great quantity poured over grapes already pressed; unless, however, much juice still remained in the grapes themselves, in which case this second wine would be valid matter or doubtfully valid, but gravely illicit.

5. Sapa or defrutum, i.e., must or new wine not yet clarified, but boiled down to a half or a third part, because in common estimation it is no longer wine nor drink, but food.

6. Wine mixed in great quantity with spice or with another liquid: if the liquid is mixed in such quantity that it can be diffused through the whole wine, the whole would become mixed and the species of wine would be dissolved, and it would be a liquid of another species; but if the added liquid were of so small a quantity that it could not be diffused through the whole, the whole would not become mixed but some part of it, and the added liquid would pass into the species of wine and the species of wine would remain.

222. Principle III. For liceity it is required that the wine be 1. perfect, 2. pure, 3. liquid or not frozen, 4. mixed with a very little natural water. - It must be:

1. Perfect from fermentation having taken place, namely, on account of reverence for the sacrament.

Must (*mout*), i.e., new wine not yet perfectly fermented and clarified, consequently having dregs mixed in which cannot be consecrated, is matter of itself gravely illicit, unless necessity is present, other wine being lacking.

2. Pure, i.e., not mixed, nor becoming sour or putrid, with that souring which indicates begun corruption.

To use these is a mortal sin from its genus, unless necessity is present because other wine is lacking; but it is venial on account of smallness of matter, if, for example, the wine were slightly impure or altogether only a little souring.

Indeed it can be lawful in moderate quantity to add foreign matter, for instance water, spirit of wine, sugar, if it is necessary, for example for preserving or correcting the wine. Thus according to the declaration of the Holy Office, July 30, 1890, it is lawful to use white wine to which a quantity of spirit of wine is mixed, provided that the spirit was extracted from the fruit of the vine, and that the added alcoholic quantity together with that which the wine naturally contains does not exceed the proportion of 12 percent, and that the admixture is made when the wine is very new, i.e., when the tumultuous fermentation decreases. Indeed, if the wine naturally already contains more than 12 percent spirit, it is licitly added up to 18 percent, if it is necessary for preserving wine which is exported (August 5, 1906). Nevertheless, to forestall the danger of corruption of the wine, it ought to be preferred that the wine be boiled to 65 degrees of heat, rather than that a small quantity of the liquor "eau de vie" be added (May 8, 1887); - likewise alcoholic spirit, because it is from the vine, is to be added rather than sugar (August 5, 1896); - nor is it expedient to use a chemical process for correcting the natural acridity of wine (April 27, 1892).

3. Liquid or not frozen, and indeed under grave obligation, because it must be potable.

It is valid, however, because it retains the substance and denomination of wine, and remains potable by its nature, just as hardened bread is edible, although not proximately; moreover after consecration Christ remains present if the species of wine is frozen, as is established from the Missal.

4. Mixed with a very little natural water (can. 814), which in the celebration of the sacrifice is required under grave obligation from an ecclesiastical precept.

The water is required to be natural; whence to use rose-water or water of another distillation would be a grave sin. The quantity is required to be sensible, but one drop suffices; let it never exceed an eighth or fifth part of the wine, or perhaps a third according to the diverse richness of the wine.

223. The commixture of water and wine 1. is not of the necessity of the sacrament, as is established from the Missal prescribing that it is to be omitted after consecration, *De defectibus*, c. X, n. 7, and from the manner of speaking of the Councils, which indicate that it is a custom and precept, never an essential necessity; - 2. nor is it of divine precept: for although Christ used water, nevertheless He did not command that all the circumstances of the Last Supper, for example the color of the wine, be observed, but only the substance of the action; - 3. but it is of ecclesiastical law, as is established from the Council of Florence, decree for the Armenians, and Trent, sess. 22, c. 7, can. 9.

But it is a grave precept, although the thing is light in itself, because it greatly conduces to a grave end, a signification of great moment: for it is done a) on account of institution, because it is believed that the Lord, according to the custom of the Jews, mixed water with wine; b) because it fits the representation of the Passion: for water flowed with blood from the side of Christ; c) because it fits the signifying of the effect of the sacrament, which is the union of the faithful people with Christ the head, the exemplar of which union is the union of human nature with the Word: for just as water is

converted into wine, so human nature is united to the Word and the people to Christ, and thus they participate in the divine life (Council of Trent, l.c., c. 7).

That water is mixed with the wine, and since wine is nothing except a mixture of several substances among which there is water, hence a little water added passes into wine, and thus is mediately converted into the blood of Christ.

Question Three: On the Form of the Eucharist

Article I: On the Form in General

S. Th. III, q. 78, a. 1 and 4.

224. Principle I. The form of the Eucharist is the words of Christ, but not the prayers either preceding among the Latins or following among the Greeks. - The proposition is theologically certain from the Council of Florence saying: "The form of this sacrament is the words of the Savior, by which He confected this sacrament," and from Trent, sess. 13, c. 3 and 1.

Thus against the recent schismatic Greeks, who besides the words of Christ additionally require the epiclesis, i.e., the invocation of the Holy Spirit, which follows the consecration and by which He is asked to change the bread and wine; - and against Catharinus, who required, as a condition without which not, the prayer *Quam oblationem...*, which in the Roman rite precedes the consecration.[1]

[1] It is also against the Gnostics, who do not have a form but a prayer, because they take away likeness with the supper and remembrance of the Passion, but consider only the gift of immortality. - Against the schismatic Greeks in this matter the Church several times warned: Benedict XII, in the year 1341 among the noted errors of the Armenians; - Clement VI, in the year 1351 to the Armenians; - Benedict XIII, July 8, 1729; - Pius VII, May 8, 1822; - Pius X, December 26, 1910, in the letter against Max of Saxony.

It is proved: 1. From the precept of Christ: the priest consecrates in the same manner as Christ, according to the precept: *Do this in commemoration of Me*; which would not be unless it were done by each through the words alone: This..., This...; as moreover the Council of Trent and the Fathers teach. But the priest, saying in the person of Christ: This..., This..., says what is true. Therefore by force of these words, independently of the preceding and following things, the body and blood of Christ are present. In these words alone, namely, the priest speaks in the person of Christ; in the other prayers only in the person of the Church.

2. From tradition, the witnesses of which are the Liturgies and the Fathers,[2] which the Greeks, Mark of Ephesus excepted, confessed in the Council of Florence; and which that Council declared to the Armenians. Moreover these words alone are the same among all.

[2] Justin, *Apol.* I, 66; Irenaeus, *Adv. haer.* IV, 18; Tertullian, *Adv. Marc.* IV, 40; Cyprian, ep. 63, c. 14; Origen, on Matthew, hom. XI, 14; *C. Cels.* VIII, 33; Eusebius, *De laud. Const.* 16; Cyril of Jerusalem, cat. XIX, 7; XXI, 3; XXVI, 4; Gregory of Nyssa, *Or. cat.* 37; Chrysostom, hom. 1 *De prod. Iud.*; Ambrose, *De myst.* IX, 32; author of the book *De Sacr.* IV, c. 4, n. 14; Augustine, serm. 227. Cf. Roman Missal, *De defectibus*, V, 1.

3. By reason of fittingness: the Eucharist is the most excellent sacrament; therefore it is fitting that the words be uttered, not from the person of the minister speaking in his own person, but as of one speaking from the person of Christ, i.e., that the minister not only speak as minister (*I baptize, I absolve...*) but also as it were put on the person of Christ.

"Because the form ought to be suitable to the thing, therefore the form of this sacrament differs from the forms of other sacraments in two things: 1. indeed, because the forms of other sacraments imply the use of matter, for example baptism or signing; but the form of this sacrament implies only the consecration of the matter, which consists in transubstantiation, for example when it is said: This is My body, or: This is the chalice of My blood; - 2. because the forms of other sacraments are uttered from the person of the minister: whether by way of exercising an act, as when it is said: I baptize thee...; or by way of commanding, as in the sacrament of order it is said: Receive power...; or by way of beseeching, as when in the sacrament of extreme unction it is said: By this unction and our intercession... But the form of this sacrament is uttered from the person of Christ Himself speaking, so that it may be understood that the minister in the perfection of this sacrament does nothing except that he utters the words of Christ" (a. 1).

But by the subsequent invocation of the Holy Spirit the Greeks, just as the Latins by the preceding prayer, do not so much ask that the body of Christ be made, but rather that it be made salutary to the faithful: "that it may become for us the body and blood of Thy most beloved Son, Our Lord Jesus Christ."[3] Indeed it seems also to be said that sometimes liturgical prayers successively explain what is accomplished in an instant, and therefore are to be referred not to the time at which they are said but to the time for which they are said: thus after consecration the Holy Spirit is invoked for making what is accomplished in the consecration itself. But if the Fathers sometimes say that transubstantiation is made by the invocation of the Most Holy Trinity or of the Holy Spirit coming upon, one must not understand a special invocation of the epiclesis, but the very words of consecration, which are a liturgical prayer and a practical invocation of the Holy Spirit; for transubstantiation is made by divine power, which by appropriation, as being a work of sanctification, is attributed to the Holy Spirit.

[3] Certain men judge that an epiclesis after consecration formerly existed also in many Latin liturgies. - On the epiclesis one may consult the *Dictionnaire de Theologie catholique*, art. *Epiclèse*.

225. Principle II. The words: This is My body, This is the chalice of My blood, are probably alone essential, so that the following words in the consecration of the chalice pertain only to integrity. - It is proved:

a) Those words alone are essential which signify that which is effected; but the aforesaid words, all others omitted, signify the conversion of bread and wine into the body and blood of Christ.

b) Certain Fathers: Justin, *Apol.* 2; Damascene, IV *De Fide orth.* 14; Innocent III, l. 4 *De Missa*, c. 6, say that consecration is confected by these words: *This is My blood*.

c) Whence the Greeks and Orientals omit certain of the others, or even all, just as the Latins in the consecration of the bread do not have the words: *which shall be delivered for you*, which are pronounced in diverse Oriental Churches.

Hence: 1. The words which are added in the consecration of the chalice: *new...* do not seem to be of the essence; yet they are of the integrity because they declare the power of the blood of Christ poured out in the Passion or offered in the sacrament; but determinations of the predicate are of the integrity of the utterance. Nevertheless certain men hold those words as essential, even invoking the testimony of St. Thomas (q. 78, a. 3; IV *Sent.*, d. 8, q. 2, a. 2, qc. 1), whose words, however, are understood by others of integrity alone. Whence in practice it is illicit to omit those words, because it

is to expose the sacrament to the danger of nullity; - and if they have been omitted, the form will have to be repeated under condition, as the Missal prescribes, *De defectibus*, tit. 10, n. 3.

2. The preceding words: *Who the day before... In like manner...* are not of the essence nor of the integrity. According to Scotus (IV *Sent.*, d. 8, q. 2, n. 4), however, they are a necessary condition that the priest speak not in his own person concerning his own body, but in the person of Christ concerning the body of the Savior Himself. But this lacks every solid foundation: for to speak or not to speak in the person of Christ depends on the intention of the minister alone, as is clear from this, that a minister uttering without intention the words: *Who the day before..., this is...*, nevertheless would not act in the person of Christ but only in the person of one narrating. Nevertheless in practice they must be said from the grave precept of the Church.

3. Similarly the word *for* is nothing except a connective particle with the preceding things; to omit it is probably only a light fault, unless it is done from contempt.

226. Notice. - The words of consecration are to be uttered not only historically, narratively, and recitatively, as though said by Christ, namely from the intention of narrating the things which Christ did: for this the minister does in his own person and it is not necessary for the value of the sacrament, as is clear from what has been said, for one who omitted the words: *Who the day before*, would not speak historically; - but they must also be said assertively or significatively, from the intention of imitating Christ and applying the words to the present matter: for he does not apply the form to the matter which was present to Christ, but, speaking in the person of Christ Himself, he imitates Him, intending to apply the words to the present matter, as if Christ were saying them by his mouth; likewise effectively and practically: for he wills to do what the words signify, as if Christ were making the sacrament. In practice, one who has the intention of celebrating Mass or of offering also has this intention.

In those words, according to the Fathers, as in the other sacraments, there is an instrumental power for making transubstantiation. This they explain in diverse ways in the diverse system of the causality of the sacraments. In transubstantiation two things are to be considered: the recession of bread and wine, and the accession of the body and blood of Christ. Now those who assert merely dispositive causality say that that power reaches only bread and wine and imposes on them the necessity of receding in order to the presence of Christ; which necessity is a disposition requiring of God that He perfect the transubstantiation and the presence of Christ. But those who hold perfecting physical causality say that the power reaches to the very presence of Christ, although it immediately reaches only the bread and wine which it converts, only mediately Christ Himself.

Article II: On the Form of the Consecration of Bread

S. Th. III, q. 78, a. 2 and 5.

227. The sense of the form consecrating bread. - In the words: *This is My body*, by which bread is consecrated:

1. *This* does not formally signify a determined thing; otherwise, by saying: this is a book, we would signify: the book is a book, which is a tautology; but it signifies indeterminately that

which is before me, which I hold in my hands, which is contained under these species.

2. *Is* is taken, not metaphorically and figuratively for *signifies*, but properly and substantively: it indicates identity between subject and predicate.

3. *Body* is, not flesh alone, but the material composite from flesh, bones, nerves, etc., abstracting, however, from blood and soul.

4. *My* determines the word *body* to signify the body of Christ; it denotes that the words are uttered by the priest in the person of Christ.

Therefore the word *this* a) does not signify bread nor its species: for it is false that bread or its accidents are the body of Christ; - b) nor does it signify the body of Christ, otherwise the sense would be: My body is My body; - c) nor does it indicate the thing signified by *this*: for then Christ would not be there according to truth; - but d) it signifies something common to bread and to body, namely substance in common, i.e., the present thing, prescinding from the determination of its nature, that which is contained under the species, not indicating what it is. Behold the formal signified. Whence the sense is: that which is contained under these species truly is My body, namely, Christ's.

But because in fact nothing indeterminate exists, hence some determined thing is demonstrated, although it is not formally signified as such: that thing is the material signified. Concerning this there is a difference between a speculative and a practical proposition: the former enunciates that which is and does not make it; the latter makes true that which it enunciates. Hence in a speculative proposition identity between subject and predicate is presupposed; whence the thing demonstrated or the material signified of the subject, *this*, is the same at the beginning and at the end of the proposition, as in this one: this is a book; - in a practical proposition that identity is effected, whence the thing demonstrated by the subject or the material signified of the subject, *this*, at the end of the proposition is at least in some way other than at the beginning. Whence for the words of consecration, the material signified or that which is demonstrated at the beginning is the substance of bread, at the end is the body of Christ. But the signification, and consequently the truth or falsity of the proposition, is had only when the whole has been enunciated. Therefore the sense is not: this which now, i.e., at the beginning, is bread, is My body; but: this which I hold in my hands and is contained under the species (which was bread at the beginning of the utterance) is (consequently upon the enunciation) My body or the true body of Me, i.e., of Christ.

228. The form of the consecration of bread is most fitting. - The form must signify that which is effected by the sacrament, namely, the conversion of bread into the body of Christ. But conversion can be considered in becoming and in having been made. This conversion, however, ought not to have been signified in becoming but in having been made: a) because it is not successive but instantaneous; whence in it there is nothing except the having-been-made; b) because in the sacraments principally intended is not the becoming but the thing made. But in having been made, bread does not remain according to substance but only according to accidents, whence it is fittingly designated in an indeterminate mode according to the accidents alone by the word *this*: that which is under the accidents; - but the body of Christ is present, and therefore it is fittingly enunciated determinately and designated expressly. Whence the fitting form is: this is My body.

229. Practical applications. - I. Consecration would be invalid if the sense of the form were changed:

a) If in place of *this* there were said *that*, which designates an absent or remote thing; or *here* adverbially (not masculine through a grammatical error), or: behold My body, here My body is placed, because conversion is not signified.

b) If the word *is* were omitted, because no adjuncts indicate that it is understood; or if in its place there were put: will be, is becoming, let it become, may it be, or it were said: this bread is converted into My body, because conversion already made would not be signified.

c) If the minister were to say: this is the body of Christ, because thus he would speak only in his own person.

d) If he were to say: this is My substance, this is My figured body.

II. The form is doubtful:

a) If in place of *this* there were put *this thing*, because it is doubted whether the present thing is sufficiently demonstrated.

b) If in place of *body* there were said *flesh*, because from one side body says more than flesh, and from the other, in Scripture body is sometimes called flesh.

III. The form seems ambiguous: this body is Mine. For body can belong as well to the predicate as to the subject; but by several it is held as invalid, whence practically it is doubtful.

IV. Valid but gravely illicit would be the form: this food, this thing contained under the species is My body; this is My body; this My body is, this is My real body, which I assumed from the Virgin; this is body Mine..., because the sense is the same. It would be only venial if from negligence in pronunciation a small corruption were introduced.

Article III: On the Form of the Consecration of Wine

S. Th. III, q. 78, a. 3.

230. The sense of the form consecrating wine. - In the words: *This is the chalice of My blood...*, by which wine is consecrated:

1. *This* is not to be taken adverbially, but sounds the same as *this*; just as it is the same to say: this thing is bread or this one is bread.

2. *Chalice of My blood* is a figurative locution according to metonymy, by which the container is put for the contained, so that the sense is: This is My blood contained in the chalice. For the blood of Christ in the sacrament is contained insofar as it is the drink of the faithful, which had to be designated by a vessel accommodated to this.

3. *Of My blood*: it is the principal humor of the body, abstracting from this, that it is contained in the body or separated from it.

4. *Of the testament* is taken either a) for a promise, pact, covenant, or b) for a sign left by the one promising. Now:

a) In the Old Law the covenant concerned earthly promises; in the New Law there is the promise of heavenly inheritance made by Christ to us sinners, which has no force unless offered by the death of Christ Himself unto the remission of sins. Therefore the blood of Christ is part of the promise or of the new covenant.

b) The blood poured out on the cross, and also the blood poured in the chalice which represents the pouring out of the cross, is the authentic sign left by Christ, unto the confirmation of the promise, and the instrument by which the covenant is sanctioned; and in this way the chalice is not only said to contain the blood by which the New Testament is sanctioned, but also, as Paul and Luke say, is the New Testament itself. In the same way in the Old Testament the covenant was sanctioned by the blood of animals by Moses when he sprinkled the people, saying, Ex. XXIV, 8: *This is the blood of the covenant which the Lord has made with you*.

5. *New*, both because it is now exhibited, and so that it may be distinguished against the old; and *eternal*, both because from eternity the covenant was preordained, and because it is concerning the goods of eternal inheritance, and because it endures unto eternity.

6. *Mystery of faith*, because the blood of Christ is in a hidden mode in the sacrament, and can be known by faith alone, and the Passion of Christ justifies through faith.

7. *Which for you*, receiving, and *for many*, i.e., all as to sufficiency, *shall be poured out* on the Cross and, during the whole New Law, in this sacrament, or according to the Greek text: *is poured out*, i.e., now in the supper and shortly after in the Passion; *unto the remission of sins*, which is the effect of the Passion of Christ as equally of this sacrifice.

231. The form of the consecration of wine is fitting. - It fits

a) as to the conversion, which is signified in the same way as in the form of bread;

b) as to the added words, by which the power of the blood is designated. For this is ordered to three things: 1. and principally to the eternal inheritance (Heb. X, 19), for designating which it is said: *of the new and eternal testament*; 2. to the justice of grace which is through faith (Rom. III, 25), and therefore it is said: *mystery of faith*; 3. to removing sins which are the impediments of the two aforesaid things (Heb. IX, 14), and as to this there is added: *Which*...

But blood consecrated separately represents the Passion of Christ more expressly, and therefore mention is made of the Passion and of the fruit of the work rather in the consecration of the blood than in the consecration of the body, which is the subject of the Passion, as is also designated through the words: *which shall be delivered for you*, i.e., is subjected to the Passion.

232. Practical notices. - 1. Concerning invalid and doubtful forms, let judgment be made in the same way as for the form of bread.

2. Valid but gravely illicit would be the form: this chalice, this drink is My blood; - this is the chalice, the new testament in My blood (as Luke has it); - this is My blood of infinite value; - this is My blood; - likewise in the Latin Church: this (*hic*, not adverbially but masculine) or this (*hoc*) is My blood.

3. The omission of the word *new*, or *eternal*, and *mystery of faith* does not render the form invalid, because they are implicitly said in the others.[1]

[1] Cf. the Salmanticenses, morals, tr. 4, c. 5, point 2, n. 39.

Second Part: On the Body and Blood of Christ, Which Are Reality and Sacrament

Question One: On the Action by Which Christ Becomes Present

233. Catholic doctrine. - According to Catholic doctrine, by the words of consecration three things especially admirable are effected, to be explained in three articles:

1. that the body and blood of Christ are truly contained in this sacrament,

2. that no substance of the elements, i.e., of bread and wine, remains in it,

3. that the accidents which are perceived by the senses are subjected in no thing.

Article I: On the Real Presence of Christ

S. Th. III, q. 75, a. 1.

234. Thesis. In the sacrament of the Eucharist Christ is contained truly, really, and substantially, and not only in sign, or figure, or power. - Thus the Council of Trent defined, sess. 13, c. 1 and can. 1, against the Sacramentarians, such as Zwingli, Carlostadius, Oecolampadius, after the Fourth Lateran Council, c. 1, against the Albigensians, and the Council of Florence, decree of union.[1]

[1] The same is taught in the profession of faith for the Waldensians prescribed by Innocent III; and in the condemnation of Wycliffe's propositions in the Council of Constance, sess. 8 and 13.

Christ is contained 1. truly, i.e., not only representatively in sign: which is chiefly against Zwingli;

2. really, i.e., not only in a figure or expressed likeness, or objectively insofar as by faith it is apprehended and by the contemplation of faith that which is in heaven is figured as present: which seems more against Oecolampadius;

3. substantially, i.e., not only according to effect, operation, and power: which is directly against Calvin and many Anglicans.

235. The doctrine is proved first from the words of promise. - Christ promised, John VI, the bread of eternal life, which came down from heaven: His flesh to be eaten as true food. But although the bread from verses 27 to 47 is perhaps to be understood in a figurative and transferred sense concerning spiritual eating through faith, or concerning faith in Christ or grace, nevertheless the words from verses 48 to 59 must be understood in the proper and immediate sense concerning Christ's own flesh to be eaten really. Therefore Christ promised His flesh really to be eaten, which promise would not be verified unless He were truly present in the Eucharist. - Similarly He promised that His blood was to be drunk.

It is proved: a) If Christ wished to speak in the proper sense, He could not speak, nor in the Last Supper did He speak, more clearly and openly: for the bread to be eaten is the same flesh which He will give for the life of the world (v. 52), i.e., His flesh immolated for the salvation of the world, where eating is proposed as participation in the immolation. But participation in bloody sacrifice everywhere on earth is made through the real eating of the victim. Therefore it is a matter of true flesh really to be eaten, which therefore is truly food (v. 56). - But if Christ wished to speak in a figurative sense, He could not speak more obscurely.

b) For the locution *to drink blood* among the Jews, who abhorred blood, has no metaphorical sense; but the locution *to eat the flesh of someone* in Hebrew and other oriental languages is taken in a transferred sense in a bad part concerning calumnies, injuries, persecutions against someone.[2] But that sense here is impossible: for how would Christ command and reward calumnies directed against Himself? (v. 52, 54, 55, 57).

[2] Ps. XIII, 4; XXVI, 2; Job XXXI, 31; Mic. III, 3; Eccles. IV, 5; Zech. XI, 9; Ezek. XXXIX, 17, 18; Gal. V, 15.

c) For this reason the hearers understood the words of Christ in the proper sense concerning flesh truly and really to be eaten, and therefore they judge this thing as impossible (v. 53, 61). But if from ignorance they had understood badly, Christ would have corrected the error as He was accustomed to do;[3] He did not correct it, but rather six times confirmed it, demanding faith in His words as they had been understood by the Jews (v. 54-59).

[3] Christ corrects in John III, 5; IV, 32-34; VI, 32-36; VIII, 21-23; 32-34; 40-44; XI, 14; Matt. XVI, 6-11; XIX, 24-26; Mark VIII, 15-21; - on the contrary He confirms in John V, 41-51; VIII, 56-58; X, 30-38; Matt. IX, 2-6.

d) Indeed, when on account of the proper sense many disciples went away, Christ permits them to go away; which He would not have done if they had understood badly, since by a very simple explanation He could have prevented their apostasy. But He would even have permitted the apostles to go away, if they had not believed His words (v. 68).

e) Hence the whole Catholic tradition understood it of the proper sense: the Fathers, and the Councils of Ephesus, Nicaea II, and Trent, sess. 13, c. 2; sess. 21, c. 1, although it does not define this.

Nor let it be said that Christ corrected the error and indicated a spiritual sense, by saying: *The Spirit is He who gives life, the flesh profits nothing; the words which I have spoken to you are spirit and life* (v. 64). - For He did not correct it, as the withdrawal of the disciples proves, and besides those words are not to be opposed to the preceding things but composed with them; nor is it surely the same thing to say: My words are spirit and life, and to say: My words are metaphorical. Therefore the sense is: the flesh profits nothing for understanding spiritual things, i.e., the animal man does not perceive them, but the spirit gives life, i.e., the spiritual man, aided by the grace of God, perceives them. Whence the flesh of Christ is not to be eaten merely materially like bodily food, but in a spiritual and sacramental mode, and with due disposition. Now the words which I have spoken to you are spirit and life, i.e., they are concerning a spiritual thing. But certain ones among you are carnal men and therefore do not believe.[4] Thus already Chrysostom.

[4] Others interpret otherwise: My flesh separated from the divinity of the Word, the life-giving spirit, profits nothing; but it profits when united to the life-giving spirit, i.e., with the divinity. But the interpretation does not seem to cohere with the text nor to be conformable to the mind of the hearers.

236. The doctrine is proved second from the words of institution. - In the Last Supper Christ, designating that which is contained under the species of bread and wine, says it to be His body and blood (Matt. XXVI, 26-29; Mark XIV, 22-25; Luke XXII, 19-20; I Cor. XI, 23 sq.). But these words are to be taken in the proper and immediate sense, not in a transferred sense. Therefore the body and blood of Christ are truly contained under the species of bread and wine.

It is proved: a) If Christ wished to speak in a figurative sense, He would have spoken with the greatest obscurity, as is clear from this alone, that already in the year 1577 Protestants had found more than 200 diverse interpretations of the words of Christ; but if in the proper sense, He could not speak more clearly. This sense is still more expressly signified in Greek by emphasis: This which I give you to eat (eat: for this is) is My very body, that very one which is delivered for you; that which I offer to be drunk is My very blood, the very blood of the New Testament, that very one which is poured out for many. But the body to be delivered is a true body; blood to be poured out in sacrifice, sanctioning the New Testament, is true blood, just as the Old Testament was sanctioned by true blood.

b) And indeed Christ was establishing a covenant, founding a testament, instituting a sacrament, bearing a law, handing down a dogma to be believed, and addressing friends when death was at hand; all which things are customarily done by proper and clear speech, not by metaphorical words, at least equivocal and obscure, and difficult to grasp.

c) Indeed Christ could not have spoken in a figurative sense: for the apostles were very simple men, accustomed to miracles, judging nothing impossible; whence they could in no way have suspected a metaphorical sense which was not manifest and was difficult to grasp.[5] Therefore Christ, who is God, would have deceived the apostles, and through them would have cast the Church into a most pernicious error which He knew would endure through 20 centuries.

[5] Thus Matt. XVI, 11; John XI, 12; IV, 32; Luke XXII, 36-38; John XIV, 7-9: the apostles understand properly.

d) Whence the apostles understood the words of Christ in the proper sense: for since they are accustomed to declare figures less obscure,[6] here not even one of them insinuates a figurative sense even by one little word. Indeed Paul, I Cor. XI, 27, concludes from those very words: *Therefore whoever shall eat this bread or drink the chalice of the Lord unworthily, shall be guilty of the body and blood of the Lord*; but if Christ were not present, he would be guilty not of the body itself but of its symbol; and on the contrary: *he who eats unworthily eats judgment to himself, not discerning the body of the Lord*, i.e., because he does not distinguish it from common bread, or because practically by his action he does not esteem the thing which he receives as the body of Christ.

[6] They declare, for example, the metaphorical sense: John II, 19-21; III, 3-5; IV, 32-34; VII, 38-39; VIII, 32-34; XXI, 19-23; Matt. XVI, 6, 12; XVII, 12, 13; John XII, 4 with Matt. XXVI, 8 and Mark XIV, 4; Luke XXII, 39; Matt. XXVII, 44 and Mark XV, 32.

e) And thus the common interpretation of the Fathers understood it, which the Council of Trent defined as to be believed, sess. 13, c. 1.

237. The doctrine is proved third from Tradition and the perpetual faith of the Church. - It is established in various ways:

A. From the Fathers, whose testimonies are undoubted from the apostolic age onward, and in every region: Ignatius, who reproves the Docetae "because they do not confess the Eucharist to be the flesh

of the Savior... which suffered for us," *Ad Smyrn.* VII, 1; Justin, who speaks according to the received doctrine, which he proves through the very words of Christ taken from the Gospels, *Apol.* I, 65-67; *Dial.* 41, 70, 117; Abercius in the epitaph, reporting a universal fact; Irenaeus, who says that the Eucharist was instituted by Christ and handed down to the Church by the apostles and received in the whole world, and that it consists of a twofold element, namely earthly and heavenly (i.e., the body of Christ and the spirit of divinity), *Adv. haer.* IV, 17, 18; V, 2, 3; Clement of Alexandria, *Paedag.* I, 5, 6; Origen, hom. 9 on Lev. 10; hom. 13 on Ex. 3; Tertullian, *Adv. Marc.* IV, 22; *De carn. res.* 8; Cyprian, *De laps.* 16; ep. 57 and 63; Dionysius of Alexandria apud Eusebius, *H.E.* VI, 44; VII, 9; Athanasius, fragm. VII; Cyril of Jerusalem, cat. XX, 1, 3; XXII, 1-2; XXIII, 20-22; Chrysostom, hom. 46 on John 3; hom. 82 on Matt. 4; Basil, ep. 93; Gregory Nazianzen, or. 45, n. 19; Gregory of Nyssa, *Or. cat.* 37; Aphraates, dem. III, 2; Ephrem, hymn. *De Virg.* XXXVII; Hilary, *De Trin.* VIII, 14; Ambrose, *De myst.* 8-9; book *De Sacr.* IV, 16; Jerome, ep. 14, n. 8; Augustine, serm. 71 and 272; *Inter ined.* 6; on John XXVII, 11; XLVII, 2; on Ps. XCVIII, 9; XXXIII, 2; Cyril of Alexandria, on Luke XXII, 19; on Matt. XXVI, 27; John Damascene, *De fide orth.* IV, 13.[7]

[7] On the doctrine of the Fathers there may be compared: Nicole and Arnauld, *La perpetuite de la Foi de l'Eglise catholique touchant l'Eucharistie*; Bellarmine, *Controv.: De sacr. Eucharistiae*; Billuart, Franzelin, Van Noort, Tanquerey, Hugon in their theological treatises; Wiseman, *Lectures on the Real presence*; *Dictionnaire de Theologie*, art. *Eucharistie*; Mgr. Besson, *La presence reelle de N. S. J. C. dans le sacrement de l'Eucharistie*; Battifol, *L'Eucharistie*, 5th ed.; d'Ales, *De Sanctissima Eucharistia*.

The Fathers 1. appeal to the words of Christ's promise and institution in order to prove the real presence;

2. teach that the body which we eat is the very body of Christ which was born of the Virgin, suffered on the cross, was raised, and sits at the right hand of the Father;

3. teach that it is not a mere figure or image, but the true body and blood of Christ;

4. teach that Christ is not received by faith alone or merely spiritually, but truly, physically, and corporally;

5. teach that this sacrament is confected through the true conversion of bread into the body of Christ;

6. teach that it is the greatest mystery, the astounding compendium of miracles, surpassing every sense and reason;

7. use the real presence as a principle of demonstration against the Gnostics, Docetae, Monophysites, Nestorians, Arians, Macedonians, etc.;

8. say that the Eucharist is to be adored and treated with the greatest reverence.

B. From Liturgies, even the most ancient.

Such are: the most ancient form of the Roman liturgy which Hippolytus reports, *Apost. trad.* (second century); that which is read in the Apostolic Constitutions, VIII, 12 (fourth century), and in essentials agrees with those things which are reported by Clement of Rome; that which was used in

Egypt according to the Sacramentary of Serapion (end of the third century); similarly the Alexandrian liturgy, and that which is reported by Cyril of Jerusalem (fourth century); likewise the Chaldaic, etc.

C. From the Councils Nicaea I, Ephesus, Nicaea II, Tours, Rome II, Vienne, Lateran IV, Constance, Florence, and Trent.

D. From the magisterium of the Church, which always reproved the least error against the truth of the Eucharist.

Thus St. Ignatius of Antioch already censures the Docetae who abstain from the Eucharist, because it is the flesh of the Savior. Origen, *De or.* V, 1, and Epiphanius, *Haer.* LX, 11, testify that certain heretics did not use the Eucharist or cast it away. The Nestorians indeed did not deny the real presence, but they erred because they said the flesh of Christ was not united to the Word, just as on the contrary those Monophysites who did not admit flesh in Christ.

In the eleventh century Berengarius, who first denied transubstantiation, afterwards also the real presence, was compelled by the Roman Council to a retraction. Likewise in the twelfth century Tanchelinus, who denied the real presence, was held as a heretic; and Peter of Bruys, who said that priests do not have the power of consecrating; in the thirteenth century the Waldensians denying transubstantiation, and certain Albigensians also the real presence, to whom a profession of faith was prescribed by Innocent III; in the fourteenth century Wycliffe, who erred at least concerning transubstantiation, on which occasion this third proposition was also condemned in the Council of Constance: Christ is not in the same sacrament identically and really by His proper corporeal presence (cf. questions for Wycliffites and Hussites 16 and 17); in the fifteenth century Pius II reproved the error of Zanini de Solcia: that in the consecrated host Christ exists not as to humanity but only as to divinity; in the sixteenth century the Protestants were condemned; in the nineteenth century the Modernists, who deny the historicity of the institution, but say that according to faith it is necessary that our mode of acting be as if we were before Christ.

E. By the argument of prescription. In the eleventh century, when the first denial of the real presence by Berengarius was heard, the universal Church possessed faith in it by a tranquil and immemorial possession, as is clear from the very confession of Berengarius and from the universal opposition against his assertions. But this possession proves the apostolic origin of this doctrine; therefore.

For: a) a doctrine of such great moment, if introduced, would have been introduced either simultaneously, by the consent of all, in which case so illustrious a fact would be historically established; or gradually and successively, and this would not have happened without contradiction and opposition, which history also would narrate; b) such an introduction is the more improbable because the same doctrine is found among all the oriental sects, separated from the Church already in the first centuries; c) the introduction of a thing not revealed as a dogma in the whole Church would be against the promise of infallibility made to her by Christ.

They object certain equivocal locutions sometimes used by the Fathers; for understanding these the following rules can be valid:

1. They call the Eucharist a figure, likeness, type, image, sign of the body of Christ, because by reason of the species it is a sign and sacrament, both of the body, not indeed absent but present, and of the body immolated on the cross, whose immolation is here shadowed forth,

and of the mystical body or the Church, whose unity is represented by bread made from many grains.

2. The sacrament of the Eucharist is called bread, both by reason of the accidents which remain, and by reason of the matter which has been converted into the body of Christ.

3. In the Eucharist it can be said that it is not the same body which was born of the Virgin and suffered on the cross, namely as to the mode of being, although the same must be believed as to substance.

4. They commend spiritual eating as alone true, in this sense, that external and real reception without spiritual reception profits nothing.

5. They say that blessed bread is not the body of Christ, understanding bread before consecration, or the eulogiae or blessed bread which was given to those not communicating as a sign of union.

6. Our body is said to be nourished and increased by the body of Christ, both by reason of the species by which it is contained, and by reason of the incorruption and immortality which it grants to our bodies.

7. If the more ancient writers wrote less accurately or obscurely, it must not be attributed to error in faith, but either to defective terminology not yet scientifically defined, or to simplicity, because they knew that they were understood by the faithful in the right sense, or sometimes to the discipline of the secret.

Especially St. Augustine, who in many places undoubtedly asserts the real presence, in other places at first glance speaks equivocally and obscurely. Nor, however, is Augustine to be opposed to Augustine, but reconciled with himself, who must not be thought to have withdrawn from the opinion of his father in Christ, St. Ambrose, and from the universal faith of his time.

In particular: a) he often says that Christ gave the sign of His body, that that sign can be called the very body of Christ, that the faithful eat the body of Christ in a sign. This must not be understood as a naked sign, but as a sacrament, namely, a practical sign truly containing the Lord; moreover the sacrament or the consecrated species themselves can be called the body of Christ insofar as they contain it; and the faithful receive it in a sacrament, not in its proper species, but under the figure of bread, not visibly but invisibly.

b) He rejects carnal eating and asserts spiritual. Namely, he rejects eating in its proper species, such as the Capharnaites understood, but not sacramental eating; nevertheless this eating is not truly spiritual if the flesh of Christ is received merely materially and externally in the sacrament, nor is communication made also with the spirit of Christ or divinity.

c) Whence when he says: *to eat that food and to drink that drink is to remain in Christ and to have Him remaining in oneself*, which is done through charity, he does not deny sacramental eating of the real body of Christ, but this is not truly eating unless it is with fruit and the soul is refreshed and

nourished, i.e., unless it is done at the same time with disposition and there is present conjunction with Christ through the spirit.

Namely, St. Augustine, by his synthetic genius, successively opens the various aspects of the sacrament, and more than his predecessors insists upon the very reality of the sacrament and upon its spiritual effects.

238. The doctrine is confirmed by reason of fittingness. - Thus St. Thomas, a. 1: that Christ is truly present is fitting on account of three things:

1. to the perfection of the New Law, whose sacrifice had to contain Christ having suffered, not only in figure, as already happened in the Old Law, but in truth;

2. to the charity of Christ: for it is proper to friendship to live together with friends; whence Christ is present by essence in the sacrament, so that there may be, in this way, a perfect conjunction of the head to the members, and thus it may be a sign of the greatest charity, and an uplifting of our hope from so familiar a conjunction with Christ;

3. to the perfection of faith: for just as Christ exhibits His divinity invisibly, so also in this sacrament He exhibits His flesh to us in an invisible mode.

239. They object: A. Protestants:

1. Locutions similar to the words of Christ are often figurative, whence in them there is to be understood: in figure or in sign, for example when someone, indicating a statue, says: This is Charlemagne, i.e., in image, or when Scripture says: the seven full ears or the seven cows of beautiful fatness are years (Gen. XLI, 26), the field is the world (Matt. XIII, 38), Sarah and Hagar are the two testaments (Gal. IV, 24), the rock was Christ (I Cor. X, 4), the seed is the word of God (Luke VIII, 11), I am the door, the true vine, bread (John X, 2, 7; XV, 1; VI, 35). Whence also the words of Christ can signify: this is My body in figure.

Resp.: In those locutions, either a) the predicate enunciates a property of the subject by likeness, and thus is a figure of the subject, for example, I am the true vine, the door, Alexander is a lion; but then they are not similar to the Eucharistic words, in which the subject is indeterminate and the predicate determined, while in those the contrary is the case; - or b) the subject is a figure of the predicate, but then it is required that from its nature (for example, a statue), or from received usage of speaking (for example, an olive branch), or from an already known institution (for example, types of the Old Testament), or from the context, it appear to be a sign. But this bread and this wine designated cannot be regarded, either from themselves, or from received use, or from Christ's warning or other adjuncts, as signs of the body and blood; whence the words are to be understood absolutely, not of that which the thing signifies but of that which it is. And indeed, although figuratively someone can say: Alexander is a lion, nevertheless no one will say: this lion is Alexander; - in a similar way: My flesh is food or bread, but not: this bread is My flesh.

2. The word *is* is sometimes taken for *signifies*. Thus Gen. XVII, 10, concerning circumcision it is said: *This is My covenant*; just as Ex. XII, 11, concerning the paschal lamb: *For it is the phase*, i.e.,

the passage of the Lord. This is especially true in the Aramaic or Syro-Chaldaic language, which lacks the verb *signifies*.

Resp.: a) The locutions are not similar: for in them the subject is a certain ceremony (circumcision, the paschal lamb) which from its nature is a sign, and the predicate is not a certain substance; besides, b) they can be explained so that the verb *is* preserves its own signification: for circumcision is part of the covenant, whence in Hebrew it is called *My covenant to be observed*; and the name *phase* was imposed on the very rite of the paschal lamb, therefore in this sense it is that which is called the phase or passage of the Lord; c) moreover in the case the sense of the locutions is clear, nor can it give occasion to deception; d) but the words of Christ are reported to us in the Scriptures not in Syriac but in Greek, according to the sense understood by the apostles, which is not figurative; and the Syrians, even if they lack the word, have more than 40 modes for expressing a sign; moreover Christ used the Jerusalem dialect, which abounds in such locutions.

3. Christ instituted the sacrament in memory of Himself; but a sacrament from its nature is a sign, memory is not of a present thing but of an absent thing; therefore from the adjuncts the apostles had to understand that Christ was not present except as in a sign.

Resp.: Christ did not first indicate that He was instituting a sacrament, so that from this the apostles might rightly understand the words soon to be pronounced; but first they understood the words, and from this they understood that the species containing Christ were sacred signs. Then Christ Himself did not make the sacrament in memory of Himself, but willed that afterwards it be made in memory of Himself as having suffered and as manifesting glory in heaven: but under this aspect He is not present. Finally memory is not opposed to presence but to forgetfulness, whence something is done in memory of a present but invisible thing.

B. Liberal critics and modernists:

They say that the narration of the institution is not historical and that Christ did not institute the sacrament; whence the words: *Do this in commemoration of Me*, are not read in Matthew and Mark, and the Gospel of John does not even mention the institution. Namely, Christ with the apostles celebrated a certain common Jewish supper or fraternal banquet, as J. Reville, Loisy, Harnack say, or He proposed to them a parable or memorial symbol of His Passion, as Weizsaecker and Julicher say; but this gradually among Christians evolved into the Lord's supper for commemorating His death, then into a sacrament, finally into the very body of the Lord to be eaten.

Resp. a) The epistle of Paul to the Corinthians was written about the year 55 and is more ancient than the Gospels of Matthew and Mark; in it the apostle does not impose something of himself, but narrates what was handed down to him (XI, v. 23), presupposes it known to the Corinthians, and does not directly inculcate it to them but merely mentions it occasionally, on the occasion of abuses which had crept into the celebration of the Eucharist. He also affirms that this celebration was commanded by Christ in commemoration of His Passion (v. 24); which Luke also reports, who nevertheless in writing the book of Acts and consequently also in the Gospel is known to be independent from the Pauline epistles. Whence the narration of Paul has historical value, which the mere silence of Matthew and Mark cannot take away; nor are they themselves altogether silent, since

by the relation between the supper and the paschal lamb they insinuate a new pasch to be instituted by Christ.

b) John is silent concerning the institution, because he had sufficiently announced it and knew it to be universally known; on the other hand the narration of this fact was not demanded by the special character of his Gospel, which is rather doctrinal than biographical.

c) The adversaries cannot explain these three things: 1. how the apostles and Christians came into the idea of renewing the supper, regarded an ordinary supper as the Lord's supper, and thought that its repetition had been commanded when it had not been commanded; but if it be said to be a parable of the Lord: there are other parables or events in the life of Christ which ought more to have affected the disciples; therefore if the supper is nothing except a parable and the breaking of bread, why is one supper repeated? - 2. how the usual blessing of the table became a sacrament; - 3. how usual bread was regarded as made the body of Christ. Namely, they do not explain how, in so short a space of 25 years, such an evolution, without controversy and protest, could have become universally strong in a community which rather abhorred novelty: for it is a fact that the consciousness of the primitive Church believes in the sacrament. Sufficient time was lacking for so great an evolution.

240. Corollary. - Since in the Eucharist Christ is truly present, it follows that this sacrament is to be adored. Christ is adored as the principal object, but the species are co-adored as a secondary object and with relative worship, insofar as they are joined to the body of Christ, just as the purple of the king is honored together with the king. Cf. Council of Trent, sess. 13, c. 5, can. 6.

Article II: On the Desition and Conversion of Bread and Wine

S. Th. III, q. 75, a. 2, 3, 4, 6, 7, 8.

241. Thesis. By the words of consecration 1. the whole substance of bread and wine ceases, and 2. the whole substance of bread is converted into the body, and the whole substance of wine into the blood of Christ; by which conversion Christ becomes present. - The proposition is of faith as to each part, from the Fourth Lateran Council, c. 1; and from Trent, sess. 13, c. 4 and can. 2, against the Protestants, who universally all reject conversion.

That conversion has most aptly been called transubstantiation,[1] i.e., the change of the whole and of the substance alone into the whole and the substance alone, and by the Council of Trent it is defined: the wonderful and singular conversion of the whole substance of bread into the body and of the whole substance of wine into the blood of Christ, only the species of bread and wine remaining (can. 2).

[1] Stephen of Baugé, bishop of Autun (+ 1139-40), seems to have been the first who wrote *to be transubstantiated*; Roland Bandinelli (Alexander III) has *transubstantiation*; which word was recognized by the Fourth Lateran Council. By St. Thomas (a. 4) it is said that by its proper name it can be called transubstantiation.

It is proved 1. From the Scriptures: a) The word *this* indicates the substance immediately contained under these accidents; therefore if the substance of bread remained, the accidents would necessarily indicate their own proper substance and the sense of the form would be: this bread is My body, which sense is false.

Nor should you say that by metonymy the container is often exhibited for the contained, as if someone, designating the chalice, were to say: this is wine; for it can be said thus if something by

common use is destined for containing something else, but when Christ spoke, bread was not destined for containing His body. Just as no one says concerning bread containing gold: this is gold, but here (adverbially) is gold, so if bread had remained, Christ ought to have said not: This, but: Here.

b) Moreover the substance of bread does not cease either by annihilation, or by another action (for example resolution into matter) diverse from that by which Christ becomes present: for the words effect only that which they signify; but they signify nothing except the action by which Christ becomes present; therefore bread must cease by the same action on account of the presence of Christ. But an action by which one thing ceases and another comes is the conversion of one into the other. Therefore the substance of bread ceases by conversion into Christ.

2. From Tradition, which is established from the most ancient Liturgies, the Fathers, the Councils Lateran IV, Lyons II in the declaration of faith of the Greeks, Constance, Florence in the decree for the Armenians, Trent; and from the decrees of the Supreme Pontiffs, namely the profession of faith imposed on Berengarius in the Second Roman Council, and the dogmatic bull *Auctorem Fidei* against the Synod of Pistoia, issued by Pius VI, by which under n. 29 there is condemned the doctrine that transubstantiation is a merely scholastic question; besides from the doctrine of the oriental sects separated from the Church already in the first centuries.

This dogma was not always enunciated in the same way:

1. In the beginning, in the first three centuries they teach it only implicitly and equivalently: namely, that the Eucharist is not common bread and drink, but is the body and blood of Christ. Thus Ignatius, *Ad Smyrn.* VII, 1; Justin, *Apol.* I, 66; Irenaeus, *Adv. haer.* IV, 17; V, 2.

2. From the fourth century it is explicitly preached: a) as to the term from which, they say that it is no longer bread and wine. Thus Cyril of Jerusalem, cat. XXIII, 7, and Ephrem, *De Fide*, hymn 1; b) as to the term to which, they say that bread becomes and is made the body of the Lord. Thus Ephrem, l.c. and hymn *De sacerdotio*; book *De Sacr.* IV, c. 4; Augustine, serm. 227; c) as to the action of conversion, they teach that the matter is transmuted into the body of the Lord, that there is transelementation, transformation, conversion. Thus Chrysostom, hom. 1 *De prod. Iud.*, n. 6; Gregory of Nyssa, *Or. cat.*, c. 37; Ambrose, *De Fide* IV, c. 10; book *De Sacr.* IV, c. 4 and 5; Theodore of Mopsuestia, on Matt. XXVI, 26; Cyril of Alexandria, on Matt. XXVI, 27; on Luke XXII, 19; Caesarius of Arles, hom. 5 *De Paschate*; John Damascene, *De Fide orth.* IV, c. 13.

3. They explain the dogma from analogies with natural or miraculous conversions. Thus Cyril of Jerusalem, c. XXII, 2; Gregory of Nyssa, *Or. cat.*, c. 37; Ambrose, *De myst.* 19; book *De Sacr.* IV, c. 4.

3. By reason: Christ cannot become substantially present in the sacrament, except a) through an action which really changes Him, either substantially, which would be creation or reproduction; or accidentally, by producing in Him an accident, namely a new *where*, which would be adduction or introduction under the species; - or b) through an action which really changes another, and this would be the conversion of another into Christ. But Christ does not become present through production, because He is not produced nor does He acquire being

which He already has; nor through adduction, because His glorious body is impassible and immutable; which things are proved more below. Therefore through conversion.

242. Condemned doctrines. - From the aforesaid it follows:

1. That the body of Christ is not only joined locally to bread, - or included in it (*sacramental union*) as water in a vessel, - or united sacramentally to it insofar as it is in, under, and with the bread, because where the Word is, there it is, which works in the reception of the bread while it is received, as Luther said (*consubstantiation*): even if it were not repugnant for the body of Christ to be wherever the Word is, nevertheless in these there is no conversion.

2. That Christ did not personally assume bread and wine, as Osiander taught (*impanation*): for it would not be a conversion of the true name, nor the fleshy body formed from the Virgin, nor blood; for assumed wine is not blood.

3. That bread is not converted into the body of Christ insofar as it would cease to be in itself and therefore to be a substance, but would be in another as in a subject and would be sustained by the body of Christ as by a subject, which was condemned in Bayma (Holy Office, July 7, 1875), - or would be informed by the rational or sensitive soul of Christ, which was reproved in Rosmini (prop. 29 condemned by the Holy Office, December 14, 1887):[2] for this would not be this singular conversion, nor of the whole substance, nor of bread into the true body born of the Virgin and offered on the cross.

[2] Descartes had already somewhat gone before these, but he did not openly propose the opinion.

243. The nature of transubstantiation. - Conversion is the passage of one thing into another, according to some aspect of being, either substantial or accidental; hence for it there is required:

1. A twofold term: one from which, which ceases; another to which, which comes. If the term from which is lacking, there is creation from nothing; if the term to which is lacking, there is annihilation. In the Eucharist the term from which is the substance of bread and wine, the term to which the substance of the body and blood of Christ.

2. That there be an intrinsic nexus between the desition of one and the succession of the other, so that the desition of one is ordered to the succession of the other and this succession requires the desition of the prior. Mere concomitance or succession does not suffice, or a merely extrinsic nexus from the will of God alone, by which one thing would cease at the same time and place as another would begin: for then there would be two actions accompanying each other per accidens, of which one would have to be called annihilation, the other creation; but it is necessary that these happen by the same action and be connected from the nature of the thing, so that the very action by which one thing ceases is also the action by which the other comes to be, in other words, so that the recession of one is the accession of the other. Hence in the Eucharist there is not, as Scotus and the Nominalists said, an annihilation whose term is nothing: for bread does not cease into nothing, but so that it may be something else, namely, the body of Christ; it does not cease by cessation of divine conservation, but by the positive action itself by which the body of Christ is placed (cf. bull of Pius VI, *Auctorem fidei*, prop. 29).

3. In natural conversions it is further required that there be some third thing common to each term, which is the subject of the conversion: for a creature does not act except presupposing a subject which it changes, or matter which it transforms. But if God makes a conversion, this is not proved necessary, because He reaches being not only according to some aspect or form, but according to every aspect, and therefore He can convert totally, so that this whole being becomes that whole being. Yet in the Eucharist common accidents remain, not indeed as an element and subject of conversion: for this conversion is of substance alone into substance; but as a condition without which Christ would not become present.

These things are perfectly verified in the opinion of the Great Scholastics, especially St. Thomas,[3] which asserts a true and formal conversion, namely, one simple action by which God, as author of being, immediately changes whatever of entity is in the substance of bread into that which is of entity in the substance of the body of Christ (matter into matter, form into form), so that that which now is bread is the body of Christ, and the preexisting body of Christ[4] is that which was bread. By this action the body of Christ is in no way changed intrinsically, but only bread into Christ; nor is bread annihilated, but by the action of divine omnipotence whatever of being is in bread ceases into the preexisting and unchanged body of Christ. For this reason it can truly be said: from bread the body of Christ comes to be.

[3] Thus also Alexander of Hales, St. Albert the Great, St. Bonaventure, Aegidius Romanus, Dionysius the Carthusian, Cajetan, John of St. Thomas, Nugno Cabezudo, Billot, Hugon, Van Noort, de la Taille. Worth reading is Cachia, *De Natura transsubstantiationis iuxta S. Thomam et Scotum*.

[4] If it did not preexist, there would not be conversion, because it would come to be from nothing of the subject.

We cannot understand this well, but we admit it because it is nothing except a more explicit enunciation, without any addition, of the revealed mystery defined in the Council of Trent; and the aforesaid exposition alone seems conformable to the manner of speaking of the Councils.

244. Opinions not to be approved. - To explain the action of transubstantiation, besides the mode set forth, a threefold opinion is chiefly given:

The first holds that the body of Christ is brought to. This was proposed by several already in the time of St. Thomas, who refutes it, a. 2, and it is usually attributed to Scotus. - But adduction happens through local motion; whence in this explanation it would follow a) that Christ would cease to be in heaven, b) that He would pass through all intermediate places, c) that He would not be in diverse places: for nothing is moved to diverse places at the same time.

The second is Suarez's, which holds that the body of Christ is reproduced. Thus also Lessius, Franzelin, indeed in some way Billuart. - But a) it is not understood that He is produced from nothing of Himself and acquires that being which already exists: but if new being is not given to Him, there would not be production, and there would already be no reason why Christ would become present; but if it is given, present would not be that body of Christ previously existing which was offered on the cross. Besides b) the same being according to one substantial being could be conserved, live, will good, etc., and at the same time according to another being be annihilated, die, will evil, etc., which seems contradictory.

The third is that of Cardinal de Lugo, whom Sylvius Maurus, Lahousse, Desan follow: it holds that the body of Christ is not so much brought to but rather introduced or constituted under the species,

because He receives a new *where*, which according to him is a special accident intrinsic to being, by which it becomes present to this or that part of imaginary space. - But a) to be located here or there, just as to be clothed, does not seem to be an intrinsic accident, but an extrinsic relation to the dimensions of other bodies; b) multilocation seems impossible: for one being is in itself and undivided; but by multilocation it is divided from itself and separated by the distances of places; c) substantial conversion cannot be terminated at accidental being alone: *where*; namely, an accident cannot have the force of multiplying substance; nor can Eucharistic conversion be exercised concerning the very body of Christ, which, since it is impassible, cannot be converted according to itself.

Besides: 1. In the aforesaid opinions it is not verified that by one and the same action Christ becomes present and bread ceases; whence they affirm the conversion of bread and deny annihilation in name, but in reality admit one action by which Christ becomes present, and another similar to annihilation by which bread ceases.

2. Then the action is immediately concerned with Christ, while every conversion is immediately concerned with that which is converted.

3. Finally, since Christ could be reproduced or brought to even if bread remained, the conversion of bread would not be necessary for the presence of Christ, nor would conversion as such be wonderful, but that other action which could be the same, even if bread remained; which seems to be against the manner of speaking of the Councils.

245. Corollaries. - 1. In natural conversions the composite passes into the composite, but matter does not pass into matter, nor form into form: for a natural agent cannot reach the principles of being according to themselves. But here both the whole is converted into the whole, and the parts are converted, because the matter of bread becomes the matter of the body of Christ and the form of bread becomes the form of the body of Christ.

2. That conversion happens in an instant: 1. because the term to which is substance and therefore does not admit of more and less: for something cannot be more or less the body of Christ; 2. because there is no subject of conversion which is successively prepared; 3. because it happens by infinite power, which operates by command alone.

Article III: On the Remaining Accidents

S. Th. III, q. 75, a. 5.

246. Thesis. The species or accidents of bread and wine, after the consecration has been completed, remain, and indeed according to objective and real being.

The species of bread and wine are those accidents which are sensible, such as quantity, figure, color, taste, etc., and they imply relation to perception. After consecration, that these remain sensibly is established by the testimony of the senses and the doctrine of the Councils. Moreover those species are not purely intentional or mere appearances, as certain men said, insofar as by divine power either the same sensations would be produced in our senses,[1] or the same vibrations in the air or ether would be produced as bread and wine would produce,[2] but they are something objective and real.

[1] Thus Maignan, Saguens, and in some way Drouin and Wittasse.

[2] Thus Tongiorgi, Palmieri, also in some way Franzelin, whose explanations do not agree in all things.

The proposition is at least theologically certain, because the Councils Lateran IV, Constance, Florence, and Trent manifestly suppose it.

Although it is not explicitly defined, nevertheless in connection with the dogma it is enunciated in the Councils: a) for they oppose the whole substance of bread and wine which is converted to the species which remain, the obvious sense of which is: something objective which belonged to bread and wine passes over, and another objective thing which belonged to bread and wine does not pass over but remains and is the same as before; especially b) because at the time of the Councils by the name of species all understood something objective. Then c) in the Council of Constance the second proposition of Wycliffe was condemned: *The accidents of bread do not remain without a subject*; whence the contradictory is true, that they remain without a subject; but mere appearances are not rightly called accidents of bread, and are in a subject; therefore. - Nor should you say that the Council condemned the proposition according to the sense of Wycliffe, who understood that they do not remain without the subject of bread: for then there would be no difference from the first proposition, in which it is already condemned that the substance of bread and wine remains. Moreover contemporaries narrate that Wycliffe erred in three things, and that the fundamental error which gave origin to the others was that accidents do not remain without a subject even by the power of God; and furthermore that the Council wished to condemn those three errors in three propositions. Whence before the rise of Cartesian philosophy all theologians held the doctrine as certain.

247. The traditional doctrine is proved:

1. From Tradition, which is established from the doctrine of the Fathers, Councils, and Theologians, as has already been said.

The Fathers first express this implicitly, saying that the Eucharist is food or bread, and drink, but not common: Justin, *Apol.* I, 65; Irenaeus, *Adv. haer.* IV, 18; - they say that it consists of a twofold element: earthly, sensible, visible, i.e., the species, and heavenly, intelligible, invisible, namely Christ: Origen, hom. 13 on Ex., 34; Cyril of Jerusalem, cat. XXIII, n. 20; Chrysostom, hom. 82 on Matt. 4; Augustine, *De Trin.* III, 10; serm. 272; - they say that the visible element is the figure, antitype, likeness, sign of the body of Christ: Tertullian, *Adv. Marc.* IV, 40; Cyril of Jerusalem, cat. XXII, 9; XXIII, 20; Augustine, *C. Adimant.* XII, 3; *Enarr. in Ps.* III, 1; - they say that it is qualities, the permanent property of nature, indeed sensible nature, or that it remains as to appearances, as to phenomena, which they distinguish from that which it truly is: Cyril of Jerusalem, cat. XXII, 4 sq.; Gregory of Nyssa, *Or. cat.* 37; Cyril of Alexandria, on Luke XXII, 19; Gelasius (?), book *De duabus naturis in Christo*, 14; - indeed from their objective reality they argue against certain Monophysites: just as the accidents remain, so truly the body of Christ and His human nature remain in the incarnation, although some went to excess in this matter, verbally at least admitting the permanence of the substance of bread and wine.

2. From the words of institution. In order that the proposition be true: this is My body, it is required that the formal signification of the subject, *this*, remain unchanged, although the thing demonstrated is changed; but *this* signifies that which is under these accidents. But if the accidents under which the thing demonstrated is designated passed over, the signification of

the subject would not remain unchanged. Therefore the accidents remain. - In other words: in order that this be My body, this must remain.

3. By reason: a) The Eucharist through the species is a sensible and visible sign; those species are said to be broken, separated, carried about, corrupted. But in the obvious sense all understand these things of some objective sensible thing, not of a modification in our senses or in surrounding objects.

b) God cannot be the author of deception. But if, when bread ceases, He were constantly and universally to procure the appearance of an object not existing, He would deceive; but if the accidents remain, there is no deception in the senses, because the accident which is the proper object of sense remains, while the intellect, whose proper object is substance, is preserved from deception through faith.

c) Indeed the permanence of the species seems to be an essentially required condition that Christ be really present. For no substance is present somewhere as contained under determinate dimensions except through relation to real dimensions and space; whence even if bread is converted into the body of Christ, this body would not become present where the bread is, except insofar as the dimensions of bread, which in space contained the substance of bread, remain and are now determined to containing the body of Christ, which therefore has a relation with them and with space.

In other words: in the accidents there is a real relation of containment which was terminated at the substance of bread; through conversion into the body of Christ the term of this relation is no longer bread but the body of Christ, which therefore without any change of itself becomes present under the species.

248. Notice. - That the accidents remain is done reasonably by divine providence: 1. because it is not customary for men, but horrible, to eat the flesh of a man and drink blood; 2. lest this sacrament be derided by unbelievers if we were to eat the Lord under His proper species; 3. so that while we receive invisibly the body and blood of our Lord, this may profit unto the merit of faith (a. 5).

Question Two: On the Mode by Which Christ Is Present

S. Th. III, q. 76 and q. 81, a. 3 and 4.

249. Thesis I. In the Eucharist the whole Christ is present under each species. - It is of faith from the Council of Trent, sess. 13, c. 3, can. 3.

It is proved: 1. From the Scriptures. John VI, 58, Christ said: *He who eats Me, he also shall live because of Me*. The word *Me* signifies the whole Christ; therefore the whole is received and consequently is present under the species of bread, under which alone He is eaten. Whence the Apostle to the Corinthians, XI, 27, says that he is guilty of the body and blood of the Lord who shall have eaten the consecrated bread or drunk the chalice of the Lord.

2. From Tradition, which is established from the Liturgies, the Fathers, and the Councils Florence, Constance, sess. 8, art. 17, and Trent, l.c.

The Liturgies and Fathers say that in the sacrament Christ is living, whole, as He is in heaven, God. The practice is to adore even one species, in which therefore at least the divinity also is present; likewise the practice is to communicate under one species, in which therefore Christ is whole, for Christ is said to be eaten.

3. By reason: a) That which is contained somewhere, is there totally with all things which, as parts here and now inseparable, are united to it in the unity of the individual; otherwise it would be divided from itself; therefore the whole Christ is present under each species.

b) It would be absurd that the glorious body of Christ should be somewhere mutilated or without blood or soul; for "Christ rising from the dead now dies no more" (Rom. VI, 9).

250. Thesis II. In the Eucharist under the species, one thing is contained per se, i.e., by force of the sacrament or by force of the words of consecration, another per accidens or through real concomitance. - It is the common and certain doctrine, also consecrated by the Councils, Florence, and Trent, sess. 13, c. 3.

It is proved: The words per se effect what they formally signify: for they effect insofar as they signify; therefore by force of the sacrament or by force of the words that becomes present which they signify, namely, the body and blood of Christ. On the contrary, through concomitance there is present that which in fact is really united to another; therefore through natural or supernatural concomitance in the sacrament there is present whatever is naturally or supernaturally united to the body or blood of Christ.

And so: 1. By force of the words and per se there is contained that at which directly and per se the conversion which happens by force of the words is terminated, or that into which bread and wine are converted, namely, only the substance of the body under the species of bread, and only the substance of the blood under the species of wine. For what is signified to be contained under the species of bread through the words: *This is My body*, is the substance of the body of Christ, prescinding from its own connatural species and from accidents, from blood, from soul, and from divinity.

For *My body* signifies only the substance which has the being of body, abstracting from every other added substantial or accidental being, abstracting whether it receives that being from the soul or from another form, abstracting from this, whether it is still united to the Son of God and to divinity or not; since it is not essential to a body that it have itself in this way or that way. - In a similar way one can argue for the species of wine.

2. Per accidens and by natural concomitance there is present that which in fact is naturally united with the term of conversion; but blood is naturally united with the body, and body with the blood, and with each soul and all proper accidents.

3. Per accidens and by supernatural concomitance under each species there is present the divinity of the Son on account of the indissoluble hypostatic union with the body, blood, and soul of Christ (Council of Trent, sess. 13, c. 3).

By circuminsession the Father and the Holy Spirit also are present there, where the Son is; but because they are not united to the body and blood, they are not properly there by concomitance.

Hence a) now the body, blood, soul, and indeed in the glorious state, are present under each species: for in the immortal Christ all these things are inseparably united;

b) in the Last Supper the blood and soul were not separated from the body: for a living body was present, but still passible, mortal, not glorious;

c) if in the three days of Christ's death consecration had been made, only the body would have been under the species of bread, only the blood under the species of wine, the soul nowhere, the divinity under each species, because what the Word assumed, He never dismissed;

d) but if the sacrament had been conserved, when Christ was dead, the presence of the blood and soul under the species of bread, of the body and soul under the species of wine, would have ceased, because they would no longer have been truly united; when Christ had risen, they would again have acceded in the glorious state.

251. Thesis III. The whole Christ exists under the whole species, and the whole under each of its parts after their separation; - indeed also already before separation. - The first is of faith from the Council of Trent, sess. 13, can. 3; the other is theologically certain from the same Council, sess. 13, c. 3, and from the universal consensus of theologians.

The first part is proved: a) From the universal practice of the Church, of breaking the consecrated host and distributing the particles both of consecrated bread and wine.

b) The apostles drank from one chalice (Mark XIV, 23). But each one by drinking received the whole Christ. Therefore the whole Christ is present under each part, once separation has been made.

The second part is proved: The presence of Christ is not effected by the division of parts but by consecration. Therefore if the whole Christ is present under each divided part, He is already present whole before division.

Each part is also established from the mode by which Christ is present, which is presence by mode of substance, as will be declared in the following number.

Nevertheless in one host He does not exist several times before division, but only once. For Christ is not in the sacrament several times because He Himself is multiplied, but because, since He is one, He is contained by several species. But as long as the host is undivided, there is one containing thing. Whence before division Christ is present only once; after division there are as many presences as there are parts of the sacrament.

252. Christ under the species is not present by mode of quantity but by mode of substance. - Since the whole Christ is present in the sacrament, it follows that He is present with His whole quantity or extension, with His organism and all powers of the body, indeed with the perceptions, operations, and passions which He has in heaven; otherwise He would be divided from Himself. Nevertheless He is not present in an extended mode or by mode of quantity, as He is in heaven, for He does not extend His parts to the parts of space so that one part of the body corresponds to one part of space, and another to another. For:

1. He is not extended through the extension of the species of bread and wine. By transubstantiation indeed the species contain the body and blood of Christ, but they are not in Him, do not reside in Him, nor affect Him; whence they do not communicate their extension

to Him. Moreover it is impossible that Christ, a man of adult age, have an extension no greater than a small host.

2. Nor is He extended to space by His own extension. For every substance, even corporeal, through itself is not extended, but indivisible; it has dimensions, i.e., several parts, and one outside another, and it becomes extended by dimensive quantity. The whole substance is present in each of its parts, but by reason of its quantity or extension it is contained in one place where its dimensions are extended: for these are by nature apt to occupy place and a determinate position.

But in the Eucharist there is per se only the substance of the body and blood of Christ, at which the conversion is terminated; whence Christ is not present by reason of extension or quantity; but on the contrary, the extension and other accidents of Christ are present by concomitance and by reason of the substance, whence they are present by mode of substance, i.e., in that mode in which substance is present. Therefore Christ is whole in the whole species of bread and wine and whole in each part of it.

And so: while ordinarily corporeal substance is somewhere in a place by reason of its extension, here on the contrary extension is somewhere by reason of substance.

253. Corollaries. - From the aforesaid it follows:

1. That Christ does not suffer anything from surrounding things nor operate corporeally upon them, because He is not present in an extended mode, which mode is a condition without which not for motion or corporeal action.[1]

[1] Hence the singular opinion of Cienfuegos is by no means to be admitted, who holds that Christ from the sacrament exercises actions of sensitive life, and sees and hears those standing by. This is against the mode of sacramental presence.

2. That the body of Christ in the sacrament is not moved per se, because it can receive no action or motion; but merely per accidens insofar as, the species to which it is united being moved, it ceases to be where they were and begins to be where they now are.

3. That a corporeal eye cannot see Christ in the Eucharist, because He is not present in an extended mode. Whence neither does Christ Himself see the others standing around nor hear those speaking, although He knows all these things both by the beatific vision and by His infused knowledge, by the special title of His sacramental presence in the Eucharist.

But neither can a created intellect by its own powers know the presence of Christ, because supernatural things exceed its capacity; nevertheless it can know it well by the beatific vision.

4. That the body of Christ is not in a small host through a certain condensation or compenetration of parts.

5. That the body of Christ in the sacrament is not locally, i.e., by extending His parts to space, or circumscriptively insofar as He would be circumscribed and measured by the limits of the containing place; nor definitively, because His presence is not limited to one place, since He can be in others; nor by mode of spirit, which is in a place because it operates upon bodies: for

although the body of Christ is whole in each part of the species, nevertheless He operates nothing upon them.

254. Notice. - Concerning apparitions of Christ in the sacrament, St. Thomas says, q. 76, a. 8: "Such an apparition happens in two ways, whereby sometimes in this sacrament flesh, or blood, or even some child, is miraculously seen. For sometimes this happens on the part of those seeing, whose eyes are changed by such a change as if they expressly saw outwardly flesh, or blood, or a child, nevertheless no change having been made on the part of the sacrament. And this indeed seems to happen when to one it is seen under the species of flesh or a child, yet to others it is seen, as before, under the species of bread; or when to the same person for a time it is seen under the species of flesh or a child, and afterwards under the species of bread... And because through this mode no change is made on the part of the sacrament, it is manifest that Christ does not cease to be under this sacrament, such an apparition having been made.

"But sometimes such an apparition happens not through the change of those seeing alone, but with the species which is seen really existing outwardly; and this indeed seems to be when under such a species it is seen by all, and not for a time, but remains thus for a long time; in this case certain men say that it is the proper species of the body of Christ... But this seems to be unfitting..., because the body of Christ cannot be seen in its proper species except in one place, in which it is definitively contained. Whence, since He is seen in His proper species, and adored in heaven, He is not seen under His proper species in this sacrament... And therefore it must be said that, the dimensions which were there before remaining, there is miraculously made a certain change concerning the other accidents, for example figure and color, and other things of this kind, so that flesh, or blood, or even a child is seen... And thus it is clear that, the dimensions remaining, which are the foundations of the other accidents..., the body of Christ truly remains."

Question Three: On the Species Under Which Christ Is Present

S. Th. III, q. 77.

255. Principle I. In the sacrament of the Eucharist the accidents of bread and wine, taken collectively, remain without a subject. - For they are not in bread or wine, because it ceases; - nor in Christ, for such accidents do not befit a man, and the glorious Christ is not changed or altered; - nor in those standing around, for accidents do not pass from subject to subject.

But if they are compared with one another, dimensive quantity alone, or extension, properly subsists without a subject, and the others remain in it as in a subject; for it is established by experience that all accidents of a body are extended, which cannot be unless they reside in extensive quantity.

256. Principle II. God supplies the causality of the subject or substance with respect to the accidents: not indeed as a material cause in which the accidents inhere, but as an efficient cause, insofar as, the influx of the subject which is substance being removed, He nevertheless conserves the accidents under their own proper being.

This is not impossible, because the essence of an accident is not that which is in another or which inheres in substance, but that to which it belongs by its nature to be in another, or which has an aptitude and exigency of inhering in another. But just as substance, which by its nature requires that it be by itself, can supernaturally not be by itself, as is evident from the mystery of the incarnation; so

supernaturally some accident can not be in another. Yet this is impossible for those accidents which essentially are modifications or modes of being of some subject, such as habit, grace, health, action, motion, relation, etc.

257. Principle III. Consequently upon their miraculous conservation, the accidents can exercise every action which they would exercise if bread and wine existed. - For action follows being; whence if being is given to them without substance, action also is given. Likewise they can undergo whatever they would undergo if bread or wine existed; whence by the powers of nature they can be corrupted by a natural agent.

When the species have been corrupted, the same thing is generated from them as would be produced from their substance; this is established by experience, for example by the phenomenon of nutrition. This does not happen from substance through the conversion of the body of Christ, which is impassible and cannot be reached by a natural agent; and if it were converted into something else, it would no longer be. But it happens by the action of divine omnipotence, supplying the absent matter, not indeed through a new miracle but by force of the preceding miracle: for since the accidents of bread and wine can undergo as substance would, if dispositions are produced in them which require another substance, the matter of this substance, which is lacking, must be made by God: either by creating it, as some say, or better, as others say, by converting the remaining quantity of the species into this matter.

258. Principle IV. When the species have been corrupted in such a way that the very substance of bread and wine would be corrupted according to common estimation, the presence of Christ ceases. - For then the word *this* does not retain its signification, nor do the species remain which are the sensible sign instituted by Christ.

The presence of Christ does not cease by conversion, as was said in the preceding number; nor by removal or annihilation; but it ceases because the relation of His body and blood to the species ceases: for when the containing thing ceases, the contained thing also ceases to be contained. Yet it ceases without any change of Himself, just as God ceases to be lord of a creature which ceases.

259. Corollaries. - Christ ceases to be present not only if the species are corrupted in the strict sense; but also

a) if the species are divided into parts so small that they are no longer sensible;

b) or are no longer bread and wine;

c) likewise if another liquid is poured into consecrated wine by which the wine is chemically and substantially changed, for which sometimes a small quantity can suffice;

d) similarly if another liquid is mixed with wine in so notable a quantity that it is diffused through the whole and is no longer judged to be wine;

e) indeed, more probably, if wine is added in such quantity to consecrated wine. Many in this case, with a certain probability, judge that it remains consecrated, especially if wine of the same species is added, because the species remain which are the sensible sign of the sacrament, whence it is counseled that priests in the second ablution take more water than wine; - yet St. Thomas more truly denies it: for although the species of wine remain, nevertheless this is not the same wine numerically, at least according to common estimation.

Let it be noted that under the added liquid or wine Christ most certainly does not become present, because that was not consecrated.

260. Practical observations. - The permanence of the species in man depends upon the digestive power of each one, which is very diverse. Whence among the sick they remain even after several hours, or perhaps even after a day. For the healthy, certain men have said that they are very quickly corrupted, unless perhaps the stomach is full of foods; more commonly they estimate that after a quarter of an hour they are corrupted; others, however, require half an hour for full corruption, who speak more scientifically than according to the estimation of men.[1] Hence in practice:

[1] It is said that chemical qualities remain longer. But perhaps something can chemically be bread, although it is no longer so according to the estimation of men, because the physical sensible qualities are now lacking.

1. Hosts should not be too thin, lest they be corrupted more quickly.

2. It is fitting, on account of reverence toward the sacrament, that those communicating make thanksgiving for at least a quarter of an hour and abstain from secular affairs.

3. Likewise that they not eat; but if this were done without any reason, there will easily be present a certain slight irreverence.

4. One who has received holy communion, within some hours after the sacrament has been received, cannot, on account of some infirmity of the stomach, provoke himself to vomiting or wash out the stomach, because on account of the infirmity there is danger that the species have not yet been corrupted. Thus as long as the permanence of the species is probable.

5. In the case of vomiting, the prescription of the Roman Missal, tit. 10, *de def.*, n. 14, has force: "If the species appear whole, let them be reverently consumed, unless nausea occurs; for then the consecrated species should be carefully separated and placed in some sacred place, until they are corrupted, and afterwards they should be thrown into the sacrarium. But if the species do not appear, let the vomit be burned, and the ashes sent into the sacrarium."

6. In the act of spitting, however, there is no danger of irreverence, because saliva comes from the respiratory passage, not from the stomach; yet it is cautious to abstain from this for some time, lest perhaps some fragment has adhered to the teeth or throat and be rejected.

7. A cough, even if it be rather frequent and much saliva at once be expectorated, does not impede communion, because the saliva which is expelled by coughing does not come from the stomach and esophagus, but from the lungs and bronchi. Only then, if the sick person should suddenly be tried by a very violent cough, would there be danger lest, by the very impulse of the cough, or by vomiting which would be excited by coughing, the sacred host be rejected.

Third Part: On the Effects Which Are the Reality of the Sacrament

Question One: On the Effects Themselves of the Sacrament

S. Th. III, q. 79; in IV Sent., d. 12, q. 2, a. 1 and 2.

261. Principle I. The proper and primary effect of the Eucharist is grace making one pleasing, insofar as it is the adunion of man to Christ and transformation into Christ through charity.[1] - It is certain from the Council of Florence, decree for the Armenians, and it is announced by Christ, John VI, 48-59.

[1] On this whole question there can be consulted the articles which we wrote in *Revue Eccl. de Liege*, 1906-1909: *Les Fruits de la S. Communion*.

For if the character, which is a participation in the priesthood of Christ, demands grace from God, so also does the representation of the passion of Christ, and especially, much more, the presence of the very author of grace. Yet this grace of the Eucharist differs from that which is given in the other sacraments:

1. Grace and charity are given or increased through all the sacraments, but as it were on account of something else and unto a peculiar end distinct from charity: thus in Confirmation, for resisting external assaults upon faith by confessing faith itself; but the Eucharist is ordered per se, first and directly, to nourishing charity as to its proper end, or on account of the sole perfection of charity, which consists in union with God: "unto this, that man may exist perfect in himself through conjunction with God," says St. Thomas, a. 1, ad 1.

2. Hence sacramental grace directly fosters charity; whence it gives man special help against disordered love of self: for nothing is more directly opposed to the charity of God and neighbor than egoism, by which one refers all things to his own person as to an end.

3. Not only is charity given as to habit, but it is also excited as to act: the Scholastics call the exercise of charity its fervor (ad 2 and a. 4).

It is proved: 1. From the words of Christ, John VI, 57: *He who eats My flesh... abides in Me and I in him*. But to abide in another and to have another abiding in oneself is a manner of speaking which signifies perfect love, by which the lover according to affection is united to the beloved and transformed into him, according to that word I John IV, 16: *He who abides in charity abides in God and God in him*. Therefore.

2. From Tradition, which is established from the Fathers and from the Councils Florence, l.c., and Trent, sess. 13, c. 2.

The Fathers "describe sacramental union with Christ as the cause of union with the head Himself and among ourselves mutually; - they describe life derived from the flesh of Christ, which is the flesh of the Word, and therefore the flesh of life and itself life-giving; - they describe gifts of graces derived from the body and blood of Christ, by which this life consists, and they declare it as a kind of transmutation of us into Christ Himself."[2]

[2] Thus Franzelin, o.c., th. XVII; the texts of the Fathers are referred to there in th. VIII.

3. By reason: The proper effect of each sacrament must be taken from the likeness with the corporeal effect of the sacramental sign. But the effect of bread and wine is bodily refreshment through physical assimilation. Therefore the proper effect of the Eucharist is the refreshment of the soul through spiritual union with Christ; but this union is through charity. But food not

only refreshes habitually, but also restores actually. Therefore the Eucharist nourishes charity both in habit and in act.

There is, however, a difference, because bodily food is converted and transformed into our substance, but spiritual food is not converted into the one eating, but converts him to itself. Whence the proper effect of this sacrament is the conversion and transformation of man into Christ, so that he may say with the Apostle: *I live, now not I, but Christ lives in me*.

Transformation is made through charity. Love affectively unites lovers. The beloved abides in the lover, insofar as he is impressed in the mind through thought and in the affection through complacency, whence the lover has him as one with himself and another self, and wills and acts for the beloved as for himself. In turn the lover abides in the beloved, insofar as he adheres to him as one with him, and reckons his goods and evils as his own, and his will as his own, and thinks, wills, desires, and acts as he does, being made as it were the same as the beloved. Whence he is transformed into the beloved.[3]

[3] This was explained in the treatise on Charity.

Thus in Eucharistic communion, through charity, we are united to Christ. Christ abides in us insofar as we will good to Him and act on account of Christ as, indeed more than, on account of ourselves; we abide in Christ because we reckon His will as our own and will and act as He does, being made as it were another Christ: thus we are transformed into Him.

262. Principle II. The Eucharist in a general way has as secondary effects, with respect to spiritual life, all the things which material food and drink do with respect to bodily life, namely, it sustains, increases, repairs, and delights spiritual life. - It is certain from the Council of Florence and Trent, l.c.

The proper and primary effect of the sacrament is that which is first signified and immediately produced by the sacramental sign; secondary effects are those which are derived from the primary effect. For the sacraments effect what they figure; but they directly signify only one effect, namely, the proper and primary one; therefore all other things which they produce are derived from this primary effect. Thus the Eucharist figures nothing except spiritual refreshment, which is made through the union of charity. Therefore all the other effects which it produces are derived from the primary effect, which is the union of charity.

It is proved: The Eucharist is spiritual food, and therefore with respect to spiritual life it produces all the effects which bodily food produces with respect to bodily life. But bodily food is first united to our bodily substance and is assimilated by it, and therefore consequently sustains, increases, repairs, and delights our bodily life. Therefore the Eucharist unites us and transforms us into spiritual food, Christ, and therefore sustains, increases, repairs, and delights our spiritual life.

1. It sustains, i.e., gives grace for persevering and preserves from future sins. It does this by exciting the fervor of charity, and by diminishing self-love, which is the cause of all sins, and by bestowing actual graces for persevering (John VI, 50-54).

2. It increases: for since the life of grace cannot be diminished, hence the Eucharist, which nourishes it, necessarily increases it per se.

3. It repairs: just as food restores powers lost daily through the action of natural heat, so the Eucharist restores powers lost from the heat of concupiscence through venial sins.

4. It delights: for joy is the natural effect of an act of charity, which delights both in the perfection of Christ Himself, beloved, and in His presence in us, both through the sacrament and through grace. "Through this sacrament, as far as is from its own power, not only is the habit of grace and virtue conferred, but it is also excited into act, according to that word II Cor. V, 14: *The charity of Christ urges us*. And thence it is that by the power of this sacrament the soul is spiritually refreshed, through this, that the soul is spiritually delighted, and in a certain way made drunk with the sweetness of divine goodness, according to that word Cant. V, 1: *Eat, friends, and drink, and be inebriated, dearly beloved*" (a. 1, ad 2). Whence the Church sings: *You have given them bread from heaven, having in itself every delight*.

263. Principle III. Especially with respect to sins, the Eucharist per se does not remit mortal sins, but does remit venial sins; nevertheless it preserves from mortal sins, and diminishes concupiscence inclining to sin. Whence the Council of Trent says, sess. 13, c. 2: an antidote by which we may be freed from daily faults and preserved from mortal sins.

1. The Eucharist per se does not remit mortal sins, as is established from the universal practice of the Church of denying the Sacrament and not admitting public sinners before reconciliation; and from the common doctrine of the Fathers and Theologians, and of the Council of Trent, sess. 13, c. 2, can. 5, and from the doctrine of the Apostle and the precept of confessing before communion (I Cor. XI, 27-28; Council of Trent, c. 7, can. 11). Moreover food by its nature does not give life but increases it.

Per accidens, however, it produces first grace, if a sinner, thinking in good faith that he is in the state of grace, approaches and elicits imperfect contrition at least before the consumption of the species.

2. The Eucharist directly remits venial sins to which man does not adhere in affection. For they are directly opposed to the primary effect of the sacrament, namely, the fervor of charity. Whence it remits them insofar as it excites to such acts of charity as at least implicitly and virtually include displeasure with venial sins.

3. It preserves from future sins, both mortal and venial which dispose to mortal sin: a) directly, because it sustains, increases, and strengthens spiritual life; b) indirectly, because it diminishes the causes of sin: exterior causes, for this sacrament is the sign of the passion of Christ, and therefore repels the assaults of the devil (a. 6); interior causes, because although it does not directly, still indirectly it diminishes the tinder of concupiscence "from a certain consequence insofar as it increases charity" (ad 3), by which man delights more in heavenly things than in worldly things (Zach. IX, 17).

264. Principle IV. With respect to heavenly glory, the Eucharist in a special way causes the attainment of glory and is the pledge of the heavenly inheritance and of glorious resurrection. - Thus John VI, 50, 52, 55 and 59; and the Council of Trent, sess. 13, c. 2.

For the Eucharist 1) with respect to the soul a) gives special helps for persevering; b) specially perfects the union of charity, which union by perfecting prepares for perfect union in heaven.

Also 2) with respect to the body, because from the soul the effect of grace overflows to the body: on account of our union with Christ through charity, He considers us as Himself, and therefore our flesh as His own, to be conformed in the resurrection. Therefore the Eucharist gives incorruption and glory to the body. Whence Christ says: *He who eats My flesh and drinks My blood has eternal life and I will raise him up on the last day* (John VI, 55).

Hence by the Fathers it is called the seed of glory and the medicine of immortality.

265. How are the fruits of the sacrament impeded? - The increase of habitual grace is not impeded by a defect of devotion or by affection for venial sins, but by adherence to mortal sin alone: for this being absent there is no obstacle to grace, whence the Council of Trent, sess. 13, c. 7, requires no other disposition for avoiding sacrilege, although to communicate without any fruit would certainly be a grave sin. - Past venial sins and those remaining only in habit in no way impede the effect of the sacrament, because through it they are taken away; venial sins still virtually pleasing or actually exercised, and defect of devotion and of mental recollection, even involuntary, impede the fervor of charity and spiritual sweetness, because they are opposed to these, and they diminish the increase of habitual grace, so that he who was altogether tepid would receive the least increase (a. 8).

266. Corollaries. - 1. Union with Christ is twofold: a) material union through reception of the sacrament: this is not the fruit, but only the application of the sacrament made to man, or communion itself, which can be had in a sinner. Besides this no other physical union can be conceived, since the body of Christ cannot be converted into our substance (n. 257), nor can His blood be diffused through our whole body outside the species, nor do the species themselves go through the whole body before corruption. - b) Spiritual union through charity, which is the primary fruit of communion. John c. VI treats of this alone, for v. 57 is parallel with vv. 55, 58, and 59, whence it treats of a union which of itself endures forever, as all admit; but material union with Christ is only momentary.

2. The same is the reason of union with Christ and with His members. Therefore since the Eucharist perfectly unites to Christ through love, by that very fact it perfectly unites to others united to Christ, according to I Cor. X, 17: *For we, being many, are one bread, one body, all who partake of the one bread*.

3. Certain theologians hold that Christ, on account of the very physical contact of our body with His own, wills to conform it to His own; whence He extinguishes venereal concupiscence in us as much as He can, and there is for us a special title to rising in a glorious body. - But a) these effects are only secondary, whence they do not come to us immediately from the physical contact itself, but by means of the primary effect, charity; b) the concupiscence which is immediately diminished through the sacraments is only that which is opposed to their end, whence in the Eucharist it is self-love alone; but venereal concupiscence, like any other, it diminishes mediately, and with this standing it remains true that the frequent use of the Eucharist is an excellent remedy against lust and fosters virginity; c) Christ wills to conform our flesh to His own in the resurrection, because through charity He is made the firstborn among brothers; whence the Eucharist produces this effect by means of charity; moreover it

does not leave in us a special title exigitive of glory, because the reality and sacrament is not in the man receiving, but in the species of bread and wine.

267. Observations. - 1. The sacrament of the Eucharist does not directly remit temporal punishments: for the sacrament by its own power and directly takes away only that which is opposed to its end; but the Eucharist was not instituted for satisfying but for nourishing charity; and the debt of temporal punishment is opposed neither to charity nor to its fervor. Nevertheless it remits concomitantly, by exciting to acts of charity, which can be satisfactory according to the measure of the devotion of the one operating.

Although the Eucharist as a sacrament does not directly remit punishments, as a sacrifice it nevertheless has satisfactory power (a. 5).

2. The Eucharist, as a sacrament, from the work worked does not profit others than those receiving, because food does not profit except the one receiving. And nevertheless it is rightly received: 1. for the souls of purgatory, because an indulgence applicable to them can be attached to communion; indeed 2. for them and for the living: a) for communion is an excellent act of religion, whence it can be satisfactory before God from the work of the one operating and can profit others by way of suffrage; b) it excites charity, and thus renders us more apt for obtaining for others (a. 7).

Yet it profits others who do not receive by way of sacrifice, insofar as it is offered for their salvation.

Question Two: On the Use or Reception of the Sacrament for Obtaining Its Effects

S. Th. III, q. 80.

268. The use or reception of the Eucharist is its eating and drinking, which is not complete while the food or drink is in the mouth, but only when it is passed from the mouth into the stomach, or, according to others, arrives there.

Whence 1) one who holds the species in his mouth to be dissolved there, or immediately draws them out of his mouth, does not eat or communicate, nor does he receive the fruit of the sacrament.

2. On the contrary, one who swallows them and afterwards vomits does communicate.

3. One who in an artificial way, through a tube applied to the stomach or belly, should transfuse the sacrament, which he cannot receive in the natural way, does not seem to communicate, because, although the sacrament could nourish, nevertheless it would not be received by way of eating, at least according to the estimation of men; moreover the manner is judged not expedient (Holy Office, January 27, 1886; November 27, 1919).

4. On the contrary, one who should receive it in his mouth in the natural way but should pass it into the stomach through an artificial esophagus.

In the very act of eating, namely when the reception is complete, the sacrament causes habitual grace in those who place no obstacle; if an obstacle is present and afterwards is removed, it is very probable that grace is then conferred, provided the species have not been consumed. But once given, it does

not seem to be increased further by force of the sacrament, because the eating has been finished; nevertheless, as our disposition is born or grows, the sacrament probably causes or increases the fervor of charity during the whole time in which it remains in us, just as food, as long as it is present, actually refreshes and strengthens.

Hence the devotion of a priest is not to be blamed who takes much wine for the consecration so that the sacrament may persevere longer in him; nevertheless Innocent XI condemned the abuse (S.C.C., February 12, 1679) of giving communicants several particles at once or larger ones than usual, if it were done for fostering a certain unsound devotion.

269. The sacrament of the Eucharist can be received in a threefold way according to the Council of Trent, sess. 13, c. 8, conformably to the doctrine of St. Thomas, a. 1:

1. sacramentally only, when it is received really and validly but without the fruit of grace because of an obstacle: then that which is reality and sacrament is received;

2. spiritually only, when by a just man it is received by affection and desire alone, from which some fruit of the sacrament comes from the work of the one operating: then the reality of the sacrament alone is received;

3. sacramentally and spiritually at the same time, when the sacrament is really received with fruit from the work worked: then the reality and sacrament together with the reality are received.

If the sacrament were received invalidly, for example by an unbaptized adult, or by one unaware, or by an animal, it would be material eating only, but not sacramental nor spiritual.

It remains to speak of the dispositions, both of soul and of body, required for communion, and of its frequency and necessity.

Article I: On the Dispositions of Soul

S. Th. III, q. 80, a. 2-6 and 9.

270. The subject capable of communion is every and only baptized man who is a wayfarer, who alone is the proportioned subject of the Eucharist, because he alone is capable of its effects. Angels do not have a body; moreover the blessed are united to Christ in a more perfect and eminent way through the beatific vision and through perfect charity; to them it does not belong to receive in a sign, because they do not have faith but manifest vision.

In adults, for validity, intention is required, for which, for Viaticum, habitual and implicit intention suffices: for he who wills to live Christianly implicitly wills not to die without the sacraments; - for worthy and fruitful reception, faith alone does not suffice (Council of Trent, sess. 13, can. 11), but three dispositions of soul are required; two remote: a) proof of the state of grace, and b) sufficient discretion, and one proximate: c) great devotion and reverence.

271. First, under grave obligation, proof of the state of grace is required. - It consists in this, that by prudent estimation one is not conscious of mortal sin; or if he is conscious, that he first make sacramental confession, however contrite he may seem to himself.

Proof is required by natural and divine law (I Cor. XI, 28), because the Eucharist is a sacrament of the living; but proof through confession is not so required, because without it, by perfect contrition alone, provision could be made for reverence toward the sacrament. But confession is prescribed by ecclesiastical law, and was introduced by ancient custom declaring such proof to be necessary, which Trent decreed was to be observed, sess. 13, c. 7, and which the Code of Law confirmed (can. 856 and 807).

It is said: 1. *is not conscious of mortal sin*; whence a) one doubting, whether negatively or positively, whether he has sinned mortally, is not bound to confess: for he does not have conscience, i.e., certain knowledge; b) one negatively doubting whether a sin was rightly confessed, i.e., having no solid reason for believing this, is bound to confession; one positively doubting, i.e., on account of a grave reason, probably is not bound, because he is no longer conscious of sin;

2. *if he is conscious, that he first make confession*; whence if someone has confessed and without grave fault has omitted a mortal sin, he has already satisfied the precept, because through confession his state of grace was proved.

Nevertheless in these cases confession is to be counseled; but not to the scrupulous.

272. To communicate or celebrate without prior confession is licit when at the same time necessity urges and the availability of a confessor is lacking.

A. The necessity required is grave, because it is also grave not to carry out a precept of great moment in so grave a matter; whence per se the celebrity of a feast, the burden of a Mass to be said from a benefice, great devotion, an indulgence to be gained, or poverty of the priest would not suffice unless it were altogether grave.

Commonly among excusing necessities are numbered:

1. Danger of death either of the one about to communicate himself (if he is himself a priest, or a layman in the presence of a priest who does not know how to speak), or of another (that a host may be consecrated for him).

2. An office to be fulfilled from which follows great utility for many, as if a pastor or another priest is bound to celebrate, for example so that the people may hear Mass on a feast day, and another is lacking; but not, as it seems, for the utility of one, as if for a layman the precept of annual or paschal communion were urgent, because it can be deferred.

Certainly, however, a priest could not celebrate so that he himself may be able to hear Mass, because this is not a necessity: for no priest is bound to celebrate so that he may hear Mass.

3. A founded danger of infamy or scandal, which would arise from omission of the sacred rite (for example in celebrating funerals or blessing marriages) or of communion (for example if someone at the communion rail remembers a sin and cannot withdraw without infamy).

4. The integrity of the sacrifice, when another is not present to complete it, or if the celebrant after consecration should remember a sin or should become guilty.

But if this happens before consecration, per se he ought to confess or interrupt the sacrifice; in practice, however, infamy or scandal can almost always be feared.

5. Danger of profanation, for example in a sudden irruption of those who will profane the hosts.

In these cases, however, an act of perfect contrition, to be elicited with moral diligence, is prescribed, unless time is lacking, as can happen while one seated at the table of communion remembers a sin, or while enemies make an irruption; in which last case the host should not be received sacramentally from the intention of communicating, but merely materially, to hide it in the body.

B. The availability of a confessor is lacking, not indeed if that one is absent to whom you are accustomed or desire to confess, or if no one is present except a familiar person, to whom you can confess only with great shame, but if confession cannot be made, or not without a great inconvenience extrinsic to it.

Thus: 1. If there is no present approved priest with jurisdiction, and you cannot go to an absent one without great difficulty, which is to be estimated with consideration of weakness, age, business of the priest, and the circumstances of weather, distance, shorter time, conditions of the journey, etc.

2. If the one present is unwilling or unable to hear confession, for example deaf, an accomplice, ignorant of the language, bound by censure.

3. If from confession you fear a grave inconvenience extrinsic to confession, excusing from its material integrity, such as breach of the seal, infamy of the accomplice, one's own infamy before a third party, grave enmities, grave provocation to evil.

Great confusion to be undergone or infamy before the confessor does not suffice, because it is an inconvenience intrinsic to confession. Yet a few more recent authors judge, by epikeia, that extraordinary and truly invincible shame is an extrinsic inconvenience, as if a sister before her brother, a father before his son, had to confess a very shameful sin. But it was never so declared in the course of so many centuries, and therefore only in the last time those few authors would have rightly understood the law! Moreover they bring forward no positive foundation for this exception; but if it were admitted, there would easily be occasion for multiplying cases, and so danger of eluding the law.

273. For those celebrating without prior confession there is a special precept of confessing as soon as possible. - The Council of Trent imposes on priests conscious of sin, who with or without contrition celebrated from urgent necessity without prior confession, that they confess as soon as possible (sess. 13, c. 7); and this is confirmed by the Code of Law, can. 807. This is not counsel but a strict precept, as is clear from proposition 38 condemned by Alexander VII.[1]

[1] "The mandate of Trent, given to a priest sacrificing from necessity with mortal sin, of confessing as soon as possible, is counsel, not a precept."

Since it is an ecclesiastical law, it is to be strictly interpreted; whence it is not applied to laymen, nor to priests only communicating, nor to those who so celebrated from mere malice, i.e., without necessity or while availability of a confessor was present to them, nor to those who after Mass had begun should remember a sin or become guilty, as the words indicate: without prior confession.

Moreover that *as soon as possible* does not signify: when the priest shall confess at his own time, as is clear from condemned proposition 39,[2] but morally at once, which ordinarily they explain as within three days: for what is done within three days is said in law to be done at once. Yet such a priest cannot celebrate again before he has confessed, unless necessity and at the same time the lack of a confessor persevere. But if a confessor morally present is about to depart and another is foreseen to be lacking, confession would have to be made without delay.

[2] "That particle *as soon as possible* is understood as when the priest shall confess at his own time."

274. To communicate with consciousness of sin is a very grave sin of sacrilege. - For the Apostle, in whose manner the Fathers speak, says that one guilty of the body and blood of the Lord eats and drinks judgment to himself (I Cor. XI, 27-29), which Trent confirms, sess. 13, can. 11, c. 7. And indeed: He who impedes the principal effect of the sacrament sins notably, because as much as he can he renders its signification false; this is against the reverence due to the sacrament and to Christ its institutor; whence it is sacrilege.

"Whoever," says St. Thomas, a. 4, "receives this sacrament signifies that he is united to Christ, which is done through charity, which no one has with mortal sin; and therefore he who receives with sin commits falsehood in this sacrament, and therefore incurs sacrilege as a violator of the sacrament."

More completely in the Commentary on IV Sent., d. 9, q. 1, a. 3, qc. 1, he indicates that in the unworthy reception of the sacrament there is a threefold abuse, as if from a threefold falsehood: "1. From that which is sacrament only, from which it appears that this sacrament is proposed by way of food, but food does not befit except one living; whence if one lacking spiritual life through mortal sin receives this sacrament, he abuses it. 2. From that which is there reality and sacrament, which is Christ Himself, who is the Holy of Holies, whence His receptacle ought to be holy; and therefore if someone receives the body of Christ with what is contrary to holiness, he abuses the sacrament. 3. From that which is reality only, which is the mystical body of Christ, because from this very fact that someone approaches this sacrament, he signifies that he tends to the unity of the mystical body; whence if he holds sin in conscience, through which he is separated from the mystical body, he incurs the fault of fiction (in the strict sense), and thus abuses the sacrament."

Nevertheless it is not the gravest of all sins:

1. Per se, i.e., on the part of the object, sins which are directly opposed to God or to the reverence due to Him are graver (against the theological virtues or the virtue of religion), such as infidelity, blasphemy, perjury; and those which are done against the humanity of Christ in its proper species (by offending religion), because they immediately touch Christ; whence if sacrilegious communion is compared by the Fathers to the sin of Judas kissing or of those killing Christ, this is to be understood with proportion, according to a certain likeness, because each is committed against the body of Christ, yet not according to the quantity of the crime. Moreover it is a graver irreverence to cast the sacrament into mud (to be trampled) or to give it to dogs (to be eaten), because thus one recedes more from the use of the sacrament. - Yet it is graver than sins which are done against other sacraments or sacred things, - or against creatures (by offending other moral virtues), although these can be graver on the part of the injury or damage inflicted (for example homicide).

2. Nor per accidens, i.e., on the part of the sinner, is it ordinarily graver than others, because rarely is it done from contempt but more often from fear, lest someone be thought a sinner.

275. Sufficient instruction and discretion are also required. - From the nature of the thing there is required that instruction and discretion by which they at least discern this sacramental table from a profane one, this heavenly bread from common bread: for by an adult the sacrament is not validly received without intention, which is impossible without the aforesaid instruction and discretion. Yet on account of greater reverence, from custom a greater instruction is required concerning the truths of faith and the duties of Christian life: which instruction, established by ecclesiastical law, is not to be demanded for Viaticum, which is prescribed by divine law.

Thus can. 854: "§ 1. To children who, on account of the weakness of age, do not yet have knowledge and taste of this sacrament, the Eucharist is not to be administered.

"§ 2. In danger of death, that the most holy Eucharist can and ought to be administered to children, it is enough that they know how to discern the body of Christ from common food and reverently adore it.

"§ 3. Outside danger of death, a fuller knowledge of Christian doctrine and more accurate preparation is deservedly required, namely that by which they may perceive according to their capacity at least the mysteries of faith necessary by necessity of means for salvation, and devoutly, according to the measure of their age, approach the most holy Eucharist."

Therefore for receiving Holy Communion some use of reason is required, which is judged then to be had, and only then is had, when the child can sin mortally. This is clear from the Council of Trent, which, in teaching that "little children lacking the use of reason are bound by no necessity to sacramental communion of the Eucharist," assigns one reason for this, that they cannot sin mortally: "Since indeed," it says, "they cannot in that age lose the grace of the sons of God already attained" (sess. 21, c. 4). - Nevertheless children would communicate validly before the use of reason: for one who lives through Baptism can also be nourished; as moreover is clear from the practice of the primitive Church, which practice was vigorous even to our times among Orientals, and today still exists at least by law among the Greeks, but in the Latin Church it has reasonably been abrogated by approved custom and expressed in the Roman Ritual (tit. 4, c. 1, nn. 10 and 11): for that the sacrament might be most highly esteemed by the faithful, the Church grants it to no one who does not know how to discern so great a gift. Whence to grant the Eucharist to children before the use of reason in the Latin Church would be gravely illicit.

Hence: 1. Under grave obligation it is prohibited to give Viaticum to those who have not yet come to the use of reason, such as the perpetually insane.

2. To the fully insane who have had the use of reason, and to the delirious, Viaticum is to be given, provided they previously had at least the implicit intention of communicating, and danger of irreverence is absent.

3. To the half-witted and to old persons returning to childishness, communion should be given at Easter if they have the strictly sufficient disposition; but if they have a greater disposition, it can be given several times in the year according to the degree of discretion and devotion.

4. To the insane who have lucid intervals, to the frenzied, to energumens, to those possessed by the devil, communion can be given when they are masters of themselves, namely in lucid intervals or moments of tranquility.

5. To those deaf and mute from birth, even if they have been born blind, it should be given if they have been instructed, according to the degree of discretion which is recognized in them.

6. In positive doubt concerning a child's capacity for receiving Viaticum, the pastor will choose what he wishes: for it is a perplexing case.

Judgment concerning the sufficient disposition of children belongs to their confessor, and to parents and to those who are in the place of parents (can. 854, § 4). Therefore it is not the exclusive right of the pastor; to him a twofold right and office is assigned: both of watching lest children approach Holy Synaxis before having attained the use of reason or without sufficient disposition, for which he will also be able to submit them to examination if he has prudently judged it opportune, as if he rightly suspects that the confessor or parents conduct themselves imprudently in this matter; - and of taking care that those who have attained the use of reason and are sufficiently disposed be refreshed by this divine food as soon as possible (can. 854, § 5).

276. Furthermore great reverence and actual devotion, or elevation of the mind into God, are required. - As the Council of Trent says, sess. 13, c. 7, "the more the holiness and divinity of this sacrament has been discovered by the Christian man, the more diligently he ought to beware lest he approach to receive it without great reverence and holiness"; whence the Council exhorts all that they believe and venerate this sacrament "with that constancy and firmness of faith, that devotion of soul, and piety and worship, that it may truly be for them the life of the soul and perpetual health of mind" (c. 8).

From the nature of the thing it is required that communion be made:

1. with acts at least implicit of faith, hope, desire, and pious religion; of which acts a more perfect mode is commended, proceeding from greater intensity, or from an added exercise of humility, contrition, and especially charity: for the greater the disposition in which the faithful rejoice, the greater the fruits they receive;

2. with attention: for communion is an act of religion which demands to be done with attention;

3. for a good end and without venial sins actually exercised or virtual affection for venial sins; for these include a certain positive irreverence, and impede the effect of the sacrament, which is fervor of charity, and diminish the increase of grace. But because they do not take away every effect, therefore in the case there is no grave precept from strict necessity lest communion be unworthy, but only a light precept from the necessity of fittingness of avoiding every irreverence.

Hence: 1. He who communicates with voluntary distraction commits a venial sin of irreverence.

2. He who has past venial sins not remitted and does not actually adhere to them does not sin, because there is no positive irreverence but merely the absence of more perfect reverence; but

if by his affection here and now he adheres to them, he incurs venial irreverence.

3. He who in the act of communicating places an act which is also otherwise a venial sin, for example a vain thought, a desire of slight theft, contracts the malice of this sin and the malice of slight irreverence.

4. Likewise if he makes communion for an end secondarily venially evil, for example for vanity.

277. Observations. - 1. According to what was said in the treatise on the Sacraments, n. 89, Holy Communion is to be denied to sinners, even to those who are destitute of the senses, unless they have given certain signs of repentance; likewise to those destitute of the senses whose disposition is unknown: for on the one hand it is not necessary for them, and on the other hand reverence toward so great a sacrament must be placed before the mere utility of the faithful. Nevertheless there is no reason for denying it to those under capital punishment, if they repent; to them it is to be administered by way of Viaticum on the very day or the day before the punishment.

To a penitent public sinner, Viaticum cannot be carried publicly unless he has repaired the public scandal; but if this is impossible, it can be carried secretly.

2. Communion is prohibited both to the excommunicated (can. 2260, § 1) and to those personally interdicted (can. 2275, § 2), before they have been absolved from the censure.

Article II: On the Dispositions of Body

S. Th. III, q. 80, a. 7 and 8.

278. On the part of the body, for Holy Communion there are required, besides the capacity of communicating, i.e., of swallowing the host, two dispositions: the natural fast, and decency; but this latter consists in this, that the one about to communicate, whether in external habit or in the composure of the body, display nothing which is unbecoming to the Most Holy, whence it comprises two things: decent habit and cleanliness.

Hence three things are said to be required: 1. decent external habit; 2. cleanliness of body; 3. fasting.

279. Decent and humble external habit is required from the nature of the thing under light obligation, so that the communicant display external reverence from his garments and bodily action. Those who approach too irreverently are to be kept away as inopportune and uncivil; nor from this does infamy arise for them, since they are not kept away as sinners.

Hence: 1. They should not approach with torn or dirty garments or shoes, however cheap they may be among the poor.

2. Women ought to approach in modest habit (can. 1262, § 2), with the breast sufficiently covered, and without vain ornament; but if some woman should approach shamefully uncovered or too immodestly, communion would have to be denied, especially if public warning had preceded, and scandal was to be feared.

3. From custom women should communicate with head covered; men, on the contrary, uncovered and with head bare.

4. It is fitting that soldiers lay aside arms and laymen gloves.

5. Priests and deacons communicating in the manner of laymen, from the Ritual (tit. 4, c. 2, n. 4), ought to put on the stole, even if they communicate in sickness. This obliges under venial sin.

280. Cleanliness of body is the absence of uncleanness from stains or filth. These do not impede communion per se, because they do not contain moral malice, but per accidens, either on account of the danger of irreverence which they include, or on account of the effects which follow.

1. On account of irreverence: a) Open filth and stains are to be wiped away, if this can be done.

b) But if it is impossible, yet it is hoped that they will be removed shortly, and communion can conveniently be deferred, let it be deferred out of reverence, or received privately; otherwise if they are perpetual or long-lasting, such as leprosy, fistula, etc. The same is to be said concerning a flow of blood.

Yet a priest infected with leprosy or another disease bringing horror is prohibited from celebrating in public, on account of scandal and the horror of the people; therefore he can celebrate secretly.

c) It is not licit to give communion to the sick who, on account of continual coughing, are in even probable danger lest they reject the sacred host from the mouth, or be unable to send it into the stomach; yet once it has been received, per se it is not to be feared that it will be expelled with saliva, because coughing and saliva do not come from the stomach, as we said in n. 260, 6 and 7.

d) Nor is it licit to give communion to those who suffer from vomiting, as long as probable danger lasts; but if the vomiting ceases, let a doctor be consulted if this can be done; otherwise let experience first be tried with liquid, or with light food if the vomiting comes from food alone. But if doubt remains, communion should be deferred, because reverence for the sacrament urges more.

2. On account of other effects, namely on account of wandering or disturbance of mind, or foul remembrance or commotion left in the soul, which impede man from disposing himself with due reverence and devotion, then pollution or the conjugal act can impede communion. And indeed:

a) By counsel only, the conjugal act had without sin on the same day or the preceding night. This would also have force concerning the time of purgation after childbirth, and concerning menstrual flow if this caused such disturbance.

b) Under venial sin, however, the conjugal act had on account of mere pleasure, and inculpable pollution or pollution not gravely culpable. Yet these are not to be applied universally, as if there is present some just cause of necessity or devotion,[1] or one repels the disturbance, or pollution is rather often excited by the devil or by scruple or anxiety. Thus spouses generally ought not to abstain who are accustomed to communicate very frequently and rather often rightly exercise the conjugal act altogether.

[1] A just cause can be an occurring solemnity, scandal to be avoided, danger of notice, a jubilee or special indulgence to be gained, special devotion, a rule of an order imposing communion.

The confessor should not speak of these things with women unless he is asked; in which case let him tell the wife that she is obliged to render the debt if she communicates often, for example every week, lest namely she be exposed to the danger of sinning against justice or charity; but if rarely, for example on the principal feasts, let her ask her husband to abstain in honor of communion, provided she does not incur the indignation of the husband.

3. On account of both, a consummated act of lust gravely culpable either in itself or in its cause impedes communion under venial sin, such as pollution following from a mortally evil thought or because of excessive indulgence in food and drink, even if one has recovered grace in confession; - unless scandal or a just cause sufficiently notable excuse, as it will seem to the confessor. Thus the Missal, *de def.*, tit. 9, n. 5.

For a similar reason communion can be impeded on account of grave angers, contentions, and drunkennesses had immediately before.

281. The natural fast, introduced from the first times of the Church, and confirmed by universal custom, by Councils, by the Ritual and Missal, prescribed by ecclesiastical law (can. 808 and 858), today is governed by the Apostolic Constitution *Christus Dominus* (of January 6, 1953) and the Motu Proprio *Sacram communionem* (of March 19, 1957), in which the indults of the aforesaid constitution are extended. Thence the discipline in force for all the faithful in all places whatsoever is this:

The time of the Eucharistic fast to be observed by priests before Mass and by the Christian faithful before holy communion, whether in morning or afternoon hours, is limited to three hours with respect to solid food and alcoholic drink, but to one hour with respect to non-alcoholic drink.

The drink which is conceded is any non-alcoholic drink, even if sugar, or flour, or egg, etc. be mixed with it.

Let it be noted that even those who celebrate Mass or receive holy communion at midnight or in the first hours of the day, as happens on the night of the Nativity of the Lord and of Easter, are bound to observe the fast for the time stated above.

The precept of fasting:

1. Is negative: for fasting is not prescribed, but it is prohibited that one not fasting approach communion. Food or drink is not prohibited, but communion after the fast has been broken; whence he who has taken the least thing, although by way of medicine, whether voluntarily or not, cannot communicate; yet if the breaking is not certain, the prohibition is not proved and the right of communicating remains, whether one doubts whether he has taken something, or whether he took it before or after the permitted hour: for the fact of breaking is not presumed but must be proved.

2. Is grave, because it was made for a grave end, namely, a) chiefly on account of the reverence due to the Eucharist, so that from this the faithful may learn to discern between this food and ordinary foods; b) to indicate that Christ and His charity ought to occupy the first place in our hearts; c) on account of the danger of vomiting and drunkenness, which happens from this, that men use foods inordinately (a. 3), or on account of devotion, so that the mind may be freer and readier for treating divine things.

3. Indeed it does not admit smallness of matter, because, since it is negative, it consists in an indivisible thing.

282. That the fast be broken three conditions are required:

1. That the thing taken be food or drink, i.e., be per se digestible by the stomach and be so held by common estimation. Nevertheless the taking of water does not break the fast.

Water is not understood only as natural water, but all that which by common use is called water. Thus the taking of "mineral" water does not break the fast, even if certain "gases" have been added for effervescence, nor water to which certain chemicals have been mixed for disinfection.

Hence metal, a piece of solid and hard and fully dry wood, fingernails, hair, stone, glass, a thread of silk or wool, pebbles, fruit pits wholly cleansed do not break the fast, because they are in no way altered in the stomach. On the contrary paper, a thread of linen, earth, coals, chalk, powders from bones or stones, medicinal powders from metal or glass, edible woods such as rhubarb or licorice, wax, straw, gum, because at least in some way they are digestible and according to common estimation are so judged.

2. That it be taken by way of food and drink, i.e., by way of eating and drinking, even if done inadvertently or in sleep.

Hence it does not break the fast: a) that which is taken by way of simple tasting in the mouth and then is spit out, because it does not descend into the stomach, indeed even if by chance something passes mixed with saliva, as will be said below; - on the contrary, if something should be swallowed and afterwards vomited;

b) that which is taken by way of simple respiration, for example smoke of foods or tobacco, dust moving in the air, tobacco dust or water through the nose, a fly, a flake of snow, a small drop of rain; for to breathe is not to eat and drink, even if by chance something of food or drink descended into the stomach, provided this happens apart from intention; - on the contrary, if on purpose, because it would not be respiration, nor would it be taken by simple drawing in, but by deliberate swallowing;

c) that which is taken by way of saliva, as if someone by chance and apart from intention should swallow with saliva a little water mixed in, while washing the teeth, mouth, or throat, or some small thing coming from tasting, remains of foods adhering to the teeth, a little drop of blood or a little skin from the lips, or a little juice or leaf of tobacco from smoking or chewing, although this is very indecent. But if the quantity is great, or if it is swallowed advertently, and of set purpose or from intention, it is no longer taken by way of saliva;

d) that which is taken by way of subcutaneous injection, or nutritive enema, or even, probably, artificial washing of the stomach with water by means of a gastric siphon; - provided this latter has not been externally anointed with edible oil or ointment: for water alone is usually used for washing the stomach, and therefore the passing over of another thing is judged true eating or drinking. Yet some also permit this.

3. That it be taken from without.

Hence blood from a wounded finger, humor descending from the nostrils, tears from the eyes, milk from the breasts, urine, etc. break the fast; but not saliva, blood, phlegm flowing internally from the mouth or gums, or from an ulcer within the mouth, or interiorly from the nose; nor probably remains of foods if they are swallowed intentionally, because morally they are judged parts of the preceding eating; indeed, according to some, neither food or drink which, having already been taken into the mouth a moment before midnight, would be swallowed when the hour sounds. The opposite must be said of one who, when the hour sounds, continues to take food, or finishes a draught of drink; likewise of one who puts food, for example sugar, into the mouth before the permitted hour so as to swallow it gradually, and after the permitted hour swallows it with saliva: for since he put it into the mouth for this end, that it be swallowed gradually, it is not a remnant of a preceding eating, but eating voluntarily and intentionally continued.

283. It is licit to communicate not fasting:

1. In probable danger of death, from whatever cause it comes, whether it is from disease, wound, poison, etc., or whether it urges from the sentence of a judge, or when battle is imminent or a dangerous surgical operation (Roman Ritual, tit. 4, c. 4, n. 4; can. 858, § 1).

While the danger perseveres, it is licit to communicate more often, on distinct days, indeed per se daily; in practice, however, let the judgment of the confessor be considered, and in parishes custom.

2. On account of reverence for the sacrament, either a) for completing the sacrifice begun by consecration, whether by continuing it, or by consuming the particles of one's own sacrifice immediately after it,[2] indeed of another sacrifice if it is the only apt means of saving them from irreverence, as if they could not be carried to the tabernacle without inconvenience; not so the larger host, unless there were altogether lacking a decent place for preserving it;[3] - or b) in danger lest the sacrament perish or be profaned on the part of enemies.

[2] Missal, *de def.*, tit. 3, n. 5 and tit. 4, n. 5.

[3] Ibid., tit. 7, nn. 2-3.

In the last case if a priest or deacon is lacking, a layman himself can receive the Eucharist; the minister can also give it to laymen not fasting.

3. In danger of grave scandal or infamy, as if a layman at the table of communion, or a priest before consecration, should remember that he is not fasting and could not withdraw without infamy; or if a pastor or vicar on a feast day, when there is a funeral or a nuptial blessing, were not fasting, which is unknown by others, and could not omit the sacred rite without suspicions, grave murmuring or offense of the people, danger lest many thereafter omit the sacred rite, etc. Many probably judge it licit to use epikeia in a case in which a priest is solemnly about to celebrate his first Mass, or a child solemn first communion, and has inadvertently violated the fast, and the violation has remained hidden.

4. If the rite prescribes, as in Baptism of adults, after salt has been tasted beforehand (S.C.P.F., February 13, 1806).

5. The sick, although they do not lie in bed, can take non-alcoholic drink and true and proper medicines, whether liquid or solid, before the celebration of Mass or the reception of the Eucharist without limitation of time. But the sick are not only those who labor under a graver disease, but also those who are affected by a lesser disease, such as women indisposed from pregnancy, old persons laboring under weakness, and generally all who, in the given circumstances, reasonably need medicine. But under medicine is understood true medicine, even if it has not been prescribed by a doctor or sold by a pharmacist, provided it can be called medicine by common estimation.

6. By dispensation, if a reasonable cause is present besides the cases foreseen in the Apostolic Constitution *Christus Dominus*, from the Sacred Congregation of the Sacraments for the faithful communicating, even priests, from the Sacred Congregation of Religious for religious communicating, from the Holy Office for priests celebrating.

Let it be noted that all faculties and dispensations, both territorial and personal, hitherto granted by the Holy See, have been abrogated by the constitution mentioned above.

284. In other cases it does not seem licit to communicate not fasting. - Thus a priest cannot celebrate not fasting, so that he can give Viaticum to a dying person, because he ought not to violate his own precept so that another may fulfill the precept of Viaticum.

Perhaps except: a) if the sacrament of Penance or Extreme Unction cannot be received: for then the Eucharist is a sacrament of necessity so that from attrite one may become contrite; b) if a dying priest wishes to give Viaticum to himself, because in this case he is not held by the law of fasting, at least for communicating.

The reason is that the sacrament of the Eucharist, just as it is of greater dignity, so it is of lesser necessity; whence greater account must be had of reverence toward the sacrament than of the utility of the faithful. Hence the precept of communion does not urge, unless it can be fulfilled conveniently with due reverence and the prescribed rite; indeed the precept of Viaticum ceases if it cannot be obtained according to the rite of the Church, just as it also ceases when a priest, in order that he could minister a consecrated host, would have to celebrate without sacred vestments or in leavened bread. Whence in can. 858, § 1, only two exceptions in the law of fasting are indicated: urgent danger of death, and the necessity of preventing irreverence toward the sacrament.

Certain theologians think otherwise, because the precept of receiving communion is divine, the precept of fasting is ecclesiastical, whence the latter yields to the former. - But a) the precept of annual communion is not merely divine, but ecclesiastical, determining the indeterminate divine precept of communicating several times in life. b) Even a divine precept can yield to an ecclesiastical precept, in a case in which greater inconveniences would arise from violation of the latter. c) Especially, even the precept of fasting is not merely ecclesiastical, but determines the natural and divine precept of reverence toward the sacrament, and accordingly it can be of greater moment. Therefore, just as the precept of annual communion is in substance a divine precept of communicating several times, so the precept of fasting is in substance the natural precept of preserving external reverence toward the sacrament, and therefore it can be urged more strictly and also is urged by the Church. Hence it is truer to say that those theologians wish the law of fasting were now interpreted more mildly than that this is the sense of the ancient law, or that the law itself,

in this matter, has undergone a change; because they bring forward no positive foundation for this thing.

285. Observation. - That the host or particles adhering to the mouth can be swallowed, even outside danger of death, with the host or after it an ablution of water or wine can be given, although this is swallowed before the host. For the violation of the fast at least morally does not precede communion; moreover the law of fasting prescribes only that nothing be taken before the reception of the sacrament, which is fulfilled.

Article III: On the Frequency of Communion

S. Th. III, q. 80, a. 10.

286. State of the question. - Frequent communion is that which is received several times in a week or even daily; but weekly communion is not frequent properly and in the strict sense. Concerning the use of holy communion, the Church has established only two things: 1. that it can be received only once in the day, except in the case of Viaticum for him who on the same day communicated from devotion (can. 857); 2. that communion be received at least once in the year. Within these two limits the Church has prescribed nothing further, although she exhorts to the frequenting of the sacrament. Hence it is asked whether, when, and to whom frequent communion is to be commended; and what dispositions are altogether required or very fitting for the more frequent use of the sacrament.

287. Principle I. Communion per se and from the force of the sacrament itself, whose power is salutary for men, is useful and always praiseworthy, even if it be daily, so that man may daily receive its fruit.

It is proved: 1. From the frequent use of communion in the primitive Church.

But whether the use of daily communion existed rather universally is uncertain, because they were accustomed to communicate in Mass, but Mass was not always offered on each day; yet also at home they were refreshed by the sacred Eucharist.

2. From ancient and perpetual Tradition.

This is established a) from the doctrine of the Fathers: Tertullian, l. 2 *ad uxor.*, c. 6; *de or. dom.*, c. 6; Cyprian, *de or. dom.*, c. 18; Chrysostom, *in ep. ad Eph.*, I, hom. 3; *in I ad Tim.*, hom. 6; Hilary, fragm. VII; *Lib. de Sacr.*, l. 5, c. 4; Jerome, ep. 27 *ad Licin.*; Augustine, ep. 54 (al. 118) *ad Jan.*; serm. 227 *ad inf.*; serm. 351 *de poen.*, n. 10; - b) from the Council of Trent, which, sess. 13, c. 8, exhorts all and each of the faithful to venerate that bread with such faith, devotion, piety, and worship that they may be able to receive it frequently; and sess. 22, c. 6, would desire that in each Mass those standing by communicate sacramentally; - c) from the Catechism of the Council of Trent, which warns pastors to exhort the faithful even to daily communion, p. 2, c. 4, q. 58; - d) from various decrees, as from propositions 22 and 23 condemned by Alexander VIII,[1] and from the decree of the S.C.C., February 12, 1679, under Innocent XI, which reproves the prohibition of frequent communion, asserts that no state, even that of trade or marriage, impedes it, and leaves judgment concerning the internal dispositions for frequent communion to confessors; but especially from the decree of the same S.C.C., December 20, 1905, under Pius X, by which easier conditions for frequent communion were determined than were accustomed to be established by many theologians.

[1] "They are to be judged sacrilegious who claim the right to receive communion before they have done condign penance for their offenses." - "Likewise those are to be kept away from holy communion in whom there is not yet the purest love of God and one free from every mixture."

3. By reason: This sacrament is fittingly received daily, both because it is handed down by way of spiritual food, "whence just as bodily food is received daily, so also it is praiseworthy to receive this sacrament daily" (a. 10, ad 4); - and because manna, which prefigured it, was given daily to the people in the desert; - and because it was instituted for increasing the fervor of charity as a remedy for daily defect and as a most apt means for persevering; - and because in itself it is more perfect to approach it from love than to withdraw from reverential fear (ad 3).

Per accidens, however, and if communion is considered "on the part of the one receiving, in whom it is required that he approach this sacrament with great devotion and reverence," it is not always useful and praiseworthy.[2] "And therefore if someone finds himself prepared for this daily, it is praiseworthy that he receive daily... But because many impediments of this devotion often occur in many men on account of indisposition of the body or soul, it is not useful for all to approach this sacrament daily, but as often as man finds himself prepared for it" (a. 10).

[2] Proposition 56 was condemned by Innocent XI: "Frequent communion, even in those who live like Gentiles, is a sign of predestination."

288. Principle II. The dispositions required for frequent or daily communion are not greater than for every communion, namely the state of grace and a right and pious intention; however much it is expedient that those frequently communicating dispose themselves more, and also be free from venial sins, at least fully deliberate ones, and from affection for them.

Thus from the decree of the S.C.C. *Sacra Tridentina synodus*, under Pius X, December 20, 1905.

It is required and suffices:

a) The state of grace, by which, namely actually here and now or at the moment of communion, "they are free from mortal faults, with the purpose that they will never sin in the future."

b) A right mind or intention, by which, namely, one "does not indulge use or vanity or human reasons (for example vain emulation, desire of capturing the benevolence of superiors, or sensible sweetness rather than solid piety), but wills to satisfy the good pleasure of God, to be united more closely to Him by charity, and by that divine medicine to meet his infirmities and defects." Thus in the praised decree, in which the three negative conditions seem to be understood copulatively, the positive ones disjunctively. They ought to be verified at least substantially, although perhaps some human consideration is mixed in accessorily.

It is proved: 1. Communion in the state of grace is an act substantially good, which produces fruit from the work worked, at least an increase of habitual grace; but if it is done with a mind altogether right and a pious intention, that act is vitiated in no way, and will be good from every part.

2. Communion is not a reward of virtue or merit, but a means for acquiring virtue; nor was it instituted before all else for honoring God, but for the utility of men. Whence according to the intention of Christ, in it the utility of the communicant is more to be sought than a more perfect disposition for it.

Yet it is altogether fitting that better dispositions, as far as can be done, be present; therefore in the decree excellent counsels and prudent rules are added:

a) "Although it is most expedient that those using frequent and daily communion be free from venial sins, at least fully deliberate ones, and from affection for them, nevertheless it suffices that they be free from mortal faults, with the purpose that they will never sin in the future; and with this sincere purpose of soul, it cannot happen that those communicating daily do not gradually drive themselves away from sins, even venial ones, and from affection for them."

It is expedient that every affection for venial sins be absent; if this actually perseveres, it impedes the effect of the sacrament, which is fervor or the actual exercise and sweetness of charity. Yet there is no special sin in this, that a sacramental effect is impeded, provided not every effect of the sacrament is impeded. This is all the more true in the case, since from the frequency of communion it will happen that even that impediment is gradually removed.

b) "But since the Sacraments of the New Law, although they obtain their effect from the work worked, nevertheless produce a greater effect according as greater dispositions are applied in receiving them, therefore care must be taken that diligent preparation for holy communion precede, and suitable thanksgiving follow thereafter, according to each one's powers, condition, and offices."

One very fervent communion can produce much greater fruits than several ordinary ones or many tepid ones. Hence diligent preparation is to be procured, both remote and proximate. Remote, by which habitually one may be preserved in purity, day by day free himself more from every fault and defect, and burn with a greater desire of holy communion; proximate, which consists in diverse affections: lively faith, great trust in Christ, ardent desire, humble contrition even concerning venial sins, profound reverence, and especially perfect unitive charity, which namely disposes more aptly to the proper effect of the sacrament.

Thanksgiving should consist in most fervent acts: in a vivid and, as far as can be done, persevering love by which we desire that Jesus be loved more by us and by all creatures; in profound adoration; in full oblation and handing over of oneself; in the subjection of the intellect through faith and of the will through charity; in the submission of all powers to the Holy Spirit, who is the Spirit of Christ; in pious gratitude; in humble petition; and in a remembrance of so great a benefit enduring through the day. Care seems to have to be applied all the more to immediate thanksgiving because, while the species remain, the sacrament continues to produce a certain fruit, namely the fervor and sweetness of charity (n. 263), unless by distraction, neglect, or disordered affection we place an obstacle (n. 265).

c) "That frequent and daily communion may be made with greater prudence and be increased by richer merit, it is necessary that the counsel of the confessor intervene. Yet confessors should beware lest they turn away anyone from frequent or daily communion who is found in the state of grace and approaches with a right mind."

Therefore the permission of the confessor is not required, but only counsel for the sake of prudence and richer fruit. Nor is it his to grant communion, but to judge concerning its opportuneness and to declare that the required dispositions are present and to watch over them. For as Innocent XI indicated, February 12, 1679, "frequent approach to receiving the sacred nourishment is to be left to the judgment of confessors exploring the secrets of the heart; who, from purity of consciences, and

from the fruit of frequency, and from progress toward piety, should prescribe to laymen that which they foresee will profit their salvation."

Therefore the confessor should in no way intervene so as to keep away those who have a right intention, but so that he may render them more certain concerning right disposition; and stimulate all to a more fervent disposition and greater purity; and also sometimes prohibit those whose right intention or due disposition is held suspect, namely so that they may be taught to approach more fervently: such are those who after many communions do not care about venial sins, but commit them altogether deliberately and with the same frequency as recidivists, and indulge very much, for example, in faults of the tongue, or lead a truly worldly or tepid life. Let him also watch lest frequent communion be received with detriment, whether of the duties of state in servants, maids, mothers of families, or of the peace and tranquility of families.

289. Practical corollaries. - 1. Pastors, confessors, and preachers should exhort the Christian people to the pious and salutary use of frequent and daily communion, by frequent admonitions and with much zeal; and indeed persons of every order, condition, and age (can. 863).

Yet let them beware lest they impose it as prescribed, since it is only very much commended; nor let them as it were force anyone to it, lest namely he receive it without taste but with disgust; but rather let them lead the faithful to it progressively. Let them not omit to speak rather frequently about the required dispositions; let them teach that the effects are richer according as the dispositions are better; with diligent care let them especially inculcate suitable preparation and thanksgiving.

2. Frequent and daily communion should especially be promoted in religious institutes of every kind, and most of all in seminaries of clerics, whose students long for the service of the altar; likewise in other Christian youth institutions of every kind.

Hence can. 595, § 2 enjoins superiors: "Frequent, indeed daily, access to the most holy Eucharist should lie freely open to religious who are rightly disposed," concerning which to judge belongs per se not to superiors, but to the confessor. Nevertheless: § 3 "If after the last sacramental confession a religious has been a grave scandal to the community or has committed a grave and external fault, until he has again approached the sacrament of penance, the Superior can prohibit him from approaching holy communion."

3. Wherefore, if there are any institutes in whose rules or constitutions communions are found fixed or commanded on certain days, those norms are to be held not as preceptive but as merely directive; and the number of communions fixed beforehand as something minimum for the piety of religious (can. 595, § 4).

4. Care must be taken with every zeal lest children approach from mere custom, distracted and irreverent: for there is danger, with attention to their levity, lest the Eucharistic bread become cheap to them from daily use. Hence superiors in Catholic youth institutions should only cautiously and prudently counsel more frequent communion to this or that one in particular, lest perhaps they foster hypocrisy and provide an occasion for sacrileges. Let there be great liberty of communion.

5. Frequent communion is not to be denied to those who sometimes fall into mortal sin, provided they detest it and seriously propose to amend; nor to those who have affection for deliberate venial sins; indeed not even to those who from internal frailty or from rather vehement temptation are found recidivist in mortal sins but show a serious will of fighting against sin; - but to those who have voluntary affection for mortal sins and from a depraved will frequently fall into mortal sins.

But if certain penitents habitually neglect diligent preparation and suitable thanksgiving according to their powers, condition, and offices, this ordinarily will be a sign that they do not approach with a right mind and that they lack the necessary dispositions. Therefore they are to be urged to better dispositions, or somewhat restrained from more frequent communion so that they may learn to approach more reverently and more fervently.

6. Weekly confession is very much to be commended for those communicating frequently; yet it is not to be demanded nor always opportunely advised, whether on account of lack of time on the part of confessors or penitents, or on account of the danger lest access to confession be rendered more difficult for those who need it more. Moreover a greater spiritual good is usually received from frequent communion than from frequent confession; whence, where both cannot be joined, it is better to omit confession rather than communion. Yet let them not abstain longer from confession, and let them approach every fortnight, or at least monthly; whence a sufficiently easy availability of confession may lie open to all.[3]

[3] Concerning the aforesaid in the decree *Sacra Tridentina Synodus*, and in those who wrote a commentary on it. Cappello, Noldin, Aertnijs-Damen can be consulted in the cited work.

290. Observations. 1. On the time of receiving communion.

That they may participate more immediately in the sacrifice and approach communion as to a common supper, the faithful, as much as possible, should receive communion within the sacrifice of the Mass and indeed after the communion of the celebrating priest. Nevertheless, according to can. 867, § 4, the faithful are permitted to communicate outside Mass at the hours in which the sacrifice of the Mass can be offered according to can. 812, § 1; that is from one hour before dawn up to one hour after midday, and, as to afternoon communion, either immediately before or immediately after evening Mass, or if there is no evening Mass, on the occasion of any religious ceremony (Congr. Holy Office, March 21, 1960).

2. On spiritual communion.

When the sacrament cannot be received really, spiritual communion is greatly commended by the Saints; it is the vow or desire, conceived from living faith, which namely works through love, of receiving the Eucharist, from which some effect of the sacrament comes from the work of the one operating. Thus conformably to the Council of Trent, sess. 13, c. 8.

It is perfected by three acts: 1. an act of living faith in the presence of Christ; 2. an act of charity to which contrition for sins is joined; 3. an act of desire for intimate union with Christ to be obtained through the sacrament.

Although the desire of receiving the Eucharist several times in the day is not right, nevertheless to have several times in the day the desire of receiving the Eucharist at the opportune moment is praiseworthy, even for those who communicated in the morning: for it is an excellent preparation for the following communion.

Sinners also can desire communion but under the condition of conversion; yet they do not communicate spiritually, because from this desire the effect of the sacrament does not come to them.

Article IV: On the Necessity of Communion

S. Th. III, q. 73, a. 3; q. 80, a. 11 and 12.

291. Principle I. The sacrament of the Eucharist in reality is not absolutely necessary by necessity of means for justification and salvation. - It is of faith with respect to little children from the Council of Trent, sess. 21, c. 4 and can. 4, against certain Greeks and Calvinists; it is certain with respect to adults.

For the Eucharist is a sacrament of the living; whence without it grace making one pleasing can be had, which suffices for obtaining salvation, since it is given through Baptism and recovered through Penance. Therefore the Eucharist is not necessary as these sacraments are, and therefore the Church has denied it to certain persons. Cf. Rom. VIII, 1; Gal. III, 27; Tit. III, 5; and St. Augustine, l. 1 *de pecc. mer. et rem.* XIX, 25.

Nevertheless the effect of the Eucharist is necessary, namely union with Christ and His mystical body, which is obtained inchoatively through the grace of Baptism.

Therefore the Eucharist is not necessary by necessity of means with respect to real reception, but with respect to the reality signified by it.

292. Principle II. The sacrament of the Eucharist is in a certain way necessary by necessity of means in vow or in purpose; not indeed as of a means necessary in reality, but as of an end contained in the volition of the means. - This is the opinion of St. Thomas and of the ancients, upon which the most recent authors again insist more.

It is proved: 1. The vow of the sacrament is not required as of a means necessary in reality: for in this mode only that is necessary which is necessary in reality, when in fact it cannot be received.

2. The vow of the Eucharist is required as of the font and end of all the sacraments. This follows from the doctrine of St. Thomas,[1] according to which the other sacraments do not confer grace except by looking to the Eucharist as the end of all the sacraments, and in virtue of the Eucharist which from itself has the power of infusing grace (n. 101). This being posited, it is licit to argue thus:

[1] Q. 65, a. 3; q. 79, a. 1, ad 1; q. 73, a. 3.

Every thing is inclined to its end, and every beginning is for the sake of consummation. The Eucharist is the end and consummation of all the sacraments. Whence he who receives Baptism, through grace which begins union with Christ, is inclined to the perfection and consummation of this union which is had in the Eucharist. And he who receives Baptism or wills to receive it, ought to will and at least

implicitly wills the Eucharist as its end and consummation. This intention the Church supplies in children.

293. Principle III. The Eucharist, according to the ordinary Providence of God, is for adults a morally necessary means for persevering for a long time, and is also necessary by necessity of divine precept. - It is certain.

This is established from the very words of Christ, John VI, 54: *Unless you eat the flesh of the Son of man and drink His blood, you shall not have abiding life in you*.[2] Moreover He imposed that precept in express words, saying, Luke XXII, 19: *Do this in commemoration of Me*. This the Council of Trent acknowledges, sess. 13, c. 2 (Council of Nicaea I, c. 12-13).

[2] There is not perfect parity with the similar words which Christ spoke concerning Baptism, John III, 5: *Unless one be reborn of water and the Holy Spirit*. For "these words: *Unless you eat*, are directed in the second person to adults capable of a precept, and thus for them they import necessity of precept; but these words: *Unless one be reborn*, are said generally and concerning all in the third person. The other disparity is that Baptism is instituted as rebirth necessary by necessity of means for salvation. But the Eucharist is instituted as spiritual food, which either is not necessary for preserving life for some time, as is clear in bodily food; or if it is necessary, since it is spiritual, it suffices that it be received spiritually (q. 73, a. 3, ad 2). For this is the difference between bodily and spiritual food, that bodily food is converted into the substance of him who is nourished, and therefore it cannot profit man for the conservation of life unless it is really received; but spiritual food converts man into itself...: but someone can be changed into Christ, and incorporated into Him, by vow of mind and acts of virtues, especially of charity, without real reception of this sacrament." Billuart, diss. 6, a. 1, § 1.

294. The divine precept of receiving the Eucharist obliges all adults, the faithful immediately, unbelievers mediately, namely through Baptism which they are bound to receive; and indeed under grave obligation, because the Eucharist is a necessary means of perseverance (John VI, 54).

The precept obliges, not indeed daily, as is established from the decree of Innocent XI, February 12, 1679, but:

a) several times in life. For Christ instituted the Eucharist as spiritual food of the soul; but food must be received several times for restoring strength. But how often the Eucharist is to be received is left to be determined by the judgment of the Church; whence he who fulfills the ecclesiastical precept, by that very fact fulfills the divine;

b) especially in proximate danger of death, from whatever cause it proceeds, as is established from universal practice (Council of Nicaea I, c. 13). For the Eucharist was instituted as a means for persevering in grace and as Viaticum strengthening against the enemies of the soul. But never is the conservation of grace more necessary than at the end of life, in which temptations can also be graver. Whence not only those lying at the very end are bound, but those condemned to death, those about to sail and fight dangerously, those about to undergo a dangerous incision, and those women who regularly give birth with danger of death (can. 864, § 1).

Let it be noted: 1) those who on the same day have been refreshed by holy communion are not strictly held to communicate again when brought into the crisis of life, although it is very much to be advised: thus can. 864, § 2; and this also probably seems to have force concerning those who a few days before communicated from devotion;

2. he who after receiving Viaticum has sinned is not held to receive it again;

3. on the contrary, he who receives Viaticum sacrilegiously is still held, because by sacrilegious communion he has not satisfied the divine precept of communicating. Whence let him communicate on another day under pretext of devotion; but if danger of infamy and of imminent death is present, the sacrament can be carried secretly even by a religious confessor, but not on the same day;

4. per accidens, i.e., by reason of another precept, someone can be obliged to communion as often as a grave temptation must be overcome which otherwise cannot morally be overcome; in which case, rather rare, if it were omitted, there would not be a sin against the precept of communicating, but against the virtue against which the temptation would rise.

295. The ecclesiastical precept of receiving the Eucharist. - The Church, for various times and in various ways, has determined the divine precept. From the time of the Fourth Lateran Council, c. 21, it was established what is still announced in the Code of Law, can. 859, § 1: "Every faithful person of either sex, after he has arrived at the years of discretion, i.e., at the use of reason, ought once in the year, at least at Easter, to receive the sacrament of the Eucharist; unless perhaps by the counsel of his own priest, for some reasonable cause, he has judged that for a time he must abstain from its reception." This precept obliges under grave obligation.

It is said: 1) *Every faithful person of either sex*, namely every baptized person, with no one excepted, whether layman or priest, whether just or sinner, even excommunicated, whether healthy or infirm, although some delay could sometimes be granted to this latter.

2. *After he has arrived at the years of discretion*, or at sufficient use of reason by which he can sufficiently discern good and evil, and tend to the last end and turn himself away from it and be capable of committing mortal sin, as we know from the Council of Trent, sess. 21, c. 4 *de ref.* (n. 275), and from the decree of the Sacred Congregation of the Sacraments *Quam singulari*, August 8, 1910. This, in our times and in our regions, is accustomed to happen around the seventh year, as we find declared in the same decree.

3. *Ought to receive the sacrament of the Eucharist*, namely devoutly and with due dispositions, as is clear both from the end of the precept and from the fact that the Lateran Council explicitly added the word: reverently.

4. *Once in the year*: that is principally prescribed, that the sacrament be received once in the year; which year, from the authentic declaration of Eugene IV, July 8, 1440, is not to be computed from the first of January, nor from the last communion, but from Easter to Easter.

5. *At least at Easter*: that is secondarily prescribed, that communion at least be made in the time of Easter, although the Church desires that it be received more often. The Paschal time runs from Palm Sunday up to Low Sunday.[3] But local Ordinaries can for a just cause, i.e., if the circumstances of persons and places so require, anticipate this time even for all their faithful, but not before the fourth Sunday of Lent, or postpone it, but not beyond the feast of the Most Holy Trinity (can. 859, § 2); which privilege, if it is local, pilgrims staying there can use. But the pastor cannot anticipate the time, not even in a particular case, because the time of the precept has not yet begun, but only postpone it, as is explicitly said.

[3] The Church opportunely chose Paschal time: a) because at that time Christ instituted this sacrament; b) because communion is the memorial of the passion which happened around Easter; c) because the faithful are better disposed by the Lenten fast for communicating worthily.

6. *Unless perhaps by the counsel of his own priest, for some reasonable cause, he has judged that for a time he must abstain from its reception*. The proper priest is the pastor (and a fortiori the local Ordinary), who for a reasonable cause can defer to another time, for example if a woman after childbirth has not yet come to church, if someone must undertake a journey from which he will shortly return, if someone is sick and can shortly go to church, if he needs fuller knowledge of Christian doctrine or better preparation. Likewise the confessor, who in the internal forum holds the place of the proper priest, but in confession and on account of a cause of conscience only.

Let it be noted: a) He who before the seventh year has the use of reason or sufficient discretion is held to communion (can. 859, § 1), yet not to be made at once but within the year.

b) The precept of receiving communion is not satisfied through sacrilegious communion (can. 861), as was already certain from proposition 55 condemned by Innocent XI.

c) The precept of Paschal communion still urges, if someone, for whatever cause, has not fulfilled it in the prescribed time (can. 859, § 4). Although the secondary precept of communicating at Easter can no longer be fulfilled, the principal precept of communicating once in the year does not cease to be fulfilled. And indeed as soon as possible, as is safer lest it be handed over to oblivion, and as is suggested by the word: urges; although according to some it suffices that it be done before the following Easter.

d) He who foresees that he will be impeded during the whole Paschal time is not held to anticipate it. Indeed not even by anticipating does he satisfy, because the time of obligation has not begun; unless, however, he has obtained permission of anticipating from the local Ordinary.

e) He who, after Easter has begun, foresees an impediment for the last days, is held to communicate as soon as possible.

f) He who omitted communion at Easter, whether he omitted it from sin, or inculpably, is still held to communicate: and indeed if he has been dispensed to defer, he is held at the time which was assigned to him; otherwise during the year, at least before the future Paschal time.

g) By the Fourth Lateran Council it had been prescribed that Paschal communion be received from one's own priest, i.e., from the pastor or his delegate, and therefore in the parish church. But now can. 859, § 3 says: "It is to be advised to the faithful that each satisfy this precept in his own parish. And those who have satisfied it in another should take care to make their own pastor more certain of the fulfilled precept." Yet this is not to be extended to priests, who even before satisfied anywhere, by celebrating.

296. Observations. - 1. "While the danger of death endures, holy Viaticum, according to the prudent counsel of the confessor, can and fittingly should be administered several times, on distinct days," can. 864, § 3.

2. "Holy Viaticum should not be deferred too much for the infirm; and those who have care of souls should diligently watch that the infirm be refreshed by it while fully masters of themselves," can. 865. This obligation is grave from its genus.

3. "The obligation of the precept of receiving communion, which burdens the not yet pubescent, falls also and chiefly upon those who ought to have care of them, i.e., upon parents, tutors, confessor, instructors, and pastor," can. 860. The obligation is evidently grave.

4. The first communion of children in solemn form, which flourishes in some regions, is per se reserved to the pastor, and to those institutes which give work to educating youths boarded there (S.C. of Bishops and Regulars, March 14, 1908).

297. Principle IV. The Eucharist is not necessary under both species for all the faithful. - It is of faith from the Council of Trent, sess. 21, c. 1 and can. 1, against the Hussites, Luther, Calvin, and the schismatic Orientals; thus after the Council of Constance, sess. 13, which established that laymen should communicate under the species of bread alone.

This is established from the universal practice of the Church: although in the earlier centuries this was diverse, nevertheless the species of bread alone was rather often preserved, as for the infirm, in time of persecution, for monks in solitudes; indeed in public assemblies communion was sometimes distributed under only one species; likewise in the Mass of the Presanctified, which is celebrated on Good Friday, but among the Greeks several times in the week during the whole time of Lent. On the contrary, sometimes the species of wine alone was administered, as to infants after Baptism, or, when necessity urged, even to the infirm.

Nor do the words of Christ, John VI, 54, stand in the way: *Unless you eat the flesh of the Son of man and drink His blood, you shall not have life in you*. - For 1. the particle *and*, although of itself it is copulative, nevertheless is often taken disjunctively in the Scriptures, for example Exod. XXI, 15, where in Hebrew there is *and* for *or*; and Acts III, 6, where Peter said to the lame man whom he healed: "Gold and silver I have not," where, says Benedict XIV, he wished that word to signify that he had neither gold nor silver. 2. But in the words of Christ it must be taken for *or*; for, as the Council of Trent argues, sess. 21, c. 1: He who said: "Unless you eat..." also said: "If anyone eats of this bread he shall live forever." And He who said: "He who eats My flesh and drinks My blood has eternal life," also said: "The bread which I will give is My flesh for the life of the world." And finally He who said: "He who eats My flesh and drinks My blood abides in Me and I in him," nevertheless said: "He who eats this bread shall live forever." 3. That the particle *and* in the words which are objected must be taken disjunctively, besides the sentence brought forward: *He who eats My flesh shall live forever*, which would be false if it were taken copulatively, Paul manifestly teaches, I Cor. XI, 27: "Therefore whoever shall eat this bread or drink the chalice of the Lord unworthily, shall be guilty of the body and blood of the Lord."

298. Principle V. If communion is considered on the part of the sacrament, it is fitting that body and blood be received; but if it is considered on the part of those receiving, who ought to receive with the greatest reverence and caution, the Church has judged it better that it not be received under both species.

The first is established from the fact that the perfection of the sacrament consists in both species (n. 207), and therefore because it pertains to the priest to perfect this sacrament, in no way ought he to receive the body without the blood.

The second is clear from the Council of Trent, which asserts, sess. 21, c. 3 and can. 2, that the Church has acted thus on account of grave and just causes. The causes can be numbered:

1. Lest the blood of Christ be poured upon the ground, especially in a great concourse of communicants.

2. Since the holy Eucharist ought to be at hand for the sick, it is to be feared lest, if the species of wine were preserved longer, it would grow sour.

3. That uniformity be preserved in this sacrament of unity: for there are many abstainers who abhor wine; there are others who are repelled at drinking from the same chalice after dirty, foul-smelling persons, etc.

4. In many regions there is the greatest scarcity of wine.

5. For overturning a twofold heresy: one which denied that the whole Christ is contained under either species; the other of the Hussites, which the Protestants adopted, which condemned as guilty of sacrilege those who received only one species.

The change in the manner of communicating was made by custom, which was approved by the Church. Among the Greeks and certain Orientals, communion under both species is still in use during Mass.

299. Corollary. - From the fact that the Eucharist is not necessary under both species, it must be concluded with the Council of Trent, c. 3, that "those who receive one species alone are deprived of no grace necessary for salvation."

But the Eucharist under one species not only deprives the faithful of no grace necessary for salvation; but per se it produces the same grace as under the twofold species, as was said in n. 207. Per accidens, however, it can produce greater grace, namely, either because the species last longer, or on account of the greater devotion of him who receives the holy blood.

The increase of habitual grace is infused at the very moment of receiving the bread; nevertheless the other species is not useless, namely on account of the greater signification of the passion.

300. Observation. - In certain cases it is licit for laymen to receive the species of wine:

1. If there is danger lest it be profaned.

2. If, after the priest has died after receiving the body, there is not another priest present who may consume the remaining species of wine.

3. If the priest refuses to lick up spilled blood.

4. From privilege.

Not, however, in the Latin Church, for receiving Viaticum (can. 852), as theologians commonly teach conformably to what was said in n. 284.

Section B: On the Eucharistic Sacrifice

S. Th. II-II, q. 85 and q. 86, a. 1; I-II, q. 102, a. 2, 3, 4; III, q. 22, a. 2; q. 47, a. 1; q. 48, a. 3; q. 49.

301. The notion of sacrament is one thing, the notion of sacrifice another. - Although in the Eucharist the same thing is contained and offered, nevertheless the notion of sacrament and of sacrifice differs in many ways:

1. The sacrament consists in a permanent thing, even under one species; the sacrifice in a transitory action: the oblation and immolation of Christ under both species.

2. The sacrament *per se and primarily* is ordered to our sanctification, of which it is the efficient cause; the sacrifice is ordered to rendering worship to God, which can be an impetratory cause of benefits to be obtained from God.[1]

[1] Hence St. Thomas, q. 79, a. 7: "Insofar as in it is represented the passion of Christ, by which Christ offered Himself as a victim to God... it has the notion of sacrifice; but insofar as in it invisible grace is handed on under a visible species, it has the notion of sacrament."

3. The sacrament, for those receiving, is a cause of merit; the sacrifice has efficacy not only of meriting, but also of satisfying.

4. The sacrament *ex opere operato* profits only the one receiving; the sacrifice profits the celebrant and others.

302. Sacrifice according to the name. - Sacrifice is so called from *making sacred*, and therefore signifies an act by which man makes something sacred; whence

1. in the broadest sense it signifies an act or work of any virtue whatsoever done in honor of God, and commanded by the virtue of religion, for example works of mercy or obedience (Heb. XIII, 15-16; Ps. L, 19);

2. in the stricter sense it is every act elicited by the virtue of religion, that is, one which has no other goodness except because it is done in honor of God; in this sense an internal sacrifice (Ps. XLIX, 14; I Pet. II, 5, 9), by which the soul offers itself to God, is more a sacrifice than an external one: for exterior worship is nothing except the expression of the interior;

3. in the strictest and proper sense it is the chief act of external and public worship, distinct from all others, most solemn and most excellent, because it more perfectly attests the supreme dominion of God and the full dependence of all things upon Him; whence it is making sacred by excellence (Os. VI, 6; I Reg. XVI, 2-5).

Consequently, by extension and improperly, sacrifice also designates the term of the sacrificial action, namely the thing sacrificed or the victim, insofar as by sacrifice it has been offered to God and made sacred; or the sacred thing itself as made.

303. The real definition of sacrifice. - Sacrifice strictly so called is defined: *An external oblation of a sensible and permanent thing, through some change or destruction of it, made by a priest to God, for testifying His supreme dominion and our subjection.* In this definition there is indicated:

1. The genus to which sacrifice belongs: *oblation*, by which something is offered to God to be deputed to divine worship; and indeed an *external* oblation, because it belongs to external and public worship: thus it differs from devotion and from merely internal sacrifice.

2. The matter: *of a sensible and permanent thing*; sensible, indeed, because sacrifice is a sensible sign, since it is made for signifying the internal oblation of the mind by which man offers and subjects himself to God as supreme lord; also permanent, namely that which is apt both for signifying the abiding dominion of God over man and over the whole creation, and for representing man himself who hands himself over to God.

Through this oblation differs from adoration, because the latter presents to God a transitory action, for example genuflection, while the former presents a permanent thing, which in sacrifice is offered as vicarious for our sensible and permanent substance; whence it is understood why in sacrifices especially those animals and other things were used which serve man and his sustenance.

3. The form: *through some change or destruction*, by which, namely, for signifying the supreme dominion of God over all things, the thing is withdrawn from every use of men, and totally and forever passes into the dominion of God, and thus is wholly consecrated to God and made sacred.

It is not required a) that the change always be had through real or physical destruction, but an equivalent can suffice, namely one which, as to the exterior form or according to the estimation of men, is equivalent in the order of signifying to a real change: thus a thing which is rendered unfit for natural uses, as poured-out wine, or is put on the way of destruction, and whatever bears the appearance of destruction so that it is apt for expressing the signification proper to sacrifice; - b) nor is it necessarily required that the destruction of human life in honor of God be signified: even the oblation of another thing, which is wholly consecrated to God, is apt for signifying the supreme dominion of God and our total subjection; indeed the signification of the immolation of human life could *per se* seem less congruous. Nevertheless, sin being supposed, by which man is worthy of death, for placating God offended and expiating sin, it happened that in propitiatory sacrifice a victim vicarious of human life was destroyed in place of man, in order to signify the expiation of sin. As St. Thomas notes, I-II, q. 102, a. 3, ad 3: "by the killing of animals is signified the destruction of sins, and that men were worthy of killing for their sins, as if those animals were killed in their place to signify the expiation of sins."

By destruction or change sacrifice is distinguished from all other oblations: in a simple oblation the thing, while it is offered, remains whole, although afterward it can be consumed; in sacrifice the oblation itself is made formally through change or destruction; whence St. Thomas, II-II, q. 86, a. 1: "the name of oblation is common to all things which are presented for the worship of God, so that if something is presented for the worship of God as for something sacred that must be made from it by being consumed, it is both an oblation and a sacrifice; but if it is presented so that it remains whole, to be deputed to divine worship or expended for the use of ministers, it will be an oblation, not a

sacrifice." Likewise, a little before, q. 85, a. 3, ad 3: "Sacrifices are properly said when something is done about things offered to God, as when animals were killed and burned (a bloody sacrifice), when bread is broken and eaten and blessed (an unbloody sacrifice). And the name itself sounds this, for sacrifice is so called from the fact that man makes something sacred. But oblation is directly said when something is offered to God, even if nothing is done about it, as coins or loaves are said to be offered on the altar, about which nothing is done. Whence every sacrifice is an oblation, but not conversely."

4. The efficient cause, namely the minister: *by a priest*. To express the public sense of religion in the name of society, a public person is required, i.e., one who enjoys public authority, or is legitimately deputed by it to act for all or in the name of all.

Thus before cities and kingdoms were established, when there were only families and tribes, the father of the family or the firstborn was indicated, as it were naturally, for offering sacrifice; afterward kings also sometimes did this, as Melchisedech did; but for the most part distinct ministers were designated for this: for it is fitting that in society there be ministers separated from the people, permanently instituted for this, who are called priests in the strict sense; once these have been instituted, such an act of sacrifice would be invalidly attempted by others. But since Christ was constituted the head of all men, He was naturally the priest of the whole of humanity. But if God reserves to Himself the ordering of the whole worship, as was done in the supernatural order, no one else can institute a sacrifice or priesthood (Heb. V, 14).

5. The end of sacrifice, both the end *to whom*: *made to God*, for sacrifice is an act of the virtue of religion; and the end *which*: *for testifying His supreme dominion and our subjection*.

From the fact that a thing is destroyed or changed in honor of God, and is withdrawn from every human use and wholly handed over and consecrated to God, there is signified the full dominion of God over all things and the dependence of all upon Him, especially His dominion over the being and life of man, for whom all things were created.

304. Observations. - 1. Sacrifice is in the genus of oblation, and yet oblation is not its whole essence: for every sacrifice is an oblation, but not every oblation is a sacrifice. This is a special oblation, which at the same time is an external sign, for "it is done for signifying something: but it signifies the interior spiritual sacrifice by which the soul offers itself to God" (II-II, q. 85, a. 2). Whence it is an external action by which the whole thing is consecrated to God and made sacred, for signifying outwardly the total consecration of our mind to God. Oblation has itself after the manner of a genus, sign after the manner of a specific difference.

2. Hence the change of the victim, by which it is consecrated to God, is not a mere prerequisite condition for the sacrificial oblation, but is its constitutive element, insofar as the sacrificial oblation is made through the sacred change itself, and this is a certain real oblation and pragmatic donation.

3. Wherefore the change of the victim must not be called a quasi-material element in sacrifice, but the formal element itself by which precisely it is constituted and formally differs from all other acts of religion.

To forestall equivocation, an entirely twofold formal element must be distinguished in it: one by which it is formally constituted in the notion of an act of religion, and this is the internal intention of honoring God or internal sacrifice, without which external worship would be nothing except simulation; another by which it is formally constituted precisely as an external sacrifice and is not a mere oblation, or adoration, or prayer, or another act of religion, and this is the external sign by which the thing, by some change or destruction, is said to be wholly dedicated to God.

4. Nevertheless destruction or change considered merely materially is not sacred, but only if it is considered formally insofar as it is informed by a spiritual signification. Hence when the killing of the victim preceded the sacrifice - as sometimes happened - and was not done by the priest, who offered to God the victim previously killed, there was indeed a twofold material and physical action, but only one formally in the order of signification, from which it came about that the slaughter, as commanded or ratified by the priest, was already sacred, and the oblation was not a mere oblation but truly sacrificial.

5. Since sacrifice has no other goodness except by reason of its signification, because it is a sign of the interior affection by which man submits himself wholly to God, hence it is not a natural sign which signifies that from its nature, but a conventional one, whence it requires positive institution; nevertheless it is not merely arbitrary, but symbolic, because of itself it has an aptitude for representing our total subjection to God.

6. Hence thurification, the lighting of candles, etc., are not sacrifice, both because they are also done by those who are not priests, and because they were not instituted for acknowledgment of the supreme dominion of God, but for increasing solemnity, for stirring up faith and devotion, etc. (C. Trid., sess. 22, c. 5).

7. Sacrificial oblation is rather often called immolation. This word in the proper sense signifies bloody slaughter, in which sense it is taken by St. Thomas, III, q. 83, a. 1; yet by the Fathers and Scholastics, such as Peter Lombard and Albert the Great, it is also used concerning unbloody sacrifices, and then it signifies every properly sacrificial action, or the change constitutive of sacrifice, in which sense the Council of Trent itself speaks, sess. 22, c. 1 and 2.

305. Diverse species of sacrifice. - Every sacrifice essentially and primarily is latreutic, because it is done in honor of God for testifying that God is the first principle, from whom man totally depends and by whom he is whatever he is. From this it follows that he has from God Himself whatever he has, and expects whatever he will receive; and that, if he turns himself away from God by sin, he is worthy of the penalty of death; for acknowledging these things sacrifices also can be offered. Hence by reason of the end, sacrifice is divided into latreutic (homage-offering), which is especially offered for the worship of God; and eucharistic (thank-offering), for benefits received; and impetratory (petition-offering), for benefits to be received; and propitiatory (atonement-offering), which is also especially done for placating an offended God and repairing sin.

In the Old Law, by reason of form and end, there were distinguished: the holocaust (burnt-offering), which was entirely burned in honor of God and therefore was a latreutic and most perfect sacrifice; - the victim for sin (sin-offering) or for transgression, which was more especially offered for the sins of the people, in which another part yielded to the priest, who therefore was said to eat the sins of the

people; - and the peace-offering (peace-offering), which was more especially offered for benefits received or to be received, in which a third part yielded for the use of those offering (Lev. VI-VII).

By reason of the manner in which they are offered, some are bloody sacrifices, which were made with the killing of a victim, for example by the pouring out of blood, burning, and in the Old Law they were principal; others unbloody, in the Old Law accessory, since they were offered rather together with a bloody sacrifice or in place of a bloody one, which are done without the death of a victim, for example by the breaking or burning of a solid thing, the pouring out of a liquid (Lev. I-II), sending into the desert, etc.

306. To all sacrifices there succeeded, as more eminent, the one sacrifice of the New Law: the immolation of Christ which He consummated in the passion and death of the cross[2] (Matt. XXVI, 53; John XVIII, 6). In this sacrifice:

[2] That the oblation of the cross is a true and properly so-called sacrifice is established from the doctrine of the Apostle, Eph. V, 2; Heb. VII, 26-27; IX, 25, 28; X, 10, 14, 18, from universal and constant faith, and from the Council of Trent, sess. 22, c. 1.

1. The victim is the Son of God made flesh, that He might be substituted for men (Heb. II, 11, 17; I Tim. II, 5, 6; Rom. V; Eph. V, 2), and by the hypostatic union itself sanctified and consecrated as a victim forever.

2. The form is not so much the material killing as the voluntary laying down of His soul and the disposal of His own life, made in honor of God, and externally manifested in the free permission of death; so that Christ's human nature, "when it was offered to God in the passion, was sanctified in a new way, namely, as a victim then actually presented" (III, q. 22, a. 2, ad 3).

3. The minister: it is not the killers themselves, but Christ, who voluntarily admitted death, while He could have impeded it (John X, 17, 18).

4. The value, namely the honor of God, the merit, and the satisfaction, is infinite.

And so the sacrifice of Christ differs greatly from the ancient sacrifices:

1. in dignity, by which it stands infinitely apart from them: a) on the part of the one offering, who is the Son of God made man, and b) on the part of the thing offered, which is His body and blood;

2. in end, because it is offered at once to a fourfold end;

3. in efficacy: it is not only of value *ex opere offerentium* from the offering men, but by intrinsic dignity it is always acceptable to God, whom it infallibly honors; whence *ex opere operato* it not only removes legal uncleanness, but, as much as is of itself, also infallibly obtains grace;

4. in perfection and stability, because it does not prefigure, announce, and prepare for anything else, but itself is prefigured by all the others, which therefore, when it came, had to cease (C. Trid., sess. 22, c. 1).

In the old law there were many victims, transitory and of merely relative value; the victim of the New Law is one, perpetual, and of absolute value, as being of infinite dignity and always pleasing and acceptable to God.

Never, therefore, will there be a new sacrifice, meritorious or propitiatory, because Christ satisfied for the sins of all and merited for all the graces of salvation.

307. The sacrifice of the New Law, bloodily consummated on the cross, is to be perpetually offered in the sacrament of the Eucharist, both for acknowledging the dominion of God, and for applying the merits and satisfactions of the cross. - This is the Catholic doctrine which the Council of Trent proposes thus, sess. 22, c. 1 and 2:

Jesus Christ, "our God and Lord, although He was once to offer Himself on the altar of the cross to God the Father, death intervening, that He might there accomplish eternal redemption; yet, because His priesthood was not to be extinguished by death, at the last supper, on the night on which He was betrayed, that He might leave to His beloved spouse the Church a visible sacrifice, as the nature of men requires, by which that bloody sacrifice once to be accomplished on the cross would be represented, and its memory would remain even to the end of the world, and its saving power would be applied for the remission of those sins which are daily committed by us; declaring Himself constituted forever a priest according to the order of Melchisedech, He offered to God the Father His body and blood under the species of bread and wine, and under the symbols of the same things He handed them to the Apostles, whom He was then constituting priests of the New Testament, that they might receive them; and to them and to their successors in the priesthood He commanded that they offer them by these words: *Do this in commemoration of Me*, as the Catholic Church has always understood and taught. For, after the old Passover had been celebrated, which the multitude of the children of Israel immolated in memory of the departure from Egypt, He instituted the new Passover, Himself to be immolated by the Church through priests under visible signs, in memory of His passage from this world to the Father, when by the pouring out of His blood He redeemed us and snatched us from the power of darkness and transferred us into His kingdom.

"...And since in this divine sacrifice which is performed in the Mass, that same Christ is contained and immolated unbloodily, who once offered Himself bloodily on the altar of the cross, the holy Synod teaches that this sacrifice is truly propitiatory, and that through it this is brought about: that if, with a true heart and right faith, with fear and reverence, contrite and penitent, we approach God, we may obtain mercy and find grace in timely aid. For the Lord, appeased by the oblation of this sacrifice, granting grace and the gift of penance, remits crimes and sins, even great ones. For the victim is one and the same, the same one now offering by the ministry of priests, who then offered Himself on the cross, only the manner of offering being diverse. And the fruits of that bloody oblation, I say, are received most abundantly through this one: so far is it from derogating from that in any way."

308. The Eucharistic sacrifice, or sacrifice of the altar, is defined: The unbloody sacrifice of the New Law, - in which the body and blood of Christ under the species of bread and wine, - by a mystical immolation, - through the legitimate ministry of Christ, are offered to God, - for acknowledging His supreme dominion and for applying to us the merits of the sacrifice of the cross. - In this definition all the elements of sacrifice are successively indicated: matter, form, minister, and end.

That the definition is real will be proved throughout the whole course of the treatise.[3]

[3] On the Eucharistic sacrifice cf. St. Thomas, III, q. 82-83 with the commentaries of Cajetan, John of St. Thomas, Billuart, and the other works already reviewed for the sacrament of the Eucharist (p. 162, n. 1); further these special works: Pasqualigo, *De Sacrificio N. Legis*; Benedict XIV, *De SS. Missae Sacrificio*; Thalhofer, *Das Opfer des A. und N. Bundes*; Lambrecht, *De SS. Missae Sacrificio*; Schwane, *Die Eucharistische Opferhandlung*; Renz, *Die Geschichte des Messopfers-Begriff*; Gihr, *Das H. Messopfer, dogm. u. ascet. erklärt*; Brouwer, *Het H. Misoffer, of liturg. verklaring*; Dom Vandeur, *La Ste Messe*; Guilleaume, *Le S. Sacrifice de la Messe*; Simons, *Le sacrifice parfait et universel de la loi nouvelle*; Lamiroy, *De essentia s. Missae sacrificii*; de la Taille, *Mysterium Fidei*; Bittremieux, *De nota destructionis in sacrificio Missae*; Lepin, *L'Idée du Sacrifice de la Messe d'après les théologiens*.

The unbloody sacrifice of the altar is customarily called *Mass*. The word probably is derived from the verb *mitto*, so that it is the same as *missio*; but this sacrifice is called by this name from the dismissal of certain persons, who either were prohibited from being present at the sacrifice (*Mass of the catechumens*), or had been present at it (*Mass of the faithful*). It is also called *sacred*, because the thing offered is most sacred, or rather because it is the sacred action by excellence; in Greek it is called μυσταγωγία, i.e., initiation, the performance of a mystery; λατρεία, i.e., the worship of service; ἱερουργία, i.e., sacrifice, victim; θυσία, i.e., immolation; especially λειτουργία, i.e., the office of public worship.

309. Division of the matter to be treated. - The matter is divided into two parts: the first treats of the sacrifice of the Mass itself; the other of the precepts pertaining to the sacrifice.

In the first part, concerning the Eucharistic sacrifice itself, there is discussed:

1. the existence of the sacrifice;
2. the matter of the sacrifice;
3. the form of the sacrifice: a) concerning the action by which it is offered, b) concerning the mode in which it is offered;
4. the minister of the sacrifice: a) concerning the principal minister, b) concerning the secondary minister of the celebration, c) concerning the minister of distribution;
5. the end and effects of the sacrifice: a) concerning the various effects, b) concerning the mode in which they are produced, c) concerning those to whom the effects come, d) concerning those for whom the sacrifice can be offered, e) concerning the value and quantity of the effects.

In the second part there is treated of the precepts pertaining to the sacrifice, namely:

1. concerning the obligation of celebrating the sacrifice: a) from the priesthood, b) from office, c) from benefice, d) from stipend, e) from the precept of obedience or from vow;
2. concerning the requisites for administration.

There is added an appendix on ceremonies, rites, and other precepts pertaining to the celebration of the Eucharist and to its dispensation.

First Part: On the Eucharistic Sacrifice Itself

Question One: On the Existence of the Sacrifice

310. State of the question. - That the Mass truly is a sacrifice, besides the Albigensians, all the Reformers denied: not only those who denied the real presence, as the Sacramentarians, Calvinists, and many Anglicans, but also those who retained it, as Luther with his followers.

For they admit no sacrifice except the spiritual sacrifice of good works, and they say that Christ instituted nothing except a sign or bare commemoration of the sacrifice accomplished on the cross, or a mere supper in which He hands Himself over to us to be eaten. But the liberal critics, progressing further, deny the very historicity of the institution of the Eucharist, as we have already said, n. 239, B. Indeed the Modernists say that the doctrine of the sacrifice of the cross is not evangelical but Pauline, and that the Christian supper gradually assumed the character of a liturgical action (prop. 38, 45, 49). And certain Catholics, such as Renz and especially Wieland, whose works were placed on the Index January 2, 1911, said that for nearly two centuries the notion of sacrifice was hidden from the Church, and that by the influence of paganism the notion of sacrifice was applied in Irenaeus. On the other hand, in our days, among Anglicans, the Ritualists again admit both the real presence and the truth of the Eucharistic sacrifice.

But Catholic doctrine holds that in the Mass there is celebrated a true and properly so-called sacrifice, which at the same time is essentially representative of the sacrifice of the cross, not however a mere image, representation, or commemoration of it.

311. Thesis. The celebration of the Eucharist is a true and properly so-called sacrifice of the New Law. - It is of faith from the Council of Trent, sess. 22, c. 1, can. 1 and 2.

It is proved:

A. From the Scriptures: 1. From the prophecy of Malachias I, 10-11: "I have no pleasure in you, says the Lord of hosts; and I will not receive an offering from your hand. For from the rising of the sun even to its setting My name is great among the Gentiles, and in every place there is sacrificed and offered to My name a clean oblation."

Concerning these words it must be noted: a) the occasion of this prophecy was the evil priests who, in the time of the prophet, neglected, contemned, and polluted their sacrifices, whom he rebukes by the words adduced; b) the words *there is sacrificed and offered* are of the present tense and yet signify the future, according to the custom of the prophets, who are so certain of future things that they describe them as present, and, without respect to time, see them as it were present; c) the words *there is sacrificed and offered a clean oblation*, by force of the Hebrew word and the usage of Scripture, designate a sacrifice properly so called, and especially an unbloody one.

By the aforesaid words the prophet announces that the sacrifices of the Jews are to be abolished, and that there must be substituted for them a new and true and properly so-called sacrifice; which cannot be anything other than the Eucharistic sacrifice.

And indeed: a) A new sacrifice is announced, for to the Hebrew worship is opposed another worship to be rendered in every place of the Gentiles by a clean oblation, and this precisely is the reason why God does not receive the offering of the priests of the Jews: *for from the rising of the sun...*; therefore the

sacrifice of the Jews displeases God not only by reason of those offering, but by reason of the sacrifice itself, and therefore it is to be abolished.

b) It is a sacrifice properly so called, both because the Hebrew words signify this, and because it is opposed to sacrifices properly so called, for which it is to be substituted, and because a sacrifice improperly so called or spiritual sacrifice is not new, but is in use in all times; whence also in chapter III the ministers are already designated who are to offer it and for whom the Lord will have special care (coll. Is. LXVI, 18).

c) It can be nothing other than the Eucharistic sacrifice: for it is not the Aaronic sacrifice, because that is not new and is precisely said to be reprobated; not a pagan sacrifice, since the prophets abhor sacrifices of this sort; not the sacrifice of the cross, which, offered only once, is not offered in every place nor among the Gentiles. Therefore it is the Eucharistic sacrifice, to which alone the characters of the sacrifice announced perfectly belong: for it is new, universal, clean, to be offered by a diverse priesthood, and from it there proceeds a great glorification of the name of God among all the Gentiles.

This is confirmed: 1. from the interpretation of the Fathers from the beginning of the Church: Didache, 14; Justin, *Dial.* 41; Irenaeus, *adv. haer.* IV, 17; Tertullian, *adv. Iud.* 5; Eusebius, *dem. ev.* I, 10; Chrysostom, *adv. Iud.* V, 12; Augustine, *de Civ. D.* XVIII, 35; John Damascene, *de F. orth.* IV, 14;

2. from the authentic interpretation of the Council of Trent itself, sess. 22, c. 1, which says concerning the sacrifice of the Mass: "This is that clean oblation, which cannot be defiled by any unworthiness or malice of those offering, which the Lord through Malachias foretold was to be offered clean in every place to His name, which was to be great among the Gentiles."

2. From Psalm CIX, 4, explained in the Epistle to the Hebrews V, 5, 6: "Christ did not glorify Himself that He might become high priest, but He who spoke to Him: You are My Son, today I have begotten You; as also in another place He says: You are a priest forever according to the order of Melchisedech."

Concerning these things it must be noted: a) priesthood is conferred upon someone in order to sacrifice, and *per se and primarily* regards sacrifice, as the epistle testifies, V, 1: "Every high priest taken from among men is appointed for men in the things which pertain to God, that he may offer gifts and sacrifices for sins"; b) Christ is said to be priest, not according to the order of Aaron, but according to the order, i.e., according to the likeness, manner, rite, of Melchisedech, who, as Gen. XIV, 18 testifies, brought forth bread and wine; c) Christ is said to be priest forever, and therefore His sacrifice in some way remains.

And so three things are announced concerning Christ: a) that He would offer a true sacrifice, since He is a priest; b) that He is a priest according to the order or rite of Melchisedech; c) that He is a priest forever and therefore His sacrifice will always endure. But Christ, according to the rite of Melchisedech, could not offer sacrifice except at the last supper, when He placed His body under the species of bread and wine, and this is renewed daily in the Eucharist by the precept of Christ commanding: *Do this in commemoration of Me*. Therefore the Eucharist is a true sacrifice; but if it were not, Christ would not truly be, as priest, or in the priesthood, according to the order of Melchisedech.

This is confirmed: 1. Although under other aspects also Melchisedech bore the type of Christ, both because he was at once king and priest, and because by force of his name he is king of justice, and because he was king of Salem, i.e., of peace, and because in Scripture he appears "without father, without mother, without genealogy, having neither beginning of days nor end of life," and thus prefigures the perpetuity of Christ the priest; and although the Epistle to the Hebrews attended only to such considerations, nevertheless through this Christ would not formally be priest according to the order of Melchisedech.

2. Whence the Fathers understand Christ's priesthood according to Melchisedech concerning the Eucharist: Cyprian, ep. 63; Clement of Alexandria, *strom.* IV; Eusebius, *dem. ev.* V, 3; *Lib. de Sacr.* V, 1; Chrysostom and Theodoret, in ep. to the Hebrews; Ambrose, *de myst.* VIII, 16; Jerome, ep. 73; Augustine, *de Civ. D.* XVI, 22; XVII, 20; XVIII, 35; ep. 177, n. 12.

3. And thus the Council of Trent declares, sess. 22, c. 1.

It is understood, moreover, that in the Epistle to the Hebrews no mention is made of the sacrifice of Melchisedech, since it could in no way serve the intended purpose, which was to prove the excellence of His priesthood over the Levitical priesthood: for the Aaronic priests offered equal sacrifices, indeed more excellent ones, as being bloody.

3. From the words of institution, Luke XXII, 17-20; I Cor. XI, 24-25: "This is My body which is given for you (or, will be handed over)... This chalice is the new testament in My blood, which shall be poured out for you"; or Mark XIV, 22-24 and Matt. XXVI, 26-28: "This is My body... This is My blood of the new testament, which shall be poured out for many," and Matthew adds, "unto the remission of sins."

Concerning these things it must be noted: a) the words *to be given* or *handed over* and *to be poured out for you* or *for many*, i.e., for your benefit or the benefit of many, from received usage signify a true sacrifice; - b) the words *which shall be poured out for you*, in Luke and Paul, are not referred grammatically to the blood but to the chalice, which is clear from the Greek, so that the sense is: this chalice is poured out; where by metonymy the container is put for the content; whence the sense is that the blood is poured out insofar as it is in the chalice or has relation to the chalice, or that the blood in the chalice has relation to pouring out; - c) the verb *shall be poured out* in the Greek text is put in the present: *is poured out*, just as *is given*, *is handed over*, are in the present; so that it is readily understood of the present handing over and pouring out, although it can also be understood of what is proximately future. In the first case it is directly affirmed that the body now is handed over and the blood now is poured out, and is placed in the state of immolation which will really be consummated on the cross, which it mystically shadows forth; in the other case there is directly signified the body to be handed over and the blood to be poured out on the cross, which nevertheless already are presented under the aspect of a body handed over and blood poured out.

Therefore in the institution of the Eucharist Christ, under the species of bread and wine, placed and offered His body and blood in an external state of immolation, namely of a body handed over and blood poured out, for us unto the remission of sins. But the handing over of a body and pouring out of blood for others unto the remission of sins manifestly declare a sacrifice. Therefore the placing of the body and blood of Christ under the species in the state of immolation is declared to be a sacrifice.

Now Christ commanded that the same thing which was done at the supper be done perpetually, saying: *Do this in commemoration of Me*. Therefore the celebration of the Eucharist was instituted by Christ as a perpetual sacrifice.

This is confirmed: 1. from the fact that Christ substituted the supper for the Jewish Passover, and the blood of the New Testament for the blood poured out in confirmation of the ancient covenant (Ex. XXIV, 8);

2. from the interpretation of the Fathers, for example Cyprian, ep. 63; and the Council of Trent, sess. 22, c. 1.

4. From the use of the primitive Church.

It is indicated positively in Acts XIII, 2: *As they were ministering* (Greek λειτουργούντων), i.e., exhibiting sacrificial worship; likewise I Cor. X, 18-20, where the chalice and table of the Lord are opposed to the chalice and table of demons, i.e., to sacrifices offered to the demon, as is established from the word θυσία (v. 18), which indicates a true sacrifice; likewise it is insinuated in Heb. XIII, 10; - but negatively it is established from the fact that after Christ all other sacrifices ceased.

The several arguments made from the Scriptures do not always provide sufficient certitude singly, but all do together.

B. From Tradition, which is manifestly established from the Fathers, Liturgies, and decrees of the Church.

1. At the beginning the Fathers testify that the Eucharist is a true sacrifice: Didache, 14 and 15; Justin, *Dial.* 41, 70, 117; Irenaeus, *adv. haer.* IV, 17; Tertullian, *de or.* 19; Hippolytus, in Cant. III, 4; Cyprian, ep. 63; Origen, hom. 9, in Lev.; *c. Cels.* VIII, 33; Chrysostom, hom. 17 in Heb.; Eusebius, *dem. ev.* I, 10; Cyril of Jerusalem, cat. XXIII, 7-10; Gregory of Nyssa, *or. cat.* 18; likewise the Liturgies, in which everywhere the words occur: oblation, immolation, sacrifice, victim. They say that by this sacrifice all sacrifices are consummated, and that the prophecy of Malachias is fulfilled, and that its antitype is the sacrifice of Melchisedech; as we have already said above.

2. Irenaeus, *adv. haer.* IV, 18; Origen, *c. Cels.* VI-VIII; Hippolytus, in *anaph.*; Cyprian, ep. 63; Gregory Nazianzen, or. 4 and ep. 171; Gregory of Nyssa, in *Ch. res.* or. 1, explain in some measure the notion of sacrifice, and insist upon this: that by the consecration of bread and wine there are offered to God the body and blood of Christ, once handed over for us on the cross; the memory of whose death is thus always renewed among the faithful, so that the whole sacrifice consists in the oblation of the victim once handed over to death, by which death is vividly represented.

3. The great Fathers, Ambrose, in Luke I, 28; *de Off.* I, 48; in Ps. XXXVIII, 25; Chrysostom, *de Sacerd.* III, 4; Augustine, ep. 98; ep. to Boniface; Gregory, *dial.* IV, 58, more fully explain the notion of sacrifice and of the representation of the sacrifice of the cross; for this they often use the words "of immolation in sacrament"; by which indeed they do not understand a merely

symbolic and bare representative sacrifice, but one at once symbolic and real, and really containing that of which it is figurative.

4. This doctrine of the Eucharistic sacrifice is also found among the separated Eastern Churches, and several times has been authentically confirmed by the Church: thus by Innocent III in the profession of faith for the Waldenses; by the Fourth Lateran Council, c. 1; in the Second Council of Lyons, profession of faith of Michael Palaeologus; and the professions of faith of Pius IV, Gregory XIII, and Benedict XIV.

C. By reason: sacrifice must be offered by the precept of natural law (II, n. 693), whence there has never been any nation or religion without sacrifice; therefore in the true religion founded by Christ there must be a sacrifice to be offered. But there would be none unless the celebration of the Eucharist were a sacrifice.

Whence also in it all the conditions of sacrifice are verified, as we shall show.

312. Protestants object: from the Epistle to the Hebrews, that there is one priest, Christ (VII, 23-25); and likewise one sacrifice (VII, 27; X, 12-14). Therefore in the New Law there is only the one sacrifice of the cross.

Resp. To the first, I distinguish: there is only one principal priest, I concede; there is only one ministerial priest, I deny: for the apostles and their successors are ministers of Christ and dispensers of the mysteries of God (I Cor. IV, 1), who offer the sacrifice from the precept of Christ commanding: *Do this in commemoration of Me* (ibid. XI, 24).

In the Epistle to the Hebrews there are excluded priests who succeed one another in the way the Levitical priests did, so that they are independent of one another, equal, and offering in their own name; but not secondary and ministerial priests, essentially subordinated and dependent, and vicars of Christ the priest forever, who uses their ministry. Whence in the same epistle the sacrifice of the altar is suggested (XIII, 10).

To the second, I distinguish: there is only one sacrifice simply and as to substance, I concede; there is only one as to the mode of offering and relatively, I deny.

The sacrifice of the New Law is one, so that there will not be a new victim nor a new real immolation, because by the one immolation of His cross Christ acquired infinite merit and abundantly satisfied for sins. Whence there will never be a new sacrifice propitiatory of itself; but nothing prevents the same victim from being offered again in a sacrifice of praise and adoration, which essentially is commemorative and applicative of the merits and satisfactions of the cross. According to the Epistle to the Hebrews, the sacrifices of the Old Law had to be repeated, as insufficient in themselves and inefficacious for condign satisfaction; but with a satisfaction more than sufficient having been furnished by a real immolation of infinite virtue and perpetual efficacy, a sacrifice is no longer to be offered for satisfying, as if in supplement to the sacrifice accomplished; yet nothing prevents the immolation of the same victim from being symbolically renewed in a sign, so that its fruit may come to us and be applied more and more.

Question Two: On the Matter of the Sacrifice or the Thing Offered

S. Th. III, q. 83, a. 1; q. 82, a. 4; q. 79, a. 7.

313. Thesis. The victim is the Son of God according to the human nature proper to Him alone, and indeed 1. the body and blood of Christ, 2. insofar as they are sensible through the species of bread and wine. - It is certain from the perpetual preaching of the Church and from the Council of Trent, sess. 22, c. 1 and 2.

The first part is proved: The victim is Christ Himself, or rather the body and blood of Christ.

1. From the words of Christ instituting and declaring that in this sacrament there is His body, which is broken or handed over, and His blood, which is poured out, or that there is a true victim, unto the remission of sins.

2. From tradition, which is established from the manner of speaking of the Fathers, the Liturgy, and the Council of Trent.

The Fathers and the Council teach this, both implicitly by saying that the sacrifice of the Mass and of the cross is one and the same, and explicitly by asserting that in the Mass Christ Himself is offered, or His body and blood; which the Liturgies also do.

3. By reason: a) The same victim is in the Mass and on the cross, on which Christ offered His body and His blood; b) it is congruous to the perfection of the Church that it offer to God that which is greater and more excellent in it: for sacrifice has customarily been made from the better goods; but the better and more perfect thing in the Church is the body and blood of the Lord.

The second part is proved: It is Christ under the species of bread and wine; for:

1. Christ instituted that sacrifice under the species of bread and wine.

2. Christ is priest according to the order of Melchisedech, who offered bread and wine; which would not be true unless He offered Himself under the species of bread and wine.

3. No action of ours touches Christ existing in His proper species.

4. The thing offered ought to be sensible; but the body and blood of Christ are not sensible except through the species of bread and wine.

Nevertheless the species are not part of the thing offered, as some say, but are a necessary condition so that it may be rendered sensible; they are indeed part of the sacrament, but not of the sacrifice, whence the Council of Trent says that the body and blood are offered under (not with) the species.

314. Corollary. - Christ alone is the victim in this sacrifice; whence the bread and wine which are converted into Christ are not sacrificed. For:

1. According to the Council of Trent, one and the same victim, only the manner of offering being diverse, is offered in the Mass and on the cross, on which nothing was offered besides Christ.

2. There is no reason why Christ, besides the excellent oblation of His body and blood, would have willed that minimal things such as bread and wine be offered.

3. It is not congruous to the perfection of the New Law that the same things be offered which in the Old Law were offered in figure of the new sacrifice.

Nor does it stand in the way that bread and wine are destroyed; for a) they are not destroyed sensibly; b) not everything which is destroyed is the victim of a sacrifice: for positive institution as a sign of worship is required.

Therefore bread and wine are nothing except the term from which, and the matter from which, the victim becomes present under the species.

Question Three: On the Form of the Sacrifice

Article I: On the Action by Which Christ Is Offered

S. Th. III, q. 83, a. 1 and 4; q. 79, a. 5 and 7; q. 82, a. 4; a. 10 and ad 1; q. 80, a. 12, ad 1 and 3.

315. Thesis I. The whole essence of the Eucharistic sacrifice consists in the consecration; and indeed in the consecration of each species. - It is the far more common opinion.

The first part is proved: The whole essence is in the consecration alone.

1. From the words of Christ: Christ, in the words of consecration, which are effective and practical, declares that His body is broken or handed over, and that His blood is poured out unto the remission of sins. But these things, according to the manner of speaking of the Hebrews, signify the immolation of sacrifice. Therefore the sacrifice is perfected in the consecration.

2. From the authority of the Fathers and Theologians, by name Irenaeus, *adv. haer.* IV, 18; Chrysostom, hom. 1 *in prod. Iud.*, 6; Gregory of Nyssa, or. 1 *in res.*; Cyril of Jerusalem, cat. XXIII, 8; and St. Thomas, who among other things has:

"Insofar as in this sacrament the passion of Christ is represented, by which Christ offered Himself as a victim to God, it has the notion of sacrifice," q. 79, a. 7. But "the representation of the Lord's passion is enacted in the consecration itself of this sacrament, in which the body ought not to be consecrated without the blood," q. 80, a. 12, ad 3. Therefore "in the consecration of the Eucharist sacrifice is offered to God," q. 82, a. 10, ad 1; but "the consecration... of another matter is not a sacrifice, as the consecration of the Eucharist is," q. 82, a. 4, ad 1.

3. By reason: a) Christ is the principal offerer, and the priest visibly offers in His name (I Cor. XI, 24-25; Luke XXII, 19); but in the consecration alone the priest explicitly acts in the name of Christ, so that, as if forgetful of his own personality, he acts and speaks as if he were Christ Himself, saying: *this is My body...*; therefore.

b) The celebration of the sacrifice of the altar is essentially representative of the sacrifice of the cross; this does not mean that some action or circumstance added to the sacrifice represents the cross, but that this is done through the sacrificial action itself. But this representation is made only in the consecration. Therefore in the consecration the sacrificial action of the altar is perfected.

c) The principal power of a priest is to consecrate. But in the ordination of a priest it is not said: receive the power of consecrating, but: receive the power of offering sacrifice. Therefore to consecrate itself is to offer sacrifice; otherwise it would not appear when the power of consecrating was handed over.

If these arguments are considered together, and together with those by which other opinions are excluded, the thesis must at least be called most probable, if not morally certain.

The second part is proved: For the essence of the sacrifice each consecration is required.

1. Christ is said to be priest according to the order of Melchisedech, i.e., according to the rite of offering of Melchisedech, as tradition has understood it, who alone sacrificed in both, namely bread and wine.

2. The sacrifice of the altar is an express representation of the bloody sacrifice of the cross. But on the cross the blood was poured out and separated from the body. Therefore also on the altar the blood ought to be represented as separated from the body and poured out; which would not be unless by the species of wine separated from the bread the blood were represented as poured out from the body.

"The representation of the Lord's passion is enacted in the consecration itself of this sacrament, in which the body ought not to be consecrated without the blood," q. 80, a. 12, ad 3. For "the blood consecrated apart from the body expressly represents the passion of Christ," "because the separation of the blood from the body was through the passion," q. 78, a. 3, ad 2 and 1.

Therefore, although the consecration of one species of itself could seem sufficient for sacrifice and for the symbolic immolation of the victim, nevertheless it does not suffice for the sacrifice which was instituted by Christ, who, in honor of God, instituted nothing else except the representation of His death through the pouring out of blood (C. Trid., sess. 22, c. 1). And this is the far more probable opinion.

316. Corollaries. - From the foregoing it follows that these do not pertain to the essence or integrity of the sacrifice:

1. The actions which precede the consecration or follow communion, because they are not concerned with the body and blood of the Lord, but are a mere preparation for the sacrifice or thanksgiving.

2. Likewise the actions which are placed between the consecration and communion, such as the elevation or verbal oblation of the victim, the breaking of the host, and the mixing of the species, both because they were not instituted by Christ nor are done in the person of Christ; and because according to the Missal they can sometimes be omitted (*de defectibus*, tit. 3 and 4); and because they do not represent the passion except according to a certain circumstance, and would be said in vain to be employed for immolating Christ, since they do not change Him except at most locally.[1]

[1] Several theologians, such as Melchior Cano, Estius, and Valentia, said the breaking of the host was essential; others, such as St. Bellarmine, held it as an integral part of the sacrifice. Both are manifestly opposed to St. Thomas, q. 83, a. 4; a. 5, ad

7; a. 6, ad 6.

3. Likewise the communion of the people: a) because the Council of Trent, sess. 22, can. 8, declares that Masses in which the priest alone communicates are licit (cf. Council of Nicaea I, can. 18; prop. 28 of the Synod of Pistoia, condemned by Pius VI); b) because communion is not always distributed by a priest, but sometimes by a deacon, indeed formerly by laymen; therefore it is not a sacrificial action; c) because reception is participation in the sacrifice (I Cor. X, 16; Heb. XIII, 10), whence it supposes the victim already offered and immolated.[2]

[2] St. Thomas, q. 79, a. 7, ad 3.

317. Thesis II. The communion of the species consecrated in the same sacrifice, made by the celebrant, is not of the essence of the sacrifice; nevertheless it is of its integrity.

The first part is proved: Communion is not of the essence of the sacrifice.[3]

[3] Several taught the contrary: certain moderns, such as Bellord, said that it was the whole essence, because they suppose that sacrifice is nothing other than a banquet with the divinity; which nevertheless is false, since in a holocaust there is no eating of the victim, and nevertheless it was the more perfect sacrifice; - others placed the essence in the consecration and communion together, but principally in communion, which the consecration prepares: thus St. Bellarmine and St. Alphonsus; - others, however, principally in the consecration, although partially in communion, as Dominic Soto, Lugo, and the Salmanticenses.

1. From the authority of the Fathers and Theologians: Cyprian, *de laps.* 26; Chrysostom, hom. 1 *in prod. Iud.* 6; Gregory of Nyssa, or. 1 *in res.*; Cyril of Jerusalem, cat. XXIII, 7-10; Council of Toledo XII, a. 681, c. 5; and St. Thomas, q. 79, a. 5 and q. 82, a. 4.

2. Eating is an action unapt for sacrifice: for nothing is offered to God, nor is anything withdrawn from human use to be deputed in honor of God, by an action by which something is consumed by man for his own utility. In other words, consumption for one's own utility is not a symbol of our subjection toward God.

3. Sacrifice is offered in the name of Christ; but communion is not done in the person of Christ, for Christ is not made food for Himself, nor does He eat Himself through another.

Nor should you say: Christ hands Himself over for communicating, as He handed Himself over for crucifixion. - For the killers to whom He handed Himself over were not ministers immolating in His name, whereas the priest is His true minister, who ought to act in the name of Christ.

4. The sacrifice of the altar is essentially representative of the passion of Christ; but communion does not represent the passion; therefore.

Nor does I Cor. XI, 26 stand in the way; for by communicating we announce the death of Christ, not insofar as the reception itself would be an imitation of the cross, but insofar as we are made participants of the passion of the victim immolated on the cross and now again offered in memory of the death.

5. In communion no action is present which affects the victim itself, but it affects only the species; whence it would be said erroneously that Christ Himself is changed, destroyed, or

immolated by it.

The second part is proved: The communion of the celebrant is an integral part. Thus St. Thomas, q. 79, a. 7, ad 3; q. 82, a. 4; q. 83, a. 6.

1. From the practice of the Church, which so urges communion in every circumstance that it is never licit to omit it, and, in default of the celebrant, it must be done by another priest, even not fasting (Missal, tit. 10, n. 3).

2. In this sacrifice Christ is prepared in the notion of food and drink; but this bespeaks a natural order to reception, which the Fathers acknowledge: Chrysostom, hom. 3 to the Ephesians; Augustine, in John XXVI, 13; Gregory, *dial.* IV, 58; therefore reception is the part completing the integrity of the sacrifice.

3. The sacrifice of the altar is a propitiatory and peace-making sacrifice, in which the priest customarily participates in the sacrifice as a sign of peace and fellowship between God and men.

Whence without reception the Mass would be a true sacrifice but incomplete, as a man without an arm is a true man but incomplete. Hence the Mass on Parasceve is denied by the Fathers and Theologians to be a sacrifice; but if by others it is called a sacrifice, they understand this in an imperfect sense concerning participation in the sacrifice.

318. They object: In sacrifice two things are required: the preparation or bringing-in of the victim, and its immolation. But in the consecration there is not immolation but only the placing of the victim: for nothing is changed or destroyed insofar as it is placed; but if a change of Christ then took place, it would not take place on the altar but in heaven. Therefore communion is further required so that Christ may be immolated or destroyed.

It is answered that those two things are required as distinct if the victim is offered in its proper species, because then it will not be placed in the state of a victim except through an action which touches and changes it; but if it is offered in an alien species, it can be placed in the state of a victim through an action which really changes something else into it. Nevertheless it does not follow that Christ is immolated insofar as He is changed in heaven, or precisely insofar as He is placed here, but insofar as He is placed in the state of a victim; which action, although physically it is a placing and not a change, nevertheless is equivalent to this according to the estimation of men, because Christ, through an action which changes bread and wine into Himself, is placed here in the external state of immolation and of a victim. Whence the same action under a diverse aspect is a presentation and, as it were, bringing-in of the victim through transubstantiation, and at the same time an oblation and immolation.

319. Practical corollaries. - From the doctrine set forth several things follow which must be attended to in practice:

1. A special application of the Mass must necessarily be made before the consecration, so that if made afterward it is invalid and of no value.

2. He who is present at the consecration is present at the sacrifice as to its essence and becomes a participant in its fruits; although he does not satisfy the precept of the Church of hearing Mass on a feast day, since the Church commands the whole Mass.

3. The celebrant is bound to communicate from his own sacrifice, nor can he receive a host consecrated in another Mass or by another priest, and place in the pyx or in the monstrance the host consecrated by himself.

4. The same host also, which was consecrated together with the chalice, and not another, must be broken and received by the celebrant; for the liturgical breaking of the host is a preparation for reception.

5. Likewise the host just consecrated, and not another previously consecrated, ought to be elevated, that it may be adored; and all the ceremonies *per se* ought to be performed with one and the same host, as the perfect integrity of the sacrifice requires.

6. Without a most grave cause, it is by no means licit to take from the altar before the communion of the celebrant particles consecrated in the Mass, so that they may be distributed to the faithful who are to communicate, because first the celebrant, then the faithful, ought to communicate from the same sacrifice.

7. Likewise hosts consecrated in the Mass are not to be placed away before communion has been completed, but are to be left upon the altar until then, because in a certain way they pertain to the sacrifice which is completed by communion.

Article II: On the Mode by Which Christ Is Offered

S. Th. III, q. 74, a. 1; q. 79, a. 7; q. 83, a. 1; q. 78, a. 3, ad 1 and 2.

320. State of the question. - Having demonstrated that the essence of sacrifice is verified in the consecration, there is asked the mode in which, in the consecration, the sacrificial oblation and immolation is made, or the mode in which Christ is offered and immolated.

Concerning this, many opinions have been set forth in the course of time, which can be reduced to three classes.

a. Some held that the sacrifice of the altar by one notion is absolute and by another representative, or that in itself it is a true and properly so-called sacrifice through something other than through the representation of the passion of Christ.

b. Others, on the contrary, constitute the very notion of sacrifice in the representation itself of the death of Christ, or in the mystical immolation or destruction representing the passion.

c. Others finally, supposing this immolation or its representation, formally place the sacrificial action not indeed in destruction, but in the oblation of the thing immolated or destroyed.

321. Principle I. The sacrifice of the altar is not by one notion a sacrifice and by another representative of the cross, but insofar as it is a sacrifice it is representative, and insofar as it represents the passion it is also a true sacrifice.

This is the traditional doctrine, which from the beginning and constantly is found set forth among the Fathers and Scholastics: that the very sacrifice of the Mass is formally representative of the cross, not indeed *per accidens*, or through some circumstance added to it, but *per se*, i.e., through its essence or through the immolation proper to it; which would not be unless the representation itself of the bloody sacrifice of the cross were itself the immolation of Christ in the Mass, and this unbloody immolation of Christ were the representation of the bloody immolation.

Thus, for example, Justin, *Dial.* LXX, 4; Cyprian, ep. 63; Cyril of Jerusalem, cat. 23; *Sacramentary of Serapion* XIII, 12-14; *Apostolic Constitutions* VII, 25, 4; Eusebius, *dem. ev.* I, 10; *H. E.* X, 2-3; Gregory Nazianzen, ep. 171; Chrysostom, *de Sacerd.* III, 4; *de prod. Iud.* I, 6; in Matthew, hom. 82, 1; Caesarius of Nazianzus, *dial.* 3, interrog. 169; Ambrose, in Ps. XXXVIII, 7; *de off. min.* I, 48; Augustine, ep. 98; Gregory, *dial.* IV, 58; Cyril of Alexandria, ep. 17; Paschasius Radbertus, *de corp. et sang. Domini* XIX, 3; Lanfranc, *de corp. et sang. Domini* 14; Alexander of Hales, p. 4, q. 10, m. 3, a. 2; St. Thomas, q. 79, a. 7; q. 73, a. 4, ad 3; q. 74, a. 1; a. 7, ad 2; q. 76, a. 2, ad 1; q. 78, a. 3, ad 7; q. 80, a. 12, ad 3; q. 83, a. 1.[1]

[1] Nor in general do those authors deny this who formally place sacrifice, not in immolation or destruction, but in oblation alone. Let de la Taille, one of them, be heard, *M. F.*, elucid. XIX: "The Fathers proclaimed with one voice that in our Eucharistic celebration there is both the notion of sacrifice and the representation of the passion; indeed, that the sacrificial character depends upon this, that there is an image of the passion (or symbolic immolation). Their opinion is so openly known to those who have turned their pages even with the tip of a finger, that if anyone insisted on heaping up testimonies, he would seem only to be doing what has already been done." Likewise Lepin, *L'idee du Sacrifice de la Messe*, p. 750, conformably to de Condren, Olier, Juenin, Le Brun, and others of the same school.

This is also confirmed from the sacrifices of the Old Law, which were prefigurative of the cross insofar as in them the victim was immolated.

Several thought otherwise, namely that the representation of the passion of Christ really present does not suffice so that a true sacrifice may be present: for thus, they say, there is not a true and real sacrifice by which Christ is destroyed, but He is only represented as destroyed; there is not a true immolation, but a mere representation of immolation. And indeed:

1. Some, such as St. Bellarmine and St. Alphonsus, said that Christ is destroyed insofar as He is received in communion, and thus His presence under the species ceases; which we have already sufficiently refuted in the preceding article, n. 317.

2. A few others said that it is a sacrifice insofar as bread and wine truly are destroyed. But a) this is asserted without foundation, as we noted in n. 314; b) Christ would no longer be sacrificially offered or immolated; c) bread and wine are not visibly destroyed, whence this does not suffice for constituting a properly so-called sacrifice, namely an external and visible one.

3. Others, such as Suarez and Scheeben, posited a conversive destruction, saying that bread and wine are sacrificed insofar as they are destroyed, Christ insofar as He is produced: for not only is the thing offered which is changed and destroyed, as an animal, but also that into which it has been changed or which is produced anew, as smoke in a holocaust. But a) bread and wine are not sacrificed, as was already said in n. 314; b) it is false that Christ is produced (n. 244); c) although a thing produced can be offered, nevertheless against common sense a thing is said to be sacrificed insofar as it is produced.

4. Others, such as Lugo and Franzelin, say that Christ is destroyed not really but equivalently or in a human mode, insofar as, although He is glorious in heaven, here under the species of bread and wine He is constituted in a lower, humbler state and as if dead, reduced to the state of food and drink, destined for consumption, and unfit for exercising the connatural actions of bodily life, just as the incarnation of the Word is called by the Apostle the emptying of the Son of God (Phil. II, 7). Waffelaert and Lamiroy approached this opinion in some way, saying that Christ is placed in an immolative state insofar as His body becomes edible and food, His blood drinkable and drink, and therefore He is placed in the state of an immolated victim.

But a) nothing is sacrificed insofar as it is destined for the use of man or placed in the state of food: for thus it is rather accommodated to the use of man than offered to God. b) Christ remains unchanged in this sacrament (n. 243-244); therefore, although He does not exercise actions concerning surrounding things, because He exists there in an unextended mode, namely after the manner of substance, nevertheless He is there with all the vital actions and glorious endowments which He exercises or has in heaven. Whence Christ undergoes no diminution in Himself, but only externally is placed in the humbler state of an inanimate thing, as if He were not living.[2]

[2] It is useless to recall the singular opinion of Cienfuegos (*Vita abscondita*, disp. 2, lect. 1), saying that Christ miraculously exercises acts of sensitive life in the sacrament, then afterwards suspends these, and in the mixing of the body with the blood assumes them again; moreover, that in the vicissitude of those acts the essence of the sacrifice is placed. - But these things are asserted without reason, and contradict the doctrine of St. Thomas, q. 76, a. 7, ad 2, and a. 8, ad 2; nor in that way would there be a sacrifice essentially representative of the passion.

The aforesaid opinions must all be rejected, because, as has been said, the sacrifice itself of the Mass, by this very fact that it is a sacrifice, is also representative of the passion; which is not verified in the stated opinions.

322. Principle II. The Eucharistic sacrifice essentially consists in a symbolic or mystical immolation, i.e., in the representation itself of the Lord's passion, insofar as Christ, once bloodily immolated, under sacramental signs is placed and offered in an external condition of immolation through separated species, as if His blood had really been poured out from His body.

This is a more perfect statement and more accurate exposition of the traditional doctrine set forth under the first principle. It is proved:

1. From the words of Christ instituting, who teaches that the Eucharist is a sacrifice by saying that His body is there given and His blood poured out. But the blood of the Lord is not poured out except insofar as under a distinct species it becomes present as if it were separated from the body. Therefore in this the Eucharistic sacrifice consists.

2. From the authority of the Fathers and Theologians handed down above.

3. By reason: The essence of the Eucharistic sacrifice represents the immolation of the cross; but the sacrifice of the cross is represented insofar as Christ is offered under distinct species; therefore in this consists the very essence of the Eucharistic sacrifice.

Yet this is not always explained rightly; and indeed:

1. Vasquez and Perrone, to whom Coghlan in some measure approaches, said that the Mass is not an absolute sacrifice in itself, but merely representative, and therefore that in it no real immolation or true change is required, but that the mere representation of this suffices. - But a) then the Mass would not be a true sacrifice, but only its image: for representation as representation is not sacrifice, although the Council of Trent, sess. 22, c. 1, says the Mass is a true and proper sacrifice; b) although this opinion differs in word from the opinion of the Protestants, which says that the Mass is a bare commemoration of the sacrifice of the cross, because it says that it is a relative sacrifice, and therefore was not condemned by Trent, can. 8, nevertheless in reality it does not seem to differ from it. A true unbloody immolation cannot be confused with an immolation merely figurative and metaphorical.

2. Many, such as Lessius, Sylvius, Gonet, Billuart, Pesch, and Hugon, hold that Christ is immolated insofar as by force of the words the blood is separated from the body: for although by concomitance the blood is also present with the body, nevertheless this happens *per accidens* with respect to the words of consecration. - But a) if *per accidens* the blood is not separated, *per accidens* no sacrifice is given, for which it does not suffice that the cause of immolation be posited, but that the victim truly be immolated: thus if the sword does not kill the victim, *per accidens* there will be no sacrifice. Therefore it remains that in the aforesaid opinion there is nothing except an attempted sacrifice; - b) the words do not have the force of separating the blood from the body, for they do not exclude the blood: before consecration either the blood was separated, and then the separation is not made by force of the words; or it was not separated, and then the words have not separated it and will not separate it.

3. Whence it must be said otherwise and more soberly: By force of the words, namely, only the body is present under the species of bread, and only the blood under the species of wine; whence the consecrated species of bread represents only the body, the species of wine represents only the blood. Therefore the body and blood, although not really, nevertheless sacramentally, i.e., by their signs, are separated; whence Christ under the species is in the external condition of the separation of the blood from the body, no otherwise than if the blood had really been separated from the body. Moreover the species of bread and wine are species of an inanimate thing; therefore they represent only the body and blood as inanimate: the body bloodless and dead, the blood poured out; whence although Christ is not really dead, nevertheless He is in the external condition of destruction and death, no otherwise than if He had been bloodily killed.

The placing of the victim in such a state suffices for sacrifice, which is a symbolic sign of the supreme dominion of God and of our subjection to Him; but a sign is something external and visible; therefore for the essence of sacrifice there is not required a real and bloody immolation, but a symbolic and perfect representation of this suffices, by which the victim really present is placed in the external condition of slaughter and death, so that outwardly it appears altogether as if it were dead. And although that external condition would not always suffice for repairing sin and for a sacrifice efficaciously propitiatory of itself, for which true and real immolation is required, because sin makes one guilty of death; nevertheless it has the same force of signifying our submission as real death has, and much more expressly than the pouring out of wine, or the breaking of food, or the sending of a

goat into the desert. And therefore it suffices for a victim already really immolated to be offered again in honor of God in a sacrifice, which is not propitiatory except because it truly contains the immolated victim and because it applies the satisfactions of this victim already furnished for sin.[3]

[3] Let it be noted that our opinion differs entirely from the doctrine which De Lugo proposed: 1. because we affirm that the representation of the blood poured out, in the order of sacrificial signification, is equivalent to real immolation, which he denies; - 2. because in this representation we place the essence of the sacrifice: for the essence of a thing is that which is conceived as first in it, and from which all other things are derived; but in bloody death that which is conceived as first is the pouring out of blood, from which is derived both the absence of motion and life, and the state of death; therefore also in symbolic death, that which is conceived as first and, as it were, the essence is the sacramental separation itself of the blood from the body, of which the external condition of death is only a concomitant consequence. Therefore we do not deny that the external condition of death pertains to the notion of sacrifice, but we say that it is not principal in it, as the essence, but rather has itself after the manner of a certain consequence; - 3. because we explain why the essence of the sacrifice consists in the consecration of the twofold species, without which the pouring out of blood is not represented; in Lugo's opinion no reason for this is given, because even under one species Christ is constituted in the external condition of death.

This is the opinion which St. Thomas learned from tradition and teaches in the cited places, and which the great Thomists propose, such as Cajetan and John of St. Thomas, likewise Pasqualigo, Bossuet, and more recently Billot, Van Noort, Grimal, Pegues, and Garrigou-Lagrange.

323. Principle III. The Eucharistic sacrifice of the altar, although it formally consists in oblation, nevertheless does not require an oblation distinct from immolation, but is offered in the unbloody or symbolic immolation itself.

Thus against several more recent authors,[4] who hold immolation as a mere prerequisite condition for sacrifice, but formally, or even exclusively, place sacrifice in oblation. Undeservedly, as it seems.

[4] Thus Habert already reports concerning certain persons; several expressly taught this in France, such as de Condren, Olier, Plowden; more recently Thalhofer, de la Taille, Lepin, to whom Battifol, Riviere, MacDonald, Grivet, and also d'Ales in some measure approach.

For: 1) This is opposed to St. Thomas saying, q. 79, a. 7: "insofar as in this sacrament the passion of Christ is represented, by which Christ offered Himself as a victim to God..., it has the notion of sacrifice," and q. 73, a. 4, ad 3: "it is called sacrifice insofar as it represents the passion itself of Christ."

2. Sacrifice is not constituted by a mere and formal oblation: a) not indeed by internal oblation: this indeed is the formal element by which sacrifice is constituted in the notion of an act of virtue, namely of religion, and which suffices for internal sacrifice; but it is insufficient for constituting external and properly so-called sacrifice as such, or for distinguishing it formally from other acts of religion; b) nor by external oblation, because not every oblation is sacrifice; - but c) it is constituted by a real oblation which is proper to sacrifice, and which is had through sacrificial immolation. Therefore the true Eucharistic sacrifice of the altar is not constituted as such by the internal oblation of Christ; nor by the mere external oblation of the sacrifice accomplished on the cross, which also is made to the Father in the heavens through a certain metaphorical and improper sacrifice; but Christ is offered by the symbolic and unbloody immolation itself.

3. Just as the voluntary death itself of Christ formally is the bloody sacrifice of the cross, so the representation itself of the cross in the sacrament formally is the unbloody sacrifice, but not

through an oblation distinct in act.

324. Corollaries. - 1. The sacrifice of the Mass is not a new immolation in the proper sense, or a bloody slaughter; whence St. Thomas, q. 83, a. 1, teaches that the celebration of this sacrament is called the immolation of Christ because it is a certain image representative of the passion of Christ, which is His true immolation, and because through this sacrament we are made participants in the fruit of the Lord's passion. - Nevertheless on the altar there is made a new symbolic and analogical immolation, or a true unbloody immolation, as the Fathers speak: Cyprian, ep. 63; Augustine, ep. 98; Gregory, *dial*. 4, and the Scholastics, such as Peter Lombard and Albert the Great. Wherefore the Council of Trent itself, sess. 22: "in this divine sacrifice... Christ... is immolated unbloodily" (c. 2), since "He instituted a new Passover, Himself to be immolated by the Church through priests under visible signs" (c. 1).

2. A new victim is not made on the altar. Christ by the hypostatic union itself was sanctified and consecrated as a victim forever, which nevertheless does not prevent His human nature, "when it was offered to God in the passion, from having been sanctified in a new way, namely, as a victim then actually presented" (III, q. 22, a. 2, ad 3). By the resurrection and ascension Christ acquired the definitive state of an immolated, accepted, and glorified victim remaining forever. Hence in the sacrifice of the altar He is not consecrated in a new way into a victim, but the perpetual victim is constituted sacramentally present to be offered anew.

3. The sacrifice of the cross and the sacrifice of the altar are in one way one, in another way a twofold sacrifice. It is substantially one, by reason of the principal offerer, Christ, by reason of the thing offered or victim, and by reason of the value or merit and satisfaction; modally twofold, by reason of the form or rite of offering, for the Council of Trent says: the manner of offering is diverse. And because in sacrifice the offerer, and the gift which is offered or the victim, and the merit are principal, but the mode or rite is rather something secondary, therefore the sacrifice of the New Law is simply one, and twofold in a qualified respect.

Hence if in sacrifice there is formally considered the sacrificial oblation and immolation itself: a) the sacrifice of the Mass is distinct from the sacrifice of the cross; for, even if the internal oblation of Christ were said to have remained one and the same and to be going to remain forever, nevertheless the external oblation, which is essentially constitutive of sacrifice properly so called, is renewed through the priest; whence the unbloody sacrifice is multiplied as often as the passion of Christ is represented by multiplied oblations; - b) the sacrifice of the Mass is also diverse in some way from the sacrifice of the cross, because the oblation is diverse in an unbloody immolation and in a bloody one; - c) nevertheless they bespeak an essential order to one another: the sacrifice of the Mass essentially is referred and subordinated to the cross, because it is essentially commemorative and applicative of the cross; for it is not a sacrifice except because it contains the passion, namely Christ, the victim really immolated on the cross, under the very signs of immolation; but sacramental immolation in a sign is not immolation except by reason of the real immolation on the cross. Whence they are not to be counted together as separate things, but they are one sacrifice by unity of order and immolation, because the same immolation is in reality and in sign, the same sacrifice in its proper species and in the species of sacrament.[5]

[5] Cf. vol. II, n. 697.

4. The sacrifice of the Mass is the same as to substance with the sacrifice of the supper; nevertheless it differs from it accidentally: in the supper Christ was offered as passible and mortal, by Himself, for signifying the future death of the cross, and in union with that death for acquiring merit and satisfying for our sins; - in the Mass He is offered as impassible and immortal, by the hands of the priest, for representing the past death of the cross and for applying to us the merits acquired.

Question Four: On the Minister of the Sacrifice

325. Matter to be treated. - The minister is one principal, namely Christ Himself, in whose name the sacrifice is offered; another secondary, who acts in the name and in the person of Christ the principal minister, and who can be considered both in the act of the celebration of the sacrifice, and in the act of dispensation, by which the host is distributed in communion to be participated in by the faithful.

Article I: On the Principal Minister

S. Th. III, q. 78, a. 1 and 4; q. 82, a. 1, 5 and 7, ad 3; q. 83, a. 1, ad 3.

326. Christ is the priest of the New Testament, highest and supreme, constituted by God forever with an oath, pontiff of heavenly things, anointed in the incarnation itself by the grace of hypostatic union, when, entering the world made man, He was destined to offer Himself in the sacrifice of redemption and by His human will accepted this office.

Thus in the Epistle to the Hebrews V-XI. Whence Augustine, on Ps. 26: "In the assumption of flesh that Christ was anointed as king and priest."

But He is priest according to His human nature: for as God, just like the Father and the Holy Spirit, He has no superior to whom He may sacrifice, but He Himself is the one to whom sacrifice is offered; but as man, according to the nature proper to Himself, He is the servant of God, to whom He can and ought to submit Himself, and according to this nature He sacrifices to the divine nature, i.e., to the Father, the Holy Spirit, and Himself as God. This He perfectly fulfilled by one act of infinite dignity and value, in the sacrifice of the cross, as we suppose proved in the treatise on Redemption.

But it is asked whether, as on the cross, so also on the altar Christ is priest or minister.

327. Thesis. Christ is the principal minister of the sacrifice of the altar. - It is certain from Lateran Council IV, c. 1 and Trent, sess. 22, c. 2.

It is proved: 1. From the Scriptures: Christ, in Ps. CIX, 4, is called priest according to the order of Melchisedech, which according to tradition was interpreted because He sacrificed in bread and wine; and priest forever, which would not be true unless He were priest of the sacrifice which is always repeated. Likewise in Heb. VII, 24, He is called priest of the New Testament, to whom no one else succeeds, having an everlasting priesthood; therefore He Himself sacrifices in the Mass, otherwise someone would succeed Him, since the same victim is present as on the cross.

2. From Tradition, namely from the Fathers, such as Irenaeus, *adv. haer.* IV, 17-18; Cyprian, ep. 63; Chrysostom, hom. 50 in Matt. 3; 17 in Heb. 3; and I *de prod. Iud.*; *L. de Sacr.* IV, 4, 14; Theodoret,

in Ps. 109; Eusebius of Caesarea, *dem. ev.* V, 3; Augustine, *de Civ. D.* XVII, 20; the Liturgies; and the Councils, Lateran IV, c. 1, Florence, decree for the Armenians, and Trent, sess. 22, c. 1 and 2.

3. From the words of consecration: priests do not consecrate except by acting in the person of Christ and using His words; therefore they offer sacrifice in the name of Christ, and therefore they are only secondary ministers, while Christ is the principal minister.

4. By reason of fittingness, both a) on account of the excellence of the sacrifice, which, according to Mal. I, is a clean oblation, which always presents great honor to God; but dignity especially depends upon the dignity of the one offering; therefore it is required that the offerer always be most holy, which most of all befits Christ; - and b) on account of the dignity of the thing offered, which is a thing of infinite dignity and most pure, and therefore ought to be offered by a similar offerer, Christ.

328. In what way Christ is the principal minister. - Sacrifice is not perfected by a merely material immolation of the victim; otherwise every change or destruction made by a priest would be a sacrifice; but by a moral religious action, by which from the intention of honoring God the immolation is offered to Him. Whence it is required: 1. that the immolation of the victim depend in some way upon the will of the priest; 2. that it be directed by him in honor of God.

These two things are verified concerning Christ in the Mass:

1. Christ not only instituted the sacrifice, which would not suffice for Him to be priest in it, but by His human will He willed that it be perpetually offered in His name by priests as by His legates, to whom He granted this power, so that priests execute nothing except the will of Christ, and the action of priests is morally the action of Christ and is attributed rather to Him than to the priests, just as the action of a legate is attributed more to the king than to himself.

2. At the last supper Christ, foreseeing all and each of the future sacrifices, even then willed all and each to be done in honor of God, and offered them to Him; which will habitually perseveres, not revoked.

In this way Christ is a true priest. With many theologians it can be added: since Christ Himself is present in the sacrifice with His will, it is impossible that He direct it in honor of God not only habitually but also by an actual will.

329. It is objected: The sacrificial action ought to be from a priest as from a principal cause. But consecration is a supernatural action, which has no principal cause except God, and of which Christ as man is merely the instrument. Therefore Christ as man is not priest.

It is answered by distinguishing: the sacrificial action, formally as it is a moral and religious action, i.e., as a testimony of interior reverence and honor toward God, ought to be from a priest as from a principal cause, I concede; as it is a physical action, I deny; for a priest, for example, can command the killing of a victim, which is carried out by others. But consecration as a physical action has no principal physical cause except God, I concede; as a moral and religious action, or as a testimony, it has no principal moral cause except God, to the exclusion of Christ as man, I deny. Namely Christ as

man, by the human will proper to Himself, willed to use His power of performing miracles, for causing transubstantiation in honor of God; and He did this not as an instrument of the divinity, but as a principal cause, although the execution of the work does not pertain to Him except as to an instrumental cause. Therefore Christ as man is the principal moral cause in the sacrifice, and the instrumental efficient cause.

Article II: On the Secondary Minister of Celebration

S. Th. III, q. 82, a. 1, 2, 5, 6, 7 and 8; q. 78, a. 1 and 4; q. 83, a. 1, ad 3.

330. Thesis. All priests, and priests alone, are secondary ministers properly so called in the sacrifice of the altar (can. 802), as being the only ones designated by Christ in the Apostles through the words: *Do this in commemoration of Me*. - It is of faith from Lateran Council IV, c. 1 and Trent, sess. 22, c. 1 and can. 2, and from the doctrine of faith concerning the sacrament of Order.

Thus against certain Gnostics, even admitting women, and against the Waldenses, who judged all pious men apt, and against Lutherans and Calvinists saying that all baptized Christians are priests.

It is proved: 1. From the universal and perpetual practice of the Church, which is found testified by the Fathers, such as Ignatius, to the Smyrnaeans, VIII, 1; Justin, *1 apol.*, 65; Origen, in Num. hom. IV, 3; Cyprian, ep. 5 and 63; Eusebius, *dem. ev.* IV, 3; Chrysostom, *de Sac.* III, 4; Jerome, ep. 146; Ambrose, in Ps. XXXVIII, 7; *L. de Sacr.* IV, 4; Augustine, *C. D.* XVI, 22; XVII, 17; and it was confirmed by the Councils of Nicaea I, can. 18; Lateran IV, c. 1; Florence, decree for the Greeks; Trent, sess. 22, c. 1, can. 2; sess. 23, c. 1 and 4, can. 1.

2. By the reason which St. Thomas brings, q. 82, a. 1: "This sacrament is of such great dignity that it is not confected except in the person of Christ. But whoever does something in the person of another, this must be done by a power conceded by that one. Therefore, just as to the baptized there is conceded by Christ the power of receiving this sacrament, so to a priest, when he is ordained, there is conferred the power of consecrating this sacrament in the person of Christ. For by this he is placed in the rank of those to whom it was said by the Lord (Luke XXII, 19): *Do this in commemoration of Me*. And therefore it must be said that it is proper to priests to confect this sacrament."

The power of a priest consists in the indelible character of order, whence he validly consecrates even if he is evil, heretical, schismatic, suspended, excommunicated, degraded: for a priest does not consecrate in his own name and by his own power, but in the name of Christ, in whose person he acts as minister, and by the power of God Himself. Nor does someone cease by this very fact to be a minister of Christ, because he is evil. Cf. Council of Trent, sess. 7, can. 12; sess. 23, c. 4, can. 4; Council of Constance, sess. 8, prop. 4 and art. 22.

331. Several priests can consecrate and sacrifice together. - Not indeed as partial causes, whether on the part of the form, of which each would pronounce a part, or on the part of power, as if no one had sufficient power for consecrating alone but only all together; but as total causes, each of which effects the consecration, provided that they pronounce all the words of the form, and their intention is borne to the same instant at which all have completed the form, so that together they posit one sign. Therefore it does not suffice that "several priests validly concelebrate the sacrifice of the Mass, if only one of them utters the words *This is My body* and *This is My blood* over the bread and wine, while

the rest do not utter the words of the Lord, but with the celebrant knowing and consenting, have and manifest the intention of making his words and actions their own." But "from the institution of Christ, he alone validly celebrates who pronounces the consecratory words." Response of the Congregation of the Holy Office, May 23, 1957.

In the Latin Church concelebration is licit only in the ordination of priests and in the Mass of the consecration of bishops (can. 803), and otherwise gravely prohibited; but in the Eastern Church it is still in use. Let concelebrants take care that they finish the words together (at least morally) with the principal celebrant, and that they have at least the implicit intention of consecrating not before him but together with him; for this the intention of doing in the better way, or of doing what the Church intends, suffices.

332. In what way the priest is a true minister of the sacrifice. - The minister of the sacrifice is he upon whose will the oblation and immolation of the victim depends, and who wills it in honor of God. But

1. at the will of the priest, placing the matter and form with due intention, Christ becomes present and is unbloodily immolated;

2. the priest wills this immolation in honor of God at least implicitly: for he who wills to do what Christ does or what the Church intends, implicitly wills to offer sacrifice in honor of God, because Christ and the Church intend this.

But if a wicked priest did not will to sacrifice, yet with a predominating will nevertheless wished to consecrate, he would not offer in his own name, but only in the name of Christ and the Church.

333. What is required in a priest so that as minister of Christ he may licitly sacrifice. - That a priest may licitly consecrate and sacrifice, it is further required that he be in the state of grace, regularly to be recovered from a preceding confession in the case of sin, that he be bound by no censure, irregularity, or canonical impediment, and that he exist fasting from midnight (can. 807 and 808), as was already explained in n. 271 and 281.

A priest celebrating in mortal sin does not seem to commit several distinct sins, namely an unworthy confection, ministration by an unworthy person, ministration made to an unworthy person, and unworthy reception, but one sin, because all those things are ordered to one sacrifice; although the sin is so much graver because it contains several malices.

334. In what sense the Church and the faithful are said to offer the sacrifice. - The Church and the faithful are called offerers, not indeed in the proper or ministerial sense, insofar as the oblation and immolation of the victim and its ordering in honor of God would depend upon their will, but improperly, insofar as they concur in the sacrificial oblation and immolation or participate in the intention of honoring God, and thus are morally united to the priest.

1. They can participate in the intention of honoring God, joining their will to the will of Christ and of the priest:

a) by implicit and habitual will, as the Church does: for Christ offers Himself for the society of the Church, of which He is head, and the priest, by designation of the Church, offers the sacrifice in the

name of the whole Church, i.e., of all the faithful (even infants);

b) more perfectly by explicit and actual will, by uniting one's intention to the intention of Christ and of the priest;

c) better, by assisting at the sacrifice and externally manifesting the internal intention;

d) best finally, by assisting and at the same time communicating: for thus they most fully become participants in the sacrifice and manifest their assent to it, confessing that the sacrifice is offered for them and that the victim, Christ, has been immolated for them (I Cor. X, 18).

2. They can concur externally in the sacrifice:

a) by asking or procuring that the sacrifice be celebrated, for example by furnishing a stipend, making a foundation, etc.;

b) by furnishing the things necessary for the sacrifice, such as vessels, vestments, lights, bread, wine, etc.;

c) by serving at the altar, especially as deacon.

The cooperation is greater the nearer it is objectively to the sacrifice, or the more perfect the disposition with which it is subjectively furnished.

335. Protestants object from I Pet. II, 9: "But you are a chosen race, a royal priesthood," whence they say that all are priests and can offer sacrifice as such.

Resp. All are a royal priesthood in an improper sense, I concede; in the proper sense, I deny. For according to the context the faithful ought to offer spiritual victims to God, as Peter himself explained, v. 5; or, as Paul says, Rom. XII, 1, to present their bodies as a living victim to God; therefore they are priests according to analogy. - But if sometimes they are said to offer the sacrifice itself of the altar, they do this through the mediation of priests, as was explained.

Article III: On the Secondary Minister of Distribution

S. Th. III, q. 82, a. 3 and 9.

336. Principle I. The priest alone is the ordinary minister of the dispensation of the holy Eucharist (can. 845, § 1). - It is certain.

It is proved: 1. From the words of Christ: *Do this in commemoration of Me*, directed to the apostles.

2. From apostolic tradition and the constant use of the Church, as is established from the Fathers: Clement of Rome, to the Corinthians, XL, 1-4; Didache X, 7; XV, 1; Ignatius, to the Smyrnaeans, VIII, 1-2; Justin, *1 apol.*, 65; Irenaeus, *adv. haer.* IV, 18; ep. to Victor, 3; Clement of Alexandria, *Strom.* IV, 25; Cyprian, ep. 43 and 70; and from the Council of Trent, sess. 13, c. 8; sess. 23, c. 1.

3. By reason, and indeed a threefold one: a) The priest consecrates in the person of Christ; but consecration of itself is ordered to distribution, whence Christ, just as He consecrated at the last supper, so also dispensed to others to be received; therefore just as consecration pertains to the priest, so also does dispensation. - b) The priest is constituted as a mediator between

God and the people; whence just as it pertains to him to offer the gifts of the people to God, so also to hand over divine gifts to the people. - c) In reverence for the sacrament it has been established that it is not touched except by a consecrated or blessed thing; whence the corporal, chalice, and hands of the priest are consecrated; therefore others cannot touch it except in necessity, as for avoiding profanation of the sacrament.

337. Principle II. The deacon, as one near to the priestly order, participates in something of its office, and according to the current discipline is the extraordinary minister of dispensing communion (can. 845, § 2).

This is established from ancient and constant tradition, to which Justin, *1 apol.*, 65, 67; Cyprian, *de laps.* 25; *Apostolic Constitutions* VIII, 13 and 28; Dionysius of Alexandria in *H. E.* VI, 44; Damasus, carm. 18; Basil, ep. 93; and the use of the Church testify. For formerly, as still today in the Greek Church, the deacon was the dispenser of the blood; but not of the body except in necessity, at the command of the bishop or presbyter, which still obtains at present. Whence according to can. 845, § 2, the "extraordinary minister is the deacon, with the permission of the local Ordinary or of the pastor, to be conceded for a grave cause, which in a case of necessity is legitimately presumed."

Therefore by commission either of the local Ordinary or of the pastor (but not of the regular Ordinary or of the simple rector of a church, as some gratuitously assert without positive foundation) a deacon can distribute communion, provided it is conceded from a reasonable cause sufficiently grave, as if the priest is absent or infirm, if there is no one who can conveniently administer, if on a great feast all the priests are very occupied with hearing confessions or with preaching, or sufficient priests are not present for the number of communicants, if no one is present except a censured priest publicly declared as such, etc.; - but in a case of necessity commission is not required but is legitimately presumed; indeed the deacon is bound to minister if there is a necessity of ministering Viaticum and every priest who can or will minister is lacking.

338. Question: If a minister is lacking, can it sometimes be licit to communicate oneself?

It is answered: 1. A priest or deacon can, when a minister is lacking, communicate himself in order to Viaticum. Indeed, according to several, especially more recent authors, even for the cause of devotion alone, provided scandal is not to be feared; but we would not dare to assert this, because on the one hand there is no necessity of receiving the sacrament, and on the other hand it cannot be received according to the mode of communicating now received and long established for centuries by the custom of the Church.

2. Whether another cleric or layman can, when necessity urges and a minister is lacking, minister Viaticum to himself, as was sometimes done in the primitive Church, is disputed. Several more recent authors affirm, because in the case the divine precept of communicating obliges, which urges more than the ecclesiastical custom prescribing the mode of communion. Nevertheless especially the older authors rightly deny it with St. Thomas, in IV d. 13, p. 1, a. 3, sol. 1, ad 3, because the divine precept ceases when it cannot be fulfilled with due reverence from the received custom established by the Church (n. 284), especially because the reception of this sacrament is not of necessity; - unless perhaps in the case in which a sinner could receive no other sacrament and doubted concerning the perfection of his contrition.

Concerning the opinion of the more recent authors, who in both cases think more benignly, it is more true to say that in this matter they rather desire a certain change of ecclesiastical custom than have demonstrated that the ancient custom has already been legitimately changed into a new one, of which matter they assign no positive foundation.

Let it be noted: 1) these things can nevertheless be done licitly from a dispensation or permission obtained;

2. outside the case of necessity, all those below the deacon solemnly ministering holy communion incur irregularity (can. 985, § 7);

3. a deacon ministering unduly does not incur it, because he does not usurp an order (ibid.).

339. Principle III. For licit dispensation there is also required in the minister jurisdiction or due permission. - The reason is, because it pertains to the pastor to feed the sheep and minister the sacraments; whence the power of jurisdiction is necessary, or the faculty or permission obtained from him who has such jurisdiction; so that one who ministered without any faculty or permission would sin gravely.

Hence they can dispense the Eucharist:

1. From ordinary or quasi-ordinary jurisdiction, besides the Supreme Pontiff, the local Ordinary; the pastor in his parish and those who are after the manner of pastors; superiors of a clerical religion not only with respect to professed members and novices, but also with respect to those who remain in the religious house day and night for the sake of service, education, hospitality, or infirm health, according to can. 514, § 1; the rector of a Seminary with respect to all who are in the seminary (can. 1368) and the rector of a church (can. 484, § 1).

2. From permission, all priests who have obtained it directly or indirectly, explicitly or implicitly, by law or from a man; which all have both in the case of necessity and if they celebrate Mass: namely, they can minister communion within Mass, and if, besides a solemn or sung or conventual Mass, they celebrate privately, also immediately before and immediately after (can. 846, § 1); indeed even if they celebrate in a private oratory, unless the local Ordinary, for a just cause, has prohibited this in a particular case (can. 869).

Other prescriptions are added: 1. "Even outside Mass any priest has the same faculty from at least the presumed permission of the rector of the church, if he is a stranger," can. 846, § 2.

2. "The right and office of carrying holy communion publicly to the sick, even non-parishioners, outside the church, pertains to the pastor within his territory. Other priests can do this only in a case of necessity, or with at least the presumed permission of the same pastor or Ordinary," can. 848.

3. "Any priest can carry communion privately to the sick, with at least the presumed leave of the priest to whom custody of the most holy Sacrament has been committed," can. 849, § 1.

4. "To carry holy communion by way of Viaticum, whether publicly or privately, to the sick pertains to the pastor," can. 850; nevertheless in a Seminary to the rector (can. 1368), in a clerical religion to the superiors (can. 514, § 1), who can also carry it outside the house to professed members and novices, either privately, or publicly with the permission of the pastor (Commission for Interpretation, June 16, 1931, ad 1), and in a house of nuns to the ordinary confessor or the one acting in his place (can. 514, § 2). In the sole case of necessity or with the permission of the pastor, other priests can minister Viaticum.

340. Observation. - Besides due permission, it is also required that the minister not be censured or impeded. And indeed:

1. if he is simply tolerated, he cannot minister spontaneously, but only if he is requested by the faithful, or there is present a cause excusing for avoiding grave scandal or infamy;

2. if he is censured by a condemnatory or declaratory sentence, and a fortiori if he is to be avoided, he cannot minister except in danger of death, with other ministers lacking. Cf. can. 2261, § 1, 2 and 3.

But if he has acted otherwise, he will be irregular from delict (can. 985, n. 7).

Question Five: On the End and Effects of the Sacrifice

341. General principle. - The sacrifice of the New Law succeeded all the earlier ones, and therefore "embraces all goods signified by those, as the consummation and perfection of all" (C. Trid., sess. 22, c. 1); whence it is offered for the four ends of sacrifices, and is at once latreutic, eucharistic, propitiatory, and impetratory. And therefore it has effects corresponding to the fourfold end. Concerning these it now comes to be said.

Article I: On the Various Effects of the Sacrifice

S. Th. III, q. 79, a. 5 and 7.

342. Principle I. The sacrifice of the altar, with respect to God, is latreutic and eucharistic; with respect to us, it is impetratory and propitiatory. - Thus the Council of Trent, sess. 22, can. 3.

The sacrifice of the altar was instituted for four ends, and therefore has a fourfold effect:

A. With respect to God: 1. It is latreutic. For every sacrifice is offered in honor of God and in acknowledgment of His supreme dominion and of our servitude.

This moreover is clear in the case from Mal. I, 11, and from several words of the Mass. To this end corresponds the first effect, the most excellent worship of latria, which procures infinite honor for God.

2. It is also eucharistic, because it is offered for benefits received from God, especially for the benefit of redemption.

This is clear from the very name Eucharist (Matt. XXVI, 27; I Cor. XI, 24) and from several words of the Mass. To this end corresponds the second effect: thanksgiving.

B. With respect to us it is propitiatory, as the Council of Trent defined, sess. 22, c. 1 and 2, can. 3; not indeed as the sacrifice of the cross, which paid the price of redemption of itself sufficient for repairing all sins, but insofar as it obtains the application of the satisfactions and merits of the cross, for obtaining which it was instituted.

According to the etymon of the word and according to the manner of speaking of the Council, the sacrifice is propitiatory because it has power not only negatively to placate God, i.e., to remove His indignation, lest He inflict evils for sins; but also consequently positively to incline and move God to favor, that He may concede remission of sin and reconciliation, and other goods which it befits Him to give to friends. For a) in every hypothesis, an impetratory sacrifice is given for obtaining benefits or graces; b) but with sin supposed, by which we incur the indignation of God, we must first obtain that God's indignation be removed, and thus impetration becomes propitiation, and an impetratory sacrifice becomes propitiatory. In other words, propitiation includes impetration, and adds something, namely that it is also done for placating God offended and repairing sin. Whence these two are not to be considered as two ends adequately distinct and separated.

Hence: 1. The sacrifice is propitiatory in the strict sense, and is offered for sins.

This is established: a) from the doctrine of the Apostle, Heb. V, 1-3, saying that the office of a priest is to offer for sins; but the priest offers no other sacrifice besides the Mass;

b) from the words of Christ saying that in the Eucharist His body is handed over, His blood poured out for many unto the remission of sins (Matt. XXVI, 28; Luke XXII, 19-20);

c) from tradition which is conserved by the Fathers: Origen, hom. 13 in Lev. 3; Tertullian, *de cor. mil.*, 3; Ambrose, *de off.* I, 48 and *exh. ad virg.* 14; Cyril of Jerusalem, cat. XXIII, 8-9; Chrysostom, hom. 69 to the people of Antioch; hom. 3 on the Epistle to the Philippians, 4; Jerome, in Tit. I, 8; Augustine, *conf.* IX, 11-12, and *enchir.* 110;

d) from the liturgies, even ancient ones, such as those which are called of St. James, St. Chrysostom, St. Basil, and the Syriac.

To this end corresponds the third effect: remission of sins, punishments, and satisfactions.

2. It is also impetratory, and is offered for obtaining graces.

This is established: a) from the words of the Fathers, Councils, and Liturgy;

b) from the fact that Christ not only merited for us on the cross the remission of sins, but also other benefits; but the merits of the cross are to be applied in the Mass;

c) if the Mass has value for the remission of sin and for grace to be restored to enemies, how much more for goods lost by sins to be restored and other goods to be bestowed upon friends.

To this end corresponds the fourth effect: the obtaining of goods both spiritual and temporal conducing to salvation.

343. Observation. - The sacrifice of the altar participates in all forms of sacrifice: in the holocaust, because the mystical oblation of so precious a life signifies the debt of our servitude toward God much more perfectly than that total burning of an animal which was made in the burnt-offering of bulls or rams; in the peace-offering also, because it does not have the horror of blood; finally in the

sacrifice for sin, because it represents the expiatory death of Christ, and through this is apt to obtain for those for whom it is offered the application of the general satisfaction presented to God on the cross.[1]

[1] Billot, *de Ecclesiae Sacramentis*, I, *de sacrificio*, § II.

344. Principle II. The sacrifice of the altar is offered to God alone; nevertheless it can be offered in honor of the Saints. - It is offered to God alone, as is clear from an inspection of the four ends. And nevertheless we celebrate it in honor of the Saints; i.e., 1. for giving thanks to God for the sanctity, victories, virtues, and other marvelous things or goods of the Blessed which God has worked in them or through them, who therefore is praised in them (C. Trid., sess. 22, c. 3); - 2. we offer it for obtaining that the cult of the Saints here on earth may be increased, for example by canonization or by the institution of a feast or by a more solemn celebration; - or 3. for obtaining the patronage of the Saints as an end, that they whose memory we keep on earth may deign to intercede for us in heaven, namely, we ask from God that through the sacrifice we may obtain this grace, that the Saints pray for us in heaven (ibid., c. 3 and can. 5); - 4. we also offer it through the Saints, imploring their patronage, namely, we ask from them that the sacrifice may please God; not indeed as it is offered by Christ or the Church, for thus it always pleases God; but insofar as it is offered by us, that it may be made acceptable to God by the intercession of the Saints.

Article II: On the Mode in Which the Effects Are Produced

S. Th. III, q. 82, a. 6 and a. 7, ad 3.

345. General principle. - The effects of the sacrifice do not so much depend upon the dignity of the thing offered and upon the mode of offering as upon the dignity of the one offering (Gen. IV, 4; Luke XXI, 3; Mark XII, 42); whence, according as the offerers are diverse, the effects are diverse. Hence there can be considered:

1. Effects from the work of the one working, both of the priest and of the faithful offering. For by the sacrifice, as by other good works, they can merit, satisfy, and impetrate according to the degree of their devotion; these effects are greater in a holier or good priest than in a less holy or bad one.

2. Effects from the work of the Church working. She cannot merit or satisfy, because she does not have an actual will but only a habitual one, while merit supposes a personal action; nevertheless through the priest she can impetrate goods for the faithful, and indeed better than by other prayers, because the Mass is more excellent than these. But if the priest is not a member of the Church, as a public heretic or schismatic, or an excommunicated person to be avoided, he does not obtain these effects, because he does not act in the name of the Church.

3. Effects from the work of Christ working, who offers Himself and applies the merits of the cross. These are *ex opere operato* (i.e., from the dignity of the thing offered and of the principal minister) with respect to the other offerers and to the Church; and concerning these we shall treat at present.

The two latter effects are the same whether the sacrifice is offered by a good priest or by a bad one: for Christ and the Church are always holy and pleasing and acceptable to God.

346. Principle I. The effects of the sacrifice, insofar as it is latreutic and eucharistic as regards God, are had immediately, infallibly, and at once after the consecration. - For from the very immolation of Christ, honor and thanksgiving spontaneously arise and are presented to God.

347. Principle II. The effects of the sacrifice, insofar as it is propitiatory for us and impetratory, are had some immediately, others mediately. - For the same thing must be said of the effect of the impetration of the sacrifice as of the effect of every other prayer.

And indeed:

1. There is not given immediately:

a) the remission of mortal sins: for according to Catholic doctrine no one is justified except from the work of the one working, or *ex opere operato* through the sacraments;

b) the remission of venial sins: for these are not remitted except through acts of contrition or charity, which include their retractation;

c) habitual grace making one pleasing: for this is not immediately caused or increased except from the work of the one working, or by the sacraments; but if it were given by the sacrifice, it would follow that a baptized little child, for whom many sacrifices were offered, could be holier than he who had passed a long life in the practice of all virtues, which is contrary to the common sense of the Church.

Nevertheless these are obtained mediately: for sins can be the cause why God, from just anger, does not grant more abundant graces, which He would grant if sins did not stand in the way; through the sacrifice the just anger of God is placated, lest as a punishment He deny graces to the sinner; indeed His goodness is moved to give more abundant graces; whence "the Lord, being placated, grants grace unto repentance," i.e., unto contrition or unto the fitting reception of the sacrament of penance, and through these mediating, not only venial sins but "even enormous ones He forgives" (cf. C. Trid., sess. 22, c. 2). In a similar way the sacrifice obtains actual graces for meritorious works or for the reception of the sacraments, through which as mediating habitual grace can be obtained and increased.

2. Immediately there are given, as can happen by other prayers:

a) relaxation of satisfactions to be performed by the living for remitted sins: for the sacrifice can be substituted in place of satisfactions to be performed by the living, or of works of penance by which punishments are redeemed;

b) remission of temporal punishments to be discharged by the living or the dead for remitted sins: for Christ paid the debts of the punishment of sins, and God, accepting the payment made on their behalf, condones them, so that the faithful now need not suffer or make satisfaction for them;

c) other spiritual and corporal goods.

348. Principle III. The effects of the sacrifice, insofar as it is propitiatory for us or impetratory, are not always obtained infallibly. - For the Mass obtains them by impetrating them; but prayer, in order that it impetrate infallibly, must have several conditions, namely, on the part of the one praying, that it be pious; on the part of the subject, i.e., of him for whom it is made, that he not be indisposed

and that he ask for himself; on the part of the prayer, that it be persevering; on the part of the object, that things necessary for salvation be asked.

The first condition, on the part of the one praying, is always verified, namely, on the part of Christ, the principal offerer: who always prays well and is worthy to be heard, because He is an infinite person and one who through His passion merited for us all things necessary for salvation.

The second condition is on the part of those for whom the sacrifice is offered. Now it is not required that one offer it for himself: for by its nature the sacrifice is made for all, and from its institution it is propitiatory for the offerer and for others; nevertheless it is required that these not place an obstacle of unworthiness against the impetration of Christ: for Christ does not impetrate goods for a man who places an obstacle against them.

Hence a) remission of sins is not obtained by him who adheres to them, or even is not at all sorry for mortal sins, or in no way trusts in their remission. But if he does not place an obstacle and receives grace unto repenting for sins, the remission of these does not yet infallibly follow, because God can give sufficient grace with which man can fail to cooperate.

b) remission of punishments and satisfactions is not obtained except by him who is in the state of grace and who has obtained the remission of that sin from whose punishment he is to be purged: for temporal punishment cannot be remitted to him who is guilty of eternal punishment, or to him who has not yet been absolved from fault.

c) the placation of divine anger, the bestowal of grace, or the remission of punishments can be fuller or less full according to the gravity of the sin, according to the actual disposition of the subject, according to other good works previously done, etc.

The third condition, on the part of the prayer, requires that it be persevering, whence it happens that by one sacrifice we are not always heard; how many sacrifices are required depends upon the dispositions of the subject, upon the gravity of his sin, and upon the will of God.

The fourth condition, on the part of the object, requires that things necessary for salvation be asked. Whence it is required:

a) that the thing be expedient for salvation: for Christ does not impetrate what is not expedient for salvation; but that He then grants some other good is a pious but not certain opinion;

b) that it be according to the ordinary course of Providence: for an ordinary means cannot be instituted in the Church for infallibly obtaining miracles or extraordinary benefits.

349. Observation. - The effects described above, which belong to the sacrifice insofar as it is propitiatory for us, are given, some at once when the sacrifice has been placed, or when the consecration has been completed, namely, the placation of divine anger and the remission of punishments and satisfactions; others at the opportune time, namely, actual graces for the remission of sin or for other spiritual necessities, and temporal goods; nevertheless some right to them is given at once.

Hence 1. the application of the fruits by the priest does not seem able validly to be made after the consecration.

2. Although many hold it as probable that the application can validly be made after the first consecration has been completed and before the second, because each is of the essence of the sacrifice, nevertheless in practice it is not licit so to act for a priest who from justice, for example from a contract, stipend, or benefice, is bound to apply, because the value of the application is committed to him, and therefore he is bound to make an application certainly valid and not expose it to the danger of nullity.[1] This solution is still to be urged in present times, because certain theologians still judge that the first consecration alone is of the essence; nor from the most recent disputes has greater certitude been made in this matter, but rather less.

[1] Cf. Haine, o. c. q. 99; Gasparri, o. c., n. 470.

3. It is better to make the application before Mass, or from its beginning, namely so that the prayers and orations also may profit those for whom the sacrifice is offered.

Article III: On Those to Whom the Effects Come

350. A threefold fruit of the sacrifice is distinguished. - The effects of the sacrifice, insofar as it is propitiatory or impetratory *ex opere operato*, are called fruits, of which a threefold portion is distinguished:

1. General, which comes to the whole Church.

For a) from the communion of Saints the individual good works of the members of the Church profit all the other members; a fortiori the fruit of the oblation of Christ, who is their head; b) Christ, who on the cross offered Himself as mediator for all, here as head of the Church offers Himself to apply the merits of the cross; whence He offers Himself directly for all the members of the Church of whom He is the head: "for all faithful Christians living and dead," and indirectly for all others, that they may become members of the Church, as the Missal says: "for our salvation and that of the whole world." - Yet not all receive the same part, but a greater part according to greater dignity, sanctity and disposition, participation or concurrence in the sacrifice.

2. Special, which comes to those for whom the priest intends to celebrate.

He can also apply this to himself, if he celebrates for no one else.

3. Most special, proper to the priest, who receives it even if he celebrates for others: for to him there comes not only fruit from the work of the one working, because he offers in his own name or in the name of the Church, but also *ex opere operato*, because he offers in the name of Christ, whose place he holds.

This is probably so proper to the priest that he cannot even validly renounce it (Hebr. VII, 27), and certainly it is not licitly ceded to another for a second stipend, both because from the contract the priest is obliged to a certainly valid application (n. 349), and because the Church prohibits it in the condemnation of proposition 8 by Alexander VII.[1]

[1] "A priest can lawfully receive a doubled stipend for the same Mass by applying to the petitioner even the most special part of the fruit corresponding to the celebrant himself."

351. Principle I. For receiving the general or most special fruit, no application is required; contrariwise, for receiving the special fruit. - For from the very will of Christ the general or most special fruit is derived into those who, placing no obstacle, are capable of it; - on the contrary, the special portion of the fruits has been left to the free application of the priest.

This is established a) from the universal practice of the faithful, approved by the Church (C. Trid., sess. 23, c. 1; Pius VI, bull *Auct. fid.*, n. 30), who, for example after giving a stipend, ask that the sacrifice be offered specially for themselves to a determinate end, and expect the fruit not from the work of the priest working, but from the work of Christ;

b) the sacrifice is a real prayer; but prayer is of itself indifferent and not determined to such a person; whence unless it is specially applied, it does not profit. This application must be made by the priest: for he who has the power of offering also has the power of applying the fruit of the sacrifice.

Let three things be observed:

1. The priest has the power of applying the fruits of the sacrifice by force of his ordination; whence this cannot be taken from him by mandate of a superior or by sentence of the Church, and accordingly he always validly applies it to whomever he wishes.

2. The priest can validly apply the fruits to several, indeed divide the fruit among them, so that, for example, to one the sacrifice is applied for the remission of sin, to another for impetrating grace; and if he is bound to apply it to one, he validly but illicitly divides the fruits.

3. But if he applies it to no one or only to one incapable, the fruit will remain in the treasury of the Church.

352. Principle II. For the application of the special fruit there is required and suffices a habitual will, absolute or equivalent to this, at least implicitly determined to a certain person or a certain end. - It is said:

1. Habitual, i.e., actual, once had, which nevertheless has not been retracted, even if it is so past that it does not move one to placing the present act.

For application is a donation or transfer of the fruit; but a donation, even one made a long time beforehand and interrupted by many acts, is valid, provided it has not been revoked. Whence he who yesterday promised Peter tomorrow's sacrifice, but today does not think about this, validly applies. - Nevertheless a merely interpretative intention does not suffice, which someone would have had and by which he would have willed to apply the fruits in the event that he had adverted to this or that; for in fact he did not will nor apply.

2. Absolute, or equivalent to this, i.e., conditioned concerning the past or concerning the present.

For an application conditioned concerning the future, because it suspends the intention, makes it so that the sacrifice is not offered for that intention: thus one who applied it to someone under the condition that afterward another should will it, or that he would offer a stipend, or that he would die first.[2] Nevertheless he would validly apply it for him whom he knows in fact already wishes to ask for a Mass, unless it is for an effect toward which the sacrifice would not yet help.

[2] But if he applied under the condition: if God knows it is going to be, the application would be at least doubtfully valid, as was said in n. 84.

3. At least implicitly determined to a certain person or a certain end; otherwise no application would be made.

Thus, for example, if someone were to apply it to one out of ten Masses to be read, not determining to which, or to him to whom God or the Blessed Virgin wills to apply it, because God or the Blessed Virgin applies it to no determinate one, leaving that to the priest; on the contrary, several say that it is valid if someone were to will to apply it to him for whom God or the Blessed Virgin would rather or would prefer that he apply it. - Nevertheless it is not required that the priest explicitly know and will the person, sex, or necessity, but it suffices that he will implicitly, by intending, for example, the Mass which another priest, the sacristan, or the superior intends, - provided that he has a determinate will, - or which a foundation or stipend requires, or which he has noted for himself in a notebook, or for him who first gave the stipend, or according to the order in which stipends came to him, or for the greatest sinner, for the soul afflicted by graver temptations, for the soul in purgatory most abandoned or nearest to redemption, etc.; so also the application is valid if someone erroneously says Mass for a deceased man in place of a deceased woman, because the error is merely accidental.

But if several stipends, for example twenty, have been collected by several persons or offered by various unknown persons, for example on the altar of a church, it suffices to say those Masses according to the order established by him who distributes them, or according to the order of those who gave the stipends, which intention he is judged implicitly to have who so many times says Mass according to the intention of the giver, because he who is prior in time is stronger in right; - but also all the Masses can be said according to the intention of all, according to the proportion of the monies or Masses which belong to each, because since the fruit is divisible, it is the same to give twenty Masses together to all as to give one Mass to each one, and therefore, when the number of Masses has been celebrated, the several persons will have received what is due to them (S. Poen., Dec. 7, 1892).

353. Observations. - 1. In the case in which a priest has made a double contrary application, if he was mindful of the prior intention, the second is valid; if unmindful, one must attend to which will is predominant: it will be the former, if he willed to apply absolutely, even if afterward he intended something else; it will be the second, if there was a reason for changing, for example a sudden necessity, the offering of a stipend; if each was equally efficacious and absolute, the second seems to prevail, because it is actual and stronger toward the sacrifice. In practice there is no difficulty: for let it be offered on the next day for the intention to which satisfaction was not made.

2. An anticipated application, for him who will first ask or will give a stipend, is illicit (can. 825, 1), both because the faithful do not ask for a Mass already celebrated but one to be celebrated, and because the priest exposes the giver to the danger of being deprived of the fruit: for he for whom the Mass is offered can not yet be rightly disposed, or the cause for which it is requested can not yet exist, for example, if it is for the first person in the parish who will die, or for liberation from an infirmity not yet contracted. Whence the S. C. C. prohibited this, Nov. 25, 1605.

3. Nevertheless, if the priest foresees that Masses are to be requested for someone already dead, he would validly offer them now, because they are offered for a determinate person disposed and with the cause already existing, and the priest would incur only the danger of losing the stipend. But under the law now in force this is prohibited, and accordingly illicit (can. 825, 1); and therefore, that in the case he may licitly retain the offered stipend, he must obtain the consent of the offerer and consequently is bound to declare to him that he has already applied.

4. Founded Masses are validly and licitly anticipated when they are to be said once, twice, or three times in a week or in a month, but only in honor of God or of the Saints, or for the repose of the soul of a man already dead; on the contrary, illicitly if they are founded also for future deceased persons, as for the deceased of the parish or for those successively dying, or if they are fixed to certain days, for example Saturday in honor of the Blessed Virgin Mary, Friday in honor of the Passion, or if they were founded for the convenience of the people lest on certain days Mass be lacking, or if in the foundation this was expressly prohibited.

Article IV: On Those for Whom the Sacrifice Can Be Offered

S. Th. III, q. 79, a. 3; Suppl., q. 71.

354. Principle I. The sacrifice of the altar is offered in the name of the Church, or of the society of the faithful, by Christ, the head of this society; whence it is offered directly for the good of the faithful and of their society, namely, for its conservation and propagation, and thus indirectly for others, namely, that by their conversion the Church may be increased.

Therefore the general fruit directly profits 1. all living faithful, i.e., all members of the body of the Church which belong to the communion of saints, and 2. the faithful departed, under which name there do not indeed come the damned, such as unbaptized infants, who do not belong to the Church, nor the Saints: for to these and to those the sacrifice does not profit, - but a) all baptized deceased who are in purgatory, although on earth they adhered to heresy or schism: for with the obstacle of adhesion to their sect removed, they now belong perfectly to the Church, and are of those who have preceded us with the sign of faith; indeed b) also probably all who, though not baptized, are in purgatory, because they belong to the Church in the manner in which it exists in purgatory, and are simply of the mystical body of Christ: for in purgatory the distinction between the body and soul of the Church is lacking.

That the sacrifice is offered for the dead is proved both by the example of the Old Law (II Macc. XII, 43), and from tradition, which is established by the Liturgies, the Fathers[1] (n. 342), and the sense and practice of the Church; and also from the definition of faith by the Council of Trent, sess. 22, c. 2, can. 3, and sess. 25, *de purg.*, confirming the doctrine of the Council of Florence, decree of union.

[1] There can be compared: *Did. ap.* VI, 59; Tertullian, *de cor.*, 3; *de exh. cast.*, 11; *de monog.*, 10; Cyprian, ep. 66, n. 2; Cyril of Jerusalem, c. XXIII, n. 8-10; Chrysostom, hom. 3 in Phil., n. 4; hom. 21 in Acts, n. 4; Epiphanius, *anacephal.* II; Ambrose, *de off.* I, 48; Augustine, *in Hept.*, q. 57, n. 4; *conf.* IX, 12.

355. Principle II. The Church generally and regularly does not pray except for the faithful and for the conversion of others; exceptionally, however, it sometimes prays for others and for goods of theirs of whatever kind. - Thus for catechumens, heretics, schismatics, unbelievers, or a

nation or homeland of unbelievers, as is established both by examples of the Old Law (I Esdr. VI; II Macc. III), and from the doctrine of the Apostle (I Tim. II, 1 sq.), and from the history of the Church.

It can also pray for them through the sacrifice of the Mass, and similarly the priest has the power of offering for them and applying the special fruit for them; in which cases Christ too would pray for them, unless perhaps they placed an obstacle.

356. Principle III. The priest validly applies the sacrifice to whomever he wishes, living or dead, provided that this person is not incapable; nevertheless not licitly, because the Church prohibits certain applications.

According to the discipline now in force, the following is prohibited:

1. Public application, such as can be known to the community from an announcement made, or from the nature of the thing, as in a funeral Mass and a sung anniversary:

a) for any living excommunicated persons (can. 2262), because the effect of the censure is privation of the public suffrages of the Church;

b) for the deceased to whom ecclesiastical burial was denied (can. 1241).

Such are unbelievers (catechumens excepted), notorious apostates, those notoriously addicted to a heretical or schismatic sect or to the Masonic sect or to others of the same kind, those excommunicated or interdicted after sentence, those who ordered their body to be handed over to cremation, public and manifest sinners. But if in doubt the Ordinary has granted ecclesiastical burial to any of these, a public Mass can also be said.

2. Private application, namely, one which is made secretly and hiddenly, and is known only to the priest or to one or another person, is prohibited for excommunicated persons to be avoided, unless for their conversion (can. 2262, § 2, 2).

Therefore privately it is now licit for all, faithful and unbelievers, even heretics and schismatics, living and dead, also with a stipend accepted, or according to their intention, to apply, scandal nevertheless being excluded (S. Off., July 12, 1865), and only excommunicated persons to be avoided being excluded. Whence can. 809: "It is permitted to apply Mass for any persons whatever, both living and also the dead expiating admitted faults by the fire of purgatory, with due regard for the prescription of can. 2262, § 2, n. 2," in which it is said: "Priests are not prohibited from applying Mass privately and with scandal removed for an excommunicated person (such as by can. 2314, § 1 a heretic and schismatic is judged to be); but, if he is to be avoided, only for his conversion."

357. Corollaries. - 1. A priest is not prohibited from praying privately for an excommunicated person, even one to be avoided, also during the memento of the Mass.

2. An application made against the prohibition of the Church, although illicit, nevertheless is valid; whence a priest who has accepted a stipend for such an application, once the application has been made, is not bound to restitution.

Article V: On the Value of the Sacrifice and the Quantity of Its Effects

S. Th. III, q. 79, a. 5; a. 7, ad 3; Suppl., q. 71, a. 13, ad 2.

358. The value and the effect of the sacrifice differ. - Value is the quantity of virtue and efficacy which the sacrifice has for producing effects from the dignity of the one offering and of the thing offered; but the effect is that which follows from that dignity or is given in view of it. Value can be considered in itself, i.e., in first act or as to sufficiency; and in second act, as to efficiency or application, i.e., together with the effects in fact produced.

359. The value of the sacrifice from diverse aspects is infinite or finite. - The sacrifice can be considered as it is offered by the Church and the faithful, or by Christ, according to itself or as to application, with respect to God or to us. Now:

A. The value of the sacrifice, if it is considered from the work of the priest, of the faithful, and of the Church working, is finite: for although the thing offered is infinitely worthy, nevertheless the act of offering it has finite dignity, and indeed greater according to greater sanctity.

B. The value of the sacrifice *ex opere operato*, or from the work of Christ:

1. Considered in itself, is infinite, both from the dignity of the thing offered and of the one offering, and because it applies the infinite merits of the cross.

2. Considered as to application with respect to God, it is infinite: for Christ gives to God a worship infinitely worthy of adoration and thanksgiving.

3. Considered as to application with respect to us, it is finite:

a) intensively, both because man is incapable of the infinite good which is limited by his disposition, and because the infinite punishment of hell is not remitted by the sacrifice; nevertheless the fruits can increase indefinitely according to the quantity of our devotion;

b) also extensively as to the general and most special fruit, because the number of the faithful or of priests concelebrating is finite; nevertheless that fruit increases indefinitely according to the number of the faithful or of those concelebrating: for the faithful, or priests celebrating the same sacrifice together, do not perceive lesser fruits because their number is greater;

c) especially as to the special fruit: for this does not seem to increase, but on the contrary the more persons to whom it is applied, the less is given to each. This at least seems to us the truer opinion.

For 1. the priest has the power of limiting the special fruit to one person, which power would not be understood if that fruit were extensively infinite; 2. in the Church there flourishes the practice of the faithful who ask for a peculiar application for themselves to a peculiar end, or a particular application for a particular deceased person; but that practice would be harmful if the fruit were extensively infinite: for it would be much better that all sacrifices be offered for all the living and the dead.

360. Disputed question. - The last opinion is not admitted by all. For many theologians judge that the special impetratory fruit, and several that the strictly propitiatory fruit, is extensively infinite, so that it is not diminished in individuals if it is applied to several, but on the contrary profits each one as much if applied to several as if applied to one.[1]

[1] That the fruits of the sacrifice are extensively finite is taught by St. Bonaventure, in IV, d. 45, a. 2, q. 3, Scotus, Paludanus, D. Soto, Suarez, Lugo, St. Bellarmine, Pasqualigo, and many more recent authors, among whom are Lambrecht and Billot. On the contrary are Cajetan, John of St. Thomas, the Salmanticenses, Habert, Tournely, Gonet, Wigandt, and several

Thomists; nevertheless the matter is doubtful, says Billuart. St. Alphonsus held the infinity in *Th. M.*, l. VI, n. 312; but, as Gaude notes, after the year 1769 in the little work *De Caerem. missae*, and *In Trid.*, sess. 22, n. 22, he changed his opinion. Concerning the mind of St. Thomas they dispute: in III, q. 79, a. 5, he seems to favor infinite extension; on the contrary in IV Sent., d. 45, q. 2, a. 4, qc. 3, ad 2, and qc. 2, sed contra, and in Suppl., q. 71, a. 3, ad 2. Some hold limitation for the satisfactory fruit, infinite extension for the impetratory: thus, among others, Lehmkuhl and Cappello.

This opinion is probable, whence if someone offers a Mass by a merely gratuitous title for someone, he can follow that opinion and apply to him a second intention, under the condition that it be done without prejudice to him for whom he is bound to celebrate by reason of an onerous title; nevertheless he cannot licitly apply it for a stipend and at the same time under another due title, for instance of obedience or fidelity (can. 825, 2). A fortiori he cannot apply one Mass for two intentions owed from justice, because then he is bound to a certainly valid application; but by acting thus he would expose the other application to the danger of nullity; whence the Church prohibited this in the condemned proposition 10 by Alexander VII,[2] and can. 825, 2 and 3. Besides, in the case of a second stipend the title of support is lacking.

[2] "It is not against justice to accept a stipend for several sacrifices and to offer one sacrifice."

361. Observation. - The limitation of the fruits of the sacrifice is not explained by all in the same way. Several say that it arises from the mere will of Christ, who limited the fruits so that the faithful would more frequently procure celebration; or from the will of God, because according to the order of His providence He ordains determinate causes to determinate and limited effects. Others, perhaps better, say that the measure of the fruits depends chiefly upon two things: upon the perfection of the application and upon the dispositions, so that in parity of dispositions and in parity of application the sacrifice produces the same effects; but just as the fruit is limited intensively by the required dispositions, so extensively from the fact that the application is not equally perfect if it is offered for several as if for one. For application is a human act of the priest determining the intention to one person and one end; but a human act, the more it tends toward many objects, the less determinately it is borne toward the several objects; whence the application is less perfect, or the intention less determinate, and accordingly a Mass offered for several does not profit the several as much as if it were offered for one.

On the contrary, for the general fruit, for which no special application is required: since the several faithful in some way offer through the priest and with the priest, the oblations are multiplied and accordingly their fruits.

Second Part: On the Precepts Pertaining to the Sacrifice of the Altar

Question One: On the Obligation of Celebrating the Sacrifice

362. The obligation of celebrating can arise from various sources: from the priesthood itself received, from an office undertaken or a benefice possessed, from a stipend handed over, from a particular precept or vow.

Article I: On the Obligation from Priesthood

S. Th. III, q. 82, a. 10.

363. The principal obligation of celebrating arises from priesthood. - Christ imposed upon priests a grave precept of celebrating the sacrifice, as is most certain, both from His own words: *Do*

this in commemoration of me, which the Council of Trent explains thus, sess. 22, c. 1; and from the nature of the priestly power, which is given by God so that in the name of all He may be honored and for all the graces of salvation may be procured: but such a power certainly was instituted that it might be exercised.

That precept obliges at least the community of priests (ibid., can. 2); but whether that precept, or even another ecclesiastical one, obliges individual priests by reason of priesthood, has been called into doubt by some. Now, however, they generally admit that a grave obligation rests upon individual priests, because each one is bound to use the grace given to him when it is opportune, especially if it yields to the great honor of God and the usefulness of the whole society; but such is the power of the priest, which, unless he exercised it, would be frustrated of its end. Besides, we all must acknowledge God's dominion through sacrifice (II, n. 698); but it seems disordered if a priest, who has received the power of doing this through his own sacrifice (Hebr. V, 1), should never do it except by the sacrifice of others. This is consonant with the Council of Trent, sess. 23, c. 14, and the decree of the S. C. C., Nov. 1696. And in the Code of Law it is now said, can. 805: "All priests are held by the obligation of offering the Holy Sacrifice several times a year."

The obligation is grave because of the gravity of the matter; nevertheless it suffices that someone celebrate on the principal feasts or, as others say, three or four times in the year, due distance being observed; but if he did not do this, it would easily be a grave scandal to the faithful.

364. Observation. - It is altogether fitting that priests celebrate more often, especially on individual Sundays and feasts, whence in the aforesaid can. 805 it is added: "But let the bishop or religious superior take care that they [priests] perform divine things at least on individual Sundays and other feasts of precept"; to omit this could rather easily seem scandalous to the Christian people. Indeed, says St. Alphonsus, *Th. M.*, l. VI, n. 559, that one who can celebrate daily and, where the custom of celebrating daily flourishes, without any just cause, but only from sloth, neglects to celebrate, can scarcely be excused from venial fault. Not so, however, if from a reasonable motive, for example of greater preparation, reverence, humility, or true inconvenience, he sometimes abstains from celebrating.

Article II: On the Obligation from Office

365. The obligation of celebrating by divine law arises from pastoral office. - The divine precept gravely obliges all pastors of souls, namely those who have undertaken a pastoral office, not only to celebrate on certain days, but also to apply the sacrifice for the people, i.e., for the sheep committed to them.

This obligation is contained in the pastoral office itself (Hebr. V, 1), which office is of divine law; whence the Council of Trent says that by divine precept it has been commanded to all to whom the care of souls has been committed to offer sacrifice for their sheep (sess. 23, *de ref.*, c. 1). Bishops are held to this by absolute divine law, because they are of divine institution; pastors and other shepherds by hypothetical divine law, if they are instituted as pastors by the Church.

The obligation arises from justice, because to it, as to other pastoral offices, pastors are held from a quasi-contract; to what precisely they are obliged, divine law prescribes in a general and abstract way, but it must be determined in the concrete by ecclesiastical law.

366. To what pastors are bound. - I. The Supreme Pontiff is bound by divine law alone, but not by ecclesiastical law, and therefore only sometimes is he bound to celebrate Mass or apply it for the sheep.

II. Diocesan bishops, abbots or prelates nullius, capitular vicars while the see is vacant, apostolic administrators permanently constituted, pastors whether secular or religious, and vicar-administrators constituted in a vacant parish, are bound, from the taking of possession, to celebrate Mass for the flock on Sundays and feasts of precept, even suppressed ones (can. 339, § 1 and 466, § 1; Commission for Interpretation, Feb. 17, 1918, and S. C. C., Dec. 28, 1919).

Vicars general, titular bishops, coadjutors or auxiliaries, regular prelates, substitute vicars and coadjutors, and a fortiori assistant vicars or chaplains, are not strictly obliged.

III. Vicars and prefects apostolic, and quasi-pastors, from the taking of possession are bound to apply Mass for the flock only on eleven feast days of precept (can. 306).

367. Observations. - 1. If a feast day falls on a Sunday, one Mass satisfies the obligation (can. 339, § 2).

2. If a feast is transferred in such a way that on the day to which it is transferred not only the office with the Mass of the transferred feast is done, but also the obligations of hearing Mass and abstaining from servile works are kept, the Mass for the people must be applied on the day to which it is transferred; otherwise on the day from which it is transferred (can. 339, § 3).

3. A bishop or pastor who rules two or several dioceses, or several parishes, equally principally, or who, besides his own diocese or parish, has another or others in administration, must apply only one Mass for the peoples committed to him (can. 339, § 5 and 466, § 2). This also holds for a vicar-administrator who rules several parishes during vacancy (Commission for Interpretation, July 14, 1922). But if the feasts of the patrons of one and the other parish occur on different days, on each feast day the application must be made (S. C. C., Nov. 12, 1927).

368. The mode of fulfilling the obligation. - The obligation of applying for the people is real, personal, local, and affixed to the day.

1. Real, so that a pastor who from a just cause is impeded from applying must satisfy the obligation through another or on another day, and one who has omitted the application is bound to apply as soon as possible (can. 339, § 4 and 6).

Let it be noted that no cause excuses from celebrating Mass for the people, nor an immemorial custom; except for a dispensation of the Supreme Pontiff in a particular case.

2. Personal, so that the pastor is bound to apply by himself personally, unless he is legitimately impeded (ibid.). A legitimate impediment is infirmity, the obligation of celebrating a conventual Mass, if the pastor is at the same time a canon, or legitimate absence (can. 466, § 5), or anything else, provided that it is judged grave.

The S. C. C. declared that, for a pastor to be excused, a just cause is not: a) a contrary custom; b) funerals to be celebrated; c) a Mass for spouses to be said; d) a Mass founded for a certain day, which

falls on a feast day of precept; e) the persuasion of the faithful who think that the solemn parish Mass with chant and explanation of the Gospel is always applied for the people and therefore gladly flock to it. Thus in itself and unless some other grave inconvenience is added.

3. Local, so that the Mass for the people is said in the parish church, that the people may be able to be present at it, unless the circumstances of things require or suggest otherwise (can. 466, § 4), for example if there is a feast in a filial church, or if it is a matter of mere supplying of an omitted Mass.

The local obligation exists for pastors, but not, as is clear, for bishops, who can celebrate for the flock anywhere. But if the pastor is legitimately absent, at his choice either he himself in the place where he is staying, or another for him in the parish church, can apply (can. 466, § 5).

4. Affixed to the day, so that without necessity the application cannot be transferred to another day; unless the Ordinary of the place permits this for a just cause (can. 466, § 3).

A just cause can be a funeral Mass, a Mass for spouses, on the anniversary day of death or burial, or for an urgent public cause.

It is not required that the Mass which is applied for the people be solemn, sung, or the parish Mass itself; the obligation is fulfilled even by a private Mass.

369. Observations. - 1. One who fulfills the obligation as to substance, but does not observe the due mode, unless it is done frequently without a just reason, sins only lightly.

2. In certain dioceses by indult it is permitted that on suppressed feast days Mass not be applied for the people, but according to the mind of the bishop or for a stipend to be handed over to him for pious works. In this case it is now permitted that pastors satisfy this obligation not on the very day on which they are bound, nor by themselves, but through another priest (S. C. C., Dec. 16, 1914).

3. It is granted to poor pastors that, if on a feast day a rich stipend is offered, the Mass can be said according to the intention of the offerer, the application for the people being transferred to another day (Benedict XIV, Const. *Cum semper*, Aug. 19, 1744).

Article III: On the Obligation from Benefice

370. The obligation of celebrating arises from a benefice undertaken. - A benefice is the perpetual right of perceiving fruits from ecclesiastical goods on account of some spiritual office, constituted for a cleric by ecclesiastical authority (can. 1409); it is with cure or simple, according as it has the care of souls annexed or does not have it. In the present matter a simple benefice is understood, which imposes upon the beneficed person the obligation, from a pious foundation, of celebrating Mass, whether daily or on certain days. The obligation from commutative justice is that of satisfying the institution of the founder, i.e., not only of celebrating the imposed Masses, but also of applying them according to the intention of the founder, because such is presumed to be the will of the founder; - unless it were certainly established that he had imposed celebration alone, with the application totally or partially left to the free determination of the celebrant.

The application of the Masses is presumed to be made totally for the soul of the founder (S. C. C., Aug. 18, 1668; March 26, 1718), unless, however, he prescribes that a certain number out of the Masses to be celebrated is to be applied to himself: for then he is judged to have left the application of the others free.

371. The mode of fulfilling the obligation. - The beneficed person who is bound to the celebration of Mass is bound:

1. To fulfill all the circumstances prescribed by the founder, as to the species or quality of the Mass, place, or time.

Hence he sins if, without a just cause, he omits the stipulated circumstances, and indeed gravely if they are often omitted and were determined for a grave enduring end, as for the convenience of the people, for the special cult of a Saint, for a special memory; on the contrary, he does not sin if there is a grave excusing cause, or if the end does not subsist, or if a dispensation has been legitimately obtained, which the Holy See can grant perpetually, and the Bishop for a time for a just cause.

2. Nevertheless, not to satisfy by himself personally, unless this is expressly or equivalently required; but he can have it done through another. The burden is presumed real, principally annexed to the place, not personal.

One who has the burden of a daily Mass: a) if the burden is real, so that he can satisfy through another, he can omit no Mass, but, if he himself does not celebrate, he must take care that the Mass be said by another; b) on the contrary, if the burden is personal and he himself is bound to celebrate daily by himself, he can sometimes omit the Mass from a just cause and is not bound to supply through another, though he cannot apply for himself or his own, and a fortiori not for a stipend. Thus the S. C. C., Sept. 18, 1683.

A just cause excusing in the case is:

a) brief infirmity, such as generally is judged to be that which does not exceed fifteen days (S. C. C., June 4, 1689; Nov. 17, 1695); but if it is long-lasting, the beneficed person is bound to supply through another, except in the case in which he has become altogether powerless and would not have from elsewhere that by which he might live (S. C. C., Feb. 5, 1650; Apr. 24, 1655).

b) religious motive moving him to omit celebration on account of a defect of disposition, or for the sake of humility or reverence; which they permit once in a month.

c) a reasonable impediment, such as a journey to be undertaken, spiritual exercises to be performed, but only for a few days.

372. Practical corollaries. - 1. In cathedral and collegiate churches, the conventual Mass, which must be celebrated daily by the canons, must be applied to the benefactors generally of each respective church (can. 417, § 1).

If a second or third conventual Mass is celebrated, in these let commemoration be made of the benefactors of the church generally under the memento of the dead. But if the prebends of the canonries are slight, they can implore from the S. C. of the Council the faculty of not applying the

conventual Mass to the benefactors on weekdays, but only on feast days of precept (Benedict XIV, const. *Cum semper*, Aug. 19, 1744, § 11).

Let it moreover be noted:

a) A capitular detained by infirmity is not bound to provide an alms to the capitular priest who supplies his place in the celebration and application of the conventual Mass, unless the capitular statutes or a particular custom provide otherwise (can. 417, § 2).

b) The custom of providing a stipend to the celebrant can be preserved, either from the accumulation of distributions, or from the revenues of all the prebends by contribution (ibid., § 3).

c) If someone is pressed on the same day by the burden of celebrating Mass both for the people and conventual, let him celebrate and apply the latter by himself; the former through another or by himself on the following day (can. 419, § 2).

2. A pastor a) has the right of discharging all foundations instituted in his church, by himself or through another, unless otherwise is expressed in the foundation; b) has the office of fulfilling them or taking care that they be fulfilled, according to the will of the founder as to the number of Masses, place, time, and mode of celebration.

The stipend of the foundation is that which the founder determined; if determination is lacking, that which the diocesan tax or custom establishes. But when the pastor fulfills the foundation through another priest, generally it suffices that he give him a just stipend according to the law or prevailing custom, retaining for himself, if it is given, the part of the revenues exceeding this: for the foundation with the richer stipend is presumed to have been made in favor of the pastor or rector of the church; - unless, however, in the foundation itself otherwise is expressly noted.

3. Reduction or diminution of the number of Masses to be celebrated can be made when the revenues of the foundation no longer suffice according to the measure of a just stipend, whether the revenues themselves diminish, or the legal tax of the stipend increases.

It cannot be made by private authority; and therefore, until the reduction has been made by legitimate authority, the pastor or rector of the church must celebrate as many Masses and with such solemnity as the founder prescribed, even if the revenues of the foundation are insufficient. The legitimate authority in the case is he whom the founder designated in the foundation itself; if this designation is lacking, it is the Apostolic See alone, but not the bishop, unless he has received a special indult (S. C. C., June 21, 1625 [the printed text has the anomalous date "31 iun. 1625"]; can. 1517, § 1 and 1551). When a reduction has been made by the Church, the founders suffer no harm, because as to the satisfactory fruit she supplies from her treasury and applies the satisfactions of Christ and the saints to those for whom the Masses were to be offered; but as to the impetratory fruit she supplies from prayer, insofar as she directs to this end the prayers which are made in her name.

Let it be noted: If without fault the dowry for the burden of founded Masses has entirely perished, or its revenues cannot be received, the obligation of celebrating ceases or is suspended (S. C. C., June 20, 1641, and Aug. 18, 1705).

But if the dowry, without fault, has partially perished and the founder determined the stipend for individual Masses, it suffices to say as many Masses as stipends have been received; but if he did not determine the stipend, but only the number of Masses to be celebrated, their number cannot be diminished unless a reduction has been obtained from legitimate authority, as was said.

Article IV: On the Obligation from Stipend

373. The obligation of celebrating arises from a handed-over stipend. - A stipend is a sum of money or another thing estimable by price, which is given to a priest for support, with the charge of offering the sacrifice to a determinate end. That obligation is of commutative justice: it arises from an onerous unnamed contract, *do ut facias*, by which, on the one hand, the priest, having accepted the stipend, is bound from justice to celebrate for him who furnished the stipend, so that if he does not do so, he is bound to restore; and on the other hand, when with the promise of a stipend the priest has celebrated for someone, this person is bound from justice to pay the stipend.

That contract is not one of buying and selling a sacred thing, and simoniacal, but licit: for the stipend is not given as the price of the Mass or of labor intrinsic to it and inseparable from it, but only for the support of the priest, that he may be able to carry out his ministry. For a) a painter is said to paint a church gratuitously, even if colors and other things necessary for painting are given to him, indeed also support itself; - b) just as wax, bread, wine, and sacred vestments can be required from the faithful, so also the support of the priest who is necessary for the sacrifice of the Mass; - c) for priests can live from the priesthood, because it is said, I Cor. IX, 13-14: *Do you not know that those who work in the sanctuary eat the things that are of the sanctuary, and those who serve the altar share with the altar? So also the Lord ordained that those who announce the gospel should live from the gospel*; since He had said: *For the worker is worthy of his food..., of his wage* (Matt. X, 10; Luke X, 7); whence also in the Old Law priests were fed by the victims; - d) surely no one is bound to deliver himself gratuitously to the service of others (I Cor. IX, 7); therefore priests can live from the offerings of the faithful; but if they deliver themselves to the particular service of one person by applying Mass to him, they can require from him a particular offering; - e) with which agrees the universal practice of the Church, approved by its authority: Council of Trent, sess. 22, *de obs.*; Council of Constance, sess. 8, prop. 25; Pius VI in the condemnation of prop. 54 of the Synod of Pistoia; and can. 824, § 1: "According to the received and approved custom and institution of the Church, it is permitted to any priest celebrating and applying Mass to receive an alms or stipend."

It is confirmed from the origin of the stipend, which is in the offerings of the faithful. In the primitive Church, within the solemnities of Masses, the faithful gave their offerings, namely bread and wine, at the altar, from which priests took the things necessary for the sacrifice offered for all; the things which remained over yielded partly to clerics and partly to the poor. Afterwards, besides bread and wine, for the use of priests and clerics, other things were offered as alms: oil, milk, honey, fruits, incense, then also coins. From this it came about that they also offered coins before Mass, and those offering asked that the sacrifice itself be offered specially for them. From the seventh century the custom was introduced of celebrating thus for particular faithful persons to a special intention; in the twelfth century the use of stipends is universal.

374. Corollaries. - From the aforesaid it follows:

1. Not only a poor but also a rich priest can accept a stipend, as universal practice bears: for everyone can live from his office, and the worker is worthy of his wage; nor is he himself, but he who asks for the sacrifice, bound to furnish the things necessary for it.

2. On the day of the Nativity of the Lord, three stipends are licitly accepted, because the whole which the priest receives on that day and on other days does not exceed the sustenance necessary for the whole year; in itself this would also be licit on the commemoration of all the departed, or in bination, unless the Church prohibited it in order to restrain cupidity. Whence can. 824, § 2: "But as often as he celebrates several times in a day, if he applies one Mass from a title of justice (i.e., from office, benefice, or stipend), the priest, except on the day of the Nativity of the Lord, cannot receive an alms for another, except some remuneration from an extrinsic title."

3. Beneficiaries who from a foundation are bound to celebrate Mass on certain days, but not to apply it, can accept a stipend from another to whom they apply it: for in this case the stipend of the foundation is given on account of extrinsic labor, or an office undertaken toward the parish, church, or chapel.

375. Quantity of the stipend. - The title of the stipend is the support of the priest, not indeed of one whole day, for in the rest of the day he can also preach, teach, and do similar things; nor precisely support for the time of the Mass alone: for celebration impedes the priest for a great part of the day from many other works by which he could seek his livelihood; wherefore St. Alphonsus says that support for half or a third part of the day suffices.

Since food, clothing, habitation, books, and other things necessary for priests, just as also money itself, are not always of the same value, and since circumstances of places and times vary, the stipend also varies. But just as the price of things can be taxed by civil authority, so also the Supreme Pontiff, and the Bishop in the diocese, can determine the quantity of support to be given and the quantity of money corresponding to it; which determination is presumed right unless it contains evident injustice; whence it effects that priests cannot require more, nor the faithful, against the will of the priest, give a lesser stipend for a celebrated Mass, without acting unjustly. But if a legal taxation is lacking, the stipend is determined by custom. Hence can. 831:

"§ 1. It belongs to the Ordinary of the place to define the manual offering for Masses in his diocese by decree, issued, as far as possible, in a diocesan Synod; nor is it licit for a priest to require a greater one.

"§ 2. Where a decree of the Ordinary is lacking, the custom of the diocese is to be observed.

"§ 3. Even religious, although exempt, must stand, concerning the manual offering, by the decree of the Ordinary or by the custom of the diocese."

To require beyond the just stipend is simony, at least of ecclesiastical law (can. 730).

376. Observations. - 1. A Bishop cannot prohibit priests from accepting a greater stipend spontaneously offered (S. C. C., Jan. 16, 1649); but he can prohibit a lesser one from being accepted, lest the sacrifice of the Mass become cheapened (S. C. C., July 16, 1689). Hence can. 832: "It is right

for a priest to accept a greater offering voluntarily offered for the application of Mass; and, unless the local Ordinary has prohibited it, also a lesser one."

2. A priest can require a greater stipend for extraordinary labor and for a title extrinsic to the Mass, for example for a long journey, a later hour, chant, a determinate day, etc.; unless this is already owed from elsewhere. Not, however, for a spiritual emolument, for example for celebration at the altar of a miraculous image; whence can. 918, § 2: "For Masses to be celebrated at a privileged altar, a greater alms for the Mass cannot be required under pretext of the privilege."

3. It is licit to make an agreement concerning the stipend of Masses, but according to the taxation or custom: for since it is given from justice, nothing prevents it from being brought into an agreement; nevertheless scandal is to be avoided in such agreements, as much as possible.

377. The quality and quantity of the obligation from stipend. - From a stipend there arises the obligation of celebrating the sacrifice according to the intention of him who gives the stipend. The obligation is of justice, because the priest and the faithful person enter into a true contract, in which on the one hand the faithful person furnishes the stipend so that Mass may be celebrated, and the priest on the other hand accepts the stipend with the burden of celebrating the sacrifice. The obligation, even of saying one Mass, is from its genus grave, because the gravity here is to be measured not from the stipend but from the spiritual fruit, the privation of which is a notable harm.

This is clear from the insistence with which the Church in many decrees urged the grave obligation, and from the fact that authors today now commonly teach this; - unless perhaps the number of Masses to be said to the altogether same intention is great, or unless the stipend is so slight that the Mass is judged to have been promised gratuitously, because a simple promise, in itself and unless someone intended otherwise, does not oblige under grave sin.

Hence in the case in which one Mass has been omitted, the grave obligation remains of applying it as soon as possible, if the end can still be obtained, or of warning the offerer and returning the stipend. And one who has omitted to apply a Mass in fitting time is bound from justice to restore the stipend; nevertheless the obligation of restoring is not grave unless the stipend constitutes matter at least relatively grave.

378. The mode of fulfilling the obligation. - The obligation contracted from a stipend can be considered:

1. As to the person. Speaking in itself, the priest can satisfy by himself or through another; but if the giver bears this with difficulty, nevertheless there does not seem to be a grave obligation of celebrating by himself, because satisfaction is made as to substance even through another.

From can. 838: "Those who have a number of Masses concerning which they may dispose freely, can assign them to priests acceptable to themselves, provided that it is well established to them that these are beyond all exception or are commended by the testimony of their own Ordinary"; nevertheless in that case "they are held by the obligation until they have obtained testimony of the obligation accepted by the same priests and of the stipend received" (can. 839).

A fortiori it is licit to hand over Masses to be celebrated to the Ordinary.

2. As to number: The priest is bound to celebrate and apply as many sacrifices as he has accepted stipends, even if they are slight (can. 828), because the one giving the stipend asks for a certainly valid application, indeed a Mass reserved to himself, to the exclusion of others if the application made to these should harm him.

Hence one who has done otherwise is bound to reparation if it is still possible, and otherwise to restitution. Cf. Urban VIII, June 21, 1625; and propositions 8 and 10 condemned by Alexander VII.

3. As to time: The priest is bound to celebrate at the time explicitly or implicitly determined (can. 834).

Hence a) he who accepted a stipend that he might celebrate on a certain day, for example on a determinate feast, is bound to celebrate on that day; b) a Mass requested for an urgent necessity, for example for one in agony, for winning a lawsuit soon to be judged, for one recently deceased, for a happy childbirth, for avoiding danger, must be celebrated as soon as possible and in useful time; c) if a great number of Masses is handed over to the same priest at the same time, or if the one handing them over knows that the priest is bound to many other Masses, then he is deservedly judged to consent to a longer delay; on the contrary if a great number is handed over to a community of many priests; d) those who offer stipends in places where, on account of a great concourse, many stipends are offered, are judged to consent to delay; e) but if the time is determined in no way, the priest is bound to celebrate within a moderate time, according to the greater or lesser number of Masses; f) if the offerer has expressly left the time of celebration to the judgment of the priest, the priest will be able to celebrate them at the time which pleases him more, but at least within a year to be computed from the time of reception. Thus according to the norm of can. 834 and 835.

The S. C. C., May 11, 1904, interpreted a moderate time thus: "within a month for one Mass, and a semester for 100 Masses, and another longer or shorter space of time, more or less long, according to the greater or lesser number of Masses," for example, a month for 3 or 4 Masses, 40-45 days for 10, 2 months for 20, 3 for 40, 4 for 60, 5 for 80, 6 for 100, a year for 200 (S. C. C., Feb. 27, 1905). This taxation, although the Code abstained from proposing it, nevertheless furnishes a prudent rule from which one should not depart much. But it is to be taken not mathematically but morally, and it is to be understood with respect to individual offerers, not cumulatively with respect to all. The time is to be computed from the moment at which the Masses are received, whether from the donor, or from the one handing them over, or even from the Ordinary, unless something else is established (can. 837), i.e., unless something else has been agreed upon either explicitly or implicitly, as if an urgent cause is present, or the time has been expressly determined, or the one transmitting adds a condition.

A notable delay is a grave sin: it obliges to restitution if the cause of celebrating has ceased; if it remains, the priest is bound to compensate by spiritual goods (as by prayers, fasts, indulgences) the spiritual harm which perhaps followed from the delay.

4. As to place and quality and other circumstances. If the offerer has expressly determined some circumstances in the celebration of the Mass, the priest, accepting the alms, must stand by his

will (can. 833).

The priest, if he cannot or will not observe the circumstances, must warn the offerer about this; and if that person does not contradict, he is not bound to the circumstances. If he has celebrated while not observing the circumstances, in grave matter he must supply the defect. Nevertheless he is not bound to restore the stipend, unless the circumstance was intended by the offerer as a condition without which not.

Hence a) when someone accepts a stipend that he may celebrate in such a place, for example at the altar of the Blessed Virgin Mary, in such a chapel, he is bound to celebrate there; nevertheless the omission of this circumstance generally is not gravely culpable, and is excused by a reasonable cause, nor of itself does it induce the burden of restitution; the omission of the same circumstance in many Masses of the same donation would more easily be grave, provided the circumstance had been stipulated for a grave reason.

b) One who by a stipend is bound to celebrate at a privileged altar does not satisfy at another altar, unless he enjoys the personal privilege of an altar, nor does he satisfy by applying another plenary indulgence, because the deceased does not gain this so certainly (S. C. Indulg., May 2, 1852). But if from an error committed in good faith he has not satisfied, he is bound in compensation to apply another plenary indulgence to the deceased (S. C. Indulg., Feb. 22, 1847, and July 24, 1885).

c) One who is bound to say a votive Mass does not satisfy by applying the Mass of the day, unless a legitimate impediment excuses; nevertheless this defect of itself does not exceed venial sin.

d) If a faithful person asks for a Mass for a deceased person, the priest satisfies by a Mass of the saint and is not bound to say a Mass of requiem, unless it was expressly requested; similarly one who must apply for the living satisfies by a Mass of requiem, unless another was expressly asked for. The offerer is presumed to seek only the application, not the rite (can. 833).

e) If a Mass is asked in honor of some mystery of Christ, of the Blessed Virgin Mary, or of a Saint, satisfaction is made by the Mass of the current day, unless a votive Mass is expressly asked; although it is more advisable, as far as possible, to satisfy by a votive Mass (S. C. R., June 13, 1899).

f) If a faithful person asks for a sung or solemn Mass, the priest applying a low Mass validly applies, but does not perfectly satisfy (S. C. P. F., June 8, 1844), and therefore he is bound to celebrate a sung or solemn Mass, which nevertheless he does not owe to this faithful person, but can apply to another.

g) If thirty Gregorian Masses are asked, Mass is to be celebrated without interruption for thirty continuous days for one and the same deceased person, though it is not necessary that it be celebrated by the same priest. They are called Gregorian because, as the S. C. Indulg. declared, March 15, 1884, it is piously and reasonably believed that the souls for whom they are applied are specially helped by them on account of the intercession of St. Gregory, so that they may be liberated from purgatory. It is essential that the Masses be celebrated without interruption through thirty continuous days, the last three days of Holy Week excepted (S. Off., Dec. 12, 1912).

Hence that circumstance gravely obliges. Whence he who voluntarily interrupted the tricenary is bound to repeat the series; but if involuntarily, whether he is bound so to supply, they dispute. Several deny it, because the priest is not judged to have willed to oblige himself to this, nor the one offering the stipend reasonably to require it; nevertheless they advise applying a plenary indulgence

to the deceased in compensation.[1] But they speak too confidently, for the whole matter depends upon the intention of the one bestowing the stipend; and there are among those bestowing, especially in certain regions, some who strictly require certainly valid execution of the contract. Whence in practice it seems rather, for caution, that recourse must be had to the Sacred Penitentiary;[2] nevertheless some judge that it also suffices that the one interrupting take care that one Mass be celebrated at a Gregorian altar in the City, or at some other altar which is privileged after the manner of the Gregorian, because they think that in this way the same assistance of St. Gregory is obtained.

[1] Thus, for example, Marc, Aertnijs-Damen, Prummer, Cappello.

[2] Thus Vermeersch, *Th. M.*, III, n. 278, which Cappello also holds, o. c., n. 769.

379. Corollaries. - Hence the following dispositions are easily understood:

A. "It is never licit:

1. To apply Mass according to the intention of him who, an alms having been offered, is going to ask for the application, but has not yet asked, and to retain the alms afterwards given for a Mass previously applied (unless the offerer, having been warned, ratifies it, as we said in n. 353, 3);

2. To receive an alms for a Mass which is owed and applied by another title;

3. To accept a double alms for the application of the same Mass;

4. To receive one alms for the celebration alone, another for the application of the same Mass, unless it is certainly established that one offering was made for celebration without application," can. 825.

B. "As many Masses are to be celebrated and applied as stipends, even slight ones, have been given and accepted," can. 828. But if, without the priest's knowledge, a stipend lower than the tax has been handed over and the offerer is unknown, the priest can put it into the box of alms for Masses to be celebrated or hand it over to the Ordinary of the place.

C. "Although the alms of Masses already received have perished without the fault of him who is burdened with the charge of celebrating, the obligation does not cease," can. 829. For by handing over, the stipend has passed into the ownership of the priest; but the thing perishes to its owner.

D. "If someone has offered a sum of money for the application of Masses, not indicating their number, this is to be reckoned according to the alms of the place in which the offerer was staying, unless it must legitimately be presumed that his intention was otherwise," can. 830, for example if he asked about the diocesan tax, or was accustomed to give another stipend.

E. "It is licit for no one to receive so many burdens of Masses to be celebrated by himself that he cannot satisfy them within a year," can. 835. But it is licit if the offerer manifestly consents to this (can. 841, § 2), or if the Masses are to be celebrated through others (can. 836).

F. "In churches in which, on account of the peculiar devotion of the faithful, alms for Masses flow in such a way that all the Masses cannot be celebrated there in due time, let the faithful be warned, by a

tablet placed in an open and obvious place, that the offered Masses will be celebrated either there, when it can conveniently be done, or elsewhere," can. 836.

380. Special prohibition of any negotiation or trafficking with Mass stipends. - Can. 827 prescribes: "From the offering of Masses any even appearance of negotiation or trafficking is altogether to be kept away"; by which words not only negotiation or trafficking itself, but also those things which bear their appearance, i.e., appearance or founded suspicion, and cooperation in all these things, are prohibited (S. C. C., May 11, 1904). This prohibition is grave from its genus.

One conducts negotiation or trafficking with Mass stipends:

1. Who, by means of stipends collected or accepted for that end, conducts some commerce, for example of books or sacred utensils, namely by handing over merchandise for stipends, so that from the difference of the stipends, or even from the sale of the merchandise alone, he may receive profit.

Nevertheless it is not prohibited: a) for booksellers or merchants to commit Masses to be celebrated for themselves and their deceased to a priest, and to hand over to him books or utensils for the stipend;

b) for priests to accept wine, oil, grain, and other things for Masses to be celebrated or celebrated, or to pay a debt, provided that the appearance of negotiation is kept away;

c) for rectors of churches and seminaries or moderators of pious works to accept stipends spontaneously offered and to ask priests to pay the Masses gratuitously, turning over the alms to the aforesaid works;

d) for assistant vicars or other priests living in the house of a pastor to cede to him, for food and service, the alms of a daily Mass, whether low or sung.

These are not negotiations, but payments or donations.

2. Who collects or accepts stipends so that, by transmitting Masses to be celebrated for a lesser stipend, or from the exchange of money, he may receive profit. Hence can. 840, § 1: "One who transmits manual offerings of Masses to others must transmit the accepted offerings entire, unless either the offerer expressly permits something to be retained, or it is certainly established that the excess above the diocesan tax was given in consideration of the person."

For from the intention of the offerer, the whole stipend in itself is destined to the celebrant, nor therefore can a part be retained for pious uses.

Whence he who retains part of the stipend sins against justice and is bound to restore to the celebrant.

Nevertheless:

a) It is not illicit to retain part: 1. if the offerer expressly permits it; 2. if it is certainly established that the richer stipend was given in consideration of the person, for example by reason of special friendship, necessity, gratitude, recompense, etc.; 3. if the priest to whom celebration is committed spontaneously remits part of the stipend; 4. if the greater alms pertains to parochial rights, which are

called stole fees, as in funeral or nuptial Masses, because these belong to the pastor; 5. if someone has an indult granted after 1904; 6. if it is a matter of founded Masses which could not be celebrated in due time, unless the mind of the founder stands in the way. For concerning these can. 840, § 2, holds: "In Masses after the manner of manual ones (namely founded Masses which could not duly be applied), unless the mind of the founder stands in the way, the excess is legitimately retained and it is enough to remit only the manual alms of the diocese in which the Mass is celebrated, if the rich alms takes the place in part of the dowry of a benefice or pious cause."

b) Nor is it illicit to commute the intentions of Masses, even if the stipends are unequal, as if Peter today celebrates according to the intention of Paul, and Paul tomorrow according to the intention of Peter; or Paul in Peter's church according to the intention of the absent Peter, and Peter according to the intention of Paul: such an agreement is only concerning mutual service to be rendered.

c) It is not illicit to retain from the stipend for the expenses of transmission or administration, provided that not more is retained than is necessary for expenses (S. C. C., Feb. 25, 1905); but the same does not hold for the expenses of altars, vestments, lights, wine, hosts, unless the church is very poor (Innocent XII, Const. *Nuper*, Nov. 23, 1697, VII), in which case the Ordinary can grant that a moderate offering be required, which it belongs to him to define in such a way that it is lawful for no one, not even exempt religious, to require a greater one (can. 1303, § 2 and 3).

381. Practical notices. - 1. Can. 837: "One who has Masses to be celebrated through others should distribute them as soon as possible, with due regard for the prescription of can. 841; but the lawful time for their celebration begins from the day on which the priest who is to celebrate received them, unless something else is established," as was said in n. 378, 3.

2. Can. 841: "§ 1. All and individual administrators of pious causes, or those in any way obliged to fulfill the burdens of Masses, whether ecclesiastics or laymen, near the end of each year, should hand over to their Ordinaries, according to the mode to be defined by these, the burdens of Masses to which satisfaction has not yet been made.

"§ 2. But this time is to be understood in such a way that in Masses after the manner of manual ones, the obligation of depositing them runs from the end of that year within which the burdens ought to have been fulfilled; but in manual ones, after a year from the day of the burden undertaken, saving a diverse will of the offerers."

Indeed thus, unless it is a matter of a smaller number of Masses which are to be said shortly.

3. Can. 842: "The right and office of watching that the burdens of Masses be fulfilled pertains, in churches of seculars, to the local Ordinary; in churches of religious, to their superiors."

4. Can. 843: "§ 1. Rectors of churches and of other pious places, whether secular or religious, in which alms for Masses are accustomed to be received, should have a special book in which they accurately note the number of Masses received, the intention, the alms, and the celebration.

"§ 2. Ordinaries are held by the obligation, at least once each year, of reviewing books of this kind, either by themselves or through others."

5. Can. 844: "§ 1. Ordinaries of places also and religious superiors who commit Masses to be celebrated to their own subjects or to others, should soon record in order in a book the Masses which they have received with their alms, and take care according to their powers that they be celebrated as soon as possible.

"§ 2. Indeed all priests, whether secular or religious, must accurately note which intentions of Masses each has received, and to which he has made satisfaction."

Article V: On the Obligation from a Precept of Obedience or Vow

382. The obligation of celebrating can arise from a special precept of obedience imposed by a legitimate superior. - Thus:

1. The Supreme Pontiff can command celebration of Mass for all priests, and the Bishop for priests subject to him, at least by reason of an office undertaken or to be fulfilled; indeed also the application for a determinate intention, which is not a merely internal act, but an internal act joined with an external one (I, n. 327).

2. Regular superiors can command their subjects, even in virtue of obedience, that they celebrate according to the intention established by them or prescribed by the constitutions, saving, however, exceptions sanctioned by the constitutions or by legitimate custom.

In this case, religious are also bound from justice, and indeed under grave sin, if stipends of Masses are accepted by superiors under this agreement, that they take care that Masses be celebrated through subjects; - on the contrary, if by force of dominative power superiors enjoin the application of Mass, or by force of constitutions they require a Mass to a certain intention, religious are bound only from obedience, gravely, lightly, or under penalty alone, according to the intention of the superior.

383. Observations. - 1. Besides the vow of religious obedience, from which someone, when a superior commands in virtue of obedience, can be held to celebrating Mass, one can oblige himself to this from a private vow; which obligation will be grave, unless the one vowing intended to oblige himself only under light sin.

2. A simple promise made to someone of offering the sacrifice for him obliges, provided that it is a true promise; nevertheless not under grave sin, unless someone expressly intended this.

3. A confessor can enjoin upon a penitent priest the celebration or application of Mass as a sacramental penance; in this case, unless he expressly says otherwise, he is presumed to require an application of Mass distinct and separate from every other obligation.

Question Two: On the Requisites for Celebration

384. For licit celebration three things are required: 1. on the part of the body, immunity from a defect which impedes celebration and constitutes an irregularity from defect (can. 984, n. 2), - fasting (can. 808), - and cleanliness, as was explained above (n. 280-284); 2. on the part of the soul: the state of grace, after consciousness of mortal sin, proved by confession, as was said in n. 271-272 (can. 807), immunity from censure, irregularity, and other canonical penalties and impediments (can.

2261), and due preparation (can. 810); 3. on the part of external circumstances: observance of the ceremonies, rites, and other things prescribed by the Church.

385. The obligation of observing the ceremonies and rites and other precepts of the Church as to the celebration of the sacrifice is very grave. - For since nothing is holier than the sacrifice of the altar, the Church wills that it be offered with much apparatus and external worship, and therefore has prescribed many things concerning place or time, concerning the things to be used and the rites to be observed, so that the sacred action may be exercised with decorum, reverence, and piety, namely, as the Council of Trent says, sess. 22, c. 5: "both that the majesty of so great a sacrifice might be commended, and that the minds of the faithful, through these visible signs of religion and piety, might be stirred up to contemplation of the most lofty things which lie hidden in this sacrifice." Concerning this, see the Council of Trent, sess. 7, can. 13; sess. 22, c. 4 and 5, can. 7 and 9; and in the Code of Law, can. 733, 811, 818, 821 and 822.

The Church has ordained certain things which from received interpretation are held as merely directive, such as those which precede or follow Mass; but many are truly preceptive; among these, however, certain ones, by reason of the reverence due, are urged altogether strictly, so that never, or scarcely ever, would celebration without them be licit: thus the sacrifice could never be offered without a chalice, almost never without sacred vestments or outside an altar, rarely outside a sacred place.

386. It is a sin grave from its genus to change the prescribed rubrics of the sacrifice. - For it is the grave transgression of a precept of the Church; and indeed:

1. to add to the rubrics from an intention of changing or introducing a new rite is a grave sin, because it is to usurp the authority of the Church in a matter of great importance; but from indiscreet devotion, it is venial if the matter is slight, grave if notable;

2. to omit something from the rubrics notable of itself, containing a special signification, is grave by reason of quality; but to omit lighter ceremonies is venial, unless it is done in great part, in which case it is grave by reason of quantity.

Appendix: On the Rites, Ceremonies, and Other Precepts to Be Observed in the Celebration and Dispensation of the Eucharist

S. Th. III, q. 83, a. 2-6.

387. On the time of celebration. - A. Days. - For a priest well disposed, speaking in itself and with the prohibition of the Church set aside, it is licit to celebrate daily, indeed also laudable. For, as the *Book of the Imitation of Christ* says, IV, c. 5: "When a priest celebrates, he honors God, gladdens the angels, builds up the Church, helps the living, gives rest to the dead, and makes himself a participant in all goods." And St. Bonaventure, *de praep. ad mis.*, c. 5: "The priest who does not celebrate, as much as is in him, deprives the Trinity of praise and glory; those existing in purgatory of refreshment; the Church of Christ of a special benefit; himself of medicine or remedy against daily sins and infirmities." "For because we daily need the fruit of the Lord's passion on account of daily defects," St. Thomas notes, a. 2, "daily in the Church this sacrament is regularly offered." Hence can. 820: "The sacrifice of the Mass can be celebrated on all days, except those which are excluded by the proper rite of the priest."

In the Latin rite:

1. The day of Parasceve is entirely excluded, because on that day the passion of the Lord is recalled insofar as it was really, i.e., bloodily, accomplished, and therefore is not represented mystically or bloodlessly (a. 2, ad 2). Nevertheless all the faithful are permitted to communicate, as will be said below, n. 392.

2. On Thursday in the Supper of the Lord, the Mass of Chrism is to be celebrated in cathedral churches after Terce. But the Mass *in Coena Domini* is to be celebrated solemnly in the evening, at the more opportune hour, not however before the fifth hour nor later than the eighth. But where the salvation of souls suggests it, the Ordinary of the place can permit that in any church or public oratory one or two low Masses be celebrated; in a semi-public oratory, however, only one, so that all the faithful may be able to assist at the Holy Sacrifice and also be refreshed by Holy Communion. Private Masses are forbidden. The low Masses which are permitted by the Ordinary are to be said at the same hours as the solemn one.

On Holy Saturday no Mass is permitted, except the solemn one at night (Decree *Maxima Redemptionis*, S. C. Rit., Nov. 16, 1955, with the annexed Instruction).

B. Hour. - According to present-day discipline, "the beginning of the Mass to be celebrated should not take place earlier than one hour before dawn or later than one hour after midday," can. 821, § 1.

Dawn is the beginning of the daylight of the day, or the irradiation of the first light, which precedes sunrise more or less according to the variety of times and places; where dawn is not had, it is to be taken from the beginning of civil, moral, and usual life, when men rise for work (S. C. R., Nov. 2, 1634). This time is to be taken not mathematically but morally, and indeed for a public Mass according to the common usage of the place; but for private Masses according to time whether true, mean, or legal (can. 33, § 1).

The prescription obliges under grave sin (Council of Trent, sess. 22; Pius V, March 29, 1566), so that a notable transgression of it is a mortal sin, such as is customarily judged to be one which exceeds a whole hour before or after the established time. Nevertheless exceptions are admitted:

1. From privilege, at least if it has been granted after the Council of Trent, as was done for certain religious orders.

2. From dispensation of the Ordinary in a particular case (S. C. R., July 7, 1899, ad 4).

3. From reasonable custom, for example that workers and servants may be able to hear Mass very early.

4. From a just cause occurring, for example a journey, public supplication, funerals, nuptials, administering Viaticum: a lighter cause suffices for a moderate departure from the time permitted by law, and the graver the anticipation or postponement becomes, the graver cause is required.

5. As is established by the decree of the S. C. Rit., of Nov. 16, 1955:

a) On Thursday in the Supper of the Lord, the solemn Mass, and also the low Masses which are permitted by the Ordinary of the place, must be celebrated in the evening, not however before the fifth hour nor later than the eighth.

b) On Friday in Parasceve the solemn liturgical rites are to be celebrated after midday, around the third hour. If, however, an opportune reason suggests it, they can be celebrated later, but not beyond the sixth hour.

c) The solemnities of the Paschal Vigil are to be held in such a way that the solemn Mass of the vigil begins around the middle of the night between Holy Saturday and the Sunday of the Resurrection of the Lord.

If, however, in the judgment of the Ordinary of the place it is expedient to begin the celebration of the Vigil earlier, this is permitted, but in no way before sunset.

6. On the night of the Nativity of the Lord, at midnight, but not before, the conventual or parish Mass can be begun, but not another without an apostolic indult (can. 821, § 2); but in all religious and pious houses having an oratory with the faculty of habitually reserving the most holy Sacrament, one priest can celebrate three ritual Masses, or, with the things to be observed being observed, only one (ibid., § 3); likewise holy communion can be ministered to those asking (ibid., and can. 867, § 4; cf. n. 392 A, c. 1). Nevertheless this does not import the faculty of celebrating with open doors: for in this matter even regulars should conform themselves to the prohibitions of bishops (S. Off., Nov. 26, 1908).

7. The Apostolic Constitution *Christus Dominus* and the Instruction of the C. S. Office on the sixth day of January 1953 gives faculties to Ordinaries of places as to evening Masses. Namely, they enjoy the faculty of permitting the celebration of evening Mass in their own territory, if circumstances necessarily require this, notwithstanding the prescription of can. 821, § 1. The common good sometimes demands the celebration of the sacred mysteries after midday: for example, for workers of certain industries, who even on feast days succeed one another in shifts of labor; for those classes of workers who are occupied in the morning hours of feasts, as those assigned to the duties of ports; likewise for those who from distant regions come together in very great number into one place, to celebrate a certain religious or social festivity, etc.

The Motu Proprio *Sacram Communionem* of March 19, 1957, gives to Ordinaries of places, vicars general without a special mandate excepted, the faculty of permitting celebration of Mass in the afternoon hours, and this indeed daily, if the spiritual good of a notable part of the Christian faithful requires it. Masses of this kind cannot be celebrated before the fourth hour after midday.

C. How many times in a day. - According to can. 806, § 1, except on the day of the Nativity of the Lord and the day of the Commemoration of all the faithful departed, on which there is the faculty of offering the sacrifice three times, it is not licit for a priest to celebrate several Masses in a day, unless from an apostolic indult or from a power granted by the Ordinary of the place. This obliges under grave sin, so that a priest who presumes to act otherwise is to be punished (can. 2321). Accordingly:

1. In the Latin Church priests can celebrate three times on the Nativity of the Lord, in honor of the threefold nativity of Christ: temporal, spiritual, and eternal; likewise on the commemoration of all the departed; and he who from an indult always says a votive Mass, for example of the Blessed Virgin, or some Mass for the departed, can say the same respectively three times (S. C. R., Jan. 26, 1920).

2. The Ordinary of the place can grant the faculty of binating, but only "when, in his prudent judgment, on account of a scarcity of priests, on a feast day of precept a notable part of the faithful cannot be present at Mass (such as a multitude of at least 20 or 30 persons is judged to be); - but it is not in his power to permit more than two Masses to the same priest" (can. 806, § 2). Thus bination can be permitted, indeed commanded, if one priest rules two parishes or two churches sufficiently distant, or if there is only one church to which the whole people cannot come together at the same time for the same Mass because of the narrowness of the place or a less fitting time; provided, however, in either case that no other priest is present. But to say three Masses is not licit except from a special apostolic indult.

The faculty of binating, not indeed one had personally from an indult, but one granted by the Ordinary, is not merely personal, but real; whence, when the pastor is absent or impeded, the one supplying his place can use it. But in a case of sudden necessity the license of the bishop, if he cannot be approached, can be presumed; unless diocesan or provincial statutes require that the judgment of the vicar forane or dean intervene.

Priests who celebrate twice or three times can in the prior Masses take the prescribed ablutions, but with water alone being used, unless it is a matter of the three Masses on the day of the Nativity of the Lord or on the Commemoration of all the Faithful Departed celebrated without interruption, in which they are bound to observe the special rubrics of these Masses.

3. Priests who celebrate the solemn Mass at night in the Paschal Vigil can on the day of the Resurrection also offer the festive Mass of the day, or even several Masses if they have the faculty for this.

Ordinaries of places who, on Thursday in the Supper of the Lord, celebrate the Mass of Chrism after Terce, can also celebrate the Solemn Mass in the evening. It is permitted to the same Ordinaries, if on Holy Saturday they have celebrated the Mass of the Paschal Vigil, also to celebrate the solemn Mass on Sunday in the Resurrection, without being bound to this (cf. Decree of the S. C. Rit. of Nov. 16, 1955, with the Instruction added by the same Sacred Congregation).

D. Time to be spent. - For a private Mass, the space of time to be spent should approach about a half hour; and, Benedict XIV warning, *de sacrif. mis.*, sect. 2, n. 217, "it ought to reach at least the third part of an hour, and not exceed half an hour." He will not easily be excused from mortal sin who completes Mass within a quarter hour, at least habitually, since this of itself is apt to import grave irreverence toward the sacrament and grave scandal of the people: thus St. Alphonsus, *Th. M.*, l. VI, n. 400.

388. On the place of celebration. - Regularly, from common law, "Mass is to be celebrated upon a consecrated altar, and in a church or oratory consecrated or blessed according to the norm of law"

(can. 822, § 1), i.e., in a church or public or semi-public oratory. This obligation is grave from the intended end (Council of Trent, sess. 22). St. Thomas assigns the reason of fittingness, a. 3, ad 2: "both for representing the sanctification which the Church has obtained through the passion of Christ; and also for signifying the sanctity which is required in those who ought to receive this sacrament."

Exceptionally it can be celebrated:

1. In a private oratory: and indeed "in private chapels of cemeteries, the Ordinary of the place can habitually permit even the celebration of several Masses; but in other domestic oratories, only of one Mass, by way of an act, in some extraordinary case, from a just and reasonable cause" (can. 1194); but "from an indult of the Apostolic See, i.e., of the S. C. of the Sacraments, it can be celebrated, after the Ordinary, by himself or through another, has visited and approved the oratory, one low Mass on individual days, except the more solemn feasts" (can. 1195), according to the tenor of the indult, and at least excepting the feast of Easter; "provided that the oratory is reserved only for divine worship and free from all domestic uses" (can. 1196).

2. Outside a church and oratory upon a sacred stone and in a decent place (even under the open sky or a tent), but never in a bedroom, the Ordinary of the place can grant license of celebrating, or, if it is a matter of a house of exempt religion, the major superior; but from a just and reasonable cause, in some extraordinary case and by way of an act (can. 822, § 4), i.e., even several times, but not habitually. Nevertheless this faculty of the Ordinary is to be interpreted restrictively (Commission for Interpretation, Oct. 16, 1919, ad 12).

In urgent necessity, if the Ordinary cannot be approached, the license can be presumed, when a great number of the faithful would lack Mass of precept.

3. On a portable altar, which privilege "is granted either by law, as to Cardinals and Bishops, or only by indult of the Apostolic See," and "is to be understood in such a way that it brings with itself the faculty of celebrating everywhere, but in an honorable and decent place and upon a sacred stone, not however on the sea" (can. 822, § 2 and 3).

4. Finally, on the sea, which is granted by law to Cardinals and Bishops, but to others only from an altogether special indult, which is rather often given to missionaries, whom the S. C. P. F., March 1, 1902, warns "that as often as they use the privilege, they should carefully and religiously observe the prescribed rules usually placed in the rescript itself of the apostolic concession: namely, let them see whether the sea is so calm that no danger of spilling the most holy species from the chalice is present; let them take care that another priest, if present, duly assist the celebrant; and, if there is not on the ship a proper chapel or fixed altar, let the missionaries altogether take care that the place chosen for the celebration of Mass show nothing indecent or unbecoming," as if "it were celebrated in cells destined for private uses"; unless "the circumstances remove all dangers of irreverence," as the same Sacred Congregation interpreted on Aug. 13.

It is illicit "to celebrate Mass in a temple of heretics or schismatics, even if formerly duly consecrated or blessed" (can. 823, § 1); likewise in an execrated church, namely, if the whole at once has been

destroyed, or the greater part has at once fallen down, or it has been reduced to profane uses by the Ordinary of the place (can. 1170); in a violated church before it has been reconciled (can. 1172 and 1173, § 1); and in an interdicted church, excepting the cases excepted by law (can. 2270, § 1).

It is a grave sin to celebrate in a domestic oratory or profane place without the license of ecclesiastical authority, or in a church not consecrated and not blessed, a fortiori in an execrated, violated, or interdicted church; but if the violation happens before the canon of the Mass or after communion, the Mass must immediately be interrupted; otherwise the priest should proceed up to communion (can. 1173, § 2).

Let can. 804 be noted: "§ 1. A priest foreign to the church in which he asks to celebrate, showing authentic and still valid commendatory letters of his Ordinary, if he is secular, or of his superior, if he is religious, or of the S. Congregation for the Oriental Church, if he is of an oriental rite, is to be admitted to the celebration of Mass, unless in the meantime it is established that he has committed something for which he ought to be repelled from the celebration of Mass.

"§ 2. If he lacks these letters, but his probity is especially well established to the rector of the church, he can be admitted; but if he is unknown to the rector, he can still be admitted once or twice, provided that, clothed in ecclesiastical dress, he receives nothing from the celebration from the church in which he offers, under any title, and signs his name, office, and his diocese in a special book.

"§ 3. Particular norms given by the Ordinary of the place concerning this matter, with due regard for the prescriptions of this canon, must be observed by all, even exempt religious, unless it is a matter of admitting religious to celebrate in a church of their own religion."

These things, surely, are to be understood of accidental celebration, not long-lasting or habitual; for no obligation in itself is given of admitting someone to habitual celebration in a determinate church.

389. On the requisites for celebrating. - A. An altar is a quadrangular stone destined and consecrated for sacrificing. "This indeed," says St. Thomas, a. 3, ad 5, "belongs to the signification of this sacrament, both because the altar signifies Christ: for it is said in I Cor. X, 4 [the printed text has X, 3]: *But the rock was Christ*; and also because the body of Christ was laid away in a stone sepulcher. It also belongs to the use of the sacrament: for stone is solid, and can easily be found everywhere, which was not necessary in the Old Law, where the altar was made in one place."

One altar is fixed, i.e., a stone mensa or table, consisting of one natural, whole, and non-friable stone, together with the supports, consecrated with the same by way of one thing (can. 1197, 1° and 1198, § 1): the stone table or mensa ought to extend to the whole altar, and to adhere suitably to the support (for example with lime or cement); but the support (i.e., the base) should be of stone, or at least the sides or little columns by which the mensa is sustained should be of stone (can. 1198, § 2), although it is not necessary that they be of one stone. It is required that in a consecrated church at least one altar, especially the principal one, be fixed.

Another is movable, namely a stone, for the most part small, which alone is consecrated; or a stone with a support which, however, was not consecrated together with the same (can. 1197, § 1, 2°): in this latter case the altar is called *fixatium*, which suffices for gaining indulgences; otherwise it is called a sacred stone, which then must be inserted in an altar made of wood or of another material, as the

Missal has it. The stone should consist of one natural, whole, and non-friable stone, and should be so broad that it can hold at least the host and the greater part of the chalice (can. 1198, § 1 and 3).

In each altar, fixed or movable, there must be a sepulcher closed with a stone, containing relics (can. 1198, § 4), from parts of the body of several Saints, especially martyrs (S. C. R., Oct. 6, 1837); nevertheless for the validity of the consecration it suffices that the relics of one martyr be included (Feb. 16, 1906).

It is a grave precept to celebrate the sacrifice of the Mass upon a consecrated altar, as is clear from the constant practice of the Church, from the Missal, general rubrics, tit. 20; *de def.*, tit. 10, and from can. 822, § 1 and 2, and indeed in such a way that it is never lawful to celebrate without an altar (S. C. P. F., Sept. 2, 1780), and the Holy See never grants an indult of celebrating outside an altar. Hence scarcely could a case be given in which it would be licit, except "perhaps in a case of threatened death, not however in contempt of religion," says Billuart, diss. VIII, a. 10.

Let it be noted: a) The altar must be consecrated according to the liturgical laws and the proper rite to which the celebrant belongs.

b) When an altar of his own rite is lacking, it is lawful for a priest, in his own rite, to celebrate on an altar consecrated in another Catholic rite; but not upon the antimensions of the Greeks (can. 823, § 2), which are not stone altars but certain cloths, consecrated with the rite and in place of altars, which the Greeks use even outside an altar.

c) On papal altars let no one celebrate without an apostolic indult (can. 823, § 3).

d) An altar, both immovable and movable, must be reserved only for divine offices, and especially for the celebration of Mass, every profane use being entirely excluded (can. 1202, § 1).

e) Beneath the altar no corpse is to be laid away; but corpses which perhaps have been buried near the altar should be distant from it by a space of at least one meter; otherwise it is not licit to celebrate Mass on the altar until the corpse is removed (can. 1202, § 2).

It is a grave sin to perform the sacred rite outside an altar, or upon an altar not consecrated, or execrated, i.e., one which has lost its consecration, or interdicted. According to can. 1200:

"§ 1. An immovable altar loses consecration if the table or mensa is separated from the support, even for a moment of time; in which case the Ordinary can permit that a priest again perform the consecration of the altar with a shorter rite and formula.

"§ 2. Both an immovable altar and a sacred stone lose consecration:

"1° If they are broken enormously, whether by reason of the quantity of the fracture, or by reason of the place of the anointing (as if the table has been divided into two or more notable parts, or if the broken-off part contains one of the lateral crosses specially anointed by the bishop in the consecration of the altar).

"2° If the relics are removed, or the cover of the sepulcher is broken or removed, except the case in which the bishop himself or his delegate removes the cover in order to fasten or repair it, or to replace it, or to visit the relics.

"§ 3. A slight fracture of the cover does not induce execration, and any priest can fasten a small crack with cement.

"§ 4. The execration of a church does not carry with it the execration of altars, whether immovable or movable; and conversely."

B. Ornament of the altar. - From the general rubrics of the Missal, tit. 20, the altar ought to be ornamented in this way:

1° It should be covered with three clean and blessed altar cloths or linens. They ought to be made of linen or fine hemp (S. C. R., May 15, 1819): the upper one ought to be long, hanging down on each side all the way to the ground (June 9, 1899); the other two can be shorter, or one doubled.

2° On the front face it should be adorned with a pallium or antependium, of a color, as far as possible, fitting the feast day or office; unless, however, the structure itself does not need an antependium, as if it is of marble, or adorned with metal or precious stone, or made in the manner of a tomb or urn.

3° With a cross placed upon it in the middle, with the image of the Crucified, and with at least two candlesticks with lighted candles, on this side and that on each side of it. The cross ought to be large enough that the celebrating priest and the people assisting at the sacrifice can easily and conveniently look upon the Crucified. But if on the altar there is a large image of the Crucified, painted or carved, another cross is not required; likewise, if celebration takes place at an altar where the most holy Sacrament is publicly exposed, the cross is not necessary, but each church is to preserve its own custom in this matter (S. C. R., Sept. 2, 1741): nevertheless the practice cannot be tolerated of placing the cross on the throne which serves for the public exposition of the most holy Sacrament (June 2, 1883 and June 11, 1904).

The candles ought, at least for the greater part, to be of wax (S. C. R., Dec. 14, 1909, Dec. 13, 1957). Cardinals and Bishops excepted, in a strictly private Mass it is not licit for other priests to have four candles lit, but by reason of some solemnity it is permitted to have even more (S. C. R., Sept. 12, 1857).

4° With the card of the secret prayers at the foot of the cross, and the missal upon a cushion or a small lectern at the epistle corner. Two other smaller cards are now customarily placed at each corner of the altar; these were introduced by use and for the sake of greater convenience, but are not prescribed.

The Missal adds: a) "On the epistle side let a candle be prepared to be lit at the elevation of the sacrament" until communion. But this usage has almost commonly ceased, and this custom can be observed (S. C. R., June 9, 1899); nevertheless among the Preachers the usage has remained.

b) "Upon the altar let absolutely nothing be placed which does not pertain to the sacrifice of the Mass or to the ornament of the altar itself." Nevertheless for ornament the sacred relics and images and flowers can be placed there, as is clear from condemned proposition 23 of the Synod of Pistoia; but from relics and images one must abstain in the time of Passiontide, and, excepting images of adoring angels, also during the public exposition of the most holy Sacrament; from flowers in the time of Advent and Lent, excepting feasts occurring (S. C. R., May 11, 1878).

It is a sin to transgress the aforesaid prescriptions without necessity or without an indult; but it is grave to celebrate, without grave necessity, without any altar cloth, or without any light, or without a

missal; the last of these exposes one to the danger of erring, whence it would not be done licitly except in the case in which the missal was lacking and the priest from experience was truly certain that he would not err.

If light fails during Mass, if before the consecration it fails totally and another cannot be had, one must desist from the celebration; if only one candle is extinguished, or even both but after the consecration, one must not desist, but the sacrifice must be completed. If the candles are extinguished during celebration, they should be lit again, but without meanwhile interrupting the sacred rite.

C. Sacred vessels and accessories. - The sacred vessels required under grave obligation are the chalice with the paten, made of the due material, and indeed consecrated by a bishop or by one having the privilege; it would be gratuitously affirmed that this consecration is conferred by the mere use of the chalice in celebrating Mass. "Consecrations," says St. Thomas, a. 3, "are applied to those things which come into the use of this sacrament, both on account of reverence for the sacrament, and for representing the effect of sanctity which comes from the passion of Christ, according to that Hebr. XIII, 12: *Jesus, that he might sanctify the people by his own blood...*"

The chalice ought to be of gold or silver, at least as to the cup, as the Missal says, tit. 1, n. 1, - and in a state of poverty, it can be of pewter, or, as has more recently been conceded, of aluminum mixed with other metals (S. C. R., Dec. 6, 1866); the cup and the surface of the paten, if they are not golden, must under grave obligation be gilded inside (can. 1305, § 2). It cannot be of bronze, copper, brass, wood, horn, much less of glass on account of fragility. As St. Thomas reports, ibid., ad 6: "It has been established that 'the chalice of the Lord with the paten should be made either wholly of gold, or of silver, or at least be had of pewter. Let it not be made of bronze or brass, because by reason of the power of wine it produces verdigris and likewise provokes vomiting. But let no one presume to sing Mass in a wooden or glass chalice,'" namely, because wood is porous, and the consecrated Blood would remain in it; but glass is fragile, and danger of breaking could be imminent; and the same reason applies concerning stone. And therefore on account of reverence for the sacrament it has been established that the chalice be made from the aforesaid materials." - In certain regions a small spoon is joined to the chalice, by which water is put into the wine; its use is not prohibited (S. C. R., Feb. 6, 1858): it can be made of any material and is not to be blessed.

As accessories of the most holy vessels there are required:

1° The corporal, pall, and purificator: the first two ought to be blessed, but not the third; yet all three must be clean and made of linen or hemp. Nevertheless nothing prevents the corporal, or the pall in its upper part, from being ornamented with gold or silk, provided that the corporal is not ornamented in the middle; and that the linen pall attached beneath covers the chalice, and the upper cloth is not of black color nor bears any signs of death (S. C. R., June 17, 1894).

2° The veil and burse, each of the same material and color as the vestments of the celebrant; nevertheless they are not to be blessed separately.

3° The cruets with a little basin and clean hand-towel; the cruets should not be golden or silver, except for a bishop, but glass; nevertheless the custom can be tolerated of using golden and silver ones (S. C. R., April 28, 1866).

4° The little bell, the use of which serves so that to those standing by who cannot see and hear the celebrant, the more principal parts of the Mass and the chief actions concerning the sacred things may become known, and that attention and devotion may be impressed upon all. Two ringings are prescribed: at the *Sanctus* and at each Elevation; a third is often added immediately before the consecration to stir up more the attention of the faithful. In certain regions or churches it is also customary to ring at the signing of the chalice with the sacred host before the *Pater noster*, and at *Domine non sum dignus* before communion; this, where it is the custom, can be tolerated (S. C. R., May 14, 1856), but ought not to be observed.

It is a grave sin to celebrate without the due chalice with consecrated paten, or with an execrated chalice, or without a blessed corporal; the pall, purificator, and other accessories are required only under light obligation: in defect of a pall the chalice could be covered either with the corporal, if it is broad enough, as formerly was done, or with the burse or purificator.

From can. 1305 the chalice with the paten is execrated: a) if they have undergone such injuries or changes that they have lost their former form, and are no longer held suitable for their uses: thus a chalice is execrated when it is totally broken or is perforated in the bottom, or when the cup is torn away from the fixed foot; - but not if the cup is separated from the removable foot, because by a separation of this kind it does not lose form, since its parts can be joined without new workmanship; nor do the chalice and paten lose consecration by the consumption or repair of the gilding, saving, however, in the former case, the grave obligation of gilding them again;

b) if they have been applied to indecorous uses or exposed to public sale.

D. Six sacred vestments are enumerated in the Missal, *de cel.*, tit. 1, which are of precept (can. 811): the amice, alb, cincture, maniple, stole, and chasuble or planeta. They must be blessed: the amice and alb ought to be of linen or hemp (S. C. R., Dec. 15, 1819); the cincture is more suitably linen, but it can be of cotton, wool, indeed even silk (Jan. 22, 1701 and Dec. 23, 1862); the maniple, stole, and chasuble ought to be of the same precious material, namely, of silk or half-silk or mixed silk, but not of cotton or linen cloth, or even of wool, nor of glass fabric (Sept. 23, 1837 and Sept. 11, 1847), and of the color fitting the office. They ought to be of one color, at least prevailing, so that they can be used for this alone; they cannot be of yellow color or golden color, but they are permitted of cloth of gold, which can be used for white, red, or even green, but not for violet or black (Dec. 5, 1868); likewise of silver cloth for vestments of white color (Nov. 20, 1885).

Vestments cannot be torn or ripped, but ought to be whole, clean, and beautiful, on account of reverence for the sacrament; nevertheless poverty or necessity can excuse from this if others cannot be had.

To celebrate without sacred vestments is very grave, and similarly without an alb or chasuble, so that it can never or scarcely ever be licit; - likewise it is grave to celebrate without a stole, which is the principal ornament of the priest, or with an alb, stole, or chasuble not blessed or execrated, or with vestments very torn or unclean, unless by reason of grave necessity; - the rest oblige only under light obligation, as also the color of the vestments, unless grave scandal is present.

Sacred vestments are execrated and lose their blessing when they are so dissolved that they lose their form or become unsuitable for the sacred use to which they are destined, and when they have been applied to indecorous uses or exposed to public sale (can. 1305, § 1). Thus, for example, when they

have ceased to be suitable for their proper use, whether they are worn out, or have lost their form, as if from a chasuble you make a stole, from a stole a maniple, from an alb an amice, if from an alb a sleeve has been cut off, even though soon to be sewn on again, if a cincture is so broken that neither part can gird; - on the contrary the blessing remains if before full separation they are repaired and the parts are joined.

Let it be noted that sacred vestments torn or consumed by age cannot be applied to profane uses, but are to be burned and the ashes deposited in the sacrarium; but if they have lost the blessing, they can be applied to profane, though not sordid, uses (can. 1510, § 1).

Besides the sacred vestments, the priest must a) be shod: shoes are to be used which clerics are publicly accustomed to use (S. C. R., Aug. 31, 1872, ad 3); from a just cause black sandals can suffice;

b) wear a suitable cassock (can. 811, § 1);

c) abstain from a skullcap and a ring, unless from a privilege or apostolic indult (can. 811, § 2), and the same seems to be said concerning a wig and concerning a skullcap (Ben. XIV, *de syn. dioec.*, II, 9).

The first two are judged of themselves to oblige only under light obligation, but the third under grave. Hence to wear the head covered during the whole Mass without permission would be a mortal sin; but probably it would not be mortal if it were done up to the canon, contempt and scandal being excluded, and therefore this does not seem illicit even without dispensation, if there is necessity of avoiding cold or pain of the head on account of old age or illness of the priest, so that otherwise he could not celebrate without great inconvenience.

E. Minister. - For celebrating there is required under grave obligation:

1° A minister who serves the priest and responds (can. 813, § 1; S. C. R., Dec. 18, 1877); - except the case in which from an apostolic indult someone has the privilege of celebrating without a minister, if otherwise he cannot celebrate; likewise the case of grave necessity, namely, that the people may hear Mass of precept, or that Viaticum may be confected, or if after Mass has been begun the minister departs, especially if the oblation has already been made. If Mass is celebrated without a minister, the priest ought not to recite the *Confiteor* twice (S. C. R., Sept. 4, 1875), but to respond: *Misereatur nostri*. Nevertheless a lesser necessity suffices for celebrating with a minister who does not know how to respond, than without a minister; whence the celebrant ought not be affected with scruple if the minister pronounces badly, nor easily to correct errors, lest he disturb himself, or those standing around, or the order of the Mass, but it suffices that he supply what has been omitted by the minister.

2° And indeed a male; nevertheless it is permitted that, when a man is lacking, from a just cause, a woman respond from afar, provided that in no way does she approach the altar and minister (can. 813, § 2; S. C. R., Aug. 27, 1836 and March 18, 1899).

Hence it is a grave sin a) to celebrate without any minister, except in a case of grave necessity or special indult; b) to celebrate with a woman ministering and approaching the altar.

Let it be noted: a) In a private Mass by a simple priest two ministers cannot be used, unless by reason of some solemnity (S. C. R., Sept. 12, 1857, ad 7); otherwise this is reserved to a bishop.

b) The people or assembly of the faithful assisting can respond together in place of a minister, but it is expedient that in this matter common practice be observed (S. C. R., Aug. 4, 1922); nevertheless the secret parts of the priest cannot be recited aloud by the people.

c) To no celebrating priest, except bishops and other prelates enjoying the use of pontificals, does it belong to have a priest assistant (can. 812); nevertheless it can be tolerated in the first Mass of a newly ordained priest celebrating solemnly, that a priest assist with surplice and cope but without stole (S. C. R., Dec. 1, 1882, ad 2); likewise in the private Mass of a newly ordained priest, or of a priest who is dim-sighted or infirm, by reason of security, a priest assistant can be used with surplice or even with stole (S. C. R., June 11, 1880, ad 7).

390. On the sacred rites, or on the things to be recited and done in the celebration. - During the celebration of Mass all the rites which are prescribed in the Missal to be said or done are to be observed integrally and accurately (can. 818); but each one must use the missal of his own rite, unless otherwise has been conceded to him or to the place in which he celebrates by privilege. And indeed he must always observe without variation all things which are common to all Masses, but vary the rest conformably to the office according to the Calendar of the church in which he celebrates, unless there is the faculty of saying a votive Mass and a reasonable motive for using it is present; but if he celebrates in a private oratory, he must always read conformably to his own Calendar.

Furthermore, in the Missal many things are prescribed to be said and done, "because," says St. Thomas, "in this sacrament the whole mystery of our salvation is contained, and therefore beyond the other sacraments it is performed with greater solemnity" (a. 4); "but in the celebration of this sacrament certain things are signified which pertain to the passion of Christ, which is represented in this sacrament, or also to the mystical body (and its disposition), which is signified in this sacrament; and certain things pertain to the use of this sacrament, which ought to be with devotion and reverence" (a. 5).

The obligation from its genus is grave of observing the prescribed rites (n. 385-386), so that one omitting them or notably changing them can sin mortally, both a) by reason of quality, as if a prayer or ceremony of great moment having a special signification were omitted; and b) by reason of quantity, if many things are omitted.

It is grave to omit ordinary parts of great moment, as the confession with the other things at the beginning of Mass, the epistle with the gradual and verses, the gospel, the principal collects, the oblation of bread or wine, the infusion of water into the wine, the preface, a notable part of the canon such as a special prayer or an entire period, the elevation of the most holy species, the *Pater noster* and *Libera*, the breaking of the bread or the mingling with the Blood, the purification of the paten and chalice; - likewise to mutilate notably ordinary parts of great moment; - to pronounce the words of consecration very loudly, or so softly that the priest cannot perceive them and incurs the danger of erring; - to omit lesser or extraordinary parts but in great quantity, because they coalesce into one grave matter since they pertain to the transgression of one and the same precept; - likewise to add many things, for example long public prayers, especially when they are not contained in the missal, or many prayers or ceremonies altogether impertinent; - to celebrate in a rite other than his own, or in a language other than his liturgical one (can. 819).

On the contrary, only light is judged: a) to omit ordinary parts of lesser moment, such as the psalm *Iudica*, the *Kyrie eleison*, the Gospel of St. John, one of the three prescribed collects, the ablution of the fingers, etc., unless it is done in notable quantity; likewise the prayers after Mass prescribed by Leo XIII; b) to omit extraordinary parts: *Gloria*, *Credo*, a commemoration or an ordered prayer, tract, sequence, proper preface, special *communicantes*, unless several are omitted and in great quantity; c) voluntarily to mutilate a few words, even in the canon, with the sense preserved and scandal excluded; d) to change the Mass of the day, contrary to the rubrics and with scandal excluded, or the place of the prayers; e) to say the secrets in a clear voice or conversely; f) in a sung Mass not to recite the things which are sung by the minister or choir, or not to sing certain things which are to be sung; g) to omit or mutilate some blessings, genuflections, inclinations, elevations of the hands, unless it is done in notable quantity, or the incensation in a solemn Mass; h) to add several commemorations or the name of some saint in the Canon, or *Gloria*, *Credo*, *Pater*, *Ave*, or some other prayers from importunate devotion; thus at the elevation to pronounce in a low voice certain pious words, as the S. C. R. declared, Nov. 6, 1925, ad 1; i) to proceed too hastily in all things.

That the celebration of Mass is fittingly ordered in all the things which are said and done in it, after St. Thomas, a. 4 and 5, Billuart shows, diss. VIII, a. 11, "by explaining the chief ceremonies of the Mass, in which diverse parts are distinguished: preparation, instruction, oblation, consecration, and reception.

A. First the priest prepares himself: 1° by the Confession, according to that saying Prov. XVIII, 17: *The just man is first the accuser of himself*; 2° by the Introit, which is divine praise taken for the most part from the Psalms; 3° he commemorates present misery while mercy is sought by saying: *Kyrie eleison* three times for the person of the Father, three times for the person of the Son, three times for the person of the Holy Spirit, against the threefold misery of ignorance, fault, and punishment; 4° he commemorates the heavenly glory to which we tend after present misery, by saying: *Gloria in excelsis Deo*, which is sung on feasts in which mention is made of this glory, and is omitted in mournful offices, which pertain to the commemoration of misery; 5° the priest recites the Prayers for the people, that he may be held worthy of such great mysteries.

B. After the preparation follows the Instruction of the people; because this sacrament is a mystery of faith. But this instruction is made dispositively through the doctrine of the prophets and apostles, commonly called the Epistle, perfectly through the doctrine of Christ contained in the Gospel. And because we believe Christ as divine truth, the Symbol of faith is sung, in which the people shows that by faith it assents to the doctrine of Christ. Here formerly ended the Mass of the catechumens, and when these things had been completed they were dismissed.

C. After the preparation and instruction follows the Oblation, concerning which two things are done: the praise of the people in the chant of the Offertory, by which the joy of those offering is signified, and the Prayer of the priest who asks that the oblation of the people be accepted by God (a. 4). Then the priest incenses the altar, both for reverence of this sacrament, namely, so that by the good odor whatever bad odor there may have been in the place may be driven away, and also for representing the effect of grace, with which, as with a good odor, Christ was full, and which is derived from Him to the faithful through the ministry of the priest (a. 5, ad 2). According to others, by this ceremony the faithful are admonished to ascend to heavenly things with fervent desire, as smoke ascends from burning incense.

D. Then the priest approaches the Consecration, which, since it is done by supernatural power, he asks from the faithful the help of prayers to perform it duly, saying: *Orate fratres*; afterward in the Preface he stirs up the devotion of the people, and therefore they are admonished to have their hearts lifted up to God. When the preface has been finished, the people praises the divinity of Christ with the angels, saying: *Sanctus, Sanctus, Sanctus*, and His humanity with the children, saying: *Benedictus qui venit*. Then the priest secretly commemorates those for whom the sacrifice is offered, then he commemorates the saints whose patronage he implores, and asks for the effect of consecration, when he says: *Quam oblationem tu Deus benedictam, adscriptam, ratam, rationabilem acceptabilemque facere digneris*. The sense of these words is: deign to make this oblation blessed, i.e., through which we may be blessed; ascribed, i.e., through which we may be enrolled in heaven; ratified, i.e., through which we may be judged to be from the bowels of Christ; reasonable, i.e., through which we may be stripped of bestial sense; acceptable, that we, who are displeasing to ourselves, may through this be acceptable to His only Son (a. 4 and ad 7). Others explain these words a little differently.

With these things premised, the priest performs the Consecration by the words of the Savior when he says: *Qui pridie quam pateretur*, etc. Then he excuses the presumption through obedience to the command of Christ when he says: *Unde et memores*. Afterward he asks that this sacrifice thus completed be accepted by God, saying: *Supra quae propitio*, and that it may profit those receiving, the dead, and the priests themselves offering" (a. 4).

But let it be noted "that the priest after the consecration does not use the signing of the cross for blessing, as before the consecration, but only for commemorating the power of the cross and the mode of the passion of Christ (a. 5, ad 4). But signs of the cross are made either once, or three times, or five times: once on account of the unity of essence, three times on account of the Trinity of persons, five times on account of the wounds of Christ the Lord and the express representation of His passion (cf. ibid. ad 3)."

E. "Finally there is question of the Reception of the sacrament, for which the people is prepared both through the common Prayer of the whole people, which is the Lord's, by saying *Pater noster*, and through the private prayer which the priest specially offers for the people, saying: *Libera nos*; and through the peace which is given by saying: *Agnus Dei*; for this is the sacrament of unity and peace. Nevertheless in Masses of the dead, in which the sacrifice is not so much offered for present peace as for the rest of the dead, the peace is omitted. The Reception of the sacrament follows, the priest receiving first, and afterward giving to others. Finally the whole celebration of Mass is terminated in thanksgiving, the people exulting for the reception of the mystery, which the Chant after Communion signifies, and the priest offering thanks through the Prayer; when these things have been completed the deacon dismisses the people, saying: *Ite, missa est* (a. 4)."

If those assisting wish to conform themselves to these things, let them first elicit contrition and hope in the preparatory part; then faith during the instruction; afterward let them have an oblative, immolative, and unitive love of charity, respectively under the oblation, consecration, and communion; to all these things let thanksgiving be added at the end.

391. On defects occurring in celebration. - Defects occur in celebration when the prescribed rites are not observed. This can happen voluntarily or involuntarily, and voluntarily either without a just cause or from some necessity, in notable or in small quantity, so that the defect must be supplied or

corrected, or not corrected nor supplied. Therefore several things must be inquired about these matters.

A. Can one celebrate who foresees that he will omit certain things on account of inability or forgetfulness; and are omitted things to be supplied?

Resp. The omission of lighter ceremonies or parts can be excused, such as, for example, genuflections down to the ground, profound inclinations, one or another commemoration, provided that scandal of the people is avoided and grave indecency is absent. - On the contrary, if greater parts must be omitted or there must be a notable departure from the rites, the priest cannot celebrate unless an indult has been obtained.

Hence 1) they permit celebration to a priest who cannot approach the altar without a cane, or who cannot elevate the host above his head, or who cannot stand erect and celebrates with his arms leaning upon the altar; at least if the people is warned.

2. One who from forgetfulness has omitted something and, when he has already progressed somewhat, remembers it, ought not to supply it, because he would disturb the order of the Mass; unless while praying secretly after a few words he noticed that he had omitted something, or unless he had omitted something of the substance of the sacrifice.

3. One who has recited the wrong gospel or epistle ought not to repeat it.

B. Can Mass be interrupted, and once interrupted must it be resumed?

Resp. To interrupt Mass of itself and deliberately is illicit; incidentally, however, it can be licit if a just cause is present, which, outside the canon, is required to be grave, once the canon has been begun more grave, and between consecration and communion most grave. And indeed:

1° Outside the canon it is licit:

a) For making a sermon or proclamations to the people, for receiving religious vows, for conferring sacred Orders; likewise for receiving the offerings of the people where the use exists; but not for reciting public prayers, beyond the rubrics, by inserting them among the other things. Thus also after the communion of the priest, communion is licitly distributed to the faithful, and a sermon can be held from the altar to the people before communion is distributed to them, or the profession or renewal of vows can be made before the communion of religious or nuns; but communion is not to be distributed outside the view of the altar or in the rooms of the sick (can. 868).

b) If a prince, bishop, crowd of pilgrims, or procession arrives on a feast day, on which otherwise they could not hear Mass; in which case, if the oblation has not yet been made, the priest can begin anew, so that they may hear the whole sacred rite. Or for a similar cause, as if otherwise a later solemn Mass could not be omitted without scandal.

c) If the church is polluted (can. 1173, § 2), - or if a vitandus arrives who cannot be expelled, unless grave inconvenience excuses from ceasing (can. 2259, § 2), - or if the priest remembers some impediment, for example that he is not fasting or in the state of grace, or is irregular or excommunicated, provided that the Mass can be left without scandal or grave discredit.

2° Even once the canon has been begun, indeed between consecration and communion, it is licit on account of grave danger of death or bodily integrity or profanation of the sacrament on the part of enemies or impious persons breaking in, or of impending flood or ruin of the church, for instance from fire or earthquake; likewise on account of urgent bodily necessity of the celebrant, and on account of grave spiritual necessity of the neighbor, namely, for ministering a sacrament to one dying. Nevertheless:

a) After consecration and before communion this will not be licit unless the dying person needs a necessary sacrament, namely Baptism or Penance, or even, if he cannot receive Penance, Extreme Unction; otherwise it is not licit to minister Extreme Unction, as also Viaticum, unless the dying person is nearby, so that the priest need not take off the sacred vestments.

b) To break off the sacrifice so that perhaps it cannot be completed will not be licit, unless on account of physical inability if the celebrant becomes so infirm that he absolutely cannot continue, or on account of danger so imminent that it cannot be avoided otherwise than by abandoning the sacrifice and the priest lacks time to complete it.

Let it be noted: 1) A priest interrupting Mass after the consecration must take care that meanwhile the sacrament be guarded, and therefore he should enclose it in the tabernacle, if one is present.

2. But if Mass must be altogether broken off after the consecration of one species, the priest can receive the consecrated host or take it with himself together with the chalice to be consecrated in another place; - but if he has completed both consecrations, let him receive both species at once if he can, or if he cannot, let him take them with himself to be received afterward in a safe place.

3. Mass interrupted before the consecration is not to be resumed if the priest becomes gravely ill or dies; - it is to be resumed from the beginning if the interruption is so notable that morally one action is not judged to persist, as if the priest had been absent for longer than one hour; in which case, if the oblation has already been made, new matter must be taken and the matter previously offered must be consumed after the Blood has been received; - on the contrary, it is to be resumed where the priest left off, if the interruption was shorter.

4. When Mass has been interrupted after the consecration of one species, it is to be resumed where it was left off; and indeed the very priest who began it, if he can, must complete it even if for this he would have to break the fast, because the precept of the integrity of the sacrifice obliges more than the precept of the fast; but if he cannot, let another approach, even if not fasting, or irregular or excommunicated, who divides the host and offers one part to that priest who began the sacrifice, if he can receive it. But if the priest fails after the reception of only the body of Christ, the chalice must be received by another.

5. A priest who has completed another's sacrifice cannot celebrate again, unless in a case in which the faculty of celebrating twice is present.

C. What must be done if a defect happens concerning the very matter of bread and wine?

Resp. Attention must be given to the practical rules established in the Missal:

1. As to a defect of bread, there it is read, *de def.*, tit. 3, n. 4-7:

a) "If the celebrant before the consecration has noticed that the host is corrupt, or is not wheaten, after that host has been removed, let him place another and, after the oblation has been made, at least conceived in the mind, let him proceed from that place where he left off."

b) "If he has noticed this after the consecration, - even after the reception of that host, - after placing another, let him make the oblation, as above (i.e., at least conceived in the mind), and begin from the consecration, namely, from those words *Qui pridie quam pateretur*; and the former one, if he has not received it, let him receive after the reception of the body and blood, or let him hand it to another to be received, or preserve it reverently somewhere. - But if he has received it, nevertheless let him receive that which he has consecrated; because the precept concerning the perfection of the sacrament is of greater weight than that it be received by those fasting."

c) "But if this happens after the reception of the Blood, new bread must again be placed, and new wine with water; and after the oblation has first been made, as above, let the priest consecrate, beginning from those words: *Qui pridie*; and immediately let him receive both, and proceed with the Mass, lest the sacrament remain imperfect and so that the due order may be observed."

d) "If the consecrated host should disappear, either by some accident such as wind, or by miracle, or having been taken by some animal, and cannot be found, then let another be consecrated, beginning from that place: *Qui pridie quam pateretur*, after its oblation has first been made, as above."

2. As to a defect of wine, it is said in the same place, tit. 4, n. 3-6:

a) "If the celebrant before the consecration of the Blood, although after the consecration of the Body, notices that either wine, or water, or both are not in the chalice, he ought immediately to place wine with water, and after the oblation has been made, as above (i.e., at least mentally), to consecrate, beginning from those words: *Simili modo*..."

b) "If after the words of consecration he notices that wine had not been placed but water (or that it is corrupt), after the water has been deposited into some vessel, let him again place wine with water in the chalice, and consecrate, resuming from the aforesaid words: *Simili modo*..."

c) "If he notices this after the reception of the Body or of water of this kind, let him place another host to be consecrated again, and wine with water in the chalice, let him offer both, and consecrate and receive, although he is not fasting. - Or, if Mass is celebrated in a public place, where many are present, in order to avoid scandal he will be able to place wine with water, and after the oblation has been made as above, to consecrate, and immediately to receive, and to proceed with the rest." Let it be noted that this second mode is indicated merely subsidiarily, if scandal must be avoided; the first absolutely as to be used of itself, which moreover is proposed by St. Thomas, a. 6, ad 4: "If he has perceived this (i.e., that wine is lacking) after the reception of the Body, he ought to place another host to be consecrated again together with the Blood; and I say this for this reason, because if he were to say only the words of consecration of the Blood, the due order of consecrating would not be observed; and, as is said in Conc. Tol. VII (decr. 7, q. 1, resp. ad 1), 'Sacrifices cannot seem perfected unless they are completed in perfect order.' But if he were to begin from the consecration of the Blood and repeat all the following words (*which shall be poured out for you and for many*), it would not be fitting,

unless a consecrated host were present, since in those words certain things occur to be said and done not only concerning the Blood, but also concerning the Body."

Let it be noted that water or corrupted wine is not to be spat out by a priest who detects it while he has it in his mouth, but is to be swallowed, both on account of the danger of casting out a particle of the host, and also on account of indecency.

d) From tit. 10, n. 13 there is added: "If it happens that the whole Blood is poured out after the consecration, if indeed something or a little has remained, let it be received... - But if absolutely nothing has remained, let him again place wine and water, and consecrate from that place: *Simili modo*..., the oblation of the chalice having first been made, however, as above" (namely, mentally).

3. As to a defect of either one, let it be noted:

a) "If the matter which would have to be placed on account of a defect either of bread or of wine could in no way be had, if this is before the consecration of the Body, one must not proceed further; - if after the consecration of the Body, or even of the wine, the defect of the other species is detected, the other already having been consecrated, then, if in no way it can be had, one must proceed, and the Mass must be completed, in such a way, however, that the words and signs which pertain to the lacking species are omitted. - But if by waiting for some time it can be had, one must wait, lest the sacrifice remain imperfect" (tit. 4, n. 8).

b) "If something poisonous, or something which provokes vomiting, has fallen into the chalice, the consecrated wine is to be placed in another chalice, and other wine with water is to be placed to be consecrated anew; and when Mass has been finished, the Blood placed aside is to be kept in a linen cloth, or tow, until the species of wine have dried, and then the tow is to be burned, and what is burned is to be thrown into the sacrarium. - If something poisoned has touched the consecrated host, then let him consecrate another, and receive in the way that has been said, and let that one be kept in the tabernacle in a separate place, until the species are corrupted, and when corrupted let them then be put into the sacrarium" (tit. 10, n. 6-7).

c) In doubt whether the matter, whether of bread or of wine, has already been validly consecrated, one must proceed in the same way as has been said concerning the case in which bread or wine after the consecration is detected to be lacking; because in doubt concerning the validity and integrity of the sacrifice the safer course must be taken, nor can the sacrifice be exposed to the danger of nullity or mutilation. But they dispute whether it must be consecrated again absolutely or under condition.

392. On the rite of dispensing holy communion. - A. As to time. 1° As to the day. According to can. 867:

"On all days it is licit to distribute the most holy Eucharist." But the things which follow in this canon no longer have force insofar as the decree *Maxima Redemptionis* of the S. C. of Rites, of Nov. 16, 1955, together with the Instruction annexed to it, contradicts them. According to these, one must now say:

a) On Friday in the Passion and Death of the Lord it is licit to distribute the most holy Eucharist to the faithful, but only during the solemn afternoon liturgical action. To the sick, however, who are in danger of death, also at another hour.

b) On Thursday in the Supper of the Lord, holy Communion is to be distributed to the faithful only in the evening Mass or immediately after. Likewise on Holy Saturday only during the solemnities of the Masses of the Vigil or immediately after. The sick who are constituted in danger of death are excepted, however.

During the solemnities of Masses seems to be understood of the distribution which is connected with Mass and takes place after the communion of the priest; nevertheless some interpret this as after the singing of the *Gloria*; - immediately after Mass, i.e., without an interval after the celebration. Hence it is illicit to distribute holy Communion in a chapel where Mass is not celebrated, or in a church before Mass or a little after; and for doing otherwise not any cause whatever, although reasonable in itself, suffices, but perhaps grave inconvenience does.

As to the Eucharistic fast to be observed by those who on Thursday celebrate or communicate at the evening solemnities, or who on the day of Parasceve during the afternoon liturgical offices approach the Sacred Synaxis, the things established in the Motu Proprio *Sacram Communionem*, of March 19, 1957, are to be observed (cf. above n. 281). The Eucharistic fast is to be observed from three hours before the beginning of Mass for celebrating priests, before the communion of the Mass for the faithful. Nevertheless let them remember that the ecclesiastical fast is prolonged up to the hour of midnight.

2° As to the hour.

a. As regards the distribution of communion in the forenoon hours, the canon determines that communion can be distributed only at the hours at which the celebration of Mass is permitted (can. 867, 4). This by ecclesiastical law is henceforth from one hour before dawn up to one hour after midday, since can. 821 [the printed text has 812] has not been abrogated.

b) As regards the distribution of holy Communion in the afternoon hours, the indult conceded in the Apostolic Constitution *Christus Dominus*, number 15, has force. The faithful can freely approach the sacred table during the evening Mass and immediately before or immediately after. Moreover, a decree of the Congregation of the Holy Office concedes to Ordinaries of places the faculty of permitting the distribution of holy Communion in the afternoon hours (from at least the sixteenth hour) on the occasion of any religious ceremony whatever (as adoration of the most holy Sacrament, holy hour, etc.) if no afternoon Mass is celebrated there (C. S. O., March 21, 1960).

c) Besides, there can occur a reasonable cause of asking for and distributing holy Communion outside the hours assigned above under a. and b., because the clause "unless another reasonable cause should suggest otherwise" of canon 867, § 4 ("Holy communion is to be distributed only at those hours at which the sacrifice of the Mass can be offered, unless another reasonable cause should suggest otherwise") has not been formally abrogated. Nevertheless it can be applied more rarely, since, with the law of the Eucharistic fast mitigated, a reasonable cause will occur with greater difficulty. Moreover, the indults brought forward above tend to this, that they may foster assistance at the sacrifice of the Mass. This end would be frustrated if, without a proportionately grave cause, holy Communion were distributed at any hour to any petitioners whatever. In this way provision is also made lest pastors of souls be hindered by frequent petitions of the faithful from being able to satisfy the necessities of present-day apostolate.

d) Sacred Viaticum can be ministered at any hour of the day and night, at night however only when there is urgent necessity.

B. As to place, according to can. 869:

"Holy Communion can be distributed wherever it is licit to celebrate Mass, even in a private oratory, unless the Ordinary of the place, for just causes, has prohibited it in particular cases."

Hence a license of celebrating outside a church or oratory, conceded from an apostolic indult or from the faculty of the Ordinary according to the norm of can. 822, by the law itself also of itself imports the faculty of distributing holy Communion there, although in fact Mass is not said; as Damen interprets, *Th. M.*, II, n. 129.

Nevertheless: 1° "It is not licit for a celebrating priest to distribute the Eucharist within Mass to faithful who are so distant that he loses sight of the altar" can. 868.

2° Holy Communion cannot be carried outside the church to a private house except for communicating the sick person; whence it cannot at the same time be ministered to other healthy persons on the way, or in the house of the sick person, unless in an extraordinary case permission has been obtained from the Ordinary by way of an act, or an apostolic indult has been obtained (S. C. Sacr., Jan. 5, 1928).

3° Holy Communion cannot be ministered at an altar where the most holy Sacrament is solemnly exposed, without necessity or grave cause or from a special indult (S. C. R., May 11, 1878, ad 1; and April 17, 1919).

C. As to the mode of ministering, according to can. 733, a priest ought accurately to observe the rites and ceremonies which are prescribed in the ritual books approved by the Church; and indeed each one according to his own rite (cf. can. 851, § 2).

The distribution of the Eucharist can be connected with Mass or not connected, and then take place in the place where the most holy Sacrament is, or outside, if it must be carried to the sick.

1° Within Mass it can take place with the vestments of the Mass; and, if the priest celebrates privately (but not if he sings a sung or conventual Mass), also immediately before and immediately after, even at another altar; this also holds for a Mass for the dead, but then the blessing of the people at the end is to be omitted.

2° Outside Mass, the priest should be vested in surplice and stole of the color fitting the office (violet on the day of the commemoration of the departed), or even uniformly of white color; but the deacon should wear the stole transversely. Two candles should be lit, the general confession should be said beforehand, and the customary prayers should be said, as is prescribed in the Ritual, tit. 4, c. 2.

Here it is especially to be noted that, after communion has been given, having returned to the altar, he ought to say: *O sacrum convivium...* with the verse: *Panem de coelo* (adding *alleluia* to each during Paschal time and the Octave of Corpus Christi, unless he ministers in black vestments), then *Domine exaudi orationem...*, *Dominus vobiscum...*, and the prayer: *Deus qui nobis* (in Paschal time: *Spiritum nobis...*) with the longer conclusion. And the blessing is given with the hand, with the formula: *Benedictio Dei omnipotentis...*; this is also to be observed by a deacon.

3° Holy Communion is to be carried to the sick publicly unless a just and reasonable cause suggests otherwise (can. 847), and to judge concerning this does not pertain, as certain authors used to say, to the priest, but to the Ordinary of the place alone (S. C. de Sacr., Jan. 5, 1928). If it is carried publicly, the priest should be vested in surplice and stole, and all things which are prescribed by the Ritual, tit. 4, c. 4, n. 29, are to be observed; but if it is carried privately, the Ritual admonishes: "The priest should always have at least the stole covered by his own garments; in a small bag or burse let him place the pyx, which, suspended by cords from the neck, he should place in his breast; and let him never proceed alone, but let him be accompanied by at least one faithful person, in defect of a cleric. But when he has arrived at the room of the sick person, let the priest also put on the surplice with the stole if he had not put it on before." The prayers are to be said invariably, no account being taken of Paschal time.

It is a sin to omit the prescribed prayers and ceremonies: to minister without sacred vestments is grave; the omission of the stole alone, and perhaps of the surplice alone with the stole preserved, unless scandal is present, does not certainly exceed venial; likewise to omit the rest.

Let it be noted: a) In necessity, if it cannot be done otherwise, it is licit to minister Viaticum without vestments and without light (S. C. P. F., Dec. 9, 1822).

b) The Eucharist ought to be carried publicly with uncovered head (Rit., tit. 4, c. 4, n. 12); nevertheless the bishop, on account of cold, or inclemency of the air, or infirmity, can dispense in this matter, not indeed for cities, but if in the countryside the sacrament must be carried for a long time; whence in a case of necessity permission can be presumed from epikeia.

c) The Eucharist is to be ministered with the thumb and index finger of the right hand. To minister with other fingers is not licit except from grave necessity, when the priest cannot use the customary fingers and another priest is lacking; to offer the sacrament with an instrument, for example with the particle placed in a spoon with wine or water, seems licit if the sick person suffers from plague, or otherwise could not swallow the host (n. 285).

d) A deacon ministering should wear the stole transversely, should observe all the other things which are indicated in the Ritual, even the rite of blessing the sick person with the most holy Sacrament, and this also after the return in the church (can. 1274, § 2).

Observation. - In a case of urgent necessity it seems licit to carry Viaticum while running, provided that it is necessary, the running is not too hasty, and great scandal of the multitude is lacking. Likewise it is licit to carry holy Communion on horseback, on account of storm, distance, a more difficult journey, and danger in delay, provided that the horse is tame, so that danger of a fall and irreverence is absent. In these cases the sacrament is carried in a burse suspended from the neck (Rit., tit. 4, c. 4, n. 13). In similar circumstances it is licit to use the railway or an electric vehicle. A fortiori it is licit in a carriage or vehicle, even an automobile; this of itself contributes nothing to irreverence, but rather to reverence for the sacrament, provided that the priest wears the sacred vestments. To use a bicycle or velocipede as an ordinary means of carrying the most holy Eucharist, even privately, is illicit; for Viaticum it can be tolerated if the place is rather remote, necessity urgent, and no other means is had, but only with scandal removed (S. C. de Sacr., June 13, 1919).

D. As to defects occurring: 1° If sacred particles sufficient for the number of communicants are not found, they can be divided into smaller parts, as is customary; but not into parts that are too small.

2° If a host falls, or a fragment of it, the place is to be covered and afterward washed, and the washing is to be put into the sacrarium (Missal, *de def.*, tit. 10, n. 15). This, however, does not oblige under grave obligation, and therefore can be omitted if it would provoke the wonder of the people too much, as if the face or beard or garment were washed. - But if the sacrament has fallen upon the bare breast of a woman or within her garments, she herself, not the priest, should seek it and with her own hands place it back in the ciborium or put it into her own mouth; and if she cannot easily find it, let her withdraw apart into a chapel or sacristy; and afterward, if it can easily be done, let her wash her fingers and let the washing be thrown into the sacrarium. - But if the host has fallen into the enclosure of nuns, let the priest enter the enclosure. - But if a very small fragment is known to have fallen only by the priest, and it cannot easily be found without disturbance of the people, let the matter be committed to the providence of God.

If through negligence something of the Blood of Christ has fallen, if indeed upon the ground or upon a board, let it be licked with the tongue, and let the place itself be scraped as much as is sufficient, and let the scraping be burned, but the ash thrown into the sacrarium. If it has fallen upon the stone of the altar, let the priest absorb the drop, and let the place be well washed and the washing put into the sacrarium. If it has fallen upon the altar linen or only upon the corporal itself, let the linens be washed three times where the Blood fell, with a chalice placed beneath, and let the water of the washing be thrown into the sacrarium; and likewise this is to be done if it has fallen upon the priestly vestments or upon a cloth or carpet laid under the feet (*de def.*, tit. 10, n. 12).

From these things, one also obliges under grave obligation, namely, that the linen be washed, and the place scraped or at least washed, in the case in which the species of wine are absorbed.

3° When remains or fragments of the host are found after the reception of the Body and Blood, the priest should receive them even after the ablution (*de def.*, tit. 7, n. 2), as was said n. 283. But if they pertain to another sacrifice, or if an entire host is found after the ablution, they are to be placed in the tabernacle; and if this cannot be done, they are to be left on the altar upon the corporal, to be received in the following sacrifice; but if they cannot be preserved decently, the priest can receive them lest the sacrament be exposed to irreverence (*de def.*, tit. 7, n. 3).

4° In the case in which the Eucharist is vomited: "if the species appear whole, they are to be received reverently unless nausea occurs: for then the consecrated species are to be carefully separated, and placed in some sacred place (for example, in a vessel with water), until they are corrupted and thrown into the sacrarium. But if the species do not appear, the vomit is to be burned (with tow or other material) and the ashes sent into the sacrarium" (*de def.*, tit. 10, n. 14).

But if, after Viaticum has been received, the sick person immediately dies: if the host appears in the mouth, let it be modestly extracted and reverently preserved until the species are corrupted; but if it does not appear, nothing is to be done, although it is unknown whether the deceased swallowed it.

393. Reservation and exposition of the sacrament. - Let the following canons be noted:

1° Consecrated particles, in that number which can suffice for the communion of the sick and of other faithful, are to be preserved perpetually in a pyx of solid and decent material, and this clean and well closed with its cover, covered with a white silk veil and, insofar as the matter allows, ornamented (can. 1270 and Rit., tit. 4, c. 1, n. 5). The pyx or ciborium ought not to be consecrated but blessed; this also holds of the monstrance or at least of the lunula of exposition.

The consecrated hosts, whether for the communion of the faithful or for the exposition of the most holy Sacrament, should be fresh and frequently renewed, the older ones having been duly consumed, so that there is no danger of corruption, with the instructions observed which the Ordinary of the place has given concerning this matter (can. 1272). The hosts are better renewed every eight days or at least every fifteen days; only every month would not be licit unless the circumstances indicated that there was no danger of corruption. New consecrated hosts are never to be mixed with the old, but the old must first be distributed or received by the priest in Mass (cf. Rit., tit. 4, c. 1, n. 7).

2° The most holy Eucharist must be reserved in an immovable tabernacle placed upon an altar in the middle (can. 1269, § 1); it cannot be guarded continuously or habitually except at one altar only of the same church (can. 1268, § 1). It cannot be guarded except in a church or in an oratory, but not among nuns within the choir or enclosures of the monastery (can. 1265 and 1267). The tabernacle should be skillfully constructed, solidly closed on all sides, decently ornamented according to the norm of the liturgical laws, empty of every other thing, and guarded so carefully that the danger of any sacrilegious profanation is prevented (can. 1269, § 2). Therefore in it there should not be vessels of the sacred oils nor relics. Nor is it lawful to place before or above it images of saints, or relics, even of the holy cross (S. C. R., March 12, 1836). Nevertheless the holy cross is licitly placed upon it according to custom for celebrating Mass.

The Sacrament is always to be placed upon a corporal or in a pall. Before the tabernacle in which it is reserved, at least one lamp should shine day and night, to be fed by olive oil, or beeswax; but where olive oil cannot be had, it is permitted to the prudence of the Ordinary of the place that it be exchanged for other oils, as far as possible vegetable ones (can. 1271). This is prescribed under grave obligation, so that it is a grave sin to neglect it for a notable time, at least if it is done for one day or for several nights. Cf. Rit., tit. 4, c. 1, n. 5-6.

But a) when a grave cause approved by the Ordinary of the place suggests it, it is not forbidden that the most holy Eucharist be reserved during nighttime outside the altar, yet upon a corporal, in a safer and decent place, with the prescription of the lighted lamp nevertheless observed (can. 1269, § 3).

b) Nevertheless the key of the tabernacle in which the sacrament is reserved must be guarded most diligently, the conscience of the priest who has care of the church or oratory being gravely burdened (ibid. § 4); nevertheless it does not always seem to be required that it be guarded immediately by the priest himself, and by no intermediary. Nonetheless, by general rule, it is "strictly prescribed to him that the key of the tabernacle never be left upon the altar table or in the lock of the little door, not even at the time when in the morning the divine offices at the altar of the Sacrament and the distribution of holy Communion are performed, especially if this altar is not in view. But when these have been completed, let the key either be kept at home by the rector of the church or be carried continually by him, the danger of loss being removed, or let it be placed in the sacristy, and indeed in a safe and secret place, to be closed by another key, which other key the rector is to guard as above" (Instr. S. C. Sacr., May 26, 1938).

3° In churches or oratories to which it has been granted to reserve the most holy Eucharist, private exposition, or exposition with the pyx, can take place from any just cause without the license of the Ordinary; but public exposition, or exposition with the monstrance, on the feast day of Corpus Christi and within the octave can take place in all churches during the solemnities of Masses and at Vespers; but at other times only from a just and grave cause, especially public, and with the license of

the Ordinary of the place, although the church belongs to an exempt religious institute (can. 1274, § 1).

In private exposition the ciborium covered with its veil is to be left in the open tabernacle; public exposition is made with the monstrance on a throne; in certain places by custom on less solemn days it is made in the ciborium. In every exposition at least six wax candles are to be lit.

Before the most holy Sacrament veiled or exposed in the pyx, within or outside the tabernacle, it is not licit to celebrate either a sung or a read Mass; for Mass before the most holy Sacrament solemnly exposed, the license of the Ordinary is required (S. C. R., July 27, 1927).

Treatise: On Penance

Introduction

394. The fourth sacrament is Penance. - By the three prior sacraments we are born, strengthened, and nourished in the divine life of grace; these three are required of themselves. But the life of grace can be lost; then incidentally, not indeed for all but for those sinning, a sacramental remedy is necessary for recovering that life; and this is the sacrament of Penance. This sacrament has this as proper to it: that it is not confected from external matter which is applied to the subject, but is materially constituted from the very human acts of penitents. Whence by way of introduction one must speak of the act and virtue of Penance itself, "not only," as the Roman Catechism says, "because the faithful people ought to be instructed by pastors toward every kind of virtue, but also because the actions of this virtue furnish, as it were, the matter in which the sacrament of Penance is concerned; and unless first what the virtue of Penance is be rightly understood, it is also necessary that the force of the sacrament be unknown." Therefore let the discourse be made:

On the Virtue of Penance

We shall speak in seven articles: 1. of the virtue of penance itself; 2. of its object; 3. of its distinction from other virtues; 4. of the acts of penance; 5. of its subject; 6. of its necessity; 7. of its relation with the sacrament.

Article I: On the Virtue of Penance Itself

S. Th. III, q. 85, a. 1-3.

395. Penance according to the name. - According to some, penance is said from *poenam tenere*, to hold punishment, or to be held by the punishment of that which has been committed, because it imposes punishment for sin; according to others, from *pene* or *penitus*, because it designates something inward which greatly affects the heart.

In the more general sense it signifies:

a) in the broadest sense, weariness or displeasure at anything whatever, even that which does not depend on our will, as for example old age, and thus especially it is a passion;

b) in a less broad sense, sorrow or retraction of a past will, whether it was good or evil, and a change of counsel;

c) more strictly, sorrow and retraction concerning an evil act on account of the evil effects which have followed, for example imprisonment or dishonor.

In a similar way the Greek word *metanoia*, which etymologically is resipiscence, a change of mind, a retraction of a prior will.

In the strictest and theological sense it is sorrow of the soul concerning sin committed, conceived on account of God; this can be considered in act and in habit.

Penance considered in act (*boete*) can be defined with St. Thomas, a. 1: moderate sorrow concerning past sins, insofar as they are an offense of God, with the intention of removing them.

The sorrow is called moderate, i.e., according to right reason and not excessive, casting into despair; but it is with hope of pardon and the intention of removing sins, and therefore with a firm purpose of amendment and satisfaction.

Considered in habit, penance (*boetvaardigheid*) is the habit by which the penitent assumes this sorrow; it can be defined: the virtue by which a man grieves concerning sin committed insofar as it is an offense of God, or a habit inclining to repair the injury inflicted upon God through sin, as Billuart has it.[1]

[1] Diss. 2, art. 1. - There is no place for distinguishing between offense and injury, as we did in sins against the neighbor (I, n. 891, in note): for every offense of God is also an injury, because God has the highest right to all our acts, and therefore every sin wounds the right of God and is an injury.

396. Penance is a virtue. - For virtue is an elective habit according to right reason. But through penance a man deliberately grieves concerning sins committed, insofar as they are an offense of God, with the purpose of amendment,1 which is according to right reason. Therefore.

"Virtue," says St. Thomas, "is an elective habit according to right reason. But it pertains to right reason that someone grieve a) concerning that about which one must grieve, b) and in that mode, and c) for the end for which one must grieve. This indeed is observed concerning penance of which we now speak; for the penitent assumes a) moderate sorrow b) concerning past sins c) with the intention of removing them. Whence it is manifest that penance of which we now speak either is a virtue or an act of virtue" (a. 1). And therefore a precept is given concerning it (Mt. IV, 17; Luke XIII, 3; XXIV, 45-47; Acts II, 38).

It is a special virtue, because it has a special object or an uprightness of special reason: the offense of God as to be repaired and moral equality with God as to be restored, or the debt of reparation toward God. For the injury of God, on account of His singular excellence, is of a special disorder; therefore there is present a special debt of reparation.

"The species of habits," says St. Thomas, "are distinguished according to the species of acts, and therefore where a special reason of a praiseworthy act occurs, there it is necessary to posit a special habit of virtue. But it is manifest that in penance there is found a special reason of a praiseworthy act, namely, to work for the destruction of past sin, insofar as it is an offense of God, which does not pertain to the reason of another virtue" (a. 2).

Likewise, there is a special virtue where a special reason of a difficult act occurs. But in penance there is present a great and special difficulty, both from the fact that man removes sin to which he voluntarily adheres, and in which he has already been delighted, and from the fact that he exercises vengeance against himself unto the punishment of himself. Whence it is necessary to posit that penance is a special virtue. Hence a special precept is given concerning penance.

It is one virtue, because it has one object: for it considers all sins and grieves concerning them under one reason, insofar as they are offenses of God to be repaired.

Although each virtue has a formal motive from which sorrow concerning the sin opposed to it can arise, for example justice the motive of preserving equality, chastity moderation in delectation,

charity the divine good, from the love of which a man grieves concerning the wounding of justice, chastity, or charity; nevertheless there is a certain special virtue distinct from all these, which by one and the same act grieves concerning all sins, not insofar as each one is opposed to diverse virtues, but under the special reason insofar as they are an offense of God which demands reparation: "insofar namely as they are amendable through the act of man cooperating with God toward his justification" (a. 2, ad 2).

It is a virtue connected with justice, a certain species of commutative justice. For this is toward another with a certain exchange, and inclines to rendering to each one his own strict right unto equality: but it is strictly owed to God that an offense committed against Him be repaired by the guilty one, either unwillingly or spontaneously, which is a certain exchange. But penance impels to this, that it be repaired spontaneously. Therefore penance is a certain species of commutative justice. Whence it is said by Cajetan, in a. 4: "A virtue rendering to God His right for sin committed against Him."

Nevertheless it is not a properly so-called and strict species of justice, as Durandus used to say, but justice in a certain respect and imperfectly, or a potential part of commutative justice. For this requires strict right which is between equals. Penance is not between equals, since man is constituted under the power of God. Whence also he cannot render unto perfect equality, both because he does not render as much as he owes, since an infinite offense is not adequately compensated by finite satisfaction: indeed penance subjects the creature to God, but sin subjects God to the creature; and because he renders from the goods of God Himself, and something already owed under several other titles. And therefore penance falls short of the perfect reason of justice and is analogically reduced to commutative justice, like observance, piety, and religion (a. 3, and ad 2).

397. Observation. - All the aforesaid things are not to be understood of penance which is a passion of the sensitive appetite and does not pertain to reason; but of penance of the will, which is with election and pertains to reason: it retracts past sin, not from an intention of striving for this, that what was done had not been done, - this would be foolish, - but with the intention of removing the consequence of it, namely, the guilt of fault and the debt of punishment (q. 84, a. 9, ad 2 and 3; q. 85, a. 1, and ad 2 and 3).

1. The purpose of amendment or emendation is the intention of removing sins, whether past or future.

Article II: On the Object of Penance

S. Th. III, q. 84, a. 2; q. 85, a. 2 and ad 2; a. 3 and ad 1 and 2; q. 90, a. 1 and ad 3.

398. The proper object of Penance is a special good, which consists in rendering the right of due reparation for an offense or injury of God, and in restoring equality with God. But in this one object three things can be distinguished:

1° The material object, or that which penance intends and does, the matter about which it is concerned: these are the acts by which sin is repaired. Many distinguish this as proximate and remote: they say the remote object is any personal sin whatever as offensive to God and wounding the right of God, as to be removed and destroyed, blotted out and repaired; the proximate object is all

actions by which due reparation is exhibited and sin is removed and repaired. "The matter of penance," says St. Thomas, q. 85, a. 3, ad 1, "is human acts by which God is offended or appeased."

2° The primary material object (others call it the formal *quod*), which penance principally, of itself, and by reason of itself intends and does in our acts, is the divine right wounded as repairable through some compensation; or the imperfect equality due between our reparation and the right of God to it, by which equality the reparation is proportioned, - according to the possibility of our weakness and the kindness of divine mercy, - to the right of reparation which is owed to God.

3° The formal object *quo*, or the proximate motive on account of which we render to God the debt of reparation and restore equality, is the special uprightness which shines forth in the restoration of wounded equality and the reparation of divine right: for we will to render to God the debt of reparation and thus to restore equality between us and God because this is good.

God, insofar as by reason of the offense there is for Him the right and debt that He be appeased by reparation, is not the matter of penance or the object which penance immediately attains, but only the end to whom reparation is made and the debt of violated right is rendered, or He to whom penance is ordered (a. 3, ad 1). Similarly, the title of right in God is not the proximate motive, but only the remote foundation why reparation is due and to be rendered.

From this it is understood that penance does not proximately intend the destruction of sin and of the offense of God from the motive of divine goodness: that is the office of charity; but precisely on account of the special uprightness of the act by which the injury inflicted upon God is compensated, although nevertheless this can proceed mediately and be commanded from the act and motive of charity. Hence it follows that the proper object of penance:

1. is not the destruction, detestation, or displeasure at sin absolutely, namely, insofar as it is dishonorable and evil; for a motive of this kind is either too common, since any virtue whatsoever strives to destroy the evil acts opposed to it,1 or, if it is special, sin is considered as opposed to the appetite of the last end or to the love of God, whether imperfect love of concupiscence or perfect love of friendship and charity;

2. nor is it, at least directly, to preserve the divine right uninjured, for this pertains either to the object of charity, or at once to all the other virtues, to which, just as it belongs to follow the straight guidance of reason, so it belongs to flee the evil opposed to them; by this the right of God is preserved uninjured;

3. much less is it the good of peace with God, or having God again appeased and at peace, as some have said after De Lugo, citing St. Thomas, in IV Sent., d. 14, q. 1, a. 1, qc. 3, ad ult.: "just as it belongs to some virtue that man appease him whom he has offended, so it belongs to some virtue that man appease God whom he has offended by sinning." - For a) the good of peace is rather the end of the virtue than the object; it is the effect following satisfaction exhibited: "It must be said that in this which he says, that penance reconciles to God, the relation of penance to its object is not touched, but rather to its end. But its order to the object is touched in this, that it is said to weep over sins committed," ibid. qc. 4, ad 1. The object, namely, is the expiation of sin; the end is God to be reconciled. Moreover b) this is intended from another virtue: if the sinner for his own sake intends pardon and wills God appeased and

at peace, it will be love of concupiscence and of the virtue of hope; if he wills this for God's sake, it will be love of friendship and charity.

399. The remote object of penance. - From what has been said, it is also understood that the remote material object, about which penance is concerned, is all actions which offend God and wound the divine right, and those things which concur toward this, namely:

1. properly and principally, actual mortal sins, which fully offend God and render one perfectly turned away;

2. properly and secondarily, venial sins, which also in some way offend God and render Him indignant, because they participate in the reason of offense;

3. likewise sins already remitted, both because their remission is not infallibly established, and so that we may exhibit a more perfect retraction and more abundant satisfaction; whence it is said Ps. L, 4: *Wash me yet more from my iniquity...*;

4. but not original sin, because that is not properly retracted nor removed by one's own act except what was perpetrated by one's own will; nevertheless there can be penance concerning it broadly taken for any detestation whatever of a past thing;

5. nor a fortiori the sins of others, as such, although penance is to be done concerning culpable cooperation toward them;

6. nor mere imperfections, unless perhaps indirectly insofar as by impeding the more abundant help of God they dispose toward fault, or insofar as they arise from fault and include it (cf. q. 84, a. 2, ad 3; suppl., q. 2, a. 2 and 3; q. 16, a. 3).

400. Corollary. - Hence, by reason of the end, there are distinguished three diverse species of acts of penance (which are called subjective parts), namely: penance before Baptism, penance for mortal sins, penance for venial sins: "It pertains to penance that it detest past sins with the purpose of changing life for the better, which is, as it were, the end of penance. And because moral things receive species according to the end..., it is fitting that diverse species of penance be taken according to the diverse changes which the penitent intends. But there is a threefold change intended by the penitent: the first indeed through generation into a new life, and this pertains to penance which is before Baptism; the second is through the reformation of a past life already corrupted, and this pertains to penance for mortal sins after Baptism; but the third change is into a more perfect operation of life, and this pertains to penance for venial sins, which are remitted through some fervent act of charity" q. 90, a. 4.

1. "Penance receives a special reason of object from this, that it regards sin committed by oneself and expiable through the act of the penitent; and thus the act of penance is not to detest sin absolutely, because this belongs to any virtue, but to detest something expiable through its actions, both as to fault and as to guilt of punishment: for no other virtue does this." St. Thomas, in IV, d. 14, q. 1, a. 1, qc. 3.

Article III: On the Distinction of Penance from Other Virtues

S. Th. III, q. 85, a. 2 and ad 1; a. 5 and 6; q. 84, a. 9, ad 3; suppl., q. 3, a. 2.

401. Penance is not a general virtue. - For it is not every virtue or the aggregate of all virtues, or a general condition of any virtue whatever, as William of Auxerre thought; but a well-distinguished species of justice, as was said n. 396; and therefore it does not expel every sin formally (as a habit expels its contrary), but effectively, insofar as it cooperates toward the destruction of sin insofar as it is remissible from divine grace (a. 2, ad 3).

Nevertheless it includes the exercise of many virtues: "for insofar as it is a certain justice of man toward God, it must participate in those things which belong to the theological virtues, which have God for their object. Whence penance is with faith in the passion of Christ, through which we are justified from sins, and with hope of pardon, and with hatred of vices, which pertains to charity. But insofar as it is a moral virtue, it participates in something of prudence, which is directive of all moral virtues; but from the very reason of justice it has not only that which belongs to justice, but also those things which belong to temperance and fortitude, insofar namely as those things which cause delectation pertain to temperance, or inspire terror, which fortitude moderates, come into the communion of justice" (a. 3, ad 4).

402. Penance, as being a special virtue, is distinct from all other virtues. - And indeed:

1° Penance differs from the theological virtues, because it does not attain God Himself, the last end, but is concerned with something created which is a means to the end.

The theological virtues have God as their material object, and as their formal object some divine good, namely, God Himself insofar as He is revealing truth, helping omnipotence, the highest good to be communicated to us, infinitely perfect in Himself. Penance as material object has our acts, and as formal object the created good of man, yet with relation to God, namely, the good of equality to be restored with offended God (a. 3, ad 1).

Specifically it differs from charity: charity detests sin because it displeases God as an extrinsic evil of God, contrary to divine goodness, dissolving divine friendship; penance grieves concerning sin because it is an offense of divine right, amendable and reparable, or an offense of God against the right of the supreme Lord (over all our acts), and thus to be repaired. Nevertheless penance can be commanded by the motive of charity, and then it is perfect (a. 2, ad 1).

Whence charity tends directly toward union with God, indirectly toward the removal of sin; penance tends directly toward the removal of sin, indirectly toward union with God.

2° Penance also differs from religion, to which Cajetan said it was principally identical. For the object of religion is worship rendered to God on account of His excellence; whence it regards God as Lord or benefactor. The object of penance is due compensation for sin; whence it regards God as offended and to be appeased.

Moreover: a) In penance there is present a great and special difficulty, both from the fact that man removes sin to which he voluntarily adheres and in which he has already been delighted, and from the fact that he exercises vengeance against himself unto the punishment of himself; this difficulty is not in religion. But where there is a great and special difficulty, there must be a special virtue (n. 396).

b) To God, who has a right to our honor and worship, there is, once sin is supposed, a new and special title of right, namely, that we restore the due honor withdrawn from Him. Therefore penance is a new and special virtue distinct from religion. For in each the reason of debt is diverse: religion owes to God because we receive something from Him; penance because we have detracted and taken something from Him.

c) Religion abstracts from sin; on the contrary, penance does not. The former regards divine right taken in its whole breadth; the latter regards divine right as wounded and to be repaired.

3° Penance differs from distributive or vindicative justice; this must be held respectively against Gabriel Biel and against Scotus. For this justice is of a superior toward inferiors, and assesses punishments or rewards to one by respect to others who are also punished or rewarded; but penance is of an inferior toward a superior, and of one singular person by respect to God.

Specifically, it must be altogether distinguished from vindicative justice:

a) Vindicative justice is properly in the judge, inflicting upon another's crime the punishment which the guilty one rather often sustains unwillingly; penance is in the guilty one himself, who voluntarily sustains punishment for his own fault committed.

b) Vindicative justice regards offense commonly, which it recompenses through external works; penance regards the offense of God, whence it must consist in voluntary and internal compensation, such as befits God.

c) The public avenger necessarily inflicts punishment proportioned to the crime according to the laws; the penitent, incapable of proportioning punishment to the offense of his own mortal fault, by moderate labor removes hatred of God and eternal damnation owed to sin.

d) The judge intends the punishment of the delinquent on account of the common good of the republic; the penitent intends the amendment of himself and reconciliation with God, and by grieving and raging against himself, he consults for himself alone (cf. a. 3, ad 3; and in IV Sent., d. 14, a. 1, q. 1, qc. 6).

403. Corollaries. - 1. Penance is a moral virtue, and therefore is in the mean. - For although in one sense in its own matter there cannot be excess, namely, according to quantity, insofar as we cannot grieve too much by the will concerning sin committed against God, nevertheless according to other circumstances excess is given, for example if penance is exhibited to whom, where, when, how, etc., it ought not. Whence an excessive mode is also given according to quantity, not on the part of rational sorrow, but on the part of sensible sorrow, which can be too great, casting one into despair (q. 84, a. 9, ad 3).

2. Penance is not the first virtue. - Not indeed in time and as to habit, because all are infused together; - nor in nature and as to act, because according to the reason of efficient and final cause the theological virtues are naturally prior of themselves, both because it is prior to believe, hope, and love God than also from this to grieve concerning sin, and because according to themselves they are necessary for the good of man, while penance is so only once sin is supposed. But as to something penance is first as to act, namely, according to the order of material and dispositive cause: under this reason it is prior to recede from sin than to be converted to God (a. 6).

3. Penance is distinguished from fear of God, whose object is God Himself as powerful to inflict the evil of punishment (fear of punishment or even servile fear), or as not to be offended from reverence (fear of fault and filial fear); but the object of penance is wounded divine right as amendable. Nevertheless the act of penance can proceed from fear, which rightly is called by St. Thomas the principle of penance, insofar as it is the principle of acts by which in penance we cooperate with God. For from servile fear penance is as from the first and remote principle on the part of the will, or as from the first motion of affection ordered to this: not necessarily indeed and always, but regularly and ordinarily, insofar as by fear of punishments man is accustomed to begin to be drawn back from sin, and thus it is imperfect and initial penance; - from filial fear penance is as from an immediate and proper moving principle, insofar as on account of reverence for God someone offers due satisfaction, and thus it is already perfect penance (a. 5).

404. Observations. - 1. The things which we have said hold chiefly concerning supernatural and infused penance: for in the present supernatural order, an act of supernatural penance is required for the remission of sin, and the supernatural virtue of penance is infused by God together with habitual grace. Nor is it useless, although reconciliation with God takes place at the same moment, both because just as the last disposition to form is caused by the form, so the last disposition to grace and the infused virtues is caused by grace and charity and the virtue of penance which is infused; and because afterward it serves for grieving more perfectly concerning remitted sin, for grieving concerning venial sins, for preserving the purpose of guarding against future sins, and for satisfying by penal works by which the guilt of fault of venial sin or the debt of temporal punishment is entirely removed.

In the natural order, an act of penance would also have been necessary, but it does not seem that it would have been an act of perfect virtue, because of itself it is insufficient for taking away the guilt of fault.

2. From the fact that St. Thomas, where he explains doctrine concerning the virtues in general or in species, does not speak of the virtue of penance, it should not be concluded that it is not a virtue distinct from others. The method of St. Thomas can be explained otherwise: either because in the general doctrine of the virtues he speaks of those things which are necessary to man of themselves, while penance belongs to him only incidentally, on the supposition of sin committed; - or because he follows the exposition of Aristotle, who does not place penance among the virtues, since in the natural order this does not seem to rise to the perfection of virtue; but the Philosopher was ignorant of efficacious supernatural penance.

Article IV: On the Acts of Penance

S. Th. III, q. 85, a. 2, and ad 1; a. 3 and 4; q. 90, a. 2; suppl., q. 16, a. 3.

405. There is a threefold elicited act of penance:

1. the proper and principal act is contrition, or sorrow concerning sin committed insofar as it is an offense of God, from the intention of amending and destroying it, or with the purpose of

working toward the deletion of past sin (a. 2, ad 1) and of not sinning in the future1 (Luke XV, 18); - the secondary acts are:

2. confession, i.e., a sorrowful internal or external acknowledgment, or accusation of culpability (II Reg. XII, 13), and

3. satisfaction, or expiation through punishments.

Of these three the first is chiefly in the heart, the second in the mouth, the third in work. But detestation of sin (Ps. CXVIII, 104), which is contained in contrition, properly is not an act of penance; otherwise the blessed would be penitents; but it is necessarily prerequired for it, because if sin were not held as an evil to be detested, we could not grieve concerning it.

The genesis of all these acts is this: the sinner

1° apprehends the sin committed as evil, and the will abominates and detests it because it is evil, and this is prerequired for penance: if detestation is perfect, it proceeds from charity;

2° notices that the evil is present to him in itself or in its effects, and grieves concerning it, and since he cannot sincerely grieve concerning sin unless he firmly wills to repair and destroy it and to avoid it thereafter, he also proposes this; this is done in contrition;

3° expresses this sorrow and accuses it by confession;

4° since the past evil is also to be repaired by punishments, there spontaneously arises the will of satisfying by penal works.

1. "Its proper act is toward its proper object, which is sin committed. And therefore its principal act, namely contrition, according to its species regards only past sin, but consequently regards the future." St. Thomas, in IV, d. 17, q. 2, a. 2, qc. 4.

406. The commanded acts of penance can be many. - Namely, all those acts by which sin is repaired, such as prayer, almsgiving, fasting, self-denial; all acts of virtues insofar as they can be ordered to satisfying for sin, and are commanded by the virtue of penance from the will of satisfying.

407. The opinion of the Protestants must be rejected. - Therefore penance is not merely repentance, or the purpose of a new life, as many Protestants teach after Luther, without any sorrow and detestation of sin previously committed.

For contrition, they say, which is necessary for justification, far from being a detestation of sin, is a certain sense of terror struck into the sinner and passively received by him, by which he is aroused to faith in Christ.

"For it is clear," thus the Augsburg Confession (1530), a. 12, "that penance properly consists of these two parts: the one (passive) is contrition, or terrors struck into the conscience, sin having been recognized; the other (active) is faith, which is conceived from the Gospel or absolution, and believes that sins are remitted on account of Christ, and consoles the conscience, and liberates from terrors."

Now according to the Council of Trent, contrition is sorrow of soul and detestation concerning sin committed, with the purpose of not sinning henceforth. Therefore the holy Synod declares that this

contrition contains not only cessation from sin and the purpose and beginning of a new life, but also hatred of the old life... (sess. 14, c. 4); indeed it defined that the Protestant notion of penance is false, or that there are only two parts of penance, namely the terrors struck into the conscience and faith by which one believes that sins have been remitted to himself through Christ (sess. 14, can. 4); moreover, that contrition which is prepared through detestation of sins with the purpose of a better life is a true and useful sorrow, not forced but voluntary and free, and prepares us for grace (can. 5). Whence it is certain that such an act is good and honorable.

And deservedly. For:

A. Although in the etymological sense *metanoia* sounds the same as a change of mind, it is certain that in biblical usage the word signifies not a mere change of counsel, but also detestation, sorrow, and expiation of the past life; thus, for example, Job said (XLII, 3-6): "Therefore I have spoken foolishly... for this reason I reprehend myself, and I do penance in dust and ashes." Again David says (Ps. L, 19): "A sacrifice to God is an afflicted spirit; a contrite and humbled heart, O God, thou wilt not despise"; nor otherwise do the Prophets: "Be converted, and do penance for all your iniquities... Cast away from you all your iniquities in which you have transgressed and make for yourselves a new heart and a new spirit" (Ezech. XVIII, 30; Is. XXXVI, 31-32; Bar. II, 11-18; Jer. XXXI, 18-20). Besides, St. Paul, addressing the penitent Corinthians, explicitly commemorates sadness as an element of true penance (II Cor. VII, 9-10): "Now I rejoice, not because you were made sorrowful, but because you were made sorrowful unto penance... For the sorrow which is according to God works penance unto steadfast salvation."

B. Reason itself is consonant:

1. On the part of the offender, that which is always first required is reparation of the offense.

2. On the part of conversion: he who repents and changes his life for the better therefore changes his counsel because he understands the prior life to be evil; otherwise there would be no reason for the change. But just as we are bound to love the good, so also to hate evil, especially if it has been committed by us; otherwise the purpose of leading a new life for God would not be sincere; therefore penance essentially imports detestation of sin.

3. On the part of the one offended, reconciliation with the offended person requires more than cessation of the injury: for in order that someone obtain pardon from a man, first he must manifest detestation and sorrow for the injury inflicted, so that, moved by this sorrow, the other may will to forgive the injury. Therefore the sinner must hold himself in the same way toward God.

But if the Fathers say that the best penance is a new life, they are not to be understood as if penance were essentially a new life, but that this is the sign, the best indication, of a soul truly penitent.

Article V: On the Subject of Penance

S. Th. III, q. 85, a. 4; suppl., q. 1, a. 2; q. 3, a. 1; q. 16.

408. The proximate subject of the virtue of penance is the will. - Thus because rational sorrow is an act of the will; and because penance is a part of justice, but justice is in the will. Hence the sorrow

of penance is essentially distinguished from sensible sorrow, which is a passion of the sensitive appetite, and which, although it often arises from spiritual sorrow and is its sign, nevertheless does not always follow nor is necessarily required for penance.

409. The remote subject is every man capable of sin. - For the proper act of penance properly so called supposes sin; whence the habit, or promptitude for doing penance, is given, not indeed to those who cannot sin, but to those who are capable of sin, even if they are not guilty of it, so that they may be prompt for grieving concerning sin if they have committed anything before or perhaps commit anything afterward. For a habit is a perfection and promptitude of a power toward act, and therefore not the absence of the act, but only the absence of the power, renders it impossible. Whence in the present case only the impossibility of sinning or of amending oneself, not the mere absence of sin, impedes the virtue of penance, "nor nevertheless is it vain without exercise, because it is the perfection of a natural power" (Suppl. q. 16, a. 1, ad 1).

410. Corollaries. - From this the following conclusions are easily deduced. The virtue of penance:

1. was not in Christ, who is absolutely impeccable from within;
2. nor in the Angels, who can sin but whose sin is not naturally remissible (otherwise by absolute power), because they have an immobile will and therefore cannot naturally change a prior will;
3. nevertheless probably was in the Blessed Virgin, because she was not absolutely impeccable but only morally and from without;
4. likewise in Adam even before sin;
5. but certainly is in baptized children, to whom it is infused together with grace, and in just wayfarers;
6. also remains in the blessed, although in them it has another act, namely, to give thanks to God for the mercy bestowed in relaxing sins, and to rejoice concerning satisfaction performed at other times (Suppl. q. 16).

Article VI: On the Necessity of Penance

S. Th. III, q. 84, a. 5 and 7; q. 86, a. 2; q. 87, a. 1; suppl., q. 2, a. 3; q. 6, a. 5.

411. State of the question. - It is asked whether penance is necessary for justification and salvation. Something is said to be necessary for an end in two ways: insofar as it is commanded by a legitimate superior, or insofar as it is a means without which, if it is not employed, the end is not obtained; - whence this latter is so necessary that without it, even if it is omitted involuntarily and inculpably, the end absolutely cannot be obtained; on the contrary, the former is so prescribed that he who has omitted it voluntarily and culpably sins and therefore does not attain the end, but he who has omitted it involuntarily and inculpably can nevertheless attain the end. Now:

1. It is Catholic doctrine that penance in general, i.e., some detestation and retraction of sin, is necessary by necessity of means for justification and salvation, once mortal sin has been

posited; but it was disputed whether a formal act of penance is required, or whether a virtual one suffices.

For a) the Scotists and Nominalists held that a virtual act of penance suffices, such as is contained in the act of perfect charity: for it is contradictory to love God above all things by a perfect act and to will sin above God; hence in the act of charity there is power for being contrite concerning sin, so that the act has the power of producing penance or perfect contrition. Whence it includes penance in desire. b) On the contrary, Thomists generally require a formal act of penance; some of these, such as Melchior Cano, think that it is always required without exception. c) Nevertheless, the more distinguished Thomists, conformably to the principles of St. Thomas, whom Suarez and many others also follow, say that a formal act is required per se when someone thinks about his sins, but that per accidens remission of sin can be obtained through virtual penance when someone, from forgetfulness or lack of consideration, does not think about his sins.1

2. The common opinion of theologians is that penance is also necessary by necessity of precept.

They say that only Fr. de Victoria contradicts this,2 who says that the texts of Scripture are to be understood of the necessity of means alone, which can exist without necessity of precept, since grace, although necessary for salvation, does not fall under a precept. Yet illogically: for when the necessary means is not something habitual or extrinsic to us, but our act, by that very fact it is also prescribed.

412. Thesis I. Once mortal sin has been posited, it is certain that an act of penance, at least virtual, is necessary in the present order of things by necessity of means for justification and salvation. - It is said:

a) *It is certain*; thus at least from the Council of Trent, sess. 14, c. 1 and 4, sess. 6, c. 6 and 14, which speaks of formal penance, so that this is required at least per se and regularly.

b) *In the present order*, because several theologians think that God by absolute power can forgive sin and infuse grace without any act of penance or retraction of the sinner, but that He does not do this because it is not fitting to wisdom, justice, and holiness: we do not expressly exclude this opinion, although we judge it not true.

c) *Once mortal sin has been posited*, by which namely men are turned away from God the last end: for if the sin is only venial, penance, although desirable, is not necessary for justification and salvation.

It is proved:

1. From the Scriptures, which absolutely require penance, and so join salvation with penance that without it salvation cannot be had.

a) Thus frequently the Prophets, for example Jeremiah (XVIII, 8-10): "If that nation shall do penance from its evil, against which I have spoken, I also will repent of the evil which I thought to do to it...; if it shall do evil in my eyes, so that it does not hear my voice, I will repent of the good which I spoke to do to it" (cf. XXXI, 18-20; Joel II, 12-14). Likewise Ezekiel (XVIII, 21-32): "But if the wicked man shall do penance for all his sins... he shall live with life and shall not die... but if the just man turns himself away from his justice, and does iniquity according to all the abominations which the wicked man is accustomed to work, shall he live? All his justices, which he had done, shall not be

remembered; in the prevarication by which he has prevaricated, and in his sin which he has sinned, in them he shall die"; which penance is so necessary that, if the prophet has not warned him that it is to be done, nevertheless there will not be pardon for the wicked man without it (XXXIII, 8): namely, it is equally necessary as perseverance is for the just man for obtaining the reward (XXXIII, 12-16). Whence Eccli. II, 22 (in the Vulgate): "If we shall not do penance, we shall fall into the hands of the Lord."

b) Likewise Christ in the New Testament: "Unless you shall do penance, you shall all likewise perish" (Luke XIII, 5; Matt. IV, 17; III, 2-8; Luke III, 8).

c) Whence also the Apostles promulgated penance as necessary, both for Baptism (Acts II, 38): "Do penance and let every one of you be baptized... unto the remission of your sins," and for the remission of sin (Acts III, 19): "Therefore repent and be converted, that your sins may be blotted out" (cf. VIII, 22; XI, 18 and Apoc. II, 5).

By all these things penance appears as a necessary condition that sins be blotted out. Therefore penance, in the present order, is joined with the remission of sin and salvation as means with end.

2. From Tradition, which is established from the history of the primitive Church concerning penitential discipline.

Not only Tertullian, in the treatise *On Penance*, and Chrysostom, in the book *On Compunction*, and in homily 9 *On Penance* (cf. hom. 4 and 11), are wholly engaged in inculcating the necessity of penance; but the same doctrine is already found in the *Shepherd* of Hermas, mand. IV, 2-3; simil. VII, 4 and 6; Justin, in the dialogue with Trypho n. 141; Irenaeus, *Against Heresies* I, 13, and Cyprian, *On the Lapsed*, and ep. 31. Later it is found in Ambrose, ep. 28 (otherwise 51); *On Penance* II, 10; *On the Fall of a Virgin* 33-34; Augustine, on Ps. XXX, 5 and in ep. 50 to Boniface; Gregory, hom. 20 on the Gospel, etc. The Council of Trent ratified this doctrine, as we have said.

3. From theological reason: On the one hand, sin is imputed to man until he has retracted it; - on the other hand, God cannot forgive sin to which man adheres habitually, and cannot love except him whom He renders intrinsically worthy of His love. Therefore He cannot justify a sinner without an immutation of this man's will, i.e., unless he wills, unless, having been voluntarily turned away from God, he is also voluntarily converted to God with detestation of the aforesaid aversion and with the purpose of amending. But this is penance (q. 84, a. 5, ad 2; q. 86, a. 2).

There is added the reason of fittingness. A sinner cannot be saved unless he has first obtained from God the remission of his sin. But without penance God cannot, at least fittingly, remit sins: for wisdom forbids that He reconcile to Himself or receive into friendship one whom He knows to be voluntarily turned away from Himself and obstinate in the love of sin; namely, it forbids that by His manner of acting He foster sin; - justice demands that what was injured be repaired, and prohibits that offense be remitted without some reparation; - holiness likewise forbids that God unite to Himself something impure still adhering to sin. Now he who has gravely sinned remains turned away from God, at least habitually, until he does penance; nor does he repair, as far as he can, the offense inflicted upon God, but he perseveres in it, and continues to adhere to sin. Therefore God cannot

remit sin, His attributes being considered, unless the sinner converts himself to God through an act of penance, and therefore without penance the sinner cannot be saved.[1]

[1] Tanquerey, *On Penance*, n. 9, 2.

413. Thesis II. An act of penance, once mortal sin has been posited, is also necessary by necessity of natural and divine precept. - This is the common opinion, from which it seems rash to recede.

It is proved:

1. From the Scriptures in which, as we said in the preceding number, God, by declaring the necessity of penance so emphatically, so insistently, so many repeated times, and by threatening the impenitent with very grave punishments, manifests clearly enough that He wills and commands that all are bound to do penance.

Moreover a) with Scripture as witness, he who refuses to repent is convicted of disobedience, and indeed grave disobedience, since he is punished with a grave punishment: "Because I called and you refused, I stretched out my hand and there was none who regarded,... I also will laugh in your destruction" (Prov. I, 24-33; cf. Is. I, and Jer. XVIII).

Besides b) Christ and the Apostles preached penance under the form of a precept: "From that time Jesus began to preach and to say... Do penance; for the kingdom of heaven has drawn near" (Matt. IV, 17). "Do penance and let every one of you be baptized"; "Therefore repent, and be converted, that your sins may be blotted out" (Acts II, 38; III, 19).

2. By reason: a) By force of justice toward God: each one is bound, by force of natural justice, to repair and compensate an injury inflicted upon another; but man, through mortal sin, has inflicted a grave injury upon God; therefore, from the natural precept of justice, he is bound to do penance in order to compensate this injury.

b) By force of charity toward God and toward oneself: By the very fact that we are obliged to love God above all things, by that very fact, if we have sinned, we are bound to retract the sin which is opposed to the love of God, and thus from natural right, because from natural right we are bound to love God above all things. Similarly, once the ordination of God granting pardon to penitents has been posited, reason dictates, on account of right love of ourselves, that the necessary and unique means to salvation not be neglected.

And thus we are obliged from the virtue itself and the special precept of penance. For the special justice which intervenes between offended God and us, and which is called penance, requires that the object directly opposed to it, namely, the injury inflicted upon God through sin, be repaired and removed insofar as it is an obstacle to the last end, God, who is the last end simply insofar as He is the highest Good in Himself, and our last end insofar as He is our highest good.[2]

[2] An infused virtue, since it is essentially a means to the last end, obliges per se, when it is per se a necessary means for justification and salvation. Therefore it obliges not per accidens, but per se, to remove that which is directly opposed to or obstructs the last end.

414. The precept of penance is not negative but affirmative, and therefore it does not oblige for always or for each single moment, but at some time and at a suitable time. - Therefore it

does not oblige immediately after the sin has been committed, both because such an obligation is not of the nature of an affirmative precept, and because neither the faithful nor confessors are conscious of such an obligation. And although the sinner ought immediately to desist from sin and from the actual affection of sinning, nevertheless he need not immediately do penance. But:

A. The virtue itself and the precept of penance obliges per se, i.e., in circumstances common to the condition of all sinners:

1. at the article of death, and also in a very probable danger of death (from war, difficult childbirth, dangerous navigation, etc.) or of perpetual insanity; otherwise it would never oblige, since the whole reason of the obligation is reconciliation with God and eternal salvation, which in this case is exposed to proximate danger;

2. also sometimes in life, because he who gravely offends God and for a long time neglects reconciliation seems to neglect and contemn God Himself, whence an excessive delay of conversion is gravely reprehended in the Scriptures (Eccli. V, 8-9; Rom. II, 4-5);

3. indeed not only once (as is also prescribed by ecclesiastical precept), but probably even several times in a year, as we also said concerning charity (I, n. 972).

This is drawn from the doctrine concerning the necessity of habitual grace for observing the whole law and for avoiding mortal sin (I-II, q. 109, a. 4; *De Ver.* q. 24, a. 12). Ordinarily, namely, the sinner through the whole year will not abstain from a new sin; not indeed from a lack of sufficient strength, but because he who is turned away from the end easily acts against the end, and he who is turned toward a contrary end often works for the sake of that end, according as Gregory says (*Mor.* XXV, c. 9): "For sin which penance does not wash away, by its own weight soon draws one to another." For each one works according to that end which he loves and intends; nor is he accustomed to choose for himself difficult means toward another end which he loves less. Therefore, since through mortal sin someone puts the love of a created good before love of God and of the law, it cannot happen that, although he retains some affection toward God and toward his own salvation, from that weak affection he overcome the difficulties which are found in all the commandments occurring over a long time, unless with his whole soul he efficaciously prefer his own salvation and God Himself to all other things. But this is efficacious retraction or penance (cf. I-II, q. 109, a. 8; *De Verit*. q. 24, a. 12).

But the time at which the precept obliges cannot be determined more exactly, but varies according to various individuals, temptations, and internal or external circumstances.

B. The virtue itself and the precept of penance obliges per accidens, i.e., on the occasion of some special circumstance, for example:

1. when someone wills to manifest penance externally, for otherwise that manifestation would be simulation;

2. when he must or wills to receive the sacrament of penance itself.

C. Other virtues and precepts also sometimes oblige to an act of penance:

1. when temptations arise against other virtues which are hoped to be overcome only through an act of penance;

2. when some sinner must or intends to receive other Sacraments or to administer anything whatever;

3. when a sinner must or intends to exercise an act of another virtue which otherwise cannot be exercised: thus, for example, if he wills to elicit an act of charity toward God.

But in these cases the obligation does not arise from the precept itself or the virtue of penance, but from another precept of virtue. But let it be noted that the precept of sanctifying feasts or the Lord's day does not import an obligation of eliciting an act of penance, since the state of grace is not required for worshipping God and keeping the day of the Lord.

415. Observations. - 1. There is given not only a positive precept of penance, namely divine and ecclesiastical, but penance is also prescribed by natural right: "for by natural reason man is moved to repent of the evils which he has done; but that man do penance in this or that way is from divine institution... It is of natural right that someone repent of the evils which he has done, as to this, that he grieve that he has done them, and seek a remedy for sorrow in some way, and that he also show some signs of sorrow..., but just as other things which are of natural right received determination from the institution of divine law,... so also did penance" (III, q. 84, a. 7, and ad 1).

2. The obligation of doing penance several times a year, on account of the danger of relapsing into sin, although theoretically it seems founded, nevertheless practically labors under a certain uncertainty. For a) not all admit that habitual grace is necessary for avoiding sin (which is the opinion of St. Thomas), but some say that for this special actual grace suffices; - b) although grace is morally necessary for avoiding all sins, nevertheless individual sins can be avoided, and therefore perhaps there is not given a precept of acquiring the state of grace; - c) the faithful would have to advert to the danger of sinning from the absence of grace, and indeed to a danger proximate here and now, and that no other means remains for resisting. This will rarely happen. Whence in practice such an obligation is not to be imposed upon sinners, although they are to be greatly exhorted to do penance immediately.

3. From what has been said concerning the precept of repenting, it follows a) that the purpose of not repenting is a special sin of impenitence, which is directly opposed to the virtue of penance and to the precept of repenting; - b) that the simple omission of penance is not a sin of impenitence, except when the precept of repenting obliges per se; - c) that the omission of penance when we are obliged to it through another precept is not a sin against penance, but against the other precept by force of which it was required.

Article VII: On the Relation between the Virtue and Sacrament of Penance

S. Th. III, q. 84, a. 1 and 7; suppl., q. 5, a. 1; q. 6, a. 1.

416. Principle. The virtue of penance, just as its act, was prescribed to sinners at all times and necessary for justification and salvation; but after Christ the sacrament of Penance is also

necessary. - In the Old Law, namely, penance existed as a virtue, and there were its acts: contrition, confession at least before God, satisfaction; in the New Law these acts moreover become a sacrament: for just as Christ elevated matrimony, namely, the conjugal contract itself, to the dignity of a sacrament signifying and effecting grace, so also our penance itself concerning sins committed after Baptism, i.e., the acts by which we exercise penance, He elevated to the dignity of a sacramental sign, insofar as they are the matter to which the words of absolution accede as form, so that together with absolution they cooperate instrumentally for signifying and effecting sacramental grace. Therefore it is so far from being the case that by the sacrament the virtue became superfluous, that the acts of the virtue itself are an element of the sacrament, and besides the value *ex opere operantis*, they can moreover participate in causality *ex opere operato*. For this, however, Christ requires one condition: He willed that confession no longer be made immediately to God but to a minister delegated by Him. And He instituted and prescribed penance to be exercised in this way as a means of justification according to the words of John XX, 23: Whose sins you shall forgive...

Yet from this it must not be concluded that penance in the New Law is required more rigorously and with more difficulty than in the Old Law, since, on the contrary, it is much milder and more convenient. For the remission of an offense there is required from the nature of the thing perfect penance, i.e., contrition proceeding from the very love of charity; likewise, for the remission of punishments, the repayment of the punishment due can strictly be required; finally, no special grace is owed by God to the penitent sinner. Now:

1. In the Old Law, for the remission of sin, perfect contrition was required, which, not indeed for just men instructed with the virtue of penance, but for sinners turned away from God and adhering to sin, is rather difficult; whence men could greatly fear that their penance was not sufficient, unless by exception God Himself announced to them the remission of sin through a prophet, as He did to David through Nathan; - in the New Law, God does not require perfect contrition, but willed that imperfect contrition alone, even the least, suffice, provided that it is sincere and extends itself to all mortal sins, under the one condition of confession before a minister delegated by God as the sign of sincere contrition. Whence those confessing, conscious of the sincerity of their contrition, can trust and be morally certain of the remission of sins, since the priest absolving in the name of God announces remission to them.

2. In the Old Law, punishment was rather rigorously demanded; in the New Law, much more of it is freely remitted from sacramental absolution given to those confessing.

3. In the Old Law, grace was given only *ex opere operantis*; in the New Law, more abundant grace is given *ex opere operato*, and a special grace for not relapsing into the sins confessed.

Briefly, Christ instituted the rite in which the sacrament is to be ministered, namely, the matter and form, which are the judicial process and the absolution of the minister; - He determined the special mode by which the acts of the penitent must be exercised, namely, external confession and satisfaction imposed by the priest; - and He attributed to penance a greater efficacy *ex opere operato* for the remission of sin and for obtaining the life of grace. And thus penance has become a work in which the mercy of God and the power of the passion of Christ shine forth most greatly.

417. The sacrament of Penance is defined: A sacrament of the New Law, instituted by Christ in the manner of a judgment, for remitting to a contrite, confessed man promising satisfaction, by the power of priestly absolution, sins committed after Baptism. It is said:

1. *A sacrament of the New Law, instituted by Christ in the manner of a judgment*, to indicate the genus: sacrament, and the difference: in the manner of a judgment, which requires a twofold element, namely, accusation as the matter of the sacrament and the pronouncement of sentence as the form;

2. *for remitting sins*, so that the proper effect of this sacrament may be expressed;

3. *to a contrite, confessed man promising satisfaction*; these words indicate the dispositions of the penitent, which are integral parts of the proximate matter of this sacrament;

4. *through the absolution of the priest*, by which both the form and the minister are indicated;

5. *sins committed after Baptism*; by these words the remote matter is explicitly designated, and implicitly the subject of the sacrament, namely, a baptized man who has committed sins, whether mortal, or at least venial.

418. Division of the treatise. - Since the virtue of penance in the New Law is exercised chiefly through the sacrament, after we have treated the nature and necessity of the virtue of penance, henceforth we shall speak of the virtue and the sacrament together.

The treatise is divided into five parts:

The first part is: *On the Sacrament of Penance Itself in Itself*: 1. on its existence, namely, both a) of the power of the keys, and b) of the sacrament itself; - 2. on its constitutive elements: a) on the remote matter, b) on the proximate matter, c) on the form; - 3. on its institution, necessity, and iteration.

The second part is: *On the Effects of Penance*: 1. on the remission of mortal sins; - 2. on the remission of venial sins; - 3. on the remission of punishments; - 4. on the reviviscence of virtues and merits.

The third part is: *On the Parts of Penance*: 1. on contrition, namely, on its a) essence and division, b) matter or object, c) qualities, and d) effect; - 2. on confession, namely, on its a) necessity, b) essence, c) qualities, and d) effect; - 3. on satisfaction, namely, on its a) essence, b) qualities, c) fulfillment through penal works, and d) effect.

The fourth part is: *On the Minister of Penance*: 1. on his power, both a) of order, and b) of jurisdiction; - 2. on the granting and limitation of power: a) on jurisdiction in general, b) on the jurisdiction which the Church supplies, c) on the restriction of jurisdiction to persons, d) on the restriction as regards reserved sins; - 3. on the use and offices of the power: a) before confession, b) within confession, c) after confession; - 4. on the abuse of power: a) on the absolution of an accomplice, b) on solicitation to shameful things.

The fifth part is: *On the Subject of Penance*: 1. on the requisites for the capacity of valid reception, where especially: a) on children, the half-witted, the deaf-mute; b) on the dying; - 2. on the requisites for the disposition of fruitful reception, where especially a) on the habituated and relapsing; b) on those in occasions.

There follows an appendix on the penitential rite, indulgences, and censures.[1]

[1] The literature on the Sacrament of Penance has already grown immensely; therefore we list here only those writings which we hold to be more useful.

1. Among general works: St. Thomas, III, q. 84-90, and Suppl. q. 1-28, with the Commentaries and Opuscula of Cajetan; likewise the commentaries which Arauxo, John of St. Thomas, Nugno Cabezudo, Gonet, and Billuart composed, all of the Order of Preachers; likewise Sylvius and the Salmanticenses. Outside the Thomistic school: Suarez and Lugo, S.J.

2. Among dogmatic treatises: the Wirceburgenses, Palmieri, De San, Billot, Pesch, S.J.; Mancini, Lottini, and Hugon, O.P.; Van Noort-Verhaar, *On the Sacraments*, II; Diekamp; etc.

3. Among more practical moral works: P. de Ledesma, O.P., *Summa on the Sacraments*; Martinez de Prado, O.P., *On Penance*; St. Alphonsus, *Moral Theology*, and *The Apostolic Man*; recent moral books, such as Ballerini, Lehmkuhl, Genicot, Noldin, and Vermeersch, S.J., have published; Aertnijs, Marc, and Wouters, C.SS.R.; Van der Velden, O.F.M.; Prummer, O.P.; and Haine.

4. Among works both dogmatic and moral: *Theologia Mechliniensis*, *On Penance*; Tanquerey; and Chretien, *On Penance*.

5. Among canonical works: Blat, *Commentary on the Text of the Code of Canon Law*, book III, *On the Sacraments*; Cappello, *Canonical-Moral Treatise on the Sacraments*, II; Claeys-Bouaert and Simenon, *Manual of Canon Law*.

6. Among historical works: Morinus, *On Discipline in the Administration of Penance*; Petavius, *Diatribe on the Old Manner of Penance in the Church*; Sirmond, *History of Public Penance*; Frank, *Die Bussdisciplin der Kirche*; Hilgenfeld, *Die Ketzergeschichte des Urchristentums*; Pignataro, *On the Penitential Discipline of the Earlier Centuries*; Funk, *Zur Altchristliche Bussdisciplin*; Battifol, *Etudes d'histoire et de theologie positive*, I; Vacandard, *La penitence publique de l'Eglise primitive*; *Etudes de critique et d'histoire religieuse*, II; Rauschen, *Eucharistie und Buszsakrament* (translated into French); Mayer, *Die Beichte als Bekenntnis der einzeln Sunden*; Tixeront, *La theologie antiniceenne*; *Le sacrement de penitence dans l'antiquite chretienne*; Gotz, *Die Busslehre Cyprians*; Hunermann, *Die Buszlehre des H. Augustin*; *Busse und Bussdisziplin im Christlichen Altertum*; K. Adam, *Die Kirchliche Sundenvergebung nach dem H. Augustin*; *Die geheime Kirchenbusse nach dem H. Augustin*; Poschmann, *Die Sundenvergebung bei Origenes*; *Die Kirchliche Vermittlung der Sundenvergebung nach Augustin*; *Die abendlandische Kirchenbusse im Ausgang der christlichen Altertums*; de Labriolle, *La crise montaniste*; d'Ales, *L'edit de Calliste*; *La theologie de Tertullien*; *La theologie de S. Cyprien*; Gottler, *Der H. Thomas von Aquin und die vortridentinischen Thomisten uber die Wirkungen des Buszsakraments*; Schultes, *Reue und Busssakrament*; Schmoll, *Die Busslehre der Fruhscholastik*; Teetaert, *La confession aux laiques dans l'Eglise latine depuis le VIIIe jusqu'au XIVe siecle*.

7. Among works both dogmatic and historical: Vacant-Mangenot, *Dictionary of Catholic Theology*; d'Ales, *Apologetic Dictionary of the Faith*; Galtier, *On Penance, a Dogmatic-Historical Treatise*; d'Ales, *First Outlines of a Dogmatic Treatise on the Sacrament of Penance*.

8. Among orators, Monsabre, *Penance*.

First Part: On the Sacrament of Penance Itself

Question One: On the Existence of the Sacrament of Penance

419. Order of discussion. - Christ the Lord properly instituted this sacrament when He conferred upon the apostles the power of remitting sins, which is called the power of the keys. Whence we must treat:

1° of the existence of this power of the keys, according to the documents of Scripture and Tradition;

2° of the existence of the sacrament itself, which is the effect of this power.

Article I: On the Existence of the Power of the Keys

S. Th., in Suppl., q. 17 and 18; q. 8, a. 1, ad 1.

420. Errors. - Concerning the power of the keys many have erred, whether they denied it, or unduly restricted it, or badly understood it, or rejected its divine origin.

A. In the first times of the Church, the Encratites denied the power of remitting sins committed after Baptism, holding these sins to be irremissible, since Christians ought to be perfect and to abstain from sin; others unduly restricted it, such as the Montanists, to whom Tertullian joined himself, positing three irremissible sins: adultery, idolatry, and homicide; Novatian said this of apostasy, but his disciples of all the graver sins, which are unto death.

B. The Protestants rejected the power of remitting sins, although several, such as Luther, hesitated whether for this reason they would deny that Penance is a sacrament. Yet this sacrament would not remit sin *ex opere operato*, for absolution would have only the power of exciting faith and of declaring the remission of sins, not of effecting it. But Calvin, whom many followed, denied that Penance is distinguished from Baptism, or from the memory of it. Baptism indeed excites faith that sins have been forgiven and the purpose of a new life; but when sin has again been committed, the memory of Baptism renews the excitation of that faith and the purpose of a new life. Anglicans, however, acknowledge that sinners can be absolved by priests and admit the usefulness of confession, but not its necessity; indeed Ritualists say that absolution is a sacrament, but place it among the lesser sacraments.

C. Liberal Protestants hold the charismatics alone as leaders of the primitive Church elected by the faithful. At the beginning, penance was merely disciplinary, not sacramental. God alone remitted sins; but the charismatics declared the will of God showing mercy, before penitents were received into the Church, which bishops could not do unless they were at the same time charismatics. Later, when the charisms disappeared, this devolved upon the bishops, who, once the hierarchy had been instituted, arrogated true power to themselves, and assumed the ministry of sanctification, to which a special value was acknowledged.[1] Whence it happened that the faithful desired that through them release from sin be obtained for themselves; from which there arose the custom of manifesting or confessing sins to them. This custom was first propagated among monks, then widely among the faithful, so that it was said that there is no remission of sins except through priests. Finally confession itself was here and there prescribed, indeed imposed upon the universal Church in the Fourth Lateran Council, in the year 1215.

[1] To this also pertains proposition 46 of certain modernists: "There was not present in the primitive Church the concept of a Christian sinner reconciled by the authority of the Church, but the Church only very slowly became accustomed to a concept of this kind. Indeed even after penance was acknowledged as an institution of the Church, it was not called by the name of sacrament, because it was held as a shameful sacrament." Likewise prop. 47: "The words of the Lord: Receive the Holy Spirit; whose sins you shall forgive, they are forgiven them, and whose sins you shall retain, they are retained, by no means refer to the sacrament of penance, whatever it pleased the Tridentine Fathers to assert."

Specifically, according to Lea,[2] Christ, who in the Gospel inculcates internal worship in spirit and truth, did not institute an external rite for remitting sins, but requires only love and penance of heart. Nor was a power of remitting sins by a sensible rite acknowledged in the first centuries, for the penitential discipline which was in force had the power of reconciling with the Church in the external forum, but not with God. For the Fathers, when they enumerate many means unto the remission of sins, do not commemorate priestly absolution among them. And the words themselves of absolution were nothing but prayers by which priests begged pardon from God, but in no way sacramental forms conferring grace and pardon.

[2] *A History of Auricular Confession and Indulgences*, 1896.

421. Thesis. Christ conferred upon the Church the power of remitting and retaining all sins committed after Baptism, namely, by a truly judicial act and in the manner of a forensic judgment. - This is of faith from the Council of Trent, sess. 14, confirming the doctrine of the Council of Florence.

It defined these three things:

1. In the Catholic Church all sins committed after Baptism can be remitted as often as the faithful fall into them (can. 1).

2. In it there is the power truly of remitting and retaining sins, and not only of preaching the Gospel or the remission of sins (can. 2).

3. This power is not the bare ministry of declaring that sins have been remitted, but is exercised through a judicial act, which requires the confession of the penitent (can. 3).

422. Catholic doctrine is proved from the Scriptures. - That there is in the Church a true power of remitting sins is established:

A. From the promise of the power of the keys, in which it is implicitly contained. The power is promised to Peter: "Thou art Peter, and upon this rock I will build my Church; and I will give to thee the keys of the kingdom of heaven, and whatsoever thou shalt bind upon earth shall be bound also in heaven, and whatsoever thou shalt loose upon earth shall be loosed also in heaven" (Matt. XVI, 18-19); but to the other apostles a similar participated power is promised: "Whatsoever you shall bind upon earth shall be bound also in heaven, and whatsoever you shall loose upon earth shall be loosed also in heaven" (Matt. XVIII, 18).

By these words there is promised:

1° To Peter, supreme power in order to the kingdom of heaven, which is the end of the Church, and consequently in order to governing the Church itself. For to hand over the keys of a house or city is a

metaphorical expression signifying supreme power in the house or city, as is established from constant sacred and profane usage.1

2° To Peter and the apostles, a universal and unlimited power of binding and loosing whatsoever, i.e., of imposing or relaxing a moral bond, and indeed in such wise that when they bind or loose on earth, this is held ratified by God in heaven. But there is a threefold bond prohibiting from the kingdom of heaven: the bond of law, the bond of sin, and the bond of punishment. Therefore they can loose from this threefold bond, and consequently remit sin, which is the only bond directly removing one from heaven.

3° A power to be exercised in the Church, but not upon those who are outside; for it is promised to Peter in order to the Church to be built, and to the apostles in order to judging and punishing delinquents denounced to the Church, as is clear from the context (v. 17); therefore it is altogether distinguished from the power of baptizing. But the power will be perpetual: for it is promised to Peter as the foundation of the Church, which must always remain for the support of the building, and to the apostles as leaders of the Church; and therefore it will always remain in the Church.

Nor is it an obstacle that, according to the manner of speaking of the rabbis, to loose and to bind signify to declare licit or illicit, according as the more benign masters are said to loose from obligation, the more rigid to bind. For the words are to be understood according to the subject matter: whence if there is question of schools, in which there is not authoritative power but only declarative power, the sense is to declare licit or illicit; on the contrary, when the discussion is concerning the power of the keys or of ruling, and concerning true judgment and excommunication by which someone is authoritatively cast out from the Church, the context requires that they be understood of the true power of obliging or of loosing from obligation.

B. From the mission given to the Apostles of remitting and retaining sins (John XX, 21-23): Jesus "therefore said to them again: Peace be to you. As the Father has sent me, I also send you. When He had said this, He breathed on them, and said to them: Receive the Holy Spirit. Whose sins you shall forgive, they are forgiven them: and whose sins you shall retain, they are retained." By these words there is not handed down a mere faculty of preaching the remission of sins or of declaring that sins have been remitted to penitents, as Protestants contend, but an unlimited power truly of remitting all sins, not only as to punishment but as to guilt, and indeed to be exercised in a judicial manner. Whence it is altogether distinct from the power of remitting sins through the ministration of Baptism.

1° It is a power truly of remitting sins. For a) Christ hands on to the apostles a mission similar to that which He received from the Father, and which was not only of preaching the remission of sins but of truly dismissing and destroying them.[3] - b) Whence by the sensible sign of breathing He imparts to them the Holy Spirit, by which He would manifest that a new and altogether singular power is handed over; such would not be a mission merely to announce the forgiveness of sins, which even the prophets did and which any one of the faithful can perform.[4] - c) Hence He uses the active verb *you shall forgive* (*aphete*), which does not express some passive state to be declared, namely, that sins have been remitted, but indicates the positive action of effectively freeing from sins, as is established from biblical usage[5] and from the verb to which it is opposed: *you shall retain*, which likewise requires a positive action. - d) But if in the second clause the words: *they are forgiven them* and *they are retained*, according to the Protestants themselves, are to be understood of the true remission or retention of

sins, there can be no doubt that in the first clause they must be taken in the same sense. - e) Whence the remission made by the apostles is immediately efficacious, so that there is present the nexus of true causality between the pronouncement of remission by the apostles and the remission itself. For He does not say: Whose, i.e., whosever, sins you shall forgive, they will be forgiven them, but they are forgiven (*apheontai*), i.e., by that very fact they are remitted, just as those which you shall retain are retained. Therefore it is in no way a question of the preaching of remission, which does not have an immediate infallible effect, nor of the pronouncement of a remission already made, which would not depend on the apostles themselves remitting, but they on it.

[3] Matt. I, 21; IX, 2-13; XVIII, 11; Luke V, 20, 32; VII, 47; XIX, 10; XXIV, 47; Apoc. I, 5.

[4] Therefore it is not a question of fraternal correction, which proceeds from a private person and is made toward a private person, but of the public mission which Christ received from the Father, and which is conferred through the Holy Spirit, namely, through a supernatural charisma for carrying out a divine mission. And this also appears from the fact that the object of the mission is the remission of sins, which according to Matt. IX, 2-4 cannot be done except by divine power, and therefore requires a divine mission.

[5] Matt. XVIII, 32, 35; Mark XI, 25; Luke VII, 47-49; XI, 4; Rom. IV, 7.

2° It is a power of remitting not only the punishment but the guilt itself of sin before God. For a) the expression *aphienai tas hamartias* signifies, and indeed constantly, the remission of guilt itself.[6] - b) This is more manifest in the present case, since the mission of Christ itself is thus to be carried out and completed by the apostles; and He had come to take away the guilt itself of sin.[7] - c) Whence the apostles, by remitting sins, act in the power of the Holy Spirit, whose proper work it is to cleanse from sin and to blot it out.

[6] Matt. VI, 12, 14; IX, 5, 6; Mark II, 5, 10; Luke V, 20; VII, 47-49; XXIII, 34; Rom. IV, 5; VIII, 11; James II, 13.

[7] Matt. I, 21; IX, 13; XVIII, 11; Mark II, 17; Luke V, 32; XIX, 10; Rom. V, 10, 18, 19.

3° The power is to be exercised by a judicial act in the manner of a forensic judgment. For a) the power is conferred as one and indivisible toward two contrary opposed terms, and therefore in its very exercise it needs to be determined toward one or the other through judgment. - b) For to retain (*kratein*, *saisir*, *tenir*) is more than not to remit, but is positively to preserve the bond of sin and to impede remission, so that it is not remitted nor can validly be remitted: it is to bind or oblige someone to appear again in judgment and in the meantime to remain subject, and to prescribe the conditions, works, and satisfactions required so that he may obtain remission. - c) But such a power, which is exercised in the name of Christ in so grave a matter, is not to be exercised arbitrarily at pleasure, but prudently and according to discretion; whence it prerequires judgment concerning the offenses committed by the sinner and concerning his dispositions, which per se cannot be had without his confession.

Therefore it is a power altogether diverse from the power of baptizing and of remitting sins through Baptism, both because it is not limited to that, since it appears to be exercised unlimitedly, toward whatever sinners; and because Baptism washes away sins, it does not formally remit them, whence the taking away of sins is attributed to the external washing and to the power of water and of the Holy Spirit; and because in Baptism a judicial act is not properly exercised, nor is there any power of retaining: for not to baptize is not positively to retain, but merely negatively to omit. But if it were not distinguished from the conferral of Baptism, there would be no power of remitting to be

exercised upon the members of the body of the Church. - This is also clear from the interpretation of the Fathers.

423. Corollary. - From the foregoing it is established that the power of remitting sins was granted as unlimited, and that it extends itself to every kind of sin, as is manifest from the words "whose, i.e., whosever, sins you shall forgive," since they are said without restriction. But this is understood the more easily because it is only a part of the power of the keys of loosing whatsoever. Whence to Peter asking, Matt. XVIII, 21: "Lord, how often shall my brother sin against me, and I forgive him? Until seven times?" Jesus responded: "I do not say, until seven times, but until seventy times seven," i.e., always, just as the power of loosing which you will exercise in my name is indefinite.

They object very many things against this conclusion:

1° That sin against the Holy Spirit, according to Christ Himself, is irremissible, namely, it is not remitted either in this age or in the future (Matt. XII, 31; Mark III, 28; Luke XII, 10).

Resp. The sin against the Holy Spirit of which the Gospel speaks is that sin of the Pharisees by which, out of malice, they attributed to the devil the miraculous works of Christ, done by the power of the Holy Spirit so that men might be saved and drawn back from evil; and thus they maliciously contemned the means granted precisely by the Holy Spirit for converting men. Whence this sin includes a depraved disposition of pertinacity, which of itself is permanent, and while it remains it is an obstacle of positive resistance to the action of divine grace converting, and thus according to its own nature it excludes remission. For this reason it is remitted with the greatest difficulty, more rarely, and only as if miraculously, and it can truly be called morally irremissible; although it is not absolutely irremissible by reason of the omnipotence of God (q. 86, a. 1, ad 3; II-II, q. 14, a. 3).

2° The doctrine of the epistle to the Hebrews concerning apostates.

a) Of these it is said VI, 4: "For it is impossible for those who have once been enlightened (by Baptism), have also tasted the heavenly gift (the Holy Eucharist), and have been made partakers of the Holy Spirit (by Confirmation), and nevertheless have tasted the good word of God and the powers of the age to come, and have fallen away, to be renewed again unto penance."

Resp. It is not said that their sin cannot be remitted, nor that they cannot repent; but it is affirmed that they cannot be entirely renewed, as is done through Baptism, because that is unrepeatable, as Athanasius, ep. 4 to Serapion, 13, and Chrysostom in hom. 9 on this place, 3, interpret; or because the rudiments of faith which brought about the first conversion are insufficient for this, as certain moderns understand. - Others less well explain it of moral impossibility, in the same way as was said concerning sin against the Holy Spirit.

b) Likewise X, 26: "For if we sin voluntarily after having received the knowledge of the truth, there is now left no victim for sins, but a certain terrible expectation of judgment."

Resp. It is not said that apostates cannot be converted and repent, but that they, while they remain in apostasy, lack a victim for sins. For if they have departed ungrateful toward Christ immolated, there is not another victim to be immolated for them to redeem them anew. Namely, those who deny Christ have nothing by which they can be redeemed, as the Fathers understand: Athanasius, Ambrose, Chrysostom, Epiphanius.

3° The words of I John V, 16 concerning sin unto death: "He who knows his brother to sin a sin not unto death, let him ask, and life shall be given to him sinning not unto death. There is a sin unto death; for that I do not say that anyone should ask."

Resp. The sin unto death seems to be that of apostasy and infidelity by which the divinity of Christ is denied, from whom alone we have eternal life (v. 11-13); whence this sin is unto death. But it is not said to be irremissible; rather the apostle says that he does not ask that prayer be made for those who have committed it. Whence it is a sin which incurs public excommunication; but public prayers are not made for the excommunicated.

424. Catholic doctrine is proved from Tradition. - Penitential doctrine embraces three questions: a) whether in the primitive Church there was a power of remitting sins committed after Baptism, and whether it was held to have been instituted by God; - b) whether confession was necessary for the remission of sins, and whether it was public or private; - c) whether that power was exercised by way of absolution to be given by bishops or priests. The first question is concerning the existence of the sacrament of Penance, the second concerning sacramental confession, the third concerning the minister of Penance. In the present matter only the first comes to be considered.

Now there are not many monuments of the first and second centuries, and very few concerning Penance, both because there was great fervor in the primitive Church, and because they attended more to fundamental truths, and because they confessed more rarely, whether because they considered many mortal sins as venial, or because they deferred penance for a long time, since it was very rigorous and they were admitted to it only once. There is added that penance is rather a practical thing and to be done, than something to be believed and preached. Moreover, documents concerning Penance have also been lost, as, for example, the decree which seems to be attributed to Callistus, and which we know only from Tertullian, who attacks it.

And although testimonies are not yet found altogether explicit concerning the power of remitting sins specially given to bishops and priests for sins committed after Baptism, nor concerning the use of secret confession, nor concerning the obligation of confessing all mortal sins, and therefore perhaps these things cannot be directly proved with certainty by historical arguments to be of divine right, nevertheless indirectly they are certainly established from the doctrine of the Church of the following centuries, which is always infallible and unchanged in the same way. But from the beginning penance itself and the remission of sins are explicitly preached.

A. Writers from the beginning of the second century quite clearly establish that sins after Baptism can be blotted out through penance.

Thus Ignatius speaks of those who, led by penance, have returned to the unity of the Church (to the Philadelphians 3), and Irenaeus of heretics converted to the Church of God, who made exomologesis or penance (*Against Heresies* I, 13 and III, 3-4); Eusebius hands down other examples (H. E. V, 1 and 28), and Dionysius of Corinth says that all who have fallen, even heretics, if converted, are again to be received into communion (ibid. IV, 13); but Hermas, in the book *The Shepherd*, grants penance, necessary for remission, for all sins committed after Baptism, even for impurity, apostasy, and idolatry, yet only once, lest otherwise the faithful be led into sin. This last point after him Clement of Alexandria, Origen, Tertullian, Ambrose, and Augustine repeat. But Hermas describes penance in such a way that it is established that it is done under the direction of the Church.

B. In the third century, Tertullian, in the book *On Penance*, presents penance as an ordinary remedy, to be granted once to those fallen after Baptism, even for graver sins, as very laborious: for it consists of confession, exomologesis1 or the public fulfillment of satisfactions, and reconciliation or absolution; that this is granted by the bishop we know from the later treatise *On Modesty*. Yet in this work Tertullian, having now become a Montanist, holds the graver sins to be irremissible, especially three: adultery or fornication, homicide, and apostasy or idolatry. Thus he seems to attack the pontiff Callistus, who at Rome had determined that one was to be absolved from adultery.2

Likewise Origen reports the remission of sins, to be granted once after penance (hom. 15 on Leviticus), and confession to be instituted before priests (hom. 17 on Luke; hom. 2 on Leviticus); yet in a certain place he indicates three sins as irremissible (*On Prayer* 28).

Cyprian also, in several letters and in the book *On the Lapsed*, defends that remission is rather easily to be granted to merely libellatic apostates when penitent; but to those who had sacrificed, even if they had obtained a letter of peace from martyrs, only in dangerous illness, or after long penance and after the matter had been maturely weighed by the bishops. This manner of acting, while it displeased many, was approved by the priests of the Roman Church; afterward Novatian, contradicting and denying reconciliation to apostates, was condemned in the Council held at Rome, Cornelius presiding. All these things were confirmed in the Council of Carthage, celebrated in the same year (252).

In the East, Firmilian (ep. 75) and Dionysius of Alexandria (H. E. VI, 41-46) teach the same against the Novatians; and several other documents are had which affirm that the power of remitting sins without exception belongs to bishops, such as Can. ap. 52; Can. Hipp. 3; Const. Eccl. Aeg.; Didasc. ap., c. 5-10; and the canonical epistle of Gregory Thaumaturgus.

C. Finally, in the fourth century, against the Novatians they generally affirm that the power of remitting all sins was granted to bishops.

Thus Ambrose, in the book *On Penance*; Pacian, in the epistle to Sympronianus; Chrysostom, in the work *On the Priesthood* III, 5-6; Gregory Nazianzen, or. 39; Ephraem, *Against Heresies*, sermon 2; Aphraates (Patr. syr. I, p. 313-360); Hilary, on Matt. XVIII; Const. ap. VIII, 5.

This is confirmed, both from the institution, from the third or fourth century onward, of penitentiaries or priests to whom the office belonged of imposing penance upon sinners and imparting absolution in place of the bishop (H. E. V, 19; VII, 16); and from the unanimous testimony of the following centuries. From the fifth century the distinction already began to be instituted between public and private penance; the former was granted only once, but the latter several times, and thus gradually it became more frequent and succeeded public exomologesis: so a change was introduced in discipline, without doctrine having been changed.

From these things it is certainly established that in the Church the power of forgiving sins committed after Baptism was acknowledged. Writers of the third century and liturgical and canonical books of almost the same time testify to this, and indeed from various parts of the Church; such a universal persuasion concerning a matter of such moment would have been impossible unless it had already been admitted in the second century and brought into practice. Otherwise the Montanists and Novatians would have simply denied it, and the faithful themselves would have protested if a notable

change had been introduced in so practical a matter, or if the liturgical prayers themselves had been adulterated or changed. Of these things no trace is present.

Moreover 1) in the second century the intervention of the bishop is asserted, not indeed expressly, yet implicitly. Thus Clement of Rome admonishes the delinquent Corinthians "to be subject to the presbyters and to be formed unto penance" (to the Corinthians LVII, 1); but Ignatius says that nothing of any moment in spiritual matters is to be done without the authority of the bishop (Trall. 2; Phil. 7), as he also says concerning the very return to the unity of the Church (Philad. 3); and Hermas announces that penance is to be communicated to all the prelates of the Church (vis. II, 4).

2. The power was exercised in a judicial manner: namely, from the moment at which the intervention of the bishop is explicitly commemorated, it is described as judicial, as is established from the edict of Callistus, and from the testimonies of Tertullian, Cyprian, and other documents.

3. The power extends itself to all sins, since in the earliest times no restriction of it appears, and only in the third century, and only in some churches, were three sins held as irremissible: not indeed as if they could not be remitted, but in such wise that the Church herself did not will to remit them, and left the remission to God alone.

4. Public penance led to reconciliation not only with the Church but also with God, in such wise that it remitted the guilt itself. This is established from the words of Callistus: "I forgive offenses to those who have performed penance"; from the whole controversy with the Montanists and Novatians; from the comparison customarily made between Penance and Baptism (Tertullian, *Penance* 7 and 9; Didasc. ap. 10; Jerome, against Pelagius I, 33; Augustine, *On Adulterous Marriages* II, 16); from the formulas themselves of absolution, which absolve from punishment and guilt; and from the explicit doctrine of Cyprian, *On the Lapsed* 29, Ambrose and Pacian, l.c., Leo, ep. 112 (otherwise 108), c. 2.[8]

[8] Objections can be seen in Galtier, o.c., n. 152-155; where also the doctrine of Augustine is treated specifically, n. 156-161.

1. The word *exomologesis*, even sometimes in one and the same writer, is used in a threefold sense: 1° for confession itself preparatory to public penance; 2° for the whole and laborious exercise of penance, especially of expiation, as in the present case; 3° for the acknowledgment publicly made by the penitent that he is a sinner.

2. Others attributed that edict to Zephyrinus; more recently certain authors attribute it to Agrippinus, bishop of Carthage. - Tertullian nevertheless does not deny that in the Church there is the power of remitting sins, but he thought that remission was not to be granted to all; yet he said that the power was granted personally to Peter, and was not to be transmitted to bishops, but belonged to charismatics and spiritual men.

425. Uncertain and controverted points. - Although the power of remitting sins was undoubtedly acknowledged, nevertheless not all things are clear and indubitable as to penitential discipline, but several things are subjected to controversy.

1° Whether public penance was generally denied for the three greatest sins.

Thus it does not seem to have been done from the beginning; in the second century no indication of this matter appears, but the remission of sins is proposed without restriction. Only in the third century did such discipline exist in certain Churches, for example, in Africa, also at Rome, and, as it seems, in certain parts of the East, according to Origen as witness. But the rigorous discipline did not endure, nor does it appear to have existed in all Churches.

2° Whether reconciliation in the article of death was also denied to those sins.

This also seems to have been done in certain particular Churches, yet not everywhere. To assert this would contradict the Council of Trent, sess. 14, c. 7. Moreover, Serapion of Alexandria admitted such delinquents to communion at the last moment (H. E. VI, 44); which, besides, the Council of Nicaea I prescribed, can. 13.[9]

[9] Certain theologians who care little for historical disciplines think it impossible that sacramental absolution was for a longer time, or even sometimes in the article of death, denied: for this is opposed to divine right, since penance is a necessary means of salvation and the power of the keys was granted for the salvation of sinners, and therefore must be exercised obligatorily. - But against a fact an argument does not stand. Others respond that there is no conflict with divine right, because 1) Christ left to the Church the office of ordering the exercise of the power of remitting sins for the better good of the Church, and of establishing conditions for the validity of the sacrament, in a way similar to what holds for matrimony. 2) Moreover, the precept of confessing presses in danger of death; in the course of life its determination is left to the judgment of the Church. 3) Finally and chiefly, because the sacrament of Penance is not incapable of being supplied, since sin can be remitted by perfect contrition.

3° Whether the absolution which was given at the end of public penance was sacramental, or whether at the beginning of penance private absolution was given in the internal forum, but at the end public absolution in the external forum.

The absolution at the end certainly seems to have been sacramental, for from the words of the formula it was given for the relaxation of guilt and punishment. But whether at the beginning of penance absolution was also given in the internal forum is not historically established.

4° Whether in the earlier centuries, besides public penance, another private penance flourished.

Public penance, as is established from the documents, was in use not only for graver sins but also for middling or lighter ones, although not for minute sins, i.e., venial sins, which can be remitted without the intervention of the power of the keys; nor only for public offenses but also for hidden and secret ones. In this case secret confession sufficed, nor was public confession imposed, although it could be instituted; but public satisfactory penance existed, or at least after it absolution was given publicly. But whether this was always and everywhere done for hidden offenses; or whether, according to the discretion of the bishop or priest, for them, or even sometimes for public sins on account of special circumstances, only private penance was enjoined, cannot be clearly defined. Indications of private penance exist, but not apodictic signs.[10]

[10] Publicly to be fulfilled satisfaction or absolution publicly to be granted, at first sight, could seem incompatible with the law of the seal. But the law of the seal was not declared with the same rigor as is now customary. The faithful at that time did not urge it nor see its incompatibility with the publicity of penance, from this, that the publicity was done in the family and that we are all sinners, as Tertullian says. Penance at this time was a social matter, not an individual one. Whence in the case there was not unjust defamation; otherwise even in confession itself defamation could seem to be present, especially because they were not yet accustomed to confess venial sins.

But neither in the article of death is it absolutely repugnant, although it can seem unfitting, that the Church in a particular case deny absolution and leave the sinner to the judgment of God alone, even

while praying for his salvation. For it is not repugnant that the Church permit someone, as punishment for sins, to die excommunicated, and therefore without the sacraments.

426. Observation. - The sacrament of Penance, although it was instituted in the manner of a judicial act, nevertheless differs very much from this.

1° In end: the latter intends the restitution of order and the recompense of the offense to the equality of justice according to the judgment of the judge from vindicative justice; - the former intends the reconciliation of friendship with offended God and requires reintegration, not indeed to the equality of justice but only according to the judgment of the mercy of offended God.

2° Hence it also differs in judicial process: in forensic judgment the acts of the process in no way proceed from the guilty person himself, but one is accuser, another guilty party, another witness; here the denunciation of the cause must be made by the guilty person himself, and the action of the sinner against himself is required, so that the guilty person himself is plaintiff and at the same time accuser and witness.

3° Likewise in the disposition of the sinner: in forensic judgment it does not matter whether the guilty person comes into judgment voluntarily or involuntarily, but it suffices that he suffer the punishment brought by the judge, whether spontaneously or by coercion, whether he is content with the punishment or not. But here it is required that he spontaneously recompense and voluntarily submit himself to the sacred judgment of God, to which three acts concur: a) displeasure at the offense and the will of recompensing it, which is done through contrition not hidden in the heart but manifested by an external act; b) accusation by which he explains the cause and submits himself to the judgment of the priest in the place of offended God, which is done through confession; c) execution of the compensation imposed according to the judgment of the minister of God, which is done through satisfaction (q. 90, a. 2. Cf. Billuart, diss. 1, a. 2).

Article II: On the Existence of the Sacrament Itself

S. Th. III, q. 84, a. 1 and 7.

427. Catholic doctrine. - Against the Protestants, among whom many deny that Penance is a sacrament, or at least that it is distinct from Baptism, while generally all deny that it is necessary, the Council of Trent, sess. 14, teaches three things:

1° that Christ the Lord instituted the sacrament of Penance, and indeed chiefly after His resurrection by the words: Receive the Holy Spirit; whose sins you shall forgive, they are forgiven them... (c. 1);

2° that this sacrament differs from Baptism in many ways, which it then explains (c. 2);

3° that the sacrament of Penance is necessary for salvation to those fallen after Baptism, as Baptism itself is necessary to those not yet regenerated (ibid.).

428. Thesis. The rite by which the power of forgiving sins is exercised is a true sacrament of the New Law distinct from Baptism. - This is of faith from the Council of Trent, sess. 14, l.c., can. 1 and 2.

It is proved:

1° From the Scriptures, John XX, 23, where all the elements of a sacrament are indicated: a) a sensible sign, for the power of remitting sins is exercised by a judicial act, which act, since it is exercised toward men, must be carried out in a human and external manner, and therefore imports at least two things: namely, the sensible manifestation of sins and contrition, and the external sentence of the judge absolving the penitent; b) conferring grace, for without the infusion of grace sins cannot be blotted out; c) instituted by Christ, as was already proved, and indeed permanently, because this power was given to the Church on account of perpetual necessity; whence it was perpetually claimed and exercised by the Church, as we have already said (n. 424).

But it is a sacrament distinct from Baptism. For a) this latter is conferred by the washing of water, Penance under the form of a forensic judgment; - b) in Penance the minister is a judge, not so in Baptism, but any man, even a simple member of the faithful, indeed an unbeliever; - c) in Baptism the subject is a man not yet belonging to the Church, but the contrary holds in Penance; - d) the grace of Penance is remissive and therefore can be granted several times, but on the contrary the grace of Baptism, because it is regenerative, is granted only once.

Remission directly signifies release from the bond of guilt insofar as it is an offense of God; whence formally it is the forgiveness of an imputable offense. Washing signifies directly cleansing from a stain and is a cause taking away sin as it is a defilement of the soul; whence formally it is wiping away. Remission restores grace insofar as it converts to God and takes away aversion from the end; wiping away restores grace insofar as it is the beauty and due perfection of the soul.

2° From Tradition. From the beginning the Fathers distinguish Penance from Baptism, such as Ignatius, Hermas, Tertullian (n. 424); yet they compare it with Baptism and assert that by both sins are truly remitted and grace conferred, although in a different way. Thus, for example, Athanasius, on Matt. XVI, 19; Jerome, dialogue against Pelagius I, 23; Ambrose, *On Penance* I, 1-8; Augustine, *On Adulterous Marriages* II, 16; ep. 128; *On Baptism* V, 28; Pacian, ep. 1 to Sympronianus (ap. Jerome, *On Illustrious Men*, 106).

3° By reason of fittingness: Just as divine mercy instituted the sacramental remedy of Baptism against original sin, so it was fitting that it should provide another against actual sins committed after Baptism, by which men would be rendered equally certain concerning the remission of their guilt.

429. Corollary. - The differences between Baptism and Penance are enumerated in the Council of Trent, sess. 14, c. 2, and are reduced to the following:

1. The matter and form are diverse: in Baptism, washing by water under the express invocation of the Most Holy Trinity; in Penance, the acts of the penitent and the words of absolution.

2. Baptism is the enrollment of a stranger as a member of the Church; Penance is the judicial act of a minister of the Church upon a guilty subject.

3. Baptism cannot be repeated on account of the character impressed; Penance can be repeated as often as the subject of the Church has declared sins.

4. The effect of Baptism is washing from every sin, even original sin, from every guilt and punishment; the effect of Penance is absolution from actual sin, but not from every punishment, at least ordinarily.

5. Baptism, because it is cleansing through washing, does not require laborious works; Penance requires these because it is the remission of an offense through a judicial sentence.

6. Baptism is necessary for salvation to all; Penance only to the fallen.

430. Observation. - In the sacrament of Penance, as in the other sacraments, three things are distinguished, as St. Thomas notes, a. 1, ad 1:

1° *The sacrament only*, namely, the external sacred sign which signifies and is not signified, and this in Penance is the absolution of the minister together with the external acts of the penitent.

2° *The reality of the sacrament*, namely, the fruit which is signified and does not signify, and here it is the remission of sins and grace formally converting to God, which sometimes peace and serenity of conscience with vehement consolation of spirit are accustomed to follow, as the Council of Trent says, sess. 14, c. 3.

3° *The reality and sacrament*, the medium between both, which is signified by the external sign and at the same time signifies the internal fruit of the sacrament; it is effected by the external sign and at the same time is the cause demanding and conferring the infusion of grace. This is interior penance, which is signified by external acts and by the power of absolution becomes, even if it is imperfect, a sufficient title for obtaining *ex opere operato* grace remissive of sin.

This perhaps can be explained thus: Judgment or a judicial sentence produces right, which is affixed to that on which it is founded, for example, in forensic judgment, so that those things which were alleged in the process are a juridical title that the crime is no longer imputed or that someone is freed from prison; so that if the things alleged are false, by that very fact the right vanishes or the judicial sentence becomes invalid. But in the tribunal of penance, that which founds absolution is nothing other than penance, or interior contrition juridically known through the external acts of the penitent. Therefore the sentence of absolution makes this interior penance a juridical title for the remission of sin.[1]

[1] Cf. John of St. Thomas, *Cursus theol.*, on the Sacraments, disp. 33, a. 5; Ledesma, *Th. M. on the Sacraments*, on Penance, concl. 4; Billot, *On the Sacraments of the Church* II, th. 4. Somewhat otherwise Horvath, *Die Sundenvergebung im sakramentalen Geschehen*, in *Divus Thomas* Fr. 1939.

Question Two: On the Constitutive Elements of the Sacrament

431. Notions. - The constitutive elements of a sacrament are matter and form. Matter is distinguished as proximate, which, in transitory sacraments, is the sensible human action itself or the sacred ceremony; and remote, which is that about which the sacred action is concerned. But in the sacrament of Penance only the proximate matter is the matter from which the sacrament is constituted and which enters the very constituted essence (n. 13, 4); - for the remote matter is only the matter about which: it does not enter the composition of the sacrament itself, but is only a necessarily required condition about which the sacramental action is merely exercised, i.e., about which the proximate matter itself is placed and the form is pronounced.

Concerning these things we must speak in particular.

Article I: On Remote Matter

S. Th. III, q. 84, a. 2.

432. Remote matter is that about which penance itself is concerned; whence it is all and only sins committed after Baptism that are to be removed, and therefore by some it is called matter to be removed. A distinction is made by theologians between necessary and free matter, or between sins which, in order that they be remitted, must necessarily be subjected to the power of the keys and to the sacrament, and sins which are not necessarily to be subjected, yet are validly subjected.

433. Thesis I. Necessary remote matter is all mortal sins, committed after Baptism, not yet duly subjected to the power of the Church, as things to be detested and destroyed. - This is of faith from the Council of Trent, sess. 14, can. 7.

It is said:

1° *necessary matter*, not to be brought for the validity or constitution of the sacrament, but to be subjected to the sacrament for obtaining the remission of sin and justification;

2° *mortal sins committed after Baptism*, to exclude both original sin, concerning which there is not penance properly so called, and actual sins committed before Baptism, because they are blotted out through Baptism, and because the power of the keys extends itself only to those who are already subjected to the Church through Baptism; whence the Council of Trent, sess. 14, c. 1, declares that this sacrament was instituted for reconciling the faithful fallen after Baptism;

3° *not yet duly subjected*, but not: not yet remitted, because if they are subjected to the keys in a sacrilegious or null confession, they must again be subjected to the sacrament, even if they had already been remitted by perfect contrition or by indirect absolution;

4° *as things to be detested and destroyed*, because sins are not matter from which the sacrament of Penance is constituted, but about which it is concerned, just as disease is the matter of medicine. And thus they could be called proximate matter, insofar as penance immediately acts upon them; nevertheless, in opposition to the quasi-material parts by which the sacrament of Penance is integrated, they are remote matter.

It is proved: a) From the Council of Trent, sess. 14, c. 5, can. 7.

b) From the words of Christ, John XX, 23, from which it is clear that independently of the power of the Church no mortal sin can be remitted:

1° not a sin retained by her, otherwise it would be true that some sin had been retained by the Church and remitted by God, and thus the proposition of Christ would be false: *whose sins you shall retain, they are retained*;

2° nor a sin which has not yet been subjected to the keys of the Church: for then all sins could be remitted directly by God independently of the power of the Church, since it would suffice never to subject sins to her; and thus the power of remitting given by Christ to the Church would be vain.

Whence if mortal sin could be remitted without the authority of the Church, either the power of retaining granted by Christ would be false, or the power of remitting would be vain; neither can be; therefore all mortal sins committed after Baptism are necessary matter of the sacrament of Penance.

Nor is it an obstacle that they are remitted by perfect contrition before the actual reception of the sacrament, because they are not remitted except with the will of subjecting them to the sacrament of Penance, and therefore with intentional subjection to the power of the Church.

434. Thesis II. Free but sufficient remote matter is both a venial sin not yet subjected to the keys, and any actual sin whatever duly subjected and remitted. - This is certain.

It is said: *free matter*, because for remission and justification it is not to be subjected to the sacrament, although it can validly be subjected.

The first part is proved, concerning venial sin:

a) From the words of Christ, who gave the Church the power of remitting any remissible sin whatever; and venial sin is true sin and remissible; therefore.

b) From the Council of Trent, sess. 14, c. 5, can. 7: "if anyone shall say that it is not lawful to confess venial sins... let him be anathema"; but it would not be lawful if it were not sufficient matter: for then there would be no sacrament.

The second part is proved, concerning sin already remitted:

a) From the testimony of Benedict XI declaring this practice salutary (Const. *Inter cunctas*, 1304, in extrav. com., l. 5, t. 7, c. 1).

b) From the universal practice of the Church and of all upright persons, who not only in general confession, but quite often at other times, subject already forgiven sins to absolution (Council of Trent, sess. 14, c. 5).

c) By reason: Sin, from the fact that it was once committed and truly offended God and made for Him a right to aversion from the sinner and to chastisement by punishment, always remains an object about which God's power of forgiving or renouncing His right can be concerned; this forgiveness on the part of God is made through the infusion of new grace destructive of sin of itself.

To remit sin is to bind oneself (through renunciation of right) not to use the right acquired through offense, in order to aversion from the sinner, and moreover to chastising by punishment. But such renunciation can be made repeatedly, because by repeated renunciation there is signified a repeated will not to use the right which was once possessed, whether it is still actually possessed, or whether it has already been renounced: in the same way as religious who have once emitted profession quite often repeat it, and tribunals again judge the same cause, and sinners themselves again grieve and seek pardon for a sin already remitted, and offended men are often accustomed to remit the same offense to themselves. Therefore God too can quite often remit sin already forgiven.

Namely, in each single instance in which absolution is given, a new motive or new title is placed impeding God from making use of that right which He had, a new title and cause for liberation from sin and for the reintegration of divine friendship. But since in the New Law repeated remission or renunciation is made sacramentally, i.e., through the infusion of grace *ex opere operato*, in each single instance grace is infused, of itself destructive of sin, and which of itself takes away sin if it actually exists, and which per accidens does not take it away if it does not actually exist.[1]

[1] St. Thomas, Suppl., q. 18, a. 2, ad 4. - "There is added from St. Thomas, l.c.," says Haine (*Th. M.* III, on Penance, q. 13), "that great goods come from the confession of such sins; for by repeated contrition and confession the soul is removed

farther from them; by repeated absolution a fuller remission of punishment is obtained and the penitent is more strengthened against relapse."

435. It is objected: The power of remitting mortal and venial sins is handed down by Christ in the same way. Whence either mortal sins can be remitted independently of the power of the Church, or also venial sins are necessary matter of the sacrament.

Resp. I deny the consequence. The power is handed down in the same way, but it does not extend itself to mortal and venial sin in the same way, but in a diverse way according to the diversity of the matter. Sins in the full sense are mortal, because they totally turn away from God, whom they fully offend, and therefore the remission of them could per se be denied by God forever; venial sins offend God in a qualified way, because they do not take away friendship with God nor the right to beatitude, and therefore per se they are at some time to be taken away and remitted by God. Whence the power of retaining mortal sin is such that, when remission has been denied by the Church, it is denied perpetually and by God Himself; the power toward venial sin is not such, because this is incapable of perpetual retention. But God gave to the Church the power of remitting and retaining sins to be exercised reasonably, just as He Himself would exercise it, and therefore mortal sin can be retained perpetually; venial sin can be retained perpetually neither by God nor by the Church. Therefore the power granted is altogether universal, but according to the nature of the matter: God gave the power of remitting whatever is remissible and of retaining whatever is capable of retention. But venial sin, although it is remissible, is not capable of perpetual retention.[2]

[2] Billuart illustrates this thus, on Penance, diss. 5, art. 2: "The disparity is that from the fact that someone can remove a greater impediment, it is rightly inferred that he can remove a lesser one of the same order; and one who has authority to forgive greater injuries, a fortiori can forgive lesser ones also. But it does not follow that from the fact that someone can place an impediment for a grave matter, he can do so for a lesser one; that one who has from a superior the power of retaining or not remitting grave injuries can retain light ones: for a greater authority is required for retaining light injuries than grave ones. Let there be an example in human affairs: legates sent by a king to reconcile or condemn his enemies inquire into grave causes from which they became enemies; they remit them or retain them according to the disposition of the guilty; but light injuries which did not cause enmity they can indeed remit, since they can remit graver ones; but they cannot retain them, because they were not specially sent for retaining these light things, which were not the cause of enmity, and can be remitted in other ways independently of them."

436. Corollaries. - 1) Indeliberate acts of man are not matter of the sacrament of Penance; - nor per se are deliberate imperfections or transgressions of counsel (as if you did not respond to a divine inspiration or did not do the good which you could have done), unless per accidens insofar as they include venial sin, which is their cause or effect, as easily happens if they proceed from a not-right intention or from a certain levity. Whence penitents are not precisely to be impeded from declaring such imperfections, but rather are to be exhorted that they also say from what motive they placed these acts.

2. The valid but sinful reception of Baptism is matter of Penance: for although that sin of sacrilege is committed in time simultaneously with the reception of Baptism, nevertheless it is posterior in nature, since it is the profanation of Baptism, and does not impede its value but only some effect, namely grace. After the impression of the character, namely, it persevered at least for one instant, and thus was an obstacle to receiving grace, and therefore must be accused as committed after Baptism, or at least continued by a Christian man. For the character is infused prior in nature to grace, so that, when a man through sacrilege places an

obstacle to baptismal grace, he is already a Christian, and for this reason already subject to the sacrament of Penance as regards that sacrilege.

Article II: On Proximate Matter

S. Th. III, q. 84, a. 1 and 4.

437. State of the question. - Concerning proximate matter there have been various errors and opinions:

1. Luther taught that the terrors of conscience struck in from sin recognized and from the threats of the Gospel, together with certain confidence of remission obtained, are the proximate matter.

But a) the Council of Trent condemned this, sess. 14, c. 3, can. 4; b) these terrors are not acts of penance, indeed not even a necessary disposition to penance; but confidence itself supposes remission already made.

2. Calvin assigns two parts of penance for its matter, namely, the mortification of passions and vices, and the pursuit of living well.

But these things follow penance; and they also exist if they are not sins. Whence they do not constitute penance.

3. Several scholastics thought that proximate matter is in the imposition of the hand, made by the priest as a sign of jurisdiction while he absolves the penitent. This is attributed, among others, to William of Paris and to Thomas Waldensis.

But a) that rite was not held as essential, but as a mere ceremony, as is gathered from the fact that it was repeated several times in the course of penance over public penitents,[1] and from the fact that sins were at least sometimes remitted by the Church without it; whence the Council of Trent is also silent concerning it; b) nor is it suitable as matter of this sacrament, as St. Thomas shows, q. 84, a. 4: "The imposition of hands in the sacraments of the Church is done to designate some abundant effect of grace, by which those upon whom hands are imposed are, in a certain way, through a certain likeness, continued to the ministers in whom an abundance of grace ought to be. And therefore the imposition of hands is done in the sacrament of Confirmation, in which the fullness of the Holy Spirit is conferred; and in the sacrament of Order, in which a certain excellence of power in divine mysteries is conferred... But the sacrament of Penance is not ordered to obtaining some excellence of grace, but to the removal of sins, and therefore for this sacrament the imposition of hands is not required, just as neither for Baptism, in which nevertheless a fuller remission of sins is made."

[1] A threefold imposition is commemorated: the first was used when public penance was imposed; the second was repeated over penitents whenever they were dismissed from the church after the catechumens, but this was rather a rite of blessing; the third was done in reconciliation.

4. It is disputed between St. Thomas and Scotus whether the acts of the penitent, namely contrition, confession, and satisfaction, are true proximate matter from which, and therefore an intrinsically constitutive part of, the sacrament.

a) Scotus teaches[2] that judgment is the pronouncement of sentence alone, and therefore that the whole essence of the sacrament is in absolution; but that the acts of the penitent are something extrinsic to the sacrament and are called matter, but improperly, or quasi-matter, because they are an extrinsic condition and disposition. Whence in this sacrament there is only form; - or if someone should prefer to distinguish matter and form, he will be able to say with Maldonatus: that absolution, as it is an external ceremony, is matter; as it has the power of signifying, it is form; or with other Scotists: that the words, insofar as they signify remission, are matter; insofar as they effect it, are form.[3] Moreover the older Scotists, and, as it seems, Scotus himself,[4] understood that the acts of the penitent are not mere dispositions, but extrinsic conditions without which, once previously manifested, the minister cannot sufficiently know the cause and pronounce sentence, and therefore that they are absolutely necessary for the validity of the sacrament. Thus, for example, Frassen, Montefortino, Herinx, Major, Occam, Gabriel Biel, Almain, Maldonatus. But the more modern Scotists, and also Ballerini, Berardi, etc., consider the acts as only dispositions for the worthy reception of the sacrament, and therefore that it is not always absolutely necessary that they be externally manifested; - but that opinion, as altogether more recent, has no foundation in the tradition of the Church.

[2] He says that the acts of the penitent "are required for the sacrament of penance, so that it may be worthily received" (in IV, d. 16, q. 1, n. 7), but this is to be understood of requisites for validity.

[3] Yet this explanation is not to the point, because it does not regard the physical composition of the sacramental sign distinctive of Penance, but the logical or metaphysical composition which is common to all sacraments.

[4] In IV Sent., d. 14, q. 4, n. 3, and d. 16, q. 1, n. 7.

b) On the contrary, St. Thomas says that judgment consists in the whole judicial process; and therefore that the acts of the penitent pertain to the essence of the sacrament as an intrinsically constitutive part; whence they are true proximate matter from which the sacrament is constituted together with absolution as form. And thus not only all Thomists, but also St. Bonaventure, Alexander of Hales, Richard, Suarez, Vasquez, Bellarmine, Lugo, the Salmanticenses, Billot, indeed also certain Scotists such as Brancatus and Mastrius.

c) Durandus entered upon a middle way, whom Marsilius followed, saying: that confession alone is the matter of the sacrament, but not contrition, which is not sensible, because of itself it is internal, nor satisfaction, which follows upon the sacrament: namely, contrition is a disposition to the sacrament of Penance, and satisfaction is a fruit. - But this opinion is antiquated, and deservedly. For contrition is sensible through confession, and confession is not unless it is sorrowful; but satisfaction is not only a fruit but also the complement of the sacrament. Whence concerning the three acts of the penitent one and the same thing must be said.

For, d. 14, q. 4, a. 4, from the fact that absolution is "a certain sentence absolving the guilty," he deduces the corollary that the doctrine concerning the sacrament of penance "is subordinated to the doctrine concerning judgments and also to the doctrine concerning sentences"... "and for this reason the sacrament of penance can be called a judicial sacrament and a sacramental judgment," insofar namely as it terminates the process.

Whence in Rep. par. in IV, d. 16, q. 1, n. 12: "For sacramental absolution... presupposes and requires (those acts)... so that the penitent may be capable of the sacramental sign of absolution."

438. Thesis. The three acts of the penitent: contrition, confession, and satisfaction, are the proximate matter of the sacrament of Penance. - Thus more commonly, and more conformably to the traditional sense.

It is proved:

A. From the manner of speaking of the Councils. Florence, in the decree to the Armenians, after declaring the necessity of matter and form in every sacrament, says: "The fourth sacrament is Penance, whose quasi-matter is the acts of the penitent, which are distinguished into three parts." But Trent, after it had said, sess. 14, c. 2, that this sacrament "differs from Baptism... in matter and form, by which the essence of the sacrament is perfected," says c. 3: "The form of the sacrament of Penance, in which chiefly (not uniquely) its power is situated, has been placed in those words of the minister: I absolve thee, etc... But the quasi-matter of this sacrament is the acts of the penitent himself, namely contrition, confession, and satisfaction. Since these, in the penitent, are required for the integrity of the sacrament and for the full and perfect remission of sins from the institution of God, for this reason they are called parts of Penance."

These things being posited, we say that the thesis stated is the obvious sense of the Councils and of the whole Church, if their terms are taken properly.

1. For if the acts of the penitent were only extrinsic conditions or dispositions, they would not be parts required for the integrity of the sacrament; otherwise the Council of Trent would speak altogether improperly.

2. The Councils distinctly commemorate the matter and form of the other sacraments, and assign no other matter of Penance except the three acts of the penitent; therefore those acts are truly the proximate matter of this sacrament; - unless it is said that its matter was passed over, which in a matter of such moment does not seem able to be admitted.

They object: a) The Council said quasi-matter, not matter. - Resp.: The acts of the penitent are so called because they are placed in the place of external and corporeal matter; as the Catechism of the Council of Trent itself already explains (on Penance, n. 17): "Nor indeed are these acts called quasi-matter by the holy Synod because they do not have the reason of true matter, but because they are not matter of that kind which is applied from without (namely, a corporeal element), such as water in Baptism and chrism in Confirmation." Moreover, the Councils, by speaking thus, do nothing except transcribe the words of St. Thomas himself, saying in opusc. 5, on the articles of faith and sacraments of the Church: "The fourth sacrament is Penance, whose quasi-matter is the acts of the penitent."1

b) The Council of Trent said that the acts of the penitent are integral parts, not essential parts; therefore they do not pertain to the intrinsic constitution of the essence of the sacrament. - Resp.: Integral parts pertain to the complete intrinsic constitution of a corporeal being, and can even be essential to it, as the heart and brain in man.

B. From the Roman Ritual, on Penance, c. 1, n. 1: "Since three things concur for constituting it, matter, form, and minister: its remote matter indeed is sins, but its proximate matter is the acts of the penitent, namely contrition, confession, and satisfaction; but the form is those words of absolution: I absolve thee, etc."

Therefore the essence of the sacrament is constituted both by the acts of the penitent and by the absolution of the minister. But a disposition or condition cannot be called matter, nor is it that from which the essence of the sacrament is constituted; but this is verified only of true parts or a true cause. Therefore.

C. By reason: The sacrament of Penance is instituted in the manner of a forensic judgment. But of forensic judgment there is a twofold constitutive part: a determining element, namely the sentence pronounced by the judge which completes and terminates the judicial process, and a determinable element, namely, accusation, testimony, etc., in one word the instruction of the cause which begins the judgment. Therefore in the sacrament of Penance there is a twofold constitutive part, of which one is: the accusation, testimony, amendment, etc., of the penitent; the other: the sentence of absolution. The minor is proved: The words alone of the sentence, for example, of absolution, considered separately, are not a judicial act, but a mere prayer or some utterance, and they do not constitute a judicial act unless they inform and terminate a process. Therefore the very signification of the sentence of absolution as a judicial act, and therefore as a sacramental sign, depends upon the acts of the penitent, which consequently concur toward the intrinsic constitution of the sacramental sign itself in itself. Otherwise, namely, absolution would not be sacramental.

It is confirmed: a) Just as the form of Baptism without washing would not sacramentally (or symbolically) signify the purification of the soul, so the words of absolution without a judicial process do not signify judicially, nor therefore sacramentally, the remission of sin.[5] Thus, for example, the words of Christ in Matt. IX, 2: *Thy sins are forgiven thee*, are not sacramental absolution.

[5] Cf. III, q. 84, a. 1, ad 1.

b) Interior penance by the power of absolution is elevated to the dignity of a sacramental sign and becomes the title and cause of the remission of sin, as the reality and sacrament (q. 84, a. 1, ad 3). But it is elevated to that dignity, not only as signified by absolution, but also as juridically known and externally signified through the external acts of the penitent (n. 430). Therefore not absolution alone, but also the external acts of the penitent, are connaturally elevated to the dignity of an external sacrament, and intrinsically constitute it. In the same way as in Order and Matrimony: by the very fact that sacred power and the conjugal bond were elevated to the dignity of a sacred sign, the external signs also by which the power is handed on or the bond is constituted were connaturally elevated to this, that they should be the external sacrament.

c) If absolution alone were the whole sacrament, it would not be (as all the other sacraments are) a symbolic or ceremonial sign signifying by likeness of a sensible thing; but merely conventional, like all human speech.

d) The sacrament is called the sacrament of confession or of penance, which supposes confession or penance to be a constitutive part; otherwise the sacrament would be denominated from an extrinsic element.2

e) Satisfaction is part of the sacrament, as the Council of Trent teaches, sess. 14, c. 2 and 3, can. 4, and it operates unto the perfect remission of punishment; whence it seems to pertain to the practical sign itself; and a fortiori this must be said of the other more necessary acts.

1. Let it not be said with De San: from the fact that the signification of the form, namely of absolution, cannot be conceived without the matter or acts of the penitent, it is proved only that the matter is a necessary condition, but from this it does not strictly follow that it is a constitutive part of the sacramental sign. - Resp.: It is not only a condition without which the signification of the form is not conceived, but there is something more: the very signification of the form in itself depends upon the matter and is completed by the matter. For, just as in Baptism water is necessary, not indeed for the signification of the words of the form according to themselves, but nevertheless for their sacramental signification, or for the signification of the form as form; so in penance the acts of the penitent are not necessary for the signification of the words of absolution according to themselves, but for the judicial signification of the form as form, or of absolution as informing the judicial process. Whence the very signification of the form (as form) in itself depends upon matter; and therefore matter concurs toward signification; and thus it is not only a condition, but a constitutive part of the sacramental sign.

2. It could be called the sacrament of the imposition of hands; but this ceremony indicates the very exercise of the power of the keys, which is an essential and constitutive element, not so the acts of the penitent in the opinion of Scotus.

439. The Scotists object: 1° Judgment is essentially only the sentence of the judge.

Resp.: Thus judgment is arbitrarily limited, for in the common sense, judgment is also understood as the whole judicial process, not only the sentence which terminates it and which is held as the essential complement of judgment.

2° The priest alone is the minister of the sacrament, because he alone has the power of the keys; therefore the act of the priest absolving alone, not the acts of the penitent, perfect the sacrament, otherwise the penitent too would be a minister.

Resp.: The priest must exercise the power by forensic judgment, which is not made without instruction of the cause; whence absolution does not have value except as it is exercised in a judicial process. Namely, it is one thing to ask concerning the subject of the power of the keys, and another concerning the rite or mode by which the power of the keys must be exercised. From the fact that Christ gave the power of the keys to priests alone, it does not follow that it is to be exercised by the act of the priest alone without another act or external sign. - Nor nevertheless is the penitent a minister, but he who applies and joins the form to the matter, and effects the composite: the penitent ministers the matter, but he does not minister the sacrament.

3° Absolution alone, not the acts of the penitent, signifies and confers grace remissive of sin; therefore.

Resp.: a) External penance of itself is only the sign which signifies interior penance; the latter from the power of absolution is elevated to the dignity of a sacrament and becomes the title and cause of grace remissive of sin; therefore from absolution external penance now signifies that interior penance is the title and cause of grace.

b) Moreover absolution of itself without the acts of the penitent does not have its signification and power, but absolution as terminating the judicial process. Therefore the acts of the penitent together

with the act of the minister are one practical sign, and thus not only a sign, but also the instrumental efficient cause of grace remissive of sin.

4° According to the Council of Trent, sess. 14, c. 4, contrition is a disposition for receiving the sacrament with fruit; therefore it is not part of the sacrament.

Resp.: Before it is assumed by the priest as matter to be joined to the form, it is only the disposition of the penitent; but as joined with the form, it is no longer a mere disposition.

5° The practice of the Church is to grant absolution to the dying who give even no external sign of contrition or confession; therefore these acts are not a necessary and constitutive part of the sensible sign, but only a disposition.

Resp.: a) From the practice nothing is proved, because absolution is given under condition; whence it is very uncertain whether it has value. And therefore at most from that practice it is drawn that a certain slight probability is attributed to the opinion of Scotus, but not that it is demonstratively certain. b) Even in the opinion of St. Thomas the practice is understood, because the dying man, before he was destitute of his senses, could have manifested contrition by words or signs; or he also actually exhibits signs to the priest present, although they are not noticed by those standing around. And because this is presumed with some probability, therefore he is absolved only under condition. c) In the opinion of Scotus the same difficulty must be solved, because he holds the external manifestation of sin and contrition as a condition necessary for the value of sacramental judgment.

440. Conclusion. - In practice, the opinion of the recent Scotists does not seem probable. At least it is solidly proved that the acts of the penitent are conditions; that they are intrinsic parts of the sacrament also seems true.

Article III: On the Form

S. Th. III, q. 84, a. 3; Opusc. 22.

441. Thesis I. The fitting and legitimate form is: I absolve thee..., or words formally equivalent, for example: I remit to thee, I pardon..., let Peter be absolved from sins. - Thus the decree of the Council of Florence for the Armenians; and the Council of Trent, sess. 14, c. 3.

It is proved from St. Thomas, III, q. 84, a. 3:

"Since the sacraments of the New Law effect what they signify..., it is necessary that the form of the sacrament signify that which is done in the sacrament, proportionally to the matter of the sacrament. Whence the form of Baptism is: I baptize thee, and the form of Confirmation: I sign thee with the sign of the cross and confirm thee with the chrism of salvation, because sacraments of this kind are perfected in the use of the matter; but in the sacrament of the Eucharist, which consists in the very consecration of the matter, the truth of the consecration is expressed when it is said: This is my body. But this sacrament, namely of Penance, does not consist in the consecration of some matter, nor in the use of some sanctified matter, but rather in the removal of a certain matter, namely of sin, insofar as sins are said to be the matter of Penance... But such removal is signified by the priest when it is said: I absolve thee; for sins are certain bonds... Whence it is plain that this is the most fitting form of this sacrament: I absolve thee." "Therefore it must be said that that form is taken from the very words of Christ by which He said to Peter (Matt. XVI, 19): Whatsoever thou shalt loose upon earth" (ibid.,

ad 1). "Yet because the priest absolves as minister, something which pertains to the first authority of God is fittingly added, namely, that it be said: I absolve thee in the name of the Father and of the Son and of the Holy Spirit" (ad 3).

Briefly: the form must express the exercise of the power of the keys, or of the power of remitting sins, granted to the ministers of the Church, to be exercised in the name of God, of which the sacrament of Penance is the use and effect; which is furnished by the form: I absolve thee from thy sins in the name of the Father, etc.

442. Thesis II. The form must express the exercise of the power of the keys, or the power of remitting sins by the minister himself, the priest. Whence 1° a merely deprecative form does not suffice; but, 2° if apparently, materially, and as to the mode of speaking it at some time was or is deprecative, at least according to the sense it must be formally indicative.

The first is proved: a) The form must indicate the exercise of the power of the keys, or of loosing sins. But to ask is not to loose. Therefore a merely deprecative form does not suffice, but the form must be indicative at least as to the sense.

b) The pronouncing of the form is a judicial act (Council of Trent, sess. 14, c. 6 and can. 9). But a judicial sentence is not a prayer: for to judge is the act of one having power; to pray is the act of one supplicating. Therefore the same act is not judgment and prayer under the same respect.

The second is proved: A form deprecative according to grammatical construction must, according to the sense, be partially equivalent to an indicative or enunciative form. For sacramental absolution is a judicial sentence. But it would not be a judicial sentence unless there were signified in some way a) judicial power in the one pronouncing, b) the use of this power, and c) the actual effect, namely, the right granted in order to the remission of sins. Therefore.

443. Conclusions. - Hence 1° the expressly and formally indicative form is fitting, which enunciates the actual use of judicial power in order to the remission of sins granted in the present. For, as St. Thomas says, a. 3:

"This form is taken from the very words of Christ, by which He said to Peter (Matt. XVI, 19): Whatsoever thou shalt loose upon earth. And the Church uses such a form in sacramental absolution" (ad 1). But "in certain absolutions which are publicly made in the Church, as in Prime and Compline, and on the Lord's Supper, the absolving one does not use an indicative prayer, so as to say: I absolve thee, but a deprecative prayer, when he says: May almighty God have mercy on you, or: May almighty God grant you absolution and remission" (Obj. 1). "But absolutions of this kind, made in public, are not sacramental, but are certain prayers ordered to the remission of venial sins. Whence in sacramental absolution it does not suffice to say: May almighty God have mercy on thee, or: May almighty God grant thee absolution and remission, because through these words the priest does not signify that absolution is done, but asks that it be done" (ad 1).

2° Nevertheless, per se the deprecative form can be valid, if by reason of the circumstances it sufficiently shows that the minister absolves and remits sins, or if the Church has annexed this sense to it.

This is clear a) from history: for at the beginning and through the ten first centuries, in each Church all forms which are known to have been used were deprecative, for example: God, pardon him,

absolve or release him, etc.[1]

[1] This is clear from the Sacramentaries (for example, the Gelasian) and Penitentials; and from the concordant testimony of the Fathers, for example, Ambrose, *On the Holy Spirit*, III, 18; Jerome, on Ps. 28; *Against Lucifer*, n. 5; Augustine, *On Baptism against the Donatists*, V, 20; serm. 99; Leo the Great, ep. 108 to Theodorus, etc.; who always allude to the deprecative mode of the formula, never to the indicative. - But from the eleventh century, in the Latin Church the transition begins from deprecative formulas to indicative ones, and both are used together in such a way that an indicative formula is added to the deprecative. Yet the use of the deprecative formula endured, so that at the beginning of the thirteenth century it was still in force, which we know from the testimony of William of Auxerre, William of Paris, and Hugh the Cardinal, and from the very little work of St. Thomas *On the Form of Absolution*, who, while defending the indicative form, nevertheless could not simply deny this (c. 2 and 5). But a little later, the indicative form was commonly received; yet in such a way that the accompanying prayers are a vestige of the ancient discipline. - In the Eastern Church, however, after the thirteenth century the deprecative form remained, and today remains among the non-united Greeks, indeed among the united who live outside Europe, and in the Coptic Church of Alexandria. But many, even among the Schismatics, have borrowed the indicative form from the Latin Church, such as the Jacobites, Armenians, Copts, Russians, Rumanians; likewise the united Greeks who live in the parts of Europe, and the Maronites; but the schismatic Ruthenians use a form which is at once deprecative and indicative.

b) by reason: A deprecative formula, with the intention of absolving, and by reason of the adjuncts, namely: the cause having been known, by him who has the power of remitting, and is held by all as a judge who truly remits, though not by his own authority but by that of God, sufficiently shows (whether implicitly, or also by explicit words, for example: "through my ministry," or by mention of the power of the keys granted) that the priest is the minister of God and absolves only by His authority; nor does it prevent the priest from being a judge and truly absolving ministerially, especially if the Church thus prescribes or tolerates and the usage is common. Then the sense will be: "Mayest thou be absolved, or thou shalt be absolved, through me, through my ministry." Thus also the formula: May almighty God bless you, uttered not by a layman but by a priest, from whom a blessing is sought according to the accustomed rite of the Church, signifies: I bless you by the authority of God; likewise absolution from censures is often given in a deprecative mode, and nevertheless it is a judicial act. And the words: The servant of Christ is baptized, are equivalent to the form of Baptism: I baptize thee.

Nor is it an obstacle that the Church cannot change the matter and form of the sacraments instituted by Christ, because not all forms of the sacraments were always wholly determined by Christ according to material uniformity, but only according to signification; whence, if the Church has the right of defining the final determination of the form, nothing prevents a deprecative form, with the manifested intention of bearing a judicial sentence, from being valid. But those who would think otherwise would have to see how they could reconcile their theory with the facts. Therefore the indicative form is more expressive and more fitting to the judicial power which belongs to the ministers of the Church, because it is certain that they do not only ask that remission be made, but as instruments of God work it potestatively; but a deprecative form can also be legitimated, because the minister remits not in his own name but in the name and authority of God; whence he says as if imperatively: May God absolve thee, i.e., in the name of God I pronounce that God ought to absolve thee.

3° Nevertheless, practically in the Latin Church the indicative form alone can be used. For since in the Western Church the use of the indicative formula has now been prescribed for many centuries, with reason one can doubt concerning the value of the deprecative formula in the Latin Church.

For the Church can prescribe one form as valid, and can declare another not to be legitimate, and therefore no longer to have an indicative sense; she can establish the conditions of exercising the judicial act and the one authentic form: for she can refuse to grant jurisdiction except for the indicative form. But whether this was the intention of the Church is not certain, but doubtful. Whence, because this at least is uncertain, one must abstain from the deprecative form as doubtful.[2]

[2] There are also imperative forms, but those are reduced to deprecative forms if they are directed to God, for example, may God absolve thee, may He indulge; they mean: God, pardon him, indulge him; others are reduced to indicative or enunciative forms, if they are directed to the penitent, for example, be absolved by me, be absolved by God, i.e., God absolves thee through my ministry.

444. The form signifies the use and effect of the power of the keys, i.e., the remission of sin itself, or of guilt, made by the minister, so that the sense is: I truly remit guilt to thee. - This is indicated by the definition of the Council of Trent, sess. 14, can. 9; whence "the reality and effect of the sacrament, insofar as its force and efficacy are concerned, is reconciliation with God" (Council of Trent, sess. 14, c. 3).

Hence A. the sense of the form is not:

1° I show or declare thee absolved, namely in the face of the Church.

Thus against the Protestants, who said that sin is remitted by faith alone, not by the force of the sacrament, and that absolution "is not a judicial act, but a bare ministry of pronouncing and declaring that sins are remitted to the one confessing, provided only that he believe himself to be absolved," which was expressly condemned by Trent (can. 9). And against Peter Lombard and other ancients who asserted the same, but in a very diverse sense, for they admitted the assisting power of God operating by itself alone interiorly what is signified by exterior absolution, without attributing true instrumental causality to the minister or to his sentence as to the remission of sin, but only as to remission in the face of the Church; which nevertheless does not cohere sufficiently with the doctrine of the Council of Trent.

And indeed a) the sacraments effect what they signify; but the form of Penance signifies the remission of sin; therefore it effects it. Therefore, just as the form of Baptism: I baptize thee, does not signify: I show thee washed, but washes; so the form of Penance does not only show the man absolved, but absolves (III, q. 84, a. 3, ad 5);

b) for otherwise the power of the keys would be weakened: it would have been given to the Apostles in vain if they could do nothing except show, since every learned and prudent man could do that by discussion of conscience.

2° Nor is the sense: I absolve thee from punishment, as Richard of St. Victor and certain scholastics, and Baius, interpreted it.

For a) it is against the obvious sense of the form and John XX, 23: from sins; b) according to the Council of Trent, sess. 6, c. 15, eternal punishment is remitted together with guilt; therefore if the form does not remit guilt, neither does it remit eternal punishment; c) according to the same Council, sess. 14, c. 1, the priest has power for reconciling the faithful fallen after Baptism; but reconciliation is made through the remission of guilt and not of punishment alone (cf. condemned propositions 57 and 58 of Baius). And d) then "the will of receiving the effect of the keys for the

remission of guilt would not be required, just as the intention of receiving other sacraments which are not ordered to the remission of guilt but against punishment is not required" (Suppl., q. 18, a. 1).

3° Nor is the sense: I absolve thee from the obligation of again subjecting sins to the keys, as St. Bonaventure has it, IV Sent., dist. 18, p. 1, a. 2, q. 1.

For a) it is against the obvious sense of the form and John XX, 23: to loose from sins; b) absolution from venial sins, or from sins already remitted, would then now have no signification and would not have value.

4° Nor is the sense: I give thee grace remissive of sin of itself, as Suarez says, on Penance, disp. 19, sect. 2, n. 13-20.

For the words directly signify the remission of sin and only indirectly grace, because in the present order a grave offense is not remitted without the infusion of grace. The words, namely, of themselves, that is, from human institution, do not directly signify the conferral of grace, although they produce it from the institution of Christ according to sacramental signification. Therefore the sense rather is: I remit sins to thee through the infusion of grace. - Nor is it an obstacle to this that then remission precedes the infusion of grace. For remission, as cession of the divine right to aversion, precedes the infusion of grace, and the removal or expulsion of sin follows upon this.

B. But the sense of the form is: I judicially bestow upon thee the sacrament (or sacred practical sign, or title and cause) of absolution (i.e., of remission), as St. Thomas has it, q. 84, a. 3, ad 5, and in the little work *On the Form of Absolution*, c. 3; namely, I judicially bring it about that it is owed to thee to be freed from sin. Whence the sense of absolution is verified, even if someone is already in the state of grace, or if because of a defect of the subject grace is not conferred.

445. For the validity of the form there are required the essential words: I absolve thee, and probably also: from sins.

1° Certainly there are required: I absolve thee, because they sufficiently declare the effect of the sacrament, the judicial mode by which it is effected, and the subject receiving.

2° Probably also: from sins, because the words: I absolve thee, are not sufficiently determined and can be understood of absolution from censures or from punishments, although nevertheless probably from the previous confession itself of sins the matter is sufficiently indicated; but in practice they must be added, because in the ministration of the sacraments that which is safer must be done: but if they should have been omitted, the form would have to be repeated under condition.

3° On the contrary, essential are not: I, in the Latin language, and thy, because they are sufficiently included in: I absolve thee; yet they pertain to the integrity of the form.

4° In no way are the words required: in the name of the Father, and of the Son, and of the Holy Spirit, which are neither prescribed by Christ nor found in the ancient formulas.

Hence a) the voluntary omission or substantial corruption of an essential word, or of a word which probably is such, is always a mortal sin, because it invalidates the sacrament or exposes it to danger of nullity, and the penitent to deprivation of sacramental grace;

b) absolution under an equivalent form, although gravely illicit, is valid, for example, if it were said: I remit or pardon thee; I absolve you or your excellency; or let such a one be absolved from sins, etc.,

because the same sense remains and there is only an accidental change;

c) the omission alone of the words: in the name of the Father... is considered a light transgression of the ritual law.

446. The mode in which the form must be uttered, required for validity, is a) that it be uttered by mouth, b) directed to one present, c) independently of a suspensive condition in the future.

A. Uttered by mouth in words properly so called. Concerning this perhaps someone could doubt, because this sacrament was instituted by way of judgment; therefore what is rigorously required for giving sentence in other judgments could suffice also in this judgment. But in others, writing, a nod, and generally any sign by which the sentence can be manifested, suffices. Therefore also in this sacrament words properly so called could fail to be required; which is confirmed by the example of matrimony, in which a nod can suffice. Nevertheless words properly so called uttered by mouth are required for validity. It is proved:

a) From the words of Eugene IV (in the Council of Florence, decree for the Armenians), teaching that the sacraments are perfected by three things, of which one is words as the form, and that when these are lacking the sacrament does not exist. And although afterward he said of matrimony that it is regularly perfected by words, thus indicating that it can sometimes be done without words, nevertheless this exception is not added except for matrimony and thus confirms the rule; indeed the form of Penance is said to be the words of absolution which the priest utters, when he says, which can properly be understood only of words.

b) Likewise from the Council of Trent saying, sess. 14, c. 3: "the form of the sacrament of Penance... has been placed in those words of the minister: I absolve thee, etc."

c) The reason is taken from the institution of Christ, which the Tradition and perpetual custom of the Church has manifested in fact and doctrine.

But the difference from matrimony is: a) that Christ the Lord did not institute something new as a sacrament, but elevated matrimony itself to the dignity of a sacrament; b) in matrimony words are required for this, that consent become known to the other party; but in other sacraments words are not required for this; c) matrimony is by its nature for all, even the mute, and therefore words are not required for validity; as to Penance, by its nature it is not unsuitable that the mute cannot absolve.

Hence in practice: 1. the opposite opinion, which formerly belonged to many, has no foundation;

2. whence attention is not to be paid to this, which Sporer says, that in a case of extreme necessity a mute priest, every other priest being lacking, can give absolution by a nod or by writing;

3. nevertheless it is not necessary that the words be heard, but it suffices that they be audible of themselves; indeed prudence rather demands that they be uttered not in a loud voice, but in a low voice, lest bystanders be able to notice that someone is dismissed without absolution.

B. Directed to one present. The words: I absolve thee, suppose the penitent to be morally present. But moral presence is that within which men, speaking in a higher voice, can and are accustomed to

speak to and be heard by one another; which St. Alphonsus with many others thinks can certainly be extended to about 20 paces, especially where the penitent has not yet gone out of the sight of the confessor; but if the distance is greater, or if confessor and penitent are in diverse rooms entirely separated, the absolution will be doubtful, and therefore from it, outside a case of extreme necessity, one must abstain, because in such a doubt that which is safer must be done. Hence in practice:

1. If the penitent leaves the confessional before absolution has been given, he can safely be absolved if it is certainly known that he is within a few paces; which can be extended to about 20, if he is still seen by the confessor; otherwise he should kindly be recalled to the confessional. But if he is already far away and cannot be found, the matter should be committed to God; afterward, however, if he returns to confession, he should be warned that he should grieve over all his sins, even past ones, and be absolved.

2. A dying man can be absolved even from the doorway of the room.

3. In battle a multitude of soldiers can be absolved, although some are far distant, because they form one moral thing and by this reason all are sufficiently present.

4. In a case of necessity there can be absolved (under condition) all those who are perceived by some sense, even confusedly, for example, falling from a roof, slipping into a river or sea, lying in a fire, even if they are only seen from afar, provided that it is in some way probable that they are morally present, because in some sensible way they are before the confessor.

C. Independent of every suspensive condition in the future. For the sacraments at once operate the effect which they can, nor is it in the power of the minister to suspend it into the future. For at the time at which the sacrament is conferred, the effect is not produced, since the execution of the condition is uncertain, and the intention of the priest, which is required for the validity of the sacrament, remains suspended; but at the time at which the condition is verified, the sacrament no longer exists, nor therefore is it able to produce the effect. Hence:

1. Absolution under a condition concerning an uncertain future is invalid, for example, I absolve thee if within a month thou shalt have made restitution.

2. On the contrary, under a condition concerning the present or past it is valid, if the condition is verified, for example, I absolve thee if thou livest, if thou art capable, if thou hast made restitution, if I did not absolve thee, etc. For this does not suspend the effect, since, the condition being verified, the absolution is in reality absolute, and consequently has value in the same way as this and at once produces its effect.

3. The condition if thou art disposed, as being concerning the present, does not hinder validity, although some have denied this; nevertheless it is not opportunely used in practice. Concerning this it will be said later, n. 617.

447. Corollaries. - From this practical corollaries can be deduced:

1° That absolution given to an absent person, whether through letters or through an intermediary, even when he confesses in this way, is illicit and invalid,1 both because it is not done by vocal words,

and because it is not done to one present.

Besides, the nature of the sacrament of Penance seems to require that, from the mode in which it is administered, per se at least the priest can be made certain concerning the actual state of the penitent; for which there is required a present confession and absolution of one present; nor does an intermediary bear the place of the penitent as to disposition. On account of this Clement VIII, on June 20, 1602, in the Congregation of the Holy Office, at least as false, rash, and scandalous, condemned this proposition: "that it is lawful through letters or an intermediary to confess sins sacramentally to an absent confessor and from the same absent one to obtain absolution," and commanded that it should never in any case be reduced to practice. From this it follows that the absolution is not only illicit but also invalid, for otherwise sometimes, at least in extreme necessity, it could licitly be reduced to practice.

2° That absolution given to an absent person is also invalid, even if confession was made to a priest present, on account of the same motives.

3° Likewise that absolution given to one present is invalid, but by force of confession made in absence and here and now in no way renewed, not even in general. For then present matter is lacking, namely confession, and therefore the absolution would not be sacramental, as not informing the matter, nor is the priest more certified concerning the actual state of the penitent.

It is also reported that Clement VIII pronounced that he had condemned and prohibited the proposition adduced not only copulatively but divisively, concerning absolution and confession separately; and most certainly Paul V, in the Congregation of the Holy Office on July 14, 1605, declared the decree to have value in the divided sense, so that he ordered the contrary interpretation to be expunged from the writings of Suarez.

4° Whence, as an axiom, they are accustomed to say: absolution is invalid, whether a) an absent person confesses and an absent person is absolved, or b) a present person confesses and an absent person is absolved, or c) an absent person confesses and a present person is absolved.

5° Nevertheless the practice of absolving dying persons destitute of the senses, who manifested a desire of confession, concerning which testimony is had through bystanders, is not disapproved, as Clement VIII declared.

For then there is present confession of a present person made to one present through bystanders, as through interpreters. For as Billuart says, on Penance, diss. 7, art. 3, § II, "the penitent is present, the bystanders present, the confessor present, and through the testimony of the bystanders the confession itself present." Namely, the penitent is present, and his confession is morally continued and expressed by the mouth of the bystanders, so that the priest can be morally certain concerning the actual state of the penitent, since it is in no way likely that he, while the danger of death stands, has changed his good disposition.

6° Finally, absolution by telephone, or through a long phonetic canal, is invalid, or at least very doubtful.

For according to the natural and ordinary mode of conversing, the penitent and confessor are not present to each other, and by the common estimation of men, the conversation is judged to take place between absent persons: simple communication is not yet presence. Indeed neither is the very voice

of the one speaking heard on the telephone, but it is only perfectly reproduced; but an artificial transfer of the voice does not suffice that the absolution which reaches the penitent be truly vocal. Whence, at most, in a case of extreme necessity, and only under condition, could the penitent be thus absolved, in default of a more certain mode.

But if the Sacred Penitentiary, on July 1, 1884, to a question proposed about this, wrote back that nothing was to be answered, it seems to have wished to signify: that the question did not pertain to itself, but to the Holy Office.

1. Formerly several admitted this, as Peter Paludanus, Adrianus, Sylvester, whose opinion according to P. Soto can be held. John of St. Thomas moreover adduces for it I. Medina, *On Confession*, 9; and Navarrus, *Summa*, c. 21, n. 30. Against it stand Cajetan and Ledesma and generally the more recent authors; and St. Thomas is adduced, III, q. 84, a. 3, ad 3; a. 4, ad 3; and IV Sent., d. 1, q. 1, a. 3, ad 3; d. 14, q. 1, a. 1, qc. 1, ad 2; d. 17, q. 3, a. 4, qc. 3, ad 3; St. Bonaventure and St. Albert the Great in IV Sent.; Alexander of Hales, III, q. 60, m. 1, a. 1; Richard in IV, d. 17, a. 2, q. 5; Ferrariensis, *Contra Gentiles*, IV, c. 72.

Question Three: On the Institution, Necessity, and Iteration of the Sacrament of Penance

S. Th. III, q. 84, a. 5-10.

448. Thesis I. Christ instituted the sacrament of Penance after the resurrection, and indeed fittingly. - The first part is of faith, from the Council of Trent, sess. 14, c. 1.

It is proved: Christ principally instituted the sacrament of Penance when He conferred the judicial power of absolving and retaining: for the sacrament of Penance was instituted by way of judgment. But Christ did this after the resurrection, as is clear from John XX, 21-23. Therefore.

It is said: principally, because previously the power had been promised implicitly (Matt. XVI and XVIII), although not granted explicitly.

The other part, the fittingness, is proved thus by St. Thomas, a. 7:

"In this sacrament the act of the penitent is related as matter; but that which is on the part of the priest, who works as minister of Christ, is related as the formal and completive element of the sacrament.

"Now a) matter, even in the other sacraments, preexists from nature, as water, or from art, as bread; but that such matter be assumed for a sacrament needs institution determining this. But b) the form of the sacrament and c) its power are wholly from the institution of Christ, from whose Passion the power of the sacraments proceeds.

"Thus therefore 1) the matter of this sacrament preexists from nature: for by natural reason man is moved to repent of the evils which he has done; but that man do penance in this or that way is from divine institution. Whence also the Lord at the beginning of His preaching enjoined men not only to repent, but also to do penance, signifying the determinate modes of acts which are required for the sacrament.

"2) But that which is formal and pertains to the office of ministers, He determined when He said to Peter (Matt. XVI, 19): To thee I will give the keys of the kingdom of heaven...

"3) But the efficacy of this sacrament and the origin of its power He manifested after the resurrection (Luke XXIV, 47), where He said that penance and remission of sins ought to be preached in His name unto all nations, after mention had first been made of His Passion and resurrection. For from the power of the name of Jesus Christ suffering and rising again this sacrament has efficacy unto the remission of sins.

"And thus it is plain that this sacrament was fittingly instituted in this New Law."

449. Thesis II. The sacrament of Penance is not absolutely necessary unto salvation for all, because without it the baptized can be saved, whether children or adults, who have not sinned; **but for some, on the supposition of sin, namely for sinners fallen after Baptism, it is necessary, and indeed in reality, or at least in desire, at least implicit.** - It is of faith from the Council of Trent, sess. 6, can. 29, and sess. 14, c. 2, can. 1, against the Protestants, who all deny this necessity, even if they admit the sacrament or acknowledge its usefulness.

It is said: a) in reality or in desire, because perfect contrition outside the sacrament, since it is the final disposition to grace, always brings justification before the sacrament is received in reality, yet not without the desire of the sacrament included in it, as the Council of Trent says, sess. 14, c. 4. And therefore, although the sin has been remitted, there remains the obligation of receiving absolution;

b) in desire at least implicit, insofar as it is in some way included in every perfect contrition, even if someone does not think about the reception of the sacrament, whether from inadvertence, or from forgetfulness, or from invincible ignorance: for he who loves God above all things and sincerely grieves over sin implicitly wills to use the means instituted by God as necessary for obtaining remission. But the sacrament of Penance is a necessary means. Therefore the will of receiving it is in some way included in perfect contrition.

It is proved: It is necessary for the salvation of the sinner that sin be removed from him. But this is impossible without the means instituted by Christ in which the power of His Passion operates unto the remission of sin; but Christ applies the power of the Passion through the sacraments, and among the sacraments no other is found for the remission of sins committed after Baptism except Penance. Therefore the sacrament of Penance is necessary for the salvation of the sinner.

It is confirmed: To the ministers of the Church there has been given the power of the keys as regards the kingdom of heaven, i.e., not only of opening the kingdom but also of closing it, not only of loosing sins but also of binding them, not only of remitting but also of retaining sins. But this power would be vain if remission of sin could be obtained otherwise. Therefore (Council of Trent, sess. 14, c. 5).

Hence in tradition Penance is accustomed to be called the second plank after shipwreck1 (Council of Trent, can. 2).

450. Thesis III. The sacrament of Penance is repeatable many times. It is of faith from the universal preaching of the Church, against those who in the first times of the Church affirmed that penance could be done only once after Baptism, at least for graver sins; likewise against the

Montanists and Novatians, who denied all pardon to those who had relapsed after Baptism into graver crimes. It is also clear from Lateran IV, and from Trent, sess. 14, c. 2, can. 1.

It is proved: 1° From the words of Christ: a) directly from the words of institution (John XX, 23), by which Christ gave priests the power of remitting sins without any restriction or limitation, and therefore as often as rightly disposed sinners should approach them;

b) indirectly from the precept of mercifully pardoning (Matt. XVIII, 21); from which St. Thomas argues thus, a. 10:

"Man is induced to mercy by the example of divine mercy, according to that saying of Luke VI, 36: Be ye merciful, as also your Father is merciful. But the Lord imposes this mercy upon His disciples, that they should often remit to their brethren sinning against them; whence, as is said, Matt. XVIII, 21, when Peter asked: How often shall my brother sin against me, and I forgive him? until seven times?, Jesus answered: I say not to thee until seven times, but until seventy times seven (i.e., always). Therefore God also often gives pardon through penance to sinners, especially since He teaches us to ask, Matt. VI, 12: Forgive us our debts, as we also forgive."

2° From the practice of the Church, which now for many centuries has been constant and universal, of absolving even those relapsed into the same sins as often as they truly come as penitents.

3° By reason: Some denied that penance can be repeated, because they "thought that the sin which someone commits after pardon has been obtained is so grave that it is not possible for it to be remitted; in which indeed they erred, both on the part of sin, which even after remission has been obtained can be either graver or lighter than the first sin remitted had been; and much more against the infinity of divine mercy, which surpasses every number and magnitude of sins, according to Ps. L, 1... And therefore the mercy of God gives pardon without any limit to those sinning after penance. Whence it is manifest that penance is repeatable many times" (a. 10).

451. Corollaries. - 1. There is a manifold reason why Penance, while Baptism cannot be repeated, can nevertheless itself be repeated. For a) Penance does not imprint, as Baptism does, an indelible character; b) Baptism is principally against original sin, which is not repeatable; Penance against actual sin, which is repeated; c) Baptism has its whole efficacy from the Passion of Christ without our act, and therefore, just as the Passion is one, so also is Baptism; Penance also requires our act and therefore admits repetition; d) Baptism is regeneration, Penance a certain healing; but someone is generated once, while he can be healed many times, as long as he will be in this life.

2. Interior penance, by which someone grieves over the sin committed, ought to endure until the end of life: for it ought always to displease a man that he has sinned, which displeasure causes sorrow in him who is receptive of sorrow, such as man is in this life; - but exterior penance, by which someone shows exterior signs of sorrow and verbally confesses his sins to the priest absolving and satisfies according to his judgment, ought not always to endure, but until a determinate time according to the measure of the sin (a. 8).

3. Nevertheless penance ought not to be continuous according to act, which is impossible, because it is necessary that the act of any virtue be interrupted at least by sleep and by other things which pertain to the necessity of the body; - but according to habit, insofar as man

never does anything contrary to penance, and has the purpose that past sins should always displease him (a. 9).

Second Part: On the Effects of Penance

452. The proper effect of Penance is reparative healing from actual sin committed after Baptism.

Whence a) negatively it remits and takes away 1) every mortal sin with eternal punishment, 2) venial sins, 3) the temporal punishment due, at least partially; - b) positively: 4) it restores grace making one pleasing, with virtues and the merit of good works, and in the sacrament it gives special help against the wounds of sin, so as not to relapse.

Hence there are four questions, in which at the same time the virtue of Penance and the sacrament must be considered.

1. Thus Jerome, ep. 130 (otherwise 8), n. 6; Tertullian, *On Penance*, IV; Pacian, ep. I, n. 5; Ambrose, *On Fallen Virgins*, 8. Cf. Augustine, serm. 392.

Question One: On the Remission of Mortal Sins

S. Th. III, q. 86 and 88.

453. Thesis I. Penance in this life blots out all mortal sins. - It is of faith from the Symbol of Leo IX, from Lateran IV, and from Trent, sess. 14, c. 2, can. 1.

It is clear from the universality of the promise of God in the Old Testament: "All his iniquities which he has wrought, I will remember no more" (Ezek. XVIII, 22), and of Christ in the New Testament, saying without restriction: "Whose sins you shall forgive, they are forgiven them" (John XX, 23).

Indeed, if some sin could not be blotted out through Penance in this life, this would be either because someone could not repent of sin, or because Penance does not have the power of blotting out sins. Not the first, because this would take away freedom of will, whose property is to be flexible in this life toward good and evil,1 and would derogate from the power of grace, by which the heart of any man can be efficaciously moved to repentance, and inclined whithersoever God wills (Prov. XXI, 1). - Not the second, because a) this is repugnant to the infinite divine mercy, which is afflicted over malice (Joel II, 13): for God would in some way be overcome by man, if man willed sin to be blotted out which God did not will to blot out; b) likewise it would derogate from the power of the Passion of Christ through which Penance operates: for Christ satisfied for the sins of the whole world (I John II, 2). Therefore.

454. Thesis II. Penance does not blot out sins without an intrinsic change of the sinner's will, through the grace of God, i.e., without an act of penance at least implicit, or a will at least implicit of retracting and repairing sin, formed by the grace of God. - The first is of faith from the Council of Trent, sess. 6, can. 9 and 11; sess. 14, c. 4, can. 4; and is proved more fully in the treatise on grace. The other is at least certain and is clear from what we have said about the necessity of penance, n. 412.

It is clear both on the part of the sinner and on the part of God forgiving.

a) On the part of the offending sinner, who remains guilty of sin until he has retracted it: for he is turned away from God as last end and turned toward the creature, voluntarily deprived of the grace and friendship of God, injurious toward God and worthy of His hatred. But without an intrinsic change of his will he is not understood to be turned toward God and not turned toward the creature, or to have retracted the abdication of friendship and grace, and thus no longer to be injurious to God and worthy of His hatred. Therefore (I, n. 517).

b) On the part of God offended and forgiving: for it is repugnant to His eternal justice, truth, and sanctity, to hold as just and good one who is intrinsically unjust and whose will is bound to sin, to hold as a friend and worthy of His love one who is an enemy and worthy of hatred, to turn Himself toward one who voluntarily remains turned away from Him. Therefore God, by the very fact that He remits sin, renders the sinner good and worthy of love, from an impious man makes him just, and thus changes his will, which cannot be without a retraction of sin.

Accordingly this is the difference between the forgiveness and favor of man, and the forgiveness and grace of God, that the first can be merely extrinsic, while the other is necessarily intrinsic: "namely, it can happen that a man remits the offense by which he has been offended by someone, without any change of that person's will; but it cannot happen that God remits an offense to someone without a change of his will" (a. 2).

455. Thesis III. Penance blots out all mortal sins at once, because one cannot be remitted without another. - It is certain. It is proved:

1° Mortal sin is remitted insofar as the offense of God is taken away through grace: "namely, offense is directly opposed to grace: for from this someone is said to be offended by another, that he repels him from his favor" (a. 2). But every mortal sin is contrary to divine grace and excludes it. Therefore it is impossible that one sin be remitted without another.

2° Mortal sin cannot be remitted without an act of sincere penance, as is clear from the preceding number. But there cannot be true penance unless it is concerning all mortal sins: for penance detests sins under the reason common to all, insofar as they are against God (a. 3). Therefore.

3° Mortal sins are connected among themselves according to aversion from God: for each one dissolves friendship with God (I, n. 445). But he to whom sin is forgiven is received into the friendship of God. Therefore one cannot be taken away without another.

456. Observations. - 1. Sins are blotted out in such a way that they do not return through a following sin, in the manner in which good works revive through the recovery of grace. For although improperly and in a qualified sense they can be said to return, insofar as through a new sin man is deprived of grace and becomes guilty of eternal punishment as he was before, and insofar as the new sin is graver because of greater ingratitude, nevertheless they do not properly and simply return, because the sinner does not contract deprivation of grace from the same cause or from the same sinful act (Rom. XI, 29; Ezek. XVIII, 30; Ps. L, 11-12; Is. I, 18; Mic. VII, 19). And therefore he is not hated by God and to be damned on account of sins formerly committed, even forgiven ones.

2. Our penance can be considered in two ways: as an act of virtue and as a part of the sacrament, and in each way it is a cause of the remission of sin, but in diverse ways: *ex opere operantis* or *ex opere operato*.

a) Insofar as it is an act of virtue, it effects the retraction and compensation of sin, and thus is an efficient cause of remission as to the removal of the offense which is an impediment to remissive grace, but is only a dispositive or material cause as to the infusion of grace.

b) Insofar as it is a part of the sacrament, it is an instrumental efficient cause, which operates instrumentally toward the very infusion of grace and toward the very forgiveness of sin and punishment; "and thus it is plain that the remission of guilt is the effect of penance insofar as it is a virtue, more principally insofar as it is a sacrament" (q. 86, a. 6).

3. The sacrament of Penance produces the remission of sin *ex opere operato*, not from the merit or disposition of the man operating, for example, from faith or contrition, but from the power of the work or of the thing worked, namely, the sign itself which is placed in the name of Christ has the power of conferring grace and blotting out sin. Our disposition is a mere condition; the efficient cause producing grace is the sacramental sign itself as the instrument of God, namely, absolution, which communicates sacramental power to the very acts of the penitent and together with them works the effects.

Wherefore against the Protestants, who contended that sins are remitted through faith and that the absolution of the priest is nothing except a bare ministry of pronouncing and declaring that sins have been remitted through faith, the Council of Trent defined: "If anyone shall say that sacramental absolution of the priest is not a judicial act but a bare ministry of pronouncing and declaring that sins are remitted to the one confessing, provided only that he believe himself to be absolved... let him be anathema" (can. 9).

Something similar was taught in antiquity by certain Scholastics with Peter Lombard: that by the absolution of the priest sins are not properly forgiven, but are shown to have been remitted or retained, and men to be bound or loosed; yet in an altogether diverse sense. For they did not say that sins are forgiven by faith alone or confidence, which faith they excited by preaching the remission of sins, but at the same time through contrition and the ministry of priests. According to the Protestants, contrition and absolution are not a condition without which not; but either a means, though not necessary, of obtaining justification *ex opere operantis* insofar as they excited faith, or a sign and bare declaration of faith possessed and remission obtained. The Scholastics hold these as conditions without which not, so that the divine power is exteriorly assisting in the sacrament, and concomitantly effecting that what the priest looses on earth God looses in heaven. Whence the operation of the minister shows the present operation of God through which guilt is remitted in the conferral of the sacrament, but it is not a bare declaration without effect.

Yet this is not sufficient, because in that way God would operate only with the priest, not truly through the priest.

1. "In the works of God there is not anything in vain, just as neither in the works of nature: for nature has this also from God. But something would be moved in vain unless it could arrive at the end of the motion. Therefore it is necessary that that which is born to be moved toward some end be able to come to that end. But man, after he has fallen into sin, as long as the state of this life endures, there remains in him an aptitude to be moved toward good, of which the signs are desire for good and sorrow over evil, which still remain in man after sin. Therefore it

is possible for man after sin again to return to good, which grace works in man... Hence it is that Isaiah I, 18 and Prov. X, 12 say this. This also we ask daily of the Lord not in vain, saying: Forgive us our debts. But through this is excluded the error of the Novatians, who said that a man cannot obtain pardon for the sins by which he sins after Baptism." St. Thomas, *C. G.* III, 156.

Question Two: On the Remission of Venial Sins

S. Th. III, q. 87; Q. D. *De Malo* 7, a. 2 and 12.

457. Thesis I. Venial sins are blotted out by the fervor of charity, or by an actual exercise which virtually and implicitly includes displeasure for these sins.

It is proved: Each thing is taken away by its opposite. But venial sin is not contrary to habitual grace or charity, but only retards its act, lest it be borne toward God, insofar as it too greatly adheres to created good: for thus, in the act in which it is committed, it impedes the exercise of charity. Therefore it is taken away by some motion of grace or charity, or by an act by which inordinate adherence to temporal things is removed.

In other words: Venial sin does not take away habitual grace and habitual ordination to God the last end, but only the actual tendency toward God: for it is an act which is merely not referred to God. Therefore it is taken away and remitted by an act which tends toward God and which retracts the preceding act, or includes the retraction of sin.

Hence: 1) It cannot be remitted without some motion of penance, at least virtual and implicit, retracting and repairing it: for, as we said, n. 412, man remains guilty of sin until he has retracted it.

For when the voluntary act ceases by which man withdraws or has separated himself in some way from conjunction with God, he does not at once return to God and is joined to Him, "but there is required a motion of the will contrary to the first motion, just as if someone is distant from another by some motion, when the motion ceases he does not at once become near to him, but he must draw near by returning through a contrary motion" (I-II, q. 86, a. 2).

But, through mortal sin the mind is wholly turned away from God, as acting against charity; through venial sin, however, the affection of man is retarded lest it be promptly borne toward God... And therefore, just as mortal sin cannot be remitted as long as the will adheres to sin (or does not retract it), so also neither can venial sin, because while the cause remains, namely adherence to sin, the effect remains (q. 87, a. 1), namely, the guilt of fault by which man is in some way separated from God.

2. Nevertheless a) a formal motion of penance is not required, as for each mortal sin, for the remitting of which the sacrament of Penance itself is per se necessary, and which per accidens can be remitted by the act of charity alone, yet not without the desire of formal penance; - b) nor does habitual displeasure alone suffice, which is had through the habit alone of charity or of the virtue of penance, because in that way charity would not be compatible with venial sin, which is plainly false; - but c) per se virtual displeasure and implicit retraction suffice, by which "someone is borne according to affection toward God and divine things in such a way that whatever should occur to him which would retard him from this motion would displease

him, and he would grieve that he had committed it, even if he were not actually thinking of it" (a. 1).

3. But a motion made from habitual grace, or formed by charity, is required (a. 3; a. 2, ad 1; a. 4, ad 2). For the remission of sin cannot be done except through a satisfactory work pleasing and acceptable to God as supernatural end; but no work is pleasing and acceptable to God as supernatural end unless it be done from habitual grace by a person pleasing and acceptable to God. Therefore.

In other words: The remission of sin is a work of gratuitous favor and divine acceptance; but a work of gratuitous favor and divine acceptance supposes the friendship of God; therefore.

4. Indeed every good motion made from habitual grace, by which venial sin displeases, even if it is not done from the motive of charity, seems sufficient for remitting that venial sin which it retracts, - nor is perfect contrition or a determinate grade or intensity required.

For venial sin is remitted through an act done from grace and formed by charity which sufficiently retracts it. But every contrition or displeasure, even imperfect and minimal, provided it is true and sincere, sufficiently retracts venial sin, and if it is made by a just man in the state of grace, it is from habitual grace and formed by charity. Therefore it suffices for the remission of any venial sin whatsoever. It is confirmed: Charity commands all supernatural virtues, and therefore the acts of all virtues are formed by it, even if they do not proceed immediately from its motive.

458. Thesis II. Venial sin can be remitted without a new infusion of habitual grace.

It is proved: Each thing is taken away by its opposite. But venial sin is not contrary to habitual grace or charity. Therefore for taking it away there is not required a new infusion of habitual grace or charity. And therefore it can be remitted, even outside the sacrament, from the work of the one operating alone, even by imperfect contrition.

459. Thesis III. Venial sin is remitted by the fervor of charity alone, which includes displeasure for it. - Although many other causes are customarily enumerated (Council of Trent, sess. 14, c. 5), they can be reduced to this one, because they are nothing except means for procuring the fervor of charity, and they do not remit immediately, but through the mediation of an act of virtual penance. St. Thomas shows this almost thus, Q. D. *De Malo* 7, a. 12:

"Through the fervor of charity venial sins are remitted; and therefore whatever things are apt to excite the fervor of charity can cause the remission of venial sins.

"But the act of charity pertains to the will, which is inclined to something in three ways: a) sometimes from reason alone demonstrating something; b) sometimes from reason together with some interior instinct which is from a higher cause, namely God (by a special motion of actual grace); c) sometimes, however, with this also from the inclination of an inhering habit.

"Therefore 1) there are certain things which cause the remission of venial sin insofar as they incline the will to a fervent act of charity according to the three things just mentioned, and thus through the sacraments of the New Law venial sins are remitted, because reason considers them as salutary medicines, and the divine power in them more secretly works salvation, and also through them the

gift of habitual grace is conferred." These remit *ex opere operato*: certainly those which are directly instituted for the remission of sin do so, namely Baptism, Penance, Extreme Unction, and also the Eucharist, which is a remedy against daily faults; moreover, according to St. Thomas the same must be said of the other sacraments, because the grace which is infused is apt to excite free will to the fervor of charity and the detestation of sin, unless, however, there is an impediment on the part of the subject.

2. "There are certain things which cause the remission of venial sin according to two of the aforesaid things: for they do not cause grace, but they excite reason to consider something which excites the fervor of charity, and it is also piously (i.e., rightly) believed (on account of the prayer of the Church) that the divine power operates interiorly by exciting the fervor of love," as happens in sacramentals, for example, the sprinkling of blessed water, general confession and the absolution of the priest before Communion, prayer in a dedicated church, anointing of the body, etc.: these remit *ex opere operantis Ecclesiae*.

3. "But there are certain things which cause the remission of venial sin only by exciting the fervor of charity by way of consideration, as the Lord's prayer, striking of the breast, and all good works, not indeed always, but when they include virtual contrition for sin." These remit from the work of the penitent operating alone.

"Nevertheless all these things cause the remission of venial sins insofar as they incline the soul to a motion of penance, which is the detestation of sins, either implicit or explicit" q. 87, a. 3, ad 1.

460. Corollaries. - 1. Venial sins are often not taken away immediately by the sacrament of Penance, because for the most part they have already been remitted by the act of contrition preceding absolution; but then they are again forgiven by absolution in the same way as mortal sins already previously forgiven (n. 434). Sometimes, however, it happens that they are not blotted out before absolution: 1) if they are joined with mortal sins, because then they are remitted together with them; 2) if contrition is sufficient for the remission of some, but not of all venial sins: then the grace conferred by the sacrament can excite to sufficient contrition concerning the others not remitted (n. 459). - But even if they were never blotted out by the sacrament itself, it would not be unfitting, for according to St. Thomas, q. 65, a. 1, ad 8: "no sacrament of the New Law was instituted directly against venial sins." And yet in this case venial sins would not be superfluously subjected to the sacrament, not only because by instituting confession the faithful may more easily have contrition for sins, but also because the sacrament contributes both to fuller remission as to punishment, and to more certain remission, because among venial sins there could be mortal sins, and to special healing grace and of itself preserving grace from the sins confessed.

Hence attrition of a determinate intensity or grade is not required for obtaining the remission of venial sin outside the sacrament of Penance, as many more recent authors hold with Lugo, who say that attrition does not suffice for blotting out any and all venial sins outside the sacrament of Penance, but for fewer or more according as it is from a better motive, with greater intensity or duration, or with more good works. For a) every even minimal contrition for venial sin, if it is sincere, is a retraction of it, as was said (n. 457); b) venial sin is not opposed to a determinate intensity or grade of charity, because it takes away nothing nor diminishes anything of the habit of charity, to which it is not opposed; c) just as minimal perfect contrition suffices for the remission of

all mortal sins, so minimal imperfect contrition made from grace suffices for the remission of all venial sins.

Nor is the common sense of the faithful, who confess sins in order to obtain the remission of venial sins, an obstacle to this doctrine: for they do this, as for mortal sins remitted, for a more certain and fuller remission and against relapse; or rather they believe that the sacrament has efficacy for the remission of venial sins without precisely thinking what sort that is.

2. Nevertheless, not every affection toward God or divine things is virtual penance with respect to every venial sin, but only with respect to that which would displease if it should occur, and thus not any venial sin whatsoever is taken away through any affection whatsoever toward God, but only that one of which the said affection is virtual displeasure. Whence remission will be full if no affection at all is retained for the venial sin.

3. Hence one venial sin can be remitted without another, because someone can have virtual penance concerning one sin and not concerning others; whence remission is impeded as to those to which he adheres. A fortiori mortal sins can be remitted without venial sins being remitted.

4. An act of charity so remarkable that it would detest any venial sin whatsoever obtains the remission of all, but not of all punishments, as must now be said.

Question Three: On the Remission of Punishments

S. Th. III, q. 86, a. 4 and 5; q. 87, a. 3, ad 3; Suppl., q. 18, a. 2.

461. Thesis I. Penance, through perfect contrition alone, or through imperfect contrition in the sacrament, together with guilt remits the eternal punishment due to mortal sin on the part of aversion. - It is of faith from the Council of Trent, sess. 6, c. 14 and can. 30.

It is proved: Penance does not remit mortal sin except through the infusion of habitual grace making one pleasing. But habitual grace renders us participants of the divine nature, friends of God and His adoptive sons, and by right heirs of life and eternal beatitude. Therefore penance, together with the guilt of mortal sin, remits eternal punishment.

462. Thesis II. Penance together with mortal or venial guilt remits, at least partially, the temporal punishment due to sin on account of inordinate conversion to the creature and the honor thereby withdrawn from God.

This it does in two ways: a) by contrition and confession, which, on account of shame, already include a certain reparation of the divine honor wounded by sin;

b) by satisfaction, especially that which is imposed by the priest, and, as Trent says, sess. 14, c. 3, concurs toward the full and perfect remission of sins.

These things can do this *ex opere operantis* when they are done in the very justification or in the state of grace; but by the power of absolution they become a title and cause of the remission of punishment *ex opere operato*.

463. Thesis III. Penance, even in the sacrament, together with guilt even merely venial, does not always remit all punishment, but ordinarily there remains temporal punishment to be undergone, in order that the honor withdrawn from God be fully restored. - It is of faith from the Council of Trent, sess. 6, c. 14, can. 30, and sess. 14, c. 8, can. 12.

Thus also a man to whom damage has been inflicted by an enemy remits the fault to the offender when he, seeking reconciliation, asks pardon, but nevertheless demands reparation of the damage inflicted.

It is proved: 1° From the Scriptures, namely, both from the examples of those who, after remission of sin was obtained, nevertheless had to undergo punishment (Adam, Moses and Aaron, David), and from the words which by exhorting counsel, indeed command, penitential satisfaction (Joel II, 12; Dan. IV, 24; Luke III, 8).

Nor does it help to say with Luther that these punishments are ordered only to amendment; for from the context it is plain that they are also inflicted for chastisement.

2° From perpetual tradition, namely, not only a) from the ancient and constant practice of the Church, authentically confirmed by the definition of the Council of Trent (sess. 6, c. 14, can. 30; sess. 14, c. 3 and 8, can. 4, 12, 13, 15), - but also b) by explicit testimonies, for example, Tertullian, *On Penance* 9; Cyprian, *On the Lapsed*; Origen, hom. 3 on Judges 2; hom. 9 on Leviticus; Ambrose, on Luke VII, 156; *On Penance* II, 6; Basil, hom. *Attende*, 4; Jerome, on Joel I, 13; Augustine, *Against Faustus* XXII, 67; on Ps. L, 11; Gregory, *Moralia* IX, 34; - moreover c) from the connection with the dogma of Purgatory.

3° By reason it cannot be strictly proved, since God could remit punishment and guilt at the same time; nevertheless it can be shown that this is done reasonably:

A. From the nature of sin and of its remission. In the remission of sin eternal punishment is not changed into temporal punishment, as Scotus and Suarez said, for the remission of eternal punishment naturally follows the remission of guilt or aversion from God: for through grace the friendship of God and the right to eternal life are restored, whence man cannot be eternally separated from God and merit the eternal punishment of loss, and consequently this punishment is totally taken away. Besides, as Cajetan notes, the words of absolution absolve, they do not change. - But it must be said with St. Thomas (q. 86, a. 4, and in IV Sent., d. 14, q. 2, a. 1, qc. 2) that satisfaction is required, because ordinarily the undue conversion to the creature is not sufficiently repaired.

For in sin there is a twofold inequality, namely, one opposed to friendship and one to justice; namely, the equality of friendship is wounded in affection, the equality of justice in effect or in things. But each wound must be repaired. For a) divine friendship is violated by aversion from God, which merits eternal punishment, and is recompensed by contrition, which is the recompense of violated friendship and restores the equality of friendship (as far as is possible for man); b) also the honor due to God is withdrawn from Him by undue conversion to the creature, by which the law is violated, and one is impeded from giving God the honor due to Him in all acts; which merits temporal punishment (I, n. 524). Now ordinarily this is not totally recompensed by one act of contrition, by which the whole honor which was taken away is not always rendered; whence temporal punishment remains for restoring the equality of justice.

At least ordinarily: for exceptionally it can happen that all punishment is taken away, if contrition is extraordinary and very great, either on the part of charity or on the part of sensible sorrow.

Therefore: What has been taken away by aversion from God cannot be totally rendered, and therefore God does not exact perfect recompense, but is content with imperfect recompense (n. 396); the honor taken away by conversion to the creature can be totally restored, and therefore can also be exacted by God.

B. From the difference between Baptism and Penance (a. 4, ad 3; Suppl., q. 18, a. 2). In Baptism man receives the power of the Passion of Christ totally, which of itself is sufficient for remitting every guilt and punishment: because namely, through water and the Holy Spirit, he is dead together with Christ to sin and in Him regenerated to new life, made a new man, in whom nothing of the old ought to remain (as to the soul); and therefore in Baptism no punishment remains for preceding sin. But in penance man is not changed into another life, because it is not regeneration but a certain healing to be obtained through one's own acts, by which he is repaired into the former life; and therefore he obtains the power of the Passion of Christ, not totally, but according to the mode and disposition of his own acts, which are the matter of the sacrament of Penance, as water is of Baptism: for in healing, the remains of sickness remain until perfect restoration. Whence not at once, through the first act of penance by which guilt is remitted, is the debt of punishment loosed, but when all the acts have been completed, among which there is also sufficient satisfaction to be offered.

And indeed Penance was instituted by way of judgment, to which it also belongs to punish crimes. Hence, says the Council of Trent, the reason of divine justice seems to demand that those who have sinned before Baptism through ignorance, or at least not with so much malice, be received with greater indulgence than those who, ungrateful for the grace of God which they have received, have grieved the Holy Spirit and knowingly violated the temple of God. Whence it is equitable that satisfaction be exacted from these (sess. 14, c. 8).

464. The Protestants object the Scriptures which affirm that God remits sins freely, so that He does not remember them, nor do they harm any more (Ezek. XVIII, 22; XXXIII, 11-12). - But God is said a) to remit sins freely, namely, their very guilt and eternal punishment, but not the annexed temporal punishment; - b) not to remember sins, because sins do not return, and God does not consider the converted sinner as an enemy, although He purges a friend by punishments; - c) the impiety of sinners not to harm, because penal works do not harm, and because the just man has that from which he may satisfy.

465. Observations. - 1. Penance remits temporal punishment not only *ex opere operantis*, because the man who is justified or is already just by repenting partially restores the honor taken away from God, but also *ex opere operato*, because by the power of the sacrament the act of our penance becomes a title and efficient cause of at least partial remission of the punishment due, and indeed a) so that it has greater value for expiating sin than if by his own judgment man did the same work, i.e., even if so done it would not suffice; b) indeed it also has value for a greater remission than the same penance would obtain from its own merit.

2. If temporal punishment can remain because, when the effect on the part of aversion has been removed, a certain effect on the part of inordinate conversion to the creature can remain, a fortiori nothing prevents dispositions to sin and infirmity toward good, caused from preceding

acts, from remaining after guilt has been remitted; these are called the remnants of sin; for removing these ordinarily one act is insufficient. Yet they remain weakened and diminished, so that they do not dominate man, and this more by way of disposition than by way of habit, because they are retracted.

3. Therefore, just as "God perfectly heals the whole man; but sometimes suddenly, as He at once restored Peter's mother-in-law to perfect health, so that rising up she ministered to them, as is read (Luke IV); sometimes, however, successively, as was said of the blind man enlightened (Mark VIII). And so also spiritually He sometimes converts the heart of man with so great a commotion that he at once perfectly obtains spiritual health, not only guilt having been remitted but all remnants of sin having been removed, as is clear of Magdalene (Luke VII). But sometimes He first remits guilt (through operating grace), and afterward (through cooperating grace) successively takes away the remnants of sin" and punishments (a. 5, ad 1).

Question Four: On the Restitution of Virtues and the Reviviscence of Merits

S. Th. III, q. 89.

466. Thesis I. Penance together with habitual grace restores all infused virtues.

It is proved: Penance does not remit mortal sin except by means of the infusion of habitual grace making one pleasing (n. 454). But from habitual grace flow all infused virtues, as powers from the soul. Therefore through penance, together with habitual grace, all virtues are restored.

467. Thesis II. Penance restores the merits of good works; whence living good works of virtue, done in the state of grace and charity, and mortified through sin, revive through penance. - It is certain.

The thesis treats of living works, which, done in charity and grace, from an inhering supernatural principle have in themselves supernatural and meritorious value; but of works mortified, which through a subsequent mortal sin that takes away grace are impeded from their effect, which is to lead to eternal life, insofar as they are no longer able to lead to an increase of grace and eternal life: these merits are restored. But it does not treat of dead works, or honest works done in the state of sin, because these from the beginning are without supernatural value and merit, and therefore can never in the future acquire a value which they do not have: they did not live and therefore cannot live again; - nor a fortiori of deadly works, or evil works which deprive man of grace and are mortal sins: these are destroyed through penance and do not revive (n. 456, 1).

It is proved: 1° From the sources of revelation, namely, from the words of Scripture interpreted by tradition. From Scripture alone the matter cannot be demonstrated peremptorily, because the words to be adduced can strictly be understood otherwise; but since the Fathers use them to set forth the doctrine of reviviscence, an argument is had from tradition. Thus the words directed to sinners, Gal. III, 4: *So great things have you suffered in vain, if yet in vain*, are understood thus: if you have been converted, those sufferings will not be in vain, but will again have value, as Jerome explains on this place, Ambrose, book 1 on Luke, Chrysostom, hom. 10 on Genesis. - Similarly Heb. VI, 10: *For God is not unjust, that He should forget your work and the love which you have shown in His name, you who have ministered to the saints and do minister*, seems to indicate that God will not forget the good works of

charity of those who after sin do penance, but will remunerate them. And thus interpret Epiphanius, haer. LIX, 2; Chrysostom, hom. 10 on Genesis; Athanasius, or. on blasphemy against the Holy Spirit; Augustine, *On Faith and Works*, 14.

2° From the Council of Trent, sess. 6, c. 16, which posits only three conditions for merit: 1) that the works be done in God, namely, under the influence of divine grace, 2) that they be of a just man, 3) who dies in grace; and it does not add a fourth: that they were not mortified. Whence it says, can. 32: *if nevertheless he shall have departed in grace*, but not: if he shall always have remained in grace.

3° By reason: A cause remaining, but lacking its effect because of an impediment, produces the effect when the impediment has been removed. But works done in charity, or proceeding from the intrinsic inhering principle of supernatural life, if considered according to themselves, lose nothing through mortal sin of those things which pertain to their life, and therefore always remain in divine acceptance, insofar as of themselves they are worthy of eternal life; although per accidens they are inefficacious for leading to eternal life because of the impediment of sin, and are impeded from their effect insofar as the sinner is unworthy of eternal life. Therefore, the impediment of sin having been removed, they produce their effect. But this impediment is taken away through penance. Therefore through penance mortified works recover their effect, or the efficacy of truly leading him who performed them into eternal life; which is to revive.

468. Concerning the mode or grade in which virtues are restored and merits revive, there is dispute among theologians. - All indeed admit both that merits revive totally as they were before and unto the whole reward to which of themselves they had value; whence there is no difference on the part of reviviscence itself, but the whole difference proceeds from this, that they conceive differently the very merit of eternal life and the increase of grace.

A. Many more recent authors, after the Nominalists, such as Vasquez, Suarez, Lugo and others, especially from the Society of Jesus, hold our acts as only moral and meritorious causes of grace and glory, and say that all acts merit a determinate grade of grace and glory, and therefore that virtues and merits are always restored in the same grade of grace in which they existed before sin. Whence they also say (which seems incredible) that the sinner always rises again in grace greater than that which he had, because he recovers a determinate grade of grace for all preceding works and, besides, a new grade for the present disposition.

Their chief foundation is a) that the merit and reviviscence of good works cannot be understood unless to each work there is given a special reward, i.e., a special grade of grace and glory; otherwise we would not merit more by many works than by one; - b) nor would the works of the sinner revive totally; - and c) remitted sins would be punished with eternal punishment, namely by the privation of the corresponding determinate grade of grace and glory.

B. On the contrary, the older authors: St. Thomas, St. Bonaventure, Scotus and the Thomists: Cajetan, St. Antoninus, Bannez, Sylvius, Contenson, to whom more recently Billot has acceded, hold that our acts are not only moral and meritorious causes, but also dispositive causes, and say that all good works merit grace and glory, but not in a determinate grade, except under the condition that there be present a disposition proportioned to that grade (Council of Trent, sess. 6, c. 7). Whence, says St. Thomas, "according as the motion of free will in penance is more intense or more remiss, according to this the penitent obtains greater or lesser grace. But it happens that the intensity of the

motion of the penitent is sometimes proportioned to greater grace than was that from which he had fallen through sin; sometimes equal, sometimes indeed lesser. And therefore the penitent sometimes rises again in greater grace than he previously had, sometimes in equal, sometimes also in lesser, and the same reason applies to the virtues which follow upon grace" (a. 2).

The general reason is the philosophical principle that qualities which admit more and less exist in a greater or lesser grade according to the diverse disposition of the subject. Whence good works will not obtain an increase of grace except at the moment at which there will be present a disposition proportioned to it. - The special reason is that works revive as they were before, namely, so that they merit an increase of grace under the condition that a disposition suitable for this be present. This is absent, but not because of the preceding sin, but because of actual indisposition. Therefore the works revive unto the whole reward to which, as far as is of themselves and by reason of themselves, they extended.

They respond to the arguments of the prior opinion:

To the first. Works are meritorious even if they do not obtain a special reward, because the same reward can be given under many titles: it is a great moral perfection to have heavenly glory not only under the gratuitous title of inheritance, but also as the crown of works, and the perfection is greater insofar as it is obtained under the title of many works. Thus Christ, who had a right to the glory of the body, merited the same right by His works, and not only by one but by all.

To the second. They revive totally as they are according to themselves, because, as was said, after sin as before they merit a determinate grade of grace provided the required condition is present, namely, our suitable and proportioned disposition (a. 2, ad 2).

To the third. Eternal punishment does not remain, because punishment is that which is meritoriously from sin. Mortal sin merits the privation of grace as such, but not privation in a determinate grade, as is clear from the fact that from a most grave sin there can follow the loss of minimal grace and from a minimal sin even the loss of maximal grace; whence grace having been restored in whatever grade, by that very fact every privative punishment is taken away.

C. After the controversy certain more recent Thomists chose an intermediate opinion, saying that not all grace is restored if the disposition is not present, yet some greater grade is rendered on account of preceding merits, for example, if someone has a disposition for grade 5, he will recover grace in grade 10: thus Soto, Nugno, Alvarez, Ledesma, Gonet, Billuart. But this is not according to the principles of St. Thomas concerning proportioned conformity to dispositions, nor is it according to the principles of the prior opinion according to which works revive totally. Whence it seems to be left aside as illogical; and besides it is founded on nothing.

469. Corollary. - There is a difference between sins and good works. Sins according to themselves are radically destroyed and abolished by God through penance done under grace: not in such a way that acts of sins did not precede, but that they do not have the power of impeding grace; - meritorious works, since they belong to grace, cannot according to themselves be destroyed and abolished by man, and therefore are impeded from their effect only per accidens, because mortal sin renders man incapable of reward (a. 5, ad 1). "The remission of sins," says St. Thomas, in IV, d. 22, q. 1, a. 1, ad 6, "is principally the work of God, but the mortification of preceding merits is the work of man. But man by his action cannot simply empty out the work of God, although he can impede it

from profiting himself; and therefore man through following sin cannot annul the remission of preceding sins. But by his action he can empty out what has been done by himself, and therefore the penitent can annul the mortification of preceding merits through subsequent merits, especially aided by grace."

470. Observations. - From the general doctrine on the sacraments it is gathered:

1° That the grace of sacraments received before the fall is restored, when the sinner converts himself through penance, provided that the sacramental title for receiving grace remains in him. Thus the grace of Baptism, Confirmation, and Order revives during the whole of life, because the indelible character always remains; the grace of Extreme Unction and Matrimony during the same sickness and the same union (n. 58).

2° That the sacrament of Penance grants greater grace *ex opere operato* than the act alone of the virtue of Penance *ex opere operantis*. Between our dispositions and grace granted *ex opere operantis* arithmetical equality is required, but between dispositions and the grace of the sacrament *ex opere operato* only equality of proportionality.

3° That the sacrament of Penance, unlike the virtue, also gives special sacramental grace, which is healing of sins subjected to the keys, and therefore confers special help for not relapsing into these same sins.

Third Part: On the Parts of Penance

S. Th. III, q. 90.

471. Notions. - When, in theology, discourse is undertaken concerning the parts of Penance, there are not understood parts of the essence, or elements, which constitute the sacrament according to its totality, namely matter and form, concerning which we spoke above; but parts of one element, namely of the matter alone, which are commonly called integral according to an analogy with material things. Just as in man many parts are distinguished from which the whole human body is made: brain, heart, breast, arms, legs; so in the sacrament of Penance the whole material element is had, and thus the perfection of Penance is integrated from many acts (a. 1 and 2).

But just as in man, among the integral parts, some are also essential, without which human substance cannot be (e.g., heart, brain), and others are merely integral, without which man would be but would not be complete (arms, legs, nose), so in the sacrament of Penance there are two parts without which it cannot be: contrition and confession; and a third without which it would not be whole: satisfaction.[1]

[1] Yet there is always supposed a disposition of soul toward satisfying, which is included in contrition, and without which there would not be true contrition.

472. There are three integral parts of the sacrament of Penance. - This is certain. It is proved:

1° From the doctrine of the Church: Council of Florence, decree for the Armenians; and Trent, sess. 14, c. 3 and can. 4.

2° From theological reason: Penance intends recompensation for sin, not insofar as this is the restoration of the wounded order and the reintegration of the equality of justice (as vindictive justice does), but insofar as it is the reconciliation of friendship between God and man; whence in it

recompensation for the offense is made according to the will of the one offending and of the one offended, i.e., according to spontaneous offering on the part of the offending sinner and according to the judgment of the offended God.

But for such recompensation three things are required: 1° the will of making recompense, which is done through contrition; 2° subjection made to the judgment of the priest, who remits sin in the place of God, which is done in confession; 3° recompensation according to the judgment of the minister of God, which is done in satisfaction.

And therefore contrition, confession, and satisfaction are the integral parts of Penance (a. 2).

473. Observations. - 1. Contrition, confession, and satisfaction are parts of Penance insofar as it is a sacrament, not insofar as it is a virtue.

For the acts of the penitent, which are multiplied, are not parts of the habit, from which, namely, the habit is constituted, but its effects. "Whence it remains that parts are assigned to Penance insofar as it is a sacrament, to which human acts are compared as proximate matter" (a. 1, ad 2). And therefore, although contrition is the more principal act of penance as it is a virtue, and the more principal disposition of the penitent, nevertheless confession has principality insofar as it is a part of the sacrament or sensible sign, because it is sensible of itself, while contrition is not of itself sensible, but "virtually, insofar as it implies the purpose of confessing and satisfying" (a. 2, ad 1). Whence St. Thomas: "Penance, insofar as it is a sacrament, is perfected chiefly in confession, because through it a man subjects himself to the ministers of the Church, who are dispensers of the sacraments" (Suppl., q. 10, a. 1).

2. They are not subjective parts (as species are), in which the whole power of Penance would be equally present; - nor potential parts, in which the whole essence would be present but not the whole power (as the essence of the soul in each of the powers); - but they are rightly called integral, because neither the whole essence nor the whole power is present in each one,[2] but in all together from which Penance is integrated (q. 90, a. 3).

[2] In contrition alone, however, the whole of penance is contained according to power, although not according to essence: "for the foundation in a certain way contains the whole building in power, and in this way contrition contains the whole of penance in power" (a. 3, ad 2).

3. They are not only parts because they are ordered to one another (according to the order of power and of time), and thus united dispose for absolution as form, but besides this they are dispositions for receiving sacramental grace; indeed, together with the form, absolution, they are the sign and cause of grace.

Chapter I: On Contrition

S. Th., Suppl., q. 1, a. 1.

474. Contrition, etymologically from *to grind down*, signifies in corporeal matters an action by which a solid and hard thing is reduced to the smallest parts; whence, by similitude, in spiritual matters it signifies that disposition of soul by which the heart hardened by sin is broken and totally reduced, so that it totally dismisses the affection of sin. Namely, it is a sorrow that grinds down the hardness of the will, and, as it were, a breaking of the heart down to the smallest parts (a. 1).

In a more general sense it signifies any sorrow or displeasure, even imperfect, concerning sin; in the strict sense it signifies sorrow for sin that is perfect or formed by charity, and thus it is opposed to displeasure and imperfect contrition, which is an approach to perfect contrition and is called attrition, as it were a breaking of the heart into large parts without its being perfectly ground down (a. 2, ad 3).

475. Thesis. Contrition is necessary by necessity of means and of precept. - This has been sufficiently demonstrated from the necessity of the virtue of Penance (n. 412), and is explicitly taught by the Council of Trent, sess. 6, c. 14, and sess. 14, c. 4, can. 4, against the Protestants, who said that the whole of penance was repentance alone, or a purpose of new life, without sorrow and detestation of sins committed, or expiation.

The Catholic truth is demonstrated by:

a) The Scriptures, which say that the primary act of Penance, namely contrition, that is, sorrow and detestation, is required for the destruction of sin (Joel II, 12; Jer. VIII, 6; XXXI, 18-20; Ezek. XVIII, 30, 31; Ps. L, 6, 19; VI, 7; Isa. XXXVIII, 15; II Cor. VII, 7, 9, 10; Ps. XXXI; Acts II, 38).

b) The Fathers, who hold compunction, contrition, and detestation of sin to be necessary: Hermas, simil. VII, 6; Justin, dial., n. 14; Tertullian, *On Penance*, c. 8; Cyprian, ep. 31; Ambrose, *On Penance*, l. II, c. 10; Chrysostom, *On Compunction*, l. I, n. 10.

c) Theological reason: Everywhere the retraction of an offense is that which is first required on the part of the offender; but before God no retraction has value unless it begins from sorrow of heart, because God looks upon the heart.

Question One: On the Essence and Object of Contrition

S. Th., Suppl., q. 1; q. 2, a. 1-5.

476. Definition of contrition. - In the more general sense, by the Council of Trent, sess. 14, c. 4, contrition is defined: "sorrow of soul and detestation concerning sin, with a purpose of not sinning for the future." This definition, however, is common to the contrition required in the Old and in the New Law for the remission of sins; but in the New Law there is also required, according to the Council, "the desire of performing the other things which are required for rightly receiving this sacrament." But contrition thus accepted can be defined with St. Thomas as: sorrow assumed for sin, with the purpose of confessing and satisfying (q. 1, a. 1). This definition is equivalent to the definition of the Council of Trent. It is said:

1. *sorrow*, and not detestation alone: for although sorrow cannot exist without hatred and detestation, nevertheless detestation can exist without sadness and sorrow, as in the blessed. Sorrow is detestation of an evil affecting us, namely sadness over an evil in some way joined to us and present in us;[1] it is, however, detestation, not mere displeasure, but efficacious displeasure which tends to the destruction of the evil;

[1] "Detestation," notes Van Noort, *De Sacramentis*, t. II, n. 42, "is the cause of sorrow; wherefore one who sorrows, by that very fact has detestation. And conversely, we necessarily sorrow if we perceive the evil which we detest as joined to us. Therefore sorrow and detestation are so connected that one who detests his sin sorrows over it, and one who sorrows over it necessarily detests it." Cf. St. Thomas, I-II, q. 35, a. 1.

2. *assumed,* namely voluntarily; whence it is sorrow of the will, but not sensible sorrow, which is not always in our power, although the latter sometimes follows and can pertain to the sensible sacramental sign;

3. *for sins committed*: the matter about which sorrow is concerned is sin, as such, not as punishment but as guilt, as an offense against God to be destroyed;

4. *with purpose...*: this is not the essence of contrition, but its effect. For sorrow can exist in one who does not think of the future; nevertheless in sorrow the purpose is contained virtually and implicitly, insofar as sorrow imports the will of subjecting oneself to the divine precept of confession and satisfaction for destroying sin, and of not sinning any more in the future.

Hence three things are necessary for contrition: hatred, sorrow, purpose. For contrition exists presuppositively in hatred, formally in sorrow, and consecutively in purpose.

477. Contrition is an act of virtue. - For the annihilation and grinding down of the will to sin is good of itself, "because this is to detest one's own will by which sin was committed." It is an act of penance, because it is the act of that virtue to which it belongs to detest and destroy past sin, which pertains to penance (a. 2).

478. Object of contrition. - Contrition is sorrow regarding and grinding down the hardness of the will in sins (by which it stands in its own terms and does not yield to the law of God), and retracting the offense against God. Whence its proper object is guilt, not considered in the abstract, but as committed, in which hardness of heart and affection for sin are found.

1. Hence it concerns all actual sins, because in all of them there is a certain hardness of the will which does not yield to the law of God, either by transgressing it, or by omitting it, or by acting beside it.

2. It does not concern future sins, because they are not an evil joined to the will, nor in them is the will already hardened; - yet it concerns them by a certain consequence, insofar as it takes precaution against them.

3. Nor does it concern punishments, since hardness of the will is not found in them and they are not injurious to God; although there can be mere displeasure concerning them.

4. Nor does it concern original sin, which does not proceed from the hardness of our will, because it was not introduced by our will but contracted from the origin of a vitiated nature; whence concerning it there cannot be retraction, although there can be sorrow and simple displeasure.

5. Nor does it concern the sins of others as others' sins, because contrition ought to be in him in whom hardness of will preceded. Yet we can sorrow for them and satisfy for them; besides this, we can have contrition for our cooperation in those sins.

479. Corollary. - It is not an act of contrition if someone sorrows that he does not sorrow for sins, because the object of that sorrow is not sin committed, or the offense against God, but the defect

itself of sorrow; nevertheless in the timorous it is ordinarily a sign of contrition, namely that they truly sorrow, because they fear too much that they do not have sufficient sorrow, which they judge not great enough or do not feel.

Question Two: On the Qualities and Endowments of Contrition

480. Matter to be treated. - Contrition, as passing into an external act, is part of the matter of the sacrament and thus concurs in the constitution of the sacramental sign; as it is internal in the heart, it is a disposition necessary for the grace of the sacrament. Whether perfect or imperfect, in order that it may produce its effects, it must:

1. be clothed with certain conditions, namely, be a) true and internal, b) supernatural, c) supreme, d) universal;

2. include the purpose of not sinning for the future, which is a) true or absolute, b) firm, c) efficacious, d) universal;

3. besides this, be ordered to the sacrament of Penance, if one intends to receive it and to obtain in it the remission of sin.

Hence three articles.

Article I: On the Endowments of Contrition Itself

S. Th., Suppl., q. 2, a. 6; q. 3, a. 3 and 4.

481. Principle I. Contrition must be true and internal, i.e., truly conceived in heart and soul. - Thus by reason of essence: for it is sorrow of soul and detestation of sin, which indicate an act of the will (Joel II, 12-13; Ezek. XVIII, 31). And indeed contrition, as a reparation of sin, ought to proceed from that source from which sins proceed, i.e., from the heart or will (Mt. XV, 19); whence it is a retraction of the depraved will, by which the sinner sincerely says within himself: I would that I had not committed the sin, and I will that it be uprooted in its consequences, and, if I could act anew, I would that I had not sinned, and I am prepared to do so here and now.

Moreover, in the sacrament of Penance, in order that it may be part of the sacrament, sorrow must in some way be external and sensibly manifested; and what is required, not only of itself, but altogether and always, is formal and explicit, as is clear from the Council of Trent, which requires for the sacrament contrition itself or sorrow (sess. 14, c. 3 and 4), which alone is the act of penance: namely, it is a positive act by which the will truly and explicitly sorrows over and detests sin as it is an offense against God. Therefore such an act is a necessary condition in order that absolution be a judicial act and be valid.

Hence there does not suffice: 1) the mere external recitation or reading of a formula, without the internal affection of the will;

2. nor estimated contrition, by which someone in good faith thinks he is contrite, while in reality he is not: this can excuse the penitent from sacrilege, but cannot supply the defect of the necessary part; just as estimated water is not sufficient for Baptism;

3. nor, in order to the sacrament of Penance, is virtual and implicit sorrow in the act of another virtue sufficient, e.g., in an act of charity, although practically love of God above all things can scarcely be had without formal sorrow for sins in one who is thinking about them: namely, an act of charity, which is virtual penance, is sufficient for the remission of sin, but not for the value of the sacrament of Penance, because it was not instituted as the sacramental sign and integral part of the sacrament, just as in the Eucharist virtual bread or virtual wine is not sufficient;

4. nor does the purpose of not sinning for the future suffice: for this can stand with complacency in past sin; nor implicit sorrow in the purpose, because it is not formal;

5. nor does implicit sorrow in the desire of sorrowing suffice, e.g., if you choose to sorrow or sorrow that you do not sorrow, for the part of the sacrament is sorrow itself concerning sin, not the desire of sorrow, nor sorrow concerning the absence of sorrow;

6. nor even implicit sorrow in the desire of absolution, or in the will desiring to receive the fruits of the sacrament, even if there are only venial sins or mortal sins already remitted as matter of confession;

7. nor does sorrow concerning sin in the abstract suffice, but concerning sin as committed by the guilty one confessing.

482. Principle II. Contrition must be supernatural. - And indeed a) both subjectively, by reason of the principle, so that it is elicited from the supernatural help of God, or grace inspiring and assisting, as the Council of Trent defined, sess. 6, can. 3; whence the same Council also explicitly says that attrition is a gift of God and an impulse of the Holy Spirit moving (sess. 14, c. 4); b) and objectively, by reason of the object or motive, so that it is elicited on account of a supernatural motive, i.e., one supernaturally known through the light of faith and looking to salvation, such as God Himself under some aspect, or something regarding God, but in such a way that God is considered, not as a natural end, but as the supernatural end known by the light of faith. Whence natural sorrow on account of a merely natural motive without relation to God as supernatural end is not sufficient. Hence Innocent XI condemned prop. 57: It is probable that natural attrition, provided it is honorable, is sufficient.

It is proved: For a means must be proportioned to the end, and the disposition of the same order as the thing to which it disposes. But contrition is a means and disposition to grace altogether supernatural, namely on the part of the principle and of the object. Therefore the act of contrition must be supernatural in both ways, not only on the part of the principle and of grace, but also on the part of the object or motive. And indeed an act essentially, as a whole, depends upon the object, because it is nothing except a tendency to the object, just as motion is to the term; whence it is not an act supernatural in itself unless the object also is supernatural (I, n. 188).

Hence a) sorrow for sin that is only natural does not suffice, namely, on account of a merely natural motive, namely insofar as it is opposed to right reason; just as neither does sorrow on account of the philosophical baseness of sin, on account of its intrinsic unworthiness without relation to God, or on account of infamy or natural punishment without this relation, or on account of an effect of sin, e.g., illness, etc.

b) Nor does sorrow elicited merely on account of God the author of nature, known by the light of reason alone, suffice; but it must be referred to God as the supernatural end known by the light of faith. Concerning this there will not be difficulty in practice, because among the faithful it will of itself be done in this way.

483. Principle III. Contrition must be appretiatively supreme. - Thus by reason of proportion, so that it may be the greatest sorrow of all: according to appreciation, however, by which the penitent by his intellect esteems sin above all evils, and from this estimation detests it by the will more than every other evil; so much so that he is dispositively prepared to lose any good whatever or suffer any detriment rather than perpetrate sin, and for nothing would will to commit it; otherwise the will would not be turned away absolutely and for every case from sin.

It is proved: 1° For contrition must already involve the disposition by which (at least through the mediation of absolution) it becomes possible to please God. But if someone preferred some created good to God, he could not please God, according to that saying of Christ (Mt. X, 37): *He who loves father or mother more than Me is not worthy of Me*. Therefore contrition must involve the disposition by which someone would prefer to lose every created good rather than offend God.

2° The more something contrary is to please, the more something must be displeasing. But what is opposed to sin, namely the ultimate end, must appretiatively please more than every other good: for all things are to be sought on account of the ultimate end. Therefore contrition, which sorrows over the opposed sin, must be supreme sorrow, or sorrow above all evils (q. 3, a. 1).

This is confirmed: a) From Joel II, 12 and from the Council of Trent (sess. 14, c. 4), according to which contrition must exclude every affection toward sin and every will of sinning; and it cannot accomplish this unless it is appretiatively supreme: for unless someone esteems and detests sin as the greatest evil, at some time he will choose sin rather than an evil which is apprehended as greater.

b) Right reason demands that with appretiatively greatest hatred we pursue that which is truly the greatest evil; but sin, as an offense against God that is in a certain way infinite, and as depriving man of the greatest goods, is the greatest evil of all; therefore.

Nevertheless, there is not required:

1. That contrition be intensively supreme, so that in vehemence it surpasses all other sorrows and that one sorrow with the whole or greatest effort of the soul.[1]

[1] Several have said that contrition is required to be not only appretiatively but also intensively supreme. This was explained by a threefold different opinion: 1) some required the supreme intensity absolutely possible, as Adrian VI, in IV, on Penance, q. 2; - 2) others, supreme relatively to other goods loved, as Peter de Soto, *De Inst. Sacr.*, lect. 14-15; - 3) others finally the supreme intensity which God knows, namely relative to the powers of grace, as Lupus, Ledrou, Berti, Juenin, Morinus, Witasse, Gazzaniga.

a) For thus contrition would be most difficult and morally impossible for many, which would cast them into scruples, because penitents quite often cannot distinguish either intensity or the grade of intensity; whence also the practice of confessors is not accustomed to require such contrition from the faithful.

b) Intensity, vehemence, bitterness does not pertain to the essence of sorrow, nor does it vary the species: contrition even less intense is sorrow above all things, namely appretiatively. Any grade of

charity, because it is total conversion to God, excludes sin; whence also any grade of contrition. Whence St. Thomas (q. 5, a. 3): "however small the sorrow may be, provided it suffices for the notion of contrition (i.e., it detests sin above all things), it blots out every guilt."

c) Indeed, intensively supreme sorrow does not seem possible; neither a) supreme simply and absolutely, since the grace of God can always be increased more and more; - nor b) supreme relatively to the evils of this life, for this is not always in our power, because in the present state we are moved more vehemently by sensible things and by objects nearer and proper to our faculties than by the goods of reason and spiritual goods, which are not our proper objects nor so near to us. And then too the absurdity would follow that, from two who sorrow with equal intensity, one would be justified and the other not; e.g., if one sorrows intensely for sin but more intensely for the death of his father, he would not be justified, while one who sorrowed more remissly over this would be justified; - nor c) supreme relatively to the powers of grace here and now granted by God, because no one can know how great that intensity is which is required, and because God would altogether arbitrarily demand greater contrition for a lesser sin.

2. A fortiori, sensible contrition is not required, or sorrow which overflows into the sensitive appetite and bursts forth into tender affections of heart, sighs, and tears; nor consequently a sorrow more sensible than that which we often feel on account of temporal losses or the death of relatives and friends.

For contrition does not reside in the sensibility, but in the will, as being rational sorrow; nor is sensible sorrow always in our power, since the sensitive appetite does not obey reason at a nod; finally, it can happen that someone, without sensible sorrow, sorrows more vehemently than another who is prone to emotions of this kind.

3. Nor is it required that an explicit comparison be instituted between sin and other evils (for a virtual and implicit comparison suffices), nor would it sometimes be useful, because not rarely it will be dangerous if it is proposed explicitly to the weaker.

"For it is manifest," says St. Thomas, Quodl. I, 9, "that just as delightful things move more when considered in particular than in common, so terrible things terrify more if they are considered in particular; and there are some who do not fall in a lesser temptation, who perhaps would fall in a greater one. Just as... someone would not refuse to suffer death with Christ; but if he descended to considering the individual punishments, he would be more drawn back. And therefore to descend in such matters to individual things is to lead a man into temptation and to provide an occasion of sinning" (cf. q. 3, a. 1, ad 4).

But it is enough if the will is prepared to bear all evils rather than commit sin; - nor will it be necessary that one weigh individual evils, but it suffices to trust that grace will be given to him for bearing even the extreme thing, if it were necessary, rather than offend God. Indeed, it will be enough if, on account of God, the sinner detests sin, sorrows over it, and consequently now does not will to sin.

Yet for the more perfect such comparisons can be useful, because in this way they expressly detest sins supremely, show affection toward God, and render the will more prepared for such cases, if they

should occur.

4. Nor is equal sorrow required for all sins, although it is always above all other evils.

But it can be greater and lesser estimatively, indeed it ought to be, according to the gravity of the sin: for the greater the evil is, the greater the sorrow can be (a. 3).

484. Principle IV. Contrition must be universal. - Thus by reason of matter, with regard to mortal sins committed and not yet duly subjected to the keys, even unknown ones and those not occurring to the memory. For:

a) No mortal sin can be remitted without the sacrament of Penance, and a sin concerning which sorrow is not had is a sin not subjected to penance; therefore.

b) We must sorrow for sins insofar as they are an offense against God, turning away from God and depriving one of divine friendship; but this reason extends itself to each and all mortal sins; therefore we must sorrow for all and each: namely, each one requires contrition.1

c) Without contrition no sin is remitted; but one mortal sin cannot be remitted without another, because one cannot be a friend of God and an enemy, turned away from God and turned toward God; therefore no mortal sin is remitted without contrition for all.[2]

[2] Ibid.

d) Whence the Scriptures urge sinners to retract all sins, so that they may be able to obtain pardon (Ezek. XVIII, 30-31).

Hence 1) it is not sufficient that someone sorrow for many diverse sins from a motive which is special to some one of them, namely, on account of its own proper baseness; e.g., if someone hates theft on account of a special baseness, he does not thereby detest luxury.

2. Nevertheless it is not required that the penitent run through individual mortal sins and formally and distinctly sorrow over each; but it suffices that he virtually and implicitly detest them from a motive common to all. Namely, contrition can be explicitly universal, or explicitly extend itself to all mortal sins, in two ways: a) if the penitent, thinking of each, elicits so many distinct sorrows; b) if by one act of sorrow he repents for all which he distinctly has in memory. Likewise it can become implicitly universal also in two ways: a) formally implicitly, if the penitent in a confused way knows that he has committed several mortal sins and from a universal motive sorrows over all his sins; b) virtually, if the penitent thinks distinctly of one or another sin and sorrows only over that one, but from a motive common to all (in the same way as one who believes one article of faith on account of the authority of God revealing virtually and implicitly admits all revealed truths concerning which the formal motive has force). Thus, for example, if he sorrows because sin is opposed to infinite good, or because it deprives one of eternal beatitude, or because it merits the eternal punishment of Gehenna, or has a common baseness as being against God the supreme legislator or benefactor. This contrition suffices; nevertheless the penitent must know all sins distinctly, not for contrition, but that confession may be integral.

3. Nor is it required that at the same time he sorrow for all or some venial sins, which do not turn one away from the final end nor destroy divine friendship, because mortal sins can be remitted without venial sins, and one venial sin without another. Whence, just as we are not bound to confess them, and can confess one without another, so neither in the sacrament are we bound to sorrow for them, and we can sorrow for one without another. Nevertheless,

a) if someone accuses himself of venial sins alone, he is bound under grave obligation to have contrition at least for one (considered numerically), because otherwise the matter of the sacrament would be lacking and the sacrament would be null;

b) if someone, together with others concerning which he sorrows, declares venial sins concerning which he does not sorrow, and it appears that he acts thus solely on account of a good end, e.g., that he may be better known by his director, or for the sake of humility, or for promoting sorrow, etc., without willing to subject them to absolution, he does not sin;

c) but if he declares them as matter of the sacrament, he sins at least venially, because it is a disorder, as matter of the sacrament, to place together with suitable matter other unsuitable matter, and it is a simulation to seek pardon for that concerning which he does not sorrow. But if he acts thus from inconsideration or negligence, it is light; if from contempt, it seems a grave sin.[3]

[3] Let it not be said: to place something as matter of the sacrament which cannot be placed always includes simulation and falsity in a grave matter; as is clear in him who would place among several wheaten hosts, for a priest about to consecrate, some paper hosts. For, as Haine notes, *Th. M.*, III, on Penance, q. 28, "the parity does not hold; because the form of consecration directly falls upon the matter to be consecrated, and therefore if some false matter is placed, the form would be falsified; but the form of absolution directly falls upon the person himself to be absolved, who even in that case is capable of absolution. And therefore, granted that someone mixes into confession some venial sins concerning which he does not sorrow, he does not on this account sin gravely," at least necessarily and always.

1. III, q. 86, a. 3.

485. Observations. - 1. Except in the case in which someone has lost faith or hope, it is not required that acts of faith or hope be distinctly elicited, just as neither the desire of the sacrament; but it suffices to form them insofar as they are contained in every sincere contrition, which cannot exist without them.

2. For venial sins sorrow concerning their frequency suffices, because this includes a special deformity.

3. It will be best if, for individual mortal sins of diverse species, at least the graver ones, there is had a proper and distinct sorrow of contrition; likewise, with venial sins, to accuse oneself and sorrow concerning a grave sin of one's past life, or concerning some venial sin but one of greater gravity.

4. For the sorrow of contrition duration or a delay of time is not required, because it is a spiritual act which can be exercised in an instant; nevertheless ordinarily a delay of time is required in preparation for it (III, q. 84, a. 8, ad 1). One instant suffices for a man from just to become a sinner; likewise, for one from sinner to become just. Hence the axiom: A man is amended by grace in a moment. Cf. II Kings XII, 13; Ezek. XVIII, 21-24, 26-27, 31-32; II-II, q. 45, a. 4.

Article II: On the Endowments of the Purpose

S. Th. III, q. 84, a. 10, ad 4; q. 87, a. 1, ad 1; Suppl., q. 2, a. 4.

486. Principle I. The purpose required for contrition is the deliberate will not to sin for the future. - It is required for the sacrament, according to the Council of Trent, which, handing down the definition of contrition which is part of the sacrament, says that it is "sorrow... with purpose" (sess. 14, c. 4).

That it is necessarily required for the sacrament is clear:

1. From the Council of Trent itself, which places purpose in the definition of contrition; and that it is placed there as an essential part is clear from the parallelism with the place where there is discourse concerning attrition: for there it is said that attrition disposes with the sacrament to justification "if it excludes the will of sinning."

2. From intrinsic reasons: For the remission of sin there is required the true will of detesting, or of turning oneself altogether away from sin and converting oneself to God. But without the purpose of no longer sinning this cannot be done. - On the other hand, if someone truly sorrows over sin above all things, the formal reason of sorrow is that sin under some special aspect is against God. But sin being against God is verified in future sin just as in past sin, with only the accidental difference of time. Therefore.

487. Principle II. An implicit purpose can suffice, nor is an explicit purpose necessarily required. - An explicit and formal purpose is a special act of the will, distinct from sorrow, by which someone determines that he wills to amend his life or abstain from sin; an implicit or virtual purpose is that which is included in sincere contrition, and is really sorrow: for he who from a universal motive seriously sorrows that he has sinned truly implicitly purposes that he will sin no more.

This latter can suffice, nor is an explicit purpose necessarily and from the nature of the thing required, since it is not of the essence of contrition, which even from an implicit and virtual purpose alone suffices for the sacrament, since, as Trent requires, it excludes the will of sinning.[1] Whence 1) an implicit purpose suffices if someone does not think about sins to be avoided in the future; 2) but if he has thought about them, he ought also connaturally to elicit an explicit purpose, otherwise it would be a sign that contrition is not sincere and supreme. Therefore in practice a) before confession penitents are to be exhorted to an explicit purpose, for greater security and certainty concerning their own disposition; b) after confession has been made, if an explicit purpose was not present, they are not to be disturbed.

[1] Cf. Gury-Ballerini, *Th. M.*, II, n. 462.

488. Principle III. Purpose requires four qualities: it must be absolute, firm, efficacious, and universal.

1° By reason of essence it must be absolute, i.e., there must exist here and now an absolute will not to sin again, but to guard against sin thereafter.

Therefore not any simple desire of not sinning suffices, nor a velleity, nor a conditioned will, e.g., I would will not to sin any more if I could, if temptation were not pressing, unless it were so difficult

and troublesome to me, etc. Nor does a will not to sin for a time suffice, e.g., I will not sin for a month.

2° By reason of proportion the purpose must be firm, i.e., so rooted in the will that here and now there is present the will not to sin, notwithstanding the fear of any evil whatever or the love of any good whatever; wherefore absolution would have to be denied to one who is not here and now disposed so that generally he would rather suffer every evil and be without any good than again offend God.

It is said: a) *Here and now*, i.e., by actual will; nor is it required that it so remain in the future, for someone can change his will. Whence a firm purpose of the will does not exclude fear or doubt, nor even some intellectual foresight of future relapse from one's own known inconstancy or fragility, provided that it is not with the absence of all confidence or with despair, or therefore with complete certainty of relapse, but amendment is held as possible with the help of God and is intended.

For purpose does not require a positive judgment that one will sin no more. For purpose is an actual disposition of the will, which is detestative of sin and wills to preserve this detestation. But judgment pertains to the intellect, which, knowing the inconstancy of the will, can foresee that a fall is possible, indeed probable. Whence purpose does not exclude this judgment, but only the judgment of certain relapse and impossible avoidance: for hope is concerning a future possible good.

b) *Generally*, i.e., in genus or in a confused way, for according to the common opinion of Doctors the confessor must take care not to propose to the penitent in particular evils to be borne or goods to be relinquished. For it can happen, and in reality does happen, that someone generally wills to bear all evils rather than admit sin, who would no longer will this if they were distinctly and vividly proposed in the individual. It is indeed true that this general purpose is remiss and much less perfect than another purpose; nevertheless, according to the common and certain opinion of theologians, it is sufficient, and in reality one who purposes in this way truly wills to avoid sin above all things.[2]

[2] Cf. Ballerini-Palmieri, on Penance, n. 458.

The firmness of the purpose does not make it so that the violation of the purpose constitutes a new guilt of itself, as from a violated vow or promise. For purpose is not a vow, because it is not made to God but with respect to oneself; nor is it a promise, because a promise is made to another; and although the purpose is made in some way in service of God, nevertheless it is not a promise made to God.

3° Purpose also, by reason of efficiency, must be efficacious, so that the sinner here and now wills to employ the means necessary for afterward avoiding sin, and especially wills to flee proximate occasions of sinning mortally, to remit offenses, to lay aside hatreds and enmities, and to restore for injuries. The reason is that the intention of the end, if it is true, must move one to seek the necessary means.

Efficacy is required affectively, not effectively. For a) it regards the present will and brings it about that, as long as the purpose remains in the soul, so long the sinner cannot sin again; b) but it is not the efficacy of a future event, insofar as from the fact that the purpose is here and now efficacious it would follow that sin is in fact never again committed thereafter; otherwise it would be enough once to elicit a good purpose so that someone would never sin again. Whence, from the fact that, after having had a purpose, someone has frequently relapsed into the same mortal sin, you will not

necessarily infer that he did not have an efficacious purpose. Therefore purpose must be efficacious affectively, and from the fact that it was not effectively efficacious, it cannot be concluded that it was not affectively efficacious (cf. III, q. 84, a. 10, ad 4).

Hence to the question whether purpose must be constant in order to be called efficacious, the response is: per se, negatively, because the human will is mutable. Per se, for if the penitent should relapse at once and with almost no resistance, this will be a motive for suspecting that the penitent lacked a truly efficacious purpose. Generally, one who efficaciously purposes does not so easily forget his purpose, and is accustomed at least for some short time to employ effort and persevere.

4° Finally, purpose by reason of matter must be universal, i.e., it must extend itself to all mortal sins, not only those perpetrated, but whatever ones are to be avoided thereafter.

Nevertheless, 1) it is not required that a special purpose be formed concerning individual sins to be avoided, but a general one concerning all in genus from a universal motive suffices. Nor is it required 2) that it extend itself to venial sins. But if only venial sins are declared, for the validity of the sacrament there is required at least a) a purpose concerning one declared venial sin, namely, concerning avoiding a sin altogether similar in altogether the same circumstances, or concerning all sins, not indeed of the same species, but of altogether the same condition; or b) concerning avoiding a certain kind of venial sins; or c) concerning avoiding the graver ones; or d) concerning avoiding fully deliberate ones; or e) concerning diminishing the number of venial sins (S. Th. III, q. 87, a. 1, ad 1). Purpose can also be had concerning avoiding individual venial sins, or concerning all to be avoided distributively, but not concerning all to be avoided collectively, because we can avoid individual ones, but to avoid all at once is impossible for us.

Article III: On Contrition as Ordered to the Sacrament

489. Principle I. For the validity of the sacrament of Penance, contrition must in some way be referred and directed to absolution, and morally united to it. - For this is necessary for constituting the proximate matter of the sacrament and thus the integrity and unity of the sacramental sign. For:

Confession is required to be sacramental, or made for obtaining absolution. But for this not every confession is sufficient, but only sorrowful confession; and confession is sorrowful through contrition. Therefore contrition must in some way be made for obtaining absolution.

The minor is proved: a sacrament instituted by way of judgment requires an accusation; for it has this special feature, that the instruction of the cause is made through accusation, which the guilty person himself institutes so that he may obtain pardon through the sentence of the absolving judge. But a simple narration is not an accusation; rather, the latter must be made with hatred of sin and sorrow, and be ordered to obtaining absolution. Therefore contrition must exist and be ordered to absolution, so that the accusation may be constituted in the nature of an accusation.

490. Principle II. Contrition must be ordered to absolution and morally united to it in some way whatever, without the mode in which this must be done being specially determined. - Therefore:

1. Actual contrition is not required, namely, one which actually exists in confession or immediately precedes it; but it suffices that it remain in virtue, insofar as it preceded and has not been revoked (whether formally through a contrary act, or virtually through a sinful act), and is morally judged to persevere so that it influences confession, as is clear from him who is absolved distracted or sleeping, or even in the very confession thinks nothing about sorrow, but, having been contrite beforehand, remains distracted in confession.

2. Nor is it required that it arise from a prior explicit and reflex intention of confessing or receiving the sacrament, but it suffices that this intention afterward accede and thus contrition be referred to the sacrament; for if someone on the occasion of a sermon or reading is stirred up to sorrow (without thinking about absolution), and then from sorrow is moved to confession, he is held to be well disposed, although he institutes confession from sorrow and does not sorrow from the intention of confessing.

3. Nor is a formal and explicit relation to confession as a sacrament required, but an implicit one suffices, which is always had when the penitent, in order to absolution, gives a sign of his preceding sorrow.

Whence there suffices either confession from the motive of sorrow - or sorrow from the motive of confession - or confession with remembrance of prior sorrow. Namely, confession will be sacramental if sorrow is in some way referred to confession, "whether a) antecedently, as when sorrow for sins is elicited from the end or intention of confession to be made, e.g., if, wishing to confess tomorrow, I therefore today examine my conscience and elicit sorrow for sins; or b) concomitantly, as if now, thinking nothing about making confession, you elicit sorrow, and thence moved you purpose to confess tomorrow or at the next occasion, and in fact, sorrow not having been revoked, at the next occasion you confess; or c) consequently, as if today you sorrow for sins, thinking nothing about confession to be made, but tomorrow, the purpose of confessing having been made, you refer the first sorrow had the day before to that confession, without a new sorrow elicited" (Haine, *Th. M.*, III, on Penance, q. 30).

4. But it is not sufficient if sorrow is in no way referred to confession, "as if today you sorrow, not thinking about tomorrow's confession, nor tomorrow when confessing do you remember yesterday's sorrow, you confess invalidly unless you conceive a new sorrow, because a part must be referred to its fellow part, and sacramental and valid confession must be sorrowful, which it cannot be unless through sorrow related to itself in one of these ways." Thus Billuart, on Penance, diss. 4, a. 8, pet. 2, resp. 4°.

491. Principle III. Contrition must precede the absolution itself, but not the confession itself. - It must precede absolution, because otherwise confession is not sorrowful; and because in judgment the knowledge of the cause must precede the sentence of the judge, and this follows all other prior acts. Yet it does not have to precede the confession itself, whatever some have said, although nevertheless this is better and more prudent, lest afterward, disturbed by distractions, the one confessing not sorrow seriously enough before absolution.

This is testified by the unanimous practice of confessors, who are accustomed, according to the Roman Ritual, tit. III, c. 1, n. 18, to stir up to contrition and require it from the penitent, not before

but after confession. And indeed, in order that confession be sorrowful it suffices: 1) that it be referred to sorrow which follows, and from the intention and hope of subsequent contrition and absolution be made; which nevertheless seems necessarily already to include a certain beginning of hatred and sorrow concerning sin; - or even more certainly (for him who might wish to doubt about the reason given): 2) that confession be continued while sorrow exists, and that this sorrow influence the morally continued confession and inform it, "insofar as," says Billuart (ibid., resp. 3°), "as long as the penitent bends or humbly asks for or expects the sentence of the judge, so long he is judged morally to persevere in the confession made, and by that very fact to continue it," and implicitly to confess himself guilty and to seek pardon.[1]

[1] "The prior narration or complete accusation is afterward informed through consequent contrition, and as thus informed is subjected to the keys by the penitent himself requesting or awaiting absolution" Suarez, disp. 20, sect. 4, n. 3°.

Whence, even if by someone a mere narration, not an accusation, of his sins had been made, from the fact that afterward, sorrowing, he awaits absolution, by that very fact he continues the narration now informed by sorrow, i.e., he makes an accusation and orders it to absolution. And the very expression of contrition is a new accusation of the same sins.

492. Practical observations. - 1. An act of contrition once elicited in order to absolution can persevere not only for hours but even for one or another day, provided that it is not retracted and perseveres in effect, e.g., in the will of confessing, flight from occasions, more frequent prayers, etc. Such an interval does not destroy the moral union between the various parts of the judicial act, nor consequently of the sacramental judgment. But for how much time contrition perseveres must be prudently judged from the various circumstances: it is easily judged to last beyond a day if confession is instituted from sorrow alone; on the contrary, only for a day or through many hours, if also from devotion, obligation, custom, etc. In practice, for greater fruit and security, it is preferable to elicit actual contrition.

2. When the penitent, at once or a little after absolution, accuses himself of a sin, even a grave one, omitted from forgetfulness, it is not required that a new act of contrition be explicitly elicited, provided that it was conceived from a universal motive. For contrition previously conceived from a universal motive still perseveres, and extends itself to the forgotten sin, and through the new accusation is ordered to a new absolution; indeed explicit sorrow seems to be present in the act of accusing this sin. In practice, however, penitents are to be exhorted to elicit anew an act of contrition.

3. But if the interval is longer and therefore it is doubted whether contrition sufficiently perseveres, a new sorrow is required, even for sins already absolved and now declared anew: for past sorrow, even concerning the same sins, is in no certain way ordered to the new sacramental judgment, and therefore is to be repeated.

Question Three: On the Division of Contrition

S. Th., Suppl., q. 1 and 5; q. 10, a. 1; q. 18, a. 1.

493. Contrition is usually distinguished into perfect and imperfect. - This distinction is not found explicitly proposed among the Fathers, who preached as necessary contrition alone, penance, detestation of sin from the whole heart, and indicated its various motives, but did not distinguish

various dispositions according to the perfection of motive or efficacy. But in the twelfth century the distinction began to be made,1 and it can be understood in two ways:

a) by reason of efficacy, as is more often found among the older authors: contrition is imperfect if God is loved in Himself but not above all things; perfect if He is also loved above all things;

b) by reason of motive, as among modern authors: perfect contrition rests upon the perfect motive of charity by which God is loved for His own sake, and is properly contrition; imperfect contrition rests upon an inferior motive and is attrition. These are distinguished in three ways:

1. by reason of origin and according to cause: perfect contrition arises from the perfect supernatural love of charity or friendship toward God, the highest good absolutely and in Himself, infinitely perfect, lovable in Himself and for His own sake; imperfect contrition arises from the imperfect supernatural love of concupiscence toward God, good and perfect relatively to us and lovable to us, because He is our highest good, by the enjoyment of whom we will be blessed, and because He is supremely good toward us, from whom all benefits have been received;

2. by reason of motive or formal object and according to essence: perfect contrition is from the motive of charity, insofar as sin is an offense against God, the highest good lovable and loved in Himself above all things; imperfect contrition is from an inferior motive, insofar as sin is base and recedes from honesty and the law of God, or insofar as it merits the punishment of the most just judge or induces punishment to be inflicted by God;

3. by reason of efficacy and according to effect: perfect contrition of itself suffices for justification, and therefore without the real reception of the sacrament; imperfect contrition of itself does not suffice for justification, but from the institution of Christ in fact suffices with the real reception of the sacrament.

There is a twofold love of God: a) perfect love, by which God is loved for His own sake, and therefore above all things simply, even above ourselves and above all creatures; b) imperfect love, by which He is loved above all desirable and concupiscible things, not for His own sake but on account of the goods which He bestows, not because He is good in Himself but because He is good to us: namely, the motive is divine perfection as good and lovable to us, indeed as the highest good by the enjoyment of which we will sometime be blessed. Hence imperfect love abstracts from relation to the intrinsic infinite goodness of God, so that God is loved above all our goods but not yet above ourselves: nevertheless it does not positively exclude this, which would be evil, but abstracts from it, and thus it is not evil but less perfect. Whence from the opposite: perfect contrition detests sin as the highest evil in itself and simply, above all evils absolutely; imperfect contrition detests it as our highest evil, above all our evils, and thus is supreme in a certain respect.

From these things it is understood that imperfect contrition does not import the whole reparation of sin, even that which is possible to human frailty, and therefore does not rise to the perfection of virtue; namely, perfect contrition alone is the proper and perfect act of the virtue of Penance.

1. The first in whom the distinction occurs is reported to be Alanus ab Insulis, in *Regulae de sacra theologia*, rule 85.

Article I: On Perfect Contrition Itself

494. Thesis. Contrition, perfected by charity, remits sins, even mortal sins, without the real reception of the sacrament of Penance, yet not without the desire of it.

The proposition, set forth in these general terms, is certain from the Council of Trent, sess. 14, c. 4, against Luther and the Protestants, who deny that contrition disposes for justification; but the Council "teaches..., although it sometimes happens that contrition (this contrition) is perfected by charity, and reconciles man to God before this sacrament is actually received, nevertheless this reconciliation is not to be ascribed to contrition itself without the desire of the sacrament which is included in it." That this effect is always obtained when contrition is perfected by charity, and not only most rarely, in a case of extreme necessity, is certain against Baius and Jansenius,1 from the condemnation of propositions 31, 32, 70, and 71 of Baius.2

It is said: a) *contrition perfected by charity*, namely sorrow of soul and detestation concerning sin committed, with the purpose of not sinning for the future, from the motive of perfect charity toward God supremely loved for His own sake; whence its formal object is the supreme perfection of God on account of which God is lovable above all things and the offense against God is to be detested and repaired;

b) *without the real reception of the sacrament of Penance*, because perfect contrition from its own nature most fittingly demands the remission of sin and from the promise of God infallibly confers it;

c) *yet not without the desire of it*, because, since the sacrament of Penance and therefore sacramental confession is necessary in the New Law, the sinner cannot truly be contrite unless he wills to subject his offenses to the power of the keys, namely, to fulfill the necessary means and precepts of Christ.3 Yet it is not always required that the desire be explicit; but if someone is ignorant of the necessity of the sacrament or does not recall it, an implicit desire suffices in the general will of fulfilling all things that are necessary for salvation.

From this it follows:

1. that the desire of itself does not have the power of blotting out sin, nor does contrition have this power by reason of the desire, but the whole power is from perfect contrition;

2. consequently that the desire is not required as if the future sacrament, as foreseen by God, were the moral cause of the remission of sins, nor as if the remission were made conditionally, namely, if the sacrament should be received; but that contrition itself with this desire justifies, insofar as from the desire there is sufficiently posited the condition required in this economy of the New Law for the remission of sin;

3. that a man thus justified is bound by divine precept to accuse to a priest at the opportune time the mortal sins already remitted through contrition; otherwise the desire of receiving the sacrament would not be sincere. - Nor is the absolution of the priest useless in this case, since it works grace *ex opere operato*, which does not remit sins already remitted but justifies more, and adds the special help of sacramental grace.

1. Estius also taught this, in IV Sent., d. 17, § 2-3.

2. "Through contrition, even joined with perfect charity and with the desire of receiving the sacrament, crime is not remitted, outside the case of necessity or martyrdom, without the actual reception of the sacrament," prop. 71.

3. Thus already before the Council of Trent it was certain on account of prop. 1 of Peter of Osma: "Mortal sins, as regards guilt and the punishment of the other age, are blotted out by contrition of heart alone without order to the keys"; which on August 9, 1478, was condemned as erroneous and contrary to the Catholic faith, but was revoked by the author.

495. The efficacy of perfect contrition is proved:

1. From the Scriptures, which teach that those who are converted to God with their whole heart and love Him perfectly are at once justified. But perfect contrition is so called from the fact that it is perfected by charity. Therefore, if charity justifies, perfect contrition also does.

The major is clear a) from various testimonies of the Old Law (Prov. VIII, 17; Ezek. XVIII, 21-24; XXXIII, 12; Deut. IV, 29; Joel II, 12-13), by which it appears that sinners could obtain the remission of sins without a sacrament; this must at least be understood of those who are converted by a most noble act, such as penance from perfect charity, or, as is said explicitly, who love God and are converted to Him from the whole heart.1

b) A fortiori, this is valid of the New Testament, in which, besides, it appears that if a man loves God with perfect charity, by that very fact he is loved by God, so that he lives (Luke X, 27-28), and God comes to the man and makes His dwelling with him (John XIV, 23), and the man remains in God and God in the man (I John IV, 16), to whom He manifests Himself (I John IV, 7-9, 13), and that he who is thus born of God can no longer have sin (I John III, 9).

2. From Tradition, which a) supposes the thesis, both in the doctrine concerning Baptism of desire or of the Spirit, and in the fact that confession is not to be instituted before the reception of sacraments of the living; indeed, not even before the celebration of the Eucharist, if there is lack of a confessor and there is necessity of celebrating; - b) declares it by explicit testimonies.

Thus Tertullian, *On Baptism* 18, c. 4; *On Penance*, c. 4; Cyprian, *On the Lapsed*, c. 36; *On Mortality*, 17; ep. X, 5; XII, 1; LXXIII, 23; Pacian, ep. 3 to Sympronian, n. 8; Chrysostom on II Tim., hom. 7, n. 8; book 2 *On Compunction*; or. on St. Romanus I, 1; Ambrose, or. on the death of Val., 51-53; Augustine, book IV *On Baptism*, 21, 78; on I ep. John, I, n. 6; V, n. 10; serm. XXXIV, 3, 5; *Enchiridion*, c. 65; Gregory, II on Kings, c. III, 12, 26; hom. on the Gospels II, 33; Leo the Great, ep. 91 and 108; Peter Chrysologus, serm. 94; Bernard, *Bapt.*, n. 7 and 8; etc.[1]

[1] Cf. Galtier, *De Poenitentia*, n. 67-69.

3. By reason of fittingness: Although the most perfect conversion to God and contrition does not adequately compensate for the offense inflicted on God, nor equal the infinity of the injury, on account of the infinite inequality between God and man, but the injury remains until God liberally remits it, nevertheless from equity it is altogether fitting to the infinite goodness that He remit to one having perfect contrition, both because it is the most perfect disposition which

can be had by sinners, and because it imports pure love of God and thus most excellently disposes for divine friendship.

For it is not fitting to the divine goodness still to repel a creature who, with the help of divine aid, rectifies himself concerning the ultimate end, and casts away perversity from himself as far as he can. Namely, God does not deny grace to one doing what is in him.

Nor should this be reckoned changed from the institution of the sacrament of Penance. For since positive law does not change the nature of things, perfect contrition, from its own nature a sufficient disposition for grace, retains the same force with the sacrament instituted.

1. The words of Christ are not an obstacle: "Many sins are forgiven her, because she has loved much" (Luke VII, 47): for in Greek it is read: *apheontai*, i.e., they have been forgiven.

496. Observations. - 1) The proofs brought forward in the thesis proceed concerning contrition formed by any grade whatever of charity, which always includes actual and habitual conversion to God. For appretiative love above all things cannot consist with an affection or will of sinning. Whence they are valid concerning any grade whatever, not only concerning very intense contrition. Therefore no grade of intensity is required, but the least grade is sufficient, whatever many theologians formerly taught (before and after Trent), holding that contrition is not perfected by charity unless it is very intense; nevertheless their opinion has not been condemned.[2] Cf. St. Thomas, Suppl., q. 5, a. 1; a. 3; II-II, q. 45, a. 4.

[2] These belong to three classes: 1) Some said that detestation from the motive of charity, if it is appretiatively supreme, is perfect contrition; and that efficacious detestation from the motive of charity is appretiatively supreme; but intensity is required in order that it be efficacious. Thus many ancient scholastics are said to teach, as, for example, St. Anselm, Hugh of St. Victor, the Master of the Sentences, Roland, William of Auxerre, Albert the Great, Richard of St. Victor, St. Bonaventure; likewise Scotus, Faber, Hicquaeus, Major, Marsilius, Ockham, Gabriel, Abulensis, Thomas of Argentina. - 2) Others said that detestation from the motive of charity, if it is appretiatively supreme, is perfect contrition; but efficacious detestation is not always appretiatively supreme. Therefore a further grade is required beyond efficacy. Thus Pallavicini and Gisbertus. - 3) Others finally required for perfect contrition that it be at once appretiatively and intensively supreme; we have already indicated these above, p. 422. - These various opinions are not directly against the Council of Trent, which did not intend formally to condemn them. Nevertheless the mind of the Fathers was not doubtful, and in all things they favored the doctrine now generally received.

2. Let it not be thought that sin is never remitted by an act of contrition, since it is already remitted by the act of charity from whose command perfect contrition proceeds. For these two things occur simultaneously in one instant, as St. Thomas testifies, q. 85, a. 6 and I-II, q. 113, a. 8; so that according to the order of material and dispositive cause on the part of the subject, contrition precedes by nature; on the contrary, according to the order of efficient cause on the part of the agent, charity precedes.

3. Certain theologians have said that other motives besides perfect charity suffice for perfect contrition and for the remission of sins outside the sacrament: either any motive whatever that regards God, e.g., one taken from the virtue of religion, penance, obedience, gratitude, by which we detest sin not as it is against God supremely lovable, but as injurious to God and opposed to His rights and will (the Scotists, e.g., Brancatus, Minges); or the motive of love of

concupiscence and hope, by which we love God as our highest good (as a few moderns: Bolgeni, Hurter, Palmieri, Egger).

This opinion a) is altogether gratuitous, founded on no argument of Scripture or Tradition; - b) is unknown to the Council of Trent, which indicates one motive of perfect contrition, and this where it distinguishes it from attrition ex professo; indeed it seems to reduce all other motives to attrition, since the baseness of sin consists in this, that it is against the right, worship, obedience of God, and the motive of hope (God to be possessed) is reduced to the motive of fear (beatitude lost); - c) nor does it fit with reason: for an act of religion or of love of concupiscence is not a sufficient (or ultimate) disposition for the habit of charity or love of friendship toward God loved above all things. For thus God is not loved more than a created good; than the good of the virtue of religion, which is something created, or than our good, which is something beneath God; - nor does man already esteem himself less than God and God more than himself.[3] Whence man does not convert himself with his whole heart, nor does he do all that he can for the remission of sin; and therefore God is not bound to remit to him, either from equity or from fittingness.

[3] Indeed, for the virtue of religion or another moral virtue, God, even if He is the end *for whom*, nevertheless is not the end *which*, or the object of our act.

4. There is dispute among theologians concerning perfect contrition, as concerning charity, whether for the formal object, namely infinite goodness, one divine attribute suffices, or whether formally infinite goodness is required as the aggregation or sum of all perfections. Many moderns say that one attribute suffices, because in one attribute all the others and the supreme goodness of God are implicitly included, and consequently contrition is already on account of God Himself as supremely lovable. Others more truly say: if a man abstracts from or does not attend to the other attributes, these are not the object of his love, nor is God, infinitely perfect and supremely lovable, formally conceived, than whom nothing better is given and above whom nothing remains to be desired (II-II, q. 23, a. 5, ad 2; Q. D. *de Char.*, a. 6).

5. Certain authors distinguish between the love of charity or friendship toward God, which suffices, and the love of simple benevolence, which does not suffice, for perfect contrition. Thus among others Billuart. But although this is true of natural love of benevolence toward God the author of nature, it is not valid of supernatural love of benevolence toward God the author and end of the supernatural order: for this, if it is above all things, is already of true friendship because it is founded in the communication of the goods of the same divine life, while God is already loved as communicating Himself amicably in the beatific vision.[4] But if it is not above all things, neither will it be sufficient attrition for obtaining the remission of sin.

[4] St. Thomas, II-II, q. 27, a. 2, cannot be invoked, because he distinguishes benevolence from the act of charity. For he does not distinguish the act of charity from supernatural love of benevolence, but from mere benevolence without love, which "is a simple act of the will, by which we will good to someone, even without presupposing a union of affection toward him"; while "love... imports a certain union according to the affection of the lover toward the beloved, insofar, namely, as the lover esteems the beloved in a certain way as one with himself,... and thus is moved toward him." "Thus therefore," the holy Doctor concludes, "in dilection according as it is an act of charity, benevolence indeed is included; but dilection or love adds union of affection."

But if by the adversaries there were understood not love of benevolence, but benevolence alone or a mere act of willing good, they would indeed speak truly; but the observation would not be to the point, since thus they would not indicate a special motive, because in every sincere contrition, even imperfect and fearful, there is necessarily and always included the will of repairing sin, which is to will good to God.

Article II: On Attrition or Imperfect Contrition

497. Attrition, necessary and sufficient for the remission of sins in the sacrament of Penance, is sorrow for sins committed, which is conceived not from the perfect motive of charity, but from another supernatural motive of an inferior order, namely either from the consideration of the baseness of sin, or from fear of Gehenna and of punishments, insofar as they are inflicted by God that man may abstain from sinning, with the purpose of not sinning for the future.

According to the Council of Trent, sess. 14, c. 4, it can be conceived from a twofold motive: "either from the consideration of the baseness of sin, or from fear of Gehenna," i.e., of the punishment of loss and of sense, "and of punishments," temporal punishments of Purgatory and of this life; to this also pertains the desire of beatitude lost, can. 5. To these two all other motives are easily reduced. For besides the opposition of sin to the infinite good of God in itself, which perfect contrition regards, there is no opposition of sin except to our good, either to honest good, to which the baseness of sin is opposed, or to pleasurable good, which God takes away in punishment of sin.

The first motive is more noble, since it considers sin as opposed to the rectitude of the moral order, insofar as this has been established by God or insofar as it is known from the supernatural motive of faith, e.g., as it is injury, ingratitude, disobedience, injustice toward God, staining the soul, etc. The latter motive, although less noble, is nevertheless good and useful. To understand this, a twofold fear of God can be distinguished: filial fear, by which one fears to offend God from love and reverence, namely, fears the evil of fault on account of God, because it is an offense against God the best Father; this pertains to perfect contrition; and servile fear, by which God is feared only on account of the punishments which He threatens, by the force of which one not only abstains from the evil itself, but also lays aside affection for sin, yet on account of punishment; namely, he fears the evil of punishment to be inflicted by God and the fault on account of the punishment, so that fear is the motive of attrition, but not the condition without which attrition would not be had. Hence it does not positively exclude filial fear, but abstracts from it; and therefore servile fear is not evil, but imperfect (I, n. 822-823).

From the aforesaid there is distinguished, and is altogether different, fear servilely servile, when one avoids an evil work while nevertheless retaining affection for sin, so disposed that punishment is the condition without which sin would not be avoided: if there were no punishment, I would will to sin. Namely, he fears punishment alone, and indeed as the highest evil, more than fault. But then there is no true fear of God, by which, namely, man is converted to Him and avoids sins; rather there is sin, which positively excludes true fear of God. Hence rather than fear of God, it should be called merely worldly and depraved fear.

Now: 1) Luther and the Protestants contend that fear simply servile is not truly useful and honest, but makes a hypocrite and a greater sinner; likewise the Jansenists, Quesnel and the Synod of Pistoia, said that it is not dishonest, but inordinate and evil, because it is from love of self.

2. Several Catholics held that attrition alone does not suffice for obtaining the remission of sins in the reception of the sacrament, but that perfect contrition is required; and that this, however, does not remit sin without the sacrament unless it has a certain grade of intensity, or is intensively above all things.

Against these a twofold thesis is established.

498. Thesis I. Attrition conceived from the baseness of sin, the loss of beatitude, and the incurring of eternal damnation, can be true and useful sorrow, remotely preparing for grace. - Thus stated, it has been defined by the Council of Trent against Luther, sess. 14, can. 5.

But in c. 4 the Council teaches thus:

"But that imperfect contrition which is called attrition, since it is commonly conceived either from the consideration of the baseness of sin or from the fear of Gehenna and of punishments, if it excludes the will of sinning with hope of pardon, the Council declares not only does not make a man a hypocrite and a greater sinner, but also is a gift of God and an impulse of the Holy Spirit, not yet indwelling, but only moving, by which the penitent, aided, prepares a way for himself to justice. And although without the sacrament of Penance it cannot of itself bring the sinner to justification, nevertheless it disposes him to obtain the grace of God in the sacrament of Penance."[1]

[1] Cf. prop. 14 and 15 condemned by Alexander VIII; 60, 61, 62, 67 of Quesnel; 25 of the Synod of Pistoia.

It is proved: 1) From Scripture: that fear is good and useful which in the Scriptures is commended and commanded as conducing to justification. But such is the case concerning servile fear of punishments (Ps. CX, 10; Ecclus. I, 27, 28; Prov. I, 7; Mt. X, 28; Luke XII, 4-5).

2. From the Tradition of the Fathers: a) they frequently use the cited words of Christ to show that fear of Gehenna is truly salutary; b) they propose fear of judgment and Gehenna as a motive of detesting and fleeing sin; e.g., Tertullian, *On Penance* XI, 1; Clement of Alexandria, *Stromata* VII, 12; Chrysostom, hom. 15 to the people of Antioch, n. 2; Augustine, serm. 161, c. 3; on ep. I of John, tract. 9, c. 4; Enarr. on Ps. CXXVII, 8; Gregory, exp. on I Kings V, 11.

3. By theological reason: A. Attrition is not evil. Attrition from fear of Gehenna imports three things: the will of fleeing punishment, which has itself after the manner of an end; detestation of sin, which is the means to the end; and the ordering of this means to obtaining the end. But these three things are good and useful, indeed necessary that by such a motive men for the most part may be held in duty. Therefore.

The minor is proved: a) it is honest to flee the punishments of hell, since they are some evil and therefore worthy of hatred, and to pursue beatitude is good;

b) that detestation of sin is good, there is no one who denies;

c) moreover, to order the flight from sin to the avoidance of punishment as to an end is not evil, since it is an apt means, and God Himself, as every legislator, uses the threatening of punishments to deter us from sin. - Besides, the sinner who flees sin on account of punishment to be avoided does not exclude a higher motive, as if he were saying that punishment is the highest and principal evil, and thus were placing the ultimate end in his own good, but abstracts from the higher motive. For if he

excluded it, there would be fear servilely servile. Hence the motive of attrition is not the noblest, but it is not base.

B. Indeed, attrition remotely disposes to contrition. Attrition of its own accord tends toward perfect contrition and charity, and contains it in purpose.

For he who, from efficacious fear of Gehenna, hates sin, detests it as the cause of Gehenna, and consequently is disposed to doing whatever is necessary so that, by avoiding sin, he may also avoid hell. But for this it is required that he firmly propose to observe all the precepts, of which the first and chief is love of God above all things. Therefore from fear of Gehenna he is induced to love God Himself. Namely, he is disposed to posit an act of charity when it is necessary, but he does not posit it here and now.

499. Thesis II. For obtaining the remission of sins in the sacrament of Penance, perfect contrition is not required, but attrition suffices. - The thesis has not been defined nor is it theologically certain, but it is morally certain and safe, as being the doctrine now common, against several ancient theologians.2

It is proved: 1) From the Council of Trent, sess. 14, c. 4, if it is understood in the obvious sense. The Council describes the parts of the sacrament of Penance, and in the first place contrition. Hence it speaks of contrition insofar as it is a part of the sacrament; it distinguishes this as twofold, perfect and imperfect, and says that it sometimes is perfect. Hence the contrition which is a part of the sacrament is not always perfect, but imperfect contrition also suffices for the sacrament; moreover, the definition of contrition handed down by the Council agrees with it.

It is confirmed: in the Council it is declared that contrition is twofold: perfect, which reconciles the sinner to God before the sacrament is actually received; imperfect, or attrition, which "disposes him to obtain the grace of God in the sacrament of Penance," i.e., disposes proximately and sufficiently, or suffices. Indeed, the stricter authors understood that word "disposes" of a remote disposition, but not of a proximate disposition to justification. Yet this is precluded a) by the parallelism between contrition, which is a proximate disposition, and attrition; likewise b) because attrition, even without the sacrament, remotely disposes to grace, as is clear from the example of the Ninevites adduced by the Council; hence it would uselessly and ineptly be added: in the sacrament; finally c) since Trent did not mention a more proximate disposition in the sacrament, the definition would be defective and the doctrine incomplete. - Besides, if the Council used the word "disposes," and not "suffices," this was done lest the antiquated opinion of Peter Lombard be expressly condemned; but the mind of the Council is sufficiently clear from the disputations held among the Tridentine Fathers.[2]

[2] Cf. Theiner, *Acta*, vol. I, p. 531-600.

2. From various theological reason: if perfect contrition were prerequisite to absolution,

a) sinners would never be made alive by the sacrament of Penance and by the ministry of the priest, since they would already have been justified by contrition; this contradicts the Council of Trent, sess. 14, c. 1 and 3, can. 3 (cf. can. 9), saying that through the sacrament of Penance sins are truly remitted; and it is badly reconciled with the condemnation of prop. 59 of Baius: "The penitent sinner is not made alive by the ministry of the absolving priest, but by God alone, who, suggesting and

inspiring penance, makes him alive and raises him up; but by the ministry of the priest guilt alone is taken away";

b) the sacrament would not cause that for which it was primarily instituted, namely, to take away mortal sin; and then there would be no difference between the sacraments of the living and of the dead, nor would Penance be the second plank after shipwreck;

c) the way of salvation would be narrower and more difficult in the New Law than in the Old Law, since now confession is also required; indeed, the same disposition would be required for justification *ex opere operato* and for justification *ex opere operantis*, although for the latter a disposition demanding grace is necessary, while for the former there suffices a disposition which removes the obstacles to grace, namely the will of sinning or adhesion to sin.

3. From the universal practice of confessors and the faithful, who do not require perfect contrition in order to administer or receive the sacrament; likewise from the practice of the Church carefully absolving the dying, even when they had gravely sinned; indeed, absolution is not denied to the dying man provided that he is probably attrite. This is not explained in the opposite thesis: either the dying man has contrition, and then he does not need absolution; or he is only attrite, and then absolution is useless.

2. The thesis is held by St. Thomas and the Thomists generally, Scotus, Durandus, Aureolus, Suarez and the Jesuits, St. Alphonsus and all recent authors. On the contrary, St. Anselm, Hugh of St. Victor, the Master of the Sentences, Roland, Albert the Great, Richard of St. Victor, St. Bonaventure, Pallavicini, Juenin, Berti, Ledrou, Gazzaniga, Christian Lupus, Morinus.

500. Question concerning the dispositions required for attrition. - Attrition necessary for the remission of sins supposes certain dispositions of soul; it must be joined with faith, otherwise it would not be supernatural, and with hope of pardon, otherwise there would be no purpose of a better life. But it is disputed whether, in addition, a beginning of love is required, or whether attrition conceived from fear of Gehenna alone, without love of God, suffices for justification in the sacrament of Penance.

The occasion of the disputation was furnished by the Council of Trent, sess. 6, c. 6, describing in a general way the conditions required for justification: "They are disposed to that justification when, aroused by divine grace, conceiving faith from hearing, they are freely moved toward God, believing... and... from fear of divine justice, by which they are usefully shaken,... they are raised up into hope, trusting... that God will be propitious to them, and they begin to love Him as the fountain of all justice,... and on account of these things they are moved against sins by some hatred and detestation, that is, by the penance which must be done before Baptism; finally, they propose..." Hence

1. some said that together with attrition there is required love of God loved for His own sake, namely an initial act of charity or at least of benevolence, whether

a) an act of charity but remiss, not intense, saying that perfect contrition is required for the sacrament of Penance, because only very intense contrition remits sin without the sacrament, as we noted above;[3] or

[3] Cf. on IV Sent., d. 14, q. 1, a. 2, qc. 2-3; and d. 20, q. 1, a. 1, qc. 1, ad 1.

b) an initial love of God loved for His own sake, by which He is not loved above all goods, although it efficaciously withdraws from every sin (Pallavicini, Bossuet); or

c) at least a certain love of benevolence toward God, as St. Charles Borromeo, Billuart, Sardagna, Simonet, Diekamp, etc.

2. others hold that the love of charity is not required, but no love except the love of concupiscence and hope, which act must be elicited explicitly and specially, as Tournely and the Wurzburg theologians;

3. finally, according to others, no explicit and formal act of love is required, but sincere attrition from fear of Gehenna, which excludes the will of sinning, suffices. Thus Francis de Vitoria, Melchior Cano, Valentia, Dominic Soto, Vasquez, Suarez, Lugo, Gonet, Gotti, St. Alphonsus, Ballerini, and nearly all moderns.

Now it seems that some love of God is required, at least of concupiscence, or a beginning of love, yet not a special one; but this is in fact contained in every sincere attrition which excludes the will of sinning, or connaturally follows attrition. For there is present a will or desire of conversion, in which there is implicitly contained love of justice to be repaired and of God, who is the fountain of justice. And thus several opposed opinions can to some extent be reconciled.

Such love, however, seems to suffice, for there is no reason for affirming that some special love is required. For that love suffices which proximately disposes to justification in the sacrament, while it removes the obstacles to grace. But the love of concupiscence toward God, our highest good, included in attrition, disposes to justification: from it attrition detests sin and includes hope of pardon and excludes the will of sinning, or adhesion to sin, which is an obstacle to grace. Therefore a more noble love is not proved to be required, besides the love of concupiscence included in attrition. But if a more perfect love were required, it would seem that the Church could not permit the opposite opinion.

But the words of the Council of Trent a) can be understood of the love of concupiscence and hope toward God as good to us: for by this they begin to love God as the fountain of justice, namely from love of justice to be acquired for themselves; by this also they are moved against sins, because it is sufficiently apt to produce hatred of sin. And nevertheless there is present a beginning of love, insofar as it is included in attrition: 1) in the sorrow by which the sinner intends to render God propitious and to return to divine friendship, which is an approach to charity; 2) in the purpose by which he wills to observe the whole divine law, and therefore the primary law of charity; 3) in the hope of pardon by which he wills to arrive at eternal life and the most perfect friendship of God, and thus has the love of charity for the ultimate end.

b) Perhaps, however, they are better understood of love properly so called, of God loved for His own sake, because the decree of the Council seems to reproduce the article of St. Thomas III, q. 85, a. 5.[4] But all the acts described by Trent are not absolutely and equally necessary for justification with the sacrament; thus, e.g., fear is never necessary, although ordinarily present; some are always necessary whether outside or within the sacrament, as faith and hope; another only outside the sacrament, namely the act of charity. Hence the word "therefore" does not indicate the consequence of love alone, but of all the preceding acts, which nevertheless are not all always necessary; so that hatred and

detestation and penance depend on faith, fear, and hope if justification is made with the sacrament, and also on the beginning of perfect love if it is made without the sacrament.

[4] Cf. p. 440.

For the rest, according to the Council, that love of God for His own sake is not necessarily required is clear both from the disputations held in the Council, and from the theologians who were present at the Council, several of whom do not require such love of God for His own sake in the sacrament of Penance.[5] Therefore this opinion is sufficiently safe in practice, because the opposite is founded on no solid reason.

[5] Cf. Palmieri and Pesch, *op. cit.*, and Perinelle, *L'attrition d'apres le Concile de Trente et d'apres S. Thomas d'Aquin*.

501. They object: 1) Sorrow for sin on account of the motive of Gehenna imports the will of sinning at least conditionally, if there were no Gehenna.

Resp. Distinguish: it imports the will of sinning of itself, I deny; accidentally, I subdistinguish: sometimes, I concede; always, I deny. - If someone grieves from fear of Gehenna, saying in his heart that, if there were no Gehenna, he would will to sin, he sins not only conditionally, but absolutely. But this is not from fear of Gehenna precisely and considered in itself, but from a depraved affection of the will, which places the ultimate end in the avoidance of Gehenna. But if he simply grieves for sin on account of fear of Gehenna, then Gehenna is the motive of sorrow, which is good and by its nature is ordered to God, and therefore mediately tends toward that which is the true ultimate end.

2. If someone from fear of Gehenna alone detests sin, he virtually or equivalently has this act: I would will to sin unless I feared hell.

Resp. Since he knows that sin leads to hell, he fears and abhors this for its own sake, and sin and affection for it on account of this. Hence he rather says: since hell is given, which I fear and will to flee, I in no way will to sin.

Therefore he neither excludes nor includes other motives, but prepares the way to them. Hence it is not rightly said that, according to the present disposition, he would not grieve from another motive, if there were no hell.

3. It is perverse to order a greater good to a lesser, and to hate a greater evil in order to avoid a lesser. But he who has servile fear hates the greater evil, namely sin, in order to avoid the lesser, namely hell. Therefore.

Resp. a) Distinguish: it is perverse to order a greater good to a lesser as to the ultimate end, I concede; otherwise, I deny. For those praying for a temporal good order the worship of God to a temporal end.

b) I deny the minor: Gehenna is not a lesser evil; for it imports not only the evil of punishment, but also the evil of fault, aversion from God.

4. The attrite person fears punishment more than fault.

Resp. Distinguish: he fears more intensively, I concede; more appretiatively, I subdistinguish: if he were to institute a comparison and positively exclude other motives, I concede; if he does not exclude

them, I deny.

5. To grieve only on account of punishment is evil.

Resp. Distinguish: with the positive exclusion of another motive, I concede: that indeed is evil; with simple abstraction from another motive, I deny: that is good.

6. If servility is evil, therefore also servile fear.

Resp. Distinguish: servility intrinsic to an act renders the act evil, I concede, as in fear servilely servile, by which punishment is held as the highest evil; servility extrinsic to the act renders the act evil, I deny, as in fear simply servile, by which punishment is held as an evil; and this is right. Then, namely, servility is not intrinsic to the work, but to the one working, insofar as man is still in the state of servitude or mortal sin, turned toward temporal good; namely, it is a vice of the one fearing and grieving, not of fear and sorrow. Hence the fear or sorrow is not evil.

7. Attrition from fear of punishment does not cause displeasure of sin according to itself, but only as it induces punishment; therefore it does not take away affection for sin according to itself.

Resp. Distinguish: it does not directly and immediately take away affection for sin according to itself, I concede; it does not take it away indirectly and mediately, I deny. For at least indirectly and mediately the attrite person does not will sin according to itself, since he does not will that which leads to punishment; directly he does not will it on account of hell.

8. Yet many are so disposed that they would sin if fear of hell did not restrain them; therefore in them there lies hidden an affection for sin.

I deny the consequence. From acts conditionally future no one is good or evil. For many, if they were not led by love of God or of virtue, would in fact sin, and yet for this reason they do not say here and now: I would will to sin, unless I loved God or virtue. By parity, for those who are led by servile fear.

502. Observation. - He who says: I would sin, if there were no hell, either understands it of an actual conditioned will: if I could with impunity, I would sin; and then no sincere attrition is present; or of a conjectural judgment of the intellect: I am so weak that I foresee that I would sin if there were no hell; and this can be combined with true and sincere attrition.

503. Corollaries. - 1) The penitent, by receiving the sacrament, from attrite becomes contrite, not indeed 1) in the formal and proper sense, that attrition formally becomes perfect contrition, since they are two acts distinct in motive and species; moreover, the same act numerically cannot be changed as to substance, nor be from a different motive or a different principle, e.g., from actual grace alone or from an infused virtue; but 2) in the material and improper sense, on the part of the subject, insofar as the penitent who from an act of imperfect contrition is denominated attrite can now by the power of the sacrament be denominated contrite, as having grace by which the informity or imperfection of contrition, i.e., the defect or absence of charity, is taken away: both a) by reason of the habit of charity and penance, which is infused, by which he becomes contrite habitually, able to elicit perfect contrition; and b) by reason of the supernatural act by which he voluntarily accepts

grace and charity, insofar as attrition joined to the sacrament is equivalent to contrition as to the effect produced, namely the remission of sin.

2. Hence penance, which is necessary by necessity of means, is either perfect contrition, at least virtual, with the desire of the sacrament, or formal imperfect contrition in the sacrament.

3. Nevertheless penitents are to be exhorted and stirred up to love of God and perfect contrition, for the sake of greater perfection and security. Nor is having such contrition so difficult, as St. Thomas testifies.[6]

[6] Quodl. IV, a. 10; on John, lect. 6, n. 6, v. 44; *C. Gent.* IV, 72; on IV Sent., d. 22, q. 2, a. 1, sol. 3.

Question Four: On the Effect of Contrition

St. Th., III, q. 86, a. 6; Suppl., q. 5 and q. 9, a. 1.

504. Contrition is the cause of the remission of sins and of the infusion of grace. - Since contrition can be considered in two ways, as it is a part of the sacrament and as it is an act of the virtue of penance, in each way it obtains the effect, but in different ways: *ex opere operato* and *ex opere operantis*.

1. Insofar as it is a part of the sacrament, together with the remaining parts, namely confession and absolution, it is an efficient instrumental cause, which works instrumentally unto the very infusion of grace and the very condonation of sin and punishment.

2. Insofar as it is an act of virtue, it is not the formal cause of justification, which is one only, the justice by which God makes us just, as is certain from the Council of Trent, sess. 6, c. 7, or sanctifying grace; nor is it the efficient cause, because God alone justifies, c. 7; nor the meritorious cause, c. 6 and 7, can. 3 and 4; sess. 14, c. 4. For although contrition effects the retraction and compensation of sin, and thus efficiently concurs toward the removal of the offense, which is the impediment of remissive grace (III, q. 85, a. 2, ad 3), nevertheless it is only the dispositive or quasi-material cause as regards the reception of grace; for disposition is reduced to the material cause. Yet this disposition of ours is principally from God moving us through grace. - For:

a) Perfect contrition, even outside the sacrament, with only the desire of it, nevertheless causes dispositively, as the last disposition or "quasi-necessity" for grace; once this disposition has been posited, according to the liberal ordination of God, grace is immediately infused.

b) Attrition of itself causes dispositively but remotely, and sufficiently causes grace together with the sacrament.

"And thus it is clear that remission of fault is an effect of penance insofar as it is a virtue, but more principally insofar as it is a sacrament" (III, q. 86, a. 6).

505. Contrition, even small or remiss, is sufficient:

1. for blotting out even great sins, provided that it reaches the nature of contrition, because sin displeases as much as it ought, i.e., above all evils;

2. nevertheless, the greater and more intense it is, the more it obtains the remission of sin and punishment and the infusion of grace;

3. indeed, it can be so great and intense, both on the part of charity and on the part of sensible sorrow which it voluntarily excites, that it suffices for blotting out every fault and every punishment.

506. Question: Whether the sacrament of Penance can be at once valid and unformed or infructuous?[1] - Modern theologians ask about this on the occasion of the doctrine concerning the endowments and effect of contrition.

[1] On this, consult *Revue Eccl. de Liege*, Nov. 1909 and July 1910.

a) Many more recent theologians deny this, because the disposition required for grace is also a part of the sacrament; hence if this is valid, the disposition sufficient for justification, namely attrition, is present, and consequently the fruit also is immediately obtained. But if attrition is not present, neither is the sacrament valid.

b) Yet many others think that contrition, which is the necessary part for the validity of the sacrament of Penance, is not altogether the same as that which is the sufficient disposition for justification and the fruit of the sacrament. Several more recent authors restrict this opinion to two cases: 1) when someone guilty of a twofold sin, from invincible forgetfulness, grieves only for one of them on account of the baseness special to it and confesses this alone; 2) when someone from invincible ignorance would believe that it is not a mortal sin to approach the sacrament without sorrow for all sins, while nevertheless sorrow from a special motive would be present concerning some sin. In these cases the sacrament seems to them to be valid, because the man supplies the matter, namely, confession formally integral and true efficacious sorrow for some sin with an absolute purpose; and yet grace is not conferred, because an obstacle is given: for contrition is not universal, since the other sin has not been retracted. Thus Suarez, Lugo, the Salmanticenses, and others, whose doctrine St. Alphonsus considers probable. - Yet one may very much doubt whether there can be a supreme and efficacious contrition for some sin on account of God which is not universal. Moreover, if the unformedness of the sacrament of Penance had to be restricted in this way to two very rare and quasi-metaphysical cases, it would contribute little to practice and could practically be neglected.

c) But the older theologians admitted unformedness more broadly, and distinguished otherwise: between contrition which is a necessary part for the being of the sacrament, and contrition which is the necessary disposition for justification. The first, as being part of the sacramental sign, is contrition as it can be externally and sensibly manifested and judged with moral certitude by the confessor, namely, that it be internal and sincere, supernatural and universal. But for justification more is required, namely also supreme contrition, by which man is so disposed that he holds sin as the highest evil and efficaciously wills to suffer all evils rather than commit it; but this is not sensible and escapes human experience, nor can it be morally judged. Hence it does not pertain to the sensible sign of the sacrament. Therefore as often as someone has the former contrition, namely supernatural contrition, and lacks the other, namely contrition appretiatively supreme, here and now nevertheless unconscious of the defective disposition, but thinking himself rightly disposed (otherwise contrition would be simulated and feigned), the sacrament is valid but infructuous. But

when a further disposition comes, it works its fruits and revives. This will happen only once, because by one revival the right to the remission of sin absolutely granted is exhausted.

The doctrine of the Council of Trent (sess. 14, c. 4) is not an obstacle to this; speaking of contrition, which holds the first place among the parts of penance, it recognizes none except that which excludes the will of sinning. For this can be required by the Council insofar as it is necessary that contrition also be sufficient as a disposition for justification. For it does not say that this is required in order that contrition be a part of the matter itself of the sacrament.

The last opinion is not certain, but truly probable, both intrinsically on account of the reasons indicated, and extrinsically from the authority of many, of whom St. Thomas is a witness, q. 9, a. 1, teaching that an unformed confession is given. Thus interpret him Capreolus, Durandus, Paludanus, St. Antoninus, Soncinas, Bernard of Gannaco, Cajetan, Dominic Soto, Sylvester, Candidus, Peter de Soto, Melchior Cano, Ledesma, John of St. Thomas, and several others; most recently Billot, De Smet, Van Noort, Vermeersch, etc.[2] Hence in practice attention must be given to that opinion, e.g., in the question whether absolution is to be given, or not, under a condition, and under what condition; so that in practice the sacrament should never be given under the condition: if you are disposed, but under the condition: if you are capable, lest, namely, there be impeded any revival of the sacrament, if such would be given.

[2] Kiselstein also favors it in *Revue Eccl. de Liege*, Jan. 1924.

Chapter II: On Confession

507. Confession is required for the sacrament of Penance, because it was instituted after the manner of a judgment. For a judgment an accusation is required. But in this judgment there is no accuser, nor plaintiff, nor witness, except the guilty party himself, who therefore must manifest his offenses. This is done by confession, by which he subjects his sins to God, through His minister.

Before Christ there was no sacrament of Penance, and therefore no sacramental confession; nevertheless there existed a certain confession of sins as an act of the virtue of penance. And indeed:

a) In the Old Law it was threefold, namely: 1) confession made to God in order to obtain more easily the remission of sins (Prov. XXVIII, 13; Ecclus. IV, 31); 2) a general confession by which the high priest publicly recited once a year the impurities of the people of Israel, as is described in Lev. XVI, 20-21; 3) a distinct confession of some sin, which was made to priests, who offered sacrifice for a determinate sin, because the victim was different according to the diversity of sins, or also when restitution had to be made (Lev. IV, 3-31; V, 1-13; VI, 1-7; Num. V, 6-7).

b) When John was already announcing and preparing the proximate coming of Christ, the Jews who were seeking the baptism of John unto penance confessed their sins, that they might more efficaciously manifest the purpose of doing penance (Mt. III, 6; Mk. I, 5).

c) But after Christ, specific and distinct confession made to a priest is now necessary for the validity of Penance as a sacrament (Council of Trent, sess. 14, c. 5), whence it was called *exomologesis*, i.e., declaration.[1] This confession was instituted by Christ the Lord Himself, and by divine right is necessary for all and each mortal sin (ibid., can. 6 and 7). Yet the manner of confessing publicly, although it is not forbidden and has been used by some for the humiliation of sins and of self, for the example of others, or for the edification of the Church, is not of precept; and therefore from the

beginning of the Church there also existed secret confession, which is not alien from the mind of Christ, nor a human invention. Thus defined the Council of Trent, sess. 14, c. 5, at the same time giving the theological reason for the necessity of distinct and specific confession of all sins: "For it is clear that priests could not have exercised this judgment, the cause being unknown, nor indeed could they have kept equity in imposing punishments, if penitents had declared their sins only in general, and not rather in species and one by one. From these things it is gathered that all mortal sins, of which penitents after diligent examination of themselves have consciousness, must be recounted in confession, even if they are most hidden."

[1] Yet the word is also used for the whole and laborious action of penance, as we said, p. 367.

Question One: On the Necessity of Confession

Article I: On the Necessity of Confession as a Means

St. Th., Suppl., q. 6, a. 1, 2, 6.

508. Errors. - Concerning the institution or necessity of confession many have erred:

a) Wycliffe in the fourteenth century held confession not as instituted by God, but as useless, saying: "if a man has been duly contrite, every external confession is superfluous and useless for him"; this proposition is the seventh among those condemned by the Council of Constance.

b) Peter de Osma taught that mortal sins are blotted out by contrition alone without order to the keys, prop. 1; that confession of sins in species is from the statute of the universal Church, not from divine right, prop. 2; and that confession is not to be made of manifest sins, but only of secret sins, prop. 4. These propositions were condemned by Sixtus IV on August 9, 1478, as false and contrary to the Catholic faith, and were retracted by the author.

c) Luther at first indeed retained confession of grave and manifest sins as most salutary (prop. 8 condemned by Leo X, June 15, 1520); afterward he not only denied that it had been instituted by Christ, but also attacked the ecclesiastical precept; indeed, he said that the manner in which it is done in the Church was a "most bloody slaughterhouse."

d) Calvin (*Institutes* III, 4) contended that auricular and distinct confession was instituted not by Christ, but by Innocent III in the Fourth Lateran Council, and that it is harmful to the Church.

e) Erasmus also denied that such confession has a foundation in antiquity.

f) Eybel contended that penance was instituted in antiquity for the remission of sin as it is an offense against the Church; that secret confession did not exist except as a remedy by which works of penance were counseled, by which remission was obtained before God; and that the present custom of the Church is an abuse contrary to the institution of Christ. These things Pius VI condemned as false or even heretical, Constitution *Mediator*, November 11, 1784.

g) Rationalists and liberal Protestants teach that confession is an ecclesiastical institution from the slow evolution of primitive penitential discipline: to that discipline at the beginning there belonged some public confession; then, because of the usurpation by priests of the power of remitting sins, distinct confession was required; afterward it was made secret; and finally it was held as obligatory, which, after dispute, the Fourth Lateran Council sanctioned.

h) For the rest, all Protestants, even the most orthodox, such as the Ritualists, although they recognize the utility of confession, nevertheless deny its necessity.

509. Thesis. In the New Law, by divine right, for all those who have sinned gravely after Baptism, sacramental confession is necessary for the remission of sins and for salvation, and indeed confession of all and each mortal sin. - It is of faith from the Council of Trent, sess. 14, c. 5, can. 6 and 7, which defined three things:

1. the divine institution of confession;

2. its necessity for salvation, namely for the remission of sins; and therefore this is a necessity of means to the end, and since it concerns a human act to be posited, consequently there is also a necessity of precept;

3. its object, namely all and each mortal sin.

It is proved: I. From the Scriptures:

A. The divine institution of confession. Christ instituted the sacrament of Penance after the manner of a judgment (Mt. XVI, 18-19 and XVIII, 18; John XX, 23), so that ministers cannot bind or loose, remit sins or retain them, according to their own pleasure, but only according to the laws of equity and prudence. But such a judgment cannot be pronounced without the prior confession of all mortal sins. Therefore Christ instituted such confession as necessary for the sacrament of Penance.

1. For an equitable and prudent judgment cannot be borne unless the cause is known, and indeed distinctly and in particular, as is clear from human judgments. Moreover, each mortal sin by itself alone is a distinct cause. Besides, the cause regularly cannot be known without the confession of the penitent, who alone can a) reveal his secret sins, or b) also reveal the true malice of external sins, which depends on the internal act of knowledge and will, and c) reveal the proof of true penance.

2. Furthermore, the power conferred was that of remitting or retaining sins; and this certainly is not to be exercised indiscriminately according to the pleasure of the minister, but according to the state and interior dispositions of the penitent; concerning these it is likewise impossible to judge without the distinct and integral confession of grave sins.

3. Finally, the power of retaining is the power of imposing the conditions under which remission is granted, so that, with one or another condition posited, he who has sinned in this or that way is absolved. For this there is required a distinct and integral accusation of sins, without which equity could not be preserved in imposing punishments and assigning remedies.

Therefore Christ, by granting to the Church the power of remitting sins after the manner of a judgment, by that very fact instituted confession, and indeed distinct and integral confession.

Nor does knowledge of the dispositions of the penitent suffice, because judgment is made not only concerning dispositions and culpability, but also concerning sins; for the question concerns sins to be remitted or retained. And without knowledge of these, a right estimation of culpability and dispositions would be impossible; for this supposes knowledge of the crimes and of the gravity of the

crimes. Therefore for a judicial sentence there must be known that from which one is absolved, and that on account of which one is absolved.

B. The necessity of confession. Christ instituted that all mortal sins committed after Baptism would not be remitted otherwise than through the judicial sentence of the absolving priest in the judgment of the sacrament of Penance, according to John XX, 23: Whose sins you shall remit, they are remitted them; and whose sins you shall retain, they are retained.

1. For Christ established in the Church a tribunal for the remission or retention of sins. But when a prince in his kingdom establishes a tribunal for the knowledge of causes which regard not private lawsuits but society itself and the observance of laws, by that very fact he manifests his will that it be the necessary way for terminating these causes, and that guilty persons be compelled to present themselves before the tribunal to terminate lawsuits with the law; for otherwise the power of judges would be vain and illusory, since it would be contemned with impunity. Therefore.

2. The power of remitting and retaining sins is nothing other than a special exercise of the power of the keys. But the power of the keys supposes the force of obliging all the faithful who have fallen into sin, so that they may have recourse to it for the loosing of this bond and for the opening of the kingdom of heaven. For what would it profit to have the power of the keys or of binding and loosing, if others could open or loose? Therefore.

3. Sin is not remitted by God while the Apostles and priests retain it: "whose sins you shall retain, they are retained," i.e., if you retain, I also retain; if you shall not remit, I also will not remit. Therefore the sinner cannot obtain remission except by having recourse to the power granted to the Apostles and to the tribunal of the sacrament of Penance; for otherwise they would retain in vain, and the words of Christ would be vain or false (cf. above, n. 437).

Briefly: a judicial sentence is borne concerning those things which have been brought forward in the judgment, and therefore, as regards the sacrament of Penance, concerning declared sins. But according to what has already been proved, all and each mortal sin must be subjected to the sacrament of Penance or to the power of the keys. Therefore all and each must be declared in confession. - And therefore from the first times confession was held as necessarily connected with the due exercise of the power of the keys, and thus implicitly was held to be of divine right; as now must be shown.

II. From Tradition, or from the practice and faith of the Church.1 In this there is recognized implicitly or explicitly both the existence of confession under public or secret form, and the necessity of confession, and indeed from divine right.

1. The existence of confession: a) at the beginning implicitly, insofar as juridical knowledge of the offense is placed before the public imposition of penance (Didasc. II, in which three cases are reported, n. 16-18, n. 38-41, and n. 42-43), or public knowledge of error or schism (Ep. Corn.; P.L. III, p. 718 sq.), or the examination of the cause (Council of Carthage, in the year 251; Cyprian ep. 55 and 57, and this also is supposed in the epistle of Dionysius of Corinth, H.E., l. IV, 23);

b) then explicitly under public form: thus Irenaeus, *Against Heresies* I, c. 13, n. 5; Tertullian, *On Penance*, c. 9; Cyprian, *On the Lapsed*, c. 28 and 29; Origen, Hom. II on Lev. 4; Lactantius, *Divine Institutes*, l. IV, 30; Ambrose, *On Penance*, l. II, c. 1 and 6, which also in the life of Ambrose, n. 39, Paulinus reports;

c) and also under secret form, namely auricular or private confession: thus Origen, hom. II on Ps. XXXVII, n. 6; Peter of Alexandria (apud Mai, *Spic. Rom.* vol. VII, p. 465); Athanasius, fragment against Novatian; Aphraates, *Dem.* VII, n. 3-4; Socrates and Sozomen (in H.E., l. VII, c. 16); Basil, ep. 217, can. 34; Gregory of Nyssa, ep. can., can. 6; Ambrose, *On Penance*, l. II, c. 6 and 9;

d) finally the distinction between each form: as Augustine, serm. 351, n. 9; Innocent I, ep. to Decentius XXV, 7, 10; Leo the Great, ep. 168.

2. Moreover, the necessity of confession: implicitly Clement, ep. to the Corinthians, c. 44 and 57; ps.-Clement, II to the Corinthians VIII, 3; Irenaeus, l. I, c. 13, n. 7, and Origen, hom. 2 on Ps. XXXVII, n. 2 and 6; hom. 3 on Lev., n. 4; hom. 17 on Luke; explicitly Methodius, *On Leprosy*, 6, 7-9; Aphraates, l. c.; Socrates and Sozomen, l. c.; Chrysostom, hom. 30 on Genesis, n. 1 and 3; Gregory of Nyssa, l. c.; Basil, *Regulae brevius tractatae*, n. 228; Ambrose, *On Penance*, l. II, 7; Jerome, on Ecclus., c. X; Pacian, *Paraenesis ad Poenitentiam*, n. 8; Augustine, serm. 351, n. 9; on Ps. CI, 2-3; serm. 67, n. 1-2; on John, tr. XXII, 7; serm. on Penance (ap. Mai, *N. Bibl. P.*, vol. I, p. 455); Leo the Great, ep. 168, c. 2.

3. Finally, the necessity of confession is from divine right, by force of the institution of Christ, because it is connected with the power of the keys granted by Christ, as can be seen in Cyprian, ep. 55, c. 29; Ambrose and Pacian, l. c.; Augustine, serm. 392, n. 3; Leo the Great, ep. 108, etc.

From these things it follows that all and each mortal sin must be confessed. Even hidden and internal sins must be confessed, as Tertullian, Origen, Cyprian, Basil, Pacian, Ambrose, Jerome, Augustine, Innocent I, etc., explicitly hand down; and all implicitly, since they propose the doctrine concerning confession as connected with the power of the keys, outside which there is no remission of sins.

Therefore, at least at the beginning of the third century, from Origen, Tertullian, and Cyprian, we know that in the universal Church there is the practice of confession as proper to the Catholic Church and apostolic, with no one contradicting. Hence it is not of recent institution; otherwise, in a matter of such great importance and such great burden, opposition and dissent would have been made. Therefore it already existed in this way, at least from the middle of the second century. But at this age there were still living hearers of the apostles or their immediate disciples, under whose eyes such a practice would not have been introduced without their crying out against the novelty; of which thing no indication appears.

1. One may consult Morinus, De San, Pignataro, Battifol, Vacandard; from the manuals: Tanquerey, *op. cit.*, n. 101-121; Galtier, *op. cit.*, n. 421-435; Van Noort, *op. cit.*, n. 76-82 and 87.

III. It is confirmed from the fittingnesses of reason.[1] The act of confession is most fittingly required from the penitent, whether it is considered on the part of God, or on the part of man, or on the part of society.

[1] Cf. P. Felix, *Pourquoi on se confesse et pourquoi on ne se confesse pas?*; Bougaud, *Le Christianisme et les temps presents*, vol. V, ch. 6; Tanquerey, *op. cit.*, n. 123-125; Ferrerius Companus, *De Biecht. Een groote maatschappelijke weldaad*; M. Lamarche, O.P., *De la Confession*, in *Revue Dominicaine*, May 1923; *Dictionnaire apologetique*, art. Penitence.

a) On the part of God offended, because painful confession, as a humiliation sufficiently hard, on the one hand in some measure repairs the injury of pride and disobedience inflicted on God by sin, and on the other hand even among men has great force for meriting pardon.

b) On the part of the penitent man, to whom it is very useful for the facility of pardon, security, and consolation. Before sin, the foreseen burden of searching out and confessing all internal secrets deters man from sin; after sin, attentive consideration of them and sincere confession wonderfully contributes to the peace and consolation of the soul, and helps toward amendment of life. But since no one is judge in his own cause, we need a friend and guide, both for opening to him and more securely judging the secrets of the heart and healing wounds, and for the practice of virtues, and for progress in the spiritual life.

c) On the part of society, both domestic and civil, to which it is useful. For confession is the cause or occasion that lawsuits and dissensions are settled, enmities are laid aside, goods taken away are restored, scandals are prevented or repaired, etc. In one word, it renders the observance of laws and morality easy.

But abuses are not provoked by confession itself, but by the frailty or malice of men. And because the Church proceeds most cautiously in this matter, they are relatively rare; and they are abundantly compensated by much greater benefits.

510. Corollaries. - 1. From the aforesaid it appears that there was a certain progress and evolution in the practice and in the exposition of the dogma. The divine institution and necessity of confession are contained in the Scriptures not explicitly but implicitly; the matter of confession is designated only in a general and confused way; and nothing is established concerning the time when confession urges or the manner in which it is to be instituted.

2. From this also it happened that there are few explicit testimonies of the primitive Church, and that the faithful confessed less frequently, especially because for the most part they were more fervent, and because the doctrine concerning several grave sins was not yet perfectly determined. But those who were immune from grave sins, or thought themselves so, did not approach the sacrament, for the custom of accusing venial sins was not yet vigorous; and not a few who had fallen were deterred because of the labor and duration of Penance, and therefore delayed more than was just.

3. Nevertheless all the essential elements are present from the beginning and the obligation of confession is recognized, although the manner was very different in different times. Therefore confession was not instituted by Innocent III in the Lateran Council, nor introduced by Leo the Great.

4. In demonstrating the thesis, one must abstain from certain testimonies of Scripture or Tradition which, although at first glance, or perhaps more probably, seem to allude to sacramental confession, nevertheless strictly do not prove it. Thus, e.g., Acts XIX, 18; Jas. V, 16; I John I, 8-9; but these respectively can be understood of a certain general accusation made

to the community, or of confession made to a prudent man for the sake of counsel, or of confession before God alone. And similarly Didache IV, 14; Clement of Rome, to the Corinthians 51; ep. Barn., c. XIX, 12; for these also can aptly be understood of ritual confession before Holy Communion, such as is still in use today.

5. The sentence of Chrysostom is not opposed to the doctrine concerning the necessity of confession.[2] He reports that Nectarius, on the occasion of an abuse, abolished in the Church of Constantinople, in the year 386, not indeed the use of confession, but a) the office of penitentiary, who presided over public penitents, b) the denunciation of hidden crimes to the ecclesiastical judge, c) the obligation of doing public penance and of public confession for crimes accused before the penitentiary. For elsewhere he himself also inculcates the necessity of confession, as is clear both from his words, as in hom. 30 on Genesis, n. 1, or when he warns that penitents should not blush or be ashamed to do penance (hom. 4 on Lazarus, c. 4; hom. 2 on Penance, n. 1), or says: "manifest the wound to the priest" (hom. 3 to the people of Antioch, n. 5); and from the approval of his doctrine, which suggests no suspicion to his contemporaries, who all admitted confession. But if he says that confession must be made before God alone, from parallel places and the similar words of others it is clear that he did not exclude confession to be made to a priest, but must be understood of confession which is made in secret, before the legate of God alone, and not before the whole church, or "in theaters," as he himself says in hom. 4 on Lazarus, c. 4.

[2] On this one may consult Tanquerey, *op. cit.*, n. 111-112; Galtier, *op. cit.*, n. 438-452; Van Noort, *op. cit.*, n. 81.

6. Nor is the Decree of Gratian opposed, in which it is read: "Some say that sins ought to be confessed to God alone, as the Greeks; but some judge that they must be confessed to priests; each of which is done within holy Church not without great fruit" (C. XXXIII, q. III on Penance, d. 1, c. 90). He does not deny the necessity of confession, about which no question was being raised at this time, and which he absolutely affirms; but he alludes to the question whether contrition alone justifies the impious man before he has confessed and made satisfaction, or whether anyone can satisfy God by contrition of heart alone without confession. And he responds a) that there are some who say that pardon can be obtained without confession made to a priest; b) then that the opposite is the opinion; c) finally, reserving his own opinion, he recites the aforesaid conclusion. For seeing, on the one hand, that by the whole tradition the necessity of confession is affirmed, and on the other hand that many are justified without confession on account of perfect contrition, not finding a suitable way of reconciliation, he left the matter in the middle.[3]

[3] Thus nearly Kiselstein in *Revue Eccl. de Liege*, March 1928, alleging d'Ales, *De Sacr. Poenitentiae* (1926), p. 105; Galtier, *De Poenitentia* (1923), n. 367 and 372; Teetaert, *La confession aux laiques dans l'Eglise latine* (1926), p. 127 and 237; Hugueny, *Gratien et la confession*, in *Revue des Sc. phil. et theol.*, 1912, p. 81; Debil, *La premiere distinction du de Poenitentia de Gratien*, in *Revue d'Hist. eccl.*, 1914, p. 251, 442; Cavallera, *A propos de l'histoire du sacrement de Penitence*, in *Bull. de litt. eccl.*, 1923, p. 172.

Article II: On the Necessity of Confession by Precept

St. Th., Suppl., q. 6, a. 3 and 5; q. 8, a. 4 and 5.

511. There is given a twofold precept concerning confession: divine and ecclesiastical. - The divine precept, as is clear from the preceding article, determines the obligation, but not the time in which it must be fulfilled; the ecclesiastical precept defines beforehand the time and other circumstances.

512. The divine precept does not oblige immediately after mortal sin, just as neither does penance itself or contrition: "it is not of the necessity of bodily health," says St. Thomas, "that a physician be sought immediately, unless when the necessity of healing is urgent, and similarly it is with spiritual evil" (q. 6, a. 5, ad 2). Hence at no time has the Church ever enjoined immediate confession, nor are the faithful conscious of such an obligation. Nevertheless:

A. The precept obliges of itself:

1. Certainly, in the article of death and in a very probable danger of death, or of perpetual insanity, or of another impediment on account of which one can foresee that he will never have an occasion of confessing sins.

Thus, whether the danger arises from disease, or from battle, or from condemnation by a judge, or from dangerous childbirth, or from surgical cutting, or from a very dangerous voyage, or from any other cause. For he who, placed in such a danger, does not fulfill the divine precept, rashly exposes himself to the proximate danger of never fulfilling it; hence he is judged not to will to fulfill it, since he neglects the necessary means, which certainly is the same as violating the precept.

2. Probably, several times in life, because the sinner seems to be bound not to remain long in mortal sin, as one who otherwise will fall into a new sin; but the ordinary means of rising from sin is confession. This is valid at least concerning him who cannot elicit perfect contrition or does not will to elicit it.1

In practice there is no difficulty concerning this, since the Church has decreed that confession must be made at least every year. For since Christ obliged to this indeterminately, and left it to the Church to be determined, and since by perfect contrition also, with the desire of the sacrament, the natural precept of penance can be fulfilled, of itself it cannot be urged upon penitents that they confess more frequently than has been determined in the precept of the Church; and to observe this of itself suffices.[1]

[1] Cf. Quodl. I, 11.

B. Accidentally and by reason of another natural or positive precept we are held to confess:

1. when Holy Communion is to be received, if the one about to communicate is in mortal sin not yet remitted by the keys, not even indirectly (Council of Trent, sess. 13, c. 7; Code of Canon Law, can. 856);

2. when the state of grace is required, e.g., for receiving another sacrament of the living, and at the same time the sinner cannot or does not will to elicit an act of perfect contrition;

3. when a grave temptation or depraved habit cannot be overcome without confession. Since, however, there are often other means, sinners are rather to be exhorted to this than

compelled.2

In all these cases the obligation does not arise from the precept itself of confession; hence its omission is not a sin against the divine precept of confessing, but against another precept by force of which confession was required. Nor does an obligation of confessing immediately arise from the danger of forgetting sins, because no precept exists of retaining them in memory or of providing lest sins be given over to oblivion; rather, the one precept is of confessing those sins of which, after diligent examination, we have consciousness.

1. Of itself; for accidentally, if the confessor judged that more frequent confession was altogether necessary for someone in order to persevere, he could impose it.

2. Others add: upon return to the Church, even if Baptism is repeated conditionally (Holy Office, Dec. 17, 1868; S.C.P.F., July 12, 1869). But this is nothing other than the ecclesiastical precept of annual confession, because while in the external forum Baptism is presumed valid, the Church urges the precept of confessing every year. On this see our *Questions concerning Various Sins to be Remedied in Sacramental Confession*, c. II, § A, q. 1, n. XIV.

513. The ecclesiastical precept, after several and diverse particular laws were already in force in particular Churches for various times, was imposed universally in the thirteenth century in the Fourth Lateran Council (1215): "Every faithful person of either sex, after he has reached the years of discretion, shall alone faithfully confess all his sins at least once a year to his own priest, and shall strive according to his strength to fulfill the penance enjoined on him..., otherwise, while living, he shall be barred from entrance into the church, and when dying, shall lack Christian burial." This was confirmed by the Council of Trent, sess. 14, c. 5, can. 8, and substantially retained in the Code of Canon Law, can. 906. Moreover, that precept was not enacted precisely on account of Paschal Communion, because the end of each is different; and therefore he who, on account of some cause, cannot receive Holy Communion must nevertheless confess once a year.

In this precept six things are indicated, namely the subject of the commanded confession, the object, the mode, the frequency, the minister, and the penalties upon transgressors.

1. The subject of the precept is: every faithful person of either sex. By these words all the baptized and they alone are indicated, who are conscious of mortal sin not yet declared in valid confession;1 also children who have reached the years of discretion, i.e., the use of reason, as is clear from can. 906, by which, namely, they can discern between good and evil and are capable of mortal sin.

Hence pastors are bound

a) to instruct children concerning confession already from the seventh year, and sometimes earlier, if they already enjoy the use of reason;

b) they must absolve those who accuse themselves of mortal sin, even doubtful mortal sin, provided they are rightly disposed; and in doubt concerning sufficient discretion or disposition, they are to be absolved under condition, "if you are capable," lest perhaps they remain in sin;

c) confessors gravely err who do not will to absolve children entrusted to them before first Communion; this abuse Pius IX reproved in a letter to the bishops of France, March 12, 1855.

2. The object of the precept is that he confess all his sins. This certainly cannot be understood of venial sins, because no one can confess all of them (St. Thomas, q. 6, a. 3, ad 3), but only of mortal sins.2 For the Church by her precept willed only to determine more closely the divine precept by establishing the time of confession; but the divine precept obliges only to the confession of mortal sins, as is clear from the Council of Trent, sess. 14, c. 5.

From this it follows that he who has not sinned mortally during the year, strictly speaking, is not held to confess. Nevertheless it is expedient that one having venial sins not abstain from annual confession; indeed, formerly several said that he is bound "to present himself to the priest and show himself to be without consciousness of mortal sin" (St. Thomas, l. c.), but today at least such an obligation is not proved to exist, unless sometimes accidentally, by reason of scandal.

3. The mode of confession is that he confess faithfully, by which it is signified that the precept is not satisfied by a voluntarily invalid or sacrilegious confession, as is clear from the condemnation of prop. 14 by Alexander VII and from can. 907; nor by a confession involuntarily null, because it is not true confession, nor by it is the end of the precept obtained, reconciliation with God.

And indeed: sacramental confession is required, because the Church intends more closely to determine the divine precept, and because the Lateran Council adds: "he shall strive to fulfill the penance enjoined." Hence he who has not received absolution, whether because of a defect of contrition, or because of a reserved sin, or because of another reason, does not satisfy. Hence in the case the precept still urges (Council of Trent, sess. 14, c. 5).

4. The frequency of confession is determined by these words: at least once a year; both because it can happen that, from another precept than the ecclesiastical precept of annual confession, we are held to confess more often in a year, and because the Church desires that we confess even several times rather than once in a year. This year is computed: according to some, from the time at which the first mortal sin is committed; according to others, from January 1 to the following January; according to others, from Easter to the following Easter, and this manner is observed by the faithful and is easier in practice; finally according to others, from the last confession. Hence in practice it suffices if morally more than a year does not intervene between two Confessions.

Hence 1) he who, once the year has begun, foresees that he will no longer have an abundance of confessors before the year has elapsed, and otherwise is conscious of mortal sin, is bound to anticipate and make confession while he has an abundance of confessors, because once the year has begun the precept is already present and obliges, and therefore it must be fulfilled at the time at which it is morally possible; nevertheless he is not bound, nor can he, anticipate for the following year, because that precept of the following year is not yet present or obliging;

2. on the contrary, if someone conscious of mortal sin has not confessed within the prescribed time, within the year, he must confess as soon as possible; and the longer he delays, the more

gravely he sins, because the time was established not for ending the obligation but for urging it. But if in the following year he has fallen into a new sin, nevertheless he is not held to confess twice, but by one and the same confession he satisfies, by which he confesses the mortal sins both of the past and of the present year; for thus he fulfills the whole end of the precept, reconciliation with God.

5. The legitimate minister to whom we must confess was formerly determined in law: one's own priest, i.e., the pontiff, bishop, or pastor; but today by legitimate custom this disposition has been abrogated, so that not only by privilege, but anyone can, at least generally and ordinarily, confess to any priest having jurisdiction.

But in the time of St. Thomas the law of confessing to one's own priest was still in force, and nevertheless he wrote: "He would sin, however, if he were not ready to grant license of confessing to another, because many are so weak that they would rather die without Confession than confess to such a priest. Hence those who are too solicitous to know the consciences of their subjects through confession cast the snare of damnation upon many, and consequently upon themselves" (q. 8, a. 4, ad 6).

6. A twofold penalty is added by the Lateran Council for those transgressing the precept, namely prohibition from entrance into the church, or excommunication, and deprivation of ecclesiastical burial; but each is of a sentence to be passed, not of a sentence already passed, and therefore is not incurred except after the sentence of the bishop.

In the new Law no penalty is any longer directly decreed against violators of the precept; nevertheless canon 1240 deprives public and manifest sinners of ecclesiastical burial, to whom those who do not fulfill this precept can pertain.

1. Even a heretic, whose transgression, however, as also of other ecclesiastical laws, coalesces into one sin with formal heresy itself, because it is easily understood through the confession of this.

2. Yet the Church could command under grave obligation the confession of venial sins: thus, e.g., weekly or fortnightly confession was sometimes imposed under grave obligation upon religious in certain rules.

Question Two: On the Essence of Confession

St. Th., Suppl., q. 7.

514. Definition of confession. - Sacramental confession is the voluntary accusation of one's own sins committed after Baptism, made by the penitent to a legitimate priest in order to obtain pardon by the power of the keys. There is indicated:

1. the genus: accusation, not a simple narration performed in a historical manner, or a fortiori made for excuse or ostentation, but a manifestation by which someone declares his sins as a guilty person, and which is made after the manner of reprehension and vindication upon himself;

2. the quality: voluntary or spontaneous, not coerced, so that it may be distinguished from that which is made in the external forum;

3. the object or matter: one's own sins, namely actual sins committed after Baptism; for the matter is not original sin, nor the sins of another, nor mere imperfections;

4. the subject: by the penitent, i.e., with sorrow and contrition, without which it would not be an act of penance;

5. the end to which: made to a legitimate priest, as to the proper judge of this tribunal, namely to a priest legitimately designated and who legitimately has the power of order and jurisdiction; hence confession made to a layman or to a priest not having jurisdiction is not truly sacramental but only thought to be so;

6. the end which, or the effect: in order to obtain pardon. Hence if it is made only for the sake of counsel or consolation, or with the intention of mocking or of drawing the confessor into sin, it is not truly sacramental confession;

7. the cause by which the effect is obtained: by the power of the keys, i.e., of sacramental absolution; so that the general sacramental confession which is recited in the divine office or before Holy Communion is not sacramental confession (art. 1).

515. Confession is an act of virtue. - The reason is both because it is commanded, and because in its own nature it implies a condition which pertains to virtue, namely that the one confessing brings forth by mouth what he holds in mind; otherwise it would not be true confession but fiction. Therefore of itself it is an act of virtue, although it can become evil if it is not clothed with due circumstances (art. 2).

It is an act of the virtue of penance. For although confession of truth absolutely and of itself pertains to the virtue of truth, confession of truth to which there is added a special notion of good and which imports a special difficulty pertains to a special virtue; e.g., confession of faith pertains to faith, confession of God's benefits to religion, confession made in judgment to justice. But confession of sins imports a special notion of good, because it is for the recognition and amendment of fault, and a special difficulty. Therefore it is an act of a special virtue. But this is penance, to which pertains the recognition of one's own sin, which is the way to confession itself and the very shame of confession. Therefore (art. 3).

516. Observation. - Because an act of natural virtue is of natural right, confession considered in general is of natural right insofar as the penitent is naturally inclined to confession. Yet the determination of the circumstances is of divine right. Hence natural right inclines to confession, through divine right by which the circumstances are determined (art. 2, ad 1).

Question Three: On the Endowments of Confession

517. Matter to be treated. - There are many qualities or endowments required or useful for confession; indeed, besides the fact that confession must be made by mouth, sixteen are enumerated by the theologians with St. Thomas (Suppl., q. 9, a. 4), expressed in these verses:

Let confession be simple, humble, pure, faithful,
And frequent, bare, discreet, willing, shamefaced,
Integral, secret, tearful, hastened,
Strong and accusing, and let it be prepared to obey.

Of these only three require elucidation, namely those which are required by the proper nature of confession insofar as it is confession, namely from the fact that it is a manifestation. For manifestation can be impeded more or less by imperfect expression, by subtraction, and by falsity. To avert this, confession must be vocal, integral, and faithful.

Article I: On the Necessity of Vocal Confession

St. Th., Suppl., q. 9, a. 3.

518. Principle I. Confession must be vocal, i.e., expressed by words, but not by nod, signs, or writings. - It is proved:

1. From the common usage of the Church.

2. From the bull of Benedict XI, *Inter cunctas*, § 1: "Unless an article of necessity occurs, confession by mouth must be made to the priest."

3. St. Thomas assigns the reason in a. 3:

"Confession... insofar as it is a part of the sacrament, has a determinate act, just as the other sacraments have determinate matter; and just as in Baptism, for signifying interior washing, that element is assumed whose use is greatest in washing, so in the act of the sacrament, for manifesting, ordinarily that act is assumed by which we are most accustomed to manifest, namely one's own word. But other modes are in supplement to this."

519. Principle II. Vocal confession is not required from the very essence of the sacrament or by divine precept, but from custom, which has obtained the force of ecclesiastical law, so that he would sin gravely who, without any cause, would wish to confess only by sign or writing, while he can easily use his voice. But when a just cause exists, confession can licitly be made by signs or in writing, e.g., 1) if the penitent is mute; or, on account of sickness, an impeded tongue, or disturbance, can speak only with great difficulty; or, on account of excessive shame, anxiety, or scruples, cannot declare his sins integrally; likewise 2) if the confessor is somewhat deaf and cannot hear the penitent without those standing nearby also hearing him.

In these cases a) the penitent, if he is not mute, should at least say: "of the sins which are written on this paper, I accuse myself"; or should indicate by nods that this writing is ordered to confession and absolution; yet this is not absolutely required for validity; b) also the penitent ought to confess in this way if the precept of confession urges, because the inconvenience of writing is not so great that it excuses from the grave precept, even divine, of confession. Nor is it an obstacle that a man is not held to write sins lest they fall from memory, for no precept is given of retaining sins in memory; and, moreover, the necessity of confession of itself is much greater than the necessity of material integrity.

520. Observation. - Let the words of St. Thomas, ad 2, be noted: "In one who does not have the use of the tongue it suffices that he confess by writing or by nod or by an interpreter, because more is not required from a man than he can do; although a man cannot or ought not receive Baptism except in water, which is altogether from without and is furnished to us by another. But the act of confession is from within and from us; and therefore when we cannot confess in one way, we ought to confess according as we can."

Article II: On the Integrity of Confession

St. Th., Suppl., q. 9, a. 2.

521. Principle I. Confession must be integral, so that to one and the same confessor all necessary matter not yet rightly subjected to the keys is subjected at once, i.e., all and each mortal sin are declared which must be declared.

Integrity is twofold: 1) formal or subjective, which consists in the accusation of all mortal sins which the penitent here and now, with all circumstances considered, according to his capacity, after diligent examination, morally can and ought to confess according to the practical dictate of conscience, although he omits some things from a just cause; 2) material or objective, which absolutely embraces all mortal sins which after Baptism have really been committed and have not yet been rightly subjected to the keys. From these things it is clear that confession can a) be integral materially and not formally, as if someone confesses all mortal sins with the due circumstances, but erroneously thinks that a venial sin which he committed is mortal and conceals it; b) on the contrary, be integral formally and not materially, as if someone confesses all the mortal sins which after diligent examination he has found, but omits one from inculpable forgetfulness; c) finally, be integral materially and formally at the same time, as if someone after diligent examination remembers all the mortal sins which he has committed and accurately confesses them.

Now each integrity is necessary by divine right for the validity of the sacrament of Penance, yet in such a way that formal integrity is necessary by necessity of means, and in reality, and therefore is always necessary, and is always of precept; material integrity is necessary by necessity of means only in desire, and by necessity of precept of itself and regularly, so that excusing causes can exist. Hence, speaking of itself, confession must be materially integral; accidentally formal integrity suffices; so that he sins gravely who omits some sin which here and now he can and ought to declare. Each point is clear from the Council of Trent, sess. 14, c. 5.

The said integrity is required:

1. On the part of the remission of sins: for confession is necessary by divine right for the remission of mortal sins, just as contrition is. But one mortal sin cannot be remitted without another. Therefore confession, just as contrition, must extend itself to all mortal sins. "The priest," says St. Thomas (ad 2), "hearing confession bears the place of God, and therefore confession must be made to him in the same way as contrition is made to God. Hence just as there would not be contrition unless someone were contrite for all sins which occur to memory, so neither would there be confession unless someone confesses all things which have occurred to memory."

2. On the part of the office of judge and physician with which the confessor is marked, because without the integrity of confession he can neither a) rightly exercise the sacramental judgment, namely by estimating that the dispositions of the penitent are proportioned to the quantity of fault, nor b) preserve equity in establishing punishments (Council of Trent, sess. 14, c. 5). St. Thomas declares this thus, in the body of the article: "In bodily medicine it is necessary that the physician know not only one disease, against which he must give medicine, but also universally the whole condition of the sick person himself, because one disease is aggravated by the addition of another, and a medicine which would befit one disease would bring harm to another. And similarly it is with sins, because one is aggravated by the addition of another, and that which would be suitable medicine for one sin would furnish an incentive to another, since sometimes someone is infected with contrary sins... And therefore it is of the necessity of confession that a man confess all sins which he has in memory; but if he does not do this, it is not confession, but a simulation of confession."

522. Principle II. For the integrity of confession by divine right, all mortal sins must necessarily be declared according to number, lowest species, and circumstances changing the species. - Thus the Council of Trent, sess. 14, c. 5, can. 7. And indeed they must be declared:

1. according to number, for each mortal sin by itself alone constitutes a distinct cause, which must necessarily be brought before the tribunal of the keys;

2. also according to species, and circumstances changing the species: for things which are subjected to a judicial sentence must become known to the judges, at least speaking of themselves and regularly, not only in common, but in particular and according to the lowest species;

3. finally, all mortal sins at once, because it is impossible to seek remission of one mortal sin without at the same time seeking remission of all which burden the conscience.

Therefore there must be declared:

A. The mortal sins themselves, says the Council, l. c., and not only their malices, and indeed:

1. According to the interior act of reason and will.

2. And according to the act itself, even external, if the sin has been consummated by an external work, because

a) this also is prohibited by God, e.g., you shall not kill, you shall not steal;

b) it is one thing in the genus of morals with the internal act and is a true sin, an inordinate voluntary act, although not distinct in number and malice from the internal sin; indeed the external act integrates the sin and is the part finally consummating the other co-part, namely the internal act, from which it differs as the complete species from the incomplete and the consummated work from the work begun;

c) because universal custom understands the law of integrity in this way. Hence it does not suffice to accuse: I had the intention or purpose of committing theft or adultery, but: I stole or committed

adultery.

3. Indeed also, for similar reasons, according to the external effect foreseen in some way at least, voluntary and culpable, e.g., death from a wound inflicted or poison administered, abortion from a drug taken, pollution from bad reading, blasphemies or omission of Mass from drunkenness, because this itself either is the external sin or at least completes and finally terminates the act of sin, and thus is a voluntary disorder. But a merely materially evil effect, as altogether involuntary, or efficaciously retracted before it has occurred, is not to be declared, unless accidentally by reason of a penalty, irregularity, reservation to be incurred, or by reason of reparation to be made.

B. Sins according to number: all and each, says the Council, i.e., as many must be accused as have been committed, for otherwise something would be hidden. Hence:

a) If someone remembers a certain and precise number, this must be said; e.g., of itself it does not suffice to confess: I blasphemed several times, I more often omitted Mass, etc.; and he sins gravely who knowingly or from culpable negligence sets forth a greater or lesser number.

b) If someone after diligent examination remembers only an approximate number, this must be said with the addition of the particle about or more or less; this particle signifies that the number said differs from the real number by a small quantity by excess or defect, and indeed according to proportion to the quantity of the number: thus, e.g., according to St. Alphonsus, about 3 is understood as 2-4, about ten times as 8-12, about thirty as 27-33, about one hundred as 95-105, about one thousand as 950-1050.

c) If someone cannot recall even an approximate number, he should state the approximate number of sins committed on individual days or weeks or months or years. This is verified especially among sinners who have a habit of sin; e.g., it suffices that a prostitute say: for two years I remained in a brothel and as often as there was occasion, even with married persons, or also sometimes with clerics, I offered myself; or a concubinary: for three years I lived in concubinage; or another: I desired any women who came my way, even relatives, married women, sacred persons; or: concerning base matters, on any given occasion, I spoke with companions. In various cases he should at the same time indicate in some way the greater or lesser frequency of the sin.

d) If the penitent can recall nothing precisely or approximately, he should say whether he sinned very frequently, frequently, or sometimes with determinate sins, from childhood, before or after marriage entered, on occasion of living together, etc. Thus, e.g., for very frequent merely internal sins: for several hours I indulged in depraved thoughts; for a month I frequently wished grave evil; for two months I was in depraved desires.

e) If after an approximate confession a notable excess is discovered, so that the accusation was notably less, it is necessary to correct it; but not if the excess is small, because this is included in the approximate number, or if a defect is discovered, so that the accusation was notably greater, because the lesser is included in the greater. On the contrary, he who expressed a certain number, if afterward he remembers that he sinned even one more time, is bound to declare the omitted instance because it was not included in the accusation.

C. Sins according to the lowest moral species: not in genus but in their species, says the Council, i.e., not the supreme species but the lowest, according to the obvious and proper sense of the words, or according to their formal malice by which they are distinguished from others, insofar as some sin is constituted by its own complete object and is distinguished from others, or insofar as it is opposed to a virtue or precept in particular and in its own proper formal mode is opposed. Otherwise they would not be declared as they are. Thus, e.g., it does not suffice to declare that one has sinned mortally, or against justice, or against chastity or charity, but what kind of sin was committed against them: whether theft, insult, or detraction; whether rash judgment, hatred, discord, or scandal; whether fornication, adultery, deflowering, pollution, etc. Cf. Alexander VII, prop. 25.1

But if someone has not sufficiently distinguished the lowest species or does not remember it, it suffices for him to confess the supreme species or genus, or only that he sinned mortally, according as he has distinguished or remembered more or less concerning the sin. Thus, e.g., he who does not distinguish between depraved thoughts and desires should say: I gave consent to base thoughts; he who does not distinguish bad speech about obscene things, impious things, sins committed and joyfully recalled, provocation to evil, sufficiently accuses by saying that he had base speech.

D. Sins according to circumstances changing the species, as the Council of Trent expressly has it, and can. 901, which, namely, add a new and diverse moral species and constitute a sin of a diverse species. This evidently must be understood of only those circumstances which add a grave or mortal species. Thus, e.g., the circumstance of sacredness for theft of a sacred thing or from a sacred place; for scandal, the circumstance of a superior person who from piety or justice has spiritual care over someone; the circumstance of a married person in a sin of lust, etc. On these things cf. the treatise on Human Acts and Sins and the special treatises on the virtues and precepts.

Circumstances lightly aggravating or diminishing are not to be accused; indeed, it is not proved that even notably aggravating circumstances are to be accused, both because they do not substantially change the state of the sinner, and because the Council of Trent recalls only circumstances changing the species. And this is the opinion of St. Thomas.[1] Yet except:

[1] On IV Sent., d. 16, q. 3, a. 2, sol. 5.

a) of itself, if circumstances so aggravate that they make a venial sin mortal, or vice versa, because thus the state of the sinner is substantially changed and free matter becomes necessary, or conversely;

b) accidentally, if it is necessary by reason of a penalty or inability or reparation; or if the confessor as judge interrogates about them in order to know, or better know, the state, dispositions, and obligations of the penitent, or as physician in order to indicate remedies, e.g., about habit, occasion, relapse, effects, complicity, etc. Cf. prop. 58 condemned by Innocent XI.[2]

[2] "We are not held to confess to the confessor asking the habit of some sin."

For the rest, the faithful are accustomed to declare circumstances notably aggravating, and they are to be exhorted to this unless they are scrupulous, because such declaration conduces both to procuring peace of conscience, and to promoting humility, and to the fuller manifestation of the soul of the penitent, whence the confessor will be able perfectly to exercise toward the penitent the office of judge and physician. - Yet except sins against chastity; in this matter, at least ordinarily, those things which are strictly necessary are to be declared, and indeed in a shamefaced manner.

But it should be noted that all the aforesaid things are to be declared not according to the greater or theological knowledge and science which someone later acquired, but according to the knowledge and science which he had concerning the sins at the moment in which he committed them, because according to this alone they are voluntary. For nothing is willed unless it has first been known.

1. "He who has had copulation with an unmarried woman satisfies the precept of confession by saying: I committed with an unmarried woman a grave sin against chastity, without explaining copulation."

523. Question: What is to be done in doubt whether something must be declared? - Here it is necessary to recall, from the treatise on prudent conscience: A) that doubt can concern three things: 1) whether a sin was committed, 2) whether a sin certainly committed was grave, 3) whether a sin certainly committed and grave was confessed; B) that one doubt is a) negative, founded on no or slight reason, and another b) positive, founded on a grave and solid, although not certain, reason.

Now A. Negative doubt, because it is founded on a slight reason, is judged not to be present and to be nothing. Hence if there is no or slight reason for thinking that a sin was committed, or that a sin committed was grave, there is no obligation of confessing. On the contrary, if there is no or slight reason for thinking that a grave sin committed was confessed, the obligation of confessing remains. Thus according to the principle: better is the condition of the one possessing.

B. In positive doubt 1) concerning the commission of a grave sin, of itself there is no obligation to confess it, both because the Council of Trent says that there is an obligation of confessing sins of which we have consciousness, i.e., certain knowledge, and not: according as they are in conscience; and because absolution regularly cannot be given concerning a doubtful sin, whence it is not necessary matter of the sacrament. Accidentally there can be an obligation, namely for asking counsel in a practical doubt whether something is licit, lest afterward by acting uncertainly someone sin; likewise also in the article of death, if perfect contrition is lacking, confession should be made at least by declaring some certain sin.

2. In doubt concerning the gravity of a sin committed, Probabilists deny the obligation of confessing because an uncertain law does not oblige, even if more probable; Probabiliorists and Equiprobabilists affirm it if it is more probable that the sin is grave, because in doubt the more likely must be done. And this is the common usage among the faithful, approved by St. Thomas, q. 6, a. 4, ad 3.

3. In doubt concerning the confession of a grave sin committed, Probabilists deny the obligation of confession, because the obligation becomes uncertain and therefore in practice is null; recent Probabiliorists and Equiprobabilists affirm it if it is not more probable that the sin has already been confessed, because a certain law is not satisfied by doubtful fulfillment; in other words, the obligation remains until it is more likely that it has been fulfilled.

Thus speculatively; but in practice each one should follow his own system, yet not impose it on others. Moreover, the categories, qualities, and circumstances of penitents are also to be considered, by which, as by conjectures, doubt can often be solved from presumption; namely:

a) in the first doubt: if those habituated in sin doubt that they committed it, the presumption is that they did commit it and that the obligation is present; on the contrary, if the timorous doubt, they are judged not to have committed it and are not obliged to confession;

b) in the second doubt: if the rude or ignorant doubt about grave matter, they are bound to confess because they do not know how to form conscience by saying that they are not obliged; indeed they can scarcely discern what is mortal. On the contrary, the learned are not bound. Likewise, if the scrupulous and timorous doubt about full advertence and consent, they are judged not to have sinned gravely; on the contrary, if the lax doubt, they are judged to have sinned gravely;

c) in the third doubt: those who are accustomed to make diligent examination, if after much time a doubt occurs, are not bound, because it is morally certain that the sin was confessed;

d) moreover, accidentally there is an obligation, as was said under B, in the first point;

e) finally, to confess doubtful sins is always to be advised to all, except the scrupulous.

524. Corollary. - From the aforesaid it follows that the obligation of again accusing a sin already accused as doubtful, but now known as certain, is not proved.

St. Alphonsus urges the obligation, because according to the Council of Trent we must confess sins of which we have consciousness, i.e., certain knowledge; but a certain accusation is not included in a doubtful accusation.

Nevertheless this is uncertain, because that sin was directly remitted, since the priest absolved from it conditionally: if it was truly committed. Hence it ought not be accused again, just as neither the eleventh sin concerning which someone would now be certain who confessed himself to have sinned about ten times; or just as a sin which neither the penitent nor the confessor knew to be mortal, if afterward it is certainly known to have been mortal. These two cases also are admitted by St. Alphonsus.

To the argument deduced from the Council of Trent, it is answered: that dictum is true of sins not yet directly subjected and remitted.

525. Principle III. From the material integrity required for confession, a just cause, whether of ignorance, or of physical or moral impossibility, can excuse, so that then formal integrity alone suffices. - For no one is held to the impossible; indeed, a positive law does not oblige with grave extrinsic inconvenience. The cause, namely, can be not only physical, but also moral, or a great difficulty; not indeed that difficulty which is intrinsic to confession and of itself joined to it, however grave it may be, such as great repugnance or shame, fear of reproof, loss of reputation before the confessor, as if a religious must confess a grave sin to a secular priest, a parish priest to his own vicar and nephew, a pious and known penitent to his own confessor, etc.; but an extrinsic inconvenience which accidentally renders confession very difficult.

This cause excuses as long as it exists. Hence 1) the cause must truly exist not only with respect to one confessor, but also with respect to any confessor who can be approached without grave inconvenience; - 2) the obligation remains of confessing the omitted sins, so that they may be directly remitted, and therefore, when the excusing cause ceases, they must now be declared in confession; - 3) nevertheless they are not to be accused as soon as possible in such a way that confession must be

made immediately, but only in the next following confession, as is evident from proposition 11 condemned by Alexander VII.1

The excusing causes are reduced to three, which are ignorance or forgetfulness - physical impossibility - moral impossibility.

A. Ignorance or forgetfulness excuses from integrity 1) if the penitent, after a diligent examination has been made, does not remember some mortal sin; - 2) if he remembers it in the examination, but omits it in confession through inadvertence; - 3) if from ignorance or error not gravely culpable he judges that the sin committed was venial and does not confess it. This is true even if the ignorance proceeds from preceding grave fault, e.g., by delaying confession beyond a year, provided the ignorance itself is not gravely culpable.

But it should be noted, for avoiding forgetfulness, that one who is furnished with a weak memory is not bound to write down his sins: for this is an exquisite diligence and an extraordinary means to which no one is obliged, and it easily includes a certain danger of manifestation; whence it is not the common practice nor the usage among the timorous and diligent.

B. Physical or absolute impossibility can arise from defect of strength, from defect of time, and from defect of speech.

1. From defect of strength: a) if strength so fails that the penitent is not able sufficiently to speak or think, e.g., if a sick person faints after confession has been begun, or if he is in danger of fainting before the confession is finished, or, a fortiori, if he is already deprived of his senses; b) if the priest himself is probably going to die before he is able to hear the whole confession.

2. From defect of time, namely when shipwreck, fire, or battle is imminent, so that all upon whom death threatens cannot be heard; this also holds if those infected by plague in a public hospital cannot all be heard because of the narrowness of time. In which case a brief confession of some less infamous sin can suffice, or all together by some sign can confess themselves to be sinners and to be sorry for sin (e.g., by raising the hands or striking the breast), and then be absolved with one form: I absolve you from all censures and sins.

Yet a great crowd of penitents on a more solemn feast does not excuse, for if this reason were admitted, many would purposely approach the sacrament at such a time and there would be danger of absolving the unworthy. Besides, penitents whose confession cannot be heard can be deferred to another day, which inconvenience is not sufficiently great to excuse from the integrity of confession. Hence Innocent XI also proscribed the contrary practice (prop. 59). Hence the confessions of pious persons, or of those who confess at greater length, are usefully sent to other days, if this can be done.

3. From defect of speech: a) a mute: if he has not been sufficiently educated so that he can confess integrally by signs, he is bound to write, or if he cannot even do this, to manifest his sins by nods insofar as can be done; but if the confession is written, the confessor must see to it that the writing is immediately torn up; - b) one ignorant of the confessor's language, if he cannot approach another confessor by whom he may be understood: he should confess his sins in the best way he can, by words or signs, which suffice at least for expressing some sin in species, or, if this is impossible, for the manifestation of sins in general.

Yet he is not bound to use an interpreter (Holy Office, Feb. 28, 1533), both because of the danger of revelation and because it is a heavier burden to confess to a layman.2 Nevertheless confession can be made through an interpreter, if this is pleasing, provided abuses and scandal are guarded against, and the interpreter is warned of the obligation of keeping the secret (S. C. de P. F., July 16, 1638; can. 903 and 889, § 2). "This can be done in this way (Haine, *Th. M.* III, q. 49): a) let the interpreter turn his face away from the penitent; b) let him recite to him in his own language the general questions, made in a loud voice by the confessor, concerning the precepts of the decalogue and of the Church; c) meanwhile let the penitent, at each question, signify to the confessor by a nod whether he has sinned or not, and at the same time express the number of sins with his fingers, as far as can be done. - Moreover, a missionary who is ignorant of the language of the region will be able rather conveniently to receive confessions if he says the names of the principal and more frequent sins from the language of the region, and pronounces them before the penitent, who by a nod of the head will signify that he has offended, where there will be need."3

C. Moral impossibility generally excuses those who cannot confess integrally without grave inconvenience extrinsic to confession, whether of themselves, or of the confessor, or of a third person, whether it be temporal or spiritual. Hence these three conditions are required for it at the same time: a) that another confessor cannot be found before whom confession can be made without grave inconvenience; b) that confession here and now be necessary and cannot conveniently be deferred; nevertheless there is a sufficient reason for not deferring if the precept of annual confession or of Easter communion urges, if there is a moral necessity of communicating or celebrating so that it cannot be omitted without scandal or infamy, or if otherwise the penitent would be forced to remain for a long time (i.e., beyond three days, indeed for one day according to others), with danger of death or of eternal salvation, in the state of mortal sin; c) that only those sins or circumstances be omitted which cannot be declared without grave inconvenience, e.g., internal sins of lust even with the lowest species and the occasion of internal sin must be accused, if the external genus cannot be accused in species.

The grave harm of the penitent, of the confessor, or of a third person, which excuses, can be:

1. Danger of life, if in time of plague the confessor fears contagion, or in time of persecution the penitent gravely fears agents sent against him: for then, after one or another sin has been heard, the priest can absolve.

2. Danger of reputation, when it is reasonably feared that, from an integral confession, the penitent would be gravely defamed, not indeed before the confessor, but before others:

a) If the penitent cannot confess except while others are hearing, who cannot be removed; this can happen in hospitals when another sick person lies near the one confessing or in the same bed; with the wounded when the physician must be present or others who care for them; with women giving birth when the physician or midwife must be present. - This is also verified in the case of a deaf or somewhat deaf person whose deafness the confessor notices only in the progress of confession, in circumstances in which he could not be led to the sacristy without suspicion arising that he had committed a grave sin: for then the confessor should abstain from questions, nor command in a loud voice that he return at another time, and he should impose a light penance, lest otherwise those standing around understand that grave sins had been committed by the penitent. But when deafness

is noticed before the beginning of confession, the penitent is regularly to be led to the sacristy or another place where he can be questioned without danger of revelation, unless, however, a prudent reason prevents it.

b) If confession, in order to be integral, must be very lengthy, in those circumstances in which those standing by would very probably infer from its length that the penitent was guilty of many and grave sins; as if a priest soon to celebrate, or a dying man who had already before confessed sacrilegiously and was going to receive viaticum, or a child about to approach first communion, or one to be ordained already prepared to receive orders, needed a general or more lengthy confession and could not confess integrally without those standing by suspecting him guilty. Yet this excuse is not always present whenever a lengthy confession must be made, for in ordinary circumstances no notable danger of infamy arises from this, since certain penitents are accustomed for various reasons to draw out a long delay with confessors.4

3. Danger of violation of the seal: a) if for a grave reason the penitent fears that the confessor will break the law of the seal and reveal the confession, whether directly (which surely is very rare), or indirectly, e.g., by raising his voice higher when mortal sins are accused, so that those standing by can hear him; or lest from the indiscretion of the confessor the penitent undergo deprivation of office or support; b) if the confessor himself could not confess his own sin without manifesting sins heard in confession, e.g., if, immediately after hearing a confession, he were to say that he had sinned gravely by asking the name of an accomplice, or by absolving a simoniac badly: for thus it would be manifested that the penitent had committed some mortal sin.

4. Danger of scandal, which would be feared as arising from confession either to the penitent or to the confessor or to both: a) if the penitent, because of his frailty known and experienced by himself, fears that by recalling base sins longer or minutely he may consent to them again; b) if he seriously fears that, by confessing certain carnal sins, he will be solicited to base things by the confessor, because, e.g., he knows this has happened to himself or to others; c) if he seriously fears that, by an integral confession, the confessor, whose frailty he has discovered, would be led into sin, e.g., by accusing depraved desires of sinning with him; d) if the confessor, because of his own frailty or that of the penitent, very probably fears that, by questioning more diligently, he will scandalize himself or the penitent; these surely very rarely occur.

5. Danger of spiritual or temporal harm: a) if the penitent is morose and excessively scrupulous in accusing and explaining sins: for since there is there great difficulty of confession and harm to the penitent is feared, and lest confession be made hateful, a prudent confessor, when he has judged it necessary for the good of the penitent, can interrupt the confession and absolve; b) if for a grave reason the penitent fears that from the manifestation of a sin he may incur the hatred of the confessor, unjust persecution, deprivation of office or support, or that the confessor may use the knowledge acquired to the harm of the neighbor, e.g., by dismissing the maidservant with whom the penitent sinned.

But it should be noted that these various causes are not to be explained to the faithful in preaching, lest by deceiving themselves they invent new excuses and be exposed to the danger of withholding many things: these things are necessary for the confessor to know, not for the faithful.

1. "Sins omitted or forgotten in confession because of imminent danger of life or because of another cause, we are not bound to express in the following confession."

2. Nor does the saying of St. Thomas, q. 9, a. 3, ad 2, stand in the way: when we cannot confess in one mode, we ought to confess according as we can; for this is understood within the breadth of the precept.

3. Also useful can be the schema elaborated by d'Herbigny, *The Prudent Confessor of Sixteen Languages Even Without Any Knowledge of Languages*.

4. Therefore it is required, notes Vermeersch, *Th. M.*, III, n. 542, c, that "a lengthy confession would be as it were a certain argument of many sins." Hence, says Noldin, *Th. M.*, III, n. 286, 1, "this nevertheless does not hold except in those circumstances in which those standing by must necessarily conclude from a lengthy confession to a great quantity of sins... But in ordinary circumstances it is not lawful to conclude from a lengthy confession to a multitude of sins except by some vague suspicion, because there are several other reasons on account of which penitents remain longer with the confessor (cf. Ballerini-Palmieri, V, n. 249); but the danger of a vague suspicion is not a reason excusing from the integrity of confession."

526. Whether there is an obligation of confessing a sin which cannot be explained without danger of defaming a third person or even of revealing the accomplice himself? - Theologians ask this on occasion of the integrity of confession: for there can be danger of defaming a third person who was the occasion or object of sin, e.g., a pregnant sister who was beaten, a pregnant widow who was killed; or even of revealing the accomplice, as can often happen concerning sins which are committed between spouses, parents and children, blood-relatives or relatives by marriage, or partners in the same affairs. Now:

1. The penitent is bound to hide another's crime as much as he can, and therefore a) certainly he is bound to approach another confessor to whom the accomplice is unknown, if this can be done without inconvenience and a just and proportionate cause does not excuse; b) likewise the penitent cannot and is not bound to declare a sin which is not necessary matter of confession (namely, a remitted mortal sin, or a venial sin), lest by confessing it the grave sin of another be manifested: because a proportionate and sufficient reason is lacking.

2. Outside these cases the penitent can, indeed more probably ought, to confess integrally, even with danger of manifesting the grave sin of another. For it is licit to reveal the crime of another for a just and legitimate reason, especially since the revelation is not harmful when there is no danger of further divulgation, because the confessor is strictly bound to secrecy.[3] Besides, an accomplice committing sin and knowing that the other must confess seems to yield his right and implicitly to permit that revelation. And this is the common practice of the faithful, nor do they doubt concerning its liceity or obligation, although nevertheless, because some think otherwise, they cannot be strictly obliged to the manifestation of another's sin.

[3] Thus St. Thomas, *In IV Sent.*, d. 16, q. 3, a. 2, qc. 5 ad 5; opusc. *ad lect. Bisunt.* Likewise St. Raymond, St. Bonaventure, St. Antoninus, Cajetan, Sylvester, Medina, Billuart, Suarez, Lugo; and St. Alphonsus, who holds this as more probable. Cano, P. de Soto, Ledesma, Navarrus, Valentia, Bonacina, Diana deny it.

But a sufficient reason for manifesting is necessity or great utility, e.g., a) if the danger of death or the precept of annual confession or Easter communion urges, b) if a special utility is present, namely of receiving communion soon, c) if it is grave for the penitent to omit confession or communion, d) if otherwise he would be deprived of the benefit of an extraordinary indulgence, e) if otherwise he would be forced to remain for the whole day in mortal sin and this would be hard for him, f) if the penitent could open his conscience to another confessor only with reluctance, or would be deprived of the special consolation which he finds with his ordinary confessor.

3. The confessor can never oblige the penitent to reveal to him, as confessor, the name of the accomplice under penalty of absolution being denied (which Benedict XIV severely prohibited, in 1745 and 1746, under penalty of suspension *ferendae sententiae*; cf. can. 888, § 2); indeed regularly he cannot even inquire directly. And it would be a mortal sin from its genus, because this practice renders the sacrament hateful and without cause induces the penitent to defame the accomplice. Nevertheless, for a proportionate reason, the confessor can either inquire by an indirect means, or impose the denunciation of the accomplice to be made outside confession.

a) Hence he is not prohibited from making questions about the qualities of the accomplice which seem necessary for the integrity of confession or for detecting the nature of the proximate occasion, even if from this the accomplice is indirectly known, e.g., whether he remains in the same house, is bound by a vow, is a blood-relative, a relative by marriage, etc., in one word: not who he is, but of what quality he is.

b) Indeed, for a most grave cause, on account of the common good (e.g., for avoiding the corruption of others), he can oblige the penitent, even under penalty of absolution being denied, to denounce the accomplice outside confession to a superior, e.g., to a father, master, teacher, etc., indeed also to himself if he is at the same time the superior.

c) And he himself can licitly receive the name of the accomplice if the penitent wishes to denounce him rather indirectly through the confessor than directly to the superior; in which case let him ask that the denunciation be received outside confession, lest confession be made hateful to those who perhaps will hear about this matter. Generally, however, denunciation through the confessor is not expedient, unless the penitent does not wish to manifest the matter to another.

527. Corollaries. - From what has been said above it is understood:

1. That a specific and distinct accusation is required of itself for necessary matter, namely for mortal sins not yet duly subjected, nor does a generic accusation suffice for validity; unless in a case of necessity.

2. On the contrary, in free matter, a specific and distinct accusation is not of itself required, but a generic one suffices for validity, because on the one hand there is always the same essence of the sacrament, and on the other hand there is no necessity of confessing free matter; unless perhaps the whole matter were declared altogether generally, and no sin more determinately. - But for liceity, certainly an altogether vague and general confession does not suffice of itself,

both because the universal custom of the Church requires a confession distinct in some way (just as it also requires a vocal one), and because of itself and in ordinary circumstances, outside a case of necessity, judgment requires matter determined in some way in species. Hence if someone confesses only venial sins or sins already remitted, it does not suffice to say: I accuse myself of sins, or I confess my venial sins, or formerly I sinned gravely; but he must at least indicate the genus of sin, or against what virtue or precept it was.

We said: of itself; unless perhaps... For an altogether general confession can be invalid indirectly and accidentally from grave illicitness, as is evident from what has been declared.[4]

[4] Hence this is more true speculatively than practically, as Suarez notes, disp. 23, sect. 1, n. 10: "Perhaps, speaking speculatively only, this can be defended... Nevertheless, practically it must be denied because of the uncertainty of the matter. I say therefore, although a man is not absolutely held to confess the species of venial sins, nevertheless, supposing that he wishes to confess, he is held to exhibit matter altogether certain, if he can, and therefore he ought at his own judgment to confess some venial sin in its particular; but with the necessity or impossibility added of saying anything else, without doubt that matter will be sufficient."

3. Doubtful matter or mere imperfections are not sufficient matter. Hence in such a case let the penitent add at least a venial sin; and if he does not do this, let the confessor question about sins which are more commonly committed (e.g., against charity, patience, truthfulness, the duties of one's state, etc.), and if he obtains nothing certain, let him ask about a sin of past life. But as to imperfections, there often lies hidden in them some venial sin of an inordinate motive or of a bad intention, namely when they are not done from a reasonable motive; hence if frequent imperfections are accused, venial sins are mixed in with them, but penitents are to be exhorted rather to say from what motive or inordinate affection they placed these acts.

528. Remarks. - 1. For confessing one's sins integrally, an examination of conscience is required of itself and regularly, to be made with ordinary diligence. Concerning this, see our *Questions on the Various Categories of Penitents*, c. 1, q. 1.

2. The penitent ought to set forth his sins clearly and distinctly, as much as he can, with all the requisites; and if he notices that the confessor has not heard or not understood them, he is bound to repeat them, as can happen if someone confesses under the sound of the organ, or to a somewhat deaf or sleepy confessor. Indeed, if someone purposely confessed in such a way that he would not be understood, he would commit sacrilege and the confession would have to be repeated.

3. In the case in which a confession is known to be incomplete, it must be completed in the next following confession (prop. 11 condemned by Alexander VII), otherwise this would not be integral; - if it is known for whatever cause to be invalid, it must be repeated, and indeed distinctly and entirely if it is made before another confessor; but if before the same one, in a general or more or less special manner according as is necessary so that he may confusedly recall the state of the penitent or of the past confession; - if it is known to be sacrilegious, the sin of sacrilege must additionally be accused, or even several sins if there were other confessions made with memory of the preceding sacrilege.[5]

[5] Concerning repeating confession, as also concerning general confession, more is said in the work *Questions on the Various Categories of Penitents*, c. 1, q. 6.

Article III: On the Fidelity of Confession

St. Thomas, Suppl., q. 6, a. 4.

529. Principle. Confession must be faithful, i.e., true and sincere, in this sense, that it be made without falsity and lying, so that the penitent confesses sins according as they are in conscience, namely certain things as certain, doubtful as doubtful, mortal as mortal, etc., and in the declaration does not fall short, as in denying or lessening sins committed, nor exceed, in exaggerating them or adding fictitious faults. Concerning this, a threefold rule can be stated:

I. To lie in confession concerning a grave thing necessarily to be declared is, from its nature, a grave pernicious lie and grave sacrilege, namely, if it is done concerning matter necessary for the integrity of confession or concerning the dispositions required for absolution, because it is in a grave matter to pervert the sacramental judgment and to deceive the judge, and thus the confession would not be integral and therefore would be void and the absolution invalid; which also would be gravely pernicious to the penitent himself.

Thus of itself he sins gravely who in confession denies a circumstance changing the species of a grave sin, - who denies a mortal sin not yet confessed, or so covers it or says it in a reduced way that it can scarcely be understood by the confessor, - who confesses a certainly mortal sin as doubtful or vice versa, - who from malice accuses himself of a grave sin not committed, - who increases the number of mortal sins unless perhaps this is done from scruple, disturbance of mind, simplicity, or ignorance, for greater security, - who expressly or equivalently confesses a recently committed sin as an old sin already previously declared (otherwise, if by the accusation this is left in doubt), - who falsely denies a habit, relapse, or occasion about which the confessor asks, or studiously avoids this declaration lest it be sought by the confessor.

II. To lie concerning a slight thing or concerning free grave matter is of itself a venial sacrilege, because this does not pervert the judgment in a grave matter, nor make the sentence void, nor render the sacrament invalid, or impede its effect. Thus he sins lightly who falsely accuses himself of a light sin which was not committed, - or denies a venial sin which was committed, - or denies a mortal sin which has already been duly accused.

Yet accidentally it could be mortal a) if the penitent falsely accused himself of a venial sin, bringing no other matter, or b) if he denied things which he is bound to say for rightly forming the judgment of the confessor or for exercising the office of physician, e.g., with respect to habit, custom, occasion, restitution to be enjoined or satisfaction, a remedy against relapse, etc., in one word, if the confessor asked about those things or about free matter as belonging to the present grave matter (cf. condemned prop. 58, by Innocent XI).[1]

[1] "We are not held to confess to the confessor asking the habit of some sin."

III. To lie concerning a thing which does not pertain to confession, e.g., concerning name, age, parents, domicile, etc., or by narrating a false story, although it is said in the sacred tribunal while confessing, is not for this reason sacrilege, because it in no way perverts the sacramental judgment.

Hence the sin remains as it was before, mortal or venial; - nevertheless to mix a light lie with confession, for another reason, is a venial irreverence toward the sacrament, namely, to sin at the same time at which remission of sins is sought; but a grave lie is mortal sacrilege because it renders one indisposed for absolution.

530. Practical corollaries. - From the foregoing it is understood:

1. That he does not of himself lie nor sin, at least gravely, who does not declare a recently committed mortal sin negatively as recent, but does not distinguish new mortal sins from old remitted ones and mixes them, yet in such a way that he does not positively affirm but leaves in doubt that they have been previously remitted; e.g., one who in a general confession does not distinguish mortal sins committed since the last confession, even if he does this purposely in order to hide the time at which they were committed. For it is not a lie but an equivocal speech.

Yet accidentally the circumstance of time would have to be declared if it were necessary for removing a proximate occasion, or because of a reserved case, or if otherwise the species of sin would not be understood and thus the confessor could not render a just judgment or impose a congruent penance, e.g., he could not know whether a base sin was committed before or after marriage, before or after a vow of chastity. Hence the confessor can ask about this and then the penitent is bound to answer.

2. On the contrary, that he of himself lies and sins gravely who positively confesses a mortal sin not yet accused, committed after the last confession, as not recent, but as an old one already previously declared, whether by saying explicitly: "I accuse myself of such a sin which I already declared before," or "which I committed last year," or equivalently by using this formula: "then I accuse myself of the sins of my whole life or of my past life, especially of this..." For it is positively to deceive the confessor in a grave matter, namely, in necessary matter of confession, concerning a thing necessary to be known.

Consequently this is grave not only if other recent mortal sins were not declared and therefore the penitent was falsely thought to be in the state of grace, or if otherwise he would escape a fitting penance, or it would be unknown that he is in a proximate occasion, but of itself and generally: both because each mortal sin is a distinct and separate cause to be subjected to the keys (n. 522), and because a lie in such a case is of itself going gravely to pervert the judgment of the confessor, in the same way as adding to committed mortal sins one not committed is a grave sin. And although the circumstance of time is not of itself to be declared, nevertheless it cannot be positively excluded with falsity in an accusation to be made by precept; because the sinner, by positively excluding it, by that very fact denies that he has sinned recently, which is false, and thus accuses a sin which he did not commit before and denies the sin which he now committed.

3. That he does not of himself sin, at least gravely, who feigns that he is making a general confession and nevertheless voluntarily omits some mortal sin previously confessed; indeed, he does not sin at all if there is a just cause of withholding it.

Unless, however, that mortal sin because of some reason had to be necessarily set forth: for then he would sin gravely.

4. That he does not of himself sin who accuses venial sins to one confessor, namely the ordinary one, but mortal sins to another, extraordinary one; not indeed if he obtains absolution from venial sins before he is absolved from mortal sins (for then he sacrilegiously receives the former absolution without the due dispositions), but if first he is absolved from mortal sins, afterward from venial sins,2 provided this is done from an honorable motive, e.g., for the sake of shame, or lest perhaps he be exposed to the danger of withholding a mortal sin; but if he intends the deception of the ordinary confessor, his own glory, or something else inordinate, it is a light sin.

Yet accidentally it is gravely sinful if a grave danger is present from this, because the state of the penitent is unknown to the ordinary confessor, e.g., if the penitent acted in this way in order to sin more freely, or thus remained in a proximate occasion, or if a young person did this so that he could be admitted to religious profession or the clerical state, while otherwise because of a habit of sinning perhaps he would be kept away.

5. That he does not of himself sin gravely who simulates voice or sex or uses other means so that he may not be recognized by the confessor, provided he opens all his mortal sins; for it is not necessary that the penitent be known by name. Indeed, if there is a legitimate cause and a right intention is had, a dissimulation of this sort is not sinful.

Yet accidentally it would be a grave sin if it were done purposely by one habitual in sin or relapsed, for deceiving the confessor and more easily extorting absolution, or if in this way the species of sin were no longer understood, as if a woman simulating the male sex were to confess that an abortion had been procured, which she procured in herself.

1. Indeed according to some he could not only keep this silent from the ordinary confessor, but even say: I have not approached for fifteen days, understanding underneath: to you; but this does not seem to be admitted unless there is a sufficiently grave reason for acting thus.

531. Remarks. - 1. The aforesaid concealments of themselves and generally are not to be approved, but rather reproved, because they harm perfect sincerity.

2. The penitent is bound to answer sincerely a confessor who asks, whenever the latter asks legitimately, e.g., about habit, time, relapse, proximate occasion, in one word about those things without which a prudent judgment cannot be rendered.

3. But if the question is manifestly indiscreet, as easily happens if it concerns name, native land, place of dwelling, whether he has confessed elsewhere, etc., the penitent is not bound to answer, since these things do not regard sacramental confession; indeed, if there is a just cause, he can use restriction in his answers.

Question Four: On the Effect of Confession

St. Thomas, Suppl., q. 10.

532. Several effects are attributed to confession. - According to St. Thomas:

1. It truly frees from the death of sin. This it does by the force of absolution together with the other parts of penance, as the matter of the sacrament by the force of the form; and yet it belongs more to confession than to contrition and satisfaction.

"Penance, insofar as it is a sacrament, is chiefly completed in confession, because through it man subjects himself to the ministers of the Church, who are the dispensers of the sacraments. For contrition has the vow of confession joined to it, and satisfaction is measured according to the judgment of the priest to whom confession is made. And because in the sacrament of Penance grace is infused, through which remission of sins is made, as in Baptism, therefore in that mode confession remits fault by the force of the absolution joined to it, as also Baptism does. But Baptism frees from the death of sin not only according as it is actually received, but also according as it is had in vow... And similarly it must be said of confession joined to absolution" (a. 1).

Hence a) contrition, if it has been perfect, does not free from fault except insofar as it contains the vow of confession joined to absolution;

b) and nevertheless afterward, in the act of confession and absolution, grace is increased;

c) but if sorrow has not been sufficient for perfect contrition, but there is only attrition, in the act of confession and absolution remission of sin will be given, provided an obstacle is not placed to grace.

2. Confession also frees from punishment, and indeed in two ways: a) by the very force of absolution, and thus, existing in vow in perfect contrition, it frees from eternal punishment as from fault; existing in reality through the power of the keys, it does the same with imperfect contrition; and besides it obtains a diminution of temporal punishment: "this punishment remains to be suffered in purgatory,... and is disproportionate to the powers of the penitent living in this world; but through the power of the keys it is diminished to such an extent that it remains proportionate to the powers of the penitent, so that by satisfying he can purge himself in this life"; - b) "from the very nature of the act of confessing, which, as being a work of satisfaction and penal, has the punishment of shame joined to it; and therefore the more often someone confesses the same sins, the more the punishment is diminished" (a. 2).

3. Therefore it opens paradise: for one is prohibited from the entrance of paradise by fault and by liability to punishment; but confession removes these impediments; and therefore it is said to open paradise (a. 3). It does this by the power of the keys, which are the keys of the kingdom of heaven.

4. And it gives hope of salvation: for hope of the remission of sins is not ours except through Christ. But through confession man subjects himself to the keys of the Church, which have force from the passion of Christ. Therefore it is rightly said that confession gives hope of salvation (a. 4). And although "from acts there cannot be hope of salvation principally, but from the grace of the Redeemer,... because confession rests upon the grace of the Redeemer, therefore it gives hope of salvation, not only as a meritorious act, but also as a part of the sacrament" (ad 1).

533. Remark. - Billot notes, o.c., *de Poen.*, th. 18: "From the premises it follows... that there is not given a valid and unformed sacrament from a defect of confession itself. The reason is that either the

man is conscious, while confessing, that he is committing a grave defect against the law of confession, or he is not. If he is conscious, then the confession is no longer formally integral, and that which is essentially required in the notion of a part is lacking; whence the validity of the sacrament is taken away. If he is not conscious, then by this very fact nothing is lacking on the part of confession to prevent the sacrament from existing, not only valid, but also fruitful. - Only one could doubt about the case in which the confession was not integral because of preceding culpable negligence, but then the defect would be reduced to a defect of attrition, concerning which above," n. 506.

Chapter III: On Satisfaction

534. Satisfaction (*satis-facere*) is an act by which someone does as much as he ought, an act by which he pays a debt, or compensation for placing equality in things; but in the strict sense it is compensation for an injury inflicted on another.

In theology it is so called as a voluntary recompense, according to a certain equality of justice, for the injury inflicted on God through sin.

One kind is ordered to repairing fault itself and to reconciliation with God, and this is contrition itself; another to destroying the temporal punishment which often remains to be undergone after the remission of fault. This can be considered in purpose or vow and acceptance, according as it is a sincere will of fulfilling penance, or in execution, according as it is the actual fulfillment of the penance enjoined. Considered in purpose it is not distinguished from contrition, which includes the purpose of confessing and satisfying, as also of sinning no more (III, q. 90, a. 2, ad 1): for he is not truly contrite who does not wish to repair sin. But regarded in reality it is a distinct special act, and a twofold kind is distinguished: one is extrasacramental, which is voluntarily taken up by the penitent and has satisfactory force *ex opere operantis*; another is sacramental, which is imposed by the minister and operates *ex opere operato*. This is defined: the voluntary toleration of punishment, imposed by the judicial power of the minister, for compensating the injury inflicted on God and redeeming the temporal punishment due for the injury, even after sin has been remitted; or compensation for the temporal punishment due to sins through good and penal works, measured by the confessor and voluntarily accepted by the penitent (Suppl., q. 12, a. 3).

Question First: On the Essence and Necessity of Satisfaction

St. Thomas III, q. 86, a. 4; Suppl., q. 12 and 13; q. 18, a. 2.

535. Thesis I. Satisfaction is necessary for repairing the injury inflicted on God through sin and for redeeming temporal punishment, which ordinarily, after the remission of fault and of eternal punishment, remains to be paid in this age or in purgatory. - Therefore satisfaction is not instituted only for the example of others, the edification and satisfaction of the Church, and for guarding against future sins, as Protestants hold.

For Protestants, although they cannot deny the severity of penitential discipline in the first centuries of the Church, nevertheless hold it as an ecclesiastical institution (for the edification and satisfaction of the Church, and for guarding against sins), and deny its divine institution and necessity for the chastisement of sin; for, they say, sin cannot be forgiven by God without at the same time a full remission of the punishments due, eternal and temporal; besides, if our satisfactions are said to be necessary, by that very fact an injury is inflicted upon the infinite satisfaction of Christ, since it

appears insufficient, whereas nevertheless he fully satisfied, not only for fault but also for every punishment. The root of this theory is the doctrine of justification by faith alone: for if faith alone fully suffices for justification, satisfactory works become useless; whence no meritorious or satisfactory force is recognized by Protestants in our works. But erroneously.

It is proved: 1. From the examples of Scripture brought forward above, and from the words by which Scripture, by exhorting, counsels and indeed commands penitential satisfaction (n. 463, 1).

2. From the ancient and constant practice of the Church (ibid., 2).

3. From theological reason, because by contrition and confession, although aversion from God is totally remitted, nevertheless sin, as to conversion toward the creature, is not always completely repaired, and therefore temporal punishment remains to be undergone (ibid., 3).

Reason further shows the fittingness of satisfaction:

A. On the part of the penitent sinner. For as the Council of Trent explains, sess. 14, c. 8, satisfactory punishments call one back from sin (past and future), 1) for a) they restrain as by a bridle, b) they make us more cautious and vigilant for the future, c) they heal the remains of sins and remove vicious habits by contrary actions of virtues (and exterior occasions of sin), in a word "they are medicine curing past sins and preserving against future ones" (St. Thomas, q. 12, a. 3); - 2) they effectively inculcate that sin is a great evil worthy of terrible punishment: if sins were dismissed without penance, they would be judged light, and by the facility of pardon itself many would fall into more grave sins.

B. On the part of God, who is offended through sin: he is not only a private friend and merciful father, but also the public legislator, ruler, and judge of the whole human society. But it befits God, as a private person, to forgive the offense inflicted on him; yet at the same time it befits him as ruler and legislator not to remit offenses without temporal punishment, both for the vengeance of the sin committed and for the restitution of due honor and violated right, so that not mercy alone is exercised by remitting fault, but also justice by exacting punishment for the restitution of violated honor, and for fostering the common good, so that in the future laws may be better observed and others deterred from evil. - Likewise in punishments there shines forth both the holiness of God and his clemency. Holiness, because from them the gravity of sin appears more, the license of sinning is restrained, the remains of sins and evil habits are taken away, and the ingratitude of one sinning after Baptism and the faith given to Christ is punished more. Clemency, because the punishments are lighter in this life and at the same time meritorious.

C. On the part of the passion of Christ, who redeemed sin. The passion of Christ is as a universal cause, which of itself is sufficient for the remission of fault and punishment, but must be applied to individuals through their own cooperation, by which they become conformed to Christ, who satisfied for our sins by suffering (Rom. VIII, 17); whence the passion of Christ works the remission of sin (of fault and punishment), according to the mode of one's own acts or the disposition of the penitent, more or less perfect. And thus the efficacy of the passion appears greater, if it not only of itself produces goodness and furnishes satisfaction, but also renders men themselves operative of good and satisfying.

536. Satisfaction is an act of virtue. - For 1) satisfaction pertains to penance and works toward the destruction of sin (Council of Trent, sess. 14, c. 3); but an act pertaining to penance and working toward the destruction of sin is an act of virtue; therefore. - 2) Satisfaction preserves the mean: it places equality and gives enough, neither more nor less; but equality imports the notion of the mean, and consequently of virtue (q. 12, a. 1).

It is an act of justice: for this virtue establishes equality in things; but this is done through satisfaction, by which the equality of amends to the preceding offense is established; therefore (a. 2).

It is as it were a species of vindicative justice, which alone regards a preceding offense and establishes equality in the one who suffers what is just;[1] but satisfaction imports equality in the one acting, who punishes himself and thus suffers what is just (a. 2).

[1] According to this it pertains to commutative justice (III, q. 85, a. 3, ad 3).

Yet it is not a species of justice strictly so called, because we are not able to render to God what is equal according to quantity, as much as is due. Hence a) just as we cannot give God an equivalent for benefits received, so, a fortiori, neither can we for the debt of sin committed. Especially b) because an injury inflicted on infinite God is in some way infinite, and therefore is greater than every finite compensation of a creature. But it suffices that man render what he can, because friendship does not exact the equivalent, but what is possible, and this is also in some manner equal according to proportion. Hence, although it is not equivalent, nevertheless we can offer sufficient satisfaction (q. 13, a. 1). - And although man according to himself owes all his acts and his whole power to God, nevertheless God does not require, of necessity of salvation, that he spend his whole power on one thing, since he must be solicitous about many things; but a certain measure is required from him, namely the fulfillment of the commandments of God, and above this he can add something by which he satisfies (ibid., ad 3).

Therefore God could strictly exact our satisfactions by another title; whence by the grace of God they are satisfactory, and therefore we do not offer satisfaction to God from our own but from his (q. 13, a. 1). Therefore satisfaction pertains not to justice strictly so called, but to a potential part of justice, namely to the virtue of penance joined to it, which imitates the virtue of justice deficiently.

537. Remark. - Although from strict justice we cannot satisfy God, because we are not able from our own things to render an equivalent for that which was taken away, nevertheless, supposing the gratuitous ordination of God, who wills to accept as sufficient the satisfactions made according to our power from his grace, we now can satisfy, and indeed

a) for aversion from God and mortal fault only *de congruo*, because contrition, even when made from habitual grace and charity, does not furnish, for the violated friendship of God and the infinite injury of withdrawal from the Infinite Good, a compensation equivalent according to quantity, but only according to proportion;

b) also *de condigno* for inordinate conversion to the creature, and consequently for venial fault and for the temporal punishment due to remitted sin, because finite satisfaction can furnish an equivalent for finite punishment and is able to render as much as is due; whence such satisfaction preserves the mode of justice. And surely, if we can merit *de condigno* eternal life itself, which is greater, a fortiori we can satisfy *de condigno* for temporal punishment, which is less. Cf. Council of Trent, sess. 14, c. 8; prop. 77 condemned of Baius.[2]

[2] "The laborious satisfactions of the justified are not able to expiate *de condigno* the temporal punishment remaining for forgiven faults."

Hence 1) the Scriptures promise remission of sins to good penal works (Is. I, 16, seq.; Ezech. XVIII, XXXIII; Joel II, 13; Tob. IV, 11; I Cor. XI, 31-32; II Cor. VII, 10), indeed they command satisfaction (Joel II, 12; Job, last chapter; Dan. IV, 24; Mt. III, 2; Lk. III, 8; XI, 41); but God neither promises nor commands the impossible;

2. the tradition of the Church has also always understood this, as is evident not only from penitential discipline, but also from explicit testimonies: of Tertullian, *de Poen.* 7, c. 7, 8, 9, 11; Cyprian, *de Lapsis*, 35 and 36; ep. 11, n. 1 and 2; ep. 55, n. 20; Origen, *in Ps.* XXXVII, hom. II, 5; Ambrose, *de Poen.*, l. II, c. 6, n. 48-49; *in Lk.* VII, 156; Augustine, ep. 153 (al. 54), n. 6; *Enchiridion*, LXX, 15; serm. 19, n. 2; serm. 20, n. 2; Gregory, *in Ev.* hom. 34, n. 16; *Reg.* part. III, 30; Caesarius of Arles, serm. 104, n. 4, etc.

3. and therefore Councils have defined the possibility of satisfying for the punishments of sin: Florence, in the decree of union; Trent, sess. 14, c. 8 and 9, can. 13.

Yet do not conclude from this that satisfaction is an act of strict justice, and not of the annexed virtue, Penance: a) because we do not satisfy God from our own things, but from his and from his grace, and therefore the satisfactory value supposes the voluntary acceptance of God; b) because one must judge of the nature of virtue according to the primary act; that act is contrition, which does not render the equivalent of mortal sin, and therefore Penance is not strict justice, even if the secondary act derived from the primary act can render the equivalent as to the secondary object, temporal punishment.

538. Protestants object:

1. The earlier ones contended that penitential punishments were formerly only canonical, imposed for satisfying the Church, for guarding against the fall of the faithful, and for proving the sincerity of conversion. - But the assertion is not only gratuitous, but also openly false, since the cited texts of Scripture, the Fathers, and the Councils explicitly speak of satisfaction to be furnished to God, and of remission to be obtained from him through punishments.

2. The more recent ones, with Harnack, say that the notion of furnishing satisfaction had its origin from juridical principles, and together with them was introduced into the Latin Church by Tertullian. - Yet they speak thus inconsiderately; for a) even in the Eastern Church the same doctrine was proposed, as is evident, e.g., from Origen, *in Lev.* hom. XI, 4, and Sozomen (H. E. VII, 16); b) before Tertullian the value of good works for obtaining from God the remission of sins was not unknown, as is clear, e.g., from Prov. XV, 17 and XVI, 6; Tob. III, 21 and XII, 9; Lk. XVI, 9; and from ps.-Clement II to the Corinthians, XVI, 4; *Doctr. Ap.* IV, 6; and ep. Barn. XIX, 10.[3]

[3] Cf. Galtier, *de Poenitentia*, n. 480-481.

539. Thesis II. Satisfaction in purpose or vow is essential and absolutely necessary to the sacrament of penance, so that if it is lacking, the sacrament is null; satisfaction in reality is necessary only for integrity, so that if it is lacking, the sacrament is not invalid but only

incomplete. - For satisfaction is not required a) on the part of justification, which is compossible with liability to temporal punishment; nor b) on the part of the sacrament, to whose essence the purpose, not the execution, of satisfaction pertains. Hence:

1. Penitents who have the vow of satisfying can be absolved before they have fulfilled satisfaction, as is evident both a) from proposition 5 of Peter de Osma, condemned in the year 1478 as contrary to the Catholic faith; and from proposition 16 condemned by Alexander VIII, and 35 of the Synod of Pistoia condemned by Pius VI, against the Jansenists who, wishing to restore the rigorous penitential discipline of the primitive Church, contended that penitents were not to be absolved unless the laborious and lengthy penance enjoined upon them had first been completed;[4] and also b) from the practice of the Church, even of the primitive Church in certain cases, e.g., in danger of death (Council of Nicaea, can. 13; Innocent I), with persecution pressing (St. Cyprian, ep. 54, n. 25), in danger lest because of the delay of absolution the penitent pass over to the heretics (St. Cyprian, ep. 52, n. 15; cf. 2nd ep. Clem. and Council of Ancyra, a. 314, can. 5), in the hope that from indulgence more would return to the Church (ep. Corn. among the Cyprian letters 46). Cf. can. 886.

[4] Proposition 5 of Peter de Osma sounded thus: "Penitents are not to be absolved unless the penance enjoined on them has first been completed"; and the 16th condemned by Alexander VIII: "The order of placing satisfaction before absolution was introduced not by the polity or institution of the Church, but by the law and prescription of Christ itself, the nature of the thing in some way dictating the same." The 17th and 18th propositions condemned by the same Alexander VIII can also be compared, and the 87th and 88th among the Quesnellian propositions. Finally the doctrine of the Synod of Pistoia under n. 35, "insofar as it suggests... that in the ordinary way it is fitting that acts of humiliation and penance, which are imposed by way of sacramental satisfaction, ought to precede absolution: false, rash, injurious to the common practice of the Church, leading into the error branded with a heretical note in Peter de Osma," is declared by Pius VI.

2. Sins remitted through absolution do not return, even if satisfaction is voluntarily omitted, but in this case a new sin is committed.

It should be noted that a confessor who noticed that the penitent was negligent in fulfilling satisfaction, or doubted concerning his legitimate disposition, as could happen in habitual sinners and relapsers, can bind him to perform satisfaction beforehand, at least in part.

540. Thesis III. The confessor can and regularly is bound to enjoin satisfaction on the penitent. - He can, both because from the institution of Christ (Mt. XVI and XVIII) he has the power not only of loosing but also of binding to punishment, and because the operation of the priest in the use of the keys is conformable to the operation of God, whose minister he is; but God can bind to punishment. That he is bound is evident, because the priest in this tribunal is the minister of God, and the judge and physician of the penitent. As minister of God, he is bound, so far as is in him, to effect that the sacrament be integral through satisfaction, which is an integral part; as judge he must preserve equity between God and the sinner by avenging his sin; as physician he must cure the wounds of the penitent and guard against future ones.

The Council of Trent defined this, sess. 14, can. 15, c. 8: "the keys were granted also for binding," not only "for the keeping of new life and as medicine of infirmity, but also for the vengeance and chastisement of past sins." This holds of the case in which the priest absolves the penitent, because if no absolution is given, it is not necessary to enjoin penance, since the sacrament is not confected;

nevertheless it is very useful, so that the penitent may thus be better prepared for absolution, and a shorter satisfaction can be imposed when he is going to complete his confession.

Thus regularly; for accidentally the confessor is not bound to enjoin satisfaction: 1) if the penitent morally cannot fulfill it, e.g., if he is deprived of his senses or mentally deranged, or near death and at the same time very weak; in which latter case nevertheless it is expedient to impose a very slight penance, which the priest himself may immediately absolve with the penitent, such as to strike the breast, invoke the name of Jesus, or kiss an image of the crucified; - 2) if the confessor by divine revelation knows that all temporal punishment of the penitent has already been remitted; - 3) if the penitent immediately after absolution accuses a sin omitted from forgetfulness and receives absolution again, at least if this sin does not substantially change the state of the penitent: for there it seems that there is present only one morally sacramental judgment; in practice nevertheless it is better to impose a new penance, even if light. Similarly, if a scrupulous person repeatedly within a short interval of time returns with new faults omitted from forgetfulness and is absolved, it is not necessary to impose a new satisfaction when the confessor judges that the one already enjoined suffices for this new absolution; - but it is better not to absolve the scrupulous so frequently.

541. The obligation of imposing satisfaction of itself is grave, - For a priest, by abstaining from imposing satisfaction, acts directly against the intention of God, the author of the sacrament, and thus a grave irreverence is done to the sacrament, which remains mutilated; and grave harm is inflicted on the penitent, who from this is deprived of great goods, since he remains liable to graver temporal punishments and is deprived of a fitting remedy against future sins.

Hence 1) certainly it is a mortal sin not to impose penance for necessary matter of confession, or mortal sins not yet declared.

Indeed 2) probably also for free matter, or for venial sins, or for sins already declared, because it is grave irreverence toward the sacrament to render it mutilated and to deprive it of an integral part; and although satisfaction not imposed is of itself light, with respect to the sacrament it is always grave in the notion of irreverence. Nevertheless the contrary is held by others as probable, because it is not grave to deprive a sacrament of a merely integral part or complement in a light matter, just as a judge does not gravely fail in his office who omits to impose a light punishment or a complement of lighter moment. In practice, however, it will easily be mortal if it is omitted knowingly and without reason, because contempt can easily be present.

542. Regularly satisfaction must be enjoined before absolution. - This is evident from the Roman Ritual and from the custom of the Church, and besides the order of judgment demands that the guilty one, before he is absolved, promise satisfaction, by which he may become worthy of absolution. Nevertheless:

1. If it has been omitted, it can and must be enjoined immediately after absolution, because then it is morally united to the absolution.

2. But if the penitent notices that the confessor has forgotten to impose penance, he must demand it, lest the sacrament remain incomplete, either immediately, namely before departure, or shortly after, if he can still conveniently approach the confessor.

3. But if this defect is not noticed until after a few days, in the next confession satisfaction can be imposed, which may extend to the sins declared in both confessions; nevertheless it is not necessary, since it is uncertain whether from this the incomplete sacrament is integrated, because perhaps the moral union between the absolution given earlier and the imposition of penance now made is lacking. But penitents are not to be disturbed about this, since satisfaction in reality is not required for the validity of absolution.

Question Second: On the Qualities and Endowments of Satisfaction

Article I: On Extrasacramental Satisfaction

St. Thomas, Suppl., q. 13, a. 2; q. 14.

543. Principle I. Extrasacramental satisfaction must be made in the state of grace from charity. - For works are not satisfactory except from the acceptance of God; but God does not accept except works pleasing to him, and consequently works done in grace and in his friendship.

And although a debtor can satisfy and pay a debt to a creditor, whether he is a friend or not, nevertheless a sinner cannot do so before God: men in the payment of a debt consider only the external equality of thing to thing; God looks upon the heart, the dispositions, the dignity, and the intention of the one acting. Hence man is bound to accept a quantity equal to the debt; God is not bound, but only accepts from friends.

Hence for satisfaction before God several conditions are required:

A. on the part of the man satisfying:

1. that it be done in the state of grace, from charity, as was said;

2. that it be done in the state of life, because after this life the time of meriting and satisfying ceases;

B. on the part of God accepting, there is required

3. acceptance;

C. on the part of the work:

4. that it be free, because it is a human act;

5. that it be good, because through evil we rather merit punishment than pay it;

6. that it be supernatural, because punishment delays one from the supernatural end;

7. that it be penal, as will be said in the following question, which belongs to the essence of satisfaction rather than to its condition. For this, moreover, it does not suffice that the work of itself be painful and for this reason apt for satisfying; in order that it be in fact satisfactory, it is necessary that in the one acting there be the intention of satisfying, for no goodness is contracted unless it is intended for its own sake.

Hence extrasacramental satisfaction can be defined: the voluntary expiation, through penal works, by a justified penitent, of temporal punishment which remains after fault has been remitted.

544. Applications. - Therefore 1. properly satisfactory are not:

a) good works, but purely natural ones.

b) Nor, a fortiori, works done in the act or affection of sin.

c) Nor supernatural works done in the state of sin, even for sins actually remitted; - except broadly and indirectly, insofar as they can dispose to greater charity, to more ample remission (q. 14, a. 2), and to the habituation of good works; "because nevertheless this merit is not properly called merit, therefore it is more to be granted that works of this kind are not meritorious of any good than that they are" (q. 14, a. 4).

d) Indeed, neither do those works begin to be of value for satisfaction when charity comes upon them, because charity arriving does not make works already done to have been done from charity and to be pleasing to God (q. 14, a. 3), or make things not living become living.

e) Yet good works whose effect remains can acquire satisfactory value if the effect is afterward offered from charity (e.g., weakness from fasting, diminution of substance from almsgiving): as to that which remains, through penance they are accepted by God. But those works of which there is no effect, e.g., prayer, must be repeated (ad 3).

On the contrary, 2. works otherwise already due and prescribed can be satisfactory,[1] but not prescribed under the same title of satisfaction.

[1] Thus Cajetan, Nugno, Suarez, Sylvius, Gonet, Billuart, etc., against several older authors, such as Capreolus, Paludanus, Sylvester, Soto, Major.

For prescribed works can have all the qualities required for satisfaction, namely, that they be free, good, supernatural, and penal; whence also the fasts of the Church, martyrdom, and scourges divinely inflicted are to be observed by precept or borne patiently, and nevertheless are satisfactory.

And although they are already due and are required by God, nevertheless they are not required as satisfactory, but only as good or also meritorious: for they were not due to be done under such a special aspect of expiation and for such an end; but when they are voluntarily assumed as laborious and penal, and are ordered to recompense for the punishment due to sin, then beyond that which is due something is added to them by which they become satisfactory. And thus we can pay a twofold debt by one and the same price, but one which has a twofold value: a moral or also meritorious value from the object and circumstances or from grace and charity, by which we fulfill the debt of precept or vow; and another satisfactory value from punishment and labor, by which we satisfy for the temporal punishment due to sin.

And although in debts of strict justice and in human affairs we ordinarily cannot satisfy a twofold debt by one and the same price, this is because in them the perfect equality of strict justice is required, and indeed the external equality of thing to thing; but it is impossible that an exterior thing be equal to two equivalent things. But in debts toward God the equality of strict justice is not required, and therefore less attention is given to the external equality of thing to thing, but more to the internal dignity and intention of the one acting than to what is exhibited exteriorly, so that sometimes satisfaction is made to him by the act of the will alone, e.g., of most perfect charity. But

from the fact that someone satisfies one precept, nothing is taken away from his dignity or intention for satisfying another precept or the debt of punishment, since he can order one act to diverse ends.

Yet this does not hold if the work is already due as satisfactory, or if it is enjoined as such, because by one and the same work not so much honor is restored as by several, nor can the same work at the same time equal several punishments equal to it.

545. Principle II. A man cannot satisfy for one mortal sin and not for another, as to fault or offense, because the offense cannot be taken away except through the reintegration of the friendship of God; - but he can as to temporal punishment, because to each sin a certain measure of temporal punishment is due, and a man can apply his satisfaction for one sin and not for another, just as he can apply it to another and not to himself (q. 14, a. 1).

546. Whether one can satisfy for another? - It must be answered with a distinction. For satisfaction can be ordered to a twofold end: a) to the payment of debt, b) to medicine for avoiding future sin; likewise c) it can be considered either as extrasacramental or as sacramental. Now:

A. One can satisfy for another as to the payment of the debt of punishment for sins committed (provided he is in charity), as is clear from the dogma concerning the communion of saints. For:

1. We are all one in Christ, and many members of one body in Christ the head, from whom all receive influx. But in the human body some member works not only for its own utility but also for that of another, as the eye which sees for the whole body. Therefore also in the mystical body of the Church.

2. Charity has more power before God than before men. But among men one can from love of another pay his debt. Therefore much more before God, who is most liberal, and who in fact showed himself to accept satisfactions from one for another in his Son, who satisfied for all.

3. Hence it is said in Gal. VI, 2: Bear one another's burdens, and so you shall fulfill the law of Christ; and II Cor. VIII, 14: In the present time let your abundance supply their want, that their abundance also may be a supply for your want, that there may be equality.

Indeed St. Thomas observes (q. 13, a. 2): he who thus satisfies for another acts from greater charity in satisfying than he who satisfies for himself; therefore a lesser punishment is required in the one satisfying for another, because punishment has the force of satisfying from charity. Hence although satisfaction for another is accepted by God only *de congruo*, nevertheless, once the acceptance is posited, it can also be of value *de condigno*, because he can offer a work which renders to equality on the part of the price or matter.

B. But if satisfaction is considered as medicine for guarding against a following sin, it cannot profit another (except accidentally), just as medicine received by one does not heal the disease of another. For from the fasting of one the flesh of another is not subdued, nor from the good acts of one does another become accustomed to act well, as though he had acquired a habit of acting.

Yet it can profit accidentally, insofar as someone can merit *de congruo* for another an increase of grace, which is the most efficacious remedy for avoiding sin; but this is by way of merit rather than by way of satisfaction (q. 13, a. 2).

C. But sacramental satisfaction enjoined upon one cannot, insofar as it is sacramental, be fulfilled by another or through another, because, according to the Councils of Florence and Trent, the matter of the sacrament is the acts of the penitent, which by the power of the keys are elevated to the being of a sacrament. But satisfaction fulfilled through another, although it belongs to the penitent because it is done in his name and at his request, nevertheless simply is not his act. Therefore it cannot be elevated by the power of the keys to the being of a sacrament, nor consequently become sacramental satisfaction. Hence no one can complete the sacrament of another.

It is said: insofar as it is sacramental; for the confessor can impose on one penitent a satisfaction to be executed by another at his request (e.g., a pilgrimage, almsgiving): then the work of the other according to itself, or as it is from another, will not be sacramental, but only as it is done from the request of the penitent, or formally as commanded by him. And thus the request itself is the formal element of satisfaction; the work of the other is material.

547. Principle III. Just as the just in the state of way, from charity, can here on earth satisfy for other just persons who are in the state of way, so also they can satisfy for the dead. - For, as St. Thomas says, q. 71, a. 2:

"Charity, which is the bond uniting the members of the Church, extends not only to the living but also to the dead, who depart in charity. For charity, which is the life of the soul, just as the soul is the life of the body, does not end (I Cor. XIII, 8): Charity never falls away. Likewise the dead live in the memories of the living. And therefore the intention of the living can be directed to them. And thus the suffrages of the living profit the dead, as also the living, both because of the union of charity and because of the intention directed to them."

And thus the souls of purgatory can most certainly be helped: "The punishment of purgatory is in supplement of the satisfaction which had not been fully consummated in the body. And therefore because... the works of one can be of value to another for satisfaction, whether he be living or dead, there is no doubt that suffrages made by the living profit those existing in purgatory" (a. 6). And "although souls after death are not simply in the state of way, nevertheless in some respect they are still in the way, insofar, namely, as their progress is still delayed from the last retribution. And therefore... as to this, that they are detained from the last retribution, they can be helped by others, because according to this they are still in the way" (a. 2, ad 3).

548. Remarks. - 1) Although one cannot merit beatitude for another, which is rendered according to capacity, i.e., the merit and present disposition of the one seeing, for one is not disposed by the act of another; nevertheless he can satisfy, because temporal punishment is not measured according to the present disposition of the debtor: for sometimes he who is now better has liability to greater punishment because of preceding sins. And therefore nothing prevents, as to the remission of punishment, one from profiting another and the act of one from becoming that of another, charity mediating, through which we are all one in Christ, according to Gal. III, 28 (q. 13, a. 2, ad 1).

2. Although one can pay a debt for another, he cannot be contrite or confess for another: for contrition (and confession) is directly ordered against fault, which pertains to the disposition of goodness or malice of the man himself who sins, and therefore by the contrition of one another is not freed from fault; namely, one is not disposed by the act of another. Besides, by the confession of one, another does not subject his sins to the keys of the Church; but one

cannot receive a sacrament for another, because in a sacrament grace is given to the receiver, not to another (ad 2).

3. He who satisfies for another merits for himself, because he does a good work from charity, but he does not satisfy for himself, because the same quantity of punishment does not suffice for the sin of each. Nevertheless by satisfying for another he merits for himself something greater than the remission of punishment, namely eternal life (ad 3).

4. Sacramental satisfaction, insofar as it is sacramental, is *ex opere operato* and therefore cannot be alienated; but insofar as it is a work proceeding from free will and having value *ex opere operantis*, concerning which the one who acts can dispose, it can be ordered to satisfaction for another, and thus the confessor can impose penance or satisfaction for the relief of the souls of purgatory.

5. Although we can and ought to obtain by petition the remission of punishments, nevertheless we cannot do this in an ordered way except through satisfaction or adequate recompense; namely, we obtain by petition the means necessary for this, whether of sacramental satisfaction *ex opere operato*, or of satisfaction *ex opere operantis*, one's own or another's, or of the satisfaction of an indulgence from the superabundant satisfactions of Christ or the Saints applied to us by concession of the Church. Hence it is impossible to satisfy in another way for punishment in the present life, just as it is impossible to satisfy for fault except through the aid of contrition. And therefore if we obtain something from God by petition, we do it through a satisfactory operation. Just as when we obtain grace or remission for ourselves or for others by petition, we do it by obtaining penance and not otherwise, so we can obtain satisfaction or remission of punishment by petition, but by then at the same time obtaining satisfactory works. Cf. Nugno, *In III*, Suppl., q. 13, a. 1; Suarez, *in III*, d. 37, sect. 10.

6. Hence, just as we cannot by petition alone obtain for ourselves a gratuitous remission of temporal punishment, so much less can we obtain it for other wayfarers, or a fortiori for the souls of purgatory. "No one," says Suarez, *in III*, d. 48, sect. 2, "can obtain for himself in that way the gratuitous remission of temporal punishment; therefore neither will he be able to obtain it for another, 1) because, other things being equal, prayer is more efficacious for obtaining for oneself than for another; 2) because, since he has something from which he may pay, he undeservedly asks for a gratuitous remission and dispensation from the law of justice, where no sufficient reason of mercy is available." Hence, if we ask remission of punishment for others, we do this according to the order established by divine providence; and therefore we do not ask that it be done through prayers alone without due disposition; but a) we ask for dispositions, namely satisfactory works, or also we offer prayers as a satisfactory work for them: for prayers also are satisfactory, whence they are also customarily numbered with other satisfactory works; b) we also ask that God benignly accept the satisfactory works or apply them to the dead: for although he has established it thus, he has also established that it should be sought by us.

Article II: On Sacramental Satisfaction

St. Thomas, Suppl., q. 8, a. 7; q. 18, a. 4; q. 14, a. 3, ad 1.

549. Principle. In the sacrament of Penance, satisfactions are to be enjoined according to quantity and quality, fitting for the quality of the crime to be repaired, and for the ability of the penitents. - This is certain from the Council of Trent, sess. 14, c. 8:

"Therefore the priests of the Lord ought, as spirit and prudence shall suggest, according to the quality of the crimes and the ability of the penitents, to enjoin salutary and fitting satisfactions, lest, if perhaps they connive at sins and deal more indulgently with penitents, by enjoining certain very light works for most grave offenses, they be made participants in the sins of others" (cf. can. 887).

Therefore the priest cannot enjoin satisfaction at will, but according to a reasonable judgment regulated by prudence and divine instinct; with attention to the various circumstances of matters and persons, i.e., to the quantity and gravity of the crimes, and to the quality and disposition of the penitent, he ought to measure and impose them. For satisfactions are ordered to paying the debt and to furnishing a remedy; and therefore they are both vindicative for punishing and expiating past sins, and medicinal, not only for healing present wounds but also for guarding against future ones. Hence they are accustomed to say that penance ought to be: vindicative for past sins, for their vengeance and chastisement; medicinal for removing the present remains of sin, as medicine of infirmity; preservative for guarding against future sins, for the keeping of new life. Now if it is considered as payment of punishment, any penal work whatever is apt for satisfying for the punishment due to any sin, not in the sense that it is equal in quantity, but that any species of punishment suffices; whence, just as one contrition destroys all things, so by the same punishment the honor of God is restored. But if it is considered as medicine preserving, healing, and expelling vices, it is fitting, and sometimes ought, that satisfaction be diverse according to diverse sins, because contrary vices ought to be expelled by contrary virtues; nevertheless prayer has a general influx and is in some way medicine for every moral evil.

It is proved: in the sacrament of Penance, instituted for the destruction of sin and the emendation of the sinner, punishments are ordered not only to paying the debt but also to furnishing a remedy. But the same remedy is not given to all the sick, but a different one according to the different infirmity; indeed, the same is not always to be furnished even to those equally sick, but according to the disposition of the sick person. Therefore neither is the same satisfaction of punishment always to be imposed, but according to the nature of the sin and according to the disposition of the sinner.

"Because satisfactory punishments to be inflicted are medicines, just as medicines determined in the art do not befit all, but are to be varied according to the judgment of the physician, who follows not his own will but the science of medicine; so satisfactory punishments determined in the canons (of the old law) do not befit all, but are to be varied according to the judgment of the priest regulated by divine instinct. Therefore just as a physician sometimes prudently does not give a medicine so efficacious that it would suffice for the cure of the disease, lest because of the weakness of nature a greater danger arise, so a priest, moved by divine instinct, does not always enjoin the whole punishment which is due to one sin, lest someone infirm despair from the magnitude of the punishment and withdraw totally from penance" St. Thomas, q. 18, a. 4; cf. q. 9, a. 2 cited above, n. 521.

It is confirmed: the same sin is sometimes more difficult to avoid in one than in another, for example in a young man than in an old man, or it is more dangerous, e.g., in a priest than in a layman. And the multitude can be more prone to a lesser sin, from which it must be deterred through

punishment, than to another more grave one. Let St. Thomas be heard, q. 8, a. 7: "Punishment after the remission of fault is required for two things, namely, for paying the debt and for furnishing a remedy. Therefore the measuring of punishment can be considered as to two things: first, as to debt, and thus the quantity of punishment radically corresponds to the quantity of fault, before anything of it is remitted"; but after fault has been remitted through contrition (or also absolution), "as much as has been remitted through contrition, so much... through confession (in which the punishment of satisfaction is imposed) remains less to be remitted. Secondly, as to remedy either of him who sinned or of others; and thus sometimes a greater penance is enjoined for a lesser sin, either because the sin of one can be resisted with more difficulty than the sin of another, as a greater punishment is imposed on a young man for fornication than on an old man, although he sins less; or because in one person the sin is more dangerous, as in a priest, than in another; or because the multitude is more prone to that sin, and therefore through the punishment of one others are to be frightened away. Therefore punishment in the forum of penance is to be measured as to both. And therefore a greater punishment is not always imposed for a greater sin."

550. Applications. - Hence satisfactions ought to be proportioned:

1. To the gravity of the crimes: for the confessor is bound to this as judge and physician. Hence:

a) He sins who, without a just excusing cause, enjoins a light penance for sins certainly mortal; and this sin is grave from its genus, because, as the Council of Trent says, by enjoining very light works for most grave offenses, he is made a participant in the sins of others and connives at sins. And therefore they gravely err who indiscriminately enjoin on all a few Our Fathers and Hail Marys, even, e.g., for many carnal sins, not thinking whether the penance is proportioned to the sins, whether it is medicinal, since thus they furnish an occasion of sinning more licentiously.

Here is a general rule, which nevertheless admits many exceptions, e.g., if someone after one mortal sin is immediately contrite, or committed only a single mortal sin over a long time, great contrition will easily be present, which can be a reason for not imposing a grave penance; similarly, if the sins are doubtfully grave, whether objectively or subjectively, a grave satisfaction is not required, since in doubt odious things are to be restricted.

b) If mortal sins are multiplied or increased, also regularly a graver penance must be enjoined, and one graver in proportion as the sins are more numerous and more grave;1 not, however, according to arithmetical proportion, which would lead to morally impossible penances.

c) Nor ought the proportion to be perfect, so that that penance is imposed which suffices for obtaining from God the whole remission of the punishment which remains to be sustained, for what this punishment is entirely escapes us. Nor today is a fixed tax of punishments determined by the Church, as formerly.

According to today's discipline, a grave penance is judged to be one which corresponds to a work which, by reason of burden or quantity, is imposed by the Church under grave obligation or can be imposed, e.g., to hear Mass once, to fast, to recite the rosary, indeed even the third part of the rosary, to read the Office of the Blessed Virgin Mary, or the seven penitential psalms, the Litany of All Saints with the following prayers, to make the way of the cross, to meditate or read a pious book for a quarter of an hour.2 But a light penance is judged to be the psalm *Miserere* or one of the customary

psalms, the Litany of Loreto, or of the Name of Jesus, or of the Most Sacred Heart, acts of faith, hope, and charity, five Our Fathers and Hail Marys. Nevertheless a penance light in itself can become grave if the penitent must recite it not once but several times, e.g., five Our Fathers for an octave.

2. To the quantity of punishment which remains to be paid: for, supposing that contrition was more vehement, by that very fact the temporal punishment to be paid is diminished, and therefore the penance can be less; yet it cannot be concluded that because of very intense contrition no penance is to be enjoined, because it is never certain that no temporal punishment remains, nor can the minister expose himself to the danger of mutilating the sacrament. Hence:

a) A lighter satisfaction can be enjoined in time of jubilee or on occasion of a plenary indulgence to be gained, because by indulgences temporal punishment is extinguished or diminished; yet this is not a sufficient reason for omitting every imposition, because the sacrament ought not remain maimed: thus Benedict XIV, Const. *Inter praeteritos*, Dec. 3, 1749, and Leo XII, Const. *Caritate Christi*, Dec. 25, 1825.

b) Likewise if the confessor wishes to satisfy for the penitent by fasting or other penal works: for although such satisfaction is of less value than sacramental satisfaction, which operates *ex opere operato*, it can be of greater value on the part of the work of the one operating, because greater works are done or from greater charity.

3. To the ability of the penitents, according to the prudent estimation of the confessor, i.e., as the Roman Ritual says, tit. 3, c. 1, n. 19, "account being taken of the state, condition, sex, age, and disposition of the penitents," in other words, according to their powers and dispositions, to be measured according to the prudent estimation of the confessor. For it is better to impose a lighter satisfaction which will be gladly and perfectly fulfilled, than to impose a greater one which is paid negligently or defectively. - Therefore let it be:

a) According to the powers of the penitent. Thus a light penance is to be enjoined on the sick because they are not capable of fulfilling a heavier one;3 indeed, if they are very weak, the confessor laudably helps them to fulfill the penance immediately (by reciting it, e.g., with them); but if hope shines forth of recovering health, the Roman Ritual, n. 26, suggests that another work be enjoined conditionally, to be performed if they recover. - Likewise, as not proportioned to the powers of the penitent, incongruous penances ordinarily are not to be enjoined: whether lengthy ones, for half a year or more, or perpetually, because such penances generate anxiety and after some time easily fall into forgetfulness,4 and if they were more often imposed by various confessors, they would bind with innumerable bonds; - or manifest ones (at least for occult sins), which namely cannot be fulfilled without suspicion arising that a grave sin has been accused, and thus without indirect revelation of confession (e.g., abstinence from meats, or drink in water for children of a household, fasting for three days for a wife, the way of the cross for one who never makes it, abstinence from holy communion when all communicate, and other things which excite wonder and suspicion); - or unusual ones, moving the wonder of the people (e.g., to recite five Our Fathers and Hail Marys in the middle of the church with arms extended, or to make the way of the cross where such things are not usually done); - or ones repugnant to nature, such as to mark a cross on the ground with the tongue,

to visit enemies, for boys to ask pardon from parents or from others because of disobedience, irreverence, petty thefts; - or excessively burdensome ones, such as entrance into religion, marriage, and those things which expose one to ridicule; likewise vigils or fasts or afflictions of the body for adolescents, the sick, rustics, or workers tired out by continual labor; or pilgrimages, lengthy prayers, alms, for those who are constituted under power: a wife, servants, maidservants, or the poor who obtain their sustenance for themselves by continual labor; - or intricate ones, consisting of many diverse works, because they are given over to forgetfulness. Hence, if the recitation of a prayer for several days is prescribed, it is expedient to warn that if the penitent omits it on one day, he can make it up on the following day, so that anxieties may thus be avoided.

b) According to the dispositions of the penitent, where attention must be given both to the danger of scandal or relapse, lest a lighter punishment be imposed, and to the mode in which the penitent is going to accept and fulfill the satisfaction, lest one more grave be enjoined which probably he will not accept or will not complete. Since this sacrament was instituted more for procuring the salvation of men than for satisfying divine justice, if each end cannot be obtained, the secondary is to be neglected so that the salvation of the penitent may be obtained. To this end St. Thomas, l.c. above from q. 18, a. 4; and *Quodl.* III, q. 13, a. 28: "It seems sufficiently fitting that the priest not burden the penitent with a grave burden of satisfaction, because just as a small fire is easily extinguished by many pieces of wood placed upon it, so it could happen that the small effect of contrition recently excited in the penitent would be extinguished because of the grave burden of satisfaction, the sinner wholly despairing."

Hence a satisfaction which is foreseen to be altogether repugnant to the penitent should never be imposed; indeed, sometimes it helps to ask him whether he can (or is willing to) perform the penance imposed on him; otherwise the confessor will diminish or change it. Thus did Sts. Francis de Sales and Charles Borromeo. For experience establishes, says St. Alphonsus, *Th. M.*, l. VI, n. 510 (writing in an age in which many confessors were still imposing very great penance), that many are deterred from confession by fear of receiving too great a penance.

1. "Therefore of itself it does not suffice, for several grave sins, to enjoin a penance simply grave (e.g., a rosary)." Noldin, *Th. M.*, III, n. 300, 2.

2. We said: by reason of burden or quantity; hence a Little Hour is not a grave penance because in the office it is prescribed under grave obligation by reason of quality.

3. Nevertheless the confessor can enjoin on them alms to be given through a mandatary, if this can be done fittingly.

4. Sometimes, however, such grave and lengthy penances are to be imposed by reason of the reservation of a censure or sin, which the Church does not intend to lift unless such a grave and lengthy penance has been imposed.

551. The causes for diminishing satisfaction are:

a) On the part of the penitent: 1) Infirmity, either bodily (to which weakness of mind pertains), from which it happens that he can fulfill a proportionate penance only with difficulty, - or spiritual, from which it is prudently feared that the penitent will not accept a greater penance, or will not fulfill it

once accepted, or will be deterred from confession, so that the graver penance would rather harm the soul of the penitent than profit it: then it is expedient either that a free work which he is already going to fulfill be elevated into penance, or that besides the light supererogatory work enjoined, another be added which is already prescribed from elsewhere, e.g., hearing Mass on Sunday, fasting or abstinence from meats on a vigil, or that a work be imposed to be fulfilled during a work already prescribed, e.g., a rosary to be said during the Mass at which the penitent must soon be present.

2. Extraordinary contrition, by which the punishment to be paid is diminished, or great satisfaction already fulfilled before confession (in the state of grace), or also the custom of devoting oneself to many good works by which satisfaction may be made for sins; - unless nevertheless penance as medicine is necessary.

3. A founded hope of some special greater good or special utility, e.g., of alluring the penitent to confess often or to the frequent use of the sacraments.

b) On the part of the confessor: 4) The will of satisfying for the penitent, or penance heroically undertaken for him.

c) On the part of the Church: 5) A jubilee or another plenary indulgence now to be gained by the penitent, through which the punishment due to sin can be paid wholly; likewise indulgences, even not plenary, if the penitent is diligent in gaining them, as happens with those who, enrolled in confraternities, faithfully fulfill the prescribed works.

In these various cases it is expedient to warn the penitent about the insufficiency of the prescribed work (or also about the cause for which a lighter work is enjoined), so that he may voluntarily satisfy in other ways and not think his sins lighter. "The priest," St. Thomas warns, *Quodl*. III, q. 13, a. 28, "should indicate to the penitent how much penance would have to be enjoined on him for his sins."

552. A work to be enjoined by way of satisfaction can be any good and supernatural work. - Therefore of itself there can be imposed:

a) A work either external or merely internal (e.g., meditation, internal acts of faith, hope, charity, examination of conscience), which, although it cannot be prescribed by human authority in the government of society or in the external forum, nevertheless can well be prescribed in the internal forum of conscience, where the priest exercises ministerially not human but divine authority.

Besides, a merely internal work is made sensible through the imposition of the priest and the acceptance of the penitent; - nevertheless it is less fitting for the rude and unlearned, for whom internal acts are more difficult; indeed, generally external works are to be preferred because they are more laborious and therefore, other things equal, more satisfactory, and because they are more fitting for a sacrament which by its nature is a sensible sign.

b) A work either private or public, although this latter is not to be imposed for occult sins if from it danger arises of manifesting that a grave sin was accused, as was said in n. 550.

Hence the Ritual says, tit. III, c. 1, n. 22: "for occult sins, however grave, they should not impose a manifest penance." For public sins, however, sometimes public reparation is to be prescribed if scandal cannot otherwise be repaired; but it need not necessarily be imposed as sacramental satisfaction.

c) A work either supererogatory or free, or otherwise already due and prescribed: for a prescribed work can be satisfactory from its nature, and can be elevated by the power of the keys to the efficacy of sacramental satisfaction. Hence just as a prescribed work and one due from vow has a twofold merit, so also a work prescribed and enjoined for penance; and therefore if such a work is enjoined, e.g., hearing Mass on Sunday, its omission will be a twofold sin in species, namely, of transgression of law and of omission of penance, because a twofold precept is violated: one general, imposed by way of law, and the other particular, by way of command.

Thus there can be imposed as satisfaction the obligation of restoring, repairing, remitting, etc.; thus, if someone is negligent in fulfilling the precepts of the Church, fulfillment on one day can be imposed (e.g., fasting on a vigil), or for a time, as for a month or until the next confession (e.g., hearing Mass, abstinence from meats); if he is negligent in paying penances, supplying them can be imposed; likewise for pious penitents, works prescribed from a confraternity, or works they are accustomed to do, so that daily prayers may be performed faithfully or more exactly. Indeed, cessation from a good work can be prescribed, not as if cessation were good in itself, but insofar as it furnishes an occasion of exercising virtue, and is a test of obedience or humility; - unless nevertheless the abstinence would indirectly manifest confession.

Ordinarily, however, it is not expedient to enjoin works already prescribed, unless because of the singular frailty or occupation of the penitent, in which case generally a light free work should be added, e.g., hearing Mass is imposed with a sermon or with a prayer. But free works are to be enjoined, both so that an occasion may be furnished to the penitent of doing more good, and because more ought to be required from him than from an innocent person, and so that he may feel the weight and vindication of sin; whence a work imposed by way of satisfaction is not judged to be the same as that which is already prescribed by law, unless this is expressly declared by the confessor; e.g., if hearing Mass is enjoined, the penitent is bound to hear a Mass not prescribed.

d) A work to be fulfilled either absolutely or conditionally, under a condition, e.g., of health restored or of relapse, at least if another punishment is prescribed at the same time. Thus, e.g., if you blaspheme again, you will say such a prayer; if you become drunk again, you will fast, etc.; but only for a time, or until another confession.

Hence a work can also be enjoined disjunctively, so that an option is given between two things, e.g., between a grave work or a lighter one: "just as a priest can enjoin satisfaction on a penitent from the judgment of another, so he can from the judgment of the penitent himself, as if you were to say: do this if you can, and if you cannot, do this" St. Thomas, *Quodl.* III, q. 13, a. 28.

e) A work for oneself, or for the living, or also for the dead, which last is an excellent work of charity, as the Catechism of the Council of Trent says, p. 2, c. 5, q. 74. In the second case, the impetratory effect goes to others, the satisfactory effect returns to the penitent. In the third case, as was said above: "he applies to the dead the value of his work *ex opere operantis*, concerning which he can dispose; but the value of the work *ex opere operato* remains for himself, as being that which he cannot alienate from himself according to his own judgment."

Thus Billuart, *de Poen.*, diss. IX, a. 5 at the end, conformably to *Quodl.* III, q. 13, a. 28. Or it can also be said with St. Alphonsus, *Th. M.*, l. VI, n. 514, that the satisfaction of the work is given to the dead, the satisfaction of the good will remains to the penitent. Hence also works can be imposed to which

an indulgence is granted, so that the penitent by the same work fulfills satisfaction and the condition of the indulgence: for these do not exclude one another, as is now certain from the response of the S. C. of Indulgences, June 14, 1901, and from can. 932. "Nevertheless it is not fitting," says Noldin, *Th. M.* II, n. 303, "that in place of a grave penance there be enjoined a work light in itself to which an indulgence is attached, because according to the Council of Trent works proportioned to sins ought of themselves to be enjoined."

553. It is fitting to impose congruous medicinal satisfactions. - So that satisfaction may be not only vindicative of past sin, but also medicinal for guarding against future sins, it is preferable to enjoin penances congruous to the moral disposition of the penitent and to the nature of the sins to be repaired, and remedies more apt for certain wounds: for the fruit of penance and the good of the penitent depend much upon the work imposed.

Moreover, medicinal punishments are of many kinds:

a) Some diminish the force of occasion or temptation, such as flight from idleness or from a person alluring one to sin, consideration of the last things, and recourse to the confessor recurring at fixed intervals before danger.

b) Others weaken the force of concupiscence and passion, such as various interior and exterior mortifications.

c) Others increase spiritual strength, such as prayer; frequent invocation of Christ, the Sacred Heart, the Blessed Virgin Mary, the guardian Angel; acts of faith, hope, and charity frequently renewed; visitation of the Most Holy Sacrament; alms; contrition and purpose renewed with a great spirit, e.g., in the morning before a crucifix and in the evening in examination of conscience; stipulation of penance in case of relapse, etc.

But because contraries are cured by contraries, according to the Roman Ritual, l.c.,1 penances directly opposed to sins are very salutary; and it is a useful remedy that, in the matter in which one has committed illicit things, he abstain from licit things. Not as if a different penance had to be enjoined for individual sins, but so that, for a sin into which the penitent often relapses, as far as can be done, a contrary penance be enjoined: thus, e.g., congruous prayers are imposed on blasphemers, and for sins of sensuality, fasts, hair-shirts, or scourgings. Therefore these are fittingly prescribed:

1. to the proud: attentive consideration of one's own misery and infirmity and frequent relapse; likewise meditation on the sentence of the Apostle (I Cor. IV, 7): What do you have that you have not received?;

2. to rich misers or the unjust: alms, together with meditation on death, which separates from all things, or on the poverty of Christ;

3. to the lustful: flight from occasions, mortification of the body and the senses, afflictions of the flesh and fasting, flight from idleness, subtraction of comfort in bed, long sleep, more delicate food, etc., frequent consideration of the punishments of hell, prayer to the Blessed Virgin Mary;

4. to the gluttonous and drunken: some subtraction of food and drink, abstinence from intoxicating drink, flight from taverns or from companions with whom they are accustomed to get drunk;

5. to the envious and those laboring under hatred: reparation of harms which they have inflicted on others, consideration of the motives of charity and of the insults with which Christ was afflicted, works of charity toward the neighbor whom they dislike, so that they pray for him, anticipate him with honor, or help him;

6. to the angry: that, when moved by anger, they keep silence for some time, that they avoid occasions of anger, mortify the pride which moves to anger, and consider the evils that will follow from anger;

7. to the lazy and slothful: consideration of the brevity of life and of the necessity, while there is time, of working well; assiduity and perseverance in certain prayers to be recited for some time, greater effort in labor or devotion for two or three days; or a retreat for spiritual exercises;

8. to those habituated and relapsing: satisfaction to be prolonged for some time, for repeated acts more strongly attack evil habits and foster the detestation of sins to be renewed.

1. "Let him take care, as far as can be done, to enjoin penances contrary to sins, such as alms to the avaricious, fasts or other afflictions of the flesh to the lustful, offices of humility to the proud, studies of devotion to the slothful. But to those confessing more rarely and tardily, or easily falling back into sins, it will be most useful to counsel that they confess often, say once a month, or on certain solemn days, and, if it is expedient, communicate," n. 20.

554. Practical counsels. - As to practice, in the imposition of penance one must proceed by the middle way between the two extremes of excessive rigor and excessive laxity, so that the confessor impose neither one too light, nor one too grave and easily omitted. Nevertheless mercy is to be followed more than severity, both because the sacrament is a tribunal of mercy, not of wrath, and because the good of the penitent is to be regarded before the vindication of divine justice, which besides can be continued in purgatory: namely, greater account is to be had of the sinner than of the sin. Hence in doubt concerning the necessity or opportunity of a graver penance, the more benign part is rather to be chosen.[1]

[1] Cf. Instr. S. C. P. F., Oct. 3, 1736.

"The priest," says St. Thomas, *In IV Sent.*, dist. 20, q. 1, a. 2, qc. 2, ad 3, "does not always sin by enjoining a penance less than condign... because sometimes even by purposely imposing a lesser penance, he profits the penitent more than he harms him, since perhaps from the greatness of the punishment he could be impeded from carrying out penance because of the weakness of virtue still newly recovered in him; and therefore he neglects a lesser harm so that he may avoid a greater one." Nevertheless:

1. Let the principles not be handed over to forgetfulness, so that a great penance is never or very rarely imposed, because excessive laxity does not sufficiently draw away from sin, but on the

contrary makes one persevere in the habit of sinning, as the experience of excessive benignity has proved. This today the patrons of the more benign school already acknowledge, as Fr. Vermeersch, *Th. M.* III, n. 501.

2. Hence penitents are to be so disposed that they gladly accept a moderately grave penance.

3. This is accepted more easily if it is imposed for an intention which will be pleasing to the penitent, such as prayer for the dead of the family or for children, alms for the blessing or prosperity of the family, etc.

4. Nor does the fear of inculpable forgetfulness stand in the way for a longer penance: it is better that the sinner become forgetful of the penance than of the gravity of his sin.

5. Finally, satisfaction is now reduced too uniformly to a certain recitation of prayers; Fr. Vermeersch judges that this custom must be corrected by a prudent and constant effort, l.c.

6. A fortiori, they do not proceed rightly who without any discretion always impose nearly the same penance on all (ibid.).

Question Three: On the Fulfillment of Satisfaction or On Satisfactory Works

S. Th., Suppl., q. 15.

555. Principle I. All and only good and penal works can be satisfactory. - For, that a work may be truly satisfactory, it must repair a past offense and preserve from future fault. But all and only penal works do this. Therefore. For:

1. They compensate the offense inflicted upon God: for although, as far as concerns God on his part, properly nothing can be taken away from him, nevertheless the sinner, so far as in him lies, has taken away something of honor by sinning, while he attributed more to himself than was just, indulged his own will too much, and was delighted in created good too much, more than he ought. Hence for compensation, i.e., for restoring equality, something must be taken away from the sinner in honor of God;[1] and therefore it is necessary that a satisfactory work be not only good in honor of God, but also penal. For a good work, insofar as it is such, does not take away something from the one acting, but rather perfects him. Hence taking-away cannot be done through a good work unless it is penal, whereby something is taken away from the sinner, and he himself suffers something contrary to the natural inclination of his own will, or is deprived of a created good, useful or delightful. - But if the work were good and not penal, it would be only meritorious, not satisfactory.

[1] "Recompense for an offense imports an equalization, which must be of the one who offends toward him against whom the offense has been committed. But equalization in human justice is attended to by taking away from one who has more than is just, and adding to the other from whom something has been taken away" q. 15, a. 1.

2. Penal works also preserve from future fault, because a man does not easily return to sins from which he has experienced punishment. - Nor let it be said that God does not delight in our

punishments; indeed he does not delight in them insofar as they are punishments, but insofar as they are just (q. 15, a. 1; cf. III, q. 86, a. 4).

In the present state of fallen nature there can scarcely be any good work which is not in some way penal, arduous, and laborious, namely, having affliction of the flesh and lack of a greater delight: for since of ourselves we tend toward creatures and toward sensible and earthly things, when, during some time, we act supernaturally for the sake of God, we make the work difficult and indeed afflictive and penal. This is true a fortiori if the work to be done is enjoined upon us.

556. The principal satisfactory works are alms, fasting, and prayer. - To these all other works can be reduced, for:

1. Satisfaction must be such that through it we take something away from ourselves in honor of God. But we have only three goods, namely, goods of the soul, goods of the body, and goods of fortune and external goods. From goods of fortune we take away something by alms, from goods of the body by fasting; from goods of the soul nothing is to be taken away as to their essence, because by these we are acceptable to God, but their use is to be taken away by prayer, by which we submit our faculties to God.

2. Satisfaction cuts away the causes of sins. But there are three roots of sins, namely, the concupiscence of the flesh, the concupiscence of the eyes, and the pride of life. But against the concupiscence of the flesh fasting is ordered, against the concupiscence of the eyes alms, against pride prayer.

3. Satisfaction must not grant entrance to the suggestions of sins. But there are three kinds of sins: for sin is committed either against God, or against neighbor, or against ourselves. Against sins against God prayer is ordered; against sins against neighbor alms; against sins against ourselves fasting (q. 15, a. 3).

To these must be added scourges, i.e., the evils and adversities of the present life, which for sins are inflicted or permitted by God (Council of Trent, sess. 14, c. 9, can. 13): these, if they become in some way the very acts of the one suffering, insofar as he voluntarily accepts them for the purgation of sins, obtain satisfactory force. And indeed it is more laborious to will the punishment which in fact is inflicted than that which is voluntarily chosen (q. 15, a. 2).

557. Observations. - 1) Do not conclude that a work done from greater charity is so much less satisfactory because it is less penal. For although it is less penal and afflictive on the part of the subject, nevertheless it is not so objectively and in itself. Hence St. Thomas, q. 15, a. 1, ad 2:

"As in satisfaction penality is considered, so in merit difficulty is considered. But the diminution of difficulty which is on the part of the act, or object, diminishes merit, other things being equal; but the diminution of difficulty from the promptitude of the will does not diminish merit, but increases it. And similarly the diminution of penality from the promptitude of the will which charity causes does not diminish the efficacy of satisfaction but increases it."

2. All penal and satisfactory works are easily reduced to the three classes aforesaid. Because satisfaction is made by fasting insofar as by it goods of the body are taken away, through which

affliction is caused; and whatever affliction is caused by the taking-away of some good of one's own, therefore "whatever pertains to the affliction of the body is wholly referred to fasting; and for a similar reason, whatever is expended for the utility of the neighbor has wholly the nature of alms; and likewise whatever worship is exhibited to God receives the nature of prayer; and therefore even one work can have several notions of satisfying" (q. 15, a. 3, ad 5), e.g., when someone prays to God for the neighbor, and when someone afflicts the flesh for another.

3. Therefore a) under the name of alms are comprehended all works of mercy, whether corporal or spiritual: corporal, for example, to furnish money, food, clothing to the needy, to visit the poor man, or the sick man, or the captive, and to bring him even the least help; spiritual, for example, to console the sorrowful, to furnish counsel to anxious and troubled families, to instruct the ignorant man even with a few words, to correct the delinquent even once, to forgive injuries, to bear patiently the defects of others, to pray for others. - As to monetary alms, lest he incur suspicion of avarice, the confessor should not impose Masses to be celebrated by himself, nor accept for himself those imposed, nor alms to be distributed by himself or to come to his own. "Confessors," says the Ritual, n. 21, "should not apply monetary penances to themselves; nor should they ask or accept anything from penitents as a reward of their ministry."

b) By the name of fasting is understood every act of mortification, whether internal or external. Such is fasting properly so called and integral, which nevertheless today it is often not expedient to impose; the taking away of some part, especially a delicate one, at breakfast, dinner, or supper; abstinence from meats on a certain day; deprivation of food or drink outside breakfast, dinner, and supper; total deprivation of intoxicating drink for a brief time; moderation in sleep or recreations, indeed also abstinence from play, hunting, banquets, from dances or spectacles, from useless and dangerous conversations; mortification, for a certain time, of vain curiosity, in sight, hearing, in reading books or newspapers; rising more quickly from bed; keeping silence for a certain time; afflictions of the flesh by hair-shirts or scourgings; holding oneself on bended knees or with arms extended; kissing the ground; interior acts of obedience, humility, charity toward enemies, etc.; - finally patience, for a determined time, for those who labor much or feel bitter pains, or suffer persecution, to whom it is expedient to suggest acts of resignation, e.g., *Into thy hands, O Lord, I commend my spirit*; - *Not my will, but thine be done*; - *For thee, O Jesus, to suffer and be contemned*.

c) By the name of prayer is understood every work of religion and piety which regards the worship of God, namely, both prayers properly so called, for example, five Our Fathers and Hail Marys; Hail Mary three times morning and evening; the Angelus of the Lord; recited acts of faith, hope, and charity; an act of sorrow elicited in the evening; the rosary; various litanies; certain psalms or hymns; the Office or part of the Office; the Office of the Blessed Virgin Mary; the sacrifice of the Mass; novena prayers in honor of the Saints; ejaculatory prayers so many times during the day; - and mental prayers, such as a short meditation on the last things or on the Passion of the Lord; pious reading of some chapter of Scripture, or of the book *On the Imitation of Christ*, or another; offering of oneself and of all one's actions and sorrows in the morning and several times during the day; renewal of a good purpose; - and any practice of piety, such as visitation of the Blessed Virgin and imploring perseverance from her; the exercise of the Way of the Cross; hearing a sermon; pilgrimage; frequent

reception of the sacraments; sacramental confession to be made immediately after a fall or at a stated time.

558. Principle II. The penitent is obliged to accept and fulfill the penance reasonably imposed on him by the confessor. - This is certain, because of Lateran Council IV, which declares: "Let each of the faithful strive according to his powers to fulfill the penance enjoined on him"; and because of Trent, sess. 14, c. 8, from whose doctrine it can be concluded; and because of the Code of Law, can. 887.

It is proved: 1) The confessor, as judge, has the power of binding or obliging to punishment, and the right and office of imposing penance. But to this office and right, unless it were useless, there corresponds in the penitent, as accused, an obligation of accepting and fulfilling the penance.

2. The penitent, no less than the confessor, is obliged to procure the integrity of the sacrament; but sacramental satisfaction is an integral part of the sacrament.

3. Finally, each one is bound to obey a judge rightly judging and punishing. The confessor is a judge. Therefore, if he judges and punishes rightly and reasonably, the penitent must accept and fulfill the penance.

Nevertheless the obligation does not urge: a) if the confession was invalid, because, the sacrament being deficient, no obligation arises;

b) likewise if absolution was not given, unless nevertheless a medicinal penance is imposed as the condition of future absolution, or is now prescribed so that a lesser one can be enjoined when the penitent is absolved: for then it must be fulfilled by reason of the absolution to be received;

c) if the penance was not reasonably imposed, considering the present discipline of the Church, as if it were openly unjust or impossible, e.g., a fast on water and bread for an idle word, or a pilgrimage for a sick man. But if it seems too burdensome to the penitent, he can ask that it be changed or diminished, and the confessor will regularly acquiesce in this desire; and, if he refuses, the penitent can depart without absolution and confess to another, or accept the penance and ask another confessor to commute it. - But if someone were to refuse every satisfaction grave in itself, even a reasonable one, and were willing to accept only a light one, of himself he would not be excused from mortal sin, nor should he be absolved.

559. The obligation of fulfilling penance is grave from its kind, so that the penitent is held under grave obligation to fulfilling a penance which is legitimately enjoined under grave obligation. - This is certain.

For the confessor, as minister and judge, has the power of prescribing the things which pertain to the integrity of the sacramental judgment and of the sacrament, and indeed under grave obligation in a grave matter. But satisfaction pertains to the integrity of the judgment and of the sacrament; and it is an integral part of grave moment, when a notable punishment is imposed for grave offenses. Therefore the confessor can prescribe satisfaction, and indeed for grave offenses a notable punishment under grave obligation. - And therefore not to fulfill such satisfaction is to render the sacrament incomplete and mutilated in a grave matter. And it is irreverence toward the sacrament to accept a penance which someone would be unwilling to fulfill.

But that in fact there be a grave obligation, three conditions are required: 1) on the part of the penitent, a grave fault not yet rightly subjected; 2) on the part of the matter, satisfaction grave in itself; 3) on the part of the confessor, the intention of obliging under grave obligation. Hence:

a) He sins gravely who omits totally, or in notable part, a satisfaction obliging under grave obligation.

b) Nevertheless the confessor can, for grave offenses, impose a grave penance under light obligation, because the obligation depends on the intention of the one prescribing.[2] Yet this is generally not expedient, both because of itself it is not fitting for grave sin, to which, according to the Council of Trent, sess. 14, c. 8, the penance is to be proportioned, and because ordinarily the obligation ought to be proportioned to the matter; hence the confessor is judged to oblige under grave obligation when grave satisfaction is imposed for mortal sins not yet accused, unless he expressly says the contrary. - Nevertheless perhaps he could oblige under light obligation when another penance has already been imposed under grave obligation: then another, graver one can be added under light obligation, so that counsel may be taken for the infirmity of the penitent, or so that satisfaction may be greater.

[2] Nevertheless the confessor could not enjoin satisfaction without obligation and under counsel only, because thus he would not use the power of binding nor truly prescribe, since there is no precept without obligation.

c) A light penance obliges under light obligation, because light matter is not capable of grave obligation.

d) Satisfaction grave in itself, imposed for venial sins or for mortal sins directly remitted, probably obliges under light obligation, because the confessor is judged not to have wished to oblige under grave obligation, and otherwise penance of itself ought to be proportioned to the gravity of the sin; an exception is made if grave penance is enjoined for light sins which dispose greatly to mortal sins, so that that danger may be removed, e.g., for a tepid religious, for a girl exposed to danger: for then the natural law of avoiding proximate occasions of sin urges.

e) He who omits a circumstance of the penance sins gravely or lightly according as the circumstance is grave or light, according as in itself or relatively to the penitent it causes grave or light trouble. Thus a light circumstance is: to recite the rosary before an image of the Blessed Virgin or on bended knees; but grave, on the contrary, to do this with arms extended. In practice it is not expedient to impose many circumstances; and, if they are imposed, ordinarily they are not grave, unless they render the work much more difficult.

560. Principle III. Satisfaction must be fulfilled in that manner in which it is determined by the confessor, both in itself and in its circumstances. - For the whole obligation depends upon the intention of the one prescribing. Hence:

A. Satisfaction must be fulfilled:

1. At the time assigned by the confessor; and if no time has been stated, as soon as morally possible, as the presumed intention of the confessor, the good of the penitent himself, and the integrity of the sacrament require, which remains defective and incomplete until the satisfaction is fulfilled.

But it is not required that it be fulfilled before absolution or Communion (prop. 22 condemned by Alexander VIII),1 or even, at least for validity, before the following confession; although it should be

urged upon all that after confession has been completed it be fulfilled at once, lest perhaps it fall into forgetfulness. Hence:

a) he sins who, without reason, delays penance for some time, even not very long;

b) but he sins gravely if he delays a penance obliging under grave obligation: 1) if inability to fulfill it afterward is foreseen; 2) if the substance of the prescribed work is notably diminished; 3) if it is medicinal, so that delay impedes the end and induces danger of relapse; 4) if danger of forgetfulness is imminent, and therefore in practice, because of this danger, to delay for a long time is mortal;

c) he sins only lightly who, even if the time has been determined by the confessor, delays a little, unless perhaps in fixing the term the circumstance of time is equally principally intended by the confessor, e.g., fasting on the vigil of a feast in honor of it;

d) he sins only lightly who long delays a light penance or one imposed under light obligation;

e) if the penance has not been discharged at the stated time, the burden of performing it as soon as possible remains, because time is something accessory in relation to the essence of the obligation, and was prescribed not for ending but for urging the obligation: for the precept of the confessor primarily regards the thing to be rendered, secondarily the circumstance of time.

2. By the penitent himself, but not by another unless with the consent of the confessor: for satisfaction is an integral part of the sacrament, whose matter is the acts of the penitent; and therefore it must be accomplished by the penitent himself, just as contrition and confession; as is clear from prop. 15 condemned by Alexander VII.2

Yet a) the confessor can, when a just cause is present, permit satisfaction to be furnished by another, e.g., fasting, pilgrimage, from the motion and petition of the penitent: then the satisfaction imposed on the penitent is to ask this from another, or the very procuring of the work through another. Yet ordinarily this is not expedient, because then the penance is not medicinal, especially if it is an act altogether personal and as such afflictive.

Also b) the penitent can fulfill the real satisfaction of alms merely ministerially through another as a mandatary, whether that person pays from the goods of the penitent, or even from his own goods, because it would be the same as if he made a donation to the penitent, who would spend it in alms; - unless nevertheless the confessor expressly prohibits this last thing.

3. From the intention of fulfilling satisfaction, which intention nevertheless is already had by the very fact that satisfaction is accepted. Hence:

a) If someone, unmindful of the penance, fulfills the prescribed work, which is due by no other title and is ordered to no other end, by that very fact he fulfills it, because he is judged to will to satisfy before he wills to do a supererogatory work.

b) On the contrary, if, mindful or unmindful, he positively orders the work to another end and explicitly or implicitly excludes the intention of fulfilling, he does not fulfill the satisfaction. Thus, for example, if a rosary is imposed on one who recites it daily, he can at his own choice choose that the first rosary be said for the sake of devotion, the second as sacramental penance; or, on the contrary, fulfill the penance by the first daily rosary.

B. On the contrary, satisfaction does not necessarily have to be fulfilled in the state of grace, because ordinarily the intention of the confessor is not to impose that it be fulfilled in the state of grace, although he desires this, unless by accident the state of grace is necessary for the substance of the prescribed work, e.g., Communion or an indulgence: for to fulfill the precept the prescribed work as to its substance suffices, although the end of the precept is not immediately obtained; the end of the precept does not fall under the precept.

1. "They are to be judged sacrilegious who claim a right to receiving Communion before they have done condign penance for their offenses."

2. "The penitent, by his own authority, can substitute another for himself, who fulfills the penance in his place."

561. The obligation of fulfilling satisfaction ceases:

1. When fulfillment becomes physically or morally impossible for someone.

2. When the penitent has forgotten it, even if from culpable negligence, and cannot conveniently approach the confessor who can be presumed to remember it: for to repeat the confession before the same confessor, or to ask commutation from another confessor, is an extraordinary means and a grave burden to which no one is strictly obliged, although it is better. Nevertheless it is expedient that the penitent, in this case, voluntarily impose a work upon himself, to supply in some way for sacramental penance.

3. When someone has legitimately obtained commutation of the penance.

562. Principle IV. Sacramental penance can be commuted, for a just cause, not indeed by the penitent himself, but by a confessor who has equal power with him who imposed it.

A. Satisfaction cannot be commuted by the penitent, nor by another, whether layman or priest lacking jurisdiction, not even into a more perfect or graver one, otherwise than for a vow, where the one vowing is his own legislator. For 1) a change of penance imports a new judgment which cannot be rendered except by a judge; - 2) an inferior cannot commute the law of a superior even into something better; - 3) no work can be elevated to the dignity and efficacy of sacramental satisfaction except by the power of the minister himself, by force of the keys. This is also clear from the condemned prop. 15 of Alexander VII, already cited in n. 560, A, 2.

B. It can be changed either by the same confessor or by another having equal power. For penance is imposed by way of particular law; but law can be changed either by the legislator, or by a successor, or by a superior. Likewise satisfaction is the complement of absolution; therefore no one except him who can absolve from sin can also commute satisfaction: for the accessory follows the principal. Hence a penance imposed by a superior for a reserved case can be commuted only by a confessor having power to absolve from reserved cases, unless a grave inconvenience for the penitent is present and access to the superior is not easy, in which case the reservation itself can cease (can. 900).

But that satisfaction can be commuted, three conditions are required:

1. The very exercise of judicial power or of sacramental judgment, and therefore moral union between the commutation and absolution: for satisfaction is the complement of absolution, and the elevation of a work to the dignity of sacramental satisfaction cannot be done by the minister except insofar as he is judge and insofar as he exercises sacramental judgment and pronounces absolution. Hence:

a) The same confessor can change the penance immediately after absolution before the penitent departs, because the same judgment morally perseveres; indeed also outside confession for one day or perhaps even for several days, provided the confessor remembers the sins at least in a confused way, because the new penance imposed is morally united with the absolution given; it is the same judgment continued. - But if the time were a little longer, for security a new confession would have to be instituted and a new absolution granted, so that the commutation certainly may be valid, and the new penance certainly valid and sacramental. Namely, the safer thing must be done in favor of the penitent, who has a certain right to this, and because it concerns the validity of sacramental penance.

b) But if commutation is sought from another confessor, because he does not have the power of commuting except in sacramental judgment, he cannot change it except in confession and with the granting of a new absolution, whether to be given at once or afterward; otherwise the injunction of penance would not be a judicial act, nor would the satisfaction itself be sacramental.

2. Sufficient knowledge of the state of the penitent; otherwise the new penance could be neither proportioned nor medicinal. Hence:

a) If the penitent approaches the same confessor, who remembers at least in a confused way the state of the penitent, it is not necessary to repeat the confession.

b) If he approaches another confessor, neither is it necessary to repeat the confession integrally, but it suffices to make a summary one, or even, in the confession of other sins, to declare the penance previously imposed, if this suffices for knowing the state of the penitent sufficiently.

3. A just cause, namely, the spiritual good of the penitent. For the power conferred by Christ is not judged to be conferred unto destruction but unto edification; indeed power which is exercised in the name of God is granted only to be exercised reasonably. But a just cause is judged to be necessity, notable utility of the penitent, such as spiritual progress or a more opportune medicine, excess in the former penance or grave difficulty in its execution, danger of transgression, etc. Hence:

a) The petition alone of the penitent is not sufficient: in that case let the confessor urge fulfillment, say that the penance is proportioned to the sins, etc., unless he fears, because of frailty, that the penitent will not fulfill it.

b) Provided a just cause is present, a change can be made even if it is not sought by the penitent, provided nevertheless he consents; for indeed he can stand in the way of the change if he regards it as a burden.

c) Although medicinal penances can validly be changed, nevertheless let them not be commuted if they have not become morally impossible.

563. Corollaries. - 1. The penitent can discharge the enjoined penance even while he fulfills another prescribed work; for example, by hearing Sunday Mass he can recite prayers or the rosary for the penance: for when the Church prescribes good works, she does not exclude other pious works compossible with them.

2. Enjoined prayers, unless something else is expressly determined, are imposed in that manner in which generally according to the practice of the Church they are discharged; for example, psalms, litanies, the rosary, can be recited alternately with a companion; the hearing of daily Mass is to be understood so that on Sunday it is heard only once, etc. On the other hand, prayers which are customarily recited vocally by the faithful, such as psalms, litanies, and other things, it does not suffice to run through with the eyes and mind only, from a book; the contrary is true for meditation. If penitents as to these things are in good faith and think mental recitation suffices, they are not to be disturbed, because it does not regard the value of the sacrament; but if they ask how the penance is to be discharged, they must be instructed according to the principles handed down.

3. Once commutation has been made, the penitent can, if he wills, choose the satisfaction previously enjoined, because commutation, as favoring the penitent, is judged to be made under this condition: unless the penitent wishes to return to the former one.

4. The penitent is by no means freed from the first penance if, by repeating the 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 the penance there is required on the part of the confessor a positive act of will by which the prior obligation is revoked.

5. Many judge, because of some saying of St. Thomas,[3] that by the prayer: *The Passion of Our Lord Jesus Christ...*, all subsequent good works of the penitent, or "whatever good he has done and evil he has sustained," are elevated by the confessor to the dignity of sacramental satisfaction. Yet this has no foundation at all, "for the words, in the way in which they are pronounced, seem rather to be the prayer of a priest imploring that all things be well for the penitent: for he does not elevate to sacramental being the Passion of Christ, the merits of the Blessed Virgin, and of all the Saints." Thus Billuart, *de Poen.*, diss. IX, art. 9, who nevertheless adds that this can be admitted if the confessor intended this concerning the future goods of the penitent, and indicated this to him. - Since the matter is very doubtful, there is no reason for diminishing the sacramental penance to be imposed on penitents.

[3] *Quodl.* III, q. 13, a. 28.

Question Four: On the Effect of Satisfaction

S. Th. III, q. 90, a. 1, ad 1; a. 2, ad 2.

564. Satisfaction is made for a threefold end, and therefore has a threefold effect *ex opere operantis*. - Thus the Council of Trent, sess. 14, c. 8:

1. It is vindicative, insofar as it is for vindication and chastisement of past sins: thus the penitent punishes sins and satisfies vindicative justice and obtains redemption of temporal punishment.

2. It is medicinal, insofar as it is for a remedy of infirmity: thus it heals the remnants of sins and removes vicious habits by acts of contrary virtues.

3. It is preservative, insofar as it is for preservation from future sins and for the custody of new life: it effects this by removing penitents from occasions of sin and by fortifying them against relapse.

565. Sacramental satisfaction, insofar as it is in reality and in execution, moreover produces these three things more efficaciously *ex opere operato*. And indeed:

1. Remission of temporal punishment, greater or lesser, both according to the grade of the work and according to the disposition of the one satisfying (Council of Trent, sess. 6, c. 14; sess. 14, c. 3 and 8), yet so that, as St. Thomas says, *Quodl.* III, q. 13, a. 28, "it avails more for expiating sin than if a man did the same work by his own choice."

2. Habitual grace making one pleasing, and indeed directly if satisfaction precedes absolution; an increase of grace, if it follows.

"Satisfaction," says St. Thomas, III, q. 90, a. 2, ad 2, "confers grace insofar as it is in purpose, included in contrition, and increases it insofar as it is in execution, just as also Baptism does in adults." Death seized the holy Doctor before he could explain these words more clearly, before he put an end to the treatise on Penance. Hence it can be doubted whether satisfaction increases grace directly, which is the more obvious sense, or only indirectly, insofar as it confers actual grace which stirs us up to the exercise of charity, or contrition, or works by which grace is increased; - indeed perhaps it is not altogether impossible to understand it of only an extensive increase toward new effects. In which case there would be no opposition with the Commentary on the Sentences, l. IV, d. 16, q. 1, a. 1, qc. 2, ad 3, where the holy Doctor wrote: "It must be said that from the purpose of satisfying grace is conferred, although actual satisfaction presupposes grace; or it must be said that through satisfaction the penitent obtains the perfect effect of grace abolishing sin, because he is totally liberated from the debt of punishment."

3. Consequently also supernatural helps, for medicine and correction, by which greater facility is given for guarding against future sins.

566. Sacramental satisfaction can also be validly fulfilled in the state of mortal sin, as was said in n. 560, B. In which case it immediately gives, from the merits of Christ, a right to the remission of temporal punishment; but when the obstacle of sin has been removed through contrition or also absolution, it seems to revive, and therefore it obtains its effect and now in second act remits punishment. For, if sacraments revive as to the essential or principal fruit, there is no reason why they would not revive as to the integral complement.

567. Observation. - Besides the effects of sacramental satisfaction, there are several advantages of it which the Council of Trent, sess. 14, c. 8, enumerates: 1) lest sins be reputed lighter, since they are to

be expiated by such hard labors of penance; 2) that penitents may be deterred from future sins and rendered more vigilant in guarding against them; 3) through those satisfactions vicious habits are eradicated; 4) they avert the imminent wrath of God; 5) they make us conformable to Christ the head; 6) they are for the example and edification of others.

Fourth Part: On the Minister of Penance

Question First: On the Power Itself of the Minister

S. Th., Suppl., q. 17, and q. 19, a. 2 and 3.

568. Principle. The power of remitting sins does not belong to all the faithful, but to certain ministers, namely, to the Apostles and their successors, i.e., to bishops and priests alone. - Thus the most ancient and uninterrupted tradition declares, and the Council of Florence, decree for the Armenians, and Trent, sess. 14, c. 6. Hence the Code of Law, can. 871: "The minister of this sacrament is a priest alone." Therefore for exercising his office validly the power of order is required; and, as the same Council of Trent teaches, c. 7, moreover by divine right the power of jurisdiction is required, because a judicial sentence cannot be rendered except over subjects. Hence can. 872: "Besides the power of order, for the valid absolution of sins there is required in the minister the power of jurisdiction, whether ordinary or delegated, over the penitent."

St. Thomas explains this thus, q. 8, a. 4:

"The other sacraments do not consist in this, that one approaching the sacrament does something, but only that he receives, as is clear in Baptism and the like... But in Penance the act of the one approaching the sacrament is of the substance of the sacrament, because contrition, confession, and satisfaction are parts of penance, which are acts of the penitent; but our acts, since they have their principle in us, cannot be dispensed to us by others except by command. Hence it is necessary that he who is constituted dispenser of this sacrament be such that he can command something to be done. But command does not belong to someone over another, except to him who has jurisdiction over him. And therefore it is of the necessity of this sacrament not only that the minister have order, as in the other sacraments, but also that he have jurisdiction."

569. The power of order and the power of jurisdiction differ in the minister. - For the power of order is an efficient power, of sanctifying or effecting sacred things, in this case the instrumental power of conferring grace; the power of jurisdiction is a moral power, of ruling subjects in matters regarding the supernatural end, or in order to holiness and eternal life.

Jurisdiction is one thing of the forum of the Church or external forum, when it directly and primarily regards the public rule and utility of the Church; another of the forum of God or internal forum, when it directly and primarily regards the private utility of any of the faithful. The former is ecclesiastical and social power which is granted by the Pontiff from his own authority, and therefore is derived from him as from the principal cause and is exercised by his authority; the other is power not ecclesiastical but divine, which is granted by the proper authority of God, who alone is able directly to touch conscience and the bond of sin, nevertheless through the mediation of the Pontiff as minister and instrument of divinity, and therefore to be exercised not by the proper authority of the Church but by the authority of God himself. This latter, says Billot,[1] is first of loosing rather than binding; but the former first of binding rather than loosing.

[1] *De Ecclesia,* th. XXI.

Therefore in the confessor the power of order and the power of jurisdiction differ in many ways:

1. In conferral. The former is conferred by consecration, namely by sacred ordination, and inheres indelibly in the subject; the other is conferred by the external act of mission to subjects by a superior,[2] which mission can be revoked, diminished or increased, suspended and limited, e.g., as to men, if it is restricted to certain men or kinds of men; as to place, e.g., within the limits of one diocese or parish; as to time, so that after a certain time has elapsed it expires, e.g., after three years; as to causes or sins, if the superior reserves to himself absolution from certain graver sins (Council of Trent, sess. 14, can. 11). Hence priests are equal in the power of order, not in the power of jurisdiction.

[2] Cf. II-II, q. 39, a. 1.

2. In essence. The power of order gives proximate aptitude and disposition for this, that someone receive jurisdiction over subjects for absolving from sins; it is deputation for exercising sacramental judgment, but indeterminately over subjects, if he has any: "whose," i.e., of what subjects, says Christ, "sins you shall remit, they are remitted unto them." The power of jurisdiction is the faculty of exercising the sanctifying power of order over certain determinate persons as legitimately designated subjects. The former, namely, gives capacity; the other is the faculty of exercising that capacity.

3. In effect. From the power of jurisdiction the judgment is valid; from the power of order it is efficacious.

Hence the power of jurisdiction can be defined: Power conferred by an external act of a superior, by which a priest can exercise jurisdiction toward subjects in the internal and penitential forum, or a legitimate deputation for exercising the office of absolving from sins, in a judicial manner, determinate penitents as subjects.[3]

[3] Or with Billuart, diss. 6, a. 2, § 1: The power by which a priest as judge renders sentence in the forum of conscience upon another as upon a subject. Or as Chretien: A supernatural judicial power, conferred by an act of legitimate authority, by force of which a priest remits the sins of subjects in the sacrament of Penance. Thus in the little work: *Certain Questions on Penance*, which deserves to be consulted for this whole part of the treatise.

570. The power of the confessor pertains to the power of the keys. - A key is an instrument for opening the kingdom of heaven, which is closed by sin as to the debt of fault and as to the debt of punishment; or an eminent sacred power by which the obstacle of sin is removed. For although Christ, by divine authority and by the merit of the Passion, opened heaven in a universal way, as far as depends on himself, nevertheless it belongs to his ministers to open it, through the sacraments, as to this or that person, for whom it remains closed because of original or actual sin: namely, Christ, as principal agent, is said to have the key of excellence; priests, as instrumental agents, the key of ministry.[4]

[4] Thus q. 19, a. 2; and q. 17, a. 1. Hence "the act of the priest is not immediately over the kingdom, but over the sacraments by which man comes to the kingdom" q. 17, a. 2, ad 5.

Hence the exercise of the power includes a twofold act or a twofold judgment: 1) a judgment of discretion concerning the dispositions or fitness of this or that recipient, by which it is discerned whether he is worthy or not; 2) the judgment itself, whether of absolution and remission, or of retention, by which we open or close, receive the worthy or exclude the unworthy from the kingdom. And therefore two keys are distinguished: a) the key of knowledge, or the authority of exercising an act of knowledge by which it is discerned and shown to whom it must be opened; b) the key of power, or the very authority of loosing and binding by which heaven is opened or closed. Not as if they were two powers as to essence, but two by comparison with the acts of which one presupposes the other.[5]

[5] In q. 17, a. 3.

For, says St. Thomas, that power of the keys is really the same as the character or spiritual instrumental power of order, so that by essence the power over the real Body of Christ and over the mystical Body of Christ is the same, or the power by which the priest can confect the Eucharist and the power by which he can loose and bind, if jurisdiction is present (q. 17, a. 2, ad 1); but they differ according to reason insofar as they are compared to diverse effects: the character by consecration to God, the power of the keys to subjects. Hence the keys are given with order in some consecration, but the execution of the key needs due matter around which it is exercised, namely subjects, and therefore the act of the keys is had through jurisdiction; and thus before he has jurisdiction the minister has the keys, but does not have the act of the keys[6] (ad 2).

[6] From this it is clear, even according to St. Thomas, whatever some have thought, that the power of jurisdiction is distinguished from order and is not given with it. This is clear from the words ad 1: "the power... by which he can loose and bind, if jurisdiction is present"; and from the response ad 2: "the key is given with order; but the execution of the key needs due matter, which is the subject people through jurisdiction; and therefore before he has jurisdiction, he has the keys, but does not have the act of the keys."

Hence the power of jurisdiction, even in the external forum, by which someone is subjected and admitted, or excluded, to the communion of the Church, through which someone goes to heaven, is also sometimes called a key, but improperly, because it is not immediately the key of the kingdom of heaven, removing sin, but a certain remote disposition to it, or to grace (q. 19, a. 3), and a condition for exercising the key (q. 17, a. 2, ad 1 and 2). According to this, Christ gave to Peter in a singular way the power of binding and loosing or remitting sins (Mt. XVI, 19), so that it may be understood that he before the others has the power of jurisdiction. "And therefore the Lord says indeterminately: Whose sins you shall remit, understanding nevertheless that the use of that power ought to be, with the power conferred on Peter presupposed, according to his ordination" (q. 20, a. 1, ad 1).

The key of jurisdiction can belong not only to priests but also to others, who can excommunicate (q. 19, a. 3; q. 22, a. 2); the key of order belongs to priests alone (q. 20, a. 1, ad 1).

Article I: On the Power of Order

S. Th., Suppl., q. 8, a. 1-3; q. 19, a. 3-4.

571. State of the question. - Concerning the power of order many have not thought rightly.

A. Concerning this there erred: 1) the Montanists, who held that only the pneumatics or spiritual men, i.e., those who had received the Holy Spirit, could forgive sins, according to the words of Christ: *Receive the Holy Spirit...*; - 2) Abelard, thinking that the power had been granted to the Apostles alone,

not to their successors, who was condemned in the Council of Sens, a. 1140 (prop. 12); - 3) the Fraticelli, Waldenses, Wycliffites, Hussites, who granted the power of absolving sins to good laymen, but denied it to wicked priests (cf. Council of Constance, a. 20 and 22); - 4) the Lutherans, who commonly hold that the power of remitting sins is reduced to the ministry of preaching and exhortation, for arousing faith in the remission of sins, and that it belongs of itself to all the faithful, even women, in a case of necessity, provided they believe themselves absolved; yet, to avoid confusion, that the same is not to be exercised except by those who have been deputed to this by the community. Other Protestants, besides Episcopalians and Ritualists, deny every power of the keys; - 5) many liberal Protestants hold that in the first centuries of the Church the power of the keys was exercised by charismatics alone, i.e., by those faithful who enjoyed a special gift or charism: for, they say, the hierarchy was not instituted by Christ, but various charisms were distributed among the faithful by the Holy Spirit.

B. Certain Catholics in the Middle Ages held that deacons or inferior clerics were extraordinary ministers who, when priests were lacking, received confessions and could contribute something toward absolution; - or even that deacons in antiquity were held to be extraordinary ministers absolving: thus, for example, Morinus. Indeed a few said that, when priests and clerics were lacking, one had to confess to laymen.

572. Thesis. Priests alone, by divine right, i.e., bishops and presbyters, are ministers of sacramental confession, who can validly absolve; hence in them the power of order is required. - This is of faith from the Council of Trent, sess. 14, c. 1 and 6, and can. 10, the first part of which canon is directed against Wycliffe, the other against Luther.

It is proved: 1) From the documents of revelation, by which it is clear a) that the words of Christ: *Whose sins you shall remit...* were directed to those alone who are sent, the Apostles; moreover b) that the power was granted as a judgment to be exercised; but that there be a judge, there must be superior and inferiors; therefore this power was not granted to all, namely to inferiors. But who in fact are successors of the Apostles in this power, whether bishops alone, or also priests or others, must be determined from Tradition and the usage of the Church, by which it is clear that from the first times generally that office was committed not to bishops alone but also to presbyters, but not to others.

They already insinuate this from the first times: Ignatius, when he does not promise sinners remission of sins unless they return to the gathered Church and to the consent of the bishop (*ad Philad.*, n. 3); Clement of Rome, when he commands the Corinthians not to remove those who had been constituted bishops, i.e., presbyters, and had discharged their office excellently, but that they themselves be subject to the presbyters so that they may receive correction unto penance, lest they be excluded from the flock of Christ (*ad Cor.* 44 and 57). But from the third century onward they expressly affirm it: Callistus, claiming this power for himself; Tertullian, *de Poen.* IX and *de Pud.* XVIII, 17-18; Cyprian, *de Laps.* 29 and ep. 17; Origen, *in Lev.* hom. 2, n. 4; *in Num.*, hom. 10, c. 1; *in Ps.* 37, hom. 1; Athanasius, in fragment from l. c. Nov.; Ephraim, or. *de sacerd.*; *Didasc.*, c. 7; Basil, *reg. brev.*, n. 228; Chrysostom, *de sacerd.* III, 5; *Const. Ap.* II, 16; Ambrose, *de Poen.* I, 2; Jerome, *in Mt.* XVI, 19; Augustine, serm. 351; *enchir.* 65; Leo M., ep. 108 and ep. *ad Theod.*; Council of Carthage III, can. 32; etc.

In the beginning, indeed, the power was reserved to the bishop, but presbyters sometimes exercised it from the commission of the bishop, as is clear from Cyprian, ep. 18; from *Const. Ap.* VIII, 47, 52; from the Council of Hippo, Elvira, and Carthage III, and from the institution of the presbyter penitentiaries. From the sixth century the usage of approaching priests is general. Moreover it belonged to them to the exclusion of deacons, which is clear both from the fact of silence concerning these and from explicit doctrine from the third century onward: among others, the testimonies of Ambrose, *de Poen.* I, 2; Jerome, *in Jer.* XIII, 12; *in Mt.* XVI, 19; Augustine, *de Civ. D.*, XX, 10; ep. 228 *ad Hon.*, n. 8; serm. 82, n. 8 and 11; Innocent I, ep. 25 *ad Dec.*, n. 3, and of others can be compared.

2. Also by reason from St. Thomas, q. 19, a. 4: No one can remit sin and confer grace except in the name of Christ as his instrument. But no one is an instrument unless he is chosen as a minister. Therefore ministers alone can remit sins.[1] But bishops alone were not to be chosen, but also priests, because of the great necessity of this sacrament.

[1] From this principle St. Thomas concludes 1) that not saints, but priests, and 2) not only holy priests, but also evil priests, are ministers of the sacrament.

That priests, however, and not deacons and inferior ministers, should be chosen is most fitting, as the same St. Thomas shows, q. 8, a. 1: "Grace which is given in the sacrament descends from Christ the head into the members. And therefore he alone is minister of the sacraments in which grace is given, who has ministry over the true Body of Christ, which belongs to the priest alone, who can consecrate the Eucharist. And therefore since in the sacrament of Penance grace is conferred, the priest alone is minister of this sacrament, and therefore sacramental confession, which is customarily made to the minister of the Church, must be made to him alone."

In the first way thus: "From this something is constituted a principal agent, that it has some form which it can pour into another; but it is not constituted an instrumental agent from this, but from this, that it is applied by the principal agent for inducing some effect... But man... can neither give to another grace, by which sins are remitted, nor merit it sufficiently... And for this reason, however much someone may have of grace, he cannot reach the effect of the keys unless he is applied to this as minister through reception of order" (q. 19, a. 4).

In the second way thus: "Just as participation of the form which is to be induced in the effect does not make an instrument, so neither does the removal of such a form take away the use of the instrument. And therefore, since man acts only instrumentally in the use of the keys, however much he is deprived through sin of grace, by which grace the remission of sins is made, nevertheless he is in no way deprived of the use of the keys." For "the gift of the Holy Spirit is required for the use of the keys, not as that without which it cannot be done, or for validity, but because without it it is done incongruously on the part of the one using them, or as to liceity, although the one subjecting himself to the keys obtains the effect of the keys" (a. 5, and ad 1).

And therefore also in heretics, schismatics, and excommunicated persons, the power of the keys remains as to essence, the power of order; but the use is impeded, for the most part, from defect of matter, the power of jurisdiction. For since the use of the keys in the one using them requires prelacy, or jurisdiction, with respect to him upon whom he uses it..., the proper matter upon which the use of the keys is exercised is a subject man. And because through the ordination of the Church one is subjected to another, therefore also through the prelates of the Church he who was subject to

someone can be withdrawn. Hence, when the Church deprives heretics, schismatics, and others of this kind, by withdrawing subjects either simply, or as to something, as to that in which they have been deprived they cannot have the use of the keys" (a. 6).

573. Observation. - In the thesis we said that priests alone are ministers of sacramental confession.

For confession before laymen, when a priest is lacking:

1. was in use for greater shame and confusion,[2] as St. Thomas also relates, q. 8, a. 2, but it was not sacramental, as is clear from the response ad 1 and 3, and from a. 3;

[2] Cf. on this Teetaert, *La Confession aux laiques dans l'Eglise latine depuis le VIIIe jusqu'au XIVe siecle*.

2. is satisfactory, if perfect contrition is present;

3. is a sacramental by which attrition is stirred up toward the remission of venial sins, just like striking the breast (a. 3).

574. They object: From the history of the Church it is clear that the power of receiving confessions or even of remitting sins, in the course of time, was acknowledged to pneumatics, - to some confessors and martyrs, - to deacons, - indeed even to laymen.

Resp.: 1. The pneumatics at the beginning of the Church were endowed with special charisms (I Cor. XII, 3-11; XIV, 2-40; Eph. IV, 11), but it is not read that the power of remitting sins was granted to them. Tertullian alone asserted this, having become a Montanist; and the assertion was universally rejected, even by his disciple St. Cyprian.

2. Confessors and martyrs were endowed with the privilege of granting a letter of peace to delinquents in order to the remission of sins. But they did not hear confession nor absolve; they enjoyed only the privilege of intercession, by which, in view of their confession, bishops admitted certain sinners to reconciliation. This is clear from the letters of St. Cyprian, whose doctrine was approved not only by the African bishops, but also, while the see was vacant, by the Roman presbyters and deacons.

3. Deacons, when bishop and priest were lacking, admitted dying sinners to full reconciliation and peace with the Church, and to reception of Viaticum, whether they had already been absolved before, or had not yet been; in which latter case they indeed supposed perfect contrition in them.

But certain deacons exceeded the limits of their power; particular Councils prohibited this, as is clear, for example, from the statutes of Odo, bishop of Paris (a. 1197), and from the Synod of Poitiers (a. 1280).

4. Finally laymen, in danger of death, when a priest was lacking, during the Middle Ages, received the confession of the dying, but did not absolve. This practice, however, was held useful, for greater humility and contrition and a greater desire of confession; indeed by great theologians it was said to be necessary, namely for proving the sincerity of contrition, insofar as a man at least ought to furnish what is on his part and do what is in him, by confessing as much as he

> can and by beginning the due satisfaction through the shame of confession, so that thus he might become worthy of pardon from desire for the priest and be disposed to perfect contrition. And then the supreme priest, Christ, supplies the defect of the priest and grants remission.

Nevertheless that confession is not held as truly sacramental, since they rather often say it must be repeated, e.g., St. Thomas, q. 8, a. 2, ad 3; and yet, because it was an imitation of sacramental confession and, as it were, a step toward it, it could also be called sacramental in a certain way. "When necessity presses," says St. Thomas, ad 1, "the penitent ought to do what is on his part, namely, to be contrite and to confess to whom he can; and although that person cannot perfect the sacrament, so as to do what is on the part of the priest, namely absolution, nevertheless the supreme priest supplies the defect of the priest. Nevertheless confession made to a layman from defect of a priest is sacramental in a certain way, although it is not a perfect sacrament, because there is lacking to it that which is on the part of the priest."

575. Corollaries. - From the aforesaid it follows:

1. That the Church cannot supply the defect for a priest invalidly ordained.

2. That a deacon cannot be deputed to absolve from sins in the sacrament of Penance.

3. That there is no obligation of confessing sins to others than a priest.

Article II: On the Power of Jurisdiction

S. Th., Suppl., q. 8, a. 4; q. 19, a. 5-6; q. 20.

576. Opinions to be avoided. - Some older theologians, such as Durandus, held that jurisdiction is given by ordination itself, although they acknowledged that its use is bound by the prohibition of the Church; this opinion is commonly rejected. - Certain Jansenists, in the Synod of Pistoia, going further, asserted that it is fitting, but not necessary for the validity of absolution, that the confessor be endowed with jurisdiction. This was condemned by Pius VI in the bull *Auctorem fidei*, a. 37, as false, rash, pernicious, erroneous.

577. Thesis. For valid absolution, besides the power of order, by divine right there is required the power of jurisdiction over the penitent, which is not received by force of ordination alone but by the concession of ecclesiastical superiors. - This is certain from the Council of Trent explicitly declaring it, sess. 14, c. 7; which manifestly teaches three things: a) that a priest, who has the power of order, can lack jurisdiction over some faithful; b) that in such a case absolution imparted to them is invalid; c) that jurisdiction over penitents is twofold: ordinary and subdelegated, by which it is confirmed that it is diverse from the power of order, which is the same in all, conferred through the sacrament of order.

It is proved: 1) From the very nature of the sacrament of Penance, which was instituted to be exercised by way of judgment. For a judgment cannot be validly exercised except over a subject, who has been subjected to the authority or jurisdiction of the judge by a legitimate superior; otherwise the judge could neither oblige nor urge the execution of the judgment. But a priest does not have

subjects except through legitimately conferred jurisdiction. Therefore from the very nature of the sacrament, and therefore by divine right, the power of jurisdiction is required.

Thus juridical knowledge and aptitude for judging do not suffice in a human judge, but for use there is required jurisdiction or deputation to determinate matter, determinate subjects, determinate persons; indeed any judge cannot take cognizance of any cause whatever, but each one takes cognizance of those causes which are explicitly or implicitly assigned to him by a legitimate superior, and only for determinate subjects, namely, of his own jurisdiction.

2. From the practice of the Church, by which the power of the keys is exercised in a judicial manner, and from the beginning bishops absolved their own subjects, but afterward, with the number of penitents increasing, priests also did so, but those designated by the bishop. This is confirmed from Lateran Council IV; Florence, decree for the Armenians; Trent, sess. 14, c. 3 and 7; and from the bull *Auctorem Fidei*, n. 37.

3. By reason, from St. Thomas, q. 8, a. 4: The minister of Penance imposes conditions for obtaining remission; hence he must impose on the penitent something to be done, and he does not absolve except by binding the penitent to doing something. But command does not belong to someone over another unless he has power over him, namely authority and jurisdiction. Therefore a priest cannot absolve unless he has jurisdiction over the penitent.

They object that the complete power of absolving, and therefore jurisdiction, was conferred by Christ upon the Apostles in these words: *Receive the Holy Spirit; whose sins you shall remit*, etc.; but the same words are repeated to newly ordained priests; therefore they too receive the same power of absolving by force of ordination.

Resp.: The Apostles did not receive jurisdiction through the aforesaid words, but by force of the intention of Christ, which is manifested through the words: *As the Father has sent me, I also send you*. Hence although the words: *Receive*... are said to newly ordained priests, they do not from this receive the power of jurisdiction, which otherwise the Church does not intend to grant by these words.

578. Corollaries. - 1. Jurisdiction, while in other sacraments it is required only for licit administration, is required for valid absolution: for the other sacraments are not conferred by way of judgment, nor are they judicial acts upon subjects, whence they do not of themselves demand jurisdiction (q. 8, a. 4).

2. Jurisdiction, since it is conferred by the mission of a superior, can be limited in various ways as to time, place, persons, or causes or sins, as is clear from the whole history and practice of the Church, and as the Council of Trent sanctioned, sess. 14, can. 11. Thence comes the use of reserving sins, which has existed in the Church from ancient times.

3. Jurisdiction is also required for absolving from venial sins, whatever some once said. This is now altogether certain from can. 872 together with can. 874.

4. A superior, e.g., the Supreme Pontiff, can be absolved, because as a sinner he is inferior before God; hence although someone cannot have jurisdiction over him as superior, nevertheless he can have it over him as a private person, by the authority of God, in whose name judgment and

absolution are given, and who alone is the principal cause of remission. And yet the Pontiff cannot absolve himself, because for judgment two distinct persons are required: the subject accused, and the judge; but someone cannot be subject to himself. But the Pontiff can designate someone in the name of God to be his superior and judge as of a private person sinning. This indeed is impossible in the external forum, because there all things are done in the name of the superior, who is the principal judge and legislator; and therefore a superior cannot designate someone so that in his name and by his authority he would act upon the superior himself, just as neither can he excommunicate or judge himself (q. 20, a. 3).

It can also be added that absolution belongs principally to the power of order and only consequently regards jurisdiction; but as to the power of order all priests are equal, not as to jurisdiction.

Question Second: On the Granting and Limitation of the Power of the Minister

Article I: On Jurisdiction in General, Ordinary or Delegated

S. Th., Suppl., q. 8, a. 4 and 5; q. 20, a. 1.

579. Jurisdiction is one thing ordinary, another delegated. - "Ordinary jurisdiction is that which is attached to an office by the law itself, office being taken in the strict sense from can. 145; delegated jurisdiction is that which is legitimately committed to a person" can. 197.

These, in order to confession, differ in three ways:

1. Ordinary jurisdiction is given by a superior from mission to some pastoral office by which someone becomes, as it were, the proper priest of the subjects; delegated jurisdiction is from a special personal concession.

2. Ordinary jurisdiction is validly exercised everywhere on earth over subjects (can. 881); delegated jurisdiction cannot be exercised outside the territory for which it was granted, unless jurisdiction has there been obtained from the Ordinary of the place.

3. Ordinary jurisdiction, according to can. 199, can of itself be delegated to others wholly or in part, unless something else is expressly provided by law; delegated jurisdiction of itself cannot be subdelegated unless a special concession of the one delegating is present.

580. Principle I. Who have ordinary jurisdiction for confessions. - On this matter can. 873 holds:

"§ 1. By ordinary jurisdiction for receiving confessions, for the universal Church, besides the Roman Pontiff, the Cardinals of the Holy Roman Church are endowed; for his own territory each Ordinary of a place, and parish priests and others who are in the place of a parish priest."

Cardinals, from their promotion in consistory, are endowed with jurisdiction without restriction, as to all persons and cases, except nevertheless censures most specially reserved to the Holy See, and those which are attached to revelation of the secret of the Holy Office, according to can. 239, § 1. Thus, for example, those are reserved which are brought against those who cast away consecrated species, lay violent hands upon the Roman Pontiff, or absolve an accomplice from a shameful sin.

The Ordinary is also the vicar general or capitular vicar; a vicar, prefect, or apostolic administrator.

A parish priest, apart from subjects, cannot hear penitents and absolve outside his own territory; nevertheless by particular law he generally obtains delegated jurisdiction for the whole diocese.

In the place of a parish priest are the rector of a quasi-parish, a parochial vicar or curate, i.e., the rector of a parish which is united by full right to a moral person, an administrator of a parish or vicar economus, a vicar substituted for a parish priest long absent with the consent of the bishop, an assistant vicar if in all things he supplies for an unequal parish priest: thus according to can. 471-475;[1] - likewise sometimes the chaplain of soldiers for his subjects; - but not of itself an assistant vicar, nor assistant vicars.

[1] Some add the rector of a diocesan Seminary as to his subjects because of can. 1368; but this can be doubted, because the Church is not judged to grant ordinary jurisdiction when she prohibits it from being exercised habitually over subjects (can. 891).

"§ 2. The penitentiary canon also enjoys this same jurisdiction, even of a collegiate church, a fortiori of a cathedral church, according to can. 401, § 1, and exempt religious superiors for their subjects, according to the constitutions."

The penitentiary has the power of absolving even from sins and censures reserved to the bishop - whether by law or personally by that bishop - strangers in the diocese, and diocesans also outside the territory of the diocese. Nevertheless he does not of himself have jurisdiction over religious women (can. 876, § 1). A religious superior can also be of an exempt lay religion, provided the superior himself is a priest.

"§ 3. This jurisdiction, ordinary jurisdiction, ceases by loss of office, according to can. 183, and after a condemnatory or declaratory sentence, by excommunication, suspension from office, or interdict."

Therefore before sentence an excommunicated person validly absolves, even licitly if he is tolerated and requested by one of the faithful (can. 2261).

581. Principle II. Who have delegated jurisdiction for confessions. - Here canons 874 and 875 hold.

a) Canon 874: "§ 1. Delegated jurisdiction for receiving the confessions of any persons, whether seculars or religious, is conferred on priests, whether seculars or religious even exempt, by the Ordinary of the place in which confessions are received; but religious priests should not use the same without at least the presumed license of their superior,2 while nevertheless the prescription of can. 519 remains firm," i.e., in the case in which a religious penitent approaches for the quiet of his conscience, as will be said in n. 588, A.

"§ 2. Ordinaries of places should not grant jurisdiction for hearing confessions habitually to religious who are not presented by their proper superior; but to those who are presented by their proper superior, they should not deny it without grave cause, while the prescription of can. 877 remains firm" concerning the examination of fitness.

b) Canon 875: "§ 1. In an exempt clerical religion, for receiving, even outside the house, the confessions of professed members, novices, or others of whom can. 514, § 1 speaks, namely, those who live in a religious house day and night by reason of service, education, hospitality, or infirm health as long as they habitually reside there, delegated jurisdiction is conferred also, independently of the approval of the Ordinary, by their proper superior, according to the norm of the constitutions;

to whom it is permitted to grant it even to priests from the secular clergy or from another religion," even those whom the proper Ordinary has not approved.

"§ 2. In an exempt lay religion, the superior proposes the confessor, who nevertheless must obtain jurisdiction from the Ordinary of the place in which the religious house is found."

Hence: a) The bishop grants jurisdiction for absolving religious, even exempt religious, or pilgrims who confess in his diocese, and therefore the jurisdiction of the confessor is affected by diocesan reservations, as is confirmed by the response of the Commission of Interpretation, Nov. 24, 1920; - unless nevertheless he has also obtained regular jurisdiction from the exempt superior for his subjects.

b) The same priest approved in one diocese cannot validly absolve in another, unless he receives jurisdiction from the bishop of this diocese.1

c) The bishop can grant jurisdiction not only to his subjects, but also to outside priests for receiving confessions, not in their diocese but in his own.

1. Sometimes by mutual consent among themselves, the Ordinaries of neighboring dioceses delegate confessors of districts adjacent to their diocese. Thus from the decree of the provincial Council of Mechlin of the year 1920, under n. 203, "to priests approved by their own Ordinary for hearing confessions, who reside in a stable manner, i.e., at least for a week, even only for vacation time, in parishes of districts or deaneries of another diocese contiguous to their own diocese, it is granted that in deaneries of the other diocese bordering their own deanery, within the boundaries of the province of Mechlin, they may validly and licitly receive sacramental confessions. Nevertheless, let outside priests not use this faculty unless they are legitimately called by those whom it concerns."

2. Otherwise they can sin; nevertheless they absolve validly.

582. Observations concerning certain circumstances of jurisdiction. - 1. Concerning the conditions regarding the liceity of concession, let can. 877 be considered:

"§ 1. Both Ordinaries of places should not grant jurisdiction, even ordinary jurisdiction from can. 149, and religious superiors should not grant jurisdiction or license, except to those who have been found fit by examination, unless it is a matter of a priest whose theological doctrine they have learned from elsewhere.

"§ 2. If after jurisdiction or license has been granted they prudently doubt whether a priest previously approved by them continues to be fit, they should compel him to a new trial of doctrine, even if it is a matter of a parish priest or penitentiary canon."

2. Concerning the extent of delegated jurisdiction, can. 878:

"§ 1. Delegated jurisdiction or license for hearing confessions can be granted circumscribed within certain definite limits," namely as to time, place, persons: for the whole matter depends on the will of the one delegating.

"§ 2. Nevertheless Ordinaries of places and religious superiors should take care not to restrict jurisdiction or license too narrowly without reasonable cause."

Hence a) if the bishop grants jurisdiction for a determinate category of penitents, it would be extended invalidly to others, even if the limitation appeared altogether irrational;

nevertheless b) if the request and concession are general, the jurisdiction obtained is not limited to the work which was the occasion of the concession: thus jurisdiction granted on the occasion of spiritual exercises to be given in a convent or pious society permits hearing the confessions of other faithful; everything is contained in the concession which is not excepted, whether by express restriction, or by the law itself, as happens for reserved cases.

3. Concerning the mode or form in which concession is given, can. 879:

"§ 1. For hearing confessions validly, there is need of jurisdiction granted expressly, though implicitly, in writing or by words.

"§ 2. Nothing can be demanded for the concession of jurisdiction," otherwise it would be simony.

It must be noted: a) The Code does not seem to exclude the use of telegraph or telephone, but it does exclude tacit or merely presumed concession of jurisdiction, which is given without an intentional sign by a nod alone, or would only be given if it were requested; and a fortiori it excludes jurisdiction which has been requested and unjustly denied.1

b) But when jurisdiction has been given, presumed license from can. 874, § 1, is not excluded.

c) Nor is intimation required; whence, says Vermeersch, *Th. M.* III, n. 416: in an urgent case, jurisdiction could be presumed, as they say, de praesenti, and he who is morally certain that the petition by which he requests jurisdiction has been received by the bishop, and that an affirmative response has been given, whether to a procurator or by letter, could, when matters are urgent, even before the letters have been received or before the return of the mandatary, receive confessions.2

This is so provided moral certitude is founded on an already posited sufficiently certain sign and not on mere presumption; a certain sign can be a message through a witness or through telegraph.

4. Concerning revocation and suspension of jurisdiction, can. 880 treats:

"§ 1. The Ordinary of the place or religious superior should not revoke or suspend jurisdiction or license for hearing confessions except for a grave cause.

"§ 2. But for grave causes the Ordinary can even forbid the office to a parish priest or penitentiary canon, with recourse in devolutivo to the Apostolic See preserved.

"§ 3. Nevertheless it is not licit, although it is valid, for a bishop, without the Apostolic See being consulted, if it is a question of a formed house, which consists of six religious who are not novices, of whom four are priests, to take away jurisdiction all at once, i.e., collectively, from all confessors of some religious house."

5. Concerning the subject of jurisdiction, let can. 881 be considered:

"§ 1. All priests of either clergy approved for hearing confessions in some place, whether furnished with ordinary or delegated jurisdiction, can also validly and licitly absolve vagi and pilgrims from another diocese or parish who approach them, and likewise Catholics of any eastern rite.

"§ 2. Those who have ordinary power of absolving can absolve subjects everywhere on earth."

Likewise can. 883:

"§ 1. All priests undertaking a sea journey, provided they have duly received the faculty of hearing confessions either from their own Ordinary, or from the Ordinary of the port in which they board the ship, or even from the Ordinary of any intermediate port through which they pass on the journey, can, during the whole journey, receive in the ship the confessions of any faithful sailing with them, although the ship on the journey passes through or even sometimes stops in places subject to the jurisdiction of diverse Ordinaries.

"§ 2. But as often as the ship stops on the journey, they can receive the confessions both of the faithful who for any reason approach the ship, and of those who, when they themselves briefly go ashore, ask to confess, and validly and licitly absolve them even from cases reserved to the Ordinary of the place."

Those things which can. 883 sanctions concerning the faculty of confession for priests having a sea journey hold and are extended to priests making an air journey, and indeed under the same conditions which are established by the Code and the Commission for the Interpretation of the Code. (Motu proprio *Animarum Studio* of the day Dec. 16, 1947.)

The concession regards:

1. priests, not, as it seems, the Ordinaries themselves;

2. those undertaking a journey, and not a mere walk or excursion on the sea, whereby for the sake of recreation or fishing someone leaves port for a few hours;

3. a truly maritime journey, and not on a lake, or only on a river, although it can begin there;

4. during the whole journey, namely, of those priests, so that the journey has already begun and has not yet ended, and therefore not in the port where they board nor in the port where their journey has its end;

5. they can receive confessions in the ship of any faithful sailing with them in the same ship or in ships of the same class;

6. provided they have duly received the faculty of hearing confessions either from the proper Ordinary, or from the Ordinary of the port in which they board the ship, or even from the Ordinary of any intermediate port through which they pass on the journey; but it is not sufficient to receive it from the Ordinary of the port in which the journey ends. The proper Ordinary is understood to be the Ordinary of the place to which someone belongs, not the Ordinary of religious, both because in the whole context, indeed in the whole chapter, Ordinary is always said of the Ordinary of the place, while the Ordinary of religious never occurs there under this name, but is constantly called Superior; and because in the new law, as

to this, nothing was changed in the concession from the decree of the Holy Office, Aug. 23, 1905, whence the rule of interpretation of can. 6, 2, 3, and 4 comes to be applied. And this is now altogether indubitable from the authentic response of the Commission of Interpretation, July 30, 1934;

7. moreover where the ship stops, they can receive the confessions of those who for any reason approach the ship, and of those who, while they themselves briefly go ashore, ask to confess. The word *briefly*, from the declaration of the Commission of Interpretation, May 20, 1923, is to be understood for three full days and not beyond, if the Ordinary can easily be approached. This also holds if there they must leave one ship and await and board another to continue the journey;

8. and validly and licitly absolve them even from cases reserved to the Ordinary of the place, although another approved priest is present.

1. This is clear from prop. 13 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."

2. Can. 38 can be applied concerning rescripts by which a grace is granted without an interposed executor, because jurisdiction is customarily granted in this way. It must be said otherwise if an office to be executed is committed, e.g., of dispensing in marriage, or of absolving someone from a determinate reserved case (Holy Office, Nov. 14, 1892): then before authentic letters have been received, or notice transmitted by the authority granting, he cannot validly use the rescript, as can. 53 has it.

583. Corollaries. - A. In three ways penitents can become subjects of those who have ordinary jurisdiction:

1. By reason of domicile or quasi-domicile they are subjects of the bishop or parish priest in whose diocese or parish they have domicile or quasi-domicile, according to can. 92.

2. By privilege of status or enrollment into a religious family: thus familiars of Cardinals are reputed their subjects, so that Cardinals can choose for themselves and their familiars in confession any priest whatever (can. 239); bishops can also do this (can. 349, § 1); likewise novices, servants, etc., in an exempt clerical religion are subjects of superiors (can. 875 and 514); likewise those who are subject to a personal parish priest, as sometimes is the chaplain of soldiers.

3. By interpretation of law or custom, now inserted in the new Law: thus vagi and pilgrims become subjects of the bishop or parish priest of the place through which they make a journey.

B. Delegated jurisdiction can be granted by man, i.e., by a superior who has the same power of delegating; or by law, e.g., for those undertaking a sea journey.

C. Delegated jurisdiction ceases according to can. 207:

a) on the part of the power: 1) when the mandate has been completed, if it has been granted for a determinate case;

2. when the number of cases has been exhausted or the time for which it was granted has elapsed, provided nevertheless confession has not been begun, in which case it would endure until the penitent was absolved; - nevertheless from power granted for the internal forum, an act placed through inadvertence, after the time has elapsed or the number of cases has been exhausted, is valid;

3. when the final cause of the delegation ceases, e.g., a special faculty granted for time of war, delegation for supplying for a sick chaplain if he has recovered before the arrival of the delegate and has resumed office;

b) on the part of the one delegating: 4) by revocation of the one delegating, or of a successor, directly intimated to the delegate;

5. when the right of the one delegating is resolved, namely by his death or cessation from office, when the delegation was given, not indeed until revocation, but at pleasure or at will,[2] or "during my office," "as long as I live," or was made for a particular case and the confession has not yet been begun;

[2] Some note that delegation is not extinguished if it is given under the clause: "at the pleasure of the dignity," because the dignity does not die. But such a formula seems ambiguous to us, because the abstract noun *dignity* can be used to designate the person of the superior in the concrete, just as *majesty* is put for the king and *sanctity* for the Pontiff. Hence in the case one would have to attend to the style and mind of the curia.

c) on the part of the delegate: 6) by renunciation of the delegate, directly intimated to the one delegating and accepted by him;

7. by excommunication of the delegate or his suspension from office or jurisdiction, but after a condemnatory or declaratory sentence (can. 2264 and 2284).

D. Formerly, from the prescription of the Council of Trent, sess. 23, c. 15, for hearing the confessions of seculars validly, even of priests, there was required, besides jurisdiction, also for exempt religious, the special approval of the Ordinary, namely, his authentic judgment concerning fitness for hearing confessions. Whence they were accustomed to say that exempt confessors had approval from the bishop, but received jurisdiction from the Supreme Pontiff. - The new law, however, now nowhere acknowledges approval distinct from the concession of jurisdiction, but establishes that even exempt regulars receive their jurisdiction from the Ordinary of the place (can. 874).

E. Although those who have ordinary jurisdiction can of themselves delegate it to others or extend delegated jurisdiction, nevertheless this is not to be extended to Cardinals, the penitentiary canon, and the parish priest, because provision is made in law; as for the Penitentiary, this is clear from can. 401; for the parish priest and those who are in their place, from the authentic declaration of the Commission of Interpretation, Oct. 16, 1919; for Cardinals it is drawn from can. 239, § 1, 2, while the privilege is granted to them of choosing a priest as confessor who then, if he lacks jurisdiction, obtains it by the law itself. Namely, all others being excluded, the concession of delegated jurisdiction

is reserved by law to the Ordinary of the place, as can. 874 says, who alone can delegate in order to confessions; - unless for hearing the confessions of those who belong to an exempt clerical religion, for whom moreover superiors can give delegated jurisdiction (can. 875).

Article II: On Supplied Jurisdiction

S. Th., Suppl., q. 8, a. 6.

584. What supplied jurisdiction is. - When jurisdiction is lacking, whether ordinary or delegated, the Church can supply it, i.e., extraordinarily confer it while it has not been regularly conferred. Yet she does not do this except for a grave cause, on account of the common good of souls.

This jurisdiction, which the Church supplies, differs from ordinary or delegated jurisdiction in this, that it is conferred only in the very act of confession, and afterward is extinguished, whereas the other is given before confession and of itself remains after absolution. There are three cases in which the Church supplies: 1) in danger of death, 2) in the case of common error, 3) in the case of doubtful jurisdiction.

585. Principle I. On jurisdiction in danger of death. - Canon 882 is in force:

"In danger of death all priests, although not approved for confession, validly and licitly absolve penitents from any sins or censures whatever, however reserved and notorious, even if an approved priest is present, with the prescription of can. 884 and 2252 preserved."

It is said:

1. *In danger*, namely grave or proximate, and not only in the article of death, when death already so presses on that it will follow with moral certitude, but also when it is somehow imminent, so that, because of the circumstances, it can occur shortly, since this happens easily and rather frequently. Concerning this one must judge from indications and conjectures, so that it can prudently be feared lest death follow shortly; hence the merely subjective persuasion of the priest or of the family does not suffice. Nevertheless, if someone through error has judged that the danger is present, but prudently and because of a grave reason, the absolution will be valid, as having been given in a positive and probable doubt, as will be said in the next number;

2. *of death*, from whatever cause it may proceed, whether from within, as from a dangerous illness, a difficult childbirth, an inflicted wound, extreme old age; or from without, as from a judicial sentence, a difficult surgical incision, impending battle, long and dangerous navigation, etc.; not, however, as someone has said, from an air journey in ordinary circumstances, because it does not bring a proximate danger; but if it were otherwise, it would not even be licit to undertake it;

3. *all priests*, even irregulars, suspended priests, excommunicated persons, schismatics, heretics, apostates, provided they have been validly ordained;

4. *validly and licitly absolve* from all sins and censures in the internal forum, namely, so that this obtains no effect in the external forum, as the Commission of Interpretation declared, Dec. 28, 1927;

5. *with the prescription of can. 884 and 2252 preserved*; where a twofold restriction is added: a) according to can. 884, the absolution of an accomplice, outside the case of necessity, remains illicit on the part of the confessor (n. 635); b) according to can. 2252: "Those who, being constituted in danger of death, have received absolution from some censure *ab homine* or from a censure reserved in a most special manner to the Apostolic See from a priest lacking a special faculty, are bound, after they have recovered, by the obligation of recurring, under penalty of reincidence, to him who inflicted the censure, if it concerns a censure *ab homine*; to... someone endowed with the faculty (of absolving),... if it concerns a censure *a iure*; and of obeying their mandates" (cf. n. 682, B).

586. Principle II. On the case of common error and of doubtful jurisdiction. - Canon 209 is in force:

"In common error or in a positive and probable doubt, whether of law or of fact, the Church supplies jurisdiction for both the internal and the external forum."

A. The Church supplies in common error:

1. In order that the Church supply jurisdiction, there is required error, i.e., a false judgment concerning someone's jurisdiction, whether ordinary or delegated. Yet it is not necessary that there be error in fact among many persons (common error in fact), but it suffices that the foundation of the error, namely the fact on which the error is founded, be known to several. Indeed it suffices that some fact, which of itself is apt to induce many into error, has been placed publicly. Therefore it does not matter whether many in fact have approached him to whom they erroneously ascribe jurisdiction, or whether many have in fact been led into error, but whether there is a public fact which is apt to induce not one or another, but anyone indeterminately, into error (common error of law, virtual, interpretative). Nor is it necessary that there be a colored title, or an act on which the right rests but which labors under a hidden defect. A putative title suffices, namely one which is believed to be present when in reality it in no way exists. Thus he who is the putative parish priest validly assists at marriage.

2. According to the interpretation of the Commission for the Interpretation of the Code on March 26, 1952, "can. 209 is to be applied in the case of a priest who, lacking delegation, assists at marriage." This is in force not only if it is a question of an estimated delegation to the universality of matrimonial cases, but also of delegation to one determinate act.[1]

[1] Cf. A. Delchard, *Nouvelle Revue Theologique*, 1952, pp. 1087-1090.

3. Nevertheless it is generally asserted, and it is also in force in particular error, that which we said above from can. 207: "With power granted for the internal forum, an act placed through inadvertence, after the time has elapsed or after the number of cases has been exhausted, is valid."

4. Since a priest who, certainly knowing that, in a case of common error, he lacks jurisdiction antecedently to the supplying of the Church, compels her, as if unwilling, to supply, and thus gravely disturbs order, he absolves illicitly unless there is a necessity, and indeed a grave one,

of the penitent. A fortiori he would sin gravely who voluntarily provoked either common error or a grave cause of using it.

B. The Church also supplies in a positive and probable doubt, i.e., one seriously and solidly founded on grave reasons which, when subjected to examination, are neither destroyed nor overcome; but not in a light or slight doubt. For if no solid reason is present, the doubt is negative, not truly probable, and the Church does not supply. The doubt must be objective concerning the jurisdiction itself, not subjective concerning the doctrine or knowledge of the confessor about it; as if he himself positively doubts because he has not sufficiently inquired or because he does not well remember what the norm clearly expressed in law is, e.g., whether he read in books or heard from a professor that in such a case the power of absolving is present: then, namely, the jurisdiction is not doubtful, but the knowledge of the confessor about it is doubtful, and in the case the Church does not supply. But for using doubtful jurisdiction, in a doubt, namely, positive and probable, whether of law or of fact, a special reason of necessity is not required. A case can be: a doubt whether the superior can delegate, e.g., a bishop for a pontifical case; whether the power of hearing confessions has expired; whether the sin is reserved; whether danger of death is present.

Thus a confessor doubting whether in can. 875 and 514, § 1, by those staying day and night in a religious house there can be understood those who remain there for only one day and night, or whether, on the contrary, more time is required in order that they can be said to be staying, will be able to follow the more benign probable opinion.

Article III: On the Limitation of Jurisdiction with Respect to Persons

S. Th., Suppl., q. 20, a. 1.

587. Jurisdiction can be limited to certain persons, so that certain persons are excluded from the power and are not licitly, or even not validly, absolved. Thus, for example, in certain regions not all confessors, but only some, are customarily approved for the confessions of women.

In the new law certain prescriptions are established for the confessions both of religious and their novices and students, and especially of religious women.

588. Principle I. On the confession of religious and of their novices and students. - To absolve them validly no special jurisdiction is now required, but that which is granted by the Ordinary of the place or by their superior suffices; as to liceity, certain prescriptions are laid down in law.

A. Concerning religious themselves, canon 518 is in force:

"§ 1. In individual houses of a clerical religion (whether exempt or non-exempt) let several confessors, legitimately approved, be deputed according to the number of the members, with the power, if it is a question of an exempt religion, of absolving even from cases (i.e., sins and censures) reserved in the religion," namely, so that a sufficient choice is given to religious.

"§ 2. Religious superiors who have the power of hearing confessions can, with those things observed which are to be observed by law (divine or ecclesiastical), hear the confessions of subjects who of their own accord and by their own motion ask this of them; but without a grave cause let them not do this by way of habit."

"§ 3. Let superiors take care that they do not induce any subject, either themselves by themselves or through another, by force, fear, importunate persuasions, or by any other reason, to confess sins to them."

Therefore:

1. In order that a superior licitly hear a confession, provided it is not done by way of habit, a simple petition suffices.

2. A grave cause, besides a spontaneous petition, is required in order that a superior hear someone by way of habit, as difficulty of confessing to other religious, of going out to find a confessor; nevertheless a grave cause is present only with difficulty if the community is large and there are several confessors.

3. The simple petition of the subject is not a sufficient reason for hearing him habitually.

The prohibition regards superiors, not subjects; superiors are to be understood as those properly so called, but not the prefect of a filial house, minister, prefect of spirit, or economus.

Likewise canon 519: "The constitutions remaining firm which command or counsel that confession be made at stated times to determinate confessors (whose force or obligation therefore remains), if a religious, even an exempt one, for the quiet of his conscience, approaches a confessor (whether within or outside the house) approved by the Ordinary of the place, although not listed among those designated, the confession, any contrary privilege revoked, is valid and licit; and the confessor can absolve the religious (in the internal forum) even from sins and censures reserved in the religion"; not, however, in the external forum, nor from censures reserved *ab homine* according to can. 2245 and 2247.

The reason for making a confession for the quiet of conscience is not only a grave sin committed, but also doubt on account of temptation, or a light fault not ordinary, anxiety which is not easily opened to one's proper confessor, absence of confidence in the ordinary confessor or difficulty of approaching him, or a similar serious motive. In these cases they can approach any confessor whatever, but only in a licit way, i.e., according to the rules, for example, on an occasion offered within or outside the convent; but for this reason they cannot go out of the convent without permission, nor demand from the superior that he call such a confessor.

B. Concerning novices, canon 566, § 2, is in force:

"In religions... with the prescription of can. 519 preserved:

"1) According to the number of novices, let one or more ordinary confessors be had, with the prescription of can. 891 preserved.

"2) The ordinary confessors, if it is a question of a clerical religion, are to dwell in the house of the novitiate itself; if of a lay religion, let them at least frequently approach the house of the novitiate, to hear the confessions of the novices.

"3) Besides the ordinary confessors, let some confessors be designated whom the novices can licitly approach in particular cases, nor let the Master show that he bears this with difficulty.

"4) At least four times in the year let an extraordinary confessor be given to the novices, to whom all are to approach, at least to receive a blessing."

C. Concerning novices and students, canon 891 is in force:

"The Master of novices (who are to be understood strictly, namely those who have not yet made profession) and his associate, the superior of a Seminary or college, are not to hear the sacramental confessions of their students living with them in the same house (not of outsiders), unless the students, from a grave and urgent cause in particular cases, spontaneously ask this."

Hence: 1) those who are enumerated in this can. 891 are not deprived of jurisdiction; whence a confession made to them would not be invalid, but it is prohibited and illicit. - 2) The superiors and students must remain in the same house of the convent, seminary, or college, i.e., of a boarding institution where they are instructed for theology, philosophy, or the humanities. - 3) Three conditions are required together in order that confessions be heard licitly: the spontaneous petition of the student, a grave and urgent cause, a particular case. Therefore, even on account of a grave cause, they cannot habitually and ordinarily hear the confessions of certain students. And for this reason their liberty in this matter is more restricted than that of a superior with respect to the confession of religious.

589. Principle II. On the confession of religious women, canon 876 is in force:

"§ 1. Any particular law or privilege being revoked, priests, both secular and religious, of whatever grade or office, for validly and licitly receiving the confessions of any religious women whatever (whether nuns, or other religious women approved by the Holy See, or even diocesan religious women, indeed women living in common without vows according to can. 675), and of novices (but not of postulants), need a particular jurisdiction, with the prescription of can. 239, § 1, n. 1 (concerning the privileges of Cardinals), 522, and 523 preserved.

"§ 2. The Ordinary of the place, where the house of religious women is situated, confers this jurisdiction, according to the norm of can. 525."

But in order that this principle be suitably applied in practice, further prescriptions come to be noted:

A. Canon 520: "§ 1. To individual houses of religious women (at least formed houses), let only one ordinary confessor be given, who receives the sacramental confessions of the whole community, unless because of their great number or another just cause there is need of another or of several"; in which case it is expedient to divide the sisters into several categories according to order of profession, office, or language, so that there be one ordinary confessor for each category.

"§ 2. If some religious woman, for the quiet of her soul and for greater progress in the way of God, asks for some special confessor or spiritual moderator, let the Ordinary grant him easily; yet let him watch lest abuses creep in from this concession; and if they have crept in, let him cautiously and prudently eliminate them, with liberty of conscience preserved."

An abuse, for example, would certainly be present if almost all the religious women had a special confessor, because this would be to twist and frustrate the law.

B. Canon 521: "§ 1. To each community of religious women let an extraordinary confessor be given, who at least four times in the year approaches the religious house and to whom all the religious

women must present themselves, at least to receive a blessing.

"§ 2. The Ordinaries of places in which communities of religious women exist are to designate some priests (at least two, not indeterminately) for individual houses, to whom these women can easily have recourse for the sacrament of Penance in particular cases, without it being necessary to approach the Ordinary himself as often as this occurs.

"§ 3. If some religious woman asks for one of those confessors (extraordinary or supplementary), it is licit for no superioress, either by herself or through others, neither directly nor indirectly, to inquire the reason for the petition, to oppose the petition by words or deeds, or in any way to show that she bears this with difficulty."

Therefore she cannot either directly inquire by herself, for example, by asking the reason from the religious woman herself; nor through others, for example, through the mistress of novices or through other sisters; or indirectly, by asking others where she has been or what she has said.

C. Canon 522: "If, notwithstanding the prescription of can. 520 and 521, some religious woman, for the tranquility of her conscience, approaches a confessor approved by the Ordinary of the place for women, a confession made in any church or even semi-public oratory is valid and licit, any contrary privilege being revoked; nor can the superioress prohibit this or inquire about this matter, not even indirectly; and the religious women are bound to report nothing to the superioress."

Canon 523: "All religious women, when they are gravely ill, although danger of death is absent, can call any priest approved for receiving the confessions of women, although not destined for religious women, and, during the grave infirmity, confess to him as often as they wish; nor can the superioress prohibit them, either directly or indirectly."

Therefore some religious woman, not the community, for the quiet of her conscience, can approach anywhere any confessor approved by the Ordinary of the place for women, even if the confessor occasionally or when called comes to the religious house itself (Commission of Interpretation, Dec. 28, 1927), - yet without any right belonging to the religious woman of asking for him or of demanding him, - and confess to him in any church or even semi-public oratory; therefore also in the church of her own convent, or in an oratory legitimately erected for the convenience of the community or group of faithful gathering there, but not in an oratory of only some family or a merely private one.

Moreover, a religious woman in a grave illness, namely one which greatly afflicts or easily becomes dangerous, can ask for any such confessor approved for women as often as she wishes, and therefore even several times in a week.

590. Corollaries. - From the foregoing it follows:

A. All religious women, whether novices or professed, at home or outside, validly make confession:

1. to the ordinary confessor of the community;

2. to the special confessor or spiritual moderator whom, when she asks for him for the quiet of her soul and for greater progress in God, the Ordinary will easily grant;

3. if they are gravely ill, although danger of death is absent, to any priest approved for women, during the grave infirmity;

4. to the extraordinary confessor of the community (to whom at least four times in the year they must present themselves) or to a supplementary confessor from those whom the Ordinary has designated for that purpose, when called by the superioress;

5. finally to an occasional confessor approved by the Ordinary of the place for women, "provided it be done in a church or even semi-public oratory, or, as has recently been granted, in a place legitimately designated for hearing the confessions of women" (Commission of Interpretation, Nov. 24, 1920); which is to be understood not only of a place habitually designated, but also of a place designated by way of act, or chosen according to the norm of can. 910, § 1 (Commission of Interpretation, Feb. 12, 1935), namely on account of illness or another true necessity and with those precautions employed which the Ordinary of the place will have judged opportune. The place is required for validity, as is clear from the text itself and was authentically declared, Dec. 28, 1927.

B. In order that they licitly use the faculty indicated under nn. 4 and 5, Fr. Vermeersch had observed, *Summa Iuris novi*, n. 189, "in particular cases... a reasonable motive is required and suffices; nor could they, without the consent of the Ordinary, constitute one of these confessors as their stable confessor. Yet we do not deny that a particular case can recur more frequently among persons of anxious conscience. For all, a reasonable cause will be, for example, confession impeded on the customary day, greater devotion on the vigil of a feast, even a light fault admitted more deliberately, doubt on account of an importunate temptation, anxiety which she does not willingly open to the ordinary confessor, etc.

"Nevertheless, can. 522..., the faculty... of confessing to any confessor approved for women... with these words added: 'for the tranquility of her conscience,' is more cautiously expressed"; indeed, we add, according to the obvious sense this would rather seem to be required for validity (can. 39). Therefore mere natural preference does not suffice, nor a light reason, nor natural solace from speaking with such a confessor, or a mere impulse of a changeable soul (*un caprice*), but a serious reason, as was said in n. 588, A; - otherwise the restriction would be placed uselessly in the canon: *for the tranquility of conscience*.

C. Let it be noted that the aforesaid faculty has been given to each religious woman in particular (*if some religious woman*, says the canon), and consequently jurisdiction is not granted except for a particular case. Therefore a superioress could not ask any confessor whatever to supply, for her community, for the absent or impeded ordinary or extraordinary confessor; nor could an occasional confessor hear the whole community. For the confessions would be invalid because of the defect of special jurisdiction which is altogether required by can. 876; but if it were otherwise, the prescription of this canon would be rendered void. Therefore in the case either the extraordinary confessor, or one from the supplementary confessors, would have to be called.

591. Observations. - 1. If confessors specially called or occasionally sought should find that no reasonable cause of necessity or special utility legitimizes the religious women approaching them, and not the ordinary confessor, let them prudently dismiss them.

2. Concerning the qualities of the ordinary and extraordinary confessor of religious women, can. 524 speaks.

3. Concerning their approval and removal, see can. 525-527.

Article IV: On the Restriction of Jurisdiction with Respect to Reserved Sins

S. Th., Suppl., q. 20, a. 2.

592. Reservation of cases is the calling of a case to the judgment of the ordinary superior, by which at the same time the power of inferiors is limited (can. 893), or the recalling of a case to the proper tribunal of the one reserving, so that no one can impart absolution except the one reserving himself, his successor or superior in office, or his delegate. From this it follows that not every limitation of power in a confessor is a reservation, nor is every sin whose absolution is taken away from a confessor reserved; but for this it is required that it be called to the judgment of the superior, and therefore that the power for absolving it be restricted generally among inferior confessors. Hence those who by ordinary law can grant jurisdiction for hearing confessions, or impose censures, can also reserve cases, unless it is otherwise established in law; e.g., the Supreme Pontiff for the whole Church, bishops for their dioceses, the superior general of an exempt religion or the abbot of a monastery of its own right with respect to their subjects (Council of Trent, sess. 14, c. 7 and can. 11).

Thus canon 893 establishes: "§ 1. Those who by ordinary law can grant the power of hearing confessions or impose censures can also, except for the capitular vicar and the vicar general without a special mandate, call some cases to their own judgment, limiting for inferiors the power of absolving.

"§ 2. This calling is called reservation of cases.

"§ 3. As regards the reservation of censures, let the prescription of can. 2246 and 2247 be observed."

593. Reservation is twofold: one of sins, another of censures. - Reservation is customarily made in a twofold way: one is made by reason of a censure, insofar as "the reservation of a censure impeding the reception of the sacraments brings with it the reservation of the sin to which the censure is attached" (can. 2246, § 3), and then if the censure is not incurred or is not reserved or is taken away, neither is the sin reserved: this is reservation of censures; - another is made by reason of itself, or of the sin: this is the reservation of cases or of sins properly so called.

The end of reservation is twofold: the one primary, disciplinary, namely the public good, for the good discipline of the Church demands that graver sins be reserved to those who, by doctrine, prudence, and experience, are better able to judge in what way the evil is to be met; the other secondary, medicinal, namely the private good of the faithful, that thus they may be more deterred from those sins and be amended more securely. Therefore the end of reservation is in no way penal; whereas, on the contrary, the end of the censure itself is essentially penal. Hence:

a) The reservation of sins, which according to its essence is the calling of a sin to the judgment of the superior so that it may be subjected to him, consequently imports a twofold effect: first, immediately and directly it affects the confessor, whose power with respect to this sin is limited so that he does not absolve from it validly; secondly, mediately and indirectly it touches the penitent, who, in order to obtain absolution, must approach the tribunal of the superior. - On the contrary, a censure

immediately affects the penitent, and, if it is reserved, consequently the confessor, who, while the reservation stands, is deprived of the power of absolving from it.

b) Ignorance of the reservation does not excuse from it,1 - which is now altogether certain in the new law, because reservation is not primarily a penalty of the delinquent, but a calling to the judgment of the superior and a restriction of jurisdiction in the confessor; but the ignorance of the delinquent does not give the confessor a power which he does not have, nor does it impede the primary end of reservation. - On the contrary, ignorance of a censure excuses from it, and consequently also from the reservation attached to it; yet never affected ignorance, nor even crass ignorance if the delict does not require full knowledge or presumption (can. 2229).

594. On cases reserved to the Supreme Pontiff. - In law:2

A. "The one sin reserved by reason of itself to the Holy See is false denunciation (by oneself or through others induced), by which an innocent priest is accused of the crime of solicitation before ecclesiastical judges" (can. 894).

B. Many censures are reserved to the Apostolic See, of which "some are reserved simply, some in a special manner, some in a most special manner" (can. 2245, § 2 and 3).

Among censures specially reserved there also occurs false denunciation of solicitation before superiors (can. 2363). Therefore the same sin, under diverse conditions, is reserved by reason of itself and by reason of a censure, as will be declared in n. 643, C.

595. On cases reserved to the Ordinary. - Ordinaries have the power of reserving sins in their territory or for their subjects, and of imposing reserved censures; concerning the exercise of this power certain rules are handed down in law:

A. As regards reserved sins:

1. "Let the Ordinaries of places not reserve sins unless, after the matter has been discussed in the diocesan synod, or outside a synod after the cathedral chapter and some of the more prudent and approved curators of souls of their diocese have been heard, the true necessity or utility of the reservation has been established" (can. 895).

2. "Among the superiors of an exempt clerical religion, only the superior general, and in monasteries of their own right the abbot, each with his proper council, can reserve the sins of subjects, as above, with the prescription of can. 518, § 1 and 519 remaining firm" (can. 896).

Only the hearing of the synod, chapter, or also, at least probably, the council is prescribed, and indeed for validity according to can. 105, 1. But if, notwithstanding the vote of the group heard, the reservation is nevertheless made, it still seems valid.

3. "The cases to be reserved are to be very few, namely three, or at most four, from the graver and more atrocious external crimes, specifically determined; but let the reservation itself not remain in force longer than is necessary for extirpating some public unusual vice or restoring Christian discipline which perhaps has collapsed" (can. 897).

B. As regards reserved censures:

"Let a censure not be reserved unless, after attention has been given to the peculiar gravity of the delicts and the necessity of providing more aptly for ecclesiastical discipline and of healing the consciences of the faithful" (can. 2246, § 1). This is in force concerning reserved censures to be imposed by particular law. But besides:

"A censure *ab homine* is reserved to him who inflicted the censure or pronounced the sentence, or to his competent superior, or successor or delegate; but of censures reserved *a iure* some are reserved to the Ordinary..." (can. 2245, § 2).

596. Qualities of sins to be reserved. - Five qualities or conditions are customarily numbered as required in order that a sin be reserved. It must be:

1. Grave or mortal, both by reason of the object and by reason of the subject, i.e., committed with perfect deliberation and full consent; for venial sins would be reserved in vain, since there is no obligation of confessing them.

2. External, although occult: not because internal sins cannot be reserved, but because the Church is not accustomed to do this (lest she subject penitents to continual anxieties); indeed for reserved censures she positively excludes this (can. 2242, § 1), so that the external act itself must of itself be grave, nor is it sufficient that an action light in itself was a grave sin because of an internal intention, as, for example, a light striking of a cleric from the intention of gravely striking. Hence the sin must be mortal internally and externally at the same time.

3. Specifically determined, and not only generically; thus, for example, the whole genus of lust cannot be reserved, nor any concubinage whatever (since it contains several species), but the case must be circumscribed by those notes or circumstances which are the cause of the reservation, e.g., sodomy, adulterous concubinage, if it is to be reserved because of that circumstance.

4. Complete in its species, or consummated by act and not merely attempted, so that the words of the reservation are verified in the stricter sense; e.g., if incest or sodomy is reserved, there must be present perfect carnal copula (with emission of seed within the vessel), knowingly admitted with a consanguineous or affine person, or with a male; if homicide is reserved, death must have followed.

5. Certain with a certitude excluding doubt of law and of fact, both by reason of the sin and by reason of the reservation, namely certainly reserved, certainly committed, and certainly mortal. Hence if there is serious doubt whether the reserving law extends itself to this case, or whether the sin was really committed, or whether it is grave subjectively or objectively, the reservation is not incurred; for odious things are to be restricted, whence reservation always receives a strict interpretation and in doubt, whether of law or of fact, does not bind (can. 19; 2246, § 2 and 2245, § 4).

To these must be added, if it is a question of a censure to be incurred, that the sin be committed with contumacy. In ferendae sententiae censures, he is called contumacious who, after warnings, does not

desist or refuses penance; in latae sententiae censures, he who without a legitimately excusing cause has transgressed the law to which a censure is attached (can. 2242, § 2).

But in order that reservation be made conformably to the desires of the Law:

a) Let the sin not be reserved to the Supreme Pontiff; indeed also, at least regularly, let it be attached to no censure, for according to can. 898: "Let all altogether abstain from reserving to themselves those sins which are already reserved to the Apostolic See even by reason of a censure, and, regularly, from those also to which a censure has been imposed by law, although reserved to no one."

b) Let the reservation be necessary or useful for extirpating a public vice or restoring Christian discipline (can. 897). But since, says Vermeersch, *Th. M.* III, n. 430, it cannot be hoped in every region that a vice can be altogether extirpated by reservation, if it impedes the propagation of the vice, we judge that this is already enough for the reservation to have the utility which is postulated by the desires of the Holy See.

c) Let the censure not be reserved to the Apostolic See: for then "the Ordinary cannot impose another censure reserved to himself for the same delict" (can. 2247, § 1), not even, as it seems, validly.

1. Unless by accident, if the sin is reserved under the condition: if the reservation is known; i.e., if the one reserving excepts those who are ignorant.

2. From a special disposition of the Supreme Pontiff, by decree of the Sacred Penitentiary, there was also reserved the absolution of those who obstinately adhere to the so-called French Action (*action française*) (Nov. 16, 1928) and of those reading the newspaper of this name (March 2, 1929). But after the directors of the said action submitted themselves to the letters of Nov. 20, 1938 and June 19, 1939, the Holy Office on July 10, 1939 declared that it was no longer prohibited for the future, while the writings hitherto prohibited nevertheless remain under the Index.

597. Cessation of reservation. - A. *Reservation of sins and censures.* Any reservation ceases in danger of death, in which every priest can absolve from all censures and sins according to what was said in n. 585.

B. *Reservation of sins.* According to can. 900: "Any reservation lacks all force:1

"1) When confession is made either by the sick who cannot leave the house, or by spouses for the purpose of entering marriage."

This also benefits sick religious or others who are in a house where confessors dwell, but not those who cannot go out but are not truly sick, as those imprisoned or women in childbirth; and spouses even if they have not contracted betrothal.

"2) As often as either the legitimate superior has denied the faculty of absolving requested for some determinate case, or, in the prudent judgment of the confessor, the faculty of absolving cannot be requested from the legitimate superior without grave inconvenience of the penitent or without danger of violating the sacramental seal."

In the first case, the reason is that, the case having been known by the superior, the disciplinary end can be obtained. In the other, the inconvenience is understood as extrinsic to the reservation, such as:

grave difficulty of returning to the confessor together with grave difficulty of approaching another endowed with the faculty of absolving; danger of grave scandal, e.g., the necessity of celebrating; danger of grave infamy, e.g., difficulty of abstaining from communion without some notice or suspicion; and, for the seal, danger that the superior come into suspicion of the person for whom the faculty is requested.

"3) Outside the territory of the one reserving, even if the penitent has departed from it only in order to obtain absolution," namely, as if in fraud of the law.

Therefore there are five cases: a sick person unable to go out, - a spouse about to enter marriage, - a faculty denied in a determinate case, - grave inconvenience of the penitent, - departure from the territory of the one reserving.

C. *Reservation of censures:* 1) "In more urgent cases, namely, if latae sententiae censures cannot be observed outwardly without danger of grave scandal or infamy, or if it is hard for the penitent to remain in a state of grave sin for the time necessary for the competent superior to provide, then any confessor in the sacramental forum can absolve from them, in whatever way reserved, with the burden of recurring imposed, under penalty of reincidence, within a month (i.e., 30 days)... to the superior,... and of standing by his mandates" (can. 2254, § 1).

Where it should be noted: a) The faculty is granted for censures *a iure* (universal or particular) latae sententiae, not for censures *ab homine*.

b) Nevertheless there is excepted the absolution of priests from excommunication on account of attempted merely civil marriage, and actually living chastely with a woman, and their admission to participation in the sacraments after the manner of laymen: these, namely, outside danger of death, are reserved exclusively to the Sacred Penitentiary by a recent decree (S. Penitentiary, April 18-28, 1936 and May 4, 1937).

c) The more urgent cases are determined by law: 1. if the censure cannot be observed without danger of grave scandal, as if, because of the excommunication of a parish priest or magistrate, anger or disturbance would arise among the people; - 2. likewise if it cannot be observed without danger of infamy, as if all things are already prepared for nuptials, or a parish priest or vicar cannot omit celebration, or a layman cannot omit paschal communion, without infamy; - 3. if it is hard for the penitent to remain in a state of grave sin for the time necessary for the competent superior to provide, i.e., for two or three days, indeed sometimes for one day. Yet this is not always hard, nor for everyone.

d) The cases are indicated for absolution from reserved censures, not for sins reserved by reason of themselves, especially the third; whence the Church seems to urge reservation more if the sin is reserved by reason of itself than if it is reserved only by reason of the penalty, which can be understood from the nature of the thing itself.

e) Absolution from these cases is direct, but provisionally under condition of reincidence into the censure.

f) The burden of recurring must be imposed in the case, and recourse must be made within a month, either by the penitent himself by approaching the superior or delegate, or at least by letter and through the confessor, with the name withheld, to the Sacred Penitentiary or to the bishop or another

superior endowed with the faculty (can. 2254, § 1). Recourse must be made not so that the penitent may be absolved, since he has already been absolved directly from the censure and sin, but so that satisfaction may be made to the reservation and so that a suitable penance and other mandates to be imposed by law may be imposed. But if within a month, when it could have been done, recourse has not been made, the penitent falls back into the censure.

g) Nevertheless, "nothing prevents the penitent, even after having received absolution as above and even after recourse has been made to the superior, from approaching another confessor endowed with the faculty, and from obtaining absolution from him, with confession at least of the delict with the censure repeated; and when this has been obtained, from receiving mandates from the same, without being bound afterward to stand by other mandates coming from the part of the superior" (ibid., § 2).

h) "But if in some extraordinary case this recourse is morally impossible, then the confessor himself... can grant absolution without the burden (of recurring) mentioned above, nevertheless with those things imposed which are to be imposed by law, and with a suitable penance and satisfaction for the censure imposed, so that the penitent, unless within a suitable time to be fixed beforehand by the confessor he has done penance and given satisfaction, falls back into the censure" (ibid., § 3). There is excepted excommunication in the absolution of an accomplice, for which recourse must always be made (can. 2367, § 1). Likewise the excommunication of priests on account of attempted merely civil marriage and living with a woman, concerning which above, b); this is to be held as reserved in a most special manner (S. Penitentiary, April 18-28, 1936).

Recourse can be morally impossible if neither can the confessor send a letter, because he must depart before the response and, when absent, cannot safely communicate the response without others suspecting; nor perhaps can the penitent, being inexperienced, do so, and at the same time it is hard for him to approach another confessor (Holy Office, Nov. 9, 1898, Sept. 5, 1900).

2. "The reservation of a censure in a particular territory does not exert its force outside the boundaries of that territory, even if the censured person leaves the territory in order to obtain absolution; but a censure *ab homine* is reserved everywhere, so that the censured person can nowhere be absolved without the due faculties" (can. 2247, § 2).

Therefore the confessor can absolve pilgrims or even inhabitants who incurred a reserved censure in another territory, provided it is particular to the alien territory and it is a question of a censure *a iure* and not of a censure *ab homine*.

3. "If the confessor, ignorant of the reservation, absolves the penitent from the censure and sin, the absolution of the censure is valid, provided it is not a censure *ab homine* or a censure reserved in a most special manner to the Apostolic See" (can. 2247, § 3).

The absolution of the sin is also valid, if it is reserved only by reason of the censure: for then, if someone has been absolved from the censure, the reservation of the sin completely ceases.1

598. Efficacy of reservation. - A. *For reserved sins.* From the warning of can. 899 the efficacy of reservation can be sufficiently obtained, which nevertheless is at the same time circumscribed there:

"§ 1. Once reservations have been established which they have judged truly necessary or useful, let the Ordinaries of places take care that these be brought to the knowledge of subjects in whatever way seems better to them, and let them not impart the faculty of absolving from reserved cases to anyone and indiscriminately (but only to select confessors).

"§ 2. But the faculty of absolving of this kind belongs by the law itself to the penitentiary canon according to the norm of can. 401, § 1, and let it be habitually imparted at least to vicars forane (i.e., deans), with the faculty added, especially in places of the diocese more remote from the episcopal see, of subdelegating, as often as needed, confessors of their district, if and when, for some more urgent determinate case, they have recourse to them.

"§ 3. By the law itself, from cases which Ordinaries in whatever way have reserved to themselves, absolution can be given both by parish priests or others who are reckoned in law under the name of parish priests (n. 580), during the whole time (even legitimately anticipated or prorogued) useful for fulfilling the paschal precept (even if confession is not made for fulfilling the precept), - and by individual missionaries during the time when missions (and perhaps those spiritual exercises given collectively which are equated with them) happen to be held for the people (not for a particular institute, or association, or group, e.g., of clergy)."

B. *For reserved censures.* Canon 2253 should be attended to:

"Outside danger of death they can absolve:

"From a censure *ab homine*, the one to whom the censure is reserved...; moreover he himself can grant absolution, even if the guilty party has transferred his domicile or quasi-domicile elsewhere.

"From a censure reserved *a iure*, the one who established the censure or to whom it is reserved, and their successors or competent superiors or delegates. Wherefore from a censure reserved to the Bishop or Ordinary, any Ordinary can absolve his subjects, and the Ordinary of the place also pilgrims; - from one reserved to the Apostolic See, this See or others who have obtained from it the power of absolving, whether general, if the censure is reserved simply, or special, if it is reserved in a special manner, or finally most special, if it is reserved in a most special manner."

Nevertheless: 1) "In occult cases... the Ordinary can remit, by himself or through another (namely, a confessor delegated for this), latae sententiae penalties established by common law, except censures reserved to the Apostolic See in a most special or special manner" can. 2237, § 2.

2. Regular confessors who are mendicants, and those who participate in the privileges of mendicants, can absolve from cases reserved to the Ordinary, not indeed by their own authority, but reserved by law, as, for example, from the procuring of abortion.

599. Practical observations. - 1. The instructions of the Code about what is to be observed in establishing reservation are generally general norms according to which Ordinaries must act in their legislation, rather than laws which the Supreme Pontiff himself directly imposes. And therefore if bishops have not changed diocesan laws, or establish new reserved cases beyond the indicated norms, they must nevertheless be obeyed. But the dispensations indicated in can. 899 and 900 can be applied.

In Belgium there are no longer sins reserved by bishops, although by the Council of Mechlin (Acts n. 205) it is foreseen that they can be introduced.

2. For pilgrims, vagi, and religious, who are absolved by force of jurisdiction received from the Ordinary of the place, there always and solely exists the reservation in force in the place of confession. For they are absolved from the jurisdiction of the Ordinary of the place in which they confess (can. 874 and 881); this jurisdiction is affected by the reservation in force there, since reservation directly restricts the power of the confessor (can. 893). - On the contrary, parish priests outside the diocese can absolve their subjects from cases reserved by another bishop; and perhaps from those reserved to their proper Ordinary, since some do not hesitate to assert this.

3. When the penitent accuses a reserved sin, immediately let the confessor inquire whether all the conditions necessary for incurring the reservation are present or not. If it is established that the sin is truly reserved, and at the same time the confessor lacks the due faculties, let him warn the penitent either to approach the superior or a special confessor, or to return after a few days, namely when the necessary faculties will have been obtained, which penitents generally prefer; - unless, however, it is a more urgent case, because then the reservation ceases: respectively, for a sin reserved by reason of itself according to can. 900; for a reserved censure according to the norm of can. 2254.

But if the penitent has been ignorant of the reservation, he must be instructed about it, so that he may conceive horror of the sin.

4. The confessor, in order that he may comply with the end of reservation, should inflict serious correction upon the penitent, impose a suitable satisfaction, and furnish opportune remedies for the sin.

But one absolving from censures, especially reserved ones, must impose those things which are required by law or by mandate, namely: 1) real satisfaction for the damages of the injured person; 2) reparation of scandal; 3) penance, besides the sacramental penance, namely canonical and indeed suitable, which sometimes is required to be long, grave, and lasting (cf. can. 2242, § 3; 2254, § 3; 2312).

5. Absolution from reserved cases can be given directly or indirectly:

directly, when the reserved sin is expressly declared to a confessor who has the faculty of absolving from reserved cases; such also is a simple confessor in a more urgent case in which, according to can. 900 or 2254, the reservation ceases;

indirectly, when, without sacrilege, it either is not declared, or is declared to a simple confessor who cannot absolve from reserved cases: then it is remitted indirectly if at the same time other sins are declared from which the penitent is directly absolved.

Hence a confessor lacking a special faculty who knowingly, outside a case of necessity, absolves from reserved cases, sins gravely by violating the laws of the Church in a grave matter; indeed he incurs suspension according to can. 2366, and if he presumes so to absolve from excommunication reserved

in a most special or special manner, he incurs excommunication simply reserved to the Pope (can. 2338, § 1). Nevertheless the absolution is valid, if another sin has been declared together with the reserved sins; for when the non-reserved sin is directly absolved, the others are indirectly remitted. A simple confessor who acts thus, just as also he who absolves from inadvertence from a reserved case (besides the exception established by can. 2247, § 3), must correct this error according to his powers. Therefore he must warn the penitent about the reservation, if he easily can, so that the error may be repaired and the sin again declared to the superior or his delegate in order to obtain its direct remission; otherwise let him leave him in good faith, since in the next confession he can be absolved indirectly from this sin and obtain its remission together with that of the other sins, or perhaps he has already obtained it.

6. A penitent omitting a reserved sin from inculpable forgetfulness in a confession made to a privileged confessor is validly absolved. Yet afterward he is bound in confession to manifest the omitted sin, but this is probably no longer reserved. The reason is that a privileged confessor is considered to absolve, as far as he can, a penitent rightly disposed. Therefore he is considered to absolve him indirectly from the reservation, because he has this power. - The matter stands somewhat otherwise if the penitent has confessed invalidly or sacrilegiously. It is certain, if he has kept back the reserved sin, that it has not been remitted. But if the reserved sin was manifested, and nullity or sacrilege occurred because of another cause, the reservation itself seems to have been removed, since the one having the faculty of absolving judged rightly concerning it and imposed a suitable satisfaction, which in the case must always be fulfilled. Therefore in the following confession the penitent must repeat the whole accusation and confess the sacrilege committed, but now he can be absolved by a simple confessor.

An exception is made if, in the time of a Jubilee, he has sacrilegiously confessed a reserved sin to a simple confessor; for in the time of a Jubilee only those penitents enjoy the privilege of receiving absolution from any confessor who wish to fulfill all things which are prescribed for gaining the Jubilee. But first of all a good confession is prescribed.

1. Nevertheless, from a special disposition, priests who absolved adherents to the "French Action" and were absolved when the reservation ceased, within a month from the day of obtained absolution or recovery, had to recur to the Sacred Penitentiary under penalty of excommunication specially reserved to the Supreme Pontiff. But from July 10, 1939 that disposition was revoked for the future.

1. Concerning the manner of acting with excommunicated persons, see several other things in our little work *Questions concerning Various Categories of Penitents*, c. 3, q. 8.

Question Three: On the Duties of the Minister in Order to the Use of the Power

600. A twofold special office is distinguished in the confessor: that of judge and that of physician. - Just as there is a twofold end in administering the sacrament of Penance, so also in the minister a twofold office is distinguished, namely, that of judge and of physician. And indeed 1) the primary office is that of judge, because it is essential to the minister of this sacrament, which was instituted under the form of judgment. But since this judgment is not condemnatory but liberatory

and instituted for the utility of the penitent, not only for destroying past sins but also for guarding against future ones, hence 2) consequently the confessor must also perform the parts of a physician, by healing his wounds and suggesting opportune remedies. "A priest," says St. Thomas, "in confession must search out the conscience of the sinner, as a physician searches out the wound and a judge the case" (In IV Sent., d. 19, exp. text.). Hence can. 888, § 1:

"Let the priest remember that in hearing confessions he sustains equally the person of judge and of physician, and that he has been constituted by God as the minister at once of divine justice and mercy, so that he may provide for the divine honor and the salvation of souls."

But since a) ignorance is one of the human infirmities and causes of sins, and since the minister of the sacrament is bound to teach those approaching the things which are necessary for receiving the sacrament validly and licitly, the physician and judge must perform the office of teacher, by teaching penitents and driving away ignorances.

Similarly b) because the various offices tend to generate and nourish spiritual life, the confessor is the spiritual father of penitents; he will not fruitfully exercise this office unless he loves them with paternal affection (Gal. IV, 19; I Thess. II, 7).

Hence by many, after St. Alphonsus, four offices are distinguished: of father, teacher, physician, and judge. Concerning these Haine says, *Th. M.* III, *de Poen.*, q. 97: as father, he puts on the viscera of charity; as teacher, he is strong in knowledge; as physician, in prudence; as judge, he must preserve the equity by which he looses and binds, not indeed according to his own judgment, but as has been prescribed for him by God. Yet these four offices are easily reduced to the last two.

601. Obligation of hearing confessions. - Obligation can arise from a twofold source: from justice and from charity.

A. *From justice.* According to can. 892, § 1: "Parish priests and others to whom the care of souls has been entrusted by force of office are bound by a grave obligation of justice to hear, whether by themselves or through another, the confessions of the faithful committed to them, as often as these reasonably ask to be heard." For those who take upon themselves the care of souls bind themselves to this by a tacit contract with their subjects, from whom they receive sustenance or honor under the condition of ministering the sacraments; and with the ecclesiastical superior, who does not commit the care of souls to anyone except under the condition that he faithfully fulfill the duties of this office: but one of these duties is to hear the confessions of the faithful committed to him.

Therefore, as we learn from the treatise on charity, not only 1) in extreme necessity, but also 2) in grave spiritual necessity pressing upon their subjects, they are bound under grave obligation (by themselves or through another) to minister the sacrament even with danger to life; 3) but in common necessity they are bound to hear their confessions when they themselves reasonably ask, i.e., because of true spiritual utility. For a pastor must provide pasture for the sheep not only when they are in extreme or grave need, but also when they are in common need; otherwise provision would not be sufficiently made for them; and one of the chief acts of feeding is exercised in the sacrament of Penance. Yet this must be understood in such a way that, because of a legitimate impediment, penitents can be sent away for a moderate time; for since there is not urgent necessity, the law does not oblige with so great an inconvenience. Hence:

a) Pastors sin gravely if they declare that they do not wish to hear confessions except rarely and on a few determinate days, e.g., once or twice each month; and if they often show themselves difficult and peevish in receiving confessions. For thus confession is rendered hateful and not a few faithful are deterred from its practice.

b) But if someone once or twice, outside urgent necessity, refuses to hear someone's confession, even without a legitimate reason, he does not sin gravely, generally speaking, because the harm which is inflicted is easily repaired.

c) But he sins in no way if he dismisses those who wish to confess too frequently and without a special reason: for they do not ask reasonably.

d) If a parish priest has suitable assistants, he is not bound so strictly to receive confessions by himself, but can satisfy this office through vicars; unless he is requested by name, or a special necessity of the penitent demands that the confession be heard by the parish priest. Nevertheless it is altogether fitting that parish priests in this matter furnish a good example to vicars, by hearing confessions as often as they are not impeded by graver business.

B. *From charity.* According to can. 892, § 2: "When necessity is urgent, all confessors are bound by an obligation from charity to hear the confessions of the faithful, and in danger of death all priests."

Thus according to the principles concerning the order of charity.

Hence: 1) If one's neighbor is in danger of death, all priests are bound under grave obligation to hear confession even with a sufficiently great inconvenience for grave necessity, indeed with certain danger of their own life for the extreme spiritual necessity of the neighbor.

2. If, outside danger of death, one's neighbor is in grave spiritual necessity, confessors furnished with sufficient jurisdiction and accustomed to exercise it are bound under grave obligation, when others are lacking, with some detriment in temporal goods to be prudently estimated; - indeed with grave inconvenience, if there is a common scarcity of confessors.

3. If a sinful neighbor is in common necessity and asks for confession, the confessor is bound to hear him, provided it can be done without any inconvenience and there is no other who can opportunely be approached.

Therefore, in order that there be present for a simple priest or confessor a grave obligation of hearing confessions with danger to his own life, three things are required: a) that the spiritual necessity of the neighbor be morally certain and therefore that there be no other who can bring help; b) that the hope of absolving the dying person be likewise certain or probable; c) that from the death of the priest greater evils not follow, e.g., the probable damnation of several others, if no other priest is present in this place.

602. In exercising his office, the confessor must regard both the good of the sacrament, and the good of the penitent, and also the public good. - Namely, in order that he may duly perform his office, he must have before his eyes:

1. The good of the sacrament, so that with great diligence he procure its validity, integrity, and liceity, i.e., its legitimate administration and reception, and the honor of God.

2. The good of the penitent, so that in the best way possible he may receive the sacrament and its fruit for repairing past sins and guarding against future ones; for the sacraments are for men.

3. The public good, by taking care lest something less right in the exercise of the office cause scandal or some other evil in the community.

The first is rather to be regarded from the virtue of religion; the second, as also the third, from justice and charity.

But in order to exercise his office perfectly, the confessor has various duties to fulfill before the act, - in the act, - and after the act of confession.

Article I: On the Duties before the Act of Confession, or on the Endowments of the Confessor

603. Before confession the confessor must acquire the required endowments. - Besides the power of order and of jurisdiction, which are necessary for the value of the sacrament, several qualities or endowments are required in the minister, without which he could not licitly and fruitfully execute his office for the spiritual salvation of those confessing. Therefore the confessor must prepare himself for receiving confessions, by acquiring the qualities which are necessary for duly fulfilling this office: on the part of the speculative intellect, knowledge; on the part of the practical intellect, prudence; on the part of the will, goodness of life. Thus the Roman Ritual, t. 3, c. 1, n. 1.

604. On the knowledge of the confessor. - The confessor is bound under grave obligation, outside the case of extreme necessity, to have that knowledge which is required and competent for duly undertaking his office: not eminent knowledge, namely, but mediocre knowledge, by which he can solve cases which commonly occur in the place where he is accustomed to hear confessions, and at least prudently doubt concerning more difficult matters, so that he can consult books or others more learned.

For when this knowledge is lacking, he exposes himself to a proximate and morally certain danger of badly fulfilling his office, with injury to the sacrament and harm to penitents. For, as minister, he must procure the validity and integrity of the sacrament; as teacher, he is bound to instruct the ignorant concerning duties; as judge, he must judge concerning the sins, dispositions, and obligations to be urged upon penitents; as physician, he must investigate the spiritual cause of illnesses and propose opportune remedies. All these things certainly require no small knowledge.

Therefore:

1. It is necessary that the confessor be able to solve cases commonly occurring. Hence he is bound to know those things which pertain to the essence and effects of the sacrament of Penance, to its valid and licit administration and reception; - the principles of discerning between mortal and venial sins both in general and in individual precepts; - those things which regard the species, number, and circumstances of sins necessarily to be declared; - those things which regard restitution of reputation and goods; - reserved cases and the censures which occur more frequently; - impediments of marriage and obligations of states; - the roots and occasions of sins and opportune remedies. Yet it is impossible to know or rightly understand

these things unless he knows the general principles of moral science concerning human acts, conscience, sins, and laws.

But as to more difficult cases, which otherwise rarely occur, it is not expedient to solve them immediately; rather, it must be said to the penitent that he should give time for considering the matter more maturely and for consulting books and more learned men. Yet meanwhile he can be absolved, provided he is prepared to obey the decision to be given.

2. The required knowledge must be measured according to the place where confessions are customarily heard; for the same knowledge is not required in all confessors, but greater or lesser according to the diversity of places, times, and penitents. Thus, for example, greater knowledge is required in a city than in a remote village, for hearing any faithful whatever of diverse condition than for hearing faithful of the same state or condition.

3. The aforesaid knowledge is required outside the case of necessity. For if necessity presses, not only extreme but also grave necessity, a less learned confessor licitly receives confessions, since for the most part the ignorance of the confessor does not stand in the way of the validity of the sacrament, but only of its integrity or of its fruitful administration; indeed, in a case of necessity it is not always illicit to administer a sacrament with danger lest it remain defective or invalid. But a priest who fears that the sacrament may be null can absolve only conditionally.

4. A priest sins gravely who, while he certainly knows that he lacks competent knowledge, accepts the office of confessor even from charity alone or obedience, even if formerly he well underwent the danger of examination and has the approval of the Bishop, since this supposes but does not supply knowledge; although nevertheless, in doubt whether this knowledge is lacking or not, he can follow the judgment of the bishop, if the bishop knows the priest well. Likewise he easily sins gravely who for a long time neglects the study of moral theology, if thus he exposes himself to the danger of committing grave errors and harming penitents.

5. A bishop also would sin gravely who approved a confessor whom he knew to be ignorant, because thus he would cooperate with his sin; - although nevertheless he can be excused if he approves one less suitable in a case of necessity, e.g., for small and remote places, when he cannot find one more learned: for it is better for the faithful to have an unlearned confessor than none. In this case the bishop is bound to warn him of the obligation of acquiring competent knowledge as soon as possible.

6. Likewise a penitent would sin gravely who deliberately chose an inept confessor, if thus he exposed himself to grave spiritual harm, since, besides the harm which he would suffer, he would be the cause that the sacrament was ministered in an undue way.

605. On the prudence of the confessor. - To knowledge there must be added prudence, i.e., practical wisdom which orders the best means to the end. For it is especially necessary to the confessor, that he may know how to lead principles into practice and to apply general precepts according to the condition of persons and circumstances; so that he may sin neither by excess nor by defect, nor run into laxity or into rigor, but safely lead to an upright Christian life, and to perfection and eternal life.

For it belongs to a judge and physician rightly to adapt those things which are required for judging cases or curing illnesses; but the confessor is judge and physician of souls. Therefore for this it is required that he know the character of the penitent and that he treat diverse penitents not in the same way, but according to their diverse character and condition. - Moreover, difficult cases not rarely occur, whose circumstances can vary to infinity, and in which the confessor cannot proceed rightly unless prudence directs him.

But he must be prudent both toward the penitent and toward himself, so that he may harm neither; and toward the Christian commonwealth, lest, with detriment to religion, he give scandal, but according to his powers procure the public good.

A. Toward the penitent he must be prudent:

1. As to contrition, so that he proposes motives of contrition according to the talent, character, and sins of each one; and is not too easy in judging that the penitent is contrite, nor too rigid, but from indications and circumstances forms an equitable judgment.

2. In confession: a) In forming judgment concerning the morality of actions, so that he regards not only the object, but also the subjective circumstances, the dispositions of each one, and conscience, which more often change the species or gravity.

b) In interrogations, which in no way should be immoderate, indiscreet, or untimely or inopportune, but adapted to the character, age, and condition of each one, namely, to take care lest he teach simple and innocent persons sins unknown to them and lead them into temptation, or offend penitents; and nevertheless that they be sufficient for detecting hidden wounds and the causes, occasions, and gravity of spiritual illnesses.

c) In giving counsels, by selecting opinions and warnings according as the spiritual good of penitents requires, and in instructions, by warning the ignorant or leaving them in good faith, generally as he knows to be more expedient for their good.

d) In leaving perfect liberty of approaching another confessor.

3. In absolution, so that he rightly discerns the disposition or indisposition of the penitent, and grants, denies, or defers absolution according as it is expedient for his salvation, especially with occasionarii and recidivists.

4. In satisfactions, so that he imposes salutary and fitting ones, accommodated to the quality of the sins, but more to the good of the penitent; likewise that he suggest opportune remedies accommodated to the sins, above all by removing the causes of sins.

5. In the attendant consequences of confession: a) in correcting his own errors; and b) in keeping the seal, so that he avoids every danger that anything be revealed directly or indirectly, and indeed so strictly that in doubt he does that which is safer (II, n. 90-91); indeed c) in abstaining from every word concerning the defects of other confessors.

B. Toward himself: a) In searching out the circumstances of sins, especially against chastity, lest by these very minute ways he excite temptation in himself.

b) In avoiding the sight of women, especially younger women.

c) In acting cautiously with women, even those devoted to spirituality or tending to perfection, namely by avoiding superfluous conversations or familiarity, by not receiving little gifts, by not visiting them at home without necessity, by showing himself rigid and austere rather than pleasing, etc.

C. Toward the Christian commonwealth. For although the confessor, by reason of his office, is bound principally to devote himself to the good of the penitent, nevertheless, since the sacraments are for the Church and he himself is constituted as minister for the good of the Church, not only the private good but also the public good is to be procured by him as far as possible, which is not to be harmed and to which the private good of the penitent is to be subordinated, as St. Alphonsus warns, *Th. M.*, l. VI, n. 615.

But in order that he acquire prudence, attention must be given to the nature, qualities, and conditions of prudence according to the doctrine of St. Thomas.[1]

[1] Cf. II, n. 11-12 and 23-25; and our little work *On the Minister of Penance*, c. 4, q. 1, a. 2.

606. On goodness of life required in the confessor. - Besides knowledge and prudence there is also required goodness or honesty of life. This consists not only in the state of grace, which is necessary for avoiding sacrilegious ministration of the sacrament, and therefore is ordinarily required in one who is accustomed to hear confessions and is not to be exposed to a proximate occasion (n. 78, 3); - but also in the complex of virtues which are desired for duly fulfilling the office of confessor, both so that he himself may not be contaminated by handling the ulcers of sins, and so that he can direct others in the way of sanctity.

The principal virtues necessary for a confessor are customarily enumerated: supernatural zeal of souls, by which from sincere charity toward God and neighbor he consults solely and only the honor of God and the salvation of the neighbor, spends himself entirely, and loves penitents with a special paternal love as spiritual children of God; for this there are required great meekness of mercy and paternal gravity, which demands reverence with every too sensible affection excluded; - patience, - fortitude, - eminent purity, - and great humility.[2]

[2] Concerning these, cf. St. Alphonsus, *Homo Ap.*, tr. 21, n. 1 ff.; and *Praxis Confessarii*; Aertnijs, *Th. P.*, n. 18 ff.; Lehmkuhl, *Th. M.*, II, n. 560-565; and our little work *On the Minister of Penance*, c. 4, q. 1, a. 3.

Article II: On the Duties in the Act of Confession

607. Various duties are to be exercised in the act of confession. - For the confessor is bound to know the case and to pronounce sentence. To the knowledge of the case there pertains: 1) as judge, to question the penitent and to form for himself a judgment concerning the case; then, on that occasion also, 2) as teacher, to instruct and admonish; 3) as physician, to provide remedies; 4) as father, to dispose and prepare; finally, to the pronouncement of sentence, 5) as minister exercising the power of the keys and sacramental judgment, to grant, deny, or defer absolution. For, as the Ritual warns, t. 3, c. 1, n. 23: "Let him diligently see when and to whom absolution is to be conferred, or denied, or deferred, lest he absolve those who are incapable of such a benefit."

608. Principle I. The confessor, as judge, from office is sometimes bound to question the penitent with moral diligence, and indeed of itself under grave obligation, as often as he

probably judges that he, whether culpably or inculpably, perhaps omits certain things necessary to be known for knowledge of the case or for absolution.

It is said: 1) *sometimes*, for if from the confession itself or from the condition of the person of the penitent he judges that he knows the sins completely and the dispositions of soul sufficiently, the confessor is not bound to question, as this would be idle in the case. This also holds concerning uneducated persons who seem sufficiently instructed and diligently accuse their sins;

2. *with moral diligence*, because the confessor is bound to question only to supply the defect of the penitent, who himself is not bound to greater diligence; and besides, excessive diligence would render the sacrament burdensome and hateful;

3. *of itself, under grave obligation*: for it concerns a grave matter, since it regards the salvation of the penitent and the reverence of the sacrament; although nevertheless there can be negligence culpable only lightly, as if in a long series of sins one or another question is omitted.

It is proved: a) From the authority of the Church, namely from Lateran Council IV, in the decree concerning annual confession: "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, t. 3, c. 1, n. 16: "if the penitent has not expressed the number, species, and circumstances of sins necessary to be explained, let the priest prudently question him."

b) By reason: The confessor, as judge, cannot pronounce sentence unless he knows the case, namely both the sins which the penitent has committed, as to number, species, and circumstances, and his dispositions, and often also the occasions and causes of sins, which he must be disposed to leave or combat. But for this it is not always sufficient that he hear the penitent, but often it is required that he question him. Therefore he is bound to question as often as he knows or reasonably doubts or presumes that the penitent does not sufficiently manifest these things.

609. Concerning what things one must question. - Therefore he is bound to question concerning three things, namely those things, and insofar as they are necessary, for procuring 1) the validity of the sacrament, 2) the integrity of confession, or 3) the correction or amendment of the penitent.

1. For procuring the validity of the sacrament, e.g., for knowing whether there is sufficient matter of confession, whether the penitent is concealing something out of shame, as often happens in boys and girls, whether the penitent is sufficiently disposed.

2. For the integrity of confession, e.g., concerning the number of sins, species, circumstances changing the species; or concerning sins of which penitents are not accustomed to accuse themselves, as concerning internal sins, the omission of the duties of state, etc.

3. For the correction of the penitent, e.g., concerning the cause and occasion of sins, frequency, gravity, malice, etc.

Yet not all are to be questioned, but only those concerning whom, whether from the manner of confessing, or from the common state or condition of the person, there is for the confessor a special reason for conjecturing that one of the aforesaid defects is present.1

610. Principle II. The confessor, after the case has been inspected from sufficient accusation or, if necessary, from supplementary questioning, as judge, from office is bound to form for himself a prudent judgment about it, namely concerning the sins committed and concerning the dispositions of the penitent.

It is proved: 1) The confessor is bound to form a judgment concerning sins, which is necessary for knowing what satisfactions or remedies are to be imposed and whether the dispositions of the penitent are sufficient. Hence he must form a judgment concerning the morality of sins, i.e., concerning their species and gravity, both objective and subjective, insofar as this is possible.

And indeed: a) Concerning objective morality, it is at least required that, endowed with habitual knowledge of the principles by which the gravity and diverse species of sins can be distinguished, he hear the penitent, and in hearing judge according to the common principles stated.

b) Concerning subjective morality, he can presume it to be the same as the objective, unless there is a special reason for judging otherwise, or for doubting; in which case he must question the penitent.

c) Let him judge concerning all things as much as he can by ordinary diligence, for it is not always possible to say concerning individual delicts whether they are of such species and gravity, mortal or venial, which not even great theologians can do; because often the matter is difficult in itself, nor can the penitent himself always say whether he fully consented.

d) But if the confessor lacked the aforesaid knowledge or from ignorance judged falsely concerning sins, the confession would not on that account be invalid.

e) But if, because of distraction or noise or singing, he did not hear certain sins, he must question if it is probable that in these perhaps grave matter is present.

f) Yet he is not bound distinctly to remember all sins at the moment of absolution, but it suffices that he remember the state of the penitent confusedly.

2. The confessor is also bound to form a judgment concerning the sufficient disposition of the penitent, which is necessary for knowing what sentence he ought to pronounce, namely whether to grant or deny absolution.

The disposition of the penitent can be recognized by conjectural signs, concerning which it will be said in n. 617.

But what must be done by a confessor who doubts concerning the sincerity of the penitent or knows or presumes that he is concealing a sin? He must attend to the principle: "The penitent is to be believed when speaking both for himself and against himself," unless it certainly appears that he is lying. For the penitent is the accused and the witness, whose testimony of itself has force only in this tribunal and is better than any other, since he himself knows better than anyone else whether he has sinned or not, whether the sin committed has already been declared or not.

Hence: a) If there is doubt concerning the sincerity of the penitent, the confessor is bound to question diligently, and he can exhort him to perfect sincerity; but if the penitent perseveres in his declaration, he is to be believed and absolved.

b) If the confessor knows with certainty, and indeed from his own experience, that the penitent is concealing a grave sin committed, he must convince the penitent; and if he continues to deny, he must be dismissed without absolution, unless it can be thought that he is in good faith and is ignorant of the gravity of the fault, or that he has already confessed it, or that he has a just reason for concealing it.

c) If the confessor knows from the testimony of others, he is bound to question the penitent specially concerning the sin, but if he continues to deny, he is to be absolved; unless, however, the testimony of others were altogether of greater authority, so that it would make certitude, not merely broadly so called, but true and perfect certitude.

d) If the confessor knows from the confession of another, e.g., of an accomplice, wife, betrothed woman, etc., he cannot question the penitent except generally, as he is accustomed to question, and not specially unless he would also question persons of the same condition in that way; nor is it expedient to ask from the accomplice permission to use the knowledge acquired, because in this case it would render confession hateful. But if the penitent perseveres in silence, he can absolve him as if he had not heard the confession of the other; because he is not bound to use knowledge acquired in confession and, on the other hand, he cannot prevent the sacrilege; - indeed he seems to be bound to absolve, at least conditionally, because otherwise he would break the seal, since he would use the knowledge of confession rather openly for the governance of another. Yet St. Alphonsus asserts that absolution is to be denied, but that one must pray somewhat and that the denial of absolution is to be dissimulated: on the one hand, he says, the priest does not break the seal because he manifests nothing and causes a burden to neither; on the other hand, he consults the reverence of the sacrament, by impeding its frustration.

611. Principle III. The confessor, as teacher, from office is bound to instruct the penitent, as far as possible, concerning those things which are strictly necessary for duly receiving the sacrament, unless absolution can be deferred to another time; - indeed regularly and of itself at least to admonish concerning the Christian truths and precepts to be learned, both common and particular to state, which the penitent must know.

It is said: 1) He is bound to *instruct* or teach those things which are necessary for duly receiving the sacrament; therefore not concerning all things which the penitent is bound to know and can learn elsewhere (unless by accident from charity, if it were impossible for someone to learn them elsewhere), but of itself concerning all things which he is bound to know for duly receiving the sacrament here and now. Yet exception is made: a) if to teach here and now is impossible and there is extreme necessity of receiving the sacrament which cannot be deferred; b) if absolution can be deferred to another time.

2. Concerning other truths and obligations to be learned he is bound only to admonish, and indeed of itself and regularly; because by accident he can be not bound if from this a greater evil would follow for the penitent or for others.

It is proved: The minister of Penance 1) from office is bound to procure valid and fruitful administration, and therefore he is teacher for teaching those things which are necessary for valid and fruitful reception; and 2) since the sacrament is for amendment and liberation from past and future sins, he is also bound from office (and not only as any man from charity, if it can be done

without inconvenience) at least to admonish concerning truths to be learned and obligations to be fulfilled, insofar as it contributes to the aforesaid end, because from office he is bound to lead the penitent away from future sin and bring him onto the way of salvation. Cf. Ritual, t. 3, c. 1, n. 14 and 18.

And indeed, since for the validity of the sacrament the confessor needs jurisdiction, he is either the proper pastor of the penitent, or from a certain deputation holds the place of the proper pastor. Hence it pertains to him from office to teach subjects their duties and obligations, and the means for avoiding defects in the future; - indeed, since in ministering the sacrament he is the minister of the Church "constituted for the good of the Christian commonwealth," he is also bound to procure the common good if it is possible, and "to prefer the public good to the private good of the penitent," as St. Alphonsus has it, *Th. M.*, l. VI, n. 615.

Hence he must: 1) teach, and indeed before absolution, the truths necessary for receiving the sacrament here and now, namely those which, even only probably, are necessary to be known for salvation by necessity of means, and those which pertain to the necessary dispositions of contrition, confession, purpose, and satisfaction, as to substance and according to the capacity of each one;

2. likewise admonish concerning duties which result from the sins declared, e.g., as to making restitution, removing or repairing scandal, laying aside hatred, seeking reconciliation, etc.

3. admonish concerning truths necessary to be known by necessity of precept and concerning the duties of Christian life, both common and particular to state: a) if ignorance of them is vincible, or soon becomes so; b) even if it is invincible but fruit of the admonition is hoped for; c) even if fruit is not hoped for, but the ignorance or the lack of admonition would be to the greater detriment either of the penitent himself (e.g., because it exposes him to danger of sinning or of persevering in sin), or of others or of the common good.

Here the rules handed down in the treatise on Charity, I, n. 942, and in the treatise on Prudence, where there is question of the formation of a right conscience, II, n. 69, come to be applied.1

612. Principle IV. The confessor, especially as spiritual physician, from office is bound to indicate salutary remedies for obtaining the perseverance of the penitent and for guarding against his future fall.

It is proved: The sacrament of Penance was also instituted for the healing of souls and their preservation from future sins; and therefore it would be frustrated of its partial end if the minister did not indicate remedies against future sins. "Although penance," says St. Thomas, q. 12, a. 3, ad 3, "from its first institution or intention regards the past, yet also consequently it regards the future, insofar as it is preserving medicine." This is confirmed from the Ritual, t. 3, c. 1, n. 18.

But for this it is necessary to know the causes and occasions of sins, and concerning them, if it is useful, to question, just as a physician investigates the causes of diseases; these causes otherwise must often already be investigated for judging the dispositions of the penitent, among which it is required that he himself be willing to avoid or combat the said causes. For it is necessary to know the causes and occasions of sins: 1) because otherwise they cannot be extirpated from the root, and, unless they are extirpated, they will again produce evil effects; 2) because according to diverse causes

diverse opportune remedies must be assigned. Thus different remedies must be indicated against lust, whether it proceeds from an external occasion, or from internal complexion, or from depraved thoughts or temptations; different remedies also befit according to the diverse condition, age, or temperament of the penitent. But above all it is advantageous to impose medicinal satisfactions, as was said in n. 553, and sometimes also it is necessary to rebuke the penitent.

But those confessors gravely fail in their office who, content with the remission of past sins, wholly neglect the guarding of the new life and the medicine of infirmity.1

613. Principle V. The confessor, as father, generally is bound from charity, insofar as it can be done, to propose apt motives of contrition to the indisposed and thus to prepare them for absolution.

It is said: 1) *to the indisposed*: for if the confessor prudently judges that the penitent is well disposed, he is strictly bound to nothing, although it is always expedient to exhort to contrition because the exhortation of the confessor is especially efficacious, and he can at least briefly exhort him to renew the act of contrition;

2. *apt motives*, such as the deformity of sin, the value of divine grace, the danger of damnation, the brevity of life and the danger of death, the goodness of God and the benefits of Christ and other similar things, according to the capacity and disposition of each one;

3. *from charity*, and not strictly from office, because for this it suffices to absolve those who are disposed, but he can send away the indisposed until they are disposed; yet from charity he is often bound to act otherwise;

4. *insofar as it can be done*, i.e., if there is founded hope and time for disposing to contrition; unless, however, in extreme necessity, in which there is a grave obligation of trying all things even with the greatest inconvenience.

It is proved: From charity each one is generally bound to procure the good of his neighbor and to avert grave harm from him, at least if it can easily be done. But the sinner who is dismissed without absolution incurs grave harm, since he is exposed to the danger of remaining for a long time in the state of mortal sin, and perhaps of being deterred from confession. Therefore the confessor is bound to avert this harm from the penitent, at least if it can easily be done. But since the penitent cannot be absolved while indisposed, the confessor must dispose him insofar as it can be done. Hence the Ritual, l.c., n. 18: "he will try by efficacious words to bring him to sorrow and contrition, and will induce him to amend and better institute his life, and will hand down remedies for sins."

The obligation of itself is grave, at least if the neighbor is in grave spiritual necessity and can be induced to the due disposition without great inconvenience. Thus according to the rules handed down in the treatise on Charity.

614. Principle VI. Absolution regularly and of itself, and indeed from justice and under grave obligation, must be granted to the penitent guilty of grave sin who is certainly well disposed. - This general principle is enunciated in Law, can. 886: "If the confessor cannot doubt concerning the dispositions of the penitent and the latter asks for absolution, absolution is neither to be denied nor deferred, but granted."

For the confessor, by receiving the confession, obliges himself, as by a contract, to pronounce sentence according to the institution of Christ. But, according to the institution of Christ, absolution must of itself be granted to those well disposed, since this sacrament was instituted precisely for remitting sins. Therefore, by force of contract, and therefore from justice, he must of itself absolve those rightly disposed, who consequently have a strict right to absolution; - and indeed under grave obligation, if the penitent is in the state of mortal sin, because it is a grave injury, since he is unjustly deprived of the greatest private good of sacramental grace.

It is said: 1) *guilty of grave sin*, because if he has only venial sins or mortal sins already remitted, to defer the penitent sometimes is not a grave sin, because a grave injury is not inflicted upon him; indeed, if this is done from a reasonable cause, sometimes there will be no sin;

2. *who is certainly disposed*, i.e., morally or quasi-certainly, with a practical and imperfect certitude which excludes every prudent and grave doubt; namely, so that there is a grave reason for judging this and no serious reason for doubting, for often it is impossible to have greater certitude concerning dispositions;

3. *regularly and of itself*: for absolution granted immediately usually profits more than if it is deferred, because it gives sacramental grace by which the penitent can more efficaciously resist temptation and cultivate virtue. Nevertheless, sometimes by accident absolution can be deferred even for one sufficiently disposed:

a) so that before absolution restitution or reparation which can be made in the present may be urged; this at the same time is an apt way of exploring more and proving the disposition of the penitent and of more certainly obtaining the fulfillment of the duty;

b) also if the confessor as physician prudently judges this to be more useful for the penitent, who then would be unwilling irrationally; yet his consent is to be sought, because delay generally will not profit unless the penitent consents to it. Hence by a general rule it is now established in law: "to a penitent certainly disposed and asking for absolution this... is not to be deferred";

c) only for a short time, e.g., for some hours, for a day, for eight days, or a little more, because it is a grave inconvenience to remain long in mortal sin.

1. Concerning the way in which one is to question in practice, see our *Questions concerning Various Categories of Penitents*, c. 1, q. 1 and 2.

1. More practical things concerning the obligation of instructing and admonishing are handed down in our little work: *On Various Categories of Penitents*, c. 1, q. 3.

1. See several other things in our little work *On the Minister of Penance*, c. 4, q. 2, a. 2, IV. It is profitable to read St. Alphonsus, *Praxis Confessarii*, n. 6-7; 15-16.

615. Principle VII. Absolution must be denied to those who are morally certainly incapable or unworthy. - This is altogether certain, since in either case absolution is invalid or at least fruitless; but knowingly and willingly to administer a sacrament in a manner certainly invalid or fruitless is a grave sacrilege (n. 88).

Those radically incapable are the perpetually insane, the not-yet-baptized, those certainly dead, those ignorant of things necessary to be known by necessity of means, and those who certainly are not morally present.

Those incapable because unworthy are indicated by the Ritual, l.c., n. 23: "Let him not absolve those who are incapable of such a benefit: such are those who give no signs of sorrow; who do not wish 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 some other way to abandon sins (e.g., a depraved custom or a sinful craft), and to amend life for the better; or those who have given public scandal, unless they publicly make satisfaction and remove the scandal." To these can be added in a general way all those who are unwilling to fulfill a grave obligation known to them; or who refuse to confess their sins integrally, unless they are excused from material integrity by a grave reason. For in these and similar cases the essential condition required for validity is lacking, namely contrition.

But let it be noted that the confessor: 1) before he denies absolution, must generally exhort sinners to contrition, so that as much as can be done he may dispose them, and if by fervent exhortation he renders them contrite, he can absolve them; - 2) if he must deny absolution, he should do this only with great charity and with kindly words, by explaining the reason why he cannot act otherwise, and by declaring that he will gladly grant absolution as soon as the penitent will be disposed.

616. Principle VIII. Absolution is regularly to be deferred for those who are doubtfully capable or disposed, unless a grave reason urges that they be absolved under condition. - This is altogether certain, for of itself it is illicit to expose a sacrament to the danger of nullity or fruitlessness, because the reverence due to the sacrament prohibits this as sacrilege; - unless by accident, if there is a grave and proportionate reason or a necessity of notable utility to be obtained immediately for the neighbor, because the sacraments are for men. This is to be understood when the confessor has applied every effort for obtaining a sufficient disposition, and a certain disposition cannot be obtained.

Namely, as often as there is danger of nullity for the sacrament and danger of notable detriment for the neighbor, and both cannot be avoided at the same time, rather the danger to the neighbor must be avoided and the sacrament nevertheless conferred under condition: for the sacraments are for men, and the law of charity in a case of grave necessity prevails over the law of religion.

Thus in the following cases:

1. In danger of death, when the necessity of absolving here and now presses, and there is present only doubtful matter, or doubtful disposition, or a doubtfully capable subject, e.g., because there is doubt concerning his life or concerning sufficient presence to the minister.

2. In the case of Marriage soon to be celebrated or Confirmation soon to be received, if the disposition of the penitent is doubtful; likewise in a return to the Church after Baptism repeated under condition.1

3. In the case in which a doubtfully disposed penitent would for a long time lack the occasion of confessing.

4. In the case in which a doubtfully disposed penitent would be exposed to grave infamy or to giving scandal to others, if he were dismissed without absolution.

5. If it is greatly to be feared lest the doubtfully disposed and dismissed penitent be cast into despair or not return to receive the sacrament; not, however, if he seriously threatens this, which is rather a sign of indisposition.

6. If matter cannot be had except doubtfully grave; or if there is doubt concerning sufficient or perfect use of reason in the penitent, while the precept of confession presses or perhaps grave matter is present.

7. Finally, in doubt whether the minister has already absolved or has absolved duly, i.e., with the due form. This case is reduced to doubt concerning the condition of the subject, because if the penitent had already been validly absolved, the matter of the sacrament would be lacking, namely a new confession.

Therefore there are only six cases on the part of the penitent, and one on the part of the minister.

617. Signs of sufficient or insufficient disposition in the penitent. - For forming a truly founded or morally certain judgment concerning the sufficient disposition of the penitent, a truly grave motive is required.

A. But the indications of positive disposition are: 1) the due preparation of the penitent for confession, 2) the confession itself duly made, especially if it is done spontaneously, e.g., for more easily avoiding sin and obtaining the state of grace, 3) the affirmation of the penitent if it appears true and sincere, 4) the manner of confessing, namely a manner evidently candid and humble.

These are ordinary signs, namely those which of themselves and in ordinary circumstances suffice; but when there is a special reason for doubting concerning the disposition or sincerity of the penitent, graver signs drawn from the special circumstances of the penitent are required, or extraordinary conjectural signs, whether of more abundant grace, or of more intense sorrow, or of firmer purpose.

a) Of more abundant grace, as 1) if he confesses from a supernatural and peculiar motive, e.g., on the occasion of preaching, or of the death of a friend, or of imminent evil; 2) if for confessing he had to undergo a sufficiently great inconvenience, such as a long journey, the loss of a day of gain, a great external conflict; 3) if the confession is made altogether spontaneously from the sole impulse of grace, with no other external circumstance impelling, especially in regions where faith has grown weak and human respect does not impel toward the sacraments.

b) Of more intense sorrow, as, for example, 1) if he has applied special means: fasting, alms, prayers, Masses, so that he might make a good confession; 2) if he says words flowing from the heart, or gives sighs and sheds tears, which is a sign having force in many, provided it is not done from a human motive, but not always certain or sincere; 3) if he confesses with greater sincerity, with outpouring of heart, e.g., sins which he previously culpably omitted; 4) if he signifies that he apprehends his sins and the danger of damnation better.

c) Of firmer purpose, as 1) if he says that after the sin he immediately repented; 2) if he especially asks for remedies and willingly promises to apply them, or willingly accepts a great penance; 3) if he has already persevered for some time or has applied diligence to this by the remedies indicated, e.g., by fleeing the occasion, burning bad books, renouncing the company of the wicked; in one word, if there is already a change of life; 4) if he has relapsed with greater difficulty, i.e., after notable resistance, or more rarely in the same circumstances; 5) if he has already fulfilled a difficult obligation, e.g., restitution or reparation of reputation or honor, or reconciliation with enemies.

B. On the contrary, those are called doubtfully disposed in the strict sense against whose disposition from positive indications a grave suspicion arises, while on the other hand, because of much graver reasons, a probable and prudent judgment concerning sufficient disposition cannot be formed.

From positive indications these are judged doubtfully disposed: 1) those who have relapsed in the same or a worse way, without having applied the remedies prescribed by the confessor and without a serious effort at amendment; 2) those who only coldly respond that they are sorry, especially if they have already relapsed rather often; 3) if they show great affection for sin, or have drawn great utility from sins, or devote their whole effort to satisfying passions; 4) when they are of a freer and more lax life, or rashly excuse their sins, or engage in contention and altercation with the confessor, or seem to boast of the sin committed; 5) when they approach the sacrament not spontaneously, but only by command of parents or others, or from mere custom, or to please others, or from fear lest they lose their reputation; 6) if they refuse a moderate penance proportioned to their strength.

We said: a) *From positive indications*. Therefore if against dispositions proved by a grave reason no grave positive reason militates, or only a light and slight reason does, then the penitent is not judged doubtfully disposed, because in human and practical matters a solidly founded opinion, to which no grave reason is opposed, is equivalent to practical certitude. And thus the opinions of some, who contend that probable disposition suffices, by understanding probability in the strict philosophical sense of a much greater likeness to truth, can be reconciled with the opinion of St. Alphonsus, who requires a morally certain disposition with a certitude broadly so called and imperfect (II, n. 80). But if they understood otherwise, even, for example, concerning the less probable, they would not judge rightly.

b) *While on the other hand a probable and prudent judgment concerning sufficient disposition cannot be formed*. For although from one or another motive, e.g., from a sudden relapse, a grave suspicion can arise, on the other hand there can be much graver reasons concerning sufficient disposition, namely extraordinary signs of contrition. But a notably more probable opinion is equivalent to practical certitude (II, n. 80). Then, therefore, absolution is to be given immediately and indeed in an absolute manner.

618. It is asked under what condition one doubtfully disposed is to be absolved? - Many in practice use the condition: *if you are disposed*, or even defend it theoretically; while others reject it, indeed formerly it was disputed whether absolution under such a condition is not invalid.

A. Some Louvain authors and certain others, such as Collet, said that this condition, like several others, stands in the way of the special character of the sacrament of Penance, which was instituted after the manner of judgment.

They distinguished between conditions of fact, e.g., *if you are living, if you are baptized*, etc., concerning which the confessor need not judge; and conditions of law, e.g., *if you are disposed, if you are willing to restore*, etc., concerning which he must judge. The former they generally admitted, because they do not invalidate the sacrament; but the condition concerning which the confessor must judge, such as this one: *if you are disposed*, they rejected as invalidating, since it takes away the nature of judgment, since by it the confessor supposes precisely that about which he must judge and pronounce judgment. Hence, just as there would be no sentence of a civil judge concerning a disputed thing if he said: "I adjudge the thing to you, if it is yours," so absolution is invalid if the confessor says: "if you are disposed, I absolve you." This opinion is now obsolete.

For the opinion, even at the time of the dispute, most common outside the school of the Louvain authors, and now, after the controversy has ended, altogether common, holds that the sacrament of Penance is valid if the condition is fulfilled. The reason is the general doctrine: conditions concerning the present do not invalidate the sacraments; because when the condition is verified, in the case the disposition of the penitent, the conditioned form is equivalent to the absolute form, and thus all things required for the value of the sacrament are present.

And indeed: 1) Such a condition does not take away every judgment. For it is some judgment to say: if you are disposed, I make for you the right by which it is owed that the sin be remitted to you and no longer imputed. Even in human judgments, a conditioned sentence is not rarely pronounced, e.g., "you will go to prison, unless within three days you pay the debt," or "I condemn you to prison, but, if you do not fall again into fault, for the time you will be immune from penalty," or "you are condemned or freed, if in your chest there is this or that document," which immediately is ordered to be searched for by trustworthy men.1

2. That condition does not take away the nature of the judgment proper to this sacrament. The confessor must judge concerning the disposition of the penitent; but, according to St. Thomas, q. 17, a. 3, this is only a judgment of discretion, so that the confessor may absolve prudently and licitly, but it is not the judicial sentence itself nor is it necessary for its validity. The essence of judgment here consists only in the pronouncement of the sentence of absolution upon the guilty person who is contrite and confessed; - for otherwise he would absolve invalidly who absolves while judging nothing concerning the dispositions of the penitent, or judging him positively indisposed, while nevertheless he is duly disposed; which no one will admit.

3. To the arguments of the adversaries it is answered: There is a disparity with human judgment. a) This does not confer a right but declares it, and therefore it is null if it is made under that condition which precisely must be declared, because it declares nothing if it supposes in the condition that which it must declare; for thus it supposes that which is sought. On the contrary, the sacrament of Penance confers a right, which can also be done under condition. - b) Human judgment must be handed over to execution by men, and therefore it is necessary that it be known and declared that the condition is verified; the sentence of the priest God Himself executes, and therefore it suffices that God know whether the condition has been fulfilled. - c) As to the example brought forward, parity is denied, because it is of the essence of civil judgment that the judge pronounce whose the thing is; it is not of the essence of

sacramental judgment to pronounce that the penitent is capable, disposed, living, has restored, etc., but to pronounce that the right is granted to him for liberation from sins.

B. On the contrary, many of the more recent authors, conformably to the mind of St. Alphonsus,[1] set down the condition: *if you are disposed*. The reason for this can be assigned from the difference between Penance and other sacraments.

[1] Cf. Lehmkuhl, *Th. M.* II, n. 370, who adds: "Indeed, the sentence even of human judgment and in a civil matter not rarely in some way has this condition implicitly, 'provided only that the testimony of the witnesses has been true'; for unless it rests upon this estimation and condition, which nevertheless can sometimes fail, the sentence is unjust and thus null... Similarly, the sacramental sentence always rests upon this supposition, that the penitent says what is true and truly grieves..."

For: 1) The disposition necessary for justification, namely attrition, which is not of the essence of the other sacraments, is a part and necessary condition of this sacrament, and, added to absolution as to the form, together with confession and satisfaction constitutes the very matter of the sacrament. Hence, just as other sacraments, when there is doubt concerning the matter, are ministered under the condition: *if I can*, so this sacrament is ministered to one doubtfully contrite under the condition: *if you are disposed*.

2. Hence, they say, the sacrament of Penance cannot be at the same time valid and unformed or fruitless. For if it is valid, the disposition for justification, namely attrition, is present, and consequently the fruit is obtained immediately.

C. Many others reject the condition: *if you are disposed*, and admit, just as for other sacraments, only the condition: *if you are capable*.

They judge that contrition, which is the necessary part for the value of the sacrament of Penance, is not the same as that which is a sufficient disposition for justification or the fruit of the sacrament, as was said in n. 506. They say the first contrition is that which can be externally manifested and judged by the confessor with practical certitude, namely, that which is internal and sincere, supernatural and universal; but as a disposition for justification more is required, namely also contrition appreciatively supreme, by which a man is so disposed that he holds sin as the supreme evil and efficaciously wishes to suffer all things rather than commit it. But this escapes human experience and cannot be judged with practical certitude, and therefore does not pertain to the sensible sign of the sacrament. Hence, if the former contrition is present and the other is lacking, the sacrament will be valid but fruitless; but when the other disposition comes, it will obtain fruit and revive.

From this, they say, one must conclude, just as for the other sacraments, that absolution is never to be ministered under the condition: *if you are disposed*, i.e., if you have all the dispositions required for receiving the sacrament well; but under the condition: *if you are capable*, namely of receiving the sacrament, to which all other conditions on the part of the subject can be reduced: *if you are living, if you are baptized, if you have sinned, if I have not absolved you*... For the formula: *if you are disposed*, in the case in which the disposition, namely appreciatively supreme contrition, were absent, would render the sacrament altogether null and would impede its reviviscence forever. On the contrary, the form: *if you are capable*, would leave the sacrament valid in the case in which that lesser contrition were present which suffices, as part of the sacrament, for value, and that greater contrition were not present which is required for fruit, namely justification; and consequently, if the penitent afterward

elicited appreciatively supreme contrition, by that very fact the sacrament would revive and the penitent would obtain the effect of grace in the same way as happens in other sacraments. Namely, the reviviscence of the sacrament is not to be impeded.

In practice this conclusion is legitimate, even if the last opinion is not certain, but only probable, as in fact it is. For from this it follows that in practice one must attend to it. For the sacraments are not to be ministered in any probable and uncertain way whatever, but in the safer and more certain way for the good of the penitent, and indeed not so that their effects are impeded, but so that they profit men as much as is possible. And therefore one must abstain from the condition: *if you are disposed*, and use that other one: *if you are capable*.

Namely, the same reason why the sacrament is to be given with danger of fruitlessness or even invalidity, the spiritual necessity of the neighbor or the danger lest he be deprived of grace necessary to him, is also the reason why it is not conferred under the condition *if you are disposed*, so that the sacramental fruit, if not in the present, at least in the future, may be able to come to him. For it is better to permit the absence of present fruit than to impede reviviscence and future fruit; because the danger of the sacrament, as a lesser evil, is to be preferred to the danger to salvation or to the spiritual good of men. And this seems to be the reason why the Church in her rituals is silent concerning the aforesaid condition, and although she enumerates several conditions, never makes mention of this one; indeed it was unknown in the Church until the seventeenth century.

619. Observations. - 1. If some penitent is doubtfully disposed, every effort must be applied so that he may be brought to a certain disposition; only then is he to be absolved under condition if a certain disposition cannot be had and yet there is present a grave danger of spiritual detriment, because the grace of the sacrament is necessary to him here and now.

2. It is not licit regularly or always to absolve under condition, because the sacrament of Penance was instituted after the manner of judgment; but judgment must regularly be pronounced in an absolute manner.

3. Hence concerning the sufficiency of dispositions the confessor must judge from office, and the practice of those is to be rejected who, to avoid difficulties, simply absolve under the condition: *if you are disposed*. And this all the more because the placing of the condition cannot remove every material irreverence from danger of nullity from the sacrament; and if it is placed without sufficient reason, neither can it remove the formal and voluntary irreverence (n. 23, II).

1. Not so of itself when the precept of communion presses, because this can be postponed; - unless by accident there is fear of infamy or scandal, as is said under 4.

1. *Th. M.* l. VI, n. 28.

Article III: On the Duties after the Act of Confession

St. Th., Suppl., q. 11.

620. After the act of confession there are three offices or obligations of the minister: a) *per se*:

1. of preserving the sacramental seal,

2. of not using, to the burden of the penitent, knowledge received in confession,1 - b) *per accidens*:

3. of supplying defects and correcting errors.

621. The first obligation is the sacramental seal. - The seal of sacramental confession is the strictest obligation of keeping under secrecy those things which in sacramental confession, or in order to sacramental absolution, have been declared by the penitent, and the revelation of which would in some way manifest the sin and the sinner, and thus would render the sacrament burdensome or odious. It is called a seal metaphorically from the seal by which we seal letters which we wish to be secret, and it is the obligation of concealing things heard in confession. Briefly, St. Thomas, a. 3: "the seal of confession is nothing other than the debt of concealing confession."

Now, according to can. 889: "the sacramental seal is inviolable; therefore let the confessor diligently beware lest by word or sign or in any other way and for any cause he in any degree betray the sinner," i.e., the person and the sin. Namely, there is the strictest grave obligation of keeping silent outside confession about sins which have been known by sacramental confession, unless the penitent has given permission to speak. This obligation arises from a threefold right: natural, divine, and ecclesiastical.

1. From natural right, because a) between the confessor and the penitent there intervenes an implicit pact, by force of which the latter confesses his sins only under the condition that secrecy be perfectly kept; but this is a committed secret to be kept from justice; b) moreover the natural law prohibits that the reputation of another be unjustly injured.

2. From divine right, because Christ implicitly willed the sacrament of Penance to be ministered in such a way that the faithful would not be deterred from it; but for this it is necessary that confession be secret for secret sins. For he who wills the end wills the means. Therefore Christ willed those things without which confession cannot stand. But confession cannot stand without a strict seal. Therefore.

3. From ecclesiastical right, as is clear from Lateran Council IV, c. 21, and from can. 889 already cited.

Let it be noted: 1) The argumentation of St. Thomas in establishing the thesis can be reduced to this: It is never licit to act against the signification of a sacrament, because this is a violation of the sacrament, and therefore a sacrilege against the reverence owed to it as instituted by Christ. But through confession it is signified that sins are to be covered. Therefore by force of the institution the priest is bound to conceal them. Proof of the minor: Those things which are done exteriorly in the sacraments are signs of those things which happen interiorly: thus confession is a sign of the interior subjection by which someone is subjected to God. But God covers the sins of him who subjects himself, as if they had never been. Therefore also this must be signified in the sacrament of Penance (a. 1).

2. Moreover the doctrine of St. Thomas: "That which is known under confession is as though unknown, since one does not know it as man but as God" (ad 1); hence:

a) "If it is commanded... that he say whether he knows anything about such a sin, he ought not to say it, because he ought to judge that the intention of the one commanding is, if he knows it as man; but this he does not know as man. And even if he should express that he asks about confession, the one questioned ought not to say it..., because he is not subject to his superior except as man; but this he does not know as man but as God" (ad 2).

b) "A man is not brought in as witness except as man, and therefore without injury to conscience he can swear that he does not know what he knows only as God" (ad 3).

c) "But the one confessing can bring it about that the priest knows also as man that which he knew only as God, which he does when he gives him permission to speak; and therefore, if he speaks, he does not break the seal of confession; nevertheless he must beware of scandal in speaking, lest he be regarded as a breaker of the seal" (a. 4).

d) "That which a man knows otherwise, whether before confession or after, he is not bound to conceal as to that which he knows as man; for he can say: I know that, because I saw it. Nevertheless he is bound to conceal it insofar as he knows it as God; for he cannot say: I heard this in confession. Yet to avoid scandal, he ought to abstain from speaking about this, unless necessity is imminent" (a. 5).

622. The nature of the obligation of the seal. - The obligation of the seal is of religion and of justice at the same time: of religion, because the reverence owed to the sacrament demands it, which otherwise would be odious to the faithful; of justice, because it protects the right of the penitent, both to reputation and especially lest he be injured by revealing a committed secret. Hence violation of the seal always imports a twofold malice: of injustice because of the pact entered into with the penitent which has been violated, or also because of the reputation which has been injured; and of sacrilege because of the reverence owed to the sacrament which has been injured. Namely, confession is performed in such a way that this knowledge is exclusively sacramental, since it is made to the priest not as to a man but as to the minister of God, pertaining only to the forum of God and of conscience, and ordered uniquely to the sacrament. Therefore every direct injury to it is sacrilegious, as a direct usurpation of a sacred thing and a profanation.

The seal urges strictly, so that it admits no exception and in no case ever can be relaxed without the certain and wholly free consent of the penitent, who can yield from his own right, since the secret was instituted in his favor; but consent cannot be presumed, but must be given by indubitable signs, explicitly (by words) or implicitly (by deeds), nor must it have been extorted by force, deceit, importunate prayers, or reverential fear, nor afterward revoked.

Hence no end, however good and useful, excuses violation of the seal, whether before or after the death of the penitent, without his permission:

a) neither the good of the confessor, whether temporal, e.g., to preserve life or in self-defense, or spiritual, e.g., that he himself may confess integrally;

b) nor the good of the penitent himself or of a third party, even for avoiding a greater harm,1 e.g., that either one may be corrected or that an innocent person may be declared innocent;

c) nor the good of the republic itself,2 e.g., in the case of a traitor, for preventing the destruction of the republic;

d) nor the good of religion, for preventing that the sacrament of the Eucharist, of Order, or of Matrimony be received unworthily, indeed lest heresy or schism be spread into a part of the Church.

For no cause of attaining good or of avoiding evil can compensate for that evil of hatred toward the sacrament which is altogether necessary for salvation. For it is a question of the spiritual good of the whole Church in preserving the frequenting of this sacrament instituted for the salvation of all, which outweighs every other good.1 Hence also in doubt whether there is present danger of revelation or of breaking the seal, whether it is a doubt of law (e.g., whether something falls under the seal) or of fact (e.g., whether something is already known from elsewhere or was said in order to confession), one must stand for the safer side, because it is not a question of mere uprightness but of spiritual harm to the whole community, to be avoided by all means (II, n. 90-91).

Yet in the case in which the confessor knows that grave harm threatens himself or a third party, or the republic or the Church, he can and must admonish the penitent that through himself or through another he prevent that harm (e.g., by manifesting the guilty person to a superior), and if he refuses to do this, he can deny absolution as to one indisposed; but he will never be able to reveal the secret without the permission of the penitent.

623. The root of the obligation of the seal. - The obligation of the seal arises from every and only sacramental confession made for accusing oneself to the minister of the Church as such, or also for obtaining absolution, whether complete or begun, valid or invalid; - even if absolution, for whatever cause, has not been granted, or the confession is sacrilegious (e.g., without sorrow or purpose), or only thought to be sacramental (e.g., made in good faith before one who does not have power). For since the seal is in favor of the penitent, the obligation of the seal arises if he on his part has placed those things necessary for sacramental confession and has ordered it to absolution.

Hence the seal does not arise:

1. If someone knowingly confesses to a non-legitimate minister, e.g., to a layman or to a priest lacking jurisdiction.

2. If before a legitimate minister he makes a simulated confession for another cause, e.g., solely for deceiving or mocking the confessor, for obtaining alms, or for seeking counsel, or for seducing the confessor, without the intention of receiving the sacrament.

3. If in confession he declares something altogether not pertaining to confession. In these circumstances there can exist a natural secret; but if someone communicates something to a priest under the condition of the seal and the condition is accepted by him, nevertheless there is not present the obligation of the seal but a promised natural secret: namely, then "he is bound by the promise to conceal in this way, as if he had it in confession, although he does not have it under the seal of confession" (a. 2, ad 2).

624. The subject of the seal. - They are all those who from sacramental confession, whether immediately or mediately, whether licitly or illicitly, have knowledge of a matter comprehended under the seal or have heard something: per se and first the confessor, secondarily and by participation all

those to whom, by accident or by design, knowledge of confession has come. For since all these have been sharers in the secret of sacramental confession, they are also sharers in the obligation of preserving it (can. 889, § 2).

In particular, A. those have immediate knowledge:

1. the confessor, whether true or fictitious, even a layman; the true one per se, the fictitious one per accidens;

2. the confessor who outside confession is consulted by the penitent concerning sins to be accused in confession to be made to himself, because confession has already been begun;

3. an interpreter employed in carrying out confession, namely one communicating in the very act of confession, or one who writes down the sins of another to be confessed, at least within confession;

4. bystanders and neighbors hearing the confession, whether by accident or by design; indeed all who attempt to hear the one confessing, by that very fact, are guilty of violation of the seal; not, however, those in whose presence the penitent, noticing that he is heard, speaks more loudly and confesses publicly.

B. Those have mediate knowledge:

1. the superior before whom, by law, one provisionally absolved from reserved sins presents himself, or from whom, outside confession, the faculty of absolving reserved sins is sought;

2. the consulted theologian to whom a case of conscience is referred with the permission of the penitent: for he is a sharer in the secret;

3. all those who from the confessor or from others have sacrilegiously, or imprudently, or legitimately heard sins accused in confession, or to whom either the confessor or anyone else having knowledge has shown something falling under the seal;

4. indeed one who has read the written confession of another, if the writing was in fact the medium of confession, e.g., if he has read the paper either in the act of accusation, while the penitent actually uses it, or after it has already been handed to the confessor, while it is in his hand, or after it was lost by the confessor, or after absolution left in the confessional; likewise one who has read letters directed to the superior for the faculty from reserved sins.

C. On the contrary, these are not bound by the seal:

1. one who reads a paper on which the penitent has described his sins by way of examination of conscience, or of a means for assisting the memory, or for more easily making confession, which, namely, he used before confession or preserved afterward: for it is mere preparation for confession and is ordered to confession only remotely and per accidens;

2. the one whom the confessor consults with the permission of the penitent, but concerning a confession to be made to another, or one who writes the confession outside confession;

3. the penitent himself: for the obligation of the seal is in favor of the penitent.

Yet they are bound by natural secrecy, even the penitent himself, who ought to keep silent about those things from which either infamy, or confusion, or harm would arise unjustly and without just reason for the confessor.

625. The object or matter of the seal. - Under the seal fall generally all things which are known by sacramental confession and the revelation of which can betray the sinner; moreover the seal can extend itself to something either directly or indirectly, per se or per accidens.

A. Directly and per se the seal extends itself to all and only that which is manifested in order to sacramental confession.

Thus: 1) all sins themselves declared, even the very slightest, or only material, even thought or merely proposed and not fulfilled, internal and external, past or future to be committed: mortal sins, whether in species or even in genus; venial sins, not in genus, but in such a species or in gravity or multitude sufficiently notable; secret sins, and also public sins as confessed. For, says St. Thomas, a. 5, ad 1: "The confessor can speak about the thefts of a notorious thief already known to him from elsewhere, but he cannot say: the thief confessed his thefts to me, because in no case can he say that he heard something in confession";

2. the objects of sins, as the sins of others can be, e.g., if someone says that he spoke evil about a pregnant girl, about the theft or homicide of Titius, that he cursed a drunken son or the deflowerer of a virgin, that he hated his mother because of adultery, or despised his father because of stinginess;

3. circumstances, as such, even declared after absolution, which are or are thought necessary or useful for the manifestation of the sin, e.g., frequenting the theater, reading evil books, boasting of nobility, the quantity of theft: thus occasions, temptations, the end of the one sinning;

4. accomplices of sin who, legitimately or imprudently, are manifested in some way, e.g., I committed theft with my brother. Hence the confessor cannot admonish an accomplice without the permission of the penitent.

B. Indirectly but per se, under the seal fall all things which of themselves can lead to knowledge of the sin as declared by the penitent, or of the sinner.

Thus 1) a disgraceful denial of absolution, such as is not from defect of matter or because the custom is not to absolve at once;

2. the indisposition of the penitent;

3. the satisfaction imposed, unless it is very slight, because it is an occasion of suspecting that the penitent is guilty of mortal sins or of many venial sins;

4. counsel sought or given, if it has connection with confession, e.g., for correcting a defect.

C. Other things in no way fall per se under the seal, although sometimes they can fall under it per accidens.

Thus: 1) sins committed in confession, e.g., of impatience, insult, or theft toward the confessor;

2. sins of the penitent or of others known from elsewhere, unless, however, less certain things have been confirmed from confession or less accurate things have been declared completely;

3. the confession itself and the conferring of absolution;

4. virtues, charisms, and gifts of God, or good works;

5. mere natural or moral defects, whether of body or of soul.

Yet these can be the object of natural secrecy, as if by approaching secretly the penitent has signified by word or deed that he does not wish it to be known that he has confessed; - indeed per accidens they can be matter of the seal, either directly, if they were declared as circumstances of sins (e.g., of abuse or of ingratitude), or indirectly if from the adjuncts they can introduce a suspicion about the sins or state of the penitent, or about the state of others. Thus it can happen if someone is revealed to have confessed who had approached secretly, or to an extraordinary confessor (e.g., a religious), or to one who enjoys a special faculty, e.g., of absolving from reserved sins, or if one who is not accustomed to confess much has approached on a day on which it is not customary, because there is a suspicion of a graver or at least not ordinary sin; likewise if it is said that someone confessed only light things, when he has graver things to be accused, because of the suspicion, namely, of sacrilege or reticence; likewise if one or another is praised and brought forward as absolved, while nothing is said about others: for then suspicion easily arises about the others.

626. Violation of the seal is one kind direct or immediate, another indirect or mediate.

1. Direct violation is done by expressly revealing that which is the matter of the seal and at the same time sufficiently designating the person who did it.

For this, however, it is not necessary, either a) that the person be known to the hearers, provided he is sufficiently determined or designated, or b) that the hearers know that the priest is speaking about things heard in confession; but it suffices that in reality he speaks thus. Thus, e.g., Titius confessed mortal sins, or committed homicide, - Peter has not been absolved, - the prefect of such a city committed adultery, - the first whom I heard today confessed adultery, if the hearers can know him. This is a mortal sin from its whole genus, which admits no lightness of matter; for the direct manifestation even of venial sins is very odious to penitents and would deter them from the sacrament; therefore by direct injury of the seal in light matter, grave injury is done to the sacrament.

2. Indirect violation is done by saying or doing or omitting something from which others can know or suspect that which is the object of the seal, with probable danger of introducing knowledge or suspicion of the person who did it.

It is not so much a formal violation of the seal as the danger of violation, namely, of knowing together the sin and the sinner. For this a merely possible suspicion does not suffice, but at least a

probable one; nevertheless it is not required that the hearers know or suspect the person, but that suspicion can prudently arise. This is a mortal sin from its genus, which nevertheless sometimes admits lightness of matter, namely, when the danger of knowing the matter of the seal and of rendering the sacrament odious is slight and very remote.

627. Indirect ways of violating the seal. - They are various, whether consisting in words or in deeds, and according to various adjuncts; some of these we report from approved authors.

A. In words: 1) If the confessor, in narrating some fact from confession, mentions such circumstances that the penitent can easily be recognized from them. Very well known is the example of a pastor who, after 25 years of priesthood, narrates in company that the first penitent who confessed to him confessed adultery; a little afterward a man enters and narrates while all are hearing: I was your first penitent.

2. If, after the confessions of few have been heard, he says that he has heard such a grave sin, although he conceals the person, provided the penitents can be known by those to whom the sin is narrated: for each one suffers some suspicion against himself from that revelation.

3. If, from those things which he knew by confession alone, he says about a community (college, convent, village, town, region, religious order) a relatively graver sin, or relatively many more sins, or altogether special vices, beyond those things which are known to be committed there, even with every danger of suspicion about determinate persons in particular excluded: for nevertheless there is suspicion about the individuals, or at least less esteem or infamy and disgrace redounds to the whole community, and therefore to the penitents insofar as they are members of the community; and the detriment is the graver because the matter is confirmed by the authentic testimony of the confessor.

Thus one who says that he heard a grave sin in such a convent, or that grave sins are committed in such a religious order, which he knows from confession alone; and he who asserts that in a small place (about 3,000 persons, or fewer) a hidden vice or venereal disease prevails, or that such grave crimes are perpetrated there, which he knows from confession, e.g., many sacrileges or thefts; and one who about a somewhat larger place narrates an infaming sin or an enormous crime, such as incest or sodomy; - not however if he narrated grave things only about religious in general, or about an order, if it were more numerous and notoriously very relaxed, or even if he said greater things about great cities, in which such things are also committed.

4. If he addresses or reproves the penitent with so loud a voice that those standing around understand from his responses or admonitions what the penitent has confessed, or that he sinned gravely.

5. If not from the first beginning but in the progress of confession, he says with a loud voice to a somewhat deaf penitent: return, or something similar.

6. If he says that someone confessed to him as to an extraordinary confessor or to one endowed with greater faculties, or that he approached him secretly, or that he denied absolution to such a one, or (unless somewhere the custom were general) that he had not yet absolved him, or

had put him off only after trial, or for a time, or had not yet received his completed confession, or had imposed on him a grave penance; for from this it is inferred that there was present a grave crime.

7. If, in comparing several penitents, either explicitly or implicitly (as brothers or fellow-students), he praises one or two, e.g., concerning purity of conscience or because he brings only venial sins, but says nothing about the others: for then more often he will introduce suspicion of some matter of importance, or of mortal sin, or of indisposition.

8. If he admonishes the parents or superiors of the penitent that they should watch especially in these circumstances, e.g., in such a place or at such a time.

9. If he speaks with another confessor about a sin which the penitent confessed to both.

B. In deeds: 1) If the confessor, sitting in the confessional, rises and in a manner which bystanders can observe reads the table of reserved cases.

2. If by a visible gesture, groan, or exclamation he manifests wonder or sadness.

3. If, after the confession has been heard, he immediately leaves the church, taking no care about the communion of the penitent, which otherwise would be likely.

4. If he denies a testimony of confession to a penitent who asks in the presence of others, or in circumstances in which it is customarily granted to all; concerning this see below, n. 630, 4.

5. If, after the confession has been heard, he changes his manner of acting toward the penitent, where this is perceived by others who from this can suspect that some determinate or graver sin has been declared; concerning this more is now to be said.

628. The second obligation is not to use exteriorly any knowledge acquired in confession. - The exterior use of any knowledge had from confession differs from a violation of the seal properly so called; this use can also be present without anything being revealed, while a violation properly so called of the seal always occurs with some direct or indirect revelation of those things which fall under the seal. This use, without the permission of the penitent, is generally illicit, as Clement VIII, May 26, 1593, and Innocent XI, November 18, 1682, declared, insofar as per se or per accidens it could generate confusion, shame, bad suspicion, or some injury, dishonor, annoyance, harm, or any burden whatever for the penitent or another; not only

a) if there is danger of direct or indirect revelation;

b) but also if from this there follows a burden for the penitent or for another, and therefore hatred of the sacrament, which is also true if from non-use a much graver harm to the penitent would follow, as Innocent XI declared;

c) or if a suspicion of a violated seal arises, and therefore scandal.

But in other cases the confessor can use this knowledge of his, because it is not properly a breaking of the seal nor per se repugnant to the seal.

Hence can. 890: "§ 1. The use of knowledge acquired from confession is altogether prohibited to the confessor, with burden to the penitent, even with every danger of revelation excluded.

"§ 2. Both superiors existing for the time being, and confessors who afterward shall have been appointed superiors, can in no way use, for exterior governance, the knowledge which they have had about sins in confession."

The aforesaid illegitimate use is a mortal sin from its genus, because from its nature it is apt to cause a great burden and grave scandal, and thus to render the sacrament very odious; nevertheless it admits lightness of matter, e.g., if the burden arising from it is moderate.

From this the rules concerning the use of knowledge drawn from confession are easily established:

A. As to the penitent himself as such:

1. It is illicit outside confession to address the penitent about things known from confession, without his permission: this causes shame and renders the sacrament odious.

2. On the contrary it is licit a) if the penitent speaks first, because he implicitly gives permission;

b) immediately after absolution, because the judgment is morally continued;

c) in following confessions, where the priest is minister of God, if in some way it is useful to the penitent or expedient for the rectitude of the present confession: for the past state has some relation to the rectitude of the present judgment.

3. It is illicit to reveal sins committed in confession (even not accused), natural or moral defects, of body or soul, manifested from confession alone, indeed gifts known from confession alone, if this is with burden to the penitent: e.g., that he is illegitimate, a eunuch, falsely noble, of the race of Jews or Magi, poor, burdened with debts, ignorant, incapable, less experienced in an art, uncultivated, dull, scrupulous in a case in which this does not fall to the praise of the penitent; - on the contrary it is licit, if it is known also outside confession, e.g., that he is stammering, lame, deaf, or is of such a condition.

B. As to exterior governance:

1. Superiors cannot use knowledge acquired in confession, even if it does not appear that they direct themselves from such knowledge, and even though the penitent does not notice it: it is a burden to penitents, if they should know that this is licit. Thus they cannot use the knowledge for removing an unworthy person from office, for denying him a vote in an election, for denying sacraments to a sinner, or assistance at marriage because of an impediment, for taking away keys from him, for dismissing a maidservant who is pregnant or committing thefts, for denouncing him or instituting an inquiry.

2. Likewise the confessor himself cannot look upon the penitent with hostile eyes, address him less amicably than before, manifest by his manner of acting that he remembers the sins, value him less than before, reprove him, address him harshly, or show him a severe countenance; - indeed he cannot even for this reason refuse to hear the one confessing, because from the preceding confession he knew him to be troublesome, scrupulous, entangled in conscience, or

slightly disposed, unless he has an external cause distinct from confession, as if it were commonly known that the penitent is too prolix in confessing, or if he did this for another motive.1

3. Hence the confessor is not to be questioned by parents, teachers, etc., about the morals of their penitents; nor is he to be consulted where there is question of admission to religion or promotion to Orders, but let him testify only to the frequency of the sacraments.

C. As to his own exclusively proper conduct:

1. The confessor, because of knowledge from confession, can reform his own conduct, fulfill his office better, pray for the penitent before God, or act more kindly toward him, consult books or wise men, temper rigor, guide himself in questions, take precautions for himself against danger and occasions of spiritual or temporal harm, such as death, plots, or poison, watch more diligently over the flock, instruct others or admonish them in general that they take care for themselves, etc., indeed abstain from the celebration of Mass in a violated church or with poisoned wine, provided he does not introduce to others any notion of the sin accused or of its accusation, nor burden to the penitent, e.g., because others know not from this but from elsewhere, or because the priest abstains or withdraws under another pretext; in doubt, however, let the permission of the penitent be sought.

Thus, even if the penitent or others perhaps notice that this arises from knowledge of confession. "The reason is," says Haine, o.c., q. 117, "because from this the penitent suffers no shame or inconvenience, nor on account of this would men reasonably be drawn back from confession, nor finally is the action or omission of the confessor a revelation of the seal, since it is supposed to be so indifferent that otherwise ignorant persons cannot come from it to knowledge of confessed sins. Hence if they come to knowledge, this arises rather from the previous knowledge which they have than from the action or omission of the confessor."

In reality the case which would present difficulty is rather metaphysical, says Lugo, *De Poen.*, disp. 23, n. 110, since there will never be lacking a means of avoiding these dangers either by the permission of the penitent or under some pretext.

2. Preachers can speak about those things of which they would not have thought unless they had heard confessions; not, however, about particular sins of penitents in small communities.

1. One thing is the seal or secret to be kept; another is the obligation not to use knowledge acquired in confession even without injury to the secret. This last is called by some, not very accurately, the accidental seal; indeed many treat of both together promiscuously and without distinction. Yet they must be distinguished: namely, the seal obliges much more strictly than the other; besides, the obligation of the seal is special, of which St. Thomas expressly treats; the other obligation is the general one of not causing burden, which must be declared according to common principles, concerning which nothing special occurs in St. Thomas.

1. Thus Innocent XI, November 18, 1682.

2. Thus Clement VIII, May 26, 1593.

1. Therefore the natural secret differs much from the sacramental seal, 1) because injury to the former is not per se sacrilege; 2) because per se it admits lightness of matter; 3) because its obligation ceases in certain cases.

1. Nevertheless the confessor can dismiss him at the beginning of confession, if he is not disposed or asks unreasonably; likewise he can in confession admonish him not to summon him henceforth.

629. The third obligation is to supply defects and to correct errors. - A threefold defect or error can occur: 1) either the error vitiates the very value of the sacrament, e.g., forgetfulness of absolution, an invalid form, indisposition of the penitent, lack of jurisdiction; - 2) or the error offends the mere integrity of confession or of the sacrament, e.g., a due question omitted concerning the species or number of sins, satisfaction not enjoined; - 3) or the error regards the obligations of the penitent and brings harm to the penitent or to a third party, e.g., a proximate occasion which is not removed, undue restitution imposed, due restitution not imposed.

A. An error invalidating the sacrament and gravely harmful to the penitent, of itself and regularly, must be corrected, and indeed under grave obligation and from justice; - indeed even with grave inconvenience, if it was committed from grave fault of the confessor (II, n. 296, A). For the confessor, from a quasi-contract with the penitent and therefore from justice, is bound to impart absolution to one rightly disposed: from charity indeed he hears the confession, but once it has been heard, he is already obliged from justice to provide the other necessary things (n. 614). Therefore if he erred as to the value of the sacrament, he is bound from justice to correct it, if he can; and if he erred from grave fault, even with great inconvenience; - otherwise without grave inconvenience, unless, however, the penitent were in grave danger of dying in the state of sin, as if he were in the article of death or in probable danger of not confessing any more, in which case the confessor would be obliged even with grave inconvenience, but from charity.

Therefore justice does not always oblige in an equal manner, but justice injured from fault obliges more strictly than justice injured without fault, as appears in the case of one detaining the thing of another in good or bad faith as to restitution. Hence the gravity of the obligation, as also of the inconvenience to be undergone, must be measured both from the gravity of the harm and from the gravity of culpability or negligence.

The principle supposes 1) that the error is still gravely harmful to the penitent; for if the harm is light, e.g., because the penitent had not accused mortal sins, or if the harm does not persevere, because the penitent approached another confessor by whom he was validly absolved, or because in another way he was certainly justified (namely, by Extreme Unction or perfect contrition), the obligation no longer urges;

2. that the error comes from the part of the confessor; for if the error comes from the fault of the penitent, because, e.g., he was knowingly indisposed, the confessor is indeed bound to repair the harm as a cooperator, but not so strictly - except in the case of extreme necessity - because the penitent could provide for himself otherwise, by making a new confession.

The apt manner of repairing the defect is different:

1. If because of defect of jurisdiction the sacrament is invalid, let the confessor induce the penitent to confess again, and, if this is necessary for that, let him admonish him about the invalidity of the absolution, even without permission to speak about the confession having been obtained beforehand from the penitent: for since the reason of nullity is exclusively on the part of the confessor, not from a defect of the penitent, there is no use there of things heard in confession.

2. If because of omission or defect of absolution, and a) this is detected immediately or shortly after confession and the penitent is still morally present, he can be absolved again, even without previous admonition, provided it is clear that he is duly disposed; b) and if he is too far away, let him be recalled to the sacred tribunal, so long as this can be done without inconvenience; otherwise let the confessor himself approach the penitent and absolve him; c) but if the error was not repaired immediately or after a short time, let the confessor induce the penitent to confess again; let him exhort him to grieve not only for those things accused in the present confession, but also for past things, especially those accused in the last confession; and let him duly absolve him.

3. If because of the indisposition of the penitent, let the confessor approach the penitent and induce him to confess again, as was said; but if this cannot effectively be done, after the confessor has first obtained the permission of the penitent to speak with him about a matter pertaining to confession, let him admonish him about the invalidity, so that the error can be repaired.

B. In the case of an error touching only the integrity of the sacrament:

1. If the confessor negatively impeded integrity by omission (whether from forgetfulness or from culpable negligence), he is not bound to repair the harm or to admonish the penitent outside confession, because the obligation of procuring integrity affects the confessor as minister of the sacrament, i.e., within confession, and on the other hand an admonition outside confession of itself and generally is troublesome to the penitent; - yet in another confession, where the confessor is spiritual physician and minister of the sacrament, the error must be corrected if it can be done without great inconvenience.

2. If he positively impeded integrity, the confessor is bound to admonish even outside confession, after the permission of the penitent has first been obtained; provided he can do this without scandal and grave inconvenience, and more strictly if he erred culpably than if inculpably.

The reason is that each one is bound to repair the harm which he has positively inflicted, and to remove the cause of it which he placed; namely, he is bound lest from his positive action others incur harm, even from material sin. Nevertheless not with grave inconvenience, because if grave harm excuses the penitent from preserving integrity, a fortiori it excuses the confessor from procuring it; hence a somewhat lesser cause will excuse one erring inculpably. And in fact the confessor is rarely bound to correct.

C. In the case of an error which brings harm to the penitent or to a third party, a similar principle holds as in the preceding case:

1. If he has erred negatively by omission, from office the confessor is bound toward the penitent, even outside confession, to admonish and correct, if from that omission the penitent is moved to believe licit and to do what is illicit or to the harm of a third party; more strictly or less strictly, with greater or lesser inconvenience, according to the gravity of the harm and culpability. But he is not bound from justice to repair the harm of the third party, because the confessor is not bound from office to procure the good of the third party.

2. But if he has positively led the penitent into error, e.g., if the confessor, when asked, pronounced that restitution must be made where no obligation of making restitution existed, or conversely; and

a) the error was culpable (e.g., from malice, vincible ignorance, grave negligence), the confessor is bound from justice, even outside confession, and in grave matter under grave obligation, to repair and make restitution either to the penitent or to the third party: for he was positively cooperating in the harm of another by counsel;

b) if the error was inculpable, likewise the confessor is bound, if he can without grave inconvenience, to repair; - but if he does not do this, he will have to make restitution.

The reason is that each one is bound from justice not only not to inflict harm on his neighbor directly and deliberately, but also to procure that harm not come to his neighbor from his action; but if he does not correct an error when he can, he is bound to make restitution by reason of the omitted retraction, which is truly the unjust and efficacious cause of the harm, by which that harm becomes voluntary and culpable. But he is bound only without grave inconvenience, because the harm does not arise from an unjust injury, since the action was inculpable.

630. Observations. - 1. According to can. 2369: a) A confessor who shall have presumed to violate the sacramental seal directly incurs by that very fact an excommunication reserved to the Apostolic See in a most special manner.

b) But one who has violated the seal only indirectly is liable to penalties *ferendae sententiae*, the same as confessors soliciting to shameful things (can. 2368, § 1), namely suspension, or even inability to hear confessions, privation of benefices, dignities, and active and passive voice; indeed, in the graver case, degradation.

c) Rash and therefore conscious violation of the seal by an interpreter or by all others to whom knowledge of confession has in any way come is decreed to be punished, according to the gravity of the guilt, by a salutary penalty (*ferendae sententiae*), which can even be excommunication.

2. In ecclesiastical law, according to can. 1757, § 3, the following are repelled as incapable of giving testimony: "priests, as regards all those things which have become known to them from sacramental confession, even if they have been released from the bond of the seal; indeed things heard by anyone and in any way on the occasion of confession cannot be received even as an indication of truth."

3. Lest the seal be broken indirectly, it is better always to respond in the same way. Thus, when asked about sins, let him say that he has heard or knows nothing; - when asked about absolution given, let him say: I have discharged my office, or: are such questions to be asked?; - when asked about communion to be ministered (e.g., in a hospital), let him say: ask the penitent whether he wishes to communicate.

4. Concerning a certificate of confession to be given or denied, let it be noted: a) such a certificate can always be given to all who truly intend sacramental confession, whether absolved or not absolved; - b) a certificate cannot be denied to an indisposed penitent who has truly confessed, if he asks for it outside confession; because thus the confessor would use knowledge of confession with burden to the penitent; - c) likewise it cannot be denied to a penitent asking for it in confession, provided the penitent is in those circumstances in which it is customarily given, because it would be an indirect violation of the seal, since it would be revealed that the penitent had not confessed duly; - d) it must always be denied to those who simulate confession, even if this is done to obtain a certificate: for then there is no obligation of the seal, indeed the confessor, by giving the certificate, would falsely say that the penitent had confessed; nevertheless on account of grave inconveniences he could say that such a one approached him or that he heard him in the confessional; - e) a testimony of absolution granted cannot be written for one who was not absolved, because it would be to lie; yet if a printed certificate should imprudently exhibit a testimony of absolution, it would have to be handed over also to him who was not absolved, at least if generally it is customarily handed over, or he himself publicly asks for it: thus because of the seal; nor would the confessor lie, but he would only place the material act of handing over (or signing) the certificate for a proportionately grave reason, in circumstances which sufficiently indicate the restriction.

5. If the confessor in a difficult case needs counsel: a) he can have recourse to a theologian to whom the penitent is altogether unknown; - b) if this cannot be done, let him set forth the case in such a way that he avoids danger of revelation, i.e., as fictional, omitting non-necessary adjuncts from which the penitent could be known, and mixing in false things which do not change the substance of the matter; - c) or, if it is not conveniently done thus, let him ask from the penitent permission to take counsel and to speak with another about a matter pertaining to confession; - d) but if this is denied, and in no way can he avoid the danger of revelation, let him send him to another confessor, or if this can scarcely be done, after diligently employing study and prayer, let him trust in God and solve the difficulty himself in the better way in which he can.

Question Four: On the Abuse of the Power of the Minister

The minister can indeed abuse his power in many ways, which have been anticipated in the various parts of the treatise; hence at present one must speak only of a twofold abuse more specially prohibited by ecclesiastical authority, namely 1) of the absolution of an accomplice in a shameful sin; 2) of solicitation of a penitent to shameful things.[1]

[1] We have in mind to run through the questions briefly. Especially, even for the documents, De Smet, *De Absolutione complicis et sollicitatione*; Chretien, *De Poenitentia quaedam quaestiones*; or also our little work: *De Poenitentiae Ministro*, c. 5, can be consulted.

Article I: On the Absolution of an Accomplice in a Shameful Sin

631. Dispositions of canon law concerning the absolution of an accomplice. - According to can. 884: "The absolution of an accomplice in a shameful sin is invalid, except in danger of death; and even in danger of death, outside the case of necessity, it is illicit on the part of the confessor, according to the norm of the apostolic constitutions and especially of the Constitution of Benedict XIV, *Sacramentum Poenitentiae*, June 1, 1741."

This law is also sanctioned by penalties, from can. 2367:

"§ 1. One absolving or pretending to absolve an accomplice in a shameful sin incurs by that very fact an excommunication reserved in a most special manner to the Apostolic See; and this even in the article of death, if another priest, although not approved for confessions, can hear the confession of the dying person without some grave infamy and scandal about to arise, except in the case in which the dying person refuses to confess to another.

"§ 2. He who absolves or pretends to absolve an accomplice who indeed does not confess the sin of complicity from which he has not yet been absolved, but conducts himself thus because he has been induced to this by the accomplice-confessor either directly or indirectly, does not escape the same excommunication."

632. An accomplice is a partner and one as it were entangled in sin. This is to be understood without restriction, of whatever sex, age, and condition: anyone, whether male or female, whether pubescent or impubescent, provided he is capable of grave sin; indeed even the person with whom the priest had sinned before receiving the priesthood, as the Holy Office declared, January 22, 1879. And therefore he invalidly absolves here the accomplice who makes a general confession of sins, if the previous confessions were certainly sacrilegious, or even simply invalid.

But for complicity there is required:

1. Mutual sin, namely, that each one internally and externally committed the same grave sin; or the consent of two persons in the same grave and external shameful sin, whether each cooperates, as in mutual conversations and embraces, or one only acts, e.g., by touch, provided the other consents externally and internally at the same time; which consent is sufficiently presumed to be present if he resists in no way. Hence there does not fall under the law: a) an act which is mortal on one side, only venial on the other; b) nor an externally light act, although internally grave on both sides; c) nor an act, however grave, to which the other does not consent, indeed to which he has not furnished external consent, although he consents internally.

2. Formal complicity: a) at the same time of the sin; for in the case of sin with one sleeping, unwilling, totally drunk, insane, or ignorant of the shamefulness of the sin from erroneous conscience, or not attending to it in good faith, even if he was induced into error by the confessor, complicity is not present; - b) at the time of absolution; for 1. if the confessor during absolution inculpably does not recognize his accomplice, or 2. if he doubts and, by prudently questioning as much as he can without danger of his own infamy or scandal to the penitent, cannot remove the doubt, or 3. if the priest in no way (neither in the act of sin nor afterward) is known as a priest, but the penitent is altogether ignorant that his accomplice is a priest, the

absolution is valid and licit. Namely, then the abuse of power which the Church prohibits is not present.

Yet it makes no difference if the confessor, as accomplice, was not known by the penitent in confession, provided it is verified that he truly is an accomplice, and the confessor knows him as such, and nevertheless absolves him: in this case the absolution is invalid.

633. Shameful sin is to be understood without restriction: any sin whatever of lust, i.e., against chastity and the sixth precept, not only perfect and consummated, but also imperfect and begun, such as touches, kisses, embraces, indeed shameful speech and looks, as the Holy Office declared, May 28, 1873, provided they are strictly lustful and import complicity; - not, however, sins against other virtues and precepts. Hence to absolve an accomplice in a sin of injustice, e.g., in homicide or in theft, is not specially prohibited; although even such an absolution is unbecoming.

But it is necessary that the sin of lust be grave, - external, - mutual, - not directly remitted, - and certain.

1. Grave, both objectively and subjectively, namely materially and formally. Therefore light sins are excluded, whether from imperfection of the act, or from erroneous conscience, or from lightness of matter, when there is question of lust voluntary only in its cause. Hence if a boy from erroneous conscience certainly judges that touches immodestly perpetrated by a priest are not a grave sin, he could be absolved by this priest.

2. External, so that both the internal and the external sin is grave, and also so that it as such, namely in the notion of an external act, is gravely sinful. For this reason sins merely internal, of morose delectation and desire, are excluded, as are external sins under every respect venial, and also grave sins whose grave malice is not fully manifested exteriorly. Hence if kisses or touches had from an internal lustful affection, as external acts, are not in themselves gravely evil, and the libidinous affection from which they are done is not fully manifested exteriorly, they can be absolved.

3. Mutual, so that each accomplice internally and externally committed the same grave sin against chastity, or consented in the same grave and external shameful sin, as was explained in the preceding number.

4. Not directly remitted. Hence if the sin has already been duly accused and validly remitted by direct absolution, so that it is now free matter of confession, the priest can absolve from it (Holy Office, May 29, 1867), although nevertheless it is altogether to be advised that he never hear the confession of his accomplice unless necessity compels, on account of the danger of temptation or irreverence toward the sacrament.

5. Certain, so that every founded doubt of law and of fact is excluded; otherwise the rule must be applied: in doubt, odious things are to be restricted. Therefore it is required that the shameful sin be certain, certainly grave, as such certainly external, certainly mutual, and that the complicity in it be certain.

Hence the case of complicity in a shameful sin probably is not present:

a) If it is doubtful whether the penitent sinned gravely.

b) If there was simple connivance from the fact that the other did not impede a sin which from office he ought not to impede, or approval of a heard shameful conversation which did not stir up other shameful conversations.

c) If the accomplice is not a partner immediately in the shameful act itself or in a sin libidinous according to itself, but only in a shameful agreement about seducing a woman who in reality is not seduced, or only in a shameful permission or invitation to sin with a spouse or offspring who nevertheless is not corrupted. Namely, mere cooperation in the shameful sin of another does not suffice.

d) If the accomplices are in an external act venial from its object (such as pressure of the hand, a light kiss, a momentary touch, or an embrace in an honorable part), although on both sides internally it is done from a shameful affection or intention, provided it has no externally immodest adjunct circumstance, or manifestation by which the affection or intention of immodesty sufficiently becomes known externally.

634. The absolution of an accomplice is radically invalid because of the privation of all jurisdiction. Therefore it is not, as some thought, a case of reserved sin, because there is not restriction but removal of power; for the incapacitating law makes the confessor lack all jurisdiction toward an accomplice accusing a shameful sin (or culpably concealing it), and the very absolution of the accomplice as such, and not only of the sin of complicity, is void, so that there is not given a valid absolution either direct of the other sins, nor consequently indirect of the sin of complicity.

Thus not only according to the tenor of can. 884, but also expressly according to the Benedictine Constitutions and the instruction of the Holy Office, February 20, 1867.1 Hence also in the instructions given by the Sacred Penitentiary for priests to be absolved from censure because of absolution of an accomplice, there occurs the clause that the accomplice-confessor should admonish the penitent "about the nullity of past confessions," and indeed without any restriction or distinction between the case of good or bad faith on the part of the penitent; indeed, from the fact that the penitent is said to be admonished, good faith is rather supposed.

Against this do not stand the words of the Sacred Penitentiary, May 16, 1877, affirming that the privation of jurisdiction "is in order to the shameful sin itself in which the confessor was an accomplice." For there the privation of jurisdiction is not denied but affirmed; it is not said that the privation of jurisdiction affects only the sin of complicity, but the absolution of the accomplice in order to the sin of complicity, so that the confessor is deprived of all jurisdiction and toward every sin, but uniquely in view of and by reason of complicity, i.e., when that sin is accused. Moreover the Sacred Penitentiary could not temper by its own authority and without special intervention of the Supreme Pontiff the law of the Holy Office or of the Benedictine Constitution, concerning which in the case nothing is reported.

Hence, if in urgent necessity an accomplice-penitent could not omit holy communion without grave scandal or infamy, nor could approach another confessor, content with a simple act of perfect contrition, he would have to approach holy communion, nor could he be absolved by the accomplice-priest.

635. An exception is given in the case of extreme necessity, i.e., in the article of death, - and also in a grave danger of proximate death prudently judged, which in law is equated with the article,2 - if another priest is lacking, even one not approved, who can be called or can approach without some grave infamy or scandal about to arise, and to whom the penitent wishes to confess: for then it is the same as if another priest were truly lacking, says Benedict XIV in the constitution *Apostolici muneris*, February 28, 1745.

A. Therefore in this danger absolution is always valid lest someone perish on this occasion; - but on the part of the confessor it is not licit, nor is the penalty of excommunication avoided, unless another priest is lacking who can be called without great inconvenience, and who does not refuse to hear the confession of the dying person (e.g., because of excessive familiarity with the penitent who is his blood-relative or maidservant), and to whom the penitent does not refuse to confess.

There will be a cause of excuse:

1. if the sick person publicly asks the confessor, while he is bringing Viaticum to him, that he would hear his confession, because the confessor, without scandal and danger of infamy, especially if he were pastor, could not refuse this;

2. if the dying person, without any fault of the accomplice-confessor, altogether refuses to confess before another priest;

3. if without danger of infamy or scandal, or of a sacrilegious confession, the accomplice-priest could not depart, or another could not be called or approach;

4. also probably, if there is present only a priest notoriously suspended or excommunicated: for such a one does not seem to be one who can discharge the office of confessor; and moreover he would not easily be called without infamy or scandal.

On the contrary, absolution is illicit, and excommunication is incurred:

1. if, while another priest is present who is not impeded or can easily be called, the accomplice-priest absolves;

2. if another priest can be called, but the accomplice-priest invents a danger of infamy or scandal where there is none;

3. if the accomplice-priest, as much as is in him, does not employ opportune means so that danger of infamy or scandal does not follow and so that room for confession lies open to another priest, e.g., by not coming under some pretext, or by departing from the house, feigning illness, forewarning the penitent, sending another priest to the sick person, etc.;

4. if there is present a priest who would not himself be exposed to his own infamy, but before whom the accomplice-priest would be defamed: with respect to one person, either there is no infamy, or the accomplice ought to bear it to some extent on account of the fault committed; otherwise it could scarcely happen that, when a priest is present, the accomplice-confessor could not absolve.

B. Danger of death is any gravely dangerous case, whether from within, from illness or childbirth, or from without, from very dangerous sailing, imminent battle, or an inflicted blow. To those in danger can be equated, by a quasi-privilege conceded by extensive interpretation, soldiers who are constituted in a state of military calling-up or mobilization (Sacred Penitentiary, May 29, 1915); likewise from the nature of the thing, those who are in danger of perpetual insanity.

But now many, having gone farther, from epikeia wish to equate with danger of death the case of a penitent who in a remote region, e.g., of the Missions, would greatly fear that he could never, or only after a very long time, have a confessor, unless he confessed to the accomplice. But in the Constitutions of Benedict XIV and in the Code of Law only the case of danger of death is excepted; although nevertheless occurrences in mission regions could not have been unknown to them: "absolution is invalid except in danger of death," says the code; what is clearer?

Therefore the exception does not seem to be extended to other cases, except those which are commonly judged equivalent to death. Interpretation, even if it were of many theologians or canonists, does not suffice to restrict or extend the sense of the law, but only authentic interpretation can do this; especially because a place is not usually given to epikeia in invalidating laws on account of the common good. Therefore no foundation is present for the more indulgent opinion, which consequently is not solidly probable. Indeed, it is altogether important for the common good that missionaries who, because of special circumstances, are exposed to greater danger, should not know for themselves an excessive facility of absolving an accomplice and escaping the consequences of their sin.1

636. The penalty established against the offending confessor. - It is excommunication reserved in a most special manner to the Apostolic See (can. 2367), from which irregularity follows (can. 2261, § 1). For contracting the penalty there is required:

a) on the part of the delict: true or fictitious absolution of one who accused the sin of complicity not yet directly remitted, or who conceals it while he was induced to this by the accomplice-priest;

b) on the part of the delinquent: consciousness of grave sin and knowledge of the censure, yet so that crass or supine ignorance does not excuse from it (Holy Office, January 13, 1892, ad 3; can. 2229). Ignorance can scarcely be given in a priest as to the existence of the censure; more easily as to its extension, insofar as in good faith one could judge that a case was present in which it is licit to absolve an accomplice.

Hence: 1) The penalty is not incurred:

a) if the priest only heard the confession of the accomplice, provided he does not absolve nor pretend to absolve;

b) if the penitent spontaneously concealed the sin of complicity in his confession, or by inculpable forgetfulness, although this does not escape the one absolving. For the privation of jurisdiction and the annexed excommunication are in order to the shameful sin in which the confessor was an accomplice, as the Sacred Penitentiary declared, May 16, 1877.

2. But excommunication is incurred:

a) if the priest simulates and pretends before the penitent himself to absolve him, as is now certain from the repeated responses of the Sacred Penitentiary, July 9, 1751, March 1, 1878, and February 19, 1896, and of the Holy Office, December 10, 1883, and ratified by the Code in can. 2367, § 1: thus, e.g., if he absolves without intention or substantially corrupts the form, or by pronouncing a certain prayer and other words, or by keeping silent, seems to the penitent to absolve by sign or gesture; but not if he dismisses a penitent who has been forewarned with only a blessing, dissembling before bystanders;

b) if the confessor induced the accomplice-penitent not to confess the sin of complicity, whether directly by admonishing him to keep silent, or indirectly by persuading him that the act already perpetrated was not gravely evil, or did not necessarily have to be accused, as, e.g., already known to himself. Indeed, from the recent declaration of the Holy Office, November 16, 1934, one is also to be judged as indirectly inducing if he is "a confessor who, whether within or outside sacramental Confession, has persuaded someone that in shameful things to be perpetrated between them there is either no sin or certainly no grave sin, and consequently afterward sacramentally absolved or pretended to absolve him when he confessed to him about other things only." By this the excommunication is now extended beyond the case of complicity in grave sin.

From the said excommunication regularly only the Apostolic See absolves; and in danger of death and in the more urgent case even a simple confessor can absolve, but only with the burden, under penalty of reincidence, of having recourse, at least within a month, to the Holy See, even if recourse is here and now impossible (can. 2252, 2254, 2367; n. 597, C). Hence the case is treated more rigorously than sins reserved because of a censure.

637. Corollaries. - From the foregoing it follows:

1. A priest who at the beginning of confession does not know the accomplice, but nevertheless recognizes him before absolution, must admonish him concerning the defect of jurisdiction and dismiss him; for by this he himself incurs no infamy.

2. One who in the article of death illegitimately, i.e., while another priest is not impeded, began to hear the confession of an accomplice, is bound to yield the place to another priest and to abstain from absolving; indeed even if he began legitimately, because another confessor was lacking, and such a one arrives or the danger of death has now passed, he must cease, provided this can be done without graver inconvenience.

3. One who absolved an accomplice in danger of death, with necessity urging, cannot, after the danger has passed, hear confession for completing the accusation, if the sin of complicity still remains to be accused.

4. One who doubts whether the penitent is an accomplice must inquire and question insofar as prudence permits; but if he does nothing to solve the doubt, he absolves invalidly, and does not escape excommunication, because the ignorance is crass and supine (Holy Office, January 13, 1892).

638. Observation. - A priest who has unduly absolved an accomplice must have recourse, by himself or through another, e.g., a confessor, to the Sacred Penitentiary, to whom the case must be explained

with all circumstances. But the accomplice-penitent incurs no censure nor reservation per se; and a person of this kind is to be received benignly by the confessor, so that he may not blush to confess his own misery, and, after repeated confessions made before the accomplice and the occasion of sinning has been removed, he may be dismissed absolved.

But it could happen that, on the occasion of confession, he had been solicited to sin; concerning which one must now speak.

1. Hence we cannot understand how Fr. Vermeersch could have written, *Th. M.*, III, n. 457: "Noldin... now thinks that one must respond more severely since the canon declares the absolution of the accomplice himself invalid and not only of the sin; but according to the preceding Constitutions the canon which refers back to them can be understood." But precisely according to the preceding Constitutions one must respond more severely, which Cappello also admits, o.c., n. 620. Hence still less do we understand why in the new edition of Noldin's work Fr. Schmitt changed his opinion.

2. This is already clear from the Code itself, which has in can. 884: "in danger of death," but in can. 2367: "in the article of death."

1. The accomplice-priest will easily be able to foresee the case and have recourse to Rome so that, with name concealed and with a fictitious indication of residence, he may obtain the faculty of absolving the accomplice; moreover, even in the opinion of others, if he has foreseen the case, he is bound to this.

Article II: On the Solicitation of a Penitent to Shameful Things

639. Dispositions of canon law. - According to can. 904: "According to the norm of the apostolic Constitutions and especially of the Constitution of Benedict XIV, *Sacramentum Poenitentiae*, June 1, 1741, the penitent must denounce to the local Ordinary, or to the Sacred Congregation of the Holy Office, within a month, a priest guilty of the delict of solicitation in confession; and the confessor must, with his conscience gravely burdened, admonish the penitent concerning this burden."

Concerning penalties against delinquents, can. 2368 adds:

"§ 1. He who has committed the crime of solicitation, concerning which in can. 904, is to be suspended from the celebration of Mass and from hearing sacramental confessions, or even, according to the gravity of the delict, declared unable to hear them; he is to be deprived of all benefices, dignities, active and passive voice, and declared incapable of all these, and in graver cases he is also to be subjected to degradation.

"§ 2. But the faithful person who knowingly has omitted to denounce within a month the one by whom he was solicited, contrary to the prescription of can. 904, incurs an excommunication *latae sententiae* reserved to no one, and is not to be absolved unless after he has satisfied the obligation or has seriously promised that he will satisfy it."

640. Solicitation to shameful things is a provocation to grave sin of lust made by a priest with some relation to confession, or by a priest as confessor thus abusing sacramental confession, true or simulated.

It is a very grave sin: a) because grave irreverence of sacrilege is inflicted upon the sacrament, and this is against religion; b) because it constitutes scandal against charity, since it brings lethal harm to the penitent, offering him poison in place of medicine; c) because, if the confessor is a pastor, it contains a special injury against justice, since he himself is bound from justice to feed his sheep by word and example.

It is, then, 1. a provocation to sin, i.e., an action either dishonorable per se, or indifferent per se but outwardly manifesting a shameful affection, by which someone, in the case the confessor, tries to induce another, the penitent, to some sin, whether explicitly, studiously, and deliberately, or implicitly, so that the manner of acting or speaking spontaneously allures.

It is scandal given to the penitent, an invitation or incitement in whatever way it is done by priests, by word or deed, or as Benedict XIV speaks, "whether by words, or signs, or nods, or touch (upon one's own body or another's), or through writing to be read either then or afterward, they have attempted, or with him have had illicit and dishonorable conversations or dealings (i.e., counsels, deliberations, agreements)," provided the induction to evil was certain: for in doubt no one is to be deprived of his reputation, and a doubtful law does not oblige; hence a doubtful delict is not judged a delict.

But true solicitation is present:

a) whether it is efficacious, so that the solicited person consents, or inefficacious, by which someone merely attempted to solicit or provoke, even if the other person understood only afterward;

b) whether it is immediate, for obtaining the consent of the penitent, or mediate, either through the penitent, for inducing another person into sin, or through writing to be read afterward, as some writing concerning shameful things (prop. 6 condemned by Alexander VII; Holy Office, February 11, 1661, n. 1);

c) with any person whatever of whatever sex, condition, and age; for it matters little whether it is a man or woman, pubescent or impubescent, whether he is solicited to sin with the confessor or alone, or with a third person, e.g., a young man with a girl (Sacred Penitentiary, September 2, 1904); provided he is capable of solicitation, such as one sleeping is not, or, for solicitation by words alone, a deaf person or one ignorant of the language.

2. It is to shameful things, i.e., inducing to grave acts against chastity, whether they are grave in themselves, or from an adjunct immodest circumstance, or from libidinous affection outwardly manifested; or to any grave sin whatever of lust, even internal, as of desire or complacency.

Hence the crime of solicitation concerning which there is question is not present:

a) if the provocation was made to another sin, e.g., theft or homicide, although by natural law denunciation can sometimes be prescribed (Holy Office, February 11, 1661, ad 11);

b) if it was made to something dishonorable which is not certainly mortal sin, e.g., something merely sensual, a kiss given in passing;

c) if the solicitation is not complete but only preparatory, so that true scandal is not offered, but only inquiry is made whether the person can be tempted with some hope; nevertheless true solicitation begun suffices.

Hence for judging in practice whether solicitation is present, one must attend whether the words or deeds, if not of themselves, at least from the adjuncts, signify a shameful affection and provoke to a shameful affection. Thus, e.g., if a priest gives a gift in confession, or commits slightly immodest touches, even pressed and rather often repeated, if he expresses his love toward a person, or a wish to marry her if he were secular, or recognition or praise of her beauty and charm, if he asks where she lives, or asks whether she will do what he himself wishes, or requests that she wait for him at home or, on the contrary, that she come alone to the house of the confessor, etc., from the adjuncts and the subsequent effect it will have to be seen what the sense is (Holy Office, February 11, 1661, ad 12 and 16): whether those things are done only from imprudence and levity, or perhaps for a good end, e.g., for admonishing about some danger; or, on the contrary, from a depraved intention, which sense they would easily have if it were clear that the priest, outside confession, nourished shameful love toward that person, or was a man prone to lust.

3. It is from a priest as confessor, whatever he was, whether secular or regular, whether approved or not approved but lacking jurisdiction.

Hence there is not present the special obligation of denouncing from ecclesiastical law:

a) if the one soliciting is not a priest, but an inferior cleric or a layman, who pretend that they are confessors;

b) also, probably, if he is a bishop, because it is uncertain whether he is designated under the word "priest";1 although generally he would have to be denounced by natural law;

c) if an interpreter, even a priest, employed in confession, solicits;

d) if the penitent solicits the confessor to shameful things, even if the latter merely consents, provided the consent does not implicitly contain a new solicitation; on the contrary, if the solicitation is mutual, as if the confessor, first solicited to one species, himself solicits to another, or in the beginning dissents and after some time begins to solicit.

4. It must be with relation to confession or connection with the sacrament of Penance, as will be explained in the following number.

For our case is distinguished:

a) from solicitation made by a priest in the administration of another sacrament without relation to confession; in which case no special denunciation is to be made from ecclesiastical law (Holy Office, February 11, 1661, n. 10), although nevertheless in certain adjuncts such an obligation can be present from natural law;

b) likewise from the sin of complicity, which can be committed without relation to confession, even before someone has been raised to the priesthood.

641. The connection with the sacrament of Penance required is present if solicitation is made by a priest "either in the act of sacramental confession, - or before, or immediately after confession, - or on the occasion, - or under the 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." Thus Benedict XIV in the aforesaid constitution.

1. In the act of sacramental confession, i.e., between the beginning of confession and the end: namely, from the time at which confession is begun up to the last words of absolution inclusive, or, as is said, between the two crosses of the confessor.

But a confession is judged sacramental, provided it has been begun for sacramental absolution, even if it is interrupted and not brought to the end, so that the sacrament in some way remained incomplete, or the penitent for any cause whatever is not absolved.

2. Or before, or immediately after confession, i.e., if between true confession and solicitation no external action or conversation intervenes which does not refer to solicitation.

Hence the crime of solicitation is present if the confessor immediately before or after confession speaks, from libidinous affection, manifestly obscene words, or dishonorably touches the penitent, - or if the penitent, in the act and state of confession, already sitting at the feet of the confessor, asks to confess and the confessor nods assent and then solicits, even if the penitent then presently does not wish to confess, - or if the confessor solicits a woman who after confession approaches to kiss his hand, - or if he immediately leads her into a room or sacristy so that he may solicit more securely there, - or if he immediately says: wait a little, and after an interval (but not on the following day) solicits, - or if he consents to a penitent who is soliciting, but immediately ceases, and defers the completion to another time (Holy Office, February 11, 1661, n. 2): for thus he holds and confirms the penitent in solicitation.

On the contrary, if another action or another true medium has intervened, the case is not had, as if the solicitation is done on a day other than the confession, or after speech about indifferent things or another business, or if the confessor approaches and solicits the person after she has already gone out from the confessional, or after he has heard another penitent, unless, however, he began in confession by saying, e.g.: wait for me a little, and said this not for another business but for solicitation.

3. Or on the occasion of confession, i.e., if from a confession truly sought or made a motive or opportunity is taken for provoking to shameful things, so that confession is the per accidens cause of soliciting the penitent.

Thus 1. on the occasion of a confession sought: if the penitent (expressly or tacitly) asks to confess at once and, wishing to begin, is impeded from this by the confessor who immediately provokes him, confession being delayed to afterward; or if the confessor, called and asked for this, approaches a sick person as if about to confess him, and on this occasion solicits;

Or 2. on the occasion of a confession heard: if the confessor in confession or immediately before or after confession hands to the penitent a note or letters to be read afterward, in which he solicits to shameful things (prop. 6, condemned by Alexander VII; Holy Office, February 11, 1661, n. 1); or if, knowing the inclinations or temptations of the penitent, he solicits him, provided it is clear that this is done from the hearing of confession, by which even then he was impelled to this intention; concerning which, however, it will rarely be clear.

On the contrary, at least probably, one does not solicit on the occasion of the confession itself:

a) who merely abuses knowledge drawn from confession, e.g., about the frailty of the penitent, for soliciting him: then it is not done on the occasion of the confession itself, but on the occasion of knowledge drawn from confession;

b) who hands to the one confessing a note to be carried to another person, whom the confessor thus solicits, provided the penitent himself is in no way an accomplice: for then the penitent himself is not solicited;

c) who, when asked for confession, solicits her when confession is not to be heard immediately but on another day or hour; indeed, according to some, even now, but while he is not yet sitting after the manner of a confessor nor has the person kneeling before him (Holy Office, February 11, 1661, n. 4): for then it is not done on the occasion of confession, but on the occasion of the request for confession.

4. Or under the pretext of confession, even when confession has not followed, i.e., under the veil or color or appearance, or false allegation, of confession for covering a depraved end, namely if the occasion is taken from a fictitious confession proposed uniquely for this end, that it may serve solicitation. Not indeed the penitent, but the confessor must use this pretext in order to solicit the penitent.

Thus if he fictitiously invites some person to confess, so that more easily he may induce her to shameful things, - or if he approaches the house of a sick person and speaks to her about confession in order to remove those standing by, and when they have gone, solicits her, - or if, under the pretext of confession, he asks her to enter a room as if a confessional, and then solicits; - but probably not:

a) he who, to elude others, agrees with the person that she pretend herself sick: for he does not solicit under the pretext of confession, but merely carries out the sin, so that the pretext of confession is not ordered to soliciting, but to deceiving others;

b) nor he who, under the pretext of confession, asks permission from a superior that he may go to the person whom in reality he intends to solicit: for the pretext is not with respect to the penitent but to the superior, so that solicitation is not made under the pretext of confession, but only permission is granted;

c) nor he who, under the pretext of confession, invites the person to go to the church, and there, outside the confessional, solicits her: for not the solicitation itself, but only the invitation to approach the church, was made under the pretext of confession;

d) nor he who outside the time and place of confession solicits the person and, that she may more easily yield, promises that he will afterward hear her confession: under the pretext of confession the solicitation itself is not made, but only consent is obtained;

e) nor a fortiori he who merely consents to the person calling and soliciting him.

5. Or even outside the occasion of confession, in the confessional, or in another place destined or chosen for hearing confessions, but with simulation of confession. These two things must be present, so that it is done in a place of confession and at the same time confession is simulated (Holy Office, February 11, 1661, n. 15):

a) simulation or figure of confession is had if they act in such a way that in appearance they seem to institute confession (e.g., the priest applying his ears), so that bystanders would rightly judge that confession itself is being heard. For this there is also required

b) a place of confession: that it be done in a confessional or in a special little room destined for hearing confessions, such as a cell or sacristy where those somewhat deaf are customarily heard, or a parlor destined for confessions of priests (Holy Office, April 28, 1700), or a place where the confessions of nuns are heard (Holy Office, November 25, 1874); - or in any other place chosen transiently for confessions according to adjuncts, as is the room of a sick person, or a sacristy or choir or open place in a time of great concourse of the faithful; - but not in a place chosen precisely for this one simulated confession.

Thus if a penitent who comes, with either a good end (as for seeking counsel) or an evil one (as for tempting the confessor), into a place destined for confessions, and there is solicited with simulation of confession; or if a person wishing to communicate something to the priest is led by him into the confessional and there, confession being simulated, is solicited; or if both, mingling shameful conversations, enter the confessional and, confession being simulated, continue in shameful speech (Paul V, July 10, 1614); - but not if the confessor, sitting in the confessional but not simulating confession, solicits a person standing or sitting before the confessional (Holy Office, February 11, 1661, n. 15).

1. On this in our little work: *De Poenitentiae Ministro*, c. 5, q. 2, II, 3.

642. The obligation of denouncing those who solicit. - The grave obligation of denouncing those who solicit is present not only generally from natural law, by which all are bound to this if it is necessary for removing scandal; but also specially from positive ecclesiastical law, by which solicited penitents are obliged within a month, and indeed under penalty of excommunication *latae sententiae* reserved to no one.

The end of this precept is not only the amendment of a particular person, but rather the public security of the sacrament and of souls, to be obtained from the certain chastisement of the crime and from the unavoidable fear of confessors.

According to this statute of the law:

A. All and only priests are to be denounced, even those not approved or lacking jurisdiction (Holy Office, February 11, 1661, n. 5; and February 20, 1867, n. 2), whether secular or regular, of whatever preeminence or dignity (episcopal dignity nevertheless probably excepted, as we noted above, n. 640, 3), soliciting by themselves; - but not mere interpreters or messengers of solicitation, or those commanding or counseling it, according to the Holy Office, February 11, 1661, n. 6 and 7.

They are to be denounced, even if they at once repented of the solicitation made or if, solicitation having been begun, they at once ceased (ibid., n. 2), or if they were induced by grave fear (ibid., n. 9), or if they solicited a penitent not noticing the malice of the sin (Holy Office, May 11, 1707); - even if the crime was committed a long time ago and remained occult or cannot be juridically proved (prop. 5, condemned by Alexander VII, September 24, 1665), or no admonition or fraternal correction preceded (Alexander VII, April 8, 1660); - or they themselves have departed to a distant land or are now amended, indeed those who have spontaneously denounced themselves (Holy Office, July 26,

1628), or have even been fully convicted and punished by a judge (Holy Office, February 11, 1661, n. 13), especially if there is question of a new crime or of the solicitation of another: provided they are still living; - but not the dead (Holy Office, May 27, 1707, and March 6, 1839; Sacred Penitentiary, April 24, 1884).

For the end of the law is not the amendment of the one soliciting alone, nor his punishment alone, but both at once; wherefore those also are to be denounced who are now amended or already punished, because the total end of the law has not yet ceased; but not the dead, because the end can no longer be obtained, but has totally ceased. Wherefore if some have been judicially fully convicted of the crime to be denounced, and at the same time appear fully and perfectly amended, so that relapse does not seem to be feared, there would no longer be an obligation of denouncing; but this scarcely holds in practice, since, considering the strict secrecy to be kept in cases of this kind, it is scarcely ever clear for what crime the priest was convicted and punished.

B. Solicited penitents are obliged to denounce, even if they did not understand the solicitation and only later recognized it (Holy Office, May 11, 1707), or, on the contrary (Holy Office, July 25 and September 27, 1624), themselves consented, or first solicited so that the solicitation was mutual, since they can keep this silent, indeed even deny it if, may it not happen, they are questioned about it from above (Holy Office, July 25, 1624, and February 20, 1867, n. 6); - even if a long interval of time has intervened (prop. 6 condemned by Alexander VII), the crime has remained occult and there is defect of proof, or if they promised or swore that they would never denounce, because a promise concerning an illicit thing does not hold, and an oath cannot bind to iniquity; - indeed if denunciation has already been made by another: for the law constrains each of the solicited.

Yet they are excused:

1. On account of the death of the soliciting priest, as was said.

2. On account of great extrinsic inconvenience, as long as it lasts (Holy Office, February 21, 1630, and February 20, 1867, n. 5): thus a notable harm or grave danger in the goods of life, reputation, or fortune, also, probably, for very near blood-relatives, unless from omission the common good of religion would be gravely endangered; likewise moral impossibility, which in certain regions can be had rather easily, of making the denunciation either orally or by letters (Holy Office, February 21, 1630, and January 22, 1727); - but not inconvenience intrinsic to the precept, such as fear of incurring a certain indignation before the one soliciting, shame in manifesting the solicitation, danger of a light inconvenience or a light danger of a graver one; nor even danger of one's own infamy or publicity, which is not given on account of the precautions customarily employed.

3. On account of dispensation of the Holy Office, which is rarely granted; nevertheless it can be sought if the penitent, even irrationally, altogether refuses that he will make denunciation (Holy Office, February 20, 1867, n. 7): for sometimes, if too great a repugnance of the penitent is present, or not so great a utility of denunciation, dispensation can be granted.

Besides the penitent himself, in the new law it now seems that it cannot be urged that others who certainly know the solicitation are obliged to denounce by force of ecclesiastical law. For canon 904

expressly says: the penitent; although nevertheless excellent authors, such as De Smet and Vermeersch, defend that the old law still stands in force in this matter; but this is not certain. Yet those who knew the matter from professional secrecy never had to denounce; nor did the soliciting confessor himself have to denounce himself (Holy Office, November 17, 1624), although, if he does this, he will be treated more mildly and will be immune from vindictive penalties, not however always from medicinal penalties (Holy Office, February 20, 1867, n. 13).

C. Confessors are bound under grave obligation to admonish penitents concerning the obligation of denouncing, even if the latter in good faith are ignorant of the obligation, and it is foreseen that they will refuse to denounce (Holy Office, February 20, 1867, n. 3): for the common good demands this; - with the sole exception of the article of death, lest penitents be cast into danger of damnation. Moreover confessors must teach the obligation of denouncing, the time within which it is to be fulfilled, the penalty to be incurred, and the manner of making denunciation.

If penitents refuse to denounce without a grave excusing reason, they are not to be absolved, as being indisposed (Holy Office, February 20, 1867, n. 5); but the confessor can have recourse to the Sacred Penitentiary or the Holy Office, to receive instructions or even to obtain a dispensation.

Nor are they freed from the obligation by the fact that they confess before the soliciting confessor himself, who is not bound to admonish them against himself, as is clear from the very words of the pontifical Constitutions; Alexander VII condemned proposition 7: "The way of avoiding the obligation of solicitation is if the one solicited confesses with the one soliciting: this latter can absolve him without the burden of denouncing."

643. Penalties established by law. - A. Penalties against those soliciting are *ferendae sententiae*, as is clear from can. 2368, § 1 cited above. Three can be inflicted: suspension from the celebration of Mass, - suspension from hearing confessions or inability for them, - privation of benefice, active and passive voice, dignity, and inability for these; indeed, in graver cases, degradation. Since the censures are *ferendae sententiae*, they are judged to be from man according to can. 2217, § 1, 3; hence they cannot be remitted except by the Ordinary who inflicted them, or by a competent superior (can. 2245, § 2).

Nevertheless they cannot be inflicted at once from the first denunciation, unless perhaps the reputation is bad and the one denouncing is beyond every exception; but the practice is that 1. after one or another denunciation, as suspect of the crime, the denounced confessor is observed; or even 2. that he is paternally admonished or, if the crime is certain, subjected also to salutary penance, such as removal from the place of the crime and spiritual exercises to be performed; finally 3. after the third denunciation he is called into judgment. This supposes that the accused is admitted to defense.

But if the accused has appeared spontaneously and has sincerely confessed the delict, he must be dismissed admonished and punished by penance; unless denunciation has already been made, in which case the penalty will be diminished (Holy Office, February 20, 1867, n. 13).

B. The penalty against solicited penitents neglecting to denounce is excommunication *latae sententiae* reserved to no one, as can. 2368, § 2 has. For incurring it there is required:

1. the certain obligation of denouncing; 2) culpable omission, which supposes knowledge of the obligation and also of the censure, so that ignorance of the latter excuses, unless it is affected;

3) the lapse of one month, which runs from the moment at which the solicited person knows the obligation and the time of fulfilling it and the annexed censure.

A penitent who incurs the excommunication cannot be absolved unless he has made the denunciation, or at least has seriously promised to make it; once this has been done, he can be absolved by a simple confessor, because the censure is reserved to no one. "But if afterward, with his will changed, he does not denounce, the censure does not revive," says Noldin, *Th. M.* III, n. 379, "because in law there is nothing concerning reincidence."

C. The penalties against false denouncers are two:

a) From can. 894, a false accusation made by oneself or through another (e.g., through a confessor) before ecclesiastical judges is a sin reserved to the Holy See by reason of itself. To incur this it is necessary:

1. that a priest be denounced as guilty of solicitation properly so called, namely in connection with confession, as was explained in n. 641;

2. that the denunciation be false materially and formally, so that the confessor is not known to be guilty of this delict, although perhaps he is guilty of other similar delicts;

3. that the denunciation was made before ecclesiastical judges, which many understand in the stricter and formal sense of a judicial denunciation.

But if it must be understood thus, which nevertheless is not certain, an anonymous denunciation or a simple signed letter would not suffice.

Ignorance does not excuse from the aforesaid reservation, because reservation of sin is not a mere penalty, but principally and immediately a calling-away to the tribunal of the superior, and therefore a restriction of the power of the confessor, which only mediately affects the penitent, as we said in n. 593 (can. 893, § 1), and because no ignorance excuses from an incapacitating law (can. 16, § 1).1

b) From can. 2363, false denunciation made by oneself or through others before superiors incurs excommunication reserved in a special manner to the Apostolic See. By these altogether general terms there seems to be comprehended not only a strictly juridical denunciation before judges formally acting as such, but any denunciation whatever directed to superiors, even by letter; - not however an anonymous one, since it has no force (Holy Office, February 20, 1867, n. 6). Certainly, not only the denunciation which is made in the judicial instruction itself, but also that which seeks this and warns concerning an instruction to be made, is already made before superiors as such; - otherwise that penalty providently introduced would too often be eluded.

Yet ignorance excuses from the penalty, not indeed ignorance of the reservation alone, but of the censure, not however crass nor affected ignorance. But from this no one can be absolved in any case according to can. 2363, unless:

1. he has formally retracted the false denunciation before the superior, or has already placed a means sufficient for this, or, if this is here and now impossible, has seriously promised it;

2. he has repaired according to his powers all the harms following from the calumnious denunciation;

3. he has accepted a grave and lasting penance. Grave is that which per se must be given for grave fault in the sacrament; lasting is that which endures for about six months or more, with attention to the quality of the person and the nature and frequency of the work imposed.

From all these things it follows:

1. The reserved censure extends more widely than the sin reserved by reason of itself.

2. Nevertheless the reservation of the sin can be contracted without the reservation of the censure being contracted, e.g., on account of ignorance.

3. The reservation of the censure sometimes ceases without the reservation of the sin ceasing, and conversely the reservation of the sin ceases, e.g., in the case of a sick person who cannot leave the house, without the reservation of the censure therefore ceasing.

4. One who can absolve from one cannot always absolve from the other.

5. Accomplices also are touched by both reservations, since they denounce through others; namely, those commanding, mandating, counseling, asking, promising, threatening, etc., in one word, all who positively and efficaciously concurred in the false denunciation.

644. Corollaries concerning doubtful solicitation. - 1. In doubt whether the action performed or the words spoken carry with them and signify solicitation, if there is doubt only about the intention of the confessor, the end is presumed to have been present which is consonant with the action performed or the words spoken.

2. If the external action itself, not only according to itself but also after all the circumstances and indications both on the part of the thing and on the part of the agent have been considered, remains ambiguous, so that the delict is truly doubtful, the more benign side can be preferred and denunciation is not from ecclesiastical precept.

3. If solicitation is certain, but there is doubt about the person, denunciation must be made so that the superior can inquire concerning the person of the one soliciting, so long as inquiry can easily be made without danger of defaming an innocent person; hence: a) it will have to be denounced if there is probable hope that the judge by his diligence can uncover the unknown person; b) on the contrary, one who is hesitating doubtfully between two persons and must indicate each in the denunciation should for the most part abstain from denunciation lest he harm the reputation of an innocent person.

645. The manner of making denunciation. - According to the norm of law:

A. Denunciation must be made to the Holy Office or to the Ordinary of the place (can. 904), i.e., to the bishop, or abbot nullius, administrator, vicar or prefect apostolic, and to him who, in the absence of the aforesaid, succeeds in governance (can. 198, § 1, e.g., a capitular vicar), or to their delegate; -

but not to the vicar general without a special mandate (can. 2220, § 2), nor a fortiori to religious superiors (can. 501, § 2), who, although they come under the name of Ordinary, nevertheless do not come under the name of Ordinary of the place (can. 198, § 2).

But per se denunciation is to be made to the proper Ordinary of the soliciting priest; nevertheless in practice it can also be made before the Ordinary of the place in which the delict was committed, or even the Ordinary of the penitent, who then must transmit the denunciation received to the Holy Office or to the proper Ordinary of the one soliciting.

B. Denunciation must be made personally and by living voice by the solicited person herself,

either 1) before the bishop or his delegate, and another ecclesiastical man serving as notary, and with oath and signing of the name (Holy Office, February 20, 1867, n. 6);

or 2) before the confessor or another ecclesiastical man, to be deputed for this by the bishop, but without the intervention of a notary (ibid., n. 8).

For making this denunciation, in practice an extrajudicial denunciation must ordinarily precede:

a) If the solicited person is able to write, let her write herself to the bishop, with her own hand, and in letters not anonymous but signed with her name and domicile, let her set forth that she is bound to make denunciation and ask that the manner in which it is to be made be indicated, or that a delegated person be sent to receive it; - or even let her manifest the delinquent, reporting the place, time, occasion, occurrences, and individual adjuncts, and also whether it happened in the act of confession, or before or after, and also the name and office of the confessor, or, if this is unknown, an accurate description of his person. And let her say that she is ready promptly to conform herself to the instructions to be given by the bishop; adding, if grave reasons are present, that she cannot approach the episcopal curia, but waits for a delegate to be sent, or even that denunciation may suitably be made only to the confessor.

b) If she does not know how to write, or cannot without grave inconvenience, let her approach the bishop by herself or through a faithful messenger; - and if she cannot do this (or does not wish to), it is expedient that, with the permission of the penitent, the confessor write (ibid., n. 7), not indeed to complete the denunciation in place of the penitent, but to inform the Ordinary, under pseudonyms, concerning the fact of solicitation and to ask, with regard to the impossibility of the penitent, for opportune instructions. Nevertheless the confessor is not strictly bound to this; unless exceptionally grave public harm is imminent. And if the confessor does not wish to do it, the penitent will be able to await the occasion of another confessor who is willing to perform this ministry.

The penitent who has admonished the Ordinary and is prepared to stand by his mandates can be absolved, and per se it suffices that thereafter he await the response of the Ordinary.

C. The Ordinary must diligently inquire whether the person denouncing is worthy of faith, and before proceeding against the denounced, have it ascertained "that the women or men denouncing are of good name and are not led to accuse either by enmity or by another human affection."

Thus the Instruction of the Holy Office, February 20, 1867, n. 10. But the manner in which he must inquire concerning this was defined by the Holy Office in the instruction of August 6, 1897; the manner of receiving denunciations in the instruction of July 20, 1890.[1]

[1] De Smet nevertheless judges the contrary, because according to the Benedictine Constitution this reservation is a medicinal penalty, from which, according to can. 2229, § 3, ignorance excuses if it is not crass. But this no longer holds in law, in which it is expressly said, can. 893, that reservation limits the power of the confessor, and in the immediately following canon 894, false accusation is called the one sin reserved to the Holy See by reason of itself. Therefore it is no longer principally a medicinal penalty, but a calling-away to the tribunal of the superior and a restriction of jurisdiction; as is now generally acknowledged. - Moreover practically ignorance is rarely present, since those denouncing a confessor must be admonished by the judge or delegate concerning the reservation.

646. Observation. - A priest guilty of solicitation per se can be absolved by a simple confessor, provided all other requisites are present, because solicitation is not a reserved case (Holy Office, September 13, 1859, ad 3), unless nevertheless there is also at the same time a case of absolution of an accomplice; but the priest must be admonished not to hear the confession of the solicited person, so that he may avoid the danger of relapse. But if he has already been punished and suspended, a simple confessor cannot absolve from the suspension, because, as *ferendae sententiae*, it is as though from man and therefore reserved.

1. On these things our little work *De Poenitentiae Ministro*, c. 5, q. 2, V, C and X, can be consulted; where practical rules to be observed by confessors both toward the soliciting priest and toward the solicited penitent are also handed down, ibid. IX.

Fifth Part: On the Subject of Penance

647. The subject of Penance is every and only wayfaring man, baptized, a sinner, truly contrite, and confessing in some way. He must be:

1. a wayfaring man, because for him alone were the sacraments instituted;

2. baptized, because Baptism renders men capable of receiving the other sacraments, which otherwise would be received invalidly;

3. a sinner, i.e., one who after Baptism has committed at least a venial sin, because the virtue of penance is only concerning actual personal sin, and the sacrament of penance was instituted for the remission of sins committed after Baptism; but if he were not a sinner, the words of absolution would not be verified and the absolution would be invalid;

4. contrite, at least with imperfect contrition; otherwise he would not be truly penitent, since contrition is the principal and essential act of penance, without which it is impossible to obtain remission of actual sin (n. 412 and 483);

5. confessing in some way, or externally accusing himself of being a sinner. For without external accusation the sins and dispositions of the penitent would be unknown to the minister, who would not be able to exercise judgment; but any external accusation whatever, even the smallest, suffices for this, in circumstances in which greater integrity of confession is impossible (n. 525).

All the aforesaid things are necessary for the validity of the sacrament, as is sufficiently clear from what has been said before; and yet among them certain things are directly required for the capacity of validly receiving the sacrament, while others are rather required for the disposition of good and

fruitful reception, although nevertheless they can also be required for validity because of the special character of the sacrament of Penance.1

Question One: On the Requisites for the Capacity of Valid Reception

648. The use of reason and intention are required for the capacity of receiving the sacrament of Penance. - In order that a man be capable of validly receiving this sacrament, it is not sufficient that he be a wayfarer, and that he has been baptized and is a sinner, but in addition there is required the intention of receiving the sacrament, and therefore the use of reason. Moreover a habitual and implicit intention does not suffice, but an actual or virtual intention is also required at the moment at which the penitent places his part of the sacramental sign, i.e., elicits contrition and makes accusation; and since these are human actions, they cannot be done without the use of reason and due intention (n. 93). Therefore the use of reason is required in the penitent at the moment at which he forms the intention, elicits contrition, and makes accusation.

These things are indeed clear, but in practice they can present difficulty in certain penitents, for example in children, the insane, deaf-mutes, or the dying. Concerning these we shall speak individually.

Article I: On Children, the Insane, and Deaf-Mutes

649. Children are bound by the precept of confession if they have attained the use of reason, by which they are able sufficiently to discern between moral good and moral evil so as to sin mortally, and to deliberate concerning themselves and concerning the ultimate end of the whole of life, or eternal salvation. This discretion they generally attain around the seventh year, a little before or after.

Yet this does not depend on age alone, but also on keenness of mind and quality of education, and on other circumstances of time and place: thus they become mature earlier in warmer regions than in colder ones, in a city than in the country.

They are judged to enjoy the use of reason for confession when they distinctly explain their sins, answer suitably the questions proposed by the confessor, and understand that grave offenses offend God or are punished with eternal punishments. On the contrary, if they can say nothing spontaneously or recite only formulas committed to memory, if they answer affirmatively to all proposed questions, or negatively without any discrimination, or if for the most part they contradict themselves, they are rightly judged to lack the use of reason. In doubt whether they have attained sufficient discretion, outside danger of death they are not bound to confess.

Three rules concerning children are to be attended to:

1. Absolution certainly cannot be denied to children who have committed grave sins, if otherwise they seem disposed; hence the practice of those is wholly to be reprehended who dismiss without absolution those who have not yet been admitted to first communion. Nor should it be held as a sign of indisposition if about the confessional they act childishly, play, laugh, since these things are from natural lightness and lack of consideration and in themselves are not grave.

2. If it is doubtful whether they have the use of reason, or whether they are sufficiently disposed, they are to be absolved under condition ("if you are capable") in danger of death, or when the

precept of annual confession urges, indeed whenever they accuse themselves of those things which of themselves are mortal, lest, namely, they remain in the state of sin if perhaps they have sinned.

3. If they have accused themselves only of venial sins, they are to be stirred up to contrition and, if they are sufficiently disposed, absolved, lest they lack sacramental grace; if after exhortation they remain doubtfully disposed, because, for example, there is doubt concerning their sufficient discretion, they are not to be absolved, even under condition, because there is not a sufficient reason for exposing the sacrament to danger of nullity; unless at some time there is reason to fear lest perhaps they are liable to some hidden mortal sin.

Many other practical matters can be seen in our pastoral little work *De Variis Poenitentium Categoriis*.

650. The perpetually insane cannot receive absolution, of which they are incapable; not so those partly insane or half-witted:

1. If these can certainly distinguish between moral good and moral evil, although confusedly, and otherwise seem well disposed, they can be absolved, not only once, but several times in the year.

2. If there is doubt concerning their sufficient use of reason and whether they can sin gravely or not, they are to be instructed and disposed in the best way possible and absolved under condition in danger of death, indeed at times in life, at least once a year, and whenever it is probable that they are in the state of mortal sin, lest, namely, they remain in sin if perhaps they have committed something.

But since the half-witted, on account of slowness of understanding and weakness of memory, are scarcely able to retain in memory even necessary truths, let the confessor take care to dispose them so that they elicit the necessary acts of faith, hope, and contrition, proceeding thus, for example: Do you believe in one God? Do you believe that there are in God three distinct and perfectly equal persons... and that the Son of God for our sake was made man and redeemed us by his blood? Do you believe that God punishes the wicked and grants eternal rewards to the good? And so forth concerning the motives of contrition.

Let it be noted that it is not a sufficient sign of discretion that they reverence the clergy, rightly execute certain commands, bend the knees, or strike the breast, because they can do these things because they see them done by others. But signs such as we indicated concerning children suffice.

651. Deaf-mutes today can be instructed rather easily, and if they have been instructed, can confess by signs or in writing. But if they have not been instructed by new methods, the confessor should first inquire from their relatives what sins they commit more frequently and what signs they are accustomed to give; then let him lead them into some hidden place where by signs they may endeavor to declare certain sins at least in a confused way and to express their contrition; likewise by certain signs, for example by lifting their eyes and hands to heaven, by showing a crucifix, let him exhort them to contrition, and let him absolve them absolutely or conditionally, according as he is certain or doubtful concerning their capacity. In a similar way also he can indicate the penance, for example by showing a rosary or a certain decade of it.

Let it be noted: a) deaf-mutes per se and apart from grave inconvenience are bound to write their confession if they can write and cannot otherwise confess integrally (n. 519 and 525). But because this is considered by some as an extraordinary means, it is not to be imposed strictly unless they cannot confess otherwise at all; but nevertheless they should be gently led to do this, if they can write (for example on a slate tablet), since thus the integrity of confession is better procured, and in the same way the priest can answer them suitably;

b) yet to avoid the danger of violating the seal, once the confession has been completed, the writing is immediately to be erased in the presence of the penitent;

c) a deaf-mute who is also blind from birth, who formerly was said to have to be held as perpetually insane, as being incapable of instruction, in our age is no longer excluded from all instruction: although the matter is more difficult, nevertheless it is not held impossible.

Article II: On the Dying

652. The dying do not present a special difficulty, unless they are at least apparently deprived of their senses and cannot speak: for then in them the use of reason and due intention can be lacking, and the very matter of the sacrament. For although by reason of their state they are certainly excused from the material integrity of confession, nevertheless they can be deficient in contrition, or in its sensible manifestation, and in the essence of confession, which nevertheless are the proximate matter of the sacrament or the condition without which there is no absolution.

Concerning them the principle holds: they are to be absolved absolutely if they are certainly disposed and have manifested that disposition in some way; conditionally whenever in some way, even slightly, it is probable that absolution will be profitable to them.

For the sacraments are for men, and in extreme cases extreme things are to be attempted; hence in a case of extreme necessity it is licit to use doubtful matter and to expose the sacrament to the danger of nullity, provided that some probability, even slight, is present of valid absolution useful to the recipient. - Yet mere possibility does not suffice, since in practical matters probability is attended to, not mere possibility; otherwise all would have to be rebaptized, and all priests reordained, because it is strictly possible that Baptism or Order was conferred invalidly.

In other words: the law of religion is that a sacrament cannot be exposed to the danger of nullity; the law of charity obliges in a case of necessity to assist one's neighbor. But charity obliges more than religion. Hence in a case of urgent necessity, the law of religion ceases while the law of charity remains. For it is better to expose the sacrament to the danger of nullity, provided it is in some degree probable that the sacrament can be valid, than to leave a man exposed to the danger of eternal damnation.

Therefore: 1) The dying person is to be absolved absolutely: a) if he has in the present certain sufficient signs of contrition, or b) if at the moment of absolution, being wholly deprived of senses, he now gives no signs, but earlier gave certain signs to the priest himself, indeed c) if in the presence of witnesses he asked for the sacrament or for a priest and in the meantime lost speech and the use of reason.

For in these cases there is contrition virtually remaining, and a sufficient confession made at least through an interpreter; and from the material integrity of confession so great a necessity most

certainly excuses.

2. A dying person who gives no sign of penance and has not explicitly given one is to be absolved conditionally ("if you are capable"): a) if he has lived as a Christian, or b) has preserved the faith.

For these can rightly be presumed to wish to die as Christians, and moreover to have elicited an act of contrition before they lost the use of reason, or even now to elicit it through some lucid interval and perhaps to exhibit a sensible sign through sighs or movements of the eyes or lips or other signs of this sort, even if the priest does not distinctly perceive it. Hence they can be absolved, but under condition, because there is not certain contrition, but only some probability of contrition, and the probability that it is externally manifested is still smaller.

Those are judged such who have preserved signs of the Catholic faith, for example medals, a rosary, a scapular; and unknown persons are equated with these who probably are Catholics, because they have lived in a Catholic region. Indeed, according to some, a dying Catholic who in the very act of sin, for example in drunkenness, adultery, or a duel, lost the use of reason, nevertheless can probably be absolved under condition, provided that from his life some probability of contrition is had, inasmuch as at the moment at which he felt himself losing the use of reason, perhaps he changed his mind and detested the sin.

3. In no way is that one to be absolved who, after a life spent impiously, before being deprived of the use of reason, positively refused out of contempt; unless, however, that manner of acting can be judged to have been revoked, not indeed by mere conjecture, but by some sign of contrition: otherwise all probability of conversion is lacking.

Although under the influence of signal grace it is most certainly possible that he was converted, nevertheless in the case this is altogether improbable, as being supported by no solid reason.

Let it be noted that in the aforesaid cases it is always expedient that the priest, before imparting absolution, speak to the dying person and excite him to contrition. For experience establishes that there are dying persons who are able to hear, although they cannot speak or give certain signs; in which case they themselves are helped to contrition in this way.

653. Can schismatics or heretics also be absolved at the moment of death? - As long as they are in control of themselves and enjoy the use of reason, "it is forbidden to minister the sacraments of the Church to heretics and schismatics, even those erring in good faith and asking for them, unless first, having rejected their errors, they have been reconciled to the Church" (can. 731, § 2 and Holy Office, May 17, 1916). But if they do not wish this, or the priest has judged it more prudent to leave them in good faith, nevertheless let him take care that they elicit acts of faith, hope, charity, and contrition. - But if they are now deprived of their senses:

1. Schismatics who are in good faith can be absolved under condition, scandal having nevertheless been removed (Holy Office, July 20, 1898 and May 17, 1916).

2. Likewise heretics who are in good faith and at the same time admit the sacrament of Penance; not however if they positively reject it or even negatively do not acknowledge it, because they

> lack the intention of receiving it. And although they have the will of saving themselves, nevertheless they do not have the will of receiving the sacrament and of confessing, or of saving themselves through such a means. Perhaps they would wish to confess if they knew that the sacrament of Penance is a means necessary for salvation, but now they do not will this (n. 93).

More recently certain authors judge more benignly, also arguing from parity from the praised decree of May 17, 1916. But the decree speaks only of schismatics, in no way of heretics; nor is there parity, because schismatics are presumed to have the will of receiving the sacrament, but not so heretics who do not admit it.

Yet someone placed an exception in the case in which a heretic, before he was deprived of senses, said that he wished to be helped in the way in which a Catholic priest is accustomed to help the dying. Yet this is understood with great difficulty, indeed more difficulty for Penance than for Extreme Unction: for how would such a heretic wish to conceive sorrow and to manifest himself as a sinner and sorrowing in order to absolution, which he does not admit?

654. What is to be done with the apparently dead? - They cannot be absolved (or anointed), even under condition, if they are morally certainly dead. But from recent experiments it is established that life can remain in the body for some time, even when someone seems to have given forth his last breath, because generally life recedes from the body only successively. Hence certain persons from among those who were apparently dead (for example suffocated, rescued from water or fire), after three hours, by rhythmic traction of the tongue, were brought back to life. Therefore, the other conditions being supposed, those can be absolved (and anointed) who by such a process show certain signs of life, at least sensitive life; indeed, under condition, those who, although they seem dead according to ordinary signs, are prudently judged to survive.

In practice, when a certain sign of death is lacking, if here and now the judgment of a physician cannot be had:

a) In a case of wholly sudden death, they generally can be absolved within two or three hours, because then it is in some degree probable that life remains for some time on account of the resistant vital forces which are not destroyed suddenly; not longer, because it is no longer probable, although in an extraordinary case it is strictly possible that life remain hidden even for several days. An exception is made if the death was violent, for example from compression or tearing away of the principal members, because then death is evident.

b) In a case of ordinary death from a long-lasting and gradually consumptive disease, they cannot be absolved, because it is not probable that life remains.

c) In a case of intermediate death, from a long-lasting disease but with a new sudden influence, which is called a "complication" and greatly accelerates the expected death, they seem able to be absolved for a period of about a half-hour after apparent death.

655. Observations. - 1. If there is probable doubt concerning the validity of the Baptism of non-Catholics, they must be baptized secretly under condition before they are absolved.

2. In positive doubt whether someone is a pagan, heretic, or Catholic, he can be absolved under condition.

3. A dying person in control of himself can be absolved whenever he renews contrition and makes a brief confession and wishes to be absolved; one deprived of senses is not again to be absolved unless there is present a probable reason of a more certain disposition or of a new necessity: not outside this case, as some have said, every three or four hours, because there is lacking a sufficient reason for more often exposing the sacrament to the danger of nullity.

4. Concerning the manner of helping the dying, cf. our little work *De Variis Poenitentium Categoriis*, c. 2, q. 6, VII.

1. This last part of the treatise could be extended indefinitely, if the principles were applied to all the different categories of penitents, as for certain ones we have done in the little works *De Variis Poenitentium Categoriis* and *De Variis Peccatis in sacramentali confessione medendis*. This, however, rather pertains to pastoral theology and to the practical method of ruling souls in the tribunal of Penance. Hence for these matters we refer to works of a more pastoral character.

Question Two: On the Requisites for the Disposition of Fruitful Reception

656. Contrition with purpose is the disposition required for the fruitful reception of the sacrament of Penance. - For it is a sacrament of the dead, instituted for remitting sins committed after Baptism; but for the remission of these there is required contrition, at least imperfect, with the purpose of not sinning for the future and with the other due qualities. These qualities, generally, like contrition itself, are also required for the validity of the sacrament of which contrition is the matter; perhaps, however, it is to be excepted that it be appreciatively supreme, because according to several authors this is not demanded as a condition of validity, although as a disposition for the fruit of the sacrament and for justification it is altogether required.

All these things have been sufficiently explained where we treated of contrition; nor do they present a special difficulty, except sometimes in practice, with certain categories of penitents, concerning whom there can easily be doubt whether they bring due contrition or a firm purpose; as especially concerning customary sinners and relapsers, and concerning those in occasions of sin.1

Article I: On Customary Sinners and Relapsers

657. A customary sinner, or one habituated in sin, is said to be one who has contracted a habit, or a constant internal propensity and facility for committing the same sin, from custom or frequently repeated acts. This habit, therefore, is distinguished:

1. from a mere occasion of sin: for this is external to the sinner, whereas habit is intrinsic; yet habit is often connected with an occasion, inasmuch as it not rarely arises from it or is much increased by it;

b) from a habitual affection toward sin, by which someone with a constant will deliberately adheres to sin: for this is sin and must altogether be put away in confession, whereas habit does not necessarily render one indisposed, since even after it has been retracted it can remain involuntarily.

A habit is acquired by repeated acts. Hence three things are required for contracting it:

1. Frequency, or the number of falls; but how many acts are required and suffice cannot be determined absolutely, but depends on various circumstances: on the character of the sinner, namely on his greater or lesser fragility; on the nature of the sin, more or less alluring, since in certain matters, such as drunkenness or luxury, evil habits are more easily and quickly acquired; on the difficulty or facility of committing the sin; on the mode in which it is committed, with greater or lesser deliberation or adherence of the will, etc.

2. Duration of time: for one who sins several times on the same day and afterward abstains for a long time does not so easily contract a habit as one who regularly commits sin once or twice, daily or every week.

3. Uninterrupted continuation: for just as a habit is lost by cessation from acts, so, if the acts are too distant, it cannot be contracted. Hence:

a) The more easily some sin is committed, the more acts are required for contracting a habit: thus more acts are required for merely internal sins, which are more easily completed, than for external sins; more for sins of the mouth than for sins of deed; more for external sins begun than for consummated sins, and for those which are perpetrated alone than for those which require an accomplice.

Thus, according to St. Alphonsus, *Praxis Conf.*, n. 70, to commit an external sin of deed five times in a month, provided that some interval intervenes between the various acts, can suffice for contracting a habit, as if someone falls each week for several months into drunkenness or pollution; whereas, if there is question of a sin of the heart or of the mouth, a much greater number is required, namely twice or three times in a week; but if there is question of external sins which can be perpetrated only with an accomplice, a smaller number is required, so that one who fornicates once a month for a year, or commits sodomy, can be said to be habituated.

b) One custom is contracted from mere fragility, and another is deliberately contracted from a perfect choice of the will: for there are incontinent customary sinners, who sin only from fragility or from the passing and, as it were, extrinsic impulse of passion, so that habitually their will is opposed to sin, and when the sin has passed they abhor it and easily repent and desire to be freed from the custom; as sometimes happens in those who consent to passions of the flesh, of intemperance, or of anger, and easily happens in blasphemies, imprecations, and pollution; - on the contrary, there are intemperate customary sinners, or those habituated in the will of sinning, who sin from true habit and therefore from malice of will, or from a permanent intrinsic evil inclination and habitual affection toward sin, even without the impulse of passion; and consequently they do not easily detest the sin or are moved to penance,1 as often happens in base love, constant hatred, conjugal onanism, injustice of theft, and transgression of the precepts of the Church from acedia or human fear, or also in sins of the flesh, for those who rejoice in them or from inveterate custom seek them. Hence, says St. Thomas, I-II, q. 78, a. 2: "Whoever sins from habit sins from certain malice." Namely, sin from passion is, as it were, an interpolated disease; sin from habit is a continuous disease (ibid., a. 4).

As we noted II, n. 1032, 2, one who by a firm purpose has efficaciously retracted a vicious habit but has not yet extirpated it is not simply intemperate, since the habit is no longer voluntary to him; hence if from the inclination of the remaining habit it happens that he sins, he seems more to be likened to the incontinent man who falls from passion than to the intemperate man who sins from a voluntary habit. But if afterward he neglects to extirpate the habit, the habit will again be voluntary to him, and he himself again intemperate.

658. A relapser in general is said to be one who falls again into sin; hence a relapsing penitent is one who, after having confessed a sin and been admonished concerning it, falls back into it, even once. Therefore, strictly speaking and per se, there can be a customary sinner who is not a relapser, as one who has never confessed the sin in the custom of which he perseveres; and there can be a relapser who is not a customary sinner, as one who after confession falls back into a sin several times. Nevertheless, in present-day theological acceptation, a relapser is usually said to be one who, after he has confessed some sin, often falls back into the same without amendment, or into the same habit of sin, whether from an internal cause or from an external cause. Hence there must not be confused with such a customary relapser one who relapses into sin without habit or custom, or one who relapses into the occasion of sin alone, such as one who does not keep a promise concerning removing an occasion and again approaches or does not expel the occasion.

Hence one relapser is formal, another material.

He is formally a relapser if the relapse is supposed to proceed from defect of a firm purpose of the will.

For this three conditions are required at the same time: a) frequent relapse after several confessions, after, namely, the penitent has been admonished by the confessor concerning the gravity of the fault and concerning the means necessary for avoiding it; b) relapse into the same sin, but not into others of a different kind; c) defect of all amendment, even begun, so that in almost the same way, with the same facility, at once or shortly after confession, without serious effort either to repel temptations or to apply the means of amendment, he has relapsed. Thus if someone after individual confessions has frequently relapsed deliberately, beginning from one or another day after confession.

He is materially a relapser if the relapse is supposed to proceed from mere infirmity, inconstancy, or fragility of the will.

Such is one who 1) has not been seriously admonished by the confessor, or 2) although admonished, did not relapse into the same sins but into others of a different kind, or 3) although admonished and having relapsed, shows some amendment or diminution of sin, because he has not sinned so often, - or for a rather notable time has seriously tried to resist temptations, - or has applied some one of the assigned means, even if on account of the greater vehemence or frequency of temptation he has sinned as often as before.

659. Principles and rules. - Concerning customary sinners and relapsers three practical rules are usually enumerated:

A. Simple customary sinners who are not relapsers regularly can be absolved whenever they are found truly and sincerely prepared to exhibit the necessary means for conquering the custom.

It is explained: For their disposition it is required and suffices that they retract the custom, and not voluntarily retain the cause and danger of sin; but the custom is retracted through the will of not sinning any more and of extirpating the evil habit through suitable means. These means are both general or common, as prayer, meditation, remembrance of the presence of God, reception of the sacraments, etc., and particular means, which are directly opposed to the evil custom, for example mortification of the senses against impurity, abstinence from drink against intemperance.

It is proved: A confession rightly made, and the declaration of the penitent asserting that he truly grieves and firmly proposes amendment, are sufficient signs of sorrow and disposition, if no presumption to the contrary stands in the way.

But a bad habit alone per se does not give such a presumption: for it is not a sign of indisposition, but of greater facility and probability for sinning. "Although," says St. Alphonsus, *Theol. Mor.*, l. VI, n. 459, "a bad habit renders the sinner more prone to sin, nevertheless it does not give a presumption of his weak will."

Therefore a simple customary sinner who is truly and sincerely prepared to apply the means is judged sufficiently disposed, and consequently can be absolved.

It is confirmed: a) certainly it is not required that he has already extirpated the custom;

b) besides, by applying the prescribed means, he will diminish the force of the custom and gradually extinguish it: for custom is conquered by a contrary custom.

Hence: 1) One who for the first time confesses a bad habit must be absolved, although no amendment has preceded, provided he seriously promises it: for since he has not violated promises, he is to be supposed sincere, and can and must be believed.

2. One who has already confessed a bad custom rather often, but had not been admonished concerning the remedies to be applied, can be absolved if, better instructed, he promises to use them. For the fact that he has not applied the means must be attributed to ignorance rather than to malice.

3. One who, after being admonished, did not sufficiently apply the necessary means and relapsed is a relapser, and is to be treated as such.

B. Material relapsers or incontinent persons, who relapse from fragility and infirmity of will, regularly can be absolved, if they seriously propose amendment and furnish the ordinary signs of the sincerity of their disposition.

For they have fallen either because they were insufficiently admonished, - or, after a serious effort of amendment, from the greater vehemence or frequency of temptation, or from inconstancy of the will in persevering, - or from mere fragility, so that the sin habitually displeases them; and consequently after a fall they at once detest the sin, but from infirmity of will or from the mobility and vehemence of passion they again succumb. Now ordinarily there is no doubt concerning the disposition of these persons.

C. Formal and intemperate relapsers regularly cannot be absolved, unless by special signs they show that they have true contrition and a firm purpose.

Such relapsers are from an evil will, who adhere to the object of sin and from this affection are driven into new sins; hence they are suspected concerning disposition.

For one who sincerely and strongly proposes a thing morally possible to himself, in the case, to avoid sin and to apply the necessary means, does not so easily nor so suddenly change his mind and will, but at least perseveres for some time and applies the means. Hence frequent relapse from a depraved will, without almost any effort and any amendment, generates a prudent suspicion and a founded presumption that the purpose of someone was not sincere and efficacious but only weak, and that even now it is such, if he proposes in the same way as before under common signs.

But this presumption is not destroyed by a simple assertion, which no longer deserves anything but slight faith, but only by special and extraordinary signs.

Therefore such a penitent remains suspected concerning disposition, and consequently the confessor cannot form for himself a prudent judgment concerning his due disposition.

And therefore such penitents are to be held as doubtfully disposed, and they cannot be absolved unless a) they furnish a special disposition or at least extraordinary signs of good disposition, by which they appear morally certainly disposed, so that they can be absolved absolutely; or b) unless there is present a proportionately grave reason, namely one sufficient that they can be absolved under condition, which is verified in the cases enumerated above, n. 616.

Hence false is both the opinion of the Laxists and of some moderns, who say that they can be held as disposed and absolved with ordinary signs, unless at the same time from positive circumstances indications of indisposition are present - as is clear from the proposition condemned by Innocent XI, prop. 60;1 - and the opinion of the Rigorists, who said that they were not to be absolved unless by long experience they had proved amendment.

660. How one must proceed in practice. - From this it is clear how one must act practically:

1. The relapser is to be examined, whether he has notably diminished the number of falls, or has abstained for a notable time after confession, or has fought strenuously even if he has fallen more often than before: such a one can be absolved at once, because he has applied a serious zeal for amendment, of which there is a threefold sign: a) application of means; b) rarer, more difficult, or later relapse; c) perseverance for some not altogether brief time.

2. If serious effort is lacking, special or extraordinary signs are to be sought; and when these have been posited, the relapser can be absolved at once. But extraordinary signs are not necessarily extraordinary dispositions, since simple attrition suffices; but they are signs, more proving, clearer, more numerous, and those which had been given before by the same penitent, of this required attrition at least; hence they are to be considered relatively to the character of the penitent, to the nature of the temptations, and to the other circumstances. Several things are found indicated in n. 617.

3. If even extraordinary signs are lacking, the penitent is not immediately to be dismissed, but is to be disposed to contrition by a paternal and fervent exhortation, even by proposing more efficacious remedies. This work will be easier with an incontinent relapser, who has relapsed from ignorance or from mere fragility, than with an intemperate one, who has relapsed from

affection toward sin. Nevertheless, if after the exhortation he furnishes extraordinary signs of a changed will and promises to apply more efficacious remedies, he can be absolved.

4. If after fervent exhortation the relapser remains doubtfully disposed, he can be absolved under condition ("if you are capable") if a special and grave necessity urges, namely danger of death, marriage to be contracted here and now, grave difficulty of returning (unless restitution must be made or an occasion removed), danger of infamy, a very well-founded danger of alienation from the sacrament or of abandonment of it, namely that the penitent will not return, or imperfect use of reason; - otherwise absolution is to be deferred, because delay is necessary for exploring the firm purpose of the penitent, and the sacrament cannot be exposed to the danger of nullity without urgent necessity.

5. Finally, if it is morally certain that the relapser remains indisposed, he is to be dismissed without absolution.

In the case in which absolution is deferred and the penitent is dismissed, let this be done a) for a brief time, for example 8 or 15 days, not longer, lest he come into despair and sin more often; b) with very humane, not harsher words, lest the penitent say farewell to confession; c) by explaining the reason why absolution is deferred, so that in this way the penitent may understand that the confessor acts thus not from hatred or anger, but from paternal solicitude, and as if unwillingly, because his office requires it; d) by assigning the means which must be applied for obtaining a better disposition, so that thus the penitent may know what must be done in order that he be able to obtain absolution: for delay of itself is not able to change the mind, unless at the same time opportune remedies are prescribed to him.

661. Warning. - In the aforesaid cases the confessor should not be too rigid, lest he cast penitents into despair, nor too benign, lest he allow the negligent to remain in filth.

But concerning a relapser he is bound to form a right judgment for himself. For this, one must regularly inquire whether he has already been admonished by another confessor and what remedies had been assigned to him; whether he has used them; whether he has relapsed as often as before, whether shortly after confession, or after struggle and resistance often offered; when he last sinned, etc. Then it must be considered what are the actual dispositions of the penitent. For this kind of questioning, says Aertnijs, *Theol. Mor.* II, n. 484, q. 2, just as in the care of bodily diseases, so in the healing of spiritual diseases, is fundamental.

Thus generally, unless the state of the penitent is otherwise sufficiently clear, or the examination in the given circumstances seems useless or inopportune.

662. Corollaries. - Marc, *Theol. Mor.* II, n. 1830, posits three conclusions:

1. A relapser returning for the first time can more easily be absolved than the second or third time, because lesser signs are required.

2. Incontinent persons from passion can more easily be absolved than intemperate persons from habit, because sufficient or extraordinary signs are found chiefly in the former, in the latter rarely.

3. A formal relapser, unless certainly indisposed, can be absolved under condition only in those cases (six) in which a doubtfully disposed person can be absolved.

1. Concerning these questions Ter Haar, *De Occasionariis et Recidivis*, deserves specially to be inspected.

1. Cf. I-II, q. 78, a. 2, ad 3; II-II, q. 156, a. 3, ad 2; Q. D. *De Ver.* 24, a. 10; a. 11, ad 4; *De Malo* 3, a. 10.

1. "To a penitent having a custom 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 utters with his mouth that he grieves and proposes amendment." But in the case no hope of amendment appears.

Article II: On Occasionaries

663. An occasion of sin is an external circumstance of a thing or person, furnishing facility for sinning and thus inviting to sin, which constitutes a danger of sinning. Hence it is distinguished a) from internal principles which incline to sin, such as bodily complexion, passions, concupiscence, and bad habits; b) from the danger of sinning, which can be both internal and external and is broader: namely, it is an impulse toward sinning which, if it comes from a person or from an external thing, is called an occasion; if it is from within, it is called a simple danger, so that every occasion is a danger, but not every danger is an occasion; c) from scandal, which denotes an occasion of sin from the external action or word or deed of another; hence, although an occasion of sin is present in every scandal, nevertheless not every occasion is scandal.

Therefore this is constituted at the same time from two things: 1) on the part of the external object, from the impulse and opportunity alluring to sin; 2) on the part of the subject, from the propensity or internal inclination toward sinning.

664. Occasion is divided: A. By reason of influence, it is remote or proximate, according as it has only a certain force of alluring to sin, or also a great force; or according as it constitutes a slight danger of sinning, or a grave danger, so that one who exposes himself, if not more often, at least frequently or several times, will sin.

The gravity of the danger can be recognized by the confessor in a threefold way:

1. from the experience of the penitent or frequency of relapse, if someone previously placed in the same circumstances has for the most part, or at least frequently, sinned; for example, if he sinned ten times in a month with a maidservant, or even if he rarely visits a person and sins with her each time;

2. from what commonly happens, namely when experience is lacking and other special indications cannot be had from the person of the penitent himself; then the rule is to be applied: that which is commonly an occasion of sin for others in the same circumstances is presumed to be such also for this person until the contrary is proved; for example, if a young man prone to lust enters a brothel, or if a younger girl, light in mind and weak in will, dwells for a long time alone with a master vividly soliciting her;

3. from the circumstances and character of the penitent, especially from his known fragility, although he himself has rarely been in the occasion, or has once been in it and has not sinned.

But since the danger can be more or less grave and certain, the rules for the different case will have to be applied more strictly or more mildly.

B. By reason of the person, it is absolute and according to itself, or relative and by accident, according as, considering the fragility of men, it constitutes danger for all, - or only for a determined person, by reason of his own fragility and particular disposition.

Namely, an occasion proximate per se is that in which men commonly sin more often; - by accident it is that which, although it is not proximate with respect to others, nevertheless is proximate with respect to some person, because he has frequently fallen in it, or because his fall is prudently feared. Thus the reading of a very obscene book is absolutely proximate, as are concubinage, lying down with a person of the other sex, a fixed gaze upon a very obscene thing; - on the contrary, entering a tavern is relatively proximate for a drunkard, commerce for an unjust man, conversation with a woman for a lustful man, a lengthy conversation with a beautiful girl for an impure young man, dances for a fragile young man, the office of surgeon or confessor by reason of special weakness, etc. Hence not only can an occasion absolutely slight be relatively grave, but also an occasion absolutely grave can be relatively slight for someone, if he is little moved by reason of some special circumstance, frigidity, habituation, piety, or if he has specially fortified himself with cautions and efficacious aid.

C. By reason of duration, it is continuous and in being, which is present and always or habitually accompanies a man, or which at least morally is continuously present without being sought; - and interrupted and in becoming, not in being, which is absent, and only at intervals occurs or is sought.

Thus continuous is the detention of another's goods or of a benefice accepted simoniacally, retention of a bad book or obscene picture, concubinage or dwelling with a maidservant with whom you are accustomed to sin, assiduous frequenting of a person at your home, etc.; on the contrary, interrupted is entrance into a brothel, or into a tavern for a drunkard, access to a banquet, bad companionship, conversation with a mistress who does not live under the same roof, play for one who is accustomed to blaspheme while playing, frequenting a girl, taverns, dances, etc.

D. On the part of the cause, an occasion is either voluntary or necessary, according as it can easily be avoided without grave inconvenience, or cannot be removed either physically or morally.

Physically, indeed, if in no way it can be dismissed, as if someone is in prison or on a ship with an occasion of sinning, or in the moment of death and does not have time to cast it out; morally, if the occasion cannot be dismissed without sin, or grave scandal, or grave danger of falling into an equal or worse evil (as if a servant would quarrel with peaceful companions such as he would scarcely find in service), or great detriment to the goods of life, reputation, or fortune (even for a rich man), such as loss of office (for example of a physician, advocate), employment, state, fortune. Thus, for example, a husband with respect to his wife; a son or daughter of the family who has an occasion at home; parents for whom offspring furnish an occasion of anger; a student who cannot leave a school or college; the office of physician, merchant, military service; conversation with a girl for entering marriage.

665. Principle. There is by its nature a grave obligation upon each one, as far as lies in him, of removing the proximate occasion of sin.

It is proved: One who knowingly and willingly remains without sufficient reason in a proximate occasion freely wills the occasion in which he will probably sin, and by that very fact implicitly wills sin, and consequently sins and is unworthy of absolution: for he does not have an efficacious will or purpose of sinning no more, but by the fact that he does not avoid a grave danger when he can, he is convicted of loving the sin whose danger he loves. - Or, on the contrary: One who must absolutely will the end must also will the means morally necessary for that end; not indeed doubtful means, but certain or more certain ones. Therefore a man who must absolutely will to avoid sins is bound to avoid grave danger or to remove the proximate occasion, which is the morally necessary and more certain means for this.

Hence a) the Church has condemned the opposite doctrine, namely Innocent XI, propositions 61, 62, and 63, and Alexander VII, proposition 41;

b) the Scriptures also generally warn: "He who loves danger will perish in it" (Ecclus. 3:27); "If thy right eye scandalize thee, pluck it out and cast it from thee: for it is expedient for thee that one of thy members should perish, rather than thy whole body be cast into hell" (Mt. 5:29).

Hence one who remains in a proximate occasion is bound under grave obligation to remove physically the external object alluring to mortal sin; or, if this cannot be done, at least morally, namely by opportune remedies by which the proclivity to evil is healed; - otherwise he is incapable of absolution, because he does not wish to fulfill a grave obligation and lacks the purpose of not sinning for the future. And he commits a sin of the same species as that to which he knows he exposes himself, and so much the graver as that sin is graver and its danger more proximate (I, n. 177).

666. An opinion not to be approved. - A few authors have said that the only proximate occasion to be abandoned is that which constitutes a more probable or morally certain danger of sinning, or in which men sin more frequently or almost certainly; that this must be left behind is evidently demonstrated by the argument brought above. It does not appear, they say, why one sins at least gravely who also has a solid reason for thinking that he will not sin gravely in this occasion which he approaches: for he does not choose a thing which by moral necessity carries sin with it. Thus, for example, Genicot, *Theol. Mor.* II, p. 372, after Ballerini, *De Pecc.*, n. 434 ff., and Noldin, *Theol. Mor.* III, n. 399.

Falsely, however. For:

1. When there is question not of the mere licitness and illicitness of acting, but of an end absolutely to be obtained, we cannot choose a merely probable part, indeed not even a more probable, less safe part, but that which is safer must be done. Now, to avoid formal sin is an end absolutely to be attained. Therefore we cannot expose ourselves to a grave danger, even a merely probable one, of sinning mortally, but we must do the safer thing and leave behind the occasion which includes probable danger. The danger of formal sin before all things is absolutely to be fled.

2. One who exposes himself to a probable danger of sinning, although perhaps only in individual acts, nevertheless at some time probably, indeed certainly, will fall, which must be avoided by

absolute necessity; and therefore as often as he exposes himself to that probable danger, so often he fails against the end to be obtained, of avoiding sin, because on each occasion he rashly exposes himself to grave danger of sinning. But this is a mortal sin from its kind; hence he sins mortally.

3. One who without reason exposes himself to a merely probable danger of bodily death sins gravely; so also one who exposes himself to a merely probable danger of death of the soul, or of mortal sin. Nor can he expect the special help of grace which he needs, who rashly and without cause exposes himself to the danger of sinning.

Hence for a relatively proximate occasion there is not required an absolute frequency of falls, or a number notable in itself, but a relative frequency suffices according to the number of times in which someone has been exposed to the occasion. Thus if in twelve visits someone is accustomed to sin six or five times; likewise if someone, visiting a girl daily, sins ten times in a month; or if they meet every Sunday and fall twelve times in a year or somewhat more; likewise if for two years someone visited a woman only three or four times in a year and almost always sinned with her; indeed if for three years he visited only once in a year and sinned as often as he visited.

667. Practical rules can therefore be established:

A. One who remains in a voluntary and continuous proximate occasion regularly cannot be absolved unless he first proposes to remove the occasion and also removes it.

For since removal of the occasion ordinarily is arduous, there is a proximate danger of breaking the purpose; and therefore if the occasion is not taken away before absolution, the penitent will easily deceive himself (falsely persuading himself that he will resist temptations), so that the purpose is rendered inefficacious and the occasion is not removed. Hence a penitent who, knowing this, would expose himself to this danger would be at least suspected concerning disposition, concerning which therefore moral certitude could often not be had. For why does this man make confession if he does not remove the occasion? And then the confessor, who would expose him to such danger, would sin against his office of physician.

Except, when public scandal is lacking:

1. if the penitent from ignorance or lightness of mind is not conscious that he remains in a proximate occasion, or that the obligation of removing it is grave, and the confessor foresees that admonition will be useless or harmful: then provisionally he is to be left in good faith, and gradually instructed concerning the occasion to be fled, which he will understand better if by experience of his own fragility he has learned that he frequently sins because of it;

2. or the occasion can easily be dismissed, for example, a bad book, a thing of another detained, provided restitution is spontaneously promised;

3. or the penitent manifests extraordinary signs of sorrow and purpose, for example, he has already sent a message to the maidservant that she is to leave the house, or has hired a new maidservant;

4. or a grave cause urges, so that a previous removal of the occasion would do more harm; for example, an imminent danger of death, great difficulty of returning for a long time and of approaching another confessor, as easily happens if the penitent comes from a distant place, danger of infamy or scandal, as easily happens if a sacrament is to be received, grave danger of spiritual harm, for example alienation from the sacrament.

In these last cases the penitent must be admonished that he will not obtain absolution any more unless he has stood by his promises; but if he has been admonished uselessly, he is to be held as a relapser.

B. One who remains in a voluntary and interrupted proximate occasion, for example by frequenting games, taverns, bad societies, can be absolved several times, provided he firmly proposes to beware of it; - but if he has promised several times and no amendment appears, he is to be held and treated as a relapser, and generally, unless perhaps he furnishes extraordinary signs of disposition, absolution is to be deferred until he has actually left behind the occasion.

For he is judged disposed and therefore is to be absolved, unless a) contrary signs are present, as easily happens if he has promised several times and is already habituated, and generally this is gathered from the absence of all amendment; - or b) unless it is better to send him away, with his own consent, so that he may remove the occasion more promptly and firmly.

C. One who remains in a necessary proximate occasion regularly can be absolved, provided he is truly disposed by opportune and efficacious remedies to render the occasion remote; - but if he has promised several times and no amendment appears, he is to be dismissed until he has amended himself, unless perhaps he shows altogether extraordinary signs of disposition.

For on the one hand an occasion is not sin nor does it induce a necessity of sinning, but it can be overcome, although with difficulty, especially with the grace of God; on the other hand no one is held to the impossible, and therefore one who is in a necessary occasion undergoes the danger unwillingly rather than loves and seeks it and exposes himself to the occasion. Hence, if he applies opportune means and humbly asks the grace of victory, he can hope for it from God, of whom the Apostle says: "He will not suffer you to be tempted above that which you are able" (1 Cor. 10:13).

Hence: 1) He can be absolved, provided that a) the occasion is not evil in itself; b) a just cause is present, such as physical inability, or a sin otherwise to be committed, or the danger of an equal or greater sin, or the spiritual good of himself or of his neighbor, or great loss in the temporal goods of life, reputation, or fortune; this cause is required to be the greater, the greater the danger is; c) there is hope of a good outcome, namely, of overcoming the temptation; and d) the penitent is prepared to apply sufficient means.

2. On the contrary, one who after several admonitions always relapses in the same way, even when means have been applied, so that there is no amendment nor probable hope of amendment, cannot be absolved, but is to be treated as a relapser; unless perhaps he furnishes very extraordinary signs, or is also prepared to apply new special means, or, if the occasion can physically be removed, first leaves it behind, according to Mt. 5:29; 16:26; and 18:9; otherwise he is morally certain to sin. For whenever someone is morally certain to sin in some occasion, he is bound to flee it even with danger to life.

And although Ballerini denies the supposition, saying that from the means applied amendment necessarily follows, and that from the absence of amendment it can only be concluded that the means were insufficient or neglected; nevertheless, although this rarely happens, it is not impossible. Indeed, sometimes men are found who do not use the means seriously unless absolution is deferred until they furnish greater extraordinary signs or leave the occasion. Such a one, namely, must return amended, or must remove the occasion, before he is absolved.

668. Means by which a necessary proximate occasion can be rendered morally remote. - Means of three kinds are listed:

1. Some diminish the force of the occasion, such as words seriously and firmly spoken to the accomplice to express horror of the sin committed; opening of the mouth to cry out; relation of the matter made to someone who can apply a remedy (a superior, parents, master), or the threat of this relation; avoidance of all familiarity or solitary conversation with the accomplice; indeed, fleeing even the sight of that person, and neither speaking nor thinking of that person insofar as this can be done. - If certain circumstances generate the occasion, such as evening conversation with a maidservant, conversation in private with a person cohabiting, they are diligently to be removed; likewise if the danger arises from the fact that the accomplice enters the bedroom, let the door be closed and locked; if there is danger from drinking in a tavern, let it be established that he drink nothing there at all, etc.

2. Others diminish the force of concupiscence, by furnishing no fuel to it through idleness, liberty of the senses, depraved thoughts, readings, intemperance, etc.; for example, assiduous labor, so that thus the evils which idleness teaches may be avoided; modesty of the senses, especially of the eyes; mortification of curiosity and of other passions, by which one accustomed to resist licit inclinations may more easily resist illicit ones; careful avoidance of depraved thought, especially concerning the beloved person; flight from dangerous reading; abstinence from excessive drinking; moderate bodily exercise for restraining concupiscence, etc.

3. Others increase spiritual strength: to pray fervently every morning and evening, and also when temptation urges; daily before an image of the crucifix to renew the purpose of not sinning any more; frequently to have recourse to the Blessed Virgin; often to think of the last things, or before sleep to say to oneself: if I go on living thus, I shall be devoted to eternal punishments; to read pious books; to recite pious aspirations and walk in the sight of God; to give alms; to receive the sacraments assiduously, and after a fall immediately to approach the confessor, etc.

These means are not all to be applied at the same time, but now these, now those, according to the character of the person, the nature of the occasion, and the other circumstances.

1. This, however, in the newest edition of Genicot's work was changed by the editor, Fr. Salsmans, who now speaks more severely.

Appendix: On the Penitential Rite, Indulgences, and Censures

The power of the keys in the internal forum of the sacrament of Penance is to be exercised by the rite determined by the Church; outside the sacrament it is exercised in the internal forum by the concession of indulgences, and in the external forum, and at the same time in the internal forum, by

the infliction of censures. Concerning these three things, because they are annexed to the power of the keys, we shall speak quite briefly, insofar as it can be useful to a priest in the ministry of souls, leaving a deeper, more perfect, and more complete explanation to historians, greater theologians, and jurists.

Article I: On the Penitential Rite

S. Th. III, q. 84, a. 3; Suppl., q. 28.

669. The penitential rite formerly existed as public and solemn; according to present-day discipline it usually no longer exists except as private. In the Latin Church the Roman Ritual generally obtains; nevertheless there are some, such as the Preachers, who have a particular rite. According to the Roman Ritual, tit. 3, c. 2:

"1. When the priest wishes to absolve the penitent, after first imposing on him, and after he has accepted, a salutary penance, he first says: *May God have mercy on thee... Amen.*

2. Then, with the right hand raised toward the penitent, he says: *May the almighty and merciful Lord grant thee indulgence... Amen. May our Lord Jesus Christ absolve thee; and I, by his authority, absolve thee from every bond of excommunication, suspension, and interdict, insofar as I am able and thou hast need. Then I absolve thee from thy sins, in the name of the Father, and of the Son, + and of the Holy Spirit. Amen.*

3. If the penitent is a layman, the word *suspension* is omitted.

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

4. For a just cause *May God have mercy*, etc., can be omitted, and it is enough to say: *May our Lord Jesus Christ*, etc., as above, as far as that: *May the Passion of our Lord*, etc.

5. But when some grave necessity urges in danger of death, he will be able to say briefly: *I absolve thee 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. It is a pious custom, not obliging under sin, that before confession the priest say: *May the Lord be in thy heart and on thy lips, for worthily confessing all thy sins, in the name*, etc., or at least bless with the sign of the cross, by which "the penitent... is admonished that... on bended knees he fortify himself with the sign of the cross" (Rit., c. 1, n. 11).

2. The ceremony of raising the hand, from the word *Indulgence* until the formation of the cross in imparting absolution, does not oblige under grave sin, just as neither does the sign of the cross under the absolution; indeed according to some not even under venial sin, which can be admitted, at least while the form itself is not being pronounced.

3. The prayers *May God have mercy* and *May the almighty and merciful Lord grant thee indulgence* can be omitted for a just cause, such as can easily occur in more frequent confessions, as if there is a

great concourse of penitents, or in shorter confessions, as if the penitent often returns or after absolution remembers a sin, or because of lack of time; otherwise it is not fitting to omit them, although it can be done without sin, because they are not of precept but of counsel, since the Council of Trent, sess. 14, c. 3, says that they are "laudably added." This counsel the Code again inculcates in can. 885: "Although the prayers joined by the Church to the absolution formula are not necessary for obtaining the liberation itself, nevertheless, unless there is a just cause, let them not be omitted." These things also hold concerning the words: *May the Passion of the Lord...*, although certain men think that by this prayer all the works of the penitent in some way participate in the efficacy of satisfaction, as we noted in n. 563, 5, and for that reason say that it is less fitting to omit it.

4. By precept of the Church and as a precaution, absolution from censures is prefixed to absolution from sins; because it is not fitting that one be reconciled to God through the ministry of the Church who has not first been reconciled with the Church herself. Hence a) a confessor who certainly knows a censure which impedes reception of the sacrament sins gravely if he absolves from sins before censures; nevertheless the absolution is valid in one having the power; b) to omit absolution from censures where the confessor is morally certain that censures are not present is, of itself, not a sin; nevertheless, as a precaution for rectitude it is to be prefixed because of the custom of the Church; c) it is of itself venial if there is a probable suspicion of a censure.

5. The word *suspension* is omitted if it is a matter of laymen, since they cannot be suspended; but it is prescribed for those who are in sacred Orders, and by counsel it is to be used for clerics.

6. Hence a voluntary omission or corruption of a non-essential word in the form itself, without sufficient reason, is a grave or light sin according as the change itself is regarded as notable or not: for although it would not invalidate the sacrament, nevertheless it imports irreverence against the ordinance of the Church concerning sacred worship.

Thus the omission of the words *in the name...* is judged light; on the contrary, the change of the word *I absolve* into some other equivalent word, or the omission of the words *from sins*, would be notable, and even the omission of absolution from censures can be grave, as was said.

670. The place of confession and the vesture to be worn. - From the Ritual, tit. 3, c. 1, n. 7 sq.:

a) "The proper place of sacramental confession is a church or public or semi-public oratory" (can. 908).

b) "The confessional seat for hearing the confessions of women is always to be placed in an open and conspicuous place, and generally in a church or public or semi-public oratory destined for women;... let it be furnished with a fixed and finely perforated grating between the penitent and the confessor" (can. 909).

c) "Confessions of women are not to be heard outside the confessional seat, except because of illness or some other true necessity, and with the precautions which the Ordinary of the place has judged opportune. It is permitted to receive the confessions of men even in private houses" (can. 910).

d) The priest "is to use a surplice and a violet stole, according as the time or custom of places may permit."

It is judged grave of itself, necessity excluded, to receive the confessions of women without the cautions indicated above, namely, outside the confessional seat or without an intervening grating, or also in a place not open and conspicuous. The reason is that the Church prescribed these things for consulting modesty, and for forestalling grave dangers, suspicions, and scandals which could arise on the occasion of the ministry of Penance. Yet if it were done once or twice, in circumstances in which danger, suspicion, or scandal is not to be feared, it could seem only venial; not so if on repeated occasions.

The confessions of men in a church or public or semi-public oratory are also not to be heard outside the confessional seat (com. int., Nov. 24, 1920); but this seems to be prescribed only under light sin.

Article II: On Indulgences

S. Th., Suppl., q. 25-27.

671. An indulgence (*aflaat*), in ecclesiastical usage and theological speech, is called the remission before God of the temporal punishment due for sins, already blotted out as regards guilt, which ecclesiastical authority grants from the treasury of the Church, for the living by way of absolution, for the dead by way of suffrage (can. 911). Therefore it differs both from sacramental absolution and the connected satisfaction, the obligation of which it does not take away, and by which the debt of punishment is diminished without an equivalent compensation; and from private satisfaction, which the just man can offer for himself and for others.

The power which belongs to the Church of granting indulgences is included in the most ample power of the keys, as we know both from the tradition of the Church, which from ancient times has used that power, although not always under the same form, and from the definition of faith in the Council of Constance, sess. 8, a. 42, against Wicleff, and Trent, sess. 25, against the Protestants; that they can also be granted to the dead is certain from the practice of the Church (can. 911 and 913), and from the condemned proposition 22 of Luther and 42 of the Synod of Pistoia. - The concession is made from the treasury of the Church, that is, from the superabundant satisfactions of Christ and of the Saints, which the Church can dispense to the faithful because of the communion of Saints (Clement VI, const. *Unigenitus*; condemned proposition 17 of Luther and 41 of the Synod of Pistoia). Hence an indulgence is nothing other than an indirect absolution of punishments; directly and formally it is a concession from the treasury of the Church, from which the remission of punishment follows: for the living it is made by way of a payment authoritatively made and applied to them, insofar as the Church from her treasury pays in place of her faithful the satisfactions to be furnished by them (q. 25, a. 1 and ad 2 and 3); for the dead, over whom she has no authority of jurisdiction, only by way of suffrage, insofar as she offers the payment to God, at the same time beseeching him that he deign to apply it to the dead: but in what measure this is done by God we do not know.

Therefore three things are required for an indulgence: a good work, regularly still to be performed; - on the occasion of this, a payment from the treasury of the Church; - consequently, the remission of temporal punishment due for sins.

Moreover indulgences have force, not only in the external forum before the Church, as certain men formerly said erroneously, but also in the internal forum and before God: 1) because according to the express privilege given to Peter (Mt. 16:19), what he remits on earth is also remitted in heaven; 2) because if the Church were to relax and not God, it would be more a deception than a true relaxation; 3) and the Church would harm rather than help, because she would remit to a graver punishment, namely of purgatory, by diminishing present penance (a. 1; cf. proposition 19 of Luther and 40 of the Synod of Pistoia). Hence simply they have as much force as they are proclaimed to have, "provided that on the part of the giver there is authority, and on the part of the recipient charity (or the state of grace), and on the part of the cause piety" (a. 2), namely a reasonable and pious motive: then they have force of themselves, according to the use of the power of the keys and the mind of the one granting, who truly makes the payment, but not always according to the effect of application, which in the living depends on certain conditions, and in the dead is made according to the measure of the divine good pleasure and acceptance (S. C. Indg., July 28, 1840).

Lest the ease of gaining indulgences furnish an occasion of diminishing good works, the words of St. Thomas are to be noted: "Although indulgences avail much for the remission of punishment, nevertheless other works of satisfaction are more meritorious in respect of the essential reward: which is infinitely better than the dismissal of temporal punishment" (ad 2).

672. An indulgence is divided: A. By reason of the quantity of the effect, one is plenary, which of itself, or from the intention of the one granting, remits the whole punishment to him to whom it is applied: so that, if because of indisposition, since he has not yet obtained the remission of guilt of all venial sins, someone "cannot gain it plenarily, nevertheless he gains it partially according to the disposition which he has" (can. 926); - another is partial, which remits only part of the punishment according as it is expressed by the one granting, for example, of one year, forty days, seven years, etc.: namely, so much punishment of purgatory is remitted as would be remitted if a man performed canonical penance, such as was done formerly, of one year, or of a Lent, or of seven years, etc., the value of which consequently cannot be perfectly determined. Up to this point some quarantines were usually granted to be gained; but these indulgences in more recent times generally have been abrogated: this is clear from the authentic collection of indulgences, 1938, approved by the Sacred Penitentiary, Dec. 31, 1937.

B. By reason of the thing to which it inheres, one is personal, which is granted immediately to persons who have performed such a work, whether individuals or a community such as a religious Order or confraternity, whose members can gain it provided the society has been canonically erected and they themselves have been legitimately enrolled (can. 692), even if they do not always observe its statutes; - another is local, which is affixed to a place, for example an altar, church, miraculous image fixed in a place, to be gained by those who devoutly visit it; - another is real, annexed to the possession or use of a movable thing, such as a cross, rosary, medal, image, etc., which for validity must be solid, and not made from material which can easily be broken or consumed.

C. By reason of extension, it is universal if it is granted to all the faithful of the whole Church; or particular, which is given to some diocese, city, community, or private person.

D. By reason of duration, it is perpetual, granted in perpetuity, or temporal, limited to a certain time, for instance to a year, three years, or seven years.

E. By reason of the subject to whom it is applied, one is for the living, which remits punishments by way of payment; another is for the dead, which obtains remission of punishments by way of suffrage; and finally another is for the living and the dead, which can be gained by the living, but can also be yielded by them to be applied to the dead: thus from can. 930: "all indulgences granted by the Roman Pontiff, unless the contrary is clear, are applicable to the souls detained in purgatory," and in those who have made the heroic act, all the indulgences which they can gain are applicable to the dead.

The application of indulgences to be made to other living persons is not usually granted, because it is not expedient to help those who, when they themselves are able, do not take care to gain indulgences for themselves; hence at his own choice "no one acquiring indulgences can apply them to others living in this life"; - nevertheless, by a special concession of the Supreme Pontiff, nothing prevents this from sometimes being able to be done: thus one celebrating at a privileged altar for the living and the dead gains an indulgence also for the living, and indulgences to be gained for the dying are sometimes granted to certain persons.

F. By reason of the mode by which it is granted, it is in gracious form if it is granted immediately by the very fact that someone fulfills the required condition; or in commissory form if it is given through the ministry of another to whom the faculty of granting immediately is delegated, as, for example, the apostolic blessing at the article of death.

673. The concession of indulgences requires three things: the power of the one granting, - a just cause, - the due form.

I. The power of the one granting. It is in the Supreme Pontiff, to whom the dispensation of the whole spiritual treasury has been entrusted, which he exercises by himself or through the Sacred Penitentiary (can. 912 and 258, § 2); in others it is derived from the concession of the Supreme Pontiff, and indeed in such a way that some by ordinary power can bestow certain indulgences, but only those to whom this has been expressly granted by law (can. 912), as bishops; others only by a power delegated to them, as is granted to apostolic nuncios and legates. "The Pope," says St. Thomas, q. 26, a. 3, "has the fullness of pontifical power, as a king in a kingdom. But bishops are taken into a part of the solicitude, as judges set over individual cities; on account of which he calls only them brothers in his letters, and all the rest he calls sons. And therefore the power of making indulgences resides fully in the Pope, because he can make them as he wills, provided, however, that a legitimate cause exists. But in bishops it is taxed according to the ordinance of the Pope. And therefore they can make them according as it is taxed for them, and not beyond."

Nevertheless, from can. 913: "those inferior to the Roman Pontiff cannot 1) commit the faculty of granting indulgences to others, unless this has been expressly granted to them by the Apostolic See; 2) grant indulgences applicable to the dead; 3) add other indulgences to the same thing or act of piety or sodality to which indulgences already have been granted by the Apostolic See or by another, unless new conditions to be fulfilled are prescribed."

In particular: a) "Bishops can impart the papal blessing with a plenary indulgence, according to the prescribed formula, each in his own diocese twice in the year, that is, on the solemn day of Easter of the Resurrection and on another solemn feast day to be designated by them, even if they merely assisted at the solemn Mass; but Abbots or Prelates *nullius*, Vicars and Prefects Apostolic, even if they lack episcopal dignity, can do this in their territories on only one of the more solemn days of the year"

(can. 914). But "Regulars who have the privilege of imparting the papal blessing are not only held by the obligation of observing the prescribed formula, but cannot use this privilege except in their own churches and in the churches of nuns or tertiaries legitimately aggregated to their Order; but not on the same day and place on which the Bishop imparts it" (can. 915); this, however, is not to be understood of the apostolic blessing which religious preachers are permitted to impart at the end of missions or spiritual exercises, and which is given by another formula, but of the privilege by which, without another condition of a function, regulars are able to give that blessing.

b) "Bishops, Abbots or Prelates *nullius*, Vicars and Prefects Apostolic, and major Superiors of an exempt clerical religion, can designate and declare one altar as a daily perpetual privileged altar, provided another is not had, in their cathedral, abbatial, collegiate, conventual, parochial, quasi-parochial churches, but not in public or semi-public oratories, unless they are united to a parochial church or subsidiary to it" (can. 916).

c) Cardinals enjoy the faculty "of granting indulgences of 200 days, even to be gained *toties quoties*, in places or institutes and for persons of their jurisdiction or protection; likewise in other places, but to be gained only by those present, on each occasion" (can. 239, § 1, 24).

d) "In suffragan dioceses the Metropolitan can only... grant indulgences of 100 days, as in his own diocese" (can. 274, 2).

e) "Once possession of the diocese has been taken, residential Bishops have the right... of granting indulgences of 50 days in places of their jurisdiction" (can. 349, § 2, 2), even to exempt religious or in their churches (com. int., Dec. 6, 1930).

f) "When a church or altar is consecrated, the consecrating Bishop, although he lacks jurisdiction in the territory, grants an indulgence of one year to those visiting the church or altar on the day itself of the consecration; but on the anniversary day, 50 days if he is a bishop, 100 if an archbishop, 200 if a Cardinal of the Holy Roman Church" (can. 1166, § 3).

It should be noted that the communication of the good works of his Order which regular Prelates sometimes grant to distinguished benefactors contains no bestowal of indulgence, but only participation in suffrages.

II. A just, that is, reasonable and pious cause. For the Pontiff is not the owner of the treasury of the Church, but its steward and dispenser; and a faithful dispenser must observe the rules of justice and equity, and therefore not remit the punishments of sins without a just cause, which cause can be nothing other than the honor of God and the general utility of the Church (q. 25, a. 2); otherwise he would dispense contrary to the very will of the Lord, would exceed his power, and the concession would be null (q. 26, a. 3). Therefore the cause must be extrinsic, or diverse from the punishment itself to be taken away; and it is required to be proportioned to the effect and quantity of the indulgence: it is necessary, Billuart notes, a. 4, from Bellarmine, that the end please God more than the satisfaction which is relaxed by the indulgence, and that the work enjoined be a suitable means and proportioned to attaining this end, so that a more abundant dispensation, lest it be prodigal, requires a graver cause; otherwise, for the part by which it exceeded proportion, it would be invalid.

Hence a) an indulgence for the whole Church demands a public cause; on the contrary, for a particular indulgence a private cause suffices;

b) public causes are usually enumerated: the exaltation of the faith, concord among Christian princes and peoples, the conversion of the enemies of the Church, the promotion of the worship of God and the Saints, the reformation of the people, the increase of faith, charity, and religion, incitement to good works and to the frequenting of the sacraments;

c) the sufficiency of the cause is to be prudently estimated, not only from the difficulty of the work, but from the intended end and the usefulness of the work for the end; and this is presumed to be present for an indulgence granted by the Roman Pontiff;

d) nevertheless the Pontiff or Bishop can sometimes grant an indulgence without the imposition of a work, if there is a reasonable cause for this, as can be in a very worthy man, or at the article of death.

III. The due form. Although no form of itself is necessarily to be observed in the concession of indulgences, nevertheless by the usage of the Church it is the case that indulgences, except perhaps merely private ones, are expressed and published in an authentic writing. Thus:

1. "Those who have obtained concessions of indulgences from the Supreme Pontiff for all the faithful are held by the obligation, under penalty of nullity of the grace obtained, of bringing authentic exemplars of the same concessions to the Sacred Penitentiary" (can. 920).

2. "New indulgences, even those granted to churches of regulars, which have not been promulgated at Rome, are not to be made public without consulting the Ordinary of the place" (can. 919, § 1).

3. "All books of indulgences, summaries, booklets, sheets, etc., in which their concessions are contained, are not to be published without the license of the Ordinary of the place. But the express license of the Holy See is required that it be permitted to publish in print, in whatever language, both an authentic collection of prayers and pious works to which the Apostolic See has annexed indulgences, and a list of apostolic indulgences, and a summary of indulgences either previously collected but never approved, or now for the first time to be gathered from diverse concessions" (can. 1388).

4. The Sacred Penitentiary on Dec. 31, 1937, issued a decree concerning its new authentic collection, in which, namely, are contained prayers and pious works, both those which in favor of all the faithful and those which in favor of certain groups up to that day had been enriched, with general concessions of indulgences not reported in the same collection having been abrogated.

It should be noted: a) For indulgences to be applied to things or to persons, a certain form of rite must sometimes be observed by the minister. The ordinary form for crosses, rosaries, and medals consists in making by hand the sign of the cross over the things, without the pronouncement of a formula or the sprinkling of blessed water; but a proper formula is to be observed for crosses of the way of the cross, rosaries of the Most Holy Rosary or of the Seven Sorrows, enrollment in the confraternity of the Most Holy Rosary or of the holy Scapular, or the apostolic blessing at the article of death. The privilege of Cardinals according to the norm of can. 239, 5 and 6, however, remains intact.

b) One who has obtained from the Apostolic See the faculty of blessing things with the application of indulgences *with the consent of the Ordinary of the place*, in order to exercise the faculty validly must be a priest approved to hear confessions in the diocese. In order to exercise it licitly, the consent of the Ordinary of the place is required, at least tacit or implicit, and if it cannot practically be done otherwise, even prudently presumed (S. C. Indg., June 14, 1901); for religious, however, if they do not use the faculty outside the religious house, the license of the superior then suffices, even if in the rescript it is said: with the consent of the Ordinary of the place (S. C. Indg., June 4, 1888).

c) Concessions of indulgences and faculties of imparting them are to be interpreted broadly because they are favors (can. 50); but according to the proper signification of the words, and therefore they must not be extended to other cases besides those expressed (can. 49); which, moreover, would be of no utility, since even common error does not supply for the defect of truth. Probability of opinion cannot meet this, since it is not a matter of honesty alone but of the validity of the act for obtaining the end (II, n. 94, 4), nor is it proved that the Church supplies.

Thus one who has the faculty of blessing pious things privately for applying an indulgence cannot use it publicly in a church or oratory before the faithful gathered and holding in their hands the things to be blessed (S. C. Indg., Jan. 7, 1843).

674. The gaining of indulgences requires the capacity of the subject and the fulfillment of the prescribed works.

A. A subject capable "of gaining indulgences for himself, from can. 925, § 1, must be baptized, not excommunicated, in the state of grace at least at the end of the prescribed works, and a subject of the one granting": for the concession of indulgences is an act not of order but of jurisdiction over subjects, which cannot be exercised over non-subjects. Nevertheless it can happen that someone becomes, as to this matter, a subject by his mere presence in the territory, for "unless something else appears from the tenor of the concession, indulgences granted by a Bishop can be gained both by subjects outside the territory, and by pilgrims, transients, and all exempt persons dwelling in the territory" (can. 927).

But how he who grants an indulgence can gain it for himself St. Thomas declares, q. 27, a. 4: "An indulgence must be given for some cause, in order that by an indulgence someone may be provoked to some act which tends to the utility of the Church and the honor of God. But a prelate, to whom the care of the utility of the Church and of propagating the divine honor has been committed, does not have a cause for provoking himself to this. And therefore he cannot make an indulgence for himself alone, but he can use an indulgence which he makes for others, because for them there is a cause of making it." And indeed "no one can exercise an act of jurisdiction upon himself; but those things which are given to others by authority of jurisdiction, a prelate also can use both in temporal and in spiritual things... And thus a bishop can receive for himself the suffrages (that is, satisfactions) of the Church which he dispenses to others, the immediate effect of which is the remission of punishment through indulgences, and not jurisdiction" (ad 1), for "an indulgence is not given by way of a sentence," "which no one can pronounce upon himself," "but by way of a certain dispensation, which a man can make toward himself" (ad 3).

The state of grace required is of itself sufficient at the moment at which the indulgence is to be gained, namely, at the end of the prescribed works; not before, unless some work, for example holy

Communion, supposes the state of grace. The necessity of this is frequently expressed by this formula: "with a heart at least contrite"; which signifies nothing except that he who is not in the state of grace must at least recover grace for himself by an act of perfect contrition (S. C. Indg., Dec. 17, 1870). Outside this case, the state of grace does not seem to be required for gaining indulgences in favor of the dead, since they are in grace: nevertheless many think otherwise; yet it seems certain that the indulgence of a privileged altar comes to the dead person if the priest sacrilegiously celebrates in the state of sin, because the value of the sacrifice to which the indulgence is annexed in no way depends on the celebrant.

B. The fulfillment of the prescribed works is prescribed by can. 925, § 2, to be done in this way: "That a capable subject may truly gain indulgences, he must have at least a general intention of acquiring them and fulfill the enjoined works at the stated time and in the due manner according to the tenor of the concession."

Hence: I. An intention at least habitual is required, that is, one formerly had and not retracted, at least a general intention of gaining all indulgences, even unknown ones: for an indulgence is a benefit which must be accepted; - nor does a merely interpretative intention suffice, which would be but is not; a virtual intention is commended, and in a particular case it can be required if the ordination of the work to a special end requires it.

II. The enjoined work must truly be fulfilled, so that if someone by ignorance or inability is impeded from carrying it out, he cannot gain the indulgence: for it is not granted except under that condition; unless, however, provision has otherwise been made by the one granting for those impeded.

III. Generally the work must be supererogatory, for from can. 932: "by a work which someone is obliged by law or precept to perform, an indulgence cannot be gained, unless something else is expressly said in its concession; nevertheless one who performs a work enjoined upon him as sacramental penance and perhaps enriched with indulgences can at the same time both satisfy the penance and gain the indulgences." Likewise indulgences can be gained by paschal Communion, except the indulgence of the Jubilee (S. C. Indg., May 1, 1844); likewise by observing the statutes or pious customs of religious communities, if they do not oblige under sin.

IV. The prescribed work must be good in itself, not substantially vitiated, and it must be fulfilled integrally, at least as to substance, and in that place, time, and manner in which it is determined by the tenor of the concession.

1. As to place, if an indulgence is affixed to some place, it must necessarily be visited.

2. As to time: a) "A plenary indulgence granted for the feasts of Our Lord Jesus Christ or for the feasts of the Blessed Virgin Mary is understood to be granted only for feasts which are found in the universal calendar."

b) "A plenary or partial indulgence granted for the feasts of the Apostles is understood to be granted only for their natal feast."

c) "A plenary indulgence granted as daily perpetual, or for a time, to those visiting some church or public oratory, is to be so understood that it can be acquired on any day, but only once in the year by each faithful person, unless something else is expressly said in the decree" (can. 921).

d) "Indulgences annexed to feasts or sacred supplications or novena, septenary, and triduum prayers, which are performed before or after the feast or even during its octave, are understood to be transferred to that day on which feasts of this kind are legitimately transferred, if the transferred feast has the office with Mass without solemnity and external celebration and the transfer is made in perpetuity, or if the solemnity and external celebration is transferred either for a time or in perpetuity" (can. 922). Therefore if only the office with Mass is transferred for a time and without solemnity and external celebration, the indulgence remains affixed to the day, even if it is Friday in Parasceve (S. Poen., Feb. 18, 1921).

e) "For gaining an indulgence affixed to some day, if a visit of a church or oratory is required, this can be made from noon of the preceding day up to midnight which closes the stated day" (can. 923).

3. As to manner, the enjoined works must be performed personally by him who wishes to gain the indulgence; nevertheless, with his consent or mandate, the giving of alms can be done by another, for example by a father or superior for a son or subject, or by the ministry of another, for example a servant or friend.

In particular: a) "If for gaining indulgences prayer in general according to the mind of the Supreme Pontiff is prescribed, mental prayer alone does not suffice; but a vocal prayer can be chosen at the discretion of the faithful, unless some particular prayer is assigned." Nevertheless the Sacred Penitentiary, Dec. 7, 1933, declared that indulgences annexed to invocations and ejaculatory prayers can also be acquired by only mental recitation of them.

b) "If a particular prayer has been assigned, indulgences can be acquired in whatever language the prayer is recited, provided that the fidelity of the translation is clear from the declaration either of the Sacred Penitentiary or of one of the Ordinaries of the place where the language into which the prayer is translated is common; but indulgences cease entirely by any addition, subtraction, or interpolation." This, however, is to be understood only of those changes which alter the substance of the indulgences (S. Poen., Nov. 26, 1934).

c) "For the acquisition of indulgences it is enough to recite the prayer alternately with a companion, or to follow it mentally while it is recited by another" (can. 934).

d) Prayers are not to be said on bended knees or in a determined place, unless this is expressly noted.

e) Nor must a determined order be used in the fulfillment of works, unless it is specially prescribed, provided that the last work is performed in the state of grace.

C. The ordinary conditions for plenary indulgences are confession and Communion, and prayers according to the intention of the Supreme Pontiff, with which a visit of a church is often joined, and sometimes pious exercises publicly performed.

1. Confession and Communion. - a) When an indulgence is granted to those contrite and confessed or by some other similar clause, sacramental confession is necessary even for those who are not conscious of mortal sin, although for these absolution is not required.

b) "For gaining any indulgences whatsoever, a confession perhaps required can be made within the eight days which immediately precede the day to which the indulgence has been affixed;

Communion, however, on the vigil of the same day; and both also within the entire following octave" (can. 931, § 1).

c) "Likewise for gaining indulgences granted for pious exercises carried on for a triduum, week, etc., confession and Communion can also be made within the octave which immediately follows the completed exercise" (ibid., § 2).

d) "The faithful who are accustomed, unless legitimately impeded, to approach the sacrament of Penance at least twice in a month, or to receive holy Communion in the state of grace and with a right and pious mind daily, although once or twice in the week they abstain from it, can obtain all indulgences, even without the actual confession which otherwise would be necessary for gaining them, except indulgences either of the ordinary and extraordinary Jubilee or after the manner of a Jubilee" (ibid., § 3).

2. Prayers according to the intention of the Supreme Pontiff. That intention is usually for the prosperity and exaltation of the Catholic Church, for the extirpation of heresies and the conversion of all who are erring, and for the peace and unity of the whole Christian people. Now prayers are to be recited according to the choice of each one, unless particular prayers are determined (can. 934, § 1); from the declaration of Sept. 20, 1933, it suffices if someone has recited one Our Father, Hail Mary, and Glory Be. Nevertheless, for the indulgence of the Portiuncula or another to be gained *toties quoties*, at least six Our Fathers, Hail Marys, and Glory Bes are required (S. Poen., July 10, 1924; Jan. 13 and July 5, 1930). When it is prescribed that a church be visited and prayers be poured forth there, this is to be done.

3. The visit of a church must be religious, from the intention of worshiping God:

a) If prescribed determinately, for example of a parish church or of that church to which the indulgence is annexed, it is to be performed in this church, and in it prayer is to be made according to the intention of the Supreme Pontiff; although the other conditions can be fulfilled elsewhere, and the reception of holy Communion also together with the visit.

b) If prescribed indeterminately, it can be made in any church or public oratory; - but it does not suffice in a semi-public or private oratory; this is granted only to cardinals and bishops with their households for their own chapels, if for the indulgence there is prescribed a visit of the church of the place in which they are actually staying (can. 239, § 1, 11; and 349, § 1, 1).

c) But "the faithful of either sex who, for the pursuit of perfection or for instruction or education or even for health, live a common life in houses lacking a church or public chapel, established with the consent of the Ordinaries, and likewise all persons dwelling there for ministering to them, whenever for gaining indulgences there is prescribed a visit of some non-determined church, or of some indeterminate public oratory, can visit the chapel of their own house in which they can satisfy by law the obligation of hearing Mass, provided they have duly performed the other enjoined works" (can. 929). This does not hold for those detained in prison, - nor for the indulgence of the Portiuncula, since this requires the visit of a determined church.

d) Concerning this matter the Sacred Penitentiary declared on Sept. 20, 1933: "The condition of visiting a church or public or (for those legitimately using it) semi-public oratory is fulfilled by going

to the church or to the oratory at least with a certain general or implicit intention of honoring God in himself or in his saints, with some prayer being used, and indeed the prescribed prayer, if any was imposed by the one granting the indulgence, or any other, whether oral or even mental, according to each one's piety and devotion.

Those things which are required for the visit of a church or oratory are also to be observed in the visit of some image or altar."

e) One who on the same day wishes to gain several indulgences, each of which requires a visit of a church, must, unless otherwise expressly stated, perform as many visits as he wishes to gain indulgences; but visits are not multiplied except by a true exit outside the Church and a new entrance: thus, for example, for an indulgence *toties quoties*.

f) One who on a Sunday or feast day enters a church to hear Mass by precept does not satisfy the visit required for an indulgence; nevertheless many say that he does satisfy if he arrives in good time and before Mass has begun prays according to the intention of the Supreme Pontiff, or even if he prolongs the visit after Mass and then pours forth the prayers.

4. "Pious exercises are then said to be publicly performed only when they are commonly held in churches or in public or (for those legitimately using them) semi-public oratories; in other cases they are understood to be privately performed" (Collection of Indulgences 1938, preface, n. 7).

D. Commutation of works can sometimes be made:

a) According to can. 935: "The pious works enjoined for gaining indulgences confessors can commute into others for those who, detained by a legitimate impediment, are unable to perform the same." This faculty a confessor can exercise even outside confession, provided that he can here and now validly and licitly hear the confession of the one in whose favor he commutes; not indeed concerning works which would substantially affect the object or cause of the indulgence, such as intention, the state of grace, the use of a crucifix, spiritual exercises to which an indulgence is attached, but concerning the especially ordinary conditions of confession, Communion, prayers, fasting, or even the visit of a church, even a determined church, as for gaining an indulgence *toties quoties* (com. int., Jan. 19, 1940). This, however, seems to be understood of a church which is situated in the same place; - otherwise any confessor could render all penitents participants in all the indulgences of all the churches of the whole world which they could not approach.

b) From can. 936: "The mute can gain indulgences annexed to public prayers if, together with the rest of the faithful praying in the same place, they raise their mind and pious affections to God; and if it is a matter of private prayers, it is enough that they recall them in mind, express them by signs, or merely run through them with the eyes."

c) From the special concession of Oct. 19-22, 1917, the mutilated can gain indulgences, for the gaining of which the recitation of prayers together with some bodily act is enjoined, which they are unable to perform, by pouring forth the prayers alone.

E. Things to be noted. 1. "A plenary indulgence, unless something else is expressly provided, can be acquired only once in a day, even if the same prescribed work is repeated several times; a partial

indulgence, unless the contrary is expressly noted, can be gained more often throughout the day, with the same work repeated" (can. 928).

2. "Several indulgences under various titles can be annexed to one and the same thing or place; but by one and the same work, to which indulgences are annexed under various titles, several indulgences cannot be acquired, unless the required work is confession or Communion, or unless something else has been expressly provided" (can. 933), as, for example, with regard to the indulgences of the Most Holy Rosary of the Preachers and of the Crocigeri, which can be accumulated from the concession of the Sacred Congregation of Indulgences, June 12, 1907, and with regard to apostolic indulgences simultaneously with those with which the works are otherwise enriched, from the Sacred Penitentiary, Feb. 17 and June 14, 1922.

3. Unless something else is clear, a month in the concession of indulgences is to be understood as the space of 30 continuous days according to the norm of can. 34, § 2; a day from midnight to midnight, unless otherwise noted, as for an indulgence affixed to a day and to be gained by the visit of a church, which can be made from noon of the preceding day to the midnight which closes the stated day (can. 923).

675. Indulgences cease: 1. All, by revocation of the one granting, his successor, or superior.

2. Temporal indulgences, by the lapse of the time for which they were granted; hence one given "at good pleasure" expires at the death of the one granting (can. 73), but one granted without any limitation of time of itself endures perpetually and does not expire by the death of the one granting (can. 70).

3. Personal indulgences, by renunciation accepted by the Supreme Pontiff, and by the death of the physical person to whom it was granted, or by the legitimate extinction of the moral person according to the norm of can. 102.

4. Real indulgences "cease only when rosaries or other things entirely cease to exist or are sold" (can. 924, § 2). Therefore rosaries do not lose indulgences a) if they are given to others, or lent so that they themselves may be able to gain indulgences for themselves (S. Poen., Feb. 18, 1921); b) if they cease to exist in some part; c) if the cord is broken or the chain is changed, because the indulgences are rather affixed to the beads; d) if only a few beads are lost and others are substituted, provided the greater part of the blessed beads is preserved; e) if something is received for them, not as a price and under the title of sale, but under the title of alms or some other non-onerous title.

5. Local indulgences, by the absolute destruction of the thing (can. 75); nevertheless those "annexed to some church do not cease if the church is utterly overthrown and is built again within fifty years in the same or almost the same place (for example, at a distance of 20 or 30 paces) and under the same title" (can. 924, § 1). This also holds concerning an altar rebuilt under the same title and in the same church.

676. The indulgence of a privileged altar. - Thus is called an altar to which a plenary indulgence for the dead has been annexed, the due conditions having been fulfilled. This privilege can be local, if

it is annexed to the altar itself, which must be firm or fixed (n. 389); or personal, if it has been granted to the priest himself celebrating anywhere; or mixed, if it is annexed to Masses celebrated at such an altar and by such a priest, for example a confrater or tertiary.

By common law: 1) by local privilege, Bishops and other Ordinaries can designate one altar as a daily perpetual privileged altar in their churches, as was noted above n. 673, I, b), from can. 916.

2. On the day of the commemoration of all the faithful departed, all Masses enjoy the privilege as if they had been celebrated at a privileged altar (can. 917, § 1); likewise during its octave, but only for the soul to whom the Mass is applied (S. Poen., Oct. 31, 1934).

3. All altars of a church during those days on which the supplication of the Forty Hours is held in it are privileged (can. 917, § 2).

4. By personal privilege, which can also be obtained by special concession of the Holy See, Cardinals, bishops even titular, vicars and prefects apostolic enjoy it by common law.

It should be noted: a) That to indicate a privileged altar, nothing else is to be inscribed except: *privileged altar*, perpetual or for a time, daily or not, according to the words of the concession (can. 918, § 1), namely, with every other mention omitted, such as concerning its infallible efficacy for liberating a determined soul of purgatory.

b) For Masses to be celebrated at a privileged altar, under the pretext of the privilege, a greater Mass alms cannot be demanded (can. 918, § 2); this would be simony.

Concerning the conditions to be fulfilled, it is necessary to observe: 1) that the plenary indulgence can be applied to one only; - 2) that the Mass must be applied exclusively for the dead, otherwise the indulgence is not applied; - 3) that the indulgence, unless the indult permits the division of the sacrifice and the indulgence, can be applied only to the dead person for whom the Mass is offered; hence if it is offered for one, no intention of applying the indulgence is required, but by that very fact it is applied; on the contrary, if the Mass is celebrated for several, the one to whom he wills the indulgence to be applied must be determined beforehand by the celebrant (S. Poen., July 6, 1917); - 4) that it is no longer required that the Mass be said of requiem, even on days not impeded (S. Off., Feb. 20, 1913); - 5) in the case in which by special indult an altar is privileged for the living and the dead, an indulgence is granted for the living if the Mass is applied for the living; but for the dead if the Mass is applied for them (S. C. Indg., Aug. 25, 1897).

Concerning the obligation undertaken of celebrating Mass at a privileged altar, it was said above, n. 378, 4.

677. The indulgence of the Way of the Cross. - The exercise of the Way of the Cross was instituted for gaining all the indulgences obtainable by a real visit of the stations of the Way of the Cross in Jerusalem, that is, of the journey of Our Lord Jesus Christ from the praetorium to the place of Calvary. - For this, a) on the part of the Way of the Cross there is required: 1) that it be legitimately erected; 2) that there be 14 visible wooden crosses; 3) that they have been blessed in the place itself (morally speaking) in which the stations are erected, and affixed before or after the blessing, a certain distance being preserved between them: the rest is not necessary; b) on the part of the faithful there is required: 1) the visit of each station, or local movement from one to another; 2) meditation on the

Passion according to each one's capacity at each station; 3) the exercise performed in one moral stretch, or not morally interrupted. In a public exercise, if local movement of the people would cause disturbance or is impossible because of the narrowness of the place, it suffices that the priest, or in the chapels of religious communities, one of the brothers or one of the sisters, go around the stations, while the multitude of those hearing remains in its place.

Erection has been granted to the Order of Friars Minor; others, excepting a privilege such as Cardinals and Bishops personally have, cannot erect unless they have obtained from the Holy See the delegated faculty. For validity it now suffices that "the priest erecting, asked for this, be furnished with the due faculty" (S. Poen., Mar. 1, 1938), and the license of the Ordinary of the place in writing is no longer required. But for liceity let the permission of the Ordinary of the place be present, or presumed permission, if he cannot easily be approached.

But since, authentic documents having been lost, there was doubt concerning the indulgences granted to the exercise of the Way of the Cross, in order to remove all doubt for the future, Pius XI, as is clear from the decree of the Sacred Penitentiary, Oct. 20, 1931, deigned to decree that: All the faithful who, whether singly or in company, at least with a contrite heart, have performed the pious exercise of the Way of the Cross, legitimately erected, according to the prescriptions of the Holy See, can gain:

a) A plenary indulgence *toties quoties* they complete the pious exercise itself.

b) Likewise another plenary indulgence if on the same day on which they performed the mentioned pious exercise, or even if within a month from the same performed ten times, they have approached the holy Synaxis.

c) A partial indulgence of 10 years for each station, if perhaps they have not brought the exercise begun to completion, for any reasonable cause.

The same indulgences can be gained by the legitimately impeded faithful, if they have a crucifix of the Way of the Cross blessed by one having the power and hold it in the hand (or one holds it in place of all), and at the same time there are recited by them, without notable and moral interruption, 14 Our Fathers, Hail Marys, and Glory Bes, one namely for each station, then 5 in honor of the five wounds of the Lord, and 1 according to the intention of the Supreme Pontiff (S. C. Indg., Sept. 16, 1859). And if someone for a reasonable cause is impeded from holding the crucifix in the hand, it suffices to carry it with him during the recitation (S. Poen., Nov. 9, 1933). A cross, however, does not suffice, but the image of the Crucified must be present, and indeed in solid and not fragile material. The sick who cannot recite the said prayers can acquire the indulgences either by kissing or even only by looking, with affection and a contrite mind, at some Crucifix blessed for this purpose, shown to them either by a priest or by some other person, and by reciting, if they can, some brief prayer or ejaculatory prayer in memory of the Passion and death of Jesus Christ our Lord (S. Poen., Mar. 25, 1931, and Mar. 18, 1932).

This was confirmed by the mentioned decree of Oct. 20, 1931, and indeed "so that those who for a reasonable cause have not been able to recite all the prescribed Our Fathers, Hail Marys, and Glory Bes, obtain for a plenary indulgence a partial indulgence of 10 years for each Our Father with Hail Mary and Glory Be recited; and if someone, by force of illness, can only kiss or only look at a Crucifix

blessed for this purpose, but cannot add an ejaculatory prayer, he is not impeded from obtaining the plenary indulgence."

678. The indulgence of the Most Holy Rosary. - The Rosary of the Blessed Virgin Mary is "a certain sacred formula of praying to God in honor of Blessed Mary, by which, through fifteen decades of the angelic salutation, with the Lord's Prayer inserted between each, the fifteen principal mysteries of human redemption are reviewed with pious meditations." Thus in the office of the Most Holy Rosary of the Blessed Virgin Mary, lect. 4. It must be recited with beads specially blessed for this purpose, which are of 5 (not 4 or 6 or 7), or 10, or 15 decades, and which during prayer must be held in the hand and turned; but if it is recited in common, it suffices that one person hold and turn the beads, while the rest, cares which impede attention being removed, devoutly unite with him in the recitation. Indeed it has recently been granted that whenever, either because of manual work or because of another reasonable cause, an impediment arises so that they cannot hold them in the hand, the faithful can gain the indulgences, provided that during the recitation they carry them with themselves in some way (S. Poen., Nov. 9, 1933).

At least five decades must be recited in one morally continuous stretch; indeed, by concession of Pius X, the decades of the rosary can be separated, provided that the recitation of the rosary is completed on the same day (C. Indg., July 8, 1908); nevertheless confreres of the Sodality of the Most Holy Rosary gain the indulgences even if they separate the individual decades, provided that they say the whole Rosary within the week. The Creed or *Salve Regina* is not required at the beginning, nor a prayer or Litanies at the end; nor the Glory Be at the end of the decades, or the *Requiem* when the rosary is said for the dead; but the individual decades must begin with the Our Father and consist of 10 Hail Marys. Recitation must altogether be accompanied by meditation on the mysteries of the life, passion, and resurrection of Christ, according to each one's capacity; the mysteries are now determined both as to substance and as to logical order, and cannot be changed in the recitation (S. C. Indg., Aug. 13, 1726), but whatever series of mysteries is meditated, whether of joy, of sorrow, or of glory, or in whatever order the three series are placed, suffices for gaining the indulgences.

Before the individual decades the mystery to be considered can be announced, or even before the individual angelic salutations, since this is not a true interpolation in the prayers nor a moral interruption; - indeed the custom of inserting a brief announcement of the mystery after the word "Jesus" in each salutation, although of itself disapproved because of can. 934, § 2, was permitted by indult for certain places; this indult has now been extended in favor of all who according to the aforesaid custom have been accustomed to recite the Rosary in any places whatever (S. Poen., Jan. 22, 1921).

The blessing of the rosary has been granted to the Order of Preachers; others, excepting a privilege such as Cardinals and Bishops personally have, cannot bless unless they have obtained from the Holy See or from the master general of the Preachers a delegated faculty; the same is to be said of the erection of the Confraternity of the Most Holy Rosary. This holds for concessions made before Apr. 1, 1933; for the future, from the decree of the Sacred Penitentiary, Mar. 20, 1933, the General of the Preachers is still able to delegate his own for blessing rosaries, but no longer outsiders. These in the future must approach the Sacred Penitentiary, unless it should wish to grant the privilege anew to the General of the Preachers.

The summary of indulgences of the Most Holy Rosary was published by order of Leo XIII and recognized as authentic on Aug. 29, 1899; to these afterward certain others were annexed. The principal ones are:

1. For the recitation of the Most Holy Rosary: to all the faithful an indulgence of 5 years as often as they devoutly recite a third part of the rosary, and of 10 years, once in the day, if they recite it in common; - a plenary indulgence on the last Sunday of the month if at least three times in the week they recite a third part together with others, and, refreshed by the Sacraments, visit some church or public oratory and there pray according to the mind of the Supreme Pontiff; - likewise a plenary indulgence, if they have obtained pardon of sins and have approached the sacred Synaxis, as often as before the Most Holy Sacrament exposed or reserved in the tabernacle they have devoutly recited a third part (Pius XI, brief *Ad S. Dominici*, Sept. 4, 1927). - But if they use a rosary specially blessed by the Fathers Preachers, or by one having the faculty, there is an indulgence of 100 days for each Our Father and Hail Mary, provided that at least a third part of the rosary is recited, and a plenary indulgence once in the year if each day they recite at least a third part and are refreshed by the Sacraments.

2. For special exercises: an indulgence of 5 years once, on any day, and a plenary indulgence, under the ordinary conditions, for those who for 9 days give themselves to pious exercises in honor of the Queen of the Most Holy Rosary (S. Poen., Mar. 18, 1932); - likewise a plenary indulgence under the usual conditions, on any of 15 continuous Saturdays, if on each Saturday they receive the Sacraments and recite a third part of the Rosary; but those who are legitimately impeded on Saturday can perform the exercise on Sunday (S. Poen., Aug. 31, 1936); - likewise special indulgences are annexed to the exercises of the association of the Living Rosary or of the Perpetual Rosary.

3. For the feast of the Most Holy Rosary and the month of October: besides the indulgence *toties quoties* to be gained on the feast day by all who, refreshed by the sacraments, visit a church of the Preachers or another church or public oratory in which the Sodality of the Most Holy Rosary has been erected, there is granted an indulgence of 7 years for any day of the month of October to those who recite a third part of the rosary; - moreover, one plenary indulgence to those reciting a third part of the rosary on the feast day and on each day through the octave, and another if, after the octave of the Most Holy Rosary, they say a third part of the rosary at least ten times within the month of October: under the condition of confession, Communion, and the visit of some church (S. Poen., Mar. 18, 1932).

4. To confreres of the Sodality of the Most Holy Rosary many are granted, for example, an indulgence of 100 years and as many quarantines, once in the day, to all confreres devoutly carrying the beads out of reverence for the Blessed Virgin (Pius X, July 31, 1906); - an indulgence of 5 years and as many quarantines as often as, in reciting the rosary, they devoutly pronounce the name of Jesus in the angelic salutation; - likewise 10 years and as many quarantines if they recite the rosary three times in the week, for each time; a plenary indulgence if, refreshed by the sacraments, within the space of one natural day they recite the whole rosary for the triumph of the Church and visit some church or public oratory (S. C. Indg., June 12, 1907), - likewise 7 years and as many quarantines as often as they are present

at devotions customarily established in churches of the Preachers in the month of October, - likewise a plenary indulgence on the feast of the Annunciation if, refreshed by the sacraments, they recite the rosary, and many others to those who on certain days visit the chapel or church of the confraternity or are present at or participate in certain exercises. Concerning all of these can be consulted the recent booklet of Fr. Fanfani, *De Rosario B. M. Virginis*, 1930, and *De Confraternitatibus Ordini Praedicatorum propriis*, 1934.

It should be noted: a) There are other chaplets besides the rosary. Thus the chaplet of St. Bridget, which consists of 6 decades, each of which contains 1 Our Father, 10 Hail Marys, 1 Creed, and 1 Our Father at the end with 3 other Hail Marys, and does not require meditation on the mysteries, but must be blessed by the Lateran Order of the Most Holy Savior, or by someone delegated for this by the Holy See: sometimes the faculty is granted of applying to rosaries of 5, 10, or 15 decades the indulgences of the Bridgettine chaplet, in which case it is not necessary to add 1 Our Father and 3 Hail Marys at the end, but the Creed must be said at the end of each decade, and five decades then suffice. The indulgences are 100 days for each Our Father, Hail Mary, and Creed, provided that six or five decades are recited; and a plenary indulgence at the article of death for those who have been accustomed to recite this chaplet once in the week, and many others. - The chaplet of the Crosiers, to be blessed by them, has annexed an indulgence of 500 days as often as an Our Father or Hail Mary is recited with it, without its being necessary to recite the whole chaplet or to add meditation. - The chaplet of the Seven Sorrows of the Blessed Virgin Mary, which is proper to the Order of Servites and is composed of 7 parts, each of which consists of one Our Father and 7 Hail Marys, and to which at the end 3 Hail Marys are added. It must be blessed by a special formula and enjoys many indulgences.

b) Several indulgences can be annexed to the same chaplet, for example, of the Holy Rosary and of St. Bridget, but in such a way that by repeated recitation, now these, now those, one gains them separately, but not by one recitation simultaneously and conjointly (can. 933).

c) Nevertheless, by special concession of Pius X, the indulgences of the Most Holy Rosary of the Preachers and of the chaplet of the Crosiers can be accumulated (S. C. Indg., June 12, 1907); Pius XI joined to these the apostolic indulgences (S. Poen., Feb. 17 and June 14, 1922), and Pius XII (S. Poen., Mar. 11, 1939).

d) The Most Holy Rosary, before others, has been enriched with indulgences, so that generally by it more or better ones can be acquired more easily, at least by those who are enrolled in the Sodality of the Most Holy Rosary.

679. The indulgence of the holy Scapular. - The scapular a) must be made exclusively from wool, each one of its proper color; this, however, is not necessary for the cords, except for the scapular of the Passion, whose cords must be woolen and red; - b) it must be legitimately blessed and imposed; but if it has been worn out or lost, another not blessed can be substituted for it; - c) he who receives the scapular generally must be enrolled in the confraternity of which it is the insignia; - d) he must wear it hanging from the neck, so that one part covers the breast, the other the shoulders; nor is it required that it be worn immediately upon the body, for it suffices even over the clothes; - e) if someone does not regularly carry it, the indulgences are suspended until he resumes it; - f) nor is it necessary that he be admitted anew, unless he has laid it aside from contempt or from the will to leave the confraternity or cast away the scapular; - g) one who carries several must keep them

sufficiently distinct, so that the little cloths do not form one scapular, and they are not sewn together except at the upper part, but each adheres to its cords.

The principal scapulars are:

1. The scapular of Blessed Mary of Mount Carmel, of brown color, which is most ancient and is eminent by the singular protection which the Blessed Virgin is piously believed to have promised to those who have devoutly worn it and die in it; - and by a special privilege by which members, under certain conditions, on the first Saturday after death, can hope, by the powerful intercession of the Blessed Virgin, for special help ordered to prompt liberation from purgatory. The Church permitted the Carmelites to preach this (S. Off., Jan. 20, 1613). The conditions are that one observe chastity according to his state; and if he knows how to read, that he recite daily the little Office of the Blessed Virgin, which condition clerics and religious who say the office to which they are bound satisfy; one who does not know how to read must fast on the days prescribed by the Church, and observe abstinence on Wednesday and Saturday, except the day of the Nativity of the Lord; but all confessors can commute this abstinence.

2. The scapular of the Most Holy Trinity, of white color, furnished with a cross of red and blue color not painted with a needle.

3. The scapular of the Blessed Virgin Mary of the Seven Sorrows, of black color.

4. The scapular of the Immaculate Conception, of blue color. This had been endowed with a singular favor, by which members, in honor of the Holy Trinity, of the Blessed Virgin Mary conceived without stain, and according to the mind of the Supreme Pontiff, reciting 6 Our Fathers, Hail Marys, and Glory Bes, gained *toties quoties* the indulgences of the Portiuncula, Jerusalem, the 7 Basilicas of the City, and St. James of Compostela, that is, once in the day for plenaries. Nevertheless, by a recent decree of the Sacred Penitentiary, Apr. 22, 1933, this grace, like all other similar ones, was reduced so that those reciting can gain only a partial indulgence of 10 years on each occasion; but if through an entire month they have done this, they can acquire a plenary indulgence, under the usual conditions.

5. The scapular of the Passion, of red color, which must be furnished with an image.

All have privileges and indulgences, concerning which, as concerning all things which regard indulgences, Beringer-Steinen, *Die Ablasse*, can be consulted; this work has been translated into various languages.

After the scapular has been imposed, a medal also can be worn in its place. And indeed from the decree of the Holy Office, Dec. 16, 1910, a single medal, showing the image of Our Lord Jesus Christ displaying his Most Sacred Heart, and on the other side the image of the Blessed Virgin Mary, can be worn, but on one's own person, in place of all scapulars approved by the Holy See, except those which are proper to Third Orders. It is necessary that the medal be blessed by as many distinct blessings as there are scapulars in whose place it is substituted, and indeed by a priest who possesses the respective faculty of blessing the scapulars.

680. Jubilee in ecclesiastical speech is a solemn plenary indulgence, which has many privileges joined to it and is granted by the Supreme Pontiff only at certain times. Therefore it does not differ from an ordinary plenary indulgence except because of the circumstances, namely by reason of the solemnity, the works enjoined, the privileges annexed to it, the abundance of graces which divine mercy is accustomed to bestow at that time, and the greater hope of obtaining the indulgence totally.

One is ordinary, which now is usually granted regularly when the twenty-fifth year recurs, which is called a holy year: in that year it is celebrated at Rome, and after the year the Jubilee is extended to the whole world for six months, and sometimes for an entire year. Another is extraordinary, which is granted by reason of a great solemnity, as in the year 1933 for the centenary of the Redemption, or by reason of a special public necessity: this is general if it is granted to the whole world, or particular if it is given to a province, city, or particular place.

The end of the Jubilee is not the obtaining of the indulgence, but some common and great good of the Church to be obtained, such as the stirring of the Christian people to penance, the more solemn celebration of a great event, the cessation of public calamity, peace, etc.; to this end it is fitting that the faithful perform several good works. But that they may be enticed to perform them, the Pontiff grants a plenary indulgence and various privileges to those fulfilling the works.

A. The conditions customarily prescribed for the ordinary Jubilee are confession duly made, worthy Communion, devout visitation of the churches designated for this purpose with prayer according to the mind of the Supreme Pontiff through several days, continuous or interposed; for an extraordinary Jubilee fasting and alms are sometimes added. These are to be fulfilled during the time in which the Jubilee runs; hence confession on its vigil does not suffice; and indeed the rules handed down by Benedict XIV for the Jubilee of the year 1750 are to be observed, unless they are expressly revoked (S. Congr. Indg., Mar. 15, 1852).

1. The good works must be supererogatory, not due from elsewhere, and must be done from the intention of gaining the Jubilee; hence annual confession or paschal Communion does not suffice, nor the visit of a church for hearing Mass by precept, nor alms due from a legacy or vow, nor fasting already prescribed, unless the Pontiff should expressly indulge this; nevertheless Viaticum suffices (S. Poen., Mar. 28, 1900).

2. One who after confession has been made falls into mortal sin must repeat confession when he has not yet received holy Communion; otherwise, for gaining the Jubilee an act of perfect contrition suffices (S. Poen., July 31, 1924). But, says Genicot, Th. M. II, n. 412, confession seems to have to be repeated by him who remembers some sin not declared in the confession previously made through innocent forgetfulness (Benedict XIV, const. *Inter praeteritos*).

3. How many churches are to be visited, and how often, and within what time, is determined by the Bull which grants the Jubilee; likewise whether separately or on the same day, which day can be computed either by the civil manner from midnight to midnight, or by the ecclesiastical manner from first vespers to twilight. But if all those visiting together processionally cannot enter the church, it suffices that they stand near, outside the church, and unite themselves with the multitude; however, it is not certain that this holds if the church is closed, unless this has

been granted, as has sometimes been done for the Roman basilicas (S. Poen., July 31, 1924). Religious do not satisfy by visiting their own church unless they have an indult.

4. Fasting is understood with abstinence from flesh, not as formerly with abstinence from eggs and milk foods (can. 1250). Yet it obliges all, old people and children; but because of grave inconvenience it can be commuted. Sometimes it is prescribed that it be done on Wednesday, Friday, and Saturday of the same week.

5. Alms, if it is enjoined according to each one's devotion, a small alms suffices; but if according to ability, it must be proportioned to this.

B. Privileges customarily granted to confessors, even ordinary confessors, are:

1. Of commuting, for a just cause, the works required for the Jubilee, except confession; commutation is not to be granted without a just impediment, which will occur very rarely for Communion and the reciting of prayers, nor is it to be made except into a nearly equal work.

2. Of absolving from all sins and censures reserved by law or by man, but only in the internal forum and with those things enjoined which are to be enjoined; nevertheless not generally from those most specially reserved, nor of absolving an accomplice.

3. Of absolving all, even religious women; hence these have the faculty of choosing for themselves from those approved for both sexes a confessor in order to gain the Jubilee.

4. Of dispensing from certain occult irregularities, but as regards orders already received.

5. Of commuting by dispensing for a just cause in private vows, even sworn vows; nevertheless not in religious vows, or vows accepted by a third party unless he renounces them, nor in penal vows unless something else is imposed which equally wards off the danger of sinning.

6. Of dispensing, but only in the internal forum, from certain occult impediments, such as consanguinity of the third or second collateral degree, even touching the first, which comes from illicit generation, but in order to validate a contracted marriage; or of crime without machination, even for contracting marriage.

The faculties can be stricter or broader, concerning which therefore the Bull of the Jubilee must always be considered. Broader faculties, however, are granted to the major Penitentiaries in the four Roman Basilicas.

Confessors enjoy the faculties only in order to gain the Jubilee and only in the internal forum; and indeed only in the act of confession, unless something else is expressly noted. One who has made a good confession with the intention of the Jubilee, but afterward does not fulfill the other works and does not gain the Jubilee, remains validly absolved or dispensed, but of itself sins at least venially. But one who has confessed sacrilegiously was neither validly absolved nor dispensed.

C. The suspension of graces, that is, of special faculties and privileges and of pontifical indulgences for the living, is usually made outside the City during the Jubilee, so that the faithful may take care to gain it. Nevertheless the following are usually excepted:

1. indulgences for the dead; indeed those which otherwise are granted for the living can, during the Jubilee, be applied to the dead;

2. the indulgence at the article of death;

3. indulgences granted for the prayer *Angelus Domini* at the sound of the bell;

4. indulgences for the visit of the Most Holy Sacrament exposed for Forty Hours, as also for accompanying it when it is carried to the sick, or for a candle sent for this purpose to be carried by others;

5. the indulgence of the Portiuncula, but to be gained at Assisi.

And sometimes there are others which are listed in the Bull.

Faculties granted by grace or privilege are usually suspended: of absolving from reserved sins and censures, of relaxing censures, of commuting vows and dispensing in them, of dispensing from irregularities and canonical impediments. Nor are the faculties of confessors in the internal forum always suspended as regards penitents who cannot approach the City. In this matter, however, there can be diversity for different Jubilees; hence no certain rule is supplied except by the Bull indicating the Jubilee and determining the prescriptions.

Observation. - To certain categories of the faithful who are in the impossibility of going to the City, it is usually granted that already during the holy year they may gain the Jubilee: thus all religious women and pious women living a common life, and women and girls living with them; anchorites who live in continual enclosure and solitude, professing a regular Order; captives, those detained in prisons, those undergoing the penalty of exile or deportation; the sick, and old people who have completed their seventieth year; laborers procuring their livelihood for themselves by daily labor, if they are impeded from undertaking the Roman journey; and perhaps others if they are indicated in the Bull.

But those who have gained the Jubilee in the holy year can gain it again if in the following year it is extended to the whole world.

Article III: On Censures

S. Th., Suppl., q. 21-24.

681. A censure is the sentence of a censor deputed for correcting morals; but in canonical speech it is not so much the sentence itself as the penalty inflicted upon sinners. By usage now received it is now said exclusively of a medicinal penalty, in no way of a vindicative one. It can be defined: an ecclesiastical medicinal penalty by which a baptized man, delinquent and contumacious, is deprived of certain spiritual goods or goods annexed to spiritual goods, until, withdrawing from contumacy, he is absolved (can. 2241, § 1). It can be from the law or from man; of a sentence to be pronounced or of an incurred sentence; reserved or not reserved.

A censure 1) is an ecclesiastical penalty, therefore it deprives of goods concerning which the Church can dispose, such as the administration and reception of the sacraments, common suffrages and indulgences, the exercise of Orders, ecclesiastical burial, offices, benefices, and their revenues; but

not of goods which immediately proceed from Christ, such as the sacramental character and the power of Order, grace, virtues, nor of goods which come from individual faithful, such as good works and private prayers; - 2) it is a medicinal penalty, namely ordered primarily to the amendment of the sinner, whence it cannot be brought for a merely past delict which does not have a successive fear or which has already been amended, nor for a determined time or in perpetuity, but when the amendment of the delinquent has been obtained, absolution from the censure must be given (can. 2248, § 2); - 3) it is a penalty which supposes contumacy, whence it cannot be brought unless a warning has preceded; otherwise contumacy is judged to be absent: but one warning is legal, which is made by the law itself for censures *latae sententiae*, another personal or canonical, which is made by man, and can be repeated with an interval or be one peremptory warning, according to the prudent judgment of the superior, for censures *ferendae sententiae* (can. 2242, § 2; 2233, § 2; 2309); but if the particular precept was already fortified by a censure *ferendae sententiae*, immediately after the delict has been proved this censure can be inflicted (com. int., July 14, 1922).

A. The power of bringing censures is implicitly included in the universal power of binding, which pertains to the keys according to Mt. 16:19; indeed for excommunication it is suggested in Mt. 18:17; and it is clear from the constant practice of the Church, from the Council of Constance, sess. 8, n. 30, against Wicleff, and sess. 15, n. 19, against Hus. By ordinary power, all who generally have ordinary power of jurisdiction in the external forum can bring censures, because it pertains to the external governance of the Church, namely, the Supreme Pontiff by himself or through the Roman Congregations and Tribunals; an ecumenical Council; a bishop and a vicar capitular, but not a vicar general; a particular Council; a vicar and prefect apostolic; an abbot and prelate *nullius*; a major superior of an exempt clerical religion according to the statutes, and a general chapter (can. 2220), but not pastors; - by delegated power, however, all clerics to whom it has been committed by those who have ordinary power.

B. The subject of a censure is a baptized man, a wayfarer, and a subject of him who brings the censure (can. 2226), possessed of reason and capable of malice (can. 2200-01), indeed pubescent (having 14 years, even probably if it is a female) according to the discipline now in force for penalties *latae sententiae* (can. 2230).

Hence the following are incapable of censures: the non-baptized, children and those deprived of the use of reason, the dead, and the Supreme Pontiff, as having no superior on earth and subject to no one.

It should be noted that bishops, outside the diocese, can bring censures upon subjects by way of a particular precept, but not by way of a judicial sentence; in the diocese even upon pilgrims sinning there, but generally only by a particular sentence, because they are not bound by territorial censures, and the pilgrim who sins is usually denounced to his own Superior so that he may be punished by him; - but that a metropolitan in suffragan dioceses can bring censures in the time of canonical visitation according to can. 274, 5. - On the contrary, a penalty cannot be inflicted or declared except by the Supreme Pontiff upon those who hold the supreme rule of peoples and their sons and daughters, and those to whom belongs the right of next succeeding in rule; and unless they are expressly named, Cardinals are not included under a penal law, nor bishops under penalties *latae sententiae* of suspension and interdict (can. 2227).

Someone can incur several censures, because he can be bound by several bonds and be deprived of the same goods under several titles; censures are multiplied, namely, by reason of diversity, or multiplication of acts or of penalties. Hence can. 2244: "1. Not only diverse censures, but even a censure of the same species can be multiplied in the same subject. - 2. A censure *latae sententiae* is multiplied: a) if diverse delicts, each of which carries a censure with it, are committed by the same or by distinct action; b) if the same delict, punished by a censure, is repeated several times so that there are several distinct delicts; c) if a delict, punished by diverse censures by distinct superiors, is committed once or several times. - 3. A censure from man is multiplied if several precepts, or several sentences, or several distinct parts of the same precept or sentence each inflict its own censure."

C. The object or matter of a censure is an external, grave delict, consummated in its own kind and not merely attempted, joined with contumacy or with at least virtual contempt of the censure; moreover a censure can be brought even against unknown delinquents (can. 2242, § 1).

From the censure itself the following excuse: nullity of the censure, whether because of defect of jurisdiction, or because of a substantial defect of juridical order, or because of defect of a just cause, namely, not proved or not true; - defect on the part of sin; - physical and moral inability to observe the law; - grave fear, unless the delict tends to contempt of the faith or of ecclesiastical authority or to public harm of souls; - ignorance, never however affected ignorance, nor crass ignorance unless the law requires presumption, perfect knowledge, or temerity (can. 2205 and 2229).

From the effects of censure before the sentence of the judge the following excuse: grave infamy (can. 2232, § 1), grave scandal, and grave harm extrinsic to the observance of the censure and proportioned to it.

D. Absolution from censures is necessary for removing them (can. 2248, § 1); hence the dead are absolved from them if they have died with signs of penance, so that suffrages and ecclesiastical burial may be granted to them.

Now, according to can. 2253, the following can absolve:

1. From a censure not reserved, in the sacramental forum any confessor; outside the sacramental forum, whoever has jurisdiction over the accused in the external forum.

2. From a censure from man, he to whom the censure is reserved according to the norm of can. 2245, § 2, namely, he who inflicted it, or pronounced the sentence, or his competent superior or successor or delegate; he himself can grant absolution even if the accused has transferred his domicile or quasi-domicile elsewhere.

It is from man if it is brought by way of a particular precept or by a condemnatory judicial sentence, even if established in law; wherefore a penalty *ferendae sententiae*, added to a law, before the condemnatory sentence is only from the law, afterward from the law and from man at the same time, but is considered as from man (can. 2217, § 1, 3).

3. From a censure reserved by law, he who established the censure or to whom it is reserved, and their successors or competent superiors or delegates.

When a confessor can absolve from reserved censures was declared in n. 597, C.

The conditions for absolving are: a) on the part of the one absolving, legitimate power and a free will immune from force and grave fear unjustly extorting it (can. 2238); b) on the part of the one to be absolved: that he be a subject, that he seek absolution at least regularly, and that he firmly promise that he wishes to execute the commands of the Church concerning satisfaction and amendment; c) on the part of the delict, that satisfaction be made as far as possible to the injured person, scandal be repaired, and salutary penance be imposed besides sacramental penance.

It should be noted: a) Absolution can be given in the internal forum and in the external forum. Given in the external forum, it also has force in the internal forum; hence if someone has been absolved from a reserved censure, the sin is no longer reserved. Absolution in the internal forum of itself does not have force in the external forum; but, scandal having been removed, the one absolved can behave as such even in acts of the external forum; but, unless the granting of absolution is proved or legitimately presumed in the external forum, the censure can be urged by superiors of the external forum, whom the accused must obey, until absolution has been had in the same forum (can. 2251).

b) It is possible to be absolved from one censure and not from another (can. 2249, § 1).

c) Sometimes someone is absolved only from some effect of the censure: then the censure remains but the effect is taken away.

d) Absolution from censure can also be given to one absent, or even in writing (can. 2239).

e) Absolution in the sacramental forum is contained in the customary formula of absolution from sins; in the non-sacramental forum it can be given in any way, but for absolution from excommunication it is regularly fitting to use the form handed down in the Ritual (can. 2250, § 3).

E. There are three species of censure: excommunication, suspension, and interdict. For in a well-constituted republic there is the power of excluding from its social body certain persons harmful to it, of suspending others who administer badly from their office, and of forbidding to others certain acts and functions; therefore also in the Church, which was constituted by Christ as a perfect society.

According to can. 2255: a) "excommunication can affect only physical persons, and therefore, if at any time it is brought upon a moral body, it is understood to affect the individuals who have concurred in the delict; interdict and suspension can affect also a community, as a moral person;

b) excommunication and interdict can affect even laymen; suspension, clerics only; interdict, even a place;

c) excommunication is always a censure; interdict and suspension can be either censures or vindicative penalties, but in doubt they are presumed to be censures."

Excommunication is graver, because it deprives of greater and more numerous goods.

682. Excommunication (*Kerkban*) is a censure by which someone is excluded from the ecclesiastical communion of the faithful with the effects which are enumerated in law and which cannot be separated from it (can. 2257, § 1); when solemnly inflicted it is called by the special name *anathema* (*banvloek*). Formerly, says Prummer, Th. M. III, n. 499, a distinction was made between major or perfect excommunication, and minor excommunication, which deprived only of the reception of the sacraments and of passive election to benefices; but the latter no longer exists, at least as a censure inflicted by the law itself. Major excommunication either leaves the delinquent tolerated, or renders

him to be avoided; but the tolerated person either is simply such, or has been condemned by a declaratory or condemnatory sentence. According to the discipline now in force, no one is to be avoided, unless a) he has been excommunicated by name by the Apostolic See, the excommunication has been publicly denounced, and in the decree or sentence it is said that he must be avoided (can. 2258); or b) unless he has laid violent hands upon the person of the Supreme Pontiff, in which case he is by the fact itself to be avoided (can. 2343, § 1, n. 1).

A. The effect of excommunication is to deprive:

1. of the right of assisting at divine offices, with preaching excepted, and indeed in such a way that one to be avoided must be expelled, or, if he cannot be expelled, the office must cease, provided this can be done without grave inconvenience; but from active assistance, which carries with it some participation in the celebration of divine offices, not only one to be avoided, but also anyone after a declaratory or condemnatory sentence, or one otherwise notoriously excommunicated, is to be repelled (can. 2259);

2. of the licit reception of the sacraments, and, after a declaratory or condemnatory sentence, also of sacramentals (can. 2260, § 1);

3. of the licit confecting and administration of the sacraments and sacramentals, unless one simply tolerated has been asked by the faithful; but from excommunicates to be avoided, and also from others after a condemnatory or declaratory sentence has intervened, the faithful can ask, in danger of death alone, both sacramental absolution and also, if other ministers are lacking, the other sacraments and sacramentals (can. 2261);

4. of common suffrages, indulgences, and the public prayers of the Church; - yet not of the private prayers of the faithful, whence priests can privately and with scandal removed apply Mass for an excommunicated person, but, if he is to be avoided, only for his conversion (can. 2262);

5. of ecclesiastical burial after a condemnatory or declaratory sentence (can. 1240, § 1);

6. of exercising legitimate ecclesiastical acts, for example, the office of sponsor, and of discharging ecclesiastical offices and enjoying privileges previously granted (can. 2263);

7. of exercising acts of jurisdiction both of the external and of the internal forum, and indeed in such a way that, if a condemnatory or declaratory sentence has been given, they are also invalid, excepting the case of danger of death mentioned under 3; otherwise they are valid, indeed licit if they are sought by the faithful (can. 2264);

8. of promotion to orders; - indeed of the right of electing, presenting, nominating, and obtaining a dignity, office, benefice, ecclesiastical pension, or any other function in the Church, in such a way that the act placed is null if it is placed by an excommunicate to be avoided, or by another after a declaratory or condemnatory sentence. In this case he also will not ordinarily be able validly to obtain any pontifical grace, and he remains deprived of the fruits of the dignity,

office, benefice, pension, or function which he has in the Church; but one to be avoided is deprived of the dignity, office, benefice, pension, or function itself (can. 2265-66).

It should be noted: a) The faithful must avoid communion in profane matters with an excommunicate to be avoided, unless there is question of spouse, parents, children, servants, subjects, and generally unless a reasonable cause is present (can. 2267).

b) An excommunicated person is irregular from delict if he culpably places an act of order reserved to clerics constituted in sacred order (can. 985, 7).

c) If with hardened mind he has remained for a year in excommunication, he is suspected of heresy (can. 2340, § 1).

B. The following incur excommunication *latae sententiae* by the common law:

a) Most specially reserved to the Holy See:

1. Those who throw away the consecrated species or carry them away or retain them for an evil purpose (can. 2320).

To throw away means to cast away or destroy as a contemptible thing or as of no value; not, however, to place them carefully upon the table lest they be lost, or to put them away in the tabernacle, nor merely to profane them once they have already been carried away or retained. One guilty of this crime, moreover, is a) suspected of heresy, b) infamous by the law itself, c) to be deposed, if he is a cleric.

2. Those who lay violent hands upon the person of the Supreme Pontiff (can. 2343, § 1).

That violence is to be understood as a grave real injury (not verbal) by which the body or liberty or dignity of the person is harmed. One guilty of this crime, moreover, is a) by the fact itself to be avoided, b) infamous by the law itself, c) to be degraded, if he is a cleric.

3. One guilty of absolution of an accomplice in a base sin (can. 2367), in the manner stated above, n. 636.

4. A confessor who has presumed directly to violate the sacramental seal (can. 2369), concerning which it was stated in n. 626 and 630, n. 1.

The aforesaid four canons also have force for the Oriental Church.

5. Those who violate the secret of the Holy Office concerning information required about candidates for the episcopate (S. C. C., Apr. 24, 1917; cf. can. 239, § 1, 1).

6. Those having part in a conclave who directly or indirectly violate the secret in those things which regard the election of the Supreme Pontiff and which are done in the conclave or in the place of election (can. 2330, and Pius X, const. *Vacante*, Dec. 25, 1904).

Most special reservation to be absolved exclusively by the Sacred Penitentiary has very recently been incurred by: priests attempting merely civil marriage and living chastely with a woman, in order to

receive the sacraments after the manner of laymen (S. Poen., Apr. 18-28, 1936).

b) Specially reserved to the Holy See:

1. Apostates, heretics, schismatics (can. 2314), outwardly manifesting their mind.

Concerning this matter we spoke in I, n. 747, 750, and 956.

2. Those suspected of heresy if, after being warned, they do not amend themselves after six months; namely, they are to be held as heretics, liable to the penalties of heretics (can. 2315).

Concerning this see I, n. 747, note 1.

3. Those who, by a work made public, publish books of apostates, heretics, or schismatics which defend apostasy, heresy, or schism; or who defend those same books or books prohibited by name by apostolic letters, or knowingly read or retain them without due license (can. 2318, § 1).

Concerning this matter we spoke in I, n. 776.

4. One not promoted to the priesthood who simulates the celebration of Mass or hears sacramental confession (can. 2322). Cf. n. 90, 1.

5. All who appeal from the laws, decrees, or mandates of the Roman Pontiff existing at the time to a universal Council (can. 2332).

6. Those who impede letters or acts of the Holy See or of its legates, directly or indirectly prohibit their promulgation or execution, or on account of them harm or terrify either those to whom the letters or acts pertain or others (can. 2333).

7. Those who publish laws, mandates, or decrees against the liberty or rights of the Church; or those who, by recourse to the lay power, impede the exercise of ecclesiastical jurisdiction (can. 2334).

Those who publish are all who must concur so that the law or decree may be issued; not however notaries who transcribe mandates, nor heralds who promulgate them, nor those who see that statutes of this sort are observed, or apply them, or use them.

8. Those who dare to bring before a lay judge a Cardinal, a Legate of the Holy See, a major official of the Roman Curia, or one's own Ordinary (can. 2341).

9. Those who lay violent hands upon a cardinal, a legate of the Supreme Pontiff, or any bishop (can. 2343, § 2 and 3).

10. Those who usurp or detain by themselves or through others goods or rights of the Roman Church (can. 2345).

Those are said to usurp who authoritatively seize and occupy goods as their own, as governors who secularize the goods or rights of the Church, not those who steal them. Those detaining these goods

are those buying or leasing them, or receiving them, not civil officials who merely administer them, because they do not detain them for themselves.

11. Forgers of letters of the Holy See and those knowingly using forged ones (can. 2360).

12. One who falsely, by himself or through others, denounces a confessor to superiors for solicitation (can. 2363), concerning which it was stated above, n. 643, C.

c) Simply reserved to the Holy See:

1. Those making gain from indulgences (can. 2327).

They make gain who seek a price from the concession or publication of indulgences, even if the profit is in favor of a pious cause. All, even bishops, are now subject to this penalty.

2. Those giving their name to a Masonic sect or another association of the same kind (can. 2335).

Concerning this matter we spoke in I, n. 750.

3. Those presuming to absolve without due faculty from excommunication *latae sententiae* reserved to the Holy See in the most special or special manner (can. 2338, § 1), concerning which it was stated above, n. 599, 5.

4. Those furnishing help or favor in a delict to an excommunicate to be avoided, and clerics knowingly and spontaneously communicating in divine things with the same and receiving him in divine offices (can. 2338, § 2), namely, authoritatively.

5. Those daring to bring before a lay judge a bishop who is not one's own, a prelate *nullius*, or a supreme religious superior (can. 2341).

6. Those violating the enclosure either of regulars or of nuns, and nuns illegitimately going out from the enclosure (can. 2342).

7. Those presuming to usurp, by themselves or through others, and to convert to their own uses ecclesiastical goods, whether movable or immovable, whether corporeal or incorporeal, or to impede their fruits or revenues from being perceived by those to whom they belong by right (can. 2346).

8. Duelists and their accomplices (can. 2351).

Concerning this see II, n. 366.

9. Clerics in sacred orders and religious bound by a solemn vow of chastity who presume to contract marriage, even only civilly, and their partner (can. 2388); but not mere concubinage.

Clerics, if after being warned they have not returned to sound mind, are to be degraded.

For the absolution of clerics in the external forum, recourse must be had to the Holy Office; for the absolution of priests only attempting civil marriage and living chastely with a woman, and for their

admission to the sacraments merely as laymen, recourse must be had to the Sacred Penitentiary from the decree of Apr. 18, 1936 - concerning which above under a), and n. 597, C, 1, b).

10. Simoniacs in ecclesiastical offices, benefices, and dignities (can. 2392).

Concerning this matter we spoke in II, n. 809, B, and 815, B.

11. A vicar capitular or others who subtract, destroy, conceal, or substantially alter a document from the episcopal curia (can. 2405).

d) Reserved to the Ordinary:

1. Those entering marriage before a non-Catholic minister, or contracting it with an explicit or implicit pact that all or some offspring be educated outside the Catholic Church, or knowingly offering children to be baptized by a non-Catholic minister, or knowingly handing them over to be educated or instructed in a non-Catholic religion (can. 2319).

Concerning this matter we spoke in I, n. 756 and 762.

2. Those who make, or knowingly sell, distribute, or expose, false relics (can. 2326).

3. Those laying violent hands upon simple clerics or religious (can. 2343, § 4).

4. Those procuring abortion, the effect having followed, not excepting the mother (can. 2350). But if they are clerics, they are to be deposed.

Abortion is not every killing of a fetus, such as embryotomy, nor premature birth of a viable fetus which can live outside the mother, but the ejection, deliberately and studiously done, of a non-viable fetus, whence its death is by nature apt to follow. Concerning this see II, n. 363.

5. A religious apostate from religion: if the religion is clerical exempt, the excommunication is reserved to his own major superior; if lay or not exempt, to the Ordinary of the place in which he is staying (can. 2385).

6. Professed religious of perpetual simple vows who presume to contract marriage, even civilly, and their partner (can. 2388, § 2).

e) Reserved to no one:

1. Authors and editors who, without due license, take care that books of the Holy Scriptures or their annotations or commentaries be printed (can. 2318, § 2), concerning which it was stated in I, n. 776.

2. Those daring to command (by authority) or to compel (by force or fear) infidels, apostates, non-Catholics, or others, whether excommunicated or interdicted with a condemnatory or declaratory sentence, to be given ecclesiastical burial (can. 2339).

Some understand the canon of the transfer of the corpse to the church, the obsequies celebrated over it, and its placement in a place legitimately deputed for the faithful; others understand it of burial alone in a sacred place: if this alone is given, according to the former the excommunication is not incurred; but that interpretation is not conformable to the old law.

3. Those presuming to alienate ecclesiastical goods, or giving consent in alienating them, knowingly omitting apostolic approval, if they are precious or exceed the value of 30,000 fr. (can. 2347, 3), according to an estimate made by upright men, not however according to the price obtained by public auction (c. int., July 20, 1929).

Many understand this sum of the value in gold because of uncertainty of value; but this reason does not seem to hold in regions where money has now been stabilized.

4. All who compel (by physical or moral force, for example, by fear, threats, command, etc.) someone to embrace the clerical or religious state (can. 2352).

For the censure to be incurred, according to the canon, there is required either entrance into the clerical state by reception of tonsure, or entrance into the novitiate, or the emission of religious profession, whether solemn or simple, not only temporary but also perpetual.

5. One knowingly omitting to denounce a confessor by whom he has been solicited (can. 2368), concerning which it was stated in n. 643, B.

Even from censures reserved to no one, no one can be absolved unless he has satisfied the obligation or has seriously promised that he will fulfill it.

683. Suspension (*schorsing*) is a censure by which a cleric is deprived of the exercise or use of some power or function which belongs to him by reason of order, office, or benefice; or "by which a cleric is prohibited from office or benefice or both" (can. 2278).

It can also be not a censure, but a vindicative penalty, or even a certain penance or mere prohibition of exercising an office; it is not a censure if it is brought in perpetuity, or for a predefined time, or at the good pleasure of the superior (can. 2298, 2), but in doubt whether it is a censure or another penalty, it is presumed to be a censure (can. 2255, § 2). For an occult delict it can also be brought from informed conscience, but this is not lawful for the Ordinary if he can proceed according to the norm of law against the subject without grave inconvenience (can. 2186); in a case in which it is brought from informed conscience, generally it is a vindicative penalty, although it can also be a censure (cf. can. 2188).

One suspension is general or special according as it deprives of every use both of Order, of office, and of benefice, or only of the use of one of these; the latter again is total or partial according as it deprives of every use of order, office, or benefice, or only of partial use, such as suspension from divine things, from confessions, from pontifical order, or from pontificals (cf. can. 2279).

A. Effects. One suspended is not prohibited from receiving the sacraments, provided he sincerely grieves for sins; but

1. he sins gravely who, without a grave excusing cause, exercises an act prohibited to him; this sin, however, admits lightness of matter, for example, in the mere exercise of a minor order;

2. one suspended from order and culpably violating the suspension by the exercise of sacred order becomes irregular (can. 985, 7);

3. one suspended who is merely tolerated validly exercises jurisdiction, yet illicitly unless he has been asked; after a condemnatory or declaratory sentence, also invalidly (can. 2284);

4. one suspended from office simply and absolutely is also deprived of the use of order, as of jurisdiction: namely, suspension from office includes suspension from order (can. 2279, § 1);

5. anyone suspended is prohibited from the right of electing, presenting, nominating; he cannot obtain dignities, offices, benefices, ecclesiastical pensions, or any other function in the Church, nor can he be promoted to orders (can. 2283), in the same way as was stated concerning excommunicates (can. 2265);

6. one suspended from a benefice who usurps the benefice's fruits is bound to restitution even before the sentence of the judge, and can also be coerced to it by canonical penalties; nevertheless he can live in the buildings of the benefice, and, unless something else is expressly said, administer its goods (can. 2280).

It should be noted from can. 2285: if a community or college of clerics has committed a delict, suspension can be brought either upon the individual delinquent persons, or upon the community as such, or upon the delinquent persons and the community. If the first, what was said above has force; if the second, the community is prohibited from the exercise of the spiritual rights which belong to it, as a community; if the third, the effects are accumulated.

B. The suspensions *latae sententiae* in force today are:

a) Censures reserved to the Holy See:

1. Clerics simoniacally giving or receiving ordination and the other sacraments incur suspension (can. 2371).

2. Those who presume to receive orders from one excommunicated or suspended or interdicted after a declaratory or condemnatory sentence, or from a notorious apostate, heretic, or schismatic, contract suspension from divine things (can. 2372); likewise priests who without due license and dimissorial letters have rashly and arrogantly migrated from Europe or the shores of the Mediterranean to America or to the Philippine Islands (S. C. Consist., Dec. 30, 1918).

3. A religious cleric in sacred orders, dismissed for delicts according to the norm of law, by the fact itself is subject to suspension until he has obtained absolution from the Holy See (can. 670-671).

b) Reserved to the Ordinary of the place:

A cleric who has dared to bring before a lay judge, without obtaining the permission of the Ordinary, another ecclesiastical person who is not constituted in a higher dignity incurs suspension from office (can. 2341).

c) Reserved to the major religious superior:

A fugitive religious incurs suspension if he is in sacred orders (can. 2386);

that man is a fugitive who departs from the religious house with the intention of living for a time outside religious obedience, but afterward returning.

d) Not reserved:

1. A priest who has presumed to hear sacramental confessions without necessary jurisdiction is by the fact itself suspended from divine things; but one who has presumed to absolve from reserved sins is by the fact itself suspended from hearing confessions (can. 2366).

2. One who without letters or with false dimissorial letters, or before canonical age, or by a leap has maliciously approached orders, is by the fact itself suspended from the order received (can. 2374).

3. A cleric who has presumed to resign an ecclesiastical office, benefice, or dignity into the hands of laymen, by the fact itself incurs suspension from divine things (can. 2400).

4. A vicar capitular illegitimately granting dimissorial letters for ordination, by the fact itself is subject to suspension from divine things (can. 2409).

5. An abbot or prelate *nullius* who, a legitimate impediment ceasing, has not received benediction within three months from receiving apostolic letters, is by the fact itself suspended from jurisdiction (can. 2402).

e) As vindicative penalties:

1. By the law itself, a bishop consecrating a bishop without apostolic mandate, his assistants, and the one receiving consecration are suspended until the Apostolic See has dispensed them (can. 2370).

2. Religious constituted in major orders whose profession has been declared null because of fraud admitted by them are suspended, until it shall seem otherwise to the Apostolic See (can. 2387).

3. Those who confer orders without the required testimonial letters, or without a canonical title, or without the necessary licenses in the ordination of religious, by the fact itself incur suspension for a year from the conferral of orders (can. 2373).

4. Religious superiors who have presumed illegitimately to send their subjects to another bishop to be ordained, by the fact itself are suspended for a month from the celebration of Mass (can. 2410).

5. Chapters of a convent and others admitting those elected, presented, or nominated to a benefice, office, or ecclesiastical dignity before the exhibition of the letters remain by the fact itself suspended from the right of electing, nominating, or presenting, at the good pleasure of the Apostolic See (can. 2394, 3).

C. Cessation of suspension. 1. Suspension brought as a censure is removed only by legitimate absolution.

2. Suspension which is a vindicative penalty is taken away by dispensation of the legitimate superior, or by lapse of time if it has been inflicted for a time; but if it was from informed conscience, it also ceases by the death of the prelate who brought it, unless it was imposed by a legitimate document or before two witnesses (can. 24).

684. Interdict (*ontzegging*) is a censure by which the faithful, remaining in communion with the Church, are prohibited from the use of certain sacred things which are enumerated in law (can. 2268, § 1). One is direct or personal, by which the use of those goods is immediately interdicted to the persons themselves everywhere; another is indirect or local, by which in certain places the dispensation or reception of those same goods is forbidden (ibid., § 2), so that it immediately affects the place, mediately the persons dwelling there, even outsiders and exempt persons. It is general, if it affects an entire territory or a whole people or a whole city; or particular, if it affects a determined part of some place or people, for example, a convent, church, or altar. Likewise it is total, which causes all the proper effects of interdict; or partial, which prohibits only certain sacred things.

It should be noted a) that a general interdict upon an entire territory or upon the whole people of a republic or diocese can be brought only by the Holy See or by its mandate; other interdicts also by a bishop (can. 2269, § 1);

b) that an interdict can also be inflicted as a vindicative penalty (can. 2255, § 2).

A. Effects. 1. An interdict affects personally those who gave cause for it (2338, § 4); but the others who are living in an interdicted place must indeed observe it, but they can receive the sacraments without absolution from the interdict, and outside this place they are wholly free (can. 2269, § 2 and 2276).

2. A general local interdict in the interdicted place generally prohibits divine offices and sacred rites, and every solemnity, chant, pomp in sacred furnishings, the sound of bells, organs, or other musical instruments (can. 2270, § 1 and 2271). However:

a) On the five feasts, of the Nativity of the Lord, Easter, Pentecost, Corpus Christi, and the Assumption of the Blessed Virgin, the local interdict is suspended, and only the conferral of orders and the solemn nuptial blessing are prohibited (can. 2270, § 2).

b) Clerics not personally interdicted can perform all offices and sacred rites in any church or oratory privately, that is, with doors closed, in a subdued voice, and with bells not rung (can. 2271, 1).

c) In a cathedral church, parochial churches, or in a church which is the only one in a town, the celebration of one Mass, reservation of the Most Holy Sacrament, administration of Baptism, Eucharist, and Penance, assistance at marriages excluding the nuptial blessing, obsequies of the dead

without any solemnity, blessing of baptismal water and of the sacred oils, and preaching of the word of God are permitted. Likewise holy Viaticum can be carried to the sick, but privately (can. 2271, 2).

3. In a particular local interdict: a) if an altar or chapel of some church has been interdicted, no sacred office or sacred rite can be celebrated in them; - b) if a cemetery has been interdicted, the corpses of the faithful can indeed be buried there, but without any ecclesiastical rite; - c) if it has been brought upon a church (or oratory) which is capitular, and the chapter has not been interdicted, clerics there are permitted what was said under 2, b; unless the decree of interdict orders the conventual Mass to be celebrated and the canonical hours to be recited in another church or oratory; - d) if it has been brought upon a church (or oratory) which is parochial, the things said under 2, c have force; unless the decree of interdict substitutes another church for it for the time of the interdict (can. 2272).

It should be noted from can. 2273: when a city has been interdicted, accessory places, even exempt ones, and the cathedral church itself remain interdicted; when a church has been interdicted, contiguous chapels are interdicted, but not the cemetery; when a chapel has been interdicted, the whole church is not interdicted, nor, when a cemetery has been interdicted, is the church contiguous to it interdicted, but all oratories erected in the cemetery are interdicted.

4. A personal interdict prohibits those interdicted: a) from celebrating divine offices, or assisting at them, preaching excepted; in such a way, however, that those assisting passively are not to be expelled, but from active assistance, which carries with it some participation in the celebration of divine offices, they are to be repelled after a sentence or if otherwise notoriously interdicted; - b) from ministering, confecting, and receiving sacraments and sacramentals, as was stated concerning excommunicates; - c) from ecclesiastical burial, if a sentence has intervened; - d) from the right of electing, presenting, nominating, from obtaining a function in the Church and from promotion to orders, as was stated concerning excommunicates (can. 2275).

5. An interdict upon a community or college can be brought either upon the individual delinquent persons, or upon the community as such, or upon the delinquent persons and upon the community. If the first, what was said under 4 is to be observed; if the second, the community or college cannot exercise any spiritual right which belongs to it; if the third, the effects are accumulated (can. 2274).

Those, however, who gave cause for the interdict are by the fact itself personally interdicted (can. 2338, § 4).

6. An interdict from entry into a church carries with it the prohibition lest one celebrate divine offices in the church or assist at them or have ecclesiastical burial; but if he assists, it is not necessary that he be expelled, nor, if he is buried, is it necessary that the corpse be removed (can. 2277). He can also pray privately in the church.

7. Those who violate an interdict sin gravely; clerics, however, illicitly exercising sacred order become irregular, can. 985, 7.

B. The interdicts *latae sententiae* in force today by the common law are four, of which the first is reserved in a special manner to the Holy See, the second to the Ordinary, the third to the judge who pronounced the sentence, the fourth to no one.

1. Universities, colleges, chapters, or other moral persons, by whatever name they are called, appealing from the laws, decrees, or mandates of the Roman Pontiff existing at the time to a universal Council, incur an interdict reserved in a special manner to the Apostolic See (can. 2332).

2. Those spontaneously giving ecclesiastical burial to infidels, apostates from the faith, heretics, schismatics, or others excommunicated or interdicted, contract an interdict from entry into a church reserved to the Ordinary (can. 2339).

3. Those knowingly celebrating or causing divine things to be celebrated in interdicted places, or admitting to celebrating divine offices forbidden by censure clerics excommunicated, interdicted, or suspended after a declaratory or condemnatory sentence, by the law itself contract an interdict from entry into a church until, at the judgment of him whose sentence they contemned, they shall have made suitable satisfaction (can. 2338, § 3).

4. Those who gave cause for a local interdict or an interdict upon a community are by the fact itself personally interdicted (can. 2338, § 4).

C. Cessation of interdict. An interdict brought unto vindication ceases at the judgment of the prelate bringing it, that is, either by dispensation, or by the lapse of a determined time. An interdict brought by way of censure does not cease except by absolution of one having power.

Aertnijs-Damen, Th. M. II, n. 1038, observes that in the faculty granted to a confessor of absolving from censures in the sacramental forum there is not comprehended the faculty of absolving from a local interdict, whether general or particular, or from a general personal interdict: for neither a place nor a community is subject to this forum; - on the contrary, a particular personal interdict is.

Treatise: On Extreme Unction

Introduction.

685. Extreme Unction is the fifth sacrament. - Just as in bodily life, besides the remedy which heals from lethal sickness, another is required which perfectly restores health and totally gives back strength; so in spiritual life, besides Penance, which frees from the disease of lethal sin, another sacramental remedy is required which perfectly heals and takes away all the remnants of sin. This is the sacrament of Extreme Unction, which accordingly is as it were the complement of Penance, and stands to it almost as Confirmation stands to Baptism; indeed "it is the last and in a certain way consummative sacrament of the whole spiritual healing, by which man is prepared as it were for receiving glory; whence it is also called extreme unction." Thus St. Thomas, *c. Gent.* IV, 73.

The name, therefore, is taken from the fact that it is the last anointing in life, which after all others must be administered to the sick who are in danger of life. It is also called holy oil (*heilig Oliesel*), oil of the sick, sacrament of those departing; in Greek *euchelaion*, that is, prayer with oil, *hagion elaion*, or holy oil.

686. Extreme Unction is defined: A sacrament of the New Law, in which, through the anointing of blessed oil and the prayer of the priest, relief of soul and body is conferred upon adult sick persons in danger of life; or, that which is given to the sick for the salvation of soul and body.

In this definition are indicated 1) the matter: anointing with blessed oil; 2) the form: prayer; 3) the minister: a priest; 4) the subject: an adult sick person in danger of life; 5) the effect: relief conferring unto the salvation of soul and body.

687. Division of the treatise. - The treatise is divided into four questions:

1. On the sacrament of Extreme Unction itself: a) on its institution; b) on its constitutive parts, or on matter and form.

2. On the effects of Extreme Unction.

3. On the minister of Extreme Unction.

4. On the subject of Extreme Unction.

There is added an appendix on the apostolic blessing to be imparted to the dying.

1. On Extreme Unction there can usefully be consulted: St. Thomas, in Suppl., q. 29-33, with the commentators, among whom is Billuart; among dogmatic theologians: Billot, Hugon, Tanquerey, Van Noort-Verhaar; Heimbucher, *Die H. Oelung*; Schmitz, *De Effectibus extremae unctionis*; Kern, *De Sacramento Extremae Unctionis*; Chardon, *Histoire des Sacrements*; Bord, *L'Extreme-Onction*; Ruch and Godefroy, in *Dict. de Theol.*; de Guibert, in *Dict. Apol.*; Theologia Mechliniensis, *De Extrema Unctione*, under the care of Gougnard; A. Janssens, *Het H. Oliesel*; Cappello, *Tractatus canonico-moralis de Sacramentis*, II, p. 11; and the moral manuals known to all.

Question One: On the Sacrament Itself of Extreme Unction

Article I: On the Institution of the Sacrament

S. Th., Suppl., q. 29, a. 1-3.

688. State of the question. - The innovators expressly denied to the anointing of the sick the dignity of a sacrament; against them the Council of Trent vindicated it and defined that it must be believed by all as of faith, sess. 14, on Extreme Unction, can. 1.

Already formerly the Waldenses and Wicleffites seem to have neglected or contemned this sacrament. But Luther denied that it was a sacrament, yet retained anointing as a rite similar to sacramentals. Calvin thinks it was once a charism, but now is wholly useless and reeks of theatrical hypocrisy. Present-day Protestants, with the Ritualists for the most part excepted, wholly deny the power of a sacrament, and they understand the words of St. James, V, 14-15, of the gift of healing bodily diseases, by which many at that time rejoiced. Liberal Protestants and Modernists assert that the custom of the Jews, who used oil for healing wounds, was adopted by Christians for pious use and only slowly transformed into a symbol of grace. To this pertains proposition 48 of the Modernists: "James in his epistle does not intend to promulgate any sacrament of Christ, but to commend some pious custom; and if in this custom perhaps he sees some means of grace, he does not take it with that strictness with which the theologians who instituted the notion and number of the sacraments took it."

689. Thesis. There is in the Church a true and properly so-called sacrament, instituted by Christ the Lord and promulgated by the Apostles, to be given to the sick by extreme anointing. - It is of faith from the Council of Trent, sess. 14 on Extreme Unction, c. 1, and can. 1 and 3; which thus confirms the profession of faith emitted in the Council of Lyons and the doctrine of the Council of Florence.

It is proved: A. From the Scriptures, in which this sacrament:

1. Is insinuated and as it were foreshown, Mk. VI, 12-13: Going forth they preached that men should do penance; and they cast out many demons, and anointed with oil many sick, and healed them.

There the effect of bodily health alone is attributed to the anointing and to the power of the Apostles; yet because this power was ordered to the health of souls and the kingdom of God, it insinuated a sacramental anointing to be instituted for the salvation of soul and body.

2. Also was expressly promulgated and commended to the faithful, Jas. V, 14-15: Is anyone sick among you? Let him bring in the presbyters of the Church, and let them pray over him, anointing him with oil in the name of the Lord, and the prayer of faith shall save the sick man, and the Lord shall raise him up, and if he be in sins, they shall be remitted to him.

By these words is indicated a) a sensible sign, namely, matter and form: anointing with oil and the prayer of faith; b) instituted by Christ the Lord: in the name, that is, by the command and authority, of the Lord, namely Jesus (I, 1; II, 1; V, 7, 8); c) conferring grace *ex opere operato*: the prayer of faith shall save the sick man and the Lord shall raise him up; these things are obtained once the sign is

posited and are not to be understood of the body alone but also of the salvation of the soul (I, 21; II, 14; IV, 12; V, 20) and of relief, especially since it is added: if he be in sins, they shall be remitted to him, which cannot happen without the infusion of grace; d) remaining in perpetuity: for it is commended without restriction to all faithful gravely sick, and therefore has force for all. That these things are to be understood thus is most certainly clear from Tradition.

Therefore there is not question of the gift of healing diseases: for then a) presbyters would not have to be called, but charismatics who have the gift of healings; nor b) for a miraculous healing would matter, namely anointing, have to be prescribed, for miracles are done by diverse signs according to divine inspiration; nor c) would it be added: if he be in sins, they shall be remitted to him, because those endowed with the power of miracles cannot by this power forgive sins.

1. From the usage of the New Testament, the word *asthenei* (v. 14) and *kamnonta* (v. 15) signify grave infirmity.

B. From Tradition. In the ninth century, in the Church both Western and Eastern, Extreme Unction was universally held as a sacrament to be conferred upon the sick for the salvation of soul and body; from the eighth century down to the fourth, several explicit testimonies about it also exist; indeed in the third century rather clear allusions are found. From these it is historically probable that this sacrament existed from the beginning and that tradition rises up to the testimony of James; but theologically it is wholly certain, because under the assistance of the Holy Spirit faith is preserved incorrupt in the Church, and therefore from the fact that unanimous tradition admits some point of faith in whatever century, it is proved that it was always believed in the Church and handed down by the Apostles.

a) The consensus of the ninth century is clear, both from the Councils of various regions - of Ticinum, Mainz I, Aachen, Chalon II - or from statutes of bishops: Isaac, bishop of Langres, Herard, archbishop of Tours, Theodulf, bishop of Orleans, St. Boniface, apostle of Germany, Egbert, bishop of York, etc.; and from diverse testimonies, such as those of Amolo of Lyons, Jonas of Orleans, Prudentius of Troyes, Amalarius of Metz, Haymo of Halberstadt. For the East it is clear from the Euchologies, even those of the Orthodox, and from the writings of Eastern theologians of later age who testify to the ancient faith of their Churches in this sacrament.

b) Before that, testimony is furnished: in the eighth century, by Bede the Venerable (on Jas. V, P. L. CXIII, 39); in the seventh century, by St. Eligius of Noyon (*de Rectitudine cath. conversationis*, P. L. XL, 1172); in the sixth century, by Cassiodorus (*Complexiones in ep. Ap.*, P. L. LXX, 1380) and Caesarius of Arles (P. L. XXXIX, 2238), and also by a synod celebrated by the Patriarch of the Nestorians; in the fifth century, by Victor of Antioch (on Mk. VI, 13), Cyril of Alexandria (*de Ador. in sp. et ver.*), Augustine (*Spec. de S. S.*), John Mandakuni among the Armenians, and Innocent I (ep. 25, c. 8); in the fourth century, by the Euchology of Serapion, the Canons of Hippolytus VI, 4, and John Chrysostom (*de sac.* III, 6).

c) In the third century, the following seem to allude to Extreme Unction: St. Aphrahat (Dem. 23), Eusebius (P. G. XXIV, 267, 1111), and Origen (hom. 2 in Lev.), who nevertheless, like Chrysostom (l. c.), does not distinguish it altogether clearly from the penance of the dying.

The silence of earlier times does not stand in the way. For a) only few writings survive, and many have been lost; b) they were wholly occupied in catecheses in which they explained the fundamental dogmas and the sacraments to be received by catechumens, or in defending the truth of the Christian religion; c) there are also few testimonies concerning Penance, much more concerning Extreme Unction, which is only its complement for the sick; d) moreover, in the time of persecutions prudence warned that sacred rites be reduced to a minimum; but the anointing of the sick is not a necessary sacrament; e) the sacrament of Penance itself was less in use, nor was it received for venial faults; similarly Extreme Unction, as being the complement of Penance; f) until the fourth century Baptism was often deferred until the end of life, and Extreme Unction was not given to public penitents, as Innocent I says, ep. 25, n. 8; g) the ancient commentaries on the epistle of James have perished, so that the first extant one is that of Venerable Bede; but the Gospel of Mark did not find an interpreter before Victor of Antioch in the Greek Church, before Venerable Bede in the Latin Church; h) but if today, when the use of Extreme Unction has become altogether universal, speech about this sacrament is made very rarely in pious or doctrinal books, it should not seem strange that very few things, or even none, concerning it have come down to us from certain times.

C. By reason of fittingness, which Billuart declares thus, taking it from St. Thomas, a. 1:

Christ instituted the sacraments so that he might aid the faithful for every time and according to every state: thus at the entrance into the Church there is Baptism; in the progress and course of life, Confirmation, Eucharist, Penance, etc.; therefore also at the exit, at which our adversary strains all the sinews of his cunning to destroy us, as the Council of Trent has it, sess. 14, on Extreme Unction, in the proem. But there is no other than Extreme Unction, which therefore is called the sacrament of those departing.

690. Extreme Unction is one sacrament, although it is ministered under several anointings, or by several priests, each of whom places a different anointing with its respective form. St. Thomas shows this thus, a. 2:

"Any sacrament is called one insofar as the many things which are in one sacrament are united for signifying, or causing, one thing, because the sacrament causes by signifying. And therefore when one action suffices for perfect signification, the unity of the sacrament consists in that action alone, as is clear concerning Confirmation. But when the signification of the sacrament can be both in one action and in many actions, then the sacrament can be perfected both by one action and by several, as Baptism by one immersion and by three, because washing, which is signified in Baptism, can be by one immersion and by many. But when perfect signification cannot be except by several actions, then several actions belong to the perfection of the sacrament, as is clear in the Eucharist, because bodily refection, which signifies spiritual refection, cannot be except by food and drink. And it is similar in this sacrament, because the healing of interior wounds cannot be perfectly signified except by the application of medicine to the diverse roots of wounds. And therefore several actions belong to the perfection of this sacrament." And "although those actions are several simply, nevertheless they are united in one perfect action, which is the anointing of all the exterior senses by which the interior disease is drawn in" (ad 2). "Nor does the plurality of ministers take away the unity of this sacrament, because he works only instrumentally; but the changing of hammers does not take away the unity of the operation of the craftsman" (ad 3).

691. Observation. It is uncertain when and how Christ instituted this sacrament. Yet it seems that he did not institute it before the sacrament of Penance, and therefore not before the Resurrection; he did not exhibit it, because immediate preparation for entrance into glory was not to be granted before the Ascension; nor does it seem that he determined it perfectly, nor did he promulgate it himself, but left it to be promulgated by the apostles (n. 18 and 71).

Article II: On the Constitutive Parts

S. Th., Suppl., q. 29, a. 4-9; q. 32, a. 5-7.

692. The remote matter of Extreme Unction is oil blessed by a bishop, as the Council of Florence and the Council of Trent, c. 1, have it.

1. Oil, as is clear from the testimony of James and from tradition and the practice of the Church, and indeed oil of olives, for "oil is not properly said except of olive oil" (a. 4).

St. Thomas shows the fittingness:

"The spiritual healing which is applied at the end must be perfect, because after it no other remains; and gentle, so that hope, which is most necessary to those departing, may not be broken, but fostered. But oil is soothing and penetrative even to the inner parts, and also diffusive. And therefore as to both of the aforesaid things it is fitting matter of this sacrament. And because the liquor of the olive is principally named oil, while other liquors receive the name of oil only from likeness to it, therefore olive oil also must be that which is assumed as the matter of this sacrament" (a. 4).

2. Blessed, of which a threefold reason is assigned:

"The first is because every efficacy of the sacraments descends from Christ. And therefore those sacraments which he himself used have efficacy from his own use; as by the touch of his flesh he conferred regenerating power upon the waters. But he did not use this sacrament, nor any bodily anointing; and therefore in all anointings the sanctification of the matter is required.

"The second is on account of the fullness of grace which is conferred, not only that it may take away fault, but also the remnants of fault and the infirmity of the body.

"The third is from the fact that its bodily effect, namely, bodily healing, is not caused from a natural property of the matter; and therefore it is necessary that this efficacy be given to it through sanctification" (a. 5).

3. By a bishop, so that otherwise the sacrament cannot validly be administered, as the Holy Office says, Jan. 13, 1665, nor in a case of necessity can oil be blessed by a priest, as it has, Sept. 14, 1842. Nevertheless a priest can be specially delegated from apostolic authority to bless oil, even through the mediation of a bishop, as Clement VIII approved for the Greek Church (Aug. 31, 1595), and Benedict XIV confirmed, Const. *Etsi pastoralis*, May 26, 1742, and now the Code, can. 945.

St. Thomas shows the fittingness, a. 6: The "efficacy of a sacrament is first from Christ, and from him descends to others in order, namely, to the people through the mediation of ministers who dispense the sacraments, and to lower ministers through the mediation of superiors who sanctify the matter.

And therefore in all sacraments which need sanctified matter, the first sanctification of the matter is done by a bishop, and the use sometimes by a priest, so that priestly power may be shown to be derived from episcopal power."

4. Indeed, probably, with a special blessing, namely, blessed for this (can. 945).

Yet in a case of necessity, if this special oil is lacking, it is lawful to use another oil, but one blessed by a bishop, such as the oil of catechumens or sacred chrism; but under condition.

693. The proximate matter is the anointing of the body of the sick person made with blessed oil. One anointing on the head or another principal part suffices for the essence of the sacrament and for validity, at least if the words of the form are general and not restricted to one or another bodily sense, as is now certain from can. 947; it is also implied by James, who requires only the presbyters anointing the sick man with oil; and it is clear from history, since in various times and in various regions there has been very great diversity concerning the number or place in the anointings. Yet other anointings, which in diverse rituals are prescribed for diverse Churches, pertain to the integrity of the sacrament and to the fuller signification of the sacramental sign.

1. Many also invoke the response of the Holy Office, Apr. 25, 1906: "in a case of necessity the form suffices: Through this holy anointing may the Lord forgive you whatever you have sinned. Amen." But the response is directly about the form: the aforesaid suffices, and it is not necessary to add: through the senses, or through sight... enumerating the individual senses; - it is not about the matter. Namely, in a case of necessity in which there is only time for making one anointing, the form stated is declared to be the one to be used. But it was not yet said that one anointing certainly sufficed for validity.

In the Latin Church anointings are made on the exterior senses, the fittingness of which St. Thomas shows, q. 32, a. 5 and 6:

"This sacrament is exhibited by way of healing. But bodily healing need not be made by medicine applied to the whole body, but to those parts where the root of the disease is. And therefore also sacramental anointing must be made only on those parts in which there is the root of spiritual infirmity... The principles of sinning in us are three: the first is directing, namely, the cognitive power; the second is commanding, namely, the appetitive power; the third is executing, namely, the motive power. But all our knowledge takes its origin from sense. And because where the first origin of sin is in us, there medicine must be applied, therefore the places of the five senses are anointed, namely: the eyes on account of sight, the ears on account of hearing, the nostrils on account of smell, the mouth on account of taste, the hands on account of touch, which flourishes especially in the tips of the fingers; and on account of the appetitive power the loins are anointed by some, but the feet are anointed on account of the motive power, of which they are the more principal instrument. And because the first principle of human operation is cognitive, therefore that anointing which is made at the five senses is observed by all, as if of the necessity of the sacrament; but some observe other anointings, while others observe that which is made at the feet, and not that at the loins, because the appetitive and motive powers are secondary principles."

In practice: 1) In a case of necessity let there be made "a single anointing in one sense, or more correctly on the forehead, with the prescribed shorter form" (can. 947); a case of necessity can be either on the part of the sick person because of death altogether imminent, or on the part of the minister because of danger of contagion, or from lack of time because of a multitude of sick persons, or on the part of the sacrament because of danger of profanation.

2. Nevertheless, if it is possible, the other anointings must be added under grave obligation, because they pertain to the integrity of the sacrament, and indeed absolutely, not under condition (Holy Office, Mar. 9, 1917); whence in can. 947 it is added: "with the obligation remaining of supplying the individual anointings when the danger has ceased," that is, when the reason because of which the sacrament was ministered under the shorter rite has ceased.

3. According to recent prescriptions, "the anointing of the loins is always to be omitted; the anointing of the feet can be omitted for any reasonable cause" (can. 947, § 2 and 3).

1. It should be noted that St. Thomas does not affirm that the anointing of the five senses is necessary, but that it is observed as if it were necessary.

4. As to the mutilated, "they must be anointed as near as possible to those parts on which the anointing should have been made; because although they do not have the members, nevertheless they have the powers of the soul, which are owed to those members, at least in their root, and they can sin interiorly through those things which pertain to those parts, although not exteriorly" (q. 32, a. 7). Likewise, if someone lacks the use of a sense, or even has always lacked it, nevertheless he is to be anointed in it.

694. The form is essentially deprecative, as is clear both from the words of James, in which the words: let them pray and prayer, from their native sense and from the context (v. 13 and 16), indicate prayer strictly so called; and from the nature of the sacrament, which seems to be nothing other than the commending of the sick person into the hands of divine mercy (q. 29, a. 8). Hence the form must be deprecative either expressly or at least equivalently, so that if grammatically and materially it is enunciative or imperative, nevertheless from the very tenor of the words, or from added words, or from the circumstances, it is recognized to be formally deprecative as to sense.

At diverse times and in diverse Churches there has been great diversity of forms, and several are found to be enunciative, optative, imperative, or mixed. This is easily understood from the fact that Christ did not wholly determine the sacrament. Hence can. 937: "the sacrament must be conferred through sacred anointings, with oil of olives duly blessed being used, and through the words prescribed in the ritual books approved by the Church."

In the Latin Church, according to the Roman Ritual, tit. 5, c. 1, n. 20, the form now to be used is: Through this holy anointing and his most loving mercy may the Lord forgive you whatever you have sinned through sight (hearing, smell, taste and speech, touch, walking). Amen. Of this St. Thomas says, a. 9:

"It is a fitting form of this sacrament, because a) it touches the sacrament in this, that it says: through this holy anointing; and b) that which works in the sacrament, namely, divine mercy; and c) the effect, namely, the remission of sins."

The shorter form, according to the Ritual, n. 21, to be used in a case of necessity, is: Through this holy anointing may the Lord forgive you whatever you have sinned. Amen. Here these are certainly essential: may the Lord forgive you whatever you have sinned, which indicate the principal effect of the sacrament.

695. Observations on the requisites for liceity. - 1. The oil to be used in the Latin Church must be pure, for, says St. Thomas, "it is not necessary that balsam be placed in the matter of this sacrament, because balsam, on account of odor, pertains to goodness of reputation, which henceforth those departing do not need on account of themselves, but they need only the brightness of conscience, which is signified by oil" (a. 4, ad 1). Nor is wine to be mixed with oil, because "wine heals by biting, but oil by soothing; and therefore healing through wine pertains more to penance than to this sacrament" (ad 2). Formerly, however, in certain Churches a little balsam was mixed with the oil; among certain Orientals there is still in force the use of mixing a little water or wine.

2. The oil must be blessed in the same year; yet in a case of necessity old oil can be used. But if it is foreseen that its quantity will be insufficient, unblessed oil can be added, even repeatedly, but always in a lesser quantity (can. 734 and Rit., tit. 5, c. 1, n. 3).

3. The oil to be used must be sufficient for anointing the sick person; for this, however, a great quantity is not required, because oil of itself is diffusive. Yet oil dripped upon the senses does not suffice, but the sick person is to be anointed. For greater security the thumb is to be dipped in oil for the individual senses.

4. The anointing is to be made with the right thumb, in the manner of a cross, on each organ, beginning from the right; the order prescribed in the Ritual being observed; and the priest should take care not to finish the form before he has anointed both paired members (Rit., n. 18). But on the mouth, or on compressed lips, only one anointing is to be made.

5. Outside a case of necessity, the anointings are to be made by the very hand of the minister, with no instrument used (can. 947, § 4); therefore the use of a brush or a little cloth is prohibited.

6. Even in the Latin Church there can be a legitimate special rite of ministering Extreme Unction. Thus in the Order of Preachers, for anointing a sick brother, as is found in the Processional according to the rite of the said Order.

696. Corollary. - As in the other sacraments, three things can be distinguished in Extreme Unction:

1. The sacrament only, or the external sign which signifies and is not signified, and this is the anointing made with oil duly blessed together with the prescribed words of the form.

2. The reality which does not signify but is only signified, namely, grace itself relieving and strengthening the soul and wiping away the remnants of sins, as will be explained in the following Question.

3. Reality and sacrament, which is signified by the external sign and at the same time signifies grace; and this is, says St. Thomas, "a certain interior devotion, which is a spiritual anointing,"

q. 30, a. 3, ad 3. These words do not seem to be understood of an act of devotion which is elicited by the sick person, but of the passive devotion by which the sick person is devoted by the minister to the kindness of God, or of the consignation by which he is placed back into the hands of divine mercy. Others, however, understand them of relief itself or strengthening, but this seems to be a mere reality which signifies nothing further; others hold for the strengthening of the body, but this is still less true, because that effect is only secondary and therefore derived from the principal one.

Question Two: On the Effects of Extreme Unction

S. Th., Suppl., q. 30; *c. Gent.* IV, 73.

697. The proper and principal effect of Extreme Unction is grace relieving and strengthening the soul of the sick person against the remnants of sins, or against spiritual languor and weakness which takes away perfect vigor for acts of the virtues; - not, however, the remission of mortal sin. That relief and strengthening of the soul are the effect of this sacrament is of faith, from the Council of Trent, sess. 14, on Extreme Unction, can. 2; that it is the primary effect and indeed exclusively so, is the opinion of St. Thomas.

The effect is indicated in the epistle of James, V, 15: The prayer of faith shall save the sick man and the Lord shall raise him up and if he be in sins they shall be remitted to him; and it is thus described by the Council of Trent, c. 2: "This reality is the grace of the Holy Spirit, whose anointing wipes away offenses, if any still remain to be expiated, and the remnants of sin, and relieves and strengthens the soul of the sick man, exciting in him great trust in divine mercy, by which the sick man a) being lifted up, and b) bears the inconveniences and labors of illness more lightly, and c) more easily resists the temptations of the demon lying in wait for the heel..."

It is proved from St. Thomas, q. 30, a. 1:

"Any sacrament is instituted principally for one effect, although it can also bring in other effects consequently. And because the sacrament effects what it figures, therefore its principal effect must be taken from the very signification of the sacrament. But this sacrament is applied according to the manner of a certain medication, as Baptism by the manner of washing. But medicine is for driving away infirmity. Hence principally this sacrament was instituted for healing the infirmity of sin. Hence just as Baptism is a certain spiritual regeneration, and Penance a certain spiritual raising, so also Extreme Unction is a certain spiritual healing or medication.

"But just as bodily medication presupposes bodily life in the one medicated, so spiritual medication presupposes spiritual life. And therefore this sacrament is not given against defects by which spiritual life is taken away, namely, against original or mortal sin; but against those defects by which man is spiritually infirm, so that he does not have perfect vigor for the acts of life, of grace or glory: and this defect is nothing other than a certain weakness and ineptitude which is left in us from actual or original sin, and against this weakness man is strengthened through this sacrament."

Hence the sacrament of Extreme Unction:

1. confers sanctifying grace with special vigor against the infirmity left from sin;

2. wipes away the remnants of sin, under whose name there do not come: the stain of fault and the guilt of eternal punishment, which are taken away with sin itself through Penance; nor evil dispositions or begun habits, which can exist at the same time with strengthening grace; nor properly temporal punishments due to sin; but a certain spiritual weakness existing in the mind itself, which having been removed, even with the same habits or dispositions remaining, the mind cannot so incline to sin (ad 2);

3. nevertheless, since it is an immediate preparation for entrance into glory (III, q. 65, a. 1, ad 4), it also takes away punishments consequently, not however always but only according to the disposition and devotion of the recipient.

698. The secondary effects are the remission of sins, even mortal sins, and sometimes bodily healing when it is expedient for the salvation of the soul. - It is certain from the Council of Trent, sess. 14, c. 2.

It is proved: First, both from the words of James: if he be in sins they shall be remitted to him, and because this follows from the primary effect, namely, strengthening grace.

"Because this strength (against weakness left from sin) is made by grace, which does not suffer sin with itself, therefore consequently, if it finds any sin either mortal or venial, as to fault it takes it away, provided an obstacle is not placed on the part of the recipient... And therefore James also speaks conditionally about the remission of sin, saying: if he be in sins, they shall be forgiven, namely, as to fault: for it does not always destroy sin, because it does not always find it; but it always remits as to the aforesaid weakness, which some call the remnants of sin... Hence it must be said that the principal effect of this sacrament is the remission of sins as to the remnants of sin; and consequently also as to fault, if it finds it" (a. 1).

This effect, which probably belongs accidentally to the other sacraments of the living, certainly belongs to this sacrament, and indeed, as it seems, in itself, although secondarily; for this sometimes attrition alone can suffice.

Secondly, it is explicitly stated in the words of James: the prayer of faith shall save the sick man, which by the obvious sense seems at least equally to be understood of the health of the body; moreover it is clear from universal tradition and from the Councils of Florence and Trent; but the effect comes from divine power, if it is expedient for salvation.

"Extreme Unction does not make bodily healing from a natural property of the matter, but from divine power, which works rationally. And because a rational agent never brings in a secondary effect except according as it is expedient for the principal effect, therefore from this sacrament bodily healing does not always follow, but when it is expedient for spiritual healing; and then it always brings it in, provided there is no impediment on the part of the recipient" (a. 2).

Hence: 1) This effect, as secondary, is derived through a certain redundancy from the principal effect, as is indicated by the Council of Trent, namely, from the relief of the soul, "by which the sick man, being lifted up... and health of the body sometimes, where it shall be expedient for salvation, follows."

1. Thus St. Bonaventure, IV Sent., in text. a. 1, q. 1, concl. 2; St. Albert the Great, ib., a. 23, 1, 11; St. Thomas, *c. G.* IV, 73.

2. Therefore it is not given except according as it is expedient for the principal effect, the healing of the soul, and indeed not according to the future but according to the present state and condition of the subject; for, as St. Thomas explains, *c. G.* IV, 73: "bodily infirmity is sometimes useful for the health of the soul, insofar as man sustains bodily infirmity humbly and patiently, and it is counted to him as if for satisfactory punishment; it is also sometimes impeding of spiritual salvation, insofar as virtues are impeded from bodily infirmity: therefore it was fitting that some spiritual medicine should be applied against sin, according as bodily infirmity is derived from sin; through this spiritual medicine bodily infirmity is healed sometimes, when it is thus expedient for salvation."

3. It is not given always when it is expedient for salvation, for the sacrament does not miraculously restore health: if the powers of the body are too weakened, there is an impediment on the part of the recipient. Yet the sick often feel some relief of illness from the reception of the sacrament.

699. Corollaries. - From the aforesaid it is concluded that Extreme Unction:

1. Was not instituted principally for the remission of venial sins, as St. Bonaventure and Scotus hold, because then either it would have to be granted even to the healthy, or it would not be granted except at the very last instant of life; both contradict the practice of the Church.

2. Nor principally for the remission of mortal sins, because it is a sacrament of the living, and Penance is a necessary means for obtaining the destruction of mortal sin (n. 433 and 449).

3. Therefore, neither indifferently for remission, according as it should find venial or mortal sins not remitted through Penance, as Bellarmine and Tournely said.

4. Much less for the remission of punishments, since it can be given to those for whom, after penance, no punishment to be paid remains; nor is it principally ordered to the health of the body.

5. It does not imprint a character, both because it can be repeated, and because "a character is not imprinted except in those sacraments by which man is deputed to something sacred; but this sacrament is only for a remedy, and through it man is not deputed to doing or receiving something sacred" (q. 30, a. 3).

6. It should opportunely be received while the sick person is not too weakened, and has full use of reason, so that from a more apt condition or a better disposition he may more fully and more certainly obtain the effects of the sacrament.

7. It revives while the same grave danger of the same infirmity remains, because then it cannot be repeated, but for the whole time of this danger it commends the sick man to divine mercy.

Question Three: On the Minister of Extreme Unction

S. Th., Suppl., q. 31; *Gent*. c. IV, 73.

700. The minister of Extreme Unction who validly confers it is every and only priest (can. 938, § 1). - It is of faith from the Council of Trent, sess. 14 on Extreme Unction, c. 1 and can. 4, confirming the doctrine of the Council of Florence to the Armenians. It is clear from the testimony of St. James, from the understanding of tradition and the practice of the Church, and from the nature of the sacrament, which is the complement of Penance.

Hence: 1) It is validly conferred by an excommunicated or heretical priest, provided he has the intention of confecting the sacrament or of doing what the Church does.

2. It cannot be validly conferred by a deacon, as Launoy said, nor a fortiori by a layman; and if laymen have sometimes used the oil of the sick, this can be considered as a certain sacramental.

3. It can be conferred by one priest, as is the custom of the Latin Church, nor does James require several, but he said presbyters in the plural to indicate the order of presbyters or some one of the presbyters; nevertheless it can be conferred by several simultaneously, in such a way that each one anoints diverse senses and each pronounces the corresponding form, or in such a way that all together make all the anointings and say the forms. In the Eastern Church it is customarily conferred by seven presbyters, or by three, and when these are lacking, even by one.

4. Nevertheless a priest cannot confer the sacrament upon himself, as Clericatus used to say (S. C. P. F., Mar. 23, 1844), which is contrary to the sense of the form and contrary to the text of James: let them pray over him.

5. But if during the administration the priest should fail, another ought to supply the anointings not yet made, provided at least that the distance is not too great and moral union is not lacking. But if the prior administration were doubtfully valid, it would first have to be repeated under condition, and then the rest added.

St. Thomas hands down the doctrine compendiously: "Those things in which grace illuminating the mind is conferred pertain to priests alone to exhibit, whose order is illuminative... A deacon, he had said previously in Suppl., q. 31, a. 2, has only purgative power, not illuminative; whence, since illumination is made through grace, a deacon cannot give from office any sacrament in which grace is conferred; and therefore neither this one, since in it grace is conferred... Nor is a bishop required for this, since through this sacrament excellence of state is not conferred, as in those of which a bishop is the minister. Yet because this sacrament has the effect of perfect healing, and in it abundance of grace is required, it belongs to this sacrament that many priests be present and that the prayer of the whole Church assist toward the effect of this sacrament; whence James says: Let him bring in the presbyters of the Church... and the prayer of faith shall save the sick man. Yet if one priest alone is present, he is understood to perfect this sacrament in the power of the whole Church, of which he exists as minister and whose person he bears," *c. G.* IV, 73.

701. The legitimate ordinary minister for licit administration is the pastor of the place in which the sick person dwells (can. 938), or he who is in the place of the pastor. - For it pertains to the shepherd to feed the faithful with the spiritual food of the sacraments.

Hence: 1) Outside a case of necessity it is illicit to minister the sacrament without the permission of the pastor, at least reasonably presumed, which furthermore cannot be presumed everywhere nor always. It is a sin grave from its kind, because it is to usurp another's jurisdiction.

2. Yet in a case of necessity another priest can minister, as if the pastor at the article of death cannot or will not minister.

3. From the right of the pastor there are exempted a bishop according to can. 397, n. 3, and religious according to can. 514, § 1-3.

702. The obligation of ministering Extreme Unction can arise from justice or from charity.

I. From justice, under grave obligation, the ordinary minister is bound, by himself or through another, to minister this sacrament to those expressly or equivalently asking for it, and diligently to take care that the sick receive it in due time, while they are fully in possession of themselves, by warning those who are negligent. Thus the Ritual, t. 5, c. 1, n. 1 and 7, and c. 4, n. 10; can. 939 and 944.

For although the sacrament is not necessary, it is nevertheless most useful; but it belongs to a good shepherd to provide for his sheep not only the necessary things, but also things very useful for salvation; hence:

1. The pastor sins gravely if from notable negligence on his part the sick person is exposed to the danger of departing without this sacrament.

2. Nevertheless he is not bound to minister it with special danger of life, unless it were a necessary sacrament or one more certainly valid, as it can be for one destitute of the senses (n. 86).

II. From charity, when the pastor is lacking, other priests are bound to minister this sacrament (can. 939); nevertheless this obligation is not grave, unless grave necessity of the sick person urges and they can minister it without great inconvenience.

But in a case in which the sacrament would be altogether necessary for someone in extreme spiritual necessity, it would bind even with danger of life (n. 87).

703. Observation. - The minister, outside a case of most urgent necessity, is bound by a grave precept of the Church to observe the whole prescribed rite; otherwise, if time is available, omitted things are to be supplied. It would be grave to omit all the preceding prayers, to diminish the number of anointings, or to minister without any sacred vestment.

On the contrary, it is light to omit the surplice or the stole unless there is a reason excusing; likewise to minister without a server, to omit crosses in anointing, or to invert the order of the anointings.

The recitation of the penitential Psalms and of the Litanies by those standing by is not of precept, and commonly is customarily omitted.

According to present-day discipline, Viaticum is regularly to be ministered before Extreme Unction, but for a just reason the order can be inverted.

Question Four: On the Subject of Extreme Unction

S. Th., Suppl., q. 32 and 33.

704. The capable subject of Extreme Unction is a baptized wayfarer, having attained the use of reason and capable of malice, who by reason of infirmity is placed in grave danger of death. - This is clear from the testimony of James, from the tradition and practice of the Church, from the Council of Florence, decree for the Armenians, and Trent, sess. 14, c. 3, from the Ritual, tit. 5, c. 1, n. 8, and from can. 940.

It is said: 1) wayfarer, both generally because the sacraments are destined for wayfarers, and specifically because this sacrament prepares for death;

2. baptized or faithful, as is indicated by the words of James: Is anyone sick among you? for by Baptism man becomes capable of receiving the other sacraments;

3. having attained the use of reason and capable of malice, as is implied by the word: let him bring in the presbyters, which says a human act, and is clear from the primary end of the sacrament, which was instituted against the remnants of actual sin, as the form has it: May he forgive whatever you have sinned. Hence an adult who is baptized while dying can receive this sacrament immediately after Baptism, so that he may be freed from the infirmity left from actual sins (S. C. P. F., Sept. 26, 1821);

4. who by reason of infirmity is placed in grave danger of death, as is indicated by the word: is sick (n. 689), and is taught explicitly by the Council of Florence; but since old age is a true infirmity, the aged also can receive the sacrament if, by reason of weakness from old age, they are in grave danger of death. The danger of death is not required to be wholly imminent, but grave danger suffices; hence the sacrament can be conferred not only at the exit of life or article of death, but upon every sick person whose death is feared.

For the primary effect of Extreme Unction is the relief and strengthening of the soul of the sick person, the secondary effect is the restoration of bodily health; each supposes mortal infirmity; otherwise the sick person would not need a special sacrament by which he might be strengthened or healed. St. Thomas says, q. 32: "This sacrament a) is a certain spiritual healing, which indeed is signified by a certain manner of bodily healing. And therefore this sacrament must not be conferred upon those to whom bodily healing does not belong, namely, the healthy... b) it is the last remedy which the Church can confer, as immediately disposing for glory. And therefore it must be exhibited only to those sick persons who are in the state of departing, because their sickness is by nature apt to bring on death, and danger is feared" (a. 1 and 2).

Hence: 1. The following are not capable of this sacrament: the dead, - infidels or catechumens, - children and the perpetually insane, as incapable of sin, because "it is not given against the remnants of original sin except according as they are in some way strengthened through actual sins; hence it is given principally against actual sins, which are not in children" (a. 4, ad 2), - likewise, as it seems, the

Blessed Virgin Mary, who neither had sin nor needed relief, - finally, the healthy or those lightly sick, although exposed to proximate extrinsic danger of death, such as those condemned to death, those about to sail or fight dangerously unless after they have received a lethal wound, those about to undergo a dangerous operation unless from an infirmity contracted they are already in danger of death or danger arises after the operation has been done, women who regularly give birth with some danger, unless because of a special infirmity death is to be feared, or from childbirth their strength has already been very much weakened.

2. On the contrary, those can receive the sacrament for whom from infirmity there is not only imminent but also probable intrinsic danger of death, such as all who have contracted an infirmity which will probably bring death, those infected with poison, those gravely wounded, those who after a surgical incision are greatly weakened, and decrepit old people even if they labor under no special disease, since old age itself is for them an incurable disease.

3. If there is doubt whether the sick person has attained the use of reason, whether he is truly placed in danger of death, or whether he is dead, the sacrament is to be ministered under condition (can. 941).

4. In a case in which, true grave danger being lacking, the sacrament was ministered in a merely supposed danger of death, if then a true danger arises, it is to be repeated at least under condition, for example: if you have not yet been validly anointed.

705. Conditions required for the reception of Extreme Unction. - There is required:

1. for valid reception of the sacrament, intention, because the sacrament must be received by an adult in a human manner; but a habitual intention not retracted suffices, even an implicit one, such as exists in all who wish to live or die as Catholics: for thus they have already implicitly sought the sacrament, or would probably have sought it explicitly if the occasion had been given;

2. for fruitful or licit reception, the state of grace, at least legitimately presumed, because it is a sacrament of the living, and the complement of Penance. Hence one who has sinned mortally must first receive the sacrament of Penance; or if this here and now is impossible, he must at least elicit perfect contrition; nevertheless one who in good faith thinks that he is disposed obtains the effects of the sacrament even with attrition alone.

Hence: 1) It is to be provided absolutely to sick persons who, when they were in possession of a sound mind, at least implicitly sought it or probably would have sought it, even if afterward they lost the senses or the use of reason. Thus can. 943.

2. To unknown persons and others about whom it can be doubted whether they have the aforesaid intention of seeking the sacrament, it is to be ministered under condition.

3. To the insane who have had the use of reason, it can be conferred, provided they then had at least an implicit intention of receiving it and did not revoke it.

4. Likewise to the furious and delirious: nevertheless the sacrament is not to be conferred upon them except in lucid intervals; but, when necessity is altogether urgent, it can be ministered even in the crisis, provided there is no danger of irreverence toward the sacrament.

5. To schismatics or heretics, while they enjoy the use of reason, the sacrament is not to be ministered unless they first have cast away heresy or schism; if they are destitute of the senses and are in good faith, it can be ministered under condition and with scandal removed, but regularly only to those who admit that Extreme Unction is a sacrament, as was said above, n. 653.

6. The sacrament is not to be conferred upon those who, impenitent, contumaciously persevere in manifest mortal sin; but if this is doubtful, let it be conferred under condition (can. 942), with scandal however removed.

The condition to be added is that which regards the validity of the sacrament, not however that which regards the disposition for the fruit of the sacrament, because the reviviscence of the sacrament is not to be impeded. This is the general principle which has force for all the sacraments; hence Extreme Unction should be conferred under the condition: if you are capable, or another similar one, not under the condition: if you are disposed. Nor should it be thought that in can. 942 an exception is placed to this rule, because in those who contumaciously persevere in manifest sin, an intention of receiving the sacrament can no longer be supposed with any probability; hence if there is doubt concerning this contumacy, there will likewise be doubt concerning the intention, not concerning the disposition alone. Therefore the general rule has force.

706. A special precept of receiving Extreme Unction is not proved to be given in itself, because the sacrament is not necessary for salvation, nor was it commanded by James but commended, as the Council of Trent says, sess. 14, c. 1.

Hence: 1) Those who do not receive it do not sin gravely in itself.

2. Accidentally grave sin can be present, by reason of special danger of temptations, or contempt, or scandal.

3. Indeed, to omit so great a means of salvation and firm protection, when the occasion is offered and a sufficiently great inconvenience is excluded, in proximate danger of death, regularly is not done from a reasonable motive, and therefore is accustomed to include light fault. Hence can. 944: "Although this sacrament is not of the necessity of means for salvation, nevertheless it is lawful for no one to neglect it; and it must be cared for with every zeal and diligence that the sick, while they are fully in possession of themselves, receive it."

The care belongs to the pastor, and indeed under grave obligation; also to blood relatives and relatives by marriage, who by a special title have care of the sick person, or even to friends: these are bound under grave obligation at least if the sacrament is necessary for salvation; indeed then, if they are lacking, every man is bound. But care must be taken that the sick person, fully in possession of himself, receive the sacrament, so that he may perceive the fruits more fully and more certainly.

707. Extreme Unction can be repeated, because it does not confer a character (q. 30, a. 3) nor a perpetual effect, since health of mind and body can be lost (q. 33, a. 1). Nevertheless it cannot be repeated in the same infirmity and in the same danger of death, because the commending or placing back of the sick person into the hands of divine mercy, which is reality and sacrament, is made for the whole danger and confers helps during the whole time of the danger and in the very article of death.

But when the danger has ceased through convalescence, if a new danger arises even in the same infirmity, as is accustomed to happen in long-lasting illnesses, the sacrament can be repeated (a. 2), as the Council of Trent says, sess. 14, c. 3. Hence can. 940, § 2: "In the same infirmity this sacrament cannot be repeated, unless the sick person after receiving the anointing has recovered and has fallen into another danger of life."

Appendix: On the Apostolic Blessing at the Article of Death

708. The apostolic blessing, or general absolution, as it is customarily called, must also be granted to the dying to whom the sacraments are ministered, and can be granted by any priest, according to can. 468, § 2: "to the priest who assists the sick there is the faculty of granting them the Apostolic Blessing with plenary indulgence at the article of death according to the form handed down by approved liturgical books, which blessing he is not to omit imparting."

Therefore under the name of general absolution comes the plenary indulgence which the Supreme Pontiff, by himself or through delegates, imparts to the dying under the form of a blessing: under this respect it is wholly distinguished from the plenary indulgence which, without any blessing, can be gained at the article of death either by those who have with them a blessed or pious object (for example, a cross or tablet), to be carried with them or in the room until death, to which an apostolic indulgence is annexed; or by members of a confraternity to which such a privilege has been conceded.

General absolution can be granted to all adults, or those capable of malice, constituted in grave danger, even from a cause other than disease, who have sought it or probably would have sought it, or have given signs of contrition; - but the indulgence remains suspended and does not obtain its effect except in the true and physical article of death. And therefore it neither should nor can be repeated or given under several titles in the same infirmity however long-lasting, since this is wholly useless, even if afterward the dying person has fallen into a new mortal sin; - but it is only to be repeated if the sick person has recovered and afterward has fallen into a new danger (S. C. Indg., Sept. 24, 1838; Mar. 12, 1855; Feb. 12, 1842).

The conditions required in the sick person for gaining it, from the bull of Benedict XIV, *Pia mater*, Apr. 5, 1747, are:

a) That he not be excommunicated or manifestly impenitent; but if he is doubtfully disposed, the apostolic blessing should be granted whenever sacramental absolution or Extreme Unction is given, even only under condition.

b) That he have received the sacrament of Penance and the Eucharist, if he can; but if he cannot, the state of grace suffices while he gives forth his last breath.

c) That he offer himself as prepared for accepting whatever shall have pleased God, and for patiently undergoing death itself in satisfaction for the punishments which he himself has deserved by sinning.

d) That he devoutly invoke the Most Holy name of Jesus by mouth if he can, otherwise in heart; and that he elicit an act of sorrow and charity.

The aforesaid indulgence cannot be applied to the dead.

Treatise: On Order

Introduction.

S. Th., Suppl., q. 34, a. 1 and 2.

709. The sixth sacrament is Order. - The five preceding sacraments are ordered to the necessities of the supernatural life of individual faithful; the last two immediately regard the good of the supernatural society, namely, of the Church of God. For a society must both be ordered and governed by superiors, and be perpetuated by propagation. For this the last two sacraments were instituted: Order and Matrimony, of which the first contributes more immediately to supernatural life, since it is given to those who must initiate others into sacred things and communicate supernatural life, while the other provides natural life to children afterward to be educated and sanctified unto the honor of God.

710. Order is taken in several ways:

a) Primarily it is the mutual bearing itself, or relation, of prior and posterior, of superior and inferior, by which they are referred to one another, and which for this reason is in the inferior as much as in the superior: namely, wherever there is something prior and posterior, there must be some order either according to place, or according to time, or according to origin, or according to power or office, and so forth. Whence Augustine, *De Civ. Dei*, l. IX, c. 13, n. 1: Order is an arrangement assigning to equal and unequal things their own places. In the present treatise order is not taken in this sense.

b) Secondly, it is the grade itself or state which makes this order, or causes the said relation, and "because the notion of order, as it is a relation, is found where first something superior to another occurs, therefore this eminent grade through power is named order" (a. 2, ad 4), namely, a power of pre-eminence, or also the group of those who are adorned with this dignity. Thus they speak of the order of nobles, knights, soldiers, judges, advocates, clerics, religious, etc.

Hence in ecclesiastical speech the spiritual and sacred power itself, by excellence, is called order. And because it embraces several different grades subordinated one to another according to a certain hierarchy,[1] order is hierarchical.

[1] Hierarchy etymologically is sacred principality; yet by received usage it means the distinction and subordination of grades: sacred power distinguished by grades.

c) In a transferred sense, from the effect to the cause, it is the external rite itself, or ceremonial action, by which a grade of power is conferred upon someone, and which properly is sacred ordination itself.

Now the order of sacred power is a sacrament. By this name, as is clear from what has been said, there principally comes the interior abiding power itself rather than the external rite or passing action: "the interior character itself is essentially and principally the very sacrament of Order" (a. 2, ad 1); "and therefore character, which is a spiritual power, is placed in the definition of Order" (ad 2).

711. The sacrament of Order is defined: A sacrament of the New Law by which, through a sacred rite from a competent minister, spiritual power is handed over and grace is conferred for offering

sacrifice and rightly fulfilling other sacred offices.

In this definition there are indicated: the external sign, - the minister, - the twofold effect: character or sacred power, and grace; - and the end: sacrifice and other offices to be exercised and rightly fulfilled. The subject is indicated implicitly; the sign and minister rather indeterminately, since concerning these there can be diversity both in opinion and even in reality.

More briefly the Master of the Sentences says: A certain sign of the Church by which spiritual power is handed over to the one ordained; where he places two things, namely, the exterior sign: a certain sign; and the interior effect: by which spiritual power is handed over (a. 2).

The sacrament is designated by various names: by reason of the external sign, imposition of the hand, χειροτονία; by reason of the principal power: priesthood (*priesterschap*); by reason of the different grade: sacrament of hierarchy; by reason of the effect: consecration of priests and ministers.

712. Division of the treatise. - The treatise is divided into five questions:

1. On the sacrament of Order itself: a) on its institution; b) on its constitutive parts.

2. On the effects of Order.

3. On the different Orders.

4. On the minister of Order.

5. On the subject of Order.[2]

[2] On Order there can usefully be consulted: St. Thomas, in Suppl., q. 34-40; Billuart, Billot, Hugon, Tanquerey, Pesch, Diekamp, Van Noort-Verhaar among the dogmaticians; Morinus, *Historical and Dogmatic Commentary on Sacred Ordinations*; Gasparri, *Canonical Treatise on Sacred Ordination*; Many, *Lectures on Sacred Ordination*; Coppens, *The Imposition of Hands and the Connected Rites*; Tixeront, *Order and Ordinations*; Van Rossum, *On the Essence of the Sacrament of Order*; Perinelle, *The Doctrine of St. Thomas on the Sacrament of Order*, in *Rev. des Sc., Phil. et Theol.* 1930; Tymczak, *Disputed Questions on Order*; A. Janssens, *On Holy Ordinations*: I. *Bishops and Priests*; II. *Diaconate, Subdiaconate and Minor Orders*; *Dict. de Theol.*, Galtier in the article *Imposition of Hands*, and Michel in the article *Order*; St. Alphonsus and recent manuals of moral theology.

There is added an appendix on irregularities.

Question One: On the Sacrament of Order Itself

Article I: On the Institution of the Sacrament

S. Th., Suppl., q. 34, a. 1-3; q. 35, a. 1.

713. Errors. - Protestants generally deny that Order is a true sacrament in the proper sense, the Ritualists excepted. All Christians are priests, but for the good of peace certain ones from among them are to be selected, who alone should exercise ecclesiastical functions: ministers indeed of the word of God and rulers of churches, but clothed with no special character. Hence Order is not a sacrament instituted by Christ the Lord, but a certain human fiction devised by men inexperienced in ecclesiastical affairs, or a mere rite of choosing ministers of the word of God and of the sacraments, and of deputing them to preaching and sacred functions.

a) At the beginning of the Church certain persons among the Gnostics seem to have denied a distinction between laymen and priests; concerning them Tertullian, *De Praescr.*, XLI: "Today a presbyter, who tomorrow is a layman; for they also impose priestly functions upon laymen." This error in some measure passed over to the Waldenses, as can be seen in the profession of faith imposed upon them by Innocent III.

b) The Innovators expressly maintained that Order is not a sacrament. Luther says: "The Church of Christ is ignorant of this sacrament, and it was invented by the Church of the Pope"; whom generally they followed.

c) Calvin, although he admitted that the imposition of hands could be called a sacrament, nevertheless denies that by it grace or the power of offering sacrifice is conferred; namely, it is a mere ceremony which deputes one to preaching the word of God and delegates one to fulfilling sacred functions.

d) Today Protestants generally reject this sacrament, especially Presbyterians and Baptists, who refuse to acknowledge a supernatural character in ministers.

e) Anglicans, although they admit a hierarchy of bishops and ordination which is validly conferred only by bishops, nevertheless deny that grace is given by these things.

f) Liberals and Modernists contend that the ecclesiastical hierarchy is a human institution: namely, first certain presbyters, i.e., elders, were chosen who would preside over religious assemblies; afterward among them one was acknowledged as bishop, as a sort of supreme overseer, who would rule the presbyters and faithful; this was done to provide for the necessary ordering of growing communities, not to perpetuate the apostolic mission and power (Mod., prop. 50). And since the supper assumed the character of a liturgical action, those who were accustomed to preside over it were regarded as priests (prop. 49).

714. Thesis. Order, or sacred ordination, by which sacred ministers are marked out in the Church and endowed with sacred power, is a true and properly so-called sacrament of the New Law. - This is of faith from the Council of Trent, sess. 23, can. 3 and 4, confirming the profession of faith emitted in the Council of Lyons II and the doctrine of the Council of Florence. The thesis is stated indeterminately, so that it is verified of at least some order, at least of the priesthood, but without excluding any.

It is proved: A. From the Scriptures it can be inferred that Christ instituted the sacrament of Order.

1. Christ selected the apostles from among others (Mt. IV, 19; X, 2-4; Mk. I, 16-20; Lk. VI, 13; John XV, 16) and in a special way deputed and consecrated them for exercising spiritual functions: for celebrating the sacrifice and sacrament of the Eucharist (Lk. XXII, 19), for remitting sins (John XX, 23), for teaching all nations and baptizing (Mt. XXVIII, 18-20).

2. Since these offices had to be perpetual, He also willed that they be transmitted by the apostles by a certainly external sign and in a visible manner, which alone befits men.

3. The apostles performed this by the sign of the imposition of hands (Acts VI, 6; XIII, 3; XIV, 22; I Tim. IV, 14; II Tim. I, 6), by which they constituted presbyters and bishops for ruling churches (Acts XIV, 22; XX, 28), for dispensing the mysteries of God (I Cor. IV, 1), and for

watching over doctrine and morals (I Thess. III, 2; I Cor. IV, 17; I Tim. I, 1-12; V, 19-22; Tit. I, 5-9).

4. The rite of the imposition of hands was an external sign conferring grace; thus Paul teaches Timothy, as tradition has understood: Do not neglect the grace which is in you, which was given to you by prophecy (i.e., because of the predictions made about you) with the imposition of the hands of the presbyterate... I admonish you to stir up the grace of God which is in you through the imposition of my hands; for God has not given us a spirit of fear, but of strength, and of love, and of sobriety (I Tim. IV, 14; II Tim. I, 6).

From these things it is clear that Order is an external rite conferring grace, instituted by the intention of the will of Christ.

They object that in the Greek text one reads χάρισμα, which by no means signifies grace making one pleasing, but designates nothing other than a grace gratis given. - Resp.: the word etymologically signifies a gift, which can indicate not only a grace gratis given, but also grace making one pleasing, as Rom. V, 15-17; I Cor. XII, 31; XIII, 1; but in the present case it signifies both sacred power and grace making one pleasing, which is required for exercising that power rightly, as appears from the context, since it attributes a spirit of fortitude, love, and moderation, and can be neglected and stirred up again. And thus the tradition of the Church has understood it.

B. From Tradition, which from the beginning explicitly acknowledges a hierarchy constituted by divine right of bishops, presbyters, and deacons, from those who received order or sacred power and office concerning the celebration of the Eucharist and the remission of sins; from the fourth century it expressly proposes that by the imposition of hands not only sacred power but also grace is conferred.

1. From the second century the hierarchy of orders is asserted by the *Didache*, 14-15; Clement R., *ad Cor.* 40, 42, 44; Ignatius, *ad Magn.* 6; Tertullian, *de Praescr.* 41.

2. From the fourth century the grace of order is affirmed among others by Chrys., *de sac.*, III, 4; hom. 1 in ep. 2 ad Tim., 2; Greg. Nys., or. in *Bapt. Christi*; Cyril of Alexandria, in John XX, 22-23; Aug., *c. ep. Parm.*, l. II, c. 13, n. 28; Innocent I, ep. 24, n. 4; Greg. M., in I Reg. IV, 5; Theodoret, in 2 ad Tim., I, 6; Leo M., serm. 3.

3. In the same time the liturgies and euchologies of the Church, both Western and Eastern, clearly affirm that it gives this.

C. From the fittingness of reason. It is fitting that in the Church there be an order of sacred power, that it be a sacrament, and that it be causative of grace; as St. Thomas shows.

1. There is an order of sacred power: "God willed to produce His works in His own likeness, so far as was possible, that they might be perfect, and that He could be known through them. And therefore, so that He might be represented in His works, not only according as He is in Himself, but also according as He pours into others, He imposed this natural law upon all, that the last things should be brought back and perfected through the middle things, and the middle things through the first things... And therefore, so that this beauty might not be lacking

to the Church, He placed order in it, that certain persons might hand over the sacraments to others, in their own way assimilated to God in this, as cooperating with God" (q. 34, a. 1).

2. Order is a sacrament: a) because "on account of Order man is made the dispenser of the other sacraments; therefore Order has more the character of being a sacrament than the others"; - b) because "a sacrament... is nothing other than a certain sanctification exhibited to man with some visible sign; whence since in the reception of Order a certain consecration is exhibited to man through visible signs (nor could it be done otherwise), it is clear that Order is a sacrament" (a. 3).

3. It is conferrent of grace: "Just as grace making one pleasing is necessary for this, that a man receive the sacraments worthily, so also for this, that he worthily dispense the sacraments. And therefore, just as in Baptism, through which a man is made receptive of the other sacraments, grace making one pleasing is given, so also in the sacrament of Order, through which a man is ordered to the dispensation of the other sacraments" (q. 35, a. 1).

715. Corollaries. - From the foregoing it follows:

1. That by divine institution there exists in the Church a clerical state distinct from the lay state (can. 948), as the Council of Trent defined against the Protestants, sess. 7, can. 10, and sess. 23, c. 4, can. 6; although by ecclesiastical institution the clerical state could have obtained a greater extent.

2. That in the Church by divine right there exists a visible and external priesthood, as the Council of Trent says, sess. 23, c. 1, can. 1.

3. That in Order, as in the other sacraments, three things are to be distinguished: a) the sacrament only, or the external sign which signifies and is not signified, is the sacred rite with the consecratory words, which is different in the different order; b) the reality and sacrament, which, namely, is signified by the visible rite and at the same time signifies grace, is the sacred power handed over by an indelible character; c) the reality of the sacrament, which is signified and does not signify, is the grace necessary for rightly exercising the sacred power.

716. Note. - Christ handed over to the apostles the power of consecrating the Eucharist at the Last Supper, saying: Do this in commemoration of Me; the power of remitting sins on the day of the resurrection; the power of preaching before the ascension. But He instituted the sacrament of Order by at the same time commanding that the aforesaid powers were to be conferred for the perpetual usefulness of the Church and transmitted by a visible sign; yet He Himself did not minister this sacrament.

Article II: On the Constitutive Parts of the Sacrament

S. Th., Suppl., q. 34, a. 4 and 5; q. 37, a. 5; III, q. 84, a. 4.

717. State of the question. - In the Scriptures no other rite of sacred ordination is indicated except the imposition of hands, to which sacramental grace is ascribed; similarly the Fathers, Liturgies, and Euchologies down to the ninth century attribute the conferral of the priesthood to the imposition of

hands alone. In the eighth or ninth century there appears the handing over of the instruments, namely, of the paten with the offerings and of the chalice with wine, as is indicated in various Sacramentaries of Gaul and Germany. The handing over was never received by the Greeks, but, introduced into the Roman liturgy in the eleventh century, it was admitted and prescribed in the whole Latin Church; indeed it was regarded as the more principal part of ordination, as is clear from the doctrine of the Scholastics and of the Council of Florence itself, in the decree for the Armenians. In the eleventh century a second imposition of hands, at the end of Mass, was used in certain Churches, which afterward became common in the West. The evolution in the rites of ordination was slow and endured until the fifteenth century; nevertheless, in the thirteenth century it was complete as regards the handing over of the instruments, which then was universally received in the West.

Therefore in the Latin Church there is present in the ordination of priests:

1. The imposition of hands by the bishop, and by the presbyters, upon the head of each ordinand in silence, and then the extension of hands over all the ordinands with the prayer: Let us pray, brethren... hear us... and with the preface, by which respectively priestly grace and the dignity of the presbyterate are sought for them from God. There two impositions can be distinguished, of which the latter is a continuation of the prior.

2. After the stole and chasuble have been handed over, and the hands of the ordinands anointed, the handing over of the instruments is made, as has been said, under the words: Receive the power of offering sacrifice to God, and of celebrating Masses both for the living and for the dead. In the name of the Lord.

3. After the consecration of the Sacrifice and the communion have been completed, at the end another imposition of hands is made by the bishop alone upon each one, under the words: Receive the Holy Spirit: whose sins you shall remit...

From what has been said it is clear that in the Greek Church, as formerly in the Latin Church, the rite of ordination is nothing other than the imposition of hands with the concomitant form. Before the Apostolic Constitution *Sacramentum Ordinis* of November 30, 1947, the question was much agitated whether the same holds today in the Latin Church, or what must be regarded as the rite of valid ordination in our times.

718. Diverse opinions. - For solving the said question a multiple opinion has been pronounced:

The first holds that only the first imposition of hands is the essence of the Sacrament, both because it alone is found in the Scriptures and alone was used in the first eight centuries, and because today it alone is used among the Greeks. This opinion belongs to a few in the middle age; after the sixteenth century it had several defenders, among whom were Morinus and Martene; and in the nineteenth century it became by far the more common, so that Cardinal Van Rossum and Pesch called it morally certain. For the Church cannot change the matter and form of the sacraments; and even if it could do this, it is not proved that such was the intention of the Church, since this is clear from no juridical text. As to the decree of the Council of Florence, many have said that it was disciplinary, not dogmatic; others acknowledge it to be dogmatic, but, like Cardinal Van Rossum, say that in this matter the Council erred.

The second, on the contrary, acknowledges no essential rite of Order except only the handing over of the instruments. Thus many Scholastics, so that from the thirteenth to the fifteenth century this opinion was by far the more common; and it was adopted by the Council of Florence, and down to the eighteenth century always had several defenders; but in the nineteenth century it was almost abandoned, though in most recent times it is again defended by Hugon and Galtier.

In this opinion it is necessary to say that Christ did not determine the rite of Order in its ultimate species, but that the Church prescribed one rite and another for various times and places.

The third says that the essential rite consists both in the handing over of the instruments, by which the power of consecrating, or over the true body of Christ, is conferred, and in the last imposition of hands, by which the power of remitting sins, or over the mystical body of Christ, is conferred. Thus Scotus and, after him, several down to the eighteenth century, among whom were Bellarmine and Billuart.

The fourth holds that either one, namely, either the first imposition of hands or the handing over of the instruments, is valid matter. Thus a few in the seventeenth and eighteenth centuries, such as Amicus, Diana, Esparza, Clericatus, Jerome of St. Augustine, O.S.Tr. This opinion, insofar as it would affirm that the bishop can choose between either rite, is false, because it does not belong to the minister, but to Christ and the Church, to determine the essential rites of a sacrament; but insofar as it would affirm that, according to the diversity of times and places, the matter is diverse according to the diverse determination of the Church, it coincides with several other opinions.

The fifth holds both, namely, the first imposition of hands together with the handing over of the instruments, to be in the Latin Church the rite necessary for the validity of the sacrament. Thus perhaps certain ones in antiquity, but several in the eighteenth and nineteenth centuries; more recently it is defended by Billot, Tanquerey, Herve, Noldin, Van Noort.

The sixth finally says that the matter consists of three things, and that not only the handing over of the instruments, but also the last imposition of hands, equally with the first, is essentially required for the sacrament. Thus, from the seventeenth century onward, several: Lugo, Gotti, Egger, Dalponte.

719. The matter of priestly ordination in present times in the Latin Church consists in the first imposition of hands which is done in silence, not however in the continuation of the same by extension of the right hand, nor in the last imposition, to which are joined the words: "Receive the Holy Spirit: whose sins you shall remit, etc..."

In the Greek Church and in certain other Eastern Churches there exists only the imposition of hands, although here and there certain varieties are present.

It is proved: 1. From the Apostolic Constitution *Sacramentum Ordinis*,[1] in which the Supreme Pontiff Pius XII, divine light having been invoked, by supreme authority and certain knowledge declares, and, insofar as there is need, decrees and disposes those things which are contained in the thesis just placed.

[1] Apostolic Constitution *Sacramentum Ordinis*, November 30, 1947. *Acta Apostolicae Sedis*, XL, 1948, pp. 5-7.

2. As to the positive part, namely, the necessity and validity of the first imposition of hands, from the constant use of this rite from the first times both in the Latin Church and in the Greek

Church. This rite was always observed, not only in the ordinations of presbyters but also of bishops and deacons. This the Council of Trent also insinuates, sess. 14 on Extreme Unction, c. 3, when it says of the ministers of Extreme Unction that they are priests "ordained by the imposition of the hands of the presbyterate."

3. As to the positive and negative part together, namely, the necessity and sufficiency for the substance and validity according as it depends on the institution of Our Lord Jesus Christ, from the fact that the Roman Church has always held ordinations conferred by the Greek rite without the handing over of the instruments to be valid. Nor is it an obstacle that in the Decree of the Council of Trent for the Armenians it is established: "The sixth Sacrament is Order, whose matter is that by the handing over of which Order is conferred: just as the Presbyterate is handed over by the presentation of the chalice with wine and of the paten with bread, etc." (Denz. 701). For by no means did the Council impose upon the Greeks that they should change the rite of ordination or insert into it the handing over of the instruments; indeed the Church willed that in the City itself the Greeks should be ordained according to their proper rite. From these things it is gathered, even according to the mind of the Council of Florence, that the handing over of the instruments is not required for the substance and validity of this sacrament by the will of Our Lord Himself.[2]

[2] Nevertheless, concerning the right interpretation itself of the Decree for the Armenians, concerning its dogmatic or disciplinary value, and concerning other controversies in interpreting the Decree, the Supreme Pontiff did not wish to establish anything. He determines only that if in the course of the centuries the presentation of the instruments at some time had been necessary for the value of the sacrament, this would have been from the will of the Church (not from the institution of Christ), so that what the Church established it also has power to change and abrogate.

4. By theological reason from the very essentials of the sacrament according to the text of the same Apostolic Constitution cited above: "But it is established among all that the Sacraments of the New Law, as sensible signs and efficient of invisible grace, must signify the grace which they effect and effect the grace which they signify. Now the effects which must be produced, and therefore signified, by the Sacred Ordination of the Diaconate, Presbyterate, and Episcopate, namely power and grace, are found to be sufficiently signified in all the rites of the universal Church of diverse times and regions by the imposition of hands and by the words determining it."

Note. From the said Constitution, which was issued to remove every controversy concerning the essential rites and to block the way against anxieties of consciences, it is most certainly clear that the handing over of the instruments, and the continuation of the first imposition of hands, and the last imposition of hands do not pertain to the substance of the Sacrament nor are required in the future for validity. As to past times, the Apostolic Constitution determines nothing concerning the rites necessary for validity, so that the diverse opinions set forth above remain the object of free controversy.

720. The form of priestly ordination in the Latin Church for the future consists in the words of the "Preface," of which the following are essential, and therefore required for validity: "Grant, we beseech Thee, almighty Father, to this Thy servant the dignity of the Presbyterate; renew in his inward parts

the spirit of holiness, that he may obtain from Thee, O God, the office of the second merit, received by him, and by the example of his conduct may insinuate the censure of morals."

Thus in the Latin Church. In the Greek Church, however, the whole form is in the words which accompany the single imposition of hands: "Divine grace, which always heals what is weak and supplies what is lacking, promotes N., most devout deacon, to presbyter; let us pray for him, that the grace of the Most Holy Spirit may come upon him."

It is proved from the Apostolic Constitution *Sacramentum Ordinis* determining the words of the form. - As to the sense of the form, because it pertains to the substance of the sacrament instituted by Christ, no power belongs to the Church (Council of Trent, sess. 7, c. 1; Denz. 844. Sess. 21, c. 2; Denz. 931); but the Church can establish, indeed sometimes must establish, the words expressing this sense. Therefore, as the form of the sacrament there must be considered the words determining the application of the matter, by which the sacramental effects are univocally signified and which are accepted and used by the Church as such.

721. Practical corollaries. - Since in administering the sacraments the safer course must be taken, lest they be exposed to danger of nullity, therefore in practice before the Apostolic Constitution of the year 1947 attention had to be paid to all opinions, and all rites which according to some opinion perhaps were required had to be observed, with none omitted; because the validity of the sacrament is not established unless all things have been rightly performed. But if certain of these had been omitted or were doubtful, the ordination had to be repeated under condition, or at least the defect supplied.

All these things have force even after the Apostolic Constitution if it is a question of omissions and doubts in ordinations made before April 28, 1948 (before the midnight between the 27th and the 28th). For from this day the juridical document obtains effect and its dispositions do not have retroactive force.

Hence for ordinations made before April 28: 1. If the first imposition of hands had been omitted, and indeed whether the particular imposition or the subsequent extension, the ordination will have to be repeated from the beginning, because they dispute whether the former or the latter or either one suffices (S. Off., July 21, 1899; July 4, 1900; March 7, 1902); the imposition probably must be done by bodily touch (ibid.), which nevertheless suffices if mediate, for example, upon a covered head (S. Off., Jan. 22, 1890).

2. If the handing over of the consecrated chalice and paten with both species had been omitted, even partially, at least under condition the whole ordination is to be repeated (S. C. C., Feb. 11, 1708; S. Off., July 6, 1898; Jan. 11, 1899): contact probably is required to be physical, but mediate contact suffices, whence it seems sufficient to touch one thing by means of which the rest are touched.

3. Nevertheless the consecration of the chalice with the paten does not seem required for validity, because the S. Off. in a rescript of Jan. 28, 1937, declared in a certain such case that the ordination was not to be repeated.

4. If certain essentials had been omitted from the words of the form in the handing over of the instruments; or under the extension of hands in the prayer: Let us pray, brethren... hear us, or in the preface, likewise the ordination will have to be repeated from the beginning.

5. If the last imposition of hands or the concomitant form had been omitted, it will have to be supplied (S. C. R., May 22, 1841; S. Off., March 4, 1874; Dec. 9, 1897).

6. It is certain that the anointing of the hands, the handing over of the vestments, and the imposition of hands by the assisting priests are not sacramental, but merely accidental; nevertheless an omitted anointing, and probably the handing over of the vestments, must afterward be supplied.

Reordination or supplying can be done by any bishop, even outside the times and secretly (can. 1007); in a case of a hidden defect, it must be done secretly, to avoid scandal and disturbance of the faithful.

But under the new regime determined by the Apostolic Constitution, ordination will have to be repeated absolutely if certain essentials from the form, as determined above, were omitted, or even if the first imposition of hands had been omitted or was made without at least moral touch.[3] Under condition the ordination will have to be repeated if something doubtful occurs concerning the essentials for validity. - But whether the ordination is to be repeated from the beginning or only in part the Apostolic Constitution does not determine. And although it is probable that the ordination must be repeated from the beginning, nevertheless it will be prudent in individual cases to have recourse to the Holy See according to the explicit statute of the Constitution itself: "If any doubt occurs, it is to be submitted to this Apostolic See." The same has force concerning ceremonies not essential which are to be repeated or supplied, concerning which nothing is had in the Constitution.

[3] Concerning the validity of merely moral touch it was also established in the Constitution: "But lest an occasion of doubting be furnished, We command that the imposition of hands in conferring any Order be done by physically touching the head of the Ordinand, although even moral touch suffices for validly confecting the Sacrament."

722. Note. - The sacrament is not to be repeated under condition, nor is a defect to be supplied, unless there is at least a positive doubt concerning the defect; namely, light and negative or scrupulous doubts are not to be attended to. Whence we read in St. Alphonsus, *Th. M.*, l. VI, n. 757: "even if someone fears that he has been invalidly ordained, or does not remember that he touched the sacred vessels, or imagines that he did not touch them, the order is not immediately to be repeated, since mere forgetfulness or fear does not suffice for a prudent and reasonable doubt or probability." And in practice the one ordained can in this matter trust the testimony of the priest who assists the bishop.

Question Two: On the Effects of Order

S. Th., Suppl., q. 35.

723. The effect of the sacrament of Order is grace for rightly fulfilling sacred functions and power for exercising them. - This is of faith from the Council of Trent, sess. 23, c. 3 and 4, can. 4.

A. Order confers grace upon those who do not place an obstacle, which is of faith from the Council of Trent, the cited canon, and sess. 7, can. 1 and 6: namely, grace necessary for the good use of sacred

power, or for rightly exercising the sacred ministry and dispensing the sacraments; "an increase of grace," says the Council of Florence, "that one may be a fit minister." For "to whomever any power is given divinely, there are also given those things through which the execution of that power can fittingly be done" (a. 1).

But it confers:

1. Habitual grace making one pleasing, which is necessary for ministering the sacraments worthily (n. 76); - and indeed it increases it to an eminent degree, because Order is the more worthy of all the sacraments after the Eucharist, since it is immediately ordered to the most excellent function, the Eucharist itself:

"For the suitable execution of orders just any goodness does not suffice, but excellent goodness is required; so that, just as those who receive order are established above the people by the grade of order, so also they may be superior by the merit of holiness. And therefore grace is pre-required which suffices for this, that they may be worthily numbered among the people of Christ; but in the very reception of order a more ample gift of grace is conferred, by which they are rendered fit for greater things" (ad 3). This grace is commemorated by the Apostle in I Tim. IV, 14 and II Tim. I, 6-7, and is reported by universal tradition, by the Pontifical as the spirit of holiness and the form of all justice, and by the Council of Trent, which teaches that in ordination the Holy Spirit is given, who is not given without grace.

2. Special sacramental grace, which offers to grace making one pleasing a special help and habitual vigor for duly exercising sacred functions, and for conquering the weakness which draws one back from offices.

3. Consequently, a right to actual graces, necessary for this end, to be obtained at the opportune time throughout the whole life.

B. Order confers a character by which those to be ordained are consecrated to divine worship as ministers, and sacred power adheres to them indelibly, and indeed active power, for dispensing the sacraments. This is of faith from the Council of Trent, sess. 23, can. 4, and sess. 7, can. 9. The character of Order necessarily supposes the character of Baptism, which renders one capable of receiving other sacred things; by fittingness, it supposes the character of Confirmation, which renders one fit for exercising Order.

The power of the character is twofold:

1. Principal, concerning the real body of Christ, namely, of consecrating, offering, and ministering the body and blood of the Lord, as is clear from the very form of the sacrament, from the words of Christ: Do this in commemoration of Me (Lk. XXII, 19), from the doctrine of the Apostle, Heb. V, 1 and XIII, 10, and from the Council of Trent, sess. 23, c. 1, can. 1.

2. Secondary, concerning the mystical body of Christ, or of rendering the faithful apt and fit for the sacrament of the Eucharist, through the preaching of the divine word and the ministration of the sacraments, especially Baptism and Penance (Mt. XXVIII, 19; John XX, 23); whence in ordination the power of remitting sins is conferred (Council of Trent, sess. 23, c. 1, can. 1).

For the power of confecting and dispensing the Eucharist includes the power of furnishing all things which are required for the worthy reception of the Eucharist. But men are disposed remotely to the Eucharist through the preaching of the word, proximately through the administration of the sacraments, especially Penance.

"It seems to belong to the same power to bestow some perfection and to prepare the matter for the reception of that perfection... Since therefore the power of Order extends to this, that it confect the sacrament of the body of Christ and hand it over to the faithful, it must be that the same power extends to this, that it render the faithful apt and suitable for the perception of this sacrament. But the faithful person is rendered apt and suitable for the perception of this sacrament by being immune from sin: for he cannot otherwise be spiritually united to Christ, to whom he is joined sacramentally by receiving this Sacrament. Therefore the power of Order must extend to the remission of sins through the dispensation of those sacraments which are ordered to the remission of sin, of which sort are Baptism and Penance" and Extreme Unction. Thus St. Thomas, *c. Gent*. IV, 74. Cf. q. 37, a. 4, ad 1.

724. Corollaries. - 1. Eminent is the dignity of the priest, for through the character he is configured to Christ Himself (q. 40, a. 5, ad 2) and participates in the power and priesthood of Christ; whence in him, says St. Thomas, II-II, q. 184, a. 8, "a greater interior holiness is required than even the religious state requires," namely, separated from the priesthood.

2. Because the sacrament of Order imprints an indelible character, it is not repeatable; this was always believed in the Church, although at times there were disputes about the validity of ordinations made by heretics or simoniacs; but from the thirteenth century the consensus of theologians in this matter is common (q. 38, a. 2).

3. Hence if the sacrament is received with an obstacle, when the obstacle has been removed it revives; and indeed in perpetuity, because of the character always remaining.

4. But if a sinner in good faith receives the sacrament, it accidentally causes first grace, provided the sinner is disposed by attrition.

Question Three: On the Different Orders

S. Th., Suppl., q. 37; q. 35, a. 2 and 5; and q. 40.

725. There are several orders in the Church, which are ordered to different offices. - This is certain, indeed defined by the Council of Trent, sess. 23, c. 2 and can. 2, as pertaining to Catholic truth.

St. Thomas gives the reasons, q. 37, a. 1:

"The multitude of orders has been introduced in the Church for three reasons:

1. For commending the wisdom of God, which shines forth most of all in an ordered distinction of things, both in natural things and in spiritual things...

2. For assisting human infirmity, because through one man all things which pertained to the divine mysteries could not be fulfilled without great burden; and therefore diverse orders are

distinguished for diverse offices. And this is clear from the fact that the Lord gave seventy elders to Moses for assistance.

3. That a broader way of profiting may be given to men, while many are distributed in diverse offices, so that all may be cooperators of God; than which nothing is more divine, as Dionysius says in *Eccl. hier.* 3."

726. Seven orders are distinguished in the Church, by which, as by grades, clerics ascend even to the priesthood. - This is certain from the Council of Trent, sess. 23, c. 2.

St. Thomas, a. 2, takes the reason of the distinction from the relation to the Eucharist, to which the sacrament of Order is ordered: the priest consecrates the Eucharist; the three more noble somehow cooperate with him in order to the Eucharist itself: the deacon immediately cooperates with the priest in the sacrament itself, and indeed does not consecrate it but dispenses it; the subdeacon prepares the matter in sacred vessels, but the acolyte in vessels not sacred; the remaining three cooperate only in order to preparing those receiving the Eucharist: the exorcist cleanses the faithful who have an impediment from the power of the demon; the lector prepares the subject by instructing, or by teaching the rudiments of faith; the ostiary keeps the unworthy from the Church, by opening to the worthy alone.

Thus in the Latin Church; and although in the time of the apostles the inferior ministers had not yet been distinguished from deacons, but their power and office remained contained in the diaconate, nevertheless from the beginnings of the Church all orders with their proper ministries are known to have been in use.[1]

[1] Thus the Council of Trent, l. c. - Thus, for example, Cornelius (a. 251), ep. to Fabius of Antioch (H. E. VI, 43), says "that in the Roman Church there are 46 presbyters, 7 deacons, 7 subdeacons, 42 acolytes, and 52 exorcists and lectors with ostiaries." The function of all these is described by the *Apostolic Constitutions*, l. II, c. 57. They are also numbered in the *Liber Pontificalis*, decree of Pope Caius; afterward in the canons which come under the name of the Council of Carthage IV. - Already before Cornelius, in the Apostolic Tradition of Hippolytus, subdeacons and lectors are named; indeed in can. 7 of Hippolytus lectors are exhibited as fulfilling an excellent function, so that they ought to be adorned with the virtues of deacons. The Council of Laodicea also speaks of several, even of exorcists, who according to can. 26 must be ordained by bishops.

In the Greek Church, however, besides the diaconate there are only the subdiaconate and lectorate; but the offices of the others are reduced to these: thus the acolyte-ship and ostiary-ship are conferred together with the subdiaconate, the exorcistate with the diaconate.

727. All orders are more probably sacraments, but they constitute only one sacrament of Order. - This is the obvious sense of the Councils of Florence and Trent, l. c.

A. The individual orders are sacraments. It is proved:

1. From the Councils. For the Council of Florence says: "The sixth sacrament is Order, whose matter is that by the handing over of which Order is conferred"; which it applies to the presbyterate, diaconate, subdiaconate, and similarly to the other orders.

It does the same for the form of the orders. Afterward it adds: The effect is an increase of grace, that one may be a fit minister.

Similarly the Council of Trent, after it has enumerated the seven orders, immediately adds without restriction: that Order is a sacrament.

2. From the Pontifical, which generally says concerning all orders: "Let the bishop admonish those to be ordained to touch the instruments by which character is imprinted."

3. From the reason of St. Thomas, q. 35, a. 2: "Some have said that character is imprinted only in the priestly order; but this is not true, because no one can licitly exercise the act of a deacon unless he is a deacon; and thus it is clear that he has some spiritual power in the dispensation of the sacraments which others do not have. And because of this others have said that character is imprinted in sacred orders, but not in minor orders. But again this is nothing, because through each order someone is constituted above the people in some grade of power ordered to the dispensation of the sacraments. Whence, since character is a sign distinctive from others, it is necessary that character be imprinted in all; a sign of this also is that they remain perpetually, and are never repeated."

Moreover, that their character is indelible is clear from the fact that it is not taken away by excommunication.

Many moderns, however, deny this, and hold all orders below the diaconate not as sacraments but as mere sacramentals instituted by the Church, both because they were not always in the Church, and because they are not conferred by the imposition of hands, which is the essential rite of Order instituted by Christ. - Resp. If Christ did not determine the sacramental sign in its ultimate species, but left it to the Church to be more determined, she could ordain that the power which at first was conferred all at once in the presbyterate or in the diaconate should now or elsewhere be conferred in several times by partitions; and also that this might fittingly be done by a sign, even if diverse from the imposition of hands. "In the primitive Church," says St. Thomas, q. 37, a. 2, ad 2, "on account of the paucity of ministers, all the inferior ministries were committed to deacons... Nevertheless all the aforesaid powers were there, but implicitly in the one power of the deacon. But afterward divine worship was enlarged; and what the Church implicitly had in one order, she handed over explicitly in diverse orders."

B. All orders are one sacrament in species. This is clear from the fact that in the Church there are neither more nor fewer than seven sacraments. And it is understood from the fact that the sacrament of Order essentially and principally consists in the sacred power of character, which exists fully in the supreme order, namely, in the priesthood, and in the others participatively and defectively.

Whence St. Thomas: "The division of order is not that of an integral whole into its parts; nor of a universal whole (as a genus which has several species), but of a potestative whole, whose nature is that the whole according to its complete account is in one, but in the others there is some participation of it. And so it is here: for the whole fullness of this sacrament is in one order, namely, the priesthood, but in the others there is a certain participation of order... And therefore all orders are one sacrament" (q. 37, a. 1, ad 2).

728. Note. - Three orders are called sacred by a special title, namely, by reason of the matter, because they are concerned with a sacred thing. For "order is called sacred in two ways: in one way according to itself, and thus any order is sacred, since it is a certain sacrament (at least, according to others, a

sacramental); in another way by reason of the matter concerning which it has some act, and thus that order is called sacred which has some act concerning some consecrated thing. And thus there are only three sacred orders, namely, priesthood and diaconate, which have an act concerning the consecrated body and blood of Christ, and subdiaconate, which has an act concerning consecrated vessels; and therefore continence is also enjoined upon them, that those who handle holy things may be holy and clean" (a. 3), and they are kept from nuptials (can. 132, § 1). Hence they are also called major, because in dignity and holiness they exceed the others.

Before the twelfth century, however, the subdiaconate was not considered a major and sacred order; and today in the Greek Church it is still reckoned among the minor orders, where neither does it have the vow of continence annexed.

729. The power and acts of the individual orders. - Orders are distinguished by the grade of sacred power and consequently by the diverse acts to which the power is ordered.

1. The presbyterate is a sacred order by which there is conferred the power of consecrating the body and blood of Christ and remitting sins. That it is a sacrament is doctrine of faith, as was demonstrated, n. 714; but concerning its matter and form there is dispute, as we noted, nn. 718-720. Five of its acts are customarily numbered: "the priest must offer, bless, preside, preach, and baptize," says the Pontifical.

To offer indicates power concerning the real body of Christ, namely, of consecrating the body and blood of the Lord, offering it in sacrifice, and dispensing it in communion. The others are referred to the mystical body of Christ: to bless, even solemnly, things and persons; to preside, i.e., in the absence of the bishop, to preside over the divine offices and to rule the people under the bishop; to preach or announce the word of God; to baptize and confer other sacraments unto the remission of sins, namely Penance and Extreme Unction.

2. The diaconate is a sacred order by which power is handed over for ministering immediately to the priest at the altar in solemn Mass, for solemnly singing the Gospel, and, by legitimate commission, for solemnly baptizing, dispensing the Eucharist, and preaching.

According to the opinion now long common, the diaconate is a sacrament; which seems certain. For in it there is a sensible sign conferring sacred power; it is instituted by Christ, since it pertains to the hierarchy instituted by divine ordination, as the Council of Trent defined, sess. 23, can. 6; it also confers grace, as is deduced from the same Council, can. 4: If anyone shall say that through sacred ordination the Holy Spirit is not given, and therefore that bishops say in vain: Receive the Holy Spirit..., let him be anathema; but bishops say this in the ordination of deacons.

Concerning the rite of the diaconate in the Latin Church there was dispute. Some placed it in the sole imposition of the hand by physical touch, with the words: Receive the Holy Spirit unto strength and unto resisting the devil and his temptations; others in the sole handing over of the book of the Gospels, with the words: Receive the power of reading the Gospel in the Church of God, both for the living and for the dead; others in both together.

Now the question for the future has already been decided from the Apostolic Constitution cited above: "In Diaconal Ordination the matter is the imposition of the Bishop's hand, which alone occurs

in the rite of this Ordination. But the form consists in the words of the 'Preface,' of which these are essential and therefore required for validity: 'Send forth upon him, we beseech Thee, O Lord, the Holy Spirit, by whom he may be strengthened by the gift of Thy sevenfold grace for faithfully carrying out the work of Thy ministry.'"

3. The subdiaconate is a sacred order by which the power is conferred of ministering to the deacon in solemn Mass and solemnly singing the epistle in it. Hence he can prepare the matter of the sacrifice, offer the chalice and paten to the deacon, and pour water into the chalice for the priest solemnly celebrating.

The matter is the handing over of an empty consecrated chalice with an empty paten; the form: See whose ministry is handed over to you; therefore I admonish you, that you so exhibit yourselves that you may be able to please God. Yet the consecration of the chalice with the paten does not seem to be required for validity from the rescript of the S. Off., Jan. 28, 1937. To the essence do not pertain: the handing over of the book of epistles (or Missal) under the words: Receive the book of epistles, and have the power of reading them in the Church..., for formerly the epistle was read by the deacon; likewise neither the handing over of the cruets, which is done by the archdeacon, nor of the sacred vestments.

The obligations annexed to the subdiaconate in the Latin Church are of reciting the divine office and preserving continence, whose vow is implicitly emitted by the reception of the order, as the perpetual tradition of the Church has understood; but if someone internally refused to vow, he would nevertheless be held to continence from the precept of the Church.

4. The acolyte-ship is an order by which power is handed over of presenting the cruets with wine and water in Mass and of lighting and carrying the lights; or by which the office is conferred of ministering to the sacred ministers in solemn Mass, and also to the priest in private Mass.

The matter and form are twofold: 1) the handing over of a candlestick with an extinguished candle under the words: Receive the candlebearer with candle, and know that you are bound to the lighting of the lights of the church in the name of the Lord; - 2) the handing over of an empty cruet, with the words: Receive the cruet for supplying wine and water into the Eucharist of the blood of Christ in the name of the Lord.

5. The exorcistate is an order by which the power is conferred of expelling demons by the exorcisms of the Church from the bodies of the baptized or catechumens, and of providing blessed water.

The matter is the handing over of the book of exorcisms, such as the Ritual, in place of which the Pontifical or Missal can be given; the form: Receive and commit to memory, and have the power of imposing hands upon energumens, whether baptized or catechumens. - In practice, however, it is not licit solemnly to pronounce exorcisms over the possessed except by the special and express license of the Ordinary, which is not conceded except to priests who are pious and prudent (can. 1151).

6. The lectorate is an order by which the power is conferred of reading the word of God in the Church, and of catechizing the people in the rudiments of faith.

The matter is the handing over of the book in which the readings of Scripture are contained; in place of which the Bible, Missal, or Breviary can be handed over; the form: Receive and be relaters of the word of God, about to have, if you shall have fulfilled your office faithfully and usefully, a part with those who have ministered the word of God well from the beginning.

In antiquity they were accustomed to bless; the Pontifical notes: The lector must bless bread and all new fruits; today this power is bound, so that they can validly and licitly give only those blessings which are expressly permitted to them by law (can. 1147, § 4).

7. The ostiary-ship is an order by which spiritual power is conferred of opening and closing the doors of the church, calling the people together for the sacrifice, admitting the worthy and keeping out the unworthy, and having custody of the sacred furnishings.

The matter is the handing over of keys; the form: So act as those about to render an account to God for those things which are closed by these keys.

730. The preamble to orders is tonsure. - Tonsure properly is not an order, because it does not confer sacred power, nor is it numbered by the Councils or Pontifical among the orders, but is distinguished from them. Whence according to theologians commonly it is not an order, but a preparation for orders, as the novitiate is for profession. It is a sacred rite by which a layman is transferred to the clerical state; but this is so named from κλῆρος (lot, inheritance), because they are called to it by lot or gratuitous election, or because God is the part and inheritance of clerics.

It consists in the cutting of hair on the crown of the head under the words, to be pronounced at the same time by the minister and by the one to be tonsured: The Lord is the portion of my inheritance and of my chalice; Thou art He who wilt restore my inheritance to me. The crown signifies the royal dignity which clerics obtain and, by reason of the removal of hair, that useless and worldly things are to be contemned by clerics, lest their mind be hindered from the contemplation of divine things (q. 40, a. 1).

The effects are that the tonsured person 1) is transferred to the clerical state (can. 108, § 1), and thus becomes capable of obtaining power either of order or of jurisdiction, and ecclesiastical benefices and pensions (can. 118); 2) becomes a participant in the rights and privileges of clerics (can. 119-123); and also subject to the common obligations of clerics (can. 124-144).

731. The Episcopate surpasses all orders. - The Council of Trent, sess. 23, c. 4 and can. 7, defined that bishops are superior to presbyters, and indeed not only by power of jurisdiction, but also by the power of confirming and ordaining, which is of order. Moreover can. 6 defined that in the Catholic Church there is a hierarchy instituted by divine ordination, which consists of bishops, presbyters, and ministers, i.e., at least deacons. From this it seems logically to follow that bishops are by divine right superior to presbyters, although the Council did not wish to define this.

Thus against Aerius in the fourth century, the Waldenses, Wyclif, Calvin, and Presbyterians. It is insinuated in the Scriptures, since among the presbyters ordained by St. Paul, certain ones had the power of ordaining, ruling, and judging others, such as Timothy and Titus (I Tim. V, 19; Tit. I, 5); and it is clear from the whole tradition, from Ignatius of Antioch onward, which is customarily proved in the treatise on the Church. St. Thomas gives the reason, q. 40, a. 4, because "the order of human offices requires that in any office one be set over it, who is the prince of that office, just as a leader is

set over soldiers. Therefore over priests also someone must be set who is the prince of priests; and this is the bishop."

The Episcopate, although it is an order or hierarchical grade, superior to presbyters in power and office, nevertheless is not a sacramental order adequately distinct from the presbyterate; otherwise there would be eight orders, although in the Church only seven are numbered. For:

1. The distinction of orders is made according to their relation to the Eucharist; but as to the Eucharist there is not in bishops a different relation or power from that in presbyters; therefore neither is there a distinct sacramental order, but only an extension or complement of order.

2. The sacrament of Order essentially is in the supreme sacred power, of which the others are consequences or participations. But the supreme sacred power is for offering sacrifice or for consecrating the body and blood of the Lord, which belongs equally to priests and bishops. Therefore the episcopate is not a sacrament essentially distinct from the presbyterate; but it is only a secondary power consequently added, or an extension of the presbyterate.

3. The episcopate, or the power of ordaining other priests, cannot be conceived without priesthood, but necessarily supposes and includes it, since no one can communicate to others a power which he does not have. And therefore one cannot validly be ordained bishop who is not, or at least is not at the same time ordained, a priest. Therefore the episcopate is not an order coordinate with priesthood and standing by itself, but an intrinsic complement of priesthood.

Hence: 1. Priesthood is not a participation of the episcopate, since the more excellent power over the true body of Christ is not a participation of the less excellent power over the mystical body of Christ; but the episcopate is an enlargement of priesthood, of which it is the fullness and consummation.

2. On the contrary, the diaconate and inferior orders are a participation of priestly power.

3. Whence a priest can validly be ordained who has not received the diaconate or the inferior orders, because they are eminently contained in the priesthood; on the contrary, one who is not a priest is not validly consecrated bishop, because the episcopate formally supposes and extends the priesthood.

4. In the episcopate a new character is not imprinted, but the character of the priesthood is enlarged in power, and indeed indelibly.

5. Consequently, from the work worked there is also conferred an increase of grace, for duly exercising the episcopal power.

But the episcopate cannot be conferred except by the peculiar rite of ordination, as is clear from the whole tradition of the Church; by this rite the power of the character of the priest is enlarged, and grace is conferred, as is certain according to the Council of Trent, sess. 23, can. 4, because in the ordination of a bishop the Holy Spirit is given, since the words pronounced in it are not said in vain: Receive the Holy Spirit.

In Episcopal Ordination or Consecration the matter is the imposition of hands which is made by the consecrating Bishop. But the form consists in the words of the "Preface," of which these are essential and therefore required for validity: "Complete in Thy Priest the summit of Thy ministry, and sanctify with the dew of heavenly ointment one furnished with the ornaments of all glorification." Apostolic Constitution *Sacramentum Ordinis*, Nov. 30, 1947.

Therefore many moderns say that it is a true distinct order and a sacrament, since it confers indelible power and grace; but this proves that the episcopate pertains to orders and to the sacrament of Order, by no means however that it is a sacrament adequately distinct from the presbyterate, or a separate order.[2]

[2] They object: 1) formerly deacons were directly ordained bishops, indeed those who were not deacons; 2) the matter depends merely on the positive will of God and the intention of the Church, whence nothing prevents saying that the whole fullness of priesthood is conferred at once by one ordination.

Resp.: To the first. It is not repugnant that in the same ordination the presbyterate be conferred first and at the end the episcopate as its complement; indeed, that by the same sign the power of priesthood be conferred principally and at the same time its complement secondarily, namely, the episcopate, and thus it was sometimes done in the primitive Church; on the contrary, it is repugnant that the episcopate alone be conferred which would eminently include the priesthood, because the episcopate supposes the priesthood as an accessory complement supposes the principal thing.

To the second. The matter does not depend on the positive will of God alone, but the will which is ruled by divine wisdom must be conformed to the nature of things: from the nature of the thing the power of offering sacrifice is principal, which in the bishop is enlarged by the added power of ordaining; but the power of ordaining is not principal in such a way that it would include, as a lesser power, the power of offering sacrifice. Whence the power of priesthood must be conferred at least by nature prior to the power of ordaining.

732. Corollaries. - 1. There are only seven orders properly so called; sometimes, however, among canonists eight or nine are enumerated, by including, namely, the episcopate or first tonsure, but then order is taken in a broader and improper sense (can. 950).

2. The character of the higher order does not necessarily presuppose the character of the inferior orders, and therefore, although it is illicit to receive ordination by a leap (can. 977), it is nevertheless valid, because the powers of the orders are distinct and one does not prerequire another in the same subject. "And therefore in the primitive Church some were ordained as presbyters who had not first received the inferior orders; and yet they could do all things which the inferior orders can do, because the inferior power is comprehended in the higher power, as sense in intellect and generalship in kingship. But afterward by the constitution of the Church it was determined that one who had not first humbled himself in the lesser offices should not thrust himself into the greater orders. And from this it is that those who are ordained by a leap, according to the canons, are not reordained, but that which had been omitted from the preceding orders is conferred upon them" (q. 35, a. 5).

3. Hence "if someone, already promoted to some orders in an Eastern rite, has obtained from the Apostolic See an indult of receiving higher orders in the Latin rite, he must first receive in the Latin rite the orders which he did not receive in the Eastern rite" (can. 1004).

4. Sometimes by order sacred power is given for doing things which otherwise could not be validly or licitly done; sometimes it is given for those things which someone could do even otherwise, but "he receives power so that he can do this from office; although it can also be done by others (namely, laymen), but not from office. And so it is in all the acts of the minor orders, that they can be done licitly by others, although those others do not have any office for this: just as Mass can also be said in a non-consecrated house, although the consecration of a church is ordered to this, that Mass be said in it" (q. 37, a. 4, ad 9).

5. The hierarchy of order consists, as it were, in a threefold grade: bishops, presbyters, and ministers, under whose name come deacons and others inferior to them. In bishops sacred power is according to fullness; in presbyters according to substance; in deacons and others according to inchoation and preparation.

6. Above all bishops there must be someone superior in the whole Church. For "wherever there are many governments ordered into one, there must be some universal government above the particular governments... And therefore, since the whole Church is one body, it is necessary, if this unity must be preserved, that there be some ruling power with respect to the whole Church above the episcopal power, by which each special Church is ruled; and this is the power of the pope" (q. 40, a. 6; cf. *c. Gent.* IV, 76). Nevertheless he is not superior to them in power of order, in which "all bishops are equal, and on account of this any bishop can consecrate another" (ad 3); but in the power of jurisdiction of governing, which must descend from the pope to all (ad 1).

Question Four: On the Minister of Order

S. Th., Suppl., q. 38.

733. The ordinary minister of the sacrament of Order is every and only bishop. - This is certain from the Council of Florence, decree for the Armenians, and from the definition of the Council of Trent, sess. 23, c. 4, can. 7.

It is clear from the practice of the Church from the beginning, as is had from the Scriptures (Acts VI, 6; XIV, 22; I Tim. IV, 14; V, 22; II Tim. I, 6; Tit. I, 5) and from the ancient monuments of tradition and the statutes of the ancient Church.

The reason of fittingness is that it belongs to the bishop, as endowed with more excellent power over the mystical body, to place others in all the divine ministries, says St. Thomas, a. 1.

By bishop is understood everyone who has been consecrated (can. 951), even a heretic, schismatic, intruder, simoniac, excommunicated or degraded bishop: namely, he validly ordains, provided he preserves the essential rite of ordination (a. 2).

734. The extraordinary minister of sacred ordination is a priest by Pontifical commission, conceded by law or by special indult, and only for conferring certain inferior orders (can. 951). This is clear from various Councils, such as Nicaea II, c. 14, and Trent, sess. 23, de ref., c. 10; and from the practice of the Church, concerning which St. Thomas, a. 1, ad 3:

"The pope, who has the fullness of pontifical power, can commit to one who is not a bishop those things which pertain to episcopal dignity, provided those things do not have an immediate relation to the body of Christ. And therefore 1) by his commission some simple priest can confer minor (i.e., inferior) orders and confirm, but not someone who is not a priest; 2) nor again can a priest confer major (superior) orders, which have an immediate relation to the body of Christ, over the consecration of which the Pope does not have a greater power than a simple priest" (ad 3). This latter is witnessed by *Const. Ap.* III, 20, and St. Epiphanius, *c. haer.* LXXV, 4.

Therefore priests can be delegated for conferring:

1. minor orders, consequently also introductory tonsure; by law there are delegated for this: Cardinals (can. 239, 22), the Vicar and Prefect Apostolic, the Abbot and Prelate nullius (can. 957, § 2), also a regular Abbot of regime (can. 964); nevertheless their ordinations, conferred outside the limits of legitimate administration, are not only illicit, but also invalid;

2. also the subdiaconate, because formerly it was an inferior order;

3. perhaps the diaconate, although this is not accustomed to be done, and many deny it with St. Thomas (ad 5);

4. not however for conferring the presbyterate or the episcopate. And although concerning presbyters some have said that this was at some time conceded, nevertheless there is doubt about the concession, or at least about the sense of the concession made (which many understand of the privilege of total exemption from the jurisdiction of the Ordinary of the place as to ordinations); but even if it were authentic, the fact would constitute something altogether particular and solitary, and also revoked shortly afterward, which therefore is not protected by the infallibility of the Church and of the Roman Pontiff.

735. The legitimate ordinary minister is the proper bishop, or he who is delegated by him and has received legitimate dimissorial letters. - This is clear from the Council of Trent, sess. 23, de reform., c. 8; and from can. 955.

A. The proper bishop: a) As to the ordination of seculars, according to can. 956, can be:

1. by title of domicile together with origin, if the one to be ordained has domicile in his diocese and at the same time origin;

2. by title of simple domicile, if the one to be ordained has domicile in the diocese without origin, but confirms by oath the intention of remaining perpetually in the diocese;

3. by title of incardination in the diocese, which the one to be ordained received either through first tonsure, or through letters of perpetual and absolute excardination from his proper diocese and of perpetual and absolute incardination into this other diocese, or through a residential benefice which he obtained there (can. 111-114).

Let it be noted: a) The place of origin of a son, even a neophyte, is that in which, when the son was born, the father had domicile, or, in defect of domicile, quasi-domicile; or, if the son is illegitimate or

posthumous, the mother had it; - but if it is a question of the son of vagrants, the place of origin is the very place of birth; if of one exposed, it is the place in which he was found (can. 90).

b) He who has two domiciles in different dioceses can be ordained by either bishop, but after ordination has been received he can no longer belong to both dioceses, because by ordination received from his proper bishop he is incardinated into that same diocese.

c) Nevertheless the bishop of the diocese in which someone has domicile can ordain him for the service of another diocese; in which case by first tonsure he is incardinated into this other diocese (comm. int., Aug. 17, 1919).

d) Nor is a bishop prohibited from promoting his own subject (by reason of domicile), who in the future, after legitimate excardination and incardination, is destined for the service of another diocese (can. 969, § 2).

e) For him who lacks a proper bishop, nothing remains except that he provide for himself by apostolic indult.

b) As to religious professed to be ordained, according to can. 965, the proper bishop is the bishop of the diocese in which is located the religious house to whose family the one to be ordained belongs; - unless they have a special indult.

Therefore to him the religious superior must send dimissorial letters; but he can send them to another bishop only when 1) the diocesan bishop has given permission, or 2) is of a different rite, or 3) is absent, or 4) is not going to hold an ordination at the next legitimate time (i.e., on the Saturdays of the Four Times, the Saturday before Passion Sunday, and Holy Saturday), or finally 5) when the diocese is vacant and one who has the episcopal character does not rule it (can. 966, § 1). Nevertheless:

a) in individual cases it is necessary that this be clear to the bishop who is to ordain from authentic testimony of the episcopal curia (can. 966, § 2);

b) let religious superiors beware lest, in fraud of the diocesan bishop, they send a subject to be ordained to another religious house, or deliberately defer the concession of dimissorial letters to that time at which the bishop will either be absent or will have no ordinations (can. 967).

B. One delegated by the proper bishop can licitly ordain, provided he has received from the Ordinary of the one to be ordained legitimate dimissorial letters. These are letters by which a competent superior sends away his proper subject to another bishop with the faculty of receiving orders from him; whence they differ from testimonial letters, by which there is given only an authentic attestation concerning the birth, age, morals, doctrine, and aptitude of the one to be ordained, who is shown worthy for orders to be conferred upon him.

Dimissorial letters for seculars can be given, as long as they retain jurisdiction in their own territory, by:

1. the proper Bishop, after he has legitimately taken possession of his diocese, although not yet consecrated;

2. the Vicar General, but from the special mandate of the bishop;

3. the Capitular Vicar after a year from the vacant see and with the consent of the chapter; but within the year only to those who are constrained by reason of a benefice received or to be received, or by reason of some office for which, because of the necessity of the diocese, provision must be made without delay; - nevertheless let him not concede dimissorial letters to those who have been rejected by the bishop;

4. the Vicar and Prefect Apostolic, an Abbot or Prelate nullius, although they lack episcopal character, even to major orders (can. 958).

As to the ordination of religious, exempt religious can licitly be ordained by no bishop without the dimissorial letters of their proper major superior; but superiors can concede dimissorial letters to those professed of temporary simple vows, i.e., before perpetual profession, only for first tonsure and minor orders, any contrary indult being revoked (can. 964, 2, 3 and 4).

Let it be noted: the Vicar and Prefect Apostolic, the Abbot or Prelate nullius, if they possess episcopal character, are equated with a diocesan bishop as regards ordination (can. 957, § 1); likewise he who can give dimissorial letters for receiving orders can also confer the same orders himself, if he has the necessary power of order (can. 959).

736. Special dispositions of canon law. -

A. As to episcopal consecration:

1. "Episcopal consecration is reserved to the Roman Pontiff, so that it is licit for no bishop to consecrate anyone as bishop unless the pontifical mandate is first established," can. 953; otherwise those acting are by that very fact suspended until the Apostolic See dispenses (can. 2370).

2. "The consecrating bishop must employ two other bishops who assist him in the consecration, unless a dispensation concerning this has been granted by the Apostolic See," can. 954; and therefore not for validity. From the Apostolic Constitution of Nov. 30, 1944, the assisting bishops are to be considered as co-consecrators and must do the same things as the principal consecrator.

B. As to those ordained by the Roman Pontiff himself: "It is licit for no one to promote one ordained by the Roman Pontiff to a higher order without the faculty of the Apostolic See," can. 952.

C. As to the proper bishop: "The proper bishop, not impeded by a just cause, should ordain his subjects himself; but he cannot licitly ordain a subject of an Eastern rite without apostolic indult," can. 955, § 2.

D. As to dimissorial letters:

1. "Dimissorial letters can be sent by the proper bishop, even by a suburbicarian Cardinal bishop, to any bishop having communion with the Apostolic See, except only, short of apostolic indult, to a bishop of a rite different from the rite of the one to be promoted," can. 961.

2. "Dimissorial letters are not to be conceded unless all testimonies which are required by law (for ordination) have been had..." can. 960.

3. "Any bishop, having received legitimate dimissorial letters, licitly ordains the subject of another, provided he himself can in no way doubt concerning the genuine trustworthiness of the letters"; nor are new testimonies necessary unless, after the letters have been obtained, sufficient time has passed in which the one to be promoted could have contracted a canonical impediment: can. 962 and 994.

4. "Dimissorial letters can be limited or revoked by the one conceding them or by his successor, but once conceded they are not extinguished when the right of the giver has been resolved," can. 963.

5. "By the very fact the following incur suspension for a year from the conferral of orders, reserved to the Apostolic See: those who, contrary to the prescription of can. 955, have ordained another's subject without the dimissorial letters of the proper Ordinary;... and those who, saving a legitimate privilege, have promoted a religious belonging to a family which is outside the territory of the one ordaining, even with the dimissorial letters of his proper superior, unless it has been legitimately proved that one of the cases occurs of which can. 966 treats and above n. 735, A, b" (can. 2373).

E. As to the time of ordination:

1. "Episcopal consecration must be conferred within the solemnities of Masses, on Sunday or on the natal day of the Apostles.

2. "Ordinations in sacred orders are to be celebrated within the solemnities of Masses on the Saturdays of the Four Times, on the Saturday before Passion Sunday, and on Holy Saturday.

3. "Nevertheless, a grave cause intervening, the bishop can hold them also on any Sunday or feast of precept.[1]

[1] Certain ones understand this of feasts of precept even suppressed, conformably to the Pontifical; but this was reprobated by the commission of interpretation, May 15, 1936.

4. "First tonsure can be conferred on any day and hour; minor orders on individual Sundays and double feasts, but in the morning.

5. "The custom contrary to the times of ordinations prescribed in the preceding paragraphs is reprobated; these are also to be observed when a bishop of the Latin rite ordains, from apostolic indult, a cleric of an Eastern rite, or conversely" (can. 1006).

F. As to the place of ordination:

1. "General ordinations are to be celebrated publicly in the cathedral church, the canons of the church having been called and being present; but if in another place of the diocese, the clergy of the place being present, the more worthy church, as far as can be done, is to be approached.

2. "The bishop is not prohibited, however, when a just cause persuades, from holding particular ordinations also in other churches and likewise in the oratory of the episcopal house or

Seminary or religious house.

3. "First tonsure and minor orders can be conferred even in private oratories," can. 1009.

Question Five: On the Subject of Order

S. Th., Suppl., q. 39, aa. 1-2, and q. 36.

737. The capable subject of the sacrament of Order is only a baptized male (can. 968), and, if he is an adult, one having at least the habitual intention of receiving Order.

Therefore the following is incapable:

1. A woman, as is clear both from the Apostle teaching (I Cor. XIV, 34-35; I Tim. II, 11-13; Eph. V, 22, 24) that it is not permitted to a woman to speak in church, nor to teach, nor to have dominion over the man, but that she ought to learn in silence with all subjection; and from the practice and tradition of the Church. The reason is that in a woman the signification of the sacrament is lacking, as St. Thomas says, q. 39, a. 1: "since in the female sex no eminence of grade can be signified, because the woman has a state of subjection, therefore she cannot receive the sacrament of Order." St. Bonaventure adds, in IV, d. 25, that the mediator, Christ, whose embassy priests discharge, is a man, not a woman.

2. One not baptized, because Baptism is the gate and foundation of the other sacraments, since with the baptismal character a man becomes capable of validly receiving those other sacred things.

3. An adult who lacks an intention at least habitual, i.e., once had and not retracted, of receiving Order, as is clear from the general principles of sacramental theology (nn. 92-93).

Hence: a) Infants and the perpetually insane are validly ordained, but illicitly; nor are they held thereby by any obligation, unless, after sufficient use of reason has been attained, they make an option for the order received and thus ratify the order, as Benedict XIV says, instr. *Eo quamvis*, May 4, 1745, § 23.

b) The intoxicated and the sleeping are validly ordained, if they previously had an intention not retracted.

c) Those are invalidly ordained who, coerced by physical force, are altogether resisting.

d) Likewise one is invalidly ordained who approaches fictitiously, or who permits the rite to be done upon himself in the manner of one joking and playing.

e) One who, coerced by grave fear, consents, is validly ordained; but afterward, once the fear has been removed, he can either ratify the ordination at least by the exercise of Order, thus wishing to subject himself to the obligations, or, after obtaining the sentence of a judge, be reduced to the lay state without any obligations (can. 214, § 1).

f) Episcopae, presbyterae, deaconesses, of whom there is mention in the history of the primitive Church, did not receive sacramental ordination, but sometimes a merely ceremonial one.

g) A hermaphrodite, if there is such, is validly ordained provided the masculine sex predominates in him.

738. The subject of licit ordination is he who has the required dispositions and conditions, namely, the state of grace and probity of life, immunity from censures, irregularities, and other impediments, the character of Confirmation, the intention of clericating, and the approbation of his proper Ordinary judging concerning the due endowments and qualities (can. 968).

1. The state of grace is required; this obligation is grave at least for the orders which certainly have the dignity of a sacrament, as we said in nn. 96-97; moreover, "since... by order someone is constituted leader for others in divine things, one who with consciousness of mortal sin approaches orders sins mortally as being presumptuous" (q. 36, a. 1). For the others it is probably of itself light, although accidentally it is required under grave sin, by reason of the communion to be received in ordination.

2. Probity of life (can. 973 and 974, 2), concerning which the Council of Trent, sess. 23, de ref., c. 12, says: "let bishops know... that only worthy men and those whose approved life is old age should be assumed to these orders"; indeed to the presbyterate those who are "conspicuous for piety and chaste morals" (c. 14); and St. Thomas: "Sacred orders pre-require sanctity; but the state of religion is an exercise for attaining sanctity," II-II, q. 189, a. 1, ad 3. This is easily understood from the eminence of sacred power and of the priesthood (cf. I Tim. III and Tit. I).

One who does not have a sufficiently approved honest life, or one habituated in a base vice, for example, of lust, and not yet sufficiently corrected, must be prohibited from sacred orders even under penalty of denied absolution; unless perhaps he gives undoubted signs of an extraordinary conversion by which he is wholly changed and altogether freed from frailty, which is very rare.[1]

[1] Cf. St. Alphonsus, *Th. M.*, l. VI, n. 53, and our little work *De Variis Poenitentium Categoriis*, c. 1, q. 4, VII.

3. Immunity from irregularities, censures, and other impediments, which by their nature impede the exercise of order or have been established by the Church (can. 968).

4. The character of Confirmation, as the Council of Trent requires, sess. 23, de ref., c. 4, and can. 974, 1; otherwise they are not judged sufficiently firm in faith, nor is it fitting that those be constituted leaders of others who have not yet been made soldiers of Christ. He who otherwise has received tonsure or orders cannot, as being badly promoted, ascend to other orders, nor retain the benefices for which he has been provided, without the dispensation of the Pontiff (S. C. C., Sept. 27, 1601).

5. The intention of clericating, i.e., the purpose of remaining in the clerical state and serving God through the ministries of the order received; indeed, from can. 973, § 1, the purpose of ascending to the presbyterate and such a habit of life that it can prudently be expected that the one to be ordained will be a worthy priest. Nevertheless, one ordained, if he refuses to ascend, cannot be compelled, nor prohibited from the exercise of the order received, unless there is a grave cause or impediment (ibid., § 2).

6. The judgment of the proper Ordinary concerning the due qualities, or concerning canonical suitability; this must rest upon positive arguments and be morally certain, and indeed under grave fault (can. 973, § 3).

739. The qualities and endowments required in one to be ordained are usually enumerated: divine vocation, legitimate age, due knowledge, congruous morals, and, for the major orders, a title of support.

1. Divine vocation, as is intimated in Heb. V, 4 and John XV, 16. For the ordained man is mediator between men and God, by whom therefore he ought to be accepted; he is dispenser of the mysteries of God, whence he must be legitimately deputed by Him.

Its signs are suitability for the clerical state and priesthood from the gifts of grace and nature, right intention or a free, firm, and constant will of assuming and fulfilling the obligations of the state, and for the most part a supernatural inclination or impulse of grace, although by ordinary law this is not necessary. These signs constitute an internal vocation and in first act; in second act it is formally conferred and externally completed by the bishop calling in the name of God.[2]

[2] Cf. Lahitton, *La vocation sacerdotale*; Hurtaud, *La vocation au sacerdoce*; Mulders, *La vocation au sacerdoce*.

2. Canonical age, as is clear from the Council of Trent, sess. 23, de ref., c. 12, and from can. 974, 3 and 975.

For tonsure and minor orders no age is directly determined, but only indirectly insofar as other qualities are required, such as certain knowledge. For major orders can. 975 establishes: "Let the subdiaconate not be conferred before the completed twenty-first year; the diaconate before the completed twenty-second; the presbyterate before the completed twenty-fourth"; for the episcopate the completed thirtieth year is required from can. 331, 2. These are to be understood of a civil year and are to be understood strictly, so that he cannot be ordained without dispensation who lacks only a few hours.

Dispensation concerning age pertains to the Holy See; it dispenses very rarely for the subdiaconate, rarely for the diaconate, more often for the presbyterate even in the defect of one and a half years. It is accustomed to delegate to bishops the faculty of dispensing in the defect of one year, but only for receiving the priesthood.

3. Due knowledge, as is clear from the Council of Trent, sess. 23, de ref., cc. 13-14, and from can. 974, 4, by which the one to be ordained should know "so much... as suffices for him to be directed in the act of that order..., more or less according as his office extends itself to more or fewer things; namely, that those who are set over others, receiving care of souls, should know those things which pertain to the doctrine of faith and morals, and that others should know those things which look to the execution of their order" (q. 36, a. 2).

From can. 976: "1. Let no one, whether secular or religious, be promoted to first tonsure before the theological course has been begun. 2. Let the subdiaconate not be conferred except as the third year of the theological course is ending; the diaconate except when the fourth year has been begun; the presbyterate except after the middle of the same fourth year. 3. The theological course must have

been completed not privately, but in schools established for this according to the plan of studies determined in the law, can. 1365."

From can. 331, 5, a bishop must possess a doctorate or at least a licentiate in sacred theology or canon law from an athenaeum or institute of studies approved by the Holy See, or be truly skilled in the same disciplines; but if he belongs to some religion, he must have from his major superiors either a similar title or at least testimony of true expertise.

4. Morals congruous to the order to be received, which should become known from probity of life, so that it can prudently be expected that the one to be ordained will exercise the order worthily and will be a worthy priest (can. 974, 2 and 973).

For this reason it is established in law: a) Let priests, especially pastors, take pains that boys who show indications of an ecclesiastical vocation be kept by particular cares from the contagions of the world, be formed to piety, be imbued with the first studies of letters, and that the germ of divine vocation in them be fostered (can. 1353).

b) Care is to be taken that those aspiring to sacred orders be received into the Seminary from tender years; but all are bound to remain there at least for the whole course of sacred theology, unless the Ordinary in particular cases, for a grave cause, his conscience being burdened, has dispensed (can. 972, § 1).

c) Those who aspire to orders and legitimately remain outside the Seminary are to be commended to a pious and suitable priest, who watches over them and forms them to piety (ibid., § 2).

5. A title of support is a surety by which provision is made for the one to be ordained concerning honest and perpetual support (can. 979, § 2). It is required for major orders from the Council of Trent, sess. 23, de ref., c. 2, and from can. 974, 7, both lest clerics be forced to practice a base art or to beg, and that they may more freely devote themselves to spiritual things.

The title can be various.

A. For secular clerics:

1. The title of a canonical benefice (can. 979, § 1), which, namely, has actually been obtained and peacefully possessed.

2. If this is lacking, the title of patrimony or pension (ibid.), whose quantity and nature, so that it may be truly sufficient, must be defined by the statutes or norms of the Ordinary (ibid., § 2).

3. If the customary titles are lacking, the title of service of the diocese can supply, or also of the mission for places subject to the S. C. de Prop. Fide, yet in such a way that the one to be ordained devotes himself by oath to perpetual service of the diocese or mission (can. 981, § 1): entrance into religion is not excluded by the oath in a diocese, but is excluded in missions, without permission of the Holy See.

B. For religious:

1. The title of poverty, or of solemn religious profession, for regulars, who namely have emitted solemn vows (can. 982, § 1).

2. For religious of perpetual simple vows, the title of common table or of the congregation or another title, according to the norm of the constitutions (can. 982, § 2).

Let it be noted: a) He who loses the title is not thereby suspended, but must provide another for himself, unless, in the judgment of the bishop, provision has otherwise been made for his congruous support (can. 980, § 1).

b) The bishop who knowingly ordains or permits to be ordained a subject without a canonical title, himself and his successor must furnish necessary sustenance to the same needy man, until provision has otherwise been made for congruous support (ibid., § 2).

c) But if a bishop ordained someone without title with the agreement that the ordained man would not ask sustenance from him, this agreement would lack all force (ibid., § 3).

d) An insufficient title of benefice can be supplied by patrimony and conversely, as the S. C. C. resolved, as Benedict XIV has it, *Quaest. can.* 46.

e) The resignation of a benefice, by whose title the cleric was ordained, is void unless express mention is made that the cleric had been promoted by its title, and that, with the consent of the Ordinary, he substituted another title for it (can. 1485).

f) Religious with temporary vows, as regards the title of ordination, are ruled by the law of seculars (can. 982, § 3).

g) Religious who depart must seek another title for themselves, and meanwhile, until they have found a benevolent receiving bishop, or the Apostolic See has otherwise provided, they cannot exercise sacred orders outside religion (can. 641).

740. Special dispositions of canon law concerning the manner of proceeding to ordinations.

A. As to the examination to be instituted concerning the qualities and endowments, or concerning the suitability of the one to be ordained, according to the mind of can. 973:

a) as to good morals, he must bring the testimony of his superior or of the priest to whom he has been commended (can. 993).

b) as to due knowledge, anyone to be promoted, whether secular or religious, must undergo a prior and diligent examination concerning the very order to be received; those to be promoted to sacred orders should also be tested in other treatises of sacred theology, according to the manner and matter to be determined by the bishop who ordains by his own right or gives dimissorial letters; nevertheless he can commit this to another bishop who is to ordain, if the latter is willing to take up that burden (can. 996-997).

But the other bishop ordaining, although he can, nevertheless is not bound to acquiesce in dimissorial letters by which it is asserted that the candidate has been examined and found suitable; but if according to his conscience he judges that the candidate is not suitable, let him not promote him (can. 997, § 2).

B. As to the publications to be made for investigating the morals of the one to be ordained and impediments to orders, can. 998 has force:

"§ 1. The names of those to be promoted to each sacred order, except religious from perpetual vows whether solemn or simple, are to be publicly announced in the parish church of each candidate; but the Ordinary, according to his prudence, can both dispense from this publication for a just cause, and prescribe that it also be carried out in other churches, and substitute for the publication a public posting at the doors of the church for some days, among which at least one feast day is included.

"§ 2. The publication is to be made on a feast day of precept in church during the solemnities of Masses, or on another day and hour at which a greater attendance of the people is had in church.

"§ 3. If within six months the candidate has not been promoted, the publication is to be repeated, unless it seems otherwise to the Ordinary."

Let it be noted: a) "All the faithful are held by the obligation of revealing to the Ordinary or pastor before sacred ordination impediments to sacred orders, if they know any" (can. 999).

b) "The Ordinary is to commit to the pastor who carries out the publication, and also to others, if this seems expedient, that he diligently inquire from trustworthy persons concerning the morals and life of those to be ordained, and transmit to the Curia testimonial letters reporting the investigation itself and the publication." And "the Ordinary should not omit to make other investigations, even private ones, if he has judged this necessary or opportune" (can. 1000).

C. As to gradation, can. 977 lays down:

"Orders are to be conferred by degrees, so that ordination by a leap is altogether prohibited," concerning which see n. 732, 2.

D. As to interstices, let can. 978 be noted:

"§ 1. In ordinations the interstices of times are to be observed, in which those promoted exercise themselves in the orders received, according to the prescription of the bishop." Nevertheless this exercise is not a rigorously binding precept.

"§ 2. The interstices between first tonsure and ostiary-ship, or between the individual minor orders, are committed to the prudent judgment of the bishop; but let an acolyte not be promoted to the subdiaconate, a subdeacon to the diaconate, a deacon to the presbyterate, before the acolyte has spent at least one year, and the subdeacon and deacon at least three months each, in his own order, unless the necessity or utility of the Church, in the judgment of the bishop, demands otherwise."

"§ 3. Never, however, except by peculiar permission of the Roman Pontiff, let minor orders be conferred with the subdiaconate, or two sacred orders on one and the same day, any contrary custom being reprobated; - indeed neither is it licit to confer first tonsure together with any one of the minor orders, nor all minor orders together," although a contrary custom is not reprobated.

E. As to the spiritual exercises to be premised to ordination, let can. 1001 be heard:

"§ 1. Those who are to be promoted to first tonsure and minor orders are to devote themselves to spiritual exercises for at least three whole days; but those to be promoted to sacred orders, at least

for six whole days; but if any are to be promoted to several major orders within a semester, the Ordinary can reduce the time for ordination to the diaconate, but not beyond three whole days."

"§ 2. If, after the exercises have been completed, sacred ordination is deferred for any reason beyond a semester, the exercises are to be repeated; otherwise let the Ordinary judge whether they are to be repeated or not."

"§ 3. Religious are to carry out these spiritual exercises in their own house or in another according to the prudent judgment of the superior; but seculars in the Seminary, or in another pious or religious house designated by the bishop."

F. As to the testimonies to be brought to the bishop:

I. Seculars to be promoted, or religious who, as regards ordination, are ruled by the law of seculars, are to bring:

1. Testimony of the last ordination, or, if it is a question of first tonsure, of received Baptism and Confirmation.

2. Testimony concerning completed studies required for individual orders, according to the norm of can. 976 (n. 739, 3).

3. Testimony of the rector of the Seminary, or of the priest to whom the candidate was commended outside the Seminary, concerning the good morals of the same candidate.

4. Testimonial letters of the Ordinary of the place in which the one to be promoted has stayed for so much time that he could have contracted a canonical impediment there (i.e., from can. 994, three months for soldiers, for others six months after puberty, which can be understood as morally continuous stay).

5. Testimonial letters of the religious major superior, if the one to be promoted has been enrolled in some religion (can. 993).

6. Moreover, according to can. 1001, § 4, testimony concerning the completed spiritual exercises from the superior of the house in which they were carried out; or from the major superior, if it is a question of religious.

II. Religious who are ruled by their own law, namely, professed with perpetual vows, must bring dimissorial letters of the religious superior, by which he must testify not only that the one to be promoted has emitted religious profession and is of the family of the religious house subject to him, but also concerning completed studies and concerning the other things required by law, as has just been said; after these letters have been received, the bishop does not need other testimonial letters (can. 995).

Let it be noted from can. 994: a) The bishop ordaining, according to his prudence, can require testimonial letters even because of a shorter time of residence, and because of time which preceded puberty.

b) If the Ordinary does not know the one to be promoted sufficiently to be able to testify that he has contracted no impediment in his territory, or if the one to be promoted has wandered through so many dioceses that it becomes impossible or too difficult to seek all testimonial letters, let the Ordinary provide at least through a supplementary oath to be furnished by the one to be promoted.

c) If, after the letters have been obtained and before ordination, the one to be promoted again has stayed in the same territory for the aforesaid space of time (three or six months), new testimonial letters of the Ordinary of the place are necessary.

G. Special instructions were most recently given by the S. C. of the Sacraments and by the S. Congregation of Religious.

I. For clerics. In order that, with greater prudence and certainty, those who seem truly called, tend to orders with full liberty, and are worthy, may be selected, while the others are left aside, the S. C. of the Sacraments, Dec. 27, 1930, gave an instruction concerning the scrutiny of those to be ordained to be instituted. It hands down general norms concerning inquiries, all of which nevertheless are not to be made in individual cases, provided those things concerning morals have been investigated which are required so that one may proceed safely to order.

1. Before first tonsure and minor orders a scrutiny must be made:

a) The candidate, at least two months before, must hand to the moderator of the seminary an autograph and signed petition, by which he signifies that he freely and of spontaneous will requests first tonsure and minor orders.

b) The declaration of the candidate, with attestation concerning Baptism and Confirmation received, is to be transmitted by the moderator of the seminary, together with his own personal information concerning the suitability of the candidate, to the bishop; the bishop remits it to the said moderator or to another, with the mandate of inquiring.

c) He is to inquire most diligently from the prefects, from the teachers, both separately and gathered together, or also from the deputies for the discipline of the seminary if they are informed about the person, concerning the qualities and morals of the candidate, and he is to remit to the bishop the information collected together with his own judgment.

d) The bishop also will command the pastor of the students to inquire concerning the morals of the candidate, concerning the reputation of the parents and the condition of the family property, concerning an abnormal inclination which perhaps the candidate has drawn from his parents, and especially whether the parents are impelling him to the priesthood or fear loss in case ordination is postponed. But if this is prudently suspected, let the bishop admonish them concerning the excommunication of can. 2352.

If the pastor were related to the one to be promoted, another priest is to be substituted.

e) The bishop himself, having heard separately the moderator and his vicegerent, should seek what they think concerning the candidate after the information has been received and examined; and he should also question other persons, especially if any doubt remains.

f) The bishop, by himself or through an ecclesiastical person constituted in dignity, should paternally and more intimately question the candidate, exhort him to confidence, and help him with counsel.

2. Before major orders, the inquiries made before and carefully preserved will again have to be inspected, and new investigations concerning morals are to be made before the subdiaconate, the method already explained being preserved.

But if no canonical reason suggests that the student should be excluded, he must write by his own hand a declaration, confirmed by oath, in which he confesses that he approaches the sacred order with all manner of liberty, and that he has duly considered all the burdens annexed. This declaration is likewise to be drawn up before the diaconate and presbyterate.

Whenever the bishop, before he promotes him to the diaconate or to the presbyterate, has ascertained that the candidate is lacking vocation, he must approach the Holy See and report to it the state of affairs candidly and plainly.

The acts prepared in the investigations are to be kept under secrecy in the archive of the curia.

II. For religious, the S. C. of Religious likewise issued a special instruction, Dec. 1, 1931, in which these things especially are to be noted. Since the right of giving dimissorial or testimonial letters belongs to superiors, they have obligations similar to those of bishops of testing candidates.

1. Before profession of temporary vows, which must precede ordinations:

a) Novices are to bring a written petition to the superior, in which they expressly testify to their vocation to the religious and clerical state, and at the same time they pledge a firm purpose of perpetually enrolling themselves in clerical service, in the regular state.

b) Let superiors not allow anyone to ascend to orders as long as it has not been established for them by accurate scrutiny concerning his morals, piety, modesty, chastity, inclination to the clerical state, progress in ecclesiastical studies, and also religious discipline. To this end they should seek testimonies of the master of spirit and of others to whom, because of special frequency with the students, it has happened to know their life and morals; these testimonies are to be carefully weighed.

c) The superior himself, by himself or through another endowed with knowledge and prudence and suitable for winning the confidence of young men, should question them so that he may be made more certain that they freely and knowingly seek orders in the religious state.

2. Before profession, whether solemn or perpetual, which must precede the reception of major orders; or, where there are no perpetual vows, after the completion of three years of vows, or, if there are no vows, after the completion of three years from the first reception into the society after the novitiate:

a) A new inquiry is to be made, comparing the documents of the prior inquiry with the present state. But if they have been found worthy and suitable, superiors can concede dimissorial letters, observing those things which are established in canon law and in the proper constitutions.

b) Moreover they must require a testimony signed by the candidate's own hand and confirmed by the faith of an oath before the superior, in which the candidate 1) affirms that he wishes freely to embrace sacred order with the annexed burdens; 2) confesses that these are known to him and proposes to keep the same throughout the whole course of life; 3) testifies that he clearly sees those

things which are prescribed by the vow of chastity and the law of celibacy, and firmly determines, with God's help, to observe them integrally to the end of life; 4) finally promises with sincere faith that he will continually obey most submissively all those things which are prescribed to him by his prelates according to the discipline of the Church.

c) Concerning all these things, in the dimissorial and testimonial letters, superiors must testify to the ordaining bishop; nevertheless it is free to him to question the students to be ordained even privately.

Before the diaconate and presbyterate such ample information and new testimonies are not necessary. But if in the interval new things have occurred which show a doubtful or no vocation, after a most diligent prior scrutiny has been completed and the counsel of prudent men has been added, let superiors wholly forbid the reception of the new order, and refer the matter to the S. C. of Religious, which will provide according to opportunity.

The aforesaid acts are to be preserved in the archive.

741. Observations. - 1. All to be promoted to the subdiaconate are held to emit the profession of faith from the prescription of can. 1406, § 1, 7; and it belongs to the Ordinary by right to require it again before the conferral of individual orders, if he judges this necessary or useful (S. Off., March 22, 1918).

2. All promoted to major orders are held by the obligation of receiving holy communion in the Mass itself of ordination (can. 1005); this obligation for new priests is certainly grave, for completing the Sacrifice of the Mass.

3. By that very fact the following incur suspension for a year from the conferral of orders, reserved to the Apostolic See: those who, without due testimonial letters, have ordained their own subject who had stayed elsewhere for so much time that he could have contracted a canonical impediment there, contrary to the prescription of can. 993-994; or those who have promoted someone to major orders without a canonical title, contrary to the prescription of can. 974 (can. 2373).

4. He who without letters, or with false dimissorial letters, or before canonical age, or by a leap, has maliciously approached orders, is by that very fact suspended from the order received; but he who has approached without testimonial letters, or while detained by some censure, irregularity, or other impediment, is to be punished with grave penalties according to the circumstances of things (can. 2374).

5. At the end of ordination the bishop is accustomed to impose certain burdens, using the words of the Pontifical: "Let those individually promoted to first tonsure or to the four minor Orders say once the seven penitential psalms with the Litanies, versicles, and prayers; those promoted to the subdiaconate or diaconate, the nocturn of such a day. But those truly ordained to the presbyterate, after your first Mass, say three other Masses, namely, one of the Holy Spirit, another of Blessed Mary ever Virgin, and a third for the faithful departed, and pray also for me to almighty God."

Now:

a) The grave obligation is not established; indeed there are authors who hold that not even a light obligation is proved, because the bishop does not intend to impose a true precept.

b) Nocturn is understood either as the nocturn of the feria, or the first nocturn of the feast or Sunday, according as the ordination was held on a feria, feast, or Sunday (S. C. R., June 27, 1899); moreover, a nocturn consists of the psalms with antiphons, without lessons, invitatory, and hymn (July 19, 1903). But nothing prevents the bishop from enjoining another nocturn or that of another day.

c) The three Masses are understood as votive, unless there occurs a feast of B. M. V. or a day on which a Mass of the Holy Spirit is to be said: then by that celebration satisfaction is made for the burden. The Masses are to be celebrated as soon as non-impeded days arrive.

d) Nothing prohibits a stipend from being received for the promised Masses, although this can seem less fitting.

6. When ordination has been completed:

a) The names of each of the ordained and of the ordaining minister, the place and day of ordination, are to be noted in a special book to be diligently kept in the curia of the place of ordination, and all documents of the individual ordinations are to be accurately preserved (can. 1010, § 1).

b) To each of the ordained an authentic document of the ordination received is to be given; if they have been promoted by an outside bishop with dimissorial letters, let them exhibit it to their proper Ordinary for the notation of the ordination in a special book to be preserved in the archive (can. 1010, § 2).

c) Moreover the Ordinary of the place, if it is a question of those ordained from the secular clergy, or the major Superior, if of religious ordained with his dimissorial letters, is to transmit notice of the celebrated ordination of each subdeacon to the pastor of baptism, who is to note it in his book of the baptized according to the norm of can. 470, § 2 (can. 1011).

Appendix: On Irregularities and Other Impediments

S. Th., Suppl., q. 39.

One to be ordained must be immune from all censures, irregularities, and other impediments whatsoever. We spoke of censures above. But there is a difference between irregularity and a simple impediment, because an irregularity is of itself perpetual and perpetually impedes the reception of order, unless it is removed by dispensation; on the contrary, a simple impediment of itself is not perpetual and ceases in certain circumstances. Concerning these we shall speak briefly; more can be seen among the commentators on the Code, such as Blat, Vermeersch-Creusen, Claeys Bouaert-Simenon.

742. Irregularity (*onbevoegdheid*) etymologically is a departure from rule; hence, since in the present matter it is a question of sacred orders and the clerical state, he is called irregular who exists outside the category of those who are capable of being assumed to the clerical state, or, as the Council of Nicaea I speaks, alien from the rule or canon, i.e., from the register of the Church to which a cleric is ascribed through ordination. Hence irregularity is defined: an impediment, of itself perpetual,

expressed in canon law, by which a baptized male is prohibited primarily from the licit reception of orders and secondarily from the exercise of orders received (can. 968 and 983).

Irregularity 1) is an impediment, whence it does not necessarily suppose fault, nor properly have the character of a vindictive penalty, but is an inability which is directly established on account of the dignity and decency of the sacred ministry as an end; - 2) perpetual, and thus it is distinguished from a simple impediment, which of itself can cease, while irregularity is not removed except by dispensation; - 3) expressed in canon law (can. 983), because ecclesiastical law has juridical origin, and thus it is distinguished from incapacities arising from divine law, which render ordination not only illicit but also invalid (n. 737); for which reason the Supreme Pontiff cannot incur irregularity; - 4) prohibiting from sacred ordination, under which name first tonsure also comes, to be received licitly, or, once received, to be exercised; so that it has a twofold effect and renders both the reception of orders and the exercise of orders received illicit (can. 968).

Therefore it is an impediment, not invalidating or diriment, but merely impeding from the reception of Orders or from the exercise of orders received, not however from acts of jurisdiction alone.

Hence both the one ordaining who promotes an irregular man and the irregular man who receives or exercises an order sin gravely, unless smallness of matter or grave inconvenience excuses.

In doubt concerning irregularity, if it is a doubt of law, irregularity is not contracted; in doubt of fact, the Ordinary can dispense in irregularities in which the Supreme Pontiff is accustomed to dispense (can. 15).

Irregularity arises proximately and by the fact itself, some from defect, some from personal delict; but on the part of the effect, it is total, which impedes the reception of every order or the use of every order received, as homicide does, or partial, which impedes only ascent to a superior order or only the exercise of some order: thus a priest deprived of a thumb without fault is prohibited only from celebration of Mass, but not from other acts, for example, the hearing of confession.

Since irregularities and other impediments are incapacities, from which no ignorance excuses unless it is expressly said (can. 16), hence:

1. "Ignorance of irregularities, whether from delict or from defect, and of impediments does not excuse from them" (can. 988).

2. Irregularities and impediments are multiplied like incapacities, when their causes are multiplied, unless provision is otherwise made; hence: "Irregularities and impediments are multiplied from diverse causes of the same, but not from the repetition of the same cause, unless it is a question of irregularity from voluntary homicide" (can. 989); therefore not from abortion, unless in a case in which it is certainly homicide.

3. All irregularities and impediments can be removed by dispensation, regularly to be conceded by the Holy See; nevertheless:

a) "It is licit for Ordinaries, by themselves or through another, to dispense their own subjects from all irregularities arising from occult delict, except that which is incurred from voluntary homicide or

from abortion, or another deduced to the judicial forum" (can. 990, § 1); indeed the same privilege seems always to exist among regular confessors.

b) "The same faculty (with the same exceptions) belongs to any confessor in more urgent occult cases in which the Ordinary cannot be approached and danger of grave harm or infamy threatens, but only for this, that the penitent may licitly exercise orders already received" (can. 990, § 2).

c) Exceptionally Ordinaries, but not confessors, can also dispense from public irregularities, "if recourse to the Holy See is difficult and at the same time there is danger of grave harm in delay, and it is a question of a dispensation which the Apostolic See is accustomed to concede" (can. 81); indeed, as was said, in doubt of fact they can dispense from all irregularities in which the Supreme Pontiff is accustomed to dispense (can. 15).

Let it be noted from can. 991: § 1. In petitions for dispensation from irregularities and impediments, all irregularities and impediments are to be indicated; otherwise a general dispensation will indeed be valid also for those withheld in good faith, except an irregularity which arises from voluntary homicide or abortion, or another deduced to the judicial forum, but not for those withheld in bad faith.

§ 2. If it is a question of irregularity from voluntary homicide, even the number of delicts must be expressed under penalty of nullity of the dispensation to be conceded.

§ 3. A general dispensation for orders is valid also for major orders; and one dispensed can obtain non-consistorial benefices, even with care of souls, but cannot be named Cardinal of the Holy Roman Church, bishop, abbot or prelate nullius, or major superior in an exempt clerical religion.

§ 4. A dispensation conceded in the non-sacramental internal forum is to be committed to writing; and it must be recorded in the secret book of the Curia.

743. Irregular from defect are, according to can. 984:

1. From defect of birth, "the illegitimate, whether the illegitimacy is public or occult, unless they have been legitimated or have professed solemn vows."

Illegitimacy is not presumed, but must be proved; civil legitimation does not suffice, but ecclesiastical is required.

The irregularity does not affect those legitimated or solemnly professed; from others it is to be removed by dispensation: nevertheless all these are excluded from the dignity of Cardinal, bishop, abbot or prelate nullius, and major superior in religion (can. 991, § 3; 232, § 2; 331, § 1; 320, § 2; 504).

Let it be noted that illegitimate persons cannot be admitted into the Seminary (can. 1363, § 1).

2. From defect of body, "those vitiated in body who cannot safely, because of weakness, or decently, because of deformity, discharge the ministry of the altar. Nevertheless, to impede the exercise of an order legitimately received, a graver defect is required, nor because of this defect are acts prohibited which can be duly placed."

Thus, for example, the blind, or those so dim-sighted that they cannot read the missal; the altogether deaf, the mute, or those stammering to such an extent that they cannot pronounce words or provoke laughter; those lacking a foot, arm, hand, or necessary fingers, namely, the right thumb or index finger, or two others with half the palm; those notably deformed, such as pygmies, lepers, those enormously hunchbacked, those bearing a greatly blemished face, or having nose or lips cut off, those notably limping; those paralytic in the arms or hand so that they cannot elevate and break the host, those trembling in the hands so that they cannot celebrate without danger of spilling the blood, those dizzy who suffer danger of fainting or of notably erring, abstainers who cannot taste even a little wine without danger of vomiting, or those suffering an uncontrollable cough.

In doubt, the judgment belongs to the Ordinary; but the bishop who confers orders is not bound to stand by this judgment. After orders have been received, a priest can easily obtain dispensation if he has an artificial member, well fitted, even an arm or hand, or if he becomes blind and knows by memory the Mass of B. V. and of the dead, and is able to celebrate with the assistance of another priest.

3. From defect of mind, "those who are epileptic or insane or possessed by a demon, or have been such; but if after orders have been received they have become such and it is certainly established that they are now free, the Ordinary can permit his subjects again to exercise the orders received."

Epileptics are those who, stricken by the falling sickness, are accustomed to fall to the ground; the insane are understood as those who, from a permanent and habitual cause, truly are or have been such, but not if accidentally, for example, by force of fever or a wound.

4. From defect of sacrament, "bigamists, namely, those who have successively contracted two or more valid marriages."

Thus conformably to I Tim. III, 2, 12; Tit. I, 6. The reason is both because a bigamist, who has divided his flesh among several wives, can no longer perfectly represent the union of Christ and the Church, and therefore there is a defect in the signification of the sacrament; and because by presumption he bears before himself a stain of incontinence. It is incurred also if before Baptism someone had validly married several wives, or if one before and another after Baptism.

5. From defect of reputation, "those who are marked by infamy of law."

Infamous by the fact itself are: a) one who has given his name to or publicly adhered to a non-Catholic sect (can. 2314, § 1, 3); by the name of a non-Catholic sect there also comes an atheistic sect (c. int., July 30, 1934).

b) one who has thrown away consecrated species or taken them away or retained them for an evil end (can. 2320);

c) one who has violated the corpses or sepulchers of the dead for theft or another evil end (can. 2328);

d) one who has laid violent hands upon the person of the Roman Pontiff, or of a Cardinal or legate of the Supreme Pontiff (can. 267 and 2343);

e) duellists and their seconds (can. 2351);

f) one who, an existing matrimonial bond notwithstanding, has attempted another marriage, even civil (can. 2356);

g) laymen legitimately condemned for delicts committed against the sixth commandment with minors below the age of sixteen years, or for rape, sodomy, incest, or procuring (can. 2357, § 1).

By sentence of a judge the following are to be declared infamous: a) all apostates from the Christian faith and all and individual heretics and schismatics, if, having been warned, they have not come to their senses (can. 2314, § 1, 2); b) clerics in sacred orders, whether secular or religious, who have admitted a delict against the sixth commandment with minors below the age of sixteen years, or are guilty of adultery, rape, bestiality, sodomy, procuring, or incest with blood-relatives or affines in the first degree (can. 2359, § 2).

6. From defect of Christian mildness, "a judge who has pronounced a sentence of death; those who have taken up the office of executioner and their voluntary and immediate ministers in the execution of a capital sentence."

They do not incur irregularity: jurors, because they do not pronounce sentence; judges who did not efficaciously influence the sentence; compelled soldiers who kill the guilty man, because they did not take up the office, nor their leader, because he does not pronounce the sentence; nor those who erect the scaffold, because they are not immediate bodily executors; one who before Baptism pronounced or executed the sentence, because he could not violate Christian mildness.

744. Irregular from delict are, according to can. 985, provided the delict was grave, - external, whether public or occult, - and perpetrated after Baptism, or the very illegitimate reception of Baptism from non-Catholics (can. 986):

1. From delict against the faith and unity of the Church, "apostates from the faith, heretics, schismatics."

Those who in good faith are enrolled in heresy or schism are not irregular; nevertheless in the external forum they are presumed such, and therefore dispensation is to be sought for caution.

2. From abuse of Baptism, "those who, except in a case of extreme necessity, have allowed Baptism to be conferred upon themselves by non-Catholics in any manner."

Non-Catholics in this case are to be understood in the strict sense, namely, heretics and schismatics, but probably not unbelievers, who besides do not have Baptism; but it suffices in whatever way Baptism is received, whether with the rites of the sect employed, or with the Catholic rite, or with no special rite, whether from free request or from free permission, or from opposition not having been made.

3. From attempted Marriage, "those who have dared to attempt marriage, or to place only the civil act, either being themselves bound by a matrimonial bond, or by sacred order, or by religious vows even simple and temporary, or with a woman bound by the same vows or joined by a valid marriage."

It makes no difference whether the impediment exists on the part of the man or of the woman; but full knowledge and deliberation are required, as the words "have dared" indicate; nevertheless ignorance of irregularity does not excuse.

4. From voluntary homicide or abortion, "those who have perpetrated voluntary homicide or have procured the abortion of a human fetus with the effect following, and all cooperating."

Homicide is committed when, apart from the case of legitimate defense, death is inflicted on another by an action directly voluntary either in itself, as if death itself is intended, or in the cause, as if from gravely culpable negligence it is the cause of death inflicted; but not if it follows casually from light negligence or from mere omission. It is required for homicide, as for abortion, that it happen with the effect following; but irregularity is contracted even if someone repents before the effect follows. Cooperators are understood as those who positively, whether physically or morally, influence efficaciously, as in a capital trial those who unjustly testify against the guilty man, or condemn him, and in an unjust war all who fight; - but not negative cooperators, who do not impede, although they should have.

Let it be noted: a) In the old law irregularity from defect of mildness arose in those who in war were the cause of killing or themselves cooperated; hence the S. C. Consist., Oct. 25, 1918, conceded to Ordinaries the faculty of "dispensing, at least for caution, with their subjects returning from war whenever priests, clerics, and students of Seminaries have incurred it not from their own act, but from necessity, namely, compelled to take up arms and perhaps to inflict death or mutilation." Moreover it says: "but whenever it is a question of clerics in sacred orders who, not compelled by necessity of laws, have spontaneously offered themselves to take up arms, or have taken them up, recourse must be had to the Holy See for dispensation," which it said must also be understood of those who, from another service, for example, of the sick, spontaneously passed over to fighting service, even if they have inflicted death or mutilation on no one (March 28, 1919).

b) Likewise from the old law, when a priest certain of homicide doubted whether the homicide was caused by his own action or by the action of another, it was declared that in this doubt of fact he contracted irregularity in relation to the celebration of Mass. But now it is generally declared that in doubt of fact the Ordinary can dispense, provided that in a similar case the Supreme Pontiff is accustomed to dispense (can. 15). Therefore in the case a dispensation will regularly have to be awaited; but we doubt whether the Ordinary himself or rather the Holy See must be approached, since the case of homicide perhaps is not among those in which the Supreme Pontiff easily dispenses or is accustomed to dispense.

5. From mutilation or attempted suicide, "those who have mutilated themselves or others or have attempted to take their own life."

Attempted suicide and mutilation must be voluntary and gravely culpable; but mutilation is here understood in the restricted sense, as the cutting off of a member or part of the body which has its own office distinct from the others, such as a hand, arm, foot, eye, tongue, testicle, female breast, etc.; but not a tooth, hair, finger, nor a part of a member such as the ear; nor is it present if a member is injured or deformed or weakened, even if from this it should become useless. If twin members are truly distinct, the cutting off of one suffices; but not if they are united, as the nostrils.

6. From the illegitimate exercise of the medical art, "clerics exercising the medical or surgical art forbidden to them, if death follows from this."

In order that someone incur irregularity, he must be a cleric, must sin gravely against the law which forbids exercising medicine without apostolic indult, and death must follow from this as from a cause, even if the death is not gravely imputable to him: for in this case irregularity from the delict of homicide would be added.

7. From abuse of Order, "those who place an act of Order reserved to clerics constituted in sacred Order, while lacking that Order, or while prohibited from its exercise by a canonical penalty, whether personal, medicinal or vindictive, or local."

It is required a) that a layman or inferior cleric who does not have the Order, or one who has the Order but is canonically prohibited from its exercise by penalty, whether medicinal or censure, or vindictive, b) exercise an Order, not an act of mere jurisdiction, c) not a minor but a sacred Order, d) and indeed one reserved either by reason of itself, namely, which can in no way be exercised by those lacking that Order, or by reason of solemnity, which in that manner cannot be exercised except by those having the Order.

In particular the following become irregular: a priest exercising an act of order reserved to the bishop, such as to confirm, ordain, consecrate a church or chalice; a deacon who sacramentally absolves or celebrates Mass; a subdeacon who solemnly baptizes or, vested with a stole, performs the office of deacon in Mass and solemnly chants the Gospel; a cleric who with maniple performs the office of subdeacon in solemn Mass and thus chants the Epistle; a priest who, suspended or in an interdicted place, rashly celebrates; a cleric in sacred orders who, bound by censure, chants the Epistle with maniple in solemn Mass, or the Gospel with stole; - but not a priest who absolves without jurisdiction; nor a deacon who solemnly baptizes without commission; nor a cleric or layman exercising the office of subdeacon in Mass without maniple, or chanting the Gospel without stole; or blessing fruits or breads or uttering an exorcism; nor one who exercises an order while censured but requested by another or to avoid grave inconvenience, or prohibited from order but not by canonical penalty.

Let it be noted that from a reasonable cause it is permitted that a cleric at least marked with tonsure be substituted for a subdeacon, who serves at solemn Mass, but vested without maniple: thus S. C. R., March 14, 1906.

745. From receiving and exercising order the following are simply impeded, from can. 987:

1. "Sons of non-Catholics, as long as the parents remain in their error"; namely, descendants in the first degree (comm. int., July 14, 1922), from non-Catholic parents, namely, heretics or schismatics, even if only one is non-Catholic and although the marriage was contracted with dispensation (comm. int., Oct. 16, 1919). They dispute whether after the death of the non-Catholic parent the impediment remains.

2. "Men having a wife," although separated from her.

3. "Those who hold an office or administration forbidden to clerics (from can. 139) for which they must render accounts, until, the office and administration having been laid down and the accounts rendered, they have become free."

4. "Slaves by servitude properly so called, before accepted liberty."

5. "Those who by civil law are bound to ordinary military service, before they have completed it."

Ordinary military service probably is not that special service to which clerics are sometimes bound exclusively for caring for the sick and wounded, but military service in the proper sense of armed service: not indeed that which is required extraordinarily, perhaps when war has arisen, but that which those first called to military service must render for one or more years, although perhaps they will be called to it but in fact have not yet been called, either because they are unequal in age, or because, after an examination rightly completed, they have been declared temporarily unfit (comm. int., June 2, 1918).

6. "Neophytes until, in the judgment of the Ordinary, they have been sufficiently tested," as the Apostle already warns, I Tim. III, 6: neophytes are those who, converted to the faith in adult age, have recently received Baptism.

7. "Those who labor under infamy of fact, while it endures, in the judgment of the Ordinary," although they are innocent.

Treatise: On Matrimony

Introduction.

S. Th., Suppl., q. 44.

746. The last sacrament is Matrimony. - As human society, as to bodily life, must be ruled by superiors and propagated and perpetuated by generation, so the sacrament of Order provides for the propagation of sacred ministers who must preside over the spiritual society of the Church, but Matrimony is the sacrament by which provision is supernaturally made for the bodily propagation of the Church of Christ. "Propagators and orderers of bodily life," says St. Thomas, *c. Gent.* IV, 58, "are regarded according to two things, namely, according to natural origin, which pertains to parents; and according to political rule, through which the peaceful life of man is preserved, and this pertains to kings and princes. Thus, therefore, it is in the spiritual life. For there are some propagators and conservers of the spiritual life according to spiritual ministry only, to which the sacrament of Order pertains; but some according to the bodily and spiritual together, which is done through the sacrament of Matrimony, by which man and woman come together for generating offspring and educating them for divine worship."

747. Matrimony according to the name is as if *matris munium*, i.e., the function or office of the mother, because a woman therefore marries that she may become a mother, and childbirth is more burdensome for her than for the father; since, says Gregory IX, l. III Decr. t. 33, c. 2, the child still an infant is known to need maternal solace more than paternal, and to have been burdensome to the mother before birth, painful in birth, laborious after birth... and from this the legitimate joining of male and female is called matrimony rather than patrimony. Patrimony, on the contrary, designates the external goods necessary to the family, because it belongs to the father or man to seek sustenance.

Thus a) matrimony is named according to effect;

b) according to the essence, which is the conjunction of man and woman, it is called wedlock (*coniugium*), i.e., the conjunction of two under the same yoke, because man and woman are bound, as it were, to one yoke, since they subject themselves to one and the same bond for bearing together the burdens of matrimony; likewise consortium, because they are joined among themselves by the closest society of bodies and souls, participants in the same lot or condition;

c) according to the cause, however, which is betrothal or the solemnity of the contract by which it is perfected: marriage (*connubium*) or nuptials (*nuptiae*) (from cloud or veil), because in antiquity the bride, when she was handed over to the man, covered her head with a veil, for the sake of modesty and submission.[1]

[1] Nuptials sometimes, however, specially signified the solemnities and festivities joined with the matrimonial contract, or even the conjugal intercourse itself.

748. The real definition of Matrimony is handed down by the Scholastics after the Master of the Sentences, l. IV, d. 27: The marital conjunction of man and woman between legitimate persons, retaining an undivided manner of life. It is said:

1. conjunction, as the genus, which word is taken either causally, actively and in becoming, for the transient act of mutual consent, or the contract by which man and woman promise conjugal fidelity to each other; or essentially, as it were passively and in fact, for the conjugal society and state, or the permanent bond which results from mutual consent;

2. marital, as the specific difference taken from the proper end: namely, man and woman are joined into one legitimate principle of generation, and thus matrimony is distinguished from every other conjunction, for example, filial, fraternal, friendly, business, etc.; it is called marital from the husband, because the husband is the head of the matrimonial conjunction;

3. of man and woman, so that the subject of matrimony may be signified, which requires diversity of sexes;

4. between legitimate persons, so that the condition of the subject may be indicated, namely, that they are fit for contracting and impeded by no law or entangled by no impediment;

5. retaining an undivided manner of life, by which are signified the two properties of matrimony: unity and indissolubility, namely, that one undivided life, i.e., of one man and one woman, is retained perpetually and indissolubly until the death of either.

But since the very essence of matrimony among the baptized has been elevated to the dignity of a sacrament, the definition of the sacrament is the same; but that this may be signified explicitly, there can be added to the definition: and signifying the grace necessary for spouses to be conferred.

In most recent times another definition is accustomed to be handed down: a legitimate convention or union between a man and a woman, conferring upon them a mutual, perpetual, and exclusive right, both to acts of themselves apt for generation and to the consortium of common life.

Thus conformably to can. 1081, § 2, and 1128. It is said:

1. convention or union, which, if taken actively, i.e., for the act or mutual consent by which man and woman join themselves, will be matrimony in becoming; if it is taken passively, i.e., for the permanent moral bond which arises from that mutual consent, it will be matrimony in fact;

2. legitimate, i.e., entered according to the laws, both natural and positive, to which the contracting persons are subject and by which their contract is either confirmed or invalidated; but persons who according to those laws can validly and licitly enter matrimony are called capable by law;

3. between a man and a woman, by which words the subject of this contract is designated, which requires diversity of sexes according to the ordination of nature;

4. conferring a right to acts of themselves apt for the generation of offspring, by which words is designated the essential object, or the right to an act of itself apt for generation, and the primary end of matrimony, namely, the procreation of offspring and consequent education.

Let it be noted, however, that for the essence of matrimony a right to acts serving generation suffices, although there is not the use of that right, as in the matrimony of the Blessed Virgin and St. Joseph;

or although accidentally generation does not in fact follow, as in sterile matrimony. Therefore let there be carefully distinguished: a) the right of using the body of the spouse for the conjugal act, which is called the right of asking the debt; b) the exercise or use of this right, which does not pertain to the essence of matrimony.

5. and to the consortium of common life, which is the secondary end of matrimony.

Among the Scholastics, as we have seen, the object and end of matrimony is called an undivided manner of life, which consists essentially in the mutual right and office as to bodies in order to the conjugal act; integrally, however, it also contains a common bed, table, and cohabitation.

749. Qualifications of matrimony and various divisions. - Matrimony can be entered between baptized persons, and then it is called Christian, and if it is valid, it is a sacrament; or between non-baptized persons, and then it is a merely natural contract, and exists only as it is in the office of nature. Hence:

A. By reason of property and dignity, the former, if it is valid, is called ratified (*ratum*) (*bezegeld*), i.e., firm, made firm by the ratification, approbation, and sacrament of the Church; the latter between non-baptized persons, if it is valid, is called legitimate (*wettelijk*).

Each, by reason of effect, is consummated (*voltrokken of geslachtelijk voltooid*).

Thus, if after matrimony has been entered a conjugal act has taken place between the spouses, to which by its nature the matrimonial contract is ordered and by which the spouses become one flesh, i.e., carnal intercourse of itself apt for generation; in this case Christian matrimony is called ratified and consummated (can. 1015).

B. By reason of celebration, matrimony is 1. public, i.e., authentic, which is celebrated publicly in the face of the Church, i.e., after proclamations have been premised, the form prescribed by the Church being observed; and it is a) solemn, which is done with the accidental solemnity of nuptial blessing and festivity, or b) less solemn, in which only the substantial solemnities are observed;

2. clandestine, which has been contracted with the prescribed form omitted;

3. occult, which, the prescribed form being observed but the proclamations omitted, is contracted secretly, and is called a marriage of conscience if it is done by that law that it ought not be published and manifested.

Only from a most grave and most urgent cause, and by the local Ordinary himself - the vicar general being excluded without a special mandate - can it be permitted that a marriage of conscience be entered (can. 1104), namely, if there is a moral necessity of now entering matrimony for consulting the difficulties of conscience, and at the same time there is a moral impossibility of celebrating it publicly because of civil law or other circumstances. In which case, the Ordinary, pastor, and assisting witnesses are bound under grave sin to secrecy; and also the other spouse, if the other does not consent to publication (can. 1105). The contracted matrimony is not inscribed in the ordinary book of marriages, but in a special book to be kept in the secret archive of the episcopal curia; likewise children born or to be born, after Baptism has been received, are not to be inscribed in the parish book of the baptized, but in the secret book preserved in the episcopal Curia (can. 1107). The

obligation of preserving secrecy on the part of the Ordinary ceases: a) if some scandal or grave injury against the sanctity of matrimony threatens; b) or if the parents do not take care that children received from such a matrimony be baptized; c) or if they take care that they be baptized with false names expressed, without meanwhile providing to the Ordinary within thirty days notice of the offspring received and baptized with a sincere indication of the parents; d) or if they neglect the Christian education of the children (can. 1106).

From a marriage of conscience differs a morganatic marriage, which is contracted by a noble man with a woman of more humble condition, by this agreement, that both the wife and the children born from it, content with congruous sustenance or a certain part of goods, are excluded from dignities, titles, and succession of goods.

C. By reason of validity, it is 1. true or valid, which has been entered with all the conditions required for validity, and therefore without a diriment impediment, and it is licit or illicit, according as every prohibition or impeding impediment is also absent, or on the contrary is present; - or 2. invalid, null, or void: this, however, can be a) attempted when it is entered in bad faith, by both parties or by either party, dissembling, for example, an impediment; or b) putative when it has been celebrated before the Church in good faith, at least on one side, until the nullity is certainly established to both, and this suffices for the legitimacy of the offspring - Comm. I. C., June 26, 1949.

Moreover matrimony is called presumed, which does not exist, but by law, a certain fact having been posited, is presumed as existing (cf. can. 1972), as if two contract externally but one internally refuses to give consent. Thus formerly, once intercourse had taken place between the betrothed, by law they were presumed to have consented to matrimony.

750. Division of the treatise. - Since the sacrament of Matrimony is nothing other than the very contract which by the institution of Christ has been made a sacred sign and cause of grace, after each has been spoken of according to itself, we shall speak of both together as to the remaining things. But the treatise is divided into four parts.

The first part is: On Matrimony itself, namely, 1. on Matrimony as it is in the office of nature: a) on origin, b) on precept, c) on honesty, d) on ends, and e) on the essence of matrimony; - 2. on Matrimony as it is a sacrament: a) on institution, b) on the essence and constitutive parts, c) on the minister; - 3. on the effects and goods of Matrimony; - 4. on the cause of Matrimony or on consent: a) on the qualities, and b) on the defects of consent; - 5. on the properties of Matrimony: a) on unity, b) on indissolubility; - 6. on the governance of Matrimony.

The second part is: On the celebration of Matrimony: 1. on preparation for Matrimony or on betrothals; - 2. on the preliminaries to Matrimony or on the proclamation of banns; - 3. on the rite itself or form of celebration.

The third part is: On the impediments of Matrimony: 1. on impediments in general; - 2. on impeding impediments; - 3. on diriment impediments: a) on age, b) on impotence, c) on bond, d) on disparity of cult, e) on order and vow, f) on abduction and crime, g) on carnal, spiritual, and legal kinship, h) on affinity and public honesty; - 4. on dispensation from impediments; - 5. on convalidation of Matrimony.

The fourth part is: On the obligations of spouses: 1. on the conjugal debt: a) on the liceity of conjugal intercourse, b) on its circumstances, c) on acts connected with it, d) on excess, and e) on defect in the use of marriage; - 2. on cohabitation; - 3. on mutual love and assistance.

There is added an appendix on matrimony in civil legislation.

More recent authors for the most part follow the chronological order of time, or the order of the code of canon law; but since it is not the logical order conformable to the very nature of things, but either chosen for a peculiar end, it does not furnish the foundation for a truly scientific division, nor is it suited to a synthetic exposition.

751. Importance of the treatise. - This is clear a) generally from the fact that, if the source and origin of the family and of the whole human society consists in matrimony, as Leo XIII says in the encyclical *Arcanum*, then on the honesty and sanctity of matrimony the salvation of the whole society depends: namely, of the family, the State, and the Church; whence, the sanctity of marriage having been violated, history proves that peoples have collapsed into immorality and irreligiosity; - b) specially, because in our times enemies of religion and of all human society especially attack the very "principle and foundation of human fellowship," as Pius XI says in the encyclical *Casti connubii*, and its sanctity. Therefore it belongs to the priest to defend and promote it for the public and private good together.

Hence in the pastoral ministry the treatise on Matrimony is one of the more useful and more necessary; for which reason priests must know very well the doctrine, obligations, and laws of matrimony. This indeed is not easy: for marriage presents an altogether varied aspect, not only ethical, but also social, dogmatic, pastoral, liturgical, and juridical, since it is ruled by canon law together with civil law.[2]

[2] On Matrimony the following can usefully be consulted, besides the two encyclicals of Leo XIII, *Arcanum*, Feb. 10, 1880, and of Pius XI, *Casti connubii*, Dec. 31, 1930: St. Thomas, in Suppl., qq. 41-68; *c. Gent*. III, 122-126; 136-137, and IV, 78, with commentators such as Ferrariensis, Sylvius, Gonet, and Billuart; P. Ledesma, *De magno Matrimonii sacramento*; Th. Sanchez, *De sancto Matrimonii sacramento*; De Smet, *De Sponsalibus et Matrimonio*; Tanquerey, *De Matrimonio*, in his dogmatic and moral theology; Rosset, *De Sacramento Matrimonii*, a dogmatic, moral, canonical, liturgical, and judicial treatise; Vermeersch, *De Castitate*, and *Th. M.* III and IV; Theologia Mechliniensis, *Tractatus de Matrimonio*, 7th ed. edited by A. Gougnard; *Dict. de Theol.*, art. *Mariage*.

Especially for more speculative questions: Palmieri, *De Matrimonio*; Billot, Hugon, Diekamp and other dogmaticians; Dermine, *La doctrine du Mariage chretien*; J. Leclercq, *La Famille*; G. Renard, *La Theorie de l'institution*; A. W. Hoegen, *Over den zin van het Huwelijk, een moraal-theologische studie*.

For moral and practical questions: St. Alphonsus, Marc, Aertnijs-Damen, Ballerini, Lehmkuhl, Haine, Genicot-Salsmans, Noldin-Schmitt, Prummer, etc.; Chretien, *Praelectiones de Matrimonio*.

Among canonists: St. Raymundus de Pennafort; Reiffenstuel; Feye, *De Impedimentis et Dispensationibus matrimonialibus*; De Becker, *De Sponsalibus et Matrimonio*; Gasparri, *Tractatus canonicus de Matrimonio*, 1892; new ed. after the code, 1932; Vlaming, *Praelectiones de iure matrimoniali*; Chelodi, *Ius matrimoniale*; Wernz-Vidal, *Ius canonicum*, V; Cappello, *Tractatus canonico-moralis de Sacramentis*, III; Blat, *Commentarium textus Codicis iuris canonici*, III; Claeys-Bouaert and Simenon, *Manuale Iuris canonici*, II; Schaeffer, *Das Eherecht nach dem Codex*; Knecht, *Grundriss des Eherechts*; v. Scherer, *Handbuch des Kirchenrechts*, II; Linneborn, *Grundriss des Eherechts nach dem Codex iuris canonici*; Leitner, *Lehrbuch des Kirch. Eherechtes*; Triebs, *Praktisches Handbuch des geltenden Eherechts*; Vromant, *De Matrimonio*.

Among more practical little works: Durieux, *Le Mariage en Droit canonique*; Salmon, *De Matrimonii sacramento tractatus pastoralis*; De Smet, *Praxis matrimonialis ad usum parochi et confessarii* (new ed. edited by Verhamme); Bender, *Huwelijk en Huwelijksbeletselen*; Tunnissen and Vlaming, *Huwelijkswetgeving der Katholieke Kerk*; Rud. Geis, *Sexualethik*; Schilgen, *Im Dienste des Schopfers*; Payen, *De Matrimonio in missionibus*.

Among commentators on the encyclical *Casti connubii*: Villain of Action populaire, *L'Encyclique sur le Mariage chretien "Casti connubii"*; Vermeersch, *Catechisme du Mariage chretien d'apres l'encyclique Casti connubii*; Rud. Geis, *Die Ehe-Enzyklika Pius XI Casti connubii*; v. Acken, *De Ehe-Enzyklika Pius XI bearbeitet in Frage und Antwort*; B. Lavaud, *Le monde moderne et le mariage chretien*.

Among orators: Monsabre, *Le Mariage*.

First Part: On Matrimony Itself

Question One: On Matrimony as It Is in the Office of Nature

Article I: On the Origin of Matrimony

S. Th., Suppl., q. 41 and q. 44, a. 1; II-II, q. 154, a. 2; *c. Gent.* III, 122.

752. State of the question. - Concerning the origin and essence of matrimony many have erred, denying that it has been instituted by nature and by God. This is denied by Materialists, Positivists, Evolutionists, who say that it is of merely human institution; whence they hold its laws as relative and mutable, and as not founded in nature.

1. The Evolutionists say that it is a relatively recent institution, which is the fruit of a longer evolution, which runs through three stages: a) in the first there was promiscuity of the sexes, so that sexual conjunction took place apart from every law: primitive man is an animal ruled by sexual instinct and seeking satisfaction in any case whatever; when moral consciousness had been aroused, rules began to be established: thus the union already became less transient, and it was prohibited among those near of kin, but it is not yet stable matrimony; - b) in the second stage succeeds matrimony by abduction, or from violence; - c) in the third, matrimony by purchase, not yet by consent. It also existed under a threefold form: a) first there existed matriarchy, in which the offspring exclusively bears the name of the mother and enjoys only the maternal inheritance; which is explained only by the uncertainty of offspring on account of promiscuity; - b) then there was polygamous patriarchy; - c) finally matrimony in monogamy.

These assertions are mere hypotheses proved in no way, or illegitimate generalizations.[1] But the facts which are objected by the Evolutionists do not necessarily suppose promiscuity.[2]

[1] This is clear from Westermarck himself, *History of Human Marriage* (*Origine du Mariage dans l'espece humaine*), who nevertheless is an Evolutionist; likewise from Howard, *A History of Matrimonial Institutions*, and from Leroy, *La Religion des primitifs*. Also from Durkheim, who nevertheless does not derive the origin of family life from matrimony as it is now conceived, but from the totem, in which the family group and matrimony were gradually formed. But ethnologists have shown that the theory of totemism contradicts the facts. - Cf. Dehove, *Les theories de la religion chez Durkheim*, in *Rev. Ap.*, 1930.

[2] Thus, for example, sacred prostitution in temples, and also the right of the first night, or the practice of handing over one's own wife to guests, and other things of this kind, are abuses which arise from innate lust and a false concept of

hospitality; but they cannot be called vestiges of pristine promiscuity. Thus the right of the first night, by which a prince, indeed, they say, in certain places a priest, could abuse a newly married wife during the first night, if it existed anywhere, would have to be reduced to a merely local and transient abuse, but it was never admitted as legally approved, neither among pagans nor among Christians. But what comes under this name can be understood in other true ways. 1. Among pagans, the virgin's chastity was considered consecrated to the divinity, and therefore the right of violating chastity, even by conjugal intercourse, had to be obtained from the divinity, from God's legate, namely, from the prince or from a priest, for example, by paying a price which was called the right of the first night. Sometimes the wife herself received some gift as the price of lost virginity, which again was called the right of the first night. 2. Among Christians, the right of the first night was understood in a threefold sense: a) the right of consummating matrimony in a certain determined place; b) a mere symbol of subjection toward the prince on the occasion of matrimony contracted by vassals; c) a license arising from dispensation to consummate matrimony from the first night, without observing the triduum which in the middle ages had to be passed in continence after the example of Tobias. Cf. Schmidt, *Ius primae noctis; Eine geschichtliche Untersuchung*.

2. Among the moderns, the more moderate admit that monogamy is more perfect than the other forms, and therefore is to be retained, but that divorce nevertheless is to be admitted more easily, so that, the spouses having been separated, access to new nuptials may lie open to them.

3. Naturalists, on the contrary, and Communists and many Socialists favor free union. They hold human nature as naturally good; whence man must follow natural inclinations in order that he may exist happily. Matrimony has mutual pleasure as its end, for which mutual love is required and suffices: if it cannot procure this, or if it ceases, it is to be dissolved by divorce; offspring also, if it obstructs pleasure or happiness, can be suppressed, but once born, with civil society taking care, it is to be nourished and educated without the intervention of parents.

Against all these, with Catholic doctrine, it must be affirmed that the stable union of matrimony has its origin in human nature itself, and that monogamy and indissolubility have been established by God.

753. Thesis I. Matrimony is not only of positive divine institution, but it is also natural to man and therefore of natural right. - It is certain from the encyclical of Pius XI *Casti connubii*, asserting: "Matrimony was not instituted or restored by man, but divinely; not by men, but by God himself, the author of nature"; whence, afterward speaking of the evil errors of today, he says: "their chief root is in this, that they vociferate that matrimony was not instituted by the author of nature... but invented by men."

It is said: a) matrimony, by which name is understood a union of the moral order, obligatorily stable and of itself perpetual, between man and woman.

b) is of positive divine institution. Genesis being witness, God instituted matrimony when after the creation of Adam he formed Eve for the consortium and help of the man: "It is not good," he says, II, 18, "for man to be alone; let us make him a help like unto himself"; and he instituted the diversity of sexes so that he might provide for the multiplication of the species, for as is said I, 27: "Male and female he created them, and God blessed them, and said: Increase and multiply and fill the earth." - Moreover the truly stable bond of matrimony in the unity and perpetuity of the conjugal bond is proposed in the words of Adam: "This now is bone of my bones and flesh of my flesh; wherefore a man shall leave his father and mother, and shall cleave to his wife, and they shall be two in one flesh."

- But that the union is to be constituted through a contract or convention of wills is clear from this, that that cleaving is not understood except as voluntary and free.

Wherefore the Council of Trent, sess. 24, teaches: the first parent of the human race, by the instinct of the divine Spirit, pronounced the perpetual and indissoluble bond of matrimony when he said: "This now is bone..." Therefore since Adam could say this only with God inspiring, Christ attributes those words to God himself and from them infers, Mt. XIX, 6: "Therefore now they are not two but one flesh; what therefore God has joined together, let not man separate."

c) it is also natural to man, not as if it were caused from the principles of nature by necessity, but because nature inclines to it, although it is to be completed by free will; whence human reason understands its necessity, and therefore it is of natural right. Hence Aristotle, *Eth.* VIII, c. 12: "man is more naturally a conjugal animal than a political one."

It is proved: God, by creating men endowed with reason, to his image and likeness, and at the same time diverse in sex and apt for generation, by that very fact, through human nature, showed that he wills that the human race be propagated by generation: not, however, by any generation whatever, but only by that which would have place in circumstances of themselves necessary for the good of offspring, and therefore in the matrimonial conjunction of man and woman. For 1. the good of human offspring of itself requires that parents be bound by a moral and stable bond which cannot be dissolved at pleasure: for offspring of itself needs parents in order that it may be well educated and led to the perfect state; 2. the same is required for the good of the spouses from mutual service in domestic life, since one of them does not suffice for himself in all things which regard life, but certain works are suitable to the man, certain to the woman.

Appositely St. Thomas, q. 41, a. 1: "Matrimony is natural, because natural reason inclines to it in two ways:

1. as to its principal end, which is the good of offspring. For nature intends not only the generation of offspring, but also the handing on and promotion of it up to the perfect state of man, insofar as he is man, which is the state of virtue. Whence, according to the Philosopher, we have three things from parents, namely, being, nourishment, and discipline. But a son could not be educated and instructed by a parent unless he had determined and certain parents; which would not be unless there were some obligation of the man to a determined woman, which makes matrimony.

2. as to the secondary end of matrimony, which is the mutual service rendered to each other by the spouses in domestic matters. For just as natural reason dictates that men dwell together, because one does not suffice for himself in all things which pertain to life itself, by reason of which man is said to be naturally political; so also, of those things which are needed for human life, certain works are suitable to men, certain to women. Whence nature moves that there be a certain association of man to woman, in which there is matrimony."

It is confirmed from the *Summa contra Gentiles*, III, 122:

"a) For it must be considered that in animals in which the female alone suffices for the education of offspring, the male and female do not remain together after intercourse for any time, as is clear in

dogs. But whatever animals there are in which the female does not suffice for the education of offspring, the male and female remain together after intercourse so long as is necessary for the education and instruction of the offspring, as is clear in certain birds... But it is manifest that in the human species, the female would by no means suffice alone for the education of offspring, since the necessity of human life requires many things which cannot be procured by one alone. Therefore it is fitting, according to human nature, that a man remain with the woman after intercourse and not immediately depart, approaching indifferently any woman whatsoever, as happens among fornicators. - Nor does it stand against this reason that some woman, powerful by her riches, is able alone to nourish the fetus; because natural rectitude in human acts is not according to those things which happen accidentally in one individual, but according to those things which follow the whole species.

"b) Again, it must be considered that in the human species offspring needs not only nourishment as to the body, as in other animals, but also instruction as to the soul; ... nor are those newly born capable of instruction of this kind, but only after a long time, and especially after they have arrived at the years of discretion. For this instruction also a long time is required; and then also, on account of the impulses of the passions..., they need not only instruction but also repression. But for this the woman alone does not suffice, but rather in this the work of the male is required, in whom there is both a more perfect reason for instructing and a more powerful virtue for chastising. Therefore in the human species it is necessary to attend to the promotion of offspring not for a little time, as in birds, but for a great span of life.

"Whence, since it is necessary that the male remain with the female in all animals so long as the work of the father is necessary to the offspring, it is natural to man that the man have, not for a short time, but a lasting society with a determined woman. But this society we call matrimony. Therefore matrimony is natural to man."[3]

[3] Similarly in II-II, q. 154, a. 2: "We see that in all animals in which the care of the male and female is required for the education of offspring, in them there is not wandering concubitus, but that of a male with a certain female, one or more, as is clear in many birds; but it is otherwise in animals in which the female alone suffices for the education of the fetus, in which there is wandering concubitus, as is clear in dogs... But it is manifest that for the education of man there is required not only the care of the mother, by whom he is nourished, but much more the care of the father, by whom he is to be instructed and defended, and promoted in goods both interior and exterior. And therefore it is contrary to the nature of man that he use wandering concubitus; but it is necessary that there be a male with a determined female with whom he remains not for a little time, but for a long time or for the whole of life... But this determination of a certain female is called matrimony; and therefore it is said to be of natural right."

Briefly, "nature intends not only being in offspring, but also perfect being, for which matrimony is required," q. 41, a. 1, ad 4.

754. It is objected: 1. Therefore celibacy is against nature, as against natural inclination; and therefore it is a sin. - Resp. I deny the consequent: not everything which is against natural inclination is a sin, but that which is against natural inclination obliging from the dictate of reason. But reason dictates that matrimony is not necessary and obligatory for each one, especially on account of a greater good.

"Nor does it follow thence," says Haine, *Th. M.* IV, de Matr., q. 36, "that virginity and celibacy, as being against the inclination of nature, are therefore sins. For not everything which is against natural inclination is always a sin; but only that which is against natural inclination obliging from the dictate of reason. But now, the human race having been sufficiently multiplied, reason dictates that

matrimony is not necessary in each one for this, and consequently natural inclination does not oblige to it. Moreover it is sometimes lawful to act against natural inclination for the sake of a greater good of the soul, as is clear in him who for the sake of mortification abstains from useful food and in some way necessary to the body, to which nevertheless there is a natural inclination."

2. Natural inclination is common to all; but an inclination to matrimony does not appear in all. - Resp. It is in all, but it does not put itself forth sensibly in all, because conservation of specific nature is sufficiently provided for by many.

Thus also the natural inclination to defend the common good and the republic.

3. Natural inclination is only to generation and is common to all animals; but this is not to a stable and indissoluble union or matrimony. - Resp. The inclination of nature on the part of the specific difference, insofar as it is rational, is only to generation, I deny; on the part of the genus insofar as it is common to animals, I distinguish: it is common in such a way that it is in all in a diverse way, I concede; so that it is in all in the same way, I deny.

"The nature of man inclines to something in two ways: in one way, because it is fitting to the nature of the genus, and this is common to all animals; in another way because it is fitting to the nature of the difference, by which the human species abounds from the genus insofar as it is rational... And just as the nature of the genus, although it is one in all animals, nevertheless is not in all in the same way, so also it does not incline in the same way in all, but according as it befits each. Therefore the nature of man inclines to matrimony on the part of the difference, as to the second reason assigned (namely, mutual service), whence the Philosopher assigns this reason in men above other animals; but as to the first reason (the good of offspring), it inclines on the part of the genus, whence he says that the procreation of children is common to all animals. Yet nature does not incline to this in the same way in all animals: because there are certain animals whose children, once born, can immediately seek food for themselves sufficiently, or for whose support the mother suffices; and in these there is no determination of male to female; but in those whose children need the support of both, but for a little time, some determination is found as to that time, as is clear in certain birds. But in man, because the son needs the care of parents up to a great time, there is the greatest determination of male to female, to which also the nature of the genus inclines," q. 41, ad 1.

755. Corollaries. - 1. Therefore those systems are false which assert that matrimony is of human institution.

2. Therefore the fundamental laws of matrimony are not relative and mutable, but absolute and immutable: they are from nature and from God. "Matrimony... by God himself, the author of nature... has been fortified with laws..., which laws therefore can be subject to no decrees of men, to no contrary agreement even of the spouses themselves"; "so that if anyone has once contracted matrimony, he is subject to its divine laws and essential properties." Thus Pius XI in the encyclical *Casti connubii*.

3. Therefore "it is essential to the union of male and female that it be ordered and tend, as to a primary end, to the propagation of the species, and not to private good and happiness, as the modern reformers of matrimony will." Thus De Smet, *De Sponsalibus et Matrimonii*, n. 77.

4. Therefore every use of the generative faculty, insofar as it does not preserve the due order of generation and education, is illicit by natural right, and indeed in such a way that St. Thomas did not hesitate to say: "after the sin of homicide, by which human nature already existing in act is destroyed, this kind of sin seems to hold the second place, by which the generation (ordered generation) of this nature is impeded," *c. Gent.* III, 122.

5. Nevertheless not every act of itself apt for generation is thereby licit and honorable, but only that which has place in matrimony, and therefore not only pollution and onanism, but also fornication is repugnant to natural right. Namely, the use of the generative faculty is reserved to matrimony. Cf. II-II, q. 154, a. 2.

6. To each capable person there belongs a natural right to matrimony, and indeed prior to every human society. Whence no human authority can prohibit it absolutely, i.e., with every person in perpetuity, to someone against his antecedent will, for this prohibition would be against natural right. "No human law," says Pius XI, "can take away from man the natural and primordial right of marriage, or in any way circumscribe the principal cause of nuptials, constituted in the beginning by the authority of God. Increase and multiply." And therefore he concludes that those are against the right of nature who either prohibit matrimony to those who labor under an infirmity likely to be transmitted to children, or render them sterile by surgical operation. And the Holy Office, to the question: Whether direct sterilization, whether perpetual or temporary, whether of man or of woman, is licit?, on Feb. 24, 1940, responded: In the negative, and it is prohibited by the natural law.

7. As to the opposed systems, let it be noted that the theory of evolution is a mere hypothesis, not scientifically proved. And indeed: a) primitive promiscuity is not demonstrated, since among the most primitive it is not found; b) for it is false that the peoples called primitive, or the wild tribes of Australia or central Africa, are in the same state as prehistoric man: from their own traditions it is clear that they are not truly primitive but degenerate; c) promiscuity is repugnant psychologically, on account of jealousy, which is the natural effect of love; d) among nations more ancient in culture, matrimony exists without any trace of evolution, as among the Chaldeans, Egyptians, Indians, Chinese, Greeks, Romans; e) specifically, matriarchy can be explained otherwise: from the more intimate bond of offspring with the mother, or from polygamy; f) matrimony by abduction is not proved to have been a legal stage in the evolution of marriage, since it is by no means everywhere, and is found only rarely; g) matrimony by purchase is so called because a price was given for the purchase of the house or of dominion, or as compensation or even as a gratuitous donation; but by no means from the purchase of the spouse from the parents against his or her consent.[4]

[4] Besides the authors alleged, p. 737, n. 1, on this matter there can be consulted De Smet, o. c., n. 80-82; Tanquerey, o. c., n. 674 sq.; *Dict. de Theol.*, art. *Mariage*; v. Scherer, *Handbuch des Kirchenrechts*; Leitner, *Lehrbuch des Kath. Eherechtes*; Schmidt, *Der Ursprung der Gottesidee*; Lemonnyer, *Le Mariage et l'Evolution*.

Article II: On the Precept of Matrimony

S. Th., Suppl., q. 41, a. 2; II-II, q. 152, a. 2, ad 1; *c. Gent.* III, 136.

756. State of the question. - Several have said:

1. that matrimony is obligatory for all capable persons. Thus certain men in the time of St. Thomas, whom he refuted by writing against those who attack perpetual continence; but in modern times certain non-Catholics, such as Platen, Nystrom, Voivenel;[1]

[1] Platen, *Le livre d'or de la sante*; Nystrom, *Das Geschlechtsleben und seine Gesetze*; Voivenel, *La castidad perversa*.

2. the Scholastics, after Peter Lombard and St. Thomas, said quite generally that the precept of matrimony per se obliges the multitude, but not individuals except accidentally: thus Durandus, Paludanus, Soto, Ledesma, Viguerius, Henriquez, Sanchez, Lud. Lopez, Vivaldus Candelabro, Vega, and generally the Thomists;

3. on the contrary others say that there is no precept of matrimony, neither for the multitude, nor for individuals; except accidentally, in those circumstances in which it would be necessary for the preservation of the human race, as they readily understood in the beginning of creation, and perhaps it would still be so if otherwise the human race would perish.[2] Thus more recently Palmieri, and after him Gasparri, *De Matrimonio*, n. 14: "A true precept with obligation which affects the species and no individual cannot even be understood... This obligation is not demonstrated... God obtains his end through natural inclination without a precept." And many moderns hold this, such as Wernz, Noldin, Cappello, at least as more probable, because such a precept is superfluous and inefficacious.

[2] Not all admit this: St. Bonaventure, in IV, d. 26, a. 1, q. 3, and Durandus, ib., a. 3, q. 3, say that the precept ceased, the human race having been multiplied.

757. Principle I. There is some natural precept of matrimony, or matrimony falls in some sense under a natural precept.

It is proved from Billuart, diss. 1, a. 2, § 2: "A means especially necessary for the end intended by nature falls under a precept of nature. But matrimony is especially necessary for the end intended by nature, namely, for the due and congruous preservation of the species, as has been said. Therefore matrimony falls under a precept of nature. - Nor is the case similar with other animals to which no precept is given, but natural inclination suffices for the preservation of the species, both because they are incapable of precept, and because man, notwithstanding natural inclination, still remains free to assent to it or dissent from it."

Appositely St. Thomas, in II-II, q. 152, a. 2, ad 1:

"A precept has the character of something owed. But something is owed in two ways: in one way so that it be fulfilled by one person, and this owed thing cannot be passed over without sin; but another thing is owed to be rendered by the multitude, and not each one of the multitude is bound to fulfill such a debt: for many things are necessary to the multitude, for the fulfillment of which one person does not suffice, but they are fulfilled by the multitude, while one does this, another that. Therefore the precept of the law of nature given to man concerning eating must be fulfilled by each one; otherwise the individual could not be preserved. But the precept given concerning generation regards the multitude of men, to whom it is necessary not only that it be multiplied corporally, but also that it advance spiritually. And therefore provision is sufficiently made for the human multitude if certain persons devote work to carnal generation; but others, abstaining from this, devote themselves to the contemplation of divine things for the beauty and salvation of the whole human race: just as also in

an army certain men guard the camp, certain men bear the standards, certain men fight with swords, which nevertheless are all owed to the multitude, but cannot be fulfilled by one man."

758. Principle II. The precept of matrimony per se and directly does not oblige individual persons, except perhaps in the case in which a scarcity of men would require that each one attend to generation. - It is certain.

The reason is that the precept is not referred to the singular and proper perfection of the individual: for generation is not of the necessity of the individual, but of the necessity of the species and community; but for this it is not required that individuals marry, indeed it is not even possible that it fittingly be done in this way, since provision must also be made for other things necessary to the community.

It is said: a) per se and directly, for accidentally someone can be bound by reason of a peculiar condition, for example, if otherwise he cannot observe continence, or does not will to employ the means of observing it; likewise to repair an injury, or to legitimate offspring, or to fulfill a promise, to reconcile peace between princes, or a prince to avoid civil war, or to preserve the Catholic faith in a region, etc.

b) except perhaps in the case in which a scarcity of men would require it; because just as in a case of necessity each one can be bound to the defense of the republic, so also to the preservation of the species, which is no less necessary.

It is proved from St. Thomas, *c. Gent*. III, 136: Those things which are necessary to each one must necessarily and obligatorily be used by individuals, for example, food and drink; but those things which are necessary to the multitude, it is not necessary that each one procure, indeed it is not possible. But generation is not of the necessity of the individual, but of the necessity of the species. Therefore it is not necessary or obligatory that all men attend to acts for generation. For:

a) Many things are necessary to the multitude of men, as are food, drink, clothing, a house, and other things, which it is impossible to be procured by one man, both because there are diverse aptitudes, and because diverse activities exclude one another.

b) Therefore, just as in the body diverse members are ordered to diverse things, so in society there must be diverse offices, nor is it necessary that all be farmers, builders, or soldiers.

c) Thus it is not necessary that all attend to generation, especially since on account of a good more necessary or more perfect they can abstain, as on account of military service and the defense of the fatherland, or on account of contemplation, which also concurs for the good of society.

d) Indeed many are in conditions in which they could not fittingly devote themselves to the generation and education of offspring.

Nor does it stand in the way that the inclination to matrimony is natural. For, as St. Thomas says, in Suppl., q. 41, a. 2: "Nature inclines to something in two ways: In one way as to that which is necessary for the perfection of one person, and such an inclination obliges each one, because natural perfections are common to all. In another way it inclines to something which is necessary for the perfection of the multitude; and since there are many things of this kind, one of which impedes another, from such an inclination not every man is obliged by way of precept, otherwise every man would be obliged to agriculture and building, and to offices of this kind which are necessary to the

human community; but satisfaction is made to the inclination of nature when through diverse persons diverse things of those named are completed. Since, therefore, it is necessary for the perfection of the human multitude that some serve the contemplative life, which is especially impeded by matrimony, the inclination of nature to matrimony does not oblige by way of precept, even according to the philosophers. Whence Theophrastus proves that it is not expedient for the wise man to marry." Hence the Apostle says, I Cor. VII, 38: "He who does not join his virgin in matrimony does better," namely, than he who does join her.

759. They object: 1. Nature has endowed the individual with organs destined for generation. Not to use organs given by nature is against the order of nature, which requires the function of the organ, since it has given nothing useless, nor is it man's part to emend it. Therefore not to use the organs destined for generation is against the very order of nature.

Resp. I distinguish the major: Nature has endowed the individual with organs destined for generation, for the good of the species, I concede; for the good of the individual, I deny. I contradistinguish the minor: not to use organs destined for the necessity and good of the individual is against the order of nature, I concede; destined for the necessity and good of the species, I deny. Cf. *Gent*. III, 136, ad 2.

2. Every appetite is a necessity of nature to which satisfaction must be given, as, for example, the appetite for food, drink, etc. Every individual feels the appetite of sexual concupiscence. Therefore as satisfaction must be given to the appetite of hunger and thirst, so it must be given to the sexual appetite.

Resp. I distinguish the major: satisfaction must be given to an appetite which indicates the necessity of the individual, I concede; which indicates the necessity of the species, I subdistinguish: by some persons in the community, I concede; by all, I deny. I contradistinguish the minor: Everyone feels the appetite of sexual concupiscence, which is ordered to the necessity of the species, I concede; which is ordered to the necessity of the individual, I deny. I distinguish the consequence: therefore satisfaction must be given to the sexual appetite by some, I concede; by all, I deny. Cf. II-II, q. 152, a. 2, ad 1.

3. It is a physiological law that every organ, in order that it may remain healthy and robust, requires normal and moderate exercise, without the excess of abuse, and without the defect of inertia; otherwise it incurs debility and atrophy. Therefore the genital organ also must be used moderately.

Resp. I deny, because the faculty of generating does not cease through non-use. For the genital organ is not subject to atrophy. And semen, which does not serve the ends of matrimony, increases the vigor of the individual, because it is reabsorbed partly in such a way that it is available for the good of the other organs. This physicians also affirm.[3]

[3] Cf. Eschbach, *Disputationes physiologico-theologicae*; Gemelli, *Non moechaberis*; Fere, *L'instinct sexuel*; Moll, *Handbuch der Sexual Wissenschaften*; Forel, *Die sexuelle Frage*; *La question sexuelle*.

760. Principle III. The precept of matrimony per se and directly is imposed upon the multitude or community of the human race, whose part it is to have care for the sufficient preservation of itself; so that individuals are obliged, if it is necessary for the preservation of the

human race. This God himself declared, Gen. I, 28: "Increase and multiply...," the reason for which is added, because "he created them male and female."

It is proved: 1. A precept of matrimony is given, as was said n. 757; it does not per se and directly oblige individuals in particular; therefore it obliges the multitude, all in common.

2. A precept has the character of a debt to be fulfilled by a rational creature. It is a debt to be fulfilled by the multitude that the human race be propagated and preserved. Therefore this is prescribed to it, and it is law: for it is an ordination of reason to the common good, promulgated by him who has care of the community, through the mediation of human reason.

It is confirmed: a) that precept was given to all at the beginning of the human race,

b) nor was it revoked when the necessity ceased: for a natural precept is not extinguished when the necessity ceases, although for that time it does not oblige, as is clear of the precept of almsgiving.

The opposition of the adversaries seems to arise from this, that they do not rightly conceive the natural law, or they fashion it as too similar to positive law, although it is nothing other than the inclination of rational nature itself, to be known by reason and enunciated by the dictate of reason (I, n. 246).

Thus, for example, they object:

1. An obligation which affects the species and no individual person cannot even be understood. - Resp.: let it pass, but it affects individual persons in common: for it affects nature, not in the abstract but in the concrete, and therefore it affects all who possess the nature.

2. Once the inclination of the human race to matrimony is posited, law is superfluous; indeed, it is inefficacious because it obliges no one in particular. - Resp.: the inclination of nature itself to matrimony in a rational being is natural law; another positive law is superfluous, let it pass. But the inclination of nature itself is not inefficacious, and it obliges all, not distributively but collectively.

3. What touches all presses no one. A precept which obliges the multitude will be neglected by most. Therefore it is useless and insufficient. - Resp. I distinguish: if it concerns a mere burden, I concede; if it concerns a work to which nature inclines, I deny.

4. A precept altogether indeterminate as to mode, time, age, persons, is repugnant, since it is inefficacious. - Resp.: an indeterminate positive precept as to circumstances is repugnant, I concede; an indeterminate natural precept is repugnant, I deny. Many natural precepts are indeterminate: God is to be worshiped, justice is to be observed, contracts are to be entered justly, etc. For natural law is of itself indeterminate; and therefore positive law is necessary for determining the natural law[4] (I, n. 263).

[4] Recently Fr. Agapito Martin de Sobradillo, O.M.C., in the work *La Procreation et la Sterilisation*, objects three things:

1. An obligation which first belongs to individuals, then to society, then to individuals if there were necessity, is understood with difficulty. - Resp.: It always affects all collectively in the

same way; the difference is of application from circumstances.

2. The multitude as such does not have offices, but individuals do: either all are obliged, and this is false; or if others abstain, and in the case it suffices to say that then there is an obligation in these circumstances. - Resp.: Then the obligation is applied, because the general law is that care be taken for the preservation of the species.

3. Society cannot generate, but the individual can. Therefore society itself is not the subject of the obligation of generating. - Resp.: Not society as such is the subject, but all collectively.

761. Observation. - In practice it does not matter whether it is said that a properly so-called precept is imposed upon the multitude, or whether this is denied, since by the inclination of nature implanted in individuals, together with divine providence, sufficient provision is made for the preservation of the human race.

Article III: On the Honesty of Matrimony

S. Th., Suppl., q. 41, a. 3-4; q. 49, a. 4-5; II-II, q. 152, a. 2 and 4; q. 153, a. 2; I-II, q. 34, a. 1, ad 1; *c. Gent*. III, 126.

762. State of the question. - Several held matrimony and conjugal intercourse as illicit. Thus in the first centuries the Encratites, Saturninus, Marcion, the Montanists and Ascetics, and the Manichaeans, who, addicted to the tenets of the Gnostics, condemned human marriages for this reason, that they judged the human body to be from an evil principle. Likewise afterward the Albigensians.

On the contrary, in the fourth century Helvidius, Jovinian, Vigilantius considered matrimony equal in merits to virginity and perfect continence. Thus also Luther[1] and Calvin, indeed many innovators also repeatedly said that nuptials were better than virginity.

[1] Earlier Luther had acknowledged the excellence of virginity (before 1520); afterward, having changed his opinion, he said that matrimony was necessary and asserted the impossibility of virginal continence, a miracle being excluded.

On the contrary Catholic doctrine holds that matrimony is licit and honorable, yet to be placed after virginity.

763. Thesis I. Matrimony in itself is licit and honorable, as having been instituted by God unto an honorable end. - It is of faith from the Lateran Council II, can. 23, and from the Lateran Council IV, and the profession of faith of Innocent III.

It is proved: 1. From revelation:

a) indirectly: No sin is of precept. But the matrimonial act is in precept, according to Gen. I, 28 and I Cor. VII, 3: "Let the husband render the debt to his wife..." Therefore it is not a sin.

b) directly: That is good and laudable which God instituted, Christ confirmed, and the Apostles commended. But God instituted matrimony (Gen. I, 27; II, 18, 23; Mt. XIX, 6; Council of Trent, sess. 24), Christ confirmed it (Jn. II and Mt. XIX, 4 sq.), the Apostles commended it (Heb. XIII, 4; I Cor. VII, 3, 38; I Tim. IV, 1-3; V, 14; cf. Eph. V, 22-32). Therefore.

This the Fathers expressly affirmed and defended, so that they inveighed sharply against the ancient heretics: Irenaeus passim; Clement of Alexandria, *Strom.* 3; Tertullian, against Marcion; Jerome, against Jovinian; Augustine, *On the Good of Marriage*; *On Nuptials*; against Eustathius the Ascetic and the Eustathians, the Synod of Gangra, fourth century; against the Priscillianists, the Synod of Braga, sixth century; finally the Lateran Council II, can. 23, holds as heretics those who condemn the covenants of lawful nuptials.

2. By reason: The conjugal act is the one means of propagating the human race. Therefore if God wills the propagation of the human race, he wills the conjugal act, which consequently is licit of itself. Hence St. Thomas, q. 41, a. 3:

"Supposing that corporeal nature has been instituted by the good God, it is impossible to say that those things which pertain to the preservation of corporeal nature, and to which nature inclines, are universally evil; and therefore, since there is an inclination of nature to the procreation of offspring, through which the nature of the species is preserved, it is impossible to say that the act by which offspring is procreated is universally illicit, and that the mean of virtue cannot be found in it. - Unless it be posited, according to the madness of certain men, that corruptible things were created by an evil god; from which perhaps that opinion is derived... and therefore it is a most wicked heresy."

To condemn the conjugal act is to condemn nature and the author of nature; but if the conjugal act is licit, so also is matrimony, which is essentially ordered to it.

764. Corollaries. - Since matrimony is legitimate, hence:

1. No one can prohibit the propagation of the human race.

2. The conjugal act is also meritorious, provided that it be done from a motive of virtue (for example, to render the debt from justice, for offspring unto the worship of God from religion), and with the due conditions being given, of which the chief is that it be done from charity.

3. The use of matrimony is not illicit because of original sin, whose true cause is not the use of matrimony but the will of Adam: per se the use of matrimony is for the procreation of children; that original sin is also transmitted at the same time is accidental. And "that turpitude of concupiscence, which always accompanies the matrimonial act, is not the turpitude of fault, but of punishment arising from the first sin" (a. 3, ad 3). But if the intensity of delight takes away the use of reason, nevertheless it does not take away the order of reason, because the matrimonial act is pre-ordained by reason (ad 6).

765. Thesis II. Matrimony is to be placed after virginity and celibacy preserved from a motive of virtue. - It is of faith against Jovinian and the Innovators from the Council of Trent, sess. 24, can. 10.

It is proved: 1. Christ, both by example, because he preserved virginity and chose a virgin mother, and by word commended virginity as a work of counsel, Mt. XIX, 10 sq.; likewise the Apostle, I Cor. VII, 1-40.

2. The Fathers, such as Tertullian against Marcion, Cyprian, Ambrose, Chrysostom, Gregory Nazianzen, Gregory of Nyssa, Jerome, Augustine, praise virginity. And Pope Siricius condemned Jovinian.

3. Virginity excels matrimony, "both 1) because the divine good is more excellent than human good; and 2) because the good of the soul is preferred to the good of the body; and also 3) because the good of the contemplative life is preferred to the good of the active life. But virginity is ordered 1) to the good of the soul, 2) according to the contemplative life, 3) which is to think on the things that are of God; but marriage is ordered 1) to the good of the body, which is the corporeal multiplication of the human race, and 2) pertains to the active life, 3) because a man and woman living in matrimony necessarily have to think on the things that are of the world, as is clear through the Apostle, I Cor. VII, 33-34. Whence undoubtedly virginity is to be preferred to conjugal continence," II-II, q. 152, a. 4.

It is confirmed: a) To abstain from certain lower things in order to take counsel for a higher good is good: thus from bodily delight on account of the contemplation of truth.

b) Matrimony of itself renders man less apt for serving God, because the proper act of matrimony befits man according to the lower portion by which he is similar to brute animals, and which in him does not obey reason and has the greatest shame joined to it.

c) Virginity removes one from the solicitude of the world and elevates one above earthly things, so that man can more freely be at leisure for God.

766. Observations. - 1. Ignominy is in matrimony without offspring, not in abstention from matrimony.

2. The common good is to be preferred to private good, if they are of the same order.

3. The comparison is not instituted between persons, or between their perfection, or in such adjuncts, but between states.

767. It is objected: 1. The common good is greater than private good. But marriage is ordered to the common good, virginity to private good. Therefore marriage is more excellent.

Resp. I distinguish the major: if the private good is of the same order, I concede; if of a diverse and superior order, I deny. And I distinguish the minor: Virginity is for private good, partly, I concede; solely, I deny, for it contributes to the common good. Namely, in matrimony a corporeal good is regarded, in virginity a spiritual and divine good.

2. If it is good that one person contain himself, it will be better that many and all do so.

Resp. I distinguish: according to the good of the individual, I concede; according to the good of the species, I deny. Namely, the common good requires variety of states and of goods, and also lower offices.

Article IV: On the Ends of Matrimony

S. Th., Suppl., q. 41, a. 1; q. 44, a. 1; q. 42, a. 2; a. 3, ad 4; q. 48; q. 49, a. 2, ad 1; q. 65, a. 1; q. 67, a. 1, ad 2; *c. Gent.* III, 122.

768. Notions. The end of matrimony properly is intrinsic and essential, or of the work, to which by its nature matrimony has been instituted, is ordered, and per se tends; - from this can be distinguished the extrinsic and accidental end, or the end of the one acting, which the one acting intends or which is intended and adjoined by those contracting.

The intrinsic end of the work, one is primary or principal, another secondary, which is essentially subordinated and consequent to the primary: it supposes the primary, for it is not an end except dependently upon that principal end, and a means to the primary end so that it may be obtained more securely and certainly, so that matrimony cannot be ordered to the secondary end unless the ordination to the primary end is preserved.[1]

[1] Cf. there can be consulted: Dr. Biot, *Les buts du mariage*, and Rud. Geis, *Katholische Sexualethik*.

769. Principle I. The ends of matrimony, on the part of the work, intrinsic or essential, are three: one primary, the procreation and education of offspring, two secondary, mutual solace and assistance, and the enjoyment of delight calming concupiscence (can. 1013, § 1).

1. The essential and primary end of the work, or that to which matrimony by its nature is primarily and principally ordered, is the propagation of the human species, the procreation and education of offspring; otherwise it would be another society, not matrimony. This is clear from what was said above about the natural origin of matrimony, and from Sacred Scripture: "Increase and multiply," says God, Gen. I, 28; "I will therefore that the younger marry, bear children, be mothers of families," says Paul concerning younger widows, I Tim. V, 14. Cf. Tob. VI, 22; VIII, 9; I Tim. II, 15.

Hence one who entirely excluded the primary end would exclude matrimony, and the matrimony would be null.

2. The essential but secondary end of the work is also an end which, by the nature of the thing, must be obtained, but only secondarily and dependently upon the primary end; whence matrimony also is per se ordered to that end, not however as to an independent end which could be intended independently from the primary, but rather as a means by which the primary end may be obtained better of itself. Now the secondary end of matrimony is twofold:

a) Solace and mutual assistance which, with God and nature disposing, spouses find in matrimony, insofar as from it cohabitation necessary for educating offspring becomes more pleasant and the burdens of common life and of old age press less (Prov. XXXI, 10-12; Eccli. XXVI, 1-2; Eph. V, 22, 25). Hence, when the first man had been created, God said: "It is not good for man to be alone; let us make him a help like unto himself" (Gen. II, 18); hence also nature itself has put diverse inclinations and faculties into the diverse sexes, which complete themselves in the matrimonial state.

b) The enjoyment of delight and the calming of concupiscence is attached to the use of marriage so that the end of generation may be obtained more securely and certainly. Concupiscence in the state of fallen nature is not contained within the limits of reason except with difficulty, but it excites less to

illicit things if licit things in order to the primary end are conceded to it in matrimony. And thus matrimony has been made a remedy of concupiscence. Whence the Apostle: "But because of fornication let every man have his own wife, and let every woman have her own husband...; but if they do not contain themselves, let them marry: for it is better to marry than to burn" (I Cor. VII, 2 and 9).

On the ends of matrimony let Augustine be read, *On the Good of Marriage*, c. 2-5.

770. Principle II. Several accidental ends of matrimony can be intended on the part of the one acting, provided they are honorable and are not opposed to the primary end.

Several accidental ends of this kind can be imagined, for example, peace of families to be reconciled, honor of the family to be preserved, peace, charity, and love to be procured for blood-relations, preservation of an illustrious family, peace of the republic, riches, pleasures, personal honor, a tranquil old age, etc.; indeed according to St. Thomas, q. 48, a. 2 and ad 1, such ends can be multiplied to infinity. They are rather a condition, or an occasion, and the reason of application for contracting such a matrimony and for pursuing other ends. For the Roman Catechism says, n. 15: "But if other causes also accede to these, by which men induced enter matrimony, and in making a choice of a wife prefer this one to that one, such as the desire of leaving an heir, riches, beauty, splendor of family, likeness of morals: reasons of this kind certainly are not to be condemned, since they are not repugnant to the sanctity of matrimony: for neither in Sacred Scripture is the patriarch Jacob reprehended because, allured by Rachel's beauty, he preferred her to Leah."

But the condition required is that they be honorable, otherwise they would render matrimony illicit; and that they not be opposed to the primary end, otherwise they could also render it invalid.

Hence: 1. To contract matrimony on account of a dishonorable end is a sin: mortal if the end is gravely dishonorable, venial if lightly dishonorable, for example, if it is done on account of vanity, or exclusively on account of delight.

2. Matrimony cannot be entered if its essential and primary end therefore cannot be per se obtained, because it is entered between persons who are per se unfit for placing an act of itself apt for generating offspring, such as eunuchs and castrated men.

3. Indeed a positive intention excluding the primary end or generation, if it is brought into an agreement, invalidates matrimony.

4. A fortiori, if a dishonorable condition contrary to this end is brought into an agreement.

5. Those about to marry who enter matrimony solely for a secondary end, for example, on account of mutual solace and assistance, prescinding from the primary end, yet not excluding it, avoid positive disorder and therefore are excused from sin; indeed by the very fact that they do not exclude generation, they implicitly include it, which suffices for mere honesty. Yet for the perfection of the work it is required that the intention of the one acting be positively conformed to the primary end of generating offspring.

771. Corollaries. - 1. It is essential to matrimony that it be ordered to the primary end, the fitting propagation of the human race, not to the private good and happiness of the parties. The primary end

is the procreation and education of offspring: a) procreation, because without the generative faculty the institution of matrimony is not even conceived, the good use of that faculty promotes the other ends of matrimony, and finally this end immediately regards the common good, to which private good is to be subordinated; b) education, because without it the work of procreation is imperfect; therefore it too is a primary end.

2. Whence they err who hold only procreation as the primary end, and posit education as a secondary end, since the complete human life of offspring, physical and moral, is intended (q. 49, a. 2, ad 1; can. 1113).

3. They also err who hold the three ends as merely coordinated and equal.

4. Likewise they err who think that the proper end of matrimony is the mutual complement of human personality; but that the generation of offspring is something accessory resulting from that complement. Namely, they say that the singular man, whether male or female, is not perfect and complete, but exists as such only through marital union or through the exchange of sexual properties. - But the sexual complement is not to be confused with the human complement, or that required for the perfect being of man, as if an unmarried man ought to be considered only half a man or imperfect. The sexual complement is required only for this, that there may be one and perfect principle of generation, education, and domestic social unity; but not that the individual man be complete.[2]

[2] Cappello, *Tractatus canonico-moralis de Sacramentis*, vol. III, *De Matrimonio*, n. 8, note 18.

5. Nor are mutual love and mutual perfection the primary end, as certain men have dreamed, even among Catholics, concluding that conjugal intercourse can be licit even if the procreation of offspring is impeded, and abusing the authority of the Roman Catechism, which posits mutual love and perfection as the first cause of matrimony. To this Pius XI alludes, in the encyclical *Casti connubii*, concerning Christian matrimony which is ruled by the most perfect love of supernatural charity, writing: "This mutual inward formation of the spouses, this assiduous zeal of perfecting each other in turn, can in a certain most true sense be called even the primary cause and reason of matrimony, if nevertheless matrimony is taken not more strictly as an institution for rightly procreating and educating offspring, but more broadly as the communion, association, and society of the whole of life." Therefore it is not called the primary end of the institution of matrimony nor the end of the work, but a cause; not simply, but in a certain sense, namely, the primary impelling cause or the principle moving the one acting, and the reason from which the chief excellence and whole perfection of matrimony is derived; and only if it is not taken more strictly as an institution for rightly procreating and educating offspring, or as to the primary end, but more broadly as the communion of the whole of life, i.e., precisely as to the secondary end.

Moreover the Pontiff himself also in the same encyclical explicitly calls the procreation of offspring the primary end, and calls the others secondary. But if the primary end were mutual love, they would easily deduce from this the dissolubility of matrimony, or divorce, on account of the absence of love, since they would say that matrimony without love cannot attain its primary end, nor therefore validly

consist, but is to be dissolved. Whence such an opinion is to be avoided, as logically leading to false conclusions.

When a doubt had been proposed on this matter, the Congregation of the Holy Office decreed that response was to be made in the negative: "Whether the opinion of certain more recent authors can be admitted, who either deny that the primary end of matrimony is the generation and education of offspring, or teach that the secondary ends are not essentially subordinated to the primary end, but are equally principal and independent." In the negative. (Decree of the Holy Office, April 1, 1944.)

Article V: On the Essence of Matrimony

S. Th., Suppl., q. 41, a. 1; q. 42, a. 1, ad 5, and a. 4; q. 44, a. 1; q. 45, a. 1 and 2; q. 48, a. 1; III, q. 29.

772. State of the question. - Matrimony can be regarded in becoming, i.e., in the act by which it is entered or the convention by which it is constituted; and in fact, or in the constituted state.

A. Concerning matrimony in becoming, 1. formerly several thought that carnal intercourse was required for its essence, saying that matrimony is begun in espousal or consent, but that it does not yet exist as perfect except by real handing over exercised in intercourse. Whence the name: copula-theory.

Thus Julian the Pelagian, Hincmar of Rheims, Ivo of Chartres, Algerus of Liege, Gratian, and many canonists, especially of the school of Bologna, among whom was Master Roland;[1] against St. Peter Damian, and the theologians, especially of the Parisian school with Peter Lombard, who taught that matrimony is constituted by mutual consent alone. But Roland, created Pontiff under the name of Alexander III, as to substance sanctioned the doctrine of the Parisian school; but according to the opinion of Bologna he established that ratified and non-consummated matrimony is not perfectly indissoluble.

[1] The opinion afterward is attributed to Wyclif and certain Protestants; Freisen again began to defend it, *Geschichte d. Kan. Eherechts*, § 3, but afterward retracted it.

2. Others have been unwilling for it to be called a contract, or have been found hesitant to affirm this, both among the ancients, at the time when the definitive juridical and scholastic doctrine of matrimony had not yet been formed, and also among more recent authors; indeed, "not a few more recent writers... shrink from the word contract, as if such a name either were unbecoming to matrimony, or inserted a less right concept of matrimony."[2]

[2] Gasparri, *De Matrimonio*, n. 3.

The immediate end, they say, of the act of entering matrimony is not an obligation, but a consortium of life whose obligations are determined not by the will of those contracting but by the law itself. For from the fact that they called it a contract, not a few falsely deduced that matrimony is dissoluble by the will of those contracting and is ruled by the civil power, after the manner of other contracts. Whence it is not a contract, neither real nor merely consensual, but a state, an institution, a society.

Roman law never uses the word contract; St. Thomas, who had hesitantly called it a contract in the Commentary on the Sentences, in the *Summa contra Gentiles* no longer says this, but simply says that it is a conjunction. And although ecclesiastical documents speak of a contract, they take that contract in a broader sense; but in the entirely proper sense, and better, it is not called a contract.[3]

[3] Thus many modern jurists in Germany, such as Scherer, Vering, Laemmer, Schulte, Breda; and in France. On this matter there can be consulted: Desforges, *Etude historique sur la formation du mariage en droit romain et francais*; Lefebvre, *Le mariage civil n'est-il qu'un contrat?* in *Nouv. Rev. historique du droit*, 1902; Hauriou, *Precis de droit constitutionnel*, 1930; G. Renard, *La doctrine de l'institution*; and in *Vie intell.*, 1931: *La doctrine institutionnelle du mariage*; Le Fur, *Le droit naturel et la theorie de l'institution*; Delos, in *Bull. Thom.*, 1930-33.

But Catholic doctrine holds that matrimony a) negatively: does not consist in carnal intercourse, but b) positively: in mutual consent externally manifested. Whence it is not a real contract, but a consensual contract.

B. Matrimony in fact is the effect resulting from the matrimonial contract or from matrimony in becoming: the very state introduced by the contract, the permanent society which is effected by consent, which is the cause of matrimony. Now it is asked in what precisely the essence of this state consists, or in what it essentially consists.

There are many things which pertain to matrimony: mutual consent, external expression of consent, mutual handing over, mutual power over the body of the partner, the nexus and permanent bond between man and woman, the mutual right to acts of themselves apt for generation or to undivided life, the obligation and offices of undivided life, the very association of life, the use of matrimony. Several of these pertain to the cause of matrimony or to the contract, which is matrimony in becoming, and therefore do not constitute it in fact, as the first three; but it is asked which among the remaining things is the very essence of the matrimonial state.

773. Thesis I. Matrimony in becoming is a contract, not real but consensual, essentially consisting in mutual consent, externally manifested and unable to be supplied, unto conjugal life, by which namely man and woman mutually hand over their bodies to each other in order to acts of themselves apt for generation; whence, although it essentially implies order to carnal intercourse, nevertheless this does not pertain to its essence or substantial integrity (can. 1081). - That matrimony, even among the baptized, is essentially a contract, is certain from the encyclical of Leo XIII *Arcanum* and from the encyclical of Pius XI *Casti connubii*; but that carnal intercourse does not pertain to its essence is common and certain doctrine, from the decree of Alexander III.

It is proved: A. That carnal intercourse does not pertain to the essence of matrimony is clear from universal tradition, which is established:

1. from the Fathers: Origen, hom. 6 on Luke; Basil, *On the holy generation of Christ* 3-5; Ambrose, *De inst. virg.* VI, 42; Jerome, against Helvidius, 4; Augustine, *De bon. coni.* I, 2; *De nupt. et conc.* I, 11; against Julian 5, 12; Pope Siricius, ep. 1 and 9;

2. from the fact that they themselves and then theologians generally teach that true matrimony existed between Adam and Eve in the earthly paradise, and between the Blessed Virgin Mary and St. Joseph (Mt. I, 20; Lk. II, 5, 48);

3. from the doctrine of Councils and Pontiffs: thus Nicholas I in the response to the Bulgarians, c. 3; the Council of Florence, saying: "the efficient cause of matrimony regularly is mutual consent expressed by words of the present"; the Council of Trent, asserting that clandestine marriages made by free consent were ratified and true marriages, sess. 24, de ref., c. 1, and that ratified non-consummated matrimony is dissolved by solemn profession of religion, can. 6;

4. from the rule of law: "Not concubitus but consent makes nuptials," and from can. 1081 and 1015, § 1;

5. from the common persuasion of the faithful, indeed of men: that a man and a woman come together without sin because they are spouses, and that they are not spouses because they come together.

B. That matrimony is a true contract is established, since it is a mutual consent unto the same juridical agreement, or consent inducing obligation in both parties from commutative justice, namely, consent into the same obligations of the matrimonial state and of undivided conjugal life. As is constantly affirmed, for example, by Innocent III, in the Decretals of Gratian, c. 26, X, IV, 1; the Council of Trent, sess. 24, de ref., c. 1; Pius VI, July 11, 1789; Pius IX, *Syllabus*, prop. 66 and 73; Leo XIII, enc. *Arcanum*; Pius XI, enc. *Casti connubii*; and the Code of Canon Law, can. 1012, § 1 and 2; can. 1015, § 1. That so constant a doctrine is to be understood in a broader sense, not of a properly so-called contract, could seem temerarious.

The material object of the contract is the bodies, or, as St. Thomas says, the very persons of the contracting parties: "legitimate persons for contracting," he says, q. 45, a. 5. The formal object is the association of undivided life to which they obligate themselves by the conjugal bond, which comprises the mutual, exclusive, and perpetual right over the body of the other for acts of themselves apt for generation.

Hence although matrimony cannot be valid unless it confers at least a radical right to carnal intercourse, nevertheless the use of this right or the fulfillment of the matrimonial obligation does not pertain to its essence, just as neither does the use of the thing about which one contracts pertain to the essence of a contract.[4]

[4] Roman law indeed does not use the word contract, but jurists say "to contract matrimony," and commentators said contract. - Among ecclesiastical writers, Ambrose says, *De inst. virg.*, c. VI: "Not the deflowering of a virgin makes marriage, but the conjugal pact." The same doctrine is handed down by the Decree of Gratian, p. 2, c. 27, q. 2, can. 5. Peter Lombard, in IV Sent. d. 27, c. 3, uses the expression: conjugal pact; moreover by comparing betrothals and matrimony, he says that betrothals are a promise concerning the future, matrimony a promise concerning the present, and consequently this is a contract just as that is. Likewise Abelard, *Ep. Th. chr.*, c. 31: confederation concerning marriage to be contracted. Likewise St. Raymond, in *Summa*, IV, t. 2, § 2; St. Bonaventure, in IV, d. 27, a. 2, q. 1 and d. 29, a. un. q. 3; St. Albert the Great, in IV, d. 27, a. 4, 6, 7 and 8, say contract. And this doctrine occurs throughout St. Thomas: thus for example q. 45, a. 1 and 2: the matrimonial conjunction is made in the manner of obligation in material contracts; and a. 2: in matrimony a contract is made between man and woman; and a. 3, ad 2: also in other contracts; and a. 5: in occult matrimony the due matter is preserved, because there are legitimate persons there for contracting. And q. 47, a. 1: in matrimony there is a certain contract; and a. 3: fear takes away the perpetuity of the contract, and therefore... takes away matrimony; and a. 5: in other contracts obligation is made under a condition..., therefore since matrimony is a contract... And q. 49, a. 3, concerning the goods of matrimony it is said that they are caused from the very conjugal pact. And q. 50, impediments diriment the contract on the part of the contract, or on the part of those contracting: in the first way, since the contract of matrimony is made through voluntary consent, which is taken away by ignorance and by violence. And q. 51, a. 2: just as purchase is a certain contract, so also is matrimony; q. 52, a. 1: in the contract of matrimony one is obligated to the other to render the debt; ignorance of impotence takes away the contract; q. 53, a. 1: one contracting matrimony after a simple vow of continence sins; nevertheless because it is a true contract...; q. 58, a. 1: in matrimony there is a certain contract... whence as in other contracts; similarly a. 3; and a. 5: matrimony, since it is made through the manner of a certain contract, etc. Therefore the Holy Doctor by no means spoke hesitantly, as someone has said. But if in the *Summa contra Gentiles* he does not speak of contract, the reason is that he does not explain the whole doctrine of matrimony, but has relatively few things,

namely, concerning the state of matrimony in fact and concerning unity and indissolubility, but nothing concerning the cause and matrimony in becoming.

774. They object: A. against the first part. Intercourse is of the essence of matrimony.

For 1. Christian matrimony signifies the union of Christ with the Church; but this union is not signified except by carnal conjunction; therefore carnal conjunction pertains to the essence of matrimony. - Resp. I distinguish: Christian matrimony signifies the union of Christ with the Church through grace and charity, or a moral union, I concede; it signifies physical union, I subdistinguish: through the mediation of conjugal intercourse, I concede; essentially, I deny.

2. St. Paul explains this union, Eph. V, 31 sq.: "They shall be two in one flesh; this is a great sacrament. But I speak: in Christ and in the Church"; therefore carnal union pertains to the essence of matrimony. - Resp. The words: they shall be two in one flesh, do not necessarily nor first signify carnal union, but the indissoluble bond between spouses with a right to the body of the partner, and the bond of love by which he loves her as his own flesh. For the Apostle alludes to the words of Adam: "This now is bone of my bones and flesh of my flesh... wherefore a man shall leave his father and mother and shall cleave to his wife, and they shall be two in one flesh," i.e., in one principle of generation. This is also verified before the spouses exercise intercourse; whence in these words carnal intercourse is not directly treated.

3. Matrimony is in the office of generation and as a remedy of concupiscence; but neither is had except through intercourse; therefore intercourse pertains to the essence of matrimony. - Resp. I deny the consequence, because the attainment of the end of some thing is not of its essence.

Therefore carnal intercourse is only of the secondary and accidental integrity of matrimony (q. 42, a. 4).

B. against the other part. Matrimony is not a properly so-called contract, but an institution and society.

For 1. A contract immediately produces obligations and rights; the matrimonial convention immediately produces a state. - Resp.: matrimony is at the same time a state and a contract; essentially and in being it is an institution and society, but causally and in becoming it is a true contract. For matrimony immediately produces the conjugal state, but as obligatory, and all its obligations. It also grants power and right: it grants property of the body, namely, dominion over the body of the partner. Therefore it is a true contract.

2. A contract is an act which produces obligation only between the contracting parties, and indeed between equals, and immutably; matrimony produces obligations also in others, is hierarchical, and over the course of centuries has adapted itself to various circumstances. - Resp. Matrimony immediately produces obligation in the contracting parties, mediately and consequently in others; it is between equals as to the essential right and primary object, carnal intercourse, although spouses are not equal as to domestic life; it is immutable in essentials, although it has undergone accidental modifications. Other contracts also can mediately obligate a third party, as lease; institute a hierarchy, as for example a contract of service; nor are they always immutable in all things.

3. If matrimony were a contract, it could be dissolved by mutual consent, as contracts can, and be ruled by the civil power after the manner of other contracts. - Resp. I distinguish: if it were a contract of merely human institution concerning temporal things, I concede; if it were a natural contract instituted by God, especially not merely profane, but religious in some sense, I deny.

775. Corollaries. - From the foregoing the following things are drawn:

1. Matrimony is a contract, because essentially it is the consent of two persons in the same thing, and indeed perfectly bilateral.

2. It is a most excellent contract, both by reason of the object, which is nothing less than the very persons of the contracting parties, and by reason of the end, which is the legitimate procreation of offspring and their education unto the worship of God.

3. It is a natural contract, as indicated and imposed by nature itself.

4. Yet therefore it is not merely profane, but of its own accord is religious, says Leo XIII, and this independently of sacramental dignity; namely, it is religious and sacred, not indeed intrinsically and essentially, but according to an extrinsic reason, in the present supernatural order: both by reason of its immediately divine origin; and by reason of the signification of a sacred thing, which is an adumbration of the union of the incarnate Word with human nature; and by reason of the end to which it is ordered, namely, to procreate and educate children for God unto the beatific vision; and, Pius XI adds: "from the same natural office of marriage, instituted by the most provident mind of God the Creator, that it should be as it were a certain vehicle for transmitting life, by which parents serve the divine omnipotence as it were as ministers." Wherefore it is "intimately joined with religion and the order of sacred things," and by this reason, Leo XIII says, "there is in it something sacred and religious, not adventitious, but innate, not received from men but implanted by nature." And therefore the monuments of antiquity and the customs and institutions of peoples testify that matrimony is a thing joined with religion and sanctity, and that it was not accustomed to be done without religious ceremonies.

5. It is a contract not merely private, as being ordered not primarily to the good of the contracting parties but to the common good; its character does not depend on free convention, but is determined by nature and the author of nature.

6. It is a singular contract, both because matrimonial consent can be supplied by no human law (can. 1081, § 1), and because its laws, as instituted by God and nature, cannot be subject to human laws or decrees or to the contrary agreement of the spouses themselves, and because it is of itself perpetual and indissoluble.

7. Therefore matrimony "is constituted by divine and human will together: from God are the very institution, ends, laws, goods of matrimony; but with God giving and assisting, from men there is, through the generous handing over of one's own person to the other for the whole

time of life, each particular matrimony (between this man, namely, and this woman), joined with the offices and goods established by God." Thus Pius XI.

776. Thesis II. Matrimony in fact essentially consists in the formal nexus or bond of the moral order, of itself permanent, which arises from the contract, or in the relation of conjunction, by which spouses are united and bound to each other and formally are spouses or husband and wife; from which further there is had the mutual right of demanding, just as the mutual obligation of preserving fidelity and fulfilling the duties of marriage.

The doctrine is indicated in Scripture. Gen. II, 24: "man... shall cleave to his wife: and they shall be two in one flesh"; alluding to which Christ says, Mt. XIX, 6: "What therefore God has joined, let not man separate." And the Apostle, I Cor. VII, holds matrimony as a bond or tie, by which a man is bound to his wife (v. 27), and a woman is bound for as much time as her husband lives (v. 39).

Similarly in the documents of Tradition, for example, Alexander III: "Since matrimony is a conjunction of male and female..."; the Council of Florence says: "the bond of matrimony... perpetual," and Trent, sess. 24, says: "the perpetual and indissoluble nexus of matrimony," by which "bond two only are joined and united, Christ the Lord taught more openly... and immediately confirmed the firmness of the same nexus..."

It is proved from the natural ordination of matrimony, according to St. Thomas, q. 44, a. 1:

1. Matrimony is a conjunction: "Conjunction implies a certain uniting; whence wherever there is a uniting of some things, there is some conjunction. But those things which are ordered to one thing are said to be united in order to that, as many men are united to the executing of one military service or business, from which they are called fellow-soldiers to each other, or business partners. And therefore since through matrimony certain persons are ordered to one generation and education of offspring, and again to one domestic life, it is established that in matrimony there is some conjunction, according to which they are called husband and wife; and such a conjunction, from the fact that it is ordered to one thing, is matrimony." Hence Gen. II, 24: "they shall be two in one flesh."

2. This conjunction is in the genus of relation: "Relation is according to that by which certain things are referred to each other. But according to matrimony certain persons are referred to each other: for the man is called the husband of the wife, and the wife the wife of the husband. Therefore matrimony is in the genus of relation, nor is it anything other than conjunction" namely, to one end, that is, to one generation and education of offspring, and to one domestic life.

The aforesaid "relation which is matrimony, from one side has unity in both extremes, namely, on the part of the cause (namely final), because it is ordered to the same generation in number; but on the part of the subject it has diversity according to number, and therefore this relation is one on the part of the cause, and multiple on the part of the subject. And according as it is multiple on the part of the subject, it is signified by these names: wife and husband; but according as it is one, it is signified by this name: matrimony" (ad 3).

They object: Matrimony is not a conjunction. For a bond is distinguished from the conjunction itself. Whence, if it is a bond, it is not a conjunction. - Resp. Matrimony is a bond formally and not effectively; and therefore it is the conjunction itself (ad 1). Namely, bond is not taken causally for the thing which binds: thus it would be the contract; but it is the passive conjunction resulting from the causal bond.

777. Corollaries. - Hence it is understood:

1. How rightly matrimony is defined as a conjunction, and indeed marital, by which they are husband and wife, because this conjugal bond has its foundation and arises from the mutual handing over made, and not from the mere promise concerning the future, as the obligating bond which arises from betrothals.

2. Just as every society formally is a relation or conjunction of those united, so also is conjugal society. Whether it is a relation of reason or a real relation is disputed, as for society; more commonly they teach that it is real.

3. Yet it is a special relation, of the moral order, importing mutual rights and obligations.

4. It is a mutual relation, whence the adage: Matrimony cannot limp. As St. Thomas says, q. 47, a. 4: "since matrimony is a certain relation, and a relation cannot arise in one of the extremes without this, that it come to be in the other, therefore whatever impedes matrimony in one impedes it in the other, because it cannot be that someone be the husband of a non-wife, or that someone be a wife not having a husband, just as neither can there be a mother not having a son; and therefore it is commonly said that matrimony does not limp."

Hence an unbeliever, although he is not held by the impediments and matrimonial laws of ecclesiastical right, nevertheless, even after a dispensation has been obtained upon the impediment of disparity of cult, cannot validly contract matrimony with a Catholic party unless he observes the statutes of canon law: for by these the faithful party is bound, and therefore indirectly the unbeliever.

5. Among all the things related above which pertain to matrimony, matrimony is understood not to consist essentially:

a) neither in mutual consent, whether external or internal, nor in the mutual handing over of bodies, because those things pass away while matrimony remains;

b) nor in the mutual right to intercourse or in its office, because the right to intercourse, or the office, is something consequent upon constituted matrimony, and can be taken away while matrimony remains: for therefore spouses have the right to intercourse, or the obligation, because they have been joined in matrimony;

c) nor in the use of marriage or intercourse, because use and operation supposes essence. Whence St. Thomas, q. 42, a. 4: "therefore carnal commingling will be of the second integrity of matrimony (which consists in operation), and not of the first," which is in the being of the thing.

6. Matrimony does not consist in the union of souls, as is attributed to Fichte, which is required that matrimony turn out well: for mutual love is a necessary condition that matrimony obtain

happy effects and for sustaining its burdens. Whence St. Thomas, q. 44, a. 1: "The conjunction of bodies and of souls follows upon matrimony." Sometimes, however, union of souls is understood as the very mutual consent to matrimony.

7. Nor a fortiori does it consist in communion of goods of fortune, although this at least in some measure is of fittingness.

8. Several modern manuals do not always speak rightly when they say that the bond consists of mutual right and obligation, or that the essence of conjugal life consists in mutual right and obligation; but it ought to be said that the essence of matrimony or the bond carries with it right and obligation and that these result from it. - Unless by the name of obligation there is understood the bond by which they are obligated to each other, or a radical obligation or tie, in which sense St. Thomas seems to speak, q. 41, a. 1 and q. 42, a. 1, ad 5.

778. Observation. - Since according to essence it is the conjugal bond, matrimony is said of this most properly and essentially; of the contract only causally, which properly is not matrimony but the cause of matrimony. Whence matrimony is more a bond than a contract.

Question Two: On Matrimony as a Sacrament

Article I: On the Institution of the Sacrament

S. Th., Suppl. q. 42; III, q. 65, a. 1; C. Gent. IV, 78.

779. State of the question. - Besides the Gnostics and Manichaeans, who condemned nuptials as evil (n. 762-763) and thus indirectly denied their sacramental character, the Protestants directly denied this, although on the other hand they said that nuptials are good and often extolled them.

Peter de Bruis, Arnold of Brescia, and in general the Waldenses and Albigenses held the same as the Manichaeans. Luther said that matrimony is a worldly thing and denied that it is a sacrament, since it lacks a divine promise. Calvin says that the character of a sacrament belongs to nuptials no more than to agriculture or to the shoemaker's art, and that they were not held as a sacrament before the times of Gregory I. More recent Protestants, although they hold matrimony as a religious institution, nevertheless deny that it is a sacrament, except for the Ritualists, who place it among the lesser sacraments. And many Modernists hold, prop. 51: "Matrimony could not become a sacrament of the New Law except later in the Church; since, in order that matrimony be held as a sacrament, it was necessary that there precede a full theological explanation of the doctrine of grace and of the sacraments."

On the contrary, the doctrine of the Church is that matrimony, from the beginning, indeed foretold the future union of Christ with the Church, but in the New Law is the sign of this union now existing, and a properly so-called sacrament significative and productive of grace derived from Christ.

That this doctrine may be well understood, it must be noted:

a) There is a twofold union of Christ with human nature: one physical, the other spiritual. By force of the former the assumed humanity is drawn to the very personal being of the Word; by force of the latter charity and grace descends from Christ the head into the body of the Church: thus the second union integrates and completes the first.

b) Further, the conjugal union of man and woman has a proportional likeness with the union of the Word to humanity, and indeed in two ways:

1. By reason of the end and of the operation toward the end. For the principal end of matrimony is man to be procreated and educated for the worship of God; but the end of the union of the Word with flesh and of Christ with the Church is likewise man to be repaired by grace for the worship of God. Then, in the operation for obtaining the end of matrimony, the undivided work of man and woman is required; likewise, for obtaining the end of the incarnation there was required the theandric operation of one person in whom there was a twofold nature, divine and human; and after redemption was consummated, the undivided influence of Christ and of the Church is required for the spiritual life of the faithful.

2. By reason of the relations between the things conjoined, namely, between Christ and the Church, man and woman.

In the conjugal union there is had a fellowship of life and a communication of rights, yet in such a way that the man is the head of the woman, and retains the right of ruling, and as it were assumes the wife to himself, not conversely. So proportionally for the Church with respect to Christ, and for the assumed humanity with respect to the assuming divinity.

If these things are considered, matrimony already from its nature had a certain singular suitability, that it should be assumed as a sign and symbol of the conjunction of the Word with flesh and of Christ with the Church. But, as Scripture testifies, in fact it was assumed to signify this (Eph. V, 32). In the old law, indeed, it could be nothing except a shadowy type and a merely prognostic sign of the future incarnation; wherefore it was not a sacrament collative of grace. But in the New Testament the matrimonial union is a sacred sign expressing the likeness of the union now existing between Christ and the Church; indeed it is ordered to an end of the same order as the end of the incarnation, namely, to offspring to be formed, and not in any manner whatever, but according to the law of grace, for the propagation and perennial conservation of the Church. Wherefore in the law of Christ marriage, as to its substance, is perfected and elevated, so that it is a collative sign and a title of itself demanding, and a cause of, present grace, and therefore a sacrament properly so called.

780. Thesis. Matrimony legitimately celebrated between the baptized is a true and properly so-called sacrament of the New Law. - It is of faith from the Council of Trent, sess. 24, can. 1, and sess. 7, can. 1 and 6.

It is said: 1) *matrimony*, and not something added to it, so that matrimony itself in becoming and in fact, namely, the contract and the moral bond resulting therefrom, has been elevated to the dignity of a sacrament;

2. *between the baptized*: for the evangelical law, which constitutes matrimony as a sacrament, is not applied except to those who are subjected to it by Baptism, while unbelievers have matrimony such as is sanctioned in the natural law; Baptism, namely, is a condition without which there cannot be the sacrament of matrimony, just as neither can there be the other sacraments;

3. *legitimately celebrated*, or valid, so that there is no valid matrimony between the baptized which is not a sacrament;

4. *is a true and properly so-called sacrament of the New Law*, a sign of a sacred thing insofar as it is sanctifying men, which not only signifies but also confers grace.

It is proved: **A. From the Scriptures**, which intimate this, Eph. V, 22-32: *Let women be subject to their husbands as to the Lord. For the husband is the head of the wife, as Christ is the head of the Church: he is the savior of his body. But as the Church is subject to Christ, so also let wives be to their husbands in all things. Husbands, love your wives, as Christ also loved the Church and delivered himself up for her, that he might sanctify her... that she might be holy and immaculate. So also ought men to love their wives as their own bodies. He who loves his wife loves himself. For no one ever hated his own flesh: but nourishes and cherishes it, as also Christ does the Church. Because we are members of his body, of his flesh and of his bones. For this cause shall a man leave his father and his mother, and shall cleave to his wife; and they shall be two in one flesh. This is a great sacrament, but I speak in Christ and in the Church.* By these words it is indicated that matrimony is a) a sacred sign, b) a sign of grace, and c) a practical sign collative of grace.

1° It is a sacred sign. For after recounting the words of Adam, by which the intimate and most close conjunction of man and woman is expressed, so that they are two in one flesh, Paul adds: This is a sacrament (*mysterion*, i.e., a mystical sign), and indeed a great one: but I speak in Christ and in the Church (thus: εἰς Χριστὸν καὶ εἰς τὴν ἐκκλησίαν, i.e., unto Christ and unto the Church, or toward him and her), as if he were saying: the marital union, if considered in itself, seems an obvious and natural thing; nevertheless it must be called a great mystery, because as a sign it must be referred to the most high marriage of Christ with the Church, which in a wondrous and mysterious way it signifies.

2° It is a sign of grace. For it signifies the union of Christ with the Church; but this union is perfected through grace, for Christ loved the Church and delivered himself up for her that he might sanctify her, which cannot be done without grace; therefore matrimony is a sign of grace.

3° It is a practical sign, or a sign collative of grace, not a merely speculative sign as in the Old Testament.

The Apostle does not formally teach this, but he intimates it, as the Council of Trent, sess. 24, says, and supposes it. For:

a) The word *sacrament*, or mystical sign, is to be understood according to the diversity of times, so that in the broader sense it is taken for a bare sign of a sacred thing, which belongs to matrimony under the law of nature and the Mosaic law; now, however, in the stricter sense, for a sacred sign collative of grace, which belongs to matrimony under the new law, whose sacraments have this as proper to them, that they produce what they signify.

b) The Apostle, from the most lofty signification of matrimony, teaches that Christian spouses are obligated to that most excellent charity by which Christ loved the Church, and to that devoted subjection by which the Church is ordered to Christ; but this love and subjection ought to be something constant and permanent, just as the love of Christ and the subjection of the Church are permanent. But for such charity and subjection to be exhibited continually to one another, spouses need a permanent principle, namely, habitual grace with a right to actual helps. Therefore Paul intimates and supposes that this grace is truly conferred, by reason of the conjugal union insofar as it is a sign of the union of Christ and the Church.

c) The conjugal union, insofar as it is a sign of the union of Christ and the Church, orders the man and the woman to an end which is now of the same order as the end of the incarnation, namely, to offspring to be educated for the conservation and propagation of the Church. "For Christ," says St. Robert Bellarmine, *De Matr.* c. 4, "Christ and the Church always beget spiritual children through Baptism and nourish them through the Eucharist; and thus Christian spouses are obligated from marriage itself to divine offices. But offices which surpass nature are never committed by God unless at the same time grace is also given, through which those offices may be exercised as is fitting." Therefore the conjugal union, insofar as it is such a sacred sign, demands fitting graces and is an efficacious sign of grace, or a sacrament of the New Law.

B. From Tradition, which proposes the dogma, first implicitly, then explicitly, as is clear from the testimonies of the Fathers, the doctrine of Councils and Pontiffs, the voice of the liturgy and the monuments of antiquity, and the consensus of all the Eastern sects.

1° The Fathers teach: a) that Christ blessed matrimony and added sanctity to it: thus Epiphanius, *haer.* 67; Cyril of Alexandria, *in Ioh.* II, 2; the bishops in the Synod of Ephesus; Augustine, *in Ioh.* IX, 2.

b) That matrimony is a sacred thing, to be sealed by the solemn blessing of the Church, and joined with grace: thus Ignatius, *ad Pol.* V, 2; Tertullian, *ad ux.* II, 7-9; Origen, *in Mt.* XIV, 16; Ambrose, ep. *ad Sir.*; Pope Siricius, ep. 1, c. 4; Epiphanius, *haer.* 61 and 67.

c) That Christian matrimony surpasses the matrimony of unbelievers in dignity, and for this reason is a sacrament; which therefore must be understood of a sacrament properly so called, whence they compare it with Baptism and Order: thus Ambrose, *De Abraham* I, 7; Augustine, *De bono coni.* 18 and 24; *De nupt. et conc.* I, 10; Leo the Great, ep. 167, n. 4.

2° Pontiffs and Councils, just as theologians, from the twelfth century onward, more often explicitly enumerate matrimony among the seven sacraments of the Church: thus Lucius III in the Council of Verona, a. 1184; Innocent III in the profession of faith for the Waldenses; the profession of faith read in the Second Council of Lyons, a. 1274; the Council of Florence in the decree for the Armenians.

3° The liturgical books, namely, the Sacramentaries of the Latins and the Euchologia of the Greeks from the fifth century onward, speak in the same way: in them matrimony is shown to be a most holy thing, to be carried out amid the solemnities of Masses, and is called a sacrament, and God is prayed that he may bestow his grace on the spouses. And the monuments of antiquity show the celebration of marriage carried out with the blessing of Christ or under his patronage.

4° The dissenting Eastern Churches, whose schism was perfected from the fifth to the ninth century, all admit that matrimony is a true sacrament; therefore this doctrine was not introduced among them after the separation, but is shown to pertain to the common and ancient faith.

And although in the beginning the testimonies are ambiguous and obscure, nevertheless these are to be understood according to the express and clear doctrine of later times; because, since in the Church the explanation of doctrine is made under the assistance of the Spirit of Truth, if in later times matrimony is indubitably posited to be a sacrament properly so called, conferring grace *ex opere operato*, by that very fact it is demonstrated that this is the sense implicitly contained in the testimonies of primitive faith and revealed to the Apostles.

C. From the reason of fittingness, which confirms the thesis, and indeed in two ways: both from this, that the sacraments ought to provide for all the necessities of the spiritual life, and from this, that they were instituted as a remedy for concupiscence.

1° The sacraments were instituted for the necessities of the spiritual life, social as well as individual. But just as for spiritual society there is required the order of power by which it is ruled, so there is required matrimony by which it is conserved and propagated; moreover those who are destined to rule it or propagate it cannot duly fulfill their offices without grace. Therefore just as it was fitting to institute a sacrament for conferring grace on those who rule spiritual society, so also to institute matrimony as a sacrament which confers grace on those who are to propagate society.

2° The sacraments were instituted as a remedy for original sin and the evil concupiscence derived from it. But carnal concupiscence inclining to the propagation of the species is especially to be restrained; and matrimony affords an opportune remedy for it. Therefore it was fitting to institute matrimony as a sacrament collative of grace, by which carnal concupiscence is more efficaciously subjected to the bridle of reason.

781. When did Christ institute the sacrament of Matrimony? - He seems to have perfected this in a threefold stage:

1° he consecrated and sanctified nuptials by his presence at Cana of Galilee, John II, 1-11;

2° he sanctioned the essential properties of matrimony, namely, unity and indissolubility, and restored it in its primitive perfection, Mt. XIX, 3-9;

3° after his resurrection he definitively instituted it as a sacrament collative of grace, when the other sacraments had been instituted.

782. Corollaries. - 1. Christ elevated matrimony itself to sacramental dignity, namely, in becoming and in fact, and therefore not only the contract, nor only the bond, but both; as is clear from documents of the Church, which at one time assert that the matrimonial contract was elevated to the dignity of a sacrament, and at another time say the same of the bond itself, as will easily appear to the reader. So also St. Thomas, q. 42, a. 1, ad 1 and 2; a. 3, ad 2; q. 45, a. 1, ad 2.

2. Hence, just as in the other sacraments, so in Matrimony, three things are distinguished (q. 42, a. 1, ad 5; a. 3, ad 2; q. 44, a. 1, ad 2):

a) The sacrament only, or the external sign which signifies and is not signified; and this is the contract itself, entered into by the externally apparent acts of man and woman, or the mutual expressed consent.

b) The reality and sacrament, which is at once signified and signifies; and this is the obligation which arises of the man toward the woman from such acts, or the conjugal bond representing the union of Christ and the Church: for it is signified and effected by the contract; it also signifies and demands and confers grace.

c) The reality which is signified and does not signify; and this is the effect of the sacrament, namely, sacramental grace for fulfilling the offices.

3. Yet, since the bond is matrimony according to essence, and more so than the contract, hence also the sacrament of matrimony is principally in the bond, which principally signifies the conjunction of Christ with the Church. Namely, it was first elevated into a sacred sign of the union of Christ and the Church, and consequently also the mutual consent by which it is constituted was made a sacred rite. In the same way the sacrament of Order is primarily in the character, rather than in the external rite (n. 710).

783. Observation. - Certain Scholastics, although they counted Matrimony among the sanctifying sacraments, denied or doubted that it confers grace that makes one pleasing, such as Peter Lombard and Durandus. The true doctrine is defended by St. Thomas, q. 42, a. 3, and indeed quite firmly in I-II, q. 100, a. 2, ad 6 and C. Gent. IV, 78; afterward it was explicitly proposed by the Church in the Councils of Florence and Trent.

Article II: On the Essence of the Sacrament and Its Constitutive Parts

S. Th., Suppl. q. 42, a. 1 and a. 3, ad 2; q. 44, a. 1, ad 2; q. 45, a. 2 and 5.

784. Errors. - The traditional doctrine in the Church is that the sacrament is not something extrinsically added to the matrimony of Christians, but that these things are intimately connected and really inseparable; namely, that matrimony itself was elevated to the dignity of a sacrament, so that between the baptized there cannot be a valid matrimony unless it is a sacrament. To this doctrine various errors and opinions are opposed, both concerning the essence and concerning the constitution of this sacrament.

A. Concerning the essence of the sacrament:

1° Certain ones said that the sacrament is adequately distinct from the matrimonial contract, and extrinsic to it, as being accessory and supervening upon it, and that it consists, for example, in the nuptial blessing of the priest, or in a religious contract, or one entered before the Church.

Thus Marcus Antonius de Dominis, bishop of Spalato, who became a heretic, in the book *De Republica Christiana*; likewise Launoy and the Regalists; and in the nineteenth century Nuytz, professor of Turin, and many politicians and civil jurists.

2° Others held that the sacrament is really but inadequately distinct from the contract, so that the contract alone would be the matter, and the priestly blessing the form constituting the sacrament. Thus Melchior Cano and several theologians after him.

3° Others, finally, affirmed that the contract is in no way, not even imperfectly, distinct in reality from the sacrament, but by reason alone, and nevertheless that it is separable, so that in certain cases there can be a valid matrimonial contract between the baptized without its being a sacrament, as if by their intention they wished to enter the contract but did not wish the sacrament. Thus Vasquez, the Salmanticenses, Billuart, and the Wurzburg theologians.

B. Consequently concerning the constitutive parts of the sacrament, namely, the matter and form:

1° Others, as has already been said, stated that the contract itself is the matter of the sacrament, but the form the blessing of the priest: *I join you...* William of Paris perhaps held this, but afterward

Melchior Cano, Estius, Sylvius, Tournely, and several others formally taught it.

2° Others posited the internal consent as the matter, but the words expressing the consent as the form. Thus Navarrus, Capreolus, Scherer, and Schnitzler.

3° Others said that the contracting persons, or the bodies, are the matter, but that the words by which they hand over the body or consent to the handing over of the body are the form. Thus St. Bonaventure, Paludanus, St. Antoninus, Laymann, Vasquez.

4° Others finally said that the matter is the words expressing the consent of the first contracting party, and the form the words expressing the consent of the later contracting party. Thus Richard, Victoria, Grisaldus, B. Ledesma, Henriquez, Vivaldus.

785. Thesis I. Christ elevated matrimony itself to the dignity of a sacrament, so that between the baptized there cannot be a true matrimony unless it is a sacrament (can. 1012). - It is certain.

It is proved: a) From the documents of tradition, which implicitly suppose this, since they assert that matrimony itself, which was instituted by God in the beginning, just as it existed as an office of nature, was elevated to sacramental dignity; but this is nothing other than the contract itself and the consequent bond.

Hence the Scholastics, without restriction concerning all marriages between Christians, said that the mutual consent itself expressed by words is the sacramental sign (S. Th., loc. cit.), and the Council of Florence asserts: "The seventh is the sacrament of Matrimony..., the efficient cause of matrimony regularly is mutual consent expressed by words concerning the present"; and the Council of Trent teaches, sess. 24, *de ref.*, c. 1, that clandestine marriages were ratified and true marriages, as long as the Church did not make them invalid, although in them there is nothing except the matrimonial contract.

b) From explicit declarations of the Pontiffs, made in more recent time.

Thus Pius VI, ep. September 16, 1788; Pius IX in the brief of August 22, 1851; in the epistle to the king of Sardinia, September 19, 1852; in the allocution of September 27, 1852; in the Syllabus, prop. 65, 66, and 73; Leo XIII in the encyclical *Arcanum*; and Pius XI in the encyclical *Casti connubii*.

It is objected: In every sacrament the minister by his intention can cause the rite, for example, ablution, to be placed merely materially and externally, and not to be sacred or a sacrament; therefore also in matrimony the ministers, the contracting parties, can cause it not to be a sacrament, but only a contract.

Resp. I deny the consequence. Ministers can impede it from being a sacrament, but at the same time by impeding the contract, because Christ instituted that every true matrimonial contract between the baptized should be a sacrament. The difference is 1) that the rite, in the other sacraments, for example in Baptism, is a merely physical action, which remains such if it is placed materially; but the action of the spouses is a moral action, namely, a contract which has as its effect a moral bond and obligation. Whence, if they have the intention of placing the action merely materially and externally, the bond is now lacking and the contract is not present. Hence 2) it is possible to intend ablution without intending the sacrament; it is impossible to intend the contract without intending the sacrament.

786. Corollaries. - From the aforesaid doctrine it follows:

1° Catholics, even heretics or schismatics provided they have been baptized, when they validly celebrate matrimony, at the same time also receive the sacrament, even if they are ignorant of it or deny it (q. 51, a. 2, ad 2); - indeed even if they do not wish it, provided that with a prevailing will they intend to enter matrimony and do not wholly exclude the sacrament: for in this case they would not contract validly.

2° The sacrament of matrimony is distinguished from the contract and conjugal society, not indeed in reality, but nevertheless by reason, as St. Thomas has it, q. 49, a. 2, ad 7: "Although matrimony is a sacrament, nevertheless it is one thing for matrimony to be matrimony, and another for it to be a sacrament: because it was instituted not only for this, that it should be as a sign of a sacred thing, but also that it should be as an office of nature. And therefore the character of a sacrament is a certain condition coming to matrimony considered according to itself."

3° The sacrament of matrimony, just like the contract, can validly be entered between absent persons, for example, by letters, by messengers, or by a procurator: thus against Cajetan (can. 1088).

4° The matrimony of unbelievers, by the fact that both spouses are baptized, by that very fact becomes a sacrament, even if they were ignorant of it; because the matrimonial contract virtually perseveres in them and subsists in the bond itself, which, when Baptism comes, by that very fact becomes a sacred sign; as St. Thomas intimates, q. 59, a. 2, ad 1, indeed also St. Paul speaking to the Ephesians who were married before Baptism: thus against Vasquez, the Salmanticenses, Billuart, and others.

5° On the contrary, matrimony between a believer and an unbeliever is never a sacrament: for since the contract is numerically one and perfectly bilateral, it cannot be in one and not in the other; therefore likewise as to the sacrament, which cannot be separated from it. Matrimony cannot limp; whence the bond cannot be stricter and firmer in one than in the other, ratified and sacred in one, not in the other. Thus the more common opinion.[1] Moreover, the Holy Office calls a matrimony of this kind a natural bond.

[1] That this may appear more evident, observe that consent does not immediately signify sacramental grace, but by means of the bond, which in Christian matrimony is sacred, as representing in a special way the union of Christ and the Church, and thus is an efficacious sign of grace. But the bond is a relation which cannot limp; and therefore the sign is efficacious of grace in both, or it is not.

787. Thesis II. The constitutive parts, or the matter and form of the sacrament, are the constitutive elements of the contract itself, namely, the mutual handing over and acceptance of bodies expressed by words or signs. - It is today an almost common opinion.

It is proved: The sacrament of matrimony is nothing other than the contract elevated to sacramental dignity; therefore that is the matter and form of the sacrament which is the matter and form of the contract. But in a contract the handing over of the thing, or the consent to the handing over externally expressed, is the matter; the acceptance, or the consent to acceptance externally expressed, is the form. Therefore it is so in the sacrament of matrimony. And indeed: a determinable element has the character of matter, a determinative element the character of form; but in a contract the offering or handing over is something determinable by which it is begun, but it is completed in the

character of a perfect contract through acceptance, which has itself as the determinative element; therefore handing over is the matter, acceptance the form.

It is confirmed, because consent to the handing over, although it is expressed by words, does not have itself as speech, but as an offer-making action; on the contrary, the expression of acceptance formally is speech and signification.

Hence: 1) The thing which is handed over, or the remote matter about which the contract is made, is the very persons or bodies of the contracting parties, or rather the power over the body of the other in order to acts of themselves apt for generation; but they are not the proximate matter from which the contract of matrimony is constituted.

2. The internal consent itself, although necessarily required, nevertheless is not as such the constitutive element of the external sign and of the contract in the character of an external act, as being not sensible.

3. The consent of the first contracting party is not the sole and whole matter, nor the consent of the later contracting party the sole and whole form; but each, as offering himself or herself to the other, begins the contract and places the matter, and, as accepting the other, perfects the contract and places the form.

788. Observation. - Consent, as causing the conjugal bond, is the efficient cause of matrimony; as determining the handing over of the co-party, it is the form; as a handing over to be determined by the acceptance of the co-party, it is the matter of the sacrament.

Article III: On the Minister of the Sacrament

S. Th., Suppl. q. 44, a. 1 and 2; q. 45, a. 5.

789. Thesis. The ministers of matrimony are the contracting parties themselves, and indeed not only under the aspect of the contract, but also under the aspect of the sacrament. - It is today the common and certain opinion, against Melchior Cano and those who said that the priest is the minister of the sacrament; and it follows immediately from the doctrine of the preceding article.

It is proved: 1° Directly. If the contract of matrimony itself is the sacrament and does not really differ from it, it must be that those who make the contract are also the ministers of the sacrament; but these are the contracting parties.

2° Indirectly, from the doctrine and practice of the Church.

It is clear: a) because clandestine marriages of the faithful before the Council of Trent, and even now in certain circumstances (can. 1098-99), are held as true sacraments;

b) because for the validity of matrimony the presence of the parish priest suffices, nor is it required that he pronounce some form of words; whence documents call him a witness of matrimony, not the minister of the sacrament;

c) from the unanimous opinion of the ancient scholastics through almost five centuries, even to the times of Melchior Cano.

They object: A minister confers the sacrament in the place and name of Christ. But the contracting parties neither act nor speak in the name of Christ; he does not receive the wife as his own.

Resp. They do not speak in the name of Christ insofar as they make a contract, I concede; insofar as by making the contract they unite themselves with a sacred bond and grace, I deny. For as instruments of Christ they render the natural bond sacred and confer grace upon themselves.

790. Corollaries. - From this it follows:

1° In the sacrament of matrimony the minister confecting and the subject receiving do not differ.

2° Nevertheless the contracting parties are not ministers insofar as they are the subject; indeed, nor under every respect under which they are contracting parties. For insofar as they hand over to the co-party power over their own body, they place the matter of the sacrament and are not ministers; but only insofar as by accepting they hold ratified the donation made by the co-party do they place the form and perfect the bond of obligation. Thus they are ministers, because it belongs to the minister to join matter to form; and they are ministers of Christ, because in the matrimony of the faithful Christ principally sanctions and seals the obligation of the conjugal bond.

3° Hence, in order that they validly enter matrimony, the contracting parties must, besides the fact that they are able in law, impeded by no diriment impediment, have at least a virtual intention of contracting or of doing what others do when marrying, in which there is implicitly contained the intention of doing what the Church does; moreover, in order that matrimony be a sacrament, they must be baptized.

4° In order that the faithful also contract licitly, there is required the absence of every prohibition or impedient impediment, and the state of grace, because matrimony is a sacrament of the living. But if they knowingly contract in the state of sin, they sin by sacrilege, and indeed mortally insofar as they receive the sacrament unworthily; but insofar as they unworthily minister to themselves, although they sin, nevertheless it is not proved that they sin mortally, because they are not ministers constituted from office (n. 76-77).

791. Observation. - "The words by which matrimonial consent is expressed are the form of this sacrament, but not the blessing of the priest, which is a certain sacramental," says St. Thomas, q. 42, a. 1, ad 1. Whence the priest is called the minister of solemnity, not of celebration or confection; but if he says that he joins the spouses, it is to be understood of ratification, or of conjunction before the face of the Church.

Question Three: On the Effects and Goods of Matrimony

S. Th., Suppl. q. 42, a. 3; q. 49 and q. 65, a. 1.

792. The effects of matrimony are some natural, others supernatural: for some belong to it insofar as it is a contract, others insofar as it is a sacrament. The natural effects are perfected by the supernatural, so that they are found in Christian matrimony in a much more perfect way.

793. The natural effects are the three intrinsic goods of matrimony, which are enumerated by St. Augustine, *De bono coni.* I, 32: "All these are goods, on account of which nuptials are good: offspring, fidelity, sacrament." This doctrine was commonly received by the Scholastics and adopted by the Council of Florence. The good of offspring is its procreation, education, and religious instruction. The

good of fidelity is the mutual faithfulness which spouses owe to each other, by which positively one renders the conjugal debt to the other, and negatively neither is commingled with another person. The good of the sacrament, i.e., of the sacred sign, is the firmness and indissolubility which matrimony has by reason of its sacred signification, insofar as it is a sign representing the indissoluble union of Christ and the Church; whence it belongs also to the matrimony of unbelievers, although the firmness is stronger in the sacramental matrimony of the faithful. Thus Augustine, *De Gen. ad litt.* IX, 7:

"In fidelity it is attended to that, apart from the conjugal bond, there be no lying together with another man or another woman; in offspring, that it be received lovingly, nourished kindly, educated religiously; in sacrament, however, that the marriage not be separated, and that one dismissed, male or female, not be joined to another even for the sake of offspring. This is as it were the rule of nuptials, by which either the fecundity of nature is adorned or the depravity of incontinence is ruled."

St. Thomas observes, q. 49, a. 3, that among these three goods the third, namely, the good of the sacrament, is more worthy, and also more essential if it is considered in itself, because indissolubility is an essential property of matrimony according to itself, which cannot be lacking from its being, while offspring and fidelity, if considered in themselves, pertain to the use of matrimony and can be lacking. But if offspring and fidelity are considered according as they are in their principles, so that for offspring there is taken the intention of offspring, and for fidelity the duty of preserving fidelity, thus they are essential in such a way that without them matrimony cannot exist; - indeed thus offspring is first and most essential in matrimony, and fidelity second, and sacrament third. In the same way, it is more essential to man to have the being of nature than the being of grace, although the being of grace is more worthy.

794. The supernatural effect of matrimony is grace unitive of souls and restraining of concupiscence. - This the Council of Trent, sess. 24, explains: "Grace... which would perfect natural... love, and confirm indissoluble unity, and sanctify spouses (as generators, namely, so that they might be able to educate children to holiness), Christ himself, the institutor and perfecter of the venerable sacraments, merited for us by his passion."

Matrimony confers:

1° Habitual grace making one pleasing, which is of faith from the Council of Trent, sess. 24, can. 1, just as for the other sacraments: per se indeed second grace, because the sacrament was not instituted for blotting out sins but for sanctifying spouses; per accidens, however, probably first grace, if it is received in good faith by a contrite sinner who judges himself disposed. For it is fitting that those who ought to multiply and educate the children of God should themselves also be constituted children of God through grace.

2° Special sacramental grace, which supplies to grace making one pleasing a special help and a habitual vigor of powers assisting toward fulfilling the offices of marriage holily and moderating concupiscence, which draws back from these offices. Namely, it is given for conserving and perfecting conjugal love, for preserving fidelity and conjugal chastity integrally, for educating offspring well, and for bearing the other burdens of matrimony.

3° Consequently, a right to actual graces necessary for this end, to be obtained at opportune times throughout the whole of life.

Therefore, by receiving the sacrament of matrimony, the faithful, says Pius XI, "open for themselves the treasure of sacramental grace, from which they may draw supernatural powers for faithfully, holily, and perseveringly fulfilling, even to death, their duties and offices.

"For this sacrament, in those who do not place an obstacle, as they say, not only a) increases the permanent principle of supernatural life, namely, sanctifying grace, but also b) adds peculiar gifts, good motions of soul, seeds of grace, by increasing and perfecting the powers of nature, so that spouses may be able not only to understand by reason, but intimately to savor and firmly to hold, efficaciously to will and to fulfill in deed, whatever pertains to the conjugal state and its ends and offices; c) finally, it grants them a right to actual help to be obtained as often as they need it for fulfilling the duties of this state."

Here, besides the very grace making one pleasing, several things are indicated: peculiar added gifts, which rather indicate permanent habitual powers; - good motions, which are inspirations of actual grace; - seeds of grace, which seem to be the seeds of both deposited in the soul and afterward to be stirred up; - finally, the right to special actual help, but to be obtained by prayer, when it is more necessary.

But just as, the Pontiff continues, through Baptism and Order a man is deputed and consecrated by an indelible character to sacred duties, so by the conjugal bond, which in Christians is truly sacred, they are permanently deputed and as it were consecrated to the offices of Christian matrimony: not indeed by a character, because it is not a physical seal and does not grant sacred power, but by a bond of the moral order, which nevertheless is a permanent title to the sacramental grace necessary to spouses. From this it seems necessary to conclude that this sacrament revives during the whole time of marriage, in the case in which an obstacle is present and is removed.

795. Observations. - 1. Matrimony and its use are made honorable by its three goods, as Billuart shows from St. Thomas, diss. 4, a. 1: "No wise man ought to sustain any loss except for some recompense of an equal or better good. But in Matrimony several losses are incurred, several damages and inconveniences, which are compensated by these three assigned goods. Therefore. The minor is proved: Three chief damages and inconveniences are incurred in matrimony: 1st, lust, and from it the resulting detriment of the use of reason, debility of body, and dullness of the senses; and this damage is compensated by the good of offspring, or the procreation of children by whom the human race is propagated and God is perpetually worshiped. - The 2nd damage is the troublesome solicitude of pleasing the co-party, of receiving, conceiving, bearing, educating offspring, and providing for the things of the family; and this damage is compensated by the good of fidelity, by which one is held to render the debt to the other, nor can one be commingled with another. - The 3rd damage is a certain perpetual subjection or servitude by which the man is bound to the woman and the woman to the man; and that damage is compensated by the good of the sacrament, i.e., of the indissoluble bond, by which spouses represent the conjunction of Christ with the Church, and are held to love each other, as Christ loved the Church... Although this damage is much more compensated by the good of the sacrament properly taken for the efficacious sign of grace, insofar as it sanctifies spouses, confers on them supernatural helps for loving each other, and for sweetly and faithfully performing the other matrimonial duties and burdens even to the end of life."

Yet these goods are not an extrinsic cause excusing per accidens, on the part of the agent, something which otherwise would be evil; but they are "of the notion of matrimony," which on the part of the

act is made honorable by these things intrinsic to it, "as though causing in it the honorableness which belongs to it according to itself," as St. Thomas says, q. 49, a. 1, ad 2.

2. The aforesaid goods, although they ought to be present in every matrimony, nevertheless are in Christian matrimony in a much more perfect way, as is luminously clear from the encyclical of Pius XI *Casti connubii*.

3. Moreover, the goods are of such great moment that sins opposed to them are mortal from their genus, and the exclusion of their obligation or debt from the contract of marriage would render it invalid.

4. In the cited encyclical Pius XI is wholly occupied in declaring the three goods, and in denouncing opposed errors and vices: a) To the good of offspring are opposed conjugal onanism, attack upon the life of offspring, unjust prohibition of marriage, or sterilization for eugenic reasons. - b) To the good of fidelity, adulterous violation of conjugal chastity, emancipation of the woman or violation of her subordination to the man, and violation of conjugal love. - c) To the good of the sacrament, secularization of matrimony, mixed marriages, and divorce.

Question Four: On the Cause of Matrimony, or On Consent

S. Th., Suppl. q. 45, a. 1 and 3; q. 48, a. 1.

796. General principle. Consent of the parties, externally expressed unto matrimony concerning the present, is the efficient cause of matrimony itself and is so necessary that it could be supplied by no human power (can. 1081, § 1). - It is certain from the Council of Florence, from the epistle of Pius VI, July 11, 1789, and from the encyclical of Pius XI *Casti connubii*.

It is said: 1° *consent of the parties externally expressed by words concerning the present*, by which they mutually receive each other here and now as spouses: for consent concerning the future does not make matrimony, but only a promise of matrimony, or betrothals;

2° *is the efficient cause of matrimony itself*, namely, in fact, or of the conjugal bond, if nevertheless the consent is accompanied by the due conditions; but it is not the cause of matrimony in becoming, which formally is nothing except the consent of the parties externally expressed;

3° *is necessary*: for the conjugal bond does not arise except from a contract (n. 748), which is nothing except mutual consent;

4° *so that it could be supplied by no human power*: for no human authority has force to hand over dominion of the body of the man to the woman, or of the woman to the man, because it does not have direct power over the body and life of subjects.

It is proved: 1° From this, that in matrimony there is a mutual handing over of bodies: the things which belong to one person are not handed over to another without his own consent. Therefore matrimony, in which there is a handing over of bodies, does not exist without mutual consent.

And indeed: Matrimony, as contract and as sacrament, consists of matter and form, which consist in the mutual external handing over and acceptance of the right to the body, or in words or signs expressing consent with respect to that handing over and acceptance. Whence St. Thomas, q. 45, a. 1:

"One person does not receive power over that which is freely another's except through his consent. But through matrimony each of the spouses receives power over the body of the other, as is clear from I Cor. VII, since before this each had free power over his own body. Therefore consent makes matrimony."

2° From this, that matrimony is constituted by contract: A contract without mutual consent cannot even be understood, for every contract is a certain mutual pact, or the consent of two or more persons in the same agreed thing. Since, therefore, matrimony is constituted by contract, consent is wholly necessary for constituting matrimony. But if other contracts are not made without mutual consent, therefore matrimony is so by parity.

3° From this, that matrimony is a sacrament, in which a spiritual conjunction is signified and obtained through the mediation of the material conjunction of the contract, as St. Thomas explains, q. 45, a. 1:

"In all the sacraments there is some spiritual operation, through the mediation of a material operation which signifies it; as through bodily washing in Baptism an interior spiritual washing is made. Whence, since in matrimony there is a certain spiritual conjunction, insofar as matrimony is a sacrament, and a certain material one, according as it is unto the office of nature and of civil life, it must be that the spiritual is made by divine power through the mediation of the material. Whence, since the conjunctions of material contracts are made by mutual consent, it must be that the matrimonial conjunction also be made in this way."

797. Matrimonial consent must be mutually furnished by an act of the will and be borne unto matrimony. Hence it can be defined: an act of the will between able persons, legitimately manifested (i.e., according to the manner prescribed for validity), by which each party hands over and accepts the right over the body, perpetual and exclusive, in order to acts of themselves apt for the generation of offspring (can. 1081, § 2).

Although the will of each is necessary, nevertheless there is not required in each party a twofold act formally distinct; but it can be done by one act, by which one indivisibly consents to his own obligation, which he offers to the other, and by which at the same time he virtually accepts the obligation of the other.

Therefore consent explicitly and formally is not borne unto carnal intercourse, but unto the right and power to intercourse; implicitly and virtually unto intercourse. For intercourse is not of the essence of matrimony, but its effect and operation: the essence is the mutual transference of mutual power over the other's body in order to intercourse of itself apt for the generation of offspring. Therefore consent explicitly and formally is not borne unto intercourse, but unto the power to it; and thus consequently, implicitly and virtually unto intercourse itself. Hence St. Thomas, q. 48, a. 1:

"The consent which makes matrimony is consent unto matrimony, because the proper effect of the will is the thing willed itself. Whence, just as carnal intercourse has itself toward matrimony, so the consent which causes matrimony is toward carnal intercourse. But matrimony... is not essentially carnal conjunction itself, but a certain association of man and wife in order to carnal intercourse... according as there is given to them power toward one another with respect to carnal intercourse... Whence they rightly said... that to consent unto matrimony is to consent unto carnal intercourse implicitly, not explicitly: for it must not be understood except as an effect is implicitly contained in its

cause, because the power of carnal intercourse, to which consent is given, is the cause of carnal intercourse, as the power of using one's own thing is the cause of use."

For 1) consent unto some thing is explicitly borne only unto that which is of the essence, and only implicitly unto the effect to which it is ordered as to a cause.

Yet 2) one who consents to that which is essentially ordered to something consents implicitly to that thing; but one who consents unto matrimony consents to that which is essentially ordered to carnal intercourse; therefore he implicitly consents to intercourse. For the right and power to intercourse is essentially ordered to use, as potency to act and cause to effect.

Whence 3) the consent is null if, by the force or condition of the contract, they exclude intercourse.

These things are to be understood insofar as they are on the part of the contract, so that by force of the contract they consent implicitly to intercourse and in no way exclude it; - but not insofar as they are on the part of the contracting parties, who at the same time can, one or both, have an opposed intention, namely, of not exercising intercourse, or even enter another pact about this. As is clear from the matrimony of the Blessed Virgin and St. Joseph.

Once consent has been validly furnished, by that very fact matrimony is present.

798. Corollaries. - 1. Mutual consent is the efficient cause of matrimony in two ways:

a) of matrimony, as it is a contract and sacrament, in becoming. Thus consent, insofar as it is internal, is the cause of external consent, so that it is not only the efficient cause but also the intrinsic formal cause of the contract and sacrament: for intention is of the essence of the contract and sacrament;

b) of matrimony in fact, or of the conjunction of man and woman and of the sacred bond. Thus consent as expressed by words is the efficient and extrinsic cause of matrimony: it is not of its essence, but is necessary so that this cannot be without it.

2. Scotus teaches, in IV d. 27, q. 2, n. 2: "It must not be said that consent is the proper efficient cause of that bond. But it is a previous disposition, just as to be baptized and to be ordained is a previous disposition to the character." - On the contrary, consent truly effects the bond as principal cause; and that, moreover, the bond is sacred and confers grace, of this it is the instrumental cause, insofar as the contracting parties are ministers of Christ.

3. The Scholastics ask: whether consent can be supplied by another, for example by God, or whether there can be matrimony without the consent of the spouses? It is certain that consent cannot be supplied by the human power of parents, of the state, or of the Supreme Pontiff, as is expressly said by Pius VI, by Pius XI, and in can. 1081, § 1, both because no one has direct power over the bodies of subjects; - and because the right of disposing concerning one's own body in order to matrimony is a primary natural right, which precedes every society and human power; - and because this would harm the common good, since unions without consent and love have a most unfortunate outcome and necessarily tend toward ruin, whence the very ends of matrimony would be frustrated. - But the question is whether God can supply it, which question is reserved by the code, since it speaks only of human power. Now:

a) Certainly God could, by his efficacious motion, make those unwilling to be willing, and those not consenting freely consenting unto matrimony.

b) It is certain that God cannot supply matrimony in becoming, or in the character of a contract, so that matrimony would be contracted without the mutual consent of the spouses; because consent is of its intrinsic notion, and a contract essentially is mutual consent.

c) As to matrimony in fact, or as to the conjugal bond, it seems rather that it should be affirmed that God, without the mutual consent of the spouses, can effect such a bond. For since he is the supreme lord of bodies and souls, he can hand over to the man perpetual dominion over the body of the woman in order to generation, and conversely; from which handing over there results a bond of conjunction between both equivalent to the matrimonial bond. Whence Adam and Eve could have been created united by a matrimonial bond, even if they had not consented to it.[1]

[1] Modern jurists are accustomed to deny this, but their arguments rather regard matrimony in becoming.

Nor does it stand in the way that God cannot establish a relation, such as that conjunction is, without a foundation. For in the case the foundation of this relation would be real, although diverse, namely, the efficacious will of God handing over the dominions of the bodies.

4. The conditions required for the validity of consent are the same as in other contracts. Therefore it is necessary to speak of the qualities required that this consent subsist, and of the vices which can impede or invalidate it.

Article I: On the Qualities of Consent

S. Th., Suppl. q. 45, a. 2-4; q. 46; q. 47, a. 5.

799. Consent unto matrimony must be internal, externally manifested, and mutual. For thus it is essentially required for every contract (II, n. 456). It must be:

1° Internal, because it is an act of one's own will; but it is required that it be:

a) True, namely, elicited from the intention of entering matrimony, or of mutually handing over and accepting dominion over the body: for no one transfers dominion of a thing which he has, nor imposes a grave obligation on himself, unless he wills it, just as no one can validly minister a sacrament, or an adult receive it, unless he has intended it; whence a fictitious, simulated, jocose consent is not valid.

b) Perfectly deliberate: for no one is judged to assume a grave obligation except with perfect knowledge and full advertence; nor does unconscious consent suffice.

c) Perfectly voluntary and free: no one intends to undertake a grave obligation for the whole of life except by directly voluntary and fully free consent; therefore coerced and extorted consent does not suffice.

2° Externally manifested and intimated, both insofar as matrimony is a sacrament which ought to be a sensible sign, and insofar as it is a contract entered into among men, which cannot be made unless it is externally expressed by a human and sensible sign.

3° Mutual, namely, given and accepted by each party, and morally simultaneous, so that the consent of one not retracted is joined by the consent of the other; otherwise they would not consent unto one

thing.

800. Consent regularly ought to be expressed by words and personally pronounced by the contracting parties themselves; yet it is valid per se if it is given by sign or nod or writing, by the aid of telegraph or telephone, or through a procurator or interpreter, unless positive law invalidates it.

For marriages in which at least one party is faithful, the prescriptions of canon law are valid.

A. As to validity:

1° "For contracting matrimony validly it is necessary that the contracting parties be present either by themselves or through a procurator," can. 1088, § 1; therefore it is not validly entered by letter or messenger between absent persons. The prescription of this canon is applied also to marriages of baptized non-Catholics (Resp. C. S. Officii, June 26, 1949).

2° "Matrimony can also be contracted through an interpreter" (can. 1090).

3° "With diocesan statutes superadded remaining firm, in order that matrimony be validly entered through a procurator, there is required a special mandate for contracting with a certain person, subscribed by the mandator and either by the parish priest or Ordinary of the place in which the mandate is made, or by a priest delegated by either of them, or by at least two witnesses. But if the mandator does not know how to write, let this be noted in the mandate itself, and let another witness be added who also signs the writing himself; otherwise the mandate is invalid. And if, before the procurator contracts in the name of the mandator, the latter has revoked the mandate or has fallen into insanity, the matrimony is invalid, although either the procurator or the other contracting party was ignorant of these things. But in order that the matrimony be valid, the procurator must discharge his office personally"[1] (can. 1089).

[1] Let it be noted in the case of a mandate: 1° the name and surname of the person with whom it is necessary to contract must be so determined that he or she cannot be confused with another person; 2° indications of day, month, and year seem to be required for the validity of the mandate (can. 1659, § 1 and 1894, 4°); 3° that the act of the mandatary be valid, it suffices that at the time when he contracts the will of the mandator be present, although previously it had not existed or had been secretly revoked.

According to the response of the Commission for the Interpretation of the Code, May 31, 1948, the mandator himself must designate the procurator individually, and it is not valid to commit the designation of the same to another.

B. As to liceity:

1° "Let the spouses express matrimonial consent by words; nor is it lawful for them to employ equivalent signs if they are able to speak" (can. 1088, § 2).

2° "When matrimony is to be contracted through a procurator or through an interpreter, let the parish priest not assist unless there is a just cause and it is in no way lawful to doubt the authenticity of the mandate or the faith of the interpreter, after the license of the Ordinary has been obtained, if time allows" (can. 1091).

801. Consent can be conditioned, i.e., given under a suspensive condition on whose existence the contract depends and to which consent is bound, but not under a resolutory condition, since

matrimony is indissoluble. Now, conformably to can. 1092:

A. Matrimony entered under a condition concerning the present or concerning the past is immediately valid if the condition is fulfilled, or invalid if it is not fulfilled.

B. Entered under a condition concerning the future:

1° If this is against the substance of matrimony, it is invalid.

2° If it is not against the substance of matrimony, but

a) is concerning something necessary, or impossible, or base, matrimony of itself is valid and the condition is judged not to have been added, because it is presumed not to have to be taken seriously; unless, however, someone intended to render the consent truly dependent on the condition, in which case, if this condition is impossible, the matrimony will never be valid; if it is necessary or base, it will not be valid except after fulfillment;

b) if the condition is concerning a licit contingent thing, matrimony is suspended until the fulfillment of the condition; but when this has been fulfilled, consent by that very fact passes into the absolute and becomes irrevocable. Whence at this moment the contracting parties ought to be in the state of grace; but they cannot use matrimony before it has been ascertained that the condition has been fulfilled.

A condition is against the substance of matrimony when it is contrary to the essential object of the matrimonial contract, or to the primary end of matrimony, or to its essential obligations or properties (cf. can. 1086, § 2): thus the condition of not handing over the right over one's own body, or of avoiding all offspring, of procuring sterility or impotence, or reserving the right of committing adultery, or of dissolving matrimony at will. But these are not against the substance: the will only of partially frustrating generation, of merely not fulfilling the obligations of matrimony, or of educating offspring in heresy or Judaism or unbelief, because this is not opposed to its natural good but only to its spiritual good, or only the purpose of renouncing the use of matrimony.

Article II: On the Vices of Consent

S. Th., Suppl. q. 47, a. 1-4; q. 51 and 52.

802. The vices which impede consent are: fiction, ignorance and error, force and fear. Fiction is opposed to the intention of contracting matrimony; ignorance and error to perfect deliberation; force and fear to consent perfectly voluntary and free.

803. Fiction of matrimonial consent consists in this, that the contract of matrimony is entered without internal intention. It is present when one contracting party externally indeed duly pronounces words or other signs expressing consent, yet internally refuses to consent and has another intention; which can be threefold: of not contracting at all; of contracting but by no means obligating oneself; of contracting and obligating oneself, but not fulfilling. The first evidently invalidates matrimony, because it excludes consent; likewise the second, because the two intentions exclude each other and the intention of by no means obligating oneself destroys the intention of contracting; the third, although of itself it is gravely evil because unjustly deceptive of the co-party, nevertheless does not invalidate matrimony, because the mere intention of not fulfilling does not

exclude consent, or the intention of contracting and obligating oneself, just as the will of assuming an obligation and of violating it do not exclude each other.

In practice, according to can. 1086:

1° "The internal consent of the mind is always presumed to be conformable to the words or signs employed in celebrating matrimony." Whence in the external forum fiction is not judged to have been present, nor is the co-party held to admit it, unless it is proved by indubitable indications; as if there are simultaneously present: the spontaneous confession of the simulator, especially confirmed by oath and issued immediately after the contract, a manifest cause of simulation, and antecedent, concomitant, or subsequent circumstances which evince it.

2° "But if either or both parties by a positive act of the will exclude matrimony itself, or every right to the conjugal act, or some essential property of matrimony, they contract invalidly." For then there is present an intention of not contracting or of not obligating oneself.

It is illicit, when no reason compels, to contract fictitiously, because it is to inflict grave deception and grave injury on the co-party. Yet in certain circumstances it can be licit from a grave cause, as if someone is compelled by grave unjust fear to enter matrimony, or if he detects a diriment impediment from which a dispensation cannot here and now be obtained, and the matrimony cannot be deferred without scandal. In these cases there is not simulation of consent, but mere dissimulation of denied consent, since a matrimony extorted by fear or entered with a diriment impediment cannot be valid, and therefore the fiction or restriction can be understood from the circumstances: I consent insofar as I can. Whence neither is there simulation of the sacrament and sacrilege: that indeed would be present if matter and form were placed without intention; but in the case matter and form are not placed, because a true contract is not present nor can be present.

One who consents fictitiously: a) cannot seek or render the conjugal debt: for it would be shameless fornication; b) is held to repair the unjust damage which he inflicted on the co-party by unjustly deceiving her; c) indeed, he is regularly held for this reason to furnish true consent as soon as possible, especially if the damage cannot otherwise be repaired; unless, however, greater damages are feared from it, or the consort consents to separation.

804. Ignorance, under which name inadvertence and error also come (I, n. 80-83), impedes the deliberation required for valid consent if it is substantial, or turns upon a substantial element. Wherefore they can be distinguished:

1° Inadvertence, i.e., an actual defect of sufficient use of reason, which impedes a human act and consequently the due intention and free consent.

Hence consent furnished in insanity, by the perfectly drunk, by hypnotized or sleeping persons, by the furious or by the foolish, is invalid from the very nature of the thing.

2° Ignorance, i.e., a habitual defect of knowledge concerning the very substance or nature of matrimony: from natural law itself it invalidates consent, because nothing is willed unless first known.

Hence can. 1082: "§ 1. That matrimonial consent can be had, it is necessary that the contracting parties at least not be ignorant that matrimony is a permanent society between a man and a woman for procreating children.

"§ 2. This ignorance after puberty is not presumed."

Yet it is not required that the manner in which carnal intercourse is instituted or generation occurs be explicitly known; it suffices that it be known confusedly that this is done by some common work of the bodies, or that matrimony is ordered to having children from a spouse; this being known, if someone consents, by that very fact he implicitly consents to all things necessary or fitting for this.

3° Error, or false apprehension, which adds to ignorance a false judgment concerning the object of consent.

One error is of law, which turns upon matrimony itself, namely, its nature, or properties or obligations; another is of fact, concerning the person and his or her qualities; but each can be antecedent, which gives cause to the contract, so that otherwise it would not have been entered, or merely concomitant, which does not influence the contract, so that this would have been entered even without the error. Now:

A. in error of law: a) Error concerning the very substance or nature of matrimony, even merely concomitant, renders consent invalid (can. 1082, § 1).

Thus one who thinks that matrimony is not a stable society, but a merely friendly one, or some fornicarian or merely precarious conjunction, or the hiring of work in a family matter, or a society for educating children bought from another, contracts invalidly.

b) Error concerning only the properties or obligations of matrimony does not invalidate consent, because it is merely accidental error, even if it was antecedent and the contracting party, if he had known, would not have entered matrimony; - unless, however, the error was deduced into a pact, or was a condition to which consent is bound: for then it becomes substantial, because it concerns the object first intended.

Hence can. 1084: "Simple error concerning the unity or indissolubility or sacramental dignity of matrimony, even if it gives cause to the contract, does not vitiate matrimonial consent." Therefore one who falsely thinks matrimony is dissoluble or is not a sacrament contracts validly unless he intends: I do not contract unless it is dissoluble, or provided that it is not a sacrament.

B. in error of fact: a) Error concerning the person himself or herself, even merely concomitant, invalidates consent, because it is substantial, concerning the very essential object of the contract.

b) Error concerning only the qualities of the person (for example, that she is a virgin, or rich or noble) does not invalidate consent, because it is accidental, although it is antecedent and the contracting party, if he had known, would not have entered matrimony; - unless, however:

1. the error redounds into substance or into error of person, as if someone wishes to marry the daughter of the king, or the firstborn daughter of a count;

2. the quality is an express condition to which consent is bound, as if someone says: I do not wish to marry unless she is a virgin, noble, rich, because then the quality is principally intended and redounds into substance;

3. or the error is concerning servile condition, in the case in which the free contracting party (not so the slave) is ignorant of the slavery of the other and thinks that person to be free: by law,

namely, the quality of a free person is presumed to be a condition without which there is not consent, because a free person is presumed to be unwilling to enter matrimony except with a free person, and therefore generally the law invalidates such marriages.

Hence can. 1083: "§ 1. Error concerning the person renders matrimony invalid.

"§ 2. Error concerning a quality of the person, even if it gives cause to the contract, invalidates matrimony only:

"1° If the error of quality redounds into error of person.

"2° If a free person contracts matrimony with a person whom he thinks free, while on the contrary that person is a slave, by servitude properly so called."

St. Thomas states the principle, q. 51, a. 2: "it is necessary that the error which impedes matrimony be concerning one of those things which are of the essence of matrimony. But matrimony itself includes two things, namely, the two persons who are conjoined, and mutual power over one another, in which matrimony consists." The first is taken away by error of person, the second by error concerning the nature of matrimony. And thus it is from natural law itself. Except, however, the case of unknown slavery, which seems to invalidate matrimony only from positive law, although this is urged by natural equity as fitting: for slavery does not wholly stand in the way of the primary end of matrimony, although in many ways it harms the individual society and cohabitation of spouses. Whence St. Thomas, q. 52, a. 1, ad 3: "by the determining positive law it has been made that unknown servitude impedes matrimony, lest someone be punished without fault: for it is a certain punishment of the wife that she have a slave as husband, and conversely." And therefore, since it is a disposition of ecclesiastical law, it does not directly affect unbelievers; moreover, it could be taken away by dispensation, but the Church in fact does not dispense.

805. Observation. - To bind consent to a condition and to deduce it into a pact: certain ones have understood this strictly of an external pact, as if an explicit condition had to be added to it and had to be placed in the contract itself. Yet it suffices that it be mentally in the intention of one contracting party, and that in the mind it be deduced into a pact as a condition to which consent is bound, or as principally intended, whether explicitly or implicitly; as is clear from the very nature of a contract and from the general laws which govern contracts. Nor is it required that it be explicitly enunciated or added to an external pact; although otherwise the means of proof can be lacking by which in the external forum it can be established, in which case the presumption of law is for the validity of the matrimony.

The aforesaid sense is clear from the declaration of the Holy Office, December 2, 1680, and April 6, 1843; and S. C. C., February 9, 1732. Whence also the Sacred Rota, which previously seemed to require an intention deduced into an external pact, no longer requires it: thus for example explicitly March 1, 1913, and February 9, 1915.

806. Force and fear impede the fully voluntary and perfectly free consent of the will. Force properly is physical coercion inflicted on one resisting, which indeed cannot be inflicted on the internal act of the will itself, but renders the external act wholly involuntary (I, n. 69-70). Fear, on the contrary, morally influences the internal act of the will itself, namely, by the apprehension of an imminent evil, to flee which it moves the will to willing that which otherwise it would not will.

When inflicted by another, it is called force or moral violence, which diminishes the voluntary but does not take it away, except exceptionally if it takes away every use of reason (I, n. 71-73). Now:

1° Physical or absolute force, which cannot be resisted and which is inflicted on one wholly unwilling, invalidates matrimony, because internal consent is lacking: it compels to the external act with full dissent of the will; this very rarely happens in celebrating matrimony, but nevertheless it is possible.

2° Grave fear, if exceptionally it wholly takes away the use of reason, invalidates matrimony, because it impedes a human act and free consent.

3° Grave fear unjustly inflicted from outside invalidates consent, if someone, in order to free himself from it, is compelled to choose matrimony as the sole escape, whether the fear as to substance or as to mode was unjust, because consent is the fruit of injustice. - On the contrary, grave fear arising from within or from a natural cause, or justly inflicted, or unjust fear which can be avoided otherwise than by matrimony, does not invalidate matrimony, because the consent is simply voluntary and is not the effect of injustice; a fortiori light fear, such as reverential fear also is of itself, unless grave vexation is added.

Hence can. 1087: "§ 1. Matrimony entered by force or by grave fear inflicted from outside and unjustly, from which, in order that one may free himself, he is compelled to choose matrimony, is also invalid.

"§ 2. No other fear, even if it gives cause to the contract, brings with it the nullity of matrimony."

Before the code they said quite generally that matrimony is invalidated only when fear is unjustly inflicted for extorting consent. This now does not seem strictly necessary, so that fear, even inflicted for another end, invalidates the matrimony which someone is compelled to choose in order to free himself from fear; but the case will be rare, although not impossible.

Absolute force and fear taking away the use of reason invalidate matrimony from natural law; whether the same must be said of fear merely grave and unjust is disputed. Several, especially canonists, think it invalid from positive law alone; many others, such as St. Raymond of Penyafort and St. Thomas,[1] derive the nullity from natural law. For since the matrimonial contract is indissoluble, unjustly inflicted fear, which renders other onerous contracts rescindable, ought to render the irrevocable contract of matrimony null, so that the full liberty of the contracting party, necessary in assuming a perpetual burden, may be preserved.

[1] Suppl. q. 47, a. 3.

Hence the validity of a matrimony entered by an unbeliever from such fear is doubtful, unless civil law invalidated it. And the Church, by reason of her doubtful power, cannot dispense concerning force and fear, and in fact does not dispense; whence matrimony extorted by fear is not revalidated unless, once the fear has been removed, consent is renewed.

807. Corollary. - Therefore accidental error and fear that is not unjust, although they give cause to the contract, do not invalidate it, although the contracting party, if he had known or had not been moved by fear, would not have contracted. For the interpretative intention, namely, does not have force, but the existing intention; not what one would have willed or done, but what he willed and did.

808. Observations. - 1. "Matrimony enjoys the favor of law; wherefore in doubt one must stand for the validity of matrimony until the contrary is proved, saving the prescription of can. 1127: in a doubtful matter the privilege of faith enjoys the favor of law," can. 1014.

These things are to be understood of a positive and probable doubt remaining after inquiry. In such a doubt matrimony is presumed valid until the contrary is proved; unless the good of faith stands in the way, which is more excellent. Whence, on account of the good of faith, a doubtful matrimony can be declared null, provided nevertheless that scandal is not to be feared, nor there be danger of injuring a ratified and consummated matrimony, which by divine law is wholly indissoluble and from which the Church cannot dispense: as in the case of a consummated matrimony between two doubtfully baptized persons (cf. Holy Office, May 5-June 10, 1937). And in individual cases recourse must be made to the Holy Office (ibid. and can. 247, § 3), or to someone to whom the faculty of dispensing has perhaps been delegated.

2. "Knowledge or opinion of the nullity of matrimony does not necessarily exclude matrimonial consent," can. 1085: if nevertheless someone intends, as much as is in him is to consent; in which case the consent, although juridically invalid, nevertheless subsists physically.

3. Hence "even if matrimony was entered invalidly by reason of an impediment, the consent furnished is presumed to persevere until its revocation has been established," can. 1093.

Question Five: On the Properties of Matrimony

809. There are two essential properties of matrimony: unity and indissolubility (can. 1013, § 2). - They are properties, because they follow naturally from the nature of marriage, and indeed essential properties, because they necessarily belong to perfect matrimony as it exists in the evangelical law; nevertheless they do not pertain to the very essence of the thing in such a way that without them any character whatever of marriage could no longer be conceived, which character is placed in the stable and permanent union of man and woman in order to the procreation and education of offspring: for a permanent union can exist, although it be toward several or can sometimes be dissolved.

Article I: On the Unity of Matrimony

S. Th., Suppl. q. 65, 66 and 63; C. Gent. IV, 124.

810. State of the question. - The unity of matrimony consists in the conjugal union of one man to one woman; whence it is called monogamy. Polygamy is opposed to it, both improperly so called or successive, when one man successively takes several wives, or conversely; and properly so called and simultaneous, when it happens at the same time. This therefore is twofold: polyandry, or the marital conjunction of one wife with several men at the same time; and polygyny, or the conjunction of one man at the same time with several wives.

A. Simultaneous polygyny, before Christ, flourished among most peoples, and now still exists among certain unbelievers, as among Mohammedans, especially the richer, who can support several women. Polyandry existed only rarely or exceptionally among certain tribes, especially where there are fewer women than men. Sometimes, when a woman had married the firstborn, his younger brothers approached her successively according to certain predefined rules or customs; sometimes two or

three men married one wife or even lived together with her: thus on account of poverty, or for security while, being absent successively, they returned to the same woman. Yet these cases were exceptional, so that among those tribes monogamy for the most part prevailed.[1]

[1] Cf. Westermarck, op. cit., c. 20-22.

But in the Christian law, only monogamy is legitimate. Nevertheless Luther taught that polygyny, even under the new law, is licit, and permitted Philip of Hesse to have another wife. The Anabaptists propagated the same error, and for a long time the Mormons also. Conversely, Calvin contended that polygamy even under the Old Law had been illicit, and he held the ancient patriarchs who had married several wives at the same time guilty of adultery. To refute this, certain Catholics spoke more benignly, saying that polygyny is not opposed to natural law, nor before the evangelical law was it prohibited by divine law.

B. Successive polygamy, with the dissolution of the preceding marriage posited, is not against the natural or divine law.

Nevertheless the Montanists, to whom Tertullian and the Novatians adhered, condemned second and further nuptials as illicit by divine law; several Fathers held them as hateful and spoke more harshly about them. And among the Greeks, from the tenth century, by ecclesiastical law, fourth nuptials are held invalid.

811. Thesis I. Simultaneous polygamy is repugnant to natural law, and indeed in such a way that polyandry is opposed to the primary precepts of the natural law, but polygyny to the secondary precepts.

It is declared by St. Thomas, q. 65, a. 1:

"Everything which renders an action unfitting to the end which nature intends from some work is said to be against the law of nature. But an action can be unfitting to an end, either principal or secondary; and... this... in two ways. In one way from something which wholly impedes the end... In another way from something which makes difficult, or less fitting, arrival at the principal or secondary end... If therefore an action is unfitting to the end, as though wholly prohibiting the principal end, it is directly prohibited by the law of nature by the first precepts of the law of nature, which are in practical matters as the common conceptions of the mind in speculative matters. But if it is incompetent to the secondary end in whatever way, or even to the principal end as making arrival at it difficult or less suitable, it is prohibited not indeed by the first precepts of the law of nature, but by the second, which are derived from the first, just as in speculative matters conclusions have their faith from principles known through themselves..."

It is proved. **A. First part:** Polyandry is repugnant to the first precepts of the natural law. For it is opposed: a) to the procreation of offspring; although it does not render this absolutely impossible, nevertheless it impedes it much, since the fecundity of the woman from commerce with several men is greatly diminished, so that she even for the most part becomes sterile, as is clear from experience in prostitutes; b) to the good education of offspring, which it impedes, because it renders the father uncertain, and therefore his obligation of educating the children uncertain; c) moreover to the subjection by which it is necessary that the woman be naturally subject to the man.

Whence St. Thomas: "For one man to have several wives is not against the first precepts of the law of nature... but for one wife to have several husbands is against the first precepts of the law of nature, because through this, as to one thing, the good of offspring, which is the principal end of matrimony, is wholly taken away, and, as to another thing, impeded. For in the good of offspring not only procreation is understood, but also education. For the procreation itself of offspring, although it is not wholly taken away, because it can happen after a first impregnation that the woman be again impregnated, ... nevertheless it is much impeded... But education is wholly taken away, because from this, that one woman would have several husbands, there would follow uncertainty of the offspring with respect to the father, whose care is necessary in educating. And therefore by no law or custom has it been permitted for one woman to marry several men, as conversely" (ad 8).

Polyandry is also repugnant to the secondary precepts, as will be clear from the other part.

B. Second part: Polygyny is repugnant not indeed to the first, but to the secondary precepts of the law of nature.

1° It is not repugnant to the first precepts, because it does not impede the primary end of matrimony, since one man suffices for fecundating several women and for educating the children born therefrom.

2° It is repugnant to the secondary precepts:

a) Because it greatly impedes the secondary end: mutual consolation and assistance and love, since one man generally cannot satisfy several women according to desire, whence peace is easily disturbed and quarrels arise: both if he loves all equally, on account of jealousy by which each one strives to draw the affection of the man to herself; and if he loves unequally, on account of envy and enmity stirred up in them; and because the communication of several in the same beloved thing is accustomed to cause jealousy and quarrels.

Indeed: 1. Perfect conjugal love tends toward total donation; but total donation is only between two, otherwise there will not be true equality of what is given and accepted: for since the wife totally hands over her body and her whole individual life, natural equity demands that the man also totally hand over himself and his own.

2. Conjugal love is of the greatest friendship. But intimate and perfect friendship intends exclusive love.

3. Friendship, just as also the dignity of the wife, demands that she be of equal condition with the man; but plurality of wives reduces them to an inferior condition.

b) Because it impedes also the other secondary end: the calming of concupiscence, for plurality of wives is rather an incitement of concupiscence for the man, and an insufficient remedy for the women, since one cannot satisfy several wives.

c) Because it renders the attainment of the principal end difficult and harms the education of offspring, since it disturbs peace, renders cohabitation arduous, and impedes the complete union of souls which is suitable for the perfect education of children; nor will it rarely have to be feared lest the husband, being chiefly intent on the children of the preferred wife, neglect the others.

It is confirmed from this, that the number of men and women is approximately equal; whence nature itself indicates monogamy.

Let St. Thomas be heard, in the corpus:

"Matrimony has for its principal end the procreation and education of offspring... and thus the good of matrimony is assigned as offspring. But for its secondary end... in men alone it has the communication of works which are necessary in life... and according to this they owe fidelity to one another, which is one of the goods of matrimony. It has further another end (from positive ordination)... namely, the signification of Christ and the Church, and thus the good of matrimony is called sacrament... Therefore plurality of wives neither wholly takes away, nor in any way impedes, the first end of matrimony, since one man suffices for fecundating several wives and educating the children born from them. But the secondary end, although it does not wholly take it away, nevertheless it greatly impedes, because peace cannot easily exist in a family where several wives are joined to one man, since one man cannot suffice to satisfy several wives according to desire, and also because the communication of several in one office causes strife, as potters quarrel with one another, and similarly several wives of one man. But the third end it wholly takes away, because as Christ is one, so also the Church is one. And therefore it is clear from what has been said that plurality of wives in one way is against the law of nature, and in another way not."

"For matrimony does not require that the man render the debt to the wife asking at any time whatever, as to that for which matrimony is principally instituted, namely, for the good of offspring, but as much as suffices for impregnation. But matrimony does require this, insofar as it was instituted as a remedy (which is its secondary end), that the debt be rendered at any time whatever to one asking. And thus it is clear that one receiving several wives does not obligate himself to the impossible, considered as to the principal end of matrimony, and therefore plurality of wives is not against the first precepts of the law of nature" (ad 7).

But how plurality of wives is opposed to the secondary precepts is more declared in *Summa contra Gentiles* IV, 124:

"Friendship consists in a certain equality. Therefore it is not lawful for the woman to have several husbands, because this is against the certitude of offspring; but it would be lawful for the man to have several wives if the friendship of the wife to the husband were not liberal, but as it were servile; and this is also proved by experience: because among men having several wives, the wives are held as handmaids.

"Besides, intense friendship is not had toward many... If therefore the wife has only one husband, but the husband has several wives, friendship will not be equal on each side. Therefore it will not be a liberal friendship, but in some way servile.

"Further, as has been said, matrimony among men must be ordered according to that which is suitable to good morals. But it is against good morals that one have several wives, because from this follows discord in the domestic family, as is clear by experience. Therefore it is not fitting that one man have several wives."

812. Thesis II. By divine law the unity of matrimony is established, and although in the Old Testament polygyny was conceded for a certain time, nevertheless in the evangelical law unity

in every way is urged, just as in the state of innocence. - It is of faith from the Council of Trent, sess. 24, can. 2, that in Christian matrimony unity is required from divine law; the rest is certain.

It is proved: 1° From the Scriptures, Mt. XIX, 3 sq.: *Have you not read that he who made man made them male and female? And he said: For this cause a man shall leave his father and mother and shall cleave to his wife, and they shall be two in one flesh. Therefore now they are not two, but one flesh. What therefore God has joined, let not man separate.*

Here three things must be noted: a) that the unity of matrimony pertains to the primitive institution, which is from God creating man; b) that it is required from the nature of the thing, namely, that two only be in one flesh; whence Innocent III: "He did not say three or more, but two; nor did he say: he shall cleave to wives, but to his wife"; c) that Christ from the cited words concludes to the law of unity to be observed in matrimony: *Therefore now they are not two, but one flesh*, and to its firmness, so that thereafter the unity which is established by God cannot be dissolved by man: *What therefore God has joined, let not man separate*. Thus, the Council of Trent, sess. 24, notes, he taught unity more openly and recalled matrimony to its primitive institution.

From these things he then concludes, XIX, 9 (Mk. X, 11; Lk. XVI, 18): *I say to you that whoever shall dismiss his wife and shall marry another commits adultery*; therefore a fortiori, he who, while retaining the former, marries another, commits adultery. For he who marries another commits adultery for this reason, that the former does not cease to be his wife; but when she has not been dismissed, a fortiori she remains his wife; therefore union with another is true adultery.

2° From the perpetual doctrine and practice of the Church, so constant that no testimony can be produced on the contrary, that there is no Christian people which has not reproved polygamy, nor has an attempt been made by the powerful of marrying another wife without the Pontiffs protesting.

The doctrine is clear from Athenagoras, *Leg. pro Chr.* 33; Theophilus of Antioch, *Ad Autol.* III, 5; Minucius Felix, *Oct.* 31; Clement of Alexandria, *Strom.* III, 12; Ambrose, *De Abraham* I, 7; Nicholas I, resp. *ad Bulg.* 51; Innocent III, *ad ep. Tiber.*; the Second Council of Lyons in the profession of faith; the Council of Trent, sess. 24; Instr. S. O., March 28, 1860, and June 20, 1866.

3° From theological reason: Christian matrimony, according to the Apostle to the Ephesians V, 32, is a representative sign of the union of Christ and the Church. But it would not represent this union unless it were the union of one man to one woman, just as the union of Christ is to one Church. Therefore.

In the Old Law, nevertheless, plurality of wives was conceded, as is clear from the examples of the saints, who would not have married several wives unless they had judged this licit; nor are they reproved in this by the Scriptures; indeed, these suppose that liceity, for example, Deut. XXI, 15; XXV, 5; Gen. XXI, 12, and the common opinion of the Fathers understood it thus. Nor does it stand in the way that secondary wives are for the most part called concubines: they are not called this because they are illegitimate, but because they were admitted only for lying together, not for community of goods, nor their children to the inheritance of the father.

When the concession was made cannot be accurately determined; several think a little after the flood, when, on account of the small number of men, the people of God had to be multiplied. The concession was made directly to the Hebrews through internal inspiration; only indirectly to others.

It was not mere toleration, but positive permission, as is also asserted in the documents; indeed Pius XI says: the primeval law God *relaxed* for a time, but the evangelical law *abrogated* every dispensation.

Nor does the fact that that law is natural stand in the way. For as we explained (I, n. 258-259), the natural law, as to the most universal principles or as to those things which are essentially good or evil, cannot at all be changed or abrogated; as to those things which are only regularly good or evil, in the primary precepts it cannot be abrogated by God except at most exceptionally in a particular case, but in the secondary precepts for a time even commonly and for all on account of a greater good. Whence St. Thomas, q. 65, a. 2:

"The law concerning the unity of a wife is instituted not humanly, but divinely; nor was it ever handed down by word or writing, but impressed on the heart, just as also other things which in whatever way pertain to the law of nature. And therefore in this a dispensation could be made by God alone through internal inspiration, which indeed was made principally to the holy fathers; and through their example it was derived to others, at the time when it was fitting that the aforesaid precept of nature be passed over, so that there might be a greater multiplication of offspring to be educated for the worship of God. For the more principal end must always be observed more than the secondary. Whence, since the good of offspring is the principal end of matrimony, where the multiplication of offspring was necessary, the impediment which could occur in the secondary ends had to be neglected for a time; and the precept prohibiting plurality of wives is ordered to removing this."

813. Thesis III. Successive polygamy, although less approved by the Church, nevertheless by divine law, even under the evangelical law, is licit, with the dissolution of the preceding marriage supposed, nor was it ever universally prohibited; and among Christians it is a true sacrament. - It is certain from the Council of Florence, in which Eugene IV declared that "not only second nuptials, but even third and fourth and further, if some canonical impediment does not stand in the way, can be licitly contracted."

It is proved: 1° From the Scriptures, where the Apostle explicitly says that second nuptials are licit, indeed sometimes exhorts to them: I Cor. VII, 8, 39; Rom. VII, 3; I Tim. V, 14.

2° From the doctrine of the Church, which is clear from the Fathers and Councils.

Thus, for example, Hermas, *Mand.* IV, 4; Clement of Alexandria, *Strom.* III, 12; Ambrose, *De vid.* 11; Epiphanius, *haer.* 59; Jerome, ep. 48 *ad Pam.* 9; Augustine, *De bono vid.* 12 and 15; Council of Nicaea I, can. 8; Council of Lyons in the profession of faith; Instr. S. C. P. F., September 8, 1869.

But if certain Fathers spoke more harshly about second nuptials, they must be understood concerning the affection by which those twice-married are presumed to contract not from intention of offspring but on account of pleasure, or on account of suspicion of incontinence. But they never decreed that these spouses were to be separated.

Nor should it be said that in second nuptials the signification of the sacrament is not preserved, namely, of the conjunction of one Christ with one Church. For even a second or further matrimony, if it is considered according to itself, retains the essential signification of the sacrament: for it is the conjunction of one to one; the defect is only accidental, from the fact that one had previously belonged to another, but is purely extrinsic, since it is only in extrinsic respect to the prior

matrimony, which in fact has now ceased to be. Yet on account of that accidental defect, the subsequent matrimony does not have in the Church the same honor as the first; and the blessing is withdrawn when the nuptials are second at least on the part of the woman.

Hence can. 1142: "Although chaste widowhood is more honorable, nevertheless second and further nuptials are valid and licit, with the prescription of can. 1069, § 2 remaining firm," by which it is established that it is not licit to contract another matrimony "before the nullity or dissolution of the prior has legitimately and certainly been established."

And can. 1143: "A woman to whom the solemn blessing has once been given cannot receive it again in subsequent nuptials."

814. Corollaries. - 1. On unbelievers after Christ, equally as on the faithful, the law of monogamy is imposed, and polygamy is prohibited. For a) Christ said without limitation: *whoever shall dismiss his wife and marry another commits adultery*; b) the non-baptized are subject to the law of nature by the same reason as the baptized, and therefore, once the dispensation by which polygamy had been indulged is taken away, by that very fact the full force of the law of nature is restored for all; c) moreover, the dispensation had been directly conceded in the Old Law to the faithful alone, to others only by concomitance. Whence the Church does not admit unbelievers to Baptism unless they wish to retain one wife, whom they had married first, all the others having been dismissed. Cf. Holy Office, March 28, 1860.

2. The natural and divine law not only prohibits several simultaneous matrimonial conjunctions, but also invalidates them: for the prohibition would be ineffective unless it were invalidating. Namely, invalidation is necessary to the end. Thus explicitly the Holy Office, June 20, 1866.

Article II: On the Indissolubility of Matrimony

St. Thomas, Suppl., q. 67; q. 59, a. 3-6, and q. 61; *Contra Gentiles* IV, 123.

815. State of the question. - Matrimony according to its essence is a lasting and stable union; but this union naturally and of itself wills to be perpetual, continued through the whole of life until the death of either spouse. This property, insofar as from the intimate nature of the thing it is required that the conjugal bond be indivisible, is called firmness; but insofar as it cannot be divided or broken by any human cause, it is called indissolubility: for no one can doubt that it can be dissolved by divine power. Hence indissolubility is defined: the property by which, on account of intrinsic firmness, the inviolable conjugal bond cannot be dissolved. To it is opposed divorce properly so called, or the dissolution of matrimony with the faculty of passing to new nuptials. [1]

[1] Sometimes divorce is taken in a broader sense, for separation from bed alone, or also as to habitation.

But indissolubility is twofold: intrinsic and extrinsic. It is intrinsic insofar as matrimony cannot be dissolved by its natural intrinsic cause by which it arose, namely, by the mutual consent of the contracting parties; extrinsic, insofar as it cannot be dissolved by an extrinsic cause, or by the authority of a superior. Opposed to these, on the contrary, stand intrinsic and extrinsic dissolubility.

Indissolubility is usually called the good of the sacrament, insofar as it represents the indissoluble conjunction of Christ and the Church (n. 793). And although a certain firmness already belongs to the matrimony of unbelievers, nevertheless the firmness of a Christian ratified matrimony is stronger,

on account of the true notion of a sacrament properly so called, and the greatest or perfect indissolubility belongs to consummated Christian matrimony on account of the perfect notion of a sacrament.

A. Before Christ, at the time of the Mosaic law, it was granted that matrimony could be dissolved under certain conditions; and among very many nations divorce existed, although among some, even primitive peoples, matrimony was indissoluble. But Christ revoked the concession that had been made and restored matrimony to the perfection of the state of innocence, in which there was the perpetual union of one man to one woman.

1° The Greek schismatics, from the ninth century, and the Orientals, teach that the matrimonial bond can be dissolved on account of adultery, and besides they admitted the causes of divorce established in law by Justinian, and afterward still others.

2° Among Protestants, Calvin said that it can be dissolved on account of adultery; but Luther also on account of heresy, troublesome cohabitation, malicious desertion, to which afterward other causes were added, such as cruelty, leprosy, insanity, etc.

3° Launoy, a Parisian doctor, taught that according to Scripture and ancient Tradition matrimony can be dissolved on account of adultery; and therefore that this is prohibited by ecclesiastical law alone, and that the Tridentine canon is merely disciplinary.

4° Some Rationalists, and many politicians and civil jurists, admitted that divorce on account of certain determined causes is not only licit but also useful or praiseworthy, and they introduced it into legislation.

B. But Naturalists, having gone further, preach the liberty of love, on account of which absolute dissolubility is licit to the spouses themselves, who, just as they entered the contract freely, so also can dissolve it at will. Whence in place of stable and perpetual marriage itself, they now "wish there to be new species of matrimony," says Pius XI: "one for a time (for example, which lasts while residence in such a region lasts), another as an experiment, another friendly, which claims for itself the full license of matrimony and all rights, yet with the indissoluble bond removed and offspring excluded, unless the parties should thereafter convert their communion and custom of life into a full legal matrimony."

816. Thesis I. By natural law matrimony is intrinsically and extrinsically indissoluble, so that it cannot be dissolved by any human power, and intrinsic dissolubility is opposed to the primary precepts of the natural law, but extrinsic and restricted dissolubility to the secondary precepts.

Intrinsic dissolubility is that by which the contract of matrimony could be dissolved at will by the will of the contracting parties themselves, by their private authority, and which therefore of itself is absolute: it is repugnant to the primary precepts of the law of nature. Extrinsic dissolubility is that by which the matrimonial bond could be dissolved by an extrinsic cause or by the authority of a superior, and which is restricted to certain conditions: it is repugnant at least to the secondary precepts of the law of nature. For this reason proposition 67 of the Syllabus was condemned: "By the law of nature the bond of matrimony is not indissoluble, and in various cases divorce properly so called can be sanctioned by civil authority."

It is proved: **A. First part:** Intrinsic dissolubility, by which the contract could be dissolved at the will of the contracting parties, is repugnant to the first precepts of the law of nature. For it destroys the conjugal society itself, and renders impossible its principal end: the propagation and due education of offspring unto perfect age. For that end a lasting time and the concordant care of both spouses are required; and therefore that end itself would be rendered impossible if, at will and at every moment, a separation of the spouses could take place.

B. Second part: Extrinsic dissolubility, by which matrimony would be dissolved by human authority in determined cases, is not necessarily repugnant to the primary but to the secondary precepts of the law of nature.

1° It is not repugnant to the first precepts and to the primary end of matrimony: for this end requires that the procreation and education of offspring not be impeded. But restricted dissolution does not always impede this end, for example, if the children have already been duly educated, or if the woman is sterile, or if other favorable circumstances are present. Therefore restricted dissolution does not necessarily and always impede the primary end. And therefore it does not seem absolutely repugnant to the primary intention of nature that a husband dismiss his wife, or a wife leave her husband, provided that the dismissal or departure is ruled by public authority and by laws, by which the principal inconveniences may be guarded against and by which divorce may be made rare and difficult.

2° Nevertheless it is repugnant to the secondary precepts of natural law. For:

a) It greatly impedes the secondary end: for mutual assistance in the fellowship of domestic life is of itself perpetual and ought to last until death; and love tends to perpetuity, since total donation is irrevocable, and if otherwise, it would be unequal, since it takes away the integrity of the woman. But dissolubility renders the conjugal union less stable and thus greatly harms the fidelity of the spouses and happiness and peace; it diminishes mutual love, which intends a perpetual conjunction; and it harms the dignity of the wife, because it takes away perfect equality on account of the irreparable mark which results for the woman from matrimonial conjunction. Hence St. Thomas, *Contra Gentiles* III, 123:

"It seems repugnant to equity if the aforesaid society is dissolved: for the female needs the male not only for generation, as in other animals, but also for governance, because the male is both more perfect in reason and stronger in power; but the woman is taken into the society of the man on account of the necessity of generation. Therefore, when the fecundity and beauty of the woman have ceased, she is impeded from being taken by another. Therefore, if one taking a woman in the time of youth, when both beauty and fecundity are present in her, could dismiss her after she has advanced in age, he would inflict harm on the woman contrary to natural equity.

"Likewise, it manifestly appears to be unfitting if the woman could dismiss the man, since the woman is naturally subject to the man as to a governor; but it is not in the power of one who is subject to another to withdraw from his rule. Therefore it would be against the natural order if the woman could desert the man. But if the man could desert the woman, the society of the man toward the woman would not be equal, but a certain servitude on the part of the woman...

"Furthermore, the greater a friendship is, the firmer and more lasting it ought to be. But between a man and a woman there seems to be the greatest friendship: for they are united not only in the act of

carnal intercourse, which also among beasts makes a certain pleasant society, but also for the fellowship of the whole domestic life; whence, as a sign of this, a man also leaves father and mother on account of his wife, as is said in Gen. II, 24. Therefore it is fitting that matrimony be altogether indissoluble."

b) It also harms the principal end, the attainment of which it renders much more difficult and less perfect. The very possibility of separation, and the prospect of a new marriage, and the more fragile union of peace, renders the education of children less provident. Moreover, matrimony according to the intention of nature is ordered to the education and solicitude of offspring through the whole of its life. For since offspring is the common good of the man and the woman, care for it requires the society of both for as long as it remains the good of both, and therefore they ought to remain joined perpetually, "insofar as provision must be made for children by the parents for the whole of life through the due preparation of those things which are necessary for life," as St. Thomas says, q. 67, a. 2. Whence, a. 1:

"Matrimony according to the intention of nature is ordered to the education of offspring not only for some time, but through the whole life of the offspring. Whence it is of the law of nature that parents lay up treasure for their children, and that children are heirs of the parents... And therefore, since offspring is the common good of husband and wife, their society must remain perpetually undivided, according to the dictate of the law of nature. And thus inseparability is of the law of nature."

c) It is opposed to the good of domestic and civil society, because it disturbs the peace of families, multiplies lawsuits, and brings in corruption of morals; on the contrary, indissolubility promotes good morals. This St. Thomas shows, *Contra Gentiles* III, 123:

"For thus the love of one toward the other will be more faithful, while they know themselves to be indivisibly joined; there will also be a more solicitous care of each in domestic affairs, while they think that they will remain together perpetually in the possession of the same things. The origins of dissensions also, which would have to occur if the man should dismiss the wife, between him and the relatives of the wife, are removed by this; and affection among relatives by marriage is made firmer; occasions of adulteries also are taken away, which would be given if the man could dismiss the wife, or conversely."

817. Thesis II. By divine law matrimony is established as indissoluble, and although in the Old Testament under the Mosaic law it could sometimes be dissolved by a bill of repudiation, nevertheless in the evangelical law indissolubility is urged as in the state of innocence, so that matrimony cannot be dissolved by any human power and for no cause, but only in certain cases by divine power. - It is certain from the definition of the Council of Trent, sess. 24, and canons 5 and 7.

It is proved: 1° From the Scriptures, where, when the Pharisees asked whether it is licit for a man to dismiss his wife for any cause whatever, Christ answered, Mt. XIX, 3 sq.: *Have you not read that he who made man from the beginning made them male and female? For this cause a man shall leave father and mother and shall cleave* (Greek: shall be glued) *to his wife and the two shall be in one flesh. Therefore now they are not two, but one flesh; what therefore God has joined, let not man separate.* But when the Pharisees insisted and argued from the bill of repudiation, the Lord added: *Because Moses, on account of the hardness of your heart, permitted you to dismiss your wives; but from the beginning it was not so.*

In those words it should be noted: a) Christ pronounces: *What God has joined, let not man separate*. But what God has joined, man, without power given divinely, separates illicitly and invalidly. Therefore the dissolution of matrimony is not only illicit, but also invalid. But by these words Christ did not establish a new law, but renewed the first institution; for he says to the Pharisees: *have you not read...* and then he brings forward the words of Adam: *This now is bone...*; and thus the Council of Trent, sess. 24, declares.

b) The Pharisees object: under the Mosaic law the dismissal of a wife was licit. Christ answers that from the beginning it was not as the Mosaic law permitted. Therefore from the beginning the dismissal of a wife was not licit.

c) This is confirmed by the following words: *Whoever shall dismiss his wife... and shall marry another, commits adultery; and he who shall marry one dismissed commits adultery* (cf. Mt. V, 32; Mk. X, 11-12; Lk. XVI, 18); namely, any such union is not a conjugal union, on account of the bond remaining with the first wife.

d) Wherefore the Apostle urges the law of indissolubility in every way in the matrimony of Christians: I Cor. VII, 10-11, 39; Rom. VII, 2-3.

2° From the perpetual Tradition of the Fathers, Councils, and Pontiffs, by whose testimonies the principle of indissolubility was vindicated with great uniformity and constancy.

The Fathers a) in the first three centuries affirm absolute indissolubility, even in the case of adultery, nor could any contrary testimony be brought forward: thus Hermas, *Mand.* IV, 1; Justin, *Apol.* I, 15; Athenagoras, *Legatio pro Christianis*, 32; Tertullian, *Adversus Marcionem* IV, 34; Clement of Alexandria, *Stromata* II, 23; and afterward Lactantius, *Inst. div.* VI, 23; Hilary, *in Mt.* IV, 22; Ambrose, *in Luc.* V, 8; VIII, 16; Jerome, ep. 77; Apostolic Canons, 48.

b) From the fourth century the same doctrine does not cease to be affirmed, not only altogether firmly in the West, but also in the East, where nevertheless it suffered a certain obscuration on account of the assent more easily given to the practical toleration of divorce, especially on account of adultery or a few other causes. Whence the Fathers grieve over the contrary practice: thus already Origen, *in Mt.* XIV, 23; afterward Asterius of Amasea, hom. *in Mt.* XIX, 3; Augustine, *De coniugiis adulterinis* II, 17.

c) From about the ninth century the assertion of indissolubility in every way is, among Catholics, almost unanimous.[2]

[2] With regard to the first centuries of the Church it should be noted that the doctrine concerning the absolute indissolubility of matrimony had not yet been defined by the authentic magisterium; whence it is no wonder if certain less learned men, on account of civil laws and practice, erred, and while erring were not held as heretics. In particular, as to the practice of the Greeks: 1° the Greek Fathers never admitted the opposite doctrine; on the contrary Basil, Gregory Nazianzen, and Chrysostom deny that imperial laws have any force in this matter for Christians, and they oppose the law of the Gospel. 2° Civil laws, even under Christian emperors, retained not a few elements of the old pagan legislation, which could be transformed only little by little; besides, under the first Christian emperors the Roman empire still numbered very many pagans, for whom the emperors could make matrimonial laws, nor is it to be denied that the Christian emperors, especially the Greek ones, often exceeded the measure, claiming for themselves truly ecclesiastical rights over Christian subjects. 3° In the Greek Church that dissolubility in certain cases was never asserted as a doctrinal head, but was tolerated as an abuse in order to avoid greater evils. Whence Eugene IV, perhaps supposing a practice of this kind to proceed rather from ignorance, expressly affirms the Catholic doctrine in the Council of Florence. On the other hand, the Patriarch of the Greeks himself, in setting forth Catholic doctrine against Luther, when enumerating the seven sacraments of the Church,

vindicates the indissolubility of matrimony. Therefore from the practice of the Greeks it by no means follows that this indissolubility belongs rather to the discipline of the Latin Church than to the doctrine of the Catholic Church.

Councils can be named: Illib. (305), can. 8 and 9; Arles (314), can. 10; Afr. IV, can. 6; Carthage XI (otherwise Milevis), can. 8; syn. S. Patr. (450-456), can. 19; Angers (453), can. 3; Nantes (658), can. 12; Hereford (673), can. 10; Soissons (744), can. 9; Friuli (796), can. 10; Paris (829); Florence (1439), decree for the Armenians; Trent,[3] sess. 24, can. 7.

[3] Nevertheless the Council of Trent did not wish directly to condemn the practice and opinion of the schismatic Greeks, lest it should be an obstacle to union; but it acts directly against the Protestants and anathematizes those who said that the Church errs when it teaches that matrimony cannot be dissolved on account of adultery; from which, however, the doctrine of the Greeks is with equal certainty touched indirectly.

The Pontiffs vindicated the indissolubility of matrimony: Innocent I and Leo I in the fifth century; Gregory I in the sixth century; Zachary and Stephen II in the eighth century; Alexander III in the twelfth century; Innocent III in the thirteenth century; recently Leo XIII and Pius XI; and they defended it most vigorously against princes.[4]

[4] We do not deny, nevertheless, that a few resolutions of particular cases proposed by some bishops or particular councils were false or less conformable to doctrine, or that Celestine III unduly extended the Pauline privilege to the case of an apostate leaving the Christian party, which judgment Innocent III reformed. But wholly exceptional particular facts do not impede the doctrine, morally unanimous and constant.

3° From theological reason: Matrimony represents the indissoluble union of Christ and the Church; therefore it too ought to be indissoluble.

Nevertheless, in the Mosaic law it was conceded that matrimony sometimes be dissolved by a bill of repudiation (Deut. XXIV, 1 sq.; Lev. XX, 10; XXI, 7); but only under certain conditions: a) the faculty did not belong to the wife, but only to the man, nor was it permitted to the man who before matrimony had had carnal commerce with the wife, or had unjustly accused her of not being a virgin; b) he could not dismiss his wife for any cause whatever, but only on account of some foulness, which word indicates a certain moral or even physical stain; c) he could not dismiss her except by a written bill of repudiation, by which not only was provision made for the state of the wife, but divorce was made more difficult; d) if the repudiated woman entered a new matrimony, she could not again be received as wife by the former husband; by which it happened that the man proceeded more cautiously.

It does not seem to have been mere toleration, for it is affirmed to be permitted, so that in conscience it was licit, just as also the Jews understood it; but this was done because of the hardness of the hearts of the Jews, as Christ says, or as St. Thomas explains, q. 67, a. 3, "for restraining a greater evil, namely, wife-murder, to which the Jews were prone on account of corruption of the irascible power."

Nor does it stand in the way that no one can be freed from the natural law: for there are certain precepts which, by the concession of God, can exceptionally not oblige in a particular case; indeed secondary precepts in certain circumstances can even commonly fail to oblige, but only for a time and in order to avoid a greater evil or to obtain a greater good. But now, although intrinsic dissolubility [misprint in original: indissolubility] is opposed to the first precepts of the natural law, extrinsic and restricted dissolubility is not necessarily so opposed. And therefore, says St. Thomas, a. 2, it "seems rather to be contained among the second precepts of the law of nature. For the inseparability of matrimony is not ordered to the good of offspring, which is the principal end of matrimony, except

insofar as provision must be made by the parents for the children for the whole of life through the due preparation of those things which are necessary for life. But preparation of this kind is not of the first intention of nature, according to which all goods are common (II, n. 396). And therefore the dismissal of a wife does not seem to be against the first intention of nature, and consequently neither against the first precepts, but against the second precepts of the law of nature..."

For "in the good of offspring, according as it is of the first intention of nature, there is understood procreation and nourishment and instruction, until the offspring is brought to perfect age. But that provision be made for him for the future through the leaving of an inheritance and other goods seems to pertain to the second intention of the law of nature" (ad 1).

818. Thesis III. By divine law valid, ratified and consummated matrimony, for every cause (except death), is absolutely indissoluble (can. 1118); non-consummated matrimony between baptized persons, or between a baptized party and a non-baptized party, is dissolved by divine power granted to the Church and to be exercised ministerially in the name of God: both a) by the law itself through solemn religious profession, and b) through dispensation granted by the Apostolic See from a just cause, at the request of both parties or of one of them, even if the other is unwilling (can. 1119).

It is declared: Matrimony which cannot be dissolved by any earthly power can nevertheless be dissolved by divine power, because every legislator of himself can dissolve a law which he has enacted by his own authority; God could communicate this divine power of his of dissolving the matrimonial bond to the Church, yet to be exercised ministerially in his own name. But now God has communicated to no one, nor has he given to the Church herself, the power of dissolving the sacrament of matrimony, if it is at the same time ratified and consummated, so that it can absolutely never be dissolved; but he has granted that non-consummated matrimony can be dissolved in certain cases.

For understanding this, the principle is useful: whatever is contrary to its sacramental signification is repugnant to Christian matrimony. But dissolubility is absolutely contrary to the sacramental signification of consummated Christian matrimony, not altogether so if it is not consummated. Therefore consummated Christian matrimony is altogether indissoluble, but, on the contrary, non-consummated matrimony is not.[5]

[5] Cf. Billot, *De Ecclesiae Sacramentis*, II, th. 46.

The principle is clear, for the sacrament is called by the Apostle, Eph. V, 32, Christian matrimony, insofar as by divine institution it is a sacred sign of the conjunction of Christ and the Church; therefore its laws must now be derived from the exigencies of the signification of this mystery, in the same way as matrimony under the law of nature derives its laws from the exigency of its natural ends. But when the sacrament of matrimony has its consummation, it now signifies the mystery of the indivisible marriage-union of Christ with the Church precisely insofar as it is indivisible. Therefore it too is altogether indivisible.

In reality, the consummation of matrimony, just as it does not make the matrimonial bond in natural being, so neither does it make it in the being of a sacred sign or sacrament; but, with consummation acceding, the preexisting bond in natural being is perfected, not as to its essence, but as to the property of perpetuity or indissolubility, because the firmness of the conjugal bond is chiefly on

account of the good of offspring to be received and educated. Likewise, with consummation acceding, the signification of Christian matrimony, or of the preexisting sacred sign and sacrament, begins to extend itself to something to which it did not previously extend itself except only potentially and in first act.

For there is a twofold union of the Son of God with human nature, physical and spiritual: the former is considered according to the drawing of the assumed humanity to the personal being of the Word, the latter is considered according to the communion of grace overflowing from Christ the Head into the body of the Church. The former is altogether indissoluble, because what the Word assumed he never dismissed or will dismiss; the latter, if it is considered with the individual members of the Church separately, is not in every respect indissoluble until it is consummated in glory. Now the conjugal bond does not yet represent in act this physical union of the Word with flesh before the spouses have in fact been made one flesh through the consummation of matrimony; and therefore ratified matrimony is not yet the sign of an absolutely indissoluble conjunction; but the contrary is true if it is ratified and consummated. St. Thomas proposes this thus, q. 61, a. 2, ad 1: "It must be said that matrimony before carnal intercourse signifies that conjunction which is of Christ to the soul through grace, which indeed is dissolved by a contrary spiritual disposition, namely, by mortal sin; but after carnal intercourse it signifies the conjunction of Christ and the Church as to the assumption of human nature into the unity of person, which is altogether indivisible."

Therefore ratified and consummated matrimony can in no way be dissolved, unless perhaps by that mode of dispensation which is assimilated to the working of miracles and belongs to God alone.

"Inseparability, although it is of the second intention of matrimony as it is in the office of nature, is nevertheless of the first intention of it as it is a sacrament of the Church. And therefore, from the fact that it has been instituted to be a sacrament of the Church, while such institution remains, it cannot fall under dispensation, except perhaps according to the second mode of dispensation," i.e., the miraculous mode (q. 67, a. 2, ad 3).

It is proved: **A. First part:** Ratified and consummated matrimony is absolutely indissoluble. This is certain from the Council of Trent, sess. 24, can. 7, for if it is indissoluble on account of adultery, a fortiori on account of other causes. It is clear:

1° from the arguments brought above (n. 816), which are perfectly verified at least concerning ratified and consummated matrimony;

2° from the fact that the Church does not acknowledge dissolubility. For if such a matrimony could be dissolved, the Church would certainly know either that God dissolves it in certain cases, or that she has from God the power of dissolving it, or at least she would not deny that she has this power. But the Church does not know these things and denies them.

"Consider," says Billot, l.c., "how often the Roman Pontiffs have intervened in causes which pertained to the marriages of Christian kings, opposing a wall for the house of Israel; how often, when asked that, prior marriages having been dissolved, new marriages might be permitted to be made, they always resisted; how often, finally, in this matter they solemnly testified that they were destitute of every power, even if most grave causes were brought forward, such as the sterility of the wife, or the necessity of providing for the stability of the republic and the regular succession to the throne, or the danger of schism and of peoples being withdrawn from obedience to the Apostolic See, etc. Surely no

more evident and illustrious confession could have existed" of absolute indissolubility. Whence, although this truth is not found defined in terms in some Council, nevertheless it is altogether certain that it belongs to Catholic doctrine, and it is explicitly proposed by Pius XI in the encyclical *Casti connubii*.

The words of the Lord, Mt. XIX, 9, are objected: *Whoever shall dismiss his wife, except on account of fornication, and shall marry another, commits adultery; and he who shall marry one dismissed commits adultery.* But those words are undeservedly opposed to the absolute indissolubility of matrimony. This is clear not only from the altogether parallel places (Mk. X, 11-12 and Lk. XVI, 18), which contain no restriction, but also from the very text of Matthew, if it is accurately weighed. For in reality: 1° immediately before, Christ had pronounced absolutely: *What God has joined, let not man separate*, and had rejected the exception of the Mosaic law; 2° immediately afterward Christ again pronounces without any exception: *He who shall marry one dismissed commits adultery*; 3° if the words themselves are inspected, it is clear that according to them two things are required for adultery: not only the dismissal of one's own wife, but also the taking of another woman; in other words, the dismissal of a wife in this case is now the beginning of adultery, which is completed by the taking of another woman. But then an evident exception had to be made for the first part, namely, that such dismissal is not begun adultery if it is done on account of a legitimate reason, namely, the fornication of the woman. This exception is reported by Matthew; it is omitted as evident by Mark and Luke. But even in the case of legitimate dismissal, the conjugal bond is not broken, for Christ immediately adds: *and he who shall marry one dismissed commits adultery.* This is the strict interpretation according to the text, in which the exception is placed after the words: *he who shall dismiss*, and not after the words: *and shall marry another*. Whence the restriction, *except on account of fornication*, is referred to the preceding words: *he who shall dismiss his wife*, and in no way to the following words: *and shall marry another*. And therefore the sense is: He who shall dismiss his wife, - which is not licit except on account of fornication, - and shall marry another commits adultery; and he who shall marry one dismissed commits adultery; but not this: He who shall dismiss his wife and shall marry another, except on account of fornication, commits adultery.

Other interpretations have been given, but this one is preferable, because it rests upon the analysis of the text itself, and is conformed to the sayings of the Fathers.

B. Second part: Non-consummated matrimony can be dissolved.

1° By the law itself through the solemn religious profession of either spouse. - This is certain from the definition of the Council of Trent, sess. 24, can. 6.

It is clear from the tradition of the Church, which is gathered:

a) from the explicit declarations of the Pontiffs Alexander III and Innocent III;

b) from the practice of the Church, which constantly prevailed at least from the twelfth century, and already existed in antiquity.[6]

[6] That this was a most ancient practice of the Church is already attested by Venerable Bede in the eighth century, who reports the example of Etheldreda, queen of England, who left her spouse King Elfrid and entered a monastery; but when the king had vainly tried to recall his wife, he married another, Amelberga, with no one objecting, neither the Supreme Pontiff nor Bede. - There is also reported the example of St. Alexis in the fourth century; St. Cecilia in the third century; St. Thecla in the first century, whose nuptials, according to the testimony of Epiphanius, *haer.* 78, St. Paul dissolved. These

facts do not compel, says Hugon, *Tr. dogm.* III, *de Matr.*, a. 3, because it is not always certain whether there was first a true matrimony or only betrothals, and afterward a true religious profession; nevertheless they provide a foundation for the interpretation of the doctors.

The reason of fittingness is that the religious state is more excellent than the matrimonial state; but it was fitting that in the Church of Christ the excellence of that state should be taught not only by doctrine but also demonstrated by a certain fact. But it should be noted that matrimony:

a) is dissolved by the very valid solemn profession including the vow of perfect and perpetual chastity, not by entrance into religion alone;

b) is not dissolved by simple profession, whether temporary or perpetual, nor by that which is emitted in the Society of Jesus and which by privilege diriments matrimony to be contracted;

c) nor is it dissolved by sacred Order or by the solemn vow which is emitted in the ordination of the subdiaconate.

2° Also by dispensation granted by the Apostolic See. - It seems sufficiently certain from the widely diffused practice of the Church, which is now authentically recognized in the Code of Law.

From the time, namely, of Martin V, many Pontiffs practically acknowledge in themselves the power of dissolving ratified marriages on account of grave reasons and exercise it down to our own days; from this general practice the right of the Supreme Pontiff is proved: for although God could permit that this or that Pontiff, according to his private opinion, should admit something less honorable in his own governance, or should err in a particular case (which cases do not fall under infallibility), nevertheless he cannot permit that the Pontiffs should thus be, generally, the authors of baseness, and the cause why marriages would everywhere be dissolved illegitimately and concubinages created, or that they should constantly err; indeed the Pontiffs are infallible judges of their own authority.

Besides, they have the right of dispensing in a vow, even a solemn vow of religion; but this bond is stronger than the bond of ratified matrimony, since it dissolves that bond; therefore a fortiori they are able to dispense in merely ratified matrimony.

For the exercise of this power two things are required: a) juridical proof concerning the non-consummation of the matrimony; b) a legitimate cause, such as the probable nullity of the matrimony, moral impossibility for the spouses of cohabiting together, fear of future scandal and adultery, a civil marriage already entered by one party with a third person, danger of perversion, contagious disease, dissociation of souls without hope of reconciliation, etc.; even if the other party is unwilling for the dispensation.[7] But if the matrimony has been consummated, or if a legitimate cause is lacking, the dispensation is of no value.

[7] On the manner of proceeding in practice, cf. decree of the S. Congregation of the Sacraments, May 7, 1923 and March 27, 1929.

The dissolution of matrimony is not made by purely ecclesiastical law, since a derogation would be made from divine and natural law; but it is made by divine law, through the mediation of the Church, by the instrumental divine power granted to her and to be exercised in the name of God. In the same way it can be explained that matrimony is dissolved by solemn religious profession, although some have said that it is dissolved immediately by God or even from the very nature of the thing.[8] Perhaps nevertheless it could be said with Haine, *Th. M.*, *de Matr.*, q. 71, that the privilege of dissolution of

matrimony was conferred by God generally upon the profession of vows; but that the Church can prescribe the necessary condition for this privilege to be applied in particular cases and for matrimony to be dirimented by this profession. Today this condition is the solemnity of vows.

[8] Sometimes St. Thomas, q. 61, a. 2, is adduced: "Before carnal intercourse there is between the spouses only a spiritual bond; but afterward there is also a carnal bond between them. And therefore, just as after carnal intercourse matrimony is dissolved by carnal death, so by entrance into religion the bond which exists before carnal intercourse is dissolved, because religion is a certain spiritual death, by which someone, dying to the world, lives to God." But it is clear that this is only an argument of fittingness.

But it is disputed whether matrimony validly entered and consummated before Baptism, but after the Baptism of one or both spouses no longer consummated, is dissolved by religious profession. Concerning this there is not sufficient certainty, but perhaps the Supreme Pontiff can dispense in it; whence for the sake of security, in individual cases recourse must be had to the Holy See.

They object: 1° *What God has joined, let not man separate.* - Resp.: In this case the Church acts in the name of God; she uses divine power, not her own social power. If divine law is in itself absolutely determined, the Church indeed cannot derogate from it; but if there intervenes a human fact which is the condition that divine law oblige, then the Church judges that she can derogate. But in matrimony there intervenes a human fact, namely, matrimonial consent, and the Church exercises power over this human act in the name of God, and thus renders it null. So also in a vow there intervenes human liberty; and likewise the Church remits it in the name of God. And thus she does not properly dispense in the law of God, but brings it about that the human act no longer falls under the law of God, and withdraws the matter of the divine law.

2° From the dissolution of Matrimony great inconveniences are apt to follow, especially great harm is inflicted on a third party, namely, the woman; but the Church cannot bring it about that an innocent person suffer harm. - Resp.: Since the matter concerns only ratified matrimony, the graver evils, for example, on the part of offspring, to be consequent upon it are not verified; and since the dissolution is not made by private authority but by the Supreme Pontiff, and not except for grave causes, or through religious profession which procures a more excellent good, the other evils are thereby compensated. In particular, as regards the woman: a) the harm is not notable, because the matrimony is only ratified; b) she is given back to liberty and can enter another matrimony; c) if some particular harm remains, the common good often prevails, which, among other things, demands that the religious state be shown to be more perfect than the matrimonial state; d) elsewhere, the spouses know that ratified matrimony can be dissolved, and thus accept this beforehand.

819. Thesis IV. By divine law the legitimate matrimony of unbelievers, even consummated, can be dissolved, if, one having been converted to the faith, the other is unwilling to cohabit peacefully, or without injury to the Creator or spiritual harm to the faithful party (can. 1120). - It is certain from the declaration of Innocent III, who thus interprets the sentence of the Apostle Paul; whence this was called the Pauline privilege. But this privilege is a privilege of dissolution of matrimony conceded in favor of the faith and announced by the Apostle in I Cor. VII: in reality it is conceded in favor of the faith, insofar as otherwise a man would be deterred from embracing or retaining the true faith on account of the necessity of observing perfect continence, if the unbelieving party denied peaceful cohabitation.

It is proved: 1° From the Scriptures, at least understood according to the interpretation of tradition, I Cor. VII, 12-15: *If any brother has an unbelieving wife, and she consents to dwell with him, let him not dismiss her. And if any faithful woman has an unbelieving husband, and he consents to dwell with her, let her not dismiss the husband. For the unbelieving husband is sanctified through the faithful woman, and the unbelieving woman is sanctified through the faithful husband; otherwise your children would be unclean, but now they are holy. But if the unbeliever departs, let him depart: for the brother or sister is not subject to servitude in such cases: but God has called you in peace.* By these last words there is conceded to the converted faithful party the faculty of dissolving matrimony as to the bond, in the case in which the unbelieving party is unwilling to cohabit peacefully.

For: a) the Apostle grants to the converted faithful party a special privilege; but if only separation as to bed and board were declared legitimate, and not dissolution as to the bond, there would be no special privilege in this but a common remedy; indeed, nothing would have been conceded, since cohabitation in the case is altogether impossible for the faithful party. b) It is clear from the context: in the preceding words the Apostle commands faithful spouses, separated for whatever cause, to remain unmarried; on the contrary, speaking of unbelievers, he simply says: *if the unbeliever departs, let him depart*, without enjoining on the faithful party to remain unmarried. But this difference is not explained unless because in the first case they remain bound by the bond, while in the other the bond can be dissolved, as the newly converted pagans naturally ought to have understood, nor otherwise would there be a difference from the prior case. c) It is also clear from the reason added: *for the brother or sister is not subject to servitude in such cases*, i.e., in this matter the Christian is not subject to the unbeliever in servitude; this servitude can be nothing except the conjugal bond. For he would be especially liable to servitude toward the unbeliever, if the faithful party were obliged to remain unmarried and could not enjoy marriage because of the malice of the unbeliever. This is altogether certain from the traditional interpretation of the Church.

2° From the tradition and practice of the Church, which is first indicated among the Fathers, as Chrysostom, *in I Cor.*, hom. XIX, 31; Ambrose, *in Lc.* VIII, 2; Augustine, *De fide et operibus*, 28; Theophylact and Ambrosiaster on this place; afterward it was explicitly and authentically proposed by the Pontiffs, and consecrated through the acts of the centuries.

The privilege is of divine law, since it dispenses in divine and natural law; it could be conceded on account of the end of a good far superior, namely, divine faith, in the case in which, on account of the fact of the spouse remaining in unbelief, the ends of matrimony can scarcely be attained: not the secondary end, the peaceful fellowship of domestic life, since in the case it is excluded; nor the primary end, the good education of offspring, since the parents divide their affection concerning the offspring in such a way that they intend to draw it toward diverse and contrary things.

They doubt whether the privilege was conceded immediately by God and promulgated by the Apostle, or through the mediation of the Church, insofar as by ministerial power it was conceded by the Apostle to the Corinthians and extended by the authority of the Supreme Pontiffs to the universal Church, as several more recent authors now teach. Nevertheless this seems hardly able to be admitted, because then the privilege could be abrogated by the Supreme Pontiff. Whence the first sentence is to be preferred, which, besides, is that of the Holy Office, as is clear from the style of the curia and especially from the decree of July 11, 1866.

The conditions required for the validity of the Pauline privilege are:

a) That either unbelieving party be baptized, at least if in the Catholic Church. For it is doubted whether the privilege is valid for those converted from unbelief to a heretical sect and baptized in it, some affirming it if Baptism is valid, because there is present, as to substance, conversion to the faith; others denying it, because the privilege is given in favor of the faith, and the only true faith is Catholic; whence Innocent III says: "if one of the unbelievers is converted to the Catholic faith."

Hence it cannot be applied:

1° if both spouses receive Baptism: then their matrimony is already ratified; and a fortiori if, having been converted to the faith by Baptism, they thereafter have used matrimony: then it is ratified and consummated;

2° if both remain unbelievers, just as neither for catechumens not yet baptized: the Church does not have power over unbelievers;

3° to the matrimony of two heretics, of whom one is converted to the Catholic faith;

4° to a matrimony entered between two baptized persons, of whom one passes by apostasy to unbelief;

5° to a matrimony which a believer, with a previous dispensation, contracted with an unbeliever, even if afterward the unbeliever is unwilling to cohabit peacefully, as can. 1120, § 2 warns. For the privilege was conceded only to the newly converted, lest they be delayed from conversion.

b) That the party persisting in unbelief depart, whether physically, or even only morally, as we know from the interpretation of the Church. Physically, indeed, if he or she is unwilling to cohabit, i.e., if he or she leaves the conjugal home and does not return, even if it happens by chance or inculpably, provided that this was not maliciously caused by the faithful party after Baptism. But morally, if he or she is unwilling to cohabit peacefully, i.e., not without contumely of the Creator or blasphemy against Christ or contempt of the faith, or spiritual harm either of the faithful party or even of the offspring to be educated (Holy Office, Dec. 14, 1848).

Thus, if the unbeliever causes quarrels and disputes or other harms, or if directly or indirectly he tries to draw the faithful party to something gravely illicit, as to apostasy, adultery, the education of offspring in unbelief, so that conjugal life is rendered morally impossible and separation morally necessary on account of the malice of the unbeliever. Hence:

1° If the unbelieving party consents to cohabit peacefully, even if unwilling to convert, there is no place for the Pauline privilege; indeed, not even separation as to bed and cohabitation can of itself be made, according to that word of the Apostle: *If... she consents to dwell with him, let him not dismiss her...* The reason is that then the conversion of one party is rather a reason for remaining in the same marriage, on account of the hope of bringing the unbelieving party to the faith, which already appears sanctified in preparation of soul, since without blasphemy against Christ the party consents to cohabit. For the Apostle adds: *The unbelieving husband is sanctified through the faithful woman, and the unbelieving woman is sanctified through the faithful husband.*

2° Nevertheless, "the faithful spouse, although after receiving Baptism he has again lived matrimonially with the unbelieving party, nevertheless does not lose the right of celebrating new nuptials with a Catholic person, and therefore can use this right, if the unbelieving spouse, with will

changed, afterward departs without just cause, or also does not cohabit peacefully without contumely of the Creator" (can. 1124).

3° If, before the faithful party has contracted new nuptials, the unbeliever sincerely and efficaciously repents of his departure, or if he himself is baptized, use of the privilege would be invalid.

c) That the departure of the unbelieving party be established; for this, interpellation is regularly necessary as the ordinary means, and by canon law it must always be made in every case, unless the Apostolic See has declared otherwise (can. 1121, § 2). Whence even if interpellation is physically or morally impossible, the faithful party cannot enter another matrimony unless a dispensation concerning the interpellation has first been obtained from the Pontiff.

It should be noted: 1° The object of interpellation of the non-baptized party is twofold; namely, the baptized spouse ought to interpellate that party: "a) whether he or she also wishes to be converted and receive Baptism; b) whether at least he or she wishes to cohabit peacefully with him or her without contumely of the Creator" (can. 1121, § 1).

2° The time of interpellation is "before the converted and baptized spouse validly contracts a new matrimony" (can. 1121, § 1); therefore it is to be made not before but after Baptism has been received (Holy Office, June 3, 1874).

3° The form of interpellation is established by can. 1122:

"§ 1. The interpellations are to be made regularly, in at least summary and extrajudicial form, by the authority of the Ordinary of the converted spouse; by which Ordinary delays for deliberating are also to be granted to the unbelieving spouse, if indeed he or she has asked for them, yet with this warning given, that when the delays have passed uselessly, the response is presumed negative.

"§ 2. Interpellations made even privately by the converted party himself or herself are valid, indeed are also licit, if the form prescribed above cannot be observed; nevertheless in this case, for the external forum, they must be established by at least two witnesses or another legitimate mode of proof."

4° The effect of interpellation is declared by can. 1123: "If the interpellations have been omitted from a declaration of the Apostolic See, or if the unbeliever has responded negatively to them expressly or tacitly, the baptized party has the right of contracting new nuptials with a Catholic person, unless after Baptism that party has given to the non-baptized party a just cause for departing," such as would be the sale of the wife or adultery committed by the baptized party.

These conditions having been posited, the matrimony can be dissolved; but:

a) It is not dissolved except in the very instant in which a new matrimony is contracted by the faithful party, whence can. 1126: "The bond of the prior marriage, contracted in unbelief, is then only dissolved when the faithful party has actually entered new nuptials."

b) Whence, if the unbelieving spouse has contracted matrimony before the new nuptials of the faithful party, this is null; but immediately when the faithful party has entered matrimony, the other party, whether remaining unbelieving or converted, is free and can enter another marriage.

c) The faithful party cannot, without dispensation, enter new nuptials except with another Catholic party; and dispensation for contracting again with an unbeliever will be conceded only rarely.

d) In the case in which the converted party was a polygamist, the matrimony which can be dissolved is the first which he contracted: for the others are invalid; whence the first spouse will have to be interpellated.

820. Applications. - Prummer proposes several cases, *Th. M.* III, n. 679.

1° If the baptized party chooses the celibate life, but the unbelieving party contracts a new matrimony, this is invalid because the first has not yet been dissolved, and the privilege was conceded for the baptized party, not for the unbeliever.

2° If a baptized wife after conversion lives maritally with an unbelieving husband, but afterward the unbelieving husband takes other women as wives and is unwilling to dismiss them, the baptized wife can depart and enter new nuptials, because the Pauline privilege has not been extinguished.

3° If an unbelieving husband casts the baptized wife out of the house, and enters a new matrimony and begets offspring, but afterward is converted to the faith and is baptized, he is bound to dismiss the second wife, unless the prior wife who was cast out has meanwhile validly contracted another matrimony. The reason is that not the unbelieving party, but the faithful party, became free, and therefore the second matrimony of the unbelieving man is invalid, at least if his first matrimony was valid.

4° If two unbelievers, a legitimate matrimony having been contracted and then dissolved, fly to other nuptials, and afterward are converted to the faith, neither can remain in the second matrimony, at least while they receive Baptism at almost the same time: for the first legitimate matrimony could not be dissolved by their own authority, nor in fact was it dissolved by the second nuptials, which were illegitimate.

5° If an unbelieving spouse commits adultery, and therefore is cast out by the other party, but after some years is baptized and interpellates the other party, but that party refuses to cohabit, he or she can enter new nuptials. For the adultery committed is washed away by Baptism, and the unbelieving party irrationally repudiates the baptized party.

6° If an unbelieving spouse is baptized, peacefully cohabits for some time with the unbelieving party, but afterward commits adultery and therefore is cast out by the other party, he or she cannot, by force of the Pauline privilege, enter new nuptials; because the unbelieving party justly casts out the baptized party.

7° If an unbelieving woman who successively has several husbands is baptized, and her first legitimate husband is unwilling to dwell with her any longer, but the last consents indeed to cohabit peacefully yet is unwilling to convert, the woman ought to separate herself from the last man, who is not legitimate. But if this is very hard for her, let her seek a dispensation over the impediment of disparity of worship for legitimating and convalidating the matrimony.

821. Does not the power granted to the Church of dissolving the matrimonial bond extend itself to certain other cases? - For more easily bringing the Pauline privilege into practice, certain declarations and concessions were made by the Pontiffs for particular places, which now, by force of can. 1125, have already been extended to the universal Church. There are three constitutions, namely, given by Paul III, June 1, 1537, by Pius V, August 2, 1571, and by Gregory XIII, January 25, 1585.

a) Paul III grants to polygamists that they may choose any one of several wives whom they may marry, if they do not remember which one they first received.

b) Pius V declares that polygamists can retain any one of the wives who is baptized together with them, even if they should remember which one was first.

c) Gregory XIII granted the faculty of dispensing with converted unbelievers, so that, the unbelieving spouse having been left, they could enter a new marriage with any believer whatever, provided that at least summarily and extrajudicially it was established that the absent unbelieving spouse could not be warned, or, after having been warned, did not manifest his or her will within the time fixed beforehand.

On the occasion of these things it was asked whether, outside the Pauline privilege, the Church cannot dissolve a matrimony contracted in unbelief:

1° after one party is baptized, although before, but not after, Baptism the matrimony had been consummated;

2° indeed, if after Baptism, received by one party, it was again consummated;

3° consequently also, if, both parties having been baptized, the matrimony, although before, nevertheless was not again consummated.

To this many more recent authors respond affirmatively: a) because, in the concessions related above, the Supreme Pontiffs in fact went beyond the Pauline privilege, and in fact more than once dissolved the matrimonial bond in the first and second case; b) because only Christian matrimony ratified and consummated is altogether indissoluble. Indeed, since the bond of ratified matrimony between the faithful is stronger than legitimate matrimony, even consummated, among unbelievers, if the Pontiff can diriment the former, a fortiori he can diriment the latter. Namely, in the first and second case, consummated matrimony is not ratified, because it is not a sacrament (n. 786, 5°); in the third case the matrimony is consummated and ratified, but nevertheless not ratified and consummated.

Others, however, deny this, and answer that in the said concessions there is present only a dispensation, urged by grave reason, from making the interpellation in the case of the Pauline privilege. But ratified matrimony, according to them, does not have that greater firmness, because indissolubility is from natural law, not from the sacrament, but at most it can be said that it was more strongly confirmed from elevation to a sacrament. Moreover, in concessions made by positive will, the argument a fortiori does not always have force. Whence they judge that the ministerial power of the Supreme Pontiff does not extend itself to any consummated matrimony, which always, even among unbelievers, represents the indissoluble union of Christ and the Church.

As Noldin notes, *Th. M.* III, n. 525: "the Holy See itself deliberately abstains from deciding the question, and in its decisions now employs those modes of speaking which do not expressly signify the dissolution of a matrimony contracted in unbelief, but only dispensation from interpellation."

822. Corollaries. - 1. Although matrimony is constituted by mutual consent, nevertheless it cannot be dissolved by mutual consent, because the nature of the conjugal contract does not depend on the stipulation of the contracting parties, but is determined by nature itself and by God, and by reason of its end requires perpetuity.

2. And although indissolubility can exceptionally harm the end of matrimony, nevertheless because "matrimony is principally ordered to the common good..., therefore in the laws of matrimony attention is paid more to what is expedient for all, than to what could be suitable to one. Therefore, although the inseparability of matrimony impedes the good of offspring in some man, nevertheless it is suitable to the good of offspring simply" (q. 67, a. 1, ad 4). Namely, law regards that which happens commonly and of itself. But the inconveniences which sometimes accidentally follow from indissolubility can be guarded against by separation from bed and cohabitation.

3. The law of indissolubility imposes on spouses the obligation of carefully preserving concord of souls and Christian charity, and of guarding against whatever can pave the way for disagreements and especially for separation itself. Whence they sin against the good of the sacrament in all those things which disturb the undivided society of life, such as quarrels, disputes, dissensions, murmurings.

4. The law of indissolubility is not only prohibitive of divorce but also invalidating, which is necessary that it effectively attain its end.

5. How many goods flow from the indissolubility of matrimony, both for the spouses and for offspring and for society, Pius XI describes:

"A. And first indeed, the spouses a) in this firmness have a certain seal of perpetuity, which the generous handing over of one's own person and the intimate association of their souls by its own nature so greatly demands, since true charity knows no end. b) Besides, a firm bulwark is built up for faithful chastity against incitements to infidelity, if any are presented interiorly or exteriorly; every access is closed to anxious fear whether in time of adversity or old age the other spouse will depart, and in its place quiet certainty is established. c) Likewise provision is most fittingly made for preserving the dignity of each spouse and for mutual aid to be furnished, since through the indissoluble bond, perpetually persevering, the spouses are continually admonished that they entered the nuptial fellowship not for the sake of perishable things, nor that they might serve cupidity, but that they might mutually procure for themselves higher and perpetual goods, which fellowship cannot be dissolved except by death.

"B. Provision is also made very well for the protection and education of children, which must be extended through many years, since the grave and lasting burdens of this office are more easily borne by parents with united powers.

"C. Nor do lesser goods arise for the whole human fellowship. For by experience we know that the unshaken firmness of marriages is a most abundant source of honorable life and integrity of morals; and when this order is preserved, the happiness and welfare of the republic are placed in safety: for such as are the families and men from which it consists, such is the city, as the body from its members.

"Wherefore, both concerning the private good of the spouses and of offspring, and concerning the public good of human society, those who strenuously defend the inviolable firmness of matrimony deserve very well."

6. But as many goods as flow from indissolubility, so many evils, on the contrary, are apt to follow from divorce, which the Pontiff shows after Leo XIII: "Here, namely, with the bond unharmed, we behold marriages safe and secure; there, with departures of spouses proposed, or exposed to the very dangers of divorces, the nuptial covenants themselves become mutable or certainly liable to anxious suspicions. Here mutual benevolence and the association of goods are confirmed marvelously; there, by the very power of departure, they are most miserably weakened. Here most opportune safeguards are added for the chaste fidelity of the spouses; there pernicious incitements to infidelity are supplied. Here the reception, protection, and education of children are advanced efficaciously; there they are affected by ever graver detriments. Here a manifold access to discords between families and relatives is closed; there occasion of discords is offered more frequently... Here above all the dignity and office of women, whether in domestic or civil society, are happily restored and reestablished; there they are unworthily depressed, since wives are put in danger lest, after they have served the lust of men, they be held as abandoned."

Question Six: On the Governance of Matrimony

823. State of the question. - The governance of matrimony brings with it the right and power of commanding, judging, and punishing in matrimonial things and causes. It affects not only matrimony itself in its coming to be and in its fact of being, but also all things which antecedently, concomitantly, or subsequently are connected with it, which are required for it or impede it, and its obligations and effects, whether inseparable or separable, whether spiritual and moral, or temporal or civil. But since matrimony is ordered to a manifold good: to the private good of the spouses, to the good of the family, and also to the public good of civil society and of the Church, it follows that it can be subject to diverse governance. The words of St. Thomas are very well known, *c. Gent*. IV, 78: "It is fitting that... it be directed by diverse authorities. Therefore, insofar as it is ordered to the good of nature, which is the perpetuity of the species, it is directed to its end by nature inclining toward this end, and thus it is said to be an office of nature. But insofar as it is ordered to the political good, it is subject to the governance of civil law. But insofar as it is ordered to the good of the Church, it is fitting that it be subject to ecclesiastical governance." Hence it is asked under what diverse aspect it pertains to ecclesiastical and civil governance; for it is not enough to say that it is governed by natural and divine law: since this is for the most part vague, indeterminate, and incomplete, it must be determined and completed by human social authority.

Now then:

A. As to the matrimony of Christians:

1° Luther and other Protestants taught that it is not a sacrament but a civil and political contract, and therefore that matrimonial causes pertain to secular judges; for which reason not the Church, but only the civil power, can establish impediments diriment of matrimony. This the Council of Trent condemned, sess. 24, can. 3 and 4.

2° In the seventeenth century, Marcus Antonius de Dominis, an apostate, in the book *De Republica Christiana* (a. 1617), and Launoy, a Parisian doctor, in the work *De regia in matrimonium potestate*, said that the sacrament and the matrimonial contract are altogether distinct; that the Church can make determinations concerning the sacrament, but not concerning the contract, except from the consent

of princes; that the contract, namely, as being merely civil, is subject to the political power, and that when it is itself made invalid, the sacrament does not subsist, since the matter is lacking. And Launoy adds that the Tridentine canons are disciplinary, not dogmatic. This system the Holy See condemned, September 10, 1668.

3° In the middle of the eighteenth century, many civil jurists and also the Jansenists and their Synod of Pistoia, celebrated in 1786, propagated the same doctrine, which Pius VI condemned in 1794; and during the course of the French disturbance, legislation came forth which considers matrimony as a merely civil act. This error, renewed by Fr. de Paula Vigil, a priest of Lima in the Peruvian republic, and by Nuytz, a professor of Turin, Pius IX respectively condemned on June 10 and August 22, 1851, and in the Syllabus, props. 68-70.

4° Several Catholics, as P. Soto, Catharinus, Sanchez, Pichler, Zech, formerly held that matrimony is subject to a twofold governance: namely, of the Church insofar as it is a sacrament, and of the civil law insofar as it is a contract, and not only as to merely civil effects, but also as to liceity and validity, so that, just as the Church, the civil power also itself could establish prohibiting or diriment impediments.

B. As to the matrimony of unbelievers, which cannot be subject to the authority of the Church, several Catholics also denied to the civil authority every power over it, under the pretext that by nature it is not profane but religious and sacred.

C. As to mixed matrimony, between a faithful person and an unbeliever, it can be asked why it is subject to the power of the Church, and, even granting this, whether it is not at the same time subject to the civil authority to which the unbeliever is subject.

824. Principle I. The matrimony of the baptized is governed by law not only natural and divine, but also canonical, with the competence of the civil power preserved concerning the merely civil effects of the same matrimony. Thus can. 1016.

1° That the Church can govern the matrimony of the baptized is of faith from the Council of Trent, sess. 24, can. 3, 4, 9 and 12; these canons are not merely disciplinary but dogmatic, since they do not treat of those things which are to be done, but of the very power of the Church, and intend "to exterminate the heresies and errors of schismatics"; - that it does this by its own and native right, not by a right derived from the civil power, is clear from the Constitution of Pius VI *Auctorem fidei*, in the propositions of the Synod of Pistoia 59 and 60, where the opposite doctrine is condemned as heretical and subversive of the canons of the Council of Trent, and from props. Syll. 68-70.

This is proved from the manner of acting of Christ and the Apostles (Mt. V and XIX; Lk. XII, 14; I Cor. VII); - from the practice of the Church at least from the sixth century, exercised for the most part without the connivance of the civil power, as Leo XIII shows in the encyclical *Arcanum*; - and from the nature of the thing, because matrimony is a sacred thing, as being a sacrament, and for this reason subject to the power of the Church.

2° That the Church governs the matrimony of the baptized by full and exclusive right is certain from Pius VI interpreting the Council of Trent, can. 12, thus, and declaring that all matrimonial causes pertain to the Church alone (September 16, 1788); likewise from prop. 74 of the Syllabus, from the encyclical of Leo XIII *Arcanum*, and from can. 1960.

This is proved both from the continual practice of the Church, which never acknowledged this power in princes; - and from the fact that the matrimonial contract itself was elevated to the dignity of a sacrament, whence the civil power could not govern the contract without by that very fact touching the sacrament, but sacraments are not subject to temporal power; - and because it implies a contradiction for the same matter to be subject to two supreme and independent powers, since they could establish contrary things.

Nor is it an obstacle that matrimony is ordered not only to spiritual but also to bodily good; because the Church, in governing matrimony, can and ought to attend not only to spiritual but also at the same time to bodily good.

3° That the civil power by its own right is competent as to merely civil effects is certain, as is clear from the nature of the thing itself and from the formal recognition of the Church.

This is proved from the fact that civil effects in the present matter are not understood as effects of the temporal order essential to matrimony and inseparable from it, but as merely civil and separable effects. But these depend essentially on civil law itself, such as the dowry of the wife, the nuptial gift, the governance of temporal goods, hereditary succession at least for the greater part, civil privileges, etc. Whence, from the nature of the thing, they are governed by the civil power by its own right; and only if they are treated incidentally and accessorily can they also be known and defined by the ecclesiastical judge from his own power (can. 1961).

From the things said, they are accustomed to conclude that the governance of the matrimony of the baptized, civil effects excepted, pertains exclusively to the Church by divine right; and that, by that very fact that the conjugal contract was carried up to the dignity of a sacrament, the right of the civil power over it was withdrawn, on account namely of the concurrence of a higher right to which it ought to yield. Hence the opinion of several Scholastics now seems to have been abandoned (as Sanchez, the Salmanticenses, Billuart), who said that matrimony as a sacrament is governed by the Church, but as a contract is of itself governed by the civil power; but that the Church can, if it has judged it opportune, call matrimonial causes to itself and reserve them to itself, and has done this, and therefore now those causes pertain exclusively to it by ecclesiastical law. For this opinion would be reconciled with difficulty with the words of Leo XIII: "the dignity of the sacrament must be considered, by whose accession the marriages of Christians have become far most noble. But concerning the sacraments to establish and command, so from the will of Christ, the Church alone can and ought to do, that it is plainly absurd that even the least part of its power has been transferred to the governors of the civil state." Nevertheless we confess that, for satisfying several of the arguments adduced, it is strictly sufficient that the right belong to the Church of reserving all matrimonial matters to itself.

825. Principle II. The matrimony of unbelievers is governed not only by natural and divine law, but also by civil law. - That the governance of these marriages pertains exclusively to the civil power, with natural and divine law preserved, is clear from various documents of the Church, e.g., S. Off., October 29, 1739 and September 20, 1854; S. C. P. F., October 8, 1631 and June 26, 1820; - that it pertains to it of itself and by its own right seems truer.

This is proved: a) because to the civil power pertains the right of governing natural contracts insofar as they have importance for the common good, but the matrimony of unbelievers is a natural contract

which has the greatest importance for the common good; - b) because it is necessary for the common good that matrimony be governed by positive human law, since natural and divine law is too indeterminate; whence great inconveniences would follow if the marriages of unbelievers were subject only to the laws and impediments of natural and divine law: but it cannot be governed except by the civil power, since the Church cannot have any jurisdiction over unbelievers and their marriages. Whence among all nations, at least cultivated ones, there has been civil legislation concerning marriages.

Nor is it an obstacle to this that matrimony of itself naturally is something sacred and religious. For a) it is not intrinsically sacred but merely extrinsically (n. 775, 4°); b) in the natural order there would not be a twofold perfect society, one civil, the other religious, as now in the supernatural order the Church exists; but there would be one society which would care for all human affairs for leading men into happiness. But since unbelievers do not actually pertain to the supernatural order and to the Church, the right of caring for all things has not ceased for them in the civil power, just as from it has been taken away the care of Christians concerning religious affairs.

826. Principle III. Mixed matrimony, between a faithful person and an unbeliever, on the part of the faithful person is governed by canon law; but whether besides this, on the part of the unbeliever, it is also governed by civil law, can be doubted.

1° That the Church can govern matrimony between a faithful person and an unbeliever, and indeed by its own right, is certain from the very constant practice of the Church, and from various canons, e.g., 1119 sq., 1036, § 3, 1070, 1962.

It is proved because the matrimony of a faithful person connaturally and of itself is a sacrament, ordered to the good of the Church; whence it is to be governed by the law of the Church, by which the faithful person is directly bound, while the unbeliever is touched indirectly, insofar as the matrimony does not limp.

It is no obstacle that in the case the matrimony is not a sacrament; for this is merely per accidens, on account of the unbeliever in whom there is an obstacle, namely, the absence of Baptism. Rather, it is the inchoation of a sacrament, because on the part of the faithful person all things necessary for it are posited, and it is in a state altogether proximate to completion, so that when the Baptism of the other party accedes, by that very fact a perfect sacrament exists.

2° That the Church can exclusively govern matrimony between a faithful party and an unbelieving party is the opinion of many, because it is impossible that one individual matrimony be governed by two distinct powers; but in the collision of rights the higher right of the Church prevails, to which it is necessary that the lower right of civil society yield.

Nevertheless several teach that a matrimony of this kind is governed both by the Church and by the civil power, whence they hold that it is impeded both by ecclesiastical impediments which directly touch the faithful person, indirectly the unbeliever, and by impediments, if there are any, established by civil law, which directly bind the unbeliever, indirectly the faithful person, insofar as the matrimony does not limp.

827. Corollaries. - From the foregoing it follows:

1° That the civil power cannot determine concerning the value, liceity, or essential effects of the matrimony of Christians, nor prescribe conditions, form, or solemnity for the celebration of matrimony or espousals, because those things are reserved to the Church, but can touch only separable temporal effects, or merely civil effects; - the contrary holds for the matrimony of unbelievers.

2° Nor can it establish diriment impediments or even merely prohibiting ones for the marriages of Christians; - the contrary holds for unbelievers.

3° Nor can it abrogate impediments established by the Church or dispense in them.

4° Consequently, it cannot directly and absolutely prohibit matrimony to the baptized, even for eugenic reasons, lest namely offspring be contaminated by hereditary infirmity to the detriment of the people; - indeed, neither can it do this for unbelievers, just as neither can the Church do it for the baptized, because it is against the primary natural right which each one has from nature to matrimony, antecedently to every human society; - nevertheless, in matter subject to itself it can establish something (e.g., the imprisonment of a guilty person) by which indirectly and per accidens someone is impeded from entering matrimony.

5° Nor can it impose upon the baptized (although it can advise) a medical examination or inspection as a condition without which matrimony is interdicted or not recognized, or is deprived of its effects, because this is equivalently to establish an impediment and to prohibit matrimony; and therefore neither can it do this to unbelievers, if it would imply the interdiction of matrimony for those for whom the testimony of a physician would not be favorable; - the contrary holds if it were done only to urge the natural obligation of revealing harmful defects to the other party before matrimony, without inhibition of matrimony, although even this does not seem opportune.

6° On the contrary, it can promote and urge the very laws of the Church concerning matrimony, and punish crimes which are opposed to the moral law concerning matrimony, such as adultery, polygamy, divorce, insofar as they are opposed to the common good, with due subordination, however, to the power of the Church; - yet not directly in order to matrimony itself.

7° Laws passed by the civil power beyond its competence are invalid and of themselves do not bind in conscience.

8° Nevertheless, generally Christians are bound to them, insofar as they do not stand in the way of natural and divine law, lest namely they themselves be deprived of civil effects and be made liable to graver damages.

828. Notice. - From the words of St. Thomas, q. 50, a. un., ad 4: "Matrimony, insofar as it is an office of nature, is established by the law of nature; insofar as it is a sacrament, it is established by divine law; insofar as it is in the office of the community, it is established by civil law," the power of civil society to govern Christian matrimony insofar as it is constituted for the common good cannot be deduced. For St. Thomas himself does not admit that the civil power can establish impediments of matrimony without the approval of the Church, since q. 57, a. 2, he says: "Such a prohibition is approved by the Church; and hence it is that legal kinship impedes matrimony"; and ad 4: "The prohibition of human law would not suffice for an impediment of matrimony, unless the authority of the Church intervened, which also interdicts the same thing." Whence the text is to be understood,

as to the matrimony of Christians, concerning civil effects; nevertheless it seems to intimate that certain marriages are governed by civil authority, which St. Thomas acknowledges in establishing impediments among unbelievers: "Among unbelievers there is matrimony... insofar as it is in the office of nature. But those things which pertain to the law of nature are determinable by positive law, and therefore if by some positive law among unbelievers it is prohibited to contract matrimony with unbelievers of another rite, disparity of worship will impede matrimony between them" q. 59, a. 2, ad 3.

Second Part: On the Celebration of Matrimony

829. Matter to be treated. - Under the name of celebration here come all things which pertain to it:

1° the preparation of matrimony, which is usually made through espousals;

2° those things which must be premised to matrimony, namely, the examination of the spouses and the proclamations of banns;

3° the very form or rite under which matrimony is celebrated.

Concerning these things we must speak successively. 1

Question One: On Espousals

St. Th., Suppl., q. 43.

830. Espousals according to the name are so called from *spondere*, i.e., to promise spontaneously, because in antiquity a girl was promised or pledged as wife to a man by those under whose power she was. Whence she who was promised was called *sponsa*, he to whom she was promised, *sponsus*, he who promised, *sponsor*, and the contract of this promise, *sponsalia*. Therefore it is a bilateral contract concerning matrimony to be entered later, or a mutual promise of future matrimony. 2

It is therefore a promise:

1. of future matrimony, and therefore it is distinguished from valid matrimony not consummated, which sometimes improperly was called espousals, in which sense Blessed Joseph is usually named the spouse of the Blessed Virgin: matrimony in the case was called espousals *de praesenti* ("I take you"), and differs from true espousals *de futuro* ("I will take you");

2. mutual, not merely unilateral, made by one and accepted by the other but without a reciprocal promise. And although the new canonical legislation is the same concerning both (can. 1017), nevertheless in order to matrimony the bilateral or espousal promise rather comes to be considered, because this, not the unilateral one, is usually antecedent to matrimony and is its fitting preparation, although nevertheless it is in no way of precept.

Moreover, espousals are usually premised: a) so that matrimony may be entered with more mature counsel and with a better disposition; b) so that in this intermediate time one may better experience the disposition and morals of the other, and it can be detected whether nothing stands in the way of matrimony; c) so that the friendship of the betrothed and desire of the union may grow, as Augustine says, *Conf.* VIII, 3: that a husband may not hold as cheap the woman given, whom he did not sigh for as loved.

1. This second section of the treatise, like also the third, is canonical for a great part. We wish to warn that our mind is in no way to treat juridical questions more fully and perfectly, or to compose a canonical treatise on matrimony, but only briefly, in order, and succinctly to hand on those things which are necessary for a priest in the ministry of souls.

2. There can be consulted: Wouters, *De Forma promissionis et celebrationis matrimonii*; and Darmanin, *De Promissione matrimoniali*, in *Angelicum* 1931.

831. Definition of espousals. - Espousals are usually defined: A mutual promise of future nuptials between two determinate persons capable by law. It is said:

1° *Of future nuptials*, which are the proper object itself of espousals;

2° *Promise*, and not mere intention, desire, or simple purpose even expressed in words, because this does not include the intention of obliging oneself, which is the essential element of a promise;

3° *Mutual*, i.e., reciprocal, or given and accepted on both sides: thus it is distinguished from a unilateral promise also accepted by the other, which also can be made, although no one is presumed to wish to oblige himself to matrimony except under the condition that the other also obliges himself. And so espousals are, as it were, matrimony begun, and just as there is no matrimony without the mutual handing over of bodies, so neither are there espousals without the mutual pledging of this future handing over; whence espousals, just as matrimony, cannot limp.

4° *Between two determinate persons capable by law*, for just as matrimony cannot be entered except between two determinate persons capable by law, so neither can espousals, which are the preamble of matrimony, exist except between two determinate persons, who now are capable by law for promising and at least at some time will be capable for contracting matrimony validly and licitly: for a promise concerning an impossible or illicit thing is null.

Hence a) espousals entered with an impediment of matrimony are invalid, when that impediment cannot be removed by dispensation, or in the case is not usually so removed;

b) likewise those entered with an unknown impediment;

c) on the contrary, those entered knowingly with an impediment are valid, but for the time when, with the cessation of the impediment or with dispensation, matrimony will be licit;

d) those entered between two persons of mixed religion after a dispensation already obtained are valid;

e) on the contrary, if they have been entered when a dispensation has not yet been obtained, ordinarily they will be invalid, because mixed matrimony is more often illicit, unless it is intended as a means of repairing an injury.

The conditions required for espousals are the general conditions of every contract: namely, there must be a personal promise, true and not fictitious, fully deliberate, free, and expressed by sensible signs. Whence the general rules concerning vices of consent which invalidate a contract, or permit it to be rescinded, here simply come to be applied.

832. The legal form required by canon law for the validity of espousals, indeed of any promise of matrimony whatever, is indicated in can. 1017:

"§ 1. A promise of matrimony, whether unilateral or bilateral or espousal, is invalid for both forums, unless it has been made by a writing signed by the parties and either by the pastor or local Ordinary, or by at least two witnesses.

"§ 2. If both or either party does not know how to write or cannot write, for validity this is to be noted in the writing itself and another witness is to be added who, with the pastor or local Ordinary or the two witnesses of whom in § 1, signs the writing."

Since private promises gave occasion to many dangers and evils, many of which were doubtful or entered rashly or lightly, from which many lawsuits and enmities had their origin, most wisely this invalidating law was established for every promise which is not publicly contracted in writing. But three conditions are required for validity:

1° That the promise be made by writing or in written form.

2° That it be entered before the pastor or local Ordinary or two witnesses.

3° That the writing be signed by the contracting parties and by the pastor or local Ordinary or two witnesses.

And so:

1° The promise must be made in writing; nevertheless it need not be written by the very hand of the contracting parties, but it is sufficient if it has been written by another, or with the aid of a machine, or printed by type. But the date, or inscription of day, month, and year, must be placed (S. C. C., July 27, 1908, together with can. 6), not the place; the date can be indicated expressly or equivalently, e.g., by naming the day of a feast; but an error in the date, even an involuntary one, invalidates the act.

2° *Before the pastor or local Ordinary or two witnesses*: The qualified witness, namely, the Ordinary and the pastor, under whose name also come those who by law are in the place of the pastor, is understood to be the one within the limits of whose territory the act is made (S. C. C., March 30, 1908), who nevertheless cannot substitute another for himself, nor one delegated to the universality of matrimonial causes; and one suspended from office or excommunicated as vitandus would exercise the function invalidly after a declaratory or condemnatory sentence (can. 2279, § 1; 2284; 2266). Whence if the promise is entered before an assistant vicar, or before the Ordinary or pastor himself but outside his own territory, in addition another witness is required. But witnesses need not have special qualities; it is sufficient that they be capable of witnessing.

3° The writing must be signed by all, and indeed at the same time and in one context, the contracting parties and the pastor or Ordinary or witnesses being gathered together at the same time (S. C. C., July 27, 1908). The signing must be done personally and by one's own hand, but not be impressed by an instrument, by aid of a machine, or by type; whence a promise made through a proxy is invalid. But if someone signed with his hand guided by another, he would contract validly provided that he remained the principal cause and also could sign by himself, although with more difficulty; but in practice the matter will easily be doubtful.

When both or either party, because of ignorance, does not know how, or because of infirmity or sickness cannot write, this must be noted, and in place of that party another witness must be employed, who signs with the other witnesses or with the pastor or Ordinary.

If the aforesaid conditions are omitted, the promise will be invalid even in conscience, yet not illicit. So it is for all Catholics of the Latin rite, and also for non-Catholic baptized persons, but not for Orientals or unbelievers while they contract among themselves.

833. The effect of espousals consequent from the nature of the thing is a grave obligation in conscience of entering matrimony at the due time, and indeed from justice, because espousals are a bilateral and onerous promise, which connaturally is a true bilateral contract, and one obliging under grave matter, since it treats of a thing of great moment. Although it does not seem altogether impossible that two might exceptionally intend to oblige themselves only from fidelity, nevertheless it is not usually understood and done so; whence this is not to be presumed, but would have to be proved (II, 478).

Whence:

1° The betrothed are bound under grave matter to avoid all things which can impede matrimony.

2° A betrothed man who without sufficient cause withdraws from a valid espousal contract, or unduly delays matrimony, against the will of the betrothed woman, sins gravely against justice, and is bound to restitution if from this a real damage has arisen for the betrothed woman.

3° Nor is it sufficient to endow the betrothed woman, if she does not consent to this, because the obligation of espousals is not alternative, namely, of taking in matrimony or of endowing, but one obligation is principal, i.e., of entering matrimony, and the other subsidiary, if the prior one is not fulfilled, namely, of repairing damage.

4° Nevertheless "from the promise of matrimony, although it be valid and no just cause excuses from fulfilling it, there is not given an action for seeking the celebration of matrimony" (can. 1017, § 3), namely, in the external forum, whether judicial or administrative; because, as St. Thomas notes: "forced marriages have been accustomed to have bad outcomes" (a. 1, ad 2).

5° "Nevertheless an action is given for the reparation of damages, if any is owed" (can. 1017, § 3); which action indeed is of mixed forum and can be instituted before the civil or ecclesiastical forum, but it does not suspend the celebration of matrimony (com. interpr., June 2, 1918).

Let it be noted:

a) From invalid espousals no obligation arises by reason of the promise, since it is invalid; nevertheless one can arise per accidens on the occasion of the promise made, e.g., for repairing damage inflicted, and especially if someone by promising invalidly deceitfully deceived the other party (II, n. 384).

b) From valid espousals by natural law it is gravely illicit to enter matrimony with a third person; this, however, is not an impediment of matrimony properly so called or canonical, because properly it is not an incapacity of the person, nor is it recognized by canonical law.

c) From valid espousals it is also illicit that matrimony be promised to a third person; indeed this second promise would be invalid, as concerning an illicit thing.

d) He who has promised matrimony to two persons is bound to marry the first, unless she freely renounces her right, as is not rarely expedient; in this case he is not bound to marry the other by reason of the promise, which is invalid, but if damage must be repaired because, on account of the

hope of future matrimony, a virgin consented to copulation, or even from this became pregnant, yet not if she herself, in having copulation, knew of the prior espousals (II, n. 384).

e) From a valid unilateral promise there also arises in the promisor an obligation of contracting matrimony, but of itself from fidelity only and under light matter; unless, however, someone intended to oblige himself from justice and therefore under grave matter.

834. Dissolution of espousals. - Espousals can be dissolved or dirimently ended from a just cause, because they do not induce an indissoluble bond. Various causes are numbered, some of which absolutely, by full right and by the fact itself, dissolve espousals; others only give the faculty of withdrawing from them, either to one or to both parties. Besides fraud and fear, which can permit rescission for the injured party, all the causes can be reduced to six.

1° Mutual consent freely given, and not extorted by fraud, force, or fear. For since the contract is by its nature soluble, just as it is entered by mutual consent, so also it is dissolved.

To this is reduced the fulfillment of a resolutory condition, if the espousals were entered under it.

2° The breaking of espousal faith by subsequent fornication with a third person, or by attempted espousals, or by courting, matrimony entered, or undue delay of matrimony. For to one breaking faith, faith should be broken to the same.

Thence there belongs to the injured party the right of dissolving the espousals, not to the party breaking faith. Whence during matrimony the obligation arising from espousals is suspended, and when it is dissolved it revives; although in practice it is not to be urged too much. Acts gravely immodest voluntarily admitted or exercised with a third person are equivalent to fornication, if it has frequently happened, so that from this someone becomes gravely suspect of not preserving conjugal fidelity. If fornication has been had by both, the right of dissolving the espousals arises for both, because each becomes suspect.

3° The choice of a more perfect state, because in every promise of matrimony there is implicitly included the condition: unless I shall have chosen a more perfect state, just as each one has the right.

The perfect state is the religious and clerical state, or also, probably, a private vow of perfect chastity or of virginity, provided it is seriously emitted and without deceit or fraud toward the other party or irreparable damage to that party. Espousals are dissolved by religious profession itself or by the reception of sacred Order, which of themselves bring a perpetual impediment; but by entrance into religion or a seminary they are only suspended, so that their obligation revives if the one entering does not persevere and the other party has waited and has not renounced his or her right: yet this party can dissolve the espousals by right.

4° A supervening impediment of matrimony, whether diriment or impeding, because it renders it invalid or at least illicit.

If, however, it was placed by the fault of one, and can be removed by dispensation, it must be removed, if the other party demands it, provided it can be done without a graver inconvenience proportionate to the damage of the other party.

5° A notable change of things which, after espousals have been contracted, supervenes or becomes known, and which, if previously known, would prudently withdraw one from them and impede the

contract. For no one is judged to promise beyond his intention; whence in every promise there is implicitly included the condition: things remaining in the same state, or unless a notable change should supervene.

A notable change can be either in goods of the body, such as grave infirmity, incurable disease, great deformity, violation of a betrothed virgin; or in goods of fortune, as a notable loss of goods, defect of dowry, notable elevation to a higher state; or in goods of soul, as heresy, the vice of drunkenness, apostasy, crime, infamy; or in external circumstances, such as grave enmities arising between the families, discord of souls, and whatever renders the union unhappy, departure into a distant region without sufficient reason and without hope of a shorter return.

Hence there is an obligation of manifesting to the other party hidden defects, both those which are substantial or whose absence is intended by the other party as a condition *sine qua non*, and accidental ones which inflict damage on the other and render the matrimony disgraceful, but not those which only render it less desirable.

6° Pontifical dispensation from a just and urgent cause. For it can dissolve a non-consummated matrimony; a fortiori espousals. Namely, the right arising from espousals is subordinated to the public good of the Church, and therefore can be dissolved for avoiding the greater evils of the Church arising from forced unions.

The Supreme Pontiff alone can dispense, not the bishop; nevertheless the bishop can judge whether there is a sufficient cause for dissolving the espousals.

Moreover, they seem able to be dissolved by private proper authority, if the cause is evident. Yet three cases are excepted: a) if by the particular law of some diocese it is otherwise established; b) if scandal would arise from private dissolution; c) if there is doubt concerning the sufficiency of the cause, or dispensation is required. Then public ecclesiastical authority should be invoked.

835. Notices. - 1. The new dispositions of canon law do not have retroactive effect, and therefore espousals validly entered before remain valid; but an action is no longer given for them for seeking the celebration of matrimony (com. int., June 2, 1918). Nor is an action given concerning a just cause for dissolving espousals (ibid.).

2. Espousals can be entered under a condition to be expressed in the contract, likewise with the attachment of a conventional penalty to be paid by the party who would unjustly withdraw, and also under earnest-gifts. Earnest-gifts are mutually handed over as a sign of espousals and as a pledge of matrimony to be contracted, under this law, that they can be sought back after matrimony has been contracted, unless there is another custom, and must be restored if the espousals are justly withdrawn from; on the contrary, the one unjustly withdrawing loses what he gave and is bound to return what he received.

Gifts and presents which the betrothed mutually hand over to each other differ from earnest-gifts. If these are of relatively lesser value, they are judged to have been given absolutely; otherwise, if they are of great value, they are regularly to be returned when matrimony does not follow, as having been given under condition and in view of matrimony; but if one unjustly withdraws, they can probably be kept by the faithful other party as compensation for faith not preserved, although this is to be dissuaded.

3. Espousals entered without the knowledge of parents or with parents opposing are regularly illicit, because from piety and reverence children are bound to seek counsel from parents in a matter of such great moment; nevertheless they are not of themselves invalid, because not concerning an illicit thing; - unless, however, the parents are reasonably unwilling toward the matrimony, and the matrimony, all things considered, is illicit: then the espousals are invalid, as concerning an illicit thing, as if the matrimony would be to the disgrace of the family, or scandal or dissensions would arise from it, or it is foreseen that it will be unhappy, yet not on account of mere disparity of condition known to the betrothed.

4. He who without just cause withdraws from espousals, or has concealed or by his own fault brought on the cause for withdrawing from them, is bound to repair the damage which is inflicted on the other party withdrawing: both positive damage from expenses made and debts contracted in view of future matrimony, and privative damage from the fact that the other party can enter matrimony with more difficulty, which easily happens to the betrothed woman and sometimes is not fully compensated unless she is suitably endowed.

5. Practically, concerning visits of the betrothed and courtships of lovers, these pertain more to pastoral theology. Concerning this, see our little work *De Variis Poenitentium Categoriis*, p. 2, c. 3.

Question Two: On the Preliminaries to Matrimony and on the Proclamations of Banns

836. Matter to be treated. - Before matrimony is celebrated, it must be established that nothing stands in the way of its valid and licit celebration (can. 1019, § 1). But the manner in which this must be established by positive arguments is diverse in danger of death and outside this danger.

a) In danger of death, if other proofs cannot be had, there suffices, unless contrary indications are present, the sworn affirmation of the contracting parties that they are baptized and are held by no impediment (can. 1019, § 2).

b) Outside danger of death, the pastor is bound by office 1) to institute the examination of the spouses (can. 1020, § 1); and 2) publicly to announce the matrimony through the publications of banns (can. 1022): lest namely any matrimony ever be contracted whose valid or licit celebration something would impede.

837. The examination of the spouses is to be instituted, so that it may be established that nothing stands in the way of the matrimony to be celebrated by the spouses, whereby it could not be celebrated validly and licitly. Concerning this, the following ordinances of law are to be attended to.

I. "The pastor to whom belongs the right of assisting at the matrimony, at a suitable time beforehand, shall diligently investigate whether anything stands in the way of the matrimony to be contracted" (can. 1020, § 1).

The pastor, by force of his office, is bound under grave matter to make that investigation, because he is bound to procure those things which are required for the valid and licit administration of the sacraments; whence he is bound to do this to whom belongs the right of assisting at the matrimony, and indeed at a suitable time beforehand, i.e., before the proclamations are publicly announced, and

diligently, because the matter is one of great moment. Let him personally carry out the examination, unless a just cause excuses him.

But if the right of assisting at the matrimony belongs to several, the pastor of the bride is to be preferred; but with his consent the pastor of the groom also can institute the examination and procure the other necessary things. And if the groom is impeded from going to the place of the bride for undergoing the examination, his pastor, at the request of the pastor of the bride, institutes the examination and transmits testimony of it to the pastor of the bride. These things also could be introduced by usage or perhaps by a particular statute of the diocese.

Before he proceeds to the examination, the pastor should first inquire: a) whether in fact he has the right of assisting at the matrimony, or at least of examining the spouses; b) in which parishes the publications are to be made; c) whether the future spouses are of their own right or minors, namely, in order to the consent of parents.

II. "Let him question both the groom and the bride, also separately and cautiously,

1° whether they are held by any impediment,

2° whether they give consent freely, especially the woman,

3° and whether they are sufficiently instructed in Christian doctrine, unless by reason of the quality of the persons this last questioning appears useless" (can. 1020, § 2).

And so the examination is to be instituted:

1° Concerning diriment and impeding impediments, and indeed always, even as far as possible in danger of death: first in the presence of the spouses together for public impediments, then with the groom and bride separately and prudently for occult impediments, especially if they imply sin, concerning which the pastor could prudently warn that there is no obligation of revealing to him an infamous impediment, but that it can also be declared to a confessor who will procure the dispensation.

The pastor should diligently investigate concerning the degree of consanguinity or affinity by which perhaps the future spouses are joined, and should carefully explore whether they are bound by the impediment of bond. Wherefore, if the case requires, inquiry should be made concerning the death of a preceding spouse, concerning a sentence of nullity of matrimony, concerning a dispensation over ratified and non-consummated matrimony, all legitimate documents relevant to the matter having been gathered (S. C. Sacr., June 29, 1941).

Nor should inquiry be made only concerning impediments properly so called, but concerning all things which can stand in the way of entering matrimony licitly, such as apostasy from the Church, enrollment in a condemned society, the state of a public sinner or a notorious censure, reasonable opposition of parents (can. 1065, 1066, 1034), a pledge made to others, a civil formality not yet fulfilled or a legal license to be obtained, etc.

2° Always also concerning the liberty of matrimony, especially with the bride, namely, concerning the free choice of matrimony and with such a person, so that neither party enters the union deceived by simplicity or fraud, nor seduced by importunate prayers or occasions, nor coerced by force and fear.

Nor should he acquiesce when perhaps negative responses have been given by them, the S. Cong. Sacr. warns on June 29, 1941, but he should also carry out other investigations for more securely proving the liberty of consent. Pastors should carefully weigh that one of the principal heads of nullity of marriages which are brought to ecclesiastical tribunals consists in force or fear having been brought to bear.

If in some place there are found those who presume to enter nuptials with some condition or intention added, whether suspensive or invalidating of consent, the pastor should strive with every effort to turn the future spouses away from adding conditions of this kind to matrimony, and to induce them to retract those perhaps already added. But as to the legitimate addition of some condition concerning the future, present, or past, the pastor should consult the Ordinary and obey his commands.

3° Concerning Christian doctrine, which is never to be omitted, unless the pastor knows with certainty from elsewhere that the spouses are sufficiently instructed. Let him inquire:

a) Concerning necessary knowledge, both generally 1. of truths which must be known by necessity of means and of precept, which spouses ought to know not only for their own salvation, but also for the salvation of future offspring to be educated by them; - and especially 2. of the obligations and ends of the conjugal state. Therefore "let the pastor not omit, according to the diverse condition of persons, to teach the spouses the sanctity (and indissolubility) of the sacrament of matrimony, the mutual obligations of spouses, and the obligations of parents toward offspring" (can. 1033); nevertheless this instruction is not always to be made together with the examination itself of the spouses, but sometimes can more opportunely be deferred so that it may be done shortly before matrimony.

But if someone is found ignorant of Christian doctrine, the pastor should teach him, or see that he is taught, at least the first elements of Christian doctrine; but if he refuses, he is not for that reason to be rejected from matrimony (com. int., June 2, 1918): for he is not a public sinner.

b) Furthermore, concerning Baptism. "Unless Baptism was conferred in his own territory, the pastor shall require the testimony of Baptism from both parties, or from the Catholic party only, if there is question of matrimony to be contracted with dispensation from the impediment of disparity of worship" (can. 1021, § 1); whence, if there is question of matrimony of mixed religion, the testimony of Baptism must also be required from the non-Catholic party.

The code also adds: "Catholics who have not yet received the sacrament of Confirmation shall receive it, before they are admitted to matrimony, if they can do this without grave inconvenience" (can. 1021, § 2), because afterward it is less easily received and more frequently neglected. Concerning the sacraments inquiry must be made, legitimate documents having been gathered. The testimony of Baptism ought to be recent, nor written before six months prior to the matrimony being entered. 1 (S. C. Sacr., June 29, 1941).

But if testimony concerning Baptism received cannot be had, the affirmation of one witness above every exception, or the oath of the subject himself, if he received the sacrament in adult age, suffices (can. 779). Nevertheless the pastor should not easily believe the affirmation, even sworn, of the future spouses that they have been baptized, unless this is certainly established to him from elsewhere; and let him seek the testimony of the pastor of the place of origin of the future spouses (S. C. Sacr., June 29, 1941). But if every proof should be lacking or, investigation having been made, a

probable doubt concerning the validity of Baptism should remain, the Catholic would have to be rebaptized under condition; and if certainly he had not been baptized, or certainly not validly, he would have to be baptized absolutely.

c) Finally, concerning the preparation for matrimony through the reception of the sacraments. The pastor should "vehemently exhort" the spouses "that before the celebration of matrimony they diligently confess their sins and piously receive the most holy Eucharist" (can. 1033).

III. "It belongs to the Ordinary of the place to give peculiar norms for an investigation of this kind by the pastor" (can. 1020, § 3).

Therefore he can prescribe the manner to be followed in inquiring concerning impediments or in examining spouses, and diocesan statutes issued concerning this matter retain their force.

1. The testimony of Baptism is required to be recent, which also greatly serves for detecting impediments, since in more recent time in the book of the baptized there are also noted matrimony, if they have entered any, or subdiaconate received, or solemn profession (can. 470, § 2).

838. The law concerning publications of banns. - *Banna*, which word in German signified an edict of jurisdiction and consequently a public proclamation, are understood here as the public announcements of future matrimony between persons, which must be premised to its celebration so that impediments perhaps standing in the way may be detected more securely and more easily.

The law was introduced by custom, which the Fourth Lateran Council, c. 51, extended to the universal Church, prescribing one proclamation; but the Council of Trent, sess. 24, c. 1 *de ref.*, n. 7, established that three proclamations be made, which the code of law confirmed, can. 1024. It obliges under grave matter, because it greatly conduces to an end of great moment: namely, of avoiding clandestine marriages, detecting occult impediments, and preventing children from contracting marriages against the will of parents. Whence to omit three proclamations without urgent necessity is a grave sin, indeed even to omit two, unless perhaps the danger of a latent impediment is absent; to omit one is light by reason of smallness of matter.

The law obliges all Catholics, even if the matrimony to be contracted is publicly known and it is established that no impediment is present, because the law is passed for forestalling a common danger (can. 21). There are excepted marriages of princes, which are not usually published, and cases of urgent necessity, as if in danger of death matrimony had to be contracted for legitimating offspring. Mixed marriages, however, to be celebrated with dispensation from the impediment of disparity of worship or of mixed religion, by law are not to be published, unless the Ordinary according to his prudence, scandal having been removed, has judged it opportune to permit this, or unless by particular law this is tolerated somewhere; in which case mention of the religion of the non-Catholic party should be omitted (can. 1026).

839. Circumstances of banns. - A. *Time.* "Publications are to be made on three continuous Sundays and other days of precept in the church during the solemnities of Masses, or during other divine offices to which the people come in numbers" (can. 1024).

Therefore publications must be made:

1° on three Sundays or feasts of precept, on which the obligation of assisting at Mass is imposed on the faithful;

2° continuous, namely, with no feast day omitted: it would be only venial, or, if a reasonable cause exists, no sin, to omit one intermediate feast day;

3° in church, which of itself is to be understood as parochial, during the solemnities of Masses or during other offices, provided that the people are usually present in numbers.

Hence: a) Announcements of themselves cannot be made on feast days suppressed in the place where they are made, even if they are celebrated with a great attendance of people; unless perhaps somewhere there is a centenary custom tolerated by the Ordinary, or unless in a particular case he dispenses.

b) Nor a fortiori on a non-festal day or outside church, on the occasion of some religious solemnity, unless in an urgent case, or from a dispensation of the Ordinary conceded for a particular case, provided the concourse of people is great, so that the end of the law is attained.

c) A pastor who in Mass forgot to make the announcement to be made, or proclaimed the names of the spouses in such a way that they were not understood by the hearers, can make the due proclamation at vespers or defer it to the following feast day.

B. *Form.* Publications of themselves must be made by living voice and in the vernacular speech; per accidens "the local Ordinary can, for his territory, substitute for the publications a public affixing, at the doors of the parochial church or another church, of the names of the contracting parties for a space of at least eight days, yet so that, in this space, two feast days of precept are included" (can. 1025).

The form is varied in various dioceses according to the diverse customs or statutes of places. For affixing, a place well conspicuous is to be chosen. 1

C. *Place.* Proclamations are to be made:

1° Of themselves, in the parish of the proper pastor (can. 1023, § 1), and indeed of both the groom and the bride. But the proper pastor is he in whose parish they have domicile or quasi-domicile; or, if there is question of wanderers or of those who have only diocesan domicile or quasi-domicile, actual residence.

Hence: a) If the future spouses belong to the same parish and in it alone have domicile or quasi-domicile, in it alone must the proclamations be made; - unless sometimes per accidens, if before this one of the two stayed in another place for six months, as will be said under 2°.

b) If they are of diverse parishes, then proclamations must be made in the church of each.

c) If one or each has several domiciles, or domicile with quasi-domicile, or several quasi-domiciles, in all these places also must the proclamations be made; as can easily happen for minors living outside the paternal home, for soldiers, students, servants, etc.

d) Proclamations are no longer to be made in the place of origin or of actual residence, if they are not the place of domicile or quasi-domicile; - unless per accidens if it is prescribed by particular statutes or by the Ordinary.

2° Per accidens, also outside the parish, if the party has stayed in another place for six months after having attained puberty: then the pastor should set forth the matter to the Ordinary, who according to his prudence either requires that publications be made there, or prescribes that other proofs or conjectures concerning liberty of state be gathered (can. 1023, § 2).

Notice: a) If there is some suspicion concerning a contracted impediment, the pastor should consult the Ordinary even for a shorter residence, who should not permit the matrimony unless first the suspicion is removed according to the norm of § 2 (can. 1023, § 3).

b) In these cases, the number of proclamations is to be determined by the Ordinary.

c) If the party has stayed in very far and distant regions, from which, so that regular attestation of liberty of state may be had, a longer time is required, and yet the celebration of matrimony is urgent, the Ordinary according to his prudent judgment can prescribe a supplementary oath (whether by the party or by witnesses), as we know from the response of the com. int., June 2, 1918, and from the instruction of the Congregation of the Sacraments, June 4, 1921.

Moreover, in this matter the ordinances of the particular Statutes are also to be considered. 1

Let it be noted that the pastor can make the proclamations by himself or through another.

1. Thus in the Council of Mechlin, n. 206, for Belgium it is established concerning the case in which someone has stayed outside the parish for six months: "It belongs to the pastor, in individual cases, diligently to investigate whether anything stands in the way of the celebration of matrimony. But if, after inquiry has been made, it is established to him, by public ecclesiastical or civil documents, by private testimonies or documents worthy of faith, together with the sworn affirmation of the contracting parties themselves, that nothing stands in the way of the matrimony and especially that the future spouses are free, the pastor is not bound to set forth the matter to the Ordinary, nor are publications to be made in another parish.

"But if, after diligent investigation, there is doubt or suspicion concerning the existence of an impediment, let him consult the Ordinary and follow his precepts."

1. The provincial Council of Mechlin established for all Belgium, decr. 208: "For publications there can be partly substituted a public affixing at the doors of the parochial church of the names of the contracting parties, according namely to this norm:

"1° The names of each of the contracting parties must be proclaimed from the pulpit at least once, on a Sunday or feast of precept.

"2° In place of two publications, there can be made an affixing at the doors of the parochial church for a space of at least eight days, yet so that in this space two Sundays or feasts of precept are included, even if the prescribed publication is made on one of these Sundays or feasts.

"But the affixing is to be made in a place altogether conspicuous."

840. Obligation of revealing impediments. - Regularly "all the faithful are bound to reveal impediments, if they know any, to the pastor or local Ordinary before the celebration of matrimony" (can. 1027); but impediments are to be understood in the broad sense, or all things which stand in the way of celebrating matrimony.

The obligation is grave, because the end of the law is of great moment, namely, to prevent illicit and invalid marriages, by which irreverence would be done to the sacrament and damages would arise for the marrying parties and children, and also for the public good itself. Whence the obligation proceeds not only from positive but also from natural law.

All are obligated, of whatever sex, age, or place they may be, even if only one person knows some impediment and cannot juridically prove it, or the impediment is occult, provided that it is known with true probability. Yet there are causes excusing:

1° Uselessness of revelation, as if the pastor already knows the impediment, or dispensation from it has been made in the forum of conscience, or the revelation is foreseen certainly not to be going to profit.

2° Another efficacious means, such as the admonition of the spouses that they either desist from matrimony or solicit a dispensation. This admonition must always be premised where the impediment arises from an occult sin and is infamous, provided it is hoped that it will profit and time is not urgent; otherwise the impediment should be revealed to the pastor immediately.

3° Grave proportionate damage, whether one's own or that of others, for example scandal. But he who knows the impediment is then bound to impede the matrimony as much as he can.

4° The sacramental secret, and also an official secret by reason of the common good, unless revelation is necessary for protecting an innocent person against the unjust aggression of him who entrusted the secret; - but not a natural secret, nor one promised even under oath, nor even one simply entrusted, because a secret does not oblige to the detriment of the common good or to the damage of a third party.

One excused by a secret is bound, if he can, to warn the future spouses.

841. Dispensation of banns. - Not only the Supreme Pontiff, but also "the proper local Ordinary, according to his prudent judgment, can dispense from publications to be made, even in another diocese, from a legitimate cause. If there are several proper Ordinaries, that one has the right of dispensing in whose diocese the matrimony is celebrated; but if the matrimony is entered outside the proper dioceses, any proper Ordinary can dispense" (can. 1028).

Therefore he can dispense:

1° Only the proper Ordinary; therefore a dispensation conceded by a non-proper Ordinary is invalid, even if the matrimony is celebrated in his diocese.

2° From a legitimate cause; otherwise the dispensation is invalid, because the Ordinary dispenses in the law of a superior.

A proportionate cause is required, and therefore:

1° The lesser, the greater probability or moral certainty is present concerning the absence of any impediment whatever.

a) If it is morally established that there is no impediment, any reasonable cause, indeed the very petition of the spouses, can be a sufficient cause of dispensing even from all publications.

b) But if a positive doubt is present concerning some impediment, of itself and generally the Ordinary is in no way able to dispense from all publications.

c) Finally, if neither moral certainty concerning absence nor positive doubt concerning the existence of an impediment is had, the Ordinary can dispense for various causes.

2° The greater, the more or all the banns are remitted. But some causes are necessary, on account of which the Ordinary is bound to dispense; others are gracious, on account of which he can dispense.

Necessary causes, on account of which he is bound to dispense, are grave damage to be avoided or a notable good to be obtained; namely:

a) danger lest the matrimony be maliciously impeded, i.e., without just cause;

b) danger of infamy or scandal, as if concubinarii, who are held as legitimate spouses, wish to enter matrimony;

c) danger lest the groom abandon a girl deflowered by him;

d) danger of death, while offspring are to be legitimated or the salvation of the dying person more securely procured;

e) urgent necessity of departing with continual danger of incontinence;

f) birth imminent before the announcements have been made;

g) danger lest the spouses be content with civil matrimony alone.

Gracious causes, on account of which he can dispense rather than is bound to, are:

a) great disproportion in the respective age or condition of the spouses, which exposes them to mockery;

b) nobility of the future spouses, whose relations are more known, and whose nuptials do not take place without great deliberation and publicity;

c) every legitimate reason for anticipating matrimony, especially if it is morally established that there is no impediment.

These latter causes for the most part legitimate only a partial dispensation; but the prior ones, with urgent necessity, legitimate even a total dispensation.

Dispensation of the banns does not dispense from the announcement of impediments, nor from the obligation of inquiring concerning them; rather this seems to be more urged, unless it is established that no impediments are present.

The pastor cannot dispense, unless he receives delegation from the Ordinary for this; in certain regions, as in Belgium, vicars forane or deans are usually delegated for dispensing over one or two proclamations. In urgent necessity, the pastor can declare that the law of banns does not oblige with so great an inconvenience.

Thus:

1° if there is danger in delay and the Ordinary cannot be approached;

2° if a solemnly celebrated matrimony, afterward because of an impediment found, must be convalidated by renewed consent;

3° if because of public disturbance announcements cannot be made;

4° if a matrimony of conscience is celebrated (can. 1104).

842. Office of the pastor. - When publications have begun or have been completed, either a doubt can have arisen concerning some impediment, - or a certain impediment has been detected, - or none has been detected, neither certain nor doubtful.

A. "When a doubt has arisen concerning the existence of some impediment:

1° The pastor should investigate the matter more accurately, questioning under oath at least two witnesses worthy of faith, provided there is not question of an impediment from whose knowledge infamy would arise for the parties, and, if it is necessary, the parties themselves also.

2° He should carry out or complete the publications, if the doubt arose before the publications were begun or completed.

3° Let him not assist at the matrimony, without the Ordinary being consulted, if he has prudently judged that the doubt still remains" (can. 1031, § 1).

B. "When a certain impediment has been detected:

1° If the impediment is occult, the pastor should carry out or finish the publications, and refer the matter, suppressing the names, to the local Ordinary or to the Sacred Penitentiary.

2° If it is public and is detected before the publications have begun, the pastor should proceed no further until the impediment is removed, even if he knows that dispensation for the forum of conscience only has been obtained; if it is detected after the first or second publication, the pastor should complete the publications and refer the matter to the Ordinary" (can. 1031, § 2).

C. "Finally, if no impediment has been detected, neither doubtful nor certain:

The pastor, the publications having been completed, shall admit the parties to the celebration of matrimony" (can. 1031, § 3).

843. Notices. - 1. "When the investigations and publications have been completed, let the pastor not assist at matrimony before he has received all necessary documents, and besides this, unless a reasonable cause demands otherwise, three days have passed from the last publication" (can. 1030, § 1). Whence if the last publication took place on Sunday, matrimony of itself can be contracted only on Thursday, conformably to can. 34, § 3, 3°.

The required documents are: a) the testimony of Baptism of the groom from another parish; b) authentic attestation concerning the banns proclaimed in another parish and concerning free state; c) in a special case, testimony concerning a dispensation obtained over an impediment, concerning the death of a prior spouse, concerning nullity of matrimony, concerning non-consummation of ratified matrimony and its dissolution, concerning those things which regard the Pauline privilege.

Per accidens there can be required: from civil law, testimony concerning civil formalities fulfilled; from particular law, testimony of confession.

2. When the future spouses are of diverse dioceses, transmission of the documents of the completed inquiry to the pastor of the bride should always be made through the channel of the chancery of the episcopal Curia of the diocese of the groom; and vice versa through the episcopal chancery of the bride, if it should sometimes happen that the pastor of the groom is to assist at the matrimony (S. C. Sacr., June 29, 1941).

When the pastors of the future spouses are of diverse dioceses, the same Sacred Congregation further commands that the pastor not proceed to assisting at the matrimony unless he first obtains the license (*nihil obstat*) of his episcopal Curia.

That the matter may proceed more accurately, the pastor should send to the Curia, and indeed at a suitable time beforehand, all prematrimonial documents together with a copy furnished with all the notices concerning which there is evidence from the documents. This copy, fortified with the *nihil obstat*, the pastor should use if at some time he grants to a priest, otherwise furnished with legitimate faculty, license of assisting at matrimony perhaps to be contracted outside the parish, and afterward it should be carefully preserved in the archive of the parish where the nuptials were entered.

3. "If matrimony has not been contracted within six months, the publications are to be repeated, unless it seems otherwise to the local Ordinary" (can. 1030).

The judgment of the Ordinary can be brought forth, whether by a general declaration for certain conditions verified, or by a particular response.

4. "At the matrimony of wanderers of whom in can. 91, the pastor, except in a case of necessity, should never assist, unless, the matter having been referred to the local Ordinary or to a priest delegated by him, he has obtained the license of assisting" (can. 1032).

Wanderers are those who nowhere have domicile or quasi-domicile, even if they are already staying in the parish for a month: thus conformably to can. 91; yet probably excepted are those who are wanderers merely momentarily, as being those who, having recently left domicile, are on the way to occupying another: the end of the law, just as the text of the Council of Trent, sess. 24, c. 1, from which it is taken, regards those habitually wandering. But because the end of the law is greater certainty of free state, a license must be obtained, even if only one of the spouses is a wanderer; which generally will be more opportunely obtained after the examination of the spouses but before the publications.

5. "The pastor should gravely exhort minor children under paternal authority not to enter nuptials without the knowledge of parents or when parents are reasonably unwilling; but if they refuse, let him not assist at their matrimony unless he has first consulted the local Ordinary" (can. 1034).

Question Three: On the Form or Rite of the Celebration of Matrimony

844. General principle. - For the validity of the conjugal contract, from the nature of the thing there suffices deliberate mutual consent manifested in any way whatever; but by positive law conditions and formalities can be required for liceity or for validity: for it concerns the public good, namely, that a contract of such great moment not be entered unless it can be proved. Hence it has come about that

among almost all peoples nuptial consent has been adorned with solemnities, and has been clothed with a varied liturgical or juridic form. Conditions and formalities can be prescribed by the civil power in the marriages of unbelievers; but in the marriages of Christians they are reserved to the power of the Church (n. 827, 1°). Therefore, just as the civil law can require a solemn form for the validity of a contract, or prescribe conditions for the validity of a testament, so the Church can establish a form as a necessary condition that matrimony be valid.

From what has been said it follows that clandestine matrimony, namely, which juridically cannot be proved by witnesses, is not of itself and by natural law invalid, indeed not even illicit. Before the Council of Trent no form had been prescribed for the validity of matrimony, and clandestine marriages entered without witnesses were not invalid; nevertheless the Church always held them as regularly, and excepting exceptional circumstances, altogether illicit, as is clear from Innocent III and from the decree itself of the Council of Trent confessing this, sess. 24, *de ref.*, c. 1: "Holy Mother Church, for most just causes, has always detested and prohibited them," on account of the great dangers and inconveniences which are wont to be joined to private unions.

1. Hence from the beginnings of the Church the Fathers require that matrimony be entered before the Church. Thus, for example, Ignatius, *ad Polyc.* 5; Tertullian, *de Pud.* 4.

That it might more efficaciously remove clandestine marriages and their inconveniences, the Council of Trent, in the year 1564, established this law: "Those who shall attempt to contract matrimony otherwise than in the presence of the pastor, or of another priest with the license of the pastor himself or of the Ordinary, and of two or three witnesses, the holy synod renders wholly incapable of so contracting, and decrees contracts of this kind to be invalid and null." Thus it decreed lest spouses afterward could with impunity turn aside to other nuptials, nor be compelled to remain with an illegitimate spouse on account of earlier nuptials unknown.

But the Tridentine decree was not obligatory except in individual parishes where it had been promulgated, which in many places was not done. Hence in several regions it did not oblige, and in certain others it was dispensed in for marriages either of heretics or mixed marriages, so that those entered clandestinely were valid. Wherefore there existed a great diversity in matrimonial legislation for the various parts of the Church.

To remove this diversity, a new discipline was introduced and became obligatory from April 19, 1908, by which matrimony not entered before the pastor or Ordinary, or a priest delegated for this, and two witnesses, would be everywhere null, certain exceptions being preserved; and this was admitted almost unchanged into the new Code of law. And thus uniformity was obtained in the whole Latin Church. Yet there is a certain difference between the new law and the Tridentine law, because in the latter clandestinity was an incapacity of the person for contracting matrimony, whereas now it is rather a defect of the juridic form required for the validity of the contract, and therefore it no longer constitutes an impediment taken in the stricter sense.

They object that the Church cannot change the matter and form of the sacraments instituted by Christ, and therefore cannot make it so that a valid clandestine matrimony is invalid. - But the Church does not change the matter and form of matrimony, which is the legitimate and valid contract between baptized persons; rather it posits the conditions required for this, that the contract be legitimate and valid: when these, namely, have been posited, the matter and form are present; and

when they have not been posited, the matter and form of the sacrament are no longer had. In the same way, the Church cannot make it that the absolution of a priest enjoying jurisdiction is not the sacrament of Penance, but it can establish the conditions required that he have jurisdiction and so absolve validly, or on the contrary, if those are lacking, invalidly.

845. Principle I. The ordinary juridic form, required for the validity of matrimony, is the presence, together with two witnesses, of the Ordinary or pastor of that place in which the matrimony is celebrated. - This is established from can. 1094: "Only those marriages are valid which are contracted before the pastor, or the local Ordinary, or a priest delegated by either of them, and at least two witnesses, according to the rules expressed in the canons which follow, and with the exceptions preserved of which in can. 1098-1099."

1° The Ordinary of the place or the pastor is required. By the name of pastor are understood both the pastor properly so called, or the priest to whom a parish has been conferred in title or stably, with the care of souls to be exercised under the authority of the local Ordinary (can. 451, § 1), and all who in law are equated with the pastor.

Equated with the pastor are:

1° Quasi-pastors, who administer quasi-parishes, or parts of an apostolic vicariate or apostolic prefecture to which a particular rector has been assigned (can. 451, § 2).

2° Parochial vicars, if they have been furnished with full parochial power (ibid.). These are:

a) The vicar curate, who rules a parish whose habitual care belongs to a moral person (can. 471).

b) The substituted vicar, who in all things holds the place of the pastor, whether he is to be deprived of the benefice and has recourse to the Holy See, or is absent for more than a week, and for this has been designated and approved by the Ordinary; or even before the approval of the Ordinary if the pastor departs for a sudden and grave cause for more than a week (can. 465, § 4 and 5, and 1923, § 2, together with 474; com. int., July 14, 1922).

c) The vicar oeconomus or administrator, who, when the parish is vacant, is constituted for its governance; and also the first cooperator vicar or the one older in office, or the neighboring pastor, or the superior of the religious house, according to the cases, who before the constitution of the oeconomus, unless it has been otherwise provided, meanwhile assumes the governance of the vacant parish (can. 472).

d) The vicar adjutor constituted by the Ordinary of the place, who in all things supplies the place of the pastor unequal to duly fulfilling his duties (can. 475).

But not simple cooperator vicars, who nevertheless can be generally delegated by the Ordinary for assisting; but this is not usually done ordinarily or everywhere.

3° Personal pastors who do not exercise jurisdiction over a determinate territory, but over determinate persons. Such are also considered those who together with another pastor in the same place exercise the care of souls with respect to determinate persons of some nationality, language, or rite; likewise chaplains or rectors of pious places exempt from parochial jurisdiction, if they are endowed with full parochial power, but only with respect to the persons entrusted to them and in the

place where they exercise jurisdiction (S. C. C., Feb. 1, 1908); - whether also chaplains of soldiers, depends on peculiar prescriptions and is diverse in diverse regions.

2° At least two witnesses are required. In them no special quality is required by law; hence all are validly assumed, provided here and now they enjoy the use of reason and are capable of testifying. Non-Catholics, excommunicated persons, interdicted persons, and infamous persons are not licitly assumed, as the Holy Office declared concerning heretics, Aug. 19, 1891, unless a grave cause is present and scandal has been removed.

It is not required 1) that the witnesses be designated, forewarned, or asked concerning the matrimony to be contracted; nor 2) that they have an express intention of performing the office of witness; nor 3) that they assist freely, i.e., not coerced or fraudulently induced; nor 4) that the contracting parties formally assume them as witnesses, or even be conscious of their presence. It suffices that the witnesses be able to testify concerning the matrimony contracted; hence, if the witnesses are ignorant of the language, if an interpreter explains the words expressing consent, the matrimony is valid.

3° The presence of the pastor and of the witnesses is required: a) simultaneous, so that all can testify to the same act of marrying; b) physical or corporal, so that the witnesses are present by sight and hearing, and, holding themselves in the immediate surroundings or at a small distance, can connaturally perceive by sight or hearing what is being done; hence communication by telephone or telescope does not suffice; c) moral, so that at least from the circumstances they perceive that matrimony is being contracted between such determinate persons.

Hence there are excluded the insane, the perfectly drunk, those lacking the use of reason, and those who are blind and deaf at the same time; but not those who are only blind or only deaf.

846. Conditions required on the part of the pastor for valid assistance are enumerated in can. 1095, § 1:

"The pastor and the local Ordinary validly assist at matrimony:

1° Only from the day of canonical possession of the benefice having been obtained according to the norm of the canons..., or of office having been begun, unless by sentence they have been excommunicated or interdicted or suspended from office, or declared such;

2° Within the limits only of their territory; in which they validly assist at the marriages not only of their subjects, but also of non-subjects;

3° Provided that, constrained neither by force nor by grave fear, they request and receive the consent of the contracting parties."

Therefore three things are to be attended to:

A. As to time, assistance is valid from the day of canonical possession of the benefice or of office having been begun.

Now: 1° Canonical possession of the benefice, for bishops, is had as soon as in the diocese itself, by themselves or by procurator, they have shown the apostolic letters to the chapter of the cathedral church (can. 334, § 3); for others it is done according to the manner prescribed by particular law or introduced by legitimate custom (can. 1444, § 1).

2° Office having been begun is required for those who do not have a benefice, but only an office, such as the vicar general of the bishop, and the substituted or adjutor vicar of the pastor: it suffices, namely, that the one duly named begin to exercise the office at the time prefixed for this.

3° Valid assistance ceases by the very removal from office or benefice, and also by excommunication, interdict, or suspension from office, after sentence; but not by suspension from sacred things or from jurisdiction.

Let it be noted: a) Even a putative pastor or Ordinary validly assists, namely one who is not such on account of an occult defect, but by common error is reputed to be such: for the Church supplies his power in common error (can. 209); likewise a pastor whose censure passed by sentence is unknown to the parishioners.

b) Likewise in a positive and probable doubt of law or fact concerning his competence for assisting at matrimony (ibid.), because in this case also the Church supplies.

c) Not however, as it seems, an intruded pastor or Ordinary, who neither is such nor has been named such by legitimate authority, even if invalidly, but has been instituted by an illegitimate power, for example, the civil power.

B. As to place, the assistance of the pastor or Ordinary is valid within the boundaries of his territory.

Therefore: 1° Within the boundaries of his own territory he validly assists at the matrimony of all, even non-subjects; outside those boundaries, of none, even subjects.

2° In exempt houses and churches which are situated in his territory, he also validly assists, because they are exempt only by reason of persons (S. C. Sacr., March 12, 1910); it is otherwise if certain institutes have the privilege of extraterritoriality.

3° Where several pastors cumulatively possess the same territory, namely by reason of diverse language, rite, or nation, each one validly assists in the whole territory (S. C. C., Feb. 1, 1908), unless it has been otherwise established by particular law.

4° Personal pastors having jurisdiction only over determinate persons or families: if they are constituted for a determinate territory, they validly assist only in that territory and only for their own subjects; on the contrary, if their competence is restricted by no territory, they validly assist everywhere at the marriages of their subjects.

5° Rectors of pious places, who enjoy full parochial power, cannot assist except at the marriages of their own subjects and only in the place where they exercise jurisdiction (S. C. C., Feb. 1, 1908).

Let the difference from the Tridentine law be noted: according to it, the proper pastor of subjects was bound to assist at matrimony everywhere on earth, so that it was a personal law; but now the pastor validly assists in his territory alone at the matrimony even of non-subjects, so that the law is now territorial.

C. As to mode, it is necessary that the pastor or Ordinary, constrained by no force nor grave fear, request the consent of the contracting parties.

Hence: 1° Force and grave fear, whether brought by the contracting parties or by another, even not unjustly for extorting assistance, invalidates this assistance; but not fear arising from within or from

another event, or ordered to the very observance of the law, nor deceit or fraud, even if they were the cause of the assistance.

2° Merely passive assistance of the pastor does not suffice, but active assistance is required: it does not suffice that the contracting parties issue consent before the pastor noticing it, but he himself must by a positive act inquire after and receive their consent.

Let it be noted: a) It makes no difference for validity whether the pastor inquires after consent by himself or through an interpreter, by words or writing or a sign.

b) By the Tridentine law only the passive assistance of the pastor was required, and thus spouses unexpectedly appearing before him and with witnesses, and eliciting consent contrary to his will, contracted validly; this inconvenience is now avoided, since the actual law requires active parts of the pastor, so that if he resists, the consent issued is not valid.

847. Conditions required on the part of the pastor for licit assistance are indicated by can. 1097:

"§ 1. But the pastor or the local Ordinary assist licitly at matrimony:

1° When the free state of the contracting parties has been established to him according to the norm of law (n. 836-842);

2° When, moreover, the domicile or quasi-domicile or monthly residence, or, if there is question of a wanderer, the actual residence of one of the contracting parties in the place of matrimony has been established;

3° When, if the conditions of which in n. 2 are lacking, the license has been had of the pastor or Ordinary of the domicile or quasi-domicile or monthly residence of either contracting party, unless the matter concerns wanderers actually itinerant, who nowhere have a seat of residence, or a grave necessity intervenes which excuses from seeking the license."

Here the following is to be observed: 1° Domicile or quasi-domicile is not required; monthly residence in the parish suffices for the pastor licitly to assist.

2° For that, intention of residing is neither required nor sufficient; but the real fact of residence for a continuous month suffices and is required; nor is dwelling required, but residence in the manner of a guest or worker also suffices.

3° Residence morally continuous suffices, to which the absence of one or another day and night does not seem to be an obstacle, indeed not even absence during the day alone; but it must be continued up to the day of matrimony.

4° The month seems to be computed as in the calendar, so that the first day is not counted and the time is ended when the day of the same number of the following month has been completed (for example, from the 15th to the 15th completed); and if such a number is not had, the time is ended when the last day of the following month has been completed (for example, Jan. 30 to Feb. 28, Aug. 31 to Sept. 30). Some, however, take the month as a continuous space of 30 days.

5° Actual residence, which under certain given conditions suffices, is to be understood as residence for a time of some moment, so that someone can be said to have there a seat of residence.

6° The license required in the case in which neither contracting party has domicile, quasi-domicile, or monthly residence in the place where he wishes to marry can be conceded orally or in writing, expressly or tacitly, indeed generally, or even be reasonably presumed; in which case it is fitting to warn the proper pastor.

7° Grave necessity excuses from seeking the license, namely notable inconvenience on the part of the pastor or of the future spouses, such as the necessity of departing on account of imminent danger, danger of death, an error of domicile detected at the last hour, concubinage to be ended or forestalled when time for recourse is lacking.

8° For wanderers who do not have actual residence, no license is required for licit assistance; nevertheless the license of the Ordinary is required by force of can. 1032 in order that free state be sufficiently proved (n. 843, 3°).

"§ 2. In any case let it be held as the rule that matrimony be celebrated before the pastor of the bride, unless a just cause excuses; but marriages of Catholics of mixed rite, unless something else is provided by particular law, are to be celebrated in the rite of the man and before his pastor."

A twofold obligatory rule is established:

1st. That matrimony be celebrated before the pastor of the bride. This obliges only under light matter, and a reasonable cause excuses from it, as if the bride is non-Catholic, or the pastor of the groom is a relative of either contracting party, or the house of the groom more easily permits the nuptials to be carried out, or several marriages are celebrated on the same day in the same family, or the parochial church of the groom is near the house and the church of the bride very remote, etc. Such a just cause standing, no license is required from the pastor of the bride, although it is fitting to warn him.

2nd. That matrimony of Catholics of mixed rite be celebrated in the rite and before the pastor of the man. Unless, however, it is otherwise established by particular law, or it is not licit by reason of canon 1099, § 1, 3°, as if a man of some Oriental rite, in which the Latin form of celebrating matrimony is not observed, contracts with a woman of the Latin rite who according to canon 1099 etc. is held to the form. (Cf. Response of the Commission for the Interpretation of the Code on July 8, 1948; *Acta Apostolicae Sedis*, XL, 1948, p. 386.)

"§ 3. The pastor who assists at matrimony without the license required by law does not make the stole emoluments his own, and he shall remit them to the proper pastor of the contracting parties."

The emoluments to be returned are:

1. Only those which are owed to the pastor as such from the very celebration of matrimony, but not the stipend of the Mass celebrated, or gifts made from friendship, or those paid to the ministers and the church.

2. They are to be returned by justice, and indeed before the sentence of a judge, because the law prevents the pastor from making the emoluments his own, i.e., from acquiring dominion over them.

3. They are to be returned to the pastor of the bride; if there are several pastors, let them be divided among them, or perhaps they can be given to the one who would otherwise have assisted.

4. They are not to be restored by the pastor if he acted from a reasonably presumed license, or if he did not have to seek the license because grave necessity excused.

5. Nor perhaps are they to be restored if the pastor remitted them without a just cause, because the law seems to be understood concerning fruits received; unless, however, he fraudulently took care that they be handed over to him under another title.

848. Principle II. The competent pastor or local Ordinary can delegate another priest, who can validly assist at matrimony in his place. - Thus can. 1095, § 2: "The pastor and local Ordinary who can validly assist at matrimony can also give license to another priest to assist validly at matrimony within the boundaries of their territory."

The license given for validly assisting at matrimony is also called delegation in law (can. 1094, 1096, and 1098), because, although it is not a true transmission of jurisdiction, it is nevertheless a communication of the faculty of positing a qualified act.

The local Ordinary and the pastor can delegate; under the name of pastor come all those indicated above (n. 845), who therefore all have the power of delegating (com. int., May 20, 1923); - but not cooperator vicars unless they have been generally delegated for assisting at marriages (ibid.).

Nevertheless: 1) The Ordinary and the pastor cannot delegate unless they themselves can validly assist; hence

a) delegation outside the boundaries of their territory is not valid;

b) nor is it valid if they are excommunicated, interdicted, or suspended from office and sentence has intervened;

c) those personal pastors who are bound to no territory, just as they can assist at marriages, so also they have the power to delegate everywhere on earth.

2. The delegate cannot subdelegate, unless the delegator has expressly conceded this faculty to him, or unless the delegate has been generally delegated for assisting at marriages (com. int., Dec. 28, 1927).

A. The conditions for the validity of delegation are enumerated in can. 1096, § 1: "The license of assisting at matrimony... must be given expressly to a determinate priest for a determinate marriage, with any general delegations excluded, unless there is question of cooperator vicars for the parish to which they are attached; otherwise it is invalid."

Therefore it is necessary: 1° That the delegate be any priest whatsoever, even if he is not furnished with special qualities, for example, is not approved for the care of souls.

2° That he be a determinate priest, although not known to the delegator; hence a license given to the spouses of choosing the priest whom they should prefer would be invalid, or to any religious to be designated by the superior (S. C. Sacr., March 12, 1910), or of subdelegating someone indeterminate;

nevertheless delegation of several is valid, for example, of all staying in the parish. It matters little how the determination is made: by name, title, or office of the contracting parties, by the hour or place of celebration, immediately or through another, for example, the groom, who notifies the delegation.

3° That he be determined to a determinate marriage, or several determinate marriages; but not for assisting at all marriages or at a certain category of marriages or at those which are to be contracted this month, unless there is question of cooperator vicars. For these, but only for the parish which they serve, can be generally delegated to all or to a certain category of marriages; although by common law, by the very fact that they are constituted cooperators, they are not generally delegated.

4° The delegation must be given expressly, whether in writing, or by words, or by nods or another explicit or implicit sign, or even by the work of telegraph or telephone; tacit, presumed, interpretative delegation is not valid, a fortiori not mere toleration or ratihabition after the assistance. Hence substantial error impedes delegation, namely, error concerning the very person of the one to be delegated or of the future spouses.

5° The delegation must be known to the delegate and accepted by him at least implicitly; unless, however, the delegation is conceded by law or by statute.

Let it be noted: a) That the delegate may validly assist at matrimony, he must conduct himself in the same way as the delegator must proceed, and within the boundaries of the territory of the delegator he must inquire after and receive consent.

b) Canonists dispute whether a delegated priest, after excommunication, interdict, or suspension from office, with sentence, validly assists. Many affirm, because a formal text excluding validity is lacking; others deny, because they say that this follows from the whole context of can. 1094-1096.

c) Delegation ceases when the mandate has been completed; when the time has elapsed or the number of cases for which it had been conceded has been exhausted; when the final cause of the delegation ceases; by revocation made by the delegator and directly intimated to the delegate; but not by the death or resolved death of the delegator, unless this had been expressly established (cf. can. 207).

d) In common error the Church supplies, if someone is commonly thought to have the faculty of assisting.

B. The conditions for licitly delegating are indicated by can. 1096, § 2: "Let the pastor or local Ordinary not concede license, unless all things have been completed which the law establishes for proving liberty of state."

Therefore not unless the examination of the spouses, investigations, and denunciations have been carried out. Moreover, that the delegated priest may assist licitly, he must observe all things which are to be observed by the pastor, as was said in n. 847.

849. Principle III. The extraordinary juridic form, in defect of the Ordinary or pastor or delegated priest, sometimes sufficient for validity, is the presence alone of two witnesses. - This is established from can. 1098:

"If the pastor or Ordinary or delegated priest who assists at matrimony cannot be had or approached without grave inconvenience...

1° In danger of death, matrimony before witnesses alone is valid and licit; and also outside danger of death, provided it is prudently foreseen that this condition of things will last for a month;

2° In either case, if another priest is at hand who can be present, he must be called and assist at the matrimony together with the witnesses, the validity of the union before witnesses alone being preserved."

Therefore: A. For validity, the extraordinary form or presence of two witnesses can suffice only if grave inconvenience stands in the way so that the pastor or Ordinary or delegated priest cannot be had or approached.

There suffices 1) any grave inconvenience whatever, spiritual or temporal, whether it directly affects the parties, or the priest (Commission for the Interpretation of the Code, May 3, 1945), provided that this inconvenience is an impediment to the physical presence of the Ordinary or pastor (Commission I. C., March 10, 1928), even if they are not absent from the place but materially present there (Commission I. C., July 25, 1931). Such are considered: the incarceration of a future spouse joined to the impossibility of having a competent priest, the closure of all approaches in time of war, residence in a remote region where no competent priest is present, a long journey joined to the aforesaid impossibility, etc.; - on the contrary, the mere refusal of the pastor does not suffice, nor any material damage whatever; whether a grave civil prohibition suffices can happen (rescript S. C. Sacr., April 24, 1935, to ep. Met.), but it seems to depend on the nature and gravity of the inconvenience; yet in practice, on account of many inconveniences easily arising, in individual cases recourse must be made to the competent ecclesiastical authority, as has been declared several times. 1

2. Personal impossibility suffices and is required; common or local impossibility is not required, nor does common impossibility suffice if personal impossibility is lacking. Therefore that impossibility can arise not only from defect or scarcity of priests, but also from persecution, from epidemic, from the reputation of a penitent to be preserved, from grave inconvenience to the minister to be feared on a journey, etc.

3. No special cause is required; any motive whatever for entering matrimony suffices.

B. The aforesaid impossibility standing, matrimony so entered is valid in only two cases, besides the case of a legitimate dispensation obtained over the assistance of the pastor. The cases are: danger of death, and impossibility which with moral certitude is foreseen to last for a month.

1° Danger of death, grave or proximate, from any cause whatever, threatening either of the contracting parties, certain or very probable, so that an error in estimating the danger does not harm the validity of the matrimony, provided the estimation is prudent.

2° Outside danger of death, if it is prudently foreseen that this condition of things will last for a month. In the case:

a) It is not required that that condition of things have already lasted for a month, or that the pastor has been absent for a long time; it suffices that it is prudently to be presumed that he will not be present within a month, even if in fact the estimation is erroneous.

b) Yet a probable presumption does not suffice; moral certitude is required, from notoriety or from inquiry, concerning the continuance of the same condition of things, nor does the fact of the pastor's absence suffice (com. int., Nov. 10, 1925).

c) The month must be continuous and complete: it seems to be taken as in the calendar (n. 847, § 1); some, however, take it for a space of 30 days.

d) The nuptials are valid, even if the future spouses have acted in fraud of the law, deliberately deferring matrimony to the time at which the competent priest would be absent, or transferring themselves to a place where a competent priest cannot be had or approached.

1. Cf. I. De Becker, *De recto sensu can. 1098*, in *Eph. Theol. Lov.*, 1932; Conc. Mechl. IV, decr. 214. - Some judge that this impossibility subsists, even if the pastor or Ordinary could be reached by means of telegraph or telephone, or by automobile, because these are extraordinary means. But that such means are still extraordinary can deservedly be doubted. An extraordinary means would be an airplane.

C. For licitly entering matrimony in these cases, it is required that another priest, if he is at hand, be called and assist with the witnesses.

The priest is prescribed to be called, but not under penalty of invalidity; it suffices that he assist merely passively, and he need not inquire after the consent, just as neither must the witnesses do this. But every priest is to be called, even one under censure, but not a *vitandus*. In danger of death, a priest has a broad faculty of dispensing over impediments, as will be said in n. 922.

850. Who are held to observing the juridic form. - Canon 1099 says:

"§ 1. To observing the form established above are held:

1° All baptized in the Catholic Church and converted to it from heresy or schism, although either the former or the latter afterward defected from it, as often as they enter matrimony among themselves;

2° The same, of whom above, if they contract matrimony with non-Catholics, whether baptized or not baptized, even after a dispensation has been obtained from the impediment of mixed religion or disparity of worship;

3° Orientals, if they contract with Latins bound by this form." 1

Therefore, to the law prescribing juridic form:

1° All of the Latin rite, baptized in the Catholic Church, are held, namely those who, with regard to the end of the one acting, i.e., of the one baptizing or commanding Baptism, are baptized in order to the Catholic Church, or formally with this end, that they be joined to the external communion of the Catholic Church; such are:

a) infants whom parents or those holding their place take care to have baptized that they may become members of the Catholic Church,

b) infants born of Catholic parents and privately baptized in a case of necessity,

c) adults who by their own will receive Baptism with the intention that they be joined to the Catholic Church.

2° Converts to the Catholic Church from heresy or schism are also held, namely those who of their own accord have professed the Catholic faith; and non-Catholics baptized who from infancy, i.e., at least from the first use of reason, in fact were educated in the Catholic faith: provided they are of the Latin rite.

1. Hence a woman who, by force of can. 98, § 4, declares that she wishes in entering matrimony to pass to the Oriental rite of the man, is held to the form of the celebration of matrimony (com. int., April 29, 1940).

3° All these are held, even if afterward they defected from the Catholic Church.

4° They are held as often as they contract either among themselves, or with all others who are immune from the law, whether Orientals or non-Catholics, even with dispensation from the impediment of mixed religion or disparity of worship. For the party immune from the law does not communicate his immunity to the other party, but the party bound communicates the bond to the other, who then is held per accidens.

5° All are held in the whole world.

"§ 2. But the prescription of § 1, n. 1, remaining firm, non-Catholics, whether baptized or not baptized, if they contract among themselves, are nowhere held to observing the Catholic form of matrimony."

The second part of this paragraph, "likewise those born of non-Catholics, although baptized in the Catholic Church, who from infancy have grown up in heresy or schism, or infidelity, or without any religion, as often as they contract with a non-Catholic party," was abrogated by the *motu proprio Decretum Ne temere* of Aug. 1, 1948. From Jan. 1, 1949, therefore, all baptized in the Catholic Church are held to observing the canonical form of matrimony. Since, however, that law does not have retroactive force, the second part of can. 1099, § 2 retains its force for those who contracted matrimony before Jan. 1, 1949.

Therefore from observing the juridic form:

1° Immune are: a) the non-baptized; b) those baptized in a heretical or schismatic sect and never converted; c) Catholics of Oriental rite, unless by special law they are bound to this.

2° They are immune only while they contract among themselves, or with a non-Catholic party who likewise is immune from the law, and indeed wherever they are dwelling.

3° Those baptized in the Catholic Church are not immune, whether they were born of Catholics or of non-Catholics, although from infancy they were educated outside the Church.

851. Notice concerning marriages formerly celebrated. - The legislation of the Code does not have retroactive effect; hence concerning the validity of marriages celebrated before the Code, judgment must be made according to Tridentine law, or, from April 19, 1908, according to the provisional legislation of the decree *Ne temere*, Aug. 2, 1907.

Especially three things are to be attended to:

1° According to Tridentine law, the assisting pastor was the proper pastor, namely of domicile or quasi-domicile of either of the future spouses; now it is the pastor of the place.

2° Tridentine law, where it had been promulgated, was of itself obligatory for marriages of heretics among themselves; the new law excepts these.

3° In certain regions dispensation had been made from Tridentine law both for marriages of heretics and for mixed marriages; now the presence of the pastor is universally required in mixed marriages.

852. The liturgical form to be observed. - By the name of liturgical form is understood the complex of rites and ceremonies which accompany the celebration of Christian matrimony and which are prescribed in ritual books approved by the Church or are received by laudable customs. Concerning this, can. 1100 prescribes:

"Outside a case of necessity, in the celebration of matrimony let there be observed the rites prescribed in ritual books approved by the Church or received by laudable customs."

A. The liturgical form is found in the Roman Ritual, tit. 7, c. 2; it comprises three things: the first is the interrogation concerning mutual consent and the pronouncing of the copulative formula, the hands of the spouses being joined, under the words: *I join you in matrimony in the name of the Father and of the Son and of the Holy Spirit*, or by other similar words according to the received usage of each place; the second is the blessing and handing over of the ring; the third is the solemn blessing with the Mass for the groom and bride.

Nevertheless the special form of the Roman Ritual is not prescribed, because, as the Council of Trent itself says, sess. 24, c. 1 *de ref.*, other approved rites and laudable customs can be observed; which is altogether fitting, because they are often more excellent.

There is a grave obligation of observing the liturgical form from the Council of Trent, sess. 7, can. 13, and from various decrees of the S. C. C., even in second nuptials. Hence one who without legitimate cause omitted the whole ceremony would sin gravely; and Catholics who in a case of necessity have contracted matrimony without ceremonies ought to take care that these be supplied as soon as possible, in which case the formula *I join you...* is omitted.

B. With the ceremonies is connected the solemn blessing, which, after matrimony has been celebrated, is imparted to the spouses during the solemnities of Mass, according to the rite of the Roman Missal in the Mass for the groom and bride. Yet this blessing is not strictly prescribed, whence there are also certain places where it is more rarely conceded. Concerning it, can. 1101 says:

"§ 1. Let the pastor take care that the spouses receive the solemn blessing, which can be given to them even after they have lived for a long time in matrimony, but only in Mass, the special rubric being observed and the closed time excepted.

"§ 2. Only that priest can give the solemn blessing, by himself or through another, who can validly and licitly assist at matrimony." For it is a function reserved to the pastor.

Let it be noted: a) The blessing can be given only in Mass and indeed by the celebrant (S. Off., Aug. 31, 1881).

b) The blessing must be omitted:

1° in the closed time, namely, from the first Sunday of Advent to the Nativity of the Lord inclusively, and from Ash Wednesday to Easter of the Resurrection inclusively; which they say is prescribed under grave matter, unless the Ordinary grants license;

2° in mixed marriages (can. 1102);

3° when the woman has already received the blessing in preceding nuptials (can. 1143); indeed there are places in which the blessing cannot be conceded even to widowed men, which according to the ritual seems still to be observed (tit. 7, c. 1, n. 18);

4° when only one Mass is celebrated in the rite of the dead, and on the day of the commemoration of all the faithful; because in a Mass of requiem such a blessing cannot be received (S. Off., Sept. 3, 1817); in which case it can be remitted to another day;

5° on account of a general interdict affecting the place, or a particular interdict affecting the church in which the nuptials are celebrated (can. 2271, 2° and 2272, § 3, 2°);

6° when matrimony is entered with one notoriously excommunicated (S. Poen., Dec. 10, 1860).

c) The Mass for the groom and bride is prohibited on Sundays, feasts of the first and second class, privileged octaves of the first and second order, privileged ferias, and vigils of the Nativity, Epiphany, and Pentecost; but if the nuptial blessing can be given from license of the Ordinary, the Mass of the day is to be said with the prayer for the spouses added.

d) Nothing prohibits one priest from inquiring after and receiving the matrimonial consent, and another from celebrating Mass and imparting the solemn blessing, provided they have the due competence.

C. Concerning mixed marriages, can. 1102 has force:

"In marriages between a Catholic party and a non-Catholic party, the interrogations concerning consent must be made according to the prescription of can. 1095, § 1, n. 3. But all sacred rites are prohibited; but if graver evils are foreseen from this prohibition, the Ordinary can permit some of the customary ecclesiastical ceremonies, always excluding the celebration of Mass."

Therefore in mixed marriages:

1° The priest must always inquire after and receive the consent even from the non-Catholic party; nor does merely passive assistance suffice for validity (com. int., March 10, 1928).

2° All sacred rites are of themselves prohibited, such as the use of sacred vestment, a sermon properly so called, the blessing of the ring, the blessing of the nuptials, celebration in church, etc.

3° For avoiding graver evils, such as hatred toward the Catholic religion, danger of a merely civil union or of the perversion of the Catholic party, celebration of the nuptials before a non-Catholic minister, etc., the Ordinary can concede certain ceremonies, but not the celebration of Mass nor consequently the solemn blessing connected with it.

Notice: a) The priest who celebrates Mass for the groom and bride is not bound to apply it to them, unless it has been specially contracted thus.

b) At the end of the Roman Ritual is found the formula of the nuptial blessing to be used when Mass is not said, and the formula of prayers which can be recited if the blessing is not permitted. Yet these cannot be imparted except from a special indult.

853. The time and place of celebration are determined in the code of law:

A. "Matrimony can be contracted at any time of the year. Only the solemn blessing of nuptials is forbidden from the first Sunday of Advent up to the day of the Nativity of the Lord inclusively, and from Ash Wednesday up to Easter Sunday inclusively. Yet local Ordinaries can, with liturgical laws preserved, permit it even in the aforesaid times from a just cause, the spouses having been warned that they abstain from excessive pomp" (can. 1108).

Therefore: 1) There no longer exists a prohibiting impediment, namely the forbidden time, which in certain places in the closed time prohibited marriages; nevertheless, by particular law they can be prohibited at certain hours, for example, evening or night hours.

2. The solemn blessing can be conceded by the Ordinary, with liturgical laws preserved concerning the Mass for the spouses sometimes not to be said.

3. Then, in the forbidden time, there must be abstention from pomp, such as the sound of bells, public festivity, splendid adornment of the church, solemn escorting of the bride with dances and music. Moderate signs of joy are not forbidden.

B. "Matrimony between Catholics is to be celebrated in the parochial church; but in another church or oratory, whether public or semi-public, it can be celebrated only with the license of the local Ordinary or pastor" (can. 1109, § 1).

Nevertheless: 1° "Local Ordinaries can permit matrimony to be celebrated in private houses only in some extraordinary case and with a just and reasonable cause always acceding; but in churches or oratories either of a seminary or of religious women, let Ordinaries not permit this unless necessity is urgent and suitable cautions have been applied" (can. 1109, § 2). An extraordinary case can be inability or difficulty of going to church, or necessity of secretly convalidating a matrimony; urgent necessity, the destruction of the parochial church.

2° "But marriages between a Catholic party and a non-Catholic party are to be celebrated outside church; but if the Ordinary prudently judges that this cannot be observed without graver evils arising, it is committed to his prudent judgment to dispense in this matter, yet the prescription of can. 1102, § 2 remaining firm," namely, concerning Mass not to be permitted (can. 1109, § 3).

854. Observations concerning the inscription of celebrated matrimony. - Let the following ordinances be noted:

1° "When matrimony has been celebrated, the pastor or the one who holds his place shall as soon as possible write in the book of marriages the names of the spouses and witnesses, the place and day of the matrimony celebrated, and other things according to the manner prescribed in the ritual books and by his proper Ordinary; and this even if another priest, delegated either by him or by the Ordinary, assisted at the matrimony" (can. 1103, § 1).

2° "Moreover... the pastor shall also note in the book of the baptized that the spouse contracted matrimony on such a day in his parish. But if the spouse was baptized elsewhere, the pastor of the matrimony shall transmit notice of the contract entered to the pastor of Baptism, either by himself or through the episcopal curia, so that the matrimony may be entered into the book of the baptized" (can. 1103, § 2).

This latter pastor should transcribe the notices received in his book of the baptized, and send written notice of the transcription having been carried out to the pastor who assisted at the matrimony. But he should not acquiesce until he has received this notice; and once received, he should attach it to the bundle of documents of the celebrated matrimony.

3° "As often as matrimony is contracted according to the norm of can. 1098 (i.e., under the extraordinary form), the priest, if he assisted at it, otherwise the witnesses, are held in solidum with the contracting parties to take care that the union entered be noted in the prescribed books as soon as possible" (can. 1103, § 3).

4° "Matrimony of conscience is not to be noted in the customary book of marriages and of the baptized, but in a peculiar book to be kept in the secret archive of the curia" (can. 1107).

Third Part: On the Impediments of Matrimony

855. Matter to be treated. - After we have spoken of the conditions required for matrimony on the part of consent and of the opposite defects (n. 797-807), likewise of those things which are required for validity and liceity on the part of celebration (n. 845-850), there remains to be spoken of the conditions required on the part of the subject and of those things which in him can impede matrimony. Therefore, where the subject of matrimony comes to be considered, it is also necessary to speak of matrimonial impediments. For "all can contract matrimony who are not prohibited by law" (can. 1035): namely, all enjoying the use of reason are apt for matrimony, and, if they are baptized, also for the sacrament of matrimony, provided they are not prohibited or impeded from it by law. Hence we shall speak:

1° Of the impediments of matrimony in general.

2° Of impeding impediments.

3° Of diriment impediments.

4° Of dispensation from impediments.

5° Of the convalidation of matrimony.

Question One: On Impediments in General

S. Th. Suppl., q. 50, a. un.

856. An impediment of matrimony (*empêchement de mariage*; *huwelijksbeletsel*) in the strict sense is an external circumstance affecting a person, which by natural or positive law directly bars him from entering matrimony as such validly or licitly, or which renders a person unfit for contracting matrimony validly or licitly. It is said:

1° an external circumstance affecting a person, in order to exclude those circumstances which affect the consent or the form of the contract and thus can impede matrimony, but do not directly impede the persons from contracting matrimony;

2° which by natural or positive law bars, in order to exclude everything which unjustly or by force draws one back from matrimony;

3° directly, so that it may be distinguished from an impediment taken in a broader sense, for everything which even indirectly draws one back from contracting matrimony, as if a father or social authority justly commands something which is incompossible with contracting matrimony; and which in some way can be called a moral impediment, but is not a juridic impediment constituted by law and indeed from direct intention;

4° from matrimony as such, insofar as it is a contract of a special kind: thus it is distinguished from an impediment taken broadly, which does not impede matrimony as it is such a special contract, but insofar as it impedes every contract, for example, defect of consent, or the reception of any sacrament whatsoever, for example, the state of sin or defect of intention or of Baptism;

5° from entering validly or licitly; whence a twofold kind of impediment is distinguished: diriment and merely impeding or prohibiting. This latter, namely, only prohibits the matrimony to be contracted or renders it illicit; but the former prohibits and diriments, i.e., renders it illicit and at the same time invalid.

The merely impeding impediment, namely, prohibits matrimony and effects that it cannot be entered licitly; the diriment one prohibits it and effects that it cannot be entered either licitly or validly. Hence an impeding impediment is a prohibiting law; a diriment impediment is a law prohibiting and at the same time irritating.

Thus conformably to the doctrine of St. Thomas. For some things are of the essence of Matrimony, some of its liceity; and impediments can be opposed to each. Hence impediments which are contrary to those things which are of the liceity of matrimony "do not effect that there is not true matrimony, and such are said to impede matrimony to be contracted, but they do not diriment the contract... But impediments which are contrary to those things which are of the essence of matrimony effect that there is not true matrimony, and therefore they are said not only to impede contracting, but to diriment the contract already made" (q. 50, in c.); not "as though dissolving a true matrimony which has been duly contracted, but because they dissolve a matrimony which has been contracted in fact and not in law." For "if some impediment supervenes upon a matrimony duly made, it cannot dissolve the matrimony" (ad 7).

In the old law, and also in St. Thomas, the word impediment is taken in a broad sense, for everything which impedes matrimony not only on the part of the person but also on the part of the act. Thus force and fear, error, espousals insofar as they impede consent, and after the Council of Trent defect of pastor and witnesses, because it impedes the external form required as a condition of validity; indeed some numbered the omission of banns among impeding impediments, insofar as banns are regularly necessary for the licit celebration of matrimony. But in the new law, as before was suggested by some, impediment is taken for the incapacity of the person alone; 1 hence force, fear, error, espousals, clandestinity, and a fortiori defect of banns are no longer reckoned among impediments.

1. Sometimes, however, it is taken in the broad sense: thus can. 1990 (com. int., Oct. 10, 1929, n. 17) and can. 1971 (com. int., March 12, 1929).

857. Division of impediments. - Impediments are divided according to various reasons:

A. By reason of cause or origin, some are of natural law, others of positive law, whether divine or human, i.e., both ecclesiastical for the baptized and also civil for the non-baptized.

It belongs to the Church to recognize impediments of natural and divine law, and to assume and sanction them as impediments in the external forum: but by this reason they formally become canonical impediments.

B. By reason of effect, some are impeding impediments (*prohibitifs* or *prohibants*; *verhinderende* or *verbiedende*), others, as we have already said, diriment (*dirimants*; *ontbindende* or *ongeldig makende*).

Hence can. 1036:

"§ 1. An impeding impediment contains a grave prohibition of contracting matrimony; yet matrimony is not rendered invalid if, the impediment notwithstanding, it is contracted.

"§ 2. A diriment impediment both gravely prohibits matrimony to be contracted and impedes it from being contracted validly."

C. By reason of extension, impediments are absolute, which impede every matrimony with all persons, such as age, bond, vow, order; or relative, which impede it only with certain persons, such as crime, kinship, disparity of worship.

But some are correlative, which exist on the part of each, such as crime or consanguinity, while some are on one part only, such as order or disparity of worship. Nevertheless, can. 1036, § 3 says: "Although an impediment exists on one part only, nevertheless it renders matrimony either illicit or invalid," because, namely, matrimony does not limp.

D. By reason of duration, they are perpetual, which of themselves never cease but always remain, such as consanguinity; or temporary, which cease or can cease by the course of time, such as age or mixed religion.

Perpetual impediments can be taken away only by dispensation, provided they are dispensable. Dispensable are those in which the Church can and is wont to dispense; but indispensable are those in which she cannot or is not wont to dispense. From impediments of natural and divine law she cannot dispense; from impediments of ecclesiastical law she can dispense, but from a few she does not dispense.

Indispensable are: impotence, bond, consanguinity of the direct line; probably consanguinity in the first degree of the collateral line, and the episcopal order; very rarely is dispensed the order of priesthood, affinity in the direct line especially when matrimony has been consummated, crime from killing a spouse especially public; rarely, abduction, affinity in the direct line when matrimony has not been consummated, age, unless perhaps in certain regions of the missions in a case of doubtful age; less rarely, a solemn vow and sacred order below the priesthood.

No human power, neither civil nor ecclesiastical, can establish an absolute and perpetual impediment, because it is against the natural right which each person has natively to marry; - unless, however, there is supposed some free act by which someone has chosen a more perfect state, through vow or order, and thus has implicitly renounced matrimony, or by which he has committed some crime which would fittingly be punished by prohibition of matrimony.

E. By reason of divulgation and demonstrability, they are public or occult. They are public if in fact they can be proved in the external forum, although by their nature they are occult; but occult if in fact they cannot be proved, although by nature they are public.

Thus conformably to can. 1037: "An impediment is considered public which can be proved in the external forum; otherwise it is occult," and to the response of the com. int., June 25, 1932.

F. By reason of gravity, "some are of lesser grade, others of greater," as can. 1042, § 1 says.

"Of lesser grade are: 1° consanguinity in the third degree of the collateral line (perhaps also mixed with the second or first); 2° affinity in the second degree of the collateral line; 3° public honesty in the second degree; 4° spiritual kinship; 5° crime from adultery with promise or attempted celebration of matrimony even by a civil act alone" (ibid., § 2).

There is no reason in law for this division to be applied to impeding impediments; hence § 3: "Impediments of greater grade are all the others."

858. Observation. - To matrimony, before the other sacraments, impediments are assigned insofar as it is a contract and is entered between two. Hence St. Thomas, ad 1: "Impediments are assigned to matrimony more than to the other sacraments for three reasons: 1° because matrimony consists in two, and therefore it can be impeded in more ways than the other sacraments, which belong singularly to one person; 2° because matrimony has its cause in us and in God, but certain other sacraments only in God; 3° because concerning the other sacraments there is precept, or counsel, as concerning more perfect goods; but concerning matrimony there is indulgence, as concerning a less perfect good. And therefore, that an occasion of advancing to something better may be given, more impediments are assigned to matrimony than to the other sacraments."

859. Principle. With the impediments of natural and divine law preserved, the Church herself and alone has the power of establishing impediments, not only impeding but also diriment, for the marriages of Christians; just as, on the contrary, the civil authority has this for the marriages of unbelievers.

That the Church can establish diriment impediments is defined as of faith in the Council of Trent, sess. 24, can. 4; that she can do this by her own right is established from the condemnation of prop. 59 of the Synod of Pistoia; that she alone can do it, to the exclusion of civil authority, seems sufficiently certain, but in the sense explained above in n. 824, where also the competence of the civil power was spoken of with respect to the unions of unbelievers.

Nor should you say that the Church, in the decree of the Council of Trent, can be understood as the assembly of the faithful or the Christian princes themselves. For where there is question of power and of doctrine, the Church designates only the prelates who from the institution of Christ have received the power of ruling and teaching; as is clear, moreover, from the context and from the erroneous doctrine of the Protestants which is reproved.

Consequently, with regard to those impediments which she establishes, the Church enjoys the power of abrogating, derogating, changing, and dispensing (can. 1040).

860. The active subject of the ecclesiastical power of authentically declaring, establishing, or relaxing matrimonial impediments, of themselves are those to whom by divine law belongs the power of ruling and teaching the Church, namely, the Supreme Pontiff and the bishops; nevertheless in the course of time it has come about that the constitution of an impediment was reckoned among the greater causes, which were reserved to the supreme ecclesiastical authority and withdrawn from

the power of individual bishops or particular councils: to bishops there remains only the power of commanding in a particular case. Thus also in the code of law:

1° Can. 1038: "§ 1. It belongs only to the supreme ecclesiastical authority authentically to declare when divine law impedes or diriments matrimony.

"§ 2. To the same supreme authority belongs exclusively the right of constituting other impediments impeding or diriment of matrimony for the baptized, by way of universal or particular law."

The supreme authority in the Church is an ecumenical Council, and the Supreme Pontiff either immediately by himself or through the organ of the Sacred Roman Congregations.

2° Can. 1039: "§ 1. Local Ordinaries can forbid marriages to all actually staying in their territory and to their subjects even outside the boundaries of their territory in a particular case, but only for a time, from a just cause and while it continues.

"§ 2. Only the Apostolic See can add an invalidating clause to a prohibition."

Therefore bishops cannot prohibit matrimony by way of law, but only by way of precept in a particular case and only for a time, and indeed under grave matter, but from a just cause; they cannot, however, invalidate it. A just cause can be: scandal to be avoided, quarrels or discord to be forestalled, grave inconveniences to be avoided, suspicion of an impediment, the opposition of a third person against the matrimony. Indeed even the pastor, not directly and judicially, but nevertheless by his office, can indirectly prohibit the celebration of matrimony for a time, insofar as by office he provisionally forbids it until the Ordinary pronounces.

3° Can. 1040: "Except the Roman Pontiff, no one can abrogate impediments of ecclesiastical law, whether impeding or diriment, or derogate from them; likewise neither can anyone dispense in them, unless this power has been conceded by common law or by a special indult from the Apostolic See."

4° Can. 1041: "A custom introducing a new impediment or contrary to existing impediments is reprobated"; hence it is no longer reasonable (can. 27, § 2).

861. The passive subject of impediments are those who are subject to the law establishing impediments and are bound by these. Now:

1° All men, both unbelievers and faithful, are bound by impediments of natural or divine law.

2° By canonical impediments or those of ecclesiastical law are bound:

a) All baptized persons, not only Catholics, but also heretics, schismatics, apostates, excommunicated persons.

For of themselves they are subject to the laws of the Church, especially those which directly regard the common good of the Church, as are matrimonial impediments; unless the contrary is expressly declared, as has been done for the impediment of disparity of worship, and for the juridic form of matrimony, in favor of those who have been baptized outside the Catholic Church.

b) Unbelievers after Baptism has been received are affected not only by those impediments which have arisen after Baptism, but also by those whose cause was posited before and whose foundation is a natural bond.

For the natural bond endures and therefore after Baptism produces its effects: thus, for example, the bond of consanguinity. On the contrary, if the whole reason of the impediment is in the will of the Church, the impediment does not arise, as spiritual kinship.

3° Unbelievers who contract matrimony with a faithful person are indirectly and per accidens reached by canonical impediments (can. 1036, § 3), because matrimony does not limp.

In the same way, baptized persons who contract with an unbeliever perhaps are indirectly bound by the civil impediments by which unbelievers are held (n. 826).

862. An impediment unknown, impossible to observe, doubtful.

A. Invincible ignorance, although it can excuse from sin or penalty, nevertheless does not excuse from a diriment impediment, because it cannot restore the ability which the law has taken away.

For can. 16, § 1 says: "No ignorance of irritating or incapacitating laws excuses from them, unless something else is expressly said."

B. The impossibility of observing an impediment does not excuse from it in a particular case, because the common good on account of which impediments have been passed is superior to private good; but if it should be common, from epikeia it seems that the impediment does not oblige, in a case in which it would become harmful to the community, which indeed can rarely happen.

Some nevertheless admit epikeia in one or another exceptional case of particular necessity.

C. A doubt is understood as one which remains grave and founded concerning the existence of an impediment after a diligent inquiry into the truth; but a doubt can be of law or of fact, indeed of natural and divine law, or of ecclesiastical law alone. Now:

1° In a doubt concerning an impediment of natural or divine law, it is illicit to contract matrimony, because it is to expose it to the danger of nullity, since the Church cannot dispense in natural and divine law. Namely, systems of probability do not come to be applied in the case, because there is not question of honesty alone but of the validity of the act (II, n. 90-91).

There is an exception if the doubt concerns the impediment of impotence, because everyone is presumed by nature to be apt for matrimony, until the contrary is established. Hence they say that the native right of man to marry always prevails. 1 Hence can. 1068, § 2: "If the impediment of impotence is doubtful, whether by doubt of law or by doubt of fact, matrimony is not to be impeded."

1. With the right of a third party preserved, however; hence in a doubt concerning the impediment of bond, or of the bond still enduring from a previous matrimony, a new matrimony cannot be contracted.

2° In a doubt concerning an impediment of ecclesiastical law:

a) In a doubt of law, matrimony can be contracted, because the impediment does not urge, for "laws, even irritating and incapacitating ones, in a doubt of law do not urge," can. 15.

In practice, however, the pastor must have recourse to the Ordinary, because he could falsely judge that there is a doubt of law; hence can. 1031, § 1, 3°: "Let him not assist at matrimony, without the Ordinary having been consulted, if he has prudently judged that the doubt still remains."

b) In a doubt of fact, matrimony cannot licitly be contracted, because it is to expose it to the danger of nullity; rather dispensation is to be sought, in the case in which the Church dispenses.

Let it be noted according to can. 15: "But in a doubt of fact the Ordinary can dispense in them, provided there is question of laws in which the Roman Pontiff is wont to dispense."

863. Corollaries. - Since the laws concerning matrimonial impediments do not have retroactive force, hence:

1° Marriages of unbelievers validly entered, by the reception of Baptism, are not dissolved because the unbelievers are now bound by ecclesiastical laws which establish canonical impediments.

2° Marriages entered before the new legislation of the code, namely, before May 19, 1918, are ruled by the law in force at the time at which they were entered (com. int., June 2, 1918).

3° Hence those invalidly entered do not become valid by the very suppression of impediments, just as those validly entered do not become invalid on account of a new impediment established.

Question Two: On Impeding Impediments

S. Th., Suppl., q. 53, a. 1; q. 57; q. 59, a. 1, ad 5.

864. There are three impeding impediments: simple vow, legal kinship, and mixed religion.

Formerly several others were reckoned, such as the prohibition of the Church, the closed time, espousals. But the prohibition of the Church is not a juridic impediment established by law, but can impede matrimony only by way of a particular precept (n. 860); time does not impede matrimony but its solemnity; espousals are not a canonical impediment, because they can be urged by no action, but are left to the judgment of conscience, nor do they impede matrimony in every case.

Likewise apostasy from the Catholic faith, enrollment in a society condemned by the Church, and unworthiness from public sin or notorious censure are not true impediments, because matrimony with such persons is not prohibited simply.

865. Principle I. A simple vow impedes matrimony, namely a vow of virginity, of perfect chastity, of not marrying, of receiving sacred orders, and of embracing the religious state. - Thus can. 1058, § 1.

A simple vow (*voeu simple*; *gewone gelofte*) is every vow which has not been recognized by the Church as solemn (can. 1308, § 2); which in five cases prohibits matrimony: a) a vow of virginity, or of preserving integrity of the flesh and abstaining from the first consummated carnal act; b) a vow of perfect chastity, or of abstaining from every venereal delectation; c) a vow of not marrying, or of not entering matrimony; d) a vow of receiving sacred orders, namely, the subdiaconate or higher orders; e) a vow of embracing the religious state, which is had in every and only society approved by legitimate ecclesiastical authority, in which the members, according to the proper laws of that society itself, pronounce public vows, perpetual or temporary, yet to be renewed when the time has elapsed, and thus tend to evangelical perfection (can. 487-488).

1. Such a vow is an impediment to matrimony not only of ecclesiastical law, but also of natural and divine law, insofar namely as matrimony can stand in the way of the fulfillment of those vows.

2. It is a merely impeding impediment, for, according to can. 1058, § 2, "no simple vow invalidates matrimony, unless invalidation has been established for some by a special prescription of the Apostolic See," as has been done for the simply professed in the Society of Jesus.

3. Hence if someone nevertheless wishes to enter matrimony, he contracts validly, as St. Thomas explains:

"The promise of some thing does not transfer it into the dominion of the one to whom it is promised. And therefore not by this very fact, that someone promises something, does that thing cease to be in his power. Since therefore in a simple vow there is nothing except a simple promise of one's own body made to God for continence to be preserved, after a simple vow a man still remains master of his own body; and therefore he can give it to another, namely, to a wife, in which giving the sacrament of matrimony consists, which is indissoluble. And on account of this a simple vow, although it impedes matrimony to be contracted, because one contracting matrimony after a simple vow of continence sins, nevertheless because there is a true contract, matrimony cannot by this be diriment... Therefore... as to the manner of binding, matrimony is a stronger bond than a simple vow, because through matrimony the man is actually handed over into the power of the wife, but not through a simple vow...; but the condition of the one possessing is always the stronger" (q. 53, a. 1 and ad 1).

4. Regularly, however, it is a sin to enter matrimony with such a vow, because it is to violate it or to expose oneself to its violation:

a) He who has emitted a vow of virginity or of perfect chastity sins gravely by contracting matrimony, unless he is certain, from the promise or vow of the other party, that he can preserve virginity or perfect chastity in matrimony; otherwise he gravely exposes himself to the danger of violating the vow. He who has vowed perfect chastity cannot ask the conjugal debt unless he has obtained dispensation, 1 but of himself he is bound to render it to one asking with the right of demanding; but when the other party has died the vow fully revives; - he who vowed virginity cannot ask the first time, but after copula has been had he is bound to nothing further, because the vow is impossible of fulfillment and does not revive.

b) He who emitted only a vow of not marrying sins gravely by entering matrimony, because he violates a vow in grave matter; but once matrimony has been entered, he can ask and render the debt as other spouses do, because the obligation of the vow ceases when it can no longer be fulfilled.

1. Eminent Cardinal Gasparri judges, o. c. n. 429-431, that this dispensation is conceded by the law itself in the celebration of matrimony, not indeed in order to contracting it, but only in order to the use of matrimony, and he invokes can. 1111: "To each spouse from the very beginning of matrimony there belongs an equal right and office as regards the acts proper to conjugal life." But this canon, as it has commonly been understood, intends only to suppress the two-month period during which there was a license of denying the conjugal debt; nor does the legislator seem to have thought of dispensation from a vow, which, moreover, does not remove right and office, but only regards the use of the right as far as it is on the part of the one vowing. And thus it seemed to all the jurists whom we were able to consult concerning

this matter; and it was affirmed to us that this new interpretation is not conformable to the practice of the Roman curia.

c) One bound by a vow of entering religion or of receiving sacred orders sins gravely by contracting matrimony, because he renders the fulfillment of the vow impossible for himself. Strictly speaking, he ought to ask from the other party license to enter religion or to receive sacred orders; but that party is in no way bound to consent to this. He can render and ask the debt, because he has not vowed chastity; but when the matrimony is dissolved or perpetual divorce has been pronounced, the vow revives.

It is not always easy to establish what vow the faithful have emitted. If their intention is doubtful, let the motive of vowing be explored. He who was moved by the will of declining the burdens of matrimony is presumed to have vowed celibacy; he who was moved by the desire of obtaining a special aureole, virginity; he who was moved by love of purity, chastity.

The impediment ceases when the obligation of the vow ceases, whether from within, or by irritation, dispensation, or commutation (II, n. 732 sq.). Excepting the vow of perpetual and perfect chastity, of entering religion strictly so called with solemn vows, or one emitted in religious profession itself, which are reserved, the Ordinary can dispense from a vow, and also regular confessors.

In practice, it is often better to seek dispensation from the vow.

866. Principle II. Legal kinship, arising from adoption, in those regions where by civil law it renders nuptials illicit, also by canonical law renders matrimony illicit. - Thus from can. 1059.

Legal kinship (*parenté légale*; *wettelijke verwantschap*) is the closeness of persons arising from legitimate adoption; it is called legal because it has its origin from the disposition of civil law establishing closeness on account of adoption; adoption is the legitimate assumption of an extraneous person as son or grandson.

The Church in this matter has made the civil law of diverse regions her own and has canonized it, so that in any region an impediment of matrimony from adoption arises or does not arise, is impeding or diriment, and extends to more or fewer persons, according as the civil law establishes there. But since the Church has not only received the law but has canonized it, the impediment does not cease if dispensation is obtained from the civil authority, but dispensation from ecclesiastical authority is required.

St. Thomas shows the fittingness of the impediment, q. 57, a. 2:

"The divine law chiefly excludes from matrimony those persons whom it was necessary to cohabit; lest..., if it were licit to use carnal copula with them, an easy place would be opened to concupiscence, for the restraining of which matrimony is ordained. And because an adopted son is kept in the house of the adopting father, as a natural son, therefore by human laws it has been prohibited that matrimony be contracted between such persons; and such prohibition is approved by the Church. And hence it is that legal kinship impedes matrimony."

It can exist in various degrees:

1. between the adopter and the adopted and his descendants: legal paternity;

2. between diverse adoptive children or even natural children of the adopter: legal fraternity;

3. between the adopted and the wife of the adopter, between the adopter and the wife of the adopted: legal affinity.

But not everywhere does it extend to all these, but according to the various law.

In several regions today there is no impediment of legal kinship: thus in England and its dominions, the Netherlands, Portugal, Austria, Denmark, Sweden, Norway, and several States of America; there exists an impediment, but merely impeding, in Belgium, as the provincial Council of Mechlin declared, n. 210, in France, Luxembourg, Germany, Switzerland, Hungary, Romania, Venezuela; in some places it is a diriment impediment, as will be said n. 910.

867. Principle III. Mixed religion prohibits matrimony from being entered between two baptized persons, of whom one is Catholic, but the other enrolled in a heretical or schismatic sect. - Thus from can. 1060.

Mixed religion (*religion mixte*; *gemengde godsdienst*) is:

1° between two baptized persons: for if one is baptized in the Catholic Church, the other not baptized, there is the impediment of disparity of worship; on the contrary, if one is baptized outside the Catholic Church, the other not baptized, no impediment is had;

2° of whom one is Catholic, namely, baptized in order to the Catholic Church or converted to it;

3° but the other enrolled in a heretical or schismatic sect: for it does not suffice that he belongs to a non-religious sect; nevertheless among non-Catholic sects here are counted also atheistic sects (com. int., July 30, 1934). Hence one is considered Catholic who, although he has externally cast off the Catholic faith, has not yet been enrolled in a non-Catholic sect; and therefore he is not held by the canonical impediment when he wishes to enter matrimony with a Catholic woman, but he is held if with one enrolled in a heretical or schismatic or atheistic sect.

Mixed matrimony, as it is customarily called, 1 is not only always an impediment of ecclesiastical law, which "the Church most severely prohibits everywhere" and already from ancient times; but also for the most part an impediment of natural and divine law, on account of communication in sacred things which it imports, or scandal which it easily gives, especially on account of the danger of perversion in faith and morals for the Catholic party and for the offspring to be born. Hence can. 1060 adds: "but if danger of perversion is present for the Catholic spouse and the offspring, the union is forbidden even by divine law itself."

It can nevertheless be licit from dispensation of the Supreme Pontiff, if grave and just causes urge and provided the danger of perversion both of the Catholic party and of the offspring is removed: for the law of the Church prohibiting it is taken away by dispensation, but the natural and divine law ceases to urge if the proximate danger is removed and at the same time a grave reason is present sufficient to make honorable the communication in sacred things. Therefore there is required:

1° Dispensation, and indeed of the Pontiff, to whom, namely, it is reserved, although sometimes it is delegated to a bishop.

2° Just and grave causes, proportionate, namely, to the evil and danger to which such a matrimony exposes one. Such are: the good of the Christian commonwealth, fear of civil matrimony or before a non-Catholic minister, founded hope of conversion of the non-Catholic party, offspring to be legitimated or well educated, scandal or infamy to be avoided.

3° Sufficient removal of danger, as the natural law requires, in which no one has power to dispense. For this the Church requires cautions, because she does not dispense unless

a) the non-Catholic spouse has given caution concerning removing from the Catholic spouse the danger of perversion,

b) each spouse has given caution concerning all offspring to be born - but not concerning offspring already born, as is drawn from the decree of the Holy Office, Jan. 16, 1942 - that they are to be baptized and educated only as Catholics. Those cautions indeed must be given explicitly for liceity, but for validity at least implicitly, i.e., by acts from which it must be concluded, and can be established in the external forum, that the spouses know the obligation of fulfilling the conditions and have manifested a firm purpose of satisfying that obligation (Response of the Holy Office, May 10, 1941).

c) moral certitude must be had concerning the fulfillment of the cautions; for which a bare promise of itself does not suffice.

Thus according to can. 1061, which adds: "cautions regularly are to be demanded in writing," and indeed before dispensation is sought. Indeed in regions in which cautions also have force in the civil forum, provided they are given in civil form, dispensation is not to be conceded unless the cautions have been given in the indicated form; otherwise, namely, a dispensation conceded by those who dispense from indult is invalid (Holy Office, Jan. 20, 1932).

Cautions are always to be demanded, even in danger of death (can. 1043; instr., Nov. 15, 1858; Holy Office, March 18, 1891); otherwise those dispensing from delegation dispense invalidly (can. 1043 and 1061; Holy Office, June 21, 1912 and Jan. 14, 1932). The case is excepted in which, for convalidating matrimony, there is need of sanation in the root, which sometimes is conceded under certain conditions, even if the non-Catholic party does not wish to give the cautions.

1. Ter Haar has written excellently: *De matrimoniis mixtis eorumque remediis*.

868. Obligations connected with mixed matrimony are recalled to memory by the code of law, and the Catholic spouse is to be warned concerning them:

1° "The Catholic spouse is held by the obligation of prudently taking care of the conversion of the non-Catholic spouse," can. 1062.

2° "Even if a dispensation over the impediment of mixed religion has been obtained from the Church, the spouses cannot, either before or after matrimony entered before the Church, also approach, whether by themselves or through a procurator, a non-Catholic minister as one devoted to sacred things, for giving or renewing matrimonial consent," can. 1063, § 1.

"Nevertheless it is not disapproved that, when the civil law commands it, the spouses stand also before a non-Catholic minister, acting only in the office of a civil official, and this solely for completing the civil act, for the sake of civil effects," can. 1063, § 3.

869. Offices of the pastor. - According to can. 1064: "Ordinaries and other pastors of souls:

1° Let them deter the faithful from mixed nuptials, as much as they can.

2° If they cannot impede them, let them take care with every zeal lest they be contracted against the laws of God and of the Church.

3° When mixed nuptials have been celebrated either in their own or in another territory, let them watch carefully that the spouses faithfully fulfill the promises made.

4° Those assisting at matrimony shall observe the prescription of can. 1102," i.e., they should make the interrogations by which they request and receive the consent of the contracting parties, but abstain from every sacred rite, unless the Ordinary has permitted one for avoiding graver evils, the celebration of Mass always being excluded (n. 852, C).

Nevertheless, "if the pastor knows certainly that the spouses will violate or have already violated this law (of not approaching a non-Catholic minister for giving or renewing matrimonial consent), let him not assist at their matrimony, unless from most grave causes, scandal having been removed and the Ordinary first consulted," can. 1063, § 2. A most grave cause can be the danger of invalid matrimony or of apostasy of the Catholic party or of the education of offspring in heresy.

Let it be permitted to add certain practical points:

a) As regards the dispensation to be conceded, not only the private good of the contracting parties is to be attended to, but especially the common good. And therefore in certain regions there can legitimately exist a practice of rarely conceding dispensation, if this is an efficacious means of generally impeding mixed unions; as also the practice of not conceding dispensation unless after the non-Catholic party has completed an entire course of instruction in Catholic doctrine; - but never to dispense would be against the mind of the Church.

b) If someone without a just cause wishes to enter a mixed matrimony, he sins gravely, and similarly if he almost extorts dispensation by causing fear lest he enter matrimony without dispensation; hence of himself he is unworthy of absolution.

c) From a dispensation conceded there does not always follow full liceity of matrimony. For the Church by prudent counsel sometimes permits lesser evils and dangers of perversion, in order to avoid greater ones, such as apostasy from the faith or long abiding in civil matrimony.

d) A Catholic who illicitly entered mixed matrimony cannot be absolved unless he truly repents and sincerely promises all the cautions required on his part. But if he invalidly contracted mixed matrimony, for example, on account of defect of form, and now truly repents, it must be seen whether the matrimony is to be convalidated or on the contrary whether there is to be abstention from convalidation, as if complete dissolution is to be preferred or civil divorce is foreseen; - otherwise care must be taken that it be convalidated: by renewed consent after due cautions have been given, if possible, or, if the non-Catholic party refuses this, by sanation in the root, provided the Catholic party promises that he will provide according to his powers for the Catholic education of all offspring. But the Catholic party cannot be admitted to the sacraments unless matrimony has been convalidated, or complete separation has been carried out.

e) In doubt concerning the validity of the Baptism of the non-Catholic party, for caution let dispensation be sought not only from the impediment of mixed religion, but also from disparity of worship.

870. Penalties established against transgressors are the following:

A. "Catholics who have dared to enter mixed matrimony, even validly, without dispensation of the Church, remain by the fact itself excluded from legitimate ecclesiastical and sacramental acts until they have obtained dispensation from the Ordinary," can. 2375.

B. "The following Catholics fall under excommunication *latae sententiae* reserved to the Ordinary:

1° Those who enter matrimony before a non-Catholic minister.

2° Those who are joined in matrimony with a pact, explicit or implicit, that all or some offspring be educated outside the Catholic Church.

3° Those who knowingly presume to offer their children to non-Catholic ministers to be baptized.

4° Parents or those holding the place of parents who knowingly hand over children to be educated or instructed in a non-Catholic religion," can. 2319, § 1.

C. "Those of whom in n. 2-4 are besides suspected of heresy," can. 2319, § 2. Hence if, after being admonished, they do not remove the cause of suspicion, they are to be prohibited from legitimate acts; but if within six complete months from the contracted penalty they have not amended themselves, they are to be held as heretics, subject to the penalties of heretics (can. 2315), among which is excommunication specially reserved to the Holy See.

From the penalty under A and under B, 3° and 4°, every ignorance except affected ignorance excuses.

871. Observations. - 1. Although the Church has not established an impediment properly so called, nevertheless she reproves matrimony of the faithful with apostates, adherents of condemned societies, or public sinners; wherefore she warns:

a) "Let the faithful also be deterred from contracting matrimony with those who notoriously have either cast off the Catholic faith, although they have not passed over to a non-Catholic sect, or are enrolled in societies condemned by the Church," can. 1065, § 1.

b) "Let the pastor not assist at the aforesaid nuptials unless the Ordinary has been consulted, who, after all the circumstances of the matter have been inspected, will be able to permit him to be present at the matrimony, provided a grave cause urges and according to his prudent judgment the Ordinary judges that sufficient provision has been made for the Catholic education of all offspring and for the removal of danger of perversion of the other spouse," can. 1065, § 2.

c) "If a public sinner or one notoriously bound by censure has refused first to approach sacramental confession or to be reconciled with the Church, let the pastor not assist at his matrimony unless a grave cause urges, concerning which, if it can be done, he should consult the Ordinary," can. 1066.

A grave cause can be danger of civil matrimony, concubinage, danger of graver damage.

Question Three: On Diriment Impediments

S. Th., Suppl., q. 50.

872. In present-day law thirteen diriment impediments are numbered, the fittingness of which matter can be shown thus, conformably to the doctrine of St. Thomas, q. 50:

"For someone can be impeded from contracting matrimony either simply or with respect to some person. If simply, so that he can contract matrimony with no one, this cannot be unless he is impeded from the matrimonial act. And this happens in two ways: first, because he cannot in fact, either because he cannot at all, and thus there is posited the impediment of *impotence of coeundi*..."; or because he cannot yet fittingly, and thus there is posited the impediment of age; "second, because he cannot licitly, and this according as he is obligated to continence, which happens in two ways: either because he is obligated from an office received, and thus there is the impediment of order; or from a vow emitted, and thus vow impedes. But if someone is impeded from matrimony not simply, but with respect to some person, either this is on account of an obligation to another person, as he who is joined to one in matrimony cannot be joined to another, and thus there is the bond of matrimony; or because proportion to the other person is lacking, and this on account of three things: first, indeed, on account of too great a distance from that person, and thus there is disparity of worship; second, on account of too great a nearness, and thus there is posited a threefold impediment, namely, kinship (whether carnal, spiritual, or legal), then affinity, which imports the nearness of two persons by reason of a third person joined in matrimony, and the justice of public honesty, in which there is nearness of two persons by reason of a third person... joined" illegitimately; "third, on account of an undue conjunction first made with that person, and thus crime impedes, namely of adultery previously committed with that person," or also abduction.

Article I: On the Impediment of Age

S. Th., Suppl., q. 58, a. 5; q. 43, a. 2.

873. State of the question. - No determinate age (*age*; *leeftijd*) is required per se for entering matrimony, supposing the use of reason and sufficient discretion for furnishing consent; nor is actual capacity for copula of itself apt for generation demanded, but it suffices if it will be had in its own time. Yet it is fitting that an age be determined, so that, namely, matrimony be entered with the faculty of generating fully developed, lest it be to the detriment of the health of the contracting parties and of the offspring, and with mature judgment and sufficient preparation for ruling a family.

Hence almost all legislations contain an ordinance concerning age.

Under the old canon law, the age of legal puberty had been determined; but there was not an absolute impediment of age, but a merely conditional one, so that malice supplied age if before that there was sufficient knowledge of matrimony together with potency for performing copula: concerning which double fact there was required a declaratory sentence of the Supreme Pontiff or of the bishop.

Now, in the new law, already independently of the condition of puberty, a determinate age is prescribed; which nevertheless is not very advanced, because the legislation of the Church is universal and must befit all regions, and must provide for the integrity of morals, which is brought into danger from too great a delay of matrimony.

874. Principle. A man before the completed sixteenth year of age, a woman before the completed fourteenth year likewise, cannot enter matrimony. - Thus can. 1067, § 1.

It is said: a) *a man before the sixteenth, a woman before the fourteenth*; hence by applying the rule of can. 34, § 3, 3°, the day of birth is not counted, so that a man born on the 5th day of May 1930 is considered to have completed the years only on the 6th day of May 1946, and a woman born on the same day only on the 6th day of May 1944.

b) *before the completed year*; namely, the years must be wholly completed, so that, even one day being lacking, the matrimony is invalid.

The impediment is of ecclesiastical law. For:

1° A lower age, even below puberty, does not diriment matrimony by the law of nature, since according to that law there suffices sufficient use of reason and sufficient knowledge of matrimony, and the power of coeundi at least future.

2° But because the conjugal state is perpetual and of the greatest moment, the Church wisely requires for it a greater maturity of body and soul, which before a certain age is not wont to arrive.

3° A different age is established for man and woman, because the generative faculty is wont to be developed and to cease earlier in females than in males; hence legal puberty also is constituted differently, so that a male from the fourteenth year, a female from the twelfth year, is considered pubescent according to can. 88, § 2.

Hence a) matrimony is valid, even if natural puberty has not yet arrived, provided the legitimate age is present, because the Church does not demand present potency, but age;

b) on the contrary it is invalid, if it is entered with natural puberty but before the required age.

875. Observations. - 1. The impediment ceases by lapse of time, as regards contracting matrimony, namely when the canonical age has been attained.

2. But if before the legitimate age it has been contracted without dispensation, after the age has been attained it remains invalid, and then the consent must be renewed, and indeed in the face of the Church, if the nullity is public.

3. The impediment can also be removed by dispensation of the Pontiff, which is granted very rarely, unless perhaps in certain regions of the missions, in a case of doubtful age; and therefore in a doubt of fact the Ordinary cannot dispense, because it is one of those things in which the Pontiff is not wont to dispense outside those regions of the missions.

4. The dispensation having been conceded and the matrimony celebrated, the cohabitation of the spouses is forbidden until puberty, on account of the danger of injuring chastity.

5. Unbelievers, if they contract among themselves, are not subject to the impediment, as being ecclesiastical. If matrimony is entered between an unbeliever and a believer, at least the believer must have the canonical age, in order that the matrimony be valid.

6. Can. 1067, § 2 warns: "Although matrimony contracted after canonical age is valid, nevertheless pastors of souls must take care to turn youths away from it before the age at which, according to the received morals of the region, matrimony is wont to be entered." Thus especially in our regions, in which a more advanced age is deservedly required.

Article II: On Impotence

S. Th., Suppl., q. 58, a. 1 and 2.

876. Impotence (*impuissance*; *lichamelijk onvermogen*) is defined by St. Raymond of Penyafort, in the *Summa*, l. 4: the impossibility of coeundi, or a defect of soul or body or both, by which someone is impeded from mingling carnally with another.

It is said: 1) *the impossibility of coeundi*, i.e., of exercising perfect copula or an act of itself apt for generation; hence it is not mere impotence of generating or of procreating offspring from copula, which can stand together with potency of coeundi and arise from a natural defect: this is properly called sterility.

2. *a defect of soul or body or both*, by which are indicated the various spiritual or bodily causes from which impotence can arise: for one kind is organic, from a physical defect or lesion in the bodily organs required for copula, another functional, from a cause affecting the physiological or psychic life, for instance from some affection such as hatred or aversion, from diseases influencing the nervous system, even from malefice, which nevertheless happens only rarely.

3. *by which someone is impeded from mingling carnally with another*, namely, in the natural mode, even if generation were possible in, for example, an artificial mode. For copula to be completed in the natural mode, or for an act of itself apt for generation, it is required that the man penetrate the woman's vagina with the penis and pour out and deposit semen or sperm in the vagina, and that the woman receive the semen in the vagina.

Impotence is variously distinguished:

1. It is natural or artificial, according as it arises from a natural and intrinsic cause, as from defective conformation or natural frigidity, or from an accidental extrinsic cause, for example, from disease, lesion, or surgical operation.

2. It is perpetual, if it can in no way, or at least not morally, be removed, namely by ordinary lawful means and means not gravely dangerous; on the contrary temporary, if it can be removed by these means or even ceases spontaneously.

3. It is absolute or relative, according as it is toward every person or toward a determinate person.

4. It is antecedent or consequent, according as it precedes matrimony, or supervenes only after matrimony has been contracted.

877. Various causes of impotence. - In order that the whole matter may be well understood, His Eminence Cardinal Gasparri, o. c., n. 509, observes that in human generation there is a human action and an action of nature. The human action is concluded by the penetration of the virile member into the vagina and the pouring forth of true semen in the same; then the action of nature begins. 1 The active principle of the human action is the man, insofar as he penetrates the female vessel and pours true semen into the same; the passive principle is the woman, insofar as she receives true semen in the vagina. The human action is called copula or coitus. The organs of this human action are, on the

part of the woman, the receiving vagina; on the part of the man, the testicles forming and the penis emitting true semen; the active prolific element is sperm. The action of nature is chiefly of the woman; and its functions are the passage of the sperm to the interior, the descent of the ovule into the uterus through the tubes, the fecundation of the mature ovule, the development of the fetus in the uterus, birth; the organs of this action are the ovaries in which the ovules are made, the tubes through which the ovule descends from the ovary to the uterus, and the uterus.

Therefore: A. Impotence is present if the human action necessary for generation is not possible, or whenever the organs expeditious for carnal copula are not present, or, the organ being present, copula is nevertheless impossible. Hence:

a) In a man impotence is: 1) absence of the penis or virile member; 2) defect of both testicles or their perfect crushing or atrophy, so that they cannot produce testicular semen; 3) double vasectomy or resection of both canals carrying semen; 4) disproportion of the penis; 5) hypospadias and epispadias, in which the meatus is opened not at the extremity but in the middle of the penis, whether on the lower part or on the upper part, so that semen cannot be poured forth in the vagina; 1 6) aphrodisia or excessive heat, from which by exaggerated excitation the semen is lost before copula, and anaphrodisia or excessive frigidity, by which erection of the penis and expulsion of semen is impeded.

The first three make absolute impotence; the fifth and sixth relative; the fourth makes either one. The sixth ordinarily does not render one perpetually impotent; concerning the third it is disputed whether potency can be restored in some circumstances.

b) In a woman impotence is: 1) defect of the vagina or of the opening in it, so that it cannot in any way be perforated; 2) excessive narrowness; 3) vaginismus, by which from excessive excitation the vulva closes itself, cannot suffer penetration, and impedes copula; 4) hypertrophy or a greatly increased volume of the labia majora, which is an obstacle to copula.

In the first case impotence is absolute; in the second relative; in the third either one and not always perpetual; likewise in the fourth, since the defect can be remedied by a surgical operation.

B. From impotence mere sterility (*onvruchtbaarheid*) wholly differs, by which, the human action or perfect carnal copula being posited, nevertheless because of some impediment or defect, the action of nature and generation are impossible.

In a man it is the absence of prolific semen, because, on account of an accidental and transitory cause or obstruction, the semen here and now lacks zoospermata, or on account of disease of the testicles, seminal vesicle, urethra, etc., the zoospermata either are not sufficiently lively, or perish too quickly, or lack a necessary element, or are not apt to penetrate the ovule.

He who could never emit anything except an aspermatic liquid, or only dead zoospermata, would rather seem impotent, although there is dispute concerning that case; but in practice each one is presumed to have true semen until the contrary is proved.

In a woman it is: a) perfect excision of both ovaries or their perfect atrophy, so that no ovule is present; b) defect or disturbance of an organ by which the ovule cannot mature; c) an impediment by which it happens, whether naturally or artificially (e.g., from ligation or section of the oviduct or excision of the uterus), that no conjunction of ovule and semen is possible.

From these things it is already understood why absence of the testicles or of emission of semen in a man is impotence, while absence of the ovaries or of the ovule in a woman is not. Because, namely, emission of semen is of the essence of copula of itself apt for generation, but the ovule is not an essential element of copula, but only of generation. To a woman lacking ovaries or ovules nothing is lacking for completing copula itself.

C. Very recently certain men have said that for carnal copula it is not required that semen be emitted and deposited in the vagina, but that it suffices that the testicles make it, even if it cannot be emitted outwardly; hence they hold that the vasectomized are capable of copula. But although this can suffice for coupling even with a certain satiative delectation, nevertheless it does not suffice for conjugal copula, or for copula of itself apt for generation. For this by its nature, from the very condition of the act and with attention to the elements of which it consists, is such that generation can follow; but in the case the act is done in such a mode and condition that from the very constitution of the organ the emission of true semen and consequently generation is altogether impossible, because an essential element has been destroyed, namely the communication of the canals carrying semen. And although some liquid similar to semen can be ejaculated, nevertheless not true semen filled with zoospermata (which are an essential element of semen), since nothing elaborated by the testicles can be emitted; hence if we were to call such an act of itself apt for generation, surely they would laugh at us.

The vasectomized, under this respect, are similar to eunuchs.

They nevertheless preserve the internal secretion of the testicles, and therefore sexual appetite, and the whole energy and capacity for copula, even one in some measure satiative, and thus a certain secondary end of matrimony could be obtained, the quieting of concupiscence; but since this end is subordinated to the primary end, it cannot be licitly procured except by an act of itself apt for generation. "For there are, both in matrimony itself and in the use of conjugal right, also secondary ends," says the encyclical *Casti connubii*, "which spouses are in no way forbidden to intend, provided always that the intrinsic nature of that act remains safe and therefore its due ordination to the primary end." But among the vasectomized the nature of the act is perverted, and its order to generation is radically taken away.

Thus holds the opinion common hitherto through many centuries; nor does the new one seem solidly probable. 1

1. Many are ignorant of this distinction or do not even understand it; yet in this matter it is of greatest importance, and necessary for solving several practical questions. Sometimes copula itself, even in ecclesiastical documents, is called the work of nature, because nature teaches it and because it tends to transmitting nature itself, but not insofar as it would be done by nature alone without the action of man; hence, lest confusion arise, it seems better rather to abstain from this way of speaking.

1. Hypospadias can sometimes be remedied by merely changing the position in copulating.

1. Sanchez, l. VII, disp. 92, n. 7 sq., recalling the opinion of those who think that for matrimonial copula penetration alone without semination suffices, says: "which opinion, as manifestly absurd, we omit." In Gasparri, o. c., n. 515, note 1, p. 308.

878. Principle. Antecedent and perpetual impotence, whether on the part of the man or on the part of the woman, whether known to the other party or not, whether absolute or relative, diriments matrimony by the law of nature itself. - Thus can. 1068, § 1.

It is an impediment of natural and divine law, because it is of the essence of matrimony to have the mutual handing over of bodies in order to copula by its own nature apt for generation. But no one can hand over his body for an impossible act, just as neither can he validly enter a contract concerning an impossible thing. But the impotent person cannot complete copula. Therefore neither can he validly hand over his body for copula or enter matrimony. For although copula is not essential in matrimony, nevertheless potency for completing it is of the essence of this.

St. Thomas shows this thus, q. 58, a. 1:

a) "No one can obligate himself to the impossible. But in matrimony a man obligates himself to carnal copula, because for this he gives to another power over his body. Therefore the frigid man who cannot be carnally coupled cannot contract matrimony...

b) In matrimony there is a certain contract by which one is obligated to another to pay the carnal debt. Hence, as in other contracts there is not a fitting obligation if someone obligates himself to that which he cannot give or do, so there is not a fitting contract of matrimony if it is made by someone who cannot pay the carnal debt. And this impediment is called impotence of coeundi, by a general name."

Hence: 1° Antecedent absolute impotence diriments every matrimony, relative impotence only the union between those persons between whom it exists; and this even if it was known to the other party, as can. 1068 explicitly has it, although concerning this matter there was dispute formerly, as St. Thomas indicates, l. c.

2° Temporary impotence does not diriment matrimony, because it does not render one simply unfit or incapable for copula, whence it does not impede an obligation undertaken toward future copula.

3° Nor does subsequent impotence, although perpetual, diriment matrimony, because it supervenes upon a valid matrimony, which is naturally indissoluble: if nevertheless it were not consummated, it could be dissolved by the ministerial power of the Supreme Pontiff.

4° Sterility neither diriments nor impedes matrimony (can. 1068, § 3), because it is not impossibility of coeundi but only of generating; hence old men and excised women contract validly.

5° If, matrimony having been celebrated, antecedent and perpetual impotence is certainly detected, the matrimony is null and therefore the spouses conscious of this nullity are to be separated: immediately as to bed, and also as to habitation if there is danger of sinning, which nevertheless requires the intervention of the authority of the Ordinary (can. 1131, § 1), because it pertains to the external forum and is apt to generate scandal. But if they wish to cohabit as brother and sister, this can be permitted to them, provided danger of incontinence and scandal is absent.

6° It pertains to the ecclesiastical judge to pass sentence of nullity, after antecedent and perpetual impotence has first been proved; once this is posited, the party immune from impotence can enter a new union.

879. Perpetual impotence can be doubtful, either before matrimony to be contracted, or after matrimony has been contracted.

A. Before matrimony: 1. Someone cannot contract matrimony before he has resolved the doubt, as far as he can, by diligent investigation; otherwise he exposes himself to the danger of contracting an invalid matrimony and of gravely deceiving the other party.

2. If the doubt persists after diligent investigation, he can enter matrimony, provided he warns the other party concerning the doubt, because the right naturally belonging to man of entering matrimony prevails, for which each one is considered naturally apt until the contrary is proved (n. 862, C). Hence can. 1068, § 2: "if the impediment of impotence is doubtful, whether by doubt of law or by doubt of fact, matrimony is not to be impeded."

Hence those who think that impotence in the vasectomized perhaps can be removed by a certain operation consequently assert that matrimony is not to be impeded for them, because their perpetual impotence is doubtful. But the doubt seems negative, as being founded on a mere hypothesis, since up to now not even any fact is reported concerning a man who had undergone vasectomy to whom potency was restored; 1 and negative doubts, even in this matter, are commonly taught not to be attended to. Therefore, since that operation is very problematic, the vasectomized man is rather to be considered perpetually impotent until it is established that potency has been restored to him. Moreover, although prudence can warn that the impossibility of a certain surgical operation is not easily to be asserted, nevertheless in some circumstances that operation seems impossible; hence it would not be understood that by some general rule and without distinction it should be established that matrimony is to be permitted to the vasectomized.

B. After matrimony: 1. He who seriously doubts must institute a diligent examination, and meanwhile abstain from asking the debt, although he is bound to render it to the other party not doubting.

2. If, after the examination has been instituted, the doubt remains, he can attempt copula as long as hope of completing it remains and until its impossibility is established, because one must stand for the value of matrimony (can. 1014).

3. He can also, for caution, seek, even with the other dissenting, a dispensation over ratified and non-consummated matrimony, provided non-consummation can be proved; but if they have cohabited together, it is presumed consummated until the contrary is proved (can. 1015, § 2).

1. Antonelli, *Medicina Pastoralis*, III, pp. 429-431.

880. Practical observations. - 1. A pastor or confessor who is consulted by a person about to contract matrimony who perhaps labors under impotence must warn that person to investigate the matter diligently and not omit to submit himself to the examination of expert physicians.

2. But if after matrimony has been contracted, a spouse explains to him that he can never complete the conjugal act, let him try prudently and modestly to investigate the cause of the matter; and if he detects that it is a physical defect, let him persuade that the matter be opened to a skilled and upright physician.

3. But if he notices that the spouses are in good faith concerning the value of the matrimony, often it is better to leave them in good faith lest worse things happen, at least if the impotence is occult and therefore no scandal is to be feared, especially if separation is morally impossible. On the contrary, if they are not in good faith or know the matrimony to be null, then the case is to be referred to the Ordinary.

4. The spouse who is doubtfully potent is bound to employ ordinary means for curing impotence, even with grave inconvenience, e.g., the man medicines strengthening his debility, the woman liniments and other means, even surgical means, for remedying narrowness. Hence, says St. Thomas, q. 58, a. 1, ad 5: A man, "if he cannot fulfill the carnal act with a virgin and can with a corrupted woman, then medically, by some instrument, he could break the barriers of modesty and be joined to her. Nor would this be against nature, because it would not be done for delectation, but for a remedy." But this can regularly be done without any danger, so that on account of this the woman could scarcely be excused from tolerating it, as the Mechlin Theology notes, n. 58, IV, ad 2. Nevertheless she would not be bound with grave danger, because that would be an extraordinary means.

Article III: On the Bond or Ligamen

S. Th., Suppl., q. 65, a. 1.

881. The impediment of bond or ligamen (*lien conjugal*; *bestaande huwelijksband*) consists in this, that a spouse is incapable of entering a new matrimony while the bond of the prior one endures; therefore it is the very bond of the prior matrimony, whether consummated or non-consummated, by which one spouse is so bound to the other that, while that bond endures, he cannot enter matrimony with any other.

For this impediment two conditions are required:

1° That the prior matrimony be valid, whether it has been consummated or not consummated.

2° That the bond of the prior matrimony has not been legitimately dissolved, which happens by death, and can happen by solemn religious profession and pontifical dispensation for non-consummated matrimony, and, for consummated matrimony, by the Pauline privilege, namely of departing from the unbelieving party, if this is necessary in favor of the faith.

882. Principle. He who is held by the bond of a prior matrimony invalidly attempts matrimony, although it was not consummated, saving the privilege of the faith. - Thus can. 1069, § 1.

The impediment is of natural and divine law, which diriments matrimony to be contracted. For he who has handed over the right over his body to one person cannot hand over the same right to another, unless the prior contract has been legitimately dissolved. It is founded in the essential properties of matrimony, namely unity and indissolubility; and it also binds unbelievers.

Hence: 1° He who, in good faith thinking the other party dead while that party is still living, passes to other nuptials, contracts invalidly, although he does not sin; nevertheless offspring received from the second union is reputed legitimate (can. 1114).

2° On the contrary, one thinking the other party who is dead to be still living sins gravely when he enters a new union, although this can be valid, according to what was said n. 808, 2.

3° He who after contracting other nuptials discovers that the prior spouse is still living must separate himself from the second spouse, even if he has begotten offspring with that spouse and grave evils are to be feared from the separation, because the second nuptials are certainly null. And of himself he is bound to return to the prior spouse, unless a just cause of separation is given.

883. Practical corollary. - "Although the prior matrimony is invalid or dissolved from any cause whatever, it is not therefore licit to contract another before the nullity or dissolution of the prior one has been legitimately and certainly established," can. 1069, § 2; otherwise the matrimony is exposed to the danger of nullity, and the contracting parties to the danger of adultery.

a) It must be established certainly; therefore probability or verisimilitude does not suffice, nor a fortiori doubt or ignorance arising from the fact that the spouse after departure has sent no message; but true moral certitude is required.

b) It must be established legitimately; therefore in even a slight doubt there must be obtained an authentic declaration of the Ordinary or of the Holy See concerning the death of the spouse, or concerning the invalidity or legitimate dissolution or dissolubility of the prior matrimony. 1

884. Penalties against violators of the impediment acting in bad faith are noted in can. 2356: "Bigamists, i.e., those who, with a conjugal bond standing in the way, have attempted another matrimony, even only a civil one, as they say, are by the fact itself infamous; and if, after the admonition of the Ordinary has been scorned, they persist in illicit cohabitation, let them, according to the diverse gravity of guilt, be excommunicated or punished by personal interdict," namely by a sentence to be brought.

1. Concerning the mode by which the death of a spouse or the nullity of matrimony must be established, cf. decree of the Holy Office, Apr. 27, 1887, with instruction May 13, 1868; response July 20, 1898; and response of the interpreting commission, Oct. 16, 1919. Let it be noted that license to pass to other nuptials includes dispensation from the impediment of crime on account of adultery alone, even if a license of this kind was conceded by the local Ordinary (can. 1053 and its interpretation by the Commission for the Interpretation of the Code, March 26, 1952).

Article IV: On Disparity of Worship

S. Th., Suppl., q. 59, a. 1-5.

885. Disparity of worship (*disparite de culte*; *verschil van eeredienst*) is a diversity of religious worship which exists between two persons, of whom one is validly baptized and the other is not. Hence of itself it exists not only between Catholics, but also between non-Catholics baptized in heresy and schism, and unbelievers who do not have Christian worship; - but not between Catholics and heretics or schismatics, who have substantially the same worship of the true God through the true mediator Christ.

Considered according to natural and divine law, it is generally an impeding impediment on account of the danger of perversion; but by ecclesiastical law it is universally an impediment, and indeed a

diriment one, which gradually was introduced by custom from the fifth century onward, which obtained the force of law, so that it bound all baptized persons, even non-Catholics, from the beginning of the twelfth century. But now in the new code of law it is expressly established and has become a written law; yet at the same time it was limited to Catholics, so that those who, baptized outside the Catholic Church, were never Catholics, would now no longer be bound by the diriment impediment.

886. Principle. No matrimony is contracted by a non-baptized person with a person baptized in the Catholic Church or converted to the same from heresy or schism. - Thus can. 1070, § 1.

The following are subject to the canonical impediment:

1° All baptized in the Catholic Church; namely,

a) Adults, or those having the use of reason, who voluntarily received Baptism in order to the Catholic Church.

b) Infants who, from the intention even merely interpretative of both or either parent or of one holding their place, were baptized in order to the Catholic Church, even if the minister intended otherwise.

c) Infants who, from the intention of the baptizer alone, were baptized in order to the Catholic Church, even children of non-Catholics, if in a case of necessity they are thus baptized, as can be gathered from the Holy Office, Apr. 1, 1922, or if illegitimately against the prescription of can. 750-751; this last, however, is called back into doubt by some.

2° Also those converted to the Catholic Church from heresy or schism; namely,

a) Those who of their own accord returned to the Catholic Church and emitted a profession of faith in it.

b) Children who, baptized outside the Church, from infancy, i.e., at least from the use of reason, have in fact been educated Catholicly.

3° And indeed all the aforesaid, although afterward they defected from the Catholic Church; indeed also those born of non-Catholics although baptized in the Catholic Church, who from infancy grew up in heresy or schism or unbelief or without any religion (interpreting commission, Apr. 29, 1940), although this had been denied by some on account of parity with can. 1099, § 2. But since that exception is there explicitly established for the form of celebration of matrimony, and on the contrary in can. 1070 this exception is in no way indicated, parity seems to be lacking.

But non-Catholics baptized outside the Catholic Church and never converted to it, by the new law, i.e., from May 19, 1918, now validly contract matrimony with an unbeliever.

The impediment, insofar as it is diriment, is of ecclesiastical law; insofar as it is prohibitive, it also arises from natural and divine law, both on account of the danger of perversion of the faithful party and of the offspring; and because matrimony among Christians is born to be a sacrament, which requires parity of Baptism in each recipient; and because matrimony involves an intimate conjunction of souls, to which nothing is more opposed than disparity in worship or in the supreme principles of religious and moral life.

Hence II Cor. VI, 14: "Do not bear the yoke with unbelievers. For what participation has justice with iniquity? or what society has light with darkness?", which principle of divine law is found in the tradition of the Church also applied to matrimony not to be contracted with an unbeliever (cf. I Cor. VII, 39).

Hence St. Thomas, q. 59, a. 1:

"1° It is said, II Cor. VI, 14: *What agreement is there of light with darkness?* But the greatest agreement is between husband and wife. Therefore he who is in the light of faith cannot contract matrimony with her who is in the darkness of unbelief.

2° The more principal good of matrimony is offspring to be educated to the worship of God. But since education is commonly done between father and mother, each according to his faith intends to educate the offspring to the worship of God. And therefore, if they are of diverse faith, the intention of one will be contrary to the intention of the other. And thus there cannot be fitting matrimony between them. And on account of this preceding disparity of worship impedes the matrimony itself, lest it be contracted." Hence "disparity of worship is contrary to matrimony by reason of its more principal good, which is the good of offspring" (ad 4).

But since the proximate danger of perversion sometimes can be absent and grave reasons commend matrimony, hence natural and divine law sometimes does not urge, and then the Church can dispense from the canonical impediment.

887. What in a case of doubtful Baptism? - Doubt can precede matrimony to be contracted or follow upon matrimony contracted.

A. As regards matrimony to be contracted. If after diligent inquiry a founded doubt remains concerning the reception or validity of Baptism, the Catholic party doubtfully baptized is to be rebaptized under condition; likewise the non-Catholic party who wishes to convert; but if that party does not wish to convert, he cannot be rebaptized under condition (can. 731, § 2), but, together with the dispensation of mixed religion, for caution let dispensation be sought over disparity of worship, which in the case, since it concerns a doubt of fact, can be granted by the Ordinary according to can. 15.

B. As regards matrimony already contracted. In doubt, the matrimony is always presumed valid, according to can. 1070, § 2: "If the party at the time of contracted matrimony was commonly held as baptized, or his Baptism was doubtful, one must stand, according to norm 1014, for the value of the matrimony, until it is certainly proved that one party is baptized, but the other not baptized." This, however, is a mere presumption, which therefore yields to truth; hence if a person baptized Catholicly unknowingly contracted with a non-baptized person, the matrimony is in fact null, and therefore is to be convalidated or declared null according to can. 1990.

For judging the value of Baptism, practical norms were established by the Holy Office.

a) As regards the inquiry to be instituted, from the resolution of Nov. 17, 1830:

1° As regards heretics whose rituals prescribe the conferral of Baptism without the necessary use of essential matter and form, the particular case must be examined.

2° As regards others, who according to their rituals validly baptize, Baptism must be considered valid, nor is further examination required in particular cases.

3° If doubt persists, even in the first case, Baptism must be considered valid in order to the validity of Matrimony.

b) As regards a doubt of fact, investigations having been carried out uselessly, from the response of Aug. 1, 1883:

1° Baptism is to be presumed if someone had parents belonging to a sect which holds it as necessary, - or in which at least it is ordinarily administered and those same parents were zealous in their sect; - or, if according to the sect of only one parent and that parent's zealous disposition of soul the presumption favors Baptism, provided that parent in fact and without doubt had the principal parts in the education of the offspring, nor is the other spouse known to have been positively opposed to the conferral of Baptism.

2° On the contrary, Baptism is not to be presumed if the non-Catholic party had parents belonging to a sect which rejects Baptism, or does not admit Baptism of infants; - or had parents who professed that they did not wish to belong to any sect and that they honored the Supreme Being rather by upright morals than by some special worship.

3° Nothing can be presumed and therefore in individual cases recourse must be had to the Holy See, if the parents were indifferent in their sect, which ordinarily administers Baptism; - or belonged to a sect which does not reject Baptism but does not hold it as necessary and in which it is not ordinarily administered; - or if, inquiry having been made, it is unknown whether the spouse who favors Baptism had the principal parts in the education.

888. Observations. - 1° The impediment ceases both by the conversion and Baptism of the unbeliever, and by legitimate dispensation, which is granted more easily in places of unbelievers, rarely in Catholic regions, especially if there is question of matrimony with a Jew.

2° Nevertheless the Church never dispenses except from a grave cause and only under the cautions which are required for mixed nuptials. Moreover, all things which are prescribed concerning mixed nuptials (n. 867) must also be applied to matrimonies to which disparity of worship stands opposed (can. 1071).

3° Indeed, a dispensation conceded by delegated power is invalid when the prescribed cautions have not been required or have been denied; and the Ordinary himself can declare the nullity of the matrimony without recourse to the Holy See if, on account of this cause, it is evidently established (can. 1990; Holy Office, June 21, 1912).

4° Formerly, from the instruction of the Holy Office, Sept. 16, 1824, a dispensation over disparity of worship implied dispensation from all impediments from which the unbelieving party is exempt, as consanguinity in the second degree of the collateral line, etc. But the Holy Office declared that this no longer holds, Apr. 15-May 20, 1931: namely, on account of can. 1036, § 3.

Article V: On Sacred Order and Solemn Vow

S. Th., Suppl., q. 53, a. 2-4.

889. Notions. - This double impediment has a certain likeness, because each is connected with the obligation of chastity: it is an incapacity for contracting matrimony arising from the reception of sacred order or from the emission of a solemn vow in religious profession.

1° From sacred order (*ordre sacre*; *heilige wijding*). From the beginnings of the Church, both in the East and in the West, after sacred order had been received, it was forbidden to enter matrimony, conformably to the saying of the Apostle, I Tim. III, 2; which impediment, at least impeding from the beginning, gradually became diriment. In the Latin Church it was always observed, although not always by all, that those who, joined in matrimony, received sacred orders should thereafter be separated from their wives; and from ancient times (from the sixth century) the obligation of celibacy was attached to the subdiaconate, to which afterward there was added the impediment diriment of matrimony to be contracted, at least from the twelfth century. But among the Orientals the obligation of celibacy was not generally imposed, nor is the subdiaconate a sacred order; they preserved the custom that, bishops excepted, presbyters and deacons should retain wives taken before ordination; nevertheless, when the wife has died, they cannot enter a new matrimony. This they sanctioned in the year 692 in the Trullan Council.

2° From solemn vow (*voeu solennel*; *plechtige gelofte*). The vow of perfect and perpetual chastity, which is emitted in solemn religious profession, such as occurs only in religious Orders, is not only, like a simple vow, an impeding impediment of matrimony, but also diriment, which renders matrimony invalid, as was authentically declared at least from the twelfth century.

890. Principle I. Clerics constituted in sacred orders invalidly attempt matrimony. - Thus can. 1072, conformably to the Council of Trent, sess. 24, can. 9.

Three conditions are required in order that the impediment be incurred:

1° That the ordination be valid;

2° That it be received freely, without coercion or grave fear;

3° That it be received with at least confused knowledge of the obligation connected with the order: for the Church does not will to impose this obligation on the cleric unless he himself wills it.

Hence: a) "A cleric who, compelled by grave fear, received sacred order and afterward, the fear having been removed, did not ratify the same ordination at least tacitly by the exercise of the order, yet willing through such an act to subject himself to clerical obligations, is to be reduced to the lay state, the coercion and the defect of ratihabition having been legitimately proved, by sentence of the judge, without any obligations of celibacy and of canonical hours," can. 214, § 2.

b) Similarly in a case of ignorance of the obligation, although this ignorance can scarcely be present except in infants who would be ordained, or in the prepubescent.

c) In each case, proof must be instituted for the sentence of the judge according to the norm of can. 1993-1998.

The impediment, insofar as it is diriment of matrimony to be contracted, is of ecclesiastical law; nevertheless, for the order of the episcopate, dispensation has never been given from it, so that one could suspect that there is present there a disposition of divine law. But insofar as order is a prohibitive impediment of matrimony to be contracted, it seems to rest upon fittingnesses of divine

law; yet the obligation of celibacy which in the Latin Church is attached to the subdiaconate is most certainly of ecclesiastical law. Moreover, it can be disputed whether the impediment rests immediately upon the vow which is attached to the order of subdiaconate, or rather upon ecclesiastical law, although it matters nothing for practice; now the obligation of continence rests immediately upon the vow, yet in such a way that he who did not wish to elicit the vow would be held by ecclesiastical law, but the incapacity itself for matrimony nevertheless seems to arise immediately from ecclesiastical law.

Hence St. Thomas: "Sacred order of its own nature has, from a certain congruity, that it ought to impede matrimony; because those constituted in sacred orders handle sacred vessels and sacraments, and therefore it is becoming that they preserve bodily cleanness through continence. But that it impedes matrimony it has from the constitution of the Church. Yet otherwise among the Latins than among the Greeks. For among the Greeks it impedes matrimony to be contracted only from the force of the order. But among the Latins it impedes from the force of the order, and further from the vow of continence, which is attached to the orders: which even if someone does not emit it in words, from this very fact that he receives order according to the rite of the Western Church, he is understood to have emitted. And therefore among the Greeks and other Orientals sacred order impedes matrimony to be contracted, but not the use of matrimony previously contracted: for they can use matrimony previously contracted, although they cannot contract anew. But in the Western Church it impedes matrimony and the use of matrimony: unless perhaps, with the wife ignorant or contradicting, the husband received sacred order; because from this no prejudice can be generated to her... For order everywhere impedes matrimony to be contracted, although not everywhere does it have a vow attached" q. 53, a. 3 and ad 2.

891. Observations. - 1. Dispensation from this impediment is never conceded to bishops, very rarely to priests and rather on account of a public cause, less rarely to deacons and subdeacons, even on account of a private cause.

2. Although order irritates matrimony to be contracted, nevertheless matrimony contracted of itself does not impede order. Yet, according to the present-day discipline of the Latin Church, men having a wife are simply impeded from orders (can. 987). Hence a married man who without apostolic dispensation received major orders, although in good faith, is prohibited from the exercise of those same orders (can. 132, § 3); but if he is legitimately promoted to them, the wife living and consenting, he is held to the same continence as if he had been ordained before matrimony and is bound to abstain from the use of matrimony (can. 132, § 1), so that the offspring would be sacrilegious and illegitimate (can. 1114).

3. One deposed, degraded, or reduced to the lay state is not thereby liberated from the obligation of celibacy (can. 213, § 2), unless at the same time he has obtained dispensation from it.

892. Principle II. Religious who have professed solemn vows invalidly attempt matrimony, or simple vows to which, from a special prescription of the Apostolic See, the force of irritating nuptials has been added. - Thus can. 1073, conformably to the Council of Trent, sess. 24, can. 9.

Three conditions are required for the impediment:

1° That someone be a professed religious, which is to be understood of religious of either sex (can. 490);

2° That he have professed validly, from spontaneous and full liberty and according to the other conditions indicated by can. 572;

3° That he have professed perfect chastity through solemn vows, which are recognized by the Church as such (can. 1308, § 2), and which are made only in religious Orders, although in them simple vows are sometimes emitted.

Sometimes to a simple vow there is added the force of irritating matrimony, as to simple profession emitted in the Society of Jesus; but thus it is done from a special precept of the Supreme Pontiff rather than from a canonical impediment properly so called.

From what law the impediment of solemn vow arises was long disputed. More recent authors generally hold as certain that it arises from ecclesiastical law alone, both because a solemn vow does not differ by its nature from a simple vow, but the whole solemnity is from the will of the Church and from the juridic effects attached by her, and because the Church has sometimes dispensed from this impediment, even on account of a private good. Others, especially in ancient times, posit an essential difference between solemn and simple vow: the latter consists in the simple promise of a thing to be handed over to God, the former besides in the actual handing over, of itself irrevocable, into the dominion of God and in the spiritual consecration of the one vowing, which the Church accepts in the name of God; which, so long as it endures, irritates matrimony, and therefore from natural and divine law. Hence the Church cannot take away the impediment, unless first in the name of God she remits the special obligation of solemn vow.

This seems more conformable to St. Thomas, who writes thus:

"1° He who makes a solemn vow contracts spiritual matrimony with God, which is much worthier than material matrimony. But material matrimony previously contracted diriments matrimony contracted afterward. Therefore a solemn vow does so.

2° All say that, just as solemn vow impedes matrimony to be contracted, so it diriments it already contracted. But certain men... say that this is on account of the statute of the Church. But this does not suffice; because according to this the Church could also establish the contrary. Which does not seem true.

And therefore it must be said, with others, that solemn vow from its own nature has that it diriments contracted matrimony: insofar, namely, as through it a man has lost power over his own body, handing it over to God for perpetual continence. And therefore he cannot hand it over into the power of a wife by contracting matrimony. And because the matrimony which follows such a vow is null, therefore the aforesaid vow is said to diriment contracted matrimony... Therefore solemn vow has an actual exhibition of one's own body, which simple vow does not have" q. 53, a. 2 and ad 3.

893. Penalties against transgressors. - 1. "Clerics constituted in sacred orders, or regulars or nuns after a solemn vow of chastity, and likewise all who presume to contract matrimony, even only civilly, with any of the aforesaid persons, incur excommunication *latae sententiae* simply reserved to the Apostolic See," can. 2388, § 1.

2. Clerics besides, if, after being admonished, within a time prefixed by the Ordinary according to the diversity of circumstances, they have not come to their senses, are to be degraded (can. 2388, § 1).

3. The same by the fact itself and without any declaration lose all ecclesiastical offices (can. 188, 5°).

4. Clerics in sacred orders and regulars are irregular from delict (can. 985, 3°).

5. Religious incur by the fact itself the penalty of dismissal from religion (can. 646, 3°).

Article VI: On Abduction and Crime

S. Th., Suppl., q. 60, a. 2.

894. Matter to be treated. - This double impediment has this in common, that each arises from a special delict. The first, namely abduction, was introduced by the Council of Trent, sess. 24, de ref., c. 6, for guarding the full liberty of matrimony; - the other, already existing for many centuries, but amplified and more defined by the decretals, and again confirmed, arises from a qualified crime, namely from adultery or spouse-murder, perpetrated under certain conditions; and this was introduced by the Church in order that provision be made for conjugal fidelity and for the safety of spouses, so that, all hope of union having been taken away, she might deter from these crimes and also justly punish them when committed.

895. Abduction (*enlevement*; *gewelddadige ontvoering, schaking*), as it is an impediment of matrimony, is defined: The violent abduction of an unwilling woman under the power of another, for the sake of entering matrimony. It is said:

1° *Abduction under the power of another*, under which name comes not only a transfer from place to place morally different, but also detention under the power of another, which is morally equivalent to abduction.

What formerly could be disputed is now certain from can. 1074, § 3: "As regards the nullity of matrimony, violent retention of a woman is held equal to abduction, namely when a man violently detains a woman, with a view to matrimony, in the place where she stays or to which she has freely gone."

2° *Of an unwilling woman*, not of a man, because the law regards that which happens commonly, not that which happens rarely and exceptionally, and because the liberty of a woman, as of the weaker one, is more to be protected.

Moreover, woman is understood as any woman whatever, whether virgin or corrupted, whether of minor or major age, whether betrothed or widow, whether honorable or dishonorable or infamous.

3° *Violent*, namely by physical force, or moral force as by threats and grave fear, the woman, namely, being unwilling and resisting.

It is necessary that violence be inflicted on the woman herself in order to matrimony; hence a) force inflicted on parents does not suffice; b) nor does it suffice that the woman, induced by flatteries, importunate prayers, gifts, or false promises, voluntarily follows, which is called abduction of

seduction, because it is more flight than abduction; c) nevertheless it does not matter whether the abductor by himself or through another violently abducts the woman, or whether with himself or with another he retains her in his power: in which case the one commanding contracts the impediment, but not the mandatory; on the contrary, if someone without mandate acts for another, there is no impediment; d) it is not required that the woman be unwilling as regards the abduction itself or detention; it suffices that she is so as regards only the matrimony to be entered.

4° *For the sake of entering matrimony*, but not some other end, even the worst, as revenge, or even satisfying lust: thus abduction, as it is an impediment of matrimony, differs from abduction which is a species of lust.

Nevertheless, the impediment is present if a woman who first was abducted on account of the cause of lust is afterward detained unwillingly by force with a view to matrimony.

896. Principle I. Between a male abductor and a woman abducted with a view to matrimony, as long as she remains in the power of the abductor, no matrimony can stand. - Thus can. 1074, § 1, confirming the Council of Trent, l. c.

A threefold condition is required for contracting the impediment: violence, abduction or detention in a place under the power of the abductor, and the intention of entering matrimony. Once these have been fulfilled, the impediment exists only between the abductor and the abducted woman, and indeed as long as she is in the abductor's power; for by the very fact that the woman is endowed with liberty the impediment ceases, whence can. 1074, § 2: "But if the abducted woman, separated from the abductor and constituted in a safe and free place, has consented to have him as husband, the impediment ceases."

The impediment is of ecclesiastical law: for although grave fear is for the most part joined with abduction, nevertheless the impediment of abduction does not diriment matrimony by reason of fear, but is a distinct impediment, which exists as long as the woman is constituted under the power of the abductor, although she consents to the union spontaneously and freely.

897. Crime (*crime*; *misdaad of misdrijf*), which is an impediment of matrimony, consists in the injury which both, who intend to enter matrimony, inflict upon the matrimony of one of them already existing, or in qualified complicity against the honesty of marriage.

It arises from a threefold crime and therefore is in reality a threefold impediment:

1st on account of adultery alone with promise or attempted matrimony,

2nd on account of adultery with spouse-murder committed by one,

3rd on account of spouse-murder alone committed by common action.

It is customarily denominated the impediment from the death or killing of the spouse, and therefore respectively is said to be contracted either with neither plotting or perpetrating; - or with one plotting and perpetrating; - or with both plotting and perpetrating.

For, as St. Thomas says, q. 60, a. 2:

"1° In that in which someone sins, he must also be punished. But he sins against matrimony who kills his wife (or commits adultery). Therefore he ought to be punished so that he be deprived of

matrimony.

2° Wife-murder from the statute of the Church impedes matrimony... and... sometimes diriments it when contracted: as when someone kills his wife in order to marry her with whom he commits adultery. For then he becomes an illegitimate person simply for contracting with her, so that, if in fact he has contracted with her, the matrimony is dirimented. But through this he does not become simply an illegitimate person with respect to other women."

898. Principle II. Those cannot validly contract matrimony who, while the same legitimate matrimony endures, have consummated adultery between themselves and have mutually given faith to each other concerning entering matrimony, or have attempted matrimony itself, even only by a civil act. - Thus can. 1075, 1°.

The conditions required for the impediment are:

A. On the part of adultery, that it be true, formal, and consummated.

1° Let it be true, so that at least one accomplice is bound by a valid matrimony.

2° Formal on the part of each, i.e., so that each knows the conjugal state of at least one and the same accomplice, and thus injury is inflicted upon one and the same matrimony.

3° Consummated by perfect copula by which otherwise matrimony is consummated; moreover, copula once had is presumed perfect.

B. On the part of faith given or promise, that it be true, free, absolute, and mutually given and accepted; or there is an attempted matrimony.

1° Let it be true and serious, not feigned or jocose. For an irritating law is of strict interpretation (can. 19), whence any fiction, even merely internal, seems to stand in the way of the impediment being present.

2° Free, not extorted by grave fear or deceit, nor vitiated by substantial error.

3° Absolute, not merely conditioned, unless the suspensive condition was fulfilled before the death of the spouse, because then the promise has already passed into an absolute one.

4° Mutually given, as now is certain from the tenor of the canon, and accepted by word or sign; hence it does not suffice that one party promise, if the other behaves negatively, a fortiori if he rejects it.

5° Or an attempted matrimony, by which, conscious of the impediment of ligamen, they truly and seriously furnish conjugal consent mutually to each other, although invalidly: it matters little by what pact the attempt is made and in what form, whether public and prescribed by the code, or wholly clandestine, or merely civil.

C. On the part of the circumstances, that the promise or attempted matrimony and adultery are knowingly done while the same union stands, so that they simultaneously violate the fidelity owed to the same spouse, 1 whether the promise or attempted matrimony precedes the adultery, or follows it.

Hence the impediment does not arise if the promise accedes to adultery after the death of the spouse, or if it was made while the first spouse was living and the adultery was committed while the second was living, or vice versa; or if, made previously, it was retracted before the adultery and this was

notified to the accomplice, and not repeated after it; - on the contrary, if it was retracted after the adultery, the impediment which has already been contracted does not cease.

1. There are those who require the promise to be injurious to matrimony both materially and formally. Hence if an adulterer with the wife's sister should afterward only promise matrimony to her before the wife herself while dying, and indeed with the wife consenting and entreating it in favor of the offspring born, the impediment would not be present. Thus De Smet, o. c., n. 659, and Marc, *Th. M.* II, n. 2033. But Prummer, *Th. M.* III, n. 824, does not admit this, because the consent of the spouses does not take away the injury inflicted upon matrimony.

899. Principle III. Those cannot validly contract matrimony who, while the same legitimate matrimony likewise endures, have consummated adultery between themselves and one of them has perpetrated spouse-murder. - Thus can. 1075, 2°.

The conditions required for contracting the impediment are:

A. On the part of adultery, that it be true, formal, consummated, as was said in the preceding number.

No promise or attempted matrimony is required.

B. On the part of spouse-murder, that from the plotting of either of the adulterers death has followed, whether one's own spouse is killed or the spouse of the accomplice.

Therefore it is necessary: 1° That the death of the spouse be plotted by either of the adulterers, by physical or moral action, and indeed from the intention of contracting matrimony with the accomplice of adultery, probably also, according to several, manifested to that accomplice; which intention, however, is presumed in the external forum; but not that both conspire in the killing.

2° That death really follows from the action; not from another cause, even if it is approved or ratified.

3° That adultery precede the act which is the cause of death.

C. On the part of the circumstances, that they be done while the same legitimate matrimony endures.

Namely, the spouse upon whom death is inflicted must be the same one who was the spouse at the time of the adultery committed.

900. Principle IV. Those cannot validly contract matrimony who by mutual physical or moral action, even without adultery, have brought death upon a spouse. - Thus can. 1075, 3°.

The conditions required for incurring the impediment are:

A. On the part of the plotting, mutual conspiracy, so that, namely, each has plotted the killing of the other's spouse.

Hence ratihabition or approval of a killing perpetrated by the other does not suffice.

B. On the part of spouse-murder, the death of a true spouse truly having followed from the cooperation of each accomplice, whether physical or moral.

Nevertheless it is not required that they cooperated by the same positive action, but it suffices that one counsel or consent to the other physically acting; indeed even if neither cooperates physically,

but each only morally and through another, e.g., by mandate or efficacious counsel, causes the death.

C. On the part of the end, that it be done from the intention of entering matrimony with the accomplice.

For the end of the law is lest anyone kill his own or another's spouse in hope of matrimony. Therefore it is required that at least in one accomplice there be the intention of matrimony and that it be manifested to the other; which is presumed in the external forum.

901. Observations. - 1. The impediments are of ecclesiastical law; hence the Church can dispense in them. Nevertheless she very rarely dispenses in the impediment of abduction and not unless the free consent of the woman is established, concerning which, so that it truly be emitted freely, it will belong to the pastor to take care; likewise in spouse-murder by one or both plotting, especially public. In adultery alone dispensation is more easily given, for avoiding scandal; indeed, in a dispensation over ratified non-consummated matrimony, and in the permission given by the Supreme Pontiff - not likewise by the Ordinary - to pass to other nuptials on account of the presumed death of the spouse, there is implicitly contained a dispensation over this impediment, but not from others (can. 1053).

When danger of death urges, for a grave cause, dispensation is conceded over all.

2. Unbelievers are not subject to these impediments while they contract among themselves, even if afterward they are converted, unless the civil law established the same thing. But if one party is faithful and contracts the impediment, the unbeliever is indirectly reached by the impediments: thus not only for abduction, because the law renders the abductor and abducted incapable; but also for crime, provided the faithful party fulfills all the conditions required for the impediment, but not if the unbeliever alone did it. Thus, for example, if a faithful person, matrimony having been promised, committed adultery with an unbeliever, or if he perpetrated the killing, or was a participant in the plotting.

3. Ignorance of the impediments, as of irritating or incapacitating laws, does not excuse from them; which now, on account of can. 16, § 1, is altogether certain, even concerning crime, concerning which before the code there was dispute.

4. The impediments can be multiplied, the cause of another impediment being multiplied. Thus:

a) by reason of a diverse crime against the same matrimony, as if to adultery with promise of matrimony there is added an attempt of this matrimony or spouse-murder;

b) also by reason of multiple matrimony, as if both are married and commit adultery or each kills the spouse; or if one successively enters two unions and during each commits adultery with a third person, promising matrimony to that person.

But they are not multiplied from the same delict numerically multiplied against the same matrimony.

5. In practice: If the impediment of abduction should cease, nevertheless the pastor should not assist at the matrimony without consulting the Ordinary, to whom it will belong to judge whether it has truly ceased and whether the woman is in a safe and free place. But concerning the impediment of crime the pastor or confessor should not inquire unless a prudent suspicion

is present; those are suspect who in the time of a prior matrimony fell into adultery, and those who after the death of the spouse without delay pass to new nuptials with a person belonging to the house or family, especially if the prior spouse before death had been sick for a long time. To investigate this, one can prudently ask: whether, while the prior spouse was living, he already had association with that person, or acted too familiarly, whether he much desired the nuptials, whether he had become weary of the prior spouse, wished for that spouse's death, gave any cause to that spouse's death, etc.

Article VII: On Kinship, Carnal, Spiritual, and Legal

S. Th., Suppl., q. 54, 56 and 57.

902. Kinship (*parenté; verwantschap*) is here understood as the propinquity or conjunction of persons, insofar as it is impeditive of matrimony; and, by reason of its cause or origin, it is distinguished as threefold: natural or carnal, - spiritual, - and legal, according as it arises from natural generation or filiation, from spiritual generation and filiation, or from legal filiation or adoption.

903. Carnal kinship or consanguinity (*parenté naturelle, consanguinité; natuurlijke- of bloedverwantschap*) is the propinquity or conjunction of persons, of whom one descends from another, or all descend from the same proximate stock through carnal generation. It is founded upon communion of blood, which through natural generation from carnal copula, licit or illicit, is derived from father and mother together, or from either one. Hence matrimony is equally prohibited among cognates and agnates, uterine, consanguine, and full kin.

So that consanguinity may be well understood, one must distinguish stock, line, and degree. A stock is a person from whom others descend. A line is an ordered series of persons descending from the same stock. A degree is the measure of the distance of one person from another in the same line of consanguinity.

One line is direct, which is constituted from persons of whom one descends from another, and it is subdivided into the line of descendants, who draw origin from others, and of ascendants, from whom others arise; another is transverse, oblique, or collateral, which is constituted from persons who descend from a common stock, without, however, one proceeding from another. This latter is equal or unequal, according as the collateral persons are distant from the common stock in an equal or a diverse degree.

For computing the degree of consanguinity, the following rules from can. 96 have force in canon law:

1° In the direct line there are as many degrees as there are generations; or as many persons composing the line, the stock being removed. Thus father and son are consanguineous in the first degree, grandfather and grandson in the second.

2° In an equal collateral line there are as many degrees as there are generations in one tract of the line, or as many persons in one series, the stock being removed. Thus brother and sister are in the first degree, first cousins in the second.

3° In an unequal collateral line there are as many degrees as there are generations in the longer tract of the line, or as many persons in the more remote series, the stock being removed. Thus an uncle with his niece is consanguineous in the second degree; by others it is said: in the second degree

touching the first, or the second mixed with the first. An unequal or mixed degree, according to the style of the curia, is to be expressed in the petition for dispensation.

Let it be noted that in civil law the rule has force universally: there are as many degrees as there are generations. Hence in the direct line the computation is the same as in canon law; in the collateral line it is different, so that the degrees are computed from both sides and therefore are doubled in an equal line, and in an unequal line are added to one another.

904. Principle I. In the direct line of consanguinity, matrimony is void between all ascendants and descendants, both legitimate and natural, i.e., indefinitely. - Thus can. 1076, § 1.

The reason is the reverence and subjection owed to ascendants, with which the offices of spouses do not agree; whence the impediment is of the law of nature. St. Thomas shows this thus, q. 54, a. 3:

"1° That which human nature has in its first condition is of the law of nature. But from its first condition human nature had this, that father and mother were excluded from matrimony, which is clear from what is said, Gen. II, 24: *For this cause a man shall leave father and mother*; which cannot be understood with respect to cohabitation, and so it must be understood with respect to the conjunction of matrimony. Therefore consanguinity impedes matrimony according to the law of nature...

"2° In matrimony that is said to be against the law of nature by which matrimony is rendered unsuitable with respect to the end to which it is ordered. But the end of matrimony per se and first is the good of offspring. This indeed is impeded by some consanguinity, namely, between father and daughter or son and mother, not indeed so that it is totally taken away, because a daughter can receive offspring from the seed of her father and together with her father nourish and instruct it, in which the good of offspring consists; but so that it is not done in a fitting manner. For it is disordered that a daughter be joined to her father by matrimony as a companion, for the sake of generating and educating offspring, when she ought through all things to be subject to her father, as proceeding from him. And therefore it is of the law of nature that father and mother be repelled from matrimony. And even more mother than father; because more is derogated from the reverence which is owed to parents if a son takes his mother than if a father takes his daughter as wife, since a wife ought in some way to be subject to her husband."

905. Principle II. In the collateral line, matrimony is void up to the third degree inclusive, yet so that the impediment of matrimony is multiplied only as often as the common stock is multiplied. - Thus can. 1076, § 2.

A threefold reason for the impediment is indicated by St. Thomas, II-II, q. 154, a. 9: 1. the reverence owed to parents and consequently to other consanguineous persons who draw origin from the same parents, to which the baseness inherent in venereal commingling is contrary; - 2. the restraining of concupiscence among consanguineous persons who make use of familiar association; - 3. the extension of friendship with outsiders. Cf. q. 54, a. 3. To these can be added a reason from the physical order, because harm from these unions, by force of heredity, more easily arises for the offspring.

The impediment is of ecclesiastical law, except in the first degree: namely, matrimony between brother and sister seems rather to be against natural law, not indeed primary but secondary, and

against divine law.

According to present-day discipline:

1° The impediment renders matrimony void up to the 3rd degree inclusive, but not beyond, even if the more remote degree is mixed with the nearer, e.g., the fourth with the second. Hence it can be said that matrimony cannot be entered between those whose grandparents are brothers or sisters, but can be if they are distant by a more remote degree; - or, in other words, that the impediment does not extend beyond the children of first cousins, and great-grandchildren.

Formerly it urged up to the 7th degree; afterward by the Fourth Lateran Council and by Trent, sess. 24, c. 4, it was reduced to the 4th, and by the new code of law to the 3rd degree. The reason is that, as St. Thomas explains, q. 54, a. 4, formerly consanguineous persons were accustomed to dwell more in one family; but now toward more remote consanguineous persons there is almost no bond of greater friendship than toward outsiders. Hence beyond this it is useless to prohibit degrees of consanguinity, and also dangerous, because, concupiscence prevailing, men do not sufficiently observe the numerous multitude of consanguineous persons.

2° The impediment is multiplied only as often as the common stock is multiplied. Namely, from multiplied consanguinity the impediment is multiplied as often, namely, as the persons communicate in the same blood because of the multiplication of a common stock, or as often as they descend from several stocks.

Before the new code of law, consanguinity was also multiplied from the fact that either or both of the spouses descended from the common stock by a multiple way; but now only from the fact that the common stock is multiplied. This can happen in a threefold way: a) if several men consanguineous to each other have generated offspring from women consanguineous to each other; b) if someone has successively generated offspring from several persons consanguineous to each other, successively taken; c) if someone has generated offspring from a person consanguineous to himself, and the common ascendants are already consanguineous to each other. Moreover, several causes of multiple consanguinity can occur together even in one case.

906. Observations. - 1. The impediment of consanguinity, even insofar as it is established from the law of nature, is not only impedient but diriment; this is necessary so that the law may efficaciously remove from these marriages and attain its end.

2. Hence in an impediment which certainly or probably is of natural or divine law, the Church cannot dispense; whence can. 1076, § 3: "Let matrimony never be permitted, if there is any doubt whether the parties are consanguineous in any degree of the direct line or in the first degree of the collateral line."

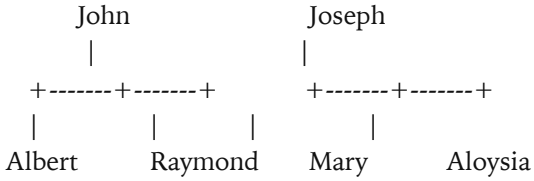
3. In other degrees the Church can dispense; and indeed in the third degree easily, less easily in the equal second degree, and with difficulty in the second touching the first. And according to can. 1052, a dispensation is valid, even if an error concerning the degree has crept into the petition or concession, provided the degree really existing is inferior, or even if the multiplicity of the impediment in an equal or inferior degree has been kept silent.

4. Unbelievers, while they contract among themselves, are subject to impediments of natural and divine law, but not to impediments of ecclesiastical law. Hence marriages entered between unbelievers consanguineous in the direct line or in the first degree of the collateral line are to be held as invalid; nevertheless in practice recourse must be had to the Holy See. Marriages entered with other consanguineous persons are valid, unless the civil prince has established the impediment; if the impediment is doubtful, one must conclude for the nullity of the matrimony, in favor of the faith.

5. So that consanguinity may more easily be detected where the stock is unknown, above the names of the spouses there should be written the names of their ascendants up to the third degree. But if names are found common to each spouse, the impediment is present, and then the degree by which each is distant from such a common name is to be computed; otherwise the impediment is not present. - If it is present, special attention must be given to the three ways in which it is multiplied. 1

1. Let it be permitted to set forth the three ways schematically:

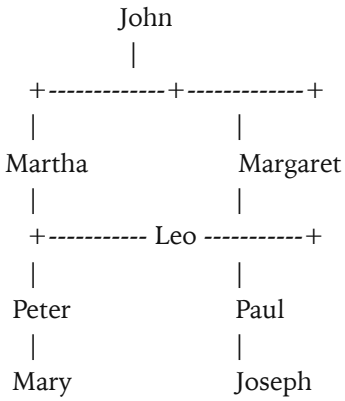
a. Consanguineous men generating offspring from consanguineous women:



Albert + Mary -> Louis
Raymond + Aloysia -> Eugenia

Between Louis and Eugenia there exists a double impediment in the 2nd degree of consanguinity, because they have a double common stock, namely, the parents both of their father and of their mother.

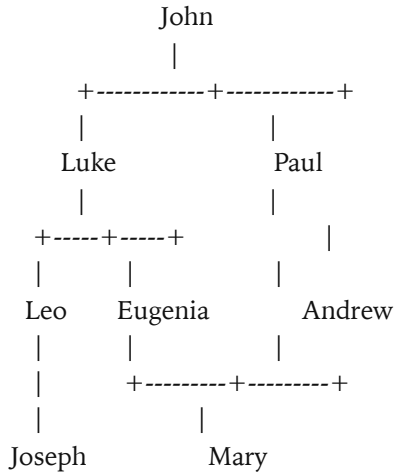
b. A man generating offspring successively from several consanguineous women:



Between Joseph and Mary there is present a double impediment of consanguinity, one in the 2nd, the other in the 3rd degree, because they have a double common stock, namely Leo, their grandfather,

and John, their great-grandfather.

c. A man generating offspring from a consanguineous woman, or common ascendants already consanguineous:



Between Joseph and Mary there is present a double impediment of consanguinity, one in the 2nd degree, from the common stock Luke, the other in the 3rd from the common stock John.

907. Spiritual kinship (*parenté spirituelle; geestelijke verwantschap*) is the propinquity or conjunction of persons arising from the conferral and reception of the sacrament of Baptism, by which a man is spiritually generated. Hence the Church establishes a diriment impediment between spiritual parents and spiritual children, namely, between the minister and sponsor of the sacrament on one side, and the receiving subject on the other side.

From Confirmation also spiritual kinship arises, because it is the sacrament of perfect spiritual nativity; but in the new law from this sacrament there no longer arises an impediment of matrimony.

908. Principle III. Only that spiritual kinship invalidates matrimony which the baptizer and sponsor contract with the baptized. - Thus can. 1079 and 768.

The impediment is of ecclesiastical law, which therefore is contracted by baptized persons alone. Unbelievers themselves are subject to it in no way, nor indirectly, because kinship, since it is a mutual relation, cannot arise from one baptized party; nor if they are afterward baptized, because spiritual kinship did not exist, and therefore cannot revive.

The conditions required for contracting the impediment are:

A. On the part of the sacrament, that Baptism be validly conferred.

Hence a) it also arises from private Baptism without solemnities (can. 762, § 2);

b) it does not arise from mere supplied solemnities (ibid.);

c) if Baptism is repeated conditionally, it arises only if the same person functions in both Baptisms 1 (can. 763, § 2).

B. On the part of the minister, that he not only baptize validly, but also himself be baptized.

Parents who baptize their offspring, even outside a case of necessity, no longer incur the impediment of kinship impeding the use of marriage.

C. On the part of the sponsor, that all the conditions required be present for his having validly acted as sponsor, as we said, n. 171 (can. 765).

Hence a) if the office of sponsor is exercised through a proxy, only the principal is affected by the impediment, not the mandatary;

b) if someone through error has received one infant for another, he is not judged to contract kinship, unless he had the intention of receiving anyone whatever;

c) all and only those holding who are designated contract kinship; beyond those designated, no one does, even if in the act of Baptism he held the infant.

After the new code of law, no impediment any longer arises between the baptizer or sponsor and the parents of the baptized.

St. Thomas shows the fittingness of the impediment:

"1° The holier some bond is, the more it is to be guarded. But a spiritual bond is holier than a bodily one. Therefore, since the bond of bodily propinquity impedes matrimony, it seems also that spiritual kinship does the same.

"2° Just as through carnal propagation a man receives the being of nature, so through the sacraments he receives the being of spiritual grace. Hence, just as the bond which is contracted from the propagation of flesh is natural to man insofar as he is a certain thing of nature, so the bond which is contracted from the reception of the sacraments is in some way natural to someone insofar as he is a member of the Church. And therefore, just as carnal kinship impedes matrimony, so does spiritual kinship, from the statute of the Church," q. 56, a. 1.

"Just as in carnal generation someone is born from father and mother, so in spiritual generation someone is born a son of God as father and of the Church as mother. But just as he who confers the sacrament bears the person of God, whose instrument and minister he is, so he who receives the baptized person from the sacred font... bears the person of the Church. Hence spiritual kinship is contracted toward each," a. 3.

The impediment can be multiplied, its foundation being multiplied: in the case in which the same person is baptizer and sponsor, namely, who would exercise the office of sponsor through a proxy, there would be a double spiritual kinship between the baptizer and the baptized. Yet it is not multiplied from the fact that someone holds several children of the same parents in Baptism (S. Off., April 29, 1894); much more so because now no impediment at all arises with the parents.

1. This is certain for the sponsor, on account of can. 763, § 2. Concerning the minister nothing is explicitly established in the law, and therefore it can be disputed in law. Some say that the prior law subsists, and therefore that a doubtful impediment subsists; and because this is a doubt of fact, a dispensation is to be sought concerning it for caution, according to the norm of can. 15. Others conclude from analogy that, as for the sponsor, kinship has not arisen. Hence, with a doubt of law standing, the impediment does not urge, as the same can. 15 says.

909. Legal kinship (*parenté légale; wettelijke verwantschap*) is the propinquity or conjunction of persons arising from adoption or legal filiation; as was said, n. 866.

In this matter the Church has canonized the respective civil law of each nation; hence in many regions there is no impediment from legal kinship, or it is merely impedient. In some, however, it is diriment, concerning which the following principle has force.

910. Principle IV. Those who by civil law are held incapable of entering nuptials between themselves because of legal kinship arising from adoption cannot, by force of canon law, validly contract matrimony between themselves. - Thus can. 1080.

Thus in Italy, Spain, Croatia, Slavonia, and in certain regions of Latin America: Bolivia, Colombia, Guatemala, Brazil, Peru.

The impediment arises not only from civil law, but also from canon law, and therefore it does not cease without a dispensation of ecclesiastical authority, even if a civil dispensation had been obtained.

Article VIII: On Affinity and Public Honesty

S. Th., Suppl., q. 55.

911. Matter to be treated. - Besides the propinquity or conjunction of persons among themselves, there can be propinquity and an impediment of matrimony by reason of a third person conjoined; and if that person is legitimately conjoined through a valid matrimony, affinity arises; if that person is conjoined in some other way and not through valid matrimony, there can arise public honesty repelling from matrimony.

912. Affinity (*affinité, alliance; aanverwantschap*) is the propinquity or conjunction of persons arising from valid matrimony, - whether ratified, or ratified and consummated, - between the man and the blood-relatives of the woman, and conversely between the woman and the blood-relatives of the man. The foundation is true and valid matrimony, not only consummated but, according to the new law, also ratified (can. 97).

According to the mind of St. Thomas, a. 1, this can be shown thus:

"1° Husband and wife are made one flesh. Therefore if the man according to the flesh is related to all his blood-relatives, the woman by the same reason will be related to the same...

"2° A certain natural friendship is founded upon natural communication. But natural communication is in two ways, according to the Philosopher, VIII *Eth.*, 12: in one way, through the propagation of flesh; in another way, through conjunction ordered to the propagation of flesh. Hence he himself says that the friendship of husband toward wife is natural." Hence, just as a person conjoined to another through the propagation of flesh makes a certain bond of natural friendship, so also if he is conjoined through matrimony. But "in this it differs, that a person conjoined to someone through the propagation of flesh, as a son to his father, becomes a participant of the same root and blood; whence by the same kind of bond the son is joined to the blood-relatives of the father, by which the father was joined, namely consanguinity"; but a person conjoined through matrimony "does not become a participant of the same root, but as it were one adjoined extrinsically, and therefore from this there is effected another kind of bond, which is called affinity."

Nevertheless the spouses themselves are not affines between themselves, but they are the principle of affinity, and as it were the stock from which the degrees of affinity are numbered and computed, for "the conjunction of husband and wife is stronger than the conjunction of the wife to the blood-relatives of the husband; nor ought it to be called affinity, but matrimony, which is a certain unity (one flesh), just as a man is the same to himself, not consanguineous" (ad 1). But affinity has force only between the man and the blood-relatives of the woman, and likewise between the woman and the blood-relatives of the man, and indeed in the same line and the same degree in which they are blood-relatives (can. 97, §§ 2 and 3); whence the blood-relatives of either spouse are not affines among themselves.

Hence, for recognizing and computing affinity, three rules are established:

1. Affinity does not go beyond those joined by copula, because it does not flow to the blood-relatives of each spouse among themselves.

2. Affinity does not beget affinity, because it is not extended to the affines of the spouse, but only to that spouse's blood-relatives.

3. Those who are blood-relatives of one spouse are the same, in the same line and degree, as affines of the other, because they are affines of the one by reason of consanguinity to the other. Thus a man is affine with the mother of his wife in the first degree and with her grandmother in the second degree of the direct line, with the sister of the wife in the first, and with the niece in the second degree of the collateral line.

913. Principle I. Affinity in the direct line dirimently impedes matrimony in any degree, or indefinitely; in the collateral line up to the second degree inclusive. - Thus can. 1077, § 1.

The reason for the impediment is similar to that on account of which matrimony is impeded among blood-relatives of the collateral line, namely reverence and the restraining of concupiscence among familiars and those dwelling together, and friendship to be extended to outsiders. St. Thomas says, a. 6:

"Affinity preceding matrimony impedes matrimony to be contracted and dirimently annuls a contracted one: for the same reason as also consanguinity. For just as there is a certain necessity of dwelling together among blood-relatives toward one another, so also among affines. And just as there is a certain bond of friendship among blood-relatives, so among affines." "Whence affinity... would be contracted by the matrimony which was to be contracted with an affine, insofar as it would impede the multiplication of friendship and the repression of concupiscence, which are sought through matrimony" (ad 1).

The impediment is not of natural law, but of positive law, not divine but ecclesiastical, even in the first degree of the direct line, since in this case also the Church sometimes, though most rarely, dispenses. Hence, although affinity arises from valid matrimony among unbelievers, nevertheless from this there does not arise the impediment of affinity, unless the civil law has established the same; but if both are baptized, the matrimony by that very fact is ratified and the impediment of ecclesiastical law arises; but if one is baptized, for that one the impediment arises with respect to the

blood-relatives of the other party (cf. Response of the Congregation of the Holy Office, Jan. 16-31, 1957).

According to present-day discipline, can. 1077:

1° The impediment extends in the collateral line only up to the second degree inclusive.

2° It is multiplied only a) as often as the impediment of consanguinity from which it proceeds is multiplied, i.e., as often as between the spouse and that spouse's blood-relatives there is a multiple common stock; b) by repeated successive matrimony with a blood-relative of the deceased spouse.

Let it be noted that between two persons affinity can be present together with consanguinity: if someone enters matrimony with a blood-relative, at the same time he becomes affine with his own blood-relatives.

914. Corollaries. - From the preceding the following can be deduced:

1° The blood-relatives of the husband validly and licitly contract matrimony with the blood-relatives of the wife, and these conversely with those.

2° Two brothers can marry two sisters; indeed a father and son can marry a mother and daughter.

3° A stepson can marry the mother, daughter, or sister of his stepmother; and conversely a stepdaughter can marry the father, son, or brother of her stepfather.

4° The surviving spouses of a deceased brother and sister can contract matrimony between themselves.

5° The son of the husband and daughter of the wife, generated from a preceding matrimony, can enter marriage between themselves.

6° Successively it is lawful to marry two widows whose deceased husbands were full brothers.

915. Public honesty (*honnêteté publique; openbare eerbaarheid*) or quasi-affinity is a certain propinquity or conjunction of persons, arising from a union which has a likeness with the perfect matrimony from which true affinity arises. It is called public honesty, because it agrees with public honesty that matrimony not be entered with the blood-relatives of a person with whom there has been so intimate a public conjunction (a. 4).

In the old law this impediment arose from valid betrothals and from ratified matrimony even if invalid; in the new law from betrothals no canonical impediment now arises, while from ratified but valid matrimony, though not consummated, affinity arises. But the impediment of public honesty now arises from invalid matrimony and from public and notorious concubinage, because each union has a likeness with valid matrimony, which founds affinity.

916. Principle II. The impediment of public honesty arises from invalid matrimony, whether consummated or not, and from public or notorious concubinage; and it dirimently impedes nuptials in the first and second degree of the direct line between the man and the blood-relatives of the woman, and conversely. - Thus can. 1078.

Therefore the impediment arises:

1° From invalid matrimony even if not consummated.

Therefore from invalid matrimony on account of any defect whatever, even of consent; but not from merely civil matrimony, for those who are subject to the juridical form required by the Church, unless, however, cohabitation is present (com. int., March 12, 1929).

2° From public or notorious concubinage.

Concubinage is carnal and habitual commerce, from an express or tacit agreement, between this man and that woman, covered by no appearance of a matrimonial bond. It is public if it is already spread abroad, or is situated in such circumstances that it can and ought prudently to be judged that it will easily be spread abroad. It is notorious either with notoriety of law, which has place after a sentence of a judge which has passed into a res judicata, or after a confession of the delinquent made in court; or with notoriety of fact, if the delict is publicly known and cannot be concealed by any tergiversation (can. 2197).

3° In the first and second degree of the direct line between the man and the blood-relatives of the woman, and conversely.

Therefore it no longer dirimently impedes matrimony with the blood-relatives of the partner in the collateral line. Hence one invalidly joined, or a public or notorious concubinary, can enter matrimony with the sister and first cousin of the putative wife or concubine, but not with the mother or grandmother, nor with the daughter or granddaughter of the partner.

The impediment: 1) is of ecclesiastical law, whence it does not affect unbelievers contracting among themselves;

2. is perpetual: it is not taken away if the matrimony or concubinage ceases by death or separation, nor probably if it is converted into valid nuptials; in which case in the first and second degree of the direct line there would be a double impediment, namely of affinity and of public honesty;

3. is multiplied, if either party has entered invalid matrimony or public concubinage successively with two or more blood-relatives, in the first or second degree of the direct line, of the other party. This, however, is not explicitly affirmed in the Code.

917. Observations. - 1. The impediments described, since they are of ecclesiastical law, do not directly reach unbelievers, but only indirectly by reason of the faithful party. But if both are baptized while the union endures, the impediment arises. If the conjunction is entered between a baptized and a non-baptized person, or if during the conjunction one is baptized, the impediment of public honesty arises between the baptized person and the blood-relatives, even non-baptized, of the other party, indeed between the non-baptized person and a baptized blood-relative of the baptized other party; - but whether the impediment of affinity also arises is disputed: many deny it, because affinity arises from ratified matrimony, but in the case a sacrament is not yet present; others affirm it, because ratified matrimony in that part of the Code is to be understood in a broader sense of every valid matrimony, otherwise from invalid matrimony between such persons the impediment, namely of public honesty, would arise, but from valid matrimony none! The matter cannot be determined with certainty, because of the imperfect manner of speaking of the Code. Likewise, if the union has

already been dissolved and one is baptized, it can be disputed whether the impediment is incurred; but this seems rather to be denied, because the foundation of the impediment does not persist.

2. Thus in the new law. In the ancient law these impediments were very different. Affinity arose not from matrimony but from perfect copula, whether licit or illicit; and it dirimently impeded matrimony in the direct line indefinitely, in the collateral line up to the 4th degree if it arose from licit copula, up to the 2nd if from illicit copula. But public honesty arose from valid and absolute betrothals, and from ratified matrimony, valid or invalid unless from defect of consent: from betrothals it dirimently impeded matrimony with the blood-relatives of the other party in the 1st degree in either line; from ratified matrimony even invalid up to the 4th degree. According to the ancient law the validity of marriages entered before May 19, 1918 is to be judged.

3. The impediments can be taken away by dispensation. Yet very rarely does the Church dispense from affinity in the 1st degree of the direct line, especially from licit copula; in the collateral line, especially in the 2nd degree, quite easily, and the dispensation is valid even if in the petition or concession an error concerning the degree has crept in, provided the degree really existing is inferior, or even if another impediment of the same species in an equal or inferior degree has been kept silent (can. 1052). A dispensation from public honesty in the 2nd degree is also easily conceded; indeed, for a grave cause in the 1st degree, provided, according to can. 1076, § 3, there is no doubt that one party is the offspring of the other.

Question Four: On Dispensation from Impediments

918. Dispensation is the relaxation of a law in a special case; whence, in the matter of impediments of matrimony, it is the relaxation of a canonical impediment irritating or prohibiting matrimony in a particular case, made by the legislator or by his delegate.

One is granted in order to contract matrimony, another in order to convalidate a contract. One is given in the external forum, which is granted for a public impediment; another in the internal forum, which is granted for an occult impediment, and indeed in the sacramental or extra-sacramental forum according as it is given within or outside the administration of the sacrament of Penance.

One given in the external forum also has force in the internal forum; one given in the internal forum has force only in conscience; but if afterward the impediment becomes public, unless the dispensation was given only in the sacramental forum or unless the rescript of the S. Penitentiary states otherwise, a new dispensation in the external forum is not required (can. 1047).

It is granted in gracious form, if it is granted immediately to the petitioner himself and directed to him; or in commissory form, if it is committed to a third person to be executed.

919. The power of dispensing. - Since to the Supreme Pontiff exclusively it belongs to establish impediments for matrimony, whether impedient or diriment, and since impediments are laws prohibiting or even invalidating, of the universal Church, the Pontiff himself alone by proper and native right can dispense in them; others only if they have received the power from him, whether by disposition of common law or by special indult.

But the power is granted not only to Ordinaries, but in special circumstances also to pastors and confessors.

920. The power of the Supreme Pontiff. - The Supreme Pontiff:

1° In impediments of natural and divine law cannot dispense by his proper power, because it is the law of a superior; nor by ministerial power granted by God and to be exercised in the name of God in impediments of absolute law, but only in those which are of conditional law and whose existence depends upon an act of the human will and an obligation freely undertaken: nor always, but insofar as it has been granted by God, namely in a vow and in the bond of ratified matrimony, and also in the bond of consummated matrimony in the case in which it is granted by force of the Pauline privilege, as was declared above.

Nevertheless this is not a dispensation properly so called; but the Supreme Pontiff in the name of God remits or dissolves the obligation of the vow, and dissolves or declares dissoluble the bond of matrimony, and thus changes the matter of the law; and once this is posited, the natural law is no longer applicable in the case, and by that very fact the matrimonial impediment ceases.

2° In impediments of exclusively ecclesiastical law, whatever they are, he can dispense by proper power, as in his own law.

There are, however, impediments in which he never or almost never, or only rarely, dispenses, as was said n. 857, D.

3° In doubtful impediments of natural or divine law, he never dispenses, because he cannot expose the dispensation and the matrimony to the danger of nullity.

Let it be noted that the Supreme Pontiff does not regularly exercise his power by himself, but through the organ of the Sacred Congregations and Roman tribunals.

a. The Holy Office dispenses in impediments which have a special connection with the faith, namely in the impediments of disparity of cult and mixed religion, and judges concerning all things which directly or indirectly concern these and the Pauline privilege.

b. The S. Congregation concerning Religious dispenses religious from the vow of chastity.

c. The S. Congregation concerning the Sacraments grants all other dispensations for the external forum, provided it is not a matter concerning Orientals.

d. The S. Congregation for the Oriental Church is competent concerning all impediments whenever at least one party is of an oriental rite; excepting those things which pertain to the Holy Office.

e. The S. Penitentiary dispenses in all occult impediments for the internal forum only, both sacramental and extra-sacramental, and is also competent for Orientals (July 26, 1930).

Occult impediments are here taken in a broader sense than in the definition given in can. 1037 (n. 857, E), so that under this name there also come those which are known only to a few, according to the character of the place, and to discreet persons, without danger of divulgation.

921. The power of the Ordinary of the place. - The Ordinary of the place cannot dispense in matrimonial impediments, except insofar as this has been granted to him by common law or special indult.

A. By common law: 1° In ordinary circumstances, the Ordinary of the place can dispense a) in doubts of fact concerning the existence of an impediment, for those impediments in which the Supreme Pontiff is accustomed to dispense (can. 15); b) in a non-reserved vow, provided the acquired right of a third party is not harmed (can. 1313).

2° When danger of death urges, "Ordinaries of places, in order to provide for conscience and, if the case warrants, for the legitimation of offspring, can dispense their own subjects wherever they are staying and all actually dwelling in their own territory, both over the form to be observed in the celebration of matrimony and over all and singular impediments of ecclesiastical law, whether public or occult, even multiple, except impediments proceeding from the sacred order of the presbyterate and from affinity in the direct line, matrimony having been consummated, scandal being removed, and, if the dispensation is granted over disparity of cult or mixed religion, the usual cautions having been furnished." Thus can. 1043.

It is said: a) when danger of death urges, i.e., not only at the moment of death, but in every proximate or grave danger from whatever cause it may come; and indeed even if the impediment does not affect the dying person but the party in good health;

b) in order to provide for conscience, i.e., to remove sin or an occasion of sin, e.g., to take away concubinage or repair damage or extinguish hatred; and if the case warrants, for the legitimation of offspring, even if conscience cannot be provided for on account of the impenitence of the dying person: the offspring to be legitimated is natural or incestuous, already begotten or still to be begotten, but not, as it seems, adulterous or sacrilegious, on account of can. 1051;

c) both over the form... and over all impediments of ecclesiastical law, even impedient ones, with only two excepted; but not over impediments of natural and divine law, even doubtful ones: nevertheless a vow is included, which is subject to the ministerial ecclesiastical power, and as an impediment can be taken away by the Church in the way which was declared, n. 892;

d) scandal being removed, in the case of a public impediment; and it is removed by the dispensation granted before witnesses;

e) and the usual cautions having been furnished, if the dispensation is granted over disparity of cult or mixed religion; which cautions are required for validity, as was said n. 867.

They can dispense their own subjects everywhere, and all others while they are actually dwelling in their own territory, and they can subdelegate their power to delegate, and use it in order to contract matrimony or to revalidate a contracted one; nevertheless the faculty of sanating in the root is not included in the power.

3° In urgent necessity: a) Ordinaries of places can grant a dispensation over all the same impediments as in danger of death and under the same clauses, namely, whenever an impediment is detected when everything has already been prepared for the nuptials, and the matrimony cannot be deferred without probable danger of grave evil until a dispensation is obtained from the Holy See. Thus from can. 1045, § 1.

It is said: a) over all the same impediments, but not over the form to be observed in the celebration of matrimony, since in the present canon it is not indicated, nor does an equally grave reason urge as

for impediments; nevertheless some judge that impediment can be understood in a broader sense and therefore comprehend a defect of form;

b) and under the same clauses, namely, scandal being removed and cautions having been furnished;

c) whenever an impediment is detected, for which it is not required that it had previously been altogether unknown, but it suffices that, though previously known, only then it is brought to the knowledge of the pastor or Ordinary (com. int., March 1, 1921);

d) when everything (required by the precept of the Church) has been prepared for the nuptials and the matrimony cannot be deferred without probable danger of grave evil, namely, so that the nuptials morally cannot be deferred, and if they were deferred there would likely be danger of grave evil, one's own or another's, spiritual or temporal. 1

They can dispense by themselves or through another their own subjects, and also probably travelers, but only if there is not time to have recourse to the Holy See, in order to contract matrimony; indeed also to revalidate a contract, for can. 1045, § 2 adds: "this faculty also has force for the convalidation of a matrimony already contracted, if there is the same danger in delay and time does not suffice to have recourse to the Holy See."

b) Ordinaries of places can, if the case is not urgent from the fact that everything has been prepared for the nuptials, dispense by force and within the limits of canon 81, establishing the general power of dispensing of Ordinaries (cf. Response of the Commission for the Interpretation of the Code, July 27, 1942): "Ordinaries below the Roman Pontiff cannot dispense from the general laws of the Church, not even in a particular case, unless this power has been explicitly or implicitly granted to them, or unless recourse to the Holy See is difficult and at the same time in delay there is danger of grave harm and it is a matter of a dispensation which is accustomed to be granted by the Apostolic See."

B. By special indult, whether general, by which a habitual faculty of dispensing is granted for a time, or particular, by which it is granted in a particular case, Ordinaries can dispense according to the tenor of the indult; which in various regions or in various cases can be diverse.

General indults were revoked after the code, by decree of the S. Consistorial Congregation, April 25, 1918, excepting the faculties of the S. Penitentiary; but afterward, the bishops petitioning, they were granted anew under new formulas, which must be sought from the one S. Consistorial Congregation (April 20, 1923) by all who are not subject to the S. Congregation of Propaganda Fide or for the Oriental Church.

1. The distinguished Cappello, o. c. n. 232-233, judges that the words: when everything has already been prepared for the nuptials, do not indicate a condition without which not, so that even in other circumstances, on account of a grave and urgent cause, one can dispense for contracting matrimony. - But a) he does not prove this sufficiently; indeed b) it seems to be said against the natural sense of the words; besides c) from the Response of the Commission for the Interpretation of the Code, July 27, 1942, there is admitted, as regards matrimonial dispensations, the use both of canon 1045 and of canon 81, which in general determines the power of dispensing of Ordinaries, and it is explicitly asserted that there is place for the application of canon 81 if not yet everything has been prepared for the nuptials. From this it

seems that one must conclude that the opinion proposed by Cappello is at least implicitly reprobated.

922. The power of the pastor and confessor. - Pastors, confessors, or other priests of themselves have no power concerning matrimonial impediments; nevertheless it is sometimes granted to them by common law, on account of special necessity, and by special indult.

A. From common law: 1° When danger of death urges, and only for cases in which not even the Ordinary of the place can be approached, the same faculty of dispensing as he has is possessed both by the pastor, and by the priest who assists at the matrimony in extraordinary form, and by the confessor, but this latter for the internal forum in the act of sacramental confession only. Thus can. 1044.

It is said: a) the same faculty as the Ordinary, i.e., of dispensing both from the form of celebration and from all impediments of ecclesiastical law, public and occult, even multiple, - with only two excepted, namely from the order of the presbyterate and from affinity in the direct line, the matrimony having been consummated, - but only with scandal removed, and the usual cautions furnished;

b) is possessed by the pastor, - the priest assisting at matrimony in extraordinary form, when the pastor cannot be had and approached, - and the confessor, but only in the act of sacramental confession: the pastor indeed toward his own subjects wherever they are staying and all actually dwelling in his own territory; the priest assisting at matrimony toward those whose matrimony he assists; the confessor toward penitents. Whether a priest legitimately delegated by the Ordinary or pastor to assist at matrimony enjoys the same power can be doubted theoretically, because the Code is silent; nevertheless practically it can be affirmed, because according to can. 200, § 1, together with delegated power those things are understood to be granted without which it could not be exercised, whence by granting delegation the pastor or Ordinary is judged implicitly to delegate his faculty of dispensing;

c) but only for cases in which not even the Ordinary of the place can be approached, namely by ordinary means.

2° In urgent necessity, whenever an impediment is detected when everything has already been prepared for the nuptials, and matrimony (likewise its convalidation) cannot be deferred without probable danger of grave evil until a dispensation is obtained from the Holy See, the same persons enjoy the same faculty as the Ordinary, but only for occult cases in which not even the Ordinary of the place can be approached, or not except with danger of violation of secrecy. Thus can. 1045, § 3.

It is said: a) the same faculty as the Ordinary, i.e., of dispensing over all impediments of ecclesiastical law listed above and under the same cautions, but not over the form of celebration of matrimony;

b) the same persons enjoy it, namely, the pastor, the priest assisting at matrimony in extraordinary form, and the confessor, likewise a priest delegated by the pastor or Ordinary to assist: but the confessor, as it seems, only for the internal forum and only in the act of sacramental confession, as is clear from can. 1044 to which can. 1045, § 3 refers; although some extend the power of the confessor to the extra-sacramental forum, because in that canon the restriction is not explicitly placed;

c) only for occult cases, i.e., not only for impediments occult by their nature, but also for impediments public by their nature but occult in fact (com. int., Dec. 28, 1927);

d) in which not even the Ordinary of the place can be approached, or not except with danger of violation of secrecy, namely when the Ordinary cannot be approached by ordinary means, or not without danger of violating secrecy, even non-sacramental.

B. By special indult sometimes the faculty of dispensing over certain impediments is delegated to priests, whether by a particular indult by which the execution of a dispensation is committed to them, or also by a general indult for a definite time: thus especially to confessors for the internal forum only.

923. Observations. - 1. The pastor, or the priest assisting at matrimony, should immediately inform the Ordinary of the place concerning a dispensation granted for the external forum; and it should be noted in the book of marriages (can. 1046).

2. Unless the rescript of the S. Penitentiary states otherwise, a dispensation granted in the internal non-sacramental forum over an occult impediment should be noted in a book diligently kept in the secret archive of the Curia; in which case another dispensation for the external forum is not necessary, even if afterward the occult impediment should become public (can. 1047).

3. A dispensation granted by a confessor in the sacramental internal forum can in no way be noted; but if an occult impediment thus dispensed should become public, another dispensation for the external forum is necessary (ibid.).

To guard against this inconvenience, the confessor in practice should not use his power, as far as possible, except concerning impediments occult by nature and in fact. For others which could become public, he should send the penitent to the pastor or his delegate; or ask from the penitent permission to approach the pastor and seek a dispensation; or, if he himself is pastor or the assisting priest, with the penitent's permission, outside confession he should dispense, not as confessor but as pastor or assistant; only if these things are impossible, and the case urges, should he dispense in confession, with the promise of seeking a dispensation for the external forum or of committing the matter to the S. Penitentiary.

4. If the petition for dispensation has been sent to the Holy See, the Ordinary should not use his faculties except from a grave and urgent cause; and in this case he should immediately warn the Holy See of the matter (can. 1048, coll. 204).

5. Concerning the faculty of cumulating dispensations, or of dispensing in several impediments occurring together in the same case, the following norms have force:

a. In matrimonies whether contracted or to be contracted, one who enjoys a general indult of dispensing over a certain impediment can, unless something else is expressly prescribed in the indult itself, dispense over it even if the same impediment is multiple (can. 1049, § 1).

b. One who has a general indult of dispensing over several impediments of diverse species, whether diriment or impedient, can dispense over the same impediments, even public ones, occurring in one

and the same case (can. 1049, § 2).

c. If at some time with the public impediment or impediments over which someone can dispense from indult there concurs another impediment over which he cannot dispense, the Apostolic See must be approached for all; - if, however, the impediment or impediments over which he can dispense are discovered after a dispensation has been impetrated or obtained from the Holy See, he will be able to use his faculties (can. 1050), i.e., once the rescript has been sent or only signed, although not yet received or committed to execution.

924. Causes of dispensation. - From an ecclesiastical law one is not to be dispensed without a just and reasonable cause, regard being had to the gravity of the law from which dispensation is made; otherwise a dispensation given by an inferior is illicit and invalid. Thus can. 84, § 1. Hence matrimonial dispensations cannot be granted without a grave cause proportioned to the impediment; but those thus granted by the Holy See are illicit, and by all others illicit and invalid. Nevertheless in doubt concerning the sufficiency of the cause, a dispensation is licitly sought and can licitly and validly be granted (can. 84, § 2).

Some causes are motive or final, which, taken singly or collectively, of themselves suffice for obtaining a dispensation, and without which a dispensation is not granted, or not in such a way or in such a form; others are impulsive, which, although insufficient of themselves, nevertheless dispose the superior to grant the dispensation more quickly or easily, but without which he would also grant the dispensation and in the same form. Motive causes, if they are expressly recognized as such by law, are called canonical; otherwise they are called reasonable and non-canonical.

A. Canonical causes are listed as sixteen in the instruction of the S. Congregation of Propaganda Fide, May 9, 1877:

1° Narrowness of place, either absolute, as if in the place there are not more than 300 hearths or 1500 inhabitants and the place is distant more than a mile or 1500 meters from the nearest place (S. C. C., July 8, 1876); or relative, if the kinship of the woman in this place is so widely propagated that she cannot find another man of equal condition besides the impeded man, or does not have occasion for a marriage of this kind.

2° The over-adult age of the woman, if a virgin has completed the age of 24 years and does not find another spouse suitable for herself; but this cause does not aid a widow who desires to enter other nuptials, nor a virgin who has reached her 40th year.

3° Defect or insufficiency of actual dowry, which, namely, prevents the woman from finding another man of equal condition besides the impeded man.

4° Lawsuits arisen over the succession of goods, or grave or imminent danger of the same, if there is no other who wishes to aid the woman in this matter besides the man who desires to marry her.

5° Poverty of a widow burdened with numerous offspring, or who at the same time is younger and is in danger of incontinence.

6° The good of peace, or grave enmities to be composed.

7° Excessive, suspect, dangerous familiarity, and also cohabitation under the same roof, which could not easily be prevented.

8° Copula and pregnancy and therefore legitimation of offspring, which cause is among the more urgent.

9° Infamy of the woman, from suspicion, even false, of evil familiarity with an affine or blood-relative.

10° Revalidation of a matrimony contracted in good faith and in the form of the Church.

11° Danger of a mixed marriage or of one to be celebrated before a non-Catholic minister, with very grave scandal of the faithful and grave spiritual harm.

12° Danger of incestuous concubinage.

13° Danger of civil matrimony.

14° Removal of grave scandals.

15° Cessation of public concubinage.

16° Excellence of merits in a benefactor of the Church or one very deserving of religion.

B. The following can be listed as non-canonical causes, which for the most part are reasonable and sufficient:

1° On the part of the female petitioner: a) if she has been bereft of one or both parents, or b) sprung from illegitimate birth, or c) held back by illness, deformity, or another defect, or d) already deflowered by another.

2° On the part of the male petitioner: a) if he is held by illness, or b) is a widower burdened with offspring, for whom he seeks a good mother, or c) needs the help of this woman, e.g., for managing domestic affairs.

3° On the part of the matrimony: a) everything prepared for the nuptials; b) the proposal of contracting divulged or persistent; c) the fittingness of the matrimony; d) the good morals of the petitioners; e) the good of the parents, if the father or mother needs help.

C. For the validity of a dispensation it is generally required that the motive causes which are alleged be true; moreover they must exist not indeed when the dispensation is sought, but before the concession of the dispensation if it is given in gracious form, before the execution or fulmination of the dispensation if it is given in commissory form, and the dispensation remains valid although afterward, even before the celebration of matrimony, the cause ceases.

Nevertheless: a) Reticence of the truth, or subreption, does not stand in the way of validity, provided all things have been expressed which, according to the style of the Curia, are to be expressed for validity (can. 42, § 1).

b) Nor does obreption, or the exposition of what is false, stand in the way, provided at least one motive cause is true (can. 42, § 2).

c) Indeed a dispensation is valid, notwithstanding the falsity of the single cause adduced, when the concession is given by this or an equivalent formula: from certain reasonable causes, i.e., diverse from those which are expressly alleged. Thus whenever it is a matter of impediments of minor degree (can. 1054), because dispensations concerning these are granted from reasonable causes approved by the Holy See.

d) A dispensation from impediments of consanguinity or affinity, granted in some degree of impediment, is valid, even if in the petition or in the concession an error concerning the degree has crept in, provided the degree really existing is inferior, or even if another impediment of the same species in an equal or inferior degree has been kept silent (can. 1052). Hence, if affinity concurring with alleged consanguinity has been kept silent, the dispensation is not valid for affinity, for the impediments are of diverse species.

e) A dispensation given by the Holy See over ratified and non-consummated matrimony, or a permission made for passage to other nuptials on account of the presumed death of the spouse, always carries with it a dispensation from an impediment proceeding from adultery with promise or attempted matrimony, if any such is needed (can. 1053); therefore reticence concerning these impediments does not stand in the way of the validity of the concession.

925. The petition of dispensation. - To seek a dispensation, excepting the cases explained above in which the pastor or confessor himself can dispense, recourse must be had to the Holy See, or also to the Ordinary for impediments from which he himself can dispense. In practice it is always better to have recourse to the Ordinary, who, if he lacks the required power, will himself transmit the petition to the competent Roman Congregation; - unless, however, it is a matter of an occult impediment which would defame the petitioner before the Ordinary or bring danger of violating the seal: for then recourse must be had directly to the S. Penitentiary. Therefore, for public impediments to be dispensed in the external forum the pastor seeks the dispensation from the Ordinary; for occult impediments in the internal forum the confessor seeks it from the Ordinary, or, if there is danger of defamation or violation of the seal, directly from the S. Penitentiary.

Let it be noted: 1° The petition is made in the name of the petitioners, not of the pastor or confessor, and indeed, if the dispensation is sought for the external forum or for the extra-sacramental internal forum, with the names of the petitioners expressed; if for the sacramental internal forum, with the names of the petitioners concealed.

2° The Ordinary to whom the petition is to be directed is the Ordinary of the domicile, quasi-domicile, or actual residence of the betrothed, and indeed the Ordinary of him who is affected by the impediment is to be approached; but if the impediment is common to both parties, the dispensation can be sought from the Ordinary of either party.

3° If the Ordinary has denied someone a dispensation, he can seek the same from the Holy See, even with no mention made of the denial; but if it was first denied by the Holy See, the same cannot be sought from the Ordinary. Indeed a dispensation denied by one Congregation cannot validly be granted by another Congregation or by an Ordinary without the assent of the former, with the right of the S. Penitentiary for the internal forum preserved (can. 43).

Likewise let no one seek from another Ordinary a grace denied by his own Ordinary, with no mention made of the denial; but when mention has been made, let the Ordinary not grant the grace unless he has obtained from the prior Ordinary the reasons for the denial. But a grace denied by a vicar general and afterward obtained from the Bishop, with no mention made of this denial, is invalid; and a grace denied by the bishop cannot validly be obtained from the vicar general, even with mention of the denial made, when the bishop does not consent (can. 44).

4° From a just cause the pastor or confessor can seek a dispensation, without the knowledge of those for whom it is sought; and although they themselves can fail to use a grace conceded through rescript, nevertheless the rescript has force before its acceptance, unless something else appears from the clauses appended (can. 37).

In the supplicatory libellus of petition, according to the instruction of the S. Congregation of Propaganda Fide, May 9, 1877, the following are to be expressed:

1° The name and surname of the petitioners, to be written distinctly and clearly, and without any abbreviation of letters.

An error in these does not invalidate the dispensation if it is accidental and of small moment, provided the identity of the person is established (cf. can. 47); on the contrary, if it is such that it induces ambiguity concerning the person, it invalidates. For a dispensation in the sacramental internal forum, lest the petitioners be known, fictitious names are to be used; on the contrary in the extra-sacramental forum, if the dispensation is to be noted in the secret book of the S. Penitentiary or of the episcopal Curia.

2° The diocese of the domicile or quasi-domicile of the petitioners, or, if it is a matter of vagabonds, of actual residence.

The reason is that the execution of a dispensation for the external forum is usually committed to the Ordinary. But if a dispensation is sought for the internal forum, but not through the Ordinary, it suffices to indicate in the vernacular language the place to which the dispensation is to be sent.

3° The lowest species, degree, and number of impediments, not only in a diverse species but also in the same species.

The species, namely, whether consanguinity, affinity, or public honesty from invalid matrimony or from concubinage, crime of adultery, or of spouse-murder, or of both together; the degree, whether simple or mixed, more remote or nearer in the same species, as also the line, whether direct or transverse; the number of impediments even of the same species, e.g., whether double or multiple consanguinity or affinity. Nevertheless material error does not invalidate, provided the cause is expressed as it is. Nor are diriment impediments alone to be indicated, but also merely impedient ones, although the bishop can dispense in them or has already dispensed; indeed also abduction, even if it has already ceased; because on account of this a dispensation in a diriment impediment is much more difficultly granted.

In the case in which one impediment is public, the other occult and such that it cannot be manifested without infamy, a double supplication is drawn up: for the public impediment alone a dispensation can be sought from the Ordinary or from the competent Congregation; for the occult impediment, another from the Penitentiary for the internal forum, but in this the public impediment must at the same time be expressed, adding that relaxation of this impediment is being sought in another supplication in the external forum. 1

Hence, if after the dispensation has been executed another impediment is detected which already existed before the execution, a dispensation of all impediments must be sought, because the prior dispensation was invalid; excepting the case in which an impediment of consanguinity or affinity in

an equal or inferior degree has been kept silent, because then the prior dispensation was valid, as we have already noted, n. 906, 3 and 917, 3.

4° The various circumstances which make it easier or more difficult for dispensation to be made.

Thus whether it is a matter of matrimony to be contracted or of a contracted matrimony. If to be contracted, religion must be expressed if either spouse is non-Catholic; and age if the dispensation is sought in the near degrees of kinship or affinity. If already contracted, whether in good faith, at least on one side, or with knowledge of the impediment; whether after banns had been made and according to the prescribed form; whether it has been consummated and whether in good or bad faith. Incestuous copula had between the spouses before the execution of the dispensation no longer is to be expressed.

5° The causes of dispensation.

It is not necessary to bring forward all existing causes, but it suffices to allege one or another motive and canonical cause, provided they are true. Nevertheless it is better, if they are present, to bring forward several, so that the effect of the supplication may be more certain; indeed besides canonical causes, also other causes should be brought forward by which the canonical causes are confirmed.

In the case in which there is offspring to be legitimated, this cause is always usefully expressed; but it must be altogether expressed when for its legitimation a special indult is required, namely if it has already been born or will be born before the execution of the dispensation and the dispensation is granted from delegated power for a particular case; indeed always if it is adulterous or sacrilegious (can. 1051).

6° The status of fortune of the petitioners, so that the tax to be paid can be determined, or so that the dispensation, if they are poor, may be granted gratis.

It is not to be set forth if the dispensation is impetrated from the S. Penitentiary, by which it is always granted gratis. If it is obtained in the form of the poor when the petitioners are not poor, it is not invalid; but the petitioners are bound to supply the customary tribute.

1. Several other means are present for meeting the difficulty. The confessor can ask from the petitioners permission to seek the dispensation at the same time for the external forum from both the public and occult impediment, with mention made that this permission has been granted. Or also permission to incur a small danger of suspicion or revelation, from the fact that both dispensations are sought separately from the same Ordinary, or both supplications are transmitted to him. The dispensation of one impediment can also be sought through another pastor or priest of another place, and the other immediately from the bishop, so that the preservation of secrecy is better provided for.

926. Execution of the dispensation. - A dispensation needs execution if it has been given in commissory form, because then it exerts its effect only when it is committed to execution or fulminated by him who was designated for this office; on the contrary, if it has been given in gracious form, it does not require execution but has force from the moment of its concession. The Roman Curia is accustomed to grant dispensations in commissory form; bishops in gracious form if it is a matter of a public impediment, in commissory form if it is a matter of an occult impediment.

The executor: 1° for public impediments is usually designated by a Sacred Congregation as the Ordinary who drew up or recommended the supplicatory libellus, even if those about to marry have migrated into another diocese; in which case the Ordinary of the diocese in which the matrimony is to be celebrated will have to be warned (can. 1055); moreover the Ordinary can delegate another to execute the dispensation (can. 57);

2° for occult impediments a dispensation is usually committed by the S. Penitentiary to a confessor among those approved by the Ordinary; one granted by the Ordinary for the sacramental forum is committed to the confessor, for the extra-sacramental internal forum to the pastor or another priest who transmitted the petition.

Let it be noted: A. As regards the conditions of execution:

1° No execution is made before the executor already has the rescript of dispensation, or knowledge of it has been transmitted to him officially by the authority of the rescriber (can. 53).

2° The executor is bound to attend to all the clauses of the rescript and faithfully adhere to them: omission of an essential condition invalidates the execution (can. 55). For validity there are required clauses which are introduced by the words: if, provided that, or other equivalent words, or if it is said that otherwise the dispensation is null (can. 39); those which are expressed by an ablative pertain to liceity alone, unless from the nature of the matter or from the style of the Curia they are necessary, as the promise of removing danger to the faith in a dispensation for mixed marriages, or the removal of scandal, for taking away which the separation of the spouses is to be preferred, although sometimes it can also be done in another suitable way. On the contrary, the imposition of a special penance or its fulfillment, although rigorously prescribed, are not required for validity. 1

3° He is also bound, unless it is a matter of an impediment of minor degree, to examine whether at the moment of execution the prayers still rest upon truth, and whether a new impediment has not arisen; yet if the inquiry is neglected, the execution is not invalid, provided the truth of the prayers still subsists. In the internal forum it suffices to interrogate the penitent, to whom of himself credence is to be given.

B. As regards the manner of execution:

1° Execution for the external forum is prescribed to be made in writing (can. 56); nevertheless it is valid, and, from a grave cause, also licit, when made orally. For the sacramental forum it is to be made by the living voice in the act of confession. For the non-sacramental internal forum generally it is to be made by the living voice; nevertheless sometimes in writing, when the impediment from which dispensation is made is occult in fact but public by nature: for then the dispensation given and executed must be registered in the secret book of the episcopal Curia.

2° A dispensation ought to be made expressly, by designating the impediment from which dispensation is made; whether a dispensation implicitly or tacitly conceded is invalid is not established. Express mention is also to be made of the apostolic faculty by force of which the dispensation is granted (can. 1057): this, however, is not prescribed for validity. Moreover no determinate form is prescribed.

3° If the impediment affects only one party, or is culpable only on one side, a dispensation made with that party suffices; otherwise each party must approach either the same one or diverse ones, and the

dispensation is to be executed twice, which nevertheless is not required for validity. Hence if there are two confessors, the first hands the rescript to his penitent, after he has executed the dispensation on his own side, so that it may be transmitted to the other confessor through the other penitent (S. Pen., Nov. 13, 1748), so that a fitting penance may be imposed upon that person.

4° If the executor has erred in any way in execution, he can again commit the dispensation to execution (can. 59).

C. As regards the preservation of the rescript of dispensation:

The rescript of dispensation for the external forum must be preserved in the archive of the episcopal Curia, but the decree by which it is executed in the parochial archive. The rescript for the internal forum is prescribed to be torn up or burned after execution; unless it is the case of an impediment public by nature but occult in fact: for then, unless it is a matter of the sacramental forum, the rescript must be preserved in the archive of the episcopal Curia, so that it can furnish proof for the external forum, if afterward the impediment is revealed (can. 1047).

1. Where it is said: a salutary, grave, long, lasting, perpetual penance having been imposed, a special juridical penance distinct from the sacramental one must be imposed; and it is to be determined by considering both the gravity of the crime and the strength of the penitent. A salutary and grave penance, for example, is to recite three times the Our Father and Hail Mary and once acts of faith, hope, and charity daily for 4 weeks; grave and long is to do this for several months, or to recite the rosary once a week or make a monthly confession; grave and lasting is to do this at least for a year; perpetual is for the whole of life.

1. Nevertheless nothing prevents the confessor, for his own instruction, from transcribing the rescript and preserving the transcript for himself, omitting, however, all things which would lead to knowledge of the penitent, such as names, day, and year.

Question Five: On the Convalidation of Matrimony

927. Convalidation of matrimony is that act by which matrimony entered invalidly is rendered valid; just as an invalid contract which receives value is said to be convalidated.

Matrimony entered either in good or in bad faith can be invalid on account of a vice, defect, or impediment. This can be met: a) by procuring a declaration of nullity from ecclesiastical authority and separation of the spouses, which nevertheless is to be restricted to strictly necessary cases, for example when both spouses or either spouse in no way wishes to cohabit with the other party or wishes to enter another matrimony, when the matrimony is foreseen to be unhappy or to carry with it danger of perversion, or when the nullity of the matrimony cannot be healed, nor are greater inconveniences feared; b) by permitting the putative spouses to continue to cohabit as brother and sister, which is rarely expedient because of the danger of incontinence; c) by dissimulating the nullity and leaving the spouses in good faith, which is not licit except for a grave and urgent cause; d) ordinarily, however, by convalidating the matrimony.

In practice, Noldin observes, *Th. M.* III, n. 657, the confessor must take care lest he incautiously declare the nullity of a matrimony.

1. If the impediment is indispensable and known to neither party, let him prudently consider whether he can admonish them concerning the nullity and separation; if they can neither be separated without scandal nor cohabit without danger of sinning, let him leave them in good faith.

2. If an indispensable impediment is known to one or both, the spouses are altogether to be separated. What kind of separation is to be urged depends on the circumstances, namely:

a. If the nullity of the matrimony can be juridically proved, they are to be separated perfectly by the sentence of an ecclesiastical judge; unless, however, to avoid scandal or infamy, they wish to cohabit as brother and sister and can do this without danger of incontinence.

b. If the nullity of the matrimony cannot be juridically proved and from cohabitation danger of incontinence arises, they are to be separated under the appearance of divorce from bed and cohabitation.

c. If from cohabitation there does not arise danger of incontinence, it suffices that they be separated from the common bed and cohabit as brother and sister.

3. If the impediment is dispensable, revalidation must regularly be procured; in the meantime, however, until the matrimony can be revalidated after a dispensation has been obtained, these things are to be observed:

a. If the nullity of the matrimony is publicly known, the spouses are to be separated from bed and cohabitation until a dispensation from the impediment is obtained.

b. If the nullity of the matrimony is known only to both parties, it must first be requested that they abstain in the meantime; this will not be very difficult if after one or a few days a dispensation can be had, as, for example, in the place of the episcopal curia or near it. Permission must be sought to conduct the matter outside confession and to approach the Ordinary. If there would have to be a long wait with danger of incontinence, which could not be avoided by a practical remedy or subterfuge, or if permission to act outside confession were not given, the confessor should dispense according to can. 1045, § 3 (n. 922, 2°).

c. If the nullity of the matrimony is known to one party only, this party should admonish, when it can easily be done, the other party to abstain in the meantime; if this cannot be done, the same procedure is followed as above, under b; after the dispensation, the renewal of consent by the conscious party suffices.

d. If the nullity of the matrimony is known to neither party, the confessor should prudently deliberate whether he can admonish the spouses without greater evils following; if he can admonish them, let him proceed as before; if he cannot admonish them, they are to be left in good faith until a dispensation is obtained and the matrimony can be convalidated.

928. There is a twofold mode of convalidation: simple convalidation and sanation in the root, between which there is a twofold difference:

a) simple convalidation always requires that consent be renewed; sanation in the root is made without renewal of consent;

b) simple convalidation regards the future; sanation in the root also exerts force into the past, insofar as by a fiction of law it is drawn back as to canonical effects.

Concerning each mode one must speak. But since through the revalidation of matrimony between Christians, in whatever way it is done, the sacrament is administered and received, care must be taken, as far as possible, that the spouses be in the state of grace when the matrimony is revalidated, i.e., when consent is renewed or sanation in the root is applied.

Article I: On Simple Convalidation

929. Simple convalidation is that by which there is supplied that which was lacking from the beginning and rendered the matrimony invalid. It can be invalid from a threefold cause: a) from the incapacity of a person on account of a diriment impediment; b) from defect or vice of consent; and c) from defect of form. Hence there is a threefold diverse mode of revalidating matrimony.

930. Principle I. Convalidation of a matrimony void on account of an impediment. - "To convalidate a matrimony void on account of a diriment impediment, it is required that the impediment cease or be dispensed and that at least the party conscious of the impediment renew consent." Thus can. 1133, § 1.

In the case a double condition is required for convalidation: the cessation of the impediment and renewal of consent.

A. Cessation of the impediment; whence convalidation is restricted to impediments which in the case can be taken away; otherwise it is impossible. An impediment can cease:

1° intrinsically, because the very fact which constitutes the impediment ceases to exist: thus the impediment of age ceases by the passage of time, ligamen is taken away by the death of the spouse, disparity of cult by the conversion of the unbelieving party, abduction by liberty being restored to the woman;

2° extrinsically, either a) by abrogation of the law: thus several impediments, abrogated by the code of law, ceased; or b) by dispensation obtained according to the norms indicated in the preceding question.

Let it be noted a) that the dispensation must first be sought before consent is renewed, because when the dispensation has been obtained the persons become capable of contracting validly;

b) that the impediment which was the cause of the nullity of the matrimony needs dispensation only when it still persists; whence, for convalidating a matrimony null on account of an impediment of the old law which has already been abrogated, it suffices to renew consent.

B. Renewal of consent to be furnished at least by the party conscious of the impediment: "this renewal is required by ecclesiastical law for validity, even if both parties furnished consent and afterward did not revoke it" (can. 1133, § 2).

From its nature "renewal of consent must be a new act of the will toward a matrimony which is known to have been null from the beginning" (can. 1134). Therefore it is required that one party or both be admonished concerning the nullity, so that, knowing the matrimony to be invalid, that party explicitly furnishes new consent; otherwise the renewal would be only a confirmation of the prior consent, ineffective for convalidating the matrimony.

The rules to be attended to in renewing consent are prescribed by the code, can. 1135:

1° "If the impediment is public, consent must be renewed by each party in the form prescribed by law," ordinary or extraordinary according to the circumstances, as was said n. 845 and 849, so that the convalidation may thus be publicly established.

2° "If it is occult and known to each party, it is enough that consent be renewed by each party privately and secretly."

3° "If it is occult and unknown to one party, it is enough that only the party conscious of the impediment renew privately and secretly, provided the other perseveres in the consent furnished."

Let it be noted: a) If the impediment, public by its nature, is occult in fact, a more or less secret form can be used with the permission of the Ordinary, by binding the witnesses to preserve secrecy and even by celebrating the matrimony in private houses.

b) If the occult impediment is known to each party, there is no need for the presence of a priest or witnesses; it suffices that each party express consent by whatever words signify it.

c) If the occult impediment is known to one party, it is not required that the other party, unaware of the impediment, be admonished: that party perseveres in the consent which was furnished in celebrating matrimony until that consent has been retracted by a positive act of the will; but the party conscious of the impediment must explicitly renew consent, in whatever explicit way, for which a merely internal act can suffice.

931. Principle II. Convalidation of a matrimony void on account of defect of consent. - "A matrimony void on account of defect of consent is convalidated if the party who had not consented now consents, provided the consent furnished by the other party perseveres." Thus from natural law and from can. 1136, § 1.

Hence 1° it is altogether required and suffices that the non-consenting party validly consent, and it is not necessary to admonish the other party, provided that party's previously furnished consent perseveres, not having been retracted, as was said in the preceding number;

2° if consent was lacking on each side, it must be furnished anew by each side, as if matrimony were being contracted for the first time; likewise if the party who had validly consented afterward formally retracted consent.

The manner of renewing consent is indicated by can. 1136:

a) "If the defect of consent was merely internal, it is enough that the party who had not consented consent interiorly."

b) "If it was also external, it is necessary to manifest consent also externally, either in the form prescribed by law, if the defect was public, or in another private and secret way, if it was occult." In this latter case, the new consent can also be expressed by deed, as by cohabitation or conjugal copula had from the intention of consenting to matrimony.

932. Principle III. Convalidation of a matrimony invalid on account of defect of form. - "A matrimony null from defect of form, in order that it become valid, must be contracted anew in the legitimate form." Thus can. 1137.

In this form it must be revalidated publicly or secretly:

1° Publicly, if the nullity of the matrimony is publicly known, namely, to take away scandal; for this, however, it is not required that it be done in the highest degree of publicity: for special reasons the Ordinary can permit that the matrimony be celebrated privately, even at home, but before the pastor and witnesses who are to make the revalidation known, provided this suffices for removing scandal.

2° Secretly, yet before witnesses altogether trustworthy and who will preserve secrecy, if the nullity of the matrimony is occult or commonly unknown, namely, to forestall scandal and preserve the reputation of the spouses.

It can happen that one party refuses to contract in the legitimate form. a) If he only refuses to go to the church, but does not refuse to renew consent before the pastor and witnesses, they can be joined in the house or in another place to which they are prepared to go. b) If he refuses to appear before the pastor to whom the nullity is known, but is willing before the confessor, this confessor can be deputed to assist at the nuptials with two trustworthy witnesses. c) If he refuses to appear before the pastor or delegated priest and witnesses, care must be taken that through a proxy he express his consent before the pastor and witnesses. d) If he refuses even this, sanation in the root is to be sought, provided it is established that consent has not been revoked.

Article II: On Sanation in the Root

933. Sanation in the root is so called because it heals from nullity the root of matrimony, i.e., consent truly but nullly furnished, so that it renders the matrimony valid and takes away the effect of nullity. Namely, the consent, on account of some obstacle, was invalid from the beginning and endures invalid; but when the law invalidating the consent ceases or is relaxed by dispensation, the Church heals the consent invalid from the beginning and at the same time dispenses from the law of renewing consent; moreover, by a fiction of law she draws back the sanation to the moment of the consent furnished, so that the matrimony as to juridical effects is held as if it had been valid from the beginning and the impediment had never existed.

Hence can. 1138, § 1: "sanation in the root of matrimony is the convalidation of the same, carrying with it, besides the dispensation or cessation of the impediment, dispensation from the law of renewing consent, and retrotraction, by fiction of law, concerning canonical effects, to the past."

Therefore: A. Sanation in the root has two effects: the convalidation of the matrimony and retrotraction: "convalidation is made from the moment of the concession of the grace; but retrotraction is understood to be made to the beginning of the matrimony, unless something else is expressly provided" (can. 1138, § 2).

a) The matrimony begins to be valid, not indeed from the moment of celebration, as if for the time in which it was invalid it were now rendered valid, which is impossible; but from the moment of the concession of the grace, i.e., if the sanation is given in gracious form, as soon as the rescript is signed; but if in commissory form, as soon as it is committed to execution.

b) But the canonical effects are drawn back by fiction of law to the very beginning of the matrimony, as if it had always been valid; whence children born from such a matrimony are held as legitimate from the beginning of the matrimony.

c) Sometimes, however, retrotraction is not made to the beginning of the matrimony but to some intermediate time, especially in partial sanation which regards only offspring to be legitimated.

B. The matrimony is healed without renewal of consent; moreover, "dispensation from the law of renewing consent can also be granted with one party only or both parties unaware" (can. 1138, § 3), which is not repugnant, because a dispensation is the relaxation of an ecclesiastical law in a particular case; but a legislator can exempt someone from the law although unaware, indeed unwilling.

Nevertheless a) rarely does she grant sanation when one party is unwilling; b) she does, however, grant partial sanation, as to juridical effects, namely legitimation of offspring, when either or both parties have died, indeed even when both were unwilling; c) sanation properly so called or full sanation she does not grant in a particular case when both parties are unwilling, but general sanations have sometimes been granted for all matrimonies, even if the spouses are unwilling, provided the required conditions are verified.

934. Principle. Sanation in the root is not granted unless certain conditions are given. - According to can. 1139, § 1: "Any matrimony entered with the consent of both parties naturally sufficient, but juridically inefficacious on account of a diriment impediment of ecclesiastical law or on account of defect of legitimate form, can be sanated in the root, provided consent perseveres."

Therefore there is required:

1° Naturally sufficient consent of each party, so that each party has furnished true consent sufficient of itself. For the root of matrimony is marital consent, without which matrimony cannot even be conceived; and if this consent was present, it is sanable, but if it was not present, it cannot be healed.

Hence can. 1140, § 1: "if consent is lacking in one or both parties, matrimony cannot be sanated in the root...; but if consent was indeed lacking from the beginning, but afterward was furnished, sanation can be granted from the moment of the consent furnished." Hence civil matrimony also can be sanated, provided true matrimonial consent was present and not only the intention of entering an illicit union, but scandal must be absent.

2° An ecclesiastical invalidating law which rendered the consent juridically inefficacious or invalid, whether on account of a diriment impediment or on account of defect of the legitimate juridical form. If an impediment of natural or divine law is present, the Church cannot heal that matrimony from the beginning of the matrimony, because she cannot hold as valid a contract to which there stands in the way an impediment from which she herself cannot dispense; from the time when such an impediment has ceased, perhaps she can heal it, but in fact she does not, at least regularly.

Whence can. 1139, § 2: "But matrimony contracted with an impediment of natural or divine law, even if afterward the impediment has ceased, the Church does not sanate in the root, not even from the moment of the cessation of the impediment."

3° Persevering consent not revoked. For the validity of matrimony, both the capacity and the consent of those about to marry must stand together. By dispensation, indeed, the incapacity introduced by ecclesiastical law can be removed; but consent which, if it has been revoked, no longer perseveres when the incapacity is removed, cannot be supplied. Therefore it is altogether required that consent has not been revoked.

Hence can. 1140, § 1: "matrimony cannot be sanated in the root, whether consent was lacking from the beginning, or, having been furnished from the beginning, was afterward revoked."

Nevertheless consent is presumed to persevere unless the contrary is established; but in no way can it be judged to remain if either spouse has died or has fallen into perfect insanity, and therefore in these cases sanation in the root properly so called cannot be granted, although offspring begotten can be declared legitimate.

4° In addition, a grave and urgent cause. For sanation in the root is an extraordinary dispensation, which is not accustomed to be granted without a grave and urgent cause; indeed a bishop or another delegate who did this would act invalidly.

A grave cause can be: a) if a diriment impediment known to one party cannot be manifested to the other without great inconvenience; b) if the other party cannot be brought to renewal of consent, although willing to remain in the matrimony; c) if both spouses are in good faith, but for grave reasons cannot be admonished concerning the nullity of the matrimony.

935. Observations. - 1. "Sanation in the root can be granted only by the Apostolic See," can. 1141. It is unknown when sanation in the root began to be used; certainly, however, it is in use from the time of Boniface VIII. The Supreme Pontiff ordinarily uses the S. Congregation of the Holy Office, the S. Congregation concerning the Sacraments, or the S. Penitentiary, according to the diversity of cases; whence the petition is to be directed to them. Sometimes, however, the faculty of sanating certain marriages in determined circumstances is delegated to Ordinaries of places.

2. Sanation can be sought either by the other parties, or by either of them, or by a third person, for example the Ordinary or confessor, even with the parties unaware. Nevertheless it is not licit to have recourse to it except in the case in which simple convalidation is impossible in practice.

3. In the petition the case must be expressed accurately, especially whether consent was present from the beginning and endures in each party, whether the spouses were in good faith, and what are the causes which seem to demand sanation in the root.

4. Execution is not necessary if the nullity of the matrimony is unknown to the parties and cannot be revealed to them without grave inconvenience.

Fourth Part: On the Obligations of Spouses

936. A threefold obligation or mutual office immediately arises in spouses from matrimony, as is clear from the very nature of matrimony and from its ends:

1° of rendering the conjugal debt,

2° of establishing the companionship of bed and of cohabitation,

3° of furnishing mutual love and assistance to one another.

Question One: On the Conjugal Debt

S. Th., Suppl., q. 41, a. 3-4; II-II, q. 153, a. 2; *c. Gent.*, III, 122 and 126.

937. The conjugal debt (*le devoir conjugal*; *de huwelijksplicht*) is the proper act of conjugal life, namely, carnal copula of itself apt for generation, to which spouses have a right and which they must mutually render to one another, since in this essentially consists the undivided custom of conjugal life. Hence it constitutes the primary office between them, just as the primary end of matrimony is the procreation of offspring, and therefore by the Apostle it is called, as it were by excellence, the conjugal debt: *Let the husband render the debt to the wife; and likewise also the wife to the husband* (I Cor. VII, 3). Therefore in this spouses are equal by right; hence can. 1111: "to each spouse from the very beginning of matrimony there belongs an equal right and office in regard to the acts proper to conjugal life."

Therefore the conjugal act, per se apt for the generation of offspring, not only is licit if it is done for the due end and with the due circumstances, as was proved above (n. 763), but then it is also an act of the very virtue of chastity, such as befits the conjugal state; and therefore, given the required conditions, it is also meritorious.

Hence S. Thomas, II-II, q. 153, a. 2:

"Sin in human acts is that which is contrary to the order of reason; but the order of reason has this, that it order each thing suitably to its end; and therefore it is not a sin if through reason a man uses certain things for the end for which they are, in a suitable mode and order, provided that end is something truly good. But just as it is a good that the bodily nature of one individual be preserved, so also it is a certain excellent good that the nature of the human species be preserved. But just as the use of foods is ordered to the preservation of the life of one man, so also the use of venereal things is ordered to the preservation of the whole human race; whence Augustine says: What food is to the safety of a man, this intercourse is to the safety of the race. And therefore, just as the use of foods can be without every sin, if it is done in the due mode and order according as it befits the safety of the body, so also the use of venereal things can be without every sin, if it is done in the due mode and order, according as it is fitting for the end of human generation."

We shall speak:

1° of the liceity of conjugal copula,

2° of the circumstances of conjugal copula,

3° of acts connected with conjugal copula,

4° of excess in the use of marriage,

5° of defect in the use of marriage.

Article I: On the Liceity of Conjugal Copula

S. Th., Suppl., q. 49, a. 4-6.

938. Principle I. That copula is licit for spouses which of itself is apt for generation; for this three things are required: penetration of the vagina, effusion of seed within the vagina, retention of the seed by the woman, namely, so that it can be drawn into the uterus. Therefore he sins gravely who knowingly and willingly does not observe one of these three, or who voluntarily exposes himself to the proximate danger of this.

Conjugal copula which of itself is apt for generation is that by which, from the very mode in which the act is exercised, the conception and generation of offspring can be had per se and from the nature of the thing, even if from elsewhere or per accidens there is an impediment, as from sterility, old age, pregnancy, and other causes. For this threefold condition is required:

1° that the husband penetrate the woman's vagina with the virile member;

2° that he pour forth seed in the vagina and deposit it there;

3° that the woman receive the virile seed in the vagina.

Hence: a) Although conception can occur absolutely without penetration, by pouring forth seed at the opening of the vagina, because it is not impossible for the sperm to enter by its own vital motion and by the attraction of the uterus, nevertheless, because this is altogether rare and per accidens, it does not suffice for copula such as nature instituted it, nor is it an honorable mode of completing copula, even if it is done for a good end, for example to avoid the contagion of disease, but it is gravely illicit; for then in reality there is no copula, but only two simultaneous pollutions.

b) Nevertheless to penetrate the vagina a little suffices, although one acting thus can sin in affection, at least venially, if he acts thus without a proportionate cause. Certainly the mere fear of procreating offspring is not such a cause, as if someone wished thus to avoid conception or render it notably more difficult, and wished to avoid the mode more apt for generation; mortally, if he thinks and intends that thus generation is totally impeded.

A proportionate cause, for example, is if a woman, recently after childbirth or infirm in the genital parts, cannot endure perfect intercourse.

c) Nevertheless it would not suffice to penetrate the vulva a little and deposit the seed between the lips, because thus it would be deposited only at the opening, not at all in the vagina itself; and thus there would be no copula.

d) A fortiori, artificial insemination properly so called does not suffice for copula, by which seed, emitted outside the natural act of copula, is introduced by a certain art into the vagina or uterus; this is always gravely illicit.

1° Thus artificial insemination outside matrimony, by which a woman is fecundated with the seed of any man whatsoever, obtained and introduced by art. For by natural and divine law offspring can have origin only from matrimonial conjunction.

1. This is the question of copula, as they say, "dimidiate," which by several confessors was considered as a fitting remedy to be proposed to onanists. Now the bishops of the Netherlands condemned that practice of confessors who were advising or permitting inveterate onanists to use dimidiate copula lest they sin gravely any more; which, moreover, was gravely scandalous, and rather was by nature suited to prepare the way to onanism. The bishops asked the approbation of the Holy Office, which, Nov. 23-Dec. 1, 1922, gave the following response:

1° it cannot be tolerated that confessors of their own accord teach the practice of dimidiate copula and advise it indiscriminately to all penitents who fear lest more numerous offspring be born;

2° the confessor is to be reproved who, after all remedies have been tried in vain for turning away from this evil a penitent abusing matrimony, teaches him to exercise dimidiate copula for preventing mortal sins;

3° likewise the confessor is to be reproved who, in the said circumstances, advises dimidiate copula to a penitent to whom it is otherwise known, or, when the penitent asks whether this mode is licit, answers simply that it is licit without any restriction or explanation.

Concerning these things Fr. Damen observes, *Th. M.*, II, n. 896, "the reason for the first response is that it is licit for no one, and much less for a confessor, to advise sin, whether mortal or even venial. The reason for the second response is that such a mode of acting involves scandal, since dimidiate copula easily paves the way to worse things, and thus in fact, as to the diminution of offspring, produces the same effect as neo-Malthusianism, and therefore cannot be advised as a lesser evil. The reason for the third response is that the advice is scandalous and the response of the confessor would be false, since it would declare licit that which is illicit."

But copula is not dimidiate if seed is deposited at the orifice or between the lips, because thus there is no copula, not even dimidiate; but if, at the entrance of the vagina and penetrating it, even a little, seed is poured forth.

2° Thus also insemination by which seed would be taken from any man whatsoever for fecundating the wife of another (hetero-insemination), for the same reason.

3° Thus finally artificial insemination in matrimony, by which the wife is fecundated with the seed of her own husband, yet not through an act of coitus of itself apt for generation. This has place if, by an artificial process, seed is transmitted to the internal organs of the woman, seed which is had from voluntary or involuntary pollution, or which is deposited at the mouth of the vagina, or which is extracted from the organs of the man, or which is collected from interrupted copula or from condomated copula. In all these cases the natural mode of procuring generation through copula is lacking, nor is there an action of itself tending to generation.

Indeed, in the case there is not one but in reality a twofold action of man: the first by which the seed is expelled or extracted, which of itself in no way tends to generation, but on the contrary is an impediment of generation, inasmuch as it pours forth seed outside copula and for this reason is gravely evil; the other, artificial, by which the seed afterward is introduced into the vagina or uterus of the woman. And although thus seed is now employed for fecundating the wife, nevertheless the action by which it is expelled or extracted from the testicles, as far as it is of itself, from its nature and from the mode in which it is done, emits seed in such a way that generation naturally is impeded, even if per accidens, from another consequent action, this defect is met so that the seed may contribute to generation in an artificial mode. Nevertheless this is insufficient for restoring rectitude in the prior action.

e) Since penetration of the vagina is an essential condition altogether required, therefore he who certainly cannot penetrate and complete the act in the due mode is in reality impotent. But if the impotence is doubtful, a married person could thus attempt copula as long as there is some hope of penetrating and arriving at perfect copula; otherwise, if there is no hope, because the mere possibility of generation does not suffice, but the probable possibility of copula is required.

1. From artificial insemination properly so called, which is always illicit, there differs artificial insemination improperly so called, by which, namely, after copula has been duly performed and the seed deposited in the vagina or at the entrance of the vagina, the seed is gathered again and transferred more deeply toward the uterus in an artificial mode. But if for this it is necessary to take up the seed in a syringe and also to draw the syringe out of the vagina by reason, for example, of asepsis, from this it probably would not be illicit. For thus the work of man duly furnished remains safe, and only a defect in the work of nature is corrected. - For the whole question of artificial insemination, confer: Allocution of Pope Pius XII to Catholic physicians, September 29, 1949.

939. Principle II. Every conjugal copula of itself apt for generation is per se licit, provided it is instituted for a right end; hence it is necessary that the end on the part of the agent be conformed to the end of the work. - Now the one proper and principal end from the nature of the work is the generation of offspring, to which two secondary ends are joined, but merely subordinately, so that they are true means by which the principal end is more securely obtained: the enjoyment of delight or the calming of concupiscence, and mutual solace or mutual love to be fostered and preserved (n. 769). As Pius XI says in the encyclical *Casti Connubii*: "Nor are those spouses to be said to act against the order of nature who use their right in a right and natural manner, even if, on account of natural causes, whether of time or of certain defects, new life cannot arise thence. For there are had, both in matrimony itself and in the use of conjugal right, also secondary ends, such as mutual help, mutual love to be fostered, and the calming of concupiscence; these spouses are by no means forbidden to intend, provided always that the intrinsic nature of that act remains safe, and therefore its due ordination to the primary end."

Hence: 1° Spouses can seek conjugal copula, whether for the principal end, or also for a secondary end, but insofar as it is subordinated to the principal end and serves it.

2° Indeed copula can even be demanded by either spouse, and this from justice, so that per se and generally the other party is bound to render it; wherefore it is called the conjugal debt, of which the Apostle speaks, I Cor. VII, 3-5. Hence, for rendering copula, a legitimate end is to render to the other party what is owed to that party from justice; which end, nevertheless, always supposes the primary end of the act or work itself, namely, the generation of offspring.

3° Consequently the Scholastics teach that the conjugal act is legitimated by the goods of matrimony, because through the good of offspring there is had the intention of the due end, through the good of fidelity there is had the due matter insofar as a man approaches his own and not another; and by these the act recedes from two extremes: from pollution or vice against nature and from fornication, holding the mean between the two, and thus it is constituted in the nature of moral virtue, which consists in a mean (q. 49, a. 2).

4° Likewise they teach that in only two modes can spouses come together altogether rightly and honorably so that they are totally excused from sin, namely, for the sake of generating offspring, which regards the first good, namely offspring, and for the sake of rendering the debt, which pertains to the other good, namely fidelity (q. 49, a. 5). To these two ends are reduced the fostering of conjugal love and the remedy of concupiscence, which implicitly tend to the good of offspring and the good of fidelity; for one who would yield to depraved concupiscence and commit a sin of the flesh

would break matrimonial fidelity and could harm the good of offspring to be born, and one who would not foster the necessary love would expose these goods to danger.

From this the conclusions follow:

940. Corollaries. - 1° One exercising copula sins who positively excludes the primary end, and gravely if he intends to impede it, or employs means for this.

2° Therefore, he who in completing copula intends a secondary end, for example delight, uniquely or principally, so that the principal end is positively excluded or put after it, sins venially; for there is an inversion of order, namely, a disordered use of a licit thing. Cf. proposition 9, condemned by Innocent XI.

3° Nevertheless, he who explicitly intends a secondary end, for example the calming of concupiscence, and only abstracts from the primary end, acts licitly, because he implicitly intends the principal end to which the act tends from its nature, the whole act, such as it is, existing only for generation.

4° Likewise he who intends to avoid incontinence in himself or in his consort; for here he acts directly from a motive of virtue for preserving continence; on the contrary, he who seeks delight alone acts directly from love of pleasure. Nor is it an objection that the danger of incontinence implies a defect of virtue and therefore sin: this defect is evil, but rather is presupposed to copula; but, this defect standing, to provide a fitting remedy for it by conjugal copula rightly exercised is not evil but good.

5° Nor does he sin who, on account of poverty, weak health, or another honorable end, only wishes with an inefficacious desire that offspring not be conceived, while he uses no illegitimate means for impeding generation, nor positively excludes it in the act, and the act posited is apt for generation.

6° But he sins, and indeed mortally, who approaches his own spouse with an adulterous mind, thinking of another person as present or desiring to have copula with that person; nevertheless, not he who without depraved affection, by thinking of another person, adorns his own wife with the beauty of another in order to excite himself to the conjugal act, although this is dangerous. In a similar way one must speak of a wife thinking of another man, or of his qualities or vigor.

7° The use of marriage is licit also for the sterile and the aged, even if sterility is certain, provided they can complete the act or have hope of completing it, because the act of its nature is ordered to generation, and if generation does not follow, this happens per accidens. Hence the Church blesses their matrimonies.

1. "The work of marriage exercised for pleasure alone entirely lacks every fault and venial defect." - Cf. S. Thomas, Suppl., q. 49, a. 5 and 6.

8° Likewise the conjugal act is licit even if it is foreseen that, from fecundation, the woman will suffer abortion or bring forth dead offspring into the light, because such an effect occurs per accidens and can be permitted for some honorable end of the act itself.

941. Observation. - For better understanding that copula can licitly be had for diverse ends, without the procreation of offspring being explicitly sought or even possible, or without the conjugal act directly and immediately serving the propagation of the human race, it is helpful to observe with

Prummer, *Th. M.*, III, n. 690, that the economy of human propagation differs greatly from the propagation of brutes: a) For animals of the female sex are not accustomed to have the instinct, indeed nor the ready power of generating, except for a brief and determined time of each year, and in such a way that often conception is completed by one single union; after this union has been made, they already abhor another carnal joining. On the contrary, human conception can occur at any time of the year, and in such a way that ordinarily it is not completed except by repeated conjugal acts; and, once it has been obtained, the inclination to other unions does not cease. b) The unions of animals are passing, changeable, promiscuous; the marital union of men is one and stable until death. c) The union of animals is ordered only to the material good of the propagation of the species; on the contrary, conjugal copula, since it is a human act, is ordered to the proper end of human life and to the good of the spouses, which is a higher good, as being the good of reason. By all these things it is clear that carnal copula has been permitted to spouses by the Creator and is licit, although generation is not directly and immediately had or intended, for example during pregnancy or sterility, provided it serves the rational good of the spouses themselves.

Article II: On the Circumstances of Conjugal Copula

S. Th., Suppl., q. 53, a. 1; q. 58, a. 1 and 4; q. 59, a. 6; q. 62, a. 1; q. 64, a. 1 and a. 6-9.

942. Principle. The conjugal act is not licit in the concrete unless it is also done with due circumstances. - For a human act has morality not only from the object and the end, but also from circumstances; hence, that it be honorable, it ought to be good from every part, namely, of object, end, and circumstances. Therefore the use of marriage, whether consummated or begun, however much of itself licit, can per accidens be illicit by reason of circumstances, and indeed not only from the part of the end, but also a) from the part of the acting person by reason of impotence, or of a vow, or of a doubtfully valid matrimony; b) from the circumstance of mode by reason of position; c) from the circumstance of place by reason of scandal; d) from the circumstance of time by reason of danger or harm.

943. From the circumstance of person the use of marriage is illicit:

1° From impotence: a) A man who certainly cannot penetrate, or does not have seed, or cannot emit it, or cannot deposit it in the vagina, cannot exercise copula, nor can the wife with such a man.

b) If impotence is doubtful, they can attempt copula, if there is hope of completing it.

c) But if impotence is altogether certain but temporary, they are bound to abstain during this time.

2° From a vow: a) A spouse who has made a vow of chastity is forbidden by religion, under grave obligation, to seek the debt; nevertheless he can and must render it to the one who has the right and justly demands it, because one is not deprived of a right by the deed of another. He could nevertheless also seek it if he noticed the other party placed in danger of incontinence and not daring to seek it (which can especially happen in a wife because of modesty); for thus he rather renders to one tacitly seeking than seeks.

b) If each has vowed separately, even with the other party knowing and agreeing, neither can seek, because they have freely deprived themselves of the use of the debt; but if in fact one seeks, the other is bound to render from justice, because the right of seeking always remains: illicitly, indeed, he seeks, but he seeks with right, and therefore sins against religion, not against chastity.

c) But if each has vowed by mutual consent and by the same pact, each is forbidden both to render and to seek, because by a pact each intends freely to renounce mutually his own right of seeking, as to its exercise.

A wife can indirectly irritate the vow of her husband, insofar as it is contrary to her rights; a husband can irritate the vow of his wife, perhaps even directly. But not if they have vowed by mutual pact, because then they have renounced this right of irritation.

3° From doubt concerning the validity of matrimony: a) Doubt concerning the validity of matrimony, if it is on each side, simply forbids the use until due inquiry has been made.

b) If, after due inquiry, true doubt remains, the use is licit, because in doubt one must stand for the value of matrimony.

c) If only one doubts, during the doubt he is forbidden to seek, but is bound to render, because he cannot expose himself to the danger of injuring justice, nor is the other deprived of his right because of the doubt of the other party; if the doubt remains after due inquiry, he can seek and render.

Thus it is certain if matrimony was entered in good faith. But whether he who in bad faith contracted matrimony in doubt can seek the debt, and especially if the doubtful matrimony is such on account of the impediment of bond, or the bond of a prior matrimony perhaps enduring, which would be in possession, can be disputed. Practically, however, there are authors who think it licit, because they hold it probable that, even in the last case, the principle of can. 1014 can be applied: "in doubt one must stand for the value of matrimony until the contrary is proved."

944. From the circumstance of mode or position copula can be illicit. - Position is indicated by nature according to which the man ought to be incumbent, the woman lying beneath, turned face to face; for this is generally more apt for a more intimate penetration of bodies and for the infusion of virile seed and its due reception, and it befits human beings, who ought to exercise the act of generation not after the manner of brutes but from reasonable love, by seeing and speaking to one another and by communicating their senses and affections. Hence:

1° he sins who without reason changes the natural position, because it is an inversion of the order of nature; but in whatever mode the thing is done (standing, sitting, from the side, from behind, with the man beneath, etc.), it is not grave, provided the conjugal act can duly be completed, apt for generation, because this alone is essential, and position is something accessory: a change of position of itself does not pervert the substance of the act;

2° indeed, if a sufficient reason is present that another position be chosen than the natural, there is no sin.

This can happen sometimes in time of pregnancy lest there be danger of abortion, or on account of frigidity if in an unnatural position the frigid person is more easily excited, or on account of a certain difficulty of copulating otherwise (for example from the curvature, obesity, or hernia of the man, the fatigue of the woman, or the fetid breath of either), or if thus there would be greater hope of fecundation.

But let it be noted that, according to physicians, habitually exercising copula either with the man beneath or especially standing can induce diseases for the man.

945. From the circumstance of place copula can be illicit, even gravely, if it is done in a public or not secret place, by reason, namely, of scandal; hence, if a person unexpectedly comes upon them, copula can be interrupted even if the seed perhaps is poured outside the vagina: for this happens apart from the intention, in order to avoid a greater moral evil.

Therefore spouses are to be warned not to allow children who have the use of reason (nor even before this) to sleep with them in the bed or in the room. But if poverty compels this, let them take care that the children notice nothing; in the bed let them keep boys on the side of the father, girls on the side of the mother.

946. From the circumstance of time the use of marriage can be rendered illicit. - Per se the conjugal act is forbidden at no time by reason of the time itself, because no law excludes any time: thus it is licitly exercised on more solemn feast days, on days of fasting, before communion, etc., although by counsel it is good to abstain at these times; nevertheless, per accidens, if in some determined time there exists a cause of some sufficiently grave danger, it can be illicit, but only as long as that cause exists. Thus:

1° In time of illness, if there is a grave and proximate danger of life, for example from contagion. For since no one is master of human life, copula will be gravely illicit, so that a spouse cannot seek it nor render it without at least warning the other party of the danger; nevertheless the other party, if a just reason approaches, as incontinence to be avoided, domestic peace to be preserved, adultery of the other party to be avoided, etc., can from charity admit copula, unless death is imminent. Likewise, if there is grave danger to health, for example from phthisis, copula is illicit without a just cause, such as the avoidance of incontinence in oneself or in the other party; wherefore at least the use is to be moderated.

1. Phthisis is not so much a contagious disease, but rather a hereditary one, at least in the sense that offspring receive by heredity the greatest disposition toward contracting this disease; syphilis, and also the flow of seed, gonorrhea, is generally a certain species of contagious disease; on the contrary, leucorrhea, or the white flux with which pregnant women often suffer, is not harmful. Cf. *R. Eccl. de Liege*, VIII, May 1913, n. 6, p. 383.

"This is the natural order," says S. Thomas, "that first something be perfected in itself, and afterward communicate to another from its perfection; and this is also the order of charity, which perfects nature. And therefore, since the wife does not have power over the husband except as to the generative power, but not as to those things which are ordered to the preservation of the individual, the husband is bound to render the debt to the wife in those things which regard the generation of offspring, yet first with the safety of the person preserved... The wife does not have power over the body of the husband except with the consistency of the person himself preserved..., whence if she demands beyond this, it is not a petition of the debt, but an unjust exaction, and for this reason the husband is not bound to satisfy her" (q. 64, a. 1 and ad 2).

Hence a) for one who is infected with syphilitic or venereal disease, copula is illicit in those stages of the disease in which there exists morally certain danger of infecting the other party;

b) nevertheless this other party can from charity admit copula;

c) it is not illicit on account of the danger of infecting offspring or of leaving them in want, because, as S. Thomas says, "it is better so to be than not to be," q. 64, a. 1, ad 4, especially on account of the beatific vision for which the soul is destined.

2° Copula is illicit in time of pregnancy if from it there is danger of abortion, which nevertheless rarely happens, unless perhaps copula is performed too often and too vehemently.

3° Likewise in time of puerperal purgation, especially at the beginning, if grave harm threatens the wife from it, which in the first days (2 or rather 8, or sometimes more) can easily happen; in these matters account must be taken of the condition of each person, and in doubt a physician is to be consulted.

Nevertheless it is better to abstain for 15 days. But as the time of puerperal purgation progresses or is coming to an end, likewise in time of lactation, after a copious meal, a bath, or bloodletting, copula is not illicit, whatever certain ones formerly said; nor even per se during the ordinary menstrual flux, or even the extraordinary, because only slight irritation arises from copula; unless per accidens, if some disease were greatly aggravated thereby.

1. In time of lactation conception rarely occurs. But if it occurs, the milk is not thereby infected, but it is diminished or even ceases; yet the offspring can be nourished otherwise, even by artificial lactation.

2. In the Old Testament it was forbidden in time of menstruation under penalty of death (Lev. XX, 16), but the reason can be that in the very hot regions of Asia women suffer a copious flow, and often part of the blood already altogether corrupted remains in the vagina; whence there could arise danger lest men contract a grave disease in the genitals.

Article III: On Accessory Acts Connected with Copula

947. Notions. - Besides copula itself, there are also acts more or less connected with it, which occur among spouses in carnal commerce; these can be reduced to a threefold species:

a) acts ordered to exciting nature toward the conjugal act, or to moving the flesh for this purpose;

b) acts harmful to the conjugal act, or against the ordination of nature, as pollution in oneself or in a voluntary cause, and sodomy improperly so called, or a proximate occasion of these;

c) acts which are neither ordered to conjugal copula nor harmful, and are called beside generation, for example to act for pleasure alone, to touch oneself uselessly.

948. Principles. - Hence three principles can be established:

A. Whatever is done according to the due end and generation, or is necessary or useful for the conjugal act, is licit.

B. Whatever is done beside the end, but not against generation, does not exceed venial sin.

C. Whatever is against the due end, the generation of offspring, is gravely illicit and participates in the malice of adultery or of violated fidelity.

From these principles it can be judged how spouses can sin by excess, and the following conclusions are already understood.

949. Principle I. Concerning imperfect venereal acts between spouses present to one another: Venereal acts are licit which are ordered to having conjugal copula or to completing it once had. - Therefore:

1° Imperfect or impudent acts are licit, such as looks, touches, kisses, embraces, likewise conversations, even altogether base ones, etc., exercised between spouses present to one another in order to copula now to be had, insofar as they conduce to its being performed more perfectly, more delightfully, and more easily; for they are a preparation and beginning (or even complement) of this act as of an end; and if the end is honorable, so also are the means naturally ordered to it. Provided diligence is used lest seed be emitted outside the vagina, nor consent be given to pollution that might arise by chance.

2° Likewise they are licit, with a certain restriction, for fostering or preserving mutual love which is necessary for matrimony and copula, especially if here and now there is some grave and proportionate reason, for example grave suspicion of infidelity or of inclination toward another person to be avoided, the necessity of furnishing a special sign of love, the cutting off of the beginning of adulterous lust, the altogether urgent petition of the other party, etc.; and this reason ought to be the graver as the danger of pollution is greater. But the restriction is this: provided the acts are not of themselves and altogether proximately provocative of satiative delight or pollution, or equivalent to pollution itself, nor is there danger of consenting to it if it should ever follow; therefore, where spouses notice that the danger of pollution is proximately present, they must cease from the acts.

3° But if here and now there is no reason, so that spouses here and now cannot or do not wish to complete copula, and they seek those acts for their own sake and intend pleasure alone, they are illicit because in the intention of the agent they are not ordered to their natural and due end: per se only venially, because there is only an excessive or disordered use of a licit thing; - also gravely if there is proximate danger of pollution or of complete venereal delight.

4° Among imperfect acts is to be numbered the beginning of copula made by penetration of the vagina in such a way that union is broken off before satiative delight has place or is proximately going to have place either in the man or in the woman. This union is called "reserved copula" or *carezza* or "copula in the oriental mode," and it is licit under the same conditions and restrictions as was said under number 2°. Nevertheless priests, according to the warning of the Congregation of the Holy Office of June 30, 1952, "in the care of souls and in the direction of consciences are never to presume, either of their own accord or when asked, to speak in such a way as if from the part of Christian law there were nothing to be objected against the 'reserved embrace.'" For although reserved copula, even if it is prolonged or frequently repeated, is of itself not illicit, not even venially, nevertheless it exposes spouses to danger lest they indulge too much in sexual pleasure sought for its own sake and intemperately, and fall, if not into the practice, at least into the onanistic mentality according to which in conjugal life the primary end of matrimony, namely the procreation and education of offspring, does not have its due importance and value.

In the preceding, the matter concerns truly impudent touches; for modest and honorable ones are licit even with danger of pollution, provided some reason is present and danger of consent is absent; - on the contrary, truly base touches exercised with a third person are gravely illicit.

950. Principle II. Concerning imperfect solitary venereal acts when the other party is absent: Imperfect venereal acts exercised solitarily are per se at least venially illicit. - The reason is that imperfect solitary acts, exercised when the other party is absent, are done for pleasure alone, unless perhaps in certain circumstances they are useful for preparing future copula, nourishing the sexual appetite, obtaining arousal, etc. Therefore they are per se illicit: mortally, if there is proximate danger of pollution or of satiative delight, or of consent to it; otherwise at least venially, because, according to many, they are not opposed to the essential order of marriage, but, by reason of the conjugal state, of themselves naturally are referred to licit matrimonial copula, which nevertheless here and now is excluded; according to many others, on the contrary, always mortally, because, since spouses per se do not have a right over their own body, those acts are of themselves the beginning of pollution, nor do they bespeak an order to copula, except sometimes by reason of special circumstances. This last opinion S. Alphonsus says is to be urged in practice, not imposed.

1. Yet it is permitted to observe that imperfect acts of themselves are not against nature nor according to nature, because of themselves they bespeak nothing such. Hence in the case it is the same as if spouses present to one another exercise those acts and do not wish to complete copula.

This is to be understood of external acts. For morose delight concerning copula had or to be had with one's own spouse, or desire of it, because they concern a licit thing, are not sins, unless there is danger of pollution: for then they are a mortal sin; or unless someone should cling to them altogether uselessly and idly: for then they are venial. Delight or desire concerning acts venially evil is a light sin; concerning acts forbidden under grave obligation it is mortal.

951. Principle III. Concerning venereal acts, whether solitary or mutual, had with danger of pollution or satiative delight: Imperfect venereal acts, exercised solitarily or mutually with proximate danger of pollution or of separate complete satisfaction, are of themselves gravely evil. - The reason is that they are terminated in luxury against nature, or include its proximate danger, to which to expose oneself is sinful; and thus they are directly against the very primary end of the organs destined for generation and of marriage itself, and consequently gravely evil.

952. Concerning certain acts preparatory to copula or accompanying it:

1° To begin copula in an undue vessel, for example in the posterior vessel or in the mouth, with the intention of consummating it in the vagina; likewise to touch the posterior vessel with the genitals or to lick them with the mouth, are not mortal, provided the outpouring of seed is guarded against and sodomitical affection is excluded, which nevertheless will easily be present if the aforesaid things are not done in passing but endure for some time; indeed, if they are sought as the sole means and preparation of the due act and there is a sufficient reason, for example because otherwise someone cannot be excited, they are not a sin.

1. For an incomplete act of itself is not against nature, nor according to nature, but abstracts from both, as was said.

2° A woman can, by touches either of her own or of her husband, excite herself to having satiative and perfect delight, and thus immediately complete copula after the man has sown seed within the

vagina; on the contrary, this would be illicit if the man in an onanistic mode had sown seed outside the vagina, because then there would be no copula apt for generation, and consequently no common act to be completed; whence, if it were done, there would be a solitary sin.

3° Nor would it be licit for the man to continue the act if the wife has withdrawn herself, because it would be nothing but useless pollution.

4° Whether a wife can seek perfect pleasure immediately before the man's sowing of seed, theologians dispute. It does not seem illicit, at least if the man penetrates her before she is calmed. This will be done without mortal sin, and when a reason is present, even without venial sin, if on account of lesser warmth in the very congress she cannot be moved and otherwise experience complete delight, or if the man himself can scarcely be excited and complete copula otherwise than by seeing the excitation of the wife; for it seems to suffice that in the conjugal act both spouses morally experience together the heat of pleasure. Nevertheless one must endeavor that physical simultaneity also be present, because it is more fitting to nature and to health, and more fosters pleasure and love.

5° A wife does not sin, at least mortally, who deliberately restrains commotion, distillation, and complete delight, because they are not necessary for copula and generation, and therefore she is not the cause that the seed of the man is wastefully deprived of its end. Nevertheless she would be reprehensible if she did this from anger or aversion toward her husband, and she should be exhorted also in this to show herself ready, so that she may please the man and foster the union of love.

953. Observation. - Imperfect venereal acts, since from their nature they are not licit except in order to copula, are illicit for those to whom seeking or also rendering copula is absolutely prohibited: thus, for example, by reason of a vow or permanent impotence.

Nevertheless this is not to be understood of all touches, looks, or kisses: for such acts are of themselves licit in marriage, because it belongs to a spouse to exercise them upon the body of the consort, which is his own; nor are they of themselves and necessarily venereal, but only when venereal delight is sought in them, or they include a danger of this kind. Thus, however, they are forbidden to those to whom copula is altogether forbidden.

Article IV: On Excess in the Use of Marriage

S. Th., II-II, q. 154, a. 11-12.

954. Excess or abuse in the use of marriage can be:

a) by reason of the end, as if it is done exclusively for delight;

b) by reason of an undue circumstance, for example position, if the act is done in another mode besides that which nature indicates;

c) especially by reason of a mode contrary to nature, if it is done in such a way that generation itself is thereby impeded, for example in a sodomitical mode, in an unnatural vessel and an undue organ, namely, in the posterior vessel or in the mouth.

Now the mode of sinning by excess contrary to nature which in present times is very frequent is Onanism, so called from the deed of Onan narrated in Gen. XXXVIII, 9.

1. That practice is often called Neo-Malthusianism. On account of economic reasons Malthus (1798) had proposed the limitation of conception, but by licit means, namely, by abstaining from the conjugal act. Now, however, Neo-Malthusians promote illicit means.

It is vaginal copula sought in that mode by which generation is positively impeded and cannot follow from the effusion of seed; whether because the man withdraws himself before the sowing of seed and pours forth the seed outside the vagina, or because he himself or the woman employs an instrument or other means by which the seed is impeded from passing to the uterus.

It can be done in various modes:

1° On the part of the man: a) if he begins copula in the vagina but withdraws himself before the sowing of seed and pours forth the seed outside the vagina; b) if he clothes the virile member or only its glans with some thin covering or cloak (*condom*, *capote anglaise*) within which the seed is retained.

1. It is so called because it had Doctor Condom as inventor.

2° On the part of the woman: a) if, during copula, she uses an occlusive pessary (*sterilet*), i.e., a certain thing introduced into the deepest part of the vagina for closing the mouth of the uterus lest the seed pass into it, for example a metal clasp, sponge, cotton, linen threads, etc.; or a pseudo-vagina, i.e., a thin membrane disposed within the whole vagina, into which the seed is emitted; b) if, after copula has been completed, she makes a vaginal washing, by which, with the aid of a syringe or irrigator, the seed is expelled by water or an antiseptic substance; or if, immediately before or after copula, she performs an injection of a chemical substance (for example anticonceptional powder) or of an acid liquid, by which the seed is killed.

2. Nevertheless no mode is altogether certain. For the preservative covering (condom or pseudo-vagina) can be torn; the occlusive pessary can be badly adapted or, during copula, moved from its place; simple withdrawal or vaginal washing does not always prevent some sperm from being ejaculated before withdrawal or from already having passed into the uterus before washing; a chemical substance sprinkled through the whole vagina before copula does not always have perfect efficacy.

955. Principle. Onanism and every other mode of performing copula by which it is deprived of its natural order to generation is intrinsically against nature and therefore essentially and gravely evil. - This is certain from the constant and formal doctrine of Christian tradition and of the Church.

It is a mortal sin, as directly contrary to the primary end of matrimony and matrimonial copula, and opposed to conjugal fidelity, a mere abuse of the genital organs against the order instituted by God and nature, by which they pervert a most noble thing into the most base act of a passion of ignominy: for it lacks the due order to its natural end and to the good of the species. Hence malice is intrinsic to the act, so that it cannot be made honorable by any cause, however urgent.

It is proved:

1° By natural reason: to turn an act deliberately away from the end for which it is naturally destined is to act against nature and is intrinsically evil. But every conjugal act is naturally destined to the

procreation of the human race. Therefore to turn it away from this end is against nature and intrinsically evil. And this gravely, because it is against the natural order of human nature itself and directly against the common good itself of the human race.

2° From the doctrine of the Church, which is clear from proposition 49 condemned by Innocent XI and from many and repeated declarations of the Holy Office (May 20, 1851; Apr. 19, 1853; Mar. 26, 1897; Nov. 23, 1922) and of the Sacred Penitentiary (twelve times from Nov. 15, 1816, to June 3, 1916), and most recently from the encyclical *Casti Connubii*, in which Pius XI did not hesitate to declare that such is the very Christian doctrine handed down from the beginning and always: "Since therefore certain ones, manifestly receding from the Christian doctrine handed down already from the beginning and never interrupted, have recently judged that another doctrine concerning this mode of acting must be solemnly preached, the Catholic Church, to which God himself has committed the teaching and defending of integrity and honesty of morals, placed in the midst of this ruin of morals, that she may preserve the chastity of the nuptial covenant immune from this foul stain, in sign of her divine legation, lifts high her voice through our mouth and again promulgates: any use of matrimony whatsoever in the exercise of which, through the design of men, it is deprived of its natural power of procreating life, violates the law of God and of nature; and those who have committed any such thing are stained with the blemish of grave guilt." Here three things are affirmed: the use of matrimony which by design is deprived of its power of generating is 1) against divine law; 2) against the law of nature; and 3) a grave sin.

Hence concerning Onanism the following conclusions are established:

1° An onanistic man cannot be absolved unless he repents and resolves; likewise a woman formally cooperating or consenting, or one who tries to expel the seed by washings. Indeed, one who uses a preservative means is bound to destroy it as an occasion of sin before absolution; and this is per se and regularly to be urged by the confessor.

2° A wife does not sin if, for a moderately grave cause, she renders the debt to an onanistic man withdrawing himself before the sowing of seed, or even seeks it from him. But a grave cause, as is clear from the responses of the Sacred Penitentiary, exists if otherwise she would incur grave evils, for example dissensions in marriage, blows, adultery of the husband, her own incontinence, or prolonged abstinence from the use of marriage, etc. The reason is that the action begins in the due mode, so that of itself it is apt for generation; but if it is unduly terminated, the whole guilt is held to be on the part of the man, and on the part of the woman there is only material and mediate cooperation, which on account of a grave motive can be furnished to the sin of another. For this is, as Pius XI says, to suffer sin rather than to commit it. This is to be understood provided the wife does not consent to that mode of acting against nature, but detests it and bears herself merely passively toward it; otherwise it would be formal cooperation. Nevertheless she could actively cooperate, immediately before copula and during it by exciting herself, and rejoice in the pleasure (even perfect pleasure), as long as the action is done in the due mode; likewise she may rejoice in the good effect of such copula, for example in preservation from the troubles and labors of pregnancy or childbirth, although this is dangerous.

1. Therefore she can seek copula from a man withdrawing himself, and only sometimes, namely once or another time, is she bound to abstain by reason of charity; not more often, because

then it would already be a grave inconvenience, while charity does not oblige with grave inconvenience for avoiding merely passive scandal.

2. The same holds theoretically for a man, when before the sowing of seed the woman withdraws herself; but in practice there ordinarily is not a grave sufficient reason on the part of the man, because he can rather easily impede the withdrawal of the woman, even by physical force.

But even then the woman is bound because of charity to warn the man and show her own repugnance, and this not once or another time only, but rather often; yet not inopportunely, but opportunely. Indeed, if she can, she must deter the man from this crime by endearments, prayers, and other testimonies of affection (S. Pen., Nov. 15, 1816), even by denial of the debt if she thus hopes to procure the amendment of the husband.

3° But a wife cannot voluntarily cooperate and render the debt to an onanistic man employing a preservative instrument, whether he himself puts on a covering or imposes an occlusive covering upon the wife, because this is immediate participation in an intrinsically evil action, and therefore truly is to commit sin; for then there is no copula of itself apt for generation. Such congress, namely, admitted on each side, is vitiated from the beginning and intrinsically evil; whence voluntary cooperation, even merely material and passive, is altogether illicit. And therefore the wife is bound to resist positively according to her powers (for example by moving herself or using her hands), and she cannot yield except to prevailing force, after the likeness of an oppressed woman; in which case, from such a most grave cause, as to that which she cannot impede, she can bear herself merely permissively, provided she excludes every consent to delight (S. Pen., Apr. 19, 1853, and June 3, 1916; Prov. Counc. of Mechlin, n. 84).

4° Likewise a wife would sin gravely if she induced the man to onanism, whether directly or indirectly, for example by producing insistent complaints concerning more numerous offspring, concerning the pains of childbirth, concerning the inconveniences of gestation, etc.

5° When a wife uses an occlusive pessary or other means impeding generation, the husband ought by marital authority to prohibit it and remove her from those things; indeed, if it can be done, to take away and destroy the means and instruments. But if nothing is accomplished and grave inconveniences are to be feared, certain authors judge that the husband can even seek the debt and complete copula, provided he bears himself merely materially and passively as regards the impediment of generation. Now:

a) It would certainly be illicit if the wife used a pseudo-vagina, because then the act would be intrinsically evil from the beginning.

b) On the contrary, it is probably licit if, with the man contradicting her, she uses anticonceptional powder or a medicine by which the seed is killed, at least if it is done after the act, or if by vaginal washing she tries to expel it; because then both the act and the genital organ of the woman remain substantially the same: for the act itself is done well and the seed is deposited in the due vessel, but the vice is not from the mode of acting, but exists independently from the act and is posterior to it and is to be attributed to the wife alone.

c) But if the wife uses a sponge or an occlusive pessary, whether the same reason holds, we ourselves would not dare to settle, but let wiser men see to it. The matter is not so clear, whether in the case

the copula itself is vitiated from the beginning, although from the beginning and during copula there is present an impediment of conception from the closing of the uterus; because the mouth of the uterus is not an organ which, like the penis, has a part in copula, but the latter is completed in the due mode if the seed is deposited in the natural vagina. This happens in the case, although the action of nature, to be continued after copula, is impeded, but by the woman. Hence in practice, until the Church pronounces, the husband can be absolved, provided he is prepared to stand by the commands of the Holy See.

Nor is it an objection: if it is illicit for the woman to cooperate with a man using a preservative instrument, by equal right it must also be illicit for the man to cooperate with a woman who uses a similar instrument. For it can be doubted whether the instrument, as regards copula, is altogether similar. And although the rights are equal, nevertheless the parts of the man and of the woman in the conjugal act are not the same, but greater parts belong to the man; and therefore the man will be able to cooperate with the sin of the wife more easily than she with the sin of the man.

1. Fr. Vermeersch affirmed this in the first edition of his work *De Castitate*, but afterward retracted himself (cf. *Periodica de re canonica*, 1925, fasc. II, and *Th. M.*, vol. IV, 69). The act now seems to him evil from the beginning, because the vagina is already substantially vitiated: for this is essentially a canal leading to the uterus; but since in the case it is closed, it also ceases to be a canal. Hence a woman who has a naturally closed vagina is impotent. - The argument, saving a better judgment, does not seem certain. For natural closing is one thing, merely artificial closing another; an organ closed because of its structure is one thing, an organ suitably constructed but closed on account of an accidental impediment placed from without is another, which leaves the vagina perfectly whole. It is also helpful to note that by this mode only the passage of the seed into the uterus and thus to the ovum is impeded. Now if the uterus has been removed or the oviduct interrupted, and the passage to the ovule has already been made impossible, the conjugal act nevertheless remains licit; likewise, during pregnancy, when passage into the uterus is impeded because it is closed.

956. Corollaries. - 1. From the principles stated, response can be made to the question: whether a wife can cooperate with sodomitical copula? This also is opposed to the natural end of copula and to conjugal fidelity, which requires that spouses not use the body except in a mode apt for generation; for neither has a right over the body of the other against nature. Now, one must answer as for artificial onanism: with such copula, as being intrinsically evil and vitiated from the beginning, it is never licit to cooperate positively or actively, nor even to cooperate merely passively; but the wife must try, by resisting positively as much as she can (for example by movement and with her hands), to impede the sodomitical intercourse of the man; and if unwillingly nevertheless she is compelled to yield to prevailing force, she must never consent to venereal delight perhaps arising from it. For if it is never licit for her to cooperate with artificial onanism, a fortiori this holds concerning the sodomitical mode, which is more perverse (cf. S. Pen., Apr. 3, 1916).

2. From onanism and sodomy improperly so called there must be distinguished the act by which spouses come together after the manner of animals, yet in such a way that copula is done in the vagina; in this case some say that they have come together backwards or from behind. Then the confessor ought to ask whether in this mode generation was possible; if they answer

that it was possible, it is inferred that the act was not against nature but only disordered in position, beside nature; and this sin does not exceed venial sin. The confessor should never of his own accord have discourse concerning the position to be had in copula.

3. From onanism there differs altogether the practice of having copula only in the time of agenesis, during which time conception in no way or more rarely occurs; whence by this practice generation becomes little probable. For such a manner of acting is not of itself sinful, since spouses can contain themselves as long as they wish, and besides they do nothing against the end of matrimony at the time when they come together (S. Pen., June 16, 1880), provided this is done from a right intention or a just motive and with the due circumstances observed. Nevertheless the bishops of Belgium deservedly warn: "that the time of agenesis should not, however, be proposed to spouses themselves as if by it generation would certainly be avoided."

1. The time of agenesis formerly was established thus by the physician Capellmann and others: from ten or fourteen days after the menstruation begun up to three or four days before the new menstruation; for they thought that ovulation and therefore fertility coincided with menstruation, so that during the month the woman would be:

fertile	**sterile**	**fertile**
from day 1 to 14	from 15 to 25	from 26 to 28

But it was discovered that menstruation does not coincide with ovulation, although it is a connected phenomenon; rather it has place between two ovulations. Thus Dr. Siegel established that a woman is fertile from day 5 to 20 after menstruation has occurred, sterile from day 1 to 4, and from 21 to 28. But now, according to the most recent experiments of Dr. Knaus, a woman would be fertile from day 11 to 17 after menstruation has occurred, sterile from day 1 to 10 and from day 18 to 28. According to Dr. Ogino, a woman would be fertile from day 12 to 19 before the following menstruation (exceptionally to day 24), but sterile for 11 days before the following menstruation and for 9 days (exceptionally only for 4) after menstruation has occurred. This can be proposed schematically thus:

	sterile	**fertile**	**sterile**
According to Siegel	from day 1 to 4	from 5 to 20	from 21 to 28
According to Knaus	from day 1 to 10	from 11 to 17	from 18 to 28
According to Ogino	from day 1 to 9 (exceptionally from 1 to 4)	from 10 to 17 (exceptionally from 5 to 17)	from 18 to 28

Concerning these things it must be noted:

1° The computation is approximate, whence, in order certainly to avoid conception, spouses would have to abstain from day 4 to day 19 or 20 after menstruation.

2° The experiments are not yet sufficiently certain, because: a) the time during which the ovum and sperm remain apt for fecundation is uncertain; b) the experiments are not numerous enough for producing certainty in every way; and c) several were done not in the human species but in animals, whence from them one can conclude only by analogy.

3° Early, later, or supplementary ovulation is always possible; whence also in fact fecundations have taken place at other times.

4° Hence some say that there is not, in this matter, a general law, but that the matter depends on the diverse condition of the woman; others, however, say that there is no time in which conception is not strictly possible.

From these things it is clear how cautiously the confessor ought to proceed in affirming or counseling in this matter; nor is this doctrine to be spread among the people, because it would harm the common good.

Specifically:

a) The practice of exercising copula only in the time of agenesis, although of itself it is not illicit, nevertheless has an evil sound, and requires an honorable reason.

b) Therefore, that in a concrete case it be honorable, it is necessary that it be done from a good end; such an end is not to avoid all offspring, or to indulge pleasure, or to lead a luxurious or more comfortable worldly life; otherwise it will be a venial sin.

c) Even if a good end is present, it is further required that it be done in due circumstances, for example by mutual consent and without danger of incontinence; otherwise there would be mortal sin.

d) Hence such a practice is not to be proposed publicly, nor even privately positively advised, because this is apt to generate scandal, indeed to lead to onanism: for since the effect of each practice is the same, is there not danger that they may not sufficiently perceive the difference between the two, and at length will use the unnatural, easier, and more secure mode?

e) But sometimes the confessor can cautiously suggest that practice: thus, if there is a sufficient reason for avoiding every conception and the penitent cannot preserve continence, the confessor could say that in this case it is not evil; or if an inveterate onanist is incorrigible, to whom such a mode of acting could be proposed as a lesser evil.

This is doctrine sufficiently common among moralists.

4. Nor must onanism be confused with the interruption of copula. For this can be licit on account of a grave reason, for example to avoid scandal when a person unexpectedly comes upon them, on account of a spasm arising in the calves, or on account of a sickness that has arisen: then copula is interrupted, not now so that the seed may be poured forth outside, but for another end; whence the effusion of seed occurring apart from the intention is equated with involuntary pollution. If a grave reason is lacking, this, speaking per se, is not mortal, provided the spouses consent in this and there is no danger of sowing seed outside the vessel; for that penetration of the female vessel is then reputed after the manner of an impudent touch, which is permitted between spouses or at least is not mortal, excluding the danger of pollution.

We said:

a) if both consent, for if one withdraws without the consent of the other, he certainly sins gravely against the obligation of rendering the debt, as will be clearer from the following article;

b) speaking per se, for often it is mortal because frequently there is danger from such withdrawal of pouring forth the seed, unless the spouses have experienced the contrary, in which case, nevertheless, ordinarily they cannot be excused from venial sin;

c) if there is no danger of pollution; whence a husband sins gravely who, without a just cause, restrains the sowing of seed after the wife has experienced complete delight or is proximately prepared for it, because thus he is the cause that the action of the wife is deprived of its end and is mere pollution.

5. Women who by an inefficacious means (a vain remedy, restraining distillation, rising to urinate) have wished to render copula sterile sin gravely in intention. Nor can they obey a husband commanding such things for this end unless they have first warned him of his error.

But if they voluntarily employ a means by which the seed received is expelled or killed, they are guilty of an external act gravely sinful; hence women regularly ought not to irrigate the vagina immediately, but only some hours (2 or 3) after copula.

1. Cf. on this matter our little work *De Castitate et Luxuria*, 4th ed., pp. 119-120, in the note.

Therefore under no pretext can it be done sooner, whether of cleanliness, or custom, or flow of blood with itching, or white flux, or vaginal inflammation, or health; for these causes, moreover, are not proportionate; indeed generally vaginal washing rather is harmful to health. Nevertheless washing immediately after copula would be licit if it were a means here and now necessary for averting infection or contagious disease, which indeed rarely happens.

2. Thus Dr. Schockaert, *Les dangers de l'avortement et du neo-malthusianisme pour l'organe feminin*, in *Revue medicale de Louvain*, 1932.

957. Observation. - Besides the disorder against nature intrinsic to Onanism, several other evils have also been born from it as consequences, as Tanquerey notes (*Suppl. ad tr. de Matr.*, n. 41-43):

"a) The spouses themselves often suffer many evils from it; for just as children are a common good and a common bond by which spouses are joined more firmly and more closely, so, on the contrary, those who lack offspring much more easily disagree and are separated from one another. Nor let it be said that for attaining this end one or another child suffices; for the more numerous the offspring, the firmer the union of spouses. Besides, not rarely are onanists punished by the premature death of one or another child whom they have begotten; hence often the parents of an only child are pressed by anxieties and fears, lest perhaps he be snatched from the living and the name of the family be blotted out. - Moreover marital copula, which, legitimately performed, is a remedy of concupiscence, does not calm but inflames it when it is performed onanistically; especially the woman is not completely delighted, nor does she rest except when the uterus is irrigated by virile seed tempering its ardor. - Hence also physicians cry out with one voice that onanists are liable to many diseases, which arise especially from excitation of the nerves; for the commotion which intercourse causes is not calmed except by the natural effusion and reception of virile sperm.

b) Offspring also not rarely suffer some detriment from the onanism of parents, which the Council of Poitiers (1868) describes thus: it happens very often that that child is brought up more indulgently,

or, God commanding, briefly ends his life, or, having become worse with age, deprived of the sweet love and protection of brothers and sisters, loving himself, not obeying his parents, proud, ungrateful, without affection, afflicts his family with disgrace and grief.

c) Nor does onanism harm society less. For the chief strength and protection of society is placed in the number and manly education of citizens; but onanism, by impeding generation, diminishes the number of citizens, so that nations once flourishing gradually fail; it likewise stands in the way of the manly education of children: for where there is an only son, he is generally brought up more indulgently, is given over to pleasure rather than to duty, and often becomes altogether useless to the fatherland."

1. Cf. on this matter our little work *De Castitate et Luxuria*, 4th ed., pp. 119-120, in the note.

2. Thus Dr. Schockaert, *Les dangers de l'avortement et du neo-malthusianisme pour l'organe feminin*, in *Revue medicale de Louvain*, 1932.

3. Or also the woman, from the defective application of various practices or from chemical means. Concerning this again Dr. Schockaert in the said article.

958. Warning for confessors. - Concerning Onanism the faithful are also to be questioned and warned in confession. On this matter see S. Pen., Mar. 10, 1886; and the instruction of the bishops of Belgium, 1909; and the Prov. Council of Mechlin, n. 84-86. Indeed, the Supreme Pontiff himself in the encyclical *Casti Connubii* does not hesitate to write: "Therefore priests who devote themselves to hearing confessions, and others who have the care of souls, by our supreme authority and care for the salvation of all souls, we admonish not to allow the faithful committed to them to err concerning this most grave law of God, and much more, that they keep themselves immune from false opinions of this kind, and not connive in them in any way. But if any confessor or pastor of souls, which God avert, should himself lead the faithful entrusted to him into these errors, or at least should confirm them in them either by approving or by deceitful silence, let him know that he will render a severe account to God the supreme judge for the betrayal of his office, and let him think that the words of Christ are said to himself, Mt. XV, 14: They are blind, and leaders of the blind; and if the blind man gives leadership to the blind, both fall into the pit."

For it is a matter of a most grave evil, spread everywhere and very harmful to the common good, concerning which good faith now can scarcely exist; its practice among good and pious persons will easily be harmful to others by reason of scandal, and because of the silence of confessors it will be thought that it can be permitted or tolerated.

1. Of this instruction the little work of the author A. Knoch, *L'Onanisme conjugal et le tribunal de la Penitence*, can be had as in the manner of a commentary. Besides, these can usefully be consulted: *Instructio pro confessariis de usu et abusu matrimonii*, Eichstaett, Seminary, 1931; - *Ami du Clerge*, 1931; - Creusen, *L'Onanisme conjugal*, in *N. R. Th.*, 1932.

These things considered, the confessor:

1° Unless by a positive judgment it appears that the penitent is immune from that vice, regularly should question unknown spouses at least by a general but clear question: whether all things in

matrimony are rightly disposed, whether they do not impede the work of nature, whether nothing concerning this disturbs the conscience.

2° If an onanist is detected, he can never positively permit the vice, and regularly he ought to warn, not only if good faith is absent or probable hope of fruit is present, but even when these are lacking; indeed S. Pen., Mar. 10, 1886, warns "if he foresees that several are to be disturbed from good faith, and that many will abandon the sacraments": both generally, because if confessors generally were silent, they would harm the common good, and in a particular case if it is feared that the silence of the confessor would be divulged, or that the example would be a scandal to the faithful. "For in this matter," says the Prov. Council of Mechlin, n. 85, "it is better to use severity than to indulge laxity."

3° Only extraordinarily, in a rare case, if those inconveniences and the danger of scandal and of too great abuse are absent, he will be able to leave the penitent in good faith; and this good faith can more easily exist in the wife, when she is in grave sickness or leaves the whole matter to the husband.

4° But if, considering the mode in which the vice is committed, the spouse can legitimately begin copula well or admit it once begun, let him instruct that spouse concerning this faculty, so that henceforth formal sins may be avoided by that person.

5° He should also furnish remedies against the vice:

a) let him show the gravity of the sin, which is directly opposed to the primary end of the conjugal act and of matrimony, and the grave obligation of abandoning it;

b) let him explain the harmful effects in offspring born, and in parents, who weaken the nervous system, or from instruments badly applied or from chemical washings;

c) if the penitent objects the difficulty of feeding and educating more numerous offspring, let him arouse confidence in the providence of God, and explain that more numerous families generally are happier than others, and that the energy of the members emerges with greater union and manly love;

d) if death from a new childbirth is feared, let him suggest that the danger is easily exaggerated by some physicians, that no one in this matter can foretell the event as certain, that nature, moreover, brings assistance to a pregnant woman, and that medical art has so progressed that the danger rather can be averted;

e) finally, in a discreet mode he can advise them to contain themselves or to come together more rarely, or sometimes cautiously suggest to them that there is a time less apt for fecundation, in the way explained above, n. 956, 3.

6° Finally, for a recidivist without any amendment, absolution regularly should be deferred, unless he brings extraordinary signs.

Article V: On Defect in the Use of Marriage

S. Th., Suppl., q. 64; q. 59, a. 6; q. 62.

959. Defect in the use of matrimony is not had if either spouse, with the consent of the other party, or both, by mutual consent, do not wish to use their right to the acts of conjugal life, but when, while the other party is urging his right and justly demanding the conjugal debt, the other denies it without

a just reason. For since the use of matrimony must be regulated by the moral virtue of chastity, which is in the mean of reason, in it, just as there can be excess, so also there can be defect. Concerning this the following principles hold.

960. Principle I. The conjugal act, of itself, must obligatorily be rendered to the other party who has a right to it and justly demands it. - For copula can be demanded from justice by either spouse, because each has power over the body of the other party, and indeed from a bilateral onerous contract, so that of itself and generally the other party is bound to render it; for which reason it is commonly called the conjugal debt. Hence spouses in this matter are equal in right (can. 1111), and between them there is justice strictly so called and commutative. Hence the Apostle, I Cor. VII, 3-4: *Let the husband render the debt to the wife; and likewise also the wife to the husband. The woman does not have power over her own body, but the man. Likewise also the man does not have power over his own body, but the woman.*

A. Of asking there is no obligation of itself, because no one is bound to use his own right; by accident an obligation from charity and piety can exist, for example if the spouse judges that the other party, being in danger of incontinence, does not dare through shame to ask, or if the use of matrimony appears necessary for fostering love or averting dissensions.

B. Of rendering there exists an obligation grave of itself from justice, whenever one party reasonably, seriously, and legitimately asks, whether expressly or tacitly, because they have mutually handed over their bodies for conjugal use in the matrimonial contract; but to deny this of itself brings grave annoyance to the other. By accident, however, it will be light, as if the debt is rarely denied, for example once in a month to one asking more frequently; if it is deferred for a short time, for example from day to night, from night to morning; if the other asks remissly, not insistently, and easily acquiesces in the refusal; provided that in these circumstances there is absent danger of incontinence or of another grave inconvenience.

961. Principle II. The obligation of rendering the conjugal debt ceases in one, when the right of asking ceases in the other. - This can happen for many reasons:

a) If the spouse asking has admitted formal, certain, consummated adultery (sodomy properly so called, bestiality): for faith is broken with one who breaks faith. Except if the other has sinned similarly, or has been an accomplice in the sin, or, knowing and willing it, has condoned the sin (can. 1129).

b) If the one asking altogether lacks the use of reason or is in a state of complete drunkenness, as long as the state lasts: for one who lacks the use of reason does not ask in a reasonable and human manner.[1]

[1] There can also be danger for offspring to be conceived from copula undertaken after much intoxicating drinking, namely lest it be born foolish, or deaf-mute, or liable to drunkenness.

c) If copula is the cause of grave danger or extrinsic inconvenience, either for the one rendering, or for the one asking, or for the offspring already conceived;[2] nevertheless, with a sufficient reason being present (for example, dissensions to be avoided, or one's own incontinence or that of the other party), one could, from charity, render to the other party and expose oneself to one's own danger, unless, however, death would threaten from the copula.3

[2] Specifically, there is a grave inconvenience of denying:

a) if the wife suffers from incipient cancer of the uterus, so that after coitus she is subjected to abundant emission of blood;

b) if she undergoes coitus with very acute pain which is repeated in each copula;

c) if she herself is gravely ill or if the other party suffers from a contagious disease, such as leprosy, venereal disease, which either brings danger of quick infection or excites an insuperable horror;

d) if either party suffers from an organic defect of the heart: for then coitus not only gravely harms, but can even produce sudden death;

e) if the wife knows by experience or by the judgment of a physician that in childbirth she undergoes grave danger of death.

Hence P. Vermeersch says, o. c., n. 225: "If a physician declares that a new conception will certainly be fatal for the wife, the wife must decline copula. But if death is not so imminent, the wife can put herself into danger for a grave cause. For since the conception itself is doubtful, the danger seems neither to have arisen nor to be proximate. But on these matters one must approach a physician at once skilled and God-fearing. For there are not lacking those who, because of slight indications, inconsiderately prohibit persons not very continent from the honorable use of matrimony. Wherefore Genicot judges that such danger from a future childbirth is very rarely certain, such that there would be a grave obligation of abstaining from matrimony."

3. That this is according to the mind of St. Thomas is clear from his response to the fourth objection, a. 1, q. 64.

d) If the other party asks immoderately, for example several times (three or four times) in the same night.1

e) If he asks in a manner illicit not only on the part of the agent but on the part of the act itself, for example that it be done onanistically, sodomitically, with scandal of others, etc.

But a graver harm is required for denying the debt absolutely than for deferring or restricting its rendering. Thus the weakness of the wife or great weariness, which does not suffice for absolutely denying copula, can be a reason for delaying the rendering or for denying it when it is as frequent as is sought by the husband. Hence:

1° Wives sin gravely who, in rendering the debt, show themselves difficult and slow, with danger of incontinence or adultery in the husband, or with the intention of deterring him from asking; likewise if they do not concede the debt except under compulsion, if they harshly and contumeliously reproach the husband for his requests, indeed if they obstinately deny it, even for one time, while he asks seriously and insistently.

2° Husbands also sin gravely who, whether from avarice in order to avoid offspring, or from ill-will, rarely know their wives.

3° Spouses are bound to the common bed (can. 1128) because of the obligation of rendering; therefore of itself it is illicit for one, without the consent of the other or with danger of incontinence, to be absent for a longer time; for this is equivalent to a denial of the debt; by accident it is licit because of grave causes, for example a notable good of the republic or of the family.

4° Hence he is unjust who illicitly separates himself or seeks civil divorce.

5° It is illicit for spouses to render themselves unable for copula or generation by excessive labors, vigils, austerities, or a fortiori by pollutions, adulteries, or other illicit acts. Hence husbands are guilty of grave and special injustice who, against the will of the wife, have admitted vasectomy for this reason, or castration, so that they cannot generate, or so emaciate the body that they render themselves almost unequal to the conjugal act, or practice neo-Malthusian arts; likewise on the other hand wives who, without the knowledge of the husband or against his will, not from the necessity of a present infection, but in order to obtain sterility or to avoid a future pregnancy, even a dangerous one, procure for themselves the excision of the ovaries or the interruption of the oviduct, or apply an occlusive pessary to the opening of the uterus, or use other neo-Malthusian means; likewise physicians who by their art perform the aforesaid excisions or operations or cooperate with them in any way.

6° Spouses are not excused from the obligation of rendering because of inconveniences inherent in matrimony, for example more numerous offspring, the inconveniences of gestation, ordinary difficulties of childbirth, grave and unusual but brief pains, light pains although long-lasting, etc., because these burdens are annexed to matrimony and they undertook them in entering matrimony.

7° Nevertheless the wife seems to be excused from rendering the debt if the husband by his own fault leaves the wife in extreme poverty, or does not wish to feed the offspring, or has no care of the family.

1. Men are not accustomed, much less women, to exceed the measure in asking the debt except in the first months after the marriage has been contracted, at which time also the moral difficulty will be slight, either because the husband more rarely intends to urge his strict right, or because he will willingly yield to the wife modestly begging off (Genicot, *Th. M.*, II, n. 554).

962. Observations. - 1. Ordinarily the confessor is not bound, nor is it fitting for him, to question wives, except in the more modest manner he can, whether they have rendered the debt, for example whether they obey the husband in matters which pertain to matrimony, or whether anything troubles the conscience concerning matrimony; concerning the rest let him be silent unless he has been questioned. For the most part wives little fearing God are to be questioned in this matter, especially when they confess that they have been angry with their husbands. But this questioning ordinarily is to be omitted with wives of a God-fearing conscience.

2. When questioned, the confessor can propose to married persons who are pressed by anxiety concerning the baser things which they do between themselves the threefold rule indicated above, n. 948; - from further questions concerning the nature of the fact he should generally abstain; - besides, each should be taught: a) the husband, that he should 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 sickness; b) the wife, that she is bound under grave sin to obey the husband in rendering the debt, unless she is excused by a just cause, for example by infirmity.

3. A girl who asks what is licit or prescribed for her in matrimony soon to be contracted, the confessor should bid to ask her mother or another female relative whom she can trust; but if she has no woman of this kind at hand, he should teach her briefly and in a more honorable

manner. Simply to send her back to the husband, so that she should conform herself to all his desires, already today does not seem expedient, since so many men now seek means against nature; - unless in a case in which the honesty of the husband is beyond every exception. Sometimes provisionally he will be able to say: that the husband is to be obeyed, unless sin is clearly certain; but if there is doubt, this is afterwards to be explained to the confessor.

4. Let the confessor beware lest he make untimely or excessive questions to spouses about various modes of coming together, since these not only are useless, but can also beget scandal. Wherefore if the penitent gives rise to a prudent suspicion, it will be enough for the confessor to inquire whether there was anything against nature or voluntary pollution; concerning the rest let him not speak unless questioned.

5. In matrimony, that matters may proceed in a happier manner, spouses should attend so that in the use of matrimony they consult the satisfaction of the other rather than their own; specifically:

a) that the husband: 1. begin to approach the wife not in a harsh but in a gentle manner; 2. use his right discreetly, and thus 3. foster and increase the affection of love in the wife;

b) similarly the wife should provide to the husband: 1. facility, by which she is ready, in rendering the debt, to please the husband; likewise 2. cleanliness; and 3. the order and neatness of the house.

6. A twofold danger occurs to matrimonial chastity from a twofold vicious inclination: namely to adultery and to onanism.

A. For impeding the first, occasions must be avoided: therefore let the husband not be so imprudent as to foster frequent society of the wife or friendship with other men; likewise the wife: a) should not introduce to the husband or keep at home another younger woman, for example a sister or a beautiful maidservant; b) should not permit the husband separate attendance at theaters or worldly gatherings; c) should not herself have a separate bed.

B. To avoid onanism it is necessary to restrain the imagination together with egoism. Specifically spouses:

a) in true humility, content with their modest condition, should not be tormented by desire for a higher one,

b) should prefer labor for feeding numerous children to heaping up riches or to leisure,

c) in the spirit of Christian abnegation, should be willing to be deprived of various delights for the good instruction of offspring.

7. Moreover, that they may be able to exercise conjugal chastity, it is necessary that spouses, endowed with virtue, master passion and be fit to preserve continence for a time, as is sometimes necessary during pregnancy, or at the time of childbirth and purgation, or because of sickness or infirmity. But if they can do this, they will also be able to avoid onanism quite easily.

Question Two: On the Cohabitation of Spouses

S. Th., Suppl., q. 62.

963. Cohabitation, or the partnership of common life, is the other obligation to which spouses of themselves are bound from justice, and without which it is morally impossible to fulfill the offices pertaining to the individual custom of life, of which therefore it is an integral part. Of itself it comprises the partnership of bed, table, and roof.

964. Principle I. Spouses must preserve the communion of conjugal life, unless a just cause excuses them. - So can. 1128.

This is clear from the very nature of marriage, and from the ends of matrimony, which require an individual and inseparable common life. Hence it is read, Gen. II, 24, and Mt. XIX, 5: *A man shall leave father and mother, and shall cleave to his wife*; and I Cor. VII, 10: *To those who are joined in matrimony, I command, not I, but the Lord, that the wife depart not from her husband.*

Hence: 1° Neither of the spouses can depart, against the will of the other, for a long time, unless just causes are present, namely on account of the public good, or for feeding or protecting the family, or for avoiding damage.

2° If the husband must remain elsewhere for a long time, he is bound, if he conveniently can, to bring the wife there so that she may cohabit with him, or frequently to visit her. Similarly the husband of himself would be bound to accompany the wife, if necessity compelled her to change domicile.

3° Regularly the wife is bound to follow the husband changing domicile, even if he changes without a just cause, provided the cause is not base; indeed even if he departs far away and is going to remain there for a long time; - unless thus the wife would be exposed to grave danger of life or of very grave detriment, whence she would not be bound to follow a husband wandering here and there, unless she herself, before matrimony, knew that the man was a wanderer.

4° Communion of bed is to be understood as that which is required from the very nature of matrimony; whence it is not necessarily to be taken in the stricter sense, although it is generally so in use, but the partnership of the bedroom suffices, a distinct bed being used. Indeed it can subsist if the man and woman have distinct bedrooms joined to one another, although in practice, because of inconveniences easily arising, this use is less to be approved, as harmful to the union of minds.

965. Principle II. Divorce from bed and habitation can be licit for just causes, such as adultery of the spouse, grave danger of soul or body, and mutual consent. - This is certain from the definition of the Council of Trent, sess. 24, can. 8, against the Protestants who, while admitting dissolution of the bond on account of adultery, reject all causes of separation.

The principle is clear both from the words of Christ, who declares that this is sometimes licit (Mt. XIX, 29), and explicitly indicates adultery as a legitimate cause of separation (Mt. V, 31; XIX, 9), and from the Apostle, who supposes that this can be done for a legitimate cause (I Cor. VII, 11 sq.), and from the law (can. 1128-1131), and finally from the fact that cohabitation does not pertain to the essence of matrimony, but only to its integrity.

Separation can be made in perpetuity or for a time, totally or partially.

966. The first cause of separation is adultery of the spouse, according to can. 1129, § 1: "On account of adultery of the spouse, the other spouse, the bond remaining, has the right of dissolving the communion of life, even in perpetuity; unless he has consented to the crime, or given cause for it, or expressly or tacitly condoned it, or himself also has committed the same crime." This Christ himself explicitly declared, Mt. V, 32: *Everyone who shall put away his wife, except on account of fornication, causes her to commit adultery* (cf. XIX, 9). The reason is that, by breaking the promised fidelity, the adulterer has lost every right toward the other party as to conjugal offices.

But that it may confer the right of separation, adultery must be formal, consummated, morally certain, one to which the other has not consented or given cause, and neither condoned nor mutual.

It must be:

1° formal, that is, committed knowingly and freely;

2° consummated by copula itself with insemination, even if performed onanistically, to which are equated sodomy properly so called and bestiality, in which there is an equal reason of injury inflicted; but impure acts, even grave ones, without copulation do not suffice;

3° morally certain, so that it is truly established concerning it; otherwise the other cannot be deprived of the right of the one possessing, although physical certitude is not required, which in such matter is obtained with difficulty;

4° one to which the other spouse has not consented or given cause, as is explicitly said in can. 1129, § 1: he is considered to give cause who has deserted the wife or has rather often omitted to render the conjugal debt;

5° nor condoned: for if it has been freely condoned by the innocent spouse, the latter by that very fact has renounced his right of departing. But condonation can be made expressly or tacitly; "tacit condonation is had if the innocent spouse, after he has been made certain concerning the crime of adultery, has spontaneously conversed with the other spouse with marital affection; but it is presumed, unless within six months he has expelled or left the adulterous spouse, or has made a legitimate accusation" (can. 1129, § 2);

6° nor mutual: for the crime of one is compensated by the crime of the other; but it makes no difference which of the spouses first or more often has perpetrated adultery.

Let it be noted that the husband is not bound to dismiss an adulterous wife, unless it were the only means for her amendment, or for avoiding scandal lest he be thought a favorer of the offense because he retains her, nor are greater evils to be feared; but the wife probably is never bound to dismiss the husband.

967. The second cause of separation can be grave danger of soul or body, such as arises from the circumstances enumerated in can. 1131, § 1: "if the other spouse has given his name to a non-Catholic sect; if he has educated the offspring non-Catholically; if he leads a criminal and ignominious life; if he creates grave danger either of soul or of body for the other; if by cruelties he renders common life too difficult, these and other things of this kind are so many legitimate causes of departing for the other spouse, by authority of the local Ordinary, and also by one's own authority, if they are certainly established and there is danger in delay."

Concerning these things it must be noted:

1° "In all these cases, when the cause of separation ceases, the custom of life is to be restored. But if separation has been pronounced by the Ordinary for a definite or indefinite time, the innocent spouse is not bound to this except by decree of the Ordinary or when the time has elapsed" (can. 1131, § 2).

2° Rarely, on account of supervening heresy or apostasy, is separation expedient, from which greater damages often are to be feared for the spouses or for society; unless there were grave danger to the faith for the wife or offspring (Tit. III, 10).

3° Danger of soul is incitation or induction to grave sin, with grave danger of consent, especially if otherwise it cannot be removed (Mt. XVIII, 9; Lk. XIV, 26); but the mere occasion of sin does not suffice.

4° Danger of body can arise on account of the fury of the other party or from contagious disease, in which case separation from bed is licit, as was said in n. 961.

5° Cruelties are had if the spouse treats the consort cruelly, as if a husband pursues the wife with mortal hatred, prepares snares against her life, seriously threatens death or mutilation; but beating does not suffice, unless it is very grave and immoderate and repeated several times, or to be repeated in the future.

6° Troublesome cohabitation from continual quarrels and brawls, denial of food, abandonment in sickness, great neglect in administering goods, reduction to the condition of a more vile servant, etc., can also be a cause of separation, because thus the safety of soul and body is endangered.

968. The third cause of legitimate separation can be mutual consent: whether as to bed or as to habitation, whether for a time or in perpetuity.

From the words of Christ it is clear that this is licit unto perfection: *Everyone who shall leave house... or wife for my name's sake, shall receive a hundredfold and shall possess eternal life* (Mt. XIX, 29).

Hence: 1) If matrimony has not been consummated, each spouse has the right of choosing a more perfect state; indeed by solemn religious profession itself a ratified matrimony is dissolved, as was said n. 818, B.

2. Nevertheless from current law, for entering religion or that the man may be able to receive sacred orders, besides the consent of the other party an apostolic dispensation is required (can. 542 and 987); a fortiori if the matrimony has been consummated.

3. Perpetual separation from roof requires the intervention of the bishop, but not temporary separation, which is licit for a proportionate cause, as was said n. 964.

4. Separation from bed, by mutual consent, can be made by one's own authority, but regularly it is not expedient except for a time, namely because of danger of incontinence, as the Apostle warns, I Cor. VII, 5: *Do not defraud one another, except perhaps by consent and for a time, that you may give yourselves to prayer* (or if another just cause exists); *and return again to the same thing, lest Satan tempt you because of your incontinence.*

969. Corollaries. - 1. Separation as to habitation, since it is of the external forum, regularly cannot be made by private authority or by the counsel of a confessor, but requires the intervention of public authority; whence a wife even maliciously deserted is not considered legitimately separated unless she has obtained separation from an ecclesiastical judge (comm. int., July 14, 1922); on the other hand separation as to bed is of itself hidden, and therefore can be instituted by private authority. Particular statutes are especially to be attended to; but from common law:

a) If it is a matter of embracing the religious or clerical state, a dispensation of the Holy See is always required, as was said in the preceding number;

b) If separation is made on account of adultery, a sentence of the Ordinary is required, unless the adultery is certain and notorious, in which case it is licit to depart by one's own authority.

c) If separation is made on account of other motives, it must be made by authority of the Ordinary, and only by one's own authority if they are certainly established and there is danger in delay (can. 1131, § 1); therefore, when the delay has ceased, recourse must be had to the Ordinary. But separation is to be decreed in administrative form, unless the Ordinary establishes otherwise ex officio or at the instance of the parties, and the same form is also to be observed in the second grade (comm. int., June 25, 1932).

2. The innocent party preserves the right of recalling the dismissed party, provided the other party, with the express or tacit consent of the former, has not undertaken a state contrary to matrimony (can. 1130); nevertheless the other party would be excused from returning if he justly feared that grave cruelties would be inflicted upon him.

3. Nevertheless the innocent party is not bound again to admit the other to the partnership of life, if perpetual separation has been legitimately made on account of adultery (can. 1130); but if it is a matter of temporary separation for other causes, "when the cause of separation ceases, the custom of life is to be restored; but if separation has been pronounced by the Ordinary for a definite or indefinite time, the innocent spouse is not bound to this except by decree of the Ordinary or when the time has elapsed" (can. 1131, § 2).

4. "When separation has been instituted, the children are to be educated with the innocent spouse, and, if one of the spouses is non-Catholic, with the Catholic spouse, unless in either case the Ordinary, for the good of the children themselves, the Catholic education of the same always being preserved, has decreed otherwise" (can. 1132).

970. Practical observations. - 1. Since grave evils are accustomed to follow upon separation, the pastor and confessor should dissuade spouses from it as far as they can, unless certain causes are present which render it truly necessary.

2. It belongs not to the spouses nor to the civil power, but to ecclesiastical authority alone, to examine the cause of separation and to pass sentence concerning it; wherefore the confessor should direct the spouse who wishes to propose a cause of separation to the ecclesiastical judge. The spouse, regularly through the pastor, must have recourse to the authority of the Ordinary.

3. Spouses who, unaware of the obligation of having recourse to the bishop, because of grave motives think that by private authority or civil judgment they may institute separation, or already are separated, regularly are to be warned and are not easily to be left in good faith, both because often the motives are not sufficiently certain, and because of itself and ordinarily scandal is to be feared, especially if there is danger of a new civil union.

4. As to the sacrament of Penance: a) A wife is not to be kept from the sacraments when it is publicly established that she was unjustly expelled by her husband; but the husband is not to be absolved unless he restores the partnership of life. - b) He who because of notorious adultery has withdrawn from the other party is not to be disturbed; but the guilty one is not to be admitted to the sacraments unless he has repaired the injury and scandal. - c) They are unworthy of absolution who, on account of an unhappy marriage, for example on account of mutual aversion, have separated by private counsel; unless it is established that they are in good faith. In this case, however, regularly they are to be warned, as was said, unless it were certain that the warning would be useless and at the same time certain that scandal or another graver evil is not to be feared.

Question Three: On Mutual Love and Help

971. Mutual love and help is a necessary condition and foundation of conjugal life. So intimate and individual a custom of life, which is perfected in rendering the conjugal debt to one another and is completed by the partnership of roof and bed, so that spouses adhere to each other to the exclusion of another person, is not understood, we said, nor can it firmly stand, without an intimate union of souls strengthened by constant love, and without mutual help to be furnished to each other in the various necessities of domestic life. And indeed:

1° Nature inclines to this love, which moves to matrimony and to mutual love of man and woman, so that under its influence they may be a support and help to each other; marital copula fosters and nourishes this love, and common offspring promotes and strengthens it.

2° Christian doctrine commands love: "Husbands," says the Apostle, Eph. V, 25, 28, "love your wives, as Christ also loved the Church, and delivered himself up for her... So also husbands ought to love their wives as their own bodies. He who loves his own wife loves himself"; and similarly he wills that women "love their husbands, love their children; be prudent, chaste, sober, having care of the house, kind, subject to their husbands," Tit. II, 4-5.

3° Reason also confirms it: for where there is a special conjunction, there ought to be a special love. Between husband and wife there is an altogether special and most intimate conjunction in conjugal life, so that they are even one flesh. Therefore between them there ought to be an altogether special and intimate love; from which mutual support and help is naturally born to follow, because true love is naturally operative.

To true and intimate conjugal love there is opposed:

a) love, as it is called, platonic, nourished toward an unmarried person of the different sex; by which the spouse withdraws his heart from the other spouse so as to give it to an outside person, while nevertheless leaving the body to the spouse for conjugal acts;

b) a fortiori adulterous friendship, which would admit a lustful affection or act with outside persons; to which they say indulgence must be given in our days, since they judge affection restricted to the spouse to be "a certain obsolete weakness of mind and soul, or an abject and vile jealousy," and "this the more because not a few have an innate sexual disposition to which they cannot give satisfaction within the narrow limits of monogamous marriage," as Pius XI denounces;

c) likewise blind agreement of character and mere sympathy of disposition, which certain moderns intend to substitute as the foundation of marriage for genuine conjugal love, or for the deliberate and constant conjunction of souls and mutual charity, and "when this ceases, they teach that the bond by which alone souls are united is relaxed and fully dissolved";

d) finally conjugal jealousy, which can arise not only from the imprudence or fault of the other spouse, but also from the mere suspicion of the jealous one, and consists in this, that everywhere and in all actions of the other party he perceives signs of diminished love toward himself and undue love toward another person. For this defect the best remedy, says Prummer, *Th. M.* III, n. 688, "is the candid and open manner of speaking and acting always employed between spouses, without all ambiguities and secrets. As a rule to be recommended: Each spouse in his private life should hide nothing from the other party." This indeed, the praised author warns, is not to be extended to one's professional life and to secrets committed to one.

972. Respective offices of husband and wife. - Every love ought to be ordered; but in conjugal love there ought to be an order of subordination, because the husband is loved by the woman as her head, and the woman by the husband not as a slave or handmaid but as a companion and friend. Hence the Apostle says, Eph. V, 22-23: *Let women be subject to their husbands as to the Lord; because the husband is the head of the woman, as Christ is the head of the Church* (likewise I Pet. III, 1; I Cor. XI; Col. III, 18; I Tim. II, 12; Tit. II, 5); as he also adds: *Husbands, love your wives as Christ also loved the Church*, which he chose for himself, namely as a companion. Hence, although husband and wife are equal in right as to those things which are proper to the human person in order, namely, to his ultimate end, and as to the primary object itself of the matrimonial contract, or the conjugal debt, nevertheless they are by no means equal, but unequal, as to those things which concern domestic life.

And therefore the offices of the husband are one thing, those of the woman another.

A. The husband is the head of the woman and of the family, and therefore he ought

1° to protect the woman,

2° to provide suitable support to her according to his state,

3° to direct and govern her, not however as a slave, but as a companion and friend, and therefore to see to it that she fulfills her duties and to correct her when she fails, moderately, however, and according to her dignity,

4° diligently to administer the temporal goods of the family.

B. The woman is the companion of the husband, but subject to him as to the head, and therefore she ought

1° to show reverence to him as to head and ruler,

2° to furnish obedience in the governance of the house and in good morals,

3° diligently to care for the domestic matter.

Against these respectively they can sin by various offenses, as we noted II, n. 831-832.

But as Pius XI warns, that subordination:

1. does not deny nor take away the liberty which belongs to the woman by full right, whether because of the excellence of the human person, especially in order to her ultimate end, or in the primary office itself of marriage, in which two things she is equal to the man, or also because of the other most noble duties of wife, mother, and companion, which certainly cannot be abrogated by the husband, although they are to be exercised under his rule, with due subordination to him;

2. consequently, neither does it bid the woman to comply with any desires whatever of the husband, perhaps less consonant with reason or with the dignity of the wife herself;

3. nor finally does it teach that the wife is to be equated with persons who in law are called minors, to whom the free exercise of their rights is not usually conceded.

But it forbids an exaggerated license or equality, which is opposed to the essential order of domestic society with the greatest detriment of the whole family and proximate danger of ruin.

Now many moderns prattle that this subordination is "an unworthy servitude of one spouse toward the other; that all rights are equal between the spouses; and since these are violated by the servitude of one, they most proudly proclaim that a certain emancipation of woman must be carried out... But they establish this as threefold... and call it social, economic, and physiological: physiological indeed, insofar as they wish women to be freed or to be freed from the burdens of wife, whether conjugal or maternal, according to their free will...; economic, insofar as they wish the woman, even without the husband's knowledge and with him resisting, to be able freely to conduct and administer her own affairs for herself, children, husband, and the whole family being set aside; finally social, insofar as they remove from the wife the domestic cares either of children or of the family, so that, these being neglected, she may indulge her own talent and be devoted to affairs and offices even public.

But neither is this the true emancipation of woman nor that liberty consonant with reason...; rather it is the corruption of the womanly character and maternal dignity and the perversion of the whole family, by which the husband is deprived of wife, the offspring of mother, the house and whole family of an ever-watchful guardian. Indeed this false liberty and unnatural equality with the man turns to the ruin of the woman herself; for if the woman descends from that royal seat to which through the Gospel she has been raised within the domestic walls, she will shortly be reduced into the old servitude, if not in appearance, yet in true reality, as she was among the pagans, a mere instrument of the man."

And although this subordination of the woman can be varied according to various conditions of persons, places, and times, and although the social and economic conditions of the married woman, because of changed modes and usages of human intercourse, must in some way be changed and the civil rights of the wife adapted to the necessities of this time, indeed nor does it always seem to be reproved that a woman should apply herself in some measure even to public affairs: nevertheless, with account taken of those things which the diverse natural character of the feminine sex and the

common good of the family require, and "provided the essential order of domestic society remains intact, which was founded by an authority and wisdom higher than human, that is, divine, and cannot be changed either by public laws or by private good pleasure": "the very structure of the family and its chief law, established and confirmed by God, it is never and nowhere lawful to overturn or touch."

973. Observation. - We have spoken of the obligations of spouses, insofar as they are formally spouses, which therefore arise immediately and of themselves from matrimony itself. Other obligations can belong to them toward offspring, insofar as they are parents, or toward other domestics, insofar as they have care of the house, concerning which it was said where we treated the virtue of piety, II, n. 824 and following.

974. The perfection of love in Christian marriage is fulfilled, in which, says Pius XI, the primacy of nobility belongs to divine charity, namely:

"The faith of matrimony requires that husband and wife be joined by a certain singular, holy, and pure love; and not that they love each other as adulterers, but as Christ loved the Church: for the Apostle prescribed this rule, when he says: *Husbands, love your wives as Christ also loved the Church*, which certainly he embraced with that immense charity, not for the sake of his own advantage, but proposing to himself only the benefit of the bride. Therefore we mean charity, not one founded only upon a carnal and quickly vanishing inclination, nor in flattering words alone, but also placed in the intimate affection and, since the proof of love is the showing of work, confirmed by outward work. But this work in domestic society not only comprises mutual aid, but also must extend to this, indeed must intend this especially, that the spouses help each other toward the inner man being more fully formed and perfected day by day; so that by the mutual partnership of life they may progress day by day more and more in the virtues, and especially may grow in true charity toward God and neighbor, on which finally the whole Law and the Prophets depend. Namely, the most absolute exemplar of all holiness proposed by God to men, which is Christ the Lord, all, of whatever condition they are and whatever honorable manner of life they have entered, can and must imitate, and, with God helping, can arrive even at the summit of Christian perfection, as is proved by the examples of many saints.

"This mutual interior formation of spouses, this constant striving to perfect each other, can in a certain very true sense, as the Roman Catechism teaches, also be called the primary cause and reason of matrimony, if nevertheless matrimony is taken not more strictly as an institution for rightly procreating and educating offspring, but more broadly as the communion, custom, and society of the whole of life."

Therefore love truly holds, in Christian matrimony, the primacy of nobility, not indeed by reason of the end, as if it were the primary end of marriage, as certain persons have erroneously interpreted, thence concluding that copula is licitly exercised for fostering love, although conception itself is impeded; - but because it is the primary cause impelling to matrimony, and the reason from which it can obtain its chief excellence and its whole signification.

Nor is this to be understood of the carnal love of pleasure, so that marriage would not be, as someone said, except a certain honorable covering of luxury; but of the noble love of affection, of the true devotion of spouses toward one another, and of proper self-denial.

This the children of Christian parents, as many as they are, could themselves experience: with how great devotion and charity parents love each other and their children, and how much, by the mutual exercise of virtues and the fulfillment of offices, in the midst of difficulties and burdens, they are able to perfect themselves. Thus, with divine grace helping, Christian marriage has become a true school of holiness and of eminent perfection, and has been able to raise them to greater things, indeed to the exercise of heroic virtue.

Appendix: On Matrimony in Civil Legislation

975. Civil matrimony is commonly called the marital contract celebrated before a civil magistrate and according to the prescriptions of civil law, and receiving force in the civil forum from the observance of the civil form alone, apart from every intervention and sanction of a religious society.

It occurs under a threefold species, and therefore is:

1° Obligatory, when it is imposed upon all indiscriminately, and all contracting parties are obliged to exhibit matrimonial consent before the civil magistrate, that their matrimony may be held as valid in the civil forum. So in many regions of Europe. And although they also can freely enter religious matrimony, nevertheless that, as a merely private matter, has no effect in the civil forum, which does not care about the matrimonial laws of the Church; indeed sometimes it is prohibited by law that religious matrimony be celebrated before civil matrimony.

2° Facultative, when to any contracting parties whatever a faculty or option is given of entering religious or civil matrimony, and of celebrating it either before a religious society or before the civil magistrate, so that each is held as valid in the civil forum and civil effects are attributed to each. So in England and in several States of North America, and also, after the concordat recently entered, in Italy.

3° Subsidiary or of necessity, when only in a case of necessity are the contracting parties permitted to enter matrimony before the civil magistrate, either because they do not have religious matrimony, as certain infidels or irreligious and indifferent persons, or because they are found incapable for religious nuptials. So it was in Austria, and now it is in Spain.

Now then:

A. As to validity:

1° Civil matrimony, both of infidels and of non-Catholics baptized outside the Catholic Church and not converted to it, contracting among themselves, is valid, provided they have the intention of entering true matrimony and no diriment impediment by which they are bound stands in the way.

2° Civil matrimony of Catholics among themselves, or between a Catholic party and a non-Catholic or infidel party, is invalid matrimony, by this fact alone, that it is not celebrated in the due form, namely before the pastor and two witnesses.

3° Civil matrimony cannot be, in the intention of Catholics, except matrimonial consent entered before the civil magistrate for this end, that matrimony may be acknowledged in the civil forum as true and legitimate and may obtain civil effects.

Hence: a) Catholics gravely sin who intend to enter true matrimony before the civil magistrate, and those who notoriously live in civil matrimony are to be held as public sinners, as living in base

concubinage (S. Poen., Jan. 15, 1866), nor can they be admitted to the sacraments, unless first they either separate from each other or are joined in the forum of the Church.

b) Those civilly joined who intend to contract before the Church are to be subjected to the examination of spouses before the pastor, and their matrimony, if there is no grave reason for dispensing in this matter, is to be publicly proclaimed.

c) Civil matrimony entered exclusively has the nature of an attempted matrimony; whence if it concurs with adultery, because one party is married, from it there arises the impediment of crime (can. 1075, § 1); but if it is with cohabitation, the impediment of public honesty (can. 1078). And thence clerics in sacred orders and religious incur excommunication, indeed also those who contract with them (can. 2388).

B. As to liceity:

1° The Church rejects and condemns that merely civil matrimony can be valid or suffice for Christians; and she has proscribed this proposition, the 33rd of the Syllabus: By force of a merely civil contract there can exist among Christians a matrimony of true name. Whence it is illicit to enter civil matrimony from the intention of contracting the conjugal bond itself before the civil magistrate.

2° Nevertheless civil matrimony can be licitly entered, provided matrimony has been entered in the forum of the Church or is soon to be entered, and the intention is restricted to placing the conditions required that this matrimony be acknowledged as valid and endowed with civil effects.

3° Indeed regularly there arises an indirect obligation of contracting civil matrimony, where it is obligatory, because charity urges the contracting parties, both for themselves and for their children, to see to it that matrimony is endowed with civil effects. So S. Poen., Jan. 15, 1866.

It is preferable to contract ecclesiastical matrimony before civil matrimony. So of itself; but where this is prohibited by law, those about to be married should be warned:

a) not to enter the civil contract before it is certainly established that no impediment stands in the way of their matrimony;

b) that in the time which intervenes between civil and religious matrimony, they are not spouses, nor therefore can they act as spouses;

c) that care must be taken by them that each matrimony be celebrated on the same day, or at least that only a very slight delay intervene between the two, as S. Poen. says in the instruction cited.

C. As to the cooperation furnished by the civil magistrate and witnesses:

They can licitly assist at civil matrimony:

1° Whenever the faithful, appearing before the civil magistrate, intend only to obtain recognition of matrimony and to make the magistrate more certain concerning the matrimony contracted or to be contracted, because they intend and do nothing except what is licit.

2° Even if the contracting Catholic parties intend to enter only civil matrimony, provided a grave cause of assisting is present; for to assist as witness at an evil act is not from its nature always intrinsically evil, but is licit from a proportionate cause.

3° Indeed it does not always seem illicit if contracting parties affected by an impediment intend to enter an invalid matrimony, or if a spouse joined by valid matrimony, after a sentence of civil divorce has been obtained, while the other party is still living, attempts to enter civil matrimony: provided there is a most grave cause of avoiding damage, at least if the magistrate declares that he intends only the civil ceremony and does not care about validity in conscience and before the Church, or if this signification is sufficiently made known from the circumstances. This will appear more from what is to be said below, where we treat civil divorce. So of itself, and unless a greater evil should follow.

976. The stipulations of civil law concerning the conditions of matrimony are various according to the various regions, so that in a work of a general character it does not seem expedient to descend to the particularities of laws. They concern betrothals, preparation for matrimony such as the consent of parents and proclamations to be made, the form of celebration, the mutual rights and offices of spouses, the conditions required for consent, the capacity of persons, and impediments. Now then, the stipulations of civil law:

1° As to marriages of infidels, are valid, because in the case the civil power is competent; unless they contradict natural or divine law.

2° As to marriages of the faithful, of themselves they are not valid, because in these the civil power has no competence; excepting those which concern merely civil effects.

3° Nevertheless, by accident, they can rightly establish something as to the matter, and thus have force, insofar namely as they confirm natural, divine, or canonical law, or are conformable to them.

4° It is not licit for the faithful to observe them from an intention of acknowledging the competence of the civil power in this matter.

5° Generally, however, for avoiding inconveniences, they are to be observed insofar as they are not opposed to natural, divine, and ecclesiastical law, especially if the validity of matrimony in the civil forum depends upon them; but with that intention that the faithful do nothing other than carry out the civil ceremony.

Many stipulations concern marital or paternal power, the legitimacy of children, the regime of goods, inheritance, the capacity of the wife and of minors, etc., but these regard the virtue of justice.

977. Civil divorce (*divorce civil*; *burgerlijke echtscheiding*) is called that which is pronounced by a civil magistrate according to the prescriptions of civil law, so that in the civil forum the bond of contracted matrimony is considered now not to exist and therefore there is faculty of entering new nuptials. Now then, just as civil matrimony exists in several regions, so also civil divorce exists; concerning which these things must be noted.

A. As to validity, civil divorce:

1° Does not dissolve matrimony itself in conscience and before God, nor the matrimony of infidels, since this by its nature is indissoluble and God has not given civil law the power of dissolving it.

2° Nevertheless it can by accident declare the truth, namely if the matrimony in fact is null or has legitimately been dissolved in the cases indicated above, n. 818-821.

3° It validly dissolves a merely civil contract, so that matrimony is no longer endowed with merely civil effects which depend solely upon civil law.

B. As to liceity, the law conceding civil divorce to spouses joined by true matrimony is iniquitous, because it involves a twofold error and injury against the exclusive competence of the Church over the matrimonial bond, and against the indissolubility of ratified and consummated matrimony, and, by favoring divorces, it brings in consequences harmful to individuals, families, and society. Nevertheless:

1° It is licit, even for a Catholic party, to petition for divorce, and for the magistrate to pronounce it, when only civil matrimony is present, because the matrimony namely is not true and, for Catholics, has been declared invalid by the Church, or because it has legitimately been dissolved by the authority of the Church; provided it is not done from the mind of acknowledging the competence of the civil forum, but for the one end that civil liberty of entering new nuptials may be acquired (S. Off., Sept. 9, 1823).

2° Likewise it is licit to defend the bond of true matrimony against the party who seeks civil divorce, and to deny divorce, provided nothing is done which turns aside from the principles of natural and canonical law (S. Off., May 20, 1860; Apr. 3, 1877; June 24, 1885).

3° Indeed it does not always seem illicit to petition for and pronounce civil divorce, because it is not proved to be intrinsically evil, although it is an act of evil sound which must be made honorable; whence it will not be licit unless a) the intention of acknowledging the competence of the civil forum is absent, b) a cause altogether grave is present of avoiding an evil which otherwise cannot be avoided, c) it is not done from the intention of contracting other nuptials, d) nor from it follows a greater evil to be avoided.

Several, however, have taught that it is intrinsically evil, and that it is never licit to petition for or pronounce divorce. Civil divorce, they say, from its nature brings in the civil liberty of the parties, pronounces that true spouses henceforth before civil law have no matrimonial right or office toward each other and that the children will be illegitimate, that matrimony with a third person will be valid, and that there will be legitimate relations and legitimate children with all the consequences. But while the sacred bond of matrimony exists, that civil liberty of the parties is intrinsically evil. Therefore civil divorce is intrinsically evil. And indeed, if the law sanctioning divorce is iniquitous, likewise the sentence pronouncing it.

Others, however, judge that civil divorce is not intrinsically evil, so that for a just cause it can sometimes be petitioned for or pronounced, and they reason thus: Civil divorce is the dissolution of the civil bond alone, altogether distinct from the sacred bond; it is the dissolution of a bond not really existing and the denial of merely civil effects. But the dissolution of a bond not really existing is of itself morally indifferent, for just as civil matrimony is an act indifferent of itself with respect to sacred matrimony, so of itself is the annulment of that act indifferent. Therefore civil divorce is of itself morally indifferent; although by reason of circumstances it is often evil. - But the law is iniquitous from the intention of the legislator and from its depraved consequences; but the intention of the legislator does not fall under the law, and in the execution of the law can be separated from it; while the harmful consequences can be absent in a particular case, or be compensated by attaining a greater good or avoiding an evil, so that there is sufficient reason for permitting them.

Nor has the question been solved from authority; for the decisions of the Apostolic See, although they have been given several times, nevertheless do not seem to settle the matter, nor are they

general, but rather concern particular cases. Several are more severe (for example S. Off., June 25, 1885, and May 27, 1886), but can be explained by the special circumstances of graver scandal or of cooperation in introducing the law of divorce passed from a hostile mind toward the Church, as in France; but also certain ones are milder, and specifically for Belgium, where the law has existed for a long time and was not passed from a hostile mind, through the apostolic nuncio the response was given that by the more severe declaration given for France nothing had been changed in Belgium (Sept. 14, 1886).

C. As to the cooperation furnished to civil divorce by magistrates, advocates, procurators, and other officials:

Since the petitioning for and pronouncing of civil divorce is not intrinsically evil and sometimes can be done licitly, the material cooperation furnished to it can also be licit, not only in that case in which the petition or pronouncement is licit, but even if it is illicit: provided the cooperation is mediate, a proportionately grave cause is present, and there is not a greater evil or scandal to be avoided.

D. In practice, it is certain that many and most grave evils follow from civil divorce; for from it false notions grow strong concerning the competence of the civil judge as to matrimonial causes, indeed concerning the indissolubility of matrimony; besides, effects are denied to valid matrimony, some of which flow from natural and divine law, such as the legitimacy of children afterwards begotten; finally a new civil matrimony is permitted with all civil effects.

Wherefore, that such effects can be permitted, a grave and proportionate cause is required. But this can sometimes be present both for the spouses themselves, and for advocates and procurators, and also for judges. For it greatly concerns the Church and the republic that men constituted in these offices be truly and practically Catholic. Besides this reason of the common good, reasons of the private order can urge, whether as to temporal goods, or as to the support and education of the family, or as to obtaining legitimate separation in places where the law grants no other except divorce properly so called. Therefore:

1° The cooperation of a judge morally compelled either to pronounce a sentence of divorce or to resign his office is excused, at least if he warns that he does not wish to touch anything except civil effects, or if this is sufficiently known; unless, however, a greater scandal is feared which must altogether be avoided.

2° The cooperation of a procurator and advocate is excused when either they themselves are morally compelled to act or at least the parties themselves act licitly in petitioning for divorce; but the cooperation of an advocate who freely undertakes a cause of divorce illicitly introduced is not excused, for the evils which we said follow from civil divorce are not compensated by the money which the advocate could gain.

3° Indeed the parties themselves in most grave circumstances can licitly petition for divorce in order to avoid most grave evils, for example when civil divorce appears as the one means of preventing adulterine illegitimate children from being introduced into the family. Similarly, when the tribunal would give the education of the children to the dishonest and guilty spouse, unless the innocent party first petitioned for divorce, or if the innocent party feared insufficient support in the mere separation of bodies.

But it must be acknowledged:

a) That many reasons which Catholic parties bring forward in petitioning for divorce are not sufficiently founded, and that Catholic advocates themselves do not always sufficiently weigh the gravity of the motives to be required. Whence, mindful of the decisions of the Apostolic See, they should be accustomed to have recourse to the authority of the Ordinary and ask from it in particular cases whether the introduction of a cause of divorce can be made with a safe conscience.

b) Especially in Belgium, since already the same rights and privileges generally can be obtained by separation from bed and habitation as by divorce, a sufficient cause of petitioning for divorce can hardly exist; nevertheless in a rare case it is not altogether impossible, and therefore, for judging whether a sufficient reason is present, recourse must be had to the Ordinary, as the Provincial Council of Mechlin prescribes, n. 81.

c) This also holds for France. There, however, by reason of scandal, a stricter practice had been enjoined, and therefore: whether and in what cases, with circumstances perhaps changed, it can now be licit to follow the more benign practice, this does not pertain to private persons to judge, but to the bishops, to whom therefore recourse must be had in individual cases.

On these matters Kiselstein deserves to be inspected, in *Rev. Eccl. de Liege*, 1923 and July 1927.

978. Separation from bed and habitation, or, as it is called, of bodies and goods (*separation de corps et de biens*), or from bed and table (*scheiding van tafel en bed*), where it is sanctioned by civil law, can a fortiori be licitly sought, not however with the mind of acknowledging the competence of the civil forum as to marriages of the faithful. Hence it is licit for the Catholic party juridically to seek separation, and for the judge to pronounce it, when there is a just cause approved by the Ordinary, another tribunal cannot be approached so that the separation may have force in the civil forum, and there is no other effect than the said separation (S. Off., Dec. 19, 1860, and Apr. 3, 1877).

979. Corollary. - If any have obtained divorce without the license of the Ordinary, pastors and confessors:

1° Should induce them to repent of the fault committed.

2° Should command the party who petitioned for divorce to procure reconciliation as far as possible, if this is morally possible and there is no sufficient cause of bodily separation.

3° Otherwise, recourse must be had to the Ordinary so that the party can be admitted to the sacraments, because separation pertains to the external forum, as being a public fact.

4° But if they have entered a new civil matrimony, they are by the fact itself infamous by infamy of law (can. 2356), they are deprived of ecclesiastical burial (can. 2357, § 2 with 1240, § 1, 6°), and they cannot be admitted to the sacraments, not even in death, unless they have ceased from concubinage and repaired the scandal; but this scandal consists in the fact that the woman continues to bear the name of the man, that both remain together in contempt of divine law, and that besides they are publicly placed in the proximate occasion of sin.

Regularly, it is not enough that they conceive the purpose of living as brother and sister, which in practice is hardly brought to execution and therefore cannot be presumed to be carried out, and which is not an apt means of removing scandal: for the fact of cohabitation of those who are civilly

joined is a depraved example, of itself and necessarily inducing to evil. He who desires more should approach our *Questions on Various Sins to be Remedied in Sacramental Confession*, c. II, B, q. 2, VIII.

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