THEORY AND PRACTICE OF THE CONFESSIONAL

Caspar E. Schieler

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Title Pages

THEORY AND PRACTICE OF THE CONFESSIONAL

THEORY AND PRACTICE OF THE CONFESSIONAL

A GUIDE IN THE ADMINISTRATION OF THE SACRAMENT OF PENANCE

BY PROF. CASPAR E. SCHIELER, D.D.

EDITED BY REV. H. J. HEUSER, D.D. PROFESSOR OF THEOLOGY AT OVERBROOK SEMINARY

INTRODUCTION BY THE MOST REV. S. G. MESSMER, D.D., D.C.L. ARCHBISHOP OF MILWAUKEE

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✠ JOHN M. FARLEY, *Archbishop of New York*

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Introduction

"There is nothing more excellent or more useful for the Church of God and the welfare of souls than the office of Confessor. By his sacred ministry the sinner is lightened of the burden of sin, freed from the yoke of Satan and concupiscence, and clothed again with the robe of innocence previously lost. Weak knees are confirmed (Is. xxxv. 3); that is, men weak and idle in mind receive new vigor, and lastly the just are aroused and enkindled to persevere in goodness and to reach with freshly spurred zeal for the crown of justice laid up for them (2 Tim. iv. 8).

"How great and arduous is the office of Confessor appears clearly from the fact that by it he is made a judge in the place of Christ and that of his judgment he must some day render a strict account to the Supreme Judge. To him, therefore, apply the words with which the pious king of Israel charged the judges appointed by him, 'Take heed what you do: for you exercise not the judgment of man, but of the Lord God; and whatever you judge, it shall redound to you' (2 Paral. xix. 6). In this tribunal, however, the priest may not consider himself to be only a *Judge* to hear the culprit's confession, to correct him, and then, having imposed sentence, to send him away. He must also act the part of the *Shepherd* and, following the example of the Good Shepherd, must know his sheep, bring back to the fold those that strayed away and fell among thorns, and finally lead them unto wholesome pastures and the waters of eternal refreshment. He must be a *Physician* giving suitable remedies to the sick, and treating and healing with anxious and skillful hand the wounds of the soul. Lastly he must be a *Father*, and like the father in the Gospel cheerfully receive with the kiss of peace the prodigal son returning from exile, where he had been lost and consumed by hunger and filth; he must vest the son found again with the first robe, refresh him with the fatted calf and delicious dishes, and restore him to the former place and dignity of heir and son.

"Therefore let the priest who goes to hear confession seriously ponder over these offices of judge, shepherd, physician, and father, and endeavor, as far as in him lies, to fulfill them in deed and work. Above all let him remember that he acts in the place of Christ and as an ambassador for God, as the Apostle often tells us" (Conc. Balt. Pl. II. nn. 278, 279, 280).

The present volume is a practical commentary upon these weighty words of the Fathers of the Baltimore Council. The tremendous responsibility of the Catholic priest exercising the ministry of the Sacrament of Penance must appear in a truly dazzling light to the mind of every one who but glances over the following pages. Human intelligence can never fully grasp the true significance of this divine sacrament, which works at the same time forgiveness of sin and sanctification by grace; which is for poor fallen man at once the judgment of God's infinite hatred of sin and the manifestation of His infinite mercy for the repentant sinner; which brings humiliation and punishment while it fills the soul returning to God with unspeakable joy and comfort. Who can tell the number of souls troubled by sin and sinful temptations who have found peace and consolation, strength and holy courage in this sacrament? the number of souls kept not only for days, but for years in the bondage of evil passion and Satan who were, by the words of absolution, freed from that ignominious slavery and led again to enjoy the freedom of the children of God? the number of souls snatched from the brink of perdition by the strong hand of God extended to them through His minister in the confessional? the number of souls buried in spiritual death by grievous sin who were

brought out from their tombs to supernatural life and the sunshine of heavenly grace by the power of sacramental confession? Only the book of life reveals them all.

To be the minister of such a sacrament is, indeed, a glorious calling. Most excellent in itself and most useful for the Christian people is the office of Confessor. But the Fathers of the Council tell us it is also a most arduous office. In very truth, the faithful administration of the Sacrament of Penance demands a great deal more of the personal coöperation of the minister with the recipient than any other sacrament. Not to mention the fact that in the other sacraments, marriage alone excepted, the acts of the recipient desirous to receive the sacrament have nothing directly to do with the substance and validity of the sacrament, while in confession these acts are not a mere condition, but form the *materia ex qua* the sacrament arises, there is not the slightest doubt whatever of the most serious and grave duty of the confessor to assist the penitent as far as possible towards a worthy and profitable confession. He is not only bound, as in all other sacraments, to insure the validity of the sacrament and to assure himself of the required disposition of the recipient, but here more than elsewhere he must himself effect and bring forth, as well as he can, the worthy and right disposition of the penitent. Nor is this all. Confession is not merely to free the sinner from sin for a few passing moments; it must so strengthen his will and direct his heart that he will avoid the coming danger and resist the future temptation. Herein lies the difficult and arduous task of the confessor. It is in the discharge of this duty that the priest needs all the love and charity, patience and meekness, of the spiritual father; all the prudence and close attention, the knowledge and experience of the spiritual physician; all the understanding of the holy law and the firmness, impartiality, and discretion of the spiritual judge; the watchful care and patient search of the spiritual shepherd; the holy knowledge and wisdom of the spiritual teacher; the fervid prayer, saintly life, and burning zeal for souls necessary to him who is to be the minister of Jesus Christ unto sinful man redeemed by His precious blood.

Even this is not all. Confession is not only a means of cleansing the sinner from the stain of sin and vice, and of giving him strength and courage in the battle against temptation; but it is also to help the just and holy man to rise continually higher on the ladder of Christian perfection. It is the sacrament for saint and sinner. The greatest saints of God in holy Church had the greatest reverence and desire for holy confession. St. Charles Borromeo went to confession every day. Hence the tender care of the flowers and fruits of Christian virtue in the heart of his penitent is another important duty of the father confessor. How is he to fulfill it in a manner profitable to the penitent and to himself, unless he is well acquainted with the principles and facts of the spiritual life by a thorough study of Christian ascetics and the earnest practice of Christian perfection? What a responsibility when a soul called by God to the higher walks of Christian life, and willing to follow the call, be it in the world or in the cloister, falls into the hands of an ignorant, neglectful, or heedless confessor! But what glory to God, what happiness of soul, what merit for heaven, when by holy zeal and skillful effort the minister of God in holy confession leads the Christian soul, panting after God as the hart panteth after the fountains of water (Ps. xlii. 2), into the sanctuary of God's love, grace, and mercy! What a glorious ministry!

We can only hope and pray that Catholic priests will carefully read the beautiful and instructive lessons that Dr. Schieler's book offers, and ponder over them day and night. There is no greater blessing for Church and State, society and individual, than an army of priests who are confessors

according to the spirit of Christ; for they are in a fuller sense than others "good stewards of the manifold grace of God" (1 Petr. iv. 10).

✠ S. G. MESSMER.

Editor's Preface

An English translation of Dr. Schieler's exhaustive work on "The Sacrament of Penance," for the use of theological students and missionary priests, had been advised by some of our bishops and professors of theology. It was felt that, under present conditions, a work in the vernacular on a subject which involved to a very large extent the practical direction of souls was an actual necessity for many to whom the Latin texts dealing with the important questions of the Confessional were for one reason or another insufficient.

There was one serious objection to the publication of a work in English, which, since it deals with most delicate subjects, might for this reason cause an unqualified or prejudiced reader to misunderstand or pervert its statements, so as to effect the very opposite of what is intended by the Church in her teaching of Moral and Pastoral Theology. Between the two dangers of a lack of sufficiently practical means to inform and direct the confessor and pastoral guide of souls in so difficult and broad a field as is presented by the missions in English-speaking countries, and the fear that a manual from which the priest derives his helpful material of direction may fall into the hand of the ill-advised, for whom it was not intended, the latter seems the lesser evil, albeit it may leave its deeper impression upon certain minds that see no difficulty in using the sources of information in which the Latin libraries abound.

One proof of both the necessity and the superior advantage of having a vernacular expression of this branch of theological literature, for the use of students and priests in non-Latin countries, is readily found in the fact that authorized scholarship and pastoral industry in Germany have long ago seen fit to supply this need for students in its theological faculties, and for priests on the mission, and that the benefit of such a course has shown itself far to overlap the accidental danger of an unprofessional use of the source of Moral Theology in the hands of a lay-reader, or one hostile to the Catholic Church who might pervert its doctrine and arouse the zeal of the prudish.

The work was, therefore, not undertaken without serious weighing of the reasons for and against its expediency from the prudential as well as moral point of view. As a competent translator of it, the name of the Rev. Richard F. Clarke, S.J., of the English Province, whose editions of Spirago's catechetical volumes had given him the advantage of special experience in kindred work, suggested itself to the publishers. Father Clarke actually undertook the translation, and had fairly completed it when death overtook him. The manuscript was placed in my hands with a request to prepare it for publication. After much delay, due to a multiplicity of other professional duties, I found it possible, with the coöperation of the Rev. Dr. Charles Bruehl, who kindly consented to undertake the principal work of revision, to complete the volume which is now placed at the disposal of our clergy. There is probably room for some criticism in parts wherein I have undertaken to alter the expressions of the author and of the original translator, with a view of accommodating the matter to the temperament of the English reader. In this I may have sinned at times both by excess and by deficiency; but these blemishes can, I trust, be eliminated in future editions of a work which, for the rest, contains so much of instructive material as to prove itself permanently useful to the theologian and pastor.

In some cases I would not wish to be understood as sharing the author's views, nor should I have deemed an insistence upon the often-cited opinions of casuists quite so essential in a work of this

kind as it seemed to the learned author. But in this I did not feel authorized to depart from his text, even if I had not fully appreciated the advantage of his ample references and quotations in matters of detail. Whatever we think of the author's personal views, his citations of the masters in the science of morals give to his book certain advantages entitled to recognition.

With these restrictions borne in mind, it would be difficult to exaggerate the usefulness of a work such as this, which directs the priest in the sacramental ministry of Penance as indicated by the laws and practice of the Church.

The aim of every pastor must in the first place be to rouse the consciences of the individual members of his flock to motives of pure and right living. The Gospel of Christ furnishes the model of such living, and the Church is the practical operator under whose direction and authority the principles of the Gospel are actively carried into society, from the lowest to the highest strata. The sacramental discipline of the Confessional is the directest and most powerful instrument by which the maxims and precepts of the Gospel are made operative and fruitful in the individual conscience. A prominent non-Catholic writer of our day has characterized the Catholic Church as the *Empire of the Confessional*. So she is, and her empire is the strongest, the most penetrating, permanent, and effective rule for the good conduct of the individual and the peace and prosperity of the community that can be conceived.

On the proper operation, therefore, of the Sacrament of Penance depends in the first place all that we can look for of satisfaction and peace upon earth. But the administration of the Sacrament of Penance is solely in the hands of the priest or confessor. If he knows what to do, if he is wisely diligent in doing what the discipline of the Confessional instructs him to do, he will rule his people with order and ease, he will gain their gratitude and their love, he will reap all the fruits of a happy ministry, and his name will be in benediction among men of good will within and without the fold.

The Confessional is a tribunal. It demands a certain knowledge of the law, exercise of discretion and prudence in the application of the law, and the wisdom of kindly counsel to greater perfection. As the lawyer, the judge, the physician, learn their rules of diagnosis and prescription in the first instance from books and then from practice, so the future confessor, for three or four years a student of theology, deems it his first and most important duty to study Moral Theology, and this with the single and almost exclusive purpose of making use of it in the Confessional. Moral Theology gives him the principles of law and right, the rules to apply them to concrete cases, and certain precedents by way of illustration, in order to render him familiar with actual and practical conditions. But the young priest learns much more during the first few months and years of his actual ministry by sitting in the Confessional and dealing with the consciences of those who individually seek his direction.

There is some danger that the practical aspect, with all the distracting circumstances of sin's work in the soul, may in time obscure the clear view of principles and make the confessor what the criminal judge is apt to become during long years of incumbency, oversevere or overindulgent, as his temper dictates. He may thus lose that fine sense of discrimination, that balanced use of fatherly indulgence and needful correction, which the position of the representative of eternal justice and mercy demands.

To obviate this result, which renders the Confessional a mere work of routine and absolution, instead of being, as it should be, a means of correction and reform, the priest, like the judge, needs to read his books of law and to refurbish his knowledge of theory and practice and his sense of discernment.

But the theological texts with which he was familiar under the Seminary discipline, where nothing distracted him from the attentive use of them, are not now so readily at hand. Their Latin forms are a speech which, if not more strange and difficult than during his Seminary course, seems more distant and uninviting. The priest, even the young priest, would rather review his Moral Theology in the familiar language in which he is now to express his judgments to his penitents.

This fact alone suggests the pertinent use of the book before us. There the confessor, the director of the conscience, finds all that he was taught in his Moral Theology. He finds much more; for the author has made the subject a specialty of treatment which leads him to light up every phase of the confessor's task. He has himself studied all the great masters in the direction of souls from the Fathers of the Church down to the Scholastics of the thirteenth century; and more especially those that follow, who have entered into the theory and art of psychical anatomy—Guilelmus Paris, Cardinal Segusio, St. Thomas, St. Bonaventure, Gerson, St. Charles Borromeo, Toletus, De Ponte, St. Francis of Sales, Lugo, Lacroix, Concina, Cajetan, and Bergamo, St. Alphonsus, Reuter, and finally those many doctors of the last century who have written upon the duties of the confessor in the light of modern necessities and special canon law.

It is hardly necessary to explain to the priest who has passed over the ground of the sacramental discipline as found in his theological text-books, how the subject is here presented in the detail of analysis and application to concrete conditions. Penance is a Virtue and it is a Sacrament. To understand the full value of the latter we must examine its constituent elements, the matter, form, conditions, the dispositions and acts of the penitent, sorrow for sin, purpose of amendment, actual accusation of faults in the tribunal—requisites which are dealt with by Professor Schieler in the traditional manner, but with clearness and attention to detail.

Of special importance are the suggestions in the third chapter, touching the integrity of the Confession: the number, circumstances certain and doubtful, of the sins, and the reasons which excuse the penitent from making a complete confession; likewise the treatment of invalid confessions, of general confessions, their purpose, necessity, or danger as the case may be; satisfaction, its acceptance or commutation.

The main object of the treatise lies, however, as might be supposed, in the exposition of the confessor's powers and jurisdiction, and of the reservation and abuse of faculties. These matters are in the first place discussed from the theoretical standpoint. Then follows the application, which takes up the second principal part of the work. Here we have the confessor in the act of administering the Sacrament. He is told how he is to diagnose the sinner's condition by the proposal of questions and by ascertaining his motives—how far and to what end this probing is lawful and wise. Next the qualities of the confessor, his duties and responsibilities, are set forth in so far as they must lead him to benefit his penitent both in and out of the tribunal of penance. The obligation of absolute secrecy or the *sigillum* is the subject of an extended chapter.

From the general viewpoint which the confessor must take of his penitent's condition and the safeguards by which he is to protect the penitent both as accused and accuser, our author leads us into the various aspects of the judge's duties toward penitents in particular conditions. Thus the sinner who is in the constant occasion of relapse into his former sin, the sinner who finds himself too weak to resist temptation, the penitent who aims at extraordinary sanctity, the scrupulous, the convert, form separate topics of detailed discussion. The last part of the volume deals with the

subjects of confessions of children, of young men and young women, of those who are engaged to be married, of persons living in mixed marriage, of men, religious women, of priests, and of the sick and dying.

Some of our readers may recall that we have protested against too implicit a reliance on an artificial code of weights and measures in the matter of sin; and to them it may seem that in seconding the translation of such a work as this we go contrary to the principles advocated, because our author presents the same application of canon law and judicial decision which has been sanctioned by the great moralists and canonists of the schools. But let the reader remember that in the text-books of the Seminary, we have as a rule the principles and precepts presented in their skeleton form so as to leave the impression of fixed maxims, which cannot be altered, although they are in many cases only the coined convictions of individual authors, to whose authority the student is taught to swear allegiance. In the present volume principles and precepts are so discussed that they admit of an all-sided view, and as a result do not hinder that freedom of judgment which is so essential a requisite in a good judge and, therefore, in a confessor. For the rest we felt it, of course, to be our duty toward the author to preserve his train of thought and reasoning, and if anything is needed to make his exposition especially applicable to our missionary conditions of time and place, it will be easily supplied by any one who shall have read and studied the present work.

H. J. Heuser.

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Part I. Penance as a Virtue and as a Sacrament

1. The Virtue of Penance

Theory and Practice of the Confessional

At all times penance has been the necessary means (*necessitate medii ad salutem*) of obtaining pardon for those who had committed mortal sin. "If we do not do penance, we shall fall into the hands of the Lord," is the warning of the Old Testament (Ecclus. ii. 22). And when God sent His prophets, it was to arouse men to repentance by the announcement of His wrath, and threatening punishments. The forerunner of Our Lord solemnly exhorts the assembled crowds, "Do penance; the kingdom of heaven is at hand." Our Lord Himself insists on the same point with awful determination, "Unless you do penance you shall all likewise perish" (Luke xiii. 3). He proclaims as the task of His own public ministry and the great mission of His Church, "to call sinners to repentance" (Luke v. 32). Accordingly, the burden of the Apostles' preaching was, "Do penance" (Acts ii. 38), for "God hath also to the gentiles given repentance unto life" (Acts xi. 18).

Thus penance is indispensable to the sinner by divine ordinance, as the Council of Trent expressly teaches (Sess. xiv. c. 1). It is not less clearly dictated by natural law. "For reason prompts man to do penance for the sins which he has committed; but divine command determines the manner according to which it is to be performed."[1]

1 S. Th. S. Theol. III. Q. 84, art. 7 ad 7.

Taken in its widest sense, penance may be defined as a regret for some past action. Such a regret is not necessarily virtuous, for a morally indifferent or even a good action may be to us a source of displeasure and grief. But even in its restricted meaning, denoting grief, on account of some bad action, penance does not yet include the idea of virtue. Grief is caused by the perception of anything we look upon as an evil. Now sin may be regarded as an evil in more than one way. Then only does our penance rise to the height of a virtue, if we feel sorry for our sins, not by reason of some temporal disadvantage we have incurred, but for God's sake, whose holy law we have transgressed and whose majesty we have outraged. In other words, the virtue of penance requires that we detest sin as an evil of a higher, supernatural order.

Penance is not a virtue of its own and specifically distinct from other virtues. St. Thomas considers it as belonging to the virtue of justice, because by it we perform an act of justice toward God, since we restore to Him the honor of which sin has deprived Him, and make reparation for our wrongdoings.[2] Apparently, it springs from the virtue of religion, as an effect thereof; for to detest one's sin as an injustice done to God implies an acknowledgment of His sovereign goodness and majesty. This submission to God is an act of the virtue of religion.[3] Furthermore, Lehmkuhl[4] is right in attaching the act of penance to virtues of different species. For sin, being in many ways an evil and opposed to holiness and duty, may be deplored from different reasons; and so our penance belongs to that virtue which supplies the motive of sorrow. Thus, a sinner may loathe his impurity from a love of purity, his intemperance from a love of temperance, his pride from a love of humility; he may also abhor sins because they are repugnant to more general virtues, such as the love of God and gratitude toward God.[5]

2 S. Th. S. Theol. III. Q. 85, art. 3 ad 3.

3 Cf. Müller, Theol. Mor. Lib. III. Tit. II. § 106.

4 Theol. Mor. Tom. II. § 1, De Pœnit. n. 251; cf. Palmieri, Tract. de Pœnit. (Rome, 1879), p. 18 et seq.

5 While theologians are united in admitting a *virtus generalis pœnitentiæ* having its own material and formal object, they fail to agree on the definition of the formal object. Cf. Suarez, Lugo, and more especially Palmieri, l. c.

The virtue of penance, thus being a complete destruction of all affection to sin, has an intimate bearing on the Sacrament of Penance. It is the disposition required on the part of the sinner, not only for the worthy, but also for the valid reception of the Sacrament. It represents, so to speak, the matter of the Sacrament, so that without it the Sacrament is null and void. Consequently, it enters as a constituent part into the very essence of the Sacrament.

The most important act of the virtue of penance is an act of the will and is called contrition. It is contrition that gives birth to penance, vivifies and animates it. Without contrition, there is no remission of sin; for it alone leads to a sincere avowal of our guilt and a meritorious satisfaction.

The second act of penance is the confession of sin: it is penance exercised by speech. Justice exacts that the guilty should acknowledge their wickedness, and also make amends for the sins committed by words. The third act of penance is satisfaction in expiation of our misdeeds. The bad deed is compensated by some good action, which we are not bound to do, but which we perform in order to supply for our past deficiencies. This is penance in deed.

These three acts of penance are most intimately connected with the Sacrament, and this union imparts to them a special efficacy and strength; for the imperfect virtue, which of itself is unable to effect justification, by its elevation to sacramental dignity acquires the power of conferring sanctifying grace.[6]

6 Cf. S. Th. III. Q. 85 et seq. *de pœnitentia secundum quod est virtus*, Suarez, De Sacramento Pœnitentiæ Disp. per 2 Sectiones, *de pœnitentia in communi*; Lugo, De Sacramento Pœnitentiæ, P. I. pp. 1-44 (Romæ, 1879); Müller, Theol. Mor. Lib. III. Sect. 106; Lehmkuhl, Theol. Mor. Tom. II. Tract. V. De Sacr. Pœnit. Sect. 1; Aertnys, Theol. Mor. Lib. VI. Tract. V. De Pœnit. Pars I.

2. The Sacrament of Penance

The arguments for the existence of the Sacrament of Penance do not form part of our task; they come within the scope of dogmatic theology. We shall only point out some theological propositions on which our subsequent dissertations are based.

1. Jesus Christ gave to His apostles and their successors in the holy ministry the power of forgiving and retaining sins committed after Baptism.

2. This power is judicial and is exercised in the form of a judicial process. On this evident deduction from the words of the institution is based the entire Catholic teaching concerning the Sacrament of Penance.

3. The exercise of this judicial power constitutes a Sacrament, the object of which is to reconcile the sinner to his God.

4. The outward sign of the Sacrament is the exercise of the judicial functions; this comprises, on the one hand, the acts of the penitent,—contrition, confession, and satisfaction; and on the other, the priestly absolution, being the sentence delivered by the representative of God.

5. The grace conferred by the Sacrament is the remission of all sins, embracing the effacement of the guilt, the obliteration of the eternal punishment, and the condonation of, at least, a portion of the temporal punishment. This remission of sin is accomplished by the infusion of sanctifying grace, which, moreover, constitutes a title to certain actual graces, helping the penitent to bring forth worthy fruits of penance, to overcome temptation, to avoid relapse, and to amend his life.

At the same time the infused virtues are restored and the merits of former good works lost by sin are regained.

On zealous penitents, besides, special gifts are bestowed, such as peace of heart, cheerfulness of mind, and great spiritual consolation.

Though the Sacrament of Penance is administered after the fashion of a judicial trial, still its administration deviates in many points from the customs of forensic practice. The chief points of divergence are the following:—

1. The aim which the secular judge has in view is to convict the criminal, and by the infliction of a penalty, proportioned to the nature and the greatness of the crime, to restore the order of justice violated by the offense; the acquittal of the innocent is only a secondary consideration. The sacramental judge, on the contrary, reestablishes the relations between God and man, destroyed by sin, not so much by imposing a punishment, as by effecting a reconciliation. His chief preoccupation is the individual welfare of the penitent; the verdict, therefore, is a sentence of absolution and release from guilt; however, the sinner must perform a certain penance, to be determined by the confessor.

2. It follows from this that the final sentence in the tribunal of penance, by which the case is decided, is always one of acquittal. Any other sentence passed in the sacramental court is only intermediate, amounting to a temporary postponement of absolution.

3. In the ordinary session of justice, besides the judge and the accused, we find a prosecutor, witnesses, and pleaders. In the sacramental court there are only the judge and the sinner, who is his own prosecutor, pleading guilty. The proceedings are shrouded in perfect secrecy. The bench cites the criminal against his will, and holds him by force; at the confessional, the sinner presents himself of his own free will. The spiritual judge must credit the account of the penitent, be it in his favor or disfavor, since he alone can bear witness to the state of his conscience. Only when there is moral certainty of the opposite, may the priest distrust the statements of the sinner. On the contrary, the ordinary judge has the right to reject any plea advanced by the criminal.[7]

7 Cf. S. Th. Quodl. I. a. 12; S. Alph. Theol. Mor. Lib. VI. n. 600 s.; Lehmkuhl, l. c. n. 255; Müller, l. c. Sect. 107, in fine.

3. Necessity of the Sacrament of Penance

The Council of Trent declared in its fourteenth session, with regard to this point: "The Sacrament of Penance is as necessary to those who have incurred mortal sin after baptism, as baptism itself is to those who are not yet regenerated."[8] It follows from this teaching of the Council that, since Baptism is indispensable to eternal salvation, penance is equally necessary. To use the exact language of theologians, it is necessary *in re vel saltem in voto*. Which means that those who can actually receive the Sacrament are bound to have recourse to it in order to be freed from their sins; but that those for whom the reception of this Sacrament is for any reason impossible, will be cleansed from their sins by the desire of receiving it. This desire is always included in perfect contrition.[9]

8 Trid. Sess. XIV. cp. 2.

9 Cf. S. Th. Quodl. I. a. 12; S. Alph. Theol. Mor. Lib. VII. n. 600 s. Lehmkuhl, l. c. n. 255; Müller, l. c. Sect. 107, in fine.

For when Our Lord granted to His apostles the power of forgiving or retaining sins, and thereby instituted the Sacrament of Penance for the remission of grievous sin, committed after Baptism, He evidently asserted it to be His will that the sinner should be subjected to the power of the keys by the reception of this Sacrament, the latter thus becoming a necessary means of obtaining pardon for grievous sin committed after baptismal regeneration. The power of the keys vested in the apostles and their successors would be a useless gift if the faithful, without submitting to that power, could be released from their sins and gain the heavenly kingdom. The more so, as the priest possesses also the power of retaining sins; a power unfavorable to the sinner; but which the sinner could elude if the Sacrament of Penance had not been made a necessary means of forgiveness. Nor would the sinner undergo the inconveniences connected with the reception of the Sacrament of Penance, if he were not persuaded of Christ's precept, imposing the Sacrament of Penance as a means of reconciliation. Venial sins, however, are forgiven without reference to the Sacrament of Penance, as we shall show in another place.[10]

10 See Sect. 4, p. 29.

Thus, by divine precept, all who have incurred mortal sin after Baptism are bound to receive this Sacrament. The obligation is absolute (*per se*) in danger of death; for, in this case, the reception is necessary. Hence those are bound who are suffering of a dangerous disease; a mother before her first confinement, or before any subsequent birth, if her travails are of an especially alarming nature; a criminal sentenced to death, before his execution; and any one foreseeing the lack of another opportunity for his whole life of making a confession.

There are other times in the course of our life when the obligation of confession becomes actual and pressing; the Church, acting according to the intentions of Christ, has specified these occasions more particularly. For the Sacrament was not instituted merely to dispose man for his passage from this life, but also to heal his spiritual infirmities, to shield him against relapse into sin, and to strengthen him to lead a virtuous life. Consequently, we would frustrate the object of the Sacrament if we were to postpone its reception to the hour of death.

Per accidens it is obligatory to receive this Sacrament: (1) for a person who desires or is bound to receive holy Communion, and who happens to be in a state of mortal sin; (2) when the Sacrament of

Penance is the only means for overcoming a temptation or avoiding grievous sin; (3) when any one feels himself incapable of making an act of perfect contrition, and yet is by his duties required to be in a state of grace; for instance, if one has to administer a Sacrament, or simply because one realizes that it is wrong to remain in a state of enmity with God for any considerable period.[11]

11 S. Alph. Lib. VI. nn. 662, 665; Gury-Ball. II. n. 466; Ballerini, Ant. S. J. Opus Theol. Mor. Vol. V.; Tract. X. Sect. V. De Sacram. Pœn. cp. III. n. 1025 ss.; Aertnys, Theol. Mor. Lib. VI. n. 229.

The divine precept of approaching the Sacrament of Penance does not urge immediately that a mortal sin has been committed, for it is an affirmative command, and affirmative precepts do not press of their own accord, but only at certain times and under given circumstances. Besides, the Church's precept of an annual confession for all the faithful, who have fallen into mortal sin, proves sufficiently that divine law does not enforce confession immediately after committing mortal sin.

The precept of the Church concerning the Sacrament of Penance binds only those who have sinned mortally. For the Church's intention is merely to define more clearly the extent of the divine command; so the ecclesiastical precept does not exceed the limits of the divine precept, and Christ commanded only that mortal sin should be confessed. Hence one who has committed no mortal sin is not subject to the law of the Church prescribing yearly confession. In practice, however, the question has no import; for which of the faithful, guilty only of venial sin, would omit to go to confession at least once a year, or would think of receiving holy Communion without previously having confessed?[12]

12 Such is the teaching of nearly all the moralists; cf. S. Alph. Lib. VI. n. 667; Gury, I. n. 478; Scavini, De Sacram. Pœnit. n. 35. St. Thomas (Suppl. Q. 6. a. 3) teaches that he who has only venial sins to confess, satisfies the precept of the Church if he presents himself to the priest and declares that his conscience is free from mortal sin; this will be counted as a confession. This opinion of St. Thomas is, however, contradicted by a large number of eminent theologians,—St. Antoninus, Billuart, Laymann, Lugo, Suarez, etc.,—who appeal to the Tridentine decree (Sess. 13. cp. 5), which says in respect to the Lateran decree that it is *determinativum divini præcepti*.

He who has committed a mortal sin, but, forgetting all about it, confesses only venial sins, and some days later remembers again the mortal sin, is, according to a probable opinion, no longer subject to the precept of yearly confession; for, since the confession was valid, the mortal sin omitted by sheer forgetfulness is forgiven; and there only remains the obligation of submitting the forgotten sin to the power of the keys in the next confession.[13]

13 Suarez and Laymann teach the opposite. Cf. Scavini, l. c. n. 35, nota 1.

For the same reason alleged above, the law of the Church extends only to those who have reached the age of discernment, and whose minds are sufficiently developed to render them capable of sin. It is impossible[14] to fix any definite limit of age in this matter. Much depends on the child's personal gifts, its training and education. In each individual case the moral maturity of the child must be gauged by its general accomplishments and its ways of acting. During the ordinary course of religious instruction, the pastor will find ample material on which to base a decision; in case of doubt, the testimony of the parents and the teachers may be taken into account.[15] Seven years is usually assigned as the age at which children of average ability and proper training have arrived at the period of discretion which enables them to understand the malice of mortal sin.

14 Cf. Decretum Lateran. Concilii IV. cp. 21.

15 See Sect. 74, Children's Confessions.

Hence it becomes a duty to instruct the children for confession when they have reached about the seventh or eighth year, or, according to circumstances, even earlier. But even children of an inferior age, if they seem to have sufficient understanding, should not be allowed to die without absolution, though it be pronounced only conditionally. Of course, the priest will help them to elicit the necessary acts of contrition and purpose of amendment. This should be done though it be doubtful that the child has committed a sin or if it has forgotten the sin committed.

It is not a good practice, therefore, to defer the instruction of children on this Sacrament to their ninth year or later; since it does an injustice to the more intelligent children. Moreover, in the case of those children who are sick, this lack of early preparation is apt to deprive them of both the Sacrament of Penance and Extreme Unction, which is a serious matter, if they have been capable of committing mortal sin.[16]

16 Lehmkuhl, I. Tract VI. n. 1202, 3.

The precept of the Church imposes annual confession, *saltem semel in anno*. Beyond this, time and season are not specified. Theologians interpret the law in general as follows: all who are conscious of mortal sin are bound to confess within the period between January 1 and December 31, or, what practically amounts to the same, within the time comprised between the Easter of one year and the Easter of the following year. For, whoever makes his confession with a view to his Easter Communion, certainly does confess within the limits of a civil year, though the earlier or later date of Easter may make the interval elapsing between the confessions more than a year.

Since the precept of yearly confession refers only to mortal sins, the common teaching of theologians is that, whosoever has accused himself at Easter time of venial sin only, but falls into mortal sin before the year has expired, must go to confession again before the end of the year, in order to fulfill the ecclesiastical precept.[17]

17 S. Alph. l. c. n. 669; Gury, l. c. n. 479; Lehmkuhl, l. c. n. 1204.

The faithful, however, adds Lehmkuhl, should be exhorted never to put off the reception of the Sacrament, or at least the eliciting of an act of perfect contrition, when they have had the misfortune of offending God grievously; for a soul in the state of mortal sin is in a most deplorable and dangerous condition. Still we are not authorized to insist on this as being an obligation imposed by the Church, since some distinguished theologians maintain the contrary.[18]

18 S. Thom. Suppl. Q. 8, art. 5 ad 4, and St. Bonaventure, Compend. Theol. Lib. VI. cp. 25, Confess. necessitas, support this view *saltem tacite*. Cf. Lehmkuhl, l. c. n. 1204.

He who one year, whether by his own fault or not, fails to make his confession, but during the next confesses all his sins, satisfies thereby the obligations with respect to both years, in the case, at least, when, during the current year, he has committed a mortal sin which he includes in his confession; for he has fulfilled the precept which enjoins reconciliation with God. If, on the contrary, the penitent has committed only venial sins in the current year, and confessed them along with the mortal sins of the previous year, and later on falls into grievous sin, he is obliged to make another confession in order to comply with the law of the Church.[19]

19 Cf. Scavini, De Sacram. Pœnit. n. 36, who follows Suarez, Laymann, Lugo, Salmanticenses, etc. Cf. Lehmkuhl, l. c. n. 1202.

He who has not confessed for a whole year, must, according to the more common and probable opinion, confess as soon as possible; because the Church has defined the period for fulfilling the precept, not for the purpose of limiting the obligation to a determinate date, but to incite men to perform their duty in proper time (*non ad finiendam sed ad urgendam obligationem*). Hence, a man would sin against the precept as often as he shirked an opportunity of making the neglected confession, thereby renewing the intention not to obey the law.[20]

20 Lacroix, De præcepto Confess. n. 2003; S. Alph. l. c. n. 668; Scavini, l. c. n. 36, Q. 4; Gury, l. c. n. 478, nota 3; Lehmkuhl, l. c. n. 1206.

He who has sinned grievously, and foresees that in the course of the year he shall be prevented from going to confession, must avail himself of the presently occurring opportunity, for in these circumstances the duty of confessing is actually pressing.

The precept of the Church prescribes, moreover, that the faithful confess their sins sincerely (*fideliter*). By a bad confession we cannot discharge our duty. This was distinctly confirmed by Alexander VII, condemning a proposition to the contrary. (Prop. 14.)

A further provision of the Lateran decree, to confess *proprio sacerdoti*, which formerly obliged the faithful to make their annual confession to their own parish priest, bishop, vicar-general, or the Pope, has long been abrogated by a recognized universal contrary practice. Confession may, therefore, be made to any priest duly authorized by the bishop.[21]

21 Cf. Bened. XIV. De Syn. diœc. 1. II. cp. 14, 1-5. Hence a parish priest, who would make his parishioners confess to him, is guilty of sin, since such indiscreet zeal, or unworthy jealousy, might give occasion to sacrilegious confessions. Compare what St. Thomas (l. c. art. 4 et 5) wrote even before it was allowed to confess indifferently to any priest having faculties; that a priest would sin, if he were not ready to give leave to any individual to make his confession to another priest. It was distinctly understood before that time that one might confess to any priest who had been authorized by the *proprius sacerdos* to hear the confession. Cf. Müller, l. c. Sect. 118, n. 6-4; Lehmkuhl, l. c. n. 1205.

The excommunication for the violation of the Church's precept of annual confession, as of Paschal Communion, is not a *pœna latæ*, but a *pœna ferendæ sententiæ*.

The ardent wish of the Church is that her children should confess frequently during the year. This is apparent from the wording of the law. Frequent confession is of the greatest usefulness to all without exception, to the sinner as well as the just. It destroys the evil inclinations born by sin and averts its terrible consequences.

1. Although, absolutely considered, a single confession made worthily and with due preparation is able to arrest us in the downward career of vice, to extinguish the long-nourished flame of passion, to correct our evil inclinations and habits, to confirm us in grace, and to insure us against relapse; yet this is not the ordinary course of things. When we are cleansed from our sins by the Sacrament, we have yet to face a long struggle with the remains of sin; for the wounds inflicted by sin, though closed by the grace of absolution, leave us in a weakened condition, and may easily reopen. To effect a perfect cure of the soul, and to purify its inclinations and habits, there exists no more efficacious means than frequent confession. It leads us to greater watchfulness over ourselves, constitutes an act of humility, forces us to renew our good resolutions; it equips us with many special graces, intended to assist us in our

spiritual warfare, and to enable us to persevere in the paths of virtue in spite of the manifold difficulties which we encounter.

2. Frequent confession is also the most powerful means to counteract the disastrous consequences of sin. The most fatal of these are: blindness of the soul, hardening of the heart and final impenitence. As often as we go to confession, the great salutary truths of our religion are recalled to our mind. We reflect on God and our last end, on Jesus Christ and His love and mercy, on the wickedness and the dreadful punishments of sin, on our august duties, and on God's holy law. Frequent confession is an antidote against the hardening of the heart, since it arouses in us a profound hatred of sin, love for God, fear of His wrath, and the desire of accomplishing His will. Finally, as at every confession we again banish sin from our hearts, frequent confession is the best preparation for a penitent life and a happy death.

Also the just derives great benefits from frequent confession; he is more and more cleansed from the lesser faults, committed daily; the grace and love of God are increased in his heart, and special helps to overcome his failings and weakness are granted to him. The oftener the just man approaches this holy Sacrament, the more fully does he partake of its peculiar graces.[22]

22 Pauli Segneri, S.J., Instructio Pœnitent. cp. XV: *Fructus percepti ex frequenti confessione*.

4. Forgiveness of Venial Sin

By divine and ecclesiastical precept we are bound only to confess mortal sins; there is no obligation to confess venial sins; these may be forgiven without receiving the Sacrament of Penance. "Venial sins, by which we are not shut out from the grace of God and into which we fall more frequently, though they be rightly and profitably declared in confession, as the practice of pious people demonstrates, may be omitted without guilt, and be expiated by many other methods." Such is the teaching of the Council of Trent.[23]

23 Sess. XIV. cp. 5.

Before enumerating the methods by which venial sins can be remitted we wish to observe:—

1. The most necessary condition for the remission of any sin, and therefore also of venial sin, is *contrition*. So long as a man is attached to sin and does not detest it, God cannot forgive it, for He is infinitely holy and just. It is not, however, absolutely necessary to specify the sins and make a formal act of sorrow for them, otherwise David's prayer *Ab occultis meis munda me* (Ps. xviii. 13) would be useless and the remission of forgotten sins impossible. *Virtual* contrition is sufficient, *i.e.* the sinner must be actually contrite for all his sins, and from universal motives which apply even to those sins of which he is unconscious or which he has forgotten. He must also have the intention of including in that contrition all the sins by which he has offended God. Although venial sin is more easily forgiven than mortal, yet this forgiveness is impossible without at least a virtual contrition for it. For when a man falls into venial sin he turns inordinately to creatures, not, however, as in mortal sin, by entirely abandoning God, his last end, and unreservedly giving himself up to creatures. This attachment to creatures, however, makes it necessary that he should, if not formally and explicitly, at least virtually and implicitly, turn away from them and combat this guilty affection for creatures by a contrary act of the will. A work done to please God, or a mere act of love without abhorrence of sin, does not remit that sin. As venial sin may coexist with the general habit of the love of God, so it may coexist with a particular act of that love; for a man can make an act of perfect love or even an act of perfect contrition and still retain a leaning toward some particular venial sin.[24]

24 Cf. S. Th. De Malo, Q. 7, art. 12 ad 4, and Summa Theol. III. Q. 87, art. 1. St. Thomas demands for the forgiveness of mortal sin a *perfectior pœnitentia*, that is, that a man actually detest his mortal sins so far as he can; *sed non hoc requiritur ad remissionem venialium peccatorum; non tamen sufficit habitualis displicentia quæ habetur per habitum caritatis, vel pœnitentiæ virtutis, quia, sic caritas non compateretur peccatum veniale, quod patet esse falsum*.... Hence follows, continues the holy Doctor, that there is required a *virtualis displicentia, puta cum aliquis hoc modo fertur secundum affectum in Deum et res divinas, ut, quidquid sibi occurreret, quod eum ab hoc motu retardaret, displiceret ei et doleret, se commisisse, etiamsi actu de illo non cogitaret, quod tamen non sufficit ad remissionem peccati mortalis nisi quantum ad peccata oblita post diligentem inquisitionem*. III. Q. 87, art. 1. Scavini, l. c. n. 13. There is an apparent opposition, but it is only apparent, between this teaching of St. Thomas and that of Suarez (Disp. II. Sect. 3. n. 8 sq. in Sum. III. Q. 87, art. 2) and other theologians, who hold that venial sins can be forgiven without formal contrition by an act of supreme love of God. For Suarez distinguishes a twofold perfection in this love, an objective *secundum extensionem ad venialia peccata*, and an intensive *ex conatu potentiæ*. Only the objective love which extends to venial sin is, according to this learned theologian, able to atone for venial sin, because it implies an aversion of the will from sin in consequence of that love. Hence, it will effect the remission of all venial sins *quoad culpam* if it extends virtually to all, or of some only, in so far as these are affected by the act of love. This aversion of the will from sin is nothing else than a *virtualis displicentia*; in other words, contrition.

2. Since the presence of venial sin is compatible with that of sanctifying grace, and since a man can be sorry for one venial sin without being necessarily sorry for another, it follows that one venial sin may be forgiven and others left unforgiven.

3. A penitent who is burdened with both mortal and venial sins may by perfect contrition or the Sacrament of Penance be freed from his mortal sins and yet be left with his venial sins still upon him because he is not sorry for these.

4. Hence, if a man is in the state of mortal sin, his venial sins cannot be remitted without the mortal sin being at the same time forgiven; for God cannot forgive one who will not acknowledge and love Him as Lord and God; and, according to the doctrine of St. Thomas, just as mortal sin is forgiven by the influx of sanctifying grace, so the remission of venial sin is dependent on a movement of grace or love, which therefore must be actually present.[25]

25 Cf. III. Q. 87, art. 4 et 2. On the diverging views of Scotus and Durandus, compare Suarez, De Sacram. Pœnit. Disp. II. Sect. 2, n. 2.

Venial sins are forgiven:—

1. By the Sacrament of Penance, and that directly and *ex opere operato*, when they are submitted in confession to the power of the keys with *formal* contrition and purpose of amendment.

2. "By many other means,"[26] such as:—

26 Trid. Sess. XIV. cp. 5.

(*a*) All the Sacraments; they remit sins *ex opere operato*, and especially those sins which are opposed to the particular end of the Sacrament. For the object of every Sacrament is the sanctification of souls, and hence the removal of all that hinders this sanctification. Now venial sins in particular, by hindering the conferring of richer graces, are an obstacle in the way of attaining sanctity. Cardinal Lugo, in treating this subject, illustrates it by the attitude of two friends: "Even where, in the strict nature of things, we cannot expect that the influx of grace should cause the remission of sins, yet it is in accordance with good feeling that where fresh and closer ties of friendship have been formed, little offences should be condoned. If, then, the influx or increase of grace is a new bond of friendship between God and the just man, uniting him more intimately with God, an embrace of love, so to speak, and a kiss of peace, it is probable and reasonable to suppose that there is granted also a remission of the smaller sins which have been retracted."[27]

27 Disp. IX. Sect. 3, n. 53.

It is always, however, necessary and sufficient to elicit at least a virtual or implicit contrition, contained in a pious and supernatural affection toward God, which is opposed to venial sins, and is consequently a virtual horror and retraction of the same.[28]

28 Cf. S. Th. III. Q. 87, art. 1 et 3.

Not all the Sacraments, however, effect this forgiveness in the same manner. Next to the Sacrament of Penance, Baptism and Extreme Unction have a peculiar power, because they were instituted by Christ for the very purpose of forgiving sins. If an adult who had been purified of original sin and of his mortal sins by perfect love and contrition (the Baptism of desire), but, on account of his

attachment to venial sins, was not yet freed of these, were to receive Baptism, all his venial sins for which he had at least virtual contrition would be forgiven through this Sacrament. For, according to the teaching of the Council of Trent, Baptism effects a new birth, and in consequence the remission of sins, with the exception, of course, of those venial sins which the newly baptized person has not yet renounced.[29]

29 Cf. Trid. Sess. V. Decr. de peccato orig. n. 5; Sess. XIV. de pœn. cp. 3; S. Th. III. Q. 86, art. 2 ad 1.

Of Extreme Unction the Council of Trent, referring to James v. 15, teaches that it forgives the sins which defile the soul, and removes the remains of sin.[30]

30 Sess. XIV. de Extr. Unct. cp. 2, can. 2.

With respect to the Holy Eucharist the same Council[31] declares that although the forgiveness of sin is certainly not the principal fruit of this Sacrament, yet, in accordance with our Lord's commands, we should receive it in order thereby to be freed from our daily trespasses and strengthened against mortal sin.

31 Sess. XIII. can. 5 et cp. 2.

Hence there is no doubt that the Holy Eucharist removes venial sins. But theologians do not agree how it produces this effect—whether, as in the case of the three preceding Sacraments, immediately, *ex opere operato*, or only mediately, *ex opere operantis*. The champions of both views appeal to St. Thomas, who on the one hand teaches that the Holy Eucharist acts after the manner of bodily food, repairing what in the heat of concupiscence we have lost by venial sin, and on the other hand declares the peculiar grace (*res sacramenti*) of this Sacrament to be *caritas*, and that not only *quantum ad habitum sed etiam quantum ad actum*; in other words charity is elicited in this Sacrament, and through its operation venial sins are forgiven.[32]

32 III. Q. 79, art. 4.

Suarez interprets St. Thomas as teaching that the Holy Eucharist effects the remission of venial sins *ex opere operato*, and this interpretation would seem to have the preference over that of theologians who, with St. Alphonsus, insisting on the words just quoted, hold that the Sacrament of the Eucharist works *ex opere operantis*.[33]

33 Suarez, Comment, ad III. Thomæ, Q. 79, art. 4. Cf. Disputatio 63, Sect. 10, n. 1.

The three remaining Sacraments, of Confirmation, Orders, and Marriage, do not so directly imply forgiveness of venial sin; still they pour into the soul of the recipient a new grace, and so they, too, must be considered as remitting venial sins when no obstacle is put in the way.[34] The range of this power varies according as the grace conferred in the Sacrament is more or less opposed to some particular sin or kind of sins. The most efficacious of the last-named Sacraments in eliminating venial sin is that of Confirmation, because its influence extends to the whole life of faith and grace, strengthening and bringing it to perfection.[35] Holy Orders give grace to the recipient, so that he may attain the holiness and perfection that befit his state, and in consequence they also purify from sin.[36] Finally, Matrimony remits venial sins because it confers the grace by which concupiscence is curbed and restrained, and by which the recipients are enabled to fulfil their duties of mutual sanctification.

34 Cf. S. Thom. Q. 87, art. 2 et 3.

35 Cf. S. Thom. Q. 72, art. 7 ad 2.

36 Cf. S. Thom. Suppl. Q. 26, art. 1 et 3.

(*b*) Venial sins are likewise removed by the holy sacrifice of the Mass, which of its own nature is a sacrifice of atonement, a *sacrificium vere propitiatorium*.[37] It works this forgiveness, as theologians teach, *per modum impetrationis*, therefore mediately, by obtaining for the sinner from God the grace of contrition or other virtues, excluding affection for sin.[38]

37 Trid. Sess. XXII. de Sacrif. Missæ, cp. 2.

38 Cf. S. Alph. Lib. VI. n. 311.

(*c*) The sacramentals also destroy venial sins. "By the use of the sacramentals the faithful confess and awaken their faith, hope, reverence for God, a longing for interior holiness and sinlessness, or a horror of sin, and sorrow for past offences. The symbols blessed or used by the Church confer a grace which produces or strengthens desires and acts of different virtues, which in turn destroy venial sin and atone for it."[39] Hence a sacramental possesses power of remitting sin in proportion as its character and the blessing of the Church cause it to excite or strengthen acts of virtue in the faithful. The Church has a sacramental especially designed for the remission of venial sins, and makes use of it on those occasions when the faithful need greatest purity of heart. It consists of the two prayers: *Misereatur vestri*, etc., and *Indulgentiam, absolutionem*, etc.[40] To these we may add the use of holy water, which, in accordance with the intention and prayers of the Church when she blesses it, is designed to ward off the devil's influence from animate and inanimate creatures and to protect them from impurity, sickness, and harm.[41] The effect of the other sacramentals in procuring remission of venial sins is not so direct. The more they are of their own nature suited to awaken contrition, and the more directly the intention in the use of them is directed to the cleansing from sin, so much the more effectual are they in this respect.[42]

39 Tappehorn, Die lässliche Sünde, p. 55.

40 Some theologians attribute to these two prayers an effect *ex opere operato*. Suarez, Disp. 12, Sect. 2, n. 6.

41 Cf. S. Thom. III. Q. 87, art. 3.

42 Cf. Müller, l. c. Sect. 110, II. n. 4.

(*d*) Contrition by itself also procures the remission of venial sins, and more especially when it is perfect (*contritio*), since, then, it destroys mortal sin and is, therefore, still more efficacious in the case of venial. Perfect contrition removes all venial sins if it is universal, that is to say if it extends to all venial sins, or if a man is disposed never more to commit venial sin and would be sorry for all his past sins, if they were present to his mind. On the other hand, an act of perfect contrition does not remit all venial sins, if it extends only to this or that particular venial sin, or if a person is disposed to avoid only one or other of his venial sins.[43]

43 Cf. S. Thom. III. Q. 87, a. 2; S. Bonaventure, In IV. Sent. Dist. 20, P. 1, a. 1, Q. 2 ad 3.

According to the teaching of the more numerous and distinguished theologians, even imperfect contrition remits venial sins; this imperfect contrition (*attritio*) must spring from some supernatural motive referring to God—such for instance as the thought that venial sin is a violation of the obedience or reverence due to God.[44] By *attritio* the affection toward sin is entirely uprooted and the will is withdrawn from the sin, man turns again to God as his last end, and expiates his fault by his sorrow.[45]

44 Cf. Lugo, De Sacram. Pœnit. Disp. IX. Sect. 2, n. 29 et seq.; Suarez, Disp. XI. Sect. 3; Ripalda, De Ente Supernaturali, Tom. II. Lib. IV. Disp. 97, Sect. 4 (Ed. nova, Parisiis, 1870).

45 For the arguments of those who oppose this teaching, see Suarez, Disp. XI. Sect. 3, n. 5; Gury, I. n. 457; Scavini, l. c. n. 11 ss.

(*e*) Moreover, the "love of God above all things" remits venial sins if it is actual and formally or virtually opposed to venial sin.[46]

46 Cf. Suarez, Disp. 11, Sect. 3, nn. 8-10.

(*f*) Lastly, venial sins are forgiven by good works done from a motive of penance (*ex affectu pœnitentiæ*), especially those to which Holy Scripture assigns the virtue of destroying venial sin. Such are: prayer[47] (John xiv. 13 s.; xvi. 23), almsgiving and fasting, especially the works of mercy and mortification (Ecclus. iii. 33; iv. 1-11; Tob. iv. 11; Dan. iv. 24; Matt. v. 7; John iii. 5-10; 1 Reg. vii. 5, etc.; 1 Esdras viii. 21, etc.). Cf. S. Thom. II. II. Q. 147, art. 1 *et* 3.[48]

47 There are three prayers which have quite a special efficacy in this matter: one has come to us from the Holy Ghost through David, the other from Our Lord, and the third from the Church; they are the seven penitential psalms, the Our Father, and the Confiteor. Cf. S. Thom. III. Q. 87, art. 3; I. II. Q. 74, art. 8 ad 6.

48 On the remission of venial sins, defiling the faithful who die in grace see S. Thom. De Malo, Q. 7, a. 11; Suarez, Disp. 11, Sect. 4; Disp. 47, Sect. 1; Palmieri, Tract. de Pœnitentia, p. 190 ss.; Oswald, Eschatologie, p. 84 ss.; Tappehorn, Die lässliche Sünde, Sect. 11, p. 61 ss.

5. The Constituent Parts of the Sacrament of Penance in General

As in the other Sacraments a distinction is made between the *matter* and the *form*, so too in the Sacrament of Penance; but with a certain difference, which appears from the fact that the Council of Trent speaks of the matter of this Sacrament as a *quasi-materia*. The _Catechismus Romanus_[49] states this more fully when it says: This Sacrament is distinguished from the other Sacraments especially in this, that the matter of the other Sacraments is a substance produced by nature or art, while in the Sacrament of Penance it is the acts of the penitent, especially the contrition, confession, and satisfaction; yet it is not because these acts are not to be considered as truly matter of the Sacrament that the Holy Council calls them *quasi-materia* ("as it were the matter"), but because they are not materially or externally applied, like water in Baptism and chrism in Confirmation. These three acts of the penitent are styled by the Council of Trent the parts (*partes*) of the Sacrament of Penance "in so far as they are required by God's ordinance in the penitent for the completeness of the Sacrament and for the entire and perfect remission of sin."[50] To these must be added the absolution of the priest, which constitutes the form. Hence we have to consider as parts of the Sacrament: (1) contrition, (2) confession, (3) satisfaction, and (4) absolution.[51]

49 Cat. Rom. P. II. Cap. V. Q. XII.

50 Cat. Rom. l. c.

51 Cf. Trid. Sess. XIV. cp. 2, 3 et 4, can. 4; S. Thom. III. Q. 86, art. 6; Ballerini, Op. Theol. Mor. l. c. cp. 1. n. 2 ss.

The three acts of the penitent have not all, however, the same importance. The satisfaction belongs to the Sacrament only in so far as its integrity and its complete efficacy are concerned; hence it is not an essential, but only an integral part of the Sacrament. It is true that the power of imposing on the penitent a suitable satisfaction belongs essentially to the administration of this Sacrament; hence also the penitent is obliged to accept this penance and to declare himself willing to perform it. The actual performance of the penance, however, is not necessary in order that the Sacrament should produce its effect.[52]

52 Suarez, Disp. 20, Sect. 3, n. 8, and Disp. 58, Sect. 1, n. 3; Lehmkuhl, l. c. Cap. III. Sect. 1, n. 258; Aertnys, l. c. Cap. III. art. 1, n. 174. Without satisfaction the Sacrament is there in its essence, but it is not quite perfect, as a man without legs is, indeed, a man essentially, but not a complete and perfect one. For this Sacrament was instituted for the *complete* removal of sin, both guilt and punishment; thus it produces not only remission of the guilt and of the eternal punishment (in which may be included a portion of the temporal punishment), in consequence of the absolution, but also remission of the temporal punishment by the performance of the penance imposed; hence the satisfaction is a part of the Sacrament which produces these effects. Cf. Lugo, De Pœn. Disp. 12, n. 40.

The confession or self-accusation of the penitent in presence of the priest is the principal matter of this Sacrament, for this is necessary *in se* and *per se*, in order that the confessor may form a judgment and administer the Sacrament.

Contrition is a necessary constituent of the Sacrament but merely *in se* not *per se ipsum*, and only as contained in the accusation, which is an outward manifestation of the contrition; for contrition is not *per se* subject to the senses, but must be outwardly shown in some way in order to become manifest.[53] "The contrite accusation, therefore, realizes all the conditions of the matter in the Sacraments."[54]

53 Lehmkuhl, l. c. n. 258.

54 Aertnys, l. c. Cap. III. art. 1, n. 174.

Theologians draw a further distinction in this Sacrament between the proximate and the remote matter (*materia proxima et remota*). *Proxima materia* consists of the acts which the penitent has to perform, and *remota materia* of the sins committed after Baptism which the penitent has repented of and confessed and for which he must do satisfaction.[55]

55 Theologians do not agree as to whether the acts of the penitent are in truth matter belonging to the inner constitution of the Sacrament—in the same way, for instance, as the washing with water is an intimate element of Baptism—or whether they belong to the Sacrament only in a wider sense; in other words, whether the acts of the penitent are *materia ex qua* or only *materia circa quam* of the Sacrament. The Scotists place the whole essence of the Sacrament in the absolution, and teach that the acts of the penitent are only *materia circa quam* and *conditio sine qua non*, in such a manner, however, that without these the absolution cannot be sacramental; hence they have no hesitation in considering these acts essential. The Thomists, and by far the greater number of theologians, consider the acts of the penitent as *materia ex qua*, because they do in fact belong essentially to the constitution of the external act which produces the interior grace. This doctrine unquestionably carries the day, "unless," as Lehmkuhl says, "one chooses to call the acts of the penitent *materia ex qua*, not as having their origin in the penitent, but as matter presented judicially to the confessor, a question about which I do not wish to argue, for that acts of the penitent—sorrow and accusation—are necessary, and should be elicited, is beyond all doubt." Lehmkuhl, l. c. n. 256. Cf. Ballerini, Op. Theol. Mor. l. c. cp. 1, n. 14.

6. Of the Remote Matter of the Sacrament of Penance in Particular

The remote matter of this Sacrament are, as we have already seen, the sins committed after Baptism. Those committed before Baptism are forgiven entirely in Baptism, wherefore they are not, properly speaking, subject to the Sacrament of Penance. Again, a man is not under the Church's jurisdiction till he is baptized, and this Sacrament of Penance is administered by virtue of the jurisdiction which the Church exercises over her members. The sins which are confessed are not, however, *materia ex qua*, as is water in the Sacrament of Baptism, by means of which the Sacrament is conferred, but *materia circa quam*, with regard to which the penitent performs the necessary acts and receives absolution. As, for example, in a lawsuit the matter proposed for decision and the sentence are called the matter of the case, so here the sins which form the object of the sacramental process instituted for the remission of sins are regarded as the remote matter of penance.[56] This remote matter is divided into:—

56 Cf. Aertnys, l. c. Cap. III. n. 171.

1. *Necessary* and *free* matter (*necessaria et libera*), *i.e.* necessary *as a consequence of the divine command*, by which definite sins (a definite *materia remota*) must be submitted to the sacramental tribunal and the power of the keys, so that the penitent who wilfully neglects this course cannot receive the Sacrament validly. By free matter we understand those sins which the penitent voluntarily confesses whilst not bound to do so by divine law.

2. *Certain* and *doubtful* (*certa et dubia*), *i.e.* matter which in the judgment of the confessor is a certain and valid object of absolution; or matter regarding which absolution cannot be pronounced without misgiving.

3. Finally, *sufficient* and *insufficient* (*sufficiens et insufficiens*), *i.e.* such matter as suffices for the administering of the Sacrament and the granting of absolution, whether the matter be necessary or free, and such over which sacramental absolution cannot be pronounced.

Necessary matter comprises all grievous sins committed after Baptism and not at any former time submitted directly to the power of the keys; of all and each of them the penitent is obliged to accuse himself.

Sins are remitted *directly* when they have been remitted *per se* quite independently of other sins. This is the case when they have been explicitly confessed to a priest having the required jurisdiction. Sins are forgiven *indirectly* when they are remitted in conjunction with other sins, and not *per se*. This happens when a penitent omits a sin through invincible ignorance or forgetfulness or inability; or if a confessor without proper jurisdiction, for serious reasons, gives absolution. In both cases such sins are remitted in conjunction with the other sins which have been explicitly confessed and over which the priest had jurisdiction. This must be so, for a penitent cannot at the same time experience God's mercy by the remission of the sins which he has confessed and also be an object of God's wrath with respect to his other sins; moreover, the inpouring grace, through the remission of the sins that have been confessed, is not compatible with the presence of mortal sin remaining in the soul.

It is in consequence of Christ's institution that all the sins committed after Baptism and not yet directly forgiven, and also the sins only indirectly forgiven, must of necessity be revealed to the priest; for in appointing the priest to be His representative, Christ made him the judge before whom all mortal sins must be brought, that, in virtue of the power of the keys, he might pass sentence of loosing or binding.[57] Over sins which have not yet been directly remitted the confessor has pronounced no judgment, for they were unknown to him; hence, in accordance with Christ's command, even sins indirectly forgiven must be submitted by confession to the power of the keys in order that they may obtain direct forgiveness.[58]

57 Trid. Sess. XIV. cp. 5.

58 Lacroix, Theol. Moral. Lib. VI. P. II. n. 595 ss.; Mazzotta, Theol. Moral. Tr. VI. Disp. l, q. 4, cp. 5. Hence Alexander VII condemned the proposition (Prop. II. damnata) that sins omitted in confession, whether they have been forgotten, or not confessed on account of danger of death, or for any other reason, need not be mentioned again in confession.

The following classes of sins are *sufficient* and *free* matter for confession:—

(*a*) The *venial sins* committed after Baptism. These are matter sufficient because Christ gave His priests power to forgive *all* sins, therefore also venial sin; and the Council of Trent teaches that it is good and wholesome to confess venial sins. Since, however, the recommendation of the Council imposes no obligation to confess them, as they may be remitted by other means, they are free matter.

(*b*) *Sins already directly forgiven* are also *free* matter. Since they have already been remitted by sacramental absolution they may be said to exist no longer. Nevertheless, though they have been forgiven, one may renew his sorrow for them, and on that account the absolution may be given again validly, even if no other sins be presented. This is proved by the general practice of the faithful and the unanimous teaching of theologians, who declare that contrite confession of a past sin is always *materia proxima* of the Sacrament; a sin which has received forgiveness remains always a sin of the past and so can be made the object of sorrow and of sacramental accusation.[59]

59 S. Alph. l. c. n. 427, dub. 2; Gury (Ed. Rom.), n. 418; Ballerini, Op. Theol. Mor. l. c. n. 17; Müller, l. c. Sect. 111; Aertnys, l. c. n. 172. Q. I.

Moreover the highest authority in the Church favors this view; for Benedict XI teaches[60]: "Though it be not necessary, yet we consider it very wholesome to repeat the confession of special sins on account of the humiliation which they cause." Although, in these words, the Holy Father speaks of humiliation only as the advantage to be drawn from the confession of previously forgiven sin, it is quite evident that he does not intend to exclude the great benefits which the absolution pronounced over these sins must bring, for the confessions of which the Pope speaks are made only in order to obtain absolution.[61]

60 Extravag. com. l. 5. tit. 7 (de privileg.), c. I. Const. "Inter cunctas."

61 Cf. Ballerini, l. c.; Lehmkuhl, l. c. n. 263.

Thus, besides this salutary humiliation, the confession of forgiven sins and the absolution again pronounced over them cause an increase of sanctifying grace and a remission of temporal punishment, augment the hatred for sin, and dispose the penitent, who has only human shortcomings or venial sins of less moment to disclose, better toward a sincere contrition. How in this case the true notion of "absolution," which is in fact identical with the influx of sanctifying grace, is preserved, remains for the dogmatic theologian to settle; for our purpose it is enough to

indicate briefly Lugo's explanation. "As," says the learned Cardinal, "after making a vow I can bind myself afresh to its observance by renewing the vow in a manner which binds me independently of the former promise, so God may again waive His right of punishing sin, by a renewal of the compact with man to pardon past sins, and this repeated renunciation of the divine right is as efficacious as the first, and is made by a new infusion of sanctifying grace."[62]

62 Lugo, De Pœnit. d. 13, n. 73.

Since venial sins and mortal sins already directly remitted are *free matter*, it is not necessary to accuse one's self of them with such accuracy and perfection regarding number and species as in the case of necessary matter, even if there be nothing else to confess. In this case we cannot urge the two reasons for which the accusation of mortal sins not yet confessed must include the details of species and number, for neither has God ordered it, nor is it required in order that the judicial power may be properly exercised with regard to them. Hence it suffices to accuse one's self in such a way as to enable the priest to form *some* sort of judgment. That this is possible if the sin is confessed at least *generically* (*generice*) is seen from other cases. For instance, a man who knows that on one occasion he sinned gravely against the sixth commandment but has forgotten the exact specific nature of the sin, or that he has sinned gravely but has quite forgotten what the sin was, is obliged, as all theologians teach, to confess that he has sinned gravely against purity, or, in the latter instance, that he had committed a mortal sin. Many extend this obligation to a sin which is only doubtfully mortal, of which the penitent cannot any longer remember the species, and which moreover is the only sin weighing upon his conscience.[63]

63 Cf. Lehmkuhl, l. c. n. 263.

We have viewed our subject with respect to the validity of the Sacrament. Let us see how in practice a general accusation may be made, and how far such general accusations are valid and permissible matter for absolution.

1. A penitent may accuse himself thus: "I have sinned and I accuse myself of the sins of my whole life," and if the confessor has no other knowledge of these sins, such an accusation is general in the widest sense; to this class belongs also an accusation conveyed by an expression of sorrow without any explicit avowal of sin.

2. A more particular but still general accusation is: "I accuse myself of all the mortal sins which I have committed."

3. Yet more precise is the accusation: "I accuse myself of all the lies I have told, or of all the sins I have committed against purity, or justice, or this or that particular virtue," thus pointing out the virtue or the command against which he has sinned, but without giving the ultimate specific character (*infima species*) of the sin.

4. Finally, the penitent may declare the ultimate species (*infima species*) of the sin without determining the precise act and without the specific circumstances and their number; *e.g.* I accuse myself of all profanations of the name of God, of all sinful looks dangerous to purity, of all deception in my dealings with my neighbor, etc.

When there is question in the confession of *materia libera*:—

1. The last two methods of general accusation are sufficient for the valid and licit administration of the Sacrament, whether the whole confession consist of such a general accusation or whether this general accusation be added to a confession of venial sins to make sure of contrition. The second method of accusation might perhaps be allowed; but if any one wished to make the *whole* confession by this *second* method of general accusation, embracing in this manner sins already confessed without some sort of a special mention of venial sins lately committed, the confessor might well object and could not easily give absolution unless in case of some pressing necessity. If, however, sins not yet explicitly confessed are declared, and a general accusation is added of the second kind for the sake of security, this may be considered as sufficient both *quoad valorem* and *quoad liceitatem*. For the accusation, "I have sinned mortally," is not quite vague, as it expresses a certain degree of sinfulness which may very well be (and at times is all that can be obtained) the object of a judicial sentence.

2. An entirely vague accusation, although there be necessary matter, may be accepted as being sufficient in cases of extreme necessity—when a detailed accusation is impossible and absolution must be given. For instance:—

(*a*) At the time of death, when the dying man can no longer speak or is unconscious, and has already shown signs of a desire for absolution; for, according to the Roman Ritual, such a man is to be absolved (*absolvendus est*), and this official book of the Church suggests nothing about making the absolution conditional.

(*b*) In other cases of impending death, when the desire for absolution is expressed by any sort of sign; *e.g.* in a shipwreck where there is not time to make a full accusation.

(*c*) If a penitent is too ignorant or too weak-headed, even with the help of the confessor's questions, to render an accurate account, at least absolution may at times be given to such a penitent if he has not had it for a long period.[64]

64 Reuter, Neoconfessarius, P. II. Cap. III. Art. IV. n. 117.

3. When it is a question of venial sins only (on the supposition that these either alone or in conjunction with other doubtful matter have been confessed), the confessor may not give absolution for an accusation which is quite vague, for such an accusation offers no *entirely certain* matter for absolution, and from what is allowed in danger of death we may not conclude that the same will suffice for the validity of absolution in cases where there is no urgency. A confession, for instance, delivered by a messenger is permissible only in the case of imminent death where no other means can be devised; this is clear from the propositions condemned by Clement VIII and Paul V. In any other case, the unanimous voice of theologians declares such a confession invalid. Hence if valid matter can be presented, it must be done if absolution is to be given.

This is clear, too, on the merits of the case itself. One may always presume that the desire which a dying man expresses for absolution is at least a hesitating, if not definite, acknowledgement of having committed mortal sin by the fact that he considers absolution necessary and desirable; but if a man, though able, accuses himself of no definite sins to his confessor, it is tantamount to a declaration that he has committed only venial sins. Now the confession of mortal sin in general contains something

definite; whereas an accusation of venial sin in general is altogether vague; hence the *causa judicialis* in this case is quite unknown, and no sentence can be passed where the charge is unknown and undetermined.

Finally, it is quite foreign to the practice of the Church to make a confession by the formula, "I have no mortal sins; I am sorry for my venial sins, and I ask absolution." He who evades, therefore, a fuller accusation of his venial sins, when he could make one, is unworthy of absolution, which is intended to be given by the Church only to those who make a definite accusation.[65] Though, adds Laymann,[66] no one is bound by any law to confess venial sins, yet whoever wishes to receive sacramental absolution must accuse himself at least of some venial sin, *in specie*.[67] Suarez says, and rightly, that the validity of such an accusation may be defended speculatively, but that practically it is to be condemned on account of the uncertainty of the matter. "I declare, then," he continues, "that, though we are not strictly bound to confess the species of the venial sins, yet, supposing that we wish absolution, we are bound to offer certain and definite matter. But in case of necessity or where it is impossible to make a more definite accusation (as might happen in the case of a man who is dying) such matter would doubtlessly be sufficient."[68]

65 *At accusare se de venialibus in genere dicendo v. g. Accuso me de multis venialibus, nihil aliud exprimendo, probabilius non videtur licere extra casum necessitatis; tum quia est contra praxim Ecclesiæ, tum quia hoc Sacramentum est institutum per modum accusationis et judicii, quod per se loquendo fieri debet circa materiam saltem in specie certam et determinatam.* Mazzotta, l. c. Tract. VI. Disp. I. Q. IV. c. II. Cf. Suarez, Disp. 23, Sect. I. n. 10; Reuter, Neoconfessarius, P. II. C. III. Art. 4, n. 117.

66 De Sacr. Pœnit. c. 5, n. 14.

67 Cf. Mazzotta, l. c. Tract. VI. Disp. I. Q. IV. c. II.

68 Suarez, Disp. 23, Sect. I. n. 10.

"Since, then," concludes Lehmkuhl, "outside the cases of necessity or impossibility a vague confession of only venial sins does not supply definite matter, it is not sufficient to add it to the particular confession in order to have a more secure ground for a valid absolution than by the accusation of the smaller sins committed since the last confession, unless the confessor from previous knowledge of the penitent can decide whether sufficiently definite matter is presented to him in this vague general assertion."[69]

69 Lehmkuhl, l. c. n. 266.

In consequence the following rules are recommended in practice:—

1. If, in order to secure unquestionably definite matter from the past life of the penitent, some sin or other is confessed in addition to those committed since the last confession, it ought to be done by mentioning the virtue or the commandment which was violated.

2. Some really grave sin ought to be mentioned.

3. It should not be mentioned out of mere routine, but with real sorrow of heart.

4. Since of late a number of writers defend the mere vague accusation on this free matter as valid and permissible[70] even outside cases of necessity, the confessor when unable to get more definite matter may acquiesce and grant absolution.

70 Cf. Gury-Ballerini, Compend. Theol. Moral. II. n. 421.

5. If one desires to derive real spiritual profit from the confession of venial sins, too great minuteness as well as too great vagueness must be avoided; some particular venial sin which causes more uneasiness than the rest might be made a subject of more especial sorrow and more careful accusation, otherwise in many cases the sorrow as well as the accusation and purpose of amendment are likely to be too vague, if not completely absent. It has been pointed out previously that gross ignorance on the part of the penitent is a reason for taking a very general accusation as valid for absolution.

In practice the confessor should attend to the following rules:—

In the case of a penitent who accuses himself of no sin in particular, let the priest inquire whether this be due to the fact that the penitent has really not committed any mortal sin, or to invincible ignorance, or to a rooted habit of sin which has produced in the penitent a darkening of the intellect and a recklessness with regard to his salvation. If the penitent accuses himself of no sin in particular because he is really quite unconscious of grave trespass, the confessor might suggest to him a few lesser sins such as are usually committed by people in the same station of life, and ask if, since the last confession or in his past life, he has ever given way to such sins—if, for instance, he has offended his neighbor, or been violent, angry, disobedient, careless in prayer, etc. If the penitent answers in the affirmative to one or other of these questions, the confessor should excite him to repentance and purpose of amendment, so far as he sees it necessary, and then absolve him. If, however, the penitent answers all questions with a No, and cannot be induced to acknowledge any sin of his past life, further questioning should be avoided, and the penitent urged to make an act of sorrow for all the sins of his whole life, especially those committed against his neighbor, or against obedience, etc. If the penitent accede to this, as often happens, in spite of his former declaration that he is not conscious of any sin even in his past life, the priest should arouse him to sorrow and a firm resolution, and absolve him conditionally if the penitent has not received absolution for a long time.

With such penitents there will be reason to suspect that their disposition comes from want of knowledge of the most necessary truths of salvation. If the priest discover this to be the case—as he may by a few judicious questions—he may not absolve him till after instruction in these necessary truths. Ordinarily it will be well to instruct him at once before leaving the confessional, for fear that he should neglect approaching the Sacraments—a consequence much to be apprehended—or take no pains to get instructed. If, however, the priest finds out that the cause of the ignorance is a rooted habit of sin, or the insensibility following on certain sins which have so fatal an effect in this matter —as, for instance, impurity or drunkenness—he must exercise great patience, putting before the penitent earnestly the awful consequences of his sinful life, instruct him, and in every possible way prepare him with true apostolic zeal to receive worthily the sacrament, either immediately or later, if the absolution be deferred, and to fulfill his resolutions of making an earnest amendment.[71]

71 On this matter see the eminently practical hints of Reuter in his Neoconfessarius, l. c. n. 117. Cf. Lehmkuhl, l. c. nn. 266, 267.

7. The Form of the Sacrament

The form of the Sacrament, "in which its power principally lies,"[72] consists of the words which the priest utters over the penitent: *Ego te absolvo a peccatis tuis in nomine Patris et Filii et Spiritus Sancti, Amen*. To these words the custom of the Church has added others which have become fixed in the ritual and are prescribed, though "they do not belong to the *essence* of the form and are not necessary for the conferring of the Sacrament."[73]

72 Trident. Sess. XIV. cp. 3.

73 Trident. l. c.

There is no doubt that the words *Ego te absolvo*, or *te absolvo* simply (since the pronoun *Ego* is contained in the verb *absolvo*), belong to the *essence* of the form. These words are *de essentia formæ*, because, as St. Thomas says,[74] they signify the *virtus clavium et totum Sacramenti effectum*.

74 III. Q. 84, a. 3.

According to most theologians the words *a peccatis tuis* do not belong to the essence and the validity of the Sacrament; for this view we may quote St. Thomas and the authority of the Roman catechism, which says: "The form is: *Ego te absolvo*." The words *a peccatis tuis* are sufficiently indicated by the accusation of the penitent and the act of the priest who gives absolution. Other theologians, however, maintain that these words are essential, arguing that since Christ in instituting the Sacrament used the words, "Whose sins you shall forgive," the remission of sins ought to be expressly mentioned. Though the first view is the more probable, the words ought not to be omitted in practice, since in the conferring of the Sacraments the safer opinion should be followed.[75]

75 S. Alph. Lib. VI. n. 430, Dub. 2; Ballerini, Op. Theol. Mor. l. c. n. 32.

If the words *absolvo a peccatis tuis* were used, omitting the word *te*, the form would still be probably valid, since *te* is sufficiently implied in the word *tuis*; in practice, however, this view ought not to be taken, but the safer opinion followed.[76] The absolution would certainly be invalid if the priest said only *absolvo*, because the object of the absolution is not indicated and the sense is indefinite.[77]

76 S. Thom. III. Q. 84, n. 1 ad 3. Cf. Mazzotta, Theol. Moral. Tract. VI.

77 The S. C. de Propag. Fid., being asked if a baptism is valid in which *te* is omitted from the form, replied (July 5, 1841): *Non valere baptisma, ideoque iterandum*. The same holds for the Sacrament of Penance.

The words *In nomine Patris et Filii et Spiritus Sancti, Amen*, are certainly not of the essence of the form, since Christ in instituting the Sacrament made no reference to the Blessed Trinity; they are, however, most appropriately added to express that the priest absolves from sin by the authority and power of God.[78]

78 S. Thom. III. Q. 84, n. 1 ad 3. Cf. Mazzotta, Theol. Moral. Tract. VI. Disp. II. Q. IV. c. 1.

In cases of necessity absolution may be given by the same priest to many persons at the same time, while he says, *Ego vos absolvo a peccatis vestris*; thus, for instance, soldiers may be absolved at the beginning of a battle. As many Sacraments are conferred as there are persons absolved, if they give any token of sorrow and in some way confess their sinfulness.[79]

79 Lugo, l. c. Dist. 13, Sect. 7; Lacroix, l. c. Lib. VI. P. 2, n. 645, etc.

The *Rituale Romanum* prescribes how a priest should give absolution, and, as it is the official book of the Church, he is bound to follow its directions. Any unauthorized change would be a sin because it is a breach of the commands of the Church; indeed the confessor would sin grievously if he wished to introduce any change into the form of absolution.

"When the priest is about to give absolution," is the direction of the Ritual, "after imposing a penance on the penitent and the latter having accepted it, let him say: *Misereatur tui omnipotens Deus et dimissis peccatis tuis perducat te ad vitam æternam. Amen.* Then he raises his right hand over the penitent and says: *Indulgentiam, absolutionem et remissionem peccatorum tuorum tribuat tibi omnipotens et misericors Dominus. Amen.*

"*Dominus noster Jesus Christus te absolvat, et ego auctoritate ipsius te absolvo ab omni vinculo excommunicationis* (*suspensionis*) *et interdicti in quantum possum et tu indiges. Deinde ego te absolvo a peccatis tuis in nomine Patris ✠ et Filii et Spiritus Sancti. Amen.*

"If the penitent is not a cleric, the word *suspensionis* is omitted." Then follows the prayer: "*Passio Domini nostri Jesu Christi, merita beatæ Mariæ Virginis et omnium Sanctorum, quidquid boni feceris et mali sustinueris, sint tibi in remissionem peccatorum, augmentum gratiæ et præmium vitæ æternæ. Amen.*"

If there are many penitents to be heard and in urgent confessions, the *Misereatur* and *Indulgentiam* may be omitted and simply the *Dominus noster*, etc., said. The prayer *Passio Domini*, etc., may also be left out.[80] It is recommended, however, not to omit this last prayer, because by virtue of it (so teaches St. Thomas) the good works of the penitent acquire the character of sacramental satisfaction, and a share in the merits of Christ as well as those of our blessed Lady and of the saints.[81]

80 Cf. Decr. S. R. C. Feb. 27, 1847.

81 Cf. Stotz, Tribunal Pœnitentiæ, L. II. Q. III. art. 1, § 1; Lehmkuhl, l. c. n. 268: *etiam in frequentioribus confessionibus expedit non omittere*. Though Tappehorn in his Anleitung zur Verwaltung des heiligen Buss-Sakramentes, third edition, p. 67, suggests that when, in accordance with the permission of the Roman Ritual, the prayer is omitted, it may be said after the last confession over all those who have confessed, as at the first absolution (*in confessionibus frequentioribus*) the prayers *Misereatur* and *Indulgentiam* (the plural *vestri, vestris*, etc., being used) may be said over all who are present, we must observe that the Roman Ritual mentions nothing about this practice. Holzmann recommends that the *Passio Domini nostri*, etc., should be said as the penitent leaves the box.

"In cases of pressing necessity, in danger of death, the priest may simply say: *Ego te absolvo ab omnibus censuris et peccatis in nomine Patris ✠ et Filii et Spiritus Sancti. Amen.*"

Such is the form of absolution according to the prescription of the Roman Ritual. The confessor is at liberty to make use of the above abbreviations under the circumstances mentioned. It would be very wrong to attempt to put in all the prayers, if there were danger of a man dying without receiving absolution; in this case the priest must use the shorter form given by the Ritual.[82]

82 It is not *de necessitate* to raise the hand at the *Indulgentiam*, to make the sign of the cross at the *in nomine Patris*, etc., or to uncover the head in giving the absolution; and distinguished authors maintain that it is not sinful to omit these ceremonies; it is advisable, however, in this matter to conform to custom. Scavini, Theol. Moral. Universa, Tom. IV. n. 76.

The priest will be more eager to carry out the directions of the Church if he reflects on the meaning of the prayers which precede and follow the absolution; the former constitute an admirable preparation for that great act of mercy, the latter a most appropriate crowning of the same; all secure

a special help for the penitent. Even the blessing which, according to some rituals, the priest is enjoined to give with the words: *Dominus sit in corde tuo et in labiis tuis ut digne et competenter* (or *rite*) *confitearis peccata tua. In nomine Patris ✠ et Filii et Spiritus Sancti. Amen*, is important. The accusation of so many sins is a heavy burden to the penitent; false shame and the devil will unite to deter him from a sincere accusation; and so the priest prays that the Lord with His grace may so act on the heart of the penitent that with sincerity and contrition he accuses himself of what burdens his conscience. In the *Misereatur* the priest prays that God may grant in His mercy remission of the sins which the penitent confesses, and give him eternal life (*anticipando* by sanctifying grace, and perfectly in the next world). The *Indulgentiam* contains the same petition for "grace, absolution, and remission," of sins confessed and of all others; it is not meant as a mere repetition, as a sort of compliance with Our Lord's counsel of insisting on the first petition; but in the repetition of the synonyms the priest is no doubt intended to plead for God's mercy and power that the penitent may have *complete* forgiveness of sin. This perfect forgiveness includes also the remission of the temporal penalties, since these, as the *reliquiæ peccatorum*, are so intimately connected with the sin itself that in early Christian times they were briefly included under the category of *peccata*, and the Church, in the so-called general absolution given on the occasion of a plenary indulgence of temporal punishment, still uses the formula *indulgentiam plenariam et remissionem omnium peccatorum tibi concedo*.

Then the priest goes on to reconcile the penitent to the Church by the removal of all censures which close the door to the Sacraments and other means of grace. This absolution from censure should always precede that of the sins as a measure of precaution even when no sins involving censure have been confessed. The Church insists on this, and many moralists teach that the confessor by omitting this *absolutio a censuris* would commit a venial sin by his disobedience to the command of the Church. Even in cases of the most pressing urgency the priest should use the form: *Ego te absolvo ab omnibus censuris et peccatis in nomine Patris*, etc.[83] St. Alphonsus does not regard this omission as a sin if the priest uses the formula of absolution with the intention of absolving from censure as well as sin, and he argues from the words of the Council of Trent, which says only that this clause is added *laudabiliter*.[84] If, however, a penitent has incurred a censure and the priest first absolves from the sin and afterwards from the censure, such inversion of the order would be matter of grievous sin when the censure is excommunication debarring from the reception of the Sacraments; not, however, in the case of suspension or interdict. This inversion would also be a grievous sin even if the priest intended to absolve from both sins and censures, although in this case the words *absolvo te a peccatis tuis* can be understood of the absolution from censures on account of the intimate connection between the two.[85] Such an absolution, therefore, would be valid though given in defiance of the Church's prescription, for the censure does not affect the validity but only the lawfulness of the absolution.[86]

83 Rt. Rom. De Sacram. Pœnit.

84 Sess. XIV. cp. 3. Cf. S. Alph. n. 430, Dub. 4.

85 Cf. Aertnys, l. c. cp. IV. art. 1; Mazzotta, Theol. Moral. Tract. VI. Disp. II. Q. IV. cp. I; Stotz, l. c. L. II. Q. III. art. 1, § 1, n. 215; Lehmkuhl, l. c. Sect. I. cp. III. § 3, n. 270.

86 The word *Deinde* which connects the absolution from censures with that from sins appears, from the latest edition of the Roman Ritual as revised and approved by the S. R. C., to belong to the form (cf. Edit. I. post typicam Ratisbon, 1888, specialiter a S. R. C. recognita); formerly the word was printed in red and regarded as a rubric (cf. Edit. Romæ ex typogr. Prop. 1876). As to the *forma deprecatoria* which, according to Frank (Bussdisciplin), was in use till the twelfth

century, see Frank, B. 5, K. 4; Morinus, De Pœnitent.; Binterim, Denkwürdigkeiten, Bd. 5, Teil 1, K. 6, § 3; S. Thom. III. Q. 84, a. 3; Lehmkuhl, l. c. n. 269, nota 2.

The penitent must be present and the absolution pronounced over him by the confessor if it is to be valid. This is abundantly clear from the divine institution of the Sacrament, from the practice of the Church, and from a decree of the Head of the Church. Hence the absolution cannot be given in writing nor by signs. According to the teaching of the Councils of Florence and Trent the form of this Sacrament, as of all the others (except that of matrimony, where a mere sign of consent is sufficient), is in the words which the priest must pronounce and articulate over the penitent. The Sacraments owe their institution to Christ; for, though matrimony existed as a divine institution before His coming, it was sanctified by Him and raised to the dignity of a means of grace in His Church. The essential rites of the Sacraments were defined by Christ, and we learn them from Scripture or tradition. We know from a uniform tradition that the form of all the Sacraments except matrimony consists essentially in words articulated by the lips; as for the Sacrament of Penance, the evidence is clear as well from the actual use prescribed in all penitentials and from the teaching of the Fathers, as from the decree of Eugenius IV to the Armenians.

It is not, however, necessary that the words of absolution should be heard by the penitent or others; in fact it is recommended to say them in a low voice, so that, in case absolution is for some reason withheld from a penitent, others may not know of it.

The fact that the absolution should be pronounced in words requires as its complement that the penitent should be present, for the words *Ego te absolvo* are not such as we would address to a person when absent, but thus we speak to one who is nigh. The form must certainly be applied to the matter actually present; moreover, according to the Council of Trent the sinner should present himself before the tribunal as the accused. This is quite clear, too, from the constant tradition of the Church, in which all penitentials contain a form which is pronounced over one who is present, and either explicitly require the immediate presence of the penitent before the confessor or evidently suppose it; nor do we find in the whole of antiquity any clear instance of a sacramental absolution pronounced over an absent person.

A confession, therefore, made to a priest by writing or by messenger is invalid if the absolution is given to the penitent in his absence. Moreover, the absolution is illicit and invalid if given to an absent penitent even though the confession has been made by him in person to the priest. Further, too, the absolution is illicit and invalid which is given to a present penitent who has not confessed in person to the priest—if, for instance, the confession has been by letter; exception is made for the case where the penitent presents himself to the priest and for some good reason accuses himself only in general of sins about which he has informed the confessor by letter, if the latter at the time of the confession retains a knowledge of the sins in particular.[87]

87 With regard to this matter Clement VIII in Const. data d. 20 Jun. 1602 condemned the following proposition: It is permitted to confess one's sins to an absent confessor by means of a letter or a messenger, and to receive absolution from the same confessor though still absent. Moreover, he forbade under pain of excommunication any one to teach this doctrine or to make use of it as a probable opinion. The condemnation of this proposition by the Pope involves evidently an absolute command, and the conclusion is fairly drawn that the confession made to an absentee, as well as the absolution given to an absentee, are both illicit and invalid; otherwise one might in a case of extreme necessity allow the practice. The Clementine decree is to be taken not only *collectively*, that is, as legislating for the case where both confession and absolution are conveyed by absentees, but also *disjunctively*, that is, as legislating for the case where

confession has been made to an absentee, the absolution being given when the penitent presents himself, and *vice versa*. This was decreed by Paul V, July 14, 1605. More information may be found in Palmieri, Tract. de Pœnit. pp. 141-143 (Rom. 1879). Cf. Reuter, Neoconfessar. P. l. n. 31; Müller, l. c. L. III. T. II. § 132; Ballerini, Op. Theol. Mor. l. c. cp. I. n. 32 s. Absolution from censure, apart from the absolution from sin, may be conveyed by writing and the presence of the penitent is not required; similarly censures may be inflicted on one who is absent. Without grave necessity, however, the absolution from censures ought not to be given in the absence of the penitent. S. Alph. L. VII. n. 117.

The *præsentia moralis* of the penitent is sufficient for absolution. This condition is satisfied if the priest and the penitent are sufficiently near to hear one another when they speak in an ordinary tone of voice, though cases may occur where the voice must be exerted a little more than is usual.[88] In general greater proximity is required for valid absolution than is demanded for hearing a preacher or for satisfying the obligation of hearing Mass.[89]

88 S. Alph. l. c. n. 429.

89 Though all theologians agree in requiring the moral presence of the penitent for valid absolution, they vary in assigning the limits of that presence. Many theologians suppose that a penitent stationed at twenty paces from the priest may be regarded as morally present; this distance is thought by St. Alphonsus to be too great.

St. Alphonsus declares with respect to this subject that Tamburini is justified in rejecting the view of Leander, who holds that the moral presence is secured if the priest sees the penitent or is sensibly aware of his presence.[90] A man may be seen at a distance at which it would be impossible to hold speech with him in the usual manner or even by raising the voice. If in case of necessity absolution must be given at a distance, it should be given *sub conditione*.

90 S. Alph. l. c. VI. n. 429.

Hence to secure the validity of the absolution it is required (1) that the confessor and the penitent should not be in rooms which are in no way connected; and if (2) they are in the same room, they should not be too far apart, certainly not more than twenty paces; if the distance is notably less, there need be no misgiving about the validity of the absolution; finally (3) the required proximity is secured if the priest knows that the penitent is present.

(*a*) If the penitent has already left the confessional but is still close by the confessor, he may and ought to be absolved, even, according to Lugo, Tamburini, and others, if he be so merged in the crowd that he cannot be seen; the confessor must, however, be certain that he is not or cannot be far off; for the penitent is still morally present and has the desire of receiving absolution. The penitent ought, however, to be recalled if this can be done without causing disturbance or remark.

(*b*) If, through fear of infection or for other reasons, the priest cannot enter a sick-room, he may validly absolve the penitent from the window or the door.[91]

91 The priest is, however, strongly advised not to be too nervous in exercising his office for a penitent struck down by an infectious disease; confidence in God joined to a little prudent foresight and courage will be more useful to him than a cowardly nervousness.

(*c*) If at a distance a priest sees some one falling from a height or into the water, or if he knows that some one is buried under the ruins of a building, etc., he should give absolution conditionally.[92]

92 Cf. Reuter, Neoconfess. l. c. n. 31; Scavini, Theologia Moralis Universa, Tom IV. n. 77; Müller, l. c. § 132; Aertnys, l. c. Lib. VI. Tom. V. cp. IV. n. 215, Q. 6. In accordance with this teaching we must solve the question raised whether absolution given by telephone is valid. (Aloys. Sabetti, S.J., in Collegio SS. Cordis ad Woodstock, Th. Mor. Prof., Compend. Theol. Moral. Gury ... ad breviorem formam redactum, etc. Benziger, 1884; Alphons. Eschbach e Cong. S.

Spiritus et Imm. Cord. M. Rectoris Sem. Gall. Romæ, La Confession par téléphone; Melata, Manuale Theol. Moralis, De Pœnit. cp. II. art. I.) It is certain that the use of the telephone for giving absolution is *extra casum necessitatis* a grave sin because it introduces into the administration of the Sacraments a practice which is novel and liable to misuse. The case is limited to the question whether in urgent need the use of such a method can be tolerated—if, for instance, a member of a secret society, seized with a dangerous illness and anxious to be reconciled with the Church, but debarred by his associates from the sight of a priest, could make use of the telephone placed in his room to call up a friendly priest and make his confession to him and receive absolution through the telephone. Eschbach, in his work mentioned above, teaches that such an absolution is quite invalid. Sabetti acknowledges that the solution of the question involves many difficulties, and that it ought to be submitted to the decision of the Holy See; he appears, however, to incline to an affirmative answer. He says: Though it is true that moral presence and a connection between matter and form are necessary in every Sacrament, yet this exigency varies. Since Penance has been instituted on the lines of an earthly tribunal, in which judge and accused must be so far present to one another as to be able to speak together, the absolution in the given case cannot be said for certain to be invalid, since one might always argue that the priest and the penitent could speak together. Against this, it may be objected that the illustration of an earthly tribunal is not quite applicable, since here the presence of the accused is not necessary, for he may be condemned *in contumaciam*. To the question whether *in casu extremæ necessitatis dari possit absolutio per telephonium*? the Pœnitentiaria replied, July 1, 1884: *Nihil esse respondendum*.—Bucceroni, Enchiridion Morale (Romæ, 1887), p. 119.

Absolution must, under ordinary circumstances, be given absolutely; for weighty reasons it may and ought to be given conditionally (*conditione*).

8. Conditional Absolution

It is the unanimous teaching of all theologians that in certain cases, for weighty reasons, the Sacraments may be administered conditionally, and, what is more, must be so administered. With regard to Baptism and Extreme Unction this is prescribed by the Roman Ritual, with regard to Confirmation by Benedict XIV, with regard to the Holy Eucharist, where a doubt exists as to the validity of the consecration, by the Rubrics of the Mass, and with regard to Orders by the S. Congregatio Concilii.[93]

93 Scavini, Theologia Moralis Universa, Tom. III. n. 479 (Ed. Par. 1867).

The question now under consideration is whether the Sacrament of Penance given conditionally is valid.

Many theologians were of opinion that a conditional absolution was opposed to the judicial character of this Sacrament. They argued that the conditional form was not judicial, and in particular would not admit a *condition with regard to law* (*conditio juris*), on which the confessor was bound to pronounce judgment (*e.g.* if thou art prepared, disposed, etc.), whereas they permitted a *condition with regard to the fact* (*conditio facti*) (*e.g.* if thou art alive). This distinction is, however, irrelevant; for even though the question of the penitent's disposition be left undecided, still the priest judges (1) of the sins which have been confessed, and (2) gives his sentence on the apparent worthiness and preparation of the penitent and the penance to be imposed; and (3) judges on the advisability of conferring conditional absolution or not, according to the effect it will have on the penitent. In any case, the argument from the difference which a conditional sentence would create between a human court and the sacramental tribunal proves nothing, since the two courts differ in many points.[94] It is to be particularly noted that the sentence of an earthly court is always carried out; while the effect of the sentence which the priest pronounces in the divine tribunal always depends on conditions known only to God, so that the priest's sentence is always conditional even when it is pronounced in an absolute form. A conditional sentence is in no way inconsistent with the nature of a judicial judgment either in general or in the Sacrament of Penance.

94 Cf. Gury, II. l. c. n. 432, 2; Ballerini, Op. Theol. Mor. l. c. cp. I. n. 27.

Lehmkuhl enlarges on this point:[95] "It is not repugnant in a civil tribunal for a judge to give sentence with a condition like the following, for instance: 'If payment be not made by a certain date,' or to grant a hearing to a plaintiff 'provided that such or such document be found among his papers,' which document, of course, he will order to be searched for by trustworthy men. Indeed, every sentence of a human tribunal, whether in civil or in criminal causes, is seldom pronounced without the implicit condition 'if the evidence of the witnesses be true'; for unless it rested upon this supposition and condition, the sentence would be unjust and consequently null, more especially if pronounced by any but the supreme authority."

95 Lehmkuhl, P. II. L. I. Tr. V. Sect. I. n. 272.

Thus the sacramental sentence always presupposes that the penitent is telling the truth and has real sorrow; under such circumstances the confessor may be mistaking even when he thinks he is certain, all the more so as the sacramental sentence is pronounced always ministerially, and, in order to be

efficacious, must be in accordance with the sentence of God. This, however, is no impediment to the absolution being for the most part pronounced absolutely both as to form and intention. This the confessor must observe as long as he has no solid ground for thinking that his judgment is not in accordance with God's; for a condition which rests only on a possibility or on a groundless suspicion is practically not worth considering and ought not to be acted upon; in reality it is quite sufficiently implied in the nature of the case.

If, however, for some good reason it is to be feared that the judgment of the confessor is different from that of God, while the pressing necessity of the case, or the good of the penitent requires that absolution be given even though doubtful, reverence for the Sacrament demands that the condition be added *explicitly* in word, or at least in the mind, so that it amounts to a protest on the part of the priest that where the condition is in default he withdraws his intention of pronouncing the sacred words of absolution in the person of Christ.

The opponents of conditional absolution urge in favor of their view the proposition that in doubt about the validity of the Sacraments the safer opinion must be followed. With regard to the validity of conditional absolution there is no doubt, since the views of its opponents have no probability either intrinsic or extrinsic. Moreover, it is not true that the safer opinion with regard to the validity of the Sacraments is always to be followed; for, since the Sacraments were instituted for man's benefit, cases occur in which the Sacraments must be exposed to the danger of nullity, in order to help one who is in extreme spiritual necessity. An instance in point would be the case of a dying man whose dispositions are doubtful. To let him die without absolution would surely expose him to the certain danger of damnation. Supposing he were in good dispositions, whatever misgivings I might have on the subject, should I not be responsible for his damnation? I might have opened the gates of heaven to him and I have not done it! Am I then to absolve him without any condition? But supposing he is not disposed; even if the Sacrament were not nullified, I should be guilty of having exposed it to the danger of invalidity. From such a dilemma the only escape is the use of conditional absolution; by it I can help the dying man if he is in good dispositions, and I insure the Sacrament against nullity when I have the intention of not conferring it unless the man be disposed.[96]

96 Cf. Gury, II. n. 434.

Hence theologians teach that absolution given *sub conditione* is valid if the condition be fulfilled; the condition, however, must be *de præsenti* or *de præterito*; absolution given under a *conditio de futuro* would be invalid, for in a *conditio de futuro* the minister of the Sacrament has no intention of conferring the Sacrament *hic et nunc*; his intention would rather be to confer the Sacrament when the condition will have been fulfilled; by that time, however, the matter is no longer present which for the validity of the Sacrament must be joined to the form. On the other hand, the Sacrament may be validly given under a condition *de præsenti* or *de præterito*, because the intention is absolute if the condition is fulfilled; if not fulfilled, the intention of administering the Sacrament is wanting, so that the Sacrament is not exposed to irreverence. In this case the conditional intention passes into an unconditional one, *i.e.* becomes absolute. But the conditional intention is efficacious for validity only if the condition is completed or satisfied at the moment when the matter and form of the Sacrament are brought together. The absolution would also be valid if it were given with the condition: "if you are alive, if you are baptized, if you are present, if you really intend to make restitution"; while an absolution would be invalid if given under conditions such as, "if you are predestined, if it be in the

mind of God that you will make restitution this year," since such knowledge is withheld from men. Finally, an absolution given with the condition, "if you are going to improve," would also be invalid.[97]

97 Cf. S. Alph. l. c. Lib. VI. n. 25; Stotz, l. c. L. II. Q. III. art. I. § 4.

It is also *allowed* to give absolution *sub conditione* when there is just reason for so doing; and in case of necessity the priest is bound under mortal sin to give conditional absolution.[98]

98 Cf. Declar. S. Inquis. 17 Juni 1715, 17 Dec. 1868, 20 Jul. 1859.

The view of some theologians is to be condemned who hold that one may impart conditional absolution for *any insignificant reason*, or without urgent need, or in *any doubt of the requisite dispositions* even in a penitent burdened with mortal sin. This is a doctrine which bears too openly the stamp of laxity, and it is pernicious to souls. What a number of sacrileges would follow from such a practice! The confessor would be no longer a faithful and prudent minister of the Sacrament, he would be casting pearls before swine, and by his too easy compliance in giving absolution he would imperil the souls of his penitents.[99]

99 S. Alph. l. c. n. 432, etc.

On the other hand, we cannot admit the teaching of those theologians[100] who hold that absolution *sub conditione* is permitted only in extreme necessity or in great danger.

100 Colletus, *"acerrimus probabilismi impugnator."*

A sufficient reason for imparting absolution under condition would be in the case where unconditional absolution would expose the Sacrament to danger of nullity on account of a reasonable doubt of the existence of some one or other of the requisites for the validity of the Sacrament, and where at the same time by putting off the absolution the penitent would be exposed to danger of real spiritual harm.

From what has been said we gather that in the following cases absolution may be given *sub conditione*: —

1. If the priest doubt whether he has absolved a penitent who has confessed a mortal sin.
2. In doubt whether the penitent in question is morally present.
3. In doubt whether the penitent is alive or already dead.
4. If the priest doubt (*dubio facti*) whether he has jurisdiction, and the confession must be made; in such a case the confessor must tell the penitent that he has given absolution only *sub conditione*, so that if proof be forthcoming later on that jurisdiction was wanting, the penitent will know that he has not been absolved and must accuse himself again of the mortal sins mentioned in that confession. If the doubt turn on the question of law (*dubium juris*), *i.e.* on a point where theologians do not agree whether absolution can be given in such a case, the absolution may be pronounced without any condition.[101]

101 Aertnys, l. c. art. II. n. 217; Concina, according to the testimony of St. Alphonsus, *in severas sententias generatim deflectens*.

5. In doubt whether the matter be sufficient: this may happen (*a*) when an adult is baptized *sub conditione* and is to be absolved at the same time; and (*b*) when a penitent declares only some imperfections, and there is doubt whether they are really venial sins, and when the same penitent can offer no certain sins of his past life. To such a penitent absolution may, according to a probable view, be given at intervals, so that he may not be deprived for long of the benefits of the Sacrament of Penance; absolution in such cases ought not to be given more than once a month. For the same reason absolution can be given *sub conditione* when the penitent, unable to present certain matter from his past life, has only sins of less moment to confess and there is doubt as to the existence of sorrow for such sins.[102] Moreover, if the penitent offer no certain matter, the confessor is not *bound* to inquire for it in order to give absolution, and after making vain inquiry he is not obliged to give absolution *sub conditione*, since the penitent in such case has no sure claim to it.

102 Lehmkuhl, l. c. n. 273.

If, however, any doubt exists as to the presence of necessary matter, or whether a sin confessed along with the imperfections be mortal or not, for which, however, the penitent is certainly contrite, then absolution under condition must be given.

6. In doubt whether the necessary dispositions with regard to mortal sin are present conditional absolution may sometimes, though not always, be given; it must be given when urgent reasons counsel such a step. For instance:—

(*a*) To those who are in danger of death, from whatever cause.

(*b*) When the penitent honestly thinks he is well disposed, and when the confessor fears that if absolution be refused or put off, the penitent may fall into worse ways or be frightened away from the Sacraments, or that he will certainly receive some other Sacrament, as, for instance, Marriage or Confirmation, in an *unworthy* state.

Finally, conditional absolution may be given to children and others of whom it is doubtful whether they possess sufficient use of reason or the necessary knowledge of the truths of faith. These may receive conditional absolution not only when in danger of death, but also when they have to fulfill the law of the Church, and especially if they have confessed a sin which is doubtfully or probably mortal; they must be so absolved even if they are relapsing sinners, for while in doubtfully disposed penitents who have the full use of reason absolution must be delayed, since hopes may be entertained that they will return better disposed later, in the case of children or feeble minded no such hope can be well entertained. Indeed, according to a probable view such penitents may receive conditional absolution at intervals of two or three months, when they confess only venial sins, that they may not go for any considerable time without the grace of the Sacrament. The confessor is, however, obliged to instruct children and feeble-minded persons and to dispose them for absolution.[103]

103 S. Alph. l. c. n. 432; Lacroix, L. VI. p. 2, n. 1797; Mazzotta, Theol. Moralis, Tract. IV. Disp. II. Q. IV. cp. II.; Ballerini, Op. Theol. Moral. l. c. cp. I. n. 27; Aertnys, l. c. art. II. n. 217; Lehmkuhl, l. c. n. 273; Gury, l. c. II. n. 435.

We answer some objections urged against the doctrine that in the cases mentioned absolution may be given conditionally.

1. This practice is full of danger and is the cause of many sins.

The practice is full of danger, it is true, if absolution is given indiscriminately without necessity or some special reason; if, however, the rules given above are observed, it is no longer dangerous or harmful.

2. It is further objected that a penitent conditionally absolved will approach the altar and make a sacrilegious communion, a risk not to be incurred lightly.

The confession of such a penitent is not sacrilegious, hence the communion is not; for, by supposition, the penitent is in good faith. At the worst the communion would be without fruit or profit; nor can we say that the communion is quite useless, for its reception is an occasion for eliciting different acts of virtue. Indeed, according to the common teaching on this subject, the communicant who receives in mortal sin and with imperfect contrition, yet in good faith, is placed thereby in a state of grace. To make an act of imperfect contrition should not be a great difficulty, since holy communion usually arouses pious emotions of love and sorrow in those who approach in good faith.

3. It is likewise objected that a conditionally absolved penitent will never confess his sins again, and if he is not rightly disposed will die in his sins.

It may be replied that doubtfully absolved sins are remitted (*a*) by the reception of holy communion, as we have already shown; (*b*) indirectly in the following confession along with the other sins which he confesses, even if he were never again to submit them to the keys. If it be urged here that the penitent might never come to confession again, we should reply that such a case is extremely rare and to be treated as quite improbable. On the contrary, the penitent would be exposed to much graver risk of his salvation if, in a situation of such necessity as we postulate for the giving of conditional absolution, he were to be dismissed without it.

4. Another objection is drawn from the first of the propositions condemned by Innocent XI, whence it appears that no one may presume to follow a probable opinion in dispensing the Sacraments. The conclusion drawn is that no one may give an absolution which is doubtfully valid.

This practice is absolutely forbidden where the validity of the Sacrament and the welfare of the individual are endangered by such administration of the Sacrament; if, however, necessity or solid reasons demand such practice, it is allowed.[104] Moreover, the proposition condemned by Innocent is concerned only with the essential portions of the Sacrament, the validity of matter and form in so far as these depend on the minister of the Sacrament. In our case the matter is presented by the penitent and is outside the control of the minister. Otherwise, indeed, penitents might often enough be dismissed without absolution, for frequently no certainty can be had as to their dispositions, but at most a greater or lesser probability.

104 Compare S. Alph. De Sacram. in genere, n. 28, 29, 57, and De Conscientia, n. 49; Ballerini, Op. Theol. Moral. l. c. cp. I. n. 27: "hæc est *sententia certa*, licere in necessitate administrare sacramenta sub conditione."

5. Finally some would limit the use of conditional absolution to cases of the greatest rarity and of most pressing necessity—when, for instance, a dying man is quite unconscious or already in his agony; for in any other case it is entirely his own fault if he be doubtfully disposed. This is the view of the anonymous author of the Letters against the distinguished work of Cardinal Gousset: *Justification de la doctrine de Saint Liguori*.[105]

105 He says: "Necessity is but very seldom a ground for giving absolution to one who is doubtfully disposed; for a dying man, with only an instant to spare, and in the possession of his faculties, has only himself to blame if he cannot produce an act of perfect contrition; it is an article of faith that God never refuses the means of salvation if they are asked with confidence, and for such a soul perfect contrition is a most necessary condition for salvation. If, therefore, he has only doubtful contrition, it is his own fault, and in such case he is not merely doubtfully, but certainly, unworthy, and cannot in consequence be absolved. There remain, then, only the cases in which the dying man cannot express his sentiments even by signs, and then the principle holds: *sacramenta propter homines*."

This objection is based on several false premises:—

1. It is untrue that one who is doubtfully disposed is certainly indisposed; it is at least *per se* untrue, for it is a contradiction in terms.

2. It is untrue that the penitent is always responsible for not seeming certainly disposed; for he can be quite prepared without the confessor knowing about it; again, as long as he is not certainly unprepared, he may be actually in the proper dispositions.

3. Many considerations respecting the penitent's salvation may, as we have seen, urge the confessor to decide on giving rather than refusing absolution. At times the priest would be guilty of the gravest imprudence by putting off the absolution till extreme need should arise, when the penitent might be unable to avail himself of the Sacrament. "Do you wish to put off the reconciliation of the dying man to his God till the moment when he can no longer express his wishes? Will you, in order to make the absolution certain, wait till the penitent is at the last gasp, so that it is doubtful if he is capable of receiving the Sacrament?... I repeat, the Sacraments are made for men, not men for the Sacraments. By pursuing such a course you would act in opposition to Him who out of His mercy gave us the Sacrament; you would depart from the spirit of the Church which, like a tender mother, administers the Sacraments, when you maintain that we can only apply the principle of *sacramenta propter homines* in cases where the dying sinner cannot even by signs express what is going on in the recesses of his soul."[106]

106 Gousset, Lettres à M. le Curé ... Lettre 8. Cf. Gury, l. c. II. Tract. de Sacram. Pœnit. P. I. n. 430-439; Ballerini, Op. Theol. Moral. l. c. cp. I. nn. 27 et 26, where he signalizes these objections as *inanes objectiones nonnullorum, etiam recentiorum in Gallia, qui antiqua præjudicia janseniana incaute ebiberunt*.

Part II. The Recipient of the Sacrament of Penance, or the Acts of the Penitent

9. Who can Receive the Sacrament of Penance

Every man who has fallen into formal sin after Baptism is capable of receiving the Sacrament of Penance. Whoever, therefore, has not yet been baptized, or, having been baptized, has committed no sin since Baptism, is incapable of sacramental absolution. All children who have not attained to the use of reason are unable to receive this Sacrament; to these we may add such adults as cannot make that use of their reason which is necessary for disposing them to receive this Sacrament.

In order that a baptized person may make a valid and fruitful use of this Sacrament, he must elicit those acts which we have mentioned before; he must be genuinely sorry for his sins, be ready to do penance, and submit his sins to the power of the keys vested in the Church. These acts form not only the essential and necessary dispositions for receiving the Sacrament, but—and this is a peculiar feature of the Sacrament of Penance—they are also the *materia proxima*. The following sections will be devoted to the consideration of these acts in their double aspect.

Chapter I. Contrition

10. Extent and Efficacy of Contrition

The most prominent position among the acts of the penitent belongs to contrition.

According to the teaching of the Council of Trent contrition is a hearty sorrow and detestation for past sin together with a firm resolution to sin no more.[107]

107 Sess. XIV. cp. 4.

We must investigate more closely the *essence* of this contrition. Contrition is a hearty *sorrow*; this sorrow is interior; hence the prophet speaks of a rending of the heart (*scindite corda vestra*!—Joel ii. 13), and so contrition is called *contritio cordis*, a grinding of the heart. A merely external show of sorrow, the mere recital of an act of contrition, is therefore not a true sorrow. Moreover, since sorrow is a moral act and all moral acts proceed from the will, sorrow must have its roots in the will.

Many very different things may cause us great grief; for instance, the death of a dear relation, the loss of earthly goods, the failure of our plans and undertakings, the suffering of wrongs and affronts, experience of ingratitude and unkindness, a thoughtless word which one has uttered, a mere breach of etiquette that one has committed. Contrition, however, is grief of the soul for *past sin*.

The sins of others may cause us real and deep feelings of pain. What fervent Christian is unconcerned at the many sins which are daily committed and the many affronts offered to God? We are pained by them, but we cannot be contrite for them. We can have contrition only for the *sins which we have ourselves committed—de peccato commisso*, as the Council of Trent expresses it.

This being the case, sorrow as understood in this connection is not to be confused with:—

(*a*) Merely speculative sorrow (*dolor intellectivus*), *i.e.*, the mere knowledge of the hatefulness and horror of sin. Reason when not blinded can recognize and must recognize clearly the hatefulness and wickedness of sin; yet in spite of this knowledge the will may cling to it and love it; indeed such cases are of frequent occurrence.

(*b*) Or the feeling of guilt or the remorse of conscience (*terrores conscientiæ*) which Luther taught to be of the essence of true sorrow. The feeling of guilt may be present without the help of our will, and even against our will. Remorse of conscience may be roused in us without our wishing it, and it may happen that we cannot allay it even when we wish to do so.

(*c*) Finally, the resolve to amend, the *resipiscentia*, and even the giving up of the sin is not of itself true sorrow; a man may forsake his sin merely because he has indulged in it to excess, because it has no longer any attraction for him, or because he has become tired of it.

True sorrow is not merely a pain and bitterness of heart; it is also a real hatred and horror of sin; but hatred and horror are acts of the will, for it is the will which hates and loves, shrinks from an object or embraces it. The will may shrink from sin at the same time that sensuality makes us crave for the sin; the will, however, must not give way to the craving.

Sorrow and detestation of sin are in themselves distinct, yet they are so bound up in man's nature, that, where there is detestation there is necessarily also sorrow, so that true and efficacious sorrow for sin, as sin, cannot exist without detestation of the same.[108]

108 Compare on this subject the lengthy discussions of Suarez, De Pœnitentia, Disp. 3, Sect. 2; Lugo, De Pœnitentia, Disp. 4, Sect. 1; Reuter, Theol. Moral. P. IV. n. 243; and particularly the very lucid exposition of Palmieri, Tract. de Pœnit. (Roma, 1879) cap. IV. De act. pœnit. art. I. § 1, p. 214 sq.

As to the question whether contrition lies more in sorrow for sin or in detestation of it—in other words, in dislike, hatred, and aversion—theologians answer that contrition is founded principally on detestation for sin, and with reason, for:—

(*a*) By this detestation the sinner retracts his evil will and turns towards God; this detestation is, moreover, the cause of sorrow. When, therefore, it is asserted that the sinner should above all have sorrow for his sins, and when by this is understood a sorrowful hatred of sin, this is correct, for in this case horror of sin is there with its complement. Moreover, we must not lose sight of St. Alphonsus' dictum[109] that there is no reason to doubt that one sentiment includes the other; he who has a horror of his sins is sorry for them, and whoever is supernaturally sorry for them detests them.

109 L. c. L. VI. n. 435. Cf. Ballerini, Op. Theol. Mor. l. c. de Contritione, n. 14.

Since contrition is the most important element in the disposition of the sinner, it is proper to give in detail the acts which belong to contrition, and to show how the sinner may attain to perfect contrition.

First and foremost, a preliminary act of faith and hope of obtaining pardon by the merits of Christ should be made. How can he repent of his sins who does not believe that there is a God and that God is offended by sin, who does not believe that God is faithful to His promises and merciful to sinners, and who does not hope that God will pardon him? These acts of faith and hope, though they need not be made *explicitly*, are the foundations of contrition; on them are built up the remaining elements which go to form the perfect act. These are:—

1. The knowledge of the hatefulness of sin as an offense against God, and of the awful punishments which the sinner incurs. This knowledge is necessary in order to acquire contrition, for the law of man's nature makes him love and strive for what his reason proposes to him under the appearance of good, and hate and avoid what it presents as evil.

2. An act of the will, which desires to avoid the evil now known as such; on this follows:—

3. The hatred of past sins which have caused that evil, and the desire of undoing the sin committed. This desire, in the abstract, is only a velleity and quite inefficacious, for that which is done cannot be undone; but it is of efficacy in so far as it means a wish to undo, if it were possible, the sin by which God has been offended and punishment incurred.

4. From this hatred there arises in the rational appetite or in the will a sorrow and real distress that the sins have been committed; hence also follows:—

5. In the sensitive appetite, by picturing to ourselves the horror and evil consequences of sin, a certain hatred and sorrow, which may become so keen as to produce sighs and tears.

6. The resolve and firm determination never more to sin and offend God, or, what comes to the same thing, a resolution to observe faithfully and perfectly God's commands.

7. Finally, there appears in the truly repentant sinner a willingness to render satisfaction to God for past sins, to chastise and punish himself, and to repair God's honor.[110]

110 Stotz, Tribunal Pœnitent. Lib. I. P. II. Q. I. art. II.

Contrition is either *perfect* or _imperfect_[111] according as the sorrow and hatred arise from a motive of perfect love or of some supernatural motive which is inferior to perfect love. Since we understand here by love (*caritas*) the *amor benevolentiæ*, by which we love God above all things for His own sake, *i.e.* on account of His infinite perfections, we may define perfect contrition (*contritio*) as a sorrow and hatred for past sins together with a firm purpose never more to sin, because sin is an injury to God, who is loved above all things for His own sake.

111 This is the distinction given by the Council of Trent in Sess. 14, cp. 4: Perfect contrition is very aptly and simply called *contritio* in its restricted meaning, while imperfect contrition is called *attritio*. The figure is taken from solid bodies which, when pounded to dust, are *contrita*, but when broken into fragments are *attrita*. "The heart of man may be compared to wood for kindling. By contrition (*contritio* and *attritio*) the heart is rubbed; as the rubbing is increased, the heart, like wood, becomes drier and warmer, till there bursts forth a flame; this flame is sanctifying grace; and just as fire consumes wood, so charity consumes the crushed heart (*cor contritum*) and burns out its sin." (Oswald, Die dogmat. Lehre von den heilig. Sakramenten, II. Bd. Fünft. Teil, Zweit. Abschnitt, Erst. Hauptst. § 7, S. 82.)

Imperfect contrition (*attritio*) may be founded on many other supernatural motives; these are usually, as the Council of Trent declares, the fear of hell or punishment and the hatefulness of sin.[112] Thus imperfect contrition may be defined: sorrow and detestation of past sin with the determination never more to sin, because sin is an offense against God, who utterly abhors it on account of its hatefulness and avenges it with punishment. The thought of God, the supreme Lord of all, infinitely holy, to whom sin is detestable by its shamefulness, fills the sinner with confusion; the thought of God, who punishes sin with infinite justice, fills him with fear of the punishments of sin, and, impelled by this fear, he repents of having offended God by his sin.

112 Lugo, De Pœnit. Disput. V. Sect. 9, n. 132; Palmieri, Tract. de Pœnit. l. c. th. 21, p. 223.

Perfect and imperfect contrition coincide in this respect, that they are both a supernatural sorrow and hatred for sin regarded as an injury to God; they differ, however, specifically in this, that perfect contrition proceeds from perfect love of God, and imperfect contrition from a variety of other less noble motives; they also differ in their efficacy.[113]

113 Since perfect contrition arises from perfect love, it is of great importance, after considering the infinite goodness and dignity of God, to make an act of love and then an act of sorrow. The synod assembled in 1725 under Benedict XIII offers a form of contrition which was composed for the use of children: "My Lord and my God, who art infinitely good and holy, I love Thee above all things and repent with my whole heart of having offended Thee so often by my sins. I detest them above all other evils. I humbly beg Thy forgiveness, and I promise with the help of Thy grace never more to offend Thee." (Collect. Lacensis Conc., Tom. I. p. 458, Fribourg, 1870.) Another form is given by St. Alphonsus: "My God, Thou art infinitely good; therefore I love Thee above all things; and because I love Thee I am sorry for all the sins which I have committed against Thee, O infinite Goodness. My God, I will never more sin against Thee; I will rather die than offend Thee again." Perfect contrition might be aroused also in the following manner: "O Heart of Jesus, most worthy of all love, I love Thee above all things, and therefore I am sorry for all my sins and detest them above all things, because by them I have offended Thee and incurred Thy anger. I am firmly resolved never more to offend Thee." (Müller, Theol. Moral. l. c. § 112.)

11. The Essential Features of Perfect Contrition

According to the unanimous teaching of theologians, which is based on the Council of Trent, perfect contrition proceeds from perfect love. The Council declares that contrition founded on *caritas* is perfect; that, in consequence, its perfection depends on *caritas*; hence in order to acquire a complete grasp of the nature of perfect contrition we must investigate the nature of love, its degrees and kinds.

The love of God, of which only there is question here, has for its object God alone, and the motive of this love is similarly always God Himself. There are many aspects under which God may be presented to us as an object of love, and these aspects determine the different degrees of love. First of all there are two kinds of this love: *pure* or *disinterested* love, *amor benevolentiæ* (*amicitiæ*), and selfish or *interested* love (*amor concupiscentiæ*). God can be loved because He is most worthy of love, because He is good, because He is the highest good. If we love God for His own sake because He is most lovable *in Himself* (*prout est in se summum bonum*), we have the first kind of love, the pure love of God; if we love Him on our own account because He is *for us* the highest good (*prout nobis est summum bonum*), we have the second kind of love. The pure love of God is called perfect love, the other imperfect. If now we consider more closely the imperfect love of God, we find two degrees. God is here the object of love in as much as He is good to man, *i.e.* on the one hand God confers His benefits on man on earth and His everlasting possession in heaven completes the happiness of man hereafter, and on the other hand the loss of God means to man on earth unhappiness and suffering and in the next life the eternal punishment of hell. If a man disregards totally the idea of God as a person to be loved and keeps in view only his own selfish interests, he evidently loves only himself, thinking merely of his own present and future well-being, his own joys and sufferings, his own reward and punishment. Such a love, which hardly deserves the name, is downright selfishness and is rightly called a mercenary love (*amor mercenarius*). This love corresponds to the fear which is called *purely servile*, *timor serviliter servilis*, that fear which hates only the punishment and not the sin, which cherishes the inclination to sin, so that a man would sin if he did not fear punishment. Both love and fear of this kind belong to the lowest degree and destroy all supernatural merit and reward.

But there is an imperfect love of God in which man's heart really turns to God simply because God is good to him, it is true, yet so that he loves Him efficaciously and really and regards the loss of God as the loss of all good and the greatest of misfortunes. Since in such a love of God there is mingled a great deal of the love of self, so that one love is not present without the other, it cannot yet be called the pure love of God, but receives a special name, the *love of chaste concupiscence*, *amor castæ concupiscentiæ*. To this love corresponds that fear of eternal punishment, which does not exclude the thought of God, which fears the punishment of hell because it is the loss of the vision of God, *i.e.* the *pœna damni*. This love is called also the *amor spei*, because in it the hope of possessing God in heaven, the highest reward of all pure souls, is an essential element.

A higher grade of love, midway between this perfect and imperfect love, is called the *love of gratitude*, *amor gratitudinis*, in which we love God for the benefits which He has conferred. When this love is prompted more by the thought of the gifts than the giver, more by the benefit than by the love of the benefactor, it approaches in quality to the love of hope (*amor spei*); one reflects on the past, the other on the future. If, however, the motive of this love of gratitude directly regards the giver and his good

will towards mankind, then God is loved with a pure love, for God's benevolence and love towards men are intimately united with His perfections. This kind of love of gratitude may well be classed with pure love or *caritas*. It is a perfect love (1) because God is loved for His own sake, on account of His infinite goodness and love and generosity, which are identical with God Himself; (2) because it is a benevolent love. All love in respect of its object is either selfish or benevolent; *now this love of gratitude is not selfish because it does not regard its own profit, nor does it strive to gain anything for itself*; (3) because it is a love of friendship, for it is a love which wishes well to Him who loves us and makes a return of love for love.[114]

114 Cf. S. Thomas, II. II. Q. 106, a. 5.

A great number of distinguished theologians assert that the love of gratitude is perfect love, and the contrition based on it perfect contrition.[115] The Council of Trent might be adduced in favor of this view, since in Sess. 14, cp. 5, can. 4, it enumerates among the motives of imperfect contrition merely the hatefulness of sin and its punishment without the least reference to the motive of gratitude. It is of considerable moment to settle this point exactly, for, as Deharbe says, "a man might never know how to elicit an act of perfect contrition if he were to form a false notion of perfect love. Who can deny that in many cases salvation depends on an act of perfect contrition, and that even where it is possible to receive the Sacrament of Penance it is always advisable to make at least an effort to arouse not only imperfect but also perfect contrition?"[116]

115 Compare Deharbe, Die vollkommene Liebe Gottes, § 6, pp. 139-179.

116 See Perfect Contrition by Von den Driesch, translated by Father J. Slater, S.J.

We should be loath to omit the remark that the love of Christ crucified is an eminent incentive to perfect love, and that the sorrow for sin which is founded on the thought that sin was the cause of the awful sufferings and shameful death of Our Saviour, belongs to perfect contrition. A man who is well disposed towards Christ, believing Him to be God, has all that is required to arouse perfect love; and if, influenced by this love, he detests and determines to avoid all that brought such great suffering on Christ, he is exercising an act of perfect love and contrition.[117]

117 Lehmkuhl, Theol. Mor. P. I. Lib. I. Tract. I. cp. III. § 1.

This love is most intimately connected with the love of gratitude, since "for our sins was He wounded and for our iniquities was He stricken." Indeed nothing is so calculated to fill us with gratitude towards God as the thought of all that the Son of God has done and suffered for us. The crib, the cross, and the Sacraments are the three great monuments of His enduring love towards us, and at the same time they are the three inexhaustible founts of motives of our love for Him. Hence it is that the Church recalls to us so frequently these benefits of Christ. "When we meditate upon her ceremonies and practices, the spirit of her feasts and solemnities, her altars and temples, her prayers, the sense of the liturgies and the object of her devotions, our thoughts are compelled to consider the marvelous love of God and what Our Saviour has done and suffered for us, and we are reminded to be thankful to the Lord and to requite His love with our love."[118]

118 Deharbe, Die vollkommene Liebe Gottes, p. 158.

From this love of gratitude, as the first stage on the way to pure love, we may ascend yet higher and attain to that entirely pure love by which we seek God as the highest good in Himself, as infinite beauty, as complete perfection, as the source of all goodness, beauty, and perfection, without

reference, so far as that is possible, to our own profit. This love is shown by joy in God's perfections (*amor complacentiæ*); the soul which has this love forgets itself and is lost in the object of its love for which alone it lives; its sole desire is God's happiness (*amor benevolentiæ*), and it would willingly add to it (*amor desiderii*) but since such increase is impossible it rejoices in things as they are (*amor gaudii*).

It cannot be disputed that such a disinterested love is possible on earth, since many pious souls have had it in an eminent degree; still it must be observed that although the higher stages of love surpass and in surpassing absorb the lower, they do not eliminate them entirely; on the contrary, this pure love does not and cannot exclude the love of hope. It is the explicit teaching of the Church that love for God on earth cannot be so disinterested as to exclude all thought of ourselves and our eternal welfare.

This stage of love answers to filial fear (*timor filialis*) when one thinks no longer about punishment nor fears it, but dreads to give displeasure or offense to the beloved one and carefully avoids all that arouses the anger of God.

The sorrow arising from perfect love is therefore perfect sorrow, *contritio*. This, like unselfish love, may have varying stages of intensity[119] and may be more or less perfect; no special degree of intensity, however, is required, and the lowest is sufficient. It is only right and desirable, however, that we should have the greatest sorrow possible for our sins, penetrating soul and body, so that the whole man may repent of his faults and the tools of sin become again instruments of love.[120] This, however, is not always in our power, and, being a grace, we must ask for it.

119 Cf. S. Thomas, Supplem. Q. 5. a. 3; S. Alphons. Lib. VI. n. 441; Gury, II. n. 453; Palmieri, Tract. de Pœnitentia, Thes. XXIV. p. 262 sq.

120 Cat. Roman. P. II. cp. 5, n. 27.

We may now sum up our conclusions: Perfect contrition, *contritio*, is the hatred of sin proceeding from a pure love of God with a firm resolution of amendment, a disposition which includes filial fear, and, so far from excluding the hope of salvation and fear of punishment, tends rather to develop them.[121]

121 Compare Oswald, Die dogmat. Lehre von den heil. Sakramenten, Fünfter Teil, Zweiter Abschnitt, § 7, III. Aufl. S. 71 ff.; Deharbe, Die vollkommene Liebe Gottes, §§ 2, 3, 6, 8; Suarez, De Pœn. Disp. II. Sect. 3 et Disp. IV. Sect. 2; Ballerini, Op. Theol. Mor. l. c. n. 35-42; Palmieri, Tract. de Pœn. Thes. IV, V; Lehmkuhl, Theol. Mor. P. I. L. I. Tr. I. n. 318.

12. The Effects of Perfect Contrition and the Obligation of Procuring it

Perfect contrition restores the sinner to grace at once, even before he has approached the Sacrament of Penance, though the desire of receiving the Sacrament is necessary; it removes the eternal punishment and in part the temporal punishment.

The first part of this statement is *fidei proxima*, for the Council of Trent teaches[122] that perfect contrition reconciles man to God before the Sacrament is received, but that this reconciliation by perfect contrition is not effected without the desire, which is included in the act of contrition, of receiving the Sacrament. This doctrine was confirmed by the condemnation pronounced by Gregory XIII and Urban VIII on the twenty-first and thirty-second of the propositions of Baius. Baius and Jansenius taught among other things that perfect contrition without the Sacrament cannot restore to grace unless in exceptional circumstances, *e.g.* in martyrdom, at the hour of death, when there is no possibility of confessing, or when it is *summe intensa*.

122 Sess. XIV. cp. 4.

Finally, this doctrine of the efficacy of perfect contrition is clearly expressed in Holy Scripture and in the monuments of tradition; the proofs belong to the domain of dogmatic theology.[123] We add only a single consideration which springs from a well-known principle: Perfect contrition arises from love and is in its essence nothing but an act of love. Now perfect love unites us to God, so that we live in Him and He in us.[124] This perfect union with God overcomes all separation from Him which arose through sin.

123 The proof is well developed by P. Palmieri, S.J., Tract, de Pœnitent. Theses XXII et XXIII, p. 224 (Romæ, 1879). Cf. S. Thomas, II. II. QQ. 23-27.

124 I. John iv. 16.

Such, then, is the effect of perfect contrition, however poor and weak it may be, for in spite of this it is a sorrow which is inspired and informed by perfect love. Nor does a greater or less degree change the species; the Council of Trent is positive in its declaration that perfect contrition reconciles us to God, and assigns no limit which must be attained before producing this effect. Such, too, is the unanimous teaching of St. Thomas,[125] St. Alphonsus,[126] and the other great theologians.

125 Supplem. Q. 5, a. 3. *Quantumcunque parvus sit dolor, dummodo ad contritionis rationem sufficiat, omnem culpam delet.*

126 Lib. VI. n. 441.

The sinner is restored to grace by perfect contrition without the Sacrament only when he has the intention of receiving it, for the actual, or at least intentional, reception of the Sacrament is the one single means ordained by Christ for the removal of mortal sin. This intention is included in the act of perfect contrition, as the Council of Trent goes on to teach; hence all theologians hold that the implicit desire (*votum implicitum*) is sufficient, for whoever has true contrition has the wish to fulfill all the commands of God, and hence the command of Christ enjoining the confession of sin.[127] Perfect contrition is an act of perfect love, and this urges man to fulfill the commands of God in accordance with Christ's words: "He who loves Me will keep My word."[128] Hence it may happen that a sinner is justified by an act of perfect contrition without any actual confession; it is sufficient that he does not exclude the purpose of confessing his sin.[129]

127 S. Thom. Supplem. Q. 5. a. 2 ad 1. *Contritio vera non fuit, nisi propositum confitendi habuerit annexum; quod debet ad effectum reduci etiam propter præceptum quod est de confessione datum.*

128 John xiv. 23.

129 S. Alph. Lib. VI. n. 437, Dub. 4.

The resolution to confess the sin does not include the resolution to confess it *as soon as possible* (*quam primum*). It is enough to confess when a precept of God or of the Church urges.[130]

130 Lehmkuhl, l. c. n. 275; Müller, l. c. § 113, 2.

The other effect of perfect contrition, the remission of eternal punishment, follows from what we have been already considering; moreover the condemnation of Baius' seventieth proposition makes this doctrine *proxima fidei*. This, too, is the teaching of all Catholic theologians.[131] The guilt is removed by sanctifying grace; but one who has sanctifying grace is a child of God, and has as his heritage a claim to heaven.

131 S. Thom. III. Q. 89, a. 4; Suarez, De Pœnit. Disp. X. Sect. 2.

Finally, we gather from the Council of Trent[132] and the common doctrine of theologians[133] that a part also of the temporal punishment of sin, in proportion to the intensity of contrition, is remitted, so that a very great and perfect contrition may blot out all the temporal punishment.

132 Sess. VI. c. 14; Sess. XIV. c. 8 et can. 12.

133 S. Bonavent. Theol. verit. L. VI. c. 24. S. Thomas, Suppl. Q. 5, a. 2. Ballerini, De Pœnit. L. VI. c. 6.

Two very *practical* remarks, applicable both to confessor and to penitent, may find their place here.

Mortal sin is not forgiven, and the sinner is not reconciled to God, till he has made good the injury done to God; in other words, till he has done penance. This is a truth of faith.[134] It follows, then, that he who has the misfortune to fall into sin is obliged to repent of it, and in such wise as to obtain forgiveness; to adopt any other course is to frustrate the whole end of his existence. He must therefore make an act of perfect contrition, or supplement the imperfect contrition by the Sacrament of Penance.

134 Cf. Trid. Sess. XIV. l. c., from which we infer that penance is necessary for salvation *necessitate medii*.

This obligation is certainly pressing when there is danger of death, because it is the necessary means for salvation, and every man is bound by love of God and of himself to take precautions against being forever an enemy of God and of being involved in eternal damnation.

The question now arises whether on other grounds there is a strict obligation of making an act of perfect contrition, for instance, from the consideration of God who has been offended, or for our own interests, since we may die at any moment, and because one who is in a state of mortal sin is but little capable of avoiding other mortal sins.

The following answer may be given:—

1. God might have insisted that the sinner should make good at once after his sin the evil committed, and the injury done to God by mortal sin would be quite motive enough for such legislation. As a matter of fact God does not make any such demand; instead of insisting on His rights, He is long-suffering and permits the sinner to heap offense on offense.

On the other hand, a man cannot remain long in mortal sin without offending God again and once more incurring sin; for it is an insult to the love we owe to God to remain long a slave of the devil and an enemy of God, and such behavior on the part of the sinner makes him guilty of contempt of God's friendship and rights. To incur, however, grievous sin in this way, the neglect to make an act of perfect contrition must have extended over a considerable time. As to what constitutes a considerable time, it is not easy to define a hard-and-fast limit; a period of several years would certainly be considerable, and it would be a grave sin to remain so long a time in the state of mortal sin; but a man who reconciles himself to God within the limits of the time prescribed by the Church for confession would certainly not incur a new sin *per se*, special circumstances, of course, being excluded which might demand that an act of perfect contrition be made at once.[135]

135 Ballerini deals excellently with this point in his Op. Theol. Mor. in cp. III. De præc. et oblig. confession, n. 138 ss. Cf. Suarez, De Pœnit. Disp. 15, Sect. 6, n. 7; Sporer, De Pœn. n. 186.

The possibility of dying before being reconciled to God is certainly a very strong motive to induce a man to consult the safety of his soul and to free it as soon as possible from the state of mortal sin; for at any moment death may surprise a man without warning. If, however, there be no pressing danger of death, that possibility is not sufficient to make delay of reconciliation a new sin; hence one who dies a sudden death may be plunged into hell by sins for which he had not atoned, but he would not be guilty of a new sin by having put off his repentance.

But there is an obligation to avoid putting off for a long time one's conversion, and hence an act of perfect contrition after mortal sin, because a man in the state of mortal sin is in the greatest danger of falling into other mortal sins, since he has not strength enough to vanquish severe temptations and to withstand the violence of his passions, and since, as St. Gregory the Great[136] says, the unrepented mortal sins which burden his soul draw him by their weight into other worse sins. "Without sanctifying grace it is not possible to refrain long from mortal sin," says St. Thomas;[137] the sinner might, if he wished, have the necessary moral strength to overcome temptation and to resist his passions; he might curb them by the divine power of grace; but there is the law of the distribution of God's graces, that God gives only to those who love Him efficacious grace, and while a man persists of his own free will in the state of sin and enmity with God, he equivalently expresses his contempt of grace and so makes himself unworthy of it. As God is ever pouring richer and richer graces on those who make good use of them and coöperate with them, so He withdraws them from those who neglect and resist them. Hence we may adopt the well-founded teaching of St. Alphonsus,[138] who states that the sinner ought not to put off for longer than a month his reconciliation with God; in other words, that the act of perfect contrition should not be delayed beyond that time. By such delay he would incur a new sin. This subject, moreover, is intimately connected with the duty of eliciting the act of love; for according to a very probable opinion of many theologians, of whom the authority is recognized and approved by St. Alphonsus, we are bound to elicit at least once a month an act of love, because we should keep God's commands either not at all or at least with great difficulty if we failed for so long a time to elicit such an act, and if we were so little solicitous about our duty of loving God. It is impossible to make an act of perfect love without bewailing one's sins by which a God so infinitely worthy of love has been offended. Hence St. Alphonsus in his practical directions to confessors says:[139] "The duty of making an act of contrition is urgent when one is obliged to make an act of love."[140]

136 In Ezechiel, Lib. I. Hom. 11, n. 24.

137 I. II. Q. 109, a. 8.

138 Lib. VI. n. 437.

139 Tract. 16, cp. 2, n. 10.

140 The question raised by theologians as to whether it is a distinct sin to put off eliciting the act of perfect contrition and reconciliation with God, must be answered in the affirmative, for Holy Scripture enjoins us not to delay our conversion or to put off penance from day to day, because the anger of God may come upon us when we are so unprepared (cf. Ecclus. v. 8, 9, where, however, no express command is laid down), and because the *præceptum caritatis* which we ought to obey *sæpius in vita* calls for an act of contrition. Aertnys reconciles this affirmative opinion of Lugo, Suarez, St. Alphonsus, etc., with the opposite view of Navarro, Vasquez, Soto, etc., declaring the latter to be probable *per se loquendo*, while the former is true *de obligatione per accidens*, so that the sinner who fails to elicit an act of perfect contrition within a reasonable period is not to be acquitted of incurring a new mortal sin. Aertnys, l. c. Lib. VI. Tract. V. cp. 3, n. 168. St. Alphonsus expressly condemns the view of Concina and Roncaglia that a delay of a week is a considerable period; and similarly he rejects the opinion of Laymann, Lugo, the Salmanticenses, Elbel, etc., who maintain that sin has been incurred only by the neglect of contrition for a whole year. This latter view he cannot accept, even if there were no other reason than the duty of eliciting an act of love once in the month. Finally, he rejects the opinion of some theologians that a sinner must elicit acts of contrition on feast-days in order to fulfill the object of sanctifying the festival; the general answer is made that the object of any given precept does not fall under the precept. Ballerini, Op. Theol. Mor. l. c. cp. III. n. 1035 ss.

Since the faithful for the most part are ignorant of any obligation of making an act of perfect contrition within a given time after falling into mortal sin, and, therefore, incur no sin by the non-fulfillment of it, the confessor need not trouble himself to make inquiries about it in the past life of his penitents; indeed he may abstain from instructing them on the existence of such obligation. But he should not fail—without, however, mentioning that neglect means a new sin—to urge his penitents by other motives to return to a state of grace, for the future, as quickly as possible after falling into mortal sin, at least by an act of perfect contrition, and, if occasion offer, by going to confession. Sad experience shows that one fall into mortal sin is very soon followed by others.[141]

141 Müller, l. c. Lib. III. I. II. § 115, I; Lehmkuhl, l. c. n. 278; Aertnys, l. c. n. 168, Q. I.

Finally, there is an obligation (*per accidens*) to awaken perfect contrition when one has to exercise some act for which a state of grace is required and the Sacrament of Penance is not accessible. A priest, for instance, is in a state of mortal sin and is called upon to administer one of the Sacraments, or one of the faithful has to receive one of the Sacraments of the living and cannot get absolution beforehand. This also holds true if an act of perfect love has to be made; in this case every one is obliged, when there occurs to his mind a mortal sin not yet repented of, to detest the same and to be sorry for it from the motive of the love of God. According to the general opinion of theologians an act of love should be made in the hour of death, whence St. Alphonsus teaches that a dying man who has confessed with only imperfect sorrow should be recommended to elicit an act of perfect contrition, for it is impossible to make an act of love without bewailing the sins from the same motive of love.[142] Finally, this duty is pressing when one is exposed to severe temptations which cannot be overcome while one is in a state of enmity with God.

142 H. A. l. c. n. 11, Lib. VI. n. 437, Dub. 2; Suarez, Disp. 15, Sect. 4, n. 19; Lacroix, Lib. II. n. 142, etc.

We would add another observation: Since perfect contrition is so pleasing to God and so helpful to those sinners especially who have fallen seriously, the pastor of souls should seize every opportunity

of instructing the faithful and urging them to elicit such acts frequently, especially when they are in danger of death and have no opportunity of approaching the Sacrament of Penance. Children particularly should be taught on this subject, and a good form of the act given to them. They may have need of it themselves in order to be saved from eternal damnation, and they may come to the assistance of their elders at the hour of death; indeed experience teaches that well-instructed children more than once have reminded people in such straits of the act of perfect contrition, and have persuaded those persons to make it with them; finally, what has been learned in childhood will turn out useful to many in their old age.

13. Imperfect Contrition

The effects of imperfect contrition (*attrition*) are not so great as those of perfect contrition. Imperfect contrition, which excludes the desire of sinning and includes the hope of pardon (this belongs to the sorrow necessary for the Sacrament of Penance), is the proximate disposition which the sinner must have if he is to be justified in the Sacrament of Penance. This is of faith.[143]

143 Cf. Trid. Sess. XIV. cp. 4 et can. 5, which is directed against Luther's doctrine that all fear of punishment is wicked, and that imperfect contrition, founded on the fear of hell, by making a man a hypocrite, makes him a greater sinner. Cf. Bellarmin, De Pœn. Lib. II. cp. 2; Möhler, Symbolism, § 33. Luther's error was in part adopted by Baius, Jansenius, and Quesnel. Cf. Prop. 60, 61, 62 et 67 Quesnellii a P. M. Clem. XI in Bulla "Unigenitus," proscript; Prop. 15 et 16 damn. ab Alexandro VIII, in which some of Quesnel's errors are again condemned.

Passages almost innumerable of the Holy Scriptures and the Fathers, decrees of Councils and theologians, present this doctrine as revealed by God.[144]

144 Cf. Bellarmin, l. c. Lib. II. cp. 17; Perrone, De Pœnitent. n. 46 s.; Ripalda, De Ente supernaturali, Tom. IV. Disp. 22, Sect. 4-11, et Lib. VI. Disp. ult. n. 458-460; Palmieri, Tract. de Pœnitentia, pp. 280-353 (Rom. 1879); Ballerini, Op. Theol. Mor. l. c. cp. I. De sufficientia attritionis, n. 42-50.

Consequently it is the common and certain teaching of theologians that to receive the grace of the Sacrament of Penance imperfect contrition is sufficient, and that perfect contrition is not of necessity. The Council of Trent declares expressly: "Although imperfect contrition without the Sacrament of Penance is not able *per se* to restore the sinner to justifying grace, yet it disposes him for the reception of grace in this Sacrament." The Council is speaking here of the ultimate or proximate disposition which, in union with the Sacrament, suffices for the remission of sin; for it opposes the efficacy of imperfect contrition with the Sacrament to its inefficacy without the Sacrament. Without the Sacrament it cannot produce justification, but disposes towards its reception in the Sacrament; it must therefore produce in the Sacrament this justification, and the disposition of which the Council speaks must be understood of the proximate disposition which is immediately followed by grace; otherwise the contrast drawn between the two would have no meaning.

This conclusion is confirmed when we consider the institution of the Sacrament. Christ's object in instituting this Sacrament was to restore the baptized to the life of grace; if it did not really confer the grace of justification, it would have been a means frustrated of its end, and would not have the power which it was intended to have; it could not be expected to call for dispositions which of themselves would atone for sin, and this would be the case if perfect contrition were the required disposition. A remedy for a disease would be a poor gift if it could not cure the disease until the latter was already removed. Finally, the Church received the power of the keys in order that it might loose or retain sins; if perfect contrition were required as the necessary condition, the sins would not be remitted by the power of the keys, but by the dispositions of the penitent. Therefore imperfect contrition is sufficient for justification in the Sacrament of Penance.[145]

145 S. Alph. l. c. Lib. VI. n. 440; Mazzotta, l. c. Tract. VI. Disp. I. Q. III. cp. III. § 2; Stotz, l. c. Lib. I. P. II. Q. I. a. VI; Aertnys, l. c. Lib. VI. Tract. V. n. 176; Palmieri, Tract. de Pœnit. Thes. XXV. p. 286 ss.

Since imperfect contrition in union with the Sacrament has the same effects as perfect contrition without the Sacrament, theologians say that the penitent becomes in the Sacrament *ex attrito contritus*;

this expression is not to be understood of the act, as though *attritio* became *contritio*.

Imperfect contrition, as we have already seen, arises from the thought of the hideousness of sin and from the *fear* of the punishment which God in His justice inflicts on the sinner. The following are the classes into which, according to St. Thomas,[146] fear is divided:—

146 II. II. Q. 19, a. 2-9.

1. Worldly fear, *timor mundanus*, when man is feared more than God, or when one offends God in order to avoid suffering.

2. Natural fear, *timor naturalis*, the fear of temporal misfortunes.

3. Slavish fear, *timor serviliter servilis*, when one shrinks from sin merely from fear of punishment, and when one is ready to sin again if there were no punishment. Theologians say of such a man: *solum manum cohibet, voluntatem autem non retrahit a peccato*.

Quite distinct from this fear is:—

4. Servile fear, *timor servilis*, when a man fears the punishments which God inflicts on sin, and on that account really avoids and detests sin: *qui non solum manum sed etiam voluntatem cohibet a peccato*, as the schoolmen express it.

5. Filial fear, *timor filialis seu castus*, is the fear of a man who honors and loves God as his Lord and Father, and from that motive avoids sin and loves the law of God. The last two kinds of fear conjoined form:—

6. Mixed fear, *timor mixtus seu initialis*, which is the disposition of a man who fears sin because it offends God and also because it is punished. Hence St. Thomas gives a clear and short account of these last three kinds of fear: Sometimes man turns to God and clings to Him because he is afraid of evil. This evil may be twofold, the evil of punishment and the evil of guilt. If a man turn and cling to God from fear of punishment, this is servile fear; and when it is done from fear of guilt it is filial fear, for children are afraid of offending their father; if, however, it is done from the fear of the punishment and of the guilt, it is then *timor initialis*, which is intermediate between servile and filial fear.[147]

147 II. II. Q. 19, a. 2; Stotz, l. c. Lib. I. P. II. Q. I.

The sorrow proceeding from servile fear is *attritio*, that imperfect sorrow which, when it excludes the desire of sinning and is joined to the hope of pardon, disposes the sinner to receive the grace of justification in the Sacrament of Penance. It may now be asked whether, along with this imperfect sorrow based on fear as its only motive, there may not be required besides, in order to dispose the sinner *proxime* for the receiving of grace, some sort of love, at least initial, or whether this love be included in that sorrow. On this subject the Council has given no direct answer. In the seventeenth century this question was debated with such heat that Alexander VII (June, 1667), in order to establish peace, forbade, in the strongest terms and under pain of excommunication *latæ sententiæ*, that any of the disputants in this matter should accuse their opponents of heresy. Four distinct views were proposed and defended on this subject:—

1. The first view teaches that sorrow from the motive of fear, as long as it is true sorrow, is quite sufficient of itself for obtaining sanctifying grace in the Sacrament. This sorrow produces hatred and detestation of sin and a return to God's law, and is inseparable from the hope of pardon. Hence the sinner becomes capable of receiving the grace of the Sacrament. Melchior Canus is the most famous of the defenders of this view, who are called Attritionists because they hold that mere attrition from the fear of the punishments inflicted on sin is a sufficient disposition. They thought that every sort of love was excluded from this contrition based on fear, a position which seems impossible both psychologically and in view of the action of grace; as was evidently the general opinion of the Fathers at the Council of Trent. Instead of the present clause in cap. 4: *attritio eum ad gratiam in sacramento pœnitentiæ impetrandam disponit*, another had been presented to them: *ad constitutionem sacramenti sufficit, ac donum Dei esse ac Spiritus S. impulsum verissimum non adhuc quidem inhabitantis sed tantum moventis quo pœnitens adjutus* (*cum sine aliquo dilectionis in Deum motu esse vix queat*) *viam sibi ad justitiam munit et per eam ad Dei gratiam facilius impetrandum disponitur*. Since it was urged that men of eminent learning made a distinction between such sorrow and love, the present form of the clause was chosen in order to avoid defining a scholastic question on which the Doctors were not of one mind; by using the word *disponit* the Council did not wish to mean a sufficient disposition, and to indicate this more clearly it purposely avoided the use of the word *sufficit*.[148]

148 Pallavicini, Hist. Concil. Trid. L. XIII. c. 10. Palmieri tries to weaken the force of this argument; see Tract. de Pœnit. Thesis XXX. p. 331 ss.

2. The second opinion holds that the sorrow based on fear is sufficient only when there is joined with it some beginning of the love of God, as our highest good. This view supported by the most eminent theologians rests on solid foundations, and is now the more usual opinion among theologians. That there is nothing in this view opposed to the Council of Trent is clear from what has been said above on this point. In another place in the Sixth Session (cap. 6) there is indirect authority for it, where the Council, in describing the progress towards preparation for the first grace, teaches that the sinner who is disposing his soul for justification must begin to love God as the source of all justice.[149]

149 "They [adults] dispose themselves for justification when, being urged and supported by God's grace, receiving faith by hearing, they approach God of their own free will, believing that to be true which is revealed and promised by God, and especially this, that the sinner is justified by God through His grace, through the redemption in Jesus Christ; and while they acknowledge their sins, they are led by fear of the divine justice, of which they have a wholesome dread, to the consideration of God's mercy, and thence are encouraged to hope, so that they trust that God will be gracious to them for Christ's sake, and they will begin to love Him as the source of all justice." Sess. VI. cp. 6; cf. can. 3: "If any one say that a man without previous inspiration of the Holy Ghost and without His help can believe, hope, love, and do penance as is required in order to attain the grace of justification, a. s."

Hence as preparation for the first justification of adults a beginning at least of love is required. Now what is required for their first justification in Baptism, that, at the very least, is demanded for the second justification by Penance, since, as the Fathers express it, Penance is a toilsome Baptism, *baptismus laboriosus*; consequently if a distinction is to be made in terms of greater or less, greater dispositions are required for Penance than for Baptism. Moreover, the Council is unmistakably clear

in its declaration that what it teaches with regard to the first justification applies equally to the justification by penance.[150]

150 Cf. *Proœmium* to the Fourth Session *de s. Pœnitent. sacram.*: "Although the œcumenical ... synod in its decisions on justification (Sess. VI.) has repeatedly spoken in the same urgent manner of the Sacrament of Penance on account of its intimate connection with the matter in hand, yet none the less," etc.

In the place where the Council treats of the sorrow required as a preparation for the Sacrament of Penance, it speaks of it plainly as the beginning of a new life;[151] such it could not be if it did not include love, or at least the beginnings of love; for since the new life consists in the love of God, the beginning of the new life must of necessity include the beginning of the love of God.[152]

151 Sess. XIV. cp. IV.

152 The words at the beginning of the fourth chapter: "*non solum cessationem a peccato et vitæ novæ propositum et inchoationem et ...*" need not of necessity be understood of perfect contrition, which is discussed later. In this place it is more likely that the question of contrition in general is under discussion.

A third reason may be found in the very nature of the subject. According to the Church's teaching, the justification of an adult means a real conversion, and this of itself includes a beginning of love. By mortal sin man turns from God to the creature; if the conversion is to be real, he must not only turn away from the creature, but also return to God, and that cannot happen without some initial love. Moreover, it is in the very nature of man ever to desire and love something as his highest good, be it the creature, as happens in mortal sin, or the Creator; since by his conversion he ceases to make the creature his sole object and aim, he must direct his desires to God the uncreated good, and so must love God at least as his highest good.

But this love which is required to accompany imperfect contrition in order to make it a sufficient disposition for obtaining grace in the Sacrament, is not the beginning of the *amor benevolentiæ* or the *caritas perfecta* or perfect love; for, as has been seen above, any act of contrition proceeding from perfect love in any degree at once restores a man to grace without the reception of the Sacrament; similarly the beginning of perfect love, joined with imperfect contrition, would justify the sinner without the Sacrament.[153] Penance would thus be a meaningless institution. It is rather the beginning of the *amor concupiscentiæ* or of the *caritas imperfecta*, in which we love God because He is good to us. This beginning of love is included in imperfect contrition, which arises chiefly from the fear of God's punishments; for Holy Scripture (Ecclus. xxv. 16) calls the fear of God the beginning of love. Hope of eternal happiness is another motive, for, as St. Thomas of Aquin says, when we hope to obtain a benefit from any one we are drawn towards him and begin to love him. Whoever, then, has imperfect contrition and receives the Sacrament in the hope of pardon, already begins to love God as his liberator, his champion, his Lord. No special intensity is required in this love; it need only be the beginning of love, as long as the love is real—and this is called *amor initialis*.[154]

153 Compare § 12.

154 S. Alph. Lib. VI. n. 442. Objic. III; Scavini, Theol. Moralis Universa, T. IV. Tract. X. Disp. I. cp. II. art. I. n. 23; Mazzotta, l. c. Tract. VI. Disp. I. Q. III. cp. III. § 2; Aertnys, l. c. n. 177; Lehmkuhl, l. c. P. II. Lib. I. Tract. V. Sect. II. cp. I, § 2, n. 288 et 289; Oswald, Die dogmat. Lehre von den heil. Sakrament. II. Bd. Fünfter Teil, Zweiter Abschn. Erst. Hauptst. § 7, p. 86 ff. III. Aufl.; Müller, l. c. Lib. III. Tr. II. § 114; Martin, Lehrbuch der kath. Moral. § 243; Tappehorn, Anleitung zur Verwalt. des Buss-Sakramentes, § 11, p. 89 ff. This doctrine was adopted by all the schools after the Council of Trent, as Benedict XIV affirms, De Syn., etc., Lib. VII. c. 13; and Alexander VII published in a decree of May 5, 1657, that this view *hodie inter scholasticos communis videtur*.

3. A third opinion demands, not a beginning of imperfect love, but perfect love in its first stages, that is, *caritas initialis*. It need not, however, be so strong as to suffice to remove sin of itself, nor need it be independent of other motives, such as servile fear. Such sorrow, however, would be no longer *attritio*, but *contritio*, which in any degree by itself justifies the sinner apart from the Sacrament.

4. The fourth opinion goes yet further and requires that along with *attritio* there should be not only pure love, but in such measure that of itself it should move the sinner to bewail his sins and give them up. This is of its nature *contritio*, whence the defenders of this last opinion are called contritionists.[155]

155 Scavini, l. c. Tract. X. Adnotat. n. 188 et 189.

This question is not one of mere theoretical interest, but is of highly practical application; for if the acts of the penitent are the *materia proxima* of the Sacrament, and if it is the confessor's duty to make certain of the presence of these acts before giving absolution, he must do so also with respect to contrition; for this reason he must study the nature and properties of contrition in order to secure the integrity of the Sacrament.

From this it is at once apparent that the contritionist must proceed differently from the attritionist. The former will, if he is true to his principles, not only investigate whether the penitent's sorrow for sin be joined with belief and hope of pardon, but also whether that sorrow proceed from the love of God, or at least the beginning of it, which love must be a love of God above all things. This investigation, however, is very difficult, and wearisome to confessor and penitent, at least if the latter be uninstructed. The attritionist, on the contrary, merely inquires whether his penitent has sorrow springing from a motive of faith and the hope of forgiveness; this inquiry offers no difficulty to either confessor or penitent. Once it is established that the sorrow comes from a motive of faith and is joined to the hope of pardon, one may fairly presume and conclude that there is *amor initialis*, so that further investigation is superfluous; for if we hope for good from any one, we have already at least a beginning of love for him.

Moreover, the confessor will observe that since the view requiring a beginning of love with imperfect contrition is more probable than the opposite, *probabilitate externa et interna*, it is also the safer; since, however, in giving and receiving the Sacraments an explicit papal decision enjoins the adoption of the safer view, it is not only of counsel but of precept, strongly binding, to elicit before receiving the Sacrament of Penance together with contrition an act of love, if only initial love. Though the initial love which is comprised in the imperfect contrition is not the love of benevolence or *caritas*, but the *amor concupiscentiæ*, yet *caritas* is in no way excluded from it, and cannot be excluded without grievous sin on the part of the penitent. Would it not be the sign of a bad disposition if a man were expressly unwilling to avoid sin if it did not deprive him of heaven or lead him to hell? "I do not say," says St. Francis de Sales on this subject, "that this sorrow excludes the perfect love of God; I say only that it does not of its own nature include it; it neither rejects it nor embraces it; it is not opposed to love, but it can exist without it."

Thus imperfect contrition disposes the penitent towards perfect love. Any one who desires and hopes to attain so great a boon as the grace of God, all unmerited as it is, will certainly be unable to refrain from meditating on the infinite love which procures him this great grace, and from that he will rise to

the love of God for His own sake as infinitely good and lovable. Hence St. Thomas says that whenever a man hopes to get a benefit from God he is led to love God for His own sake only.[156]

156 S. Thom. De Spe, a. 3; and St. Francis de Sales writes: "La pénitence nait dedans l'amour et plusieurs fois la pénitence venant en nos esprits l'amour vient en la pénitence." Theot. L. II. c. 20.

We add one more practical observation: The imperfect contrition arising from fear of hell, which excludes the desire of sin, and in which is contained at least virtually the hope of pardon, is quite sufficient to secure the fruit of the Sacrament of Penance; yet we ought to take pains that we have, as far as possible, perfect contrition, not only because this is more pleasing to God, but also because in this way the grace is made more certain and more grace is obtained and a greater measure of the temporal punishment remitted; because we are thus more sure of attaining true and necessary attrition, and finally, because we fulfill in this manner the precept which binds us to make, from time to time during our lives, an act of love. Indeed if a penitent chose to dwell only on the lowest motives of contrition, it would be a sign that his heart was not sufficiently fixed upon God, and there would be occasion for suspecting that there still lurked in his soul an undue affection for sin, curbed only by fear of punishment.[157]

157 Reuter, S.J., Theol. Moral. P. IV. n. 2, § 3; S. Alph. Lib. VI. n. 442 in fine.

14. The Necessary Qualities of Contrition

If the Sacrament of Penance is to be received validly and with fruit, the contrition must be real, formal, supernatural, universal, supreme, and sacramental.[158]

158 Compare Trident. Sess. XIV. cp. 4 et can. 5.

1. First of all, the contrition must be real or genuine. Now contrition is, according to the Council of Trent, a grief of the soul and a horror of sin. A sorrow expressed only in words would be a sham sorrow; that would not do: a real sorrow is required. A sorrow merely imaginary, even without guilt on the part of the penitent, in which case his good faith would certainly save him from the guilt of a sacrilege, could not possibly supply for the want of a necessary and essential part of the Sacrament.[159] Hence God's command by the prophet Joel: *Scindite corda vestra et non vestimenta vestra*—Rend your hearts and not your garments (the sign of mourning; Joel ii. 3). And truly it is meet that sorrow should begin there where sin had its origin, namely, in the heart; for from the heart, as the Scripture tells us, come forth evil thoughts, murders, adulteries, etc.[160]

159 Ballerini, Op. Theol. Mor. l. c. cp. I. De attritione existimata, n. 51 ss.

160 Matt. xv. 19.

The contrition must be formal, *i.e.* explicit; a virtual or implicit contrition, such as is contained in another act, say in an act of love or the resolution to confess and receive absolution, is not enough even though it excludes the affection towards sin.

Thus a penitent might conceivably elicit an act of perfect love without making any act of contrition, and then, after confessing his sins, be justified in virtue of the act of perfect love, though he would not validly receive absolution if he confined himself to the act of love. The contrition must be quite explicit, for it is the essential matter of the Sacrament, and virtual matter here would be about as practical as virtual bread and wine in the Sacrament of the Eucharist. Hence it is not enough to say: "I love thee, O my God, above all things, because thou art the sovereign good; forgive me my sins." Such words are only an act of love and a prayer for pardon, not a formal act of sorrow. The words must be explicit: "I am sorry for my sins."[161]

161 S. Alph. Lib. VI. n. 449; Scavini, l. c. Tract. X. Disp. I. cap. II. art. I. n. 12; Lacroix, Theol. Moral. Lib. VI. p. 2, n. 666; Ballerini, Op. Theol. Mor. l. c. De attritione, n. 77 ss. Cf. Suarez, De Pœn. Disp. 9, Sect. 1; Lugo, De Pœn. Disp. 4, n. 93.

Hence we see the error in the opinion held by several of the older theologians, who called attrition any kind of sorrow which did not come up to the standard of perfect contrition by want of an adequate motive of sorrow, or through deficiency of resolution of amendment, or because sin was not shunned as the greatest of evils.

Others besides have conjectured that it was necessary and sufficient for absolution in the Sacrament that the penitent believes he had contrition, *i.e.* that he ought to make efforts to be contrite and to believe that he has perfect contrition; such a putative sorrow, according to them, was sufficient, however distinct it might be from the sorrow of perfect contrition.

Both views are false. If imperfect contrition were only a velleity, instead of being a real horror of sin, it would not be sufficient for the Sacrament, and such sorrow could never be called genuine attrition. On the contrary, any sorrow which has the properties enumerated above is sufficient even if the penitent knowingly confine his efforts to imperfect contrition without aspiring to perfect it.[162]

162 Cf. Busenbaum, Theol. Moral. Tract. IV. (de Sacram. pœnit.) c. 1, d. 11, resolv. 1 et 2; Lehmkuhl, l. c. P. II. Lib. I. Tract. V. Sect. II. § 2, n. 284; Ballerini, Op. Theol. Mor. l. c.

There were also some theologians who maintained as a probable opinion that the virtual sorrow included in a formal act of love or in a resolution of amendment was sufficient. This view is stigmatized by Suarez as rash, by Vasquez as false. Other theologians, however, consider that this condemnation is too severe.

On this question Reuter[163] remarks that a penitent need not be worried about the formal act of sorrow if he has elicited an act of perfect love while reflecting on his sins (*memor peccatorum*), for it is morally impossible for any one with his sins before his eyes to elicit an act of perfect love of God without detesting his sins. The same may be said with regard to the purpose of amendment, for it is morally impossible to form it without having formal sorrow. This is made clear from the consideration of any practical resolution which is based on supernatural motives; for if the hatred of sin is not yet a formal detestation and sorrow of past sin, it becomes so in any one who reflects that he has been guilty of sin.[164]

163 Theol. Mor. p. IV. n. 247.

164 Cf. Vasquez, De Pœnit. Q. 86, Dub. 4, de proposito; Lehmkuhl, l. c. Tract. V. De Sacram. Pœn Sect. II. § 2, n. 284.

2. The sorrow which disposes for the worthy reception of the Sacrament must on the one hand be prompted by divine supernatural grace which begins, accompanies, and perfects the whole work of salvation, and on the other must proceed from some supernatural motive based on faith; for the dispositions required for a supernatural gift must be supernatural. The second condition is more important, for God will certainly give grace to a man to do that which he is obliged to do. Merely natural or worldly love or fear will give rise to natural sorrow; supernatural sorrow springs from a supernatural fear or love of God. The distinction between the two is not merely quantitative but qualitative; they have nothing in common, and no amount of natural sorrow will ever rise to the dignity of supernatural sorrow. Natural sorrow is of no efficacy in the work of conversion. When the prophets exhort to repentance they do not confine themselves to exhort the sinner, "Be converted," but, "Be ye converted to the Lord your God." A true penitent was, in their eyes, not one who turned from his sins; they required that he should also turn to God. Sorrow, then, must have a religious character, must be prompted by divine grace, must spring either from fear or love of God.

If sorrow is to have this supernatural character, it must be based on supernatural motives suggested by faith. Faith is the first condition for justification which the Council of Trent demands of the sinner; in addition to this other conditions are laid down, especially the act of hope. These acts need not be formally elicited, but it is required that the motive of sorrow for sin should proceed from faith if it is to be of use for salvation.

We may thus approach the question which, as Lehmkuhl says, many moralists treat with a certain scrupulosity—whether before the Sacrament is received explicit acts of faith and hope must be made, or whether implicit acts are sufficient. Lehmkuhl himself answers the question as follows:[165] To require that the penitent should elicit an act of faith with its formal object explicitly and with deliberation before or apart from the act of contrition is unreasonable; there would be reason for it only in the case of a penitent who had lost his faith by sinning against it. But an act of faith meaning the assent to a proposition of faith which springs from the habit of faith (*assensum in aliquam veritatem ut fide notam ab habitu fidei oriundum*), is rightly demanded since it is otherwise impossible to derive contrition from a supernatural motive. Thus there is no doubt that a formal and explicit act of faith is necessary; but this is certainly present if the necessary contrition be there.

165 Theol. Moral. l. c. n. 286; similarly Aertnys, l. c. Cf. Ballerini, Op. Theol. Mor. cp. I. n. 141; Suarez, De Pœn. Disp. 4, Sect. 2, n. 7.

Accordingly St. Alphonsus is quite justified in believing that he can reconcile the divergent views of the theologians by teaching that formal faith is certainly necessary, but not reflex faith: that is a separate and distinct consideration of the grounds of faith. It is just the same with regard to hope; for if a man receive the Sacrament in a genuine spirit of penance in order to get forgiveness of his sins, he is making an act of hope *explicite* (though not yet *reflexe*, still *exercite*) that God will grant him pardon in the Sacrament through the merits of Christ.[166] All this, however, holds good only for the faithful who are instructed in the things necessary for salvation.

166 S. Alph. l. c. n. 439; Reuter, Theol. Mor. p. II. n. 36 et p. IV. n. 247.

Our faith presents to our consideration many motives for contrition, which, as has been shown above, are reduced to two by the Council of Trent: fear of punishment and hatefulness of sin. This hatefulness may have many forms: the general malice which belongs to every sin (in so far as it is an injury to God our highest good, and rebellion against Him, or ingratitude to God our Father and Benefactor, or infamous unfaithfulness to Jesus our loving Redeemer), or the particular malice which is proper to each sin, since every sin has its own peculiar wickedness and is the opposite to some special virtue. A further motive is found in the sufferings and death of Christ, which may be considered a motive of *caritas*, and the loathsome state of the soul when deprived of sanctifying grace.

Among the punishments which excite us to salutary contrition are first of all the fire of hell, and then purgatory.

All these motives may be called eternal; the pains of purgatory may be numbered among the eternal motives because they begin only when a man has passed from this life into eternity.

It is to be observed that any one of these motives is sufficient to awaken in us true contrition; nor is it necessary that we should choose a motive with which we made acquaintance first by revelation; we know many of these motives as well by reason as by faith; we must only take care that the motive which impels us to sorrow appeals to us not merely from the point of view of reason, but as proposed by faith. If, however, one is moved to contrition by a particular motive, namely, the peculiar malice of some sin even when this malice is made known to us by faith, it is better to add a universal motive either of fear or of the malice residing in all sin, so that the sorrow may not be insufficient or doubtful for any sin which, having escaped observation, was not repented of.

The sorrow which comes from the thought of the temporal sufferings of this life may be regarded as supernatural if these sufferings are looked upon as inflicted by God, as being signs of His anger, and as a sort of foretaste of His eternal punishments if we do not amend. Hence the sorrow which comes from the thought of earthly pains cannot be set down at once and absolutely as supernatural sorrow; the supernatural aspect must be kept in view, and then the sorrow may be regarded as supernatural and sufficient for approaching the Sacrament. Not only reason, but faith also, teaches us that in God's providence sin has many evil consequences, and that on account of sin God strikes mankind with pains and calamities both private and public. Moreover, the Council of Trent enumerates among the motives of attrition "the fear of hell and of punishment," and in the punishment we are to understand the pains of this life, for the Council mentions as an example the Ninivites who repented of their sins, moved by fear of the destruction of their city, which had been prophesied by Jonas, unless they did penance; nor are the Ninivites the only instance where God has threatened temporal punishment in order to frighten sinners and move them to penance. Not all theologians, however, admit temporal punishments as motives of supernatural sorrow (among them Vasquez and Toletus); they try to weaken the argument drawn from the Council of Trent by asserting that the Council does not speak of two motives, which apart from one another can give rise to sufficient contrition, but that the words are to be taken conjunctively, so that the fear of earthly punishments must be joined to fear of the pains of hell, since the latter only are made known to us by faith. Our proof is in no way invalidated by this argument; besides, many theologians, and those the most famous, stand by the first view, so that it may be considered as the *sententia communis*. The words of one of them, the eminent Suarez, may be quoted here. He writes:[167] "Hence I infer that such sorrow [as is required for the valid reception of the Sacrament of Penance] must proceed from a divine and supernatural motive. That a temporal and human sorrow is not sufficient is plain from the words of the Council of Trent, and the reason is not to be misunderstood, for such a motive does not deprive the will of the affection towards sin." And in another place he writes: "Vega (l. 13 in Trid. c. 14) concedes that sorrow based on the fear of other punishment apart from hell-fire is sufficient for attrition. This view is correct if we suppose that the fear is not merely human and natural. Granted that the pains be only temporal, if they are considered as inflicted by God, as proclaiming God's anger, as being a foretaste in some way of the divine punishments in the next life if we do not reform, they can move us to a supernatural sorrow which may fairly be classed with the sorrow which is based on the fear of hell; thus we exercise the virtue of Christian hope when we look to God for temporal benefits in so far as they affect in any way our eternal life or fall under the special and supernatural providence of God."

167 De Pœnit. Disp. 20, Sect. 2, n. 10. Cf. Lugo, De Pœnit. Disp. 5, n. 137; S. Alph. L. VI. n. 443; Ballerini, Op. Theol. Mor. l. c. cp. I. n. 105-110.

Since, however, the negative proposition denying the efficacy of sorrow springing from fear of earthly punishments for reception of the Sacrament is the safer one and is not altogether improbable, it is the view which must be adopted in practice; so a penitent should not confine himself to the thought of the temporal penalties, but use it to proceed to the consideration of the divine justice as revealed in eternal penalties, "for," as Lugo expresses it, "this consideration will create the fear of God, who can inflict both one and the other penalty." This last reflection will certainly move him to a determined resolution to avoid sin as the greatest of evils, and to avoid it even if that involves other suffering. If, however, a man dwell on the thought of the suffering which his sins have drawn upon him, or on the suffering which usually follows in the train of sin, he will not necessarily be induced

thereby to resolve steadfastly to shun sin more than any other evil; for it is possible that the avoiding of sin may involve him in greater misfortunes in this life than those which would come from committing the sin; and it is impossible that the fear of a less evil will effectually nerve a man to endure the worse evil. Nevertheless the sorrow and purpose of amendment, if they are to be of any use for justification, must be such as to determine the man *implicite* to endure all the evils of this life rather than commit sin; and though the penitent is not obliged to reflect *explicite* on the matter, yet the motive of his sorrow and amendment must be so powerful that, as long as this motive is present, it would compel him to choose any suffering rather than sin. Finally, it may be mentioned that the consideration of the temporal suffering is a powerful weapon in the hands of the confessor to move an obstinate and unrepentant sinner to contrition, and thence to lead him to higher and safer motives.[168]

168 Lehmkuhl, l. c. Tract. V. (Sacr. Pœnit.) Sect. II. § 2, n. 287; Aertnys, l. c. Lib. VI. Tract. V. cp. III. art. 2, n. 179; Scavini, l. c. Tract. X. Disp. I. cp. II. art. 1; Gury-Ballerini, l. c. Tract. De Sacram. Pœnit. n. 452, Q. VII; Mazzotta, l. c. Tract. VI. Disp. I. Q. 3, cp. 3, § 1, n. 2.

3. The sorrow must be universal (*universalis*), *i.e.* it must extend to all past sins, at least to those which are mortal. No single mortal sin can be forgiven unless it is repented of, nor without other mortal sins of which one has been guilty being forgiven, for none can be forgiven without sanctifying grace; but sanctifying grace is incompatible with mortal sin, for it is impossible that any one should be at the same time a child of God and the slave of the devil, worthy of everlasting reward and deserving eternal punishment; because "there is no condemnation to them that are in Christ Jesus" (Rom. viii. 1). Hence it is promised in Holy Scripture: "If the wicked do penance for all the sins which he hath committed, and keep all My commandments, ... living he shall live";[169] and the second Lateran Council says, that a repentance would evidently be useless in which a man left out several sins and repented only of one; for it is written: "Whosoever shall keep the whole law, but offend in one point, is become guilty of all." He who is attached to one sin shall no more cross the threshold of eternal life than one who is addicted to all possible sins.[170]

169 Ezechiel xviii. 21.

170 C. 22.

There are only two ways of attaining universal contrition; one way is to apply special motives of sorrow to each particular sin, the other is to repent of all sins, both the known and the unknown, through a universal motive. This universality does not require that one should reflect on all his sins so as to elicit an act of contrition for each particular sin; this is necessary only if a man confines himself to those motives which of their own nature do not apply to all mortal sins. In practice, however, it is strongly recommended to base the sorrow on universal motives. If, then, a man is sorry for his sins, his mortal sins at least, from a universal motive, and afterwards recalls other sins, he may confess them along with the rest and receive absolution for them without having to make a new act of contrition; this fresh act would be required if his repentance had proceeded from motives peculiar to each sin. Besides there arises at the fresh recollections of his other sins in a repentant sinner a renewal of his sorrow; this renewal is useful, for it insures a more perfect preparation, but it is not necessary.

We must distinguish between the universality of the sorrow and the universality of the purpose of amendment. The sorrow is general when it extends to all sins committed, at least to those which are mortal; the resolution, however, must be to avoid all mortal sins whether they have been committed or not.

If a penitent has only venial sins to confess, the sorrow need not be universal; it must have, however, the other properties.[171] Since venial sin may coexist in the soul along with sanctifying grace, the love of God is not lost, and since one venial sin may be forgiven apart from others, it is enough in preparing for confession to make an act of sorrow for one or other of the venial sins. Of course in such a case only those sins are forgiven which are repented of; nor is it incompatible with the essence of venial sin that a man should be really sorry for one, especially if it be peculiarly vile, without being sorry for the rest.

171 S. Alph. Lib. VI. n. 449, Dub. 2; Ballerini, Op. Theol. Mor. l. c. cp. I. De dolore venialiam, n. 96-105.

Still, the penitent should exert himself to be sorry for all the venial sins of which he accuses himself. It is no sin to confess venial sins for which one is not sorry, so long as *materia sufficiens* for which there is actual sorrow is offered to the power of the keys. It may be assumed that the penitent, confessing venial sins for which he is not sorry, does not care to be absolved from them; from these the confessor does not intend to absolve. Reasons may exist for confessing venial sins for which there is no real sorrow, *e.g.* in order to practice humility, to be better known and guided by one's confessor, etc.[172]

172 Suarez (De Pœnit. Disp. 20, Sect. 6, n. 7) and Lugo (Disp. 14, n. 48) teach clearly that a penitent who confesses (venial) sins for which there is no sorrow, along with others without indicating the known defect of sorrow, would sin venially by mixing up proper and improper matter. Their view, however, is singular and is combated by other theologians. In particular Mazzotta (l. c. Tract. VI. Disp. I. Q. III. § 2, v. f.) gives the correct solution to the objection that to confess venial sins for which there is no sorrow, is a lie and a nullifying of the Sacrament, because the act of confessing these sins is *exercite* a declaration of sorrow for them. He replies that, even granting the objection, it is in any case a lie in a matter of less moment, and so at the most a venial sin, whence there can be no nullifying of the Sacrament. He denies also that such confession is a lie, for, in accordance with the feeling and practice of the faithful, the penitent by such confession of venial sins states *exercite* that he is sorry for *some* of them and wishes to be absolved; with regard to the rest he reveals them for his greater humiliation and shame, or in order to disclose the state of his soul, just as he may also reveal his evil inclinations and irregular desires, though they are not sins. Even when a penitent is sorry only for the greater sins, and yet says at the end of his confession, "For these and all my other sins I am sorry," he tells no lie, for these words have no other meaning in their ordinary acceptance than this, that he is sorry for all the sins from which he can and wants to be absolved. It is just the same when a man confesses many venial sins and is sorry only on account of their great number, for he can easily see a peculiar malice in the habit of committing such venial sins, and on that account can more easily excite himself to sorrow for them. Mazzotta, l. c.; Lugo and Suarez, l. c.; Stotz, Trib. Pœnit. Lib. I. Pars II. Q. I. art. 4, n. 20; Lehmkuhl, l. c. n. 290, 291.

4. The sorrow must be a sorrow surpassing all other sorrow (*sovereign*, *supreme*) which shrinks from past sin as a greater evil than any in the world, so that a man is prepared to forego every good and suffer any evil rather than fall into sin again. This sorrow must be supreme *appretiative*. Yet it is not required that the sensible feeling of pain should be infinitely great or surpassing all other pain; nor is it necessary that the heart should feel more keenly, or be more disturbed, or be more cast down than it would be by some earthly suffering or loss which should appeal more immediately to the sensitive faculties. Thus a man may experience a more intense and lively sorrow for temporal losses, such as the death of a dear friend or relation, and

> yet his contrition may be appreciatively much greater. Of this he would give ample proof if he were disposed to avoid sin, even though the sin could make good his losses. Hence it is not by the acuteness of the sensible suffering that sorrow for sin must surpass other pain, but by the displeasure at past sin and the determination of the will to endure all kinds of suffering and every temporal calamity and evil rather than consent to a single mortal sin. The sorrow for sin must therefore be appreciatively sovereign, not necessarily intensively so. The intensity makes no change whatever in the substance of an act. Though contrition is usually the more perfect the more intense it is, yet the intensity ought not to be aimed at, for it would only prepare the way for scruples; moreover, there is no proof that such intensity is necessary.[173]

173 Cf. S. Thom. Suppl. Q. 3, art. 1; Stotz, Tribunal Pœnit. l. c. art. IV. n. 16, 17; Ballerini, Op. Theol. Mor. l. c. n. 110.

Though the penitent must have a greater horror of sin than of any other evil, it is not necessary that he should make a deliberate comparison of it with other evils, and make a vivid picture of each particular misfortune, putting to himself the question whether he is ready to endure it in preference to committing sin. Indeed such a course would be highly imprudent and dangerous and likely to destroy the real contrition and purpose of amendment which he had, as well as to excite an inclination for the sin which he detested. Hence when such comparisons obtrude themselves on the mind of the penitent, he should positively reject them and cling to the absolute and unconditional general resolution of never sinning again, helping himself by the reflection that God's grace will never be wanting at the right moment, and resolving with the help of that grace never more to sin.[174]

174 S. Thom. Quodlib. 1, art. 9 (*non modo imprudentiæ sed stultitiæ eum morem arguit*); S. Alph. Lib. VI. n. 433; Stotz, l. c.; Ballerini, Op. Theol. Mor. l. c. n. 116 s.

The question whether the sorrow can ever be excessive is already answered from the foregoing. The sorrow which is of the essence of contrition, *i.e.* displeasure at our past sins in so far as they are an injury to God, can never be excessive; the greater our love, the greater must be our displeasure, and love cannot be too great. As to the sensible feeling of sorrow which is not at all necessary for true contrition, this should never be carried so far as to interfere with the duty of self-preservation, though as a matter of course there is little occasion to fear that sensible sorrow will go so far. For the sensible sorrow over a spiritual evil is always somewhat remote and cannot easily be so acute as direct physical suffering or as the pain which comes from a misfortune appealing directly to the senses.[175]

175 Cf. S. Thom. Suppl. Q. 3, art. 2; Martin, Lehrbuch der kath. Moral. § 243.

As in contrition there is no definite intensity required, neither is any certain duration; for a man may in one moment elicit an act of perfect or imperfect contrition; it may be quite suddenly aroused by divine grace, as in the case of David when he exclaimed in his sorrow, "I have sinned against the Lord," or as in the case of St. Peter, who at one glance of Jesus was melted into bitter tears. The moment contrition becomes actual it is sufficient for absolution. In practice, however, the faithful should be urged to spend some time before confession in rousing a genuine sorrow that will answer all demands, by reflecting with the help of God's grace on the nature of sin and its consequences; moreover, they should be cautioned not to be satisfied with a mechanical repetition of an act of contrition, otherwise the sorrow may be wanting, or at its best be very weak. Yet sorrow is of the

highest importance because it is the most essential of the *actus pœnitentis*, the very soul of confession.[176]

176 Ballerini, Op. Theol. Mor. l. c. cp. I. n. 111; Lehmkuhl, l. c. Tract. V. Sacr. Pœn. Sect. II. cp. I. § 2, n, 285, 3. On the subject of the *dolor quo non doleas* see Ballerini, l. c. n. 114 s.

15. The Relation of Contrition to the Sacrament

Finally, the sorrow must be sacramental, *i.e.* in connection with the Sacrament of Penance. For instance, in order that attrition along with the Sacrament may be able to restore a man to sanctifying grace, it must be joined with at least the implicit intention of receiving the Sacrament, and coexist virtually with the absolution.

A man who in preparing for confession bewails the sins which he has discovered in examining his conscience, makes an act of contrition *ex intentione implicita* of receiving the Sacrament. If, however, his sorrow is expressed without any intention of receiving the Sacrament or without any thought of confession, he must renew his act of sorrow in order to be sure of receiving absolution validly, unless he afterwards decides to go to confession in consequence of the still virtually enduring contrition, so that his confession proceeds from his sorrow. Hence the following conclusions are drawn:—

I. An act of contrition made without reference to the receiving of absolution makes the validity of the absolution doubtful.

II. It is not necessary, however, that the penitent should make the act of contrition in consequence of his resolution to go to confession. This is the usual practice, it is true, and certainly a very good one, but it is enough if by his contrition he be moved to make his confession, and if he thus unite his sorrow, still persevering, with the sacramental act. It is also sufficient if the penitent makes an act of sorrow in the interval between the confession of his sins and the giving of the absolution.[177]

177 This is in accordance with the Roman Ritual, which, Tit. III. cp. I (Ordo ministrandi Sacr. Pœnit. n. 17), says: "After the confessor has heard the confession ... he should try by earnest exhortation to move the penitent to contrition."

The reason for making these demands upon the penitent is that the acts of the penitent are not only an interior preparation for, but they are the *materia ex qua* of, the Sacrament. The sorrow, therefore, must be brought into relation to the Sacrament; and since this doctrine is probable and is the common teaching, this relation must be established in practice at least *ante factum*, *i.e.* the confessor must before giving absolution take care that the penitent makes his act of sorrow with a view to the Sacrament.

Hence the question amounts really to this: What relation is demanded between the act of sorrow and the Sacrament? not whether such a relation be necessary; for, on the one hand, it cannot be defended with any probability that such relation is unnecessary, and, on the other hand, it is not in accordance with either truth or prudence that the penitent, before making the act of contrition, should establish its relation to the confession or be obliged to have the intention of receiving the Sacrament.

Some sort of bond, however, must exist between the contrition and the Sacrament. It is false to infer from the Catholic teaching of the Council of Trent that the eliciting of the act of sorrow or *dolor in fieri*, as it is called, is the *materia proxima* of the Sacrament; it is rather the sorrow already elicited or the *dolor in facto esse*, which is the matter of the Sacrament; it is not in or by itself *proxima materia*: it becomes so by means of the confession and in union with the confession. That sorrow is sufficient which coexists in any way with the will of receiving the Sacrament. In other words, the sorrow must *inform* the confession, *i.e.* make the accusation a penitent or sorrowful confession, and apt to effect a reconciliation with God. If then the sorrow coexists in any way with the confession and is referred to

it, that sorrow constitutes *proxime* the matter of the Sacrament and there is no necessity for the penitent to have the intention of confessing before making the act of contrition. In a similar way water is the matter of Baptism; it is not necessary that the water should be procured with the intention of conferring the Sacrament; it is quite enough to take the water which comes to hand and to apply it to the sacramental use. Now there can be no doubt that the sorrow also, though not elicited with a view to the Sacrament, can remain present in some way in the soul, and while so present may later on be brought into contact with and applied to the Sacrament. A man, for instance, who under the influence of his contrition seeks an opportunity of going to confession, or makes use of the opportunity of going which presents itself, has certainly not lost his contrition; he has it rather in greater abundance, though he reflects no more on his sorrow, nor even retains any certain recollection of it afterwards.

Lacroix has no sufficient reason for demanding that sorrow must be aroused with the view of going to confession, saying that otherwise the sorrow would not be a sacramental act, just as the pouring of water made without the intention of baptizing, though referred immediately afterwards to the baptismal act and the form added, is not a sacramental function. The comparison, we answer, is not to the point, for the sorrow is not *in et per se materia proxima* as is the pouring of the water in Baptism. If, however, a man poured out the water with some other intention, and then still in the act of pouring formed the intention of baptizing, the Baptism would be valid. The same argument holds for penance; hence that sorrow is sufficient which coexists in any way with the wish to receive the Sacrament.

In the case quoted above where the penitent first confesses his sins and then makes his act of sorrow before receiving the Sacrament, or when he is moved to contrition by the words of his confessor, a difficulty may arise, since the confession must be a sorrowful one. Such an enumeration of the sins cannot, of course, be considered as informed by sorrow; the humble demand for absolution, however, takes up the accusation again and perfects it; and makes it *materia proxima* of the Sacrament.

If, on the contrary, the sorrow has been elicited with no idea at all of confessing the sin, there is reason for doubting whether an act so completely independent of the confession will become *materia* of the Sacrament. Absolution cannot be demanded in face of the probability of such an essential defect; yet one can hardly acquire sufficient certainty of the existence of such defect to make the repetition of the confession obligatory.[178]

178 S. Alph. Lib. VI. n. 447; Ballerini, Op. Theol. Mor. l. c. cp. I: *an dolor ordinandus ad sacramentum*, n. 120-129; Lehmkuhl, l. c. Sect. II. cp. I. § 1, n. 280; Gury-Ballerini, Compend. Theol. Mor. Tract. de Sacr. Pœn. art. I. § 1, n. 447, Q. 7; Suarez, De Pœnit. Disp. 20, Sect. 4, n. 29; Lugo, De Pœnit. Disp. 14, n. 37-40; Vindic. Alph. p. 935, n. 108 et pp. 411-418; Aertnys, l. c. Lib. VI. Tract. V. cp. III. art. II. n. 179, Q. 4.

III. The sorrow must coexist at least virtually with the absolution if it is to be sacramental. This virtual coexistence is secured if the sorrow is excited immediately before the accusation or the absolution, or even one, two, or four hours before confession; and St. Alphonsus admits that real sorrow may last one or two days and still be sufficient for absolution, when it comes from the desire of being reconciled with God, or when it urges a man to go to confession in order to avoid the sins along with the occasion of them. On the other hand, a sorrow removed by so long an interval would not be sufficient for valid absolution if the confession were made out of mere devotion, or in fulfilment of a vow, or for some similar reason. In these latter instances one or two hours is the

widest limit which could be assigned for the virtual duration of the contrition. Hence we must condemn the teaching of some moralists that the act of sorrow endures over an unlimited time, and that it is quite sufficient if it is not retracted in the interval. Of course the act of contrition loses completely all its value for absolution by any retraction; and sorrow is retracted expressly by any new complacency in the sin or by any fresh mortal sin.

The reasons for the doctrine just given have already been laid down in the preceding paragraphs on the relation between contrition and absolution. The theologians fall back in particular on the analogy between the civil and sacramental tribunals. As in a civil process some time may elapse between the hearing of the case and the passing of the sentence without invalidating the sentence, so some interval may elapse between the sorrow and the absolution by which sentence is pronounced; this delay, however, must not be too long.[179]

179 S. Alph. Lib. VI. n. 446; H. Ap. Tract. 16, n. 20.

In practice the priest must teach the faithful and insist on their renewing the act of sorrow immediately before confession, if it is some time since they made it, and also on a due amount of time being given to eliciting contrition, since the fruit of the Sacrament is more abundant in proportion to the care taken in preparing for it.

In the case, however, where confession has been made with genuine sorrow but without the necessary reference to the Sacrament, the penitent should not be obliged to repeat the confession, for the other view with regard to the sorrow, that it is not *materia sacramenti*, but only a disposition on the part of the penitent, is not altogether without probability; besides it is scarcely probable that the former act of contrition has not been renewed when the man intended to confess, and that it has no sufficient coexistence with the confession, or at least with the intention to confess. Only when there is danger of death or any risk of the penitent dying before receiving absolution again, the safer course, as far as possible, should be adopted; for on such important occasions prudence counsels us to guard against even slight doubts, so as not to jeopardize our eternal salvation.

It is certain, as we remarked above, that the act of contrition is retracted by a fresh mortal sin, and its effect, in consequence, no longer endures. It is not so easy to settle the question, with regard to venial sins, as to whether the sorrow for venial sin based on a universal motive is revoked by a fresh venial sin, or whether the sorrow continues. If it is conceded that the sorrow is revoked, scruples may easily arise if the sorrow has not been renewed immediately before confession. This practice is very good; but not necessary, if the fresh venial sin is less grievous than those which the penitent intended to confess when he made his act of sorrow.[180]

180 Cf. Tamburini, Method. conf. Lib. I. cp. 3, § 4; Lehmkuhl, l. c. Sect. II. cp. I. § 1, n. 281.

There is still another question to consider. An act of contrition is made, extending to all past sins, those which are forgotten as well as those which are remembered; must this be renewed if the penitent afterwards confesses the forgotten sins and desires a second absolution?

A renewal of the sorrow in this case does not seem necessary, provided that the sorrow in the first confession extended to all past sins, even those which by chance had escaped the memory; for in this case the process was not objectively complete. The sorrow and the implicit intention of receiving absolution were applied to all sins, even those inculpably forgotten; and as the renewal of the sorrow would not be at all necessary if the penitent, after making an act of contrition on universal grounds,

recalls just before the absolution some sins forgotten and confesses them before the absolution is pronounced, so it is not necessary in the case mentioned, since it is much the same whether one receives many particular absolutions or a general one embracing all the sins. Such is the view of the greater number of the moralists. Lugo, St. Alphonsus, and Reuter may be mentioned particularly as favoring it; St. Alphonsus calls this teaching *communis*, Roncaglia *moraliter certa*, Sporer, Elbel, and many others *probabilissima*; it has been declared even *indubitata apud omnes*; *pro ea stat*, says Lugo, *communis praxis*. If in this case one or two confessors perhaps insist on the renewal of the sorrow, the greater number agree in acting differently or in suggesting it merely as a piece of advice.

The champions of the other view urge that the case is closed by the first absolution; if then absolution is to be given again, a new *materia proxima* is required, and even if the sorrow continue, it has no relation to the second absolution. It is easily seen that this is not a strong reason.[181] Yet though the renewal of the sorrow be not necessary for the validity of the absolution, it is advisable to make again the act of sorrow, which is easy to do and certainly increases the grace. The confessor deals prudently with a penitent under such circumstances when he requires him to make a short renewal of his act of contrition.[182]

181 Cf. Gury-Ballerini, II. l. c. n. 448; Baller. Op. Theol. Mor. l. c. cp. I. n. 129 ss.; Aertnys, l. c.; Lehmkuhl, l. c. n. 282; Mazzotta, l. c. Tract. VI. Disp. I. Q. III. q. I. § 3.

182 Müller (l. c. Lib. III. Tract. II. § 116) founds his advice as to renewing the act of sorrow on the rule *in praxi tutius est sequendum*, since it is a case of securing the validity of a Sacrament. He is in error, however, for the other (affirmative) opinion hardly deserves to be considered probable on account of the very weak grounds on which it rests. We must at the same time remember that the penitent in this case is certainly justified, and that he has fulfilled the divine precept of demanding direct absolution for all his sins when he confesses his sins in accordance with the first opinion.

The doctrine just developed is not only adopted *ex communi sententia* in the case more or less frequent, where a mortal sin which had been forgotten is confessed immediately after or very soon after absolution, but also in two other cases. For instance, a penitent in immediate danger of death must be absolved after one or two sins have been confessed; after this, if he be still alive, the confession is continued and completed. The other example is when a penitent (a very rare case) is absolved by his superior from the reserved sins only, and from the remaining sins by another confessor.[183]

183 Compare § 42; Gury-Ballerini, l. c. This doctrine is pushed still farther, and it is taught that a man may be absolved several times from sins, even though he has confessed them or other sins two or three times without renewing his contrition, so long as he has not revoked the contrition, and so long as it remains habitual and virtual. This is not to be understood as though the absolution may be given after the lapse of weeks and months on the strength of a single act of contrition; this would be a very doubtful proceeding, since the virtual continuance of the sorrow which is required is not to be understood of the mere habitual disposition of the heart, but only of the virtual existence which may still intentionally unite the sorrow with the absolution. Cf. Tamburini, l. c. Lib. I. cp. 2, § 5; Lehmkuhl, l. c. n. 282.

The result of this doctrine ought not to be, however, that confessors and penitents become less solicitous about contrition for sins already remitted by the Sacrament. It may, however, as Ballerini remarks, be very useful in quieting scruples, especially of those who accuse themselves of venial sins and in addition tell some mortal sin already confessed and absolved; for if there is little ground for doubting the sorrow for past mortal sins in a penitent who has usually only venial sins to confess, and shows by his constant victories over temptation his aversion to mortal sin, yet certain anxious penitents are frequently troubled with scruples about their want of contrition, especially if they happen to hear a preacher who, with a zeal sometimes devoid of prudence, condemns the repeated

confession of past sins made without true contrition. Such scruples may be overcome by various means, but especially by the doctrine just given.[184]

184 Gury-Ballerini, l. c. n. 447, Nota a.

To conclude with a few practical questions:—

1. How must the confessor deal with a penitent who thinks he has only very slight contrition? He must first of all not be too hasty in deciding that this penitent is indisposed and without the necessary contrition; there are men whose hearts are so hard and inaccessible to sensible impressions that it is only with difficulty and at rare intervals that they are moved to a sensible sorrow, and such are easily inclined to think that they have not the proper dispositions. The confessor must remember that the feeling of sorrow is not at all required, but that a real grief over the past life and an earnest desire to amend are sufficient; he must satisfy himself that these dispositions are present and cannot demand more. He may, moreover, reasonably assume the presence of these dispositions in the penitent if the latter be willing to listen to warning and instruction, if he has at any time really endeavored to amend, if he is ready to perform the penance imposed, and to carry out other prescriptions of a like nature.[185]

185 Scavini, l. c. Tract. X. Disp. I. cp. II. art. I. Adnot.

2. When with regard to former confessions the priest wishes to ascertain whether the penitent has had real sorrow, the following points may serve as indications:—

(*a*) If the penitent has made use of the means suggested to him for overcoming the sin.

(*b*) If he has avoided at least the proximate occasions of sin.

(*c*) If the number of sins has become less.

(*d*) If the penitent is convinced that he had real sorrow and purpose of amendment; for it is a first principle in the Sacrament of Penance that the penitent's word is to be taken, since he is there his own accuser and witness.[186]

186 Cf. Stotz, l. c. art. VI. n. 114.

The priest must act here with great prudence so as not to frighten away the penitent, and at the same time not to indulge in an indiscreet leniency by which he would himself commit sin and involve both the penitent and himself in ruin.

3. It is not easy for the confessor to discover when the penitent has not real contrition; the following directions, which Cardinal Denoff in his pastoral brought to the notice of all the confessors of his diocese, may be of use:—

(*a*) If the penitent approaches with a proud bearing as though despising the minister of Christ.

(*b*) If he answers with impatience and anger the questions which the confessor is bound to put.

(*c*) If in the course of his confession he constantly makes excuses and accuses others more than himself.

(*d*) If he mentions the gravest sins as though they were ordinary occurrences.

(*e*) If it is evident that he is trying to conceal a mortal sin which the confessor in the course of his examination has detected.

(*f*) If he refuses to accept a penance proportioned to the number and gravity of his sins, and given with all consideration for his circumstances.

(*g*) If he is unwilling to employ the necessary means to reform.

(*h*) If, finally, he belongs to the number of those unhappy sinners who seek ignorant or easy-going confessors, with a view of getting absolution only, without any intention of reforming.[187]

187 Cf. Scavini, l. c. Adnotat. n. 191, and Trucchi, Metodo practico per la facile e sicura amministrat. del Sacr. della Penit.

4. If the priest has to deal with an obstinate sinner, he must discreetly unite mildness and severity, but above all pray to God for him, since every good gift comes from the Father of light. He may picture to him God's great mercy and the love of Jesus to give him courage; or he may try to soften the hardness of his heart by reminding him of God's justice (cf. S. Alph. Praxis Confessar. cp. I).

Chapter II. The Purpose of Amendment

16. Necessity and Nature of the Purpose of Amendment

According to the decision of the Council of Trent, as we have seen above, the resolution to amend as well as contrition is required for the valid reception of the Sacrament. With a true sorrow for sin is always conjoined the resolution to avoid it, so that we may say with regard to past sins sorrow means grief and horror, with regard to the future it means the resolution to amend. For instance, a man who hates the sin he has committed, because it is sin and in so far as it is sin, *i.e.* because it is an offense against God and the greatest misfortune which can befall a mortal, naturally extends that sorrow to everything which involves sin, and so to the sins of the future, since they offer the same grounds for hatred as the rest.

Now amendment is effected by the deliberate intention never to sin again for the future. A distinction is drawn between the express or formal resolve (*propositum explicitum seu formale*), as when, for example, a man thinks upon his future life and resolves to sin no more, and the implicit resolve contained in the sorrow (*propositum implicitum seu virtuale*); the latter is present when a man, without thinking upon his future life, repents of his sin in such wise that, if asked whether he intends for the future to avoid sin, he would most certainly answer in the affirmative.

It is a disputed point among theologians whether for the validity of confession an express (formal) resolve is necessary or one included in the act of contrition (a virtual resolve) is sufficient. Some teach absolutely (very few, however) that an express resolve is necessary, and appeal to the Council of Trent as requiring this condition, since, after defining the act of contrition, it adds the words: *Cum proposito non peccandi de cætero*.[188]

188 Sess. XIV. cp. IV.

This argument is successfully invalidated by Cardinal Lugo,[189] who, in addition, brings convincing testimony that the very opposite conclusion may be drawn from the teaching of the Council. Since, moreover, as Ballerini shows in his notes on Gury's text, only a very few theologians adopt that view, it can hardly lay any claim to probability.[190]

189 De Pœnit. Disp. 14, n. 52 s.

190 Ballerini points out particularly that the older theologians, as Petrus Lombardus, St. Thomas, Blessed Albert, Scotus, Durandus, were quoted without reason as upholders of this view, for, though they insisted on the necessity of some sort of purpose of amendment, they made no distinction between a formal and a virtual purpose. Cf. Bellarmin, De Pœnit. Lib. II. cp. 6. Moreover, Suarez, Cajetan, Bonacina, Henriquez, and Gregory of Valentia are wrongly quoted in favor of this view; they taught the very opposite. Cf. Ballerini, Notæ, l. c. ad n. 462.

Other theologians teach absolutely that an express purpose of amendment is not necessary if the contrition proceed from a universal motive;[191] an implicit resolution is sufficient, and Lugo calls this opinion *communis inter recentiores*. Indeed most of the theologians endorse it. Ballerini cites seventy-three by name, with the passages in which they express their views.[192] It is also founded on solid intrinsic grounds, for, according to the doctrine of the Council (*loco citato*), attrition which excludes the desire of sinning is sufficient for the valid reception of the Sacrament; but, as we have seen, attrition excludes the desire of sinning, even when there is no formal purpose of amendment, for it detaches the heart of man from sin, and not only from past sin but from all sin.[193]

191 The purpose of amendment must be universal, and, as we shall show later, with a universality distinct from that of the contrition. If the sorrow proceeded from a particular motive which *nec actu nec virtute* extended to the other sins, it is clear that the resolution to amend implied in such sorrow could hardly be universal. If, for example, a man conceived sorrow for the sin of impurity only on account of the peculiar ugliness of that vice, the purpose of amendment contained in such a sorrow would suffice indeed so far as it applied to impurity, but not for other sins, because the motive is a particular one not extending to other sins. If, then, the sorrow is based on some particular motive, an explicit purpose of amendment must be made extending to all sins. If the sorrow proceed from a general motive applicable to all sins (if a man, for example, is sorry for having committed a serious theft because it is a grave offense against God), it is impossible that he should be willing to offend God again by any other grave sin, for in consequence of his act of contrition he hates and detests whatever offends God. Whoever heartily detests his sins from a universal motive will be slow ever to fall into them again; for no man will do that which he hates as an offense against God. "But when the Council of Trent speaks of the purpose of amendment, it speaks of it in the same way as of the resolution to go to confession and make satisfaction, and this need not be explicit. As it is sufficient that this resolution be virtual, it is also enough to make a virtual resolution of reforming one's life and sinning no more; it is always a real resolution, though it be only a 'virtual one.' And since eminent authorities interpret the Council of Trent in this manner, we may without misgiving follow their decision." Stotz, l. c. Lib. I. P. II. Q. II. art. III n. 88 ss.

192 Ballerini, Notæ ad n. 462, pp. 348-356 (Ed. Romana, 1887), and Opus Theolog. Morale, l. c. (*An sufficiat propositum virtuale*), n. 143-155.

193 This is also the doctrine of the Council held at Rome in 1725 under Benedict XIII in the Lateran Basilica.

Finally, there are theologians who distinguish and say: If a penitent advert to the future, he must make a formal resolution to amend; if, however, as in the case of the dying, no thought of the future occurs to him, a formal resolution is not necessary; for it is hardly possible that a penitent who is really sorry for his sins and thinks upon the future should fail to make an express and formal resolve to amend. Yet this may very well happen, as Ballerini observes, to pious people, especially to such as are careful to avoid even slight deliberate venial sins, and are accustomed to make acts of sorrow for defects and to start afresh on the right way; for in them the resolution to avoid sin is not made just for the time when they prepare for confession, but it is rather an enduring habit of mind. Hence it is not matter of surprise that they should not think of renewing and confirming their resolution. Suarez makes this clear when, in speaking of perfect contrition, he asks whether an act of perfect love suffices for justification, or whether also an act of sorrow for sin be necessary; he replies that *per se* both are required, but that *per accidens* the act of perfect love suffices, for whoever makes an act of perfect love is undoubtedly restored to grace; but that if a man be conscious of sin, he is in duty bound to reëstablish his right relation to God and to make a formal and explicit act of displeasure and hatred with regard to the sin; to neglect this duty would prove that he had no real love. In a similar way the sinner who mourns for his past sins is naturally prompted to make a resolution of avoiding sin; hence the voluntary neglect of the purpose of amendment renders the act of contrition very suspicious.[194]

194 Suarez, De Pœn. Disp. 20, Sect. 4, n. 33.

After exposing the three views which have divided theologians on this point, St. Alphonsus concludes: The last two views are certainly the more probable; but since the first has also a certain probability, it must in practice be followed *ante factum*. He holds that a penitent would be obliged to repeat his confession if he had confessed in good faith without an express purpose of amendment, though with real contrition such as would include a virtual purpose; his argument being that, since the first opinion is sufficiently probable, a penitent who had certainly incurred mortal sin is bound to avow the same in a confession that was certainly and not merely probably valid.[195] Now, as we have

shown above, the first opinion can hardly lay claim to any probability, though the holy Doctor concedes it as such mainly because he was misled by Lacroix into believing that he had distinguished authorities on his side. Besides, St. Alphonsus teaches in another part of his Moral Theology (l. c. n. 505) that the penitent should not be obliged to repeat his confession unless there be a moral certainty of its invalidity—a doctrine quite in accordance with the *sententia communis* and with excellent reason maintained by Lacroix, Gobat, etc., in opposition to Antoine, one of the most conspicuous rigorists of his time.

195 S. Alph. Theol. Moral. Lib. VI. n. 450.

In the case under consideration it may be decided with moral certainty that a confession made with a virtual purpose of amendment is rather valid than invalid, especially since, according to St. Alphonsus himself, the champions of all these opinions unite in declaring that a confession made without an express resolution of amendment need not be repeated, for they would certainly have decided for the repetition if they had thought such a confession invalid. Hence theologians deny *communissima sententia* that a formal purpose of amendment (if the contrition is based on a universal motive) is necessary *necessitate sacramenti*; they admit that confessions are valid without the express purpose of amendment. Add to this that St. Alphonsus in his *Homo Apostolicus* taught that confessions made with only a virtual purpose of amendment need not be repeated.[196]

196 The Turin edition of his Moral Theology defends the doctrine held in the present work, and shows that the holy Doctor was always expending labor on the text of the Moral Theology and correcting it up to the end of his life. Aertnys, moreover, declares (appealing to S. Alph. Theol. Moral. Lib. I. n. 53, Lib. III. n. 700, and Lib. VI. n. 505) that there is no obligation of repeating the confession; and Marcus (Institut. Moral. Alphons. P. III. Tract. V. Diss. II. cp. I. art. II. n. 1680) adopts Scavini's view: *In praxi* no one need be disturbed in this matter, since it can hardly happen that a really contrite penitent will omit the formal purpose of amendment. Müller (l. c. § 117) requires for the validity of the confession a formal resolution to amend, and maintains that confessions made without the formal resolution are to be repeated.

We conclude with the following principles:—

1. In order to receive the Sacrament validly and to share in its essential effects, a virtual or implicit purpose of amendment is sufficient if the sorrow proceed from a universal motive.

2. If confession has been made without a formal and express purpose of amendment, there is no obligation to repeat the confession as though it had been invalid.

3. The faithful should be taught and urged to make a formal resolution of amendment in the course of their preparation for confession.

The reason of this last prescription is not so much to be found in any doubt with regard to confessions made without the express purpose of amendment, but to secure a more abundant fruit from the Sacrament. We shall certainly with the grace of God make more earnest endeavors to avoid sin and to reform if we expressly, deliberately, and with all our heart resolve to avoid sin. Indeed, as Lehmkuhl justly observes, apart from the grace of the Sacrament and the instruction and advice of our confessor, the frequent reception of this Sacrament serves to secure us against relapse, for our wills need a frequent stimulus to remain firm in the hatred of sin. Not infrequently one cause of our relapses is a weak purpose of amendment.[197]

197 Lehmkuhl, l. c. n. 298. Cf. Stotz, l. c. n. 92.

17. Properties of the Purpose of Amendment

The purpose of amendment must have the three following properties: it must be absolute or firm, efficacious, and universal. We shall consider these properties in detail.

The purpose of amendment must, first of all, be *firm*, answering to the contrition which detests sin above all other evils; so that a man under no circumstances, neither through fear of any evil or love of any good will think of swerving from his resolve. Thus the purpose of amendment is not a velleity, not a mere wish or a vague desire; it must be an absolute, fixed determination never to sin again; otherwise the penitent would not really detest sin nor really and thoroughly turn to God.

The resolution must then be so fixed that the penitent is resolved to overcome all the difficulties which may oppose its execution. The confessor will prudently refrain from placing before the penitent all the difficulties which will have to be faced in keeping the resolution or from revealing to the penitent all his obligations, if the latter be *bona fide* ignorant of them; "for," says Suarez, "he might expose the penitent to the obvious danger of making no resolution, but rather of sinning again." It is enough, continues the great theologian, if the confessor pictures to the penitent in general terms the hatefulness of sin, the goodness of God, the danger of eternal damnation, etc., and that the penitent in consequence of the exhortation forms a general resolution never to fall again into mortal sin.[198] The advice which Cardinal Cajetan gives to confessors is in much the same strain: They should not, he says, lead their penitents into temptation by their excessive and imprudent zeal in asking whether they are resolved to avoid sin even at the risk of suffering the greatest misfortunes, loss of goods, of health, or even of life itself; for questions of this kind would prove a snare to many penitents. His office should be rather to persuade them to love God above all things, and in consequence of this love to repent of their sins and avoid them for the future. In this way he will inflame the hearts of his penitents, without leading them into danger.[199]

198 Suarez, De Pœnit. Disp. 32, Sect. 2, n. 2.

199 Cajetan, Card. Sum. V. Confess. ad 12 qualit.

The celebrated Lugo reminds us of the weakness of the human heart; the confessor is to take this weakness into account in dealing with the penitent, and not put before him singly and explicitly enormous difficulties which he should be ready to overcome rather than commit sin. In another place, treating of penitents given to ambition and sensuality, who have renounced their sins in confession though without great sorrow, but, conquered by the strength of their passion which they have only resisted feebly, have relapsed easily when occasion offered, he says: "Indeed we do not dare to represent clearly in detail the temptations or occasions of sinning which may occur, in order that the penitent may make his resolutions on each point, for there is good reason to fear that he will fail to retract his former sins even *in confuso*."[200]

200 Lugo, De Pœnit. Disp. 7, n. 238.

It is then sufficient *per se* that the penitent resolve *in confuso* to sin no more; a resolution of this kind, however, may be easily defeated by the contemplation of a peculiar difficulty. For this reason the penitent should renew frequently and earnestly his resolution never to sin again; if he do this and also pray, there is reason to hope that he will be victorious in the actual moment of trial. Men of

strong will and steadfast heart may put before themselves and contemplate with their eyes open the difficulties in the way of avoiding sin and reforming their lives, and such conduct is helpful in the spiritual struggle, unless the subject be one in which the heart is vehemently carried away or where victory consists in flight. To conjure up difficulties and to review temptations which might disturb weak minds and lead them into danger[201] serves no good purpose and is not to be recommended.

201 Compare Lehmkuhl, l. c. Tract. V. Sacr. Pœnit, Sect. II. cp. I. § 3, n. 295.

From the foregoing it is abundantly evident:—

1. That the Jansenists and rigorists are wrong in maintaining that relapse into sin is a sign of a want of purpose. The resolution depends on the present frame of mind which, however strong it is, may easily waver. "The fact of a man sinning again does not prevent his former sorrow from having been real; as a man may be now seated who has been running, so a man may fall into sin who has been truly repentant; the nature of a former act is not changed by a subsequent act."[202] And the Rituale Romanum[203] directs, as of great utility, to advise those who easily relapse into sin to confess often, once a month, or on certain feasts, and also to communicate; it presumes that such people in spite of their relapses have made good confessions; otherwise the penitent would be obliged to repeat his confessions as being invalid every time that he relapsed, which would certainly be opposed to the practice and universal belief of the faithful. If, however, a penitent relapse without any effort to overcome himself, it may be taken as a sign that he had no fixed determination, or there is ground for a suspicion, at least, of its absence; any one who is really determined to avoid sin will not easily forget his purpose; he will resist for some time at least, and will fall less easily and less often.[204]

202 S. Thomas, III. Q. 84, a. 10 ad 4. Compare S. Bonaventure in IV. Sent. Dist. 14, p. 1, d. 4; S. Alph. Praxis Confess. cp. 1, n. 20; Theol. Mor. Lib. VI. n. 451.

203 Tit. III. cp. I. De Sacr. Pœn. n. 19.

204 Cf. S. Alph. Lib. VI. n. 459.

2. Even if a penitent is conscious of his own weakness and knows that he will relapse in spite of his resolution and in spite of earnest effort, he cannot be considered as giving undoubted signs of weakness of purpose. It is only the rigorists who demand a firm conviction of not falling again.

If, however, a penitent is so afraid that he will fall again, or so convinced that he will repeat his sin as to despair of reforming, he cannot be absolved; not only does he fail in resolution—there is a fair suspicion at least that he has no fixed determination—but he distrusts God's grace which is ever at hand, and, as experience proves, is always efficacious in helping men of good will to overcome difficulties and obstacles. Before giving such a penitent absolution he must be taught the fatal error of his ways, moved to sorrow for his despair, for such despair is sinful, and exhorted to great confidence in God's grace. This is the doctrine of St. Alphonsus,[205] in which, as he himself confesses, he follows Busenbaum,[206] Concina, and Lacroix.[207]

205 Theol. Mor. Lib. VI. Tract. IV. De Pœn. n. 451. Cf. Ballerini, Op. Theol. Mor. l. c. n. 162.

206 Medulla Theol. Mor. Lib. VI. Tract. IV. De Sacr. Pœn. cp. 1.

207 Lib. VI. p. 2, n. 1822.

If, finally, the penitent has misgivings from his previous experience of relapses, but not so strong as to deprive him of all confidence, he is not to be classed at once as indisposed; the confessor must persuade him to make a firm resolution against sin and encourage him to have confidence in God's grace. If he succeed in arousing hope in him, and the penitent promise to have recourse to prayer in temptation, it is better to give absolution at once than to put it off. This class of penitents should be encouraged to confess frequently, for there is reason to hope that they have a fixed determination to improve; there is no presumption for the opposite view, since a strong resolution to avoid sin is quite compatible with the fear of a possible relapse.[208]

208 This may be regarded as the *communis theologorum doctrina*; indeed many theologians (St. Alphonsus mentions among others *loco citato* Laymann, Sporer, Suarez, Henriquez) hold that a penitent who believes (*credat*) that he will fall again can always and absolutely be considered as being in good disposition. They do not mean by this a despair of reform, but rather a grave fear which may be consistent with a firm hope in the aids of grace and a fixed determination of never sinning. Besides, as Lacroix explains, the phrase *si credat* must be taken in a mitigated sense and be understood of the misgiving natural to a careful person. It is the duty of the penitent to take courage and free himself from this misgiving. Compare Lacroix, l. c., and Gury-Ballerini, l. c. Tract. de Pœn. P. II. cp. I. art. II. n. 461, Nota a, and Op. Theol. Mor. l. c. n. 159 ss.

Still less would it be a sign of want of the requisite dispositions if the confessor were persuaded that the penitent could hardly be saved from a relapse; this conclusion may be drawn with moral certainty, or, at least, on strong presumption, from the ordinary occurrences of life; hence the necessary disposition on the part of the penitent can always be secured.

In practice it is not of infrequent occurrence that a penitent, otherwise of good will, alarmed by the difficulties of some undertaking, declares that he cannot avoid a certain sin, or refuses to make a promise for fear of breaking his word, or says he cannot trust himself. This happens in the case of those who are given to some evil habit, as, for instance, taking the name of God in vain, swearing, flying into a rage, etc. Such a penitent must not only be encouraged to trust to the help of divine grace, but be taught that all required of him is to have at the present moment (*hic et nunc*) the determination not to relapse, that he should not look too far ahead but make his resolution day by day. The confessor must take particular care that the penitent understands that that only is demanded of him which he freely acknowledges to be within his power. This end is obtained by suggesting methods to the penitent to be used when he is free from temptation as well as when he is attacked, and by impressing upon him that all demanded of him is to guard against committing sins knowingly and with full advertence.[209]

209 Cf. Gury-Ballerini, l. c.

The resolution must, moreover, be *efficacious*, *i.e.* the penitent must be ready not only to avoid sin, but also to take the necessary means for avoiding it, especially by avoiding the proximate occasions; for whoever effectually desires some end must, of necessity, as far as lies in him, remove all impediments to it, and employ all the means which will lead to it. Hence theologians teach that the resolution must be *efficax affectu*; in the case, however, where it is not *executione efficax*, *i.e.* where the penitent fails to accomplish his purpose, it is not reasonable to conclude at once that a real and sufficient resolve was absent, though some presumption against the fixity of the purpose may be entertained. What has been said with respect to the steadfastness of the purpose of amendment may be applied to its efficaciousness, seeing that the two subjects are so intimately connected. Though it is undoubted

that for valid confession the purpose of amendment must be fixed and efficacious, yet we are not to understand thereby that a man may never fail in his resolution. It is quite certain that men are so fickle that they will fall away frequently from determined and fixed resolutions, as we see, for instance, in the case of St. Peter, who, as we know, was sincerely pledged not to betray his Lord, and, yet, denied Him soon after, at the mere word of a maid servant.

The purpose of amendment, then, is fixed and efficacious when a man is determined really to carry out what he has proposed, though he may afterwards fail through fear of an obstacle or in the stress of temptation; this happens often enough even in the case of those who are aiming at Christian perfection. Hence, for valid reception of the Sacrament, the purpose of amendment is sufficiently efficacious if it keep a man from sin during the time that his resolution lasts.[210]

210 Cf. S. Alph. l. c. Lib. VI. n. 451; Stotz, l. c. Lib. I. P. II. Q. II. art. V. n. 102 s.

In order to be reasonably free from misgivings with regard to his resolution, the penitent should be morally certain that he desires to avoid sin at any cost for the rest of his life, despite all grounds he may have for believing that his resolution may become weak in course of time.

Finally, the resolution must be *universal*, *i.e.* it must extend to all mortal sins at least, not only those which have been committed, but also those which are possible. Here lies the distinction between the universality of the contrition and that of the purpose of amendment; for while the sorrow is universal which includes all the sins that have been committed, the resolution, in order to be valid, must embrace all possible mortal sins. If there remained but a single mortal sin which the penitent was unwilling to shun, his resolution would be vain and useless even with regard to his other sins, because it could not be founded on a universal motive, such as hatred of sin considered in the light of an offense against God. A resolution which is based on this motive extends to all mortal sins without reserve, because they are all an offense against God; and if but one be excepted, such a motive could not have influenced the purpose of amendment, which in consequence cannot be real and genuine.[211]

211 Cf. Trid. Sess. XIV. cp. 4; S. Alph. l. c. Lib. VI. n. 451.

18. The Purpose of Amendment with regard to Venial Sin

The purpose of amendment, as we have said, must extend at least to all mortal sins. With regard to venial sins it must be constant and efficacious, but not necessarily universal; for, since venial sin is consistent with the friendship and grace of God in the soul, one is not obliged to resolve on avoiding all of them: indeed no one *sine speciali privilegio gratiæ* can avoid all venial sins, and no one is called upon to resolve to accomplish the impossible; still there is an obligation to resolve to avoid them as much as possible, or at least to diminish their number. The following points will present the matter in detail:—

1. It is sufficient with respect to any venial sin to make an act of contrition and a purpose of amendment, even though these acts do not extend to all lighter venial sins of the same species; for the greater the sin the greater is the offense against God and the punishment due to it; and a man may well shrink from displeasing God beyond a certain point, though below that point he may be careless.

2. It is sufficient to make an act of sorrow and purpose of amendment with regard to some particular species of sin, or some vice, or some sins opposed to a particular virtue, especially if the penitent keeps before his mind those particular sins which have been committed with greater malice and deliberation.[212]

212 The reason for this doctrine is very clearly put in Lugo's *Responsa Moralia*, Lib. I. dub. 29, where he answers the difficulty how a man may make an efficacious and sufficient act of contrition with respect to one species of sin, excluding other species. The learned author remarks:— 1. That if a man repent of his sins from a universal and general motive, he embraces of necessity all his sins in this act of contrition. If, then, such a motive excite a man to repentance, he is of necessity moved to shun all sin. 2. Such motives, however,—and this is a point well worth noticing,—may excite contrition in a more restricted manner; for instance, the graver the sins, the more they displease and offend God; hence a man may be led to hate this excess of wickedness. In this case "the motive of the contrition is not the offense of God as such, but that gravity of the offense which is not found in other venial sins." 3. All this being now assumed, the difficulty remains whether a penitent, for instance, who is contrite for slight lies, must at least virtually repent of other venial sins of another species, which are graver than, or at least as grave as, that class of lies, or whether he can have contrition sufficient for sacramental absolution for those lies without repenting virtually of venial sins of another species as great or greater. This may be the case if the formal motive of sorrow is a particular one; for instance here the hatred which God, the Eternal Truth, must have for lies. It does not hold if the sorrow proceed from the motive of penance, for we could not hate anything as offensive to God and at the same time be ready to offend Him in other matters. The same holds true if we are really sorry for sin through fear of hell-fire. "There are occasions, however, when the motive of sorrow may be particular—when, for instance, a man is sorry for the irreverence done to God because it is an injury to His divine Majesty (such a motive is called a motive of religion); he is not obliged even virtually to repent of graver or equally grave venial sins of another species, except they involve an irreverence equally incompatible with the virtue of religion." Lugo also shows that a similar case happens when a man repents of some particular species of sin, *e.g.* of lying, not on account of the disobedience to God which every sin includes, but on account of the disobedience involved in transgressing a special command of God, or rather on account of the opposition of these sins to the special law of God which forbids us to violate the truth. Moreover, he adds that the same holds true in regard of the special temporal sufferings which God inflicts for particular species of sins, *e.g.* disrespect to parents.

3. With much more reason may it be considered sufficient to make acts of sorrow and purpose of amendment for all perfectly deliberate venial sins on account of their greater guilt; such a

universal sorrow must, however, include a fixed and efficacious resolution of amendment. With respect to venial sins which are not quite deliberate, the resolution to take more pains to avoid them is a sufficient purpose of amendment. In order that such a universal resolve may be of avail, a particular species of sin should be singled out and made the special object of contrition and amendment.

4. Moreover, it is the general teaching of moralists that it is enough to make acts of sorrow and amendment with regard to the frequency of venial sin if the penitent really resolve to reduce the number; it is necessary here, however, to guard against a very lax practice. Though such doctrine is possible in theory and such a purpose of amendment may be defended as sufficient for the Sacrament, yet it is not free from risk; hence St. Alphonsus in his book *Praxis Confessarii* distinctly states that a resolution founded only on the great number of venial sins without any sorrow for any particular venial sin is not sufficient for receiving the Sacrament, while in his Moral Theology he grants that such a resolution is permissible, and founds it on the doctrine of St. Thomas; for it is impossible, he says, to be sorry on account of the number of the venial sins without repenting at least of those that have been last incurred and which have raised the number.[213]

213 S. Alph. Praxis Confessarii, n. 71; Theol. Mor. Lib. VI. n. 449. Cf. S. Thom. III. Q. 87, a. 1.

The above doctrine may be useful to the priest in appeasing scruples about past confessions, if the penitent is not in the habit of falling into grave sin, and fears that he may have confessed without sufficient sorrow and purpose of amendment. *Ante factum*, *i.e.* before confession or, at least, before absolution is given, this doctrine should be confined *in praxi* to the sorrow and amendment of sins not quite deliberate and incurred through carelessness; for the guilt of such sins lies chiefly in the carelessness by which a man fails to watch himself and his evil inclinations, so far as possible to repress and overcome them.

It is impossible for a man to preserve himself entirely from all these sins, hence it is enough to be resolved to use great vigilance in reducing the number.

Moreover, it may be observed that a man who keeps his conscience so pure that he has only indeliberate venial sins to confess will easily make a sufficient act of sorrow for past sins; but if a man always falls into the same sin, it is a fairly clear sign that he has no true contrition and no firm purpose of amendment; hence it is a useful practice to make more careful acts of sorrow and amendment with regard to some particular sin, or to add some grave sin of the past life with respect to which real sorrow and a firm purpose of amendment can be aroused.

Chapter III. Confession

Article I. Essence, Necessity, and Properties of Confession

19. Essence and Necessity of Confession

Though contrition is the most important of the dispositions which a penitent must bring to the Sacrament, the confessing of the sins is the most prominent feature to ordinary observers; hence the Sacrament is often simply called confession, as in the very earliest ages of the Church it was known simply as *confessio* (in Greek *exomologesis*).

Sacramental confession is the self-accusation of sins committed after Baptism and not yet remitted in the Sacrament, and it is made by the penitent to a priest having the necessary faculties and with the object of obtaining absolution.

Hence it is not a sacramental confession when the sins are told *enarratione mere historica*; such a recital would not be an accusation, nor would it be done with the view of acknowledging one's self a sinner or of obtaining absolution. Moreover, it is not a sacramental confession if sins are revealed to a priest to obtain counsel or help from him, or if they are told to the priest merely in derision, for there would be no accusation in this, at least it would not be done with a view of obtaining absolution. On the contrary, a confession invalid through any defect whatever would be sacramental if it was made in order to obtain absolution.

If, however, a man began by simply relating his sins to an authorized priest without any idea of making a sacramental confession, and then in order to obtain absolution accuses himself in general terms to the same priest of those same sins, the confession would be sacramental, for then a formal accusation would be made of those sins to the priest as judge, in order that absolution might be given.

The necessity of this confession for all mortal sins committed after Baptism is a dogma of the Church, and rests on the divine institution of the Sacrament. The proof is to be sought in dogmatic treatises. In the divine institution of this Sacrament, as a necessary means for obtaining forgiveness of sin by confession to a priest, is included the divine command of confessing sin, which binds all who have committed mortal sin after Baptism. We have already spoken of this in treating of the duty of approaching the Sacrament, since confession is one of the acts required of the penitent on receiving this Sacrament.[214]

214 Compare above, § 3.

There remains yet another point which shows the necessity of confession. Perfect contrition, as we have seen above, remits sin apart even from the Sacrament, but it does not remove the obligation of mentioning the sins so remitted to a duly authorized priest. The obligation remains, because by Christ's command every mortal sin committed after Baptism must be submitted by confession to the power of the keys. This follows from the words of Our Lord (John xx. 23); hence the Council of Trent teaches that for those who have fallen into mortal sin after Baptism confession is as necessary as Baptism is to those who have not been baptized.[215]

215 Sess. XIV. cp. 2.

20. The Properties of Confession

The necessary properties of confession have their origin in its nature and object. The primary object of the confession is to put the confessor, who is bound to act in his office as a judge, not as a despot, in a position to form a judicial sentence, so that he may be able to decide whether the sinner be worthy or unworthy of absolution, and also that he may be able to impose a suitable penance. To succeed in this the confession must be such as to allow the confessor a view of the whole moral state of the penitent, hence it must be complete. This property, however, being of very great importance, will be treated in a separate division. The other necessary feature, the contrition, has been already dealt with. The remaining properties are of secondary importance and not essential; they turn partly on the integrity and partly on the contrition and have been summarized in the following verses:—

Sit simplex, humilis confessio, pura, fidelis
Atque frequens, nuda et discreta, libens, verecunda,
Integra, secreta et lacrimabilis, accelerata,
Fortis et accusans et sit parere parata.

Though these properties are not so essential that the want of any one of them nullifies the confession, they are all useful in their several ways to instruct a penitent how to make a good confession. For this reason we will treat of them:—

1. *Simplex*. The confession should be simple, straightforward, short, and clear; the penitent will therefore avoid all unnecessary, superfluous words, all prolix narrations and remarks which have no connection with the matter; at the same time he will avoid the use of all unintelligible expressions or such as are misleading and ambiguous; let his accusation be so worded that he may take it for granted that the priest will understand both the number and species of the sins. Thus, too, he must not accuse himself in a vague and general manner, as, "I have had bad thoughts"; for the confessor cannot judge from this whether a mortal or a venial sin, or indeed any sin at all, has been incurred; let him use such words as describe clearly the sins he has committed, making use of the proper and specific terms. Finally, he should avoid unnecessary repetitions of sins which differ only in number, not recounting them separately because they were committed at different times or on different occasions; all the sins should be grouped under their specific names and the number given. It is the duty of the priest, in the case of penitents who fail in this respect, to instruct them, at the same time taking into account the peculiarities of the penitent and showing great patience. St. Antoninus gives a very useful piece of advice on this subject. Penitents, says he, who need consolation in their trials or advice in their doubts should defer their difficulties till after they have confessed and received absolution; otherwise, if they dilate on these subjects during the confession of their sins, there is danger of their contrition being weakened.

2. *Humilis*. Let the confession be humble, for a man approaches the tribunal as a penitent, as one guilty of crime, as one accusing himself to his judge and seeking grace and mercy; of such a one humility and lowliness are to be expected. Surely the knowledge of one's sins and sinfulness revealed by an honest examination of the conscience, the remembrance of repeated

unfaithfulness and ingratitude to God, are reason enough for being humble. Let this humility fill the heart, pervade the accusation, be manifested in the whole exterior; then let the penitent go into the confessional, kneeling, with head uncovered, like the publican in the Gospel, who remained by the door of the Temple and dared not to raise his eyes to heaven, but struck his breast and prayed: "God, be merciful to me a sinner." The words used by some are very appropriate as an introduction to the confession: "I, a poor sinner, confess and acknowledge to God, and to you, reverend father, in God's place, that I have sinned often and grievously by thought, word, deed, and omission," etc. Others, again, use the words of the Confiteor: "I confess to almighty God, to Blessed Mary, ever a virgin, ... that I have sinned exceedingly in thought, word, and deed," etc.

3. *Pura.* The confession should be made with the object of gaining pardon of sin and the grace of the Sacrament. If it were made with any wicked and gravely sinful intention, it would be a sacrilegious and invalid confession; if the penitent had any venially sinful object in view, *e.g.* to gain esteem, the confession would be valid though the penitent would incur the guilt of venial sin by it. If the penitent's principal intention is to be reconciled to God, though at the same time there be present other motives not altogether forbidden, the confession is unimpaired; the same may easily happen in other good works, and secondary motives do not exclude the principal one.

4. *Fidelis (seu verax).* The confession should be truthful and candid, without lies and deceit. Hence the penitent must not conceal the sins he has committed, nor confess those which he has not committed; neither may he confess as certain what is doubtful, nor what is doubtful as certain. It is disputed whether every lie in confession is a mortal sin and renders the confession null. There are indeed theologians who maintain that every lie told in confession is a mortal sin, because of the sin being committed in the very act of receiving a Sacrament. This view, however, is wrong. It is true that any lie told in confession is more sinful than the same lie told under other circumstances would be, on account of the irreverence to the Sacrament; but mortal sin would be incurred only by a lie in confession when the lie concerns the *materia necessaria* of confession; in such a case the confession is invalid, for the judge is deceived about the case, and that is gravely wrong. If the penitent lies to the confessor in a matter which does not pertain to the Sacrament, there is no mortal sin, for such a lie does not mislead the judge nor imply a grave irreverence to the Sacrament, since still there is real matter for the Sacrament and a sufficient disposition to obtain the grace of the Sacrament. Accordingly, if the lie told in confession has nothing to do with the confession itself, it is mortal or venial on its own merits quite apart from the circumstances of its being told in confession.

From what has been said it follows that a penitent incurs venial sin by a lie told in confession when (1) he accuses himself falsely of a venial sin or denies having committed a venial sin; except where this venial sin forms the sole matter of confession, for then he would sin mortally, not on account of the lie, but on account of the grave irreverence done to the Sacrament in offering to the priest insufficient matter, for sins falsely stated can never be matter for absolution.

(2) Moreover, it is only a venial sin if the penitent denies having committed a mortal sin which he is not bound *hic et nunc* to disclose, either because he has already revealed it in a valid confession or

because he has pressing reasons for not disclosing it *hic et nunc*. Indeed it is possible that there is no sin at all when a penitent makes use of mental reservation. The confessor has no right to put questions which have no connection with the *materia necessaria*, and the penitent is not bound to answer such questions; to avoid a lie he may use a mental reservation by choosing an ambiguous expression which contains the truth, leaving the confessor to judge for himself. If, on the contrary, the priest has a right to inquire of the penitent whether he has committed some grave sin which has been already confessed, and the penitent denies the charge, he would sin mortally.[216]

216 Compare § 46.

(3) If the penitent is questioned by the priest as to his home, his condition, or his relatives or friends, and answers not according to the truth, knowing that these questions have no bearing on the nature of his sins, such untruths are only venial; for if a lie told in confession with respect to venial sins, although these may be matter of confession, be only a venial sin, a lie with respect to other things which have no connection with the accusation of the sins is still less likely to be mortal.

On the other hand, a mortal sin is incurred (1) when a penitent accuses himself of having committed a mortal sin which he has never committed, or denies having fallen into a mortal sin which he has incurred and which has never been validly confessed, and which besides he has no valid reason for concealing, or if he conceals a mortal sin which he is bound to mention.

(2) When he gives the number of his mortal sins as greater than is really the case. Here, however, ignorant and untaught penitents may be excused, because they honestly think it better to give a large number in preference to a small one. Besides,—

(3) A penitent sins mortally who confesses mortal sin as doubtful which he is certain of having committed, or confesses as certain mortal sins of which he has doubts. In such cases the penitent would be unsettling the judgment of the confessor in a very grave matter.

(4) Moreover, it would be a mortal sin if the penitent confesses a recent mortal sin, either explicitly or equivalently, as an old one already confessed, for the priest is thus prevented from giving a correct sentence and imposing the proper penance. It is another case when the accusation leaves it doubtful whether the sin is an old or recent one, or whether it has been already confessed or not, even if the penitent intend that the confessor be persuaded that the sin is an old one.

(5) Finally, the penitent incurs a mortal sin if he denies the existence of a habit of sin, or of a relapse or the existence of an occasion of sin, or if he avoids any avowal on the subject so as to mislead the confessor. It would accordingly be a mortal sin for a penitent to accuse himself of a recent mortal sin at the end of his confession by using a formula of this kind: "I accuse myself of the sins of my past life, in particular of this sin ..."; for this formula by universal consent implies only past sins already confessed. On the other hand, it would not be a mortal sin in a general confession to mingle old with recent sins, as long as the confessor knows that not all the mortal sins have been already confessed; if the priest is persuaded that he ought to gain a clearer knowledge, he may ask; if he believe that he may let the matter rest there, it is his affair (and perhaps in many cases this may be the prudent course). Still less is it a mortal sin, indeed it may be counselled or obligatory in certain cases, for a penitent to say that such or such sin has not yet been confessed, making the accusation in such a way that the confessor does not suspect that the sin has been recent. Such an expedient may be necessary

when a priest himself confesses sins committed in hearing confessions, not wishing to violate the seal of confession.[217]

217 Cf. Lehmkuhl, l. c. P. II. cp. II. Confessio, art. I. § 2, n. 313, 314; Ballerini, Op. Theol. Mor. l. c. cp. I. art. 3, n. 457.

In addition, the confessor must remember that the faithful in general are persuaded that a lie in confession is a very grave sin, so that he must judge of its gravity according to the conscience of the penitent.[218]

218 S. Alph. Lib. VI. n. 495-497; H. Apost. Tr. 16, n. 28.

5. *Frequens.* Confession ought to be frequently made (see above, § 3). This includes also the repeated confession of sins already confessed and absolved (see above, § 6).

6. *Nuda.* The penitent ought not to hide his sins by ambiguous words or expressions which veil the hatefulness of the sin, in order to make them appear less in the eyes of the confessor. A penitent who thus veils his sins cannot have real contrition; there still remains in his heart that false shame which confuses the intellect, and his soul is not yet released from sin. Such conduct is in reality no less sinful than concealing the sin entirely, for what is the difference between total silence and answering so obscurely that the questioner is left in doubt? Just as a penitent makes a bad confession who conceals what he ought to tell, so does he who answers his confessor in such obscure terms that the latter does not understand or is led to take a view which the penitent knows to be wrong.

The conditional accusation is no better, as when, for example, a penitent says: "If I have given way to impure thoughts, I accuse myself of them," etc. Such a confession is not an accusation of sins, nor is it a sign of absolute aversion from them.

7. *Discreta.* The confession should be prudent, *i.e.* so worded that the reputations of others do not suffer; hence the sins of others ought not to be revealed except in so far as is necessary for the declaration of one's own sins. Not a few penitents prefer to tell the sins of others rather than their own: wives, for instance, tell the sins of their husbands, servants the sins of their masters. Such penitents must be seriously admonished by their confessor for the future not to reveal the sins of others lest they incur the guilt of detraction and God's anger in the very tribunal of His mercy. The question as to the partner in sin, whether and under what circumstances he is to be revealed in confession, is relegated to a later portion of the treatise.

The penitent's own good sense will tell him to be as discreet and decorous as possible in confessing his sins, especially those against purity, without detracting from the completeness of the confession, without being gross, and at the same time without failing in the reverence due to the Sacrament; hence he should tell only what is necessary for the integrity of the confession, and that as cautiously and becomingly as is possible, quite briefly, in clear and intelligible language; the confession must be perfect and at the same time chaste. The confessor also must exercise great discretion and prudence in this dangerous matter.[219]

219 See §§ 47, 54.

Finally, a prudent penitent will choose a suitable and virtuous confessor who unites real piety and prudent zeal to solid knowledge and a wide experience.

Not only is it advisable and wholesome to have a regular confessor, but it is absolutely necessary. Of course as far as the absolution is concerned it is always valid, provided that the priest who gives it has the requisite faculties; but as for the spiritual direction of the penitent, it is by no means an indifferent matter who the confessor is; if ever there is an occasion in which there is need of a trusty, reliable friend, guide, and adviser, it is in making a confession. On this point St. Francis of Sales writes: "When Tobias was about to send his son to Rages, and the latter explained that he did not know the way, 'Go, then,' said his father, 'and seek a man who knows the way, that he may guide you.' This is my advice to you, Philothea; if you really desire to tread the way of perfection, seek out above all things a man of experience to guide you and show you the way: this is the most important lesson of all."[220] And after treating the subject in his usual way, he quotes the remarkable words which the great St. Louis shortly before his death addressed to his son: "Confess often, and choose for your confessor a man of experience, who has not only wisdom and science, but also zeal for souls, and learn from him what you ought to do." The priest as God's vicar is not a judge only, he is a physician, and it is not hard to understand how one physician can differ from another. For a soul which is anxious to get rid of sin, to be established in virtue, and to make progress in Christian perfection, as all Christians are bound to do, there is required not only the application of the Sacrament, but guidance as well. The direction of souls goes much farther than a mere dispensing of the Sacrament. There are many things in which a soul eager for salvation must be anxious for further instruction; the methods of combating with success different evil inclinations, the methods of prayer, the performance of certain good works, the way of carrying out the duties of one's state of life with more zeal and merit, and the attainment of perfection. An approved confessor and director is undoubtedly very useful, nay, necessary, and the penitent should pick out such a one. In a choice of this kind he should have no other object but his salvation and spiritual progress, and hence he should choose a well-instructed, experienced, and holy man to lead him in the way of God in the interior life, one who knows the penitent's condition, one whose heart is full of love, one who is as far removed from a feeble indulgence as from a repelling strictness. Firmness and gentleness should be united in him, a firmness which does not crush and a gentleness which will not allow presumption; he should inspire confidence so that the penitent has no difficulty in unfolding his heart to him. To seek an ignorant and inexperienced confessor is, as theologians express it, to choose a sure guide to hell; and, according to the teaching of Suarez, etc., it is a mortal sin when done with the intention of obtaining absolution by fraud.[221] But a good confessor is a "faithful friend, a strong defense; and he that hath found him hath found a treasure; ... and they that fear the Lord shall find him."[222] St. Francis of Sales directs Philothea to make choice of a confessor after constant prayer, and assures her that God will grant her this most important of petitions and send her a man after his own heart.

220 Philothea, Part I. Chap. 4.

221 Suarez, Disp. 28; Stotz, l. c. Lib. I. P. I. Q. II. art. II.

222 Ecclus. vi. 14 ss.

When the penitent has made choice of his confessor in accordance with those rules of common sense which great spiritual writers enjoin, his duty is then to love him as his spiritual father, to fear him as the judge of his conscience, to follow him as his guide in the path of virtue, to take his advice as his

physician in the maladies, affections, and sufferings of his soul. He should follow him, as though he were an angel leading the way to heaven; give him his whole confidence; deal with him in all openness and frankness; disclose to him all the good and evil in his soul without dissembling or reserve, and at the same time entertain a respect for him which does not weaken his confidence in him.[223]

223 Compare Philothea, *ibid.*

Having once chosen a good confessor, the penitent should cling to him and not change about from one to another; nothing is more harmful or more foolish than such conduct; unstable and wandering penitents of this kind give sufficient proof that all they want is to be absolved and not to be helped and guided, and there is reason to suspect that their purpose of amendment is by no means sincere. Should a penitent, however, be in such a condition that to confess to his regular confessor would be too great a difficulty and involve risk of making sacrilegious confession, it would be better to look out for some other priest and confess to him.

The penitent ought not at the same time be so dependent on his confessor as to be quite bewildered when a change becomes necessary. Discouragement or sadness on this account, or a less frequent use of the Sacraments would be a sign that this dependence was due to some undesirable cause and could not be any longer regarded as confidence in the director.

What is to be thought of those penitents who have two confessors, one to whom they are well known and whose good opinion they enjoy, and another to whom they are not well known, using the former to tell him their more frequent and smaller sins, and the latter for the confession of graver faults, in order that they may thereby keep up their good reputation with the first? Such conduct is certainly not *per se* forbidden when there is good reason for it, as may happen when any one is unwilling or does not dare to reveal to his ordinary confessor some very shameful fall.

Still the practice is not without danger and so cannot be unconditionally recommended, for it is a sign that a penitent is more anxious about his good name than his progress in the spiritual life; indeed he might incur grievous sin if such conduct exposed him to the danger of falling into mortal sin, as would be the case if in pursuing this course he never intended seriously to give up his sin. Such is the predicament of those penitents who seek out inexperienced or easy-going confessors, or of those who habitually fall into mortal sins, confessing them only to a priest who, they know, will take the matter very quietly, while they reveal their less grievous sins to some pious and strict confessor. On the other hand, the case above quoted presents quite another aspect when a penitent has on rare occasions fallen into a grave and shameful sin and shrinks from revealing it to his ordinary confessor.[224]

224 Cf. Stotz, l. c. Lib. I. P. I. Q. II. art. II. n. 116-124.

8. *Libens*. The confession ought to be voluntary; the penitent should approach the sacred tribunal spontaneously, not prompted by prayers or threats, nor prevailed upon by promises, nor driven by fear of temporal losses; he should willingly acknowledge his sins to the priest as the minister of Christ Our Lord appointed to forgive sin and distribute His graces. A man might of course be influenced by those exterior motives to receive the Sacrament; and if he made an earnest act of contrition and carried out the other requisites, he would make a valid confession. There is, however, as Laymann observes, a real danger for a man who goes to the Sacrament

under compulsion that he will make his confession invalid through want of contrition or through a deficient accusation of his sins. It frequently happens that such penitents, giving way to external pressure, perform their Easter confession, doing it only to keep up appearances; they make no act of contrition, they are unwilling to tell all that lies on their conscience, they are ready to make a bad confession and communion. A prudent confessor may detect their insincerity and sometimes will prevail upon them to make a good confession.

9. *Verecunda.* The penitent should make his confession with confusion at the number and greatness of his sins, his ingratitude and infidelity to God his Lord and Father; this confusion should fill his soul and reveal itself even in the self-accusation and in the whole bearing of the penitent. Between this real shame of every good penitent and the false shame which arises from pride and self-love is a great gulf; the latter, unless overcome, will cause the penitent to be dishonest in his accusation and to make a sacrilegious confession. The confessor should be very considerate of the weakness of such penitents and encourage them, helping them to make a candid avowal if he suspects false shame, and he should be careful not to frighten and shock them by hard words or untimely threats.

10. The other property of the confession, its integrity, will, on account of its great importance, be reserved for a thorough discussion in another paragraph.

11. *Secreta.* The accusation should be in secret. It should be made so as to be heard only by the priest and not by others. Christ did not institute public confession; and if in the early Church those who had committed grave public sin and given public scandal were compelled after private confession to make a public avowal of their offenses, this was only part of the then existing discipline. As a matter of fact the practice was productive of as much harm as good, and so the Church put an end to it.[225] Confession by an interpreter would, however, be valid, as well as a confession which had been overheard by others. There is no obligation to confess through an interpreter if one happens to be in a country of which he does not know the language, supposing there is no priest to whom one can make himself understood, for the Lateran Council[226] prescribes *confessio secreta* made to a priest only (*soli sacerdoti facienda*), and to employ an interpreter for confession would be very onerous.[227] Such an obligation would exist only if a dying man had doubts as to the perfection of his contrition, for the wish to save our souls obliges us to avoid all risk. Then, however, it would be sufficient to name one or two sins and make a general accusation of the rest.[228]

225 Cf. Trid. Sess. XIV. cp. 5.

226 Cap. Omnis utriusque sexus.

227 Cf. Declar. S. C. S. Off. 28 Feb. 1633 et 10 Feb. 1668; item S. C. Prop. Fid. 1633 in Collectan. S. Sedis, n. 476-478.

228 S. Alph. Lib. VI. n. 479; Lugo, De Pœn. Disp. XV. Sect. V; Aertnys, l. c. Lib. VI. Tract. V. n. 196.

Moreover, a sufficiently perfect confession may be made even through an interpreter without the latter acquiring any knowledge of the sins. The confessor, for example, in the case of the sick, may arrange through the interpreter a system of signs, such as pressure of the hand, motion of the head or eyes, by which the invalid may answer the questions put by the priest through the interpreter, who may be placed with his back to the priest and penitent; by a method of this kind even the number of

sins may be ascertained. Of course in a case like this the confessor must be careful not to betray the penitent's replies by the nature of his questions. If a male penitent express a wish to confess in this manner, he may be allowed to do so.[229]

229 Lehmkuhl, l. c. n. 328.

A confession made in writing is *per se* valid; on the other hand, as we have already seen, absolution conveyed *per literas* is null. The custom, however, of making the confession by word of mouth must be strictly adhered to (hence many theologians add to the other properties of a good confession that it should be *vocalis*), and unless there are pressing reasons for the contrary practice the confession should not be made by writing or by any other system of signs; a sufficiently good reason for allowing it would be great shame in mentioning certain sins or a defect in speech. In such cases the priest would read the writing and the penitent make some acknowledgment by word of mouth, such as, "I accuse myself of all contained in the paper." If the whole confession without any good reason were made by writing or by signs, it would be invalid, for the penitent would have sinned gravely by such an action unless he had acted *bona fide*.[230]

230 S. Alph. Lib. VI. n. 429, 493; Suarez, Opusc., Lugo, Coninck, etc., Konings, Theol. Mor. T. II. Tract. De Sacram. Pœn. cp. II. art. II. n. 1358.

A dumb penitent who can write and has no other way of making his confession is, according to the *sententia communis et probabilior*, obliged to make his confession in writing, for this would not be burdensome to him. The opponents of this view insist on the danger of the confession being revealed and, in consequence, deny the obligation of making the confession in writing. Such a risk, as experience shows, is not usually to be feared and may easily be avoided. There are indeed not a few penitents who to secure their own peace of mind always write their confessions and read them off to the priest. If, however, in a particular case there is danger of revelation or any other serious inconvenience to the penitent in consequence of his writing, there is no obligation. So teaches St. Thomas, and with him are Suarez, Lugo, Sporer, Salmanticenses, etc.[231]

231 Cf. S. Alph. Lib. VI. n. 479; H. A. n. 35; Gury-Ballerini (l. c. II. n. 503) and Lehmkuhl (l. c. n. 328) object to binding the dumb to a written confession; *a fortiori* the confessor may refrain from putting questions in writing with a view of making the confession more complete. If, however, a dumb person desire to confess in writing, the confessor is at liberty to comply with his wish.

12. *Lacrimabilis*. The confession should be made with real sorrow. It is not necessary that it be accompanied by tears or sighs and other external signs of the kind, but it is required that there be a real sorrow and horror of sin. The internal sorrow should become *sensibilis* or evident by the confession so as to form *materia sacramenti*. The sentiment of contrition can always be roused by grace, while tears are not in our power.

13. *Accelerata*. The confession should be prompt; there should be no delay in making it after mortal sin has been committed. This is not of precept, but it is a counsel which should be readily followed by any one who realizes the horror of sin and its consequences.

14. *Fortis*. The confession should be made with great courage, all hindrances to a candid avowal of one's sins being put aside, especially false shame and the fear of losing the good esteem of the priest. It is the delight of the devil, not before, but after entrapping a soul into sin, to work

upon the feeling of shame so vehemently that the penitent is tempted to conceal sins which are particularly shameful. In this case the penitent must use all his courage, and by reflecting on God's command and the awful consequences of a bad confession get the victory over this false shame. He must put into practice Tertullian's maxim, *Pereat pudor, ne pereat anima*.

15. *Accusans*. The confession should be an accusation and not a series of excuses. Thus the penitent ought to impute the sins to himself and not to other causes, temptations of the devil, the passions, natural weakness, etc., nor to the companions by whose advice or orders he has gone astray. There may be of course occasions where what is objectively a mortal sin may become only venial or perhaps no sin at all, through inculpable forgetfulness or absent-mindedness or inadvertence.

16. *Parere paratus*. The penitent should be disposed to obey the priest's advice and commands; hence he should be ready to adopt the means suggested for his improvement, to follow out the advice given, to avoid the occasions of sin which are pointed out to him, and to accept the penance which is imposed on him.

Article II. The Integrity of the Confession

21. Necessity of the Integrity of Confession

The confession is complete when the penitent reveals all the sins which he is bound to tell. A distinction is drawn between material and formal integrity. A confession is materially complete when a penitent discloses all the mortal sins committed since Baptism which have not yet been submitted to the keys, together with their number and species. On the other hand, the confession is formally complete when he confesses all the mortal sins which he is morally able and bound to reveal *hic et nunc*.[232] From this definition it is clear that where there is material integrity there is also formal integrity; a confession, however, which is formally complete need not on this account be materially so.

232 The following well-known definition is much like the above: the confession is materially entire in which nothing is wanting which *per se loquendo* ought to be confessed, *i.e.* when nothing is wanting which *de se* forms the necessary matter of confession; the confession is formally entire when nothing is wanting in the accusation through the fault of the penitent. Cf. Konings, l. c. n. 1359. Moralists are not of one mind on the definition of formal and material integrity; some understand by material integrity the avowal of all mortal sins not yet confessed which occur to the mind (after a careful examination of conscience, as Müller expressly adds, l. c. 120), since they form the *materia necessaria sacramenti et confessionis*; formal integrity, on the other hand, consists in the avowal of all mortal sins which here and now (*hic et nunc*), taking all the circumstances into consideration, can and ought to be confessed. Thus Gury, l. c. Edit. Romana (Ballerini) et Edit. Lugd. (Dumas), n. 468 (where, however, the author is not quite consistent, cf. n. 470); while on the other hand the Edit. Ratisb. as also Laymann, De Pœnitent. cp. 8, n. 5, and Stotz, l. c. Lib. I. P. III. Q. II. art. IV; Scavini, l. c. Tom. IV. Tract. X. Disp. I. cp. II. art. II. n. 38, have the above definition. We give the preference to it on grounds which will appear in the course of the treatise; moreover, it is more common and is in harmony with the teaching of the Council of Trent. The words which St. Alphonsus employs in the definition of material integrity seem to favor the latter view. Cf. Lib. VI. n. 465.

With respect to the obligation of the integrity of confession we may lay down the following propositions:—

I. It is of divine precept to confess all mortal sins committed after Baptism. 1. This follows from the words by which Christ instituted the Sacrament; by them He gave the Sacrament a judicial character. So teaches the Council of Trent.[233] From the institution of the Sacrament of Penance "the universal Church has always recognized that the complete confession of sins was also instituted by Our Lord, and is necessary *jure divino* for all who have sinned after Baptism. For Our Lord Jesus Christ when about to ascend into heaven left the priests as His vicars and judges, by whom all mortal sins into which the faithful had fallen were to be judged, that in virtue of the power of the keys they might pronounce sentence of forgiveness or retention." The priest is therefore a judge, and as judge should pronounce the absolution. But the sentence of a judge is valid only when it turns on the facts of the case; hence a knowledge of the latter is required on the part of the judge. In consequence the confessor, in order to pronounce a valid sentence, must know intimately the facts of the case, the state of the sinner. Now the facts of the case are the mortal sins of the penitent; hence the confessor must be made acquainted with these; and as he can only learn them from the penitent himself, the latter is bound to make a complete statement of them.

233 Sess. XIV. cp. 5, De Confessione.

2. The essential object of this Sacrament is the forgiveness of sins that have been confessed. But one mortal sin cannot be forgiven apart from the rest, since forgiveness is the result of the influx of sanctifying grace, which does not remove sin as stains might be rubbed from a metal surface, but at once raises man from a state of sin to a state of grace, from being an enemy of God to being His friend. Moreover, sanctifying grace and mortal sin cannot exist together in the soul. From this it follows that all sins must be told without exception, in order that they may all be remitted.

3. Add to this the essential connection between the judicial power of the priest in the Sacrament and his power of punishing sin or imposing a penance for it; but since the penance must be proportioned to the misdeeds, the priest cannot exercise his powers properly unless, at least, the mortal sins have been fully confessed. If, as must happen at times, it is inopportune or, in fact, quite impossible to assign a penance bearing any proportion to the number and magnitude of the sins, that is quite *per accidens* and the decision of the question is the affair of the judge, not of the penitent. That Christ gave His Church the power of punishing sin is abundantly proved by the practice of so many centuries during which definite penances were assigned to certain sins. Since, therefore, the Church of divine right can mete out just punishment for sin, the penitent is bound by divine precept to submit himself to the Church by an entire confession of all mortal sins. From the fact that the confessor must pronounce sentence and impose a suitable penance, the Council of Trent concludes "that all mortal sins of which the penitent is conscious after diligent search must be confessed, even though they be quite secret sins and only against the last two commandments of the decalogue."

4. Finally, the Sacrament of Penance has of its very nature another end in view, that of preventing relapse. Thus the confessor is at the same time the physician of the soul, empowered and obliged to prescribe the means of reform. This duty can be effectually carried out only when he knows intimately the penitent's state of soul, so that the latter is obliged to submit to his healing art all the mortal wounds of the soul.

Hence the Council of Trent anathematizes all who teach "that for remission of sins in the Sacrament of Penance it is not necessary *jure divino* that all and every mortal sin be confessed of which a man is conscious after faithful and diligent search."[234]

234 Sess. XIV. can. 7.

II. The material integrity, however, is not always necessary for the validity of confession and for obtaining its benefits. At times it is morally and even physically impossible, either through inculpable forgetfulness or for other reasons. Now God does not command impossibilities. Hence the Council of Trent teaches: "The remaining sins which escape the diligent inquiry of the penitent are considered as included in the same accusation," and so are forgiven, as though they had been confessed. Hence it is abundantly clear that the material integrity of the confession is not always necessary.

III. The formal integrity is, on the other hand, always necessary for the validity of the Sacrament, and belongs to its essence. A penitent, for instance, who out of shame conceals a mortal sin, transgresses Christ's command which obliges us to submit all mortal sins by a sincere confession to the power of the keys, incurring at the same time a mortal sin by his bad confession; such a confession cannot be

valid nor have any good effect. This is also taught by the Council of Trent[235] in the following words: "While the faithful earnestly endeavor to confess all the sins of which they are conscious, they present them to the Divine Mercy that they may all be forgiven; those, however, who do otherwise and knowingly conceal sins, present nothing to God's goodness to be forgiven through the priest. If the sick man is ashamed to show his wounds to the physician, the latter cannot cure what is unknown to him."[236]

235 L. c. cp. 5.

236 Trid. l. c. cp. 5. Compare Palmieri, l. c. Thes. XXXIII; Gury, l. c. II. n. 469; Aertnys, l. c. n. 185; Lehmkuhl, l. c. cp. II. (Confessio) art. I. n. 302.

To have a perfect understanding of the preceding, we must distinguish between what is of the essence of the Sacrament and that which flows as a consequence of the divine command. When anything is wanting to the essence of the Sacrament, though the defect may be due to no fault on the part of the person, the Sacrament is invalid; if, on the contrary, there be wanting some requirement of divine precept, making the defect culpable, the Sacrament is indirectly invalid because contrition is wanting, since contrition cannot exist in any one who is in the very act of sin; if, however, the defect be inculpable, the result of forgetfulness or ignorance, the Sacrament is valid; the sins which were omitted through no fault of the penitent are indirectly forgiven by the infusion of sanctifying grace. There remains, however, the obligation of making good the defect afterwards, as we shall see later.

22. Extent of the Integrity of Confession

For a complete confession it is necessary to state clearly and precisely not only all mortal sins, but their number and species and the circumstances which change the species. This is the doctrine of the Council of Trent when it enjoins the confession of each and every sin; to do this a man must give the number of the mortal sins committed. One who has missed Mass ten times and merely confesses, "I have missed Mass," has not confessed each and every sin, for an indeterminate number, by the very fact of being undetermined, does not necessarily mean the number ten; it may mean ten, but that possibility does not indicate the number. With regard to the confession of the species and of the circumstances changing the species, the Council teaches expressly that the circumstances which change the kind (*species*) of sin ought to be confessed. Since those circumstances are to be expressed which change the kind of sin, nothing can be clearer than that, in accordance with the decision of the Council, the sins are to be confessed according to their species.[237]

237 It is to be noted that in speaking of the classification of sins we abstract from the *physical*, we confine ourselves to the *moral* species which indicates the peculiar *malice* of the sin; for instance, the ordeal by fire is *physically* distinct from the ordeal by water, but *morally* they are in the same species, because the malice is the same in both sins. Cf. Suarez, De Pœnit. Disp. 22, Sect. 2, n. 3.

The reasons which the Council[238] gives for insisting on the duty of confessing the species of sin are that otherwise the sins would not be perfectly revealed by the penitent or understood by the judge, and that without a knowledge of the species of the sin the judge would be unable to pronounce on the gravity of the sin and to inflict a suitable punishment for it.

238 Sess. XIV. cp. 5.

Thus the reasons which hold for the completeness of the confession require also the species and number of the sins; without them the confession has not the completeness which is demanded for it. The confessor is a judge who must have the most accurate knowledge of his penitent in order to pronounce sentence and inflict the necessary penalty. Now he cannot know the state of his penitent unless he is acquainted with the number and species of his sins, for it is the species which determines the nature or essence of the sin. Besides, the sins ought to be confessed according to their malice, but this can be estimated only from the kind of sin and the number of times it has been committed. Not all sins against the sixth commandment have the same malice or belong to the same species, for to the special malice of impurity may be added that of sacrilege or adultery if the sinner be consecrated by vow to God or in the married state. And there is no doubt that one who has committed a crime ten times is more deserving of punishment than he who has fallen only once.

The penitent must confess the *species infima*, the ultimate species of his sin, for this is what is ordinarily understood by the species, and the Council of Trent insists upon this obligation. Hence it is not enough to say, "I have sinned in thought, word, and deed," or, "I have broken the commandments of the Church"; the penitent must add the species, the particular commandment broken, the observance of Sunday, fasting, yearly confession, etc., and in addition the penitent must give the *species infima*, whether he has missed Mass or broken his fast or abstinence. Nor is the following accusation sufficient: "I have sinned against the sixth commandment," "I have been wanting in purity," or the like; the species must be given, defining whether the sin be incest or

adultery, etc., or whether by thoughts, words, etc. So, too, when a penitent accuses himself of sin against faith, it is not sufficient; he should state the particular act by which he has sinned, whether by heresy, by unbelief, by indifference, etc.

Supposing the penitent cannot remember the *species infima* of a sin which he has committed, he must state against what virtue he has sinned; or if he cannot remember this, but has only a recollection of having sinned mortally, he must confess this. This is the opinion of all theologians (*communis et certa doctrina*).

To indicate fully the species of the sin, one must also tell whether the sinful acts were external and whether the evil effects have been retracted.

Since the sins themselves are the particular matter of the sacramental tribunal, they must, as Lehmkuhl shows, be confessed *secundum specificam distinctionem*, *i.e.* according to their specific differences. This is not at all the same thing as the obligation of confessing the specific malice (*specifica malitia*). Sins are human acts (*actus humanus*), and so they may be classed *in specie actus* as well as *in specie malitiæ*; to desire to steal and to steal are acts having the same specific malice, but they are not specifically the same act. Indeed no one would maintain that one might confound the two sins in confession by merely confessing the specific malice.[239] Hence the *actus externus* which completes the internal act[240] as a sin and on that account is *in se* opposed to right order and morality must be mentioned expressly in confession. The *actus externus* is either *commissio* or *omissio* (sin of commission or omission). Thus, for example, the absence from Mass on a Sunday or a holyday of obligation must be confessed, whether it happen through indifference or love of study or idleness, because the absence from Mass is what is objectively opposed to the law and what has been voluntarily incurred. The wounding and killing of a man are external actions which *in ratione peccati* complete the sinful act of the will, and so it is not enough to confess, "I had the desire to wound." If he has inflicted a wound, it is enough to say, "I have dealt a wound," for he has sufficiently indicated by that avowal the internal act. If, again, a man wounded another intending to kill, it is not enough to say, "I intended to kill," but he must add, "and I wounded the man."[241]

239 Lehmkuhl, l. c. P. II. Lib. I. Tract. V. Sacr. Pœnit. Sect. II. cp. II. art. I. § 2, n. 307.

240 *Cum actu interno a quo procedit facit unum complete individuum in genere moris, actus enim externus se habet veluti materia, internus veluti forma unius operationis humanæ.* Mazzotta, l. c. Tract. VI. Disp. I. Q. IV. cp. III.

241 Reuter, Theol. Mor. P. IV. Tract. V. De Confess. Q. VI. n. 317; Mazzotta, l. c. Tract. VI. Disp. I. Q. IV. cp. III.

With regard to the obligation of confessing the effect[242] of a mortal sin theologians are not of one mind, since it is not always clear whether the evil effect flowing from a cause voluntarily chosen is *in sese* a sin or not. It is certain that the *malus effectus* of a sinful action must be confessed if such effect fall under a reservation, or under a censure, or if the question of restitution is to be settled. However, it is certain that if such effects were not at all foreseen, there is no obligation to confess them. Thus a murder committed under the influence of drink need not be confessed, supposing that such a consequence had been altogether unforeseen.

242 The effect of a mortal sin is *omne id quod consequitur ad totum peccatum completum in individuo*; *e.g.* the wish to kill is externally completed *in esse peccati* by the giving of poison; the death which ensues is called the *effectus peccati*.

As to the other cases, those theologians who deny that the *malus effectus voluntarius in causa* is a sin, because the effect is no longer *in se* voluntary or, being beyond the control of the will, is desired only

in its cause (*voluntarius in causa est*), maintain that such an effect need not be confessed. Other theologians, as St. Thomas, Suarez, Soto, Sanchez, etc., make a distinction, teaching that the *malus effectus* is no sin, when the evil will has been retracted by contrition and repentance before the act has taken place whose effect cannot be hindered; if, however, the evil will lasts, the effect is a sin. Hence a priest who, to escape saying his office, would throw his breviary into the sea, but repent of his act immediately after, is not obliged to confess the omission of his office, since the omission was not a sin, but only the evil effect of a sin already repented of. So, too, a man who has given another poison and, before death takes place, confesses his crime with sorrow is not obliged, after death has taken place, to accuse himself again of murder. On the other hand, the evil effects which take place when the will did not retract must be confessed, since they are at least the completion of the external sin and share in the malice of the cause. Mazzotta makes a distinction here which is very apt. He says: if an effect follows from a sinful act, and though it may be prevented, is not so prevented, the penitent must confess the effect because it completes his neglect in so far as this is an external sin; if the effect cannot be hindered, there is no obligation *per se loquendo* to confess the *malus effectus*, for it is neither a sin *in se* nor does it externally complete the sin.[243]

243 Mazzotta, l. c. cp. III. with Lugo, Salm., Tamb., etc. Cf. Marc, P. Cl., Institut. Moral. Alphons. Tom. II. P. III. Tract. V. De Pœnit. n. 1692.

To the preceding we add two observations:—

1. Since the duty of making a complete confession rests on a command, we are not obliged *per se* to confess what is *probabiliter* not enjoined by the precept, for, in accordance with sound principles of probabilism, a doubtful law has no binding force. To this we may add, that a confession is valid in which the penitent omits nothing through any grievous fault of his own, that is, knowingly or through culpable ignorance and carelessness. Now the principles of probability furnish a practically safe conscience with regard to the limits of a command; hence in this case the confession is entire, at least formally entire, and that is sufficient for the validity and grace of the Sacrament.

2. If the penitent, through forgetfulness or for some lawful reason, without any blame attaching to him, omits to mention something which is necessary for the integrity of the confession, he is bound to disclose it on the next occasion; for, by the decision of the Council of Trent, each and every mortal sin of which one is conscious must be mentioned, that it may be directly remitted; hence if sins occur to the mind which have not yet been confessed, they must be submitted to the power of the keys. Thus Alexander VII condemned the proposition: Sins which have been forgotten or omitted in confession on account of instant danger to life or for any other reason, need not be mentioned in the next confession (cf. Prop. 11 damn.).

23. The Number of Sins in Confession

The declaration of the number of sins is another feature completing the Sacrament. The penitent must give the number of his mortal sins so far as he can; if he knows exactly how often he has fallen into a mortal sin, he must state that number of times, neither increasing nor diminishing; if, despite careful examination and reflection he cannot arrive at the real number, he must give it as near as possible, adding the words "about" or "at least"; in so doing he fulfills his obligation, for he has done what he could, which is sufficient to enable a judgment to be pronounced *humano modo*. Should the penitent, after having thus confessed in all good faith, discover later on a more accurate number than that confessed, he is not obliged to make another confession to supply this number; nor should he disquiet himself, for the round numbers given in the first confession included everything; it is only when the newly discovered number is considerably greater than the vague estimate of his first confession that he is obliged to confess again, because the number, and, in consequence, the sin, was not perfectly confessed, since a far greater number cannot be considered as included in his former round estimate.[244]

244 This is *communis theologorum doctrina*. Cf. S. Alph. l. c. Lib. VI. n. 466; Reuter, l. c. Tract. V. De Confess. n. 312; Lugo, Disp. 16, Sect. 2.

The question naturally arises what the confessor is to understand by a numeral qualified by "about" or "at least." As a general rule the greater the number expressed, the greater is the number that may be understood as implied; for instance, "about three times" would mean from two to four times; "about five times," from four to six times; "about ten times," from eight to twelve times; "about one hundred times," at most from ninety to one hundred and ten times. It is clear from this general appreciation of theologians that the numbers implied by the term "about" increase in proportion to the actual number mentioned. If the penitent discovers that he has mentioned a number considerably less than the truth, he must remedy the defect; if he has erred by giving too large a number, he need not correct the mistake, because the larger number includes the less. Moreover, it is advisable, instead of using high numbers, to state how often the sin has been committed in the course of a week or a month, etc., especially with regard to frequent or interior sins. Indeed with habitual sinners it suffices to state how long they have indulged the evil habit, and that they have given willful consent more or less daily whenever occasion offered; this is enough, when the actual number of sins is so doubtful that there would always be a grave risk of a mistake in trying to determine it. "The confessor, when he knows the period over which the accusation extends, may easily and safely form his opinion in the case of a penitent whose will is habitually inclined to sin, that the penitent has sinned as often as there were necessary interruptions to his sin."[245] This method in determining the number of sins is as well founded as the other, for in this case, too, all is done that is morally possible. Hence the confessor should never force his penitent to give a determinate number, for this is in most cases impossible. On the other hand, the confessor should help the penitent to state the number in the way we have indicated.[246]

245 Lehmk. l. c. cp. II. Confessio, art. I. § 1, n. 305.

246 S. Alph. Praxis Conf. n. 20. Compare Casus Bened. XIV, pro anno 1744, mens. Jun. cas. 3. A man confesses that for a month he has been harboring evil thoughts against his friend, and during the same time entertaining impure thoughts about a woman; the question is put whether such a confession is sufficiently complete. The answer is given

distinguendo: 1. If the penitent has occasionally recalled his unfriendly wishes or impure desires, and has not fallen into them very often, the confession is not sufficient. 2. If he has never retracted in either case and has fallen frequently into those sins every day, the statement will suffice as it stands.

Hence a prostitute makes a sufficient statement in confessing how often she has been accustomed to sin each day or week, at the same time telling the species, or at least the more general species, of the sins so far as possible; she would make a perfect confession by an accusation such as follows: "I have spent so many years in this state of sin, and as occasion offered I sinned with all who came, married and unmarried, and also with those who were bound by vow." Penitents must always give at least the more general specific characters of their sins, and the number of times per day or week they have sinned.[247]

247 Cf. Lugo, l. c. Disp. 16, n. 573; Sporer, Theolog. Moral. Sacram. P. III. cp. III. Q. IV. n. 452.

A similar difficulty is presented in the case of those who have a deeply rooted habit of sin—those, for example, who constantly entertain impure desires with regard to women whom they chance to meet; it is very difficult in such a case to give any number. Such people make a perfect confession by stating that they are given to this habit, adding whether they indulge frequently in the day or week; besides this they should mention at least the more general specific characters, whether they indulge these desires with regard to married people or relations or persons consecrated to God.[248]

248 Lugo, l. c. n. 574; Sporer, l. c. n. 453; Reuter, l. c. n. 313.

The same difficulty arises with regard to uneducated and ignorant people who have to accuse themselves of impure conversations carried on at their work during the whole day, on all sorts of subjects and before all kinds of companions. They, too, may confess the number and species of their sins as we have indicated above.[249]

249 Lugo, l. c. n. 575; Sporer, l. c. n. 453.

Lugo and Sporer would also admit the confession as valid and give absolution to a thief who accuses himself as follows: "Since I was ten years old I have been so addicted to stealing that whenever a chance was offered—and that happened very frequently—I stole what I could; besides I have stolen sacred objects of considerable value on five occasions or, if I mistake not, six."[250]

250 Cf. Lugo, l. c., and Sporer, l. c.

Though the accusation of the species in confession usually offers more difficulty than that of the number, yet Lugo advises the more learned confessors in particular to refrain from being too exacting in demanding the classification from their penitents. As the less-trained confessor may fail in this respect by defect, the more learned confessor is exposed to the danger of excess. The penitent must give the species of the sin, and the confessor is bound to inquire with due regard to the penitent's ability and the knowledge which he had at the time of sinning; for a man cannot do evil of which he is ignorant; moreover, it is sufficient to have a general consciousness of grave malice.

24. The Confession of the Circumstances of Sins

The circumstances under which sins are committed (*conditiones quæ actus substantiam circumstant atque in ejus moralitatem influunt*) are of different kinds: 1. Some change the species of the sin (*speciem mutantes*); for example, the circumstance of a vow or of marriage adds to the sin of impurity that of sacrilege or that of adultery. 2. Other circumstances are aggravating (*aggravantes*) in greater or less degree and *gradum moralitatis mutantes* or *moralitatem augentes*—such, for instance, as increase the malice within the limits of the same species; they are the duration of the act, its intensity, its degree, the manner of carrying it out, the particular occasion, etc. 3. Other circumstances are mitigating (*minuentes*, *moralitatem minuentes*), because they palliate the malice of the act; as, for example, want of advertence, etc.

The circumstances must be confessed:—

I. If they change the species of the sin. This is the express teaching of the Council of Trent. Hence it is not enough to confess to stealing if the property of the Church has been taken; for the stealing of a *res sacra* is not merely a sin of injustice but a theft from God and so a new sin. If a child curses its parents, it is not enough to mention that it cursed, for, since special reverence is due to parents, the violation of that special reverence is a new sin.

The following circumstances call for particular mention:—

1. The circumstance of the person *who commits the sin*, when with regard to the matter of the sin he is consecrated to God or bound by vow, as in sins against purity, or when he sins against the chastity of the married state, or when he stands in special spiritual relations towards those with whom he sins.

If a man is consecrated to God by Holy Orders or the religious state and has to confess a sin against purity, he must mention the circumstance of his state of life, since he has committed a double sin, one of impurity and another of sacrilege. Now those who are consecrated to God by Holy Orders or the religious state incur the special sin of sacrilege when they fall into impurity; the mere circumstance of the vow being simple or solemn does not constitute a new species, nor the fact of being bound to chastity by vows of religion as well as by Orders; these added details need not be confessed. Many moralists teach also that those incur sacrilege who are bound by a private vow of chastity, and St. Alphonsus admits this opinion as probable. Hence all those who have sinned against purity make a full confession when they confess the circumstance of the vow by which they are bound, without distinguishing whether the vow be private, solemn, simple, or that of Orders (*votum solemne ordinis sacri*).

This is the doctrine of Lugo[251] and Lacroix;[252] Sanchez,[253] too, defends this view on the ground that the solemn vow is in substance or *in se* not distinct from the simple vow. His authority seems to have won over many theologians to the same opinion. Gury also holds this view; but the Ratisbon[254] and Roman[255] editions of his valuable manual reject it in the notes. Lehmkuhl,[256] moreover, opposes it and teaches that to incur a personal sacrilege (and this is the question under discussion) the person sinning (or with whom the sin has been committed) must be consecrated to God *publica auctoritate*,

i.e. by Holy Orders or by vows of religion. Hence by the violation of a private vow of chastity a sacrilege in its strict and proper sense is not incurred, though a sin is committed against religion by the breach of fidelity to God. Sacrilege is incurred by the abuse of a sacred object. Now that cannot be called a sacred object which is privately consecrated to God without any recognition on the part of the properly constituted authorities. A private vow cannot produce this effect, for the common teaching of all theologians, a few excepted, maintains that the breach of such a vow is a violation of fidelity, not of the reverence due to God, at least not in such a degree as to constitute a sacrilege strictly so called.[257] Thus the more correct view is that of those who hold that, in confessing sins against purity, the circumstance of Holy Orders and of the religious vow is to be given; for whoever confesses as doubtful a circumstance which certainly changes the species of the sin does not fulfill the precept of confession. Such may be the case, for instance, where a priest conceals the circumstance of Holy Orders and mentions only the violation of the vow of chastity; for the violation of this vow is certainly a sacrilege for those in whom it has been solemnized by the reception of "Holy Orders," while that of the simple vow is only doubtfully so.[258]

251 Disp. 16, n. 146 et seq.

252 L. c. 1060, etc.

253 De matrimon. L. 7, Disp. 27 et seq.

254 Editio in Germania V (Ratisb. 1874), P. II. Tract. de Confess. n. 492.

255 Gury-Ballerini, Ed. IX (Romæ, 1887), P. II. Tract. de Confess. n. 492, Q. 12 et P. I. n. 286.

256 L. c. Tract. V. De Sacram. Pœnit. Sect. II. cp. II. Confess. art. I. Sect. 2, n. 310, and P. I. L. I. Tract. II. cp. II. art. II. n. 385, and cp. III. art. II. n. 455.

257 Cf. S. Thomas, II. II. Q. 88, art. 3; Suarez, l. c. n. 1 et seq., Tract. VI. l. 5, c. 3, n. 2 et seq.

258 Cf. Gury, ed. Ratisbon, l. c.

Parish priests by scandalizing their flock, parents their children, teachers the scholars under their instruction, incur a special sin against charity. Such persons have in virtue of their office the strictest obligation to edify those intrusted to them and to keep them away from harm. The case of a confessor who gives scandal to a person who happens to be his penitent is different; but he is obliged to mention the circumstance of this relationship when he has given scandal in connection with the administration of the Sacrament; his office as confessor only imposes on him the strict duty of guiding the penitent safely in the Sacrament of Penance, and is only transitory, ending *per se* with each confession, while that of the parish priest and of the others mentioned above demands a constant spiritual care of those intrusted to them. Other offices involving authority do not change the species of the scandal given to subjects, though they may increase its malice, if, for example, a master leads his servant into sin. The dignity of a person does not of itself change the species of the sin of scandal given to his subjects, though it increases the gravity of a sin. If, however, a master has taken upon himself the duties of a parent, for instance, towards his servant-girl, he most certainly incurs a new and distinct sin by scandal given to her, and must mention his special relation to the girl.

2. The circumstance of the person *with whom the sin has been committed*, if God's honor has suffered in any way, or if the rights of a third person or the particular respect or love which is due to the said person have been violated.

If the person with whom sin has been committed or who has been led into sin is consecrated to God or bound by a vow referring to the matter of the sin, a new and special sin is incurred against the virtue of religion (*i.e.* a sin either of sacrilege or at least of a violation of the vow). If any one commit a sin of impurity with a relation, it is no longer merely a sin against purity, it is incest. It is a probable opinion that the penitent is not obliged to mention the exact degree of relationship whether by blood or marriage, since that does not change the species *ratione incestus*, except in the first degree either of blood-relationship or marriage connection; thus sin committed between father and daughter, mother and son, father-in-law and daughter-in-law, mother-in-law and son-in-law, must be mentioned along with the relationship; yet there is no doubt that *ratione superioritatis vel pietatis* sin incurred by a father with his own daughter or his daughter-in-law, bears a different character from the sin of a son with his mother or mother-in-law.

The sin of hatred acquires a new species of sinfulness when the hatred is directed against those more closely connected, *e.g.* parents, children, grandparents, grandchildren, and against those connected by marriage in the first degree of the direct line, such as wife, godparents, and brothers. Hatred of those most nearly related may much more easily become a grievous sin than hatred of other people.[259]

259 Lugo, Disp. 16, n. 298.

3. The circumstance of *place*, if a sacrilege is thereby committed; thus (*a*) if a sacred object or something belonging to the property of the Church is stolen and taken out from a sacred building, a double sacrilege, real and local, is committed. The circumstance of the local sacrilege, that is, the fact that sin has been committed in the Church is not of itself gravely sinful; hence when a profane object which is merely accidentally in the Church is stolen, a sacrilege, though not a gravely sinful one, is added to the sin of theft.[260] (*b*) If the immunity of a church is violated; (*c*) if anything is done in a church by which it is polluted in the sense of the canon law; (*d*) if profane occupations gravely at variance with the holiness of the place are carried on in the church, whether those occupations be in themselves sinful or not.

260 Gury-Ballerini, I. n. 286, and Lugo, De Pœnit. Disp. 16, n. 466 sqq.

4. The circumstance of *time*; if, for instance, the time at which the sin took place was the reason why the action in question has been forbidden, and if by the action done at some particular time a special offence is given to God. This circumstance might involve grave sin (*a*) if Good Friday were chosen for the performance of an obscene play; (*b*) if during the forbidden time a marriage were celebrated with great pomp; (*c*) if during the celebration of Mass or immediately after holy communion, before the sacred species had time to be altered, the communicant were to commit some outrage greatly dishonoring to the Blessed Sacrament. These are circumstances which moralists generally enumerate as constituting a new species of sinfulness. On the other hand, a sin committed on a Sunday or feast-day or on a communion-day is not *per se* invested with the particular malice of a sacrilege; nevertheless the fact that a man relapses into his old sins on a confession or communion day gives ground for the suspicion that his last confession was devoid of real contrition and in consequence invalid and sacrilegious.[261]

261 Cf. Lugo, De Pœnit. Disp. 16, n. 213 sqq.

5. Finally, the circumstance of *the end* in view is to be confessed if it is *in se* mortally sinful; for instance, a man who steals with the object of getting drunk is guilty of drunkenness as well as theft, and on that account must confess the purpose for which he stole.[262]

262 Cf. Lehmkuhl, l. c. Tract. V. Sacr. Pœn. Sect. II. cp. II. Conf. art. I. § 2, n. 308, and Th. M. Gen. Tract. I. cp. III. § 2, n. 31.

Now there are many penitents who cannot judge of the circumstances which change the nature of the sin; such must be taught to mention in confession whatever increases or diminishes the malice of the sin; the rest will be supplied by the confessor, for he has the duty of asking the penitent not only about the circumstances which affect the species of sin, but everything which he considers necessary to aid him in forming a correct judgment on the spiritual state of the penitent. This right implies a duty on the part of the penitent to answer the questions put to him; these questions turn for the most part on habits of sin, relapses, and proximate occasions of sinning. Hence Innocent XI condemned the proposition[263] which denies the obligation of answering when the confessor makes inquiries about habits of sin. The knowledge of a habit of sin, or of relapses, or of proximate occasions is very important in settling whether absolution should be given or deferred;[264] besides it is of supreme importance to the confessor in his office as physician that he be in a position to suggest the necessary and proper means for amendment. The penitent must, therefore, if asked, mention former sins though already confessed. No one need take offense because he is thus obliged *per accidens* to repeat sins which have already been duly forgiven; the purpose is not to pronounce a new sentence upon them, but to enable the priest to form a correct judgment with regard to the sins just confessed by noting their relation to former sins, and thus to prescribe suitable means of correction and provide as much as possible against relapses.[265]

263 Propos. 58 damn.

264 See § 48, The Duty of the Confessor with regard to asking Questions. Compare §§ 64, 65.

265 Cf. Mazzotta, l. c. Tract. VI. Disp. I. Q. IV. De Confess, cp. 3; Gury-Ballerini, l. c. n. 485.

II. Those circumstances are also to be mentioned by which sins of their own nature venial become mortal (*C. aggravantes*). Intemperance is not always a mortal sin, but it becomes so when it deprives a man of the use of reason; to steal a cheap tool might of itself be only a venial sin, but if the loss of it deprives a poor artisan of the means of doing a day's work, it becomes mortal. In the same way one ought to mention the mitigating circumstances which make a mortal sin only venial or even no sin at all.

Moralists give seven cases in which circumstances may change a venial into a mortal sin:—

1. *Ratione conscientiæ erroneæ*, when a man through ignorance thinks a venial sin to be mortal. 2. *Ratione scandali vel gravis damni*, when grave scandal is given to one's neighbor, doing spiritual or temporal harm; as, for instance, if a priest were to speak lightly of sacred things—thus St. Bernard[266] says: *Nugæ inter sæculares nugæ, in ore sacerdotis blasphemiæ sunt*; or, again, if a priest behaved lightly with a woman or were seen the worse for drink; or if one were to address a person rather insultingly, foreseeing that he would break out into a great rage and blasphemy; or if a woman dress vainly and foresee that some young man at the sight of her will sin mortally by impious desires. 3. *Ratione pravi finis graviter mali*, when, for example, a small lie is

told to lead a girl into sin. The evil intention may not only increase the guilt of a sinful action, but it will make an otherwise innocent action sinful. 4. *Ratione formalis contemptus legis vel superioris*, when a venial sin is committed out of formal contempt for the law or lawgiver, or superior, as when a Catholic on an abstinence day, and quite aware of the duty of abstaining, eats ostentatiously a little flesh-meat to show the slight regard in which he holds the law.[267] 5. *Ratione pravi affectus in rem alioqui leviter malam*, when a man is so attached to a venial sin that he would commit it even if it were mortal, or in consequence of this attachment would be ready to commit other mortal sins,[268] as, for instance, if a man chose rather to steal than to overcome his vanity or intemperance. 6. *Ratione periculi seu occasionis proximæ in peccatum mortale labendi*, when the venial sin is known, or can be known, as a proximate occasion of mortal sin; a man, for example, looks at a person of the other sex or entertains rather familiar relations with her though he knows that such conduct in his case is a proximate occasion of gravely sinful desires or actions. Even actions otherwise neutral or indifferent may for this reason become gravely sinful. 7. *Ratione cujuscunque circumstantiæ quæ mortalem in se malitiam contineat*; thus insults, proceeding from envy and desire of revenge, may be mortal sins.[269] Hence these circumstances must be confessed.

266 De considerat. II. 13.

267 Cf. S. Thomas, II. II. Q. 186, art. 9 ad 3.

268 Cf. S. Thomas, I. II. Q. 88, art. 2.

269 Cf. S. Thomas, I. II. Q. 88, art. 5; S. Alph. Lib. VI. n. 59-63; Gury-Dumas, I. n. 153; Scavini, I. n. 734.

The following circumstances may make sins venial which are of their own nature mortal: 1. Smallness of matter; 2. Want of full advertence; 3. Want of consent; 4. A false conscience.[270]

270 Cf. S. Thomas, I. II. Q. 88, art. 1 et 2; S. Alph. l. c. n. 54; Gury-Dumas, l. c.

These circumstances must be told in confession not in order to secure its integrity, but that the confessor may be able to form a correct judgment.

III. Circumstances which make but little difference in the gravity of the sin need not be confessed.

IV. Circumstances which aggravate a mortal sin within its own species to a notable degree (*circumstantiæ notabiliter aggravantes intra eamdem speciem*) need not *per se loquendo* be confessed; this is the common and most approved teaching of theologians; other reasons may exist which make it expedient to mention these circumstances.

At the same time theologians are not unanimous on this subject. Three opinions are current, and each one of them has its own probability and its champions of no mean repute. We may as well observe that the probability of the negative proposition (that there is no obligation) is conceded even by its opponents; hence all grant (*ex omnium sententia*) as probable that no one is bound to confess these circumstances, so that a penitent cannot be forced to disclose them unless some exceptional case should call for their mention.[271]

271 On this controversy see, in addition to S. Alph. Lib. VI. n. 468-471 and Lugo, l. c. Disp. 16, Sect. 3, Ballerini, Op. Theol. Mor. l. c. cp. I (de integr. mat.), n. 352-365.

Those who maintain the affirmative proposition (*i.e.* the duty of confessing the *circumstantiæ notabiliter aggravantes*) fall back on the reasons to which the Council of Trent appeals for the necessity of

confessing *circumstantias speciem mutantes*, viz. in order that the confessor may make a correct judgment, impose a suitable penance, and suggest the proper means of help; for, they add, the *circumstantiæ notabiliter aggravantes* exercise a great influence on the view of the case taken by the confessor, and on that account ought to be confessed. The fact of the Council defining that only the *circumstantiæ speciem mutantes* need be disclosed might be easily explained by supposing that the Council defined only what was certain, and left theological views where they were, neither approving nor condemning them. The last conclusion, however, is not justified, for the Council prescribes that *circumstantiæ speciem mutantes* should be confessed without determining any precept for the *aggravantes*, and if equally cogent reason had existed for confessing both classes of circumstances, there could have been no reason for restricting the doctrine to those which change the species; for, says Lugo,[272] it ought to have made the decree to embrace both classes without imposing any limiting clause.

272 De Pœnit. Disp. 16, n. 115.

Further demonstration is taken from the Rituale Romanum, which directs: "If a penitent has not confessed the number, species, and circumstances which ought to be given, the confessor must ask him." By the word species should be understood the *circumstantiæ speciem mutantes*, and by the rest the *circumstantiæ notabiliter aggravantes*. This distinction, however, is unfounded, for by species is meant *species ex parte objecti*, such as stealing, impurity, etc., and under *circumstantiæ necessariæ* the *circumstantiæ speciem mutantes* or the *species ex parte circumstantiarum*, as when theft becomes a sacrilege, etc.[273]

273 Cf. Aertnys, l. c. De Pœnit. P. II. cp. III. art. 3, n. 192.

Appeal is made also to the Catechismus Romanus, which directs that those circumstances should be confessed "which greatly increase or diminish the malice."[274] It may be objected to this, however, that the context makes it clear that there is no necessity to interpret the passage as referring to circumstances which merely increase the degree, not the kind, of the guilt; for the Catechism continues thus: Many circumstances are so serious that in them alone lies the whole gravity of the sin, so that they ought to be confessed; but the only circumstances which can make a sin grave are those that change the moral or theological species. This is confirmed by the fact that the Ritual prescribes also that circumstances very notably diminishing the gravity of the sin should be revealed; for even the opponents grant that this has force only when the mitigating circumstances change the species.[275] Moreover, the Catechism illustrates its doctrine by declaring the necessity of mentioning the circumstance of "a person consecrated to God" in a case of murder, and the circumstance of "marriage" in the case of impurity; and these belong to the circumstances which change the moral species. Finally, if the Catechism adduces the example of a theft, it is no proof that the question is not of circumstances which change the species, and when it declares that one who has stolen one gold piece is less guilty than another who has stolen a hundred pieces this may easily be understood of a circumstance which (with regard to the absolute quantity) constitutes a venial guilt and so introduces a distinct theological species.[276]

274 P. II. De Pœnit. cp. 5, n. 47.

275 S. Alph. l. c. n. 468 ad prob. 3 ex ratione.

276 Gury-Ballerini, l. c. P. II. cp. 2, art. II. n. 484; Aertnys, l. c.

This view is held, among others, by Suarez, Sanchez, Gonet, Lacroix.

Other theologians teach that there is no necessity of confessing *circumstantias notabiliter aggravantes*, but they make an exception with regard to the circumstance of quantity in cases of theft. St. Alphonsus, along with other theologians, however, is of opinion that this exception ought not to be granted if the quantity is described as being large; for from that the confessor can *per se* make a sufficiently accurate judgment. Ballerini remarks very justly that the exception should be worded thus: Except when some additional reason exists, *e.g.* a reservation directed against a certain kind of incest or against the theft of some given amount.

The third opinion denies absolutely the necessity of confessing *circumstantias notabiliter aggravantes*, and this is the more common and probable view, for which there are many and weighty reasons.

(*a*) The Council of Trent by positively limiting its decision to those circumstances which change the species seems to exclude positively the obligation of confessing others. It teaches that circumstances must be mentioned because without them the sins would not be properly confessed by the penitents nor properly understood by the judge, so that he would be incapable of estimating correctly the gravity of the sins and of imposing a becoming penance. From these words of the Council it is fair to conclude that the penitent has done all that is necessary when he confesses those circumstances.

(*b*) Moreover, we are bound only to declare mortal sin; now the *circumstantiæ notabiliter aggravantes* within the same species evidently add no new species of a mortal sin, hence they need not be confessed. To confess them is an act of perfection, good, of course, and wholesome, just as is the practice of confessing venial sins.

(*c*) Moreover, many consequences of no small importance follow from the opposite doctrine. While the present opinion is calculated to set at rest the minds of both penitent and confessor, the other has quite the opposite tendency, for who could even approximately gauge how far circumstances have a notable effect upon the sin? Imagine the difficult and often fruitless inquiries a confessor would have to make with many of his penitents in order to come to a satisfactory decision. It follows, besides, from the opposite view that the *circumstantiæ notabiliter minuentes* would have to be confessed or else the confessor would consider some sin more serious than it actually was, and even our opponents grant that this is not necessary.

(*d*) Finally, the Church could not in the General Council deduce this obligation from the words of Christ, otherwise she would not have given that definite limit to the obligation; the law of confessing *circumstantiæ notabiliter aggravantes* is, therefore, at least doubtful, and a doubtful law has no binding force. Hence this opinion may be adopted *in praxi* with a safe conscience even though its opposite be probable, and whoever follows it does not expose the Sacrament to any danger of nullity, for to secure validity a formally entire confession is sufficient, and of that there is no doubt.

This view is taught by St. Thomas (in 4 Sentent. d. 16, Q. 3, art. 2 et Opusc. 7, Q. 6), St. Antoninus, St. Bonaventura, St. Bernardine, Lugo, Vasquez, Bonacina, Salmanticenses, and the greater number of the older theologians. Among the more recent it is quite the common doctrine; compare Gury and the different editors of his text-book, among whom Ballerini is strongly in favor of this opinion, Müller, Lehmkuhl, Aertnys, Mark, Konings, Simar, Kenrick, Gousset, Pruner, Ninzatti, etc.

It is, however, advisable to mention these circumstances, and it is necessary:—

(*a*) When they affect the jurisdiction of the confessor, as in the case of a censure or reservation. If one has struck a cleric, for instance, it should be mentioned whether the assault was notorious or not; in the former case it would be reserved to the Pope, in the latter to the bishop; also if the person struck were a cardinal, a bishop, apostolic nuncio, or other cleric, since the excommunication is reserved in a special manner to the Pope.

(*b*) When they affect the character, in law or justice, of important acts, as espousals, various contracts, restitution, etc., in order that the penitent may receive proper instruction; this is most important in cases of theft.

(*c*) When, finally, the confessor without a knowledge of these circumstances is unable to direct his penitent as required for his salvation.

Since these circumstances must be confessed, not because they are *circumstantiæ notabiliter aggravantes*, but on the grounds alleged, the confessor has a right to question about them and the penitent is obliged to answer as we have already observed.

Moreover, the faithful usually add these circumstances in confession because it gives greater peace of heart and more abundant fruit; besides, a better and safer guidance is thus secured and an opportunity of practicing humility.

As to the utility and advisability of confessing circumstances all theologians agree in making an exception with regard to sins against the sixth commandment; for beyond what is necessary to determine the species of the sin the confessor ought not to ask the penitent any further question nor allow him to make any further statement. Even with regard to the species theologians all teach with one accord that in so dangerous a matter where scandal may so easily be given one may at times refrain from inquiring into the species.[277]

277 Gury-Ballerini, l. c. n. 484, nota c.

Cedreno gives useful advice for the confession of the circumstances attending sin: "If the person with whom you have sinned, the place where the sin was committed, or the manner of its accomplishment, or any other detail, gives you special remorse, then mention that point, for it will then be the confessor's duty to decide from these indications how far they affect the species of the sin or only increase its gravity."

25. The Confession of Doubtful Sins

There are three points of view from which a sin may be regarded as doubtful:—

1. With regard to the existence of the sinful action, as when a man doubts whether he really committed the action.

2. With regard to the quality of the sin, as when a man knows he has sinned, but doubts whether it is a mortal or a venial sin.

3. With regard to the confession of a sin, as when a man knows he sinned grievously but doubts whether he ever confessed his sin.

The doubt may be positive or negative. A negative doubt exists when no solid reason can be given either *pro* or *con*, but only insignificant arguments for both sides, so that no decision can be arrived at. A positive doubt exists where two contradictory propositions have each solid reasons in their support.

Armed with these premises we are now in a position to set forth the doctrine with regard to the confession of doubtful sins.

I. A sin need not be confessed when there is no positive reason to suspect its existence or gravity, or when there is positive ground against believing its existence or gravity, even where there is a solid reason on the other side. In other words, a sin negatively doubtful from both points of view, or positively doubtful from both points of view, or negatively doubtful on the side affirming guilt is not necessary matter of confession; but a sin positively doubtful on the side affirming guilt and only negatively doubtful on the side denying guilt, must be confessed.

With the exception of a few rigorists, theologians are unanimous in teaching that a sin positively doubtful from both sides need not be confessed; for if there is a *dubium facti* which establishes the obligation of a law, liberty is in possession, *i.e.* there is no obligation. But in our case the fact of the sin is doubtful, thus we are not obliged to confess it. Moreover, when the existence of a law is doubtful we are not bound by it; but the law of confessing doubtful sins is uncertain; hence we are not bound by it.

If, however, a man in danger of death doubted whether he had committed a grievous sin, knowing that he had never been to confession since that doubtful act, he would be obliged, in order to avoid the risk of damnation, not indeed to confess that sin, but either to receive the Sacrament of Penance, in which he confesses other sins, that thus he might receive at least indirect absolution if his doubtful sins were really mortal, or he should at least make an act of perfect contrition. In such a case the act of perfect contrition *sine voto confitendi* would be sufficient, since no obligation binds him to confess the *peccata dubia*.[278] So much for sins which are positively doubtful on both sides.

278 S. Alph. l. c. n. 473 and H. A. n. 30; Mazzotta, l. c. Tract. VI. Disp. 1. Q. IV. de Conf. cp. 4. Cf. Ballerini, Op. Theol. Mor. l. c. (de peccatis dubiis) n. 374.

If, however, a very strong argument affirms our guilt with only very slight reason to deny it, we are obliged, according to the unanimous teaching of theologians, to confess those doubtful sins, for in

such a case the conviction of our innocence does not rest on solid grounds. Of course our guilt is not conclusively proved; but in these things where evidence is often wanting we must be led by principles of sound moral certainty, even when they are unfavorable to us, since confession is not only a burden, but a Sacrament, and as such a means for greater sanctification.[279] In this case one cannot argue that *in dubio facti* (and this undoubtedly exists) the opposing arguments cancel one another, as might two opposing witnesses; for this only takes place when the two arguments are of the same kind and quite similar, as in the case of two opposing eye-witnesses, when it is certain that one of the two is mistaken and neither can be believed since it is not known where the mistake lies. It is quite different, however, when the opposing reasons are of distinct classes and unlike, as in the case of two witnesses who do not recount what they themselves have seen, but bear witness to various conjectures *pro* and *con*; then they both deserve reasonable attention, since the conjectures on either side rest on different motives.

279 Cf. Lugo, Disp. 16, n. 58.

If a penitent doubts positively whether he has sinned in some action, and it is probable that advertence or consent, etc., was wanting, or that full deliberation or consent was absent, he is not obliged to accuse himself of this action in confession.

On the other hand, theologians are not so clear as to the obligation of confessing sins which are doubtful *dubio negativo pro utraque parte*. The older theologians, among whom St. Thomas and other eminent doctors are to be found (Sanchez enumerates forty), insist on the duty of confessing this class of doubtful sins. This opinion is founded on the decree of the Council of Trent declaring that all grave sins *quorum conscientiam habent* (*sc. pœnitentes*) must be confessed; thus the penitent must confess the sins as they are in themselves, those which are certain as certain and those which are doubtful as doubtful. This is the general and constant practice of the faithful, and by that fact we may consider it as proceeding from Christ's institution.[280]

280 Compare in particular Sanchez, Suarez, Lugo, Laymann, Sporer, etc.

Other theologians, of no small weight both by their number and authority, do not impose the obligation of confessing these doubtful sins. St. Alphonsus also defended this view in a very convincing manner on internal grounds. The Council of Trent binds penitents only to reveal those sins *quorum conscientiam habent*; it says nothing about *uti sunt in conscientia*, or telling undoubted sins as certain and doubtful as doubtful, but only *quorum conscientiam habent*, which means those of which they have certain knowledge; for, according to St. Bernard, *conscientia* is nothing more than *cordis scientia* and *judicium practicum* on the sins incurred. Now doubtful knowledge is neither knowledge (*scientia*) nor a judgment (*judicium*), but a *suspensio judicii*; hence no one can have a *conscientia peccati* who has no proof that he has incurred sin. This is the answer to the arguments of the first opinion. Weight is added to this answer by the very words of the same Council: "It is well known that in the Church of God nothing more is demanded of the penitents but that each one after diligent examination ... confess those sins by which he is conscious to himself of having grievously offended his Lord and God; the remaining sins, however, which do not occur to him after diligent examination are considered as included generally in the same confession." Since, therefore, concludes the holy Doctor, the penitent is not bound to confess his venial sins, he is not bound to confess the doubtful ones, for the Council says he is not obliged to confess any but the mortal sins of which he has knowledge; but to doubt is not "to have knowledge," it is rather "to be wanting in knowledge."

Moreover, an *onus certum* ought not to be inflicted for a *delictum dubium*, and in the doubt whether the law exists there is no obligation to observe the law. Finally, he who doubts without good foundation should not heed the doubt. The faithful, it is true, do confess these doubtful sins in order to gain peace and ease of conscience, but not because they are bound to do so; it is also customary and general for them to confess those which are positively dubious, and no one holds that this is of obligation, not even our opponents.

The grounds for this opinion, and the objections to the opposite view, are so convincing that it may be regarded as the more probable and be followed *tuta conscientia*.[281] The following objection has no weight. Since confession is a necessary means for salvation, and since in such a case a man must take the safer means rather than trust to a probable opinion, he is thus obliged to confess *peccata dubia*. A distinction must be made. The Sacrament of Penance, and particularly the absolution in which its efficacy for the most part consists, may certainly be called a necessary means for salvation *in re vel in voto* with regard to those who have committed mortal sin after Baptism; besides, if a man doubt whether he has sinned grievously, either perfect contrition or absolution are necessary, and for that reason confession also in so far as this is required to obtain valid absolution or sanctifying grace through the absolution; but the integrity of confession can be regarded as necessary only in so far as it is proved to be the prescribed means of obtaining absolution *licite et valide*. The proof, however, for the necessity of confessing doubtful sins is so little substantiated that, as we have shown, the very opposite is proved from the words of the Council and the explanation of St. Alphonsus.[282]

281 Nearly all the later theologians hold this doctrine. Ballerini (Not. ad Gury et Op. Theol. Mor. l. c. n. 377) calls the opinion that one is obliged to confess *peccata dubia* downright false. Cf. Müller, l. c. Sect. 121; Lehmkuhl, l. c. n. 317; Gury, l. c. n. 477; Marc, l. c. Tract. V. De Pœnit. Diss. II. cp. II. art. II. Sect. l, n. 1695, etc.

282 Lehmkuhl, l. c. n. 317.

When one considers the teaching of those older theologians who maintained the necessity of confessing *mortalia negative dubia*, it is not difficult to see that, while their mode of expression comprises more, yet, they really meant to say that a penitent is not to consider himself free from all obligation of confessing his sin for some paltry reason which is in his favor, though knowing at the same time that there are weighty reasons to be urged against him and his freedom from mortal sin.[283]

283 Cf. Lehmkuhl, l. c.; Mazzotta, l. c. De oris confessione, cp. 4. St. Alphonsus declares very precisely that St. Thomas' doctrine on this matter is not against us: "He does not speak of a penitent who after diligent examination of conscience comes to the conclusion that his sin is doubtfully mortal and then lays aside his doubt in accordance with the rule that there is no certain obligation where it is question of a doubtful transgression; he is rather considering the case of the penitent who is certain that he has performed a sinful act but cannot decide whether it was gravely sinful or not; such a penitent is, of course, obliged to take pains to remove the doubt, and if he cannot settle he must submit it to the judgment of his confessor, whose office it is to distinguish between sin and sin." S. Alph. l. c. n. 474 (fin.).

From this teaching it follows that he who has a negative doubt as to whether he sinned is not *stricte loquendo* obliged to confess before communicating; but in order to make sure of the required dispositions he ought either to make an act of perfect contrition or receive sacramental absolution after confessing something which is included under *materia certa*.[284]

284 S. Alph. l. c. n. 475.

For the rest it is in practice generally recommended to the faithful, in order to secure peace of soul, to mention even their doubtful mortal sins, though there is no obligation to do so, and the confession without the accusation of these sins is complete; they must, however, be instructed to confess these sins as doubtful and not as certain. If a penitent have only sins of this sort to accuse himself of, he has a right to conditional absolution on the first accusation of them. It is better, however, to add other certain matter as the sins of one's past life; this is required if the absolution is to be unconditional.

In practice the following rules might be profitably observed:—

1. If there be a doubt as to whether the matter of a sin be grave, ill-instructed penitents (*pœnitentes rudes*) should confess their doubts because (*a*) they cannot guide their own consciences, or they do so with great difficulty, and because (*b*) for the most part they do not know how to distinguish between mortal and venial sin. Exception, of course, is made for the scrupulous who are not in the habit of frequently committing mortal sin. Well-instructed penitents are certainly not obliged to confess doubtful mortal sins, since they are in a position to guide their own consciences; yet they are advised to do so, for then their confessor is informed of the dangers to which his penitent is exposed and can warn, instruct, and free him from them.

2. If the doubt turns on the free consent of the will or full advertence, (*a*) penitents of timorous consciences, who do not ordinarily sin mortally, are in no way obliged to confess doubtful sins, for the presumption is in their favor: *ex communiter contingentibus fit prudens præsumptio*. Since they are not in the habit of sinning mortally, it is fair to presume that their doubtful sins are not mortal; indeed they ought not infrequently to be deterred from confessing them if they are inclined to scrupulosity. "A man of approved virtue who is worried as to whether he has consented to an impure temptation may be morally certain that he has not consented; for it is morally impossible that a will so constant in good resolutions should change without giving unmistakable signs."[285] (*b*) Penitents who, though not timorous, are not lax are certainly not obliged to confess a doubtful consent, though they may be advised to do so to secure peace of conscience and the other benefits which follow from the practice. (*c*) If, however, the penitent has a lax conscience, he is obliged to confess his doubtful sins, for the presumption is against him.[286]

285 Habert, t. 3 de consc. Cf. S. Alph. l. c. n. 476.

286 Cf. S. Alph. l. c. n. 476; Reuter, l. c. P. IV. n. 306 ss.

If, then, a pious person who often renews his resolution never to sin mortally is not certain that he has ever revoked that resolution; if he is startled when he perceives the evil and promptly repels the temptation, and doubts whether he has given way; if he remembers that he was in an excited state of mind; if he cannot tell whether the thought or action took place in sleep or in waking moments, the presumption is that there was no full consent.

The presumption, however, is against those who are accustomed to fall easily into grave sin; had they withstood the temptation they would remember what effort they made to overcome it. Hence

Lacroix[287] very justly concludes that such people never have a real negative doubt, since the presumption determines the probability of consent or resistance to the temptation.

287 Cf. Lacroix, l. c. Lib. VI. P. 2, n. 612; S. Alph. l. c. n. 476.

Now comes the question as to what the penitent ought to do who has confessed a mortal sin as doubtful and afterwards discovers that he has certainly committed it; is he obliged to confess the sin anew or may he consider the case closed? The sin has undoubtedly been remitted directly by the power of the keys, since the conditional sentence "if thou hast really sinned" becomes absolute where the condition has been verified. St. Alphonsus[288] teaches that sins confessed as doubtful should be mentioned again as certain if it turns out that they are certain; and this doctrine he affirms to be the common opinion. The defenders of this view maintain as their great argument that the sin was not confessed as it was in the conscience at the moment when it was committed; then it was a *peccatum certum*; moreover, they argue, the sentence passed on a doubtful sin is quite different from that passed on a sin which is certain. Yet in the case of sins which have been confessed in round numbers St. Alphonsus himself teaches that even when the penitent afterwards recalls the exact number, he is not obliged to confess again; why, then, should this obligation be imposed on the penitent who has confessed his sin as doubtful when he discovers later that it was certain? A man who has confessed that he has committed a mortal sin about ten times and later discovers that the number was twelve must either confess as certain the two or more sins which were previously confessed as doubtful, or, if this obligation is denied, he cannot be obliged to confess a sin again which he has discovered to be certain after having already confessed it as doubtful. That in the first instance the penitent is free of all obligation to confess again, is the *sententia communissima*, and it is borne out by the practice of the faithful; hence in the other case the same freedom must be granted, for both decisions rest on the same grounds. Nor can it be objected that the number of the sins is merely a circumstance, while the sin itself is a substantial fact, for the number belongs to the very substance, since it indicates so many substantial acts.[289]

288 S. Alph. l. c. n. 478. Cf. H. A. De Sacr. Pœnit. cp. 3, n. 34.

289 Lugo, l. c. Disput. 16, n. 52, n. 87, n. 78.

It is true that St. Alphonsus calls the affirmative opinion *communis*; but since Lugo (though even he gave his adhesion practically to the view of St. Alphonsus in consideration of the great number of theologians who favored it) has combated the view with strong arguments, later theologians adopted his side, so that the affirmative proposition maintaining the duty of confessing again can no longer be considered as *communis*. At present, as Ballerini aptly shows, the other view is the *communior sententia* and is established on good external and internal probability, and may be unhesitatingly considered as *probabilior et communior*.[290]

290 Cf. Ballerini, Notæ ad Gury, l. c. n. 480, and Op. Theol. Mor. l. c. n. 380 ss.; Lehmkuhl, l. c. n. 318; Aertnys, l. c. Lib. VI. Tract. V. P. II. cp. 3, art. 3, n. 193, Q. 4; Müller, l. c. Lib. III. T. II Sect. 121, is wrong in calling the affirmative opinion *communissima et vera*.

II. If a man is certain that he has committed a grave sin but doubts upon slight grounds whether he has confessed it, he must accuse himself of it; but if he has a sufficient probability that it has been confessed, he is under no obligation.

In this case some positive reason is required to show that he has complied with the obligation of confessing the sin, for an undoubted command is not satisfied by a doubtful fulfilment; but where there is really good reason to suppose that the sin has been confessed, that is, a reason which, though open to some doubts, offers some probability, the obligation may, in accordance with the principles of probability, be regarded as not binding. "For if we are to avoid making laws and duties odious, we ought to concede something to human probability taken in a broad sense; thus presumption in a case of this kind often presents proof of sufficient probability and security."[291]

291 Lehmkuhl, l. c. n. 319. Cf. Aertnys: *In praxi, præsumptio amovet dubitationem*; Ballerini, Op. Theol. Mor. l. c. n. 379.

Hence a man who is accustomed to make his confessions with care, and later on is unable to remember whether he has confessed this or that sin, may presume that he has confessed it, and he is not obliged to confess it again. This is the teaching of many eminent theologians.[292] Although St. Alphonsus affirms that a man is obliged to mention again a sin which has probably been already confessed, he does not condemn the contrary opinion. If, again, a man who has been converted from a habit of sin, and for a long period has been leading a good life, begins to doubt whether, in the confessions either general or particular which have been made with suitable care, some sin or circumstance has been withheld, he may be forbidden to mention that sin or circumstance, or even to think of the past at all. Finally, scrupulous people ought only to confess their past sins when they are quite certain that they have never confessed them; this is the *sententia communissima*.[293]

292 Suarez, Bonacina, Lugo, Salmanticenses, Lacroix, etc.

293 S. Alph. l. c. n. 477. Thus the holy Doctor does not express a general obligation of confessing the sins in this case. In the *Quæst. rec. reform.* n. 16 he appeals from Suarez, Lugo, etc., to Concina, who, along with others, teaches the obligation of confession *cum dubia sit confessio et certa sit confessionis obligatio* (see *Vindiciæ Alphonsianæ*). Meanwhile, as Ballerini shows, St. Alphonsus in the Roman edition of his Moral Theology of the year 1757, which is dedicated to Benedict XIV, releases the penitent from the obligation of repeating the confession *ut etiam communiter dicunt Suarez, Sanchez, Lugo*, etc., etc. And Lugo writes (De Pœnit. Disp. 16, n. 58): *Communiter docent omnes non teneri* (*quempiam*) *ad confitendum illud* (*peccatum*) *quod probabiliter judicat se ... confessum jam fuisse*. Cf. n. 59, where the same subject is treated of: *nihil frequentius apud theologos*, etc. Hence the *sententia communis* of theologians is that within the given limits there is no obligation, so that Ballerini justly exclaims: "Who would not rather abide by St. Alphonsus when he follows those great theological luminaries than when he clings to Concina!" "And has Concina thereby taught anything new? Indeed, since the whole question rests on a general principle, are we to rate so low the common teaching of such great theologians as to grant the privilege of clearer intuition to the judgment of the rigorist Concina?" Ballerini, Notæ ad Gury, l. c. n. 479. Cf. Op. Theol. Mor. l. c. n. 382 ss.

On the whole it is recommended in practice to mention doubtfully confessed sins, because their confession helps much to peace of soul and allays all anxieties.

Quite distinct from the preceding question is the case in which a man fully confesses as certain some sin which he has committed, but which neither he nor the confessor considered at the time as a mortal sin; if afterwards, in consequence of better instruction or advice, he discovers that the sin was mortal *ex genere suo*, he is not obliged to repeat it, for it was already perfectly confessed and it is not necessary for the validity of confession that the penitent or confessor should know that the matter of a sin is grave, and it is the matter only that is involved in this case.[294]

294 S. Alph. l. c. n. 478; Sanchez, l. c. Lib. I. c. 10, n. 69; Suarez, l. c., etc. Cf. Aertnys, l. c. n. 193, Q. 4.

III. The sins which have been incurred after a doubtfully valid Baptism must be confessed when Baptism is given conditionally. Lehmkuhl treats very fully of this question and remarks that on this

point there can be no doubt after the late decisions of the Apostolic See. Many theologians were inclined to free converts from the obligation of making a confession of their sins on the ground that, their Baptism by a heretical minister being doubtful, the sins committed after Baptism were doubtful matter for confession; hence they thought that to such converts, if they confessed matter sufficient in any way for receiving validly the Sacrament or the grace of sanctification through the Sacrament, absolution might be given conditionally; this, they maintained, was the practice to be recommended in order that converts might not be obliged in the beginning of their conversion to undergo this often very severe ordeal of a confession of a lifetime.

In answer to repeated questions the Apostolic See (in the years 1715 and 1868) explicitly declared that converts who receive conditional Baptism must after receiving this conditional Baptism confess the sins of their past life and be absolved from them *sub conditione*. This decision was given of course as an answer to a particular case laid before the tribunal; but the intention of the Holy Office, as is quite clear, was to pass a sentence and give a universal decision which might apply to all cases falling under this head and which might be regarded in future as the law on the matter, for this decree can be regarded only as an authentic interpretation of the divine law by the Head of the Church, and not as a local law of the Church or a part of her discipline. Nor need any one be surprised that a decree, though particular in form, has a universal application; for a command of the Church will never prescribe anything as necessary matter of confession which is not in accordance with the divine law.[295] In order, then, to recognize the possibility that such a precept is contained in the decree of 1715 it must be granted that, in accordance with divine right, the sins incurred after doubtfully valid Baptism must be submitted to the keys. Such is what we learn from that positive declaration; moreover, reason confirms it, for, though one who is doubtfully baptized has not a certainty but only a probability of receiving sacramental absolution of his sins, it in no way follows that the obligation to confess them is only probable and practically to be disregarded; for the duty of confessing and performing the assigned penance is for all more certain than that probability of receiving the effects of the Sacrament. This does not go beyond a moral certainty taken in the wider sense, since it rests ultimately on the validity of the Baptism and other conditions, so that doubts can always be entertained about it. But the duty of confessing and performing the assigned penance permits no such doubt, since every obligation though it be based on grounds only morally certain is sufficiently evident; otherwise there would be an end of anything like obligation in human affairs.

295 Cf. S. Antonin. Summa, P. III. Tit. 14, c. 19, § 14.

Now with regard to confession and absolution of sins in the tribunal of penance Christ has handed over all power to the jurisdiction of the Church, and it is by Baptism that men come under this jurisdiction; this is the external rite by which men are admitted as members. But no one doubts that a man remains subject to the jurisdiction of a social body into which he has been admitted by the acknowledged external rites till that reception is proved to be invalid. All, therefore, who have in any way received Baptism (which they were desirous of receiving validly, though its validity admits of doubt) are as a general rule undeniably and certainly subject to the Church's jurisdiction and laws and are bound to comply with the divine precept which ordains that their sins should be told in confession and sentence passed upon them. In other words, the doubt with regard to Baptism has this effect, that the Baptism can be regarded as invalid in the sense that it can and ought to be repeated conditionally lest the man should risk his eternal salvation, but nowise in the sense that one

who is doubtfully baptized may consider himself free from the observance of these precepts and obligations which are binding on the baptized by the ordinance of God or the Church; among these duties the precept of confessing sins holds the principal place.[296]

296 Cf. Lehmkuhl, l. c. n. 321 ss.; Aertnys, l. c. De Pœnitent. Art. III. Confessio, n. 187, Q. 1, and Acta S. Sedis, Vol. 4, p. 320. Cf. the note of Fr. Haringer, C.SS.R., to St. Alphonsus' Moral Theology, Lib. VI. Tract. IV. De Pœnit. n. 488; Wilmers, Lehrbuch der Religion, Fourth Edition, 1886, Vol. IV. § 74, p. 674.

As to the ceremonies to be observed in receiving a convert into the Church, there is nothing to prevent the confession being made first, followed by the conditional Baptism, then a summary repetition of the accusation along with an act of contrition and the conditional absolution. This order is allowed by the Holy Office in a Rescript of November, 1875. The American Ritual, on the other hand, gives the following order: 1. Renunciation of heresy and profession of faith; 2. Conditional Baptism; 3. Confession with conditional absolution. This order was prescribed by the instruction of the Holy Office for North America.[297]

297 Cf. *Appendix ad Concil. plen. Baltim.* II. in *Collect. Lac.* T. III. col. 550.

26. Sins Omitted through Forgetfulness or other Causes not Blameworthy

In order that the principles to be applied here may be understood, it must first be observed that all grievous sins committed after Baptism must be confessed; hence what has been said of the material and formal integrity of confession as well as upon the distinction between sins directly and indirectly remitted must be carefully borne in mind.

Since the formal or subjective integrity of confession consists in this, that all mortal sins are mentioned which the penitent can recall after a diligent examination of conscience, and of which the enumeration is possible *hic et nunc*, it does not suffer by inculpable forgetfulness on the part of the penitent; and the same holds true of all other legitimate reasons which at any time excuse the penitent from objective integrity.[298]

298 See § 27.

Sins which are required for objective though not for subjective integrity are considered as included in the confession and are really remitted by the absolution, not directly, however, but only indirectly.

Hence are derived the following principles:—

I. Mortal sins omitted without fault are and remain *materia necessaria* of confession, or the objective duty of confessing them remains binding as before.

These sins are, of course, really forgiven, but, as we have already observed, only indirectly or *per concomitantiam* through their connection with the other mortal sins which have been confessed and directly remitted. In the Sacrament of Penance the remission of sins is effected by the absolution; but sins which have not been mentioned do not directly fall under the absolution since, properly speaking, they are unaffected by the sentence pronounced by a judge who knew nothing about them. Nevertheless the absolution pronounced *rite et valide* over certain sins is effectual because it is sacramental and because in God's providence no remission of sin takes place without an influx of sanctifying grace into the soul which presents no *obex*. Now sanctifying grace removes the whole *reatus culpæ mortalis* and restores a man to perfect friendship with God and to his claim in the heavenly kingdom. Thus valid absolution produces sanctifying grace in the soul and consequently the remission of all mortal sins staining the soul, even those inculpably forgotten.

There remains now the precept of Our Lord to submit all mortal sins to the power of the keys in the Sacrament of Penance; these forgotten sins have not been confessed as yet, nor has the priest pronounced any direct sentence upon them. Though these sins have been remitted indirectly, there still remains the obligation *ex jure divino* of confessing them directly to the judge in the tribunal of penance when they occur to the mind again, not because these sins have been revived, but because the neglect of God's command in the matter would involve a new sin. This holds of all mortal sins inculpably omitted, of their species, of all circumstances changing the species, as well as of mortal sins, confessed indeed, but to a priest without jurisdiction who either *bona fide* or for reasonable motives gave direct absolution of the sins for which he had faculties, thereby remitting the others indirectly. Hence Alexander VII condemned the proposition: "Sins which have been omitted in confession either from an imminent danger to life or for any other motive need not be mentioned in the following confession." (Prop. XI. damn.) It is different, however, in the case of reservation or

censure for a sin remitted indirectly if confession be made to a priest equipped with the necessary faculties; for in general absolution is given from reservation and censure, and the penitent is probably freed from the reservation or censure attached to the sin forgotten; so that if the sin occur again to his mind, he may be directly absolved by any confessor, even a *confessarius simplex*.[299]

299 Cf. Mazzotta, l. c. De Oris Confess. cp. 5; Lehmkuhl, l. c. n. 323 s.; Gury-Baller. II. De Pœn. n. 494 s.

II. The obligation of confessing these forgotten sins does not urge *ratione sui* "as soon as possible" (*quam primum*), not even before receiving holy communion.

Of course many distinguished theologians[300] teach that whoever remembers a grave sin, even though not committed since the last confession but forgotten, must confess that sin and receive absolution before going to communion. The only reason urged is that he is conscious of this sin; and, according to the Council of Trent, no one who is conscious of grave sin may receive communion before having confessed where there is an opportunity of making the confession. The defenders of this view maintain that the Tridentine decree[301] is so expounded and understood by the whole Church; they make an exception, however, for the case where confession cannot be made without risk of scandal or infamy, as, for example, when a priest is already celebrating Mass or a layman has approached the communion-rail and cannot retire without exciting remark.

300 Lugo, De Euchar. n. 126; Suarez, Disputat. 66 s. 3; Lacroix, n. 539; Salmanticenses, De Euch. c. 7, p. 3, n. 30, etc.

301 Sess. XIII. cp. 7.

It is permissible, however, with St. Alphonsus and other theologians (in less number) to follow the other "very probable opinion" which denies the obligation of confessing; for in reality confession has preceded communion and the penitent has confessed all the sins of which he was conscious, so that neither the Council of Trent nor the divine law seems to demand more; moreover, the forgotten sin has been remitted indirectly, the penitent is in the state of grace, not merely by an act of contrition but in virtue of the valid confession. The practice of the faithful which is appealed to for the opposite side is not to be regarded as of binding force, but rather a pious and praiseworthy custom.

Though one may follow *tuta conscientia* the opinion which denies the obligation, it is good to recommend to the faithful to confess before communion the sins which have been forgotten, unless the extremely sensitive conscience of the penitent should require another course to be adopted; the practice should not, however, be imposed as binding.[302]

302 S. Alph. l. c. Lib. VI. Tract. III. De Euchar. cp. II. Dub. II. n. 257; Lehmkuhl, l. c. n. 325; Aertnys, l. c. Lib. VI. Tract. IV. De Euchar. Art. III. n. 98, Q. II.

The view held by some, though a very few, modern theologians, that it is quite sufficient to mention these sins without receiving absolution, is not at all in harmony with the divine institution of the Sacrament, for confession is not made with the view of acquainting the priest with the sins committed, but in order that they may be remitted by his judicial sentence. Hence a serious argument for the necessity of confession can be drawn only from the supposition that absolution is necessary. Accordingly a penitent who confesses a new mortal sin immediately after absolution must be absolved again. Of course this absolution may be put off to the next confession if the penitent comes again to the same confessor to whom he told the sin. Such delay, however, would hardly be recommended, since it would involve the penitent in the following dilemma: Either he is not free to

choose his confessor on the next occasion on which he approaches the Sacrament, or if he goes to some other priest he must confess the same sin again.

III. The duty of confessing sins inculpably omitted must be fulfilled either when there is danger of death or at the next confession, whether it be a confession of duty or of choice.

Hence these omitted sins must be confessed, even if no new mortal sin has been incurred, *ratione sui* when there is grave danger of death and at the time which the Church prescribes for the yearly confession; for the annual confession is prescribed not only in order to obtain sanctifying grace, but also to fulfill the divine law, more clearly defined by the law of the Church. In this case the precept would be binding under grave sin because of the presence of *materia necessaria,* for a mortal sin omitted even without fault is *materia necessaria*.

If, however, a confession be made before that time, either of *materia necessaria* or *materia libera,* the confession must include the previously omitted sin. This is so evident that no theologian ever dreamt of disputing or doubting it. Every confession must be complete subjectively or formally, and by the declaration of the Council of Trent this confession is not complete unless it includes the sins previously omitted. For this subjective integrity it is required that all mortal sins not yet subjected to the keys which occur to the penitent should be confessed unless some legitimate obstacle stands in the way. If these omitted sins are kept back in the next confession following, that confession is incomplete and sacrilegious. It cannot be argued that these sins had been already indirectly forgiven, for, to speak of no other objection, the same might be urged of sins already condoned by an act of perfect contrition.[303]

303 Gury-Ballerini, l. c. n. 495; Lehmkuhl, l. c. n. 326.

27. Reasons Excusing from Complete Accusation

In the preceding paragraph we said that sins may be omitted by the penitent without the confession becoming sacrilegious. As there are reasons which can justify such silence, and release the penitent from the obligation of confessing the sins of which he is conscious, we devote this paragraph to the consideration of these reasons.

I. No difficulty in the confession itself or internally connected with it ever excuses from making a complete accusation; for when Christ gave the precept that all grievous sins should be confessed to His representatives in the tribunal of penance, He intended that we should submit to the difficulties inherent in such an accusation and bear them as a penance for our sins, and this discipline is very wholesome for the penitent.

A difficulty of this kind would be, for instance, the great shame felt in confessing a sin, even if it came only from the fact of mentioning it to this or that particular priest; the course then to be adopted is to put off the confession, or to go to another confessor, or to be brave and overcome the shame. This difficulty was recognized in the Council of Trent, and hence it was declared that the difficulty of such a (perfect and candid) confession and the shame of declaring one's sins might well seem great obstacles, but that they were counterbalanced by the consolation and profit accruing to those who received the Sacrament worthily.[304] The same may be said of the other difficulties, such as the fear of losing the esteem of one's confessor or of receiving a rebuke from him. If such reasons as these could be held to justify a want of integrity in the accusation, the faithful for the most part would consider themselves at liberty to make incomplete confessions, and the great object for which this Sacrament had been instituted would to a great extent be frustrated.[305]

304 Sess. XIII. cp. 5.

305 Cf. Gury, l. c. n. 497; Aertnys, l. c. n. 104; and Lehmkuhl, l. c. art. III. n. 327.

Likewise, a large gathering of penitents (*concursus magnus pœnitentium*) on the occasion of a great feast or indulgence is never a reason for want of integrity in confession, for this is not a case of necessity and it would expose the priest to the risk of giving absolution to ill-disposed subjects. Nor can exception be made to the rule of integrity because people might conjecture from the time taken in the confessional that the penitent had committed very many sins.[306]

306 S. Alph. l. c. L. VI. n. 485.

II. Besides the case of physical impossibility, however, there are others which justify an incomplete avowal of sin; they are in general such external or accidental difficulties in connection with the confession which render a complete accusation morally impossible, or involve grave harm to the penitent or the confessor. When the impediment no longer exists the law of God comes again into force; the moral impossibility of making a complete confession does not altogether cancel the duty of making it, but only suspends it, since the precept of confession is not one that is confined to any fixed time or state, but extends over one's lifetime; hence mortal sins which have not been confessed must be mentioned later when opportunity offers.

III. In order that the excuse of moral impossibility may be pleaded it is necessary, 1, that there should be a real or probable risk of great harm; 2, that it is impossible to find another confessor to whom a

full disclosure may be made without fear of this particular harm; 3, that only those sins or circumstances be kept back of which the avowal would cause harm; and finally, 4, that the confession cannot be put off.

IV. Physical impossibility might result from, 1, inculpable forgetfulness or inculpable ignorance, or only venially culpable ignorance and forgetfulness. A man who is ignorant *invincibiliter et inculpabiliter* that the particular act which he calls to mind is sinful, or does not know that his sin must be confessed with its number and species and circumstances changing the species, is not bound to integrity in confession; there is still less obligation on an uneducated and weak-minded penitent.

If, again, a man in examining his conscience cannot recall a past sin, or, having recalled it, forgets about it in the confessional, he is physically incapable of making a complete confession. (On this point see the preceding paragraph.) It is to be noticed, however, that in the case of gravely culpable negligence or carelessness in examining the conscience an imperfect confession is invalid; if, for example, a man through his own fault is ignorant how confession ought to be made, or was unwilling to make a careful examination of his conscience. On the other hand, one is not obliged to go to confession sooner in order not to forget past sins, though frequent confession is much to be recommended; for we are bound only to accuse ourselves of the sins of which we are conscious at the time of confession after making a diligent examination of conscience.

2. There is, moreover, physical inability when there is imminent danger of death (*a*) on account of the penitent's condition being such that if he should try to make a complete confession he may die before receiving absolution; (*b*) in a common danger, such as shipwreck, before a battle, during a violent epidemic or a swift conflagration. If in such a case there is no time to hear the confession of each individual, it is enough for all to make a general confession of their sins in order to receive absolution, and the priest may give it, using for all the one formula: *Ego vos absolvo*.... Finally, (*c*) when the confessor himself is near death and no other priest is at hand.

The following instructions may be observed by confessors in actual practice:—

(*a*) In case of extreme necessity the accusation of some specific sin must be made so far as it is possible, but in the case of a dying man who is still conscious the confessor should be more solicitous about exciting contrition than about securing a complete confession; in the case, however, of a penitent deprived of consciousness, especially if he gave no previous sign of repentance, the confessor may give absolution conditionally and then devote his care to the administration of Extreme Unction, which in such a case is more certainly valid and efficacious than the absolution itself; meanwhile, however, there would be no reason for not giving the absolution beforehand.

(*b*) If only one confession has to be heard and there is imminent danger, say, from an attack by an enemy, the confessor should get the penitent to mention some one sin, to make an act of contrition, and he should then absolve him, when under the circumstances the absolution is a matter of necessity. If there are several who wish to make their peace with God, as before a battle or in a shipwreck, the following points are to be observed:—

([Greek: a]) If the danger is very pressing, the confessor must exhort all to make acts of contrition and purpose of amendment, or, still better, himself make along with them acts of contrition and

amendment, and get them to give some sign of their sorrow and their self-accusation, as by raising their hands or striking their breasts; then he may give them absolution in a body.[307]

307 Reuter, Theol. Moral. Quadripartita, Tom. IV. Tract. V. Q. IX. n. 331, exempl.

([Greek: b]) If there is time enough for each one to approach the confessor, though not for making a complete confession, they should be admitted singly in order the better to secure the salvation of each one, in such numbers as the time will permit; and in order that as many as possible, if not all, may be heard, the accusation may be as short as possible; thus contrition will be more genuine. Of course the penitents will be told that in the event of their lives being spared they must make up what was wanting to the integrity of the confession.[308]

308 Reuter, l. c. n. 331, exempl. 5; Lehmkuhl, l. c. n. 329.

3. Physical inability may also arise from the *defectus loquelæ* of the dumb who cannot make a complete confession either by writing or by signs. For them it is sufficient if they confess one or other sin by signs. If the defect be only a stutter, the penitent must confess as best he can.[309]

309 Compare § 20, Confessions of the Dumb who are Able to Write.

4. The *defectus auditus* of the deaf who cannot express themselves nor hear the questions which the confessor must put in order that the confession may be complete, can be reckoned as a physical inability. They are obliged to make a perfect confession *ex sua parte, i.e.* to mention all that so far as they know is required for a perfect confession, and thus they may not keep back anything. Those who are merely hard of hearing are not on the same footing with the deaf; their confession should be made in a place where the voice may be raised without others overhearing what is said. If, however, the confessor should find out only in the course of the confession that the penitent is hard of hearing, and he cannot take him to a more retired place without fear of causing the bystanders to suspect that some grave sin has been confessed and so violating the seal, he may resign himself to permitting an imperfect confession and may refrain from putting questions. With women the confessor must be particularly on his guard not to give grounds for evil interpretation, since many people are quick to suspect wrong. Thus it would be imprudent for him to admit women penitents to confession at times when the church is less frequented; since absolute security for the seal of confession would even then not be attainable, and suspicion would in all likelihood be easily aroused.

If the confessor is obliged to hear the confessions of deaf people in the church and he has doubts as to the integrity of the accusation, he must be more solicitous for the seal than for the integrity of the confession; hence he must refrain from questions as to the number or circumstances of the sins and must give a very slight and ordinary penance, so that those who overhear his words may not be led to conclude that the penitent has been confessing mortal sins.[310]

310 S. Alph. l. c. Lib. VI. n. 644; Prax. Conf. n. 104; H. Ap. n. 155; Gury-Ballerini, l. c. II. n. 503, Not.; Aertnys, l. c. n. 297, Q. III.

5. Finally, ignorance of the language constitutes a physical impossibility for those unable to find a confessor understanding them; for such people it is sufficient if they manifest their contrition and their sins as far as they can by signs. The confessor, in default of any other priest knowing

the language, must admit them to confession and *aliquoties* absolve them even if he can barely make out the most general accusation.

V. A moral impossibility exists, as before remarked, when great harm ensuing to the penitent or to the confessor or to some third person is to be feared from the completeness of the confession; the harm to be feared must preponderate over the material integrity of the confession.

Therefore exception is made to the demand of integrity (completeness) in confession:—

1. When there is risk of infamy (*periculum infamiæ*), if the penitent is exposed to lose the esteem he is held in not only by the confessor but also by others. This may happen in various ways, particularly if the penitent is so placed that a perfect confession would be overheard by others, or if the time required for a complete confession were so long that it would give rise to unfavorable suspicions. Such a case is most likely to happen when others know that the penitent has been in the habit of confessing, and the latter, on account of those confessions being invalid, is obliged to repeat them, while the time for a communion which he cannot postpone without exciting comment, is quite close.

A sick man, for instance, has confessed and is about to receive the viaticum; he reveals to the priest that he has made several sacrilegious confessions. To repeat these in full would excite suspicions on the part of the bystanders who thought that he was prepared to receive holy communion.

Or, to use another illustration, on the occasion of some solemn and public communion in common one of the communicants goes to the priest a short time before communion and reveals that he has made a sacrilegious confession; since there is no time to repeat it, it is enough if he makes an act of sorrow, mentions the sacrilegious confession and perhaps one or two of his other sins; he must then be absolved and later, of course, make a full confession.

Or, a priest is already at the altar, about to offer the holy sacrifice, but remembers that he has mortal sins on his soul not yet confessed; he makes a short act of contrition and confesses his sins to an assisting priest who is standing close by him; the latter will then give absolution secretly. Outside the case of necessity where a priest must celebrate Mass or a person is to receive communion, the penitent is in nowise excused from making a full confession on the ground that others, noticing the length of time spent in the confessional, should suspect him of being guilty of many grave sins.[311]

311 Aertnys, l. c. n. 195, Q. I; Lehmkuhl, l. c. n. 330.

2. When there is danger of breach of the seal of confession (*periculum læsionis sigilli*), as when, which is a very rare case, it should be foreseen that the confessor would break the seal, or in the case where a confessor could not reveal his own sins without at the same time revealing the sins of his penitent and so breaking the seal.

The first case, *i.e.* where the confessor breaks the seal—without, of course, intending to do so—might happen when the priest speaks so loud that he can be overheard by those in the neighborhood, and in spite of representations still fails to subdue his voice, either because he is deaf, or because his zeal runs away with him, or because he is afflicted with some defect of voice which prevents him talking in a lower tone. This would be only an indirect breach of the seal, certainly not to be sanctioned but rather to be severely blamed as wrong and sinful. If, then, the confessor speaks too loud, and

continues to do so even after the penitent has reminded him of the fault, the latter is justified in keeping back part of his confession so that the confessor may not in the course of his questions reveal to the bystanders the sins confessed.

If, however, the penitent has an exaggerated dread that his confessor may break the seal by making revelations outside the confessional, he is not justified in withholding his confession in full, for he imagines a sin so horrible that the suspicion of it could only be entertained in the case of heretics. This holds true at least as far as a direct breach of the seal is concerned. A penitent could hardly ever be dispensed from a full confession on account of such a fear, and if he were to reveal to another confessor that such a motive had prompted him to keep back some of his sins, the confessor could not receive this as an excuse without further inquiry.

On the other hand, the danger of a breach of the seal on the part of a priest who confesses the sins he has incurred in hearing confessions is not beyond the bounds of possibility; in this case he must pass over in silence those sins which would involve such a risk.[312]

312 Cf. Aertnys, l. c. n. 195, and Lehmkuhl, l. c. n. 332.

3. When danger of scandal (*periculum scandali*) is to be feared either with respect to the priest or the penitent. Such a case might occur where the penitent is afraid of sinning by taking pleasure in thoughts against charity and especially against purity when examining his conscience; his duty then would be to avoid dwelling upon the number and circumstances even at the risk of making an incomplete confession, for the natural law of avoiding the danger of grave sin prevails over the positive law of making a complete confession. The same reason may be a motive to the confessor to be very prudent in questioning such penitents so as not to expose them to commit new offenses against God in the very Sacrament of reconciliation.

If a penitent have well-grounded fears of the confessor's weakness and that the latter will, if he hear a *peccatum turpe*, give way to bad thoughts or cause him to sin, he is bound to avoid such a confessor; if, however, in a case of necessity, he requires his help and cannot find another confessor *hic et nunc*, he may omit those sins of which the avowal would be dangerous.

A priest who knows that his weakness exposes him to great risks in hearing confessions must withdraw from the confessional if it be at all possible, unless there be good reasons to suppose that the fear arises from some unforeseen and exceptional incident; in such a case the confessor must omit the questions which ordinarily would have to be put to secure the completeness of the accusation.

"Dangers of this kind are not to be lightly and unreasonably supposed, but only on solid grounds; and if it be a question of danger to the confessor, only after very unmistakable indications."[313]

313 Lehmkuhl, l. c. n. 331; Stotz, l. c. Lib. I. P. III. Q. II. nn. 68 et 69.

4. When a scrupulous penitent is always tortured with the thought that his previous confessions have not been valid and believes that his sins have never been properly confessed.[314] Such penitents are to be forbidden to make detailed examination of conscience even though in consequence their confessions should fall short of the necessary completeness.

314 S. Alph. l. c. n. 488; Aertnys, l. c.; Elbel, Theol. Moral. Vol. III. P. IX. De Pœnit. n. 150. See § 72, Treatment of the Scrupulous in Confession.

5. When there is danger of bodily harm (*damnum corporale* or *periculum vitæ*). If, for instance, a long confession exposed the priest to danger of infection, even though by other precautions he might lessen the danger or perhaps quite reduce it, in order to avoid the risk he may allow the penitent to state quite briefly a few sins, thus contenting himself with an imperfect confession, and may then give absolution; moreover, if the penitent is so weak and exhausted by the illness as to be unable without grave harm, or great increase of suffering and weakening of his condition, to examine his conscience carefully and so make a perfect confession, the priest ought not to annoy him by questions, but rather try to awaken contrition and then give absolution even after an incomplete confession.[315]

315 S. Alph. l. c.; Stotz and Aertnys, l. c.

It was observed above (n. 4) that moral inability to make a complete confession can only be admitted when the confession cannot be put off and is urgent *hic et nunc*.

The confession may be regarded as urgent, 1, when the penitent is in danger of death; 2, when the precept of annual confession and communion is instant; 3, if the reception of holy communion or the celebration of Mass cannot be put off without confusion or scandal; and, 4, if otherwise the penitent could not again approach confession for a long period. Reuter[316] and Lugo consider a delay of more than three days long enough for a man in mortal sin to regard the case as urgent; indeed one may consider the *impotentia moralis* as justified if a man were compelled to remain in mortal sin one or two days.

316 L. c. n. 331. Cf. St. Alph. l. c. n. 487.

There is a special difficulty in solving the question whether a sin can or ought to be confessed which cannot be disclosed without damaging the reputation of the partner of the sin in the eyes of the confessor. Theologians do not agree in their opinions, but are all unanimous in teaching, 1, that a penitent is obliged to seek, if possible, another confessor to whom he can make a complete confession and to whom the accomplice is unknown, and in this way save his neighbor's reputation; and, 2, that if the sin which cannot be confessed without injury to the character of the accomplice is not necessary matter of confession, it ought not to be revealed unless the sin of the accomplice be only slight and the confession of that particular sin be of peculiar benefit to the penitent.

If, nevertheless, the accomplice be revealed to the confessor, such revelation, in accordance with a very probable opinion, is not to be regarded as a grave sin; for according to the teaching of a number of theologians, whom St. Alphonsus approves and with whom St. Thomas seems to agree, it is not a gravely sinful defamation to reveal the sins of another to one or other trustworthy and upright man. Though many theologians declare this to be gravely sinful if done without reason, the opposite opinion is so well founded that it may be followed in practice as quite probable.[317] But if it is at all probable, it is much more so when the sin of another is revealed to a priest who is bound to the most inviolable secrecy by the highest and holiest ties. Hence it follows that the revelation of the accomplice is certainly no sin when there is reasonable ground for it; such would be, for instance, if the confession made to a priest who knows the accomplice were useful or necessary to the penitent, supposing that no other confessor, to whom the accomplice is unknown, were available; furthermore,

the penitent is not bound to seek another confessor unacquainted with the accomplice if the search involves great trouble or loss.

317 Cf. Aertnys, Lib. III. Tract. VIII. De octavo Præcepto Decalogi, n. 534, Q. 2.

With these premises we approach the question: May a penitent, or ought he, confess a mortal sin which cannot be revealed without at the same time revealing the accomplice to the confessor, or may he omit the mention of that sin and so detract from the completeness of his confession?

The greater number of theologians and those of most weight teach that the revelation of the *complex* is not a reason excusing from an entire accusation, since it is no violation of the *jus naturale* which safeguards the reputation of another to reveal the secret sins of one's neighbor for good reasons to a prudent and upright man, and the law of charity only forbids defamation of one's neighbor without reason; in this case, however, there is a *causa justa*, and a very urgent reason, viz., the making of a perfect confession and the guidance of the conscience. The precept of making a sincere accusation is *potioris juris* than the precept of not defaming the neighbor, so that such defamation in face of the need of making a complete confession is to be regarded as of no account. Lugo rejects, as involving a *petitio principii*, the other argument advanced by the defenders of this view, namely, that the penitent is simply making use of his right to confess his sin, and that the accomplice by participating in the sin has surrendered his claim to his reputation so far as it is affected by the confession of the sins; he adduces another argument: that since the benefits resulting from confession are so immense that Christ has bound the penitent to endure the shame of revealing his own sins, it is a natural consequence that to obtain such benefits one may be allowed to reveal another's sin.[318] The same is taught by St. Thomas,[319] St. Bonaventure, St. Antoninus, St. Bernard, Gerson, Cajetan, Henriquez, Suarez,[320] Lugo,[321] Laymann, Vasquez,[322] Toletus, Reginald Lessius, Tamburini, Salmanticenses,[323] Reuter.[324] St. Alphonsus[325] also holds this view. At the same time they teach that the penitent is bound, if he can manage it *commode*, to spare the reputation of his accomplice by going to a confessor to whom the accomplice is unknown; and St. Alphonsus expressly condemns the view that this is matter of counsel and not of precept. Thus the penitent is freed from the obligation of seeking out another confessor only (*a*) when there is danger of death or when the annual confession can no longer be put off; (*b*) when the penitent by refraining from communion or from the celebration of Mass would be exposed to misinterpretation and shame; (*c*) when a penitent is in a state of mortal sin, and would be obliged to remain in that condition one or two days (*per biduum imo etiam per diem*) till he could find another confessor; (*d*) when the *complex* may be presumed to have given up his claim to his good reputation, as in the case of a brother who having sinned with his sister knows that she will not go to another confessor without her mother; (*e*) when a priest being accustomed to celebrate every day, and a lay person being accustomed to communicate daily, would find much difficulty in omitting these pious acts; (*f*) when a person finds great repugnance in revealing his or her state of soul to another confessor; (*g*) when otherwise the penitent would be deprived of a jubilee or other indulgence; (*h*) mothers or husbands may be excused when through a wish to have counsel or sympathy they reveal the sins of their children, etc., to a confessor who knows the latter, especially when they find it hard to approach another confessor; (*i*) when the seeking of another confessor involves a privation of consolation and peace for the penitent accustomed to a wise and helpful spiritual director. Hence it is evident that a penitent is rarely, if ever, obliged to seek another confessor under the given circumstances.[326]

318 Lugo, l. c. n. 398.

319 In IV. dist. 16, Q. 3, a. 2.

320 Disp. 34, Sect. 2.

321 Disp. 16, n. 398 sq.

322 Q. 91, dub. 3, a. 2.

323 C. 8, n. 128.

324 P. IV. n. 321.

325 L. c. n. 489.

326 S. Alph. l. c. 490; Gury-Baller. II. 500, Q. II.

The other opinion, that it is not allowed to reveal the accomplice, and in consequence that one is not bound to mention a mortal sin which cannot be confessed without revealing the accomplice, is taught, among others, by Canus, Petrus Soto, Ledesma, Navarrus, Valentia, Banez, etc. Busenbaum and Mazzotta deemed the opinion probable.[327] These theologians urge that it is a violation of the natural law to injure the good name of another, and hence that the obligation of not inflicting such injury is *potioris juris* than the duty of making a complete confession, since this is founded on a positive law.

327 De Pœnit. Disp. I. Q. IV. cp. 7, § 1 *ab initio*.

It need not be imagined, however, that this opinion is the *benignior*, because it releases from the duty of making a perfect confession; considered closely the case takes on quite another aspect, for:—

1. It requires the penitent to seek out another confessor to whom the accomplice is unknown even when this involves great trouble to the penitent, for as all will concede, the integrity of the confession must be preserved so far as it is possible, and only the damage and hardship to the penitent which makes the confession morally impossible excuse from making a complete confession. Hence this *incommodum* must be grave and much greater than that which in the other view allows the defamation of the accomplice.

2. If, however, a man cannot confess to another confessor and is resolved to conceal the sin or its circumstances in order to save his neighbor's reputation, there arises a greater difficulty, the obligation of confessing the same sin again; for in order to save his neighbor's good name a man may only conceal that circumstance which affects the reputation of his neighbor, and this is the unanimous teaching of all theologians; for example, if a man has committed incest, and has no other means of confessing it, he must mention in his first confession that he has fallen into a sin of impurity, passing over in silence the circumstances which make it incest. He must, however, when opportunity is presented of going to another confessor, mention the circumstance of the incest, and this cannot be done without repeating his former accusation of having fallen into a sin against purity.

3. It is also to be observed that if defamation of one's neighbor excuses from a complete confession, and if in consequence a particular sin *may* not be revealed (for such is the foundation of this opinion), the confessor is not allowed to put questions which may cause an indirect revelation of the accomplice, especially to ill-instructed penitents who would have no

idea of how to parry the questions. Now if these questions are to be avoided by the confessor, he may not inquire into the occasions of sin, or he must leave to the judgment and discretion of the penitent how far the latter is bound to answer the questions put to him. The consequences, as any one may see, implicate the direction of penitents in great difficulties, and on that account no one can admit either of these methods of action.

Now the confessor, in order to be faithful to his important duty of withdrawing his penitents from the occasions of sin, and in order not to be deceived by a penitent who, left to his own judgment, will not realize the danger of the occasions, must question his penitent with perfect liberty and undeterred by the fear of obtaining any knowledge of the accomplice in sin, if it is probable though not certain that such defamation of the accomplice is not a reason dispensing from the integrity of the confession. This opinion is certainly probable.

The champions of this view are far from denying that the natural law forbids the injuring of another's good name, but, they maintain, such injury is forbidden only when there are no reasonable grounds for inflicting it; it must be proved that the precept of making a complete confession is a sufficient reason, since such defamation to a confessor is certainly not objectively grave. That this ground is a reasonable one is evident from many weighty considerations:—

1. Good reasons have been already offered in the difficulties which are presented when perfect liberty is not allowed in confessing or asking the circumstances and occasions of sins.

2. Further examples may be easily imagined in which the defamation of another resulting from the penitent's confession is not to be considered; for no one would dream, for example, of releasing a son from the obligation of making a perfect confession because it might be concluded from the gravity and nature of his sins that his parents had brought him up very badly; nor would a religious be excused for fear his confessor should entertain the suspicion that his superiors were neglecting their duty towards him. For such defamation may well be considered as of little moment, since the confessor is bound to the most stringent silence and can make absolutely no use of what he hears in confession.

3. Moreover, the precept of making a complete confession is so severe that the penitent may never transgress it in order to safeguard his own good name, and is obliged to overcome the fear of losing it. But, according to the universal teaching, a man is justified in self-defense to do a lawful act even if thereby he injure the character of his neighbor if there is no other way of shielding his own or regaining it when lost; hence it must be allowable to injure the reputation of another if the end in view is to make a perfect confession; or the same cause (the integrity of the confession) which binds me to injure my own good name gives me the right of disregarding any infamy that may accrue to others in discharging this duty.[328]

328 Cf. Lugo, Disp. 16, l. c.; Tamburini, Meth. conf. l. 2, c. 9, § 2.

4. Finally, since it was in early days the practice of confessing to one's parish priest, and he was generally acquainted with all his subjects, the precept of making a complete confession would have had no meaning if the other opinion were tenable in respect to sins which were difficult

to confess. Is it possible that Christ should give a command which in practice turned out so nugatory?[329]

329 Thus Lehmkuhl, l. c. n. 334 ss.; cf. Aertnys, l. c. n. 196, Q. 10; Lugo, l. c. Ballerini, however, l. c. n. 499, Q. I, concludes thus in his notes: Ergo, seclusis aliis incommodis, *integra manere videtur obligatio* circumstantiam illam tacendi quando ex ejusdem confessione alterius infamia consequatur. Cf. Op. Theol. Mor. l. c. (*de Complicis manifestat.*) n. 439-450.

From what has been already said on this subject it follows that the confessor, if he thinks fit, is quite at liberty to put questions on the circumstances or occasions of sin; moreover, that penitents ought not to be instructed to conceal circumstances which may injure the reputation of the accomplice with the confessor; they ought rather to be encouraged to make a complete confession to their regular confessor if they are unable to find another.

If, however, some one acting upon the undoubted authority of theologians who teach the other view wishes to make his confession accordingly, he cannot be blamed if he has formed a *dictamen conscientiæ*, and he cannot be forced to renounce his opinion.

Again, if a confessor remarks that a penitent is familiar with his theology and makes his accusation in accordance with the other opinion, and if he is satisfied that said penitent is capable of forming a judgment about his obligations, he may more easily omit certain questions and leave the penitent free to follow his own opinion.

What has been said with respect to the accomplice's reputation applies equally to those who have been in any way an occasion of sin to the penitent. There are cases in which the penitent cannot give the specific character of his sin without at the same time disclosing the sin of another which has been the object or occasion of his own sin. A man, for instance, discovers his unmarried sister to be in confinement and maltreats her so that *abortus* follows; he cannot explain the nature of his crime fully in the confessional without revealing his sister's sin and so destroying her reputation in the mind of the priest. Although some even of those who teach that the integrity of the confession may take precedence of the accomplice's character are unwilling to grant it in this particular case, yet there is at least a probability that the obligation of integrity prevails in any case.[330]

330 Cf. Lugo, Disp. 16, n. 420; Gury-Ballerini, l. c. n. 502; Lehmkuhl, l. c. n. 338.

Article III. The Means to be Employed in Order to Make a Perfect Confession

28. The Examination of Conscience

Since the penitent is obliged to make a complete confession of his mortal sins, as far as lies in his power, there naturally devolves upon him the duty of examining his conscience. Regarding the examination of conscience the following points are to be noted:—

I. The penitent is bound under pain of mortal sin to prepare for confession by a serious and careful examination of conscience, and he must devote to this examination such diligence as a prudent man would ordinarily devote to any important business; hence in order that the omission of mortal sins in the accusation may not be attributed to sinful neglect, *diligentia mediocris*, as it is called, or *diligentia moralis* is required, not such as would make the practice of confession hateful or unduly burdensome.

The proof for this is supplied by the Council of Trent,[331] and it is clear that if mortal sins are to be confessed they must be recalled to the mind. Theologians observe, however, that when a man has examined his conscience with moral diligence, but still believes that further examination would reveal more sins, he is not obliged to spend more time in examining his conscience; otherwise a penitent who had neglected confession for many years would have to examine his conscience for days and still fail to do his duty; such a conclusion is obviously wrong.[332]

331 Sess. XIV. cp. 5 et can. 7 (examen diligens).

332 Lugo, l. c. Disp. 16, nn. 590-594; cf. Laym. Lib. V. Tr. 6, 8.

Sporer[333] even goes so far as to teach that a man who has used moral diligence in examining his conscience and has made his confession, and afterwards cannot recall whether he mentioned or not some particular sin, is not bound to confess it, because the presumption is that he has confessed it along with the other sins. If, however, he have strong misgivings on other grounds and cannot settle his doubt as to whether he has confessed the sin or not, he is always obliged to mention that sin, if there is no doubt of its having been committed, in the next confession.

333 L. c. n. 366.

II. The care which ought to be employed in this examination is not the same for all classes of penitents; it varies according to the circumstances of the penitents: more especially according to—(1) the state of conscience and the habitual purity of life; (2) the time elapsed since the last valid confession; (3) the education, the knowledge (in religious matters especially), the intelligence of the penitent; (4) the state of health.[334]

334 Mazzotta, l. c. Disput. I. Q. II. cp. I.

1. One who seldom falls into mortal sin may satisfy himself with a less strict examination of conscience, especially if he be in the habit of making a daily examination of conscience; for if a penitent of this kind falls into mortal sin, he will immediately recall it; and one who is morally certain that he has not sinned mortally is, strictly speaking, not bound to any examination of conscience, but he must be careful to offer sufficient matter for confession. Though this is quite correct in theory, in practice the penitent is strongly advised to make a careful examination of conscience in order to rid himself of his smaller faults and to reap greater fruit from the Sacrament.

2. The longer the period over which the examination is to extend the more time and care must be expended in this preparation, but it is not to be laid down as a principle that a man who has not confessed for a year is bound to be twelve times as long in his preparation as the man whose last confession was a month before.

3. Less instructed or quite uneducated people are not obliged to so careful and searching an examination as the better instructed; they are quite incapable of examining their conscience, *ad impossibilia nemo tenetur*. If an educated penitent comes to the Sacrament unprepared, the confessor should with all proper consideration send him away again to prepare himself by a careful examination of conscience, unless there should be solid grounds for supposing such a step inopportune; but only grave reasons justify such toleration, for, though the sins committed might be ascertained by questions, there is no moral certainty that such a confession is a perfect one. A penitent who has not been to confession for a long time and is leading a worldly life cannot without preparation answer at once and correctly whether he has committed such or such sins. If the penitent is uneducated, or, although educated, yet ignorant in religion, and has taken absolutely no pains to acquire a knowledge of his sins, he must be treated in the same way; if, however, he has taken some pains in the matter, the confessor may supply the defect by questions; for an uneducated man left to himself will, even after a long examination of conscience, never succeed so well as when guided by the prudent questioning of an experienced and skillful confessor who will do the work in a much shorter time. If, then, the confessor sees that he can procure by questioning a perfect confession such as the penitent left to his own resources could hardly make after long examination, he should help him, all the more if there is reason to fear that the penitent would be frightened by the postponement of his confession, and might be deterred from confession, at least for a time, by the difficulties attending a careful examination of conscience. This method, the result of great experience, is confirmed by the Catechismus Romanus:[335] "If a priest remarks that such penitents are quite unprepared, he should dismiss them with very gentle words and advise them to come again after spending some time in thinking over their sins. If they maintain that they have already exercised all diligence in examining their conscience, he should hear them, since there is reason to fear that if sent away they might not return, and he may with more reason hear their confessions if they show any signs of wishing to reform their life; then they may be urged to accuse themselves of their carelessness and promise for the future to make up for their faults by a careful examination."

335 Part II. cp. 5, n. 60.

Reuter[336] observes on this subject: "Besides, experience teaches, as is well remarked by Vasquez and Lugo, that a prudent confessor can accomplish more with most penitents and uneducated people by a few questions than they can themselves after a long examination. Hence such penitents when they give any signs of fervor ought not to be easily dismissed, in order to examine themselves again, even when defects are noticed." Sporer[337] writes: "Uneducated and inexperienced penitents are unable to make such an exact examination as the more educated; hence they should be helped by the confessor." Segneri,[338] too, warns the priest not to send away ignorant penitents to make a fresh examination of conscience, unless for the most urgent reasons, since, on the one hand, they may be

frightened away and never come to confession again, and, on the other hand, the confessor himself can easily supply for their deficiency by his zeal.

336 L. c. n. 311.

337 Theol. Sacram. Tom. III. De Pœnit. n. 365.

338 Instructio Pœnit. cp. II.

Although a penitent knows that he will be questioned by his confessor, he is none the less bound to examine his conscience, since otherwise he would be exposed to the danger of giving wrong and insufficient answers or of omitting a great deal; he may, however, permit himself a little less care, especially with regard to the sins common to people in his state of life.[339]

339 Mazzotta, l. c.; cf. Suarez, Disp. 22.

No one is bound to write his sins even if he should be afraid of forgetting them; nor, if sin has been committed with another, is there any obligation to consult with the accomplice in sin to determine the number of sins; so, too, one who has missed Mass the whole year is not bound to count up the feasts in the calendar, for this would be *diligentia extraordinaria* such as the Council of Trent does not demand.[340]

340 Mazzotta l. c.; Aertnys, l. c. De Pœnit. cp. III. § 2, n. 186.

4. Those who are prostrated by illness and through weakness or pain cannot review their past life are not obliged to make an exact examination of conscience; indeed the confessor should only put to them a few questions according to their condition. If, however, they regain their health, they must supply what was wanting in their accusation; if, after receiving absolution, other mortal sins occur to their mind, they should confess them and get absolution. In general the sick are not required to make so careful an examination as others; hence the priest should not yield when they wish to put off confession from one day to another on the plea of examining their conscience better; usually this is only a pretext for putting off the confession, and does not arise from anxiety or eagerness to prepare well, but from fear; such persons must be prepared by the priest himself for absolution and the other Sacraments.[341]

341 Aertnys, l. c. De Pœnit. cp. III. art. III. § 2, n. 186.

III. A penitent who is guilty of gross neglect in the examination of conscience makes *per se* an invalid and sacrilegious confession; he must, of course, be sufficiently conscious of such neglect in order to incur this sin. The malice of the offense consists in the risk of omitting some mortal sin, and so, though none may have been actually left out, the penitent has sinned gravely by consciously exposing himself to the danger.

IV. In order to make a good examination of conscience the penitent should adopt some system; the simplest and easiest method is to go through the commandments of God and of the Church, the various kinds of sins (especially the Seven Capital Sins), and the nine ways of participating in sin; it is also recommended to call to mind particular hours and days. Theologians give many other methods besides for this examination. Reuter recommends the penitent to recall where he was each day, what was done, and what sins were committed by thoughts, wishes, and desires, words, and works; how he has conducted himself at home, in church, with his neighbors; the author considers that by this

means repetition will be avoided. To examine the conscience according to this method would be to exercise not only *diligentia sufficiens but magna omnino diligentia*.[342] Sporer, approving the method recommended by Gobat, offers a compendious system for penitents who lead a fairly uniform existence and for whom the examination of conscience extends over a longer time, some months or half a year. The penitent should consider three periods: (1) an ordinary working-day; (2) a Sunday; (3) an exceptional day in which he has traveled, done some particular business, been present at a wedding or a dinner, etc.[343] One who has only to examine a short interval may call to mind how he has sinned against God, his neighbor, and himself, by thoughts, words, and deeds.

342 Lehmkuhl, l. c. n. 344.

343 Cf. Stotz, *Tribunal Pœnitentiæ*, Lib. I. P. I. Q. I. art. 9, *Praxis examinis pro Confessione*, and Lib. I. P. III. Q. III. art. 1 ss. *Syllabus peccatorum*.

V. The following directions are given by approved moralists to determine whether any carelessness in the examination of conscience is a mortal or venial sin and whether in consequence the confession has been valid or not.

1. Those may rest in perfect security who, being neither too strict nor too lax, experience no misgiving or anxiety on the care which they have devoted to the examination of their conscience.

2. If a man doubts whether he has been guilty of more or less carelessness and discovers after confession that he has omitted more sins than he has confessed, he must acknowledge himself guilty of gravely sinful neglect; if, however, he has confessed more sins than he has omitted, it may be assumed that he has not been guilty of great carelessness.

3. If a penitent's last confession was made one or two weeks before and he accuses himself of mortal sins, giving the number of times in quite a vague and doubtful fashion, *e.g.*, I have committed sins against holy purity three or four times, there is a strong suspicion that he has been gravely careless in the examination of his conscience.[344]

344 Mazzotta, l. c. Disp. I. Q. II. cp. I (Lacroix); Reuter, Theol. Mor. P. IV. n. 311; Sporer, l. c. n. 367.

It should be noticed that if a penitent, from experience of his own weakness, is afraid that by a prolonged examination of his sins he will again consent to them, he may confine himself to a rapid glance at them, though he knows that for want of further examination many will be omitted, since in any case the risk of committing sin must be avoided. A confessor must observe the same guardedness in putting questions on sins against the angelic virtue, as we shall see later.

If the penitent is troubled with scruples, it is better for him not to go so thoroughly into his examination of conscience, otherwise confession would become too burdensome, and experience shows that such penitents become only more confused, the more they examine themselves; indeed they should be forbidden any long and anxious attention to themselves.

Let the confessor impress upon worrying souls that the great thing for them is to have the wish to confess all, that God recognizes the good will, and that this is shown by praying for grace to make a good examination of conscience, and that even if a sin be forgotten without any fault it is remitted,

and that the time between confession and communion should not be occupied with the recalling of one's past sins, but that the mind should be fixed on the future.[345]

345 Compare Renninger-Göpfert, Pastoraltheologie, I Bd. I Tl. § 66.

29. Invalid Confessions

Confessions may be either invalid or merely defective. If only defective but not invalid, the defect should be supplied, but there is no need to repeat the confession; if, however, they are invalid, they must be repeated. This repetition need not always be made in the same manner.

A confession may be invalid through the fault of the penitent or through that of the confessor.

A confession may be invalid through the penitent's fault:—

1. By a gravely sinful defect in the examination of conscience.

2. By culpable and deliberate concealment of anything which ought to be confessed, or by a gravely sinful lie in confession.

3. By the want of contrition and purpose of amendment; and this defect is to be found among *recidivi* as well as those who refuse restitution or reconciliation with their enemies.

4. By want of good will to carry out the penance imposed, and to undertake other duties which bind under pain of grievous sin, if the good will is wanting at the time of receiving absolution.

5. By ignorance of those truths which must be known *necessitate medii* in order to gain salvation.

6. By receiving absolution while still under a sentence of excommunication. Among the principal effects of such a sentence must be counted *privatio sacramentorum*, so that any one receiving the Sacraments in this condition incurs a mortal sin by breaking the law of the Church. One may be saved, however, from grievous sin in this matter by inculpable ignorance, fear of death or mutilation, great disgrace or serious loss of fortune, etc., as well as by the necessity of obeying the law of yearly confession and communion when there is no priest with faculties for absolving from censures, for the law of the Church is not so severe as to bind its subjects to suffer grievous damage.

It is illicit and even sacrilegious for an excommunicated person to receive the Sacraments, though the reception is valid except in the case of the Sacrament of Penance. But when the excommunicated person is in good faith and thinks he may receive absolution, such absolution is valid, it being presumed of course that he goes to confession with the necessary dispositions. Such a case might occur when, through invincible ignorance or forgetfulness, he omits to mention the censure of excommunication, or when the priest does not know of it or forgets for the moment that such a censure is attached to certain sins, or, again, even where the priest knowingly absolves the penitent, though unprovided with faculties for the case, because the penitent is in one of the cases of necessity mentioned above and the priest feels it his duty to give absolution, or even if *ex malitia* he absolves a penitent who believes him to have faculties.[346]

346 Cf. Gury-Ballerini, II. De Censuris, n. 960, Not. 1-4, also n. 430, Q. 7; S. Alph. Lib. VI. n. 430, in fine; Aertnys, l. c. De Censuris, n. 39.

On the part of the confessor the confession may be made invalid if he has not the necessary jurisdiction or intention, or if he omits something essential in the formula of absolution, or if through deafness or inattention or the indistinctness of the penitent's utterance he has not understood any sin. If, however, through no fault of the penitent the priest missed some sins, even mortal sins, the confession would, according to the probable opinion, be valid if he heard part of the accusation; those sins, however, which had not been understood ought to be repeated. If in the course of confession the penitent observes that the confessor does not understand because he is asleep or distracted, the penitent must repeat what the priest has failed to hear; if, in spite of this, the penitent were to continue the confession (*mala fide*), it would be sinful and invalid and ought to be repeated. If at the end of the confession the penitent sees that the confessor has been sleepy or distracted and so has missed some of the sins, though he does not know which have been missed, he must begin again unless the accusation has been a long one, in which case it is enough if the penitent repeat what he thinks the confessor may have missed, for it may be presumed that Christ never intended to prescribe perfect confession when attended with such inconvenience.[347]

347 S. Alph. Lib. VI. nn. 498, 499; Lugo, Disp. 16, n. 607; Suarez, Disp. 28, s. 2, n. 12 (*sententia communis*).

With respect to repeating confessions the following principles are accepted:—

I. If a confession is invalid, the sins mentioned in it must be repeated; otherwise, the ensuing confession is invalid, for those sins were never remitted by the power of the keys, and in consequence they must be again submitted to the tribunal.

II. The duty of repeating a confession urges as soon as there is a moral certainty that said confession was null; if, however, the confession has certainly been made and there is doubt only as to its validity, the presumption is in favor of its validity. It is, however, advisable to repeat a doubtfully valid confession.

There is no difficulty where the penitent has willfully concealed or never intended to give up a mortal sin or never avoided a voluntary occasion of sin, and in other such cases, for the confession was unquestionably invalid and sacrilegious. It is more difficult, however, to determine at times on the validity of a confession when the penitent has frequently relapsed without being voluntarily and continually in the occasion of sin. If a penitent shortly after confession falls frequently into sin on the first occasion that offers, without making any resistance, the presumption is that the confession was deficient in the required contrition and purpose of amendment, and that in consequence it was invalid. If, however, after confession he usually makes some effort, the nullity of the confession is not certain, and the confessor may not force him to repeat the confession, but he will do well to counsel him to do so when his dispositions improve and he is earnest in his contrition and in his efforts to make a permanent reform.[348]

348 Cf. §§ 63, 64, where the *recidivi* are treated of, and Lehmkuhl, l. c. Sacr. Pœnit. Sect. II. cp. II. Confessio, art. III. § 2, n. 347.

III. Invalid confessions must be repeated in their entirety when new confession is made to another priest who has no knowledge of the sins contained in the preceding invalid confessions, for this knowledge is necessary in order to pronounce judgment; hence it is not enough for a penitent to accuse himself merely of having made one or more invalid confessions.

IV. If the confession is made to a priest who has heard the invalid confessions, and in consequence has already passed sentence on the individual sins and has at least a knowledge *in confuso* of the penitent's state, it is sufficient to summarize the accusation of previously confessed sins in the form, "I accuse myself of the sins already mentioned in ... confession," mentioning if the previous confessions were invalid through want of integrity, and supplying this want by a distinct and separate accusation of the sin or sins omitted.[349] The previous confessions were sacramental, since they were made with a view to obtain absolution, though deprived of their sacramental efficacy through the fault of the penitent; hence a general repetition of them in connection with the knowledge which the confessor had of the individual sins may be considered as sufficient to form a judgment. If a penitent wishes to make a general confession, the distinction between the usual confessor and any other is not of so great moment, except where the confessor or the penitent is intent upon the *minimum necessarium*; the usual confessor of the penitent may, however, be satisfied with less care, since he knows already the previous sins of his penitent. In this case, however, he must have *notitiam saltem confusam status pœnitentis*; for this it is not necessary that he should be able to recall the number and circumstances of the sins in question: a remembrance of the different species and their number in general suffices.

349 S. Alph. l. c. n. 502; H. A. n. 44; Lacroix, l. c. n. 216; Lugo, Disp. 16, n. 638; Elbel, n. 253, etc.

The confessor will have acquired this *notitia confusa* from previous confessions and from the questions which he puts to the penitent. Such knowledge is sufficient in so far as it is connected with a knowledge of previous sins, and that will be the case where the general confession is made to the same priest.

If, however, the priest can only vaguely call to mind his past treatment of the penitent, he should put some questions to him in order to form an idea of the state of his conscience; but he may absolve without this precaution, if from the penances which he has been in the habit of giving to his penitent he can form a judgment as to the state of his soul.[350]

350 Cf. S. Alph. l. c. n. 502, dub. 2; also Suarez, Lugo, Vasquez, Laymann, and other theologians.

The same plan may be adopted in the case in which a man after making his confession is sent away without absolution, and afterwards returns to receive it, the confessor in the meantime retaining no recollection of the sins. Undoubtedly in such a case a *notitia confusa* is sufficient, and on the strength of it absolution may be given. Nay, more: if the penitent's absolution had been delayed for some reason not connected with want of necessary dispositions, the confessor might be satisfied with the remembrance that the penitent was in right dispositions for absolution and had received a penance in proportion to the sin. Of course it is always understood that no fresh mortal sin has been committed in the interval between the confessions; otherwise it must be confessed and a new act of sorrow and resolution of amendment must be made.[351]

351 Suarez, Disp. 22, Sect. 6, and Lugo, Disp. 16, Sect. 15, n. 636.

On the same principles we may answer the question already discussed as to whether a man who recounts his sins (*mere historice*) to a priest (*qua amico*)—to obtain advice, for instance—is bound to retail them explicitly if in consequence of the priest's advice he desires to receive absolution; or the question might be put thus: What knowledge or recollection of the sins must the priest have so that on the strength of a perfunctory accusation couched in general terms he may give absolution? Many

theologians, among them Lacroix and St. Alphonsus, require a *distincta memoria* of all the sins, because the preceding confession was not made to the priest as a judge in the Sacrament, and so cannot be a sacramental confession; but a sacramental confession is made only when the confessor has a *distincta memoria* of the sins narrated at the time when the summary of the accusation is made; if the priest remembers them only *in confuso* or *ex parte*, the penitent must once more make a distinct accusation of his sins *in ordine ad absolutionem*. The opposite view is taught by Lugo, who maintains that it is *communis*, for almost all theologians teach that the *memoria confusa* is sufficient whatever may have caused the defect in the previous confession. He grants that the mere narration of the sins is in no way sacramental, that no judicial accusation has been made, that it is merely a friendly confidence; this previous, though not sacramental, narration which still remains *memoria non omnino distincta*, may become in a certain manner sacramental by the ensuing (*summarized*) accusation, sufficient for the purposes of the Sacrament; not because the previous narration was sacramental in itself, for it was not so, but in so far as the later accusation, joined with the recollection which the confessor has of the sins previously mentioned, supplies the priest with the knowledge necessary for the Sacrament.[352] Thus Lugo combats successfully the objections and reasons of his opponents.

352 Lugo, l. c. Disp. 16, nn. 637, 638. Cf. Suarez, De Pœnit. Disp. 22, Sect. 6, n. 5; Coninck, Disp. 4, n. 45; Illsung, De Pœnit. Disp. 6, n. 152, etc.

Still in Lugo's proof and that of his supporters the difficulty must not be overlooked that the narration has no sort of relation to the Sacrament of Penance, either in the mind of the narrator or that of the priest, and that in consequence the reasons brought forward in the case above mentioned are not quite convincing. Aertnys consents to Lugo's decision—that is, he considers the repetition of the accusation as unnecessary only when the confessor at the time when the summary of the sins is made has a *distincta memoria eorum*, since the general accusation of the penitent along with the *notitia distincta* of the confessor is equivalent to a *distincta confessio*.[353] And Lehmkuhl regards Lugo's view as quite probable only when the priest is entertaining hopes as he listens to the narration of getting the man to make a sacramental confession, though such a thought may be very far from the man's mind at the time. The accusation of the penitent may not be intentionally sacramental, while the attention of the priest has already begun to assume a judicial and sacramental form and is *inchoative*, at least, a distinctly judicial investigation such as would seem sufficient when the penitent on his part gives his consent to carry out the distinct judicial act. If, however, the penitent in the course of his narration never hinted at the idea of a sacramental accusation and the priest never adverted to it, the teaching of St. Alphonsus would seem to prevail, for in such a case a *distincta notitia judicialis* never existed, unless a *distincta memoria* were retained by the priest; but the sacramental sentence which has to be pronounced over every mortal sin is based solely on a judicial knowledge of them.[354]

353 Aertnys, l. c. art. III. Confessio, § 4, n. 203, Q. 2.

354 Lehmkuhl, l. c. n. 348.

30. General Confession

The repetition of former confessions, whether of all the confessions of a lifetime or of those last made, is called a general confession. It is necessary for many penitents, useful to others; to a few only it may be said to be harmful.

1. General confession is necessary for all who have made invalid confessions. St. Alphonsus remarks on this subject that it is a frequent experience in missions that bad confessions have to be set right; hence he advises missioners that since the good of missions consists mainly in setting right bad confessions, they should in all their discourses be urgent in explaining the heinousness of sacrilege and how many souls are lost by concealing mortal sins in confession. Experience teaches that many people are overcome by false shame so as to conceal their sins even in the confessions which they make to the fathers giving the mission. If at so solemn a time as a mission such people fail to set right their bad confessions, what hope is there of their salvation? If in the confession which they make to the missioner they cannot overcome their shame, how will they do it when they confess to the local priest? There is indeed good reason for ever and again insisting on the general confession.[355] Hence it is very desirable that the local priests at the time of a mission should refrain from hearing confessions, and surrender their confessionals to the fathers who give the mission (or to some strange priests called in for the special work of hearing the confessions), for some of the faithful, if they see their usual confessor in attendance, may be deterred from going to a strange priest and continue to make sacrilegious confessions. It not unfrequently happens that people whom we would never suspect have most need of freedom in this respect.[356]

355 Silva, part 3, cp. 6.

356 Cf. S. Alph. l. c. cp. 9. If the confessor is morally certain that the former confessions were bad, he must unquestionably insist on their repetition; if he has only doubts, he cannot impose on the penitent an absolute obligation. *In dubio standum est pro valore actus.* Cf. S. Alph. Prax. Conf. n. 20; Segneri, Instr. pœn. cp. 15; Carol. Borom. Act. Med. p. 877; Benger, Pastoraltheologie, Bd. II. § 70, S. 470, 2. Auflage.

It frequently happens that a confessor thinks a general confession necessary when the penitent is not at all convinced of its necessity. Whether the penitent is to be advised in such a case to make a general confession will be determined by the rules which are given as to the duty of instructing the penitent or leaving him to himself (§ 55); for if the penitent suspects nothing of the nullity of his previous confessions, the confession which he now makes in good faith and proper dispositions is valid, and by virtue of it the sins mentioned in former invalid confessions are indirectly remitted and need only be repeated when the conscience awakes to the fact. Moreover, a prudent confessor, if he fails to persuade a penitent of the necessity of a general confession, may succeed by a few questions in making the confession practically a general one. Indeed, unless the penitent takes it in bad part the priest may by a little adroitness elicit a general confession; then he must, before giving absolution, let the penitent know that he has made a general confession. The case may also occur where the penitent has made one or more sacrilegious confessions and, quite forgetful of this circumstance, has begun to make valid confessions without ever setting right the bad ones; this not unfrequently

happens to children. In this case the general confession need only extend over the sacrilegious confessions.[357]

357 S. Alph. Praxis Confess. n. 22; cf. Aertnys, Theol. Pastor. complectens Practicam Institut. Confessarii, P. III. cp. VIII. art. II. n. 245.

2. Of the great usefulness of general confession, popes, saintly bishops, founders of orders, and the great doctors of the Church all speak in most unmistakable terms. The learned Benedict XIV, in his instructions on the preparation of the faithful for a fruitful celebration of the Jubilee, directs priests who give the missions to impress on the people again and again the great profit of general confession. They are to urge them to penance, and to instruct them how to receive the Sacrament validly and profitably; they are to proclaim that it is absolutely necessary to repeat former bad confessions, and they should take all possible pains to excite to a general confession even those who do not feel any necessity for repeating their sins again. "For if it is not necessary to mention again our former sins, we regard such repetition as very profitable on account of the confusion connected with such avowal, which is an important part of penance, as our predecessor, Benedict XI, teaches in this Decretal *Inter Cunctas*." He also appeals to St. Charles Borromeo, who in his *Monita ad Confessarios* proclaims the usefulness of general confession and recommends it. "Confessors," says the saint, "ought, with due regard to persons, times, and places, urge their penitents to make a general confession, that thus by a thorough examination of their lives they may turn to God with greater peace of mind and repair all faults which have been committed in former confessions." As another witness for the usefulness of this practice, Benedict XIV adduces St. Francis of Sales who, in many places in his works, insists strongly on the practice. Thus he writes to a widow concerning her father: The counsels which I give him I reduce to two points: the first one is that he should institute a careful examination of his whole life with a view to making a general confession and performing a corresponding penance,—this is a means which no sensible man will despise in presence of death; the other is that he should continually endeavor to wean his mind from the vanities of the world.[358] Benedict then refers to the rules which St. Vincent de Paul gave to his mission-priests, in which he exhorts them to encourage general confessions. In the life of the holy founder it is recorded what great fruits were reaped from the general confessions which were made during the missions held by those priests.[359]

358 S. Franc. Sal. Oper. Ed. Paris 1669. Tom I. p. 914, n. 6.

359 Benedict XIV. Const. Apostolica, 26 Jun. 1749, nn. 16, 17.

The advantages of general confession are thus briefly enumerated by St. Ignatius in his Book of the Exercises: (1) We gain greater fruit and merit on account of the deeper contrition with which we approach the Sacrament; (2) we are better able to realize the malice of sins committed; (3) we are in better dispositions for receiving holy communion, and we are more disposed to shun sin. Moreover, the Directorium of the Exercises, a work composed by a member of the Society of Jesus and edited by the General Claudius Aquaviva, adds the following observation: If the general confession offered no other advantage, the following fact would sufficiently recommend it; experience proves that men for the most part go to confession either without proper examination, or without the required contrition, or with but a weak purpose of amendment; the general confession comes in most opportunely to give

peace of mind, to remove scruples, which sooner or later, or at least at the hour of death, come to torture the soul and expose it to the danger of losing eternal salvation.

Segneri also very earnestly recommends general confession. It is a very safe and useful plan to examine one's life thoroughly at least once, and to set it right by a general confession, and to keep up the practice at fixed intervals of a year, or even oftener, of making a general confession beginning from the last. The advantage of this practice is that, seeing all our faults and sins at a glance, we are filled with greater confusion and sorrow and are impelled to be more humble; besides the fear of God's justice will grow in us when we see our sins, past and present, hanging like a great mountain over us, so that we are compelled to cry out with Esdras—"Our sins are grown up even unto heaven." (Esdr. ix. 6.) And who does not see how difficult it is without such a confession to obtain that most priceless of blessings, peace of mind, at least if the frequent relapses into sin are due to a want of preparation? Oh, how many confessions are thought to be valid and are not so in reality![360]

360 Instruct. pœnit. cp. 16.

Finally, the words of St. Alphonsus deserve a place here: "I advise every one who has not yet done so to confess all the sins which he has ever committed in his life, and I advise not only those who have made sacrilegious confessions by concealing mortal sins, or whose confessions have been invalid through want of previous examination of conscience or of true contrition, but those also who are anxious to begin a new life; for this purpose a general confession is very useful."[361]

361 Instit. catech. P. II. cp. 5, n. 11.

Hence, general confession is useful: (1) for adults who have not already made one; (2) especially for such as have reasonable misgivings about the validity of past confessions; (3) for those who wish to start a new and better life; (4) before entering on a new state of life, hence before marriage, before receiving Orders or making the profession in a religious community; (5) at the time of a jubilee or mission, or of the spiritual exercises, for these are special occasions of grace and penance; (6) for persons who are in danger of death, while their strength permits, and for those who have to expose their lives to any danger.

Those who have once made a good general confession, especially if they are of mature age, may set their minds at ease on that portion of their existence, and such people should not be easily allowed to repeat their general confession unless for very weighty and exceptional reasons. These frequent repetitions do more harm than good. The desire of repeating the general confession is usually a sign of a certain want of trust in God and of scrupulosity. If a penitent of this kind, after his general confession, is uneasy about some important point in his former life, because he thinks he has not confessed something or failed to confess it properly, he may be allowed to mention it in one of his ordinary confessions.

A repetition of the confession of his whole life may be allowed to a penitent who is free from scruples and is full of zeal to enter on a perfect life. On the other hand, it is well to advise and even to urge as a very useful means the practice of general confession at fixed intervals, say of a year, or a half year, or when the occasions mentioned above afford an opportunity. If the confessor has to deal with a penitent who has already once or oftener made a general confession, he should ask when the last confession was made and why the penitent is anxious to make it again. The answer will suggest the course to be pursued by the confessor: (*a*) If the penitent can give no definite reason, but speaks of a

general feeling of unrest, the confessor may ask what the cause of this unrest is, and whether in the preceding general confession the penitent has honestly said all he knew and as he knew it, whether he answered the questions put by the priest in all truth, whether he was sorry for his sins, and whether there was a real improvement in his way of living, or, on the other hand, whether he fell again into sin, and when. If a defect is discovered in the preceding general confession it must be repeated; otherwise the penitent must be shown how groundless his fears are and encouraged to trust in God. The repetition of the general confession must be strictly forbidden, especially in the case of those troubled with scruples. At the most, the accusation of one or other sin which gives most uneasiness may be permitted, and the penitent must be engaged to think no more about the matter, but only to make acts of sorrow when these sins occur to his mind. (*b*) If, however, the penitent wishes to make a general confession because the last one was made a long time ago, and many mortal sins have been committed in the interval, he should be permitted to make it. The period which has been already comprised in a general confession may be treated with less detail, or quite omitted. A short repetition is, however, as a rule, recommended since the earlier life of the penitent throws light on his present condition, and he is always more content if the confessor has, at least, some general perception of the former state of his soul. (*c*) If the penitent wishes to make a general confession for ascetic reasons, *e.g.* for the sake of humility, of greater purity of heart, etc., the question is to be settled as follows: If the penitent is a stranger, he must be referred to his usual confessor; if he has none, he must be recommended to choose one. If the penitent asks the confessor to undertake his direction, and on the strength of this to receive his general confession, the request is not to be granted at once. A simple confession may be made so that the priest may decide whether a general confession be necessary to gain the knowledge required for guiding the penitent, or at least useful, or on the contrary harmful where there exists a tendency to scruple. With one's ordinary penitents, this procedure is not required in order to find out whether a general confession is or is not advantageous; the ascetical object may be obtained by mentioning some of the more humiliating sins or by well-prepared annual general confessions.

In the special case of penitents who have been living in impurity the confessor should allow them only one general confession on that period of their lives lest by reflecting on those sins in their examination of conscience sinful promptings should arise in their imagination, the conscience thus incurring fresh stains where the object was to purify it; after one perfect confession of these sins the penitent should not be allowed, or rather he should be forbidden, to make any further accusation of them; a general accusation may, however, be made in subsequent confessions in these or other words of similar form: "I accuse myself of all sins committed against the sixth commandment." Moreover, it is not recommended to advise such penitents to make a general confession till they have combated that vice with success, unless some other pressing need exist for making a general confession.[362]

362 Cf. Reuter, Neo-confessarim, P. III. cp. 2, n. 191; Müller, Theol. moral. Lib. III. T. II. § 124.

On the other hand, the confessor should not omit to advise those who are dangerously ill to make a general confession, or at least a summary of one; he may do this by asking whether anything in their past life gives uneasiness, whether they have always made good confessions and made good acts of contrition, whether they have been living in proximate occasions of sin, etc.; he will thus have many opportunities of righting at the last moment sacrilegious confessions and communions and rescuing souls from hell.

Since general confession is so profitable, the confessor may, according to the advice of St. Alphonsus,[363] with the exception of the above case, receive penitents who wish to make a general confession of their whole life or of part of it and that at once if they are prepared; he should be most willing to help them in it unless some obstacle, as, for instance, the number of penitents still waiting, or shortness of time, should prevent him from devoting more time to one penitent. He will sometimes find that a general confession which seemed to be only useful turns out to have been necessary. On the other hand, the confessor should refrain from forcing on a penitent a general confession which is not dictated by necessity.[364]

363 H. A. app. IV. § 1, n. 15.

364 S. Alph. Prax. Conf. n. 20.

3. General confession is harmful to scrupulous and even to overanxious people; to such it brings not peace of mind but only more scruples; hence they should be dissuaded from making a general confession; it can only be allowed when there is complete certainty of the invalidity of past confessions. "Scrupulous penitents," says St. Alphonsus, "would go on making and repeating general confessions forever in the hope of laying aside their anxiety, but the evil only grows, for after every general confession they fall again into new anxieties and scruples, thinking they have omitted some sin or failed to confess it properly, so that their uneasiness increases the oftener they repeat their confessions."[365] The confessor, in consequence, must be on his guard against such people and not allow himself to be deceived by them; he may permit them only to mention some sin which causes them very great trouble, and he must instruct them to atone for their defects by an act of sorrow. If, however, the priest is convinced of the invalidity of the former confessions of such people, he should help them through their general confession and after that forbid any further examination. Moreover, only an experienced, prudent, and skillful confessor should undertake the direction of such persons, and a young confessor should recommend them to some holy man of greater age. Moreover, the general confession, as we have already mentioned, is a danger to all those for whom reflection on their past sins is a source of new temptations. It is dangerous for those who live in the voluntary and unnecessary occasion of sin and are always relapsing, who are not really in good dispositions, and who make a general confession merely with a view of getting absolution more easily; they may be recognized by the sins committed since their last confession, and they may be admitted to a general confession after being exhorted to give up the occasions of sin and to combat their sinful habits.[366] St. Leonard of Port Maurice says on this subject: "If the penitent is living in the proximate occasion of sin without making a firm resolution to reform, or without giving signs of contrition, you must give him no encouragement to make a general confession, for the proximate occasion must first be removed and the habit overcome at least for a time. It would else be but labor lost, for general confession is not merely an institution for setting right past confessions, but also for reforming one's life. If no purpose of the sort is in the mind of the penitent, there cannot even be a reasonable certainty that he will persevere in his reform, and there is no foundation upon which to build up virtue. Exhort him, and suggest means for avoiding the occasions of evil and for overcoming sin; show him the utter impossibility of reform unless the occasions are given up, or, if this cannot be, unless they are made remote; urge him to pray and put off the general confession to another time. Only on

quite special occasions, *e.g.* missions, or where there are extraordinary signs of penitence may any fruit be expected from the general confessions of those who live in occasions of sin and show no signs of improvement."[367]

365 S. Alph. Vera Sponsa, cp. 18, § 2.

366 Marc, Instit. Morales, II. T. II. P. III. Tract. V. Diss. II. n. 1712.

367 Anleitung zur Generalbeichte, S. 90-92.

The practice of many confessors is to be deprecated, who, after hearing one or two confessions of a penitent, urge him to make a general confession, moved by imprudent zeal or in order to obtain better knowledge for the guidance of the penitent. Equally reprehensible is the conduct of many priests who give way to their penitents, allowing them to make often a general confession, or, at least, whenever they choose a new confessor. Such general confessions are quite useless and are a mere waste of time.[368]

368 Cf. Aertnys, Pract. Instit. Confess. l. c. art. II. n. 247.

31. The Manner of Hearing General Confession

As to the method of hearing general confessions, the following rules, the outcome of the long experience of learned confessors, should be observed:—

1. In order to be fit for this office a confessor should be well instructed and already experienced in hearing confessions; he must have great patience and zeal for souls, and during the whole course of the confession be very sympathetic and encouraging towards the penitent.

2. If a penitent expresses his desire to make a general confession, the priest should first inquire whether it be necessary or useful. In order to discover this it is not recommended to ask the penitent bluntly if he has ever concealed a sin in his former confessions, or any question of the kind, for it is quite possible that the penitent, though guilty of the sin, may in his bewilderment deny it and never again dare to confess it; it is much better if the confessor ask the penitent why he wishes to make a general confession, whether he feels uneasy, etc. By such questions or the like he may try to discover if there have been sacrilegious confessions. He will often receive one or other of the following answers: (*a*) "Because I have kept sins back;" he will then encourage his penitent, showing himself very kind towards him and urging him to be perfectly sincere. (*b*) "I have never yet made a general confession;" he may then find out if it be necessary or only useful. (*c*) "I have made a general confession before, but it was not a good one." He may then ask why the last general confession was not a good one; if the penitent can give no other reason, except his own fears, there is a fair presumption that he has to deal with an overanxious or scrupulous penitent. (*d*) "I heard in a sermon that my confessions were bad;" here again the reason must be asked. (*e*) The following reason may also be given especially during a mission: "I want to begin a better life;" in such a case the general confession will be at least very useful.

3. If the general confession is necessary in consequence of former confessions having been sacrilegious or invalid, it must be made with great accuracy and the number and species must be given, so far as possible, just as though the sins had never been confessed before. It may easily happen, however, that the confessor, though convinced of the necessity of a general confession, cannot at once hear it for want of time or on account of the great number of penitents kept waiting; while the penitent frequently cannot return again and is quite uninstructed or of weak intellect, or is really anxious to receive absolution or must receive it in order to fulfill the obligation of going to communion. In such a case, and especially when the penitent discloses at once to his confessor that his previous confessions have been bad by reason of not giving the number of the sins, and when the confessor can, from the account of sins committed in the past year, form a fair estimate of the past life of the sinner, St. Alphonsus recommends that absolution should be given without any repetition of previous confessions. He assumes that the confessor is able to form a gross estimate as to the whole life from what he hears concerning one year, and that he further inquires whether the penitent, besides his ordinary sins, is conscious of any special ones in the course of his life. The detailed general confession may be put off to some more opportune occasion which can be arranged at

once with the penitent. The holy Doctor adds another instance to those just mentioned—when the confessor after hearing the confession discovers that the penitent has failed in former confessions to give the number of his sins and when, at the same time, he has a *distincta notitia* of the sins and can form upon them a *distinctum judicium* on the past career of the penitent; if, however, he have only a *notitia confusa* of the sins confessed, he is obliged to form a *notitia distincta* of the former mortal sins imperfectly confessed. With only a *notitia confusa* of the penitent's previous condition he may not give absolution, for the penitent is obliged to confess each single sin once, and the confessor is obliged to pronounce once a distinct judgment on the sins.[369] In the case, however, where the general confession is not of necessity, these precautions in putting questions need not be adopted; if the concourse of penitents is very large, and if, as frequently occurs, in missions or on similar occasions the general confession cannot be put off to a more convenient time, the confessor may at least make a summary examination, asking only for the species of the sins and the time of duration of the habits of sin without laying stress on the exact number and circumstances of each particular sin. The priest must, of course, give the penitent sufficient time to unburden his conscience and to say all he wants to accuse himself of, even though such accusation be not necessary in this voluntary general confession, so that the penitent may leave the confessional with his mind quite at ease; thus he may ask him in general: "Do you accuse yourself of all sinful thoughts, words, etc.?" On this account it is recommended to impress upon the penitent that in a voluntary general confession he is not bound to accuse himself of each particular sin; indeed this instruction is very useful, for a penitent may, in the course of his confession, incur sacrilege through false shame and an erroneous conscience by keeping back a sin which he imagines he is obliged to tell in general confession. It is an invariable rule to avoid too great haste or abruptness, otherwise the penitent is not put at his ease; hence it not infrequently happens that a penitent accuses himself of not having said all he wanted to say because the priest had been too quick.

369 S. Alph. Lib. VI. n. 504; cf. Lugo l. c. Disput. 16, nn. 600, 640; Benger, Pastoraltheologie, II. Bd. § 171, S. 479 (2. Aufl.).

"The greatest difficulty in general confessions," says Blessed Leonard of Port Maurice, "is the accusation of the number of sins." To meet this the following rules will be of service:—

(*a*) If the confessor can get at the precise number of sins, he is obliged to do so.

(*b*) If the penitent cannot give the exact number, he must be asked to give about the number, as near as possible. For this purpose the priest will suggest numbers, and if the penitent choose the largest number, a still larger one may be suggested to see if the penitent will accuse himself also of that.

(*c*) In the case of frequently recurring sins or habits of sin it is necessary to find out whether they have been of daily, weekly, or monthly occurrence. As to which of these periods will apply to the penitent depends on his state as learnt from his last confession, and on the nature of the sin itself. In mentioning the period the confessor should always add a number, *e.g.* how often each week, three, four, or five times? and as we said under (*b*), the whole time during which the sin or habit of sin lasted must be found out. Finally it is useful in order to ascertain the state of the penitent's soul to find out whether there has at any time been improvement and how long it lasted.

(*d*) It is the *sententia communis* and the teaching of St. Alphonsus that by one and the same internal and external act a number of sins may be committed, when, for instance, the object aimed at in the sin includes several ends. A man, for instance, spreads a calumny about a community,—by so doing he incurs as many sins as there are persons in the community; this occurs usually in cases of enmity, scandal, etc. When, therefore, there is a *diversitas objectorum totalium*, questions must be put concerning the number of these objects.

(*e*) In putting questions as to the number and species of the sin, care must be taken not to bewilder the penitent with questions; if two or three questions do not effect the desired result, no more need be put; for St. Alphonsus teaches: The priest, who, after two or three questions, fails to obtain any definite result, need not worry even if he cannot come to any clear decision, *nam ex conscientiis implicatis et confusis moraliter impossibile est majorem claritatem sperare*.[370]

370 Praxis Confess. cp. I. n. 20, 4.

In conclusion, St. Leonard[371] remarks: If the confessor cannot get at the exact or probable number, or even the more frequent repetitions, it is in my opinion sufficient to find out the evil habit and the time of its duration. By this means the confessor, so far as is possible, will gain an idea of the state of his penitent and be able to form a judgment about him. The greater or less frequency of repetition must not, however, involve other consequences, as in the case of stealing. Here great care must be used to find out the number of the sins and, in particular, the value of the sum stolen.

371 Anleitung zur Generalbeichte, S. 64-70.

4. If the general confession is a voluntary one and the penitent unprepared, it is not advisable to receive it, but to give the penitent some days to prepare by examining his conscience, making acts of contrition, and praying with more than usual fervor,—a method which will insure greater fruit in the general confession. At the same time the confessor might show the penitent that a general confession is not such a difficult matter once it is undertaken courageously. If, however, the penitent will be prevented from returning to the priest to whom he wishes to make his general confession, the confession may be made at once. If the general confession is one of necessity, there is all the more reason for a good preparation. If, however, as frequently happens, there is reason to fear that the penitent will not return, the confessor should not send him away to make his preparation, but receive the confession at once.

As to the preparation required on the part of the penitent, especially with regard to the examination of conscience, the confessor will be careful not to exact a written accusation; such a process, as a rule, only causes confusion and adds to the burdens of the confessor. If the penitent is afraid of not being able to retain in his memory the results of his examination of conscience, he may confine himself to a quiet examination according to his powers, and the confessor will help him. It may be permitted to the penitent to make notes of the more necessary points. If the confession is voluntary, the confessor may take the notes and read them for himself; if it be a general confession of necessity, the penitent himself should read them.

5. It is not *per se* required that a penitent declare first the sins committed since the last confession before repeating his former confessions, nor is he obliged to make a distinction between the sins committed since the last confession and those told in former confessions, since the sin is

the same whether confessed or not, and it makes no difference that the former sins have been remitted because the sin is not the object of confession in so far as it is habitual or leaves enduring stain, but in so far as it has been actually committed.[372] Still it is recommended to make the general confession precede the particular confession of the sins committed since the last time, in order that the priest may better ascertain the state of his penitent and assure himself that there is no obstacle to his giving absolution.

372 S. Alph. l. c. Lib. VI. n. 425, H. A. n. 4; Lugo, l. c. Disp. 16, nn. 46-49; Aertnys, l. c. n. 200, Q. 2.

6. If the penitent is a well-instructed person and prepared, and is really desirous of confessing, the priest may allow him first to make his confession, and then he can put any questions that may be necessary, for many persons feel the need to reveal what is on their mind and have no peace until they do it. If, however, the penitent is persuaded that confession consists in the priest putting questions and the penitent answering, or if he wishes to make his confession in this manner, the confessor may adopt this mode. With ignorant penitents it is recommended and is indeed preferable. The confessor must then give the penitent time and opportunity to mention anything that disturbs his peace of mind.

7. If the confessor receives a general confession by way of question and answer, he must adopt some method, going through the Ten Commandments, the Commandments of the Church, the Seven Capital Sins, and the duties of the state of life.

For the sake of greater clearness and to avoid repetitions he might indeed bring all sins under the Ten Commandments, those even which are against the Commandments of the Church, the Seven Capital Sins, and other varieties of sins, for the Decalogue, as the Roman Catechism teaches, is the sum of all the Commandments.

It is not, however, recommended to divide the confession into parts answering to the different periods of one's life, for such a practice protracts the confession and involves many burdensome repetitions; still in the case of the sixth Commandment it has its advantages, and questions might be put as to sins committed before marriage, during the married state, and after the death of the other party. Finally penitents who can be questioned as to the *actus consummati* should be asked according to the different species of the act as well as on the *actus imperfecti*, internal and external, with regard to the species.

8. The priest should not omit to exhort the penitent to acknowledge honestly his sins, and not to conceal from false shame anything which he is obliged to tell.[373] The confessor should never give any sign of astonishment or anger, no matter how numerous or atrocious the sins may be. Let him show rather that he would not be surprised at hearing even worse sins; let him come to the help of the penitent and even praise him for having succeeded in confessing some one or other of the more difficult sins. He may congratulate the penitent on winning a victory over himself and the devil, and encourage him again to complete candor and to make the confession as perfect as though it were to be the last of his life.

373 P. Heilig, *Methodus Confess. generales ... excipiendi*; Gury-Baller. l. c. II. Tract. de Sacr. Pœnit. n. 519; Lehmkuhl, l. c. Sect. II. art. III. nn. 346, 349; Aertnys, Pract. Instit. Confessor. P. III. cp. VIII. art. III.

32. Plan for making a General Confession

In this paragraph we present a plan of questions suitable for a general confession and offer it especially for the guidance of younger confessors. A few preliminary remarks, however, are necessary to secure clearness.

This plan need not contain all the sins which are treated of in moral theology, but only such as may or do actually occur. Nevertheless, if a confessor adhere to this schedule in his questions he may be quite satisfied as to the integrity of the confession.

Such a schedule should be as short as possible so that the confessor may easily retain it in his head; hence the subdivisions, which he should know from his moral theology, may be omitted.

Since in a general confession venial sins ought not to be lost sight of on account of their close connection with mortal sins and because they are of great moment in determining the state of the penitent's soul, some of the more serious venial sins will find a place in the catalogue. The confessor should know, in addition, how a sin in itself and objectively venial may become mortal *per accidens*, and, on the other hand, how a sin *grave ex genere suo* may *per accidens* become venial.[374]

374 See § 24.

Moreover, the priest should be careful not to examine all penitents on every sin; a single question to which a negative answer is given will show that a whole series of other questions may be omitted, and thus he will only inquire after those sins which are likely to have been committed. In putting his questions he should pay due regard both to the physical and the spiritual condition of the penitent. From sins already confessed an indication may easily be drawn as to the further inquiries to be made, and while he omits many questions in the catalogue he may deem it advisable to add others. If he discovers in the penitent a habit of sin, he must inquire how long it lasted, when it began, and when it was broken off.

In all his questions he will observe the rules which hold on this subject in every confession;[375] in particular he should bear in mind the words of St. Leonard of Port Maurice: "Treat your penitent," he says, "as you would like to be treated yourself if you were in the same painful situation; receive him in a friendly manner and with affectionate kindness; encourage him to have confidence in you and to open his heart to you. Refrain from harsh and blunt forms of address which serve rather to irritate and embitter the penitent than to make him docile, obedient, and pliant; and even when he is gross and ignorant, rebellious to all advice and unwilling to fulfill his duties, do not, on that account, treat him harshly or frighten him by a display of overbearing rigor. Remember that in the confessional you must be a martyr of patience, seeking always to win the penitent by the gentleness of your manners, and that your duty is to incline rather to mildness than strictness. If your words are to have the power of gentle persuasiveness, you must deal with him in the spirit of our holy faith, and he will become humble and convinced of the truth of your words."[376]

375 See § 49.

376 Anleitung zur Generalbeichte, S. 88-90.

If the penitent is not already well known to the confessor, the latter must by a few questions at the beginning of the confession inform himself as to the age, position, calling, and other circumstances of his penitent since such knowledge is necessary for the choice and arrangement of the questions to be put.

If in the course of the confession some question must be asked on some rarely occurring and horrible sin, it should be pleaded by way of excuse that a special advantage of a general confession is to secure a thorough examination of conscience; and that this explains the unusual questions.

If during the confession the discovery is made that the penitent lies under some special obligation to avoid occasions of sin, to make restitution or some such burden, he should be told of it and disposed for it at once without waiting for the end of the confession for fear of forgetting it or of giving a wrong judgment. All other directions, however, in the way of advice or instruction should only be given at the end for fear of annoying and repelling the penitent, and also in order to avoid prolixity and repetition. If on general principles the absolution ought to be put off and the penitent fails to show necessary dispositions by signs of extraordinary sorrow and penitence, the confession should be interrupted and not resumed till a decided improvement is seen. If the penitent is judged to be in good dispositions, the confession may go on after the promise of performing the necessary obligations has been exacted, and the penitent should be reminded that if he is not sincerely determined to stand by his promises, his trouble is all in vain and his confession invalid, and that he is putting a seal on his condemnation by a new offense against God. In longer confessions it is a good practice even during the accusation (especially if some particularly grave sin be mentioned) to remind the penitent of the greatness of his crimes, of God's goodness and grace by which he has been freed from all these great sins, and then to encourage him to make a thoroughly good confession. The penitent should also be reminded of all his bad confessions and communions, of his neglect of his Easter duties, etc.

If it be observed that the penitent is unusually disturbed, the cause of it should be found out; if it be the avowal of some one sin, the confessor should seek to obtain some hint about it and then push the questions so that the penitent has only to answer yes or no; thus a penitent may be consoled who is troubled because he has not sufficiently examined himself, or cannot express his meaning correctly or has forgotten what he wished to say. If no definite cause can be assigned, the confessor should encourage him in a general way, telling him that the confession is made to God, reminding him of the sacredness of the seal, recalling to him that the priest is also but a man, subject to faults and weaknesses; impressing upon him that the priest is ordained in order to sympathize with others, to help them by his kindness and patience, etc. Furthermore the way of beginning a general confession depends on the circumstances of the penitent, and these must be inquired into at once.[377]

377 Leonard von Port Maur., Anleitung zur Generalbeichte; Benger, Pastoraltheologie, Bd. III. S. 607-619 (1. Aufl.), Bd. II. S. 475-486 (2. Aufl.); Schüch, Pastoraltheologie, § 320.

Having laid down these principles we enter into details:—

I. *Preliminary Questions.*

1. The penitent should be asked his age, his condition of life, and his calling.

2. Then he may be asked if his previous confessions have been valid (the uninstructed should be assisted to form a correct judgment in the matter), whether he has ever intentionally concealed a grave sin or a notable circumstance in confession—given intentionally the wrong number of his sins—examined his conscience carefully—tried to be really contrite at least for all graver sins. Then he may be asked if he has always faithfully performed the penance imposed. If the confessor discovers any sacrilegious confessions, he must at once ascertain their number as closely as possible, asking when the first bad confession was made, how long the habit lasted, whether any of them were set right, how often the penitent in this condition was accustomed to confess or communicate, whether the Easter duties were neglected by reason of such confessions and communions, whether in making such confessions and communions the penitent was conscious of committing sacrilege; whether during that period other Sacraments were received such as Confirmation, Matrimony, Extreme Unction. If the penitent is persuaded that his confessions were not sacrilegious, but some grounds of suspicion remain, the confessor might on occasion of some accusation against the sixth Commandment, make inquiry if the sin has been confessed before; or he might even ask plainly, "You have never yet confessed this sin?" or, "You have never had the courage to confess this sin?"

II. _Sins against the Sixth and Ninth and the Other Commandments._[378]

378 Some experienced confessors advise to begin with these commandments, because sins against holy purity are frequently the cause of invalid confessions. Many penitents, however, would be shocked and disgusted at such a proceeding.

The confessor may next, in order to learn the general state of the penitent, ask quite generally: "Were you ever led astray when young? at what age? Did you indulge in any impure habits?" If the priest discovers that the penitent is quite innocent of such sins, he should go on at once to the other Commandments. He might perhaps ask further: "Were you troubled with temptations against holy purity? Had you to listen to bad conversation? Has any one ever taken liberties with you?"

Sins of *luxuria consummata* may be reduced to four species, *pollutio*, *fornicatio*, *sodomia*, and *bestialitas*. These species have their *actus imperfectos*, external, for instance *tactus*, and internal, namely, *delectatio morosa* and *desideria*, and in addition may have three circumstances which change the nature of the sin, *adulterium*, *incestus*, *sacrilegium*. The questions may be modeled on these four species, and in the case of each sin the circumstances inquired into which affect the species of the sin. Any compendium of Moral Theology will suggest the necessary detail.[379]

379 The greatest prudence should be employed in putting these questions for fear of teaching evil or giving scandal. In this matter it is better that the completeness of the accusation should suffer. For instance, Ballerini disapproves of asking directly whether the accomplice is bound by vows, since such cases are rare, and when they occur the penitent would be certain to mention the circumstance spontaneously, while to put such a question would frequently cause astonishment and give scandal.

He may add: "Have you confessed all the sins you have committed against holy purity? Does anything else disturb your mind with regard to the sixth Commandment? Perhaps you can manage now to make a general confession and to set in order your past life."

Against the First Commandment.

1. *Against Faith.* The confessor may ask whether the penitent has been troubled by doubts against faith, or really doubted of the truths of faith and suggested such doubts to others; whether he has denied any truth of faith; whether he has acted or spoken against faith and before how many persons; whether he has induced others to jeer or mock at faith; has he spoken against religion and priests? has he listened to speeches of others directed against faith and applauded or encouraged them? has he read, sold, given or recommended to others the reading of books and articles against faith? has he himself written for such publications? has he frequented the society of men who mocked at religion or were enemies of the faith? has he taken part in the religious services of non-Catholics? has he joined any society which is hostile to religion?

2. *Against Hope.* Has he doubted of his salvation or of God's mercy? or of the possibility of reforming? has he presumed on God's mercy and put off his conversion?

3. *Against Charity.* Has he under stress of suffering hated God? indulged feelings of indifference or resentment against God and holy things? has he murmured against God in his sufferings and crosses? has he banished God from his mind for long periods, neglected prayer?

4. *Against the Reverence due to God.* Has he believed in superstitious practices and employed them? has he used sacred objects without reverence or for wrong purposes? has he received any of the Sacraments (Penance, Holy Communion, Confirmation, Matrimony, Extreme Unction) unworthily? has he desecrated holy places? has he injured persons consecrated to God?

Against the Second Commandment.

Has he blasphemed? before children? Has he a habit of swearing? Has he ever sworn to what was false, or to anything of which he was doubtful? in a court of justice? to the injury of others? Has he been accustomed to use rash oaths?

Against the Third Commandment and the Commandments of the Church.

Has he by his own fault missed Mass on Sundays and holidays of obligation? has he absented himself by his own fault from a considerable portion of the services? Has his behavior during the services been irreverent and scandalous? Has he done servile work without necessity on Sundays or holidays of obligation? for how long? before others? or has he required such work from others? Has he broken the law of fasting without cause, or eaten meat on forbidden days without a dispensation? Has he neglected his Easter duties?

Against the Fourth Commandment.

Are the parents still living? Has he deliberately offended them by frequent disobedience in matters of moment (*e.g.* frequenting certain company against their will, staying late in public houses, by not giving up bad companions, by neglecting religious duties or important business at home)? Has he despised them in his heart? treated them with contempt or given them great trouble? used harsh and contemptuous language to them? wished them harm seriously? in the presence of others? Has he been ashamed of them? neglected them in their necessities, treated them badly, not carried out their last wishes?

Servants, etc., should be asked whether they are faithful to their master's services: have they offended him by contempt or rudeness? damaged his reputation with his neighbors? obeyed him in things forbidden? Have they given scandal to others in the house, particularly children?

Masters, etc., should be asked whether they take due care of those under them. Have they treated them unjustly? permitted evil practices? have they kept their servants to the practice of their religious duties and given them time for it? have they given their servants bad example or led them into sin?

Parents and Superiors should be asked if they take proper care of their charges, or have squandered the family property. Do they correct and punish the children with prudence and without anger? have they ever wished evil to befall them? Do they watch over their children, keeping them from bad companions, from sinful connections? Have they instructed the children in their religious duties? have they sent their children to irreligious schools? Have they given their children bad example? Have they said or done anything sinful in presence of the children?

Married people should be asked if they live together in peace? have their quarrels given scandal to the children?

Against the Fifth Commandment.

Has the penitent let himself be carried away by anger? broken out into curses or wished grave damage to betide his neighbor? Has he rejoiced in his neighbor's misfortunes, entertained hatred, and inflicted harm or intended to inflict it? Has he fostered enmities or refused to make satisfaction to those whom he has injured? Has he lived in enmity with others, with how many and for how long? Has he promised to make peace and kept his promise? Has he ever seriously damaged his health or attempted his life, or seriously thought of doing so? Has he been in the habit of drinking, and been quite overcome by drink? Has this been the occasion of quarrels or other sins? Is it a habit? Has he neglected his duties to his wife and children in consequence, or ill treated them and destroyed the peace of the family? (The confessor must not forget his studies on *occasio* and *consuetudo* when dealing with cases of this sort.)

It might also be well to ask if the penitent has been hard in dealing with the poor in their grave needs and refused assistance.

Against the Seventh and Tenth Commandments.

Has he entertained desires of stealing or of cheating his neighbor? Has he actually committed theft, or cheated his neighbor in doing business? Has he inflicted losses on any one? Has he paid his debts or put off for a long time the paying of them? Has he made restitution and repaired the losses inflicted? Is he at least willing to make reparation? If not, why not?

Against the Eighth Commandment.

Has he told lies to the grave injury of his neighbor? Has he ever given false witness in a court of justice? Has he ever betrayed an important secret? Has he ever injured the reputation of his neighbor by revealing his faults without sufficient reason? to how many people was this communication made? Has he ever falsely accused his neighbor of a fault? to how many people? Did he restore the good name of the injured person? and did he make good to him the losses resulting from the calumny? Has he made rash judgments in things of great moment, and has he communicated them to others?

With respect to the Seven Capital Sins the confessor may ask:—

Has the penitent behaved in a proud, overbearing manner towards others? Has he devoted himself to inordinate amassing of wealth and coveted the same? Has he omitted to give the alms which he ought? Has he helped his neighbor when he ought? Has he indulged in envy of his neighbor on account of his fortune, his wealth, his graces, his virtues, etc.? Has he rejoiced in his neighbor's misfortune, caused it or wished it? Has he neglected his work and duties through idleness, and injured his neighbor thereby?

With regard to the nine ways of participating in the sin of another the confessor might ask: Has he boasted of his sins? which? Has he advised others to commit sin, or praised the sin of others, or commanded others to sin? Has he failed to prevent the sins of others when he could do so easily?

After the priest has put all the questions which he thinks necessary he should proceed to advise the penitent to reflect if there is anything else disturbing his conscience about which no questions have been put; and he should also remind him that this confession may be his last. He may then try to move the penitent to contrition and to a firm purpose of amendment by the consideration of some effectual motives presented in a kind and fatherly manner. He might conclude with some words to this purpose:—

"Now thank God with all your heart for the great mercy He has shown you; if death had overtaken you while you were burdened with so many grave sins, you would certainly be at the present moment in hell, but now make your mind quite easy and don't worry any more about these sins; I am now going to absolve you in God's name from them all and your soul will be as pure as when it came from the baptismal font; but beware of sinning again and do not return God's mercy with ingratitude." The confessor will then give the penitent some directions how to reform his life; he must point out one or other of his sins that should be especially combated; and if at the same time he shows an interest in the penitent and promises to pray for him, the latter will go away consoled and encouraged to begin a new life in the Lord.[380]

380 Aertnys, l. c. cp. 8, art. 4, nn. 251, 252; Lehmkuhl, l. c. n. 351; Gury-Ballerini, l. c. n. 520; Heilig, Methodus Conf. gen. n. 40 ss.

Chapter IV. Satisfaction

33. The Imposition of Penance by the Confessor

There is no question here of satisfaction in the wider sense which includes the restitution to be made for the infliction of spiritual or temporal loss. The subject which we propose to treat of is satisfaction in its restricted meaning (*satisfactio*). It consists in the performance of those works of penance which according to the Council of Trent[381] are designed to preserve the new life acquired in the Sacrament, to repair the languor which remains as a relic of past sin, and at the same time to serve as a punishment for sin. As after the recovery from a severe illness the body is weakened, so after a spiritual cure the soul retains a weakness and an inclination to fall back into sin; moreover, as the Church teaches, the remission of guilt and eternal punishment does not always include the remission of all temporal punishment. The penance is imposed with a view of removing the last traces of weakness and of paying the debt of temporal punishment; under its first aspect it is called *pœna medicinalis*, under the second, *pœna vindicativa*.

381 Sess. XIV. De Pœnit. cp. 8.

This satisfaction is partly sacramental, partly extra-sacramental. The sacramental portion consists in the works which the confessor imposes in virtue of the power of the keys; the extra-sacramental in the works freely undertaken by the penitent, as well as in the patient submission to the sufferings and crosses of this life. We are dealing at present with sacramental satisfaction, which is an integral part of the Sacrament, as it is immediately connected with the power of the keys, and which is more efficacious as atonement in consequence of the application of the merits of Jesus Christ.[382]

382 S. Thom. *Amplius valet ad expiandum peccatum quam si proprio arbitrio homo faceret idem opus.* Quodl. Lib. 3, Q. 14. Summa Theol. Supplem. Q. 12-15; Suarez, De Sacr. Pœnit. Disp. 37 per 10 Sectiones, Disp. 38, Sect. 1 and 2; Lugo, De Sacr. Pœnit. Disp. 24 per 5 Sectiones; Billuart, Compend. Theol. Tom. VI. De Sacr. Pœnit. Diss. VIII. a. I. 6-8; cf. Ballerini, Op. Theol. Mor. Vol. V. Tract. X. Sect. V. cp. I. n. 478 ss.; Schanz, Die Lehre von den hl. Sakramenten, II. Tl. § 42, Die Genugthuung, S. 538 ss.

Both confessor and penitent have obligations with respect to this satisfaction. We will first consider the duty of the confessor in the matter.

I. The confessor is bound to impose some penance on every penitent who receives absolution and who is capable of doing penance.

The tradition of the Fathers, the constant practice of the Church, and the express declaration of the Council of Trent agree in maintaining that the penance is an integral part of the Sacrament. The text of the Council[383] runs as follows: "It is therefore the duty of priests to impose, as reason and prudence may suggest, wholesome and appropriate penances with due regard for the nature of the sin and the strength of the penitent, lest, by being indulgent towards sin and treating the penitent too tenderly in giving the very lightest penance for grave sins they become themselves participators in the sins of others. Let them keep in view that the satisfaction which they impose is designed not only to preserve the new life and to heal infirmity but also to punish and destroy past sin; for the power of the keys was given not only to loose but also to bind." The confessor must impose a penance not only when mortal sins, but also when venial sins, or mortal sins already absolved, are confessed. As often as absolution is given a penance must be imposed—(*a*) because the penance

belongs to the integrity of the Sacrament, (*b*) that the penitent may not be deprived of the sacramental fruits of satisfaction, (*c*) that justice and right may be done.

383 Sess. XIV. cp. 8.

II. This duty of imposing a penance urges *per se sub peccato mortali* when there is question of mortal sins not yet remitted by the power of the keys; where the matter is only venial sin or *materia libera*, the obligation is binding only *sub levi*.

Hence a priest sins mortally by failing to give a penance to a penitent who confesses sins not yet directly forgiven; in the case of a penitent who presents only *materia libera*, the confessor sins venially (*probabiliter*) *ob parvitatem materiæ*.

III. At times there may be no sin in failing to give a penance. This can happen:—

(*a*) When absolution is given to a penitent *in articulo mortis*, especially if he be unconscious. St. Alphonsus, however, recommends, and laudably, that even a dying penitent should receive some light and easy penance, if there be time to do it and the penitent can perform it, *e.g.* to kiss the crucifix, to pronounce the names of Jesus and Mary, or to make at least an internal act of love in order that the Sacrament may have its due complement and the dying person gain some fruit from the sacramental satisfaction. The confessor might himself help the penitent by reciting the prayers for him, holding the crucifix to him; this will also be a means of comforting and consoling the dying man.[384]

384 S. Alph. Theol. Mor. Lib. VI. nn. 506, 507; H. Ap. n. 47.

(*b*) If a perplexed or scrupulous penitent returns frequently to confess sins that he had forgotten, and if nearly every time there is reason for giving absolution, the confessor satisfies his obligations by again imposing the previous penance without adding another or by prescribing it as sufficient for *all* the sins mentioned in confession.[385]

385 Busenbaum, Medulla, Lib. VI. Tract. IV. cp. I. De Satisfact. Art. I; S. Alph. Lib. VI. n. 513; Lugo, Disp. 25, n. 50.

IV. The confessor is bound to give a suitable and wholesome penance, punitive as well as medicinal, proportioned to the number and gravity of the sins and adapted to the individual penitent. This is the express teaching of the Council of Trent.[386]

386 Sess. XIV. cp. 8.

The choice of the penance is not left to the caprice of the confessor. Special directions are laid down for him by the Church, and these he must follow *sub gravi*. The Council draws a distinction between *pœnæ vindicativæ* and *medicinales*, and the confessor has to inflict these in his capacity of judge and healer of souls. But to avoid misunderstanding it must be borne in mind that the whole power and authority of inflicting penances or of binding the faithful is vested in the confessor as judge.

As physician the great object of the confessor must be to heal the wounds of the soul and to provide against relapses, but here he can only insist on the necessary means, and that simply because he expresses what the penitent is bound to do already by natural and divine law.

The case is quite different when we regard the confessor as judge; in this capacity he has power to punish and bind the penitent. In the choice of the works of penance which he imposes in his quality of judge, he may use his knowledge as physician, and it is a course to be commended if he imposes such penances as will help to salvation, heal the spiritual maladies and safeguard the penitent against

relapses.[387] In this way the confessor falls in with the prescriptions of the Council by giving penances which are in part punitive, in part medicinal; they are punitive if in any way they oppose our sensuality or our pride; and they are medicinal when they are of a kind to cut away the causes and roots of sin, to mortify our irregular inclinations, to strengthen the will, to remove occasions of sin, to save us from relapses and to confirm us in virtue. In accordance with the maxim "*contraria contrariis curantur*" those good works are generally prescribed which are directly contrary to the sins committed, hence the prescription of the Roman ritual to impose as penances almsgiving upon the avaricious, fasting or other bodily mortifications upon the sensual, humiliating works upon the proud, exercises of devotion for the tepid.[388]

387 Cf. Lehmkuhl, l. c. Sect. II. cp. III. Satisfactio, n. 355.

388 Rituale Rom. De Sacram. Pœnit.

All works of satisfaction or penance may be reduced to the three heads of Prayer, Fasting, Almsdeeds. Under prayer, for instance, may be grouped all works of piety and devotion, particularly everything that may be understood as related to the knowledge of God; more frequent prayer, daily examination of conscience, daily Mass, meditation (especially on the sufferings and death of Jesus Christ and the four last things), spiritual reading, more frequent confession, frequent repetition of acts of the theological virtues, thought of the presence of God, devotion to our Blessed Lady—all of which are irksome and contrary to our corrupt nature and partake in consequence of the nature of a penance. Under the head of fasting may be included not only abstention from meat and drink, but every kind of mortification, hence the denial of even lawful pleasures, early rising in the morning, the cutting down of little comforts, kneeling at prayer, etc. And under almsgiving we may comprise all works of corporal and spiritual mercy.

These three classes of good works correspond to the three roots of sin,—the concupiscence of the flesh, the concupiscence of the eyes and the pride of life; for fasting is directed against the concupiscence of the flesh, almsgiving against the concupiscence of the eyes, and prayer against the pride of life.[389]

389 S. Thom. Suppl. Q. 15, a. 3.

Even purely interior acts (*opera mere interiora*) may be imposed: some theologians contradict this statement on the plea that human authority is not empowered to enjoin such acts, but here the question is not about human authority but of divine power given to men.[390]

390 S. Alph. *cum communi sententia*. Lib. VI. l. c.

The confessor may also give as a penance works to be done for the souls in purgatory, for though this satisfaction *in se* is directed to the benefit of the holy souls it is a good work, and by its union with the Sacrament has power *ex opere operato* to lessen the temporal debt of the penitent.[391]

391 S. Alph. *ibid.*; Scavini, l. c. n. 383; S. Thom. Quodl. 3, a. 28.

Indeed the confessor may impose as penance some good work which has already been started, not precisely as a good work but so far as it expresses under the new circumstances obedience, humility, and the denial of one's own will. It may be observed, however, what St. Alphonsus remarks, that it is rarely advisable to impose such a penance even with another good work attached.

A work which one is already bound to do may be imposed as a penance since it may be *ex natura sua* satisfactory and is capable of acquiring a greater satisfactory effect; but such work can be considered as a sacramental penance only when the confessor has expressly declared so, nor is it advisable that such works should be so imposed, unless indeed there exist some urgent reason for it on the part of the penitent,—his weakness, for example. If such work (*aliunde debitum*) be imposed, its omission is a double sin.[392]

392 This is the teaching of St. Alphonsus *cum innumeris scriptoribus contra paucos* (n. 513).

A penance may be given to be performed in case of a relapse, according to the opinion of eminent theologians such as Suarez, Laymann, and St. Alphonsus Liguori; so that if the condition be fulfilled, *i.e.* if the sinner relapse, the penance must be carried out. A confessor giving only a penance of that kind would be very far from satisfying his obligations.[393]

393 S. Alph. l. c. n. 524.

A public penance, *i.e.*, a penance to be done before others, of such a nature that bystanders could infer that the penitent had incurred grave sin, cannot be imposed by a confessor for secret sins, for such an infliction would be an indirect violation of the seal, and besides it is expressly forbidden by the Roman Ritual. For public sins a public penance may be inflicted, and the Council of Trent insists upon it as a way of repairing scandal. Here there is no breach of the seal, for it is question of notorious sin. The confessor should only insist, however, on a public penance when he is convinced of the necessity of that step for repairing scandal. If the confessor feels called upon to impose such a penance, and the penitent declines to do it, absolution cannot be given. In general, any scandal given may be set right by an evident reform in the life of the penitent, if, for instance, he approach the Sacraments more frequently, visit the Church, hear Mass, join a sodality, etc.[394] Moreover, not everything done in the presence of others, which the penitent could easily undertake of his own free will, need be regarded as a public penance. It need be no matter of anxiety to the confessor if the penitent reveals to others that such or such a practice is a penance imposed by the priest.

394 Cf. S. Alph. l. c. n. 512.

Finally the confessor must carefully avoid enjoining any practices which are needlessly repugnant to the penitent and which there is reason to fear he will shirk. For instance, telling the children to beg pardon of their parents, or the penitent to pray in the Church with the arms stretched out in the form of a cross. Lehmkuhl justly remarks that such penances are a clear sign of a confessor's want of prudence and may give occasion to many sacrileges.[395]

395 Lehmkuhl, l. c. n. 356 (8).

There is left a large choice for the confessor in the matter of penances. He is bound, however, by the prescriptions of the Council of Trent to impose works of penance *quantum spiritus et prudentia suggesserit*, but also to consider the *qualitas criminum* and the *facultas pœnitentium*. Thus he must bear in mind the gravity of the sin and the condition of the penitent; in this way a prudent mean may be kept between too great mildness and excessive strictness. The priest should avoid being too easy, for fear, as the Council says, of participating in the guilt of others and sacrificing God's cause to an indulgence which may be easily attributed to human respect or other unworthy causes. To avoid this danger the Roman Catechism recommends the study of the old penitential canons where each sin has its own fixed punishment. It is true that the discipline has been altered since then but its spirit remains, and

the zeal of the priest for the cause of his Lord should be no less fervent than that of the first ages of the Church. On the other hand, however, undue rigor is to be avoided. The strictness should not be founded on self-love, prejudice, ostentation, nor on a naturally stern temperament, nor on want of common sense, etc., otherwise the penitent may be driven to despair, and souls lost instead of being won. The tribunal of penance should resemble as closely as possible God's own tribunal, and as God is not only just but merciful, so the priest should never separate these two attributes. It is often a good thing to let the penitent know that he has deserved a severer penance, but that the ever gentle spirit of the Church imposes only a light one, leaving the penitent free to undertake other works of satisfaction if his zeal prompt him thereto. It is matter of experience that penances extended over too long a period do not always succeed in their object, for since they are frequently not performed they may easily prove a snare to the penitent instead of being a help. If the priest is in doubt whether to adopt a strict or a mild line of conduct in any particular case, he may recall the beautiful words of St. John Chrysostom:[396] "Is it not easier to render an account of excessive mercy than of excessive severity? Can the steward be close-handed where the master is so liberal? If, then, God is so good why should His minister be severe? If your object is to pose as a saint, be austere towards yourself and mild towards others."[397]

396 Homil. 43 in Matth. c. 23.

397 Cf. Martin, Moral. S. 591.

V. For mortal sin a *pœnitentia simpliciter gravis* should be given, for venial sin a *pœnitentia levis*; and a confessor would sin gravely if without sufficient reason he should impose for mortal sin a *pœnitentia in se levis*, for he would neither punish the sin nor give his penitent the means of salvation. In the case of sins doubtfully mortal, whether considered subjectively or objectively, he is not obliged to impose a severe penance.[398]

398 S. Alph. l. c. n. 516, H. A. n. 55; Sporer, l. c. n. 588.

Whatever in the present discipline of the Church is imposed *sub gravi* is considered as *materia gravis* for a penance. The following, for instance: five decades of the Rosary, the Litany of the Saints with the accompanying prayers; while as *materia levis* are reckoned: one psalm (of moderate length), the Litany of Loretto, five Our Fathers and five Hail Mary's, etc. Any prayer corresponding in length to a little hour of the Breviary counts for *materia levis*, for though the omission of one of these little hours is a mortal sin, this is not in virtue of the prayer itself, but because the recitation of the Breviary is a public and official act and done in the name of the whole Church.

If the penitent has committed many mortal sins, the penance can hardly be increased in a strict proportion. In this case the imposition of a penance corresponding to one mortal sin is not sufficient unless special reasons exist for not giving a heavier penalty.

VI. There are many reasons for which a confessor may be justified in giving a smaller penance than is due to the number and gravity of the sins, and this diminution may be absolute as well as relative. For instance:—

1. A penitent is prostrated by a severe illness and unable to perform a longer penance. The priest should exhort him to offer up his sufferings as satisfaction for his sins, and if the sins have been very grave the priest ought to be willing to take upon himself part of the penance.[399]

399 Cf. Rit. Roman. tit. III. cp. I. n. 25.

2. When there is extraordinary sorrow. This *in se* is sufficient reason for diminishing the penance, for the greater such sorrow the greater is the remission of temporal punishment. On the other hand, such a penitent is willing to accept a very severe penance; and if we read of certain holy men imposing only a slight penance, we must remember that they either made up for it in their own person or induced the penitent to practice of his own free will some austerity.

3. A confessor may see that his penitent is very weak spiritually and not willing to carry out a severe penance, although he may have no doubt as to his contrition and resolution of amendment. Such a case may call for the expedient of adding to a small penance some other practices which the penitent must fulfill on other accounts, *e.g.* to hear Mass on Sunday, etc., and the confessor would do well to choose such practices as the penitent has been in the habit of neglecting.[400]

400 S. Alph. Lib. VI. n. 513.

We will now mention the occasions in which a confessor may impose a penance in accordance, indeed, with the Church's precepts as to *materia gravis*, but less than what seems proportioned to the number and gravity of the sins:—

1. When there is great, though not quite extraordinary, contrition.

2. On the occasion of a jubilee or some other plenary indulgence; but to refrain for such a reason from giving any penance at all would be quite wrong and against the distinct declaration of Benedict XIV, Constit. "*Inter præteritos.*"

3. When there is fear that the penitent, through spiritual weakness, may fail to perform the penance which would correspond to his sins.

4. When there is hope that a smaller penance will induce the penitent to receive the Sacraments oftener and with greater spiritual benefit; indeed, this seems to be the chief reason why the Church has tempered in our days the severity of her penitential discipline.

5. When the confessor intends to do the penance which he believes he dare not lay upon his penitent, as, for instance, when St. Francis Xavier disciplined himself to satisfy for the sins of his penitents. The sufficiency of this vicarious penance rests on the Catholic doctrine of the Communion of Saints. On the other hand, the proposition that a penitent can, of his own authority, appoint another to do the penance for him has been condemned by Alexander VII.

6. When there is hope of inducing the penitent by means of a smaller penance to do other good works on his own account.

7. When the penitent has already done penance and is in the habit of practicing good works.

It is, however, always recommended to tell the penitent that the penance is very much less than he deserves.[401]

401 S. Alph. l. c. nn. 509, 510, 526; H. Ap. nn. 49, 50; Lugo, l. c. Disp. 25, n. 60; Reuter, l. c. p. 4, nn. 591, 404; Ballerini, Op. Theol. Mor. l. c. nn. 489, 493.

VII. For venial sins or *materia libera* the confessor may impose a heavy or a light penance but not *sub gravi*; but if he imposes a light penance for mortal sin such penance may bind only *sub levi*, but the very fact of imposing a heavy penance for mortal sin means that the obligation is *sub gravi*, unless he expressly declares his intention of not so binding.[402]

402 S. Alph. Lib. VI. nn. 517, 518.

In treating the question of the obligation on the penitent of carrying out the penance and the intention of the confessor in the matter, we must keep in mind the parallel instances of the binding force of laws. The legislator cannot bind the conscience *sub gravi* in a matter which, regarded objectively, is of small moment; while grave matter when prescribed *ex gravi causa* induces a strict obligation *per se*, though the legislator may have the power only to enforce it under pain of venial sin. This is the teaching of St. Alphonsus with the *sententia communior et valde probabilis* as regards the obligation of laws and the lawgiver. When, then, the confessor imposes a penance, he is at the same time passing a law which must be obeyed.

Many theologians deny that the confessor can impose for mortal sin a heavy penance only *sub levi* because he is simply God's minister, and in consequence must act in accordance with the institution of the Sacrament without attempting to diminish its rigor.[403] On the other hand, the *sententia communior et valde probabilis* gives the confessor the right because, though he is the vicar of God, he is appointed by Christ as actual judge and legislator who, in virtue of his powers, looses by forgiving sin and binds by imposing penance; so that the obligation of the penance is not a consequence of the Sacrament but of the precept of the confessor.[404] Still the confessor would not be justified in practically disregarding the first opinion, for, as St. Alphonsus teaches, he must obey the Council of Trent in its decision that ordinarily a *grave opus* is to be imposed *sub gravi* even though the penance be slight in comparison to the number and heinousness of the sins. The opinion may, however, be used in this way. The confessor, after giving a severe penance *sub gravi*, may add a still more severe penance *sub levi*; if this latter be fulfilled by the penitent, he makes full sacramental satisfaction; if he neglect it, there is at least no great responsibility. St. Alphonsus notices that this is a very good way of dealing with weak penitents, for all good works have a satisfactory power and a weak penitent is thus not exposed to occasion of grave sin; at the same time what Aertnys observes is also to be borne in mind, namely, that in our days, owing to the decay of fervor, such a method is seldom to be recommended.[405]

403 Thus, among others, Lugo.

404 Thus, among others, Suarez, Fillince, Segneri, St. Alphon. l. c. n. 518.

405 Aertnys, Theol. Moral. Lib. VI. Tract. V. De Pœnit. cp. III. art. IV n. 206, Q. 4.

The confessor may give the penance immediately after the absolution, but it is more correct to give it beforehand, as that is the custom in the Church, and the proper order of justice requires that the penitent should show himself disposed to undertake his penance before absolution is given.[406]

406 S. Alph. l. c. n. 514 (in fine).

In concluding this article we give a list of penances which may be imposed according to the principles already given:—

Attendance at holy Mass, the Rosary or the Stations of the Cross (these should not be given to people who are not accustomed to the devotions, and in regard to the Stations of the Cross, the embarrassment that many experience in performing public devotions should be taken into account), the Seven Penitential Psalms, the Litany of the Saints, the Litany of Loretto or some other litany, the Prayer to the Five Wounds, to commend one's self to the Sacred Hearts of Jesus and Mary morning and evening while reciting one Our Father and one Hail Mary, to say every day a certain number (not too many) of short prayers—*e.g.* to say the Hail Mary three times morning and evening (St. Alphonsus used to give his penitents this penance, adding the invocation "My Mother, preserve me from offending God this day," and when the penitents were not accustomed to this form of devotion he used at least to recommend it), to examine the conscience daily and to excite acts of contrition, to read some short extracts from a pious book approved by the confessor, such as the Imitation of Christ, to make a meditation, or after reading carefully some subject such as the Four Last Things or the Sufferings of Christ to reflect upon it for a short while, to devote a short time every day to eliciting acts of Faith, Hope, and Charity, to hear sermons, to receive the Sacraments on certain fixed days, to renew the resolutions made at the last confession, not thoughtlessly but with all earnestness, and to hold to them steadfastly now in honor of the Sacred Heart, at another time in honor of the Blessed Virgin, and again in honor of some one among the saints with a petition for their help, to make some fervent ejaculation every time the clock strikes (when the confessor gives this or similar practices as a penance he might remind the penitents to make up the number of times missed if by chance they forget it).

Fasting (though this should be very seldom given and then only with great caution) or an occasional mortification at meal time; to refrain from some particular dish, or from wine or other intoxicating liquor, either for a fixed period or a certain number of times; still more prudence is to be exercised in imposing other bodily mortifications—indeed they should be permitted only with great reserve—praying with arms extended (unseen, of course, by others), to pray on bended knees, to rise at a fixed hour in the morning, to avoid unprofitable conversation, etc., to give alms, to visit the poor and the sick, to help them, and to do lowly offices for them, etc.[407]

407 Gury-Ballerini, l. c. Appendix, n. 535. Cf. Aertnys, l. c. n. 200; Lehmkuhl, l. c. n. 368.

Which of these penances should be imposed is a matter depending on the sins and disposition of the penitent. The choice of penance is an affair of considerable moment with regard to the well-being and reformation of the penitent, and it is a neglect of duty to impose on every occasion without distinction the recital of a prayer.

In addition, the confessor should observe the wholesome advice which has been given by men distinguished alike for sanctity and learning.

St. Antoninus writes:[408] "The priest should give such a penance as he thinks the penitent will perform. If a man, after accusing himself of grave sin, declares that he cannot do a severe penance, the confessor must reason with him, pointing out the gravity of his offenses and the severe punishments he has deserved, and after that give him some penance such as he can be persuaded to undertake; and if the priest does not obtain perfect success, he may rejoice, at least, that he has rescued a soul from hell if not from purgatory; hence, on no account, should he send a penitent away in despair or discouragement. It is better to give him a *Pater Noster* or some other slight penance and make the good works which he does or his sufferings supply for the rest. A man who shows real

sorrow and is ready to do all that he ought, but declares that a heavy penance is beyond him should never, no matter how he may have sinned, be sent away without absolution lest he fall into despair."

408 Summa Theol. P. III. tit. 17, s. 20.

St. Charles Borromeo recommends the confessor to impose such penance as he thinks the man will do; hence he may occasionally ask the penitent if he can perform the penance given; and if the latter expresses his doubts about fulfilling it, the confessor may change the penance or make it easier.[409] The saint also appeals to St. Thomas Aquinas, who warns the confessor not to burden his penitents with heavy penances,[410] for as a smouldering fire may be put out by heaping too much fuel upon it, so the feeble contrition which has only just been excited in the heart of the penitent may be crushed out by a severe penance, and despair may be the consequence. Hence it is better to point out to the penitent what a big penance he deserves and to give him a smaller one such as he will be ready to fulfill, by which he will accustom himself to the bigger one which the confessor would not have ventured to impose.

409 Instruct. Confess. cp. 20.

410 Quodl. 3, a. 28; cf. Opusc. 65, § 4.

Finally St. Alphonsus[411] may be heard on this subject: "How imprudent is the conduct of those priests who give penances which they foresee will never be done. Oh, how many ignorant confessors there are who thoughtlessly absolve penitents living in the proximate occasion of sin or in bad dispositions; and yet such confessors are persuaded for some incomprehensible reason that they are ministering to the health of souls by imposing heavy penances. The result is that the penitents, having agreed to the penance for fear of being refused absolution, relapse again, after a short time, because they were never taught to adopt any safeguards against sin, omit the penance, and, terrified by its severity, keep away from the Sacrament so as to spend a great portion of their lives in sin."

411 Lib. VI. n. 510.

34. The Acceptance and Performance of the Penance by the Penitent

I. The penitent is obliged to accept willingly the penance imposed and to perform it exactly; for as the duty devolves on the priest of securing the integrity of the Sacrament by giving the penance, the penitent is, in turn, bound to accept it and carry it out.

The duty is of strict obligation *ex genere suo*, so that the penitent would sin gravely by omitting a grave penance imposed *sub gravi*, or a considerable portion of it. We have already seen what is to be considered grave in this matter.[412]

412 S. Alph. l. c. n. 517.

II. The penitent is obliged to perform the penance enjoined by the confessor, but no limit of time is determined within which it must be done. An unreasonably long delay, however, might easily become a grave matter.

To determine how far delay may involve grave sin we must take into consideration whether time is a substantial element in the penance. For example: (1) whether the confessor has fixed a day and of set purpose, for the appointing of a day does not always imply a fixed intention on the confessor's part; indeed, generally speaking, it is not a mortal sin to postpone a fast appointed for Friday to the following Saturday.[413] (2) If some work has been prescribed to be done within a given time after the confession, and it is the intention of the confessor that there should be no interruption, its omission, even for one day if it amount to a *materia gravis*, may be a mortal sin, unless the confessor has given leave to substitute one day for another or where his consent to a change may be fairly presumed. (3) If the postponement of the work imposed reduced the penance to little or nothing, as, for example, if the confessor enjoined on the penitent to approach the Sacraments in a week and the penitent put it off for a month; to delay the weekly communion for a day or two or the monthly communion to a period not longer than a week would, apart from other considerations, amount only to a venial sin.[414]

413 S. Alph. l. c. n. 521.

414 S. Alph. l. c. n. 521; H. A. n. 57; Mazzotta, l. c. Tract. VI. Disp. I. Q. V. cp. 2.

There is no mortal sin in putting off the penance even for a considerable time as long as the time fixed for its performance is not a substantial part of the work imposed. A delay of six months would, according to St. Alphonsus, certainly constitute a mortal sin; the great factor in determining the gravity of the offense will be the danger of forgetting the penance or of being unable to carry it out.[415]

415 Lugo, l. c. Disp. 25, Sect. 5, n. 92; Sanchez in decalog. l. 4, c. 10, n. 21; Elbel, de Pœnit. n. 229.

If a penance is enjoined which has to be performed daily for a considerable period, and which is also a work prescribed by the commandments of the Church, it may be presumed that the confessor never intended a double performance of the work unless he expressly declared such an intention. On the other hand, if it is enjoined once or twice or even oftener without indicating any special day, the penitent cannot satisfy the double obligation by the one act; for example, a man who is told to hear Mass three times cannot satisfy by making one of the Masses the Sunday Mass of obligation, unless this be expressly granted by his confessor, nor would he fulfill his duty by hearing three Masses simultaneously, because such would never be the intention of the confessor. If, however, a man is enjoined to hear Mass daily, he is not obliged to hear two Masses on Sundays.[416] If the penitent has

certain prayers to say for his penance, they may be recited during a Mass of obligation, for the two duties may be fulfilled at the same time unless the confessor rule it otherwise. It is a useful and excellent practice to remind the penitent that he may say his penance during the time of Mass, especially if his circumstances be such that he can hardly command other available time.[417]

416 Mazzotta, l. c.; Gury II. n. 535; S. Alph. H. A. n. 57.

417 Lehmkuhl, l. c. n. 364.

If the penitent fails to perform his penance within the prescribed time, he is not on that account freed from the obligation of accomplishing it; for the confessor intends first the penance, then the time-limit, and the latter is fixed *non ad finiendam sed ad urgendam obligationem*.

Even when the penitent has fallen into mortal sin, he may still perform his penance and so satisfy his obligation in that matter, but he does not obtain the fruits of satisfaction. When the penitent does what he has been told he fulfills substantially his duty; the manner or mode of fulfilling it (namely, in the state of grace) does not come under the command. By the fact, however, of not being in the state of grace his works cannot be *de condigno* satisfactory, and so cannot merit for him the release from temporal punishment. It is certain that no new mortal sin is contracted by a penitent who performs his penance in a state of mortal sin, though, according to a probable opinion supported by St. Alphonsus,[418] there is a venial sin in consequence of the hindrance offered to the effects of the Sacrament. Some theologians[419] also teach that when such a penitent regains the state of grace (*obice remoto*) the penance effects satisfaction and remission of temporal punishment *ex opere operato*, and this doctrine is *valde probabilis*.

418 Lib. VI. n. 523.

419 Suarez, De Pœn. Disp. 38, s. 8, n. 5; Lugo, l. c. Disp. 25, s. 3, n. 39; Laymann, Theol. Mor. Lib. V. Tract. VI. cp. 15, n. 15; Lacroix, Theol. Mor. Lib. VI. P. II. n. 1245, and many others.

In addition to the sacramental satisfaction the penitent should undertake some penance on his own initiative, especially where that enjoined by the priest is small with regard to the gravity of the sin. This extra-sacramental satisfaction will be supplemented by the prayer in which the Church, in virtue of the merits of Christ and His saints, confers on extra-sacramental works the power of reducing the debt of temporal punishment.

35. The Commutation of the Penance

If, for some good reason, the penitent discovers that the penance is too severe, he should mention the circumstance to his confessor that he may change it; and if the penitent has undertaken a penance which later on presents great difficulties in its fulfilment, he should consult some priest equipped with the necessary powers for a commutation.

But there should be a good reason, and not mere weakness, sensuality, or laziness, which usually counsel avoidance of all severity and self-conquest or sacrifice for God and the good of one's soul. Self-love and self-indulgence easily persuade us that what is difficult is impossible, and we have seen that the very aim of penance is to punish in the strict sense of the word; it ought to be both a chastisement and a means of salvation. If the penitent shrinks from the penance and asks for a mitigation, the confessor should in all kindness consider the motive and act accordingly. If he can find no sufficient reason but only a pretext of self-love and self-indulgence, he must tell the penitent so and endeavor to persuade him to undertake the penance, otherwise absolution cannot be given. When the petition is reasonable the penance may be changed.

A reasonable penance cannot be declined by the penitent without his incurring thereby grave sin, for when once he has submitted his case to the confessor he ought to abide by the latter's decision, since the law of God requires that the confessor should inflict a suitable penance and that the penitent should accept it.[420] There is, however, a great difference between refusing a penance and asking for its mitigation. Under no circumstances may the penitent himself change the penance, even for a work objectively more perfect, for the sacramental satisfaction must be imposed by the minister of the Sacrament, and the penitent has no right to annul or commute on his own authority the sentence pronounced by the judge.

420 Mazzotta, l. c. Q. 5; cf. 2 Suarez, l. c. Disp. 38, s. 7. Lugo, l. c. Disp. 25, n. 68, says that this doctrine is *verum et certum*, and is a direct consequence of the teaching of the Council of Trent (Sess. XIV. cp. 8); cf. Elbel, l. c. n. 227.

If, now, the penitent is convinced on sufficient grounds that the penance is exorbitant and he cannot persuade the confessor to make it easier, he is at liberty to go away without absolution and present his case to another priest, repeating, of course, his confession.[421] If, however, his grounds are defective, he may easily incur a venial sin by such procedure.[422] A really well-disposed penitent, therefore, will hardly incur grave sin if, conscious of his weakness, he objects to a penance as too hard and seeks absolution from another confessor, so long, of course, as he does not seek out one who is known for his criminal laxity.

421 S. Alph. l. c. nn. 515, 516; Mazzotta, l. c.

422 Lugo, l. c. n. 77.

If a man after absolution finds the penance too difficult of performance, he may get it changed either by the same priest or by another.

This commutation can be made only in confession, in virtue of the absolution which has been already given or is to be given, for it is only the absolution by which an effect *ex opere operato* can be produced in the penitent, and it is the absolution which gives the satisfactory efficacy *ex opere operato* to the penance which has been or is to be imposed.[423]

423 Lugo, De Pœnit. Disp. 25, nn. 107-110. Cf. Disp. 15, n. 107.

Hence the confessor immediately after the absolution can certainly change the penance because, morally speaking, the judicial action is still in progress. Though some theologians extend this power (of changing the penance in virtue of the absolution imparted) over two or three days, the preference is to be given to the opinion of St. Alphonsus,[424] who restricts the period to the time immediately after the absolution, for, as a matter of fact, the *judicium sacramentale* is then completed. If, however, the penitent and confessor are of the other opinion, which is not devoid of extrinsic probability, they may act upon it, since it is not a question of an essential part of the Sacrament; if there were question of the essence of the Sacrament, an injury would be done both to the Sacrament and its recipient by following a doubtful opinion.[425]

424 L. c. n. 529, dub. III.

425 Lehmkuhl, l. c. n. 366.

Any other priest can commute the penance only in virtue of a new absolution which he himself gives.

The question now arises whether the penitent ought to repeat his confession with a view to obtain another penance. If he applies to the same confessor, he is certainly not obliged if the latter retain some notion *in confuso* of the penitent's conscience; if the penitent goes to another priest, according to an opinion considered as probable by Laymann, Lugo, Sporer, he is exempt from the obligation of repeating his confession, because it is not upon the sins that judgment is to be passed, but upon the reasons for changing the penance, whether, for instance, the penitent is unable to perform it or whether the penance itself is too severe. Moreover, the confessor may follow this method with a safe conscience, though it is more advisable for him to adopt the practice advocated by other theologians, notably Suarez, Lugo, Laymann, Sporer, and Lacroix, of getting the penitent to give at least an outline of the previous confession in order to have an approximate knowledge of the state of his soul.[426]

426 S. Alph. l. c. n. 529, dub. I; Aertnys, l. c. n. 213, Q. I; Müller, l. c. § 128.

The view held by many theologians is also probable, that when a confessor sees that a penance has not been performed by a penitent, and that no likelihood exists of its performance, he may commute it for something else, though unasked by the penitent.

When, however, a penance has been inflicted for some reserved sin by a constitutional Superior, no inferior may commute it, for authority in such cases is withdrawn from the inferior tribunal. Exception is made where the penitent would have great difficulty in approaching the Superior and when urgent reasons call for a commutation. This is the teaching of St. Alphonsus and some other theologians against the supporters of the stricter doctrine.[427]

427 S. Alph. l. c. n. 529, dub. II; H. A. n. 61.

There still remains the question what the penitent is to do when he has forgotten the penance. According to the common, and perhaps also the more probable, opinion, he is not obliged to repeat the confession of even the graver sins, and the duty of performing the penance simply lapses (*ad impossibile enim nemo tenetur*); nor is there any obligation to confess again sins already directly remitted with a view of securing the integrity of the Sacrament, for that would be a grievous burden. If, however, the penitent thinks that the confessor remembers the penance, and he can reach him

without difficulty, he is, as theologians rightly affirm, obliged to ask his confessor to give him his penance, for there is no grave impediment in this case to the performance of the penance.[428]

428 S. Alph. l. c. n. 520; H. A. n. 59.

In this connection we must note that: 1. When a man forgets the penance enjoined, and has a conviction that the penance was a certain work, he is bound to do that work, for whoever is certain about his obligation is obliged to do what is probably of obligation if he cannot fulfill what is certainly of obligation.[429]

429 H. A. Tr. 6, n. 33, in fine.

2. When a penitent confesses that he has not performed the penance but has said the prayers prescribed out of devotion without thinking of the penance, he has satisfied his obligation, and the confessor cannot insist on the performance of another penance; for a man is supposed to do first that to which he is bound.[430]

430 S. Alph. H. A. n. 58; Theol. Mor. Lib. III. n. 700, Q. 2.

Part III. The Minister of the Sacrament

In the preceding chapters which dealt with the *actus pœnitentis*, we have already had occasion to consider the office of the minister of the Sacrament. The functions of the confessor consist mainly in absolving according to the intention of Christ. In treating of this important and difficult subject, we shall follow the most approved theologians, distinguished alike for learning and sanctity, so as to avoid on the one hand an extensive mildness and on the other a severity fatal to the salvation of souls.

Section I. The Powers of the Confessor

36. Orders, Jurisdiction, Approbation

1. The proper minister of the Sacrament of Penance is the priest. Penance being a Sacrament, it is self-evident on Catholic principles that its minister must have the sacerdotal character, the power of Orders (*potestas ordinis*). This power springs from the priestly character and consists in the capacity of *valide* performing the sacred rites instituted by Christ, so that they are an efficacious means of grace.[431]

431 Lehmkuhl, l. c. Sect. III. cp. I. art. I. n. 369.

The Sacrament of Penance is, moreover, in its dispensation essentially judicial. The minister of the Sacrament is judge over the soul; hence he must have in addition to Holy Orders the power of spiritual jurisdiction (*potestas jurisdictionis*).

Thus for a valid absolution there are required both *potestas ordinis* and *potestas jurisdictionis*.

Jurisdiction in general is public authority in its completest sense, and thus includes the power of directing subjects. In its more restricted sense it is the power of judging right and wrong and of pronouncing sentence. It answers perfectly to the power exercised in the Sacrament of Penance (*in foro interno*). Hence jurisdiction *in foro sacramentali* is the power by which a priest can pronounce sentence on those subject to him by remitting or retaining sins.

What, then, is the relation existing between the *potestas ordinis* and the *potestas jurisdictionis*? The priestly character conveys no jurisdiction with it; it may exist without any jurisdiction.[432]

432 Trid. Sess. XIV. cp. 7.

2. It is a peculiarity of this *potestas ordinis* that the exercise of it without the Church's commission is not illicit only, but invalid. Hence, while in the other Sacraments jurisdiction is extrinsic to the exercise of power and only regulates it, in the Sacrament of Penance the jurisdiction is an intrinsic condition, because the exercise of the power of this Sacrament is essentially a judicial act and involving jurisdiction.

3. Jurisdiction, though not conveyed by Orders, is derived from God, but through the hands of the Church, *i.e.* by delegation from those who are invested with that jurisdiction. Hence all priests besides the Pope, who receives it immediately from God, owe their jurisdiction to the Church; thus priests receive their jurisdiction from the bishops, the bishops from the Pope.

4. We may, therefore, say that the *potestas ordinis* renders its subject capable of jurisdiction *in foro interno*, and of conferring the Sacrament after jurisdiction has been given, so that the *potestas ordinis* is the disposition for administering the Sacrament of Penance.[433] Thus it is not so much that the power of remitting sins judicially is given to the priest in his ordination as rather this, that the ordained person, when he is appointed judge by proper authority to take cognizance of sins, is enabled to remit these sins *sacramentally*; in other words, he receives power to remit sins by a special grace.

433 Suarez, Disp. 16, s. 3.

From the preceding it follows: (1) that the doctrine which teaches that jurisdiction is conveyed by ordination merely is false; (2) that it is also false to teach that ordination confers *ipso facto* jurisdiction, but that the Church can restrain its exercise and that in granting jurisdiction she does no more than remove her own prohibition; (3) that it is the same thing to say: the Church confers jurisdiction to a priest, as to say, the Church assigns *in foro interno* certain subjects to the priest; (4) that one may say, the *potestas ordinis* which is acquired by the character of the priesthood is the *potestas inchoata* to absolve, while it is incorrect to say that the *potestas ordinis* is the *potestas jurisdictionis inchoata* or *habitualis*; (5) that jurisdiction differs from the powers of Orders both in its essence and in the mode by which it is acquired; in its essence, since jurisdiction is the power of judging and binding subjects, while ordination only confers the power *ex jure divino* of acquiring jurisdiction and is the necessary condition that the absolution be sacramental; in its mode, since jurisdiction is imparted by the concession of the Church, while the power of Orders comes from the consecration to the priesthood.[434]

434 Palmieri, Tract. de Pœnitentia, cp. II. Thes. XVI. p. 172 ss.

Jurisdiction is either ordinary or delegated (*ordinaria vel delegata*). Christ appointed judges to preside over visible tribunals in His place and in His name, with authority, vicarious, it is true, but ordinary (*auctoritate quidem vicaria at ordinaria*), that is, an authority emanating from the office to which they were appointed by Christ. These judges are the Apostles and their successors, the Pope, therefore, and the bishops, and these can appoint others to help them.

Thus whoever in virtue of a public, ecclesiastical office existing of divine right has subjects over whom he rules and is judge, exercises jurisdiction in the Sacrament of Penance *potestate ordinaria*; others exercise this function *potestate delegata vel a proprie dictis Superioribus communicata*; hence the latter are dependent on their Superiors in the exercise of their powers *quoad liceitatem et quoad valorem*.

Although any one with *potestas ordinaria* can impart it to another, the Supreme Authority of the Church on which depends all valid exercise of jurisdiction has so ordered it that no one may exercise delegated jurisdiction in the tribunal of penance—at least with regard to lay people—without having previously received episcopal approbation; hence the delegation by those who are subject to the bishop and have powers of delegation is as a rule quite useless. Indeed, it is now the custom generally to give approbation and jurisdiction at the same time; nevertheless, cases might occur in which the distinction must be observed.

Approbation *in se* is nothing more than a formal declaration that a priest is a suitable person (*aptus*) to exercise sacramental jurisdiction; his fitness or capacity for the work is judged by his science and morals. Approbation cannot be given licitly unless the fitness of the subject is ascertained or reasonably presumed, though its validity is not affected by the want of this fitness; but the Superior ought to withdraw his approbation when the subject is unfit. The Council of Trent interprets the phrase Public Approbation not only as a *testimonium auctoritativum* that the priest is a fit subject to exercise jurisdiction, but also as the *facultas audiendi confessiones* which the bishop grants to a priest who is considered fit for the office;[435] for the Council declares that he only can hear confessions who has been given charge of a parish or who has received approbation. Beyond that nothing else is demanded for the exercise of jurisdiction, hence approbation or the appointment to a parish is the only condition required for hearing confessions. Moreover, in papal constitutions the approbation is called *licentia* or *facultas audiendi confessiones*, and in common speech an approved priest is one who has

jurisdiction.[436] All this is in perfect agreement with the practice of bishops, who usually grant jurisdiction along with approbation.[437]

435 Trid. Sess. XXIII. cp. 15, reform.

436 Ben. XIV. De Syn. Lib. 9, cp. 16, n. 7; Instit. n. 14 ss. et Instit. 86; S. Carol. Borrom. Conc. Provinc. I. part 2 et VI. part 3, etc.

437 Ballerini, Op. Theol. Mor. l. c. cp. II. n. 546 ss.

Chapter I. Jurisdiction

37. The Minister of the Sacrament with Ordinary Jurisdiction

I. The Pope has *jurisdictio ordinaria* over the whole Church. This requires no proof. The Vatican Council decreed that the jurisdiction of the Pope is a real episcopal jurisdiction, immediate and extending to all the faithful. Theologians discuss at length—and it is a question not to be omitted here—how it is that the Pope can give power to another to absolve himself (the Pope). Lugo discusses at length that there is no contradiction in the Pope delegating to another such jurisdiction over himself, and still less contradiction appears when we reflect that that jurisdiction *in foro sacramentali*, though exercised and delegated by the pastor of the Church, is always exercised in the name of Christ; nor is there anything absurd in the fact of the Pope as a private individual being subject to his own jurisdiction in his capacity as a public person. Though he cannot bind and punish himself, he may subject himself to another and share in the graces and privileges of the Church, otherwise he could not obtain absolution at all.[438]

438 Cf. Palmieri, l. c. Thes. XVI; Lehmkuhl, l. c. Sect. III. cp. I. art. II. n. 374.

II. By divine right, the bishops exercise *potestas ordinaria* in their own dioceses, even *in foro interno*, subject, of course, to the authority of the Pope. Although every bishop receives his jurisdiction from the Holy See, the episcopal office is one of divine right and confers a definite jurisdiction, a very important section of which is the jurisdiction *in foro sacramentali*. As long as a bishop remains in office and in the exercise of it, he cannot be deprived of the power of absolving his subjects, though this power may be limited by reservations imposed by the Pope. A bishop may also, for grave reasons, be deprived of his office, or the exercise of it may be forbidden, or his jurisdiction taken away; and such is the effect of certain ecclesiastical censures.

III. By ecclesiastical law, all vicars-general, and *sede vacante* vicars-capitular, have the same jurisdiction as the bishop over his diocese *in foro interno*. The jurisdiction, however, of the vicar-general is wholly dependent on that of the bishop, hence the saying: *Episcopi morte moritur Vicarius generalis*; and he has no other faculties than those which the bishop has attached to his office. If, for instance, a bishop by a special privilege of the Holy See has more extended faculties, these do not pass to the vicar-general unless the bishop transfers them to him with leave from the Holy See. During the vacancy of the episcopal see, the whole of the bishop's faculties, with a few exceptions, are transferred to the vicar-capitular or administrator.

IV. By the law of the Church, parish priests have *jurisdictio ordinaria* over their parishioners, and their power is measured by what the Church imparts to them as the constituted assistants of the bishop. In relation to their own parish they are *pastores proprii*, having only administrative power *in foro externo*, but *in foro interno plena jurisdictio subject*, of course, to such limitations as may be imposed by the Pope or their bishop. By his appointment (*collatione*) to a parish a priest acquires the right of hearing the confessions of his subjects. Nevertheless, the bishop has the right of examining his clergy periodically to make sure of their fitness to hear confessions.[439]

439 Benedict XIV, Notificatione 9, n. 16; Scavini, l. c. Tract. X. Disp. I. cp. 4, n. 96, nota 229. Cf. Decr. S. C. Concil. quoted by Scavini. The same author goes on to observe that by a decision of the Rota a *causa sufficiens* for a new examination may be *libitum et sola quies episcopi* when there is question of priests who have been examined by his predecessors; as for those whom he has himself examined, he is justified in calling them to account again *quando adest*

vehemens suspicio de illorum imperitia, nor is it necessary that judicial proof of this *imperitia* be forthcoming. Decr. 15 Jan., 1667 et 22 Sept., 1668. Cf. Bened. XIV, De Synod. diœc. l. 13, cp. 9, n. 21.

V. The Cathedral Penitentiary has also *ordinaria jurisdictio* for the whole diocese in places where the office is established, and he may absolve all belonging to the diocese, even outside the boundaries of the diocese;[440] and this power is secured to him, not by any concession from the bishop, but by a law passed by the Council of Trent.[441]

440 Scavini, l. c. n. 98, nota 230; S. Alph. l. c. nn. 555-558; H. A. n. 81.

441 Sess. XXIV. cp. 8 de reform.

VI. Others may, also, in virtue of the Church's law, acquire *jurisdictio ordinaria*, and as a matter of fact it is enjoyed by *Prelati regulares* with respect to their subjects, by Legates over their province. That of Cardinals over their churches is confined to very narrow limits. Those are regarded as subjects who have domicile or quasi-domicile within the parish or diocese; hence the jurisdiction of bishops and parish priests is primarily local and secondarily personal; that is, it extends to those who have their dwelling in a definite place. On the other hand, the jurisdiction of Regular Prelates is chiefly personal, and is confined to definite local limits only secondarily.

Since the Council of Trent excepts from the further approbation of the bishops only those priests who are in charge of a parish, a difficulty may occur as to the jurisdiction of priests who have no parish, but who exercise a definite *cura spiritualis* over certain subjects. We must inquire first of all into the faculties which the Holy See has annexed to such offices, for since the Council emanated from the Holy See the latter is empowered to make exceptions. The question is of peculiar interest with regard to military chaplains, as to whether they can hear the confessions of soldiers in garrison without the approbation of the bishop of the diocese. No general rule can be laid down for all cases. Wherever a regularly appointed army-bishop or even a *Capellanus major* exists, he generally receives the fullest faculties, not only for hearing the confessions of the soldiers himself, but also for appointing other priests or chaplains to that duty without consulting the bishop of the diocese;[442] otherwise no military chaplain may hear the confessions of soldiers in garrison without special powers from the Pope or the permission and approbation of the Ordinary.[443] Thus their faculties are confined to the soldiers when on the march or in camp.

442 Scavini, l. c. n. 231; Benedict XIV, Quoniam, 28 Maj., 1746.

443 Acta S. Sed. Vol. I. p. 681, Resp. 6 Mart., 1694, 29 Jan., 1707, in Frising.

All who have *jurisdictio ordinaria* can receive the confessions of their subjects and absolve them wherever they happen to be, for such jurisdiction belongs to their office and accompanies them everywhere. Thus a parish priest can always hear the confessions of his parishioners whether he be within or beyond the bounds of his parish and diocese or not. A curate, chaplain, or other assistant priest cannot receive confessions outside the diocese, even if he have faculties for the whole diocese; to do so he would have to apply to the bishop of the diocese in which the penitent happens to be.

De jure a parish priest is approved only for the territory of his benefice "*pro suo tantum oppido ubi sita sit parochialis ecclesia*," according to the decrees of the S. C. C.[444] He may not, therefore, when in another diocese, hear the confessions of strangers (who are not his own subjects) without leave of the bishop of that diocese. Indeed, *per se*, he may not hear the confessions of strangers in another parish even of

his own diocese. At the present day, however, it is the practice sanctioned either by law or by custom that parish priests and their curates may hear confessions anywhere within the diocese.[445]

444 Bouix, De Parocho, p. iv. cp. 14.

445 Gobat, l. c. Tract. 7, n. 45; Gury, Ed. Ratisb. not. ad n. 552.

In his own parish a parish priest may hear the confessions of any one who approaches him, even strangers, since he is the approved confessor in his own parish.

Jurisdictio ordinaria is lost: (*a*) by loss of the office or benefice to which it is attached; (*b*) by excommunication or suspension if the censure carries the stigma "*vitandus*." Other excommunications or suspensions impede only the licit exercise (*licitus usus*) of the powers.

38. The Minister of the Sacrament with Delegated Jurisdiction or Approbation

I. All priests who have not *jurisdictio ordinaria*, but act only *ex jurisdictione delegata*, require for the licit and valid exercise of their office the approbation of the bishop of the place where they hear confessions, unless they enjoy some special privilege from the Holy See. The Constitution of Innocent XII, 9 Apr., 1700, "Cum Sicut," is very explicit in this matter, as is also that of Innocent XIII, 23 Sept., 1723, "Apostolici muneris," which was confirmed by Benedict XIV in his Constitution, 5 Aug., 1744, "Apostolica indulta," in the following words: "No priest, whether secular or regular, may hear confessions without the approbation of the Ordinary of the diocese where the penitent dwells or sojourns, and it is expressly decreed that all privileges to choose a confessor from the clergy approved by the bishop are to be understood only as giving powers to choose any one approved by the bishop of the place where the confession is made."[446]

446 After the Council of Trent, a lengthy controversy arose among the theologians as to which bishop ought to give the approbation to the confessor; many thought it was the confessor's bishop, others the penitent's; with regard to exempted Regulars, it seemed probable that a single approbation, without restrictions from any bishop at all, was sufficient, since they are not the subjects of the bishops; this had been granted by Clement VII and Sixtus V; moreover, Gregory XIII gave Religious, when on a journey, the power of hearing confessions, provided they had the sanction of their Superior and approbation from any bishop; this privilege, however, was not to be made use of in the towns or places where the bishop was actually residing, without the latter's permission. Innocent XII, however, withdrew all privileges contrary to his bull. S. Alph. l. c. n. 458.

Since the conferring of approbation is not an act of the *Ordo episcopalis* but of episcopal jurisdiction, all who have ordinary episcopal jurisdiction can grant approbation, thus: (1) the bishop elect and confirmed, though not yet ordained; (2) the vicar-general since he exercises the jurisdiction of the bishop; (3) the vicar-capitular *sede vacante*, since he succeeds to the jurisdiction of the bishop; (4) vicars-apostolic who are appointed by the Pope in place of bishops; and (5) abbots who are not affiliated to a diocese.

The bishop may insist on an examination before granting approbation, though he may dispense with it since there are other means of ascertaining the fitness of a priest for hearing confessions.[447] Any priest whether secular or regular may be called on again for examination by the bishop, if the latter has not approved the candidate himself, although a former bishop may have done so. A confessor even approved by his own Ordinary may be examined if he has received approbation without undergoing examination. Those, however, whom the bishop has approved after an examination may not be reëxamined without a *justa causa*.[448] A bishop sins by refusing approbation to a competent priest, for all priests have a claim to approbation in virtue of their sacerdotal character, so that to deny it to a suitable candidate would be an infringement of his rights.

447 Trid. l. c. and the Constit. "Superna," Clem. X, etc.

448 S. Alph. l. c. n. 552; H. A. 75.

The approbation which is necessary for a valid absolution may not be presumed; it must be actually conferred and made known to the priest; for since there is question of the *validity* of an act, only the faculties which the bishop has really conferred, not those which he will grant, can be considered. Hence when a priest applies for faculties he cannot hear confessions till he has received them, even

when from his knowledge of the bishop he feels confident of receiving the faculties and knows that they are already on the way. The faculties may be acted upon when conveyed verbally by any trustworthy person.[449]

449 S. Alph. l. c. n. 570; H. A. n. 83. Lehmkuhl is of opinion that a priest who is convinced of the bishop's consent to his demand for approbation, may give absolution validly, but not licitly, when the paper granting the faculties has been signed and sent off, so that it cannot be reclaimed or changed except by a message directed to the priest himself, or when the bishop has given the paper containing the approbation to the priest's messenger, who has not yet delivered it. Lehmkuhl, l. c. n. 380, nota.

Approbation is required even before absolving from venial sins already confessed; after the decree of Innocent XI, 1679, we cannot any longer assume that the Church here supplies jurisdiction to the priest.[450]

450 S. Alph. l. c. nn. 543, 582; H. A. 76, 132.

A bishop in traveling may take with him any of his priests to accompany him as confessor; but if the priest is not a subject of said bishop (whether by domicile or quasi-domicile), he may not receive the confession of the bishop unless he be approved, as St. Alphonsus adds, by the bishop of the priest's domicile (Fagnani and Lugo) or, as Scavini remarks, by the bishop of the place; the Congregation S. C. C. decreed so early as 1609 that a bishop outside his own diocese might confess only to a priest approved *ab ordinario loci* (except, of course, when the priest is a subject of the bishop), so that Scavini's decision is the norm to be observed in practice.[451]

451 Confirmed by Greg. XIII, 1 Dec., 1582.

Cardinals, papal domestic prelates, and royalty may choose any approved confessor and be absolved by him anywhere. Even in Rome itself Cardinals and bishops may choose for themselves and for their household any suitable priest as confessor and retain him with them for that purpose also when they leave the city.[452]

452 Cf. S. Alph. and the other authors quoted above. Ballerini, Op. Theol. Mor. l. c., *Quid sit approbatio et a quo petenda*, n. 546 ss.

A bishop can give faculties for hearing confessions in his own diocese to a priest belonging to another diocese, for the latter *in ordine ad hoc opus* is subject to the bishop of the diocese where the confessions are heard. This is the universal practice in the Church.

A parish priest cannot of his own authority give faculties to a priest of another diocese to hear the confessions of his own parishioners because the *jurisdictio ordinaria* which goes along with the benefice extends only to the parish in his own charge. There is a custom, however, in many places among parish priests in outlying districts of the diocese to authorize the priest of a neighboring diocese to assist them in hearing confessions. This custom, which is recognized by the bishops, confers jurisdiction *ex tacita episcoporum approbatione*.[453] Thus many bishops have an explicit agreement by which approved priests of neighboring dioceses may assist one another in the confessional. Those who supply in another diocese, however, must pay attention to the cases reserved to the bishop in that diocese, since for the time being they are subject to him *in ordine ad hoc munus*.

453 Cf. S. Alph. l. c. n. 544; H. A. n. 77.

II. Approbation may be granted without any limitations; the bishop may, if he wish, limit the approbation according to time, place, and persons, most certainly if the approbation include

jurisdiction, for the whole subject is one of delegation and all delegation is regulated by the intention of the Superior. Even when approbation in the strict sense only is conferred the bishop may *ex rationabili causa* confine it within a given time, a fixed place, or over a certain class of persons (children, men). The grounds for such a limitation might be, for instance, defects of ability, care, or study.

III. The bishop may not only impose limits in his approbation, but he may also recall it entirely, for all delegated authority exists only at the pleasure of the Superior; reasonable grounds must exist for such withdrawal if it is to be licit. It is a debated point among theologians whether withdrawal without any grounds is valid or not. The view that such withdrawal is invalid because it is an unjust deprivation of rights conferred, is certainly probable and maintained, among others, by Suarez, Lugo, and St. Alphonsus; but since it is not easy to establish the want of just grounds the view is of but little practical application; the bishop may be acting upon reasons which are unknown to his clergy, and while doubts remain, the presumption is always in favor of the bishop.[454]

454 S. Alph. n. 551; H. A. n. 75.

IV. When the approbation is granted for a fixed length of time it ceases after that period; otherwise only by withdrawal; when given without any limitations it does not cease with the death of the giver, nor even when the recipient changes his domicile. This may be considered quite certain with regard to Regulars who have once received unlimited approbation.[455]

455 Whenever both jurisdiction and approbation are granted on account of the office which the priest exercises as a subject of the bishop, they lapse on the office being surrendered. Hence a secular priest who has had faculties to hear confessions in some diocese in virtue of a chaplaincy or other appointment, is deprived of these faculties on being changed to another diocese unless the bishop is distinctly understood to wish to continue them. The same holds true for a Religious who has received faculties from his local Superior; his faculties lapse when he is removed to another diocese and do not revive merely by his return to the scene of his former labors. Lehmkuhl, l. c. n. 381, nota 1.

Regulars, on account of their privileges and dependence on the Holy See, are distinguished in many details from the secular priesthood with regard to jurisdiction.

V. The secular clergy receive jurisdiction and approbation either from their own bishop or from the bishop in whose diocese they are hearing confessions. Regulars receive jurisdiction from the Sovereign Pontiff through their Superiors, who must confer the jurisdiction as from the Pope, not like the bishops granting it on their own authority, but only as representatives of the Apostolic See. Besides this jurisdiction they must also have the approbation of the *Episcopus loci*; then as far as jurisdiction is considered they may absolve any one.[456]

456 Lehmkuhl, l. c. Sect. I. art. III. n. 379. Gury, II De Sacram. Pœnit. P. III. cp. I. art. II. Append. n. 557. Scavini, Tract. III. Disp. I. cp. 3, art. 3, 519. Aertnys on Approbation says: *in sensu quo Concilium Tridentinum usurpat, approbatio dicenda videtur facultas audiendi confessiones ab Episcopo facta Sacerdoti qui idoneus judicatus est*—and he supposes that Regulars do not, as many maintain, receive jurisdiction from the Pope. He appeals to the S. C. Ep. et Reg. 2 Mar., 1866, also Extrao. comm. cp. 2 de sepult ex clement., cp. 2 de sepult. and Extrao. comm. cap. un. de judic., where the Pope gives jurisdiction to a Regular only when it has been refused by the bishop, whence it would seem that jurisdiction proceeds from the bishop except in the cases where he refuses to give it. Still it remains to be proved that Regulars do not receive jurisdiction from the Pope through their Superiors and approbation from the bishop. Cf. Gury, Edit. Ratisb. V. in Germania, Nota Editoris ad n. 557.

Though all Regulars have jurisdiction from the Pope they cannot hear confessions without the approbation of the bishop, which may not be refused without just and reasonable motives; of these,

however, the Regular is not the judge, and if he be refused approbation, he is effectually debarred from hearing confessions.[457]

457 Cf. Thesis 13 ab Alexand. VII. proscript.

Clement X imposed certain limitations on bishops with regard to the granting or refusing of approbation to the Regular clergy. He decreed:[458]—

458 Const. Superna.

1. That Religious who were proved capable of hearing confessions, should be permitted by the bishop to hear confessions anywhere in the diocese without restriction of time, place, or person; with regard, however, to those who were not so well prepared the bishop should be left to his own judgment in the matter of imposing restrictions.

2. Those who had once received approbation might hear the confessions of any of the faithful, even of the sick, without leave of the parish priest or even of the bishop, at any time of the year, including even Easter, within the diocese of the bishop who conferred the approbation; in cases where they had heard the confessions of the sick they should inform the parish priest, at least by a letter left with the sick person; the penalty for neglect in this matter being suspension from the right of hearing confessions. (The latter obligation is not enforced in missionary countries, where by general consent any approved priest may hear the confessions of the sick.)

3. Any Regular who has been approved by the bishop after examination and without any restriction cannot be called again for examination by his bishop (this does not hold when the faculties have been obtained from the vicar-general or the predecessor of the bishop), nor can he be suspended from hearing confessions; moreover he cannot even be deprived of his faculties unless for reasons connected with the Sacrament itself; the reasons for such objection need not be judicially proved, nor is the bishop obliged to communicate them himself to the Regular in question, but he must reveal them to the Pope if the latter insists on being informed of them. Hence in the whole process the Regular must act in submission to the bishop, and if he be convinced that he is treated unjustly, he may have recourse to the Holy See; in the meantime, however, his attitude must be one of submission.

4. Though a blameless life and unspotted morals are of the greatest moment in the ministers of this Sacrament ... no bishop can deprive a whole community of faculties on the ground of general unfitness, without consulting the Holy See.

Hence we conclude:—

1. Approbation is justly limited in the case of Religious who have not passed an examination.

2. Approved Regulars may be recalled for examination: (*a*) when they have received approbation without examination, (*b*) when after examination they have received only limited approbation; (*c*) when this approbation has been received from the vicar-general or the bishop's predecessor, and this though the examination has been passed and unlimited approbation conferred; (*d*)

when any reason is presented connected with the Sacrament itself; and this holds for those who after examination even have received the fullest approbation from the bishop himself.[459]

459 Lehmkuhl, l. c. n. 382; cf. Gury, l. c.; cf. Ballerini, Op. Theol. Mor. l. c. cp. II. n. 583 ss.

Except in the case of special legislation to the contrary on the part of the Holy See any Religious may receive both jurisdiction and approbation *ab Episcopo loci*, and at the present day that is the way in which bishops understand the conferring of approbation. This view solves the question of the validity of absolution given by a Religious without the knowledge or even against the will of his Superior.[460]

460 The case is solved by Aertnys, who quotes a decree S. C. Ep. et Reg. 2 Mar., 1866 (Acta S. Sedis, vol. I. p. 683): *"An religiosus non approbatus juxta leges proprii Ordinis a suo Superiore vel ipso invito cum sola facultate ordinarii valide excipiat confessiones sæcularium."* R. *"Affirmative."* It is needless to say, of course, that such conduct is illicit.

Moreover, Religious Superiors may receive from the bishop the power of imparting faculties to their subjects; the extent of the faculties must, of course, be ascertained. When, for example, the bishop gives general faculties, reserved cases are not included even when they are not expressly excepted.[461] When the bishop gives more extended faculties, as, for instance, on the occasion of a mission, and a Religious Superior imparts to his subjects these faculties for the mission, he is supposed to give *all the faculties* which he has received from the bishop, because he is then acting only as the bishop's mouthpiece unless, of course, he states the contrary. When, again, the bishop gives faculties for a special object they are not to be used for anything beyond that object; it is another question when some special work is seized upon only as an occasion for asking and giving faculties.[462]

461 In accordance with the Rule of Boniface VIII, l. 5, tit. 10, cp. 2 in 6°.

462 Lehmkuhl, l. c. n. 383.

VI. Strangers (*peregrini*), *i.e.* those who are not in the diocese of their domicile or quasi-domicile, may be absolved by a Religious without any difficulty as subjects of the Pope (from whom the Religious presumably receives *jurisdictio delegata*); they may also in virtue of an old and approved custom in the Church be absolved by any other confessor. This is the unanimous verdict of all theologians, though there is diversity of opinion as to the theory which justifies the practice of secular priests in this matter, nor is the manner of solving the question an indifferent matter; if, for instance, a stranger is absolved in virtue of the jurisdiction which *his own* bishop confers on the priest, the bishop can absolutely forbid him to seek absolution from a strange priest by declaring such absolution invalid; (this, of course, applies to secular priests; with regard to Religious confessors there is no difficulty).[463] Thus on the solution of this question depends the power over cases reserved in another diocese. Some theologians now maintain that the jurisdiction of a priest over a stranger is based on the tacit consent[464] of all the bishops, while others hold that it is a universal custom of the Church having the force of law.[465] But neither the *consensus Episcoporum*, nor *consuetudo*, even when the latter has the force of law, can convey jurisdiction if we are to follow the teaching of the Church; we must suppose, then, that the propounders of such a view meant to state it thus: the Church, *i.e.* the Pope, either makes the *Episcopus loci* an *Episcopus peregrinorum*, or he delegates *his own* jurisdiction to all confessors. Since the first view is hardly possible, they are forced to the conclusion that the Pope, either by express or legal consent to the universal custom, grants to all approved confessors a delegated jurisdiction to absolve strangers. It is beyond all doubt that this view is probable especially when we add the weight of St. Alphonsus' authority. The case, however, is not quite certain, for the

existence of the custom seems to prove no more than that the *bishops themselves* as a rule give a tacit consent to the arrangement, and it does not prove that the bishops are obliged to agree *in every case* to this arrangement, or that their power over a subject is withdrawn by the fact of his occasionally leaving the diocese; and it still remains to be proved that the Pope so entirely approves of the practice as to consent to break through the natural order of things by which all authority is communicated through immediate Superiors, not directly from the fountainhead; at the same time it is beyond all question that the Pope can if he so wishes empower any secular priest to hear the confessions of *peregrini*; and if a bishop were without any pressing reason to forbid his subjects to confess outside their own diocese, the Holy See could always be petitioned to apply a suitable remedy for such a prohibition, since under the present condition of things there must always be many people living outside of their own diocese.[466]

463 Cf. Gury, l. c. n. 555, Q. 13, Edit. Roman. Whether a bishop can forbid his diocesans to make their confessions outside his diocese under pain of invalidity.

464 Gury, cf. l. c. Edit. Ratisb. ad nn. 554, 555, also Nota Edit.

465 Cf. S. Alph. l. c. n. 569: *spectato consensu Episcoporum et consuetudine*.

466 Zeitschrift für kathol. Theol., Innsbruck. 1881; Lehmkuhl, l. c. n. 385.

Other theologians teach that *peregrini* by the very fact of presenting themselves at the tribunal of penance in another diocese become subjects of the *Episcopus loci* or of the priest who derives his faculties from him, and this *ex universali consensu quem P. M. Eugenius IV approbavit*.[467] But does the wish to receive the Sacrament make the *peregrinus* a subject of the bishop or the bishop his superior? Whoever maintains this and grants that the *Episcopus loci* is not the bishop of the *peregrinus*, states in other words that one who is not actually a superior may be judge *in foro interno*. But is such a statement in accordance with divine right? In any case the *peregrinus* remains the subject of the bishop of the diocese in which he has domicile or quasi-domicile, and no proof can be adduced that the bishop of the place in which the *peregrinus* makes his confession has, by virtue of his office, power to absolve him; he can do that only when he is superior in right of his office, and he can be superior only when he is the bishop of the *peregrinus*, since human and divine law recognize no other ecclesiastical superior than Pope, bishop, parish priest, or their substitutes. But no one would maintain that the *Episcopus loci* is the true bishop of the *peregrinus*.

467 See Müller, l. c. § 135, n. 5. Müller also appeals to St. Alphonsus; Lugo, Disp. 20, Sect. 5, nn. 70, 72; Suarez, De Pœnit. Disp. 30, Sect. 1, n. 4; and many others.

Finally, other theologians explain the jurisdiction of the secular priest over *peregrini* in this manner: that the bishop of the *peregrinus* grants tacitly the faculties to every approved priest and is generally obliged to do so.[468] The ecumenical synods of Florence, Trent, and the Lateran declare that the absolution granted by any other than one's own Ordinary is invalid unless leave be obtained from him. Now such a permission is either a direct or indirect imparting of jurisdiction; hence every absolution is invalid which is given without jurisdiction from the bishop of the penitent. It is on this ground that theologians and canonists alike, whether of the older or more recent school, insist upon the necessity of a consent on the part of the Superior or bishop of the penitent in the case of confessions made outside his own diocese. Ballerini (l. c. Dissert. n. 33 ss) concludes his learned investigation of this question in answer to the objections of the *Vindiciæ Alphonsianæ* with the following propositions, which are not mere speculative conclusions, but are in fact the teaching of the

Church, resting as they do on the very essence and nature of the Sacrament as solemnly explained and defined by the Holy See and ecumenical councils: (1) in order to absolve a *peregrinus*, faculties must be granted by one who has ordinary jurisdiction over the penitent; (2) the existence of the custom of absolving *peregrini* outside their diocese neither conveys nor can convey the necessary jurisdiction; (3) jurisdiction is given by approbation or consent (express or tacit) or leave (implicit or explicit) of the Ordinary or of the particular pastor of the *peregrinus*; (4) this approbation or consent includes the imparting of jurisdiction to the confessor chosen by the *peregrinus*; (5) a sufficient indication of this consent exists in the tolerance of a custom with the knowledge of the bishop and without any remonstrance on his part; (6) the delegation of jurisdiction depends on this consent in such wise that the pastor of souls may, at his own option, retract his consent, thus abolishing the custom and withdrawing entirely the power to absolve his subjects. All these statements are incontrovertible.

468 Cf. Ballerini, Notæ ad Gury, l. c. ad n. 555, Q. 14; Ballerini, Op. Theol. Mor. vol. V. l. c. cp. II. nn. 613-627, *Appendix-Dissertatio*: De absolutione peregrinorum, pp. 769-855, and Lehmkuhl, l. c. nn. 379 et 384.

Hence since a penitent can be absolved by his own bishop or by the delegate of the latter, since the bishop of the *peregrinus* remains his superior in spite of the penitent being in another diocese transitorily, the latter can be absolved only in virtue of power granted tacitly by his own bishop.[469]

469 Cf. Ballerini, Op. Theol. Moral. l. c. cp. II. De jurisdict. Conf. nn. 613-627.

VII. As *Vagi* have no fixed domicile, their spiritual superior is the Pope, and by virtue of his express or tacit delegation they may be absolved by any approved confessor wherever they happen to be; but they cannot be absolved by any but those approved for the place where the confession is made.

It will be asked: Who is to give approbation for absolving travelers on the sea? This point has been settled in a very simple manner by a recent decree of the Congregation of the Inquisition. Any priest, approved by his Ordinary, may hear the confession of his fellow-travelers while the voyage is in process, though they pass through or stop off for a time in the territory of another bishop.[470]

470 Decr. 4 Apr., 1900.

39. Jurisdictio Delegata Extraordinaria, or, the Supplying of Deficient Jurisdiction by the Church

There is another kind of jurisdiction, viz.: when the Church makes good the deficiency of delegation; here jurisdiction is conveyed "*supplente Ecclesia*."

Let it be remarked at the outset that it is by no means permissible to perform any act for which jurisdiction is necessary—therefore to give absolution—when the absence of jurisdiction is certain, even if the Church should supply to insure validity of the act. When jurisdiction is doubtful, it may be allowable to perform the act, especially if the Church really does supply. Before discussing the matter itself we must explain what is meant by the axiom: "The Church makes good deficient jurisdiction." The meaning of it is this: the Church, or the highest judicial authority of the Church, confers, in an exceptional manner, jurisdiction for individual acts, and the Church does this for the general welfare *in ipso actu*, that is, in the performance of the act itself.[471] There is, accordingly, a great difference between the jurisdiction which a man actually possesses, and that which he exercises "*supplente Ecclesia*." In the first case I possess the jurisdiction before I begin the act, before I hear the confession, or perform any other act for which jurisdiction is required; indeed, I possess it in most cases *habitualiter*. I possess it also when the act is completed. But he who absolves or performs any other function *supplente Ecclesia* receives the jurisdiction only when the action has already begun—in this case when he is about to pronounce absolution—in order that he may carry to its end the confession which has begun; the action once completed,—in this case the absolution being pronounced,—he has no further jurisdiction. When, therefore, previous to an action, a priest already *probabiliter* possesses jurisdiction, the Church, if she supplies, must do so only conditionally, upon the presumption that he possessed no jurisdiction; that is, when that jurisdiction which he was believed to have was as a matter of fact not existing.

471 Lessius, De justitia et jure, l. 2, cp. 29, nn. 65 and 68.

The Church supplies deficiency of jurisdiction:—

1. When one who exercises a power possesses a *titulus coloratus* for this power, and when, at the same time, the error is general amongst the faithful, in such sort that the absence of real power is mostly unknown. A *titulus coloratus* (apparent title) is one that is in itself false, but yet really exists; that is, one which has been conferred by lawful authority and, therefore, bears the appearance and outward form of a true title, even when, for some cause or other, it is void by an essential defect.[472] The supplying action of the Church in this case is based upon the right itself which she has conferred and ratified; this is the teaching of all theologians.[473] The Church, they say, supplies as a good mother in the interest of the welfare of souls.[474]

472 A priest, for example, who has obtained a parish by simony, has, according to canon law, an invalid title. But if he was appointed to the parish by a lawful bishop, he has an "apparent title."

473 Cap. "infamis," caus. 3, Q. 7 (c. 1).

474 S. Alph. l. c. n. 572.

2. When there is no *titulus coloratus* but only *error communis*,[475] many theologians are of opinion that the Church supplies in this case also for the general welfare.

475 In forming a judgment as to whether *error communis* or *error paucorum* is in question, we must not consider if many or few seek administration of the Sacrament of Penance from one possessing no lawful power, but if many or few have been aware of the absence of power.

St. Alphonsus adopts this opinion as probable, because the Church supplies for defective jurisdiction more with a view to the common good than out of consideration for the title.[476] It will scarcely, however, be possible to assign to this opinion a real and substantial probability; a number of theologians are indeed in favor of it, but not a few of considerable repute are opposed to it (Lugo, Sanchez, Lessius, and others). It is, therefore, canon law which must decide the question, the more so, as we have not to do directly with what may be allowed or not, but with the positive conferring of, possibly, non-existent jurisdiction. Now what is to be gathered from the canon law on this point seems plainly opposed to the more lenient view given in a decision of the S. C. Conc. of 11 December, 1683, which Benedict XIV[477] cites to settle the question. The matter remains, therefore, doubtful. The harm, however, which can result from the negative opinion is not very great, as a confessor cannot long exercise his office without title, and such harm is made good by subsequent communion or confession. Several theologians, moreover, rightly maintain that the faithful are not bound in this case to repeat those confessions which they have, *bona fide*, made to a priest, who, *ex communi errore*, passed for a confessor.

476 S. Alph. n. 572.

477 Instit. 84, n. 22.

3. But when there is question not of *error communis* but only of *error privatus* in a few persons, the Church certainly does not supply the defective jurisdiction, because here the *bonum commune* is not at stake.[478]

478 S. Alph. l. c.; Gury, Ed. Ratisb. V. ad n. 548, Q. II; Aertnys, l. c. n. 226, Q. III; Ballerini, Op. Theol. Mor. l. c. cp. II. nn. 636-639.

From this it follows:—

1. That it is not allowed knowingly to make use of a power arising only from an "apparent" title, although the Church should positively supply; but he who is not aware of the defect of his title —this title being in reality only an apparent title—has nothing to rectify subsequently, as his actions were valid (*supplente Ecclesia*).

2. Still less is it allowable for one who knows that he possesses neither power nor title to act on the ground of general error; in the first place, because he assumes a power which he does not possess, and because, moreover, he exposes to danger those who are most interested in the validity of his actions.

Connected with the above is the question: does *jurisdictio probabilis* or *dubia* suffice for the valid and lawful administration of absolution. The question turns only on *probabilitas juris*, a solidly probable, though not necessarily certain, interpretation of the law declaring that jurisdiction is possessed. This

may occur with regard to the questions: whether the jurisdiction possessed extends to this or that case, to this or that person? or, whether the jurisdiction once possessed has been revoked?

But a jurisdiction is doubtful when the uncertainty of it rests upon a doubt or a probable *fact*. Upon this distinction between probable and doubtful jurisdiction we must insist. St. Alphonsus[479] does so, and that chiefly in order to show that, in the case of a *dubium facti*,—thus, doubtful jurisdiction,—the faculty for the exercise and the validity of the act (here of absolution) *always* remains *doubtful*, whereas, in the case of *probabilitas juris*, the validity of the action after it has been performed is morally certain. When such probable jurisdiction (*probabilitas juris*) is in question, it is, as St. Alphonsus teaches, morally certain that the Church confers jurisdiction, if it has previously (*antecedenter*) been wanting. The saint calls this teaching *communissima*, and demonstrates it by the fact that the Church, in the person of her chief pastor, tacitly tolerates the old custom of absolving with such jurisdiction, and thus sufficiently expresses her consent.

479 Lib. VI. nn. 571, 573.

With regard to the *jurisdictio dubia*, however, the contentions of many authors are not of this nature.[480] If many are of opinion that the Church supplies in this case also, and base their opinion upon the fact that the Church supplies when there is only *error communis* and not *titulus coloratus*, we need but refer to what has been previously said upon this head.[481]

480 S. Alph. Lib. VI. n. 432; Lacroix, l. c. L. VI. P. I. n. 110 ss.; Lessius, l. c. L. II. cp. 28, nn. 67 et 68; Reuter, Theol. Mor. P. IV. n. 53.

481 Cf. S. Alph. l. c. n. 572; Gury-Ballerini, l. c. n. 548, Edit. Ratisb. l. c.; Ballerini, Op. Theol. Mor. l. c. cp. II. De Jurisdict. nn. 628-636.

According to this it is morally certain that the Church, in the case of previous *juris probabilitas*, supplies *jurisdiction*. But if the jurisdiction is doubtful on account of a *dubium facti*, the Church does not supply if the error exists only with a few; as the error is usually general, it remains doubtful whether the Church supplies. It is not always wrong to use doubtful jurisdiction in administering the Sacrament of Penance, particularly when the reason for it is pressing, when absolution is urgently necessary, and when it would be better to absolve with doubtful validity than not to absolve at all. But in this case it would always be necessary to instruct the penitent as to the value of the absolution administered.

According to the teaching of St. Alphonsus, absolution may be administered with a doubtful jurisdiction in the following cases: (1) When the obligation of yearly confession must be fulfilled exactly at that time; (2) when the penitent must say Mass or communicate, and this cannot be omitted without bringing upon himself disgrace; (3) when the priest must say Mass in fulfilment of his duty. In these cases a priest possessing only doubtful jurisdiction may absolve conditionally when no other confessor is at hand.[482] But the saintly Doctor[483] remarks that, in this case, the confessor would be bound to inform the penitent who had accused himself of mortal sin that he had been only conditionally absolved, so that if afterwards it should become manifest that the confessor really possessed no jurisdiction, the penitent might fulfill his duty of confessing his sins again.[484]

482 Lehmkuhl adds the following case: when a priest has, *bona fide*, began to hear a confession, and a doubt has arisen in his mind as to whether the period of his approbation has expired, there being no possibility of satisfying himself upon the point, this confession, begun and considerably advanced, may be concluded if great inconvenience would otherwise result to confessor and penitent; the confessor must, however, inform the penitent that the absolution

administered was of doubtful validity; but if he could, without great inconvenience to either party, break off the confession, he must do so. Lehmkuhl, l. c. n. 390, nota 1.

483 L. c. n. 432.

484 Cf. Lehmkuhl, l. c. nn. 390 and 391.

In order to absolve with probable jurisdiction, a legitimate reason is necessary and this exists: (1) When the penitent stands in special need of the help of this particular priest; (2) when the accomplice of the penitent is known to the confessor who possesses certain jurisdiction, but unknown to him who possesses only probable jurisdiction; (3) if the penitent were under an urgent obligation of confessing, if a particular indulgence were to be gained, if the penitent would not be able to confess for a long time, and a priest with certain jurisdiction were not at hand.[485]

485 S. Alph. Lib. VI. nn. 573, 600; H. A. n. 91, with Suarez, Gobat, Elbel, Sporer, etc.

A special case in which the Church supplies deficient jurisdiction is *in articulo mortis*.

The necessary jurisdiction for the absolution of dying persons is conferred by the Church upon any priest, when no approved confessor is at hand, so that any priest may absolve dying persons from all sins.[486]

486 Cf. Trid. Sess. XIV. c. 7, where reserved cases are spoken of, and the following is decreed: "That no one may perish, it has always been the usage of the Church that there should be no reservation at the hour of death, and, therefore, that all priests may absolve any penitent from any sins and censures whatever." These words of the Council are variously interpreted, some believing that all priests, without exception, receive jurisdiction from the Church, others believing that it is necessary to affix a limitation: when no other approved priest is at hand to whom the dying person could easily and without danger confess; these latter, therefore, limit the words *"omnes sacerdotes"* on account of the intention expressed in the preceding words: *"ne quis pereat,"* and the other ones: *"ut nulla sit reservatio,"* maintaining that these words indicate that there is question of priests who otherwise possessed jurisdiction, namely, "when no otherwise approved priest is at hand." According to the first interpretation, and the opinion based upon it, a *sacerdos simplex* (therefore *non approbatus*) could *valide* administer absolution to a dying person in presence of approved priests. A great number of theologians defend this opinion (Ballerini mentions twenty-five in his notes to Gury, l. c. ad n. 551, Q. 8, and in his Opus. Theol. Mor. l. c. cp. II. De jurisdict. Conf. n. 581), and St. Alphonsus does not venture to reject it, though, in spite of the reasons advanced by these authorities, he maintains that a *simplex sacerdos* can only absolve a dying person when no other approved priest is at hand, and he is supported in this opinion by the authority of the Roman Ritual, which (De Sacram. Pœnit. sub init.) teaches that: when danger of death threatens, and an approved priest is not present, any priest can absolve from all sins and censures. This opinion of St. Alphonsus is the most general, though, according to Ballerini and Lehmkuhl, probability is not to be denied to the other opinion, in view of the authority of so many theologians, and in accordance with the rules of interpretation.

An approved priest is considered not to be present, not only when he is bodily but also morally out of reach; that is, in the following cases: (1) When the approved priest who is present does not wish to hear the confession of the dying person or cannot hear it, for in such a case he would be practically absent; (2) when he is excommunicated or suspended;[487] (3) if an approved priest should arrive when the confession to the unapproved priest has already begun; (4) if an approved priest were *complex* of the dying person *in peccato turpi*;[488] (5) if this priest is so displeasing to the sick person that the latter would be in danger of sacrilegious confession; there would then be danger of the soul of the sick person being lost, a risk which it was the intention of the Council of Trent to obviate.[489]

487 Such a priest may *valide* absolve a dying person if no other priest be present, for the Tridentine says: *quilibet sacerdos* may absolve *in articulo mortis*. Cf. S. Alph. l. c. n. 560 circa fin.; Gury-Ballerini, l. c. n. 550. But it is not difficult to see why *deficiente alio sacerdote* is added here; for the *communicatio in sacris* with heretics and with excommunicated persons

who are to be avoided (*excommunicati vitandi*) is a grave sin, unless when excused by necessity; a penitent, therefore, would himself commit a grave sin if he should solicit absolution from a heretical priest, or one to be avoided (a *vitandus*), unless no other priest should be at hand. To ask the Sacrament of Penance from such an unhappy priest, and to receive it, even when it is allowed, appears, however, to be in any case a dangerous proceeding; evil influence at the most important moment of human life, and also scandal to others, are to be feared.

488 See § 46.

489 S. Alph. l. c. nn. 562, 563.

What has been said above concerning the administration of absolution *in articulo mortis* stands good also for its administration *in quolibet gravi periculo mortis*.[490] For the two situations are generally considered as identical; moreover, the Ritual says: "When danger of death threatens;" besides there is a divine precept to confess when there is danger of death also, and thus there arises a case of necessity.

490 There is *periculum mortis* when the illness is such as may, according to the judgment of the physicians, and experience, result in death, *sive id absolute, idest generatim pro omnibus verificetur, sive respective propter circumstantias hujus infirmi*. Ballerini, l. c.

A grave *periculum mortis* is considered to exist: (1) In a dangerous illness; (2) in times of plague; (3) at a difficult birth; (4) before a very difficult surgical operation; (5) in battle, or shortly before it; (6) before a very dangerous sea voyage, etc.[491]

491 S. Alph. l. c. n. 561.

40. The Administration of the Sacrament of Penance to Members of Religious Orders

Hitherto we have treated of the powers necessary to the ministers of the Sacrament of Penance—secular and regular priests—in order that they may validly and lawfully hear the confessions of lay people (*seculares*). It remains now to discuss the regulations laid down by the Church concerning the jurisdiction over men and women belonging to Religious Orders emitting *vota solemnia*.

I. The Superiors of Religious Orders, or the local Superiors, although they possess full jurisdiction over their subjects *in foro interno*, are bound to appoint others as confessors, so that the subjects may not be obliged to confess to their own Superiors; it is only in certain definite cases that a subject is bound to go to confession to his Superior. The inmates of a religious house may indeed confess to their Superiors, and the latter must hear their confessions; but this must be left to the option of the subordinates. One or more confessors may, however, be nominated in the individual houses, so that no religious can validly confess to any other but these; unless a confessor has received special powers for this purpose from the Holy See or from the Roman Penitentiary.[492] Only when a Jubilee occurs and usually once may Regulars choose as confessor a priest out of those approved by the *Ordinarius*, in order to gain the Jubilee indulgence. Several confessors are generally nominated so that the subjects may have a choice from among them.[493]

492 Const. Clem. VIII, Rom. Pontif. 1599.

493 Decret. Clem. VIII, Sanctissimus.

II. Confessors for Regulars receive their jurisdiction from the Superiors of the latter. Not only priests belonging to Religious Orders, but also secular priests (even those who have not been approved by their bishops), may be empowered by Superiors to act as confessors to their subjects, unless this be forbidden by the constitutions of the Order.[494]

494 Cf. Mazzotta, l. c. de Pœnit. Disp. 2, Q. 1, cp. 3, § 2.

This faculty belongs to Superiors of Religious Orders by common law, since, by virtue of their exemption from episcopal jurisdiction, they possess *quasi-episcopalem jurisdictionem* over their subordinates. The Council of Trent has altered nothing in this matter, as it speaks only of the jurisdiction or approbation necessary for the confessions of lay people; moreover, Clement VIII has expressly granted this faculty to Superiors of Orders. The confessor of Regulars can absolve those for whom he is appointed confessor, even outside the monastery, as this jurisdiction is not limited to a definite place, and no further approbation of the bishop is necessary.

Regulars who are on a journey or staying outside their monastery must confess to a member of their Order who is near them, even when the latter is not otherwise appointed for confessions; if, however, they have no opportunity of confessing to one of their Order, they may do so to any other regular or secular priest. This priest (according to the *sententia communissima*, which St. Alphonsus considers the more probable) need not even be approved by the *Episcopus loci*,[495] as it is presumed that the Order, or its Superior, confers in such a case delegated jurisdiction upon any priest whom the religious has chosen for his confessor.[496]

495 S. Alph. l. c. n. 575; Aertnys, l. c. n. 232, II. Q.; Lehmkuhl, l. c. n. 395, ad II. 2; Ballerini, Op. Theol. Mor. l. c. n. 640.

496 This freedom, as Lehmkuhl remarks, exists for the members of the Society of Jesus, so that they are not obliged, when on a journey, to seek a priest of their own Order. Certain theologians, however, are unwilling to concede this to all Orders. Benedict XIV, in the Brief "Quod communi," 30 March, 1742, allowed the Capuchins to confess to others not of their Order, attaching the conditions, however, that the priest to whom they confessed must be approved; the same condition was laid down for members of the Augustinian Order on June 3, 1863 (Acta S. Sedis, vol. 1, p. 677), and the S. Pœnitent., 18 April, 1867, the S. C. Ep. et Regul., 3 July, 1862 and 27 Aug., 1852 (see Bucceroni, Enchirid. pp. 127 et 128), demand the same condition for the dispersed Regulars. From which it is to be concluded that the *Sacerdotes idonei*, of whom the privileges of Sixt. IV and Innoc. VIII speak, must be approved priests. Cf. Aertnys, l. c. This seems also to hold for the congregations under *vota simplicia*, who possess the privilege of exemption from episcopal jurisdiction, as this regulation is based not upon the solemnity of the vows, but upon the said exemption.

III. Those who can be validly absolved only by a priest authorized by a Superior of an Order are: not only the religious and their novices, but also lay persons, who, as really belonging to the monastic community, live in the monastery or college; servants, for example, and others who regularly live and take their meals in the monastery.[497]

497 This follows from the Bull Clem. X, Superna, 21 July, 1670, already mentioned, partly printed in Gury, Ed. Ratisb. II. ad n. 559. According to the Council of Trent, all those lay persons are free from episcopal jurisdiction who belong to the household of (real and exempted) Religious Orders. But in order that the servants of a monastery may enjoy this privilege, the following conditions must concur: (1) they must really serve the religious of the monastery; (2) they must live within the inclosure at the expense of the monastery; (3) they must be under obedience to the religious of the Order; this obedience need not be the obedience of the religious; it must, however, be such as servants owe to their masters. Cf. Trid. Sess. XXIV. cp. II. de ref.; Barbosa, de Parocho cum animadvers.; Giraldi, p. 2, cp. 20, n. 12; Gury, l. c. ad 562.

IV. As regards the question whether priests of an Order, by virtue of the authorization of the Superiors of their Order, may also hear the confessions of the inmates of their monasteries intrusted to them for education, theologians do not agree. Some, amongst whom are Gury (n. 564), Lehmkuhl (n. 394), Marc (n. 1763, Q. 2), and Aertnys (n. 232), admit it, pointing out certain Orders to which this has been expressly permitted, and in this privilege (these authorities maintain) the other Orders participate. St. Alphonsus is also of this opinion (583), appealing to Bordone; also Mazzotta (l. c.), Lugo, Schmalzgrueber, and others. Lehmkuhl calls this opinion probable and says: We may, therefore, act according to the principles discussed above concerning probable jurisdiction. However, this does not seem to be generally admissible. For no law accords to Regular priests a general privilege of this kind. The extension to all other Orders of a privilege granted to some is not allowable here, for this privilege derogates from the rights of a third party, in this instance the bishop and the parish priests; and it is clear from the decisions of the sacred congregations that unlimited jurisdiction over their students does not belong to Regulars.[498]

498 Cf. Bouix, de Regul. T. II. p. 5, Sect. 3, c. 2.

On the other hand, Regulars possess jurisdiction over their students: (1) When this jurisdiction is explicitly conferred upon an Order or educational establishment; (2) when the religious have acquired it by legitimate custom; (3) when there is question of religious in the sense that, according to the ordinances of the Council of Trent, the students can be designated as belonging to the household. This latter, however, is not the case when the house in which the educational establishment is situated is not actually the monastic building, or when the members of the Order

and the students do not form an association of the nature of a family. Nor can those pupils be regarded as belonging to the household who pay for their board, and are yearly received into the educational establishment or seminary. But as the matter is a difficult one and difference of opinion prevails amongst theologians, Bouix suggests as a practical solution the removal of such boys or girls from parochial control.[499]

499 Cf. Bouix, l. c.; Gury, Ed. Ratisb. ad n. 564, nota.

41. Jurisdiction and Approbation for the Confessions of Nuns

What we are about to say concerning nuns refers to nuns in the strict sense of the word, namely, to such as have taken solemn vows and are bound by the regulations of the inclosure, but not to the religious congregations which have no inclosure, nor, in general to such nuns as, with permission of their Superiors, are living outside the convent.[500]

500 Although, according to the rules of interpretation, by the word *Moniales* in the Papal Bulls, only *Moniales* in the strict sense are to be understood, that is, the members of a Religious Order approved by the Holy See, who observe the Papal inclosure; yet Benedict XIV has expressly declared, in his Bull "Pastoralis curæ," that the ordinances of the Trid. Sess. XXV. cp. 10 de Regul. et Mon. which contain a part of the present discipline, only apply *claustralibus monialibus*.

The bishop can except from the general approbation any religious female congregation, and if he has done so, the confessors must act conformably. In most dioceses the regulations of the Church concerning confessors of nuns—both ordinary and extraordinary confessors—are extended to the female congregations also which take only simple vows, and are not bound to strict inclosure. This discipline is, in fact, very good, and quite in conformity with the intention of the Holy See.[501]

501 This is clear from a note of the S. C. Ep. et Reg. to the constitutions of the Sisters of the Visitation of the Blessed Virgin (23 July, 1860): "As regards the confessors, the Constit. Bened. XIV, Pastoralis curæ is to be observed, in accordance with which the confessors are to be appointed by the respective bishops." In the constitutions of the Sisters of Nazareth, who have no inclosure, the same congregation decreed on 27 Sept., 1861: "As regards the *Confessor. extraordin.*, the ordinances of the Council of Trent are to be observed, as also the Constit. Benedict XIV, Pastoralis curæ." Cf. Müller, l. c. S. 140.

The following regulations are in force with regard to the confessors of nuns:—

I. Not every priest approved by a bishop can hear the confessions of nuns, but only one who has received special approbation and jurisdiction for the purpose from the *Episcopus loci*. Indeed, the priest approved for one convent cannot *valide* hear the confessions of the nuns of another convent, unless he be generally appointed for the confessions of nuns.[502]

502 Cf. Const. Inscrutabili, Gregor. XV; Const. Superna, Clem. X (21 June, 1670); Const. Pastoralis Officii et Pastoralis curæ, Bened. XIV.

II. The confessors of exempted nuns also require the approbation of the bishop, but they are chosen and appointed by the Superiors of the Orders to whom they (the exempted nuns) are subject; and if these Superiors themselves wish to hear the confessions of the nuns who are subject to them, they must likewise obtain the approbation of the bishop. It is only when the nuns obey Superiors with *quasi episcopal* jurisdiction that their confessor does not require the approbation of the bishop.[503]

503 Cf. Declarat. S. C. C. ad dub. 7 et 8, post Const. Inscrutabili, in Bullario posita.

III. According to the declaration of Clement XI the confessors of nuns should not only be learned, prudent, and pious, but also of mature years.[504] The bishop must, therefore, take care that a confessor be chosen in whom the nuns may have confidence.

504 Scavini, Tract. X. Disp. I. cp. 4, art. 2, n. 123. Ferraris ad v. Moniales, art. 5, n. 49.

Without Papal authorization vicars-general, canons, and others who are bound to observe choir in virtue of a benefice, also parish priests (when the care of souls would materially suffer thereby),

cannot discharge the office of an ordinary confessor. This applies also to priests of a Religious Order with regard to nuns who are immediately subject to the bishop. The former may, however, exercise the office of extraordinary confessors. The ordinary confessor must hear the confessions of nuns as often as it is reasonably demanded of him. Moreover, he must not conduct himself as a Superior of the convent, since, according to the decree of the S. C. Ep. et Reg. 7 Sept., 1797, such authority does not belong to him.[505]

505 Gury, Ed. Ratisbon. T. II. l. c. ad n. 565.

The confessor appointed for nuns shall not discharge his office longer than three years, and cannot, at the expiration of this period, hear confessions in the same convent without permission of the S. C. Ep. et Reg.[506] Several authorities, however (St. Alphonsus, Bouvier, Gury, Scavini), remark that the bishop may allow the confessor to exercise his office longer than three years when other suitable priests are wanting.

506 Cf. Decret. S. C. Ep. et Reg., 20 Sept., 1642.

At the time of a Jubilee, nuns, like Regulars, may, in order to gain the Jubilee indulgence, *once* choose for themselves any confessor from amongst priests approved by the *Episcopus loci* for hearing the confessions of nuns either in general or for a particular convent.[507]

507 Const. Bened. XIV, Benedictus Deus, 25 Dec., 1750.

IV. The bishops, or Superiors of Orders, who are authorized to appoint and choose the ordinary confessor, are bound to appoint an *extraordinary* confessor for the nuns subject to them two or three times a year.

Although the nuns are not bound to confess to this extraordinary confessor, they must, nevertheless, all repair to him, be it either to make a sacramental confession or to receive from him wholesome exhortation.[508]

508 Cf. Trident. Sess. XXV. cp. 10 de Regul. et Mon. and Const. Bened. XIV, Pastoralis curæ, 5 Aug., 1748.

The following is to be observed regarding the *Confessarius extraordinarius*:—

1. Although the Tridentine Session here speaks of inclosed nuns only (*moniales claustrales*), Benedict XIV wishes the appointment of the extraordinary confessor to be extended to all communities of nuns who have only an ordinary confessor appointed by the Superiors.

2. The choice of the extraordinary confessor belongs to the *Ordinarius loci* for those convents which are under him, and to the Superior of the Order for those for which the latter appoints the ordinary confessor; every extraordinary confessor must have special approbation as such from the bishop. The Superiors of Regulars, however, cannot always appoint a priest of their own Order, but must at least, once a year, choose a secular priest or one of another Order. If the Superior of the Order neglects to choose an extraordinary confessor, the bishop must do so; should the bishop neglect this duty, the Cardinal Grand Penitentiary must act.

3. During the time when the extraordinary confessor is exercising his office in a community, the ordinary confessor may not remain in the community to hear confessions.

4. The extraordinary confessor may not be refused to individual nuns in case of serious illness or invincible reluctance towards the ordinary confessor. The case of a nun in danger of death being refused an extraordinary confessor is provided for in the decree of the Tridentine Session, XIV. cp. 7: *in articulo mortis omnes sacerdotes quoslibet pœnitentes ... absolvere posse*. But should a nun wish to confess occasionally to a particular confessor, not out of fickleness, or imprudent preference, but truly on account of her spiritual advancement, it is advisable that the Superiors should not oppose such wish.[509]

509 All these precepts are contained in the Trid. Sess. XXV. cp. 10 de Regul. et Mon. and the Constit. Benedict XIV, Pastoralis curæ. Pope Leo XIII, quoted above, has renewed the same *quoad confessarios ordinarios et extraordinarios* by a Decretum S. Congregat. Ep. et Regul. de conscientiæ ratione Confessariis extraordinariis, etc., d. 17 Dec., 1890, and exhorts *Præsules* and *Superiores*, "*ne extraordinarium denegent subditis Confessarium quoties ut propriæ conscientiæ consulant ad id subditi adigantur, quin iidem Superiores ullo modo petitionis rationem inquirant aut ægre id ferre demonstrent. Ac ne evanida tam provida dispositio fiat, Ordinarios exhortatur* (*sc. Sanctitas sua*), *ut in locis propriæ Dioeceseos Sacerdotes facultatibus instructos designent, ad quos pro Sacramento Pœnitentiæ recurrere eæ facile queant*." This decree was occasioned by precepts in the constitutions "*plurium Congregationum, Societatum aut Institutionum sive mulierum, quæ vota simplicia aut solemnia nuncupant, sive virorum professione ac regimine penitus laicorum*."

Extraordinary confessors, nominated by the bishop for *a single occasion*, can only discharge this office once. They must be approved by the bishop as often as they have to discharge the office of extraordinary confessor,[510] unless they have a general approbation for the confession of nuns.

510 Cf. Declar. S. C. C. ad dub. I. poss. Const. Inscrutabili et Constit. Clem. X, Superna.

Chapter II. Limitation of Jurisdiction or Reserved Cases

42. Reserved Cases in General

The Church has received from Christ the power to remit or to retain all sins without exception. No sin is withheld from the cognizance of its judicial authority or the power of its keys. This unlimited power of chief justice and plenipotentiary resides in the hands of the Supreme Head of the Church; it is in the possession of the Vicegerent of Him who has said of Himself: "To Me is given all power in heaven and on earth." In the exercise of the judicial power *in foro interno*, the pastors of the Church are dependent upon and subject to him. This relation between the Pope and the pastors of the Church is expressed in the reservations;[511] that is, by the ecclesiastical discipline in virtue of which the Pope reserves certain sins in order to absolve from them himself, and places a limit upon the jurisdiction of the bishops by withholding from them the power to absolve from certain sins. And as the Pope proceeds with regard to the bishops, so can the bishop, and the Superiors of Orders, and those possessing quasi-episcopal jurisdiction, proceed with regard to their respective subordinates.

511 "Reservatio est: ablatio seu nonconcessio jurisdictionis ad absolvendum ab aliquo peccato, quamvis circa alia concedatur." Ballerini, Opus Theol. Mor. l. c. cp. II. n. 657.

This competence to declare certain sins reserved, which existed in the earliest times of the Church as is proved by numberless memorials, is promulgated by the Council of Trent,[512] which also emphasizes the *reason* of this practice: "It has seemed conducive to the morality of the Christian people that certain particularly horrible and grave sins should not be absolved by every priest, but only by those of the highest authority. It is, therefore, reasonable that the Popes, by virtue of the power invested in them over the whole Church, should reserve certain grave sins for their own tribunal." Having then assigned this power to the bishops also, the Council declares that this reservation of sins has validity not only in the outward administration of the Church, but also before God.

512 Sess. XIV. cp. 7, can. II. Cf. Perrone, De Pœn. cp. 5; Zenner, Instruct. pract. P. 1, cp. II. § 44; Palmieri, Tract. De Pœn. Thes. XVII. p. 178 ss.

From this it follows that:—

I. The motives for the reservations, apart from the maintenance of authority, are: (*a*) the necessity of deterring the faithful from the commission of these great sins by thus making it more difficult to obtain absolution; (*b*) the necessity of applying a special remedy, so that those who have been guilty of such crimes may be the more efficaciously preserved from relapse. In order that the former object may be the more perfectly attained, it is necessary in an appropriate manner to make known to the people what sins are reserved.

II. We distinguish: (1) Reservation by the Pope, by a bishop, and by the Superior of an Order; (2) reserved sins, when the sin itself is directly reserved, and reserved censures, when the censure attached to a sin is reserved, and the sin itself is reserved only in consequence of the censure. If the reserved censure is only the means by which the sin is reserved, upon removal of the censure the sin is no longer reserved. In the papal reserved cases the censure only is directly reserved; in episcopal and other reserved cases generally the sin only is reserved, not the censure. Two Papal cases, in which the sin without the censure is reserved, form exceptions to this rule, namely: (*a*) Falsely accusing an innocent confessor of solicitation, either by denouncing the confessor to the ecclesiastical judge one's

self, or by effecting such denunciation through another person;[513] (*b*) the receiving of considerable presents exceeding the value of ten francs on the part of members of Religious Orders (emitting solemn vows) of both sexes, till restitution has taken place (*munera prorsus liberalia* are meant; hence presents of medicaments and devotional objects, as also those presents which were given out of gratitude and benevolence or for the purpose of securing the good-will of a person, are excepted).[514] If the presents amount to a higher sum, and if the penitent can make restitution, he is not to be absolved till he has done so. If, however, he cannot make restitution at the time, but promises faithfully to do so as soon as possible, the confessor can absolve him.

513 Const. Bened. XIV, Sacramentum Pœnitentiæ, 1 June, 1741.

514 Const. Clem. VIII, Religiosæ Congregationes, 19 June, 1594, et Urban VIII, Nuper a Congregat. 16 Oct., 1640. Cf. S. Alph. l. c. nn. 580, 693; H. A. Tr. 13, nn. 8, 9; Ferrar, ad v. Regular, art. I. nn. 67-69.

III. The power to reserve is possessed by the Pope in the whole Church; by the bishops in their dioceses; by the heads of Orders who possess quasi-episcopal jurisdiction in their Orders—the General of the Order for the whole Order, the Provincial in his province, the local head in his house—but apart from specified sins mentioned by Clement VIII, these religious Superiors may not reserve any others without consent of the general chapter.[515]

515 S. Alph. l. c. n. 583; H. A. n. 130. These specified cases are the following: 1. Apostasy from the Order, even when the habit of the Order is still retained. 2. Secretly absenting one's self from the monastery at night. 3. Three forms of superstition: *Veneficia, incantationes, sortilegia*. 4. Possession of property against the vow of poverty, which constitutes a mortal sin. 5. Theft (to the extent of mortal sin) of goods belonging to the monastery. 6. *Lapsus carnis voluntarius opere consummatus*. 7. Perjury before a lawful judge. 8. *Procuratio, consilium vel auxilium ad abortum fœtus animati*. 9. Killing or wounding or severely beating any one. 10. Forging the handwriting or the seal of the officials of the monastery. 11. Maliciously obstructing, delaying, or opening written communications from Superiors to subordinates, or subordinates to Superiors. The confessors of Regulars must know these cases, so that, should one of them occur, they may send the penitent to the Superior or to a confessor possessing the necessary faculties for absolution; or that they may, according to circumstances, procure for themselves the necessary faculties for this case. But if a Regular priest confesses to a secular priest or to a priest of another Order (for example, on a journey—see above), it is disputed whether this confessor possesses the power to absolve from the reserved cases of the monastery. For Capuchins sojourning out of their monastery the power has been given by Benedict XIV (30 March, 1742) and confirmed by Pius IX (1852), with the understanding, however, that the penitent appears before his Superior or the confessor appointed by him as soon as possible and receives absolution anew. S. Alph. Lib. VI. nn. 575-583.

IV. There must be valid ground for making the reservation, otherwise its effect would tend to ruin rather than to edification. Hence the undue multiplication of reserved cases is not allowed; for many people, on account of the difficulty of getting absolution, are likely to remain for a long time in a state of mortal sin, and are deterred from receiving the Sacraments. Clement VIII, therefore, exhorted the bishops to reserve only a few sins, and only those of which the reservation would be conducive to the maintenance of Christian morality amongst the faithful.[516]

516 S. Alph. n. 579; Bened. XIV, De Synodo, Lib. V. cp. 5. The Pope says: "Although in this matter no absolute and universal standard can be established, the general exhortations and decrees which the Sacred Congregations at Rome have issued upon the subject may serve as a guide:— "On January 9, 1601, the Sacred Congregation of Bishops and Regulars issued the following exhortation to the bishops: In order that the bishops who are empowered to reserve may not unduly burden their subjects and confessors with reserved cases, they are all exhorted to reserve only a few cases, and those only which they believe themselves bound to reserve in the interests of Christian morality, and for the welfare of the souls committed to them, according to the condition and character of each diocese. This exhortation was repeated on Nov. 26. On the same day, the same Congregation issued a circular letter to the bishops, in which the

following exhortations are addressed to them: The bishops should take care that they do not indiscriminately reserve those cases to which the greater excommunication is by law attached, absolution for which is reserved to no one, except when the special reservation of such cases appears necessary on account of frequent scandal, or some other urgent ground; nor those cases in which absolution is granted only when restitution has been made, or that performed which the penitents are bound to perform; nor should they reserve those cases which, although great sins, are yet matters of lesser importance, and of frequent occurrence amongst uneducated people; such as cases of *damnificatio injusta*, etc. In reserving sins of the flesh they must proceed with great circumspection on account of the danger of scandal, especially when suspicion might fall upon persons either from their going to extraordinary confessors, or frequently recurring to the bishop. Finally the bishops are admonished to adopt and adhere to that course of action, which, after mature consideration of the customs, natural disposition and tendency of the neighborhood and people appears to them to be the best before the Lord. The decrees of the Sacred Congregation of the Council are couched in a similar strain. This Council ordered a bishop who had accumulated too many reserved cases to choose ten or at most twelve of the more considerable offenses, as he thought proper, and to strike out the rest."

V. As reservation is a limitation of jurisdiction, it concerns the confessor directly, and the penitent indirectly.

From this it follows that:—

1. In the matter of reservation, strangers are not to be treated according to the reservation of the place where they confess, but according to that in force at their place of residence, exactly in accordance with the principles concerning the jurisdiction of the confessors of strangers which we have stated above. It is, therefore, more correct to say that they are absolved by virtue of the jurisdiction which the bishop of the penitent gives, and it is reasonable to assume that the latter does not wish to limit the jurisdiction of confessors outside his diocese to whom members of his own diocese confess, unless he has reserved a sin in his own diocese. If, therefore, the stranger confesses a sin which is reserved in the diocese in which he confesses, —a diocese which is not his own,—the confessor can absolve him, *quia absolvit vi jurisdictionis delegatæ ab Episcopo, qui peccatum illud non reservat*.[517]

517 Reuter, Theol. Mor. De Pœnitent. n. 371. Cf. Stotz, Trib. Pœnit. Lib. II. Q. 2, § 5, n. 64. Schmalzgrueber, l. c. Lib. I. Tit. 29, n. 31, and many others. This is, in fact, the doctrine which is generally received as valid amongst the older moralists. Many of the later ones, it is true, teach that a stranger cannot be absolved from a sin which is reserved in the diocese in which he confesses, falsely assuming that the priest who hears the confession of a penitent coming from a strange diocese is restrained by his own bishop from absolving. See Ballerini, Notæ ad Gury, II. n. 573, and Opus Theol. Mor. l. c. cp. II. De Reservat. Casuum, n, 709 ss.

In practice the rule can be laid down that it is always allowed to absolve a stranger from reserved sins, except when: (1) the sin is reserved in both the dioceses, that of the confessor and that of the stranger, or (2) when the stranger leaves his diocese in order to confess "*in fraudem legis*," that is, to evade the judgment of his Superior,[518] which may be assumed to be the case when the sin is of such a nature that it may easily be brought before the *forum externum*, or may already, in some form, be before it, so that absolution could not be administered even *in foro interno* without the permission of the bishop.[519]

518 If the strange penitent confesses a sin which is reserved in his own diocese but not in that in which he confesses, he can undoubtedly be absolved by a priest of a Religious Order, in virtue of the privilege granted by the Pope to Regulars, Const. "Superna," Clem. X. As regards secular priests, the older theologians maintain that they could not absolve the stranger in this case (they appeal to the Caput Si Episcop. 2 de Pœnit. in 6°), while the later theologians unreservedly allow secular priests to participate in the privileges of the priests of Religious Orders; for there exists,

they say, a general custom that strangers, in this case also, are absolved by secular priests, and as the bishops approve of this proceeding, the strangers would be *valide et licite* absolved. Cf. Gury-Ballerini, l. c. n. 573, notæ; Lehmkuhl, l. c. n. 403; Aertnys, l. c. n. 239, in both cases decides otherwise Princ. III; and Marc, l. c. n. 1771, Quæsit. III.

519 Cf. Mazzotta, l. c. Disp. 2, Q. 3, cp. 3, Sect. 2 in fine; Lehmkuhl, l. c. n. 404; Ballerini adds, "*si Episcopus expresse invitus sit*." Notæ ad Gury, II. n. 573, Q. 5, nota II in fine. Cf. S. Alph. n. 589.

2. Although Regulars do not necessarily receive delegated jurisdiction from the bishop but from the Pope, they cannot absolve penitents from sins reserved in the respective dioceses, without having received special faculties from the bishop; the Popes have distinctly so decreed.[520] The episcopal reservation is binding also for non-exempted nuns; whether it is so for the exempted, is a matter of controversy. St. Alphonsus[521] declares both opinions, affirmative and negative, probable. But should a bishop refuse to the confessor of nuns jurisdiction over reserved cases, the absolution of the latter for such sins would undoubtedly be invalid; for the bishop gives jurisdiction for the exempted nuns also, as is plain from the words of Gregory XV.[522]

520 Lehmkuhl, l. c. n. 403. Aertnys teaches otherwise, l. c. n. 239.

521 L. c. n. 602.

522 Gury, Ed. Ratisb. ad n. 570.

Whether the *familiares* of Regulars may be absolved without faculties from the bishop depends in general upon the fact whether they are absolved by virtue of episcopal or of Regular jurisdiction. When they are absolved by confessors appointed by the Superior of the Order, they are not subject to episcopal reservation; but if they are absolved by other confessors (secular priests), it seems that they are subject to episcopal reservation. If, however, it is a question of sins to which the bishop has attached censure, they do not, as a rule, incur this censure, since they must be treated as strangers.[523]

523 S. Alph. Lib. VI. n. 583; Lehmkuhl, l. c. n. 403; Aertnys, l. c. III. 2, n. 239.

VI. In order that the objects of the reservation may be attained, and this is only possible by a moderate use of the power of reservation, grave sins only are as a rule reserved. Such is the decision of the Council of Trent.[524] The following conditions are necessary for the valid reservation of a sin:[525] (1) It must be (and that *ex natura rei*, in order that it be reserved *pleno sensu*) a mortal sin, both as regards the internal and the external act; (2) it must have been carried out completely, not merely attempted, wished, begun; and (3) it must be reserved in definite terms. These conditions are by common custom deemed necessary. A Superior who reserves is, therefore, supposed to be guided by them unless he has expressly declared himself to the contrary. But Superiors generally attach particular conditions and exceptions to their reservations, which must be gathered from their instructions.

524 Sess. XIV. cp. 7. Cf. Decr. S. C. Conc. 26 Nov., 1602.

525 Cf. Ballerini, Op. Theol. Mor. l. c. cp. II. De Reservatione Casuum, n. 661 ss.

The following remarks may serve for more explicit explanation: (1) As venial sins are not *materia necessaria* of absolution, they cannot be reserved in the strict and full sense. Even if it be *per se* possible that the Superior can withdraw from a priest the power to absolve sacramentally with regard to a venial sin, he cannot oblige the penitent to procure sacramental absolution from this venial sin. This applies also (2) to really and positively doubtful sins. Indeed, as St. Alphonsus teaches,[526] a sin

which is in any respect doubtful is, according to ecclesiastical custom and the concurrent teaching of the authorities, regarded as not reserved. For, even if any sin which is *materia necessaria* of confession might from the very nature of the case be reserved, yet this is not so in practice, and as reservation is a *lex odiosa*, it must be interpreted *stricte*. A sin is, therefore, regarded as not reserved: (*a*) when there is doubt as to its subjective gravity, and (*b*) when there is doubt as to its objective gravity (unless the Superior, for particular motives, has declared as *gravis a materia* which, *ex se*, is not positively *gravis*, in which case it would be necessary to stand by his decision); moreover (*c*), there is no reservation when doubt exists as to whether a positively reserved sin has been committed, or whether it has been committed with the necessary conditions, nor is there reservation when doubt exists as to whether a sin really committed is a reserved sin. But in this case (*in dubio juris*) the sin would be reserved if the confessor merely *privato errore* doubted the reservation, or if he did not know the sin was actually reserved. But in some dioceses the bishops have declared that the confession in such a case is valid, and that they do not regard a sin as reserved if the confessor *privato errore* or *ex ignorantia* does not believe a sin to be reserved.[527]

526 L. c. n. 600.

527 S. Alph. l. c. n. 600; Lehmkuhl, l. c. n. 405; Aertnys, l. c. n. 242.

If, therefore, the confessor supposes a sin to be reserved, he must carefully examine if the sin be *interne grave*, if it has been committed with full advertence, and with full consent of the will *in materia gravi*, and if it is also *grave quoad actum externum*; for if the external act were not of a grave nature, it would not be reserved although it might be inwardly a great sin. For instance, should a person in a heretical frame of mind have said something which neither contained heresy *in se*, nor, on account of the circumstances, showed an heretical tendency, his sin would not be reserved.[528] The Church is, in fact, accustomed to reserve only *peccata externa*, although it cannot be doubted that she can also reserve *peccata mere interna*, as this class of grave sins is, by divine law, subject to the absolving power of the Church *in foro interno*.[529]

528 S. Alph. Lib. VI. n. 582, with Suarez, Lugo, Tamburini, and others.

529 Cf. S. Alph. Lib. VI. n. 582.

3. That a sin should be reserved it must be *completum*, completed; that is, completed in the manner implied by the reservation. When, therefore, in the words of the (reserving) law, an external, completed action is specified,—murder, for instance,—and the outward completion is wanting (in this case, the death of the victim), there is no reservation. If, on the other hand, attempting crime, or advising it, are *per se* reserved, it suffices to have done these acts to make the sin reserved, though the project has not been executed or the sinful advice failed to produce any effect. Frequently such incomplete actions are, however, reserved as accessory only to the principal action. If this latter has been certainly completed, then these accessory actions are reserved.

VII. The question: "Must the penitent be aware that his sin is a reserved one in order that it should be reserved?" is a subject of animated controversy among the theologians.[530] It is beyond all doubt that bishops can so reserve the sins of their subjects that the reservation holds even when the penitent knows nothing about it. Whether they do reserve in this manner without a formal declaration to that effect, is a debatable question. St. Alphonsus and not a few other theologians

teach that a sin is reserved even when the penitent did not know of the reservation, assigning as sole, or at least chief, reason that the reservation restricts the power of the confessor.[531] The fear that Christian and religious discipline might thereby be relaxed is alleged as a second reason.[532] On the other hand, a very great number of theologians[533] teach that a sin is not to be regarded as reserved if the penitent did not know that it was so, when the reservation is *pœnalis*, that is, when it is of a punitive character; but that it *is* to be regarded as reserved when the reservation is *medicinalis*, imposed as a deterrent; that is, when it is not a *pœna medicinalis*, which, like the censure, is intended to break the stubbornness of the sinner and deter him from sin, but a *lex disciplinaris*, by which the Superior himself, or through a specially delegated confessor, wishes to provide a remedy for sin committed. When, therefore, Lugo denies that reservation is chiefly of a punitive character, and, therefore, holds good even if the sinner did not know of the reservation when he was sinning, we agree with him and with Lehmkuhl.[534]

530 Cf. Gury-Ballerini, Notæ ad n. 571, Q. 1, Opus Theol. Mor. l. c. cp. II. nn. 724-735.

531 This reason is plainly not a valid one, since all theologians, including the opponents of this view, admit that reservation directly limits jurisdiction; these latter, however, declare that certain circumstances are required to make a sin reserved, and that it is questionable if the knowledge of the reservation is such a circumstance or not.

532 This is not convincing; for as soon as the penitent confesses a reserved sin, the confessor will tell him of the reservation, and thus a check will be put upon the relaxation of morality for the future; for the sins that have been already committed, neither one opinion nor the other can offer any preventive remedy.

533 The Theol. of Salamanca, Tr. 18, cp. 6, n. 12; Lugo, De Pœn. Disp. 20, n. 11; Sanchez, De Matrim. l. 9, Disp. 32, nn. 17, 18; Sporer, De Pœnit. n. 735; Mazzotta, Tract. 6, Disp. 2, Q. 3, cp. 2, § 2, and many others; see Gury-Ballerini, l. c.

534 L. c. n. 407. Cf. Gury-Ballerini, l. c. This may at least constitute a rule for most dioceses. We must, in fact, assume that the bishop has reserved sins in the manner in which they are generally understood by the confessor to be reserved, unless it is shown by positive evidence that the bishop adopts the opinion of those theologians who teach that a reservation is not incurred by one who is not aware of its existence. Till the later controversy, however, it was always the general conviction that reservation was understood to be incurred by one who did not know of it; this is testified by many authors. We must, therefore, assume that the legislator so understood his law. But if, with the knowledge of the bishop and without protest on his part, it be anywhere taught that a sin is not to be regarded as reserved for one who does not know of the reservation, this may be considered a sufficiently valid indication that the bishop does not wish to bind those who are ignorant of the reservation. Lehmkuhl, l. c.; Gury, Ed. Ratisb. ad n. 571.

If, however, it is a question of reserved censures, the censure is considered not reserved when the penitent did not know of the reservation, as only he incurs a censure who knew of it and yet committed the act to which it is attached. Concerning the Papal reservations, at least, unanimity upon this point prevails among the theologians, as these reservations exist chiefly on account of the censure. With regard to episcopal cases no unanimity exists. Here, as Suarez rightly teaches, we must have regard for the circumstances; that is, for the terms of the reservation, for custom, and for the power of the person who reserves, etc.[535] But if the penitent knew of the censure and did not know of the reservation, the theory of some few theologians that, in this case, also the censure is not reserved, is rightly regarded as lax and altogether improbable.

535 S. Alph. l. c. nn. 580, 581, dub. 2; Lacroix l. c. n. 1614; Gury, Ed. Ratisb. V. n. 571.

43. The Papal Reserved Cases

In the year 1869 Pius IX issued his celebrated Bull "*Apostolicæ Sedis moderationi*," the object of which was *to reduce* the number of censures imposed at different times, *to explain* them, and to bring their wording to such form that uncertainty and doubt on the part of the faithful and of confessors might cease. By virtue of his apostolical power he therein decreed that of all the censures ever imposed, whether excommunication or suspension or interdict, only those should henceforth legally remain in force which were explicitly introduced into or quoted in his constitution; that they should derive their validity not only from the authority of the ancient canons, but also from this constitution itself, just as though they were there for the first time imposed. This Bull possesses force and validity for the whole Church from the moment when it was promulgated *ad valvas Ecclesiæ S. Salvatoris*.[536] The Bull deals with censures[537] only, and these are either Excommunications,[538] Suspensions, or Interdicts.[539]

536 Cf. Archive für Kirchenrecht (1871), XXV. 148. The other sources of the Papal reserved cases are the Council of Trent, of which the censures still remain in force which were directly imposed by this Council and are not touched by the Bull "Apost. Sed.," and those Papal decrees which have been issued for the imposition of censures since the appearance of the Bull "Apost. Sed.," that is, after the year 1869.

537 The two Papal cases spoken of above in which the sin is reserved, are, therefore, not quoted in it, but are in force.

538 They are (1) those which, in an especial manner (*speciali modo*) are reserved to the Pope, (2) those which are *simply* reserved to the Pope, (3) those which are reserved to the bishops, and (4) those which are reserved to no one. The two first classes are to be kept apart from each other, for a person possessing the faculty to absolve from the Papal cases does not necessarily possess the faculty to absolve from the cases which are *speciali modo* reserved, if this addition is not expressly made. By virtue of the *jus commune* (Conc. Trid. Sess. XXIV. cp. 6) it belongs to the bishop to absolve from the second class if the cases are secret.

539 Jan. Bucceroni (S.J.), Commentar. de Constitut. Ap. Sed. (Romæ, 1888); Aertnys, Theol. Mor. Lib. VII. Tract. I. II. III.; Lehmkuhl, Theol. Mor. P. II. Lib. II. Tract. I. n. 920 ss.; Avanzini, De Constit. Ap. Sed. Commentarii (Rom., 1872); Heiner, Die Kirchlichen Censuren. Paderb. 1884, S. 52 ff.; Kirchenlexikon (2. Aufl.) Apost. Sed. Vol. I. 1, 1125 ff.

I. Excommunicationes speciali modo Romano Pontifici reservatæ. The excommunication *spec. modo* reserved to the Pope is incurred by:[540]

540 There are twelve of them in the Bull "Ap. Sed." which were all, with the exception of the tenth, contained in the Bull "Cænas," but not all *eodem modo*; to these is added the thirteenth ex Constit. Pii IX, Romanus Pontifex, 28 Aug., 1873.

1. All who have fallen from the Christian faith (apostates) and all heretics, of whatever name and sect they may be, as well as their adherents, supporters, and all their defenders in general.

As the expression "*Omnes a christiana fide apostatas*" is of general application, not only are all those Christians who have embraced Judaism or heathenism comprised in it, but also the so-called freethinkers who wholly give themselves up to unbelief, and have openly renounced all religion; also rationalists, spiritualists, materialists, pantheists, deists, atheists, illuminati, those who profess indifferentism in religion or a merely natural religion, and other unbelievers of similar character, who belong to the order of Freemasons or adopt the principles of that order, even when, here and there, some of its members surround themselves with a halo of religion.[541]

541 Cf. Pruner, Moraltheol. p. 121; Heiner, a. a. O. § 53, p. 53.

In order that the confessor may know who incurs excommunication under the expression *Omnes et singulos hæreticos* he must form an accurate conception of heresy, which demands: (*a*) *error formalis*, a conscious and voluntary denial joined to *pertinacia*, (*b*) the denial of an article of faith promulgated by the Church, (*c*) the external expression of such denial, (*d*) a knowledge of the penalty incurred.[542] If any one of these marks is absent, there is no excommunication. In connection with this, Renninger remarks:[543] "At a time when, in our social life, the waves of unbelief run so high, prudence, deliberation, and knowledge are in an especial manner necessary to him who has the care of souls, that hasty judgment may be avoided. However mindful he may be of his office as teacher, he must never forget the demands of Christian charity; he should never let himself be drawn into disputes which lead to nothing, still less should he provoke them; he should never be carried away by violence. Positive assent to a dogma he should only demand when his office forces him to do so. He should, especially in the confessional, take for granted that he who believes in the Church, believes also in her dogmas. He should not put tempting questions. He should remember that many howl with the wolves without really knowing what the howling is about, being merely anxious not to lose the nimbus of liberalism. He should make the way of those who are returning as smooth as is possible without violating the laws of the Church. The retractation *extra confessionale*, which cannot be dispensed with, may often be clothed in a form which is not wounding to self-respect, and is yet valid. Intimations to this effect have been forwarded in a confidential manner to their clergy by different Ordinaries, who were moved by a judicious zeal for the salvation of souls." To this class belong also the "*Credentes*," that is, those who give credence and who—without formally professing heretical doctrine, without *pertinacia*, or without sufficient knowledge, pose as heretics—openly profess assent to a heretical doctrine by word, sign, or action explicitly or implicitly, in a general way. To these also belong the "*Receptores*," those who afford to apostates or heretics, but only as apostates and heretics (*quatenus hæretici et non ex. gr. qua fures sunt*) shelter and receive or conceal them in order to protect them from punishment for heresy; to these also belong the *fautores*, those who in any way render assistance (*per omissionem* or *per commissionem*) to apostates or heretics. Finally, we may mention the *defensores*, those who, in any way, by force or by cunning, by word or by writing, protect heretics as such, or their doctrines or their books.

542 Cf. S. Thom. II. II. Q. 11, art. 1; Suarez, De virt. Theol. Disp. 19, Sects. 1 and 5.

543 Pastoral Theology, a. a. O. § 57, p. 158.

2. All those who, without permission of the Holy See, knowingly read, print, keep, or in any way defend the books of the above-mentioned apostates and heretics, if the defense of heresy is the subject-matter of these books; as, also, the readers, printers, possessors, or defenders of those books which, by a Papal document (Encyclical, Brief, or Bull) are, by name (that is, by statement of the title of the book), forbidden.

(*a*) The Readers. Reading here must be understood as a moral not merely a physical act, when, for example, the reader understands nothing of the language;[544] in this kind of reading must be included causing a book to be read to one (not merely listening, however sinful the latter may be) since, where there is *eadem ratio* also *eadem est juris dispositio*.[545] Moreover, in order to incur the censure, it is necessary that a part sufficient to constitute a mortal sin, about a page, be read;[546] that the reading

should take place *scienter*, that is, with knowledge that the book has been written by an apostate or heretic; finally, it is requisite that it should defend heresy and that the reading or keeping should take place without authorization from the Holy See. (*b*) The readers of *books* in the proper sense of the word, be they written[547] or printed, not of merely printed matter, as brochures, pamphlets, newspapers, periodical sheets, etc., although the reading of such products of the day may often be, and very often is, more dangerous to faith and morals than the reading of a bad book, and there is no doubt that the reading and keeping of such literature is always a great sin, being an offense against the natural law.[548] (*c*) The *Retinentes*, that is, all those who knowingly retain in their possession for some time, either in their own homes or in that of a stranger, in their own name or in that of another, a book forbidden in the manner above specified. (*d*) *The Imprimentes*, that is, all those who directly coöperate or assist, as *causæ morales* or *physicæ*, in printing: authors, publishers, printers. (*e*) The *Defendentes*, that is, those who defend books which are forbidden in the sense specified above.[549] Accordingly he does not incur this excommunication: (1) who only reads or keeps a few separate leaves of such a book or periodicals, etc.; (2) who reads perfunctorily; (3) who reads from necessity, to be able to refute a heretic, and was not able previously to procure the necessary permission; (4) if his reading is only a physical act, without his being able to understand anything; (5) if he keeps a book for a short time only, for example, a day or two, or only till he has obtained the permission requested, or if he has no opportunity of giving the book to the Superior.[550]

544 Cf. Suarez, De Fide, 20, 2, 18.

545 Regula juris in VI.

546 The *gravitas materiæ* is here to be estimated both *ex re quæ tractatur* and *ex quantitate*; if the exposition or defense of a heretical doctrine is read, the half, or the third, of a page suffices.

547 Some authors, as d'Annibale and Melata, restrict the censures to printed books.

548 But if these lesser publications are parts of a book of the same contents, they are (subject to the above-mentioned conditions) in the category of forbidden books, especially if they are bound together in one volume. Periodical publications, therefore, of which every separate number is regarded as a part of the whole yearly issue, fall under the reserved censure; but not newspapers, as with these there is no question of parts belonging to each other, each separate number being regarded as complete in itself. (Act. S. Sed. Vol. VI. fasc. 5, p. 9, Append. 3, p. 133.)

549 It remains to be remarked that the ten rules of the Index itself are not touched by this ordinance of the Bull, but that the *Excomm. lat. sent.* attached at the end of the regul. X falls away, as it was not directly attached by the Council of Trent itself, but by Pius IV. Consequently the reading and keeping of heretical books, or of such as are condemned by a decree of the Congregation of the Index remains, indeed, still forbidden in the future, but the punishment of the now specially reserved excommunication is incurred only in two cases: (*a_) when the author of the book is an apostate or a heretic, and the book, moreover, not only contains heresy, but ex professo defends it, and (b) when the latter, be the author who he may, is, with exact specification of the title, forbidden by a Papal Brief, or a Bull, or an Encyclical Letter. Although the Constitution Officiorum ac Munerum of Leo XIII (25 Jan., 1897) has considerably mitigated the prohibitions of Clement VIII, Alexander VII, and Benedict XIV, in regard to the reading and propagating of noxious literature, nevertheless the warnings against the intellectual and moral dangers of bad books, which the Index Congregation addresses to Catholics, retain their full force. The confessor should of course remember that the censures attached to the reading of forbidden books are applicable only where there is a conscious violation of the prohibition; furthermore, that not only ignorance, but also a general _consuetudo* lessening the danger to faith or morals, constitute a mitigating circumstance which demands wise discrimination on the part of confessors who apply the laws of the Index. Few Catholics in English-speaking countries know what books are on the Index, and that fact itself is a reason for moderate judgment.

550 Cf. S. Alph. Lib. VII. nn. 295, 284, 292.

3. Schismatics and all who obstinately refuse obedience to the reigning Pope.

4. All those who, whatever their position may be, or the dignity they may hold, appeal from the injunctions or orders of the reigning Popes to a future general Council; moreover the aiders, advisers, and favorers of such.

5. All those who kill, maim, strike, take prisoner, or keep prisoner, or persecute in hostile manner cardinals, patriarchs, archbishops, bishops, Papal legates, or nuncios; those who expel them from their dioceses, or lands belonging to them, or estates in their possession; as those also who order or sanction such acts, or give help, advice, or encouragement in their execution.

6. Those who directly or indirectly hinder the execution of ecclesiastical jurisdiction and who, for this purpose (*ad hoc*),[551] apply to the secular power, as well as those who cause or publish the commands of such persons, or afford help, advice, or countenance in such proceeding. The ecclesiastical juridical power is the lawful competence of the Church to govern her subjects in respect to everything that belongs to their eternal welfare. This power is exercised *in foro externo* and *interno*. The *Exercitium ordinis* (*consecrare*, *benedicere*, etc.) is to be distinguished from the *Exercitium jurisdictionis*.

551 This does not add a new condition for incurring the censure leveled against the *impedientes exercitium jurisdictionis*, but only introduces another class of the same offenders (as Avanzini and Heiner, p. 87, assume).

7. Those who directly or indirectly compel secular judges to cite ecclesiastical persons before their tribunal contrary to canonical regulations (unless it should be the case that ecclesiastical regulations, either general or particular (Concordats) allow this), as well as those who issue laws or regulations against the freedom or rights of the Church. This canon refers to conditions which, though still extant in certain parts of Europe, have hardly any force in the United States and other missionary countries; it protects the *privilegium fori* of clerics, and in a general way the freedom and rights of the Church.[552]

552 As to the disputed question whether one is included amongst the *cogentes* who denounces and prosecutes a cleric before the civil court, so that the judge, in consequence of this denunciation, is officially compelled to summon the accused cleric, and pronounce sentence upon him according to the provisions of existing law, we refer the reader to Heiner, who discusses this point. According to him, the *sententia communior et fere communis* teaches that such a one falls under the censure, while the negative opinion is not improbable. Moreover, a declaration of the S. C. Inq. 23 Jan., 1886, favors this latter opinion. Cf. Aertnys, l. c. Lib. VII. Tract. 1, n. 82; d'Annibale (Melata) Manuale Theol. Mor. p. 260.

8. Those who apply to the secular power to prevent the execution of decrees or of any acts proceeding from the Holy See or its legates or delegates, as also those who directly or indirectly actually prevent the promulgation or execution of such, or who, on account of these decrees or acts, injure or threaten others (agents, mandatories).

9. The forgers of Papal documents, the promulgators or subscribers of such forged Papal documents (*litterarum Apostolicarum etiam in forma Brevis ac supplicationum gratiam vel justitiam concernentium*).

10. *Absolventes complices in peccato turpi*, etc.; see § 46.

11. Those who usurp or sequestrate (*jurisdictionem*) rights of jurisdiction (secular rights appertaining to the Church by virtue of any legal titles, for instance, fiscal rights, etc.), the goods or revenues of ecclesiastics, which belong to them *ratione suarum ecclesiarum aut beneficiorum* (that is by virtue of their ecclesiastical position).

Mere thieves and even robbers of Church property, accordingly, do not come under the censure here pronounced, as they cannot be classed under the definition either of *usurpantes* or *sequestrantes* (cf. S. C. Inq. 9 March, 1870), nor does the purchasing by contract of such goods from usurpers come under it. But the latter is subject to the Tridentine censure, the censure reserved simply to the Pope (cf. S. C. Off. 8 July, 1874). Whether the property of monasteries is included, is a matter of controversy; the property of pious foundations is not included. The estates of monasteries fall under the Tridentine censure.

12. All those who, themselves or through others, attack towns, territories, or villages, belonging to the Roman Church, destroy or occupy them; as also those who arrogate to themselves supreme administrative power in these places, disturb or stop the execution of such power, and those who afford help, advice, and countenance in such work.

13. Accordingly, the canons and dignitaries of vacant cathedral churches, and, in the absence of a Chapter, all those who are competent to appoint a vicar-capitular, or to govern the bereaved diocese themselves, incur the excommunication specially reserved to the Pope, as well as suspension of the revenues of their benefices, if they presume to admit a bishop elected by the Chapter, or one presented by the secular power, for the government and administration of the vacant church before these persons have accredited themselves by submitting the Papal documents bearing upon their appointments,—and that for so long as the Apostolic See may think proper to keep this suspension in force; moreover, those chosen or nominated and presented for vacant churches who presume to undertake the government and administration of these churches *ex concessione et translatione, de qua supra* (that is, before this submitting of credentials), as well as all those who have obeyed, or given help, advice, or countenance to such acts, *cujuscumque status, conditionis, præ-eminentiæ et dignitatis fuerint*. To this is added: When any one of the above-named persons is invested with the dignity of a bishop, he incurs the penalty of suspension *ab exercitio Pontificalium* and of the Interdict *ab ingressu Ecclesiæ*, which overtakes him *ipso facto absque ulla declaratione*, and is reserved to the Apostolic See.[553]

553 Cf. Heiner, a. a. O. S. 124 ff.; Gury-Ballerini, II. n. 973. Aertnys, l. c. n. 88.

14. The so-called "civil government pastors," appointed by the State, *qui suffragante populo ad parochi sive vicarii officium electi audeant sive ecclesiæ sive jurium ac bonorum prætensam possessionem arripere atque obire munia ecclesiastici ministerii*, incur the same excommunication, in accordance with a solemn decree of the Sacred Congregation of the Council (13 May, 1874).[554]

554 Heiner, a. a. O. S. 127 ff.

II. Excommunicationes latæ sententiæ Romano Pontifici simpliciter reservatæ.

There are eighteen of these, to which are added one of the Council of Trent, and another *ex declaratione S. C. Inq.*:—

1. All who publicly or privately teach or defend tenets which are condemned by the Holy See under pain of *excommunicatio latæ sententiæ*, as also those who teach and uphold that the practice of asking the penitent the name of the accomplice is allowed.

To the propositions, the teaching and defending of which involves the above censure, do not belong such tenets as are simply condemned by the Pope, as those included in the Syllabus, for example, or which are interdicted under other censures and penalties.

2. Those who, incited by the devil (*suadente diabolo*), lay violent hands on clerics, or religious, unless the power of absolution is accorded to the bishops or others, either *jure* or *privilegio*. The words *suadente diabolo* imply that there is question of a grave sin. This censure is, accordingly, not incurred if the *percussio* take place either *ob legitimam sui defensionem, vel ob justam subditi Clerici correptionem, vel ex joco aut casu fortuito vel ex subita ira, vel ex ignorantia* that the person struck is a cleric. On the other hand, the censure extends also to *impuberes* and the *efficaciter cooperantes*.[555]

555 Cf. Aertnys, l. c. n. 945. The bishop can *jure* absolve, if the *percussio* was *levis, etiam publica* (thus the vicars-general also can absolve), and when the *percussio*, no matter whether *enormis*, *gravis*, or *levis*, is a *delictum occultum*. The *Prælati regulares* can, *ex privilegio*, absolve their subordinates from this censure.

3. Duellists, even when they only challenge to a duel, or accept the challenge, and all accomplices and abettors. The censures attached to the duel are, therefore, incurred by:—

(1) the duellists themselves, whether the duel takes place with or without witnesses, whether wounding follows or not; (2) the challengers to a duel, even when the challenge is not accepted; (3) he who accepts the challenge, even when no duel takes place, and when the parties to the proposed duel do not meet; (4) the seconds, those who accompany the duellists, and in fact all those who afford countenance and assistance to them, and who, by advice, or in any other way, make themselves accomplices; (5) the spectators who to that end, and of set purpose, repair to the scene of the encounter, as such onlooking is a further incitement to the encounter; (6) the persons in authority who permit this, and, as far as in them lies, do not forbid it.

4. Those who belong to the sect of the Freemasons or Carbonari or to other sects of the kind (Fenians in America and Ireland)[556] who agitate either openly or in secret against the Church or the lawful government, as well as all who in any way countenance these sects, or do not denounce their secret heads and leaders (to the local ecclesiastical superiors) when they clearly realize their duty of denouncing. Political partisans, so long as they employ only the means which modern public law places at their disposal in their endeavors to realize their ideal of the future social state, do not incur this censure.

556 By a decree of the S. O. 20 Aug., 1894, the American societies of Odd Fellows, Good Templars, and Knights of Pythias were condemned; v. Bucceroni, Supplementum bibliothecæ; Ferraris, s. v. Sectarii; S. C. Inq. 12 Jan., 1870. Cf. Gen. Index *Ecclesiastical Review*.

5. The violators of the rights of the sanctuary.

6 and 7. The violators of the inclosure in monasteries and convents. Only the violation of the so-called Papal inclosure, that is, the inclosure prescribed by general ecclesiastical law to the Orders with solemn vows, brings with it the excommunication here mentioned; not the violation of that inclosure which is observed in the more recent Congregations of men or women either on account of their rules, or of a particular vow, or also in consequence of a regulation of the local bishop. Not only do the violators of the inclosure incur the excommunication, but all, Superiors or others, who, without lawful reasons, permit entrance.

8, 9, and 10 refer to simony: real (8); confidential (9); in the bestowal of benefices, and real on entering a Religious Order (10).

11 and 12 are directed against the abuse of spiritual favors for the purpose of unworthy gain, which may take place by procuring for one's self: (11) material profit in the dispensing of indulgences and other spiritual graces, or (12) by collecting Mass stipends at a higher price, and having these Masses said in places where a lower fee is customary. While number 11 concerns only the "*inferiores Episcopis*," number 12 applies to all collectors (*colligentes*) who procure profit to themselves by the above-mentioned proceedings.

13. Those who alienate and mortgage lands belonging to the Roman Church.

14. Members of Religious Orders who, without permission of the local parish priest, presume to administer to clerics or laymen the Sacrament of Extreme Unction, or the Eucharist as viaticum; except in case of necessity.

15. Those who, without lawful permission, remove from the holy cemeteries and catacombs of the city of Rome and its territories, relics (therefore, only remains of saints, *corpora vel partes corporis, etiam in minima particula, quibus indubia martyrii signa adjuncta sunt*; cf. S. R. C. 10 Dec., 1863), and those who help and countenance them.

16. Those who are associated in *crimine criminoso* with a person whom the Pope has, by name, excommunicated, that is, who, by helping or countenancing, take part in the crime on account of which the originator was, by mention of name, excommunicated by the Pope.

17. Clerics who knowingly and without compulsion associate *in divinis* (that is, in the Church's offices) with one by name excommunicated by the Pope, and permit such to participate in divine service.

In order, therefore, that this excommunication be incurred, the *communicatio* must be: (*a*) with a person by name excommunicated by the Pope; (*b*) knowingly and (*c*) voluntarily. According to the general and unanimous explanation the *et* is not to be taken as disjunctive but conjunctive, so that the "*communicantes in divinis*," with a person by name excommunicated, and the "*ipsos in officiis recipientes*" are to be interpreted as members of a sentence which necessarily belong to each other.[557] "*Divina*" and "*officia*" are merely synonymous terms.

557 Heiner, a. a. O. S. 226; Aertnys, l. c. 103.

18. Those who presume, without proper permission, *etiam quovis prætextu*, to absolve from the excommunications reserved *speciali modo* to the Pope—that is, *extra casum legitimi impedimenti*

eundi Romam.

19. Missionaries who *quocunque modo sive per se sive per alios* engage in commerce in *Indiis Orientalibus et America*, and those Superiors who have not censured their subordinates offending on this head. *Ex authent. Declarat.* S. C. Inq. 4 Dec., 1872, a Pio IX *approbata*.

20. Refers to clerics and laymen *quacunque dignitate etiam imperiali aut regali* who unlawfully appropriate jurisdictions, interests, rights, also fiefs and hereditary tenures, incomes, usufruct, or revenues from any church or benefice, from the *montes pietatis* and other *pia loca*. (This is an extension of the number 11 above, in section I of the Censures.)[558]

558 Cf. Trid. Sess. XXII. cp. 11 de ref.

III. Excommunicationes Ordinariis Reservatæ.[559]

559 By the name "*Ordinarii*" are to be understood not only the bishops and capitular-vicars, but also vicars-general, *Prælati regulares* and others who possess episcopal jurisdiction. The *confessarii regulares* also can absolve from this class of excommunication in *foro conscientiæ*. Pius IX has only revoked the privileges to absolve *a casibus R. Pontifci reservatis; ex sententia probabiliori*. Regulars can, *vi complurium privilegiorum a S. Sede concessorum*, absolve from the censures reserved by the *common* law to the bishops. Cf. S. Alph. l. c. n. 99, and De Privil. n. 100. Those censures are excepted which the Ordinaries have reserved to themselves.

1. Clerics in major Orders, monks, and nuns, who, after having taken the solemn vow of chastity (not the simple) dare to contract marriage, as also all who attempt to perform the marriage rite over the above-named persons—such marriage being of itself invalid.

2. All who cause abortion.[560]

560 It is *verus abortus* which is here punished, that is, *fœtus immaturi ejectio adeo ut mors ipsius inde secuta sit*, therefore, not the *partus præmaturus fœtus vitalis*, when procured for just motives. Pius IX abolished the old distinction between *fœtus animatus et inanimatus*. It is the *procuratio abortus*, moreover, that is punished, that is, *per se sive per alias interpositas personas —studiose* or *ex industria*. The censure is, therefore, not incurred by one who employed the means without the effect resulting. Compare Heiner, a. a. O. S. 243 ff.; Aertnys, l. c. n. 109; Theol. Mor. Lib. III. n. 192; Lehmkuhl, Theol. Mor. P. I. Lib. II Tract. II. n. 840 ss.; P. II. Lib. II. Tract. I. n. 970.

3. Those who knowingly make use of forged Papal documents, or lend assistance in this crime.

IV. Excommunicationes non Reservatæ.

1. Those who order or insist with force that notorious heretics or those by name excommunicated, or by name interdicted, should be buried with the rites of the Church.

2. All those who injure or threaten the inquisitors, accusers, witnesses, or other servants of the Holy Office in the performance of their duty, or who steal or destroy the official documents of this Office, or who afford help, advice, or countenance in any one of these actions.

3. This excommunication falls upon the vendors (*alienantes*) or receivers (*recipere præsumentes*) of Church property who have not obtained permission of the Pope in the prescribed form.

4. Those who omit to denounce a soliciting confessor (§ 45). False denunciation constitutes a Papal reservation without censure.

To these excommunications are added Suspensions and Interdicts:—

The Suspensions *latæ sententiæ* simply reserved to the Pope, refer to Ordination which takes place by infraction of definite ecclesiastical regulations, and to religious who are expelled from their Orders.

The Interdicts *latæ sententiæ* affect universities, colleges, and chapters, whatever name they may bear, who appeal to a future general Council from the regulations or orders of the ruling Pope of the time, or who knowingly cause religious service to be held in interdicted places, as also those who admit persons excommunicated by name to religious service, to the holy Sacraments, or to burial with Church service, and that till the ecclesiastical Superior whose orders have been disregarded has received satisfaction.

44. Absolution of Reserved Sins

I. All those who can reserve sins may, of their ordinary power (*ordinaria potestate*), also absolve from them; therefore: (1) those who have reserved, (2) their successors in the same office, and (3) their Superiors.

With delegated authority (*potestate delegata*) those can absolve who have received a special faculty from the person reserving, or his successor or Superior, and that only within the limits comprised in the power conferred.

II. The bishops and their delegates can, according to common law, absolve (1) all penitents from the *secret* Papal reserves, with the exception of those which are, *speciali modo*, reserved to the Pope;[561] and (2) according to the general teaching of theologians, which is based upon the ecclesiastical law itself, those penitents who are prevented from going to the Pope, from *all* Papal reserves, secret or public.[562]

561 Cf. Trid. Sess. XXIV. de ref. cp. 6, "Liceat" and the Constit. Apostolicæ Sedis Pii IX.

562 Cf. S. Alph. Lib. VII. n. 84. Corpus jur. can. cp. "Eos qui" de sent. excomm. in 60. Whether bishops and others possess still greater powers, is to be gathered from the special faculties which the Apostolic See may have granted them.

According to the general interpretation of the Council of Trent, and general custom, the bishop can transfer to another, by free choice (*vicarius ad id specialiter deputandus*), his powers of absolving from the Papal reserves under the specified conditions. Some bishops, especially those in distant parts, not infrequently receive, through the quinquennial or triennial faculties, greater powers over cases which are, *speciali modo*, reserved to the Pope. But whether they can also transfer these powers and how,—whether generally or only in separate cases,—must be gathered from the document by which these privileges are conferred.

Formerly Regulars could, by virtue of a perpetual privilege, absolve from all cases reserved, *ordinario modo*, to the Pope; this privilege has been withdrawn by the constitution "*Apostolicæ Sedis*."[563]

563 Cf. Ballerini, Op. Theol. Mor. l. c. cp. II. De Reservat. cas. n. 772 ss.; Lehmkuhl, l. c. n. 411, ad II. Concerning the privilege of the Mendicants as regards the absolution from the *Casus Episcopal.*, and from the *Casus qui Episcopis tantum a jure reservatur*, see Ballerini, l. c.

III. If a priest who is not empowered to absolve from reserved cases hears a reserved sin in the confessional, he must, as a rule, refer the penitent to the Superior, or to another priest delegated by him. But if the confession must of necessity be made just at that time, and if there is any obstacle in the way of going to another, the unauthorized confessor can absolve directly from the non-reserved, and, consequently, indirectly from the reserved sins. But the penitent must confess, in addition to reserved sins, others which are not reserved, or confess again a sin already confessed, in order that the *materia Sacramenti* may not be wanting. It is, however, afterwards the duty of the penitent—if it is possible to him—to confess the reserved sin to the Superior, or to a priest designated by him, or, as the case may be, to the same confessor after the latter has received power to absolve from the sin in question, in order that he may be directly absolved from the reserved sins.[564]

564 Formerly, in accordance with the prescription of the canon law, the teaching universally held was that (*a*) *one who is prevented during a very long time, or always (five years or longer) from going to the Superior or his delegate, is absolved by a*

subordinate priest without any further obligation, and (*b*) one who is prevented for a long time (from six months to five years) is absolved, with the duty of presenting himself before the Superior when the obstacle is removed, while one who is prevented only for a short time may not be absolved from reserved sins; but if necessity urges *hic et nunc*, absolution for the non-reserved sins can be given him, so that the reserved sins may be indirectly blotted out, the obligation of obtaining absolution from the reservation or censure from the Superior or delegated priest remaining in force. This theory was based upon the assumption that he who was not able to appear before the Pope was not bound to employ any other means of communication (a letter, for example) unless this were expressly prescribed by the legislator. Moreover, on July 8, 1860, in answer to the question: Are penitents who are prevented from going to Rome in person bound to seek absolution from reserved cases at least by letter or through the agency of another? the S. C. Officii replied that the decision of approved authorities, especially of St. Alphonsus of Liguori, should be adhered to. Now the latter teaches (Lib. VII. n. 89) as *sententia probabilior et communis*, that one is not bound to this. On June 23, 1886, another line of conduct in this matter was prescribed by the S. Officium. The questions there put were: 1. May one positively adopt and act upon the teaching that the absolution from reserved sins and censures, also from those *speciali modo* reserved to the Pope, devolves upon the bishop, or upon any approved priest, when the penitent finds himself unable to go to the Pope? 2. If the answer to this question be in the negative, is one obliged to communicate by letter with the Prefect of the Penitentiary with regard to all cases reserved to the Pope, if the bishop has not a special Indult (the hour of death excepted), in order to receive the faculty to absolve? To these questions the above-named Congregation returned the following answer sanctioned and confirmed by the Pope (30 June, 1886): Ad I. With regard to the practice of the Sacred Penitentiary, especially since the appearance of the apostolical constitution of Pius IX which begins with the words *"Apostolicæ Sedi," Negative*. Ad II. *Affirmative*; but in the really more urgent cases in which the absolution cannot be deferred without danger of great scandal or disgrace, as to which the confessor is answerable to his own conscience, the absolution can be administered, *injunctis de jure jungendis*, also from the censure *speciali modo* reserved to the Pope; under pain, however, of "reincidence" in the same censures (that is, under pain of again incurring the censures) if the person absolved does not, at least within a month, and through the confessor, apply to the Holy See. (Linzer Theolog. prakt. Quartalschrift, 1887, S. 380. See Lehmkuhl, l. c. n. 410; Müller, l. c. § 145; Bucceroni, Enchirid. Morale et Supplementum. Compendio Theol. Mor.; Gury-Ballerini, Commentar. IV. p. 224 ss.; Ballerini, Op. Theol. Mor. l. c. cp. II. n. 664, Nota p. 356; Aertnys, l. c. De Censuris, n. 27.) On this Lehmkuhl remarks: "The rule laid down by the Apostolic See is clear. It does not distinguish between reserved cases with censure and without censure, and to follow it is now everywhere allowed, without waiting for a further promulgation, in *all Papal* reserved cases; indeed it seems to be becoming a general rule." (L. c. n. 413.) Ballerini adds the remark: *Ergo* (1) *urgente rationabili causa, quilibet confessarius absolv'd a censura, censuræ autem absolutio non est nisi directa: cessante autem censura cessat reservatio peccati, a quo proinde Confessarius directe absolvit. Absolutio proinde, quæ in casibus urgentibus diferri non posse dicitur, est absolutio directa. Jam vero vides* (2) *heic de absolutione indirecta a peccatis reservatis, quia in casibus urgentioribus succurri potest necessitati pœnitentis ne verbumquidem fieri: Nimirum cum necessitati pœnitentis succurrendum est, absolutionem directam a reservatis dandam esse et hunc esse Ecclesiæ sensum supposuerunt Patres.*

But the confessor can also apply to the Superior and from him obtain powers for this special case to absolve the penitent from the reserved sin; this must, of course, be done with the most careful and strict observance of the secrecy of the confessional. Indeed, it is highly to be recommended in our days that the confessor should not refer the penitent to the Superior or to another priest with the requisite powers, but should rather himself procure from the Superior the necessary powers to absolve the penitent, even when the latter has no long or difficult journey to make in order to reach the Superior. For, if the penitent goes himself, the duty of confessing his sins again is incumbent upon him, and to confess such a sin again requires from most penitents great self-command: and there would be fear of his changing his mind and not going to the Superior at all. Let the confessor, therefore, regard it as a duty of charity,[565] which in most cases he must undertake for his penitent, to obtain from the lawful Superior the necessary power to absolve from the sin or censure confessed to him. But if it is a question of Papal reserves, and if the confessor, in a case of really urgent necessity, has given absolution, he must, in the name of the person absolved, apply by letter to Rome, in order

that the matter may be finally set in order. If the Superior refuses "unjustly" to grant the faculties for a reserved sin, such refusal is unlawful; indeed, he sins if, without any valid reason, he makes difficulties about imparting the faculty, and when great detriment to the subject is to be feared from the refusal, he sins against charity and justice. But if the penitent could without difficulty confess to a delegated priest, and if there were lawful ground[566] for obliging the subject to confess to the Superior, the Superior could without doing wrong refuse the faculty. As a general rule it is to be observed: that the confessor who seeks faculties for the absolution of reserved cases, and the Superior who imparts them, should be guided only by consideration for the greater welfare of the soul of the penitent; all vain, unworthy motives should be out of question.[567] In case of refusal of faculties for absolving, another confessor cannot directly absolve from the reserved sin.[568]

565 Cf. S. Alph. Lib. VI. n. 584, Praxis Confess. n. 80. But see Ballerini on this point. Op. Theol. Mor. l. c. cp. II. n. 664.

566 Lugo, l. c.; Ballerini, l. c. n. 694.

567 Cf. S. Alph. Lib. VI. n. 586; II. A. n. 134.

568 Laymann, L. V. Tr. 6, c. 13; Lugo, Disp. 29, nn. 188 et 20, n. 141; Suarez, De Pœn. Disp. 30, s. 4, n. 8; Busenbaum, l. c. n. 105; Ballerini, Op. Theol. Mor. l. c. cp. II. nn. 688, 689.

In requesting power to absolve from reserved sins, the name of the penitent, his character, position, or parentage must not be mentioned, and everything must be avoided that might betray him. Without naming the person the reserved sin is indicated, or else the number only which the sin in question bears on the official list of reserved cases, followed by the request for faculties to absolve. Instead of this, one can, for the special case, request the power to absolve from all the reserved sins among which the one in question is contained. The instructions given by the Superior upon application are to be accurately followed; the document containing them is to be carefully sealed and afterwards burnt. The priest who dispatches it, of course, gives his name and address, writing on the envelope the superscription "*Pro foro interno*." The envelope, with the request thus sealed, is inclosed in a second envelope, which must likewise be sealed, and this one is addressed to the Ordinary or vicar-general.[569]

569 Schneider, *Manuale Sacerdotum* contains formularies for the request.

In order that the object of the reservations may be attained, the Superior and his delegate must admonish the penitent with greater earnestness, impose a more severe penance than ordinary upon him, and prescribe special remedies, in order that he may be preserved from relapse.

To the above we add:—

1. The difference between direct and simply indirect absolution is the following: he who is only indirectly absolved cannot as he pleases receive holy communion or say Mass (at least not when he remains under the censure), but only when, in individual cases, there is urgent necessity for the reception of communion or for saying Mass.

2. The duty of appearing before the Superior is undoubtedly binding under grave sin; and when it is a question of a censure from which one has been absolved with the obligation of presenting himself before the Superior the duty remains in force, under pain of falling again under the same censure.

3. When there is question of the duty of applying to the Pope, the Sacred Penitentiary, or the Cardinal Grand Penitentiary is understood, as this tribunal acts instead of the Pope in matters of conscience, after the manner of a *munus perpetuum*, the Pope being neither accustomed to, nor able personally to, receive all petitions.

4. "*Casus urgentiores, in quibus absolutio differri nequit absque periculo gravis scandali vel infamiæ*," are the following: (*a*) when the penitent cannot stay away from holy communion or, as the case may be, omit the celebration of holy Mass, without causing scandal, or without giving rise to grave suspicion against himself; (*b*) when the duty of yearly confession is to be fulfilled, or when the penitent would otherwise remain a long time in grave sin.[570]

570 S. Alph. l. c. n. 584.

5. According to the teaching of St. Alphonsus,[571] the following persons are considered as prevented, or, as the case may be, exempted forever, from going to Rome: (*a*) those who are not able of their own right to undertake a journey to Rome; (*b*) those who are too poor to provide the requisites for such a journey; and (*c*) those who are in weak health, and unequal to the exertions of the journey. It is true traveling conditions are different now, and the obstacles which St. Alphonsus considered valid in his day can no longer be allowed to hold altogether good, but it is easy to gather from what the holy Doctor[572] says upon the point when an obstacle may still be regarded as legitimate. Accordingly, the following are to be considered as laboring under a perpetual impediment of appearing before this Superior for absolution, always with the understanding that their circumstances remain unchanged for a period of five years or more: (*a*) children who are still under paternal authority; (*b*) members of Religious Orders (except when they have been guilty of some extraordinarily grave crime); (*c*) old people of more than sixty years; (*d*) those who are in the position of servants or in similar situations; (*e*) poor persons, who are not accustomed to gain their maintenance by begging; (*f*) prisoners; (*g*) sick persons and weak persons; (*h*) those who hold a public office, or provide for a family, and cannot be replaced by a substitute; (*i*) women, except those who, in a special case, have incurred a reserved censure, as, for instance, the violation of the inclosure, in which case application by letter must always be made to the Pope; (*k*) those not of age; and, finally, (*l*) all those who cannot undertake this journey without great moral or bodily harm, either to themselves or to those belonging to them. The questions as to whether one who has committed reserved sins must, in the absence of an authorized confessor, confess to a simple one, in the case of his having to say Mass or communicate, or whether it suffices to elicit contrition,—and whether the penitent who has committed both reserved and unreserved sins must accuse himself in the confessional of the reserved sins as well,—formerly discussed by theologians, are solved by present usage. As the penitent under existing legislation can be directly absolved from censures and sins (though with the duty of applying to the Roman tribunal), the rule now is that the penitent must immediately confess all his sins.[573]

571 Lib. VII. n. 88.

572 Cf. Mazzotta, De Pœnit. Q. 3, c. 3, § 1.

573 See Ballerini, Opus Theol. Mor. l. c. cp. II. n. 667 ss.; S. Alph. Lib. VI. n. 265.

IV. In the hour of death every reservation ceases, and any confessor may then administer absolution. And a simple, that is, unauthorized, confessor, can absolve a penitent in *articulo mortis* from reserved sins even when the Superior is present or is easily accessible, since the Council of Trent has expressly declared that *in articulo mortis* there is no reservation. Moreover, no obligation must be imposed upon the dying person in case of his restoration to health, unless perhaps he should owe to some other person a debt of satisfaction or restitution. If, however, it is a question of reserved censures, the confessor who possesses no power to absolve from these must impose the duty, in case of recovery, of appearing before the Superior; in this case it would, of course, be advisable to set the matter in order at once with the Superior if he be present or easily accessible.

With regard to the absolution of reserved cases the following questions remain to be discussed:—

1. Is the reservation of sins removed by an invalid absolution which the Superior, or a priest authorized by him, has administered? In answering this question theologians set up the following distinctions: (*a*) If the absolution was invalid without fault on the part of the penitent, and if the latter confessed all his reserved sins, the reservation is removed according to the usual, and intrinsically well-founded, opinion of theologians: in this case the penitent has fulfilled the object of the reservation if not that of the Sacrament, by submitting the reserved sins to the judgment of the Superior, or, as the case may be, of the authorized priest. (*b*) And even if the confession were sacrilegious, the reservation is, according to the not improbable teaching of many theologians, removed, and that on the ground just alleged. This teaching, however, cannot be extended to the confessor who absolves from reserved sins *virtute jubilæi*, as, at the time of a Jubilee indulgence, the confessor does not possess the faculty to absolve all penitents from reserved cases, but only the *vere pœnitentes*, who wish to gain the Jubilee indulgence; but those who, of their own fault, make the confession invalid, are certainly not of that class.

2. When the penitent through forgetfulness has omitted to confess a reserved sin, the reservation is removed, according to an opinion which St. Alphonsus, following Lugo, characterized as the most common among theologians and as probable, so that *any* confessor could, afterwards, directly absolve from these reserved sins, and this is presumed to be the intention of the Superior as regards the properly disposed penitent. On the other hand, not a few theologians, among them Suarez,[574] teach that in the above case the reservation is not removed, and St. Alphonsus designates this opinion as the more probable, and for the very strong reason that (as he says) a reservation is only removed by being submitted to the judgment of the Superior, in order that the object of the reservation may be attained. This latter opinion certainly deserves the preference in view of the argument alleged; but the following cases are excepted: (1) when one may assume from any positive sign that the Superior wished to remove the reservation; (2) when the penitent went to the Superior or to an authorized priest for the purpose of being absolved from all reserved sins, and declared this wish to the confessor; (3) when a privilege was granted in favor of the penitent, such as either expires with an official act, or is limited to a definite period, as, for example, at Jubilee time. To these Suarez adds a fourth exception—when (4) the reservation refers only to the censure, "because in order to absolve from a censure, it is not necessary *per se et directe*, to know the matter in question accurately in detail, but the general intention of absolving from all sins, reserved included, to the extent of

the confessor's power and the penitent's necessity is sufficient for the purpose."[575] But if the penitent has, through his own fault, failed to confess the reserved sin, the reservation is certainly not removed, as one cannot here assume that the Superior annuls it.[576]

574 Disp. 31, Sect. 4, n. 14, et seq. and n. 16.

575 Suarez, l. c.; Gury, Ed. Ratisb. II. n. 581, Notæ; Aertnys, l. c. n. 244, Q. II.

576 Cf. Opus Theol. Mor. l. c. n. 753 ss.; Gury-Ballerini, II. n. 581, Q. 10, et Vindiciæ Alphons. pp. 572-578.

3. It is not allowed to absolve a penitent only from the reserved sins and for the rest to send him to another confessor. Nothing can justify such a proceeding.[577]

577 Cf. Prop. 59 damn. ab Innoc. XI; S. Alph. Lib. VI. n. 595; Ballerini, Op. Theol. Mor. l. c. n. 743.

4. If a penitent has confessed a sin as to the reservation of which a doubt exists, the latter is directly absolved by the absolution administered by a simple confessor. This need not be afterwards confessed if it should prove that the sin was undoubtedly reserved.[578]

578 S. Alph. Lib. VI. n. 600, Q. 2; Gury, II. n. 581, Q. II.

5. A confessor has applied for powers to absolve the penitent from reserved sins; in the meantime, however, after these powers have been granted, and before they have been exercised, the penitent has again committed the reserved sin or committed it several times, or committed other reserved sins—do the powers applied for suffice in order to be able to absolve? If the powers are conferred in a general way, say in the following or a similar manner: "*Facultatem tibi concedimus pœnitentem hac vice absolvendi a reservatis*," the confessor can, according to a very probable and general opinion, absolve the penitent from all reserved sins committed before and after; only the interval between the powers conferred and the new reserved sins incurred must be no longer than one month, and the powers must not have been conferred on account of a festival which is already past. If, however, the faculties have been conferred for a definite class of reserved sins only without specifying the number, these faculties suffice to absolve the penitent (but only to absolve him once) from all cases of this kind.[579]

579 S. Alph. Lib. VI. n. 601; Scavini, Tract. X. Adnotationes, 236. Cf. Bucceroni, Jan. Commentarii De Casibus reservatis, Romæ, 1889.

Chapter III. Abuse of Power by the Minister of the Sacrament

An exalted, indeed a divine, power has God conferred upon priests, in authorizing them, as judges of souls in His stead, to remit or to retain sins. This power has been conferred upon them for the salvation and welfare of souls. It is, therefore, greatly to be regretted that we must here speak of an abuse of this power. The Church has, alas! found herself obliged to adopt severe measures against this abuse, in order to prevent it, but in her severity she shows her zeal for the faithful, and proves herself the faithful dispenser of the Mysteries of Christ. There are three ways in which the priest may abuse his power in the Sacrament of Penance.

45. Inquiring after the Name of the Accomplice in Sin

In a former paragraph (§ 27) we have laid down that it may be permissible to reveal indirectly the accomplice of the sin (*complex peccati*) in so far as the complete confession of one's own sin may render this avowal necessary, and that, accordingly, the confessor is also allowed, in order to make the penitent's confession entire, to ask the circumstances which alter the nature of the sin, or to put questions which are necessary in order to provide the better for the penitent's spiritual welfare, questions through which the *complex peccati* might also become known to the confessor. Here we treat of a totally different case, viz. the illicit attempt of detecting the name of the *complex peccati* without necessity, and of demanding its revelation under threat of refusing absolution.

On this point Benedict XIV issued several constitutions[580] which Pius IX confirmed in his Constitution "*Apostolicæ Sedis*" (see § 43, p. 326). The motives of the legislation are stated thus: many confessors, led astray by false zeal, have introduced a perverse and pernicious practice in hearing the confessions of the faithful ... that when penitents come to them who had an accomplice in their sin, they ask these penitents indiscriminately for the name of the accomplice. Nor do they do this in a kindly manner, by advice; but they force and compel them to reveal the name by threats of refusing absolution; indeed, not content with this, they even go so far as to demand from their penitents that they should mention the dwelling-place of the accomplice. This absolutely intolerable imprudence they justify by the pretext of care for the amendment of the accomplice, and do not hesitate to defend it by certain opinions borrowed from theologians, whereas they only falsely apply true and sound teachings to their own and their penitent's ruin, and, moreover, are guilty before God, the eternal Judge, of many and great evils which follow from their work, as they should easily have apprehended. Nor could malicious talk and scandal fail to arise from this conduct, nor any other result be expected than that not only the dispensers of the Sacrament, but the sacred Ministry itself, become odious, and the faithful perplexed.

580 In the *first* constitution addressed ad *Episcopos Lusitaniæ*, the Pope describes and condemns the crime of inquiring after the name of the *complex*; in the *second*, addressed to the same bishops, he decrees the punishment for the transgressors of the command, and prescribes the *Ordo procedendi* against them; in the *third* constitution he extends the two former decrees to the whole Church.

In the second constitution the Pope decrees:—

1. The excommunication *latæ sententiæ*, which is reserved to the Pope, against all who in future presume to teach that this practice is allowed, and against all who orally or in writing dare to defend it, or attack, or presumptuously expound otherwise, or distort, what was said against this practice in the first Brief.

2. The suspension from hearing confessions *ferendæ sententiæ*, and other heavy penalties against those who, after the manner of the above-described and condemned practice, dare to ask penitents the name of the *complex peccati*, or the dwelling-place, or other circumstances imparting a closer or more individual designation of this *complex*, threatening at the same time the refusal of the sacramental absolution to the penitent who refuses to give information on these points.

3. The Sacred Office was advised rigorously to proceed against those who taught that this practice was allowed, defended it, etc. (as above indicated), and against the confessors who applied this pernicious teaching, when their conduct excited suspicion that they adhered to the false doctrine. The Pope, therefore, laid upon all (except the penitents *in propria causa*) who knew that a confessor was guilty of this teaching, or of practices which excited suspicion—an obligation of bringing the matter before the notice of the Sacred Office within a month (under pain of excommunication, which is now, however, removed).[581]

581 Cf. Gury-Ballerini, II. n. 500, Notæ.

The Constitutions of Benedict XIV, however, as is clear from the foregoing, are leveled against the practice of asking penitents, *passim*, indiscriminately, who have an accomplice in their sin, for the name of the accomplice. The prohibition is, therefore, not an absolute one, for there may be circumstances in which it is allowed to demand from the penitent even under threat of withholding absolution, the naming of the partner in sin. This is the case when the confessor holds at the same time another office, such as that of a Superior, by virtue of which he can oblige the penitent to reveal to him the authors and accomplices of the sin, in order to punish them as pernicious to the general weal. If this is the case, the confessor does not ask for the name of the accomplice as confessor but as Superior, and as Superior he rightfully demands to know who the accomplice is.

When, again, the confessor sees that by the concealment of the partner in guilt there would arise grave evil which the penitent is bound to prevent, the latter must, out of regard for the general welfare, make known the accomplice in his sin to the proper person; but if the confessor is at once convinced that the penitent cannot himself communicate it directly to the Superior, and also that he has no other more suitable person through whom he could do so than the confessor himself, the penitent is bound to accept this sole remaining expedient, and inform the confessor of the accomplice, and the confessor may force him to do so under pain of withholding absolution; for, if the penitent were not willing to obey, he would not be worthy to receive absolution. "However," Lugo warns us, "the confessor must proceed in this matter with great caution, that scandal may not arise in making use of information obtained in the confessional. It is, therefore, better to request the penitent to speak to him upon the subject outside the confessional." Indeed, it is necessary to require that the information should not be given him under the seal of the confessional.[582]

582 Lugo, Disput. 16, nn. 432 sq.; Ballerini, Not. ad Gury, II. n. 502; Lehmkuhl, l. c. n. 340; Aertnys, l. c. 248, Q. I and II. Although St. Alphonsus (Lib. VI. n. 492) admits that the penitent is sometimes obliged to make known the *complex* in order to avert a great evil, yet he dares not maintain, in view of the strict prohibition of the Pope, that the confessor is ever allowed to ask the name of the *complex*. He has not sufficiently considered the word *passim*—and the other words, *doctrinas veras et sanas male applicando*—in the constitution of Benedict.

46. The Absolution of the Complex in Peccato Turpi

To preserve the sanctity of the institution of Penance, to protect the Sacraments from contempt, and save souls from ruin, the Church has laid down the following very salutary regulations:[583]

583 Constit. Benedicti XIV, "Sacramentum Pœnit.," 1 June, 1741, et Const. "Apostolici muneris," 8 Feb., 1745; Constit. Pii IX, "Apostolicæ Sedis," 12 Oct., 1869. Cf. Bucceroni, Jan. Commentarius in Constitutionem Benedicti XIV, "Sacram. Pœnit.," Romæ, 1888; Pars altera, pp. 106-141.

I. No priest, whether secular or regular, possesses jurisdiction over his *complex in peccato turpi* against the sixth commandment, till another confessor has absolved the *complex* from this sin.

According to this, jurisdiction is withdrawn from the confessor only in respect to the sin against the sixth commandment which he himself has committed with the penitent.[584] Nevertheless, this withdrawal of jurisdiction has also the effect that he cannot validly absolve from other mortal sins which the penitent (*complex*) confessed at the same time with that sin. For the Pope has declared absolutely invalid and void the absolution administered by a priest who possesses no jurisdiction over such a sin and such a penitent.[585] But after the sin of the *complex* has been remitted by another priest, the jurisdiction of the unhappy priest over this penitent revives, even with respect to this directly remitted sin. The *Sacerdos complex* could, therefore, afterwards absolve his *complex* from sins which the latter had subsequently committed—not with him. Such a proceeding is, however, to be discouraged, for the sense of shame is thereby lost, the reverence due to the Sacrament dies away, and the danger of relapse, or, at least, of great temptation, is imminent. Such unhappy penitents must, therefore, be admonished never more to confess to the *confessarius complex*.[586] But what is the *confessarius complex* to do if the penitent again confesses that sin in which the confessor has been *complex*, although it has already been remitted by another confessor? If he only confessed this sin, the case would be just as if a penitent confessed a reserved sin only to a priest not empowered for reserved sins; the latter could not absolve, because there would be (for him) no proper *materia sacramenti*.[587] But if the penitent (*complex*) confessed other sins (in addition to that in which the confessor had been his *complex*) absolution could be given,[588] since a priest who is not authorized for reserved sins can administer absolution when reserved and unreserved sins have been confessed. But then the absolution is, both by the nature of the case and the intention of the person absolving, applied to the unreserved sins only. There is, moreover, a great difference between the two cases,—the confession of the sin in which the confessor was an accomplice, and the confession of reserved and unreserved sins,—namely, that to absolve a penitent who has confessed reserved and unreserved sins, a *causa ab integritate confessionis excusans* must be present, whereas no such reason is here necessary in order to submit again to the power of the keys a sin already remitted.[589]

584 Cf. Declar. S. Pœnitent. 16 May, 1877.

585 Cf. Constit. "Sacramentum Pœnitentiæ," 1 June, 1741, Benedicti XIV.

586 St. Thomas, Supplem. Q. 20, Art. 2, ad 1; S. Alph. Lib. VI. n. 555. Cf. Gury-Ballerini, Notæ ad 587; Gury, Edit. Ratisb. Notæ ad n. 587; Aertnys, l. c. n. 249.

587 *Cum jurisdictionem in illud crimen nullam sacerdos complex habeat.* Ballerini, Op. Theol. Mor. l. c.

588 *Non habita ratione peccati illius* (*in quo complex fuit*) *cujus confessio ut quid impertinens consideranda erit.* Ballerini, Opus Theol. Mor. l. c. cp. II. De absolut. complicis. n. 648.

589 Ballerini, Notæ ad Gury, l. c.

In some dioceses it was *de jure particulari* forbidden that a priest should ever hear the confession of a *complex, saltem copula consummata*. This prohibition, however, the S. Congr. Concil. repeatedly rejected, and when the resolutions of a synod containing such a prohibition were submitted to it the Congregation returned the answer: *Tale decretum deleatur*, although the defenders of the decree adduced much in its justification, and emphatically denied the danger of scandal which many maintained would easily arise in little places. Thus, most wisely did the Congregation curb undue zeal.[590]

590 Cf. Ballerini, Opus Theol. Mor. l. c. cp. II. De absol. compl. n. 654.

But here another and much more difficult question forces itself upon us: What is to be done, *si alicubi mulier, quæ misere in ejusmodi peccatum cum sacerdote lapsa fuerit, nullum alium, quocum peccatum illud sacramentaliter confiteatur, sacerdotem ibi habeat*, but the circumstances of the person and of the place, etc., are such that she cannot go elsewhere to confess to another confessor, and there is no hope of her being able to confess to another priest at the place in question (at a mission, for example). Ballerini declares that it was not the intention of Benedict XIV, when he gave his Constitution, that such persons, in the above circumstances, should be deprived of the Sacraments of the Church their whole life, till in the hour of their death they could at last be absolved *a sacerdote peccati complice*. And might not such a person die suddenly without illness preceding? What then is she to do when the time for the yearly confession and Easter communion has come? May we say that she can always receive holy communion with *contritio* alone, indeed, that she must receive it? And what if scandal arises among the people, and the woman loses her good reputation by its becoming known that she has not received holy communion for several years? If any one objects that, in this extremity, such a penitent might be proceeded with exactly as if she had a reserved sin to confess, and, therefore, omitting that sin (over which the confessor has no jurisdiction), the other sins could be submitted to absolution, by which that sin also would be indirectly remitted, we ask: How and when will this sin be finally submitted to the power of the keys? Great difficulties beset this question, and we dare not make a decision supported only by our own judgment.

Two things are, however, clear enough: one is that when Benedict XIV withdrew from the *confessario criminis complici* the jurisdiction to administer absolution to the *complex ab eodem crimine*, he certainly removed the occasion of very great scandal, but he by no means wished to close to the sinner the way of reconciliation opened by Christ to him and to all the faithful; indeed, it was precisely in order that this reconciliation might be the more certainly and better accomplished by the agency of another priest, that he wished to make the *confessarius criminis complex* incapable of accomplishing it. He, therefore, presupposed, what generally is the case, that other priests would not be wanting, from whom the penitent, by confession and sacramental absolution, might obtain remission of her sin. It has never been the intention and practice of the Church, by restricting jurisdiction for the remission of certain sins and reserving absolution for them, to set aside the ordinary means of forgiveness, the sacramental confession of sin, and to supply for this by perfect contrition or indirect remission. However ample these extraordinary means for obtaining eternal salvation may be, yet the Church does not allow that the ordinary dispensation set up by Christ for our welfare should be disregarded. The Church, therefore, removed all restrictions upon absolution for the hour of death, so that all priests can absolve every penitent from all sins and censures. We are not, however, to suppose that

the Church has made this provision solely for the moment and the danger of death; she makes other exceptions.[591] It is, therefore, very far from the intention and the custom of the Church so to limit the jurisdiction necessary to the administration of the Sacrament of Confession that it remains restricted even when a sinner, during a long time, and still less if during his whole lifetime, is unable to have access to a priest whose power is not limited. And who, out of fear of an abuse, would forbid a priest the dispensing of a Sacrament, or one of the faithful the reception of a Sacrament, when the reception of such Sacrament appears necessary? When, therefore, necessity demands the reception of the Sacrament, it is not to be refused by the priest nor to be neglected by the faithful. If abuse takes place, let the blame fall upon those who would not make good use of the benefit.[592]

591 Cf. C. Eos qui 22, De Sentent. Excomm. in VI; C. Ea noscitur 13, De Sent. Excomm., et C. Quamvis 58, eod. tit.

592 Ballerini, Op. Theol. Mor. l. c. n. 655.

A pari Ballerini teaches that the *confessarius complex* may administer absolution from the *crimen, in quo ipse complex fuit*, to the penitent who has no other confessor, and who, if he were not absolved by the *confessarius complex*, would be obliged to abstain for a long time from holy communion with possible scandal to others, and this teaching is in the Commentaries of the *Acta S. Sedis* extended to other extraordinary cases, when, *during a long time*, no opportunity presents itself to the *persona complex* of confessing *without evident danger of sacrilege*, and when, at the same time, evident danger of disgrace or even of suspicion arises from the long abstention from the holy Sacraments.[593]

593 Cf. Lehmkuhl, l. c. P. II. Lib. II. Tr. I. De Censuris, Sect. II. n. 937.

II. To incur this penalty it is necessary:—

1. That the sin in which the confessor was an accomplice should be a mortal sin, both internally and in the external act. Purely internal mortal sins, and those not completed externally, are, therefore, excluded;

2. That *both* confessor and penitent should have sinned and have been guilty of the *peccatum turpe*;

3. That the two preceding conditions should be certainly fulfilled; hence the sin must certainly have been mortal internally and externally, and on the part of both the confessor and the penitent, on the principle that *odia restringenda sunt*.[594]

594 S. Alph. Lib. VI. n. 554.

Accordingly, it is indifferent if the *complex* be a person of the male or female sex. Benedict XIV expressly says: *"Qualemcumque personam"*; moreover, it is not necessary that the sin should be completed, as the Constitution says generally and indefinitely: "a sin against the sixth commandment," and the object of the law is—_occasiones non tantum copulæ sed omnis turpitudinis a sanctitate tribunali pœnitentiæ removere. Casum complicis ergo constituunt: tactus impudicus, osculum, amplexus, colloquium uti et aspectus, dummodo complicitatem important ac tam interne, tum externe sint graviter mali._[595]

595 S. Alph. l. c. Cf. Declar. S. C. Inq. 28 May, 1873, in Acta S. Sed. Vol. 10, append, p. 345. Aertnys, l. c. n. 249. Some wrongly exclude the *sermones impudici*; the most that can be urged for such a view is that there might be a doubt, *num fuerit peccatum mortale ex utraque parte*, and, on account of such a doubt, the *causa complicitatis* which the law requires may the more easily be absent. Cf. Lehmkuhl, l. c. n. 935.

But when one party has either not gravely sinned or only by an internal act, there is no *casus complicis* in question.

III. The *confessarius* can absolve his *complex*, when the latter is *in articulo mortis* and when another priest, who may also be without faculties, cannot be called in without greater danger of defamation or of scandal, or when another priest is, indeed, present, but declines to hear the confession of the dying person. In the latter case this priest is regarded as absent. The *sacerdos complex* is, however, bound to take all care that no suspicion or scandal arises from the presence of another priest; he may, for example, upon some pretext or another, absent himself, having previously induced the dying person to send for another confessor. If he fail to do this, and so is under the necessity of administering absolution to the dying person, he sins gravely and incurs the penalty decreed; but the absolution administered by him, "*etiam directa hujus peccati*" would be valid, that the dying person might not be lost.[596]

596 This results from the tenor of the Bulls "Sacrament. Pœnitent." of Benedict XIV and "Apostolicæ Sedis" of Pius IX. A simple, non-approved priest is, *per se*, to be preferred to the *sacerdos complex* (if no defamation arises), but a *sacerdos publice suspensus, excommunicatus*, is not to be preferred, as it is not becoming to call such a one to the dying person, and in this case it will scarcely be possible to avoid suspicion.

All authors teach that a priest can also absolve his *complex* who is *in articulo mortis*, when the latter, without fault on the part of the *confessarius complex*, refuses to confess to another priest. This penitent, however, must be *in bona fide* as regards the commandment of the Church. Here the eternal salvation of the poor penitent is in question, and frequently scandal would result if the priest should refuse to hear the confession of the dying person.[597]

597 Ballerini, Opus Theol. Mor. l. c. cp. II. De absolut. compl. n. 652 ss.

IV. The confessor who, apart from the specified cases of necessity, absolves his *complex in peccato turpi* from this *peccatum turpe* incurs, *ipso facto*, the excommunication specially reserved to the Pope.[598] If a priest absolves his *complex ex ignorantia* or *inadvertentia*, and thus remains free from grave sin, he does not incur the censure. But it is doubtful whether the absolution administered is valid. The *sententia communis* rejects the absolution as invalid, since the Pope has only excepted the absolution administered in the hour of death; but several later theologians hold the absolution to be valid, because the Pope, as they point out, speaks only of the *sacerdos sacrilegus*, who knowingly and intentionally absolves his *complex*.[599]

598 Cf. Constitutio Benedicti XIV, "Sacrament. Pœnit." and Pii IX, "Apostolicæ Sedis" (see § 43, p. 326).

599 Cf. Berardi, Praxis conf. n. 1076.

Further, a priest does not incur the excommunication who hears the confession of his *complex*, but does not absolve him, seeing that, according to the Constitution of Pius IX, only the *sacerdotes absolventes* fall under the excommunication. If, however, the confessor pretends to absolve his *complex* (*fingere absolutionem*) while, in reality, he does not absolve him,—for instance, saying some prayer in place of the usual form of absolution,—he incurs excommunication. So the S. C. Inq. declared on December 10, 1883, with the approbation of Leo XIII.[600]

600 This question was before decided in the same sense by the S. Pœnit. 9 Jul., 1751, et Mart., 1878. Cf. Linzer Theol. Quartalschrift, 1882, p. 389. Revue theol. 1884, p. 363. St. Alphonsus had already (Lib. VI. n. 556) maintained, *eum, qui fingat absolutionem, non incurrere censuram*, deducing this from the words of the Constitution of Benedict XIV, and this interpretation of the Pope's words was probable; this opinion of the sainted teacher seems still to coincide with the

words of the Bull of Pius IX, which reads *Absolventes*. But the Sacred Penitentiary has declared otherwise. The latter evidently here takes the word *absolventes* in the wider sense. Cf. Ballerini, Opus Theol. Mor. l. c. n. 656. Lehmkuhl, l. c. n. 936, Nota.

If the penitent confesses to the *sacerdos complex* and conceals the sin against the sixth commandment, which the confessor has committed with him, and the confessor absolves him, the latter does not incur the excommunication, according to a declaration of the S. Pœnitent. on May 16, 1887. "For this penalty falls only on the priest who absolves his *complex* from that *peccatum turpe* in which the priest has been the *complex* of the penitent." Nevertheless, according to the declaration of the Penitentiary, the confessor of the priest who has absolved his *complex* (even when he has not absolved him from the *peccatum complicitatis*) is bound to remind him with the greatest zeal that he has been guilty of a very grave sin, and an abominable abuse of the Sacrament of Confession, and he may only absolve this priest after exhorting him in the most forcible manner to relinquish his office as confessor, and after imposing on him the obligation of refraining from hearing the confessions of his *complex* in the future; and that if the *persona complex* appears in the confessional again, he should exhort this person to accuse himself to another confessor in a valid confession both of the *peccatum complicitatis* and of the sins invalidly confessed. The concession of the Council of Trent (Sess. XXIV. cap. 6, "Liceat") does not empower a bishop to absolve a priest who has absolved his *complex*. The Sacred Penitentiary has expressly declared this on July 18, 1860, and it results from the Constitution "*Apostolicæ Sedis*," in which all the *casus papales* reserved *speciali modo* to the Pope are excepted from the powers granted to bishops in the cap. "Liceat."[601]

601 Cf. Decret. S. C. Inq. 27 June, 1866, and the Instructio S. C. Inq. 20 Feb., 1867. (Gury, Cas. Conscient. T. 2, n. 647.) Revue des sciences ecclès. Vol. 18, p. 359.

But if, "*in casibus urgentioribus*," absolution cannot be deferred without danger of great scandal and disgrace, a bishop, or another priest, can administer absolution *injunctis de jure injungendis* on the confessor who has unlawfully absolved his *complex in peccato turpi*, but under penalty of "reincidence" if within the space of a month, the absolved priest has not recourse by letter, and through the confessor, to the Holy See.[602]

602 S. C. Inquis. 30 June, 1886, the decision which Leo XIII approved and confirmed. Cf. Revue theolog. 1886, p. 378.

If a confessor in such a case is obliged to apply to the Holy See, he must address his petition to the Sacred Penitentiary. In this petition he must adopt a fictitious name, set forth the case concisely and clearly, with all the circumstances appertaining to the matter, as: *quot personas complices et quoties Sacerdos absolvere attentaverit; an unam vel plures irregularitates contraxerit ex violatione censuræ per celebrationem missæ vel exercitium solemne Ordinis Sacri; an alias jam acceperit Rescriptum gratiæ pro absolutione ab hujusmodi crimine*.[603]

603 The Sacred Penitentiary is accustomed to add a few clauses to its Rescript, and it will be useful to explain them briefly: 1. Before the *confessarius delegatus* can carry out the Rescript, the occasion of again sinning against the sixth commandment *cum persona vel personis complicibus* must be removed. Hence the voluntary occasion (and there is generally such in this case) must be physically removed, and a necessary occasion morally removed. See § 63. 2. The *Confessarius complex* must inform his *complex*, when he again comes to him to confess, of the invalidity of the former confessions and refer him to another confessor. 3. The duty of not again hearing the confessions of the *persona complex* in the future will be imposed upon the *Confessarius complex*, when this can be done without great scandal, and he would, therefore, sin gravely if he should disobey this command. According to the number and gravity of the cases the Penitentiary subjoins still severer clauses: (*a_) those who duas personas complices only once, or unam bis a peccato in re turpi absolvere attentaverint the Sacred Penitentiary orders to give up their office as confessors. (b) But those _qui duas aut plures personas sive unam ter aut pluries*

absolvere ausi fuerint, it commands to relinquish as soon as possible the office which they have so misused, and that within the time which is to be determined by the priest who administers the absolution, and which must not be prolonged beyond three months, if they are simple priests; if they are parish priests, the period may be longer, but not beyond six months. And if within this time the priest is unable, for weighty reason, to give up his office, the delegated confessor must again address himself to the Sacred Penitentiary, and lay the whole matter before him; in the meanwhile, however, the *sacerdos complex* may not hear the confessions *cujuscunque personæ complicis*. The Sacred Penitentiary will, for weighty reasons, extend the period, and when, after a time, the unhappy priest seems to have amended, will allow him to continue to exercise the duties of a confessor. 4. The censures must be removed first, then the sins remitted, and finally the dispensation from the irregularity is given. Cf. Aertnys, l. c. n. 250.

47. Sollicitatio Proprii Pœnitentis ad Turpia

The minister of the Sacrament of Penance is a man, and remains a man; even when he is administering this Sacrament he is subject to the weaknesses of human nature, and hence he bears within him the inclination to evil and is exposed to the temptations of the devil; and it is there where he destroys the work of Satan that he must experience the hostility of the evil one more, perhaps, than elsewhere. In addition to this, the confessor holds such intimate intercourse with the penitent, and must, alas! so often deal with dangerous matter; he must listen to certain sins, investigate them and give them his attention in order to discharge his duty rightly. Thus may be explained the dreadful abuse of the Sacrament of Confession of which we now treat,—an abuse, however, which is very rare, —the *Sollicitatio proprii pœnitentis ad turpia*.[604]

604 The Constitutions, "Cum sicut nuper," of Pius IV, "Dilecte fili," of Paul V, "Universi Dominici gregis," of Gregory XV, and in an especial manner, "Sacramentum pœnitentiæ," and "Apostolici muneris," of Benedict XIV, cover this matter. Cf. Bucceroni, Jan. Commentar. Constit. Benedicti XIV, "Sacrament. Pœnit." P. I. pp. 1-150. Romæ, 1888. Ed. altera.

There is question only of an *abusus Sacramenti Pœnitentiæ ad turpia*, but not of an *abusus aliorum Sacramentorum ad turpia*, and also not of an *abusus ejusdem Pœnitentiæ Sacramenti ad alia peccata, quamvis gravissima*.

Jam quæritur:—

I. *Quid intelligatur per turpia vel inhonesta, ad quæ fit sollicitatio?*

II. *Quo actu sollicitatio perficiatur?*

III. *Qualis nexus inter sollicitationem et Sacramentum Pœnitentiæ intervenire oporteat, ut revera et ex mente legislatoris sollicitatio abusus Sacramenti sit?*

Ad I. *Per peccata turpia, ad quæ fit sollicitatio, intelliguntur omnes actus externi libidinosi seu actus luxuriæ, quo spectant etiam actus vel ex sua natura vel ex particulari dispositione complicis vel ex intentione operantis aliunde satis manifestata* (*v.g. signo, verbo*) *inductivi ad vehementem commotionem spirituum genitalium; intelligantur ergo: quilibet tractatus turpis, sermo obscœnus vel actio obscœna. Sollicitatio ex mente legislatoris non perpetratur actibus tantum venialiter inhonestis adeoque non veneriis (nam in his non est parvitas materiæ). Excipe, si ex circumstantiis certe conjiceretur, sacerdotem actu de se leviter malo (v.g. verbo blandiori) animum habuisse procedendi ad gravia.*[605] *Confessarius consentiens tantum mulieri sollicitanti in confessione nullo modo eximitur a peccato sollicitationis*, i.e. _inhonesti tractatus in confessionali, idque licet statim desierit de illa turpi materia loqui, differendo illius complementum ad aliud tempus et non præbendo absolutionem pœnitenti; item licet inductus metu consenserit sollicitationi[606] et a fortiori, quando confessarius et pœnitens invicem se sollicitarunt, puta quando confessarius ad unam turpitudinis speciem sollicitatus ad aliam sollicitavit pœnitentem. Juxta Decreta sollicitaret etiam confessarius, qui diceret pœnitenti: "Si sæcularis essem, te uxorem ducerem"; vel "Expecta me hodie domi tuæ, quia tecum loqui cupio" et postea domi sollicitaret; vel "Hisce peccatis tuis pollutionem passus sum"; item, si feminæ petenti confessionem responderet in confessionali: "Nolo tuam audire confessionem, ne quid mihi contingat; quia amore tui captus sum"; item "Totum me commoveri sentio ex affectu, quo te prosequor"; vel "Domum tuam veniam et promitte mihi, te facturum esse quod voluero."_[607]

605 Cf. S. Alph. Lib. IV. n. 564, sub 3.

606 Cf. Decl. S. C. Inq. 11 Febr., 1661, dub. 2 et 9, et Instruct. 20 Febr., 1867, n. 2.

607 S. Alph. Lib. VI. n. 704.

Ad II. *Crimen sollicitationis ad turpia adest, si confessarius, qualiscunque sit, tam sæcularis quant regularis (vel etiam sacerdos carens jurisdictione at hic in confessione)*[608] *sollicitat pœnitentem sive marem sive feminam ad peccandum sive secum sive cum alio; nec refert, utrum ipsum pœnitentem sollicitet, an mediante pœnitente aliam quampiam personam. Præterea sollicitatio hujusmodi ex parte confessarii fieri potest vel* immediate *(v.g. verbis obscœnis) vel* mediate, *puta per chartam postmodum a pœnitente legendam;*[609] *et habenda est* completa, *sive pœnitens reapse ad peccatum pertrahatur, sive resistat, dummodo ponatur medium aptum alliciendi ad actus inhonestos; nec refert, medium adhibitum in se malum sit an indifferens, dummodo ex circumstantiis postea cognoscatur, id ad sollicitandum adhibitum esse, puta, si confessarius mulieri hoc animo intimet, ut expectet eum domi, vel eam eodem animo interroget, ubi habitet*.

608 Cf. Resp. S. C. Inq. a. 1661 ad dub. 5, Instruct. a. 1867, sub 2.

609 Cf. Propos. 6 ab Alex. VII damn.

Ad III. _Ut vero sollicitatio ejusmodi sit abusus Sacramenti oportet, ut, modo a lege determinato, relatio aliqua intercedat inter ipsam et confessionem vel inter ipsam et locum ubi confessiones excipiuntur._[610]

610 S. Alph. Lib. VI. nn. 676-680.

(*a*) *Relatio requisita ad confessionem adest, si sollicitatio fit*: (1) *in actu sacramentalis confessionis incœptæ, licet non perfectæ; vel* (2) *immediate ante confessionem; vel* (3) *immediate post confessionem*, i.e. *quando inter sollicitationem et confessionem nihil mediat, ita ut nec confessarius nec pœnitens ad aliud negotium serio se divertant*.[611]

611 Illud immediate (ante vel post) aliqui moraliter intelligi volunt, ita ut, si physice tantum aliquid intermediat, seu intervallum adeo breve sit, ut pro nihilo debeat computari, confessarius adhuc vi harum clausularum sollicitans dicendus, ergo denuntiandus sit. Communis sententia, quam sequitur St. Alph. (n. 677) illud stricte, *i.e.* physice accipit. Ex praxi tribunalis S. Officii non censetur confessarius sollicitasse immediate post confessionem, si sollicitatio post transactum integrum diem accidet, dummodo nullo modo pravum animum suum in confessione indicaverit. Ballerini, Notæ ad Gury, II. n. 590. Opus Theol. Mor. l. c. Appendix De Sollicitatione, n. 1094 ss.

(4) *Occasione confessionis* (*veræ*) _vid. quando fit invitatio ad confessionem hic et nunc excipiendam ex parte pœnitentis, aut quando confessarius invitat pœnitentem ad confessionem hic et nunc faciendam, et hac occasione data, divertit pœnitentem a proposito et ad turpia provocat; aut si in confessione, sive immediate ante sive post, initium sollicitationis fit, quæ postea completur v.g. si dantur litteræ sollicitantes vel si fit interrogatio de habitatione et postea sequitur sollicitatio domi, vel si ob fragilitatem mulieris ex ejus confessione cognitam postea eam domi sollicitaverit, dummodo ex indiciis sufficienter constat, eum ex ilia scientia non aliis ex causis ad id motum fuisse.[612] Ejusmodi indicia aderunt si v.g. confessarius auditis peccatis mulierem interrogaverit, ubi habitet, an sola domi manere soleat vel alia hisce similia interrogaverit, vel, dum ad peccandum accessit, verbis aut factis aliqua commemoravit ex iis, quæ ex confessione accepit._[613]

612 Illud: "occasione" duplici hic significatione sumitur: altera opportunitatis, altera motivi.

613 Cf. S. Alph. Lib. VI. n. 678; Ballerini, Op. Theol. Mor. l. c. n. 1098. Ballerini, Not. ad Gury, II. n. 590; Nouv. Rev. Theolog. Tom. 12, p. 31 ss. Lehmkuhl, l. c. n. 976.

(5) *Prætextu confessionis* (*fictæ*), _si confessarius ex pravo fine invitat mulierem ad confessionem et deinde sollicitat, vel feminæ suadet, ut fingens se ægrotam eum, confessarium suum, tanquam ad confessionem faciendam, revera ad peccandum accersat. Secus probabilius dicendum, si prætextus confessionis non est ordinatus ad sollicitationem sed ad peccati jam conventi executionem, puta ad avertendum Superiorem vel familiares domus a scandalo et suspicione mali._[614]

614 S. Alph. l. c. nn. 678 and 679. Hinc sollicitans dicendus est Confessarius, si mulier, nulla conventione præmissa prætextu confessionis vocet ipsum in domum suam, qui cum accesserit, a muliere sollicitatus turpiter peccat eum illa; nam juxta decreta S. C. Inq. sollicitatio etiam a pœnitente emanare potest. Etiam sollicitans dicendus est Confessarius, qui extra confessionem sollicitat feminam huicque renuenti ob timorem diffamationis, suadet, ut fingens se ægrotam eum ad peccandum accerseret. S. Alph. n. 679; vide Ballerini, Op. Theol. Mor. l. c. n. 1102.

(*b*) *Relatio requisita ad locum, ubi confessiones excipiuntur, aderit, si actus prohibiti exerceantur*:—

(1) *In confessionali proprie dicto*; (2) *in loco quocunque, ubi confessiones excipi solent, licet confessionale ibi non inveniatur*; (3) *in loco quocunque, quem confessarius ad confessiones audiendas pro suo arbitrio elegit*.

Ut autem crimen sollicitationis ex mente legislatoris adsit ac propterea pœna sollicitantibus confessariis inflicta contrahatur, ob circumstantias sub (*b*) *enarratas enascatur simulatio confessionis accedat necesse est*, i.e. *confessarius et pœnitens ita se gerant oportet, ut confessionem ille audire* (*v.g. aures applicando*), _hic peragere videatur. Hæc tamen simulatio non requiritur, si sollicitat in confessionali personam, quæ pariter in eo invenitur; sufficit enim, ut sacerdos in confessionali de rebus turpibus agat, quin simulet confessionem audire._[615]

615 S. Alph. Lib. VI. n. 680. Ballerini, Opus. Theol. Mor. l. c. n. 1107.

The *sollicitatio* described in the foregoing is a very grave mortal sin of impurity, of sacrilege, and of scandal. For it is a dreadful abuse of the Sacrament of Penance, when, as Gregory XV expresses himself, the confessor thus offers the penitent poison instead of a remedy, instead of bread a scorpion, from a spiritual father becoming a wretched betrayer of souls.

IV. All penitents are bound under pain of mortal sin to denounce to the *Ordinarius loci*, or to the Holy See through the Penitentiary or Inquisition, the confessors who have been guilty of solicitation.[616]

616 Compare the above-cited Constitutions of the Popes, and the Instruction of the S. C. Inquis. 20 Feb., 1867.

The object of this denunciation is the following:—

1. If the person who denounces is known as honorable and truthful, if no evil intention, such as revenge, enmity, or calumny is to be imputed to him, whilst on the other hand, the denounced priest is already known to be not very conscientious, the denunciation effects that the *suspected* confessor will be *watched* by the *Ordinarius*.[617] And if stronger grounds of suspicion against the denounced priest accumulate from other quarters (for example, suspicious intercourse), this supplies the *Ordinarius* with a motive for administering to him, in the first place, a fatherly warning, in doing which, the *Ordinarius* does not yet impute to him the *crimen sollicitationis*, but rather exhorts him to be conscientious; in this, however, the *Ordinarius* must so proceed as not to excite the suspicion of the denounced against the denouncer. *"Ut plurimum enim nonnisi a tertia denuntiatione ad judicium procedi debet."*[618] The precise object of the law is to safeguard the Church and to inspire confessors with a just dread of the enormity of the crime which abuses the sacred tribunal of penance; or, as Amort expresses it: *finis non est emendatio personæ*

particularis sed securitas publica Sacramenti et animarum ex castigatione certa tam abominandi sceleris, et ex metu indeclinabili omnium confessariorum incurrendi gravissima supplicia etiam actu unico aut, semel tantum iterato; imo etiam indemnitas Ecclesiæ ne scil. ejusmodi pestes ad officia publica subrepant, quo nihil est nocentius communi Ecclesiæ bono.[619] Every solicited person is, therefore, strictly bound to denounce, and is not released from this duty because another has denounced; this duty never ceases to bind, though it is sometimes suspended for a time; in case of repetition a confessor must be again denounced, even if he has been already punished on account of the first transgression, or has not been fully convicted of solicitation;[620] again, the penitent is bound to denounce, even when, in consequence of *correctio fraterna*, he believes that he may confidently hope for amendment, indeed, as St. Alphonsus teaches, even when the fault has been atoned for;[621] denunciation must be made if the fact is certain though it cannot be judicially proved, or when the crime is secret, or was committed a long time before. It must not be supposed that belated information of this kind can be of no use; it may perhaps serve to complete previous information respecting the same confessor, or, in conjunction with other grounds of suspicion to close to a hypocrite the road to ecclesiastical dignities, or at least, to inspire the confessor with lasting fear of filling up the measure of iniquity by repeated solicitation, seeing that even solicitations committed a long time before may be brought into court. If, however, the person who solicited is dead, the denunciation need not take place, because then the full object of the law can no longer be realized.[622]

617 Cf. Instr. S. C. Inq. 1867, sub 11.

618 Cf. Instruct. cit.

619 Amort. Theol. Mor. De Pœn. Q. 19.

620 S. Alph. Lib. VI. n. 687. Cf. Resp. S. C. Inq. a. 1661, ad dub. 13.

621 Lib. VI. n. 701, II. A. Tr. 16, n. 175. Bucceroni, Commentar. in Constit. Bened. XIV, "Sacrament. Pœnit." art. II. Sect. 2, p. 66.

622 Cf. Bucceroni, l. c. p. 66.

2. The duty of denouncing is not incumbent upon the person who solicits, nor is he bound to admonish the penitent solicited by him to make the denunciation. All solicited penitents, however, without exception, male and female, seculars and regulars, high and low, to whatever class they may belong, are bound to denounce. Denunciation is also incumbent (but now no longer *sub excommunicatione*)[623] upon all witnesses of this crime, eye-witnesses or ear-witnesses, and whoever has received information of the solicitation outside confession, directly or indirectly, from words of the person soliciting himself, or the solicited person, if the latter be trustworthy.[624] The penitent must denounce in any case whether he has consented to, or rejected, the solicitation, but he need not make known his consent; he must also denounce when the solicitation has been mutual between confessor and penitent, or when the penitent has solicited, and the confessor has consented.[625]

623 Not, be it remarked, *virtute Constitutionum Pontificiarum contra sollicitantes, but virtute præcepti denuntiandi intra mensem hæreticos et suspectos de hæresi*. Cf. Bucceroni, l. c. art. II. § 1, p. 56.

624 S. Alph. Lib. VI. n. 698. They are not bound to denounce: (*a_) when the solicited person has already given the information;* (*_b*) when they would suffer great detriment by so doing, except in the case of a priest of great influence who had

already solicited many persons; (*c*) when the person soliciting is related to them within the fourth degree. Cf. Mazzotta, l. c. Tr. 2, Disp. 1, Q. 1, cp. 2, Sect. 4; Ballerini, Op. Theol. Mor. l. c. n. 1136 ss.

625 Cf. S. Alph. nn. 700, 697, 695. Bucceroni, l. c. p. 65.

A young girl, who, at the time of being solicited, was ignorant of any evil design, must, according to a decree of the Sacred Inquisition (May 11, 1707) denounce the confessor as soon as she has attained to an understanding of the solicitation which took place.

The solicited person, or whoever has certain knowledge of the solicitation, is not released from the obligation to denounce on account of the general difficulties attaching to the denunciation itself, as, for example, shame at having been solicited; fear that the judge might become suspicious of her; the danger of harm or detriment to the denouncing person; any such damage must be considered as trifling compared with the possibility of scandal to the Church and to souls; the use of *Epikeia* (*i.e.*, a benign interpretation of the law) is not justifiable in this case.

3. Every priest who has been guilty of the crime of solicitation, including him who possesses no jurisdiction, is liable to denunciation, be he secular or regular, or in any way exempted, whatever dignity he may hold; whether he has himself solicited, or consented to the solicitation of the penitent, and even when he has already amended.[626]

626 Compare the Constitutions of the Popes and the above-cited Instr. S. C. Inq. S. Alph. nn. 686, 688.

V. The confessor's dealing with solicited persons is regulated in accordance with the following ordinances of the Papal Constitutions and Instructions of the Sacred Congregation.

1. All confessors are bound *sub gravi* to instruct those of their penitents whom they know to have been solicited in the specified manner, that it is their duty to denounce the persons soliciting. This duty of instructing remains imperative even when the solicited penitents are *in bona fide*.

The confessors who do not instruct their solicited penitents must be punished.[627]

627 Cf. Instruct. nn. 3 and 4.

They must instruct their penitents concerning: (*a*) the strict duty of denouncing; (*b*) the time within which the denunciation must be made; (*c*) the penalty attached to the neglect of this duty; and (*d*) the manner of making the denunciation.

2. Let the confessor proceed in the following manner:—

(*a*) If he is in doubt as to whether the act or the word of the person in question really constituted a true solicitation, he must not oblige the penitent to denounce, except when strong grounds for suspecting solicitation are superadded, or when the words, *de se*, are soliciting, and doubt exists only as to whether the confessor uttered them with a bad intention.[628]

628 Cf. Instruct. S. C. Inq. a. 1661, ad dub. 12, 16.

(*b*) Before the confessor binds the solicited person to denounce (and only on condition that she denounce may absolution be administered) he must seriously consider whether this person be deserving of credit, or if there is weighty, just, and very probable suspicion, supported by other indications, that she is influenced by revenge and wishes to calumniate the priest. In this latter case

the confessor must remind her that she commits a very great sin, and one reserved to the Pope, in falsely denouncing a priest for solicitation.

(*c*) The confessor must not seek to know the name of the person soliciting, though he must question the penitent as to the necessary circumstances.

(*d*) And when the confessor knows positively that the penitent has been solicited, he must seriously impress upon her (even when she is in good faith) the duty of denouncing the person who solicited, and the confessor is bound to do so, even when he foresees that the penitent will not denounce.[629] After which he must indicate an appropriate method of making the denunciation. In this the following rules are to be observed:—

629 Constitutiones cit. et Instruct. Cf. S. Alph. Lib. VI. nn. 615-694, ratio: *ob vitandum damnum commune*.

(*a*) In order that the object of the denunciation may be obtained, the Ordinary must be informed of the crime and all its circumstances; the name of the confessor who solicited is to be given, that he may be summoned before the Ordinary, and, if found guilty, be punished; if the denouncer does not know the baptismal and family name of the confessor, she must describe him as accurately as she can, so that he may be recognized; finally, the name and dwelling-place of the denouncer must be given, that the Ordinary may make inquiries concerning her trustworthiness, and, if it should be necessary, summon her as a witness.

(*b*) The denunciation may be effected in one of the following ways: If the bishop or the vicar-general (*loci in quo moratur pœnitens*)[630] is near at hand, so that the solicited person can easily have access to him, the latter is bound to make the denunciation in person, and to declare that N. N., priest, parish priest, religious, etc., has solicited her *ad turpia* in the holy Sacrament of Confession. If, on account of distance, the solicited person cannot easily reach the Ordinary, she must make the denunciation in writing; that is, she informs the Ordinary by this document that she has to make a denunciation to him, which should come before the ecclesiastical tribunal, and she begs the Ordinary, at the same time, to authorize a priest to receive this denunciation.[631] The denunciation itself may be effected by letter, or through any other person—_hoc tantum valet quoad præceptum denuntiationis naturale et quatenus tale præceptum obligat in casu particulari. Nam si sermo sit de præcepto denuntiationis positivo, in ipsa Instr. cit. dicitur, quod onus personale est._[632] The denunciatory document must, however, be dispatched with such precaution that no reasonable fear of its loss need be entertained. And if the solicited person cannot make the denunciation by writing, she should repair to the dean, or to some other prudent and experienced man, who then writes in her name to the Ordinary, or to the Sacred Penitentiary, or to the Holy Office.[633] As a rule it is not advisable that the confessor should take upon himself the burden of making the denunciation for the penitent. But it is not to be denied that there are cases when the confessor is bound by the precept of charity to do this, namely, when the well-being of the community is threatened, and no other way appears of meeting the emergency.[634] The denunciation must never be made anonymously, and is always to be addressed to the bishop or to the vicar-general in person, not to the office of the Ordinary.[635]

630 The denunciation must be made to the *Episcopus loci*, where the penitent is staying, even when the *Confessarius sollicitans* belongs to another diocese; it is then the duty of this bishop to receive the sworn denunciation, and to forward it to the bishop of the confessor. Cf. Gury, Cas. Cons. Tom. II. n. 652; Kenrick, Theol. Moral. Tract. 18, 245.

631 Cf. Instruct. 1867, n. 7; Marc, Institut. Alph. Tom. II. n. 1800.

632 Cf. Bucceroni, Commentar. in Constit. Bened. XIV, "Sacram. Pœnit", Romæ, 1888, art. II. § 3, p. 74.

633 Cf. Instruct. 1867, n. 7.

634 Cf. S. Alph. Lib. VI. n. 699.

635 Cf. Instruct. 1867, n. 6.

3. Confessors cannot absolve penitents who know that they have been solicited till they have denounced the delinquent, or, at least, till they have promised that they will do so as soon as they can. This is laid down in the Constitutions of Benedict XIV and in the Instruction of the S. C. Inquis.

From this it follows that:—

(*a*) The confessor cannot absolve penitents who refuse to denounce. If a solicited person refuses, the confessor must investigate the cause of the refusal, and endeavor to remove it. If he finds the cause to be fear of disgrace, he may, in order to remove it, tell her that she stands before the ecclesiastical judge not as *persona complex*, but as a *testis*, that she is not bound to make known her consent; indeed, that she cannot even be questioned concerning her consent, and that if she has, *ex simplicitate*, declared her consent, it cannot be taken down in the official deeds.[636] Nor is any danger whatever of disgrace to be feared. If the penitent says that in gratitude for benefits received, or to be received, for presents, etc., she is unable to make the denunciation, or alleges other insufficient grounds for the refusal, the confessor must explain to the penitent the sacrilege, and her duty to obey the laws of the Church, which have been made for the purpose of warding off great scandal and detriment, and remind her of the penalty of excommunication which the solicited person *ipso facto* incurs, by not denouncing the soliciting priest within a month. Moreover, the confessor must not lightly admit what such persons are accustomed to bring forward in order to escape from the burden of denunciation. If the solicited person refuses to perform her duty out of false shame or irreligious pity, absolution is to be refused her as not being properly disposed. The confessor must, however, out of a true zeal for souls, exert himself by all means to induce such an unhappy penitent to make the denunciation; he should prevail upon her to come again at another convenient time, and, meanwhile, inform the Ordinary or the Holy See through the Penitentiary, or the Inquisition, of the matter without mentioning the name of the penitent.

636 Cf. Instr. 1867, n. 6.

(*b*) If, however, the confessor perceives that a solicited person otherwise well-disposed for the Sacrament of Penance has a lawful ground for refusing the denunciation, as, for example, a probable, well-founded danger of suffering appreciable injury in honor, property, or person,[637] or that, on account of fear or excessive timidity, she can by no means be brought to denounce the soliciting person at that time, either personally or through the confessor, but yet promises faithfully to make the denunciation later on, as soon as she can, he may absolve her, and that at once *stante nempe gravi difficultate denuntiationis faciendæ, si necessitas urgeat*, that is, when the penitent has to receive holy communion, in order to avoid scandal, or to gain a Jubilee indulgence. If there is no *necessitas urgens*, the confessor must defer the absolution, and appoint another time for the penitent to come to him; meanwhile, he must address himself to the bishop, and lay the whole case before him, concealing the name of the penitent, adding also the grounds which make it advisable to dispense the penitent from

the duty of denouncing. The bishop then may himself decide what is to be done or apply to the Sacred Penitentiary;[638] for the Holy See occasionally confers upon the confessor authority to dispense the penitent *pro ea vice* from the duty of denouncing, especially when the soliciting person has amended, and done penance. Solicited persons can also be absolved who *"in partibus schismaticorum, hæreticorum et mahometanorum degunt,"* although these regions are subject to the Constitutions leveled against those who solicit; such a case may occur when the circumstances indicate that no hope of punishing the soliciting person can be entertained and the *mulieres sollicitatæ* cannot denounce without danger and disgrace, while those denounced can easily escape punishment by having recourse either to schismatic bishops or to unbelieving lay judges.[639]

637 Cf. Bucceroni, l. c. art. II. § 2, p. 62 ss.; Ballerini, Op. Theol. Mor. l. c. n. 1141.

638 Cf. Instruct. 1867, nn. 5 et 7; S. Alph. l. c. n. 693; Bucceroni, l. c. art. II. § 1, n. 35.

639 Cf. Bucceroni, l. c. art. II. § 2, n. 38; Decr. S. C. S. Off. 21 Febr., 1630, etc.

VI. Solicited penitents who neglect, or, through their own fault, omit, to denounce the *Confessarios, sive Sacerdotes, a quibus sollicitati fuerint*, within a month, incur, *ipso facto*, the excommunication which is not reserved.[640] They incur this penalty, therefore, *infra mensem*, that is, reckoning from the day on which they were warned of their duty. If they give information later on, they can be absolved from the excommunication by any priest.[641]

640 Const. Pii IX, "Apostolicæ Sedis."

641 Cf. Bucceroni, l. c. art. II. Sect. 1, n. 36, p. 61 s. For the *Modus recipiendi denuntiationem*, see Instruct. cit. 1867, n. 6 ss. Acta S. Sedis, Vol. III. pp. 505 seq. The Instr. cit. nn. 9-16 describes the *Modus procedendi contra Sollicitantes*; cf. Bucceroni, l. c. art. II. § 4, pp. 86-100. In this place the learned Roman professor also treats the question: can the bishop make a law *denuntiandi sollicitantes extra confessionem*—or a law *denuntiandi sollicitantes in confessione ad alia peccata quam ad turpia*? p. 99, etc.

In conclusion, we enumerate the penalties which are to be imposed upon priests soliciting, according to the nature of the offense, and according to the circumstances:—

(1) Suspension from the exercise of the sacerdotal powers; (2) deprivation of benefices, dignities, and offices, with perpetual disability to acquire such again; (3) deprivation of active and passive vote, when Regulars are in question; and, (4) continual disability to celebrate Mass. But all these penalties are *pœnæferendæ sententiæ*; degradation, and delivering the delinquent to the *brachium sæculare*, are not resorted to nowadays. Gregory XV appointed this punishment, but, as the Instruction says, we must regard it more as imposed *ad terrorem* than for the purpose of being actually carried out.[642]

642 Instruct. 1867, n. 12.

Section II. The Office of the Confessor

When the priest who is *rite* authorized to administer the Sacrament of Penance makes use of the power intrusted to him and exercises the office of a confessor, he performs a threefold office: that of Judge, that of Physician of the Soul, and that of Teacher. The most important of these is the first, the office of Judge; this is his essential office by the institution of the Sacrament; while the other two are only of an accessory character, not because they are of inferior significance,—they are, indeed, very important offices, upon the faithful discharge of which much depends,—but because they "dispose to the right exercise of the judicial office" and their faithful and zealous execution is necessary to the better, more fruitful, and more salutary discharge of the former. If, in the administration of this Sacrament, the priest officiated merely as judge, without, at the same time, proving himself to be a physician and teacher also, he would discharge his office unfruitfully, and weaken the efficacy of the Sacrament to which Christ has attached great effects.

Chapter I. The Essential Duties of the Confessor in the Exercise of His Office; or, the Confessor Considered in His Office of Judge

As a judge, it is the priest's duty rightly to understand the matter—that is the sin—upon which he has to pass a sentence, to investigate the dispositions of the penitent, and to pronounce judgment. These three duties are the essential duties of the confessor in his office as judge.

48. The Knowledge of the Sins

Christ has declared that we should confess to His ministers, *i.e.*, we shall make declaration of all grave sins, with their number and kind. By means of this self-accusation, the minister of the Sacrament of Confession is informed of the sins of the penitent upon which he must pass judgment. As the priest is mediator between God and the penitent, and is thus bound, on the one hand, to protect the rights of God and preserve the order of divine Justice, and, on the other hand, to support the penitent and lead him to reconciliation with God, he must take care that all that belongs to a complete confession is performed by the penitent and where it falls short of completeness to supply the defect by questions.

The following principles are to be observed with regard to the duty of questioning:—

I. The confessor is not bound to question the penitent, however uneducated the latter may be, if he seems to be sufficiently instructed in his Christian duties, and has, according to his power of understanding, carefully confessed his sins. The questioning would otherwise become troublesome and useless. Still less is he, as a rule, bound to question those who often confess, and seldom sin gravely, such as pious persons, members of Religious Orders, priests, etc., unless it is clear from their accusation, or suspicion arises, that they have failed to confess something which it is necessary to confess. If this is the case, questioning is the more necessary with Regulars and priests, because there is danger that they might adopt, when hearing confessions themselves, the example of the superficial practice tolerated by their own confessors.

II. The confessor is bound to put questions to the penitent if he clearly recognizes or conjectures that the penitent has not declared all that appertains to the completeness of the confession, and what the confessor ought to know in order to perform his duty as judge and physician. As minister of the Sacrament, he must take care that the confession is a complete one, and, as it belongs to his office as judge, to investigate thoroughly the matter on which he has to pronounce judgment, and, as it is the duty of the physician to probe the wounds of the patient, so must the confessor sound the conscience of the penitent, by questioning about the sins which he supposes the penitent to have committed, and to have kept back out of ignorance, or forgetfulness, or false shame; by determining more exactly the specified number of the sins, when it has been stated too inexactly or indefinitely, or by asking it, if it has not been mentioned at all, and by investigating the necessary circumstances of the sins. Moreover, the confessor must find out the condition of the sinner himself, by which he may learn what advice is to be given, and what remedies employed to bring about the cure of the penitent.[643]

643 Cf. Rituale Roman. Sacram. Pœnit. tit. 3, cp. 1, n. 15. Concil. Later. IV. cp. 21, in Cap. 12 de Pœnit. S. Alph. Lib. VI. nn. 607, 629. H. Ap. n. 102.

The duty of the confessor in this regard is undoubted, and *ex genere suo gravis*. Therefore Benedict XIV did not hesitate to teach in his Constitution "*Apostolica*" (26 June, 1749): "Above all, confessors should bear in mind that they do not discharge the duties of the office which they have undertaken—indeed, that all those are guilty of a great sin, who, while exercising the office of judge in the sacred tribunal of penance, unconcernedly listen to the penitents, do not exhort them, do not question them, but, when they have heard their sins, forthwith pronounce the words of absolution. This is certainly not the conduct of the zealous physician who pours oil and wine into the wound. And yet

every one who administers the Sacrament of Penance holds the office of a physician; he must, therefore, carefully investigate not only the circumstances of the sins, but the moral condition of the person who has fallen into them, in order that he may provide for him suitable remedies, by the use of which the cure of his soul may be effected."[644]

644 Cf. n. 19.

Although this duty is one *in se gravis*, yet *parvitas materiæ* may be more easily admitted in it than in the duty of the penitent to examine himself, even in those things which he must *per se* confess under the head of grave sin, or in *materia necessaria confessionis*. As the confessor must give account to God of the confessions which he has heard, there rests upon him, because of the great number of confessions which he hears, a much greater burden with respect to their integrity than upon the individual penitent. Billuart, however, rightly teaches: If the confessor, through slight negligence, inattention, weakness of memory, absence of mind, weariness of spirit, etc., has forgotten to put a question, even on necessary matter, such omission would be no sin, or only a venial one; for no one is bound, in such great difficulty and moral impossibility, to remedy the defects of others. What Gury says seems also to be quite reasonable, viz. that the omission of one or other *per se* necessary question, in a great number of confessions which a priest has heard, is, *ex ipsa materiæ parvitate*, no grave sin.[645]

645 Gury, Casus Conscient. II. n. 669. Cf. Lehmkuhl, l. c. Sacram. Pœnit. Sect. III. n. 419.

III. As regards the completeness of the confession, the confessor is not bound to question the penitent with scrupulous exactitude; on the contrary, he must act with moderation and prudence according to the position, age, and power of comprehension of the penitent. The confessor need not, therefore, employ greater care in questioning than the penitent himself must employ in the examination of his conscience; but the latter is only bound to a *mediocris diligentia* in the examination of conscience. Moreover, the penitent is bound, in the first place, to know his sins; in order to make a complete confession, the confessor is only bound to assist him. The duty of the latter to push inquiry is merely a secondary one; that is, it must come into operation *defectu pœnitentis*. The extent of the confessor's obligation in this matter is, therefore, regarded strictly in accordance with the situation, station, and intelligence of the penitent, so that the confessor is not bound to ask more than the penitent (by virtue of his situation, station, and power of apprehension) is bound to confess. When, therefore, it is certain that the penitent does not know, or has not noticed that certain circumstances add a new sinfulness to an act, the confessor is not bound to ask about them.[646]

646 Moreover, the confessor must not only take care that the confession be complete; he must also have regard for human weakness, lest through much questioning the confession become troublesome and odious. Cf. Lacroix, l. c. n. 1748; Aertnys, l. c. n. 276; Lehmkuhl, l. c. n. 419, ad 1, 3.

49. The Nature of the Questions to be put to the Penitent

If the confessor is obliged to address questions to penitents, they must always be moderate, discreet, modest, and proper.

(*a*) The questions must be moderate; that is, he should not question the penitents concerning sins which, having regard to their station, their age, their circumstances in life and their moral condition, they have probably not committed. He must not put questions about all possible sins; he should rather ask first if the penitent has committed the sins which are generally committed by people of such age, education, and position. If the answers of the penitent give occasion for further questioning, he must proceed in his inquiry; if they do not give such occasion, the confessor should ask, quite in a general way, if there is anything else which troubles his conscience, and when, after a short reflection (for which the necessary time must always be allowed him) he answers that he has nothing more to say, there is no reason for further questioning. As for the rest, it would seem useful to drop, at a seasonable moment, an appropriately tactful exhortation concerning sincere confessions.[647]

647 St. Alphonsus teaches: "The confessor should not be too solicitous in questioning; let him ask the penitent about that which, having regard to his position, probably concerns him." And in another place his advice is: "Let him ask only about the sins which the penitents might easily commit, considering their station and intelligence." And Billuart says: "The confessor must make his investigations in a humane and temperate way, but not in every imaginable way. For the priest is not bound to examine the penitent more than the latter is bound to examine himself.... Nor is it to the point to say that the priest would perhaps find more if he sought more, for we have not only to consider the material completeness of the confession, but also that the Sacrament of Penance must not be made irksome and odious to penitents by overgreat and exaggerated anxiety in questioning; it, therefore, suffices if the confessor can be prudently convinced that the penitent is omitting nothing that he ought to confess." Cf. S. Alph. Lib. VI. n. 607; H. Ap. Tract. 16, n. 102; Gury, Ed. Ratisb. Not. ad n. 615.

The questions of the confessor must be (*b*) discreet; that is, he must use the necessary discrimination in his questions; he must question with great prudence and caution. He must bear in mind the rule of the Roman Ritual: "The confessor should detain no one with inquisitive and profitless questions, and, above all, let him not ask young people of what they are ignorant, lest they be scandalized, and made familiar with new sins."[648] Let him, therefore, never address to penitents a question by which a sin of which they were ignorant might be made known to them. Especially should he be discreet in his questioning of children and young people, and in questions concerning sins of impurity (here special caution is necessary with regard to women), lest he awaken their curiosity and cause them to investigate further, lest he teach the penitent sins, and lest he expose himself and the penitent to the danger of sin. When harm of this kind is to be feared, it is preferable that there should be some lack of material completeness in the confession, in conformity with the rule: *melius est in multis deficere* (*sc. relate ad integritatem*) *quam in uno abundare* (i.e. *in probabilem ruinam pœnitentis*). Two probable dangers here confront each other, a detriment to the soul of the penitent, and (material) incompleteness of the confession. Of the two the welfare of the soul is certainly to be preferred.

648 Tit. III. cp. 1, De Sacrum. Pœn. n. 16.

The questions of the confessor must, moreover, be (*c*) modest. If the confessor is obliged to put to the penitent a question concerning *res inhonestæ*, let him do this as modestly and prudently as he

possibly can, and quite shortly. Of course he will often be obliged to put questions concerning the sins against purity, because penitents accuse themselves of these unwillingly, and very many do not properly confess their sins unless the confessor helps them. The confessor has, therefore, need of great prudence, in order, on the one hand, to elicit from the penitents what they conceal, and, on the other hand, not to teach them (especially the young) what they did not know before. He must here observe the following rules: (1) Let him avoid all curiosity, even the appearance of it, and all superfluous questions. When he fears that, out of anxiety of conscience, the penitent thinks that he has not fully confessed something, because he has not told all the circumstances, it is advisable to say to him at the end of the confession: "I have perfectly well understood your sins; do not, therefore, be anxious about not having fully declared the manner in which you sinned." And if the penitent himself, out of ignorance or anxiety, wishes to describe the manner in which the sins were committed, the confessor must admonish him that this is not necessary. On the other hand, if the confessor has to question the penitent, he can inform him that these questions are necessary in order to learn the species of the sin. (2) In putting these questions let him make use of only perfectly modest expressions; when he speaks of the virtue of purity, let him always call it the angelic virtue, holy purity, in order to preserve the esteem and love of this virtue in himself, and inspire the penitent with it. And if the penitent should make use of improper, coarse expressions in confessing these sins, the confessor should gently admonish him, and teach him to express himself more becomingly. As long as it is doubtful whether the penitent has sinned against purity, the confessor should make use of general terms only, so that if the penitent has sinned, he may know it, and if he has not, may learn nothing new and dangerous. The confessor should generally begin with the lesser sins, and gradually proceed to the greater ones. He should begin with impure thoughts, wishes, listening to, or uttering, impure words, and ask if he has had temptations against holy purity, etc., and proceed thus to questions about acts. If the penitent denies having willingly entertained impure thoughts, he must not ask if he has sinned by impure actions; if the penitent confesses interior sins of impurity, let the confessor ask if he has listened to impure talk, or uttered such himself, if he has been guilty of immodesty by looking or touching. If he answers this also in the affirmative, he should ask (if the penitent is an adult) if he has committed any immodest act, or wished to do so; for there are penitents who, if they are not asked, conceal such sins, believing that they satisfy their duty if, by some remark, they give the confessor opportunity to question them. The confessor must sometimes deviate from this order, when, for instance, the penitent has already, of himself, confessed that he has committed grave sins against purity, or when he is ill informed. For the common people often do not consider the *delectationes morosas* and the *desideria* as sins, at least when they did not wish to proceed to acts; it is the same with immodest talk, which they call joking. Such penitents must, as a rule, be questioned, and, in the first place, if they have done anything immodest, then if they have carried on talk of this kind, and lastly concerning the interior sins. The confessor will sometimes observe that those who accuse themselves of sins of thought only, have also sinned by impure talk and actions, either because they scarcely distinguish the thoughts from the actions, and believe that they confessed the actions also by accusing themselves of the sinful thoughts, or that they wish to give the confessor an opportunity of questioning them about the actions of which they do not venture to accuse themselves, unless they are helped by the confessor.[649]

649 Cf. Aertnys, Practic. Inst. Confessar. P. II. Cap. II. art. 1, § 1, p. 27, n. 30; Theol. Moral. l. c. n. 276; Lehmkuhl, l. c. n. 420; Gury, l. c. II. n. 616; Reuter, Neo-Confessar. P. 1, cp. 3. Cf. P. II. cp. II. art. 1, 2, 3, cp. 3, art. 1; Ballerini, Op. Theol. Mor. l. c. cp. II. n. 895 (where also some examples are given); Benger, Pastoraltheologie, II. Vol. 4 Book, § 162, p.

412 ff. (2 ed.); Zenner, l. c. P. II. Sect. 1, cp. 1, art. II. § 83-96. Segneri's most appropriate instruction deserves to be taken to heart by the confessor: *Cupio magnopere, te parcum, gravemque esse interrogando circa materiam luxuriæ, ne tibi accidat, quod pictori, qui cum Helenam exquisita diligentia depingeret, ejusdem cupiditate exardescere cœpit et accendi. Utere proinde verborum modestia, et quamvis subinde circumstantia maneret tecta, quæ alioquin ad integritatem materialem spectaret, nihil interest: aliud enim majus bonum prævalet. Adeo fœtet palus ista, ut consultum non sit, vel a Pœnitente vel a Confessario ubi opus non sit, moveri: sufficit requirere speciem patrati sceleris, non vero modum: et si ipsi vel ex irreverecundia vel ex ignorantia hunc vellent declarare, suaviter mone, necessarium non esse. Expediret hac in re imitari Philosophum illum, qui veritus, ne loquendo os conspurcaret, carbone descripsit.* Instruct. Confessar. cap. II. Cf. Lugo, l. c. Disp. 16, Sect. 14, n. 595; Coninck, De Sacram. Disp. 8, dub. 17, n. 121.

But with all these questions let the confessor be prudent and cautious. An imprudent confessor who neglects the necessary measures of precaution, may easily draw upon himself a denunciation, *ac si sollicitationis reus sit*.

On this account he must not ask married people bluntly and without preliminary question if they have rendered to each other the *debitum conjugale*, unless a valid reason or grounded suspicion justifies such question. He can, perhaps, in quite a general way, ask a wife if she has been obedient to her husband in all her duties, or if they have lived their married lives in a truly Christian manner. If anything *in conjugali debito* that troubles the conscience has really taken place, opportunity is given to the penitent of saying so himself, and then it is for the confessor either to investigate further, or to instruct, which should, however, be generally done in only a few words.[650] Finally, the questions must be asked at (*d*) the right time. Some questions are, as a rule, to be put before the accusation begins, for example (if the penitent does not say it of himself), when he last confessed; for this question contributes much towards a better knowledge of the number of the sins, and as to whether the penitent seldom or often receives the holy Sacraments, and whether greater or less care is necessary with him; this is, too, the almost general practice of confessors. Questions concerning the position, age, etc., of the penitent are more expediently asked in the course of the confession, when, on account of some sin, occasion offers itself, or, which seems to be preferable, at the end of the accusation. Other questions which appear necessary for the completion of the confession or for better understanding the state of the penitent's soul, the confessor would best put when the accusation is finished. Penitents are often confused by being interrupted with questions, and cannot properly complete their confession. Let the confessor, therefore, keep in his mind the individual sins concerning which he must ask questions for the purpose of completeness. Let it be, therefore, the rule, not to interrupt the penitent in his confession, unless a question should be immediately necessary.[651]

650 Cf. S. Pœnit. 8 June, 1842; Lehmkuhl, l. c. n. 420.

651 An exception can be made when the penitent has written his sins, and reads them, moreover, when the penitent is not able to make known his sins, and the confessor is obliged from the beginning of the confession to help by means of questions, he should not in that case proceed to another point till he is quite clear as to the one in question. When the penitent wishes to explain something to the confessor, the latter should not prevent him (unless it is concerning things which are useless, not to the point, or mere excuses, or which incriminate others), he should rather allow him time to reveal his misery and his scruples; this especially applies when the penitent seldom confesses, or has come from a distance, or is making a general confession; the confessor must then receive him with all love and kindness, and must see that his conscience is quite set at rest.

After the confession the confessor should ask the penitent if anything still weighs upon his conscience; especially let him ask illiterate people who seldom confess, if they are heartily sorry for their sins, and if they purpose firmly to avoid sin.

On all occasions let the confessor avoid putting many questions, and confine himself to necessary ones. In an especial manner let him avoid all that does not appertain to the confession. He must remember that there are many penitents, especially men of some position, to whom much questioning by the confessor is irritating.

Moreover, let the confessor ask clearly, according to the intelligence of the penitents, so that these may perfectly understand and be able to answer correctly and shortly; the questions should, therefore, as a rule, not be of a general nature, but concrete, brief, and simple. Sometimes, when the penitents are of very limited mental capacity, the questions must be repeated in different words. He must ask in good order, proceeding from the beginnings of sin to the completed acts, from the lighter to the more grievous; from the usual to the extraordinary; before asking about the species and the number, he must satisfy himself as to whether there was consent. The confessor must ask kindly and gently, so that the penitent may feel that the confessor is treating him with truly paternal love. His special pattern must be the love and gentleness of Jesus towards sinners of which the Gospel furnishes so many examples; in this way the confessor wins for himself that confidence which is so necessary, and induces the penitent to confess all his sins sincerely, whereas harshness intimidates the penitent and seals his mouth. The insincerity of the penitent, and consequently the incompleteness of the confession, would thus be the fault of the confessor, who has to see that there is integrity. Let the confessor, therefore, refrain from every harsh word, make the penitent no reproach before the confession is complete, show no sign of displeasure or surprise. Illiterate penitents, those who have not confessed for a long time, and find confession hard, should be encouraged in a kindly manner to accuse themselves sincerely of all their known sins, before the confession begins.[652]

652 Cf. Monita S. Francisci Salesii ad Confessarios, cp. 1, art. 2, § 7. Aertnys, Instr. pract. Confess. l. c. n. 29, Q. 2.

As to questions in particular, some refer to the object, others to the circumstances, and others to the number of the sins. With regard to the object, it is advisable that the confessor, keeping in view the different classes in life, should arrange questions for himself in the order of the Commandments, and impress them upon his memory, so that he may make a right use of them when necessary. But whether the penitent is likely to have committed other sins besides those which he has confessed, touching which the confessor may be bound to put questions to him, must be inferred from the penitent's occupation and manner of life, as also from the circumstances by which certain sins become the motives, or concomitants, of other sins (for example, drunkenness is generally the cause of quarreling, blasphemy, impure thoughts, words, etc.). Moreover, it may happen that the penitent has a false conscience, a thing from which illiterate penitents not seldom suffer, and, in consequence, confesses as grave sins, what, upon questioning, prove to be only venial sins. On the other hand, in order to form a sure judgment as to the gravity of the sins, the confessor should not ask uneducated people whether they regarded the sins as venial or mortal, for such people say just what comes into their heads, as St. Alphonsus testifies ("*ut ego millies observavi*"), and if the confessor repeats the same question in a different way afterwards, they will answer the exact opposite.[653]

653 Praxis Confess. n. 20.

As to the circumstances the confessor must see that the accusation of the penitent and his own questions are confined to those which ought of necessity to be mentioned; nor should he ask about such circumstances as are unlikely to occur in the case of his penitents.[654]

654 Stang, Pastoral Theology, Book II. c. 4, § 25.

As to the number of the sins, the confessor must inquire if the penitent does not mention it when confessing mortal sins, and it is beneficial to admonish him to give in future the number, when he believes the sins to be mortal.[655] If interior sins, such as hatred, impurity, etc., have become habitual, the confessor has, in most cases, performed his duty when he has found out the greater or less frequency in the day or the week, because a more exact enumeration of these sins is hardly possible. And if some one confesses *multa desideria erga quaslibet feminas obvias*, the number is sufficiently indicated by the penitent confessing, *se modo nuptas modo innuptas concupivisse*. Moreover, when, with habitual sinners, the confessor himself suggests a number, in order to obtain an estimate of the real number, let him choose a number higher than he expects to hear, so that the penitent may be able to reduce it, or to add only slightly to it, according to circumstances; if he merely assent to the number, the confessor can then propose a higher one. In addition, the confessor must, where it is necessary, inquire into the dispositions of the penitent—as a necessary preparation for absolution; if he is willing, for instance, to make restitution, to remove the immediate occasion of sin, if he is willing to forgive, etc. He must ask a relapsing sinner, during what length of time, from the last confession, he refrained from sin, how long he resisted temptation, employed the remedies, etc., for the guilt is not the same if the penitent overcame himself for a considerable time, or if he did not sin because the occasion was wanting, or he was not assailed by great temptation.[656]

655 *Ibid.* § 33, n. 3.

656 Cf. Aertnys, Institut. pract. l. c. n. 30.

For younger and inexperienced confessors we would suggest that penitents not seldom[657] conceal sins. This generally happens: (1) from false shame in confessing certain sins of impurity, sacrilegious confessions and communions, and acts of injustice; this shame is greatly increased by a certain natural shyness, especially in young women; (2) from fear of losing the respect of the confessor, and (3) from fear of reproof or of refusal of absolution.

657 Cf. S. Alph. Silva, part 3, cp. 10; Segneri, Instructio Pœnitent. cp. 16 *et seq.*

The confessor must devote special care to these unhappy penitents. "It cannot be described how much the zeal of an experienced confessor can effect with them," says the venerable Paul Segneri, and entering into the practical treatment of these penitents, he writes: "Through a little opening, that is, after the penitent has confessed some lesser fault, let the confessor procure for himself further access to his heart, and, having gained entrance, seek what hidden sins there are to be found." And, giving an example, he proceeds: "When a youth comes to you to confess, and accuses himself of carrying on love affairs, indulging in frivolous talk, allowing his eyes too much liberty, and adds nothing more to this, let the confessor proceed skillfully from the talk and the looks, and examine into the impure thoughts, and the consent given to them; from these to the immodest acts which the penitent has committed with himself or with others. But prudence is necessary that mistakes may not be made. For here a wound is to be cleansed, there care to be taken that the healthy, uncontaminated part be not infected, that evil still unknown may not be learnt. Doubt not that light from heaven, which you must invoke, and experience constantly increasing with practice, will show you the safe way between these two rocks.... It is scarcely to be believed how useful it is to so formulate the questions yourself that the penitent has nothing to say but, 'Yes,' or 'No.' What a comfort it was to the Samaritan woman to be able to declare: 'I have found some one who has told me all that I have done.' If she had

been called upon to confess her sins herself, who knows if she could ever have been brought to do so? But when she saw herself with such gentleness probed and fathomed by Christ, it was no longer difficult for her to confess." ... "But in such confessions," adds Segneri, "refrain from every sign by which the penitent could infer that the sins confessed to you seem very grave. Remind him of the joy in heaven over the conversion of a single sinner, and of the peace of mind with which he can go home, blessing a thousand times the day on which he delivered his conscience from such a burden."[658]

658 Instructio Confessar. cp. 2.

Whilst the confessor cannot always prevent the concealment of sins; yet in many cases he will by prudent inquiry succeed in procuring sincere confessions. To this end, he must receive penitents with cordial friendliness, benevolence, and gentleness, reminding them that a confession which is not made with full sincerity is invalid and sacrilegious; and that Satan, crafty and envious, awakens false shame in penitents, in order to rob them of the effects of grace in this Sacrament.

Let the confessor also observe the following special remedies: 1. In order to remove false shame, let the penitent understand that a priest often hears much more shameful and serious sins; that the penitent is not known to him; let the priest encourage the penitent and defer reproof till the end of the confession; remind him of the seal of the confessional to which the confessor is most strictly bound, but also of the certain disclosing of the concealed sins before the whole world at the Last Judgment. 2. In order to remove fear of losing the esteem of the confessor, the confessor should avoid familiarity with his penitents, not visit them at their homes without urgent necessity, and not permit them to come to his house to speak about matters of conscience, as such things are to be treated in the confessional. Moreover, he must not object to his usual penitents occasionally confessing to another confessor; and if they have done so, he should commend them for it; an exception is to be made here in the case of scrupulous persons, who, by so doing, might only become the more confused, because another confessor would not know them as scrupulous persons.—"*Caveat Confessarius, ne motiva naturalia et humana adhibeat ad fiduciam pœnitentium, mulierum præcipue, sibi conciliandam; id quippe periculosum est.*"[659]

659 Cf. Aertnys, Instr. pract. l. c. § 1, p. 32 s. Cf. S. Alph. Praxis Confess. n. 19 ss.

It follows from the above, that the confessor, at the end of the confession, may, and should, kindly ask unknown penitents (whose sincerity he justly doubts) if anything in their past lives still troubles their conscience, and encourage them to confess everything. By such questions not a few persons, especially of the uneducated class, and women, and children, are saved from sacrilege,—that is to say, they are induced to confess sins hitherto concealed; or the confessor may take occasion, from the silence or a confused answer, prudently to investigate the matter further. If, however, he discovers some defect in former confessions, he must admonish the penitent to repeat these invalid confessions by a general confession and assist him in doing so.[660]

660 See Stang, Pastoral Theol. l. c. on general confession.

If the penitent declares that he has nothing more of which to accuse himself, absolution must be given him—if he is, in other respects, worthy of it; for in cases of doubt as to the honesty of a penitent, there is no other means of arriving at the truth than by the testimony of the penitent himself, as he, himself, is defendant and witness.[661]

661 S. Alph. Lib. VI. n. 631; S. Thom. Opusc. 12, Q. 6, and Quodlib. 1, a. 12 et 17. Cf. Gury, II. n. 618. Ed. Ratisb.

But what is the confessor to do if he knows *positively* that the penitent has concealed or denied a sin?

1. If he has obtained this knowledge outside of the confessional, and that (*a*) by his own observation (*ex propria experientia*), having himself seen or heard the sin of the penitent, he cannot absolve him as long as, on the one hand, the latter, when questioned, obstinately denies having committed the sin, and while, on the other hand, the confessor knows positively that the sin in question has not in the meantime been confessed to another priest. For then defect in formal integrity has been demonstrated. If the confessor has obtained his knowledge (*b*) on the statement of another, he must, as a rule, absolve the penitent, even if he when carefully questioned denies, for here the declaration of the penitent himself is to be preferred to the testimony of others; these latter may have been in error. Moreover, the confessor can assume that the penitent, if he really committed the sin, has forgotten it, or confessed it to another priest, or has some lawful ground for concealing it now. But if the witnesses were so trustworthy that no doubt could be entertained as to their statements, and if the confessor knew positively that since committing the sin the penitent had not confessed to another priest, and also that he could not have forgotten it, he cannot, as long as the penitent denies the sin, absolve him, because, in this case, a lie on the part of the penitent, quite inconsistent with the integrity of the confession, has been demonstrated; this case, however, will seldom occur.

2. If the confessor has obtained his knowledge from the confession of the accomplice (*complex*) he is not allowed specially to question the penitent concerning this sin, if he has not received from the accomplice express permission to do so, or if this sin does not generally occur with people in that station, or in those circumstances; otherwise he may only ask the penitent in a general way, as he would in any case have done, or should have done,—for example, if anything more troubles his conscience; and he can, in a general way, without letting his knowledge be suspected, exhort him to confess his sins sincerely; but the danger of breaking the seal of the confessional—by, perhaps, asking the penitent the same thing several times—must be carefully avoided. As to whether he can absolve such a penitent is a controverted point. After quoting the opinion of others on the subject, St. Alphonsus teaches: "In my judgment the opinion of Lacroix is to be preferred, that is, the confessor should not absolve, not even *sub conditione*, but should say a prayer, to conceal the fact that absolution is refused, because, in this manner, he, on the one hand, saves the seal—revealing nothing and inconveniencing no one—and, on the other hand, he has regard for the reverence due to the Sacrament by preventing its frustration."[662]

662 Cf. S. Alph. Lib. VI. n. 631; H. Ap. n. 120; Lacroix, Lib. VI. P. II. n. 1969; Müller, l. c. Lib. III. Tr. II. § 152; Scavini, Lib. III. n. 381; Kenrick, Tract. 18, n. 216; Schneider, Manuale Sacerd. Ed. VI. pp. 428-429; Konings, etc. This opinion and practice was first introduced by Illsung (a German Jesuit, who died in 1695), Theol. practica univers. Tract. 6, Disp. 6, Q. 4, art. 7, § 4, n. 128, erroneously appealing to the testimony of Suarez, who (De Pœn. Disp. 32, Sect. 3, n. 9), however, teaches the exact opposite: *Respondetur, regulariter standum esse confessioni et dicto pœnitentis: unde quantumcunque confessor sciat peccatum pœnitentis ex aliorum relatione* (therefore, *in confessione* also) *tenetur, in hoc judicio magis credere ipsi pœnitenti, propter rationem factam*. Lacroix took this opinion from Illsung with the alleged testimony of Suarez, adding, *ex inadvertentia*, Dicastillo as a further witness, whom Illsung had quoted for another purpose. St. Alphonsus reckons Viva also among these, who, however, does not adhere to this opinion. Cf. Ballerini, Notæ ad Gury, II. n. 619, who finally

remarks: *Ista opinio igitur tota debetur hallucinationi, quæ perperam Suaresii, Dicastilli et Vivæ auctoritatem adduxit*. Op. Theol. Mor. l. c. cp. II. nn. 890-895.

Other theologians teach with Suarez that absolution may only be refused when it is quite evident that the penitent is telling a lie to the prejudice of the integrity of the confession. Indeed, not a few teach that absolution must, in every case, be given to the penitent who denies his sin, when the knowledge of this sin was obtained only from the confession of another, as this knowledge is to be regarded as not existing. This opinion is sufficiently probable, and deserves the preference, especially as it safeguards the *sigillum*. We must, moreover, consider that we can scarcely have a certainty that the penitent is confessing sacrilegiously, quite apart from the consideration that it is not lawful to make use of knowledge gained in the confessional for the spiritual guidance of another. Absolution *sub conditione* can also be given in this case, as this course preserves the reverence due to the Sacrament.[663]

663 Cf. Lugo, Disp. 22, n. 22; Elbel, De Sacram. in gen. confer. 2, n. 44 et de Pœnit. n. 453; Laymann, Lib. V. Tract. 6, cp. 14, n. 24; Mazzotta, Tr. 6, Disp. 2, Q. 2, cp. 2, § 3; Billuart, Diss. 6, art. 10, § 2; Gury, l. c.; Aertnys, l. c. n. 278. Lehmkuhl (l. c. n. 429) says that, considered by itself, the confessor may but is not obliged to adopt the opinion of St. Alphonsus; that there is only this point in its favor, that without inconveniencing the penitent, or without revealing the other confession, sacrilege can be avoided. But the penitent commits a sacrilege whether the confessor gives him absolution or not. On the other hand, the administration of the absolution by the confessor is only a material coöperation, and one cannot oblige him, in order to avoid this, to make use of knowledge gained from the confession of another. Cf. Gobat, l. c. Tract. 7, n. 875.

But it is the confessor's duty not only to understand the sins and to supplement the confession; he must also form for himself a judgment concerning the gravity of sins which he has heard. Although he must hear and understand all the sins of the penitent, and would sin if he absolved, and had failed through his own fault to take cognizance of a mortal sin, it is not necessary for him to pass judgment on everything he hears from the penitent. It is sufficient if he is able to do this in regard to the sins which usually occur; for the rest let him hear, take note, and then absolve. Thus St. Alphonsus,[664] and other theologians. Lehmkuhl remarks, that this necessary judgment is formed as soon as the confessor hears the sins, provided that he has an habitual knowledge which enables him to distinguish objectively grave and venial sins, and to apprehend their specific sinfulness. Whether the subjective malice has any proportion to the sin considered objectively cannot always be ascertained, though it may generally be presumed; nor is it always possible to discover it. Such questions, therefore, should not be asked (unless, perhaps, in the case of well-instructed penitents), for they are quite useless. It is a different matter with questions regarding the advertence and the consent of the will, and the objective gravity of the sins, in so far as it depends upon the circumstances. Such questions the confessor must ask *per se*, when the confession of the penitent leaves it doubtful if the *materia* has been *gravis* or *levis*, and no penitent, be he who he may, can be offended by such questions; nevertheless, it is not always necessary to put these questions, as, sometimes, a confessor may content himself with a presumption based upon the conscience of the penitent well known to him, or other indications.[665] The priest must pronounce judgment, as we have said, on the gravity of the sins, and have in his memory the sins confessed by the penitent, not as Suarez states, in order to absolve, but in order to form a correct judgment of the moral state of the penitent, and of his dispositions for the reception of absolution, and in order to impose a suitable penance.[666]

664 L. c. n. 627; H. Ap. n. 104.

665 Cf. Lehmkuhl, l. c. n. 421. He also cites some examples from other authors, for instance, Gobat (Tract. 7, n. 338): "*Si religiosus, a castitate mihi notus, diceret, se semel turpia locutum esse, præsumerem, hæc esse scurrilia, non contra castitatem.*" *Attamen hæc potius per exceptionem dicuntur; nam generalis regula est ut, si brevi interrogatione confessarius dubium de gravi aut levi peccato solvere possit, hanc instituere debeat*. Mazzotta furnishes a further example (l. c. Q. II. cp. 2, § 2): "A confessor who (involuntarily or accidentally) is distracted, and, because knowing the state of the conscience of his penitent, can presume that what he missed was something unimportant, may remain silent about it and absolve, if questions would be regarded as troublesome." Indeed, Gobat adds: If the confessor knew from experience that his penitent generally committed no mortal sins, but (*e.g.*) only accused himself of little falsehoods, he can absolve him even if, on account of distraction, he does not know a single sin of which the penitent accused himself; but it is advisable in practice to make the penitent repeat at least a venial sin, perhaps the last, and then absolve. Lehmkuhl's caution, however, is to be observed, namely, not to apply in a more general way that which is prescribed for an extraordinary case. Cf. Lehmkuhl, l. c. n. 421.

666 Cf. Suarez, De Pœnit. Disp. 22, s. 6, n. 7; Mazzotta, l. c.

50. The Examination of the Dispositions of the Penitent

The dispositions of the penitent consist in true sorrow and firm purpose of amendment. They are at the same time the *quasi materia* of this Sacrament, so that if they are wanting the absolution is invalid. The minister of the Sacrament of Penance must, therefore, make it a point to determine whether the penitent is properly disposed. But as this disposition is an interior matter, there arises for the confessor the great difficulty of knowing by what sign he may recognize it.

Hence the following principles:—

I. It is the duty of the confessor diligently to examine whether the penitent is properly disposed. This is evident from our introductory remarks, also from the fact that the confessor is a judge, and it is the duty of a judge to form an opinion of the worthiness or unworthiness of the accused. Finally, it results from the fact that he has to discharge his important office as a *dispensator fidelis*, and, as such, may not give *Sanctum canibus*.[667] Therefore, Suarez says: "Before the confessor absolves he must *prudenter et probabiliter judicare*, if the penitent is disposed, because he would otherwise expose himself to the danger of making mistakes, and would act without sufficient knowledge."[668]

667 Cf. S. Alph. H. Ap. n. 117.

668 De Pœnit. Disp. 32, s. 2.

II. The confessor must arrive at a *certitudo moralis*, that is, a reasonable and probable judgment, that the penitent is disposed. This *judicium prudens et probabile* is necessary, as it is not allowed (except in case of necessity) to administer the Sacrament *cum prudenti dubio* as to its validity; but, on the other hand, it is also sufficient because the disposition of the soul is an interior matter, the exterior signs and indications of which produce, generally, only a moral certainty, a probability. The proper disposition of the penitent must, therefore, be presumed, unless circumstances directly suggest suspicion of the contrary.[669]

669 S. Alph. Lib. VI. n. 461; Bucceroni, Commentar. III. De absolut. danda, etc. Edit. alt. Romæ. 1889. § 1, n. 3.

III. The confessor may regard as indicating proper dispositions the fact that the penitent comes to confession of his own accord, and not on account of the law of the Church, or with a view to receiving some other Sacrament, or under compulsion from parents or others; voluntary confession (*confessio libera*) alone, or in connection with a protestation of sorrow and a purpose of amendment, is the usual sign (*signum ordinarium*) of good dispositions, except when this protestation is rendered suspicious by some other circumstance. The confession itself affords ground for the presumption that the penitent is disposed, sorrow being made manifest by the confession and the principle holding good: *nemo malus præsumendus est*. We may not, therefore, presume that a penitent comes to confession indisposed; there must first be ground for such presumption. Therefore, the Roman Catechism teaches:[670] *Si audita confessione, judicaverit* (*Sacerdos*) *neque in enumerandis peccatis diligentiam nec in detestandis dolorem omnino defuisse*, which means that the penitent can be absolved when *dolor tam contritionis quam attritionis* is not wanting in him, for if neither is present there is no sorrow at all.[671] When the priest has heard the confession, and assured himself that the penitent has carefully examined his conscience and confessed his sins, and that he is sorry for them, he must absolve him.[672] When, therefore, the penitent shows by the manner of his self-accusation that he has

contrition, and when his demeanor is worthy of the Sacrament and becoming a penitent, and his confession is sincere, the confessor must not doubt as to his dispositions, unless, as before said, there is positive presumption for the contrary. The presumption in favor of his dispositions derived from the confession will be neutralized by the opposite presumption which well-founded indications of indisposition produce. That in the case of contrary presumption the confessor may again decide in favor of the penitent and credit his assertion, "certain other, more or less weighty, arguments must be superadded" which tend to weaken the first suspicion or to destroy it totally. These arguments are called "*signa doloris extraordinaria*."[673] But the confessor must not attach too much importance to these extraordinary signs, and must bear in mind that no one of those usually given by the theologians supplies, under all circumstances, complete proof of the penitent's disposition. As such signs (which, when necessary, may furnish a stronger and special proof of the penitent's sorrow and purpose of amendment) St. Alphonsus,[674] Reuter,[675] and other authors enumerate the following: (1) any striving after amendment which the penitent has shown; (2) any special manifestation of sorrow on the part of the penitent himself, or due to the exhortation of the confessor (for instance, tears, sighs, etc., although tears and sighs are not always to be trusted); (3) that the penitent was induced to confess by some special, extraordinary motive; (4) that, upon the exhortation of the confessor, he has attained to a better apprehension of sin, and an abhorrence of it; (5) that he has now ultimately confessed to the confessor long concealed sins; (6) that the number of the sins has become considerably less, although the circumstances remained the same (for if the penitent had been prevented from sinning by illness, or a similar circumstance, this would be no *signum extraordinarium*); (7) that restitution has been really made, the habit overcome, or some other difficult duty fulfilled; (8) that, in view of the confession which he wishes to make, he has increased prayer, given alms, undertaken fasting or other good works; (9) that he has voluntarily sought the means of amendment at the hands of the confessor, gladly adopted those proposed to him, or sincerely promised to adopt them; (10) that he willingly undertakes a severe penance, and offers to make satisfaction to God; (11) voluntary, spontaneous confession may often be a sufficient sign.

670 De Pœnit. n. 82.

671 Cf. Aertnys, l. c. n. 279, III. Nota 1.

672 Cf. S. Alph. Lib. VI. n. 459, Prax. Conf. n. 71; Bucceroni, l. c. n. 4; S. Thom. in 4, Dist. 17, Q. 5, a. 3.

673 Cf. Aertnys, l. c. n. 279; Lehmkuhl, l. c. n. 424, who remarks on this: *Attamen in re aliqua "extraordinaria" insistendum non est. Neque quodlibet horum signorum in quibuslibet adjunctis certam probationem facit.*

674 Cf. Lib. VI. n. 460.

675 Neo-Confessar. n. 177. Cf. Aertnys, l. c. n. 279 and Append. de recidivis. n. 314. Lehmkuhl, l. c. n. 427.

IV. The question for us now is: in what cases a serious "*præjudicium*" against the disposition of the penitent arises. According to the teaching of St. Leonard of Port Maurice, they are the following: (1) when the penitent always relapses in the same sins, and there is no visible trace or hope of amendment; (2) when the penitent answers coldly that he is sorry, especially when he has often relapsed; (3) when he has not applied the remedies given by the confessor; (4) when the penitent has made constant and unusual efforts for the gratification of his passions; (5) when the penitent receives the holy Sacraments only if commanded to do so by parents or teachers, or out of mere custom on feast-days, or out of human considerations; (6) when the penitent presumptuously excuses his sins, or enters into dispute with his confessor, *a fortiori* if he should even boast of his sins; (7) when the

penitent refuses to accept a reasonable penance, for punishment or for amendment; (8) when the penitent shows a great inclination to sin, or covets the profit or great pleasure obtained from the sin.[676]

676 See in Lehmkuhl, l. c. n. 624.

V. A penitent is to be regarded as *completely indisposed* who positively has no supernatural sorrow, and no real purpose of amendment, especially one who refuses to undertake a difficult obligation; one, for example: (l) who does not remove the immediate and willful occasion of sin;[677] (2) who will not lay aside enmity and hatred, and will not be reconciled; (3) who will not make restitution and repair injury; (4) who will not give up sinful occupations; (5) who will not promise to exert himself to lay aside a bad habit; (6) who does not employ the necessary means of amendment; (7) who is not willing to remove scandal that he has given or still gives to others.

677 See § 63.

VI. That penitent is *doubtfully disposed* against whom there is a well-founded "*præjudicium*,"—one arising from positive indications,—which *præjudicium* he has not wholly removed, so that there is still valid ground for considering him as not yet sufficiently disposed.

51. The Confessor's Duty in Disposing his Penitents

The confessor must, with fatherly love and care, to the best of his ability, dispose those penitents whom, after instruction and exhortation, he sees to be insufficiently disposed; and he is bound to this *ex rigoroso religionis et charitatis officio*. Magnificent is the discourse on this subject which Leo XII in his Encyclical letter of Dec. 25, 1825, extending the Jubilee to the whole Church, addressed to all the bishops. In § 5 the Pope writes: "You know well how necessary and salutary the labor of those priests is to whom the faithful must confess their sins, in order that they may be able to perform with fruit what they have been taught. Therefore it must be your zealous care that those priests appointed by you to hear confessions do not forget what our predecessor Innocent III prescribed with regard to the minister of the Sacrament of Penance; namely, that he should be *discretus et cautus*, in order to pour wine and oil, like the experienced physician, into the wounds of the stricken one, to give him good advice, and to prescribe what means of improvement he must employ." And, after remarking (with a reference to the words of the Roman Ritual) that the priest must exercise great care as to whom he administers absolution, to whom he refuses it, and when he postpones it, especially emphasizing to whom it may not be given, he goes on to say that every one can easily see how totally different from this the procedure of those priests is, "who, as soon as they perceive that a person is burdened with many sins, at once declare that they cannot give him absolution, thus refusing to heal those for whose healing they were in a special manner appointed by Him who said: 'Those who are whole need not the physician, but those who are sick,' or to whom the least effort in eliciting sorrow and good purpose seems sufficient, and only then believe that they have taken a safe decision when they send the penitent away, to absolve him at some other time. For if ever the golden mean is to be observed, it is eminently in this case, so that too great ease of obtaining absolution may not engender carelessness in committing sin, and that too great difficulty may not estrange souls from the confessional and plunge them into despair of salvation. For many present themselves before the ministers of the Sacrament of Penance who are quite unprepared, but are in such dispositions that they might become prepared if only the priest, equipped with the compassion of Jesus Christ, who came to call not the just but sinners, understood how to treat them with zeal, patience, and gentleness. Those are not to be regarded as unprepared who have committed very grave offenses, or who have not confessed for very many years—for the mercy of the Lord knows no bounds, and inexhaustible is the treasure of His goodness—or who, ignorant, of humble condition, and slow of perception, have not duly examined themselves, for without the help of the priest they are unable to do this; but only those who, after being questioned by the confessor concerning their sins with necessary care (but not with a minuteness immoderately troublesome to them), and after the confessor has exhausted all the zeal which love can inspire, accompanied with fervent prayer, to move them to sorrow for their sins, are found to be wholly and entirely devoid of that sorrow by which they should at least become disposed to obtain grace in the Sacrament. In whatever dispositions those may be who approach the minister of the Sacrament of Penance, they should not be allowed to despair on account of their guilt, and to go away estranged from the goodness of God or the Sacrament of reconciliation.... St. Raymond of Pennafort, whom the Church calls the eminent minister of the Sacrament of Penance, may serve as a fitting example of this love. 'After the confessor has heard the sins,' he says, 'let him comfort the sinner and bear his burden with him, let him be

tender of heart, forbearing towards the penitent in his sins, let him distinguish with prudence, assist the person confessing with his prayers, give alms, and perform other good works for him, ever aid him with gentle exhortation, suggesting grounds for consolation, encouraging him to hope and also remonstrating with him when necessary.'" With these golden words, born of love for sinners and burning zeal for souls, the Pope admonishes confessors to take most benevolent interest in their penitents in order to dispose them. This is, indeed, a strict duty of love; love of God and of the poor sinner must move the confessor to use every exertion in his power to rescue him from his unhappy situation, and reconcile him with God. The confessor must thus act as the attorney of God and the father of the penitent; and as physician of the soul he is bound, after the example of the good Samaritan, to apply promptly for the sick soul of the penitent a suitable remedy, and the only suitable remedy here is the valid reception of absolution.[678]

678 It is not enough to say to indisposed penitents something of this kind: "Well, beg pardon of God for all your sins" (this is no true act of sorrow), or, "Are you heartily sorry for all your sins?" Effort must, above all things, be directed towards awakening in penitents (who have committed grave sins) a real abhorrence of sin; to this end they must first be prepared by an act of imperfect contrition, and then we must seek to bring them to perfect contrition.

It is true, as Segneri[679] says, that the heart of the sinner not seldom becomes as hard as stone (Job xli. 15); nevertheless, we must try to soften it, and to arouse in these wretched men—the more unhappy as their wretched state is of their own choice—sorrow for past sin, and a sincere determination never more to return to it. But in order to move them to sorrow and penance, powerful motives for sorrow must be proposed, and it is well to support these by one or more passages from Scripture, or utterances of a saint. These generally refer to the nature, the effects, and the consequences of sin—sin as the most terrible wrong done to the majesty of God (Jer. ii. 2); as the blackest ingratitude towards God, our best Father, and most generous benefactor (Deut. xxxii. 5, 18; Is. i. 3; v. 4; 2 Kings xii. 7); as the most execrable faithlessness towards Jesus, our most loving Redeemer (Heb. vi. 6; John x. 22); as an evil which brings with it the loss of grace and of the happiness of heaven (Wis. vii. 14; 2 Cor. ii. 9); leading to hell (Is. xxxiii. 14; Matt. xxvi. 26); and preparing a terrible death (Prov. vi. 34; Heb. x. 31); which is most hateful and disgraceful in itself; making the sinner an abomination before God and a slave of the devil (Ps. v. 6; Wis. xiv. 9). The peculiar hatefulness, the evil consequences, and danger of special sins may be described, as, for example, impurity, robbing man of innocence, ruining him in body and soul, surrendering him to disgrace and shame, making him the object of God's especial abhorrence, and exposing him to severe punishment. But, in a particular manner, let the confessor seek to deter the penitent from relapse, impressing upon him the great truth that the difficulty of effecting his salvation increases in the same proportion as the number of his sins; that bad habits always become stronger, the mind more darkened, the will weaker, also that he is always becoming more unworthy of divine grace, that the evil one obtains more power over a man as the sinner's resistance grows less. It is, however, neither necessary nor useful to set forth these motives indiscriminately; they must be chosen with a view to suit the penitent,[680] and not only stored in the memory, but, by meditation, deeply imprinted on the heart of the confessor, that he may bring them home to the penitent with the warmth of conviction and a persuasive unction.

679 Instruct. Confess. cp. 8.

680 Cf. Polancus, Directorium Confessarii, cp. 2.

The confessor must not be concerned at the fact that other penitents have to wait a long time and end by going away; for, in this case, he must not look to the welfare of others, but solely to that of the penitent with whom he is dealing at the moment. It is of his welfare and not that of the rest that he has to render account, and, as St. Francis Xavier used to say, it is better to hear the confessions of a few penitents well, than those of many hastily and without fruit. The confessor must very often dispose illiterate penitents (*pæn. rudes*) and children[681] by moving them to sorrow and purpose of amendment, because these latter do not sufficiently consider the necessity of these acts, and therefore neglect them. He must also frequently dispose penitents who have relapsed into sinful habits without endeavoring to amend, as with such people there is ground for the presumption that they are not truly disposed. "How many penitents have come to me not disposed, and I have endeavored, with the help of divine grace to dispose them, and I have certainly done so, and, to my very great comfort, dismissed them with absolution," cries out St. Alphonsus.[682] Justly, therefore, does this sainted doctor and zealous guide of souls, blame those "indolent confessors" who send away a penitent without having shown any zeal in preparing him.[683]

681 S. Alph. Praxis conf. cp. 1, nn. 7 et 10. He says, very aptly: *Perpauci sunt pœnitentes, præsertim rudes et magni peccatores, qui dolore et proposito prius elicito ad confessionem accedunt. Hos igitur quoad potest confessarius disponere fortiter et suaviter adlaboret.*

682 H. Ap. Tr. 16, n. 105.

683 Prax. Conf. cp. 1, n. 7; Lib. VI. n. 608. Cf. Ballerini, Op. Theol. Mor. l. c. cp. 1, nn. 313-323.

If the confessor judges that the penitent is well disposed, he has no obligation with regard to his dispositions. For the rest, he will do well to exhort penitents who are unknown to him again to elicit sorrow and purpose of amendment aroused by his words, or at least to ask them if they heartily detest their sins. If they answer in the affirmative, the confessor can set his mind at rest, unless circumstances suggest otherwise.[684]

684 Cf. Reuter, Neo-conf. P. 1, cp. V. n. 11.

52. The Duty of the Confessor to administer, to defer, or to refuse Absolution

After examining the dispositions of the penitent, and after endeavoring to make sure of them, the confessor, as we have seen in the last section, will find three classes of penitents: those who are certainly disposed, those who are doubtfully disposed, those who are not disposed.

His duty with regard to these different classes will form the subject-matter of this section.

I. Absolution must, in justice, be given to the penitent who is certainly disposed, so that the confessor would, generally speaking, *sin gravely* and against justice if he should refuse to absolve such a penitent. After hearing a case (*causa*), the judge must pronounce sentence on the accused, and in the tribunal of penance (the worthiness of the penitent being presupposed) the sentence can only be one of acquittal. Accordingly, if the penitent is worthy of acquittal, in other words, certainly disposed, absolution must be given him. This results also from the character of the confessor as representative of God; but God acquits the sinner who does worthy penance, therefore God's representative must do likewise. This follows, further, from the aim of the institution of the Sacrament. It was instituted for the faithful and for their spiritual benefit; now, if the faithful are well disposed, they have a right to this Sacrament, and it would be injustice to withhold it from them. Finally, the confessor binds himself by admitting a penitent to confession, *ex quasi-contractu*, to pronounce judgment in accordance with the injunctions of Christ.[685] Absolution must also be given to a certainly disposed penitent when he has accused himself of venial sins only. In the latter case, however, it is, *ex se*, no great injustice not always to give absolution, but only the blessing, and if there is reasonable ground for this proceeding it is no sin at all.

685 Cf. S. Alph. Lib. VI. n. 603; H. Ap. n. 117; Suarez, De Pœn. D. 32, S. 5, n. 2; cf. Lugo, Disp. 14, n. 166; Marc, Instit. Alph. P. III. Tr. V. Diss. III. cp. 3, art. 1, n. 1813; Lehmkuhl, l. c. n. 428; Bucceroni, Commentar. III. De Absolut danda, etc. § 1, n. 2, § 3, n. 13.

II. Absolution must always be *refused* to penitents who are *certainly not disposed*. The confessor would be guilty of sacrilege if he administered absolution to penitents whose indisposition was certain, in whatever state of need the penitent might be; for, in this case, the confessor would utter the sacramental formula in vain, and such abuse is sinful. What penitents are certainly not disposed we have learnt above.[686] The strict duty of the confessor to dispose those penitents whom he has recognized as not disposed has also been treated of (§ 51). Not till all his pains and zeal have proved vain may he dismiss them as indisposed; and even then the confessor must not treat them harshly and reject and repel them, but clearly and eloquently lay before them their sad state, and the very great danger of incurring eternal damnation, and assure them that it would always afford him the greatest joy if they should at last do real penance, and that he would be ready at all times to receive them in the confessional as soon as they should be willing to obey the divine precepts.[687]

686 See § 50, V. The confessor, therefore, must not absolve a penitent who will not fulfill an important duty incumbent upon him, who does not heartily repent of his past sins, and has not a firm purpose to sin no more in future. Cf. Bucceroni, l. c § 4, n. 15; Leo XII, Encycl. Charitate Christi, Kal. Jan. 1826.

687 Cf. B. Humbertus, General. Mag. Prædicatorum, Instructio, et Bartholomæus Medina ex Ord. Præd. Instruct. Confessar. Lib. I. cp. 3.

III. Absolution must, as a rule, be deferred in the case of those penitents who are altogether doubtfully disposed (*plane dubie dispositi*). For the confessor must take care that he does not presumptuously expose the Sacrament to the danger of nullity and commit a great sacrilege. Penitents are to be regarded as doubtfully disposed who, having a duty to fulfill *sub gravi*, such, for example, as removing an immediate occasion of sin, laying aside a vicious habit, making restitution, giving up an enmity, have promised to do their duty and failed to keep the promise. Failure to comply with the obligation does not point infallibly to a lack of proper dispositions, but it necessarily gives rise to well-founded doubts.

As a rule, absolution must be deferred in the case of such penitents, but if there is a *causa gravis*, it *may* be given to them *sub conditione*, or, according to circumstances, it *must* be so given to them.

For the Sacraments were instituted for men. When, therefore, more evil than good results from postponement of absolution, the welfare of the penitent demands that the Sacrament should be administered to him, even with the danger of nullity; regard for the Sacrament being preserved by the subjoined condition.

If dying persons are doubtfully disposed, they must be absolved *sub conditione*; on this point there can be no controversy.

It is universally admitted and also approved by St. Alphonsus that a doubtfully disposed penitent can be absolved, *sub conditione*, of course, when he himself, *bona fide*, believes that he is sufficiently disposed, and when there is a *causa gravis* for believing that the refusal or postponement of absolution would cause him to fall into a worse state; for example, commit another sacrilege, or become totally estranged from the Sacraments. In this case the confessor must use every means in prudence, and with holy, enlightened zeal, to dispose the penitent fittingly, and then—mindful of the mercy of Him whose place he fills, and who does not break the bruised reed nor quench the smoking flax (Is. xlii. 3)—administer the absolution.

But in other cases where such evils are not to be feared, the confessor must defer absolution for doubtfully disposed penitents till they have shown themselves to be better disposed. This applies especially to relapsing sinners and to *occasionarii*. "Do not refuse absolution to the penitent, but postpone it," is the exhortation of Segneri to confessors. "He must come again within a fixed time. In the meanwhile he may make himself more worthy and then give more trustworthy signs of sorrow." Let it not be objected that the penitents would not return. "If they do not come to you, they will go to others, and will be better prepared and absolved with greater profit. If they neither come back to you nor go to another, you need not be concerned about it, for it is a clear sign that they are quite obdurate in sin, that they were not disposed, and had not the will to render themselves disposed. And yet, even in such cases the deferring of absolution is not without benefit; since a germ of holy fear remains in their hearts, which in time will bring forth fruits of penance. For, as the learned Aversa assures us, a wise postponement is of the greatest profit to the sinner, and experience itself proves that this postponement is mostly beneficial."[688]

688 Leonard of P. M., Instructions for Confessors (Regensburg, 1878), p. 97, etc.

IV. Even in the case of a well-disposed penitent, absolution can, and sometimes must be, deferred, when this appears necessary to, or profitable for, his improvement. Although the well-disposed penitent has a right to absolution, yet the confessor, as a physician, must have regard for the cure of

the penitent, nor has the penitent always a right to *immediate* absolution. The deferring of absolution is a grave duty when postponement is a necessary measure; it is not so imperative when it serves only as a measure of utility.

1. Postponement of absolution is *necessary*:—

(*a*) With penitents who have to remove a *public scandal*. This duty must be done before they are admitted to holy communion, and generally also before absolution. (*b*) With penitents who have been, in any respect, public sinners,—till they have publicly shown themselves to have amended; except, perhaps, when it is advisable to give absolution at once for their greater comfort and spiritual profit; yet with postponement of holy communion. (*c*) With penitents who are under some great obligation, who have to make considerable restitution, to be reconciled to an enemy, or to remove an occasion of sin, and of whom it is to be feared that they may not be true to their resolution on account of its great difficulties. (*d*) With a penitent who has not confessed for a long time, has often fallen back into the old sins, and has not so far employed any diligence in the examination of his conscience; for, in this case, he runs great risk (as, by his own fault, the declaration of his sins is incomplete) of being invalidly absolved. But if such a penitent does not know how to examine his conscience better, the confessor must aid him, and absolve him if he considers him otherwise capable and worthy of it.

For the cases cited Lehmkuhl and Reuter give this good rule: If it is more difficult for the penitent to come to the confessor again than to fulfill his heavy obligation, let him be at once absolved, unless he has already promised to fulfill his obligation and has not kept his promise; but if it is more difficult for him to fulfill the obligation than to come again, let the absolution be deferred. Here, however, the confessor must have regard for the relative or subjective difficulty which his penitent finds in removing the occasion of sin, on account of rooted habit, or the strength of a violent passion. That he may overcome this, the penitent must be stimulated by postponement of absolution; otherwise he will easily forget his purpose and his promise.[689]

689 Lehmkuhl, l. c. n. 430. Cf. Reuter, Neo-Conf. n. 34.

2. Postponement of absolution, even when it is not necessary, may sometimes be profitable to the penitent. Between the *certa* and the *plane dubia dispositio* there are degrees, and the case may thus occur that the disposition of the penitent is not so certain that absolution must be given at once; on the other hand, it may not be so doubtful that absolution ought to be refused or postponed.[690] This applies to penitents to whom, in view of their dispositions and other circumstances, absolution, strictly speaking, may be given, but to whom postponement is useful in helping them to recognize more clearly the enormity of sin and the necessity of improvement. Thus they are more effectually strengthened against relapse, their sorrow for sin becomes deeper, their purpose of amendment firmer. Here the confessor, as physician before God, must consider whether it is more profitable for the penitent to give him absolution or to defer it. In determining this, he must consider the character of the penitent, and the circumstances of time and place in which we live. "When faith has become cold, and the penitent can scarcely be moved to make a confession, it is dangerous to defer absolution; this itself, indeed, may be a ground for giving absolution to a doubtfully disposed penitent. Thus it is that the confessor in our times must be more inclined to give absolution than in former

times when faith was lively."[691] The confessor must not postpone absolution when postponement is hurtful to the penitent, and this is the case when holy communion cannot be omitted without exciting remark; or when an indulgence can be gained at that time; when the danger is foreseen that the penitent would be obliged to confess the same sins to another confessor, which would be an unfair burden; or when the penitent, by this proceeding, would be exposed to the risk of dying without absolution; or if he could not come again for a long time.

690 Upon the origin of this practice, of which no trace is found in the works of the older theologians, Ballerini enlarges in his notes on Gury, II. n. 621. He does not discover it in the practice and teaching of the Jansenists, but rather in the endeavor of the younger theologians to find means by which the faithful may be better assisted in laying aside a bad habit, roused from indolence and negligence, and moved to holy zeal.

691 Lehmkuhl, l. c. n. 431. Cf. Marc, l. c. n. 1816; Aertnys, l. c. n. 280. The benefit which the confessor expects from the postponement of absolution, must, however, always be greater than that which the disposed penitent receives from actual reception of the holy Sacrament.

But absolution should be deferred only for a short time—three, five, or eight days. For a sufficiently disposed penitent the postponement should never be long, especially when it is uncertain whether he has perfect contrition, or whether he would gain real profit from it.[692] St. Alphonsus is of this opinion also in the case when relapse is interior, for instance, a bad habit. But if it be exterior, for example, an immediate occasion of sin, whether voluntary, or necessary, absolution is always to be deferred till the immediate voluntary occasion has been removed or the necessary occasion become remote. For the exterior cause has greater influence on the will than the evil habit or interior weakness.[693] Moreover, the interior cause is not so easily removed, simply because it is interior, and clings to a man.[694] Hence St. Alphonsus also gives this advice: "One should not, I think, deviate from the usual view, according to which absolution is not to be deferred in the case of a penitent who relapses from interior weakness, because for him more profit is to be hoped from the sacramental grace than from postponement of absolution."

692 Cf. Bucceroni, l. c. n. 10, *ad brevissimum tempus. Nam per se loquendo magis prodest absolutio statim data quam ejus dilatio.* "For," so he continues, "it is burdensome to remain in a state of mortal sin even one or two days: (1) on account of the danger of death, against which we are never safe, etc., and (2) on account of the priceless blessings of which we are deprived,—grace and merit. Moreover, the penitent is better prepared by absolution for again receiving the Sacrament, than by postponement of absolution, etc." Gury (II. n. 622) remarks that, where it can be easily done, absolution may be deferred for one day or for a few hours.

693 S. Alph. Lib. VI. nn. 463 and 464.

694 Cf. Salmant. Tract. 26, cp. 2, p. 2, § 1, n. 37.

Finally the postponement *must not be very irksome* to the penitent. For, on the one hand, the penitent, as sufficiently disposed, has a right to absolution, and, on the other, the postponement, if very displeasing to him, would, *per se loquendo*, not help him, or certainly not help him more than the absolution given to him at once. If, therefore, the penitent has a desire to receive absolution, he will be offended by the postponement. This desire manifests a very good will, which, when supported by the grace of the Sacrament, allows better things to be hoped for than would be the case if he were deprived of the sacramental grace. But that, *absolute*, absolution may be deferred in the case of a sufficiently disposed penitent, *even without his consent*, is demonstrated by the unanimous teaching of theologians[695] as also by the recommendations and practice of the saints.[696]

695 Cf. Bucceroni, l. c. § 2, n. 8; Suarez, Lugo, Sanchez, Filliucius, Palaus, Toletus, Gury, II. n. 621.

696 Cf. Epistol. S. Francisci Xaver. Lib. IV. Epist. IV.

Moreover, the frequent awakening of love and sorrow is to be earnestly recommended to the penitent if absolution has been deferred, that he may thus be strengthened against temptation, and later, when better prepared, acquire more abundant graces. A penance is also to be imposed upon the penitent, and he must be reminded that it is not necessary for him to confess again the sins already confessed when he comes back to the same confessor. The latter can absolve, though not remembering the sins, if he has imposed a suitable penance previously and adds a new one.[697]

697 Cf. Reuter, Neo-Confess. P. 1, cp. 8, n. 34.

In conclusion, we may remark that the postponement of absolution depends entirely upon the judgment of the confessor, that neither general nor special rules can be laid down concerning it. Everything should be left to the discretion of the confessor, who is to be guided neither by the suggestions of his own private judgment nor by the example of others, but only by the unction of the Holy Ghost, imparted to the priest by study and prayer.[698]

698 S. Leonard a P. M., Discorso mistico e morale, § 11.

Concerning postponement of absolution, Segneri remarks: "This remedy, when employed at the right time, produces great effects; like a burning coal it rouses the soul from that lethargy which threatened to become the sleep of death. Shamed and startled, the penitent recognizes the greatness of his misfortune, is placed upon his guard, and reflects upon his condition; if it finds him repentant, it increases his repentance in an indescribable manner, so that his sorrow, which before was transient and weak, and might easily have yielded to the simple allurements of some present object, now becomes strong and powerful and is able to withstand violent assault. And so this wholesome remedy is generally prescribed by the masters of asceticism,[699] and employed by circumspect confessors with much benefit, especially in those cases in which other remedies have proved ineffectual."[700]

699 Cf. Lugo, l. c. Disp. IV. Sect. 10, n. 166; Suarez, l. c. Disp. 32, Sect. 5, n. 2, who adds: *quod prudenti judicio confessoris relinquendum est, qui hoc sine gravi causa et magna consideratione facere non debet;* S. Alph. Lib. VI. n. 642.

700 Segneri, l. c. cp. IV (in fine).

Chapter II. The Accessory Duties of the Confessor

The essential office of the confessor is the judicial office. It is of the highest significance. Connected with it are other supplementary duties of equal importance. They refer to the preparation of the confessor for his responsible office, the exercise of the office itself, and his conduct after its completion.

Article I. The Preparation

53. The Virtues which the Confessor must possess

1. As in the administration of other Sacraments, the confessor must first of all be in a state of grace. If he hears confessions in a state of mortal sin, he commits as many sacrileges as he administers absolutions.[701] And what a dishonor to God, what a calamity for the priest is one single sacrilege! St. Alphonsus admonishes confessors, who have been so unhappy as to commit a grave sin, to cleanse their own consciences by confession before administering the Sacrament, or, if they cannot confess, but must hear confessions, to elicit perfect contrition. Whoever absolves in mortal sin dishonors the holy Sacrament intrusted to him by God, and while he delivers others from the chains of sin, reconciles them to God, and opens the gates of heaven to them, his own soul becomes more and more entangled in sin, displeasing to God and exposed to perdition, and will he be able to discharge his holy office in a proper manner? Will he who is himself given to sin effectively destroy the kingdom of sin by his admonition, instruction, and exhortation? The right administration of the Sacrament of Penance demands of the priest a deep hatred and personal abhorrence of sin.

701 Cf. S. Alph. De Sacrament, n. 36.

2. The minister of the Sacrament of Penance must, therefore, *be confirmed in virtue*. He who will lead others to virtue (and that is surely also a duty of the confessor) must first be virtuous himself. *Qui sibi nequam est, cui alii bonus erit*, exclaims the wise man in the Old Testament (Eccli. xiv. 5). Nothing exercises such great power over the minds of the people as the good example of a priest, and only then do they believe firmly when they see him practice what he teaches. "That voice penetrates deeper into the heart which the life of the speaker confirms," says Gregory the Great (Reg. Past.). St. Antoninus recalls the words of St. Augustine: "The priest to whom every malady is to be exposed must not fail in any one of the points which he is to judge in others; else he condemns himself while sitting in judgment over others. When the adulterous woman was taken before the Lord, He said to the Pharisees, 'Let him amongst you who is without sin cast the first stone upon her.' But as none seemed free from sin, they all withdrew, and did not care to condemn the woman." "Therefore," adds St. Augustine, "priests are more culpable than the Pharisees if they, though guilty themselves, dare to condemn others."[702] It is an irrefutable maxim of the Angelic Doctor that, in the administration of this divine Sacrament, the Confessor coöperates in a personal way with God. It is not sufficient for him to live in a state of grace in order to be a useful servant in the work of saving sinners; he must be solicitous about the practice of all the virtues, for a lukewarm confessor, without interest in his work, who does not exercise himself in prayer and mortification, can only discharge this divine office carelessly. His words will not be inflamed by love, nor his warnings animated by zeal, nor his counsels beget confidence.[703]

702 Cf. S. Leonard a Port-Maur., Instruction, etc., pp. 15-16.

703 Instructions for Confessors, n. 3, p. 24 ff.

3. Amongst the virtues which the confessor must possess, charity occupies the first place. As St. Alphonsus says emphatically, *the confessor must have a heart full of love*, in order to discharge his

office properly. This love of the confessor, as Louis de Ponte says, must have all the dimensions which the Apostle in his letter to the Ephesians demands; the love of the confessor must be *so broad* that he embraces in his heart all the sinners of the whole world, excluding no one that will do penance, and, like the father in the Gospel, hastening with open arms to meet and receive every prodigal son who returns home; *so long-suffering* that he does not grow weary if he has to wait a long time for the sinner, and has often (seventy times seven) to deplore his relapse if only he will return repentant; *so highly spiritual* that he readily incites sinners to a greater perfection; *so humble* that he stoops to the most abandoned criminal to lend him a helping hand, however low he may have fallen by repeated indulgence in the most shameful sins. "Remember," writes St. Francis of Sales, "that penitents address you all as 'father.' You must, therefore, have a fatherly heart for them; receive them with love, listen to them with patience; do not grow tired of their unmannerly behavior, their ignorance, their fickleness; do not cease helping them, that you may at any cost save their souls. Defiled though they be, they are not on that account less precious; like pearls, they lose nothing by the dirt into which they have fallen. Only try to cleanse them in the Precious Blood of the innocent Lamb, and unite them to God, that they may become heirs of eternal glory, and may one day eclipse the stars by their splendor."[704] And St. Alphonsus teaches: "When an unhappy sinner comes, good confessors receive him with cordial love, and rejoice like a conqueror who has made booty, reflecting that it has been given to them to snatch a soul from the hands of Satan. They know that this Sacrament was really instituted not for the just, but for sinners ... that Jesus Christ said: 'I am not come to call the just, but sinners' (Mark ii. 17). Therefore are they filled with love, and the deeper they see the soul sunk in the filth of sin, the greater love do they show in order to win it for God."[705] The good confessor exercises in his office all the works of mercy by which charity manifests itself, as Louis de Ponte so beautifully says: "Hearing confessions and absolving penitents is a *truly heroic act*, and unspeakably well pleasing to the divine Majesty; because in a special manner he exercises here the corporal and spiritual works of mercy. He teaches the ignorant, guides the erring, repairs injuries, comforts the sorrowful and the downcast, imparts salutary counsel to the doubting, makes effectual intercession with God for those whose salvation is endangered. He breaks the cruel chains of the captive and liberates him from shameful slavery, clothes the clean with the garment of grace, offers to the needy and to the weary spiritual food and drink. Therefore I am convinced that God shows mercy to the good and zealous confessor: since 'Blessed are the merciful, for they shall obtain mercy.'"[706] Therefore, the office of the confessor is very *meritorious*. But in order that he may gain from it undiminished merit, let him administer it out of love, pure love for God and for souls. And that he may always do so Lehmkuhl recommends him frequently to consider: (1) who He is whose office he discharges; (2) who he is who discharges it; and (3) who he is for whom he discharges it. For the priest represents in this holy tribunal the person of Christ as Redeemer, who gave Himself as ransom for souls, who had this individual soul before His eyes when He suffered, when He instituted the Sacrament of Penance, who as God from all eternity, as Man, from the first moment of His incarnation, chose this hour of His special love, in which, by the influence of grace, the sinner would be brought to the feet of the priest, by whose help and endeavor he might be sanctified and saved. But the confessor who discharges this divine office and coöperates with Christ in the divine work of the salvation of sinners, must recognize that

it is without any merit on his part that he has been raised to such an exalted dignity. The confessor has, perhaps, himself grievously failed and in no way can he better atone for his faults than by zeal in blotting out and preventing the sins of others; and if he should have no sins of his own to expiate, he should not forget that he owes this singular favor to Christ and His grace.

704 Monita ad Confessarios, cp. 1. art. 1.

705 Praxis Conf. n. 3.

706 Sensa pretiosa, P. 6, n. 17, sqq.

The confessor must see in the penitent a brother of Christ, sprinkled with the Blood of Christ, who now, to the shame of Christ, has fallen into the most wretched captivity and slavery of the devil; who, nevertheless, is dearly loved by God and Christ, and is called to eternal and blissful union with Him; who will, perhaps, one day be a great saint in heaven, and, if he dies before the confessor, will there be an intercessor for him; or will certainly, out of gratitude, pray for him here on earth.[707] The confessor should often read what St. Alphonsus writes in his *Homo apostolicus* about the love of the confessor:[708] "This love must be chiefly exercised in receiving all, especially the poor, the ignorant, and sinners in a friendly manner.... A still greater love must the confessor exercise in hearing the confession itself.... And at the end of the confession the confessor should, with much zeal, show to the sinner the heinousness of his sins. This is the way by which you may gain sinners if you employ the very greatest love in dealing with them." This love of the confessor produces in him that zeal for souls which should especially animate him. When the confessor discharges his office with zeal, souls (as experience shows) are not less effectually led to God than by preaching. "Be certain," exclaims St. Leonard of Port Maurice, "that in a single morning which you have dedicated to God in the confessional for the purpose of helping poor sinners, you acquire more merit than if you were to perform other good and holy works for a whole year. Indeed, I venture to say that it is sometimes better to interrupt meditation, reading, the Breviary, or any other pious exercise in order to hear confessions.... We should be content to sacrifice for a time even the contemplation of God in order to comfort poor sinners. St. Ignatius declared that he would very gladly submit to a postponement of the bliss of heaven in order to be able to work for the salvation of a poor soul. Does not that passage in the Gospel terrify you where the servant is damned because he had not used the talent which he had received? And you, who have received from the Lord not *one*, but three and four, and perhaps ten talents, you will let them lie unused!"[709]

707 Lehmkuhl, l. c. n. 432.

708 Tract. 21, nn. 1, 2, 3.

709 Instruction, pp. 121-123.

The most beautiful, the most efficacious pattern of true, wise, indefatigable zeal for souls is He whose place the confessor occupies, who in His boundless love shunned no trouble, effort, persecution, or suffering, in seeking sinners, teaching them, moving them to sorrow and penance, and pardoning them, and who for them gave up His life in shame and agony.

Under the influence of this love, the confessor will also avoid certain mistakes which are very injurious to his ministry, and by no means becoming in a representative of Christ.

(*a*) He will not prefer the rich and the high-placed to the poor and the unfortunate, but, after the example of our Saviour, will embrace the poor and the unfortunate with special love.[710]

710 Praxis Conf. n. 3.

(*b*) He will not, in this love for penitents, be influenced by any natural inclination, still less by any sinful affection; hence he will not regard himself as fortunate if his confessional is besieged by a great number *devotarum mulierum*, nor will he detain them in the confessional longer than is necessary, nor treat them with too great familiarity, but rather with a paternal severity, so that, in this holy service, he may not incur temptation and ruin.

(*c*) He will not allow himself to be influenced by the rank of the penitent, but rather remind high and low, rich and poor, of their duties and obligations, and thus be all to all.[711]

711 Cf. Lugo in Benedict. XIV, Const. "Apostolica," 26 June, 1749, n. 20; S. Alph. Homo Ap. Tr. 21, n. 4.

(*d*) He will employ special diligence with those who are stained with many sins, who have long lived in evil habit, and have often relapsed, that they may be lifted out of the slough of sin, and led to God and a new life. He will ponder the celebrated words of St. John Chrysostom: "When you see one whose soul needs cure, do not say to yourself: why did not this one or that one cure him? Cure him of his illness, and ask not why others have been negligent. If you see gold lying on the ground, do you say to yourself: why did not this one or that one pick it up? Do you not hasten to pick it up before others? Even so, think of your fallen brothers, that you have found a treasure in them."[712]

712 Orat. 8, advers. Judæos in Migne Ser. græca, T. 48, col. 932.

(*e*) In hearing confessions he will increase his love and show it by kindness and gentleness; he will manifest no sign of impatience or wonder, even when the penitent confesses very great sins, or shows a hardened unrepentant heart, or is uncouth and tires the confessor by wrong answers and confused statements.

(*f*) And if the penitent is poorly prepared and badly disposed, the confessor must use every endeavor, especially at the end of the confession, to render him perfectly disposed by instructing him, admonishing him, and (as the penitent's condition may suggest) by blaming or reproving, by recalling the thought of God's justice, yet so as rather to inspire confidence and to open the door of love and mercy.[713]

713 S. Alph. Praxis, n. 77. Cf. Lehmkuhl, l. c. n. 434; Aertnys, Instruct. pract. P. I. cp. IV. nn. 18-25.

(*g*) Nor let the priest be sad, despondent, and dejected if he perceives no progress, or only a little, and very slow progress in those on whom he has expended so much trouble. Zeal for souls will guard him against this dangerous rock.[714]

714 Cf. S. Bernard. De Considerat. IV; S. Bonavent. De sex alis, cp. 5.

4. The confessor must, moreover, be eminently pure. He hears so many sins of impurity; the saddest lapses from virtue are disclosed to him; he must put questions in order to draw out and complete the confession of these sins; some penitents express themselves very awkwardly, and, alas! by most lamentable abuse of the holy Sacrament, snares are laid to the chastity of the confessor. In order to escape these dangers and that he may not be defiled while cleansing and healing others, the confessor must have a great love for holy purity, and be confirmed in

this virtue so as to suppress resolutely and at once all rising temptations and sensual emotions. Let him arm himself with a pure and holy intention, seeking only the honor of God and the salvation of souls; let him avoid all familiarity with female penitents, ever having as witnesses of his words and actions God and his own and his penitent's guardian angels; finally, let him shield himself by frequent prayer, especially to Mary, the purest of Virgins.

5. Lastly, the confessor must be equipped with *inexhaustible patience*. Intrusive, scrupulous, melancholy, distrustful, rough, obstinate penitents, will easily rouse to impatience and anger a confessor who is vehement and excitable. Great patience is, therefore, necessary that, while correcting the faults of others and giving peace to souls, he may not fall into faults himself, become perplexed in heart, and lose his peace of mind. He who will take away the sins of the world must be as *meek* as a lamb.

54. The Scientific Equipment of the Confessor

St. Alphonsus teaches[715] that the confessor who hears confessions without sufficient knowledge is in danger of eternal reprobation. And justly does the sainted teacher express himself so seriously. If the Lord demanded from the priests of the Old Testament that their lips should keep knowledge, and that the law should be sought at their mouths (Malach. ii. 17), and if He threatens the priest of the Old Testament by the mouth of the prophet: (Os. iv. 6) "Because thou hast rejected knowledge, I will reject thee, that thou shalt not do the office of priesthood to me," this applies in a much higher degree to the priest of the New Law, who, as representative of God, discharges the office of judge of souls, and holds in his power their eternal welfare or their eternal ruin. An ignorant priest, one not equipped with the knowledge necessary for so responsible and important a Sacrament, exposes himself to the danger of pernicious error, the Sacrament to the danger of dishonor, and the penitent to the danger of damnation. *An ignorant confessor works much ruin.*

715 Praxis Confess. n. 18. Cf. Rituale Rom. Tit. III. cp. 1, De Sacram. Pœnit.

How great the knowledge of the confessor must be is shown by the consideration that he discharges the office of teacher, physician, and judge, to people in the most diverse positions and circumstances of life and the most unequal conditions of soul and mind. He is appointed for them all; they all, without exception, come to him, and he must instruct them upon the most important matters; he must know all diseases and wounds, must examine and cure them; upon all sins he must pronounce judgment, a just judgment, and one as much as possible in accordance with the judgment of God! Truly, if any one who undertakes an office ought to be provided with the knowledge requisite for its fitting discharge, it is the priest, for upon the fitting discharge of his office depends, not some temporary good or evil, but eternal salvation—his own and that of his penitent! St. Teresa was moved to the following utterance in her biography (chap. 5): "Half-instructed confessors have done my soul great harm; for I could not always have such learned ones as I would have desired. They certainly did not wish to deceive me, but the fact was that they knew no better. Of something which was a venial sin, they said it was no sin, and out of a very grave mortal sin they made a venial sin. This has done me such harm, that my speaking here of so great an evil, as a warning to others, will be readily understood." The following principles are to be laid down respecting the scientific outfit of the confessor:—

I. The confessor is bound *sub gravi*, to possess all the knowledge which is necessary to discharge his office without committing serious errors.

(1) Generally speaking, the confessor must, therefore, know his moral theology thoroughly. He must know particularly what he has to do in order to administer the Sacrament rightly; he must know upon what subject he has to instruct the penitents, what he may permit, and what he must forbid; he must especially understand how to dispose penitents who are not disposed; how, and through what motives, acts of faith, of hope, of love, and contrition (both *attritio* and *contritio*) are to be awakened; for he must very often rouse the penitents to such acts, and even in many cases recite them for his penitents.

(2) Moreover, he must know accurately which of the sins that usually occur are mortal, and which venial, at least *ex genere suo*; "he must understand how to distinguish them *secundum principia communia*,

though not *in causis difficillimis*," or, as Lugo says: "This knowledge need not be of such a kind that in all cases he is able to distinguish between mortal or venial sins, but only in those of frequent occurrence; as for the rest, let him hear and understand, and then absolve with the necessary intention."[716] He must know: (3) the *species* and *circumstantiæ* and how the number is expressed; (4) what is usually necessary for the validity of documents, for valid contracts, for a valid marriage, and what circumstances invalidate contracts and marriages, etc.; (5) when restitution in matters of property and of honor must take place; the duties of individuals according to their different stations, occupations, and obligations; (6) what powers belong to him, what limits there are to these powers, the *casus reservati*, and ecclesiastical censures; (7) how the disposition of the penitent may be recognized, what means of amendment he should and must prescribe, what penance he can or must impose.[717]

716 De Pœnit. Disp. 21, n. 70.

717 Cf. Lacroix, Lib. VI. P. II. n. 1789; S. Alph. Lib. VI. n. 627; Marc, l. c. n. 1787; Aertnys, l. c. n. 266; Lehmkuhl, l. c. n. 439.

II. The confessor, however, is not obliged to possess a *scientia eminens* (or *exquisita*) so as to be able to pronounce the right decision at once in every question which occurs. What the theologians call a *scientia mediocris* suffices; that is, he must know, but know thoroughly and well, cases of more usual occurrence, and in more difficult things *saltem prudenter dubitare*; that is, he must know, in a given case, that a difficulty exists and what the difficulty is, and that he should obtain information before he decides. He must also be acquainted with good books which he may consult, and, finally, he must, when necessary, seek guidance from well-informed men. What Lacroix writes (l. c.) upon this point is worthy of attention: "However well informed a confessor may seem to be, it is not well to solve intricate questions at once, especially in cases of obstacles to marriage, simony, or restitution; in such cases you must rather tell the penitent that you do not dare to decide the matter at once, in view of its difficulty, and request him to wait a little while. By doing so, the confessor will not lose the esteem of the penitent; on the contrary, the latter will understand that he takes the matter conscientiously and seriously, and will place all the more confidence in the confessor's decision, whereas scruples frequently remain when a decision is given quickly and without specifying the grounds for it. In this way errors will be avoided. This exhortation applies especially to confessors who are not very well instructed, but who absolve and give dispensations in all possible directions, the more confidently the less their ignorance permits them to entertain a doubt." And to this the learned author adds the following remark: "Moreover, a *mediocris*, but *solida doctrina*, is more useful than a *summa et exquisita cognitio* when the latter is not united to prudence and discretion. For those who have no sober judgment treat everything with such theological subtlety that they often involve themselves and others in scruples and other difficulties; it is, therefore, better to adapt one's self in such questions to the usage of the Church and of prudent confessors."

The confessor must obtain this knowledge and conserve it (*a*) by serious study of moral theology. *Continuous* study is necessary; for as moral theology embraces such various matters, they would in time be forgotten unless recalled to memory by repeated study.[718] The Roman Ritual admonishes confessors to acquire the greatest possible knowledge and wisdom, by zealous prayer to God, as well as by the study of approved authors and the prudent counsel of experienced men.[719] And Benedict XIV says in his Constitution "Apostolica" (26 June, 1749), n. 21: "It were, indeed, to be desired that

every confessor should possess that degree of knowledge which is called *eminens*, but as this is the gift of a few only, it is absolutely necessary that each one should be furnished with at least competent knowledge." St. Alphonsus gives the reason for this when he says:[720] "We know well that the sacramental confessions will not produce the fruit which we expect and desire, if they are not heard by blameless, learned priests, and priests well instructed in the salutary doctrines of the Church."

718 Cf. S. Alph. Praxis Conf. n. 18.

719 Rituale Roman. Tit. III. cp. 1, n. 3.

720 Praxis Confess. n. 18.

(*b*) The confessor would err if, as confessor, he should wish to dispense with the study of dogmatic theology. For the confessional is the place in which he who is wavering in faith must be instructed and confirmed; it is precisely in the guidance of souls that the Christian moral law is shown to be the outcome of the doctrine of faith; the dogmas of the Church supply the strongest motives for amendment and a holy life; it is in the minds that have grasped with full and enthusiastic hold the Church's doctrines in whom we find that masterly authority and certainty to which the soul gladly submits; and, without this, a ministry is exposed to thousands and thousands of errors in the decision of questions of conscience. "Give me a soul thoroughly firm in faith, and in that faith the soul finds, as if spontaneously, its rule of life: *Justus ex fide vivit*. A priest imbued with his Church's teaching is as a bright star leading others on the right road."[721]

721 Renninger-Göpfert, Pastoraltheologie, I. Buch, I. Tl. § 82, S. 225 f.

(*c*) In addition to dogma and moral the confessor needs a third science—and this we may call the science of the saints, the doctrine of Christian virtues or perfection. It is not foreign to moral theology; it properly belongs to it as a part to the whole. At the Synod of Westminster, in the year 1873, Bishop Ullathorne of Birmingham spoke of this science as follows: "Moral theology has two branches: the first is occupied with the right *judgment of sins*; the second aims at the *practice of virtue*. As a science, the former is much more developed than the latter; the former enables the priest to become a judge; it deals with the Commandments of God, the duties of individual classes; it draws the boundary line between what is sin and what is not sin, what is of obligation and what is not of obligation. This is moral theology; if its rules are applied to individual cases, we have casuistry. The second science is called the science of the saints, asceticism, and it makes the priest a guide of souls on *the road to perfection*. While the first is more cultivated in the schools, the latter is left more to the individual's zeal and devotion. Yet the science of perfection is necessary; for that which is known in scientific form makes a deeper impression. There is great danger in cultivating the former without the latter. If, in the discharge of his office as judge, a man does not cast his eyes upward, he judges of sin and duty according to the standards of lawfulness and not according to the light of perfection which must guide us."

III. An extensive knowledge is not necessary to all confessors; the necessary knowledge must rather be *relative*; that is, adapted to the condition of the penitents who come to confess. He, therefore, who hears confessions at a place to which penitents of various stations, professions, and circumstances, with various degrees of education resort, must possess much greater, more comprehensive, knowledge, than another priest who only hears the confessions of illiterate, simple people. Although a priest who is conscious of his ignorance, or of his defective knowledge of moral theology, and yet

hears confessions, is, as St. Alphonsus says, *in statu damnationis*, there may be cases in which an ignorant confessor can and must hear confessions, namely, in cases of extreme necessity, and when no other priest is present, thus:—

(*a*) In *the hour of death*, when a better-informed confessor is wanting; (*b*) in any similar case of necessity, for instance, when Christians are the captives of infidels and can only obtain an ignorant, unlearned confessor—this situation being rightly regarded as "*necessitas moraliter extrema*."[722] "On these grounds Superiors may frequently be excused who appoint priests not well instructed to little parishes in the country; this they generally do because they have none better instructed to send to these parishes. As provision cannot be otherwise made for such places, it is better that they should have a confessor who is not well instructed than none at all. The bishop, however, must remind such a priest of his lack of knowledge, and admonish him to acquire, as his duty strictly requires him to do, better knowledge, in order that he may well discharge his office as confessor. *This duty is always incumbent on the parish priest*, even when, in view of the necessitous state of a flock, a bishop may be forced to intrust a parish to a priest who is not sufficiently instructed. The same applies to other priests in charge of souls."[723] Nevertheless, it must be the most serious concern of every bishop to procure well-trained and educated priests.

722 Cf. Lugo, l. c. Disp. 21, n. 70.

723 Lugo, l. c.

IV. If a priest is in doubt as to whether he possesses the requisite knowledge for discharging the office of confessor, he can rest content with the judgment of his Superior, if the latter is sufficiently informed of his education and capacity by means of the examination for approbation, or some other theological test, or in consequence of long intercourse with him, or has been informed concerning it by some other prudent man. Of itself, *the approbation which he has received cannot satisfy a priest, nor excuse the confessor who is conscious of his defective knowledge*; for the approbation presupposes the necessary knowledge but does not impart it. St. Alphonsus teaches—in agreement with all authors: "A confessor who is not conscious of being quite incapable of hearing confessions, is justified in contenting himself with the judgment of his Superior, and, indeed, must be so; to rely upon the approbation of the bishop, and then believe that one is freed from study, is presumption."[724] Moreover, the Church has never tired of admonishing confessors in the strongest terms, of their strict duty to acquire and maintain the knowledge requisite for the administration of the Sacrament of Penance; for an ignorant confessor causes terrible ruin and burdens himself with a dreadful responsibility.

724 Praxis Conf. n. 18.

V. The knowledge of the confessor must be *practical* in order to further the salvation of souls and solve the *casus conscientiæ* which occur. On this point St. Alphonsus expresses himself in the following manner: "Many who pride themselves on being instructed and distinguished theologians disdain to read the moralists; they call them casuists, an opprobrious name in their estimation. They say that, in order to hear confessions properly, it is sufficient to know the general moral principles by which all individual cases can be solved. Who denies that all cases must be solved by principles? The difficulty lies in applying the principles to individual cases complicated with so many circumstances. This cannot be done without carefully weighing the grounds on both sides. Here the moralists step in to solve the difficulty; they seek to explain by what principles the many particular cases must be solved.

Moreover, there are in our days so many positive laws, Bulls, and decrees, with which we can only become acquainted through the study of the casuists who have collected and classified them, as the different subjects require. The more recent the moralists are, therefore, the more useful are they in comparison with the earlier ones (in this respect, of course). The author of the work *Instructio pro novis Confessariis* (p. 1, n. 18) rightly says that with regard to many theologians the more deeply versed they are in the speculative science, the more ignorant they are of moral, which, as Gerson writes, is the most difficult of all; and however familiar any one may be with it, he will always be obliged to add to his information. The learned Sperelli[725] likewise says, that those confessors who wholly give themselves up to the study of scholastic theology, in the belief that time devoted to the study of moral is wasted, are in great error, for they can no longer distinguish sin from sin; and this, he says, is an error which involves confessors and penitents in eternal ruin."[726]

725 De Episc. p. 3, c. 4.

726 Praxis Conf. n. 17.

With these words, the sainted teacher demonstrates the necessity of the study of theological casuistry. At the same time he shows also (and that *a fortiori*) the necessity of practical instruction concerning the administration of the Sacrament of Penance, as in this the confessor learns the method of hearing confessions rightly and with fruit.

VI. Nothing can supply the defect of learning in the confessor. 1. It is true that tact and a natural sagacity greatly assist the confessor, but without solid knowledge this natural capacity profits him nothing, but rather often exposes him to the danger of lightly deciding a matter against all principles of sound doctrine. But he who does not possess this innate sagacity must the more study how casuists decide cases, in order to sharpen his judgment and learn the application of principles.[727]

727 Lehmkuhl, l. c. n. 438.

2. Nor can experience or long years of practice in the confessional supply the place of learning. By experience alone one cannot learn what is allowed and what is not allowed, still less how consciences are to be guided; "for experience which is not based upon knowledge is nothing else than a long custom of erring,"[728] and worse than the condition of a still inexperienced but well-instructed confessor is that of a gray-haired, unlearned one, who, trusting in his experience, errs in his own judgment. Solid knowledge and experience must, therefore, be united in an able confessor. A long practice without erudition in the confessional is rather a danger than a help.

728 Hobert, Praxis Sacra. Pœnit. Tract. 1, cp. 4. Cf. Aertnys, Instr. pract. P. 1, cp. 1, n. 7.

As an excuse for not studying moral theology, many confessors contend that: Practice and theory are different things. If by this is meant that it is far more difficult to put in practice the rules for the administration of the Sacrament of Penance than to learn them, this contention is right and just, and the deduction is that even a very well-informed confessor must not trust to his own insight, but must unceasingly implore light from on high. But if the above argument is to be understood (as ignorant confessors use it) to mean that something which is true in theory is in practice not always true, and that it is impossible always to observe the rules taught by theology, this would be a very pernicious error. If this were true, souls would be no longer led by the doctrine approved in the Church, but by

the intelligence or the arbitrary will of the individual confessors. Practice is nothing else than the application of certain rules. How could a confessor understand the practical art of hearing confessions without possessing the theoretical science which consists in a knowledge of the rules? Right practice in the administration of the Sacrament of Penance is nothing else than right application of rules.[729]

729 Cf. Aertnys, Instit. pract. l. c. n. 8.

St. Alphonsus puts the question: Must a simple priest qualify himself for hearing confessions by the study of moral theology, if he sees that (in his diocese) there is a great want of confessors? And he answers in the affirmative, "as Christ appointed priests expressly for the purpose of saving souls, and the salvation of souls is chiefly effected by the holy Sacrament of Penance. Accordingly, how can a priest be pronounced free from sin who, out of negligence, does not hear confessions, or does not qualify himself to do so when he sees great need for it—how will such a one avoid the reproaches of the Lord, or escape the punishments with which He threatens the idle servant? Such priests must not say that they did their duty if they helped souls in another way, by instruction, by prayer, by exhortation; that, I say, is not enough, because they must help their neighbor in that which is necessary to his salvation. Nor must it be said that hearing confessions is a duty of charity, and that charity does not bind under such great difficulty as is involved in undertaking the labor which the acquirement of the knowledge necessary for the administration of the Sacrament of Penance entails. For it may be answered that even if hearing confessions is a duty of charity, it is of the essence of the sacerdotal office, and incumbent on every priest when necessity requires it."[730]

730 Homo Apost. Tr. 16, cp. 6, n. 127.

55. The Prudence of the Confessor

In addition to knowledge the confessor must possess great prudence, as his office is beset with difficulties and dangers.

The necessity for prudence in the confessor is shown in the very meaning of the word; for prudence is nothing else than the good use and the right application of principles and rules in any business, or, according to the Angelic Doctor, the right application of general principles to the individual case.[731] It is, therefore, called the right way of acting. It is not, of course, the prudence of the world and the flesh which we have here in view, that prudence which, before God, is folly (1 Cor. iii. 19), which sacrifices higher things for earthly profit; nor is it human respect, which in weakness and fear, abandons principles for a momentary success (*prudentia diabolica*, Jac. iii. 15), but the *supernatural virtue* of prudence,[732] which springs like a flower from sanctifying grace and the love of God; which, in Confirmation, the Holy Ghost bestows for individual use, and which is renewed for the public good in the ordination of the priest: this is that prudence which our divine Saviour recommended to His disciples, when He said to them: "*Estote prudentes sicut serpentes.*"[733] Now the office of the confessor is of a thoroughly practical nature, difficult, and of the highest importance, as, in the exercise of it, he may benefit or injure both himself and others, according as his conduct is prudent or imprudent. Prudence, therefore, not less than knowledge, is necessary to the confessor. Prudence is the queen of the virtues, which counsels well, judges rightly, and effectually conducts to the goal proposed.[734]

731 II. II. Q. 14, art. 3.

732 S. Thom. II. II. Q. 47, art. 4.

733 Stang, Pastoral Theol. l. c. IV. 28.

734 Cf. Aertnys, Instit. pract. P. 1, cp. II. n. 9.

The confessor must be prudent both towards the *penitent* and towards *himself*, that he may injure neither the penitent nor himself, nor administer his office to the detriment of religion and the scandal of others.

According to the teaching of St. Alphonsus,[735] the confessor must conduct himself prudently towards the penitent, especially in the following points:—

735 Praxis Confessar. Cf. Marc, Instit. Moral. l. c. n. 1788.

(1) *In the questions* which he puts to the penitent, so as only to ask what is suited to the station, age, and condition of the penitent, and so as not to teach him sins which he did not know; as already remarked, very special care is necessary in questions concerning the sixth commandment; (2) *in the instructions* which he gives the penitent; instructing him or preserving a discreet silence and leaving him in his good faith, as the welfare of the penitent may demand (Praxis, n. 8, 9); (3) *in prescribing the means of amendment*, so that these latter may be adapted to the state of the penitent's soul and to his circumstances (Praxis, n. 15); (4) *in imposing sacramental penance*, so that, as above stated, it may correspond with the penitent's sins and his station (Praxis, n. 11, 12); (5) *in giving, deferring, or refusing absolution* (Praxis, n. 10, 63-77); (6) *in the choice of opinions*, in case of the existence of probable opinions for and against a point, whether he must choose the severer or the milder decision for the

penitent in question[736] (Praxis, n. 114); (7) *in preserving the seal of the confessional*, so as to avoid every danger of breaking it either directly or indirectly (Praxis, n. 117); (8) *in the treatment of very difficult and complicated questions*, carefully weighing all the circumstances, and, when necessary, asking the penitent for time, in order to seek advice from books or learned men (Praxis, n. 194).

736 S. Alph. Lib. VI. n. 605; Marc, Inst. Mor. l. c. n. 1789.

The confessor must be prudent with regard to himself, that: (1) He may not prepare for himself temptation against holy purity in questioning and investigating the circumstances of sins, that he may not injure his good name, may not bring the office of the confessor into disrepute, may not render the institution of the confessional odious; (2) *in vitando aspectu fœminarum, juniorum præcipue et, nisi crates interfecta sit, manus certe cum sudario intercedat* (Praxis, n. 119); and (3), by being *especially careful with regard to women*, being particular to avoid all superfluous talk, all familiarity, accepting no presents from them, not visiting them without necessity at their homes, treating younger ones with severity rather than leniency. These measures of precaution the confessor must adopt in the case of pious persons especially, *quibuscum est periculum majoris adhæsionis* (Praxis, n. 119-120).[737] But how shall he obtain this prudence from which so many of the good effects of the Sacrament depend? By study, by circumspection, by experience, by docility, and purity of intention, the confessor can acquire for himself the necessary prudence, assisted, of course, by divine grace. 1. By study, for prudence derives its decisions and its opportune remedies from science. 2. By circumspection, by considering the different circumstances of the person and the case. This circumspection will enable the confessor to reveal the deceptive motives of passion and vice, to suggest means for the removal of obstacles in the way of amendment, to foresee and provide against the detriment which may ensue. The gift of right judgment is conferred upon us by God; maturity of judgment is acquired with age; but those who have not been richly endowed by nature can sharpen their judgment by the study of moral and pastoral theology and by taking counsel of wiser men. 3. By experience, which teaches the confessor what commonly occurs in practice, shows him how he must question, when he must instruct the penitent or leave him *in bona fide*, how he finds his way to the heart of the penitent, when he must show special indulgence, how to judge rightly of the penitent's disposition and to find the proper remedies. Practical experience is thus an excellent school. 4. By docility, which is especially necessary for young confessors; it teaches them to mistrust themselves and to apply often to learned and experienced confessors for advice, thus profiting by the experience of others. Hence Benedict XIV advises confessors to beware of answering *divinando* when a more difficult or a new case is brought before them. On the contrary, they should not decide the matter till after mature consideration; moreover, they should consult the theologians whose teaching is solid and sound.[738] 5. Purity of intention, that is the sole desire to please God, and to lead men to salvation. "It is certain that the Christian prudence of a confessor will be the greater, the greater is his love, and that, in general, the mind is stimulated by the intention or the desire to attain the end. The more a man is inflamed with the desire of a certain good, the more zealous is he in his search for the means of obtaining it, the more careful will he be in choosing the more suitable means, the more cautious will he be to omit anything that may be useful for his purpose, the more determined will he be in overcoming all difficulties, so as to gain that on which he has set his mind. A confessor who, with pure intention, seeks only God and the salvation of souls, will labor with fruit."[739]

737 Marc, Inst. mor. l. c. n. 1791.

738 Constit. “Apostolica,” 26 June, 1749, n. 21.

739 Aertnys, Instruct pract. l. c. n. 10.

Article II. Duties of the Confessor During Confession

56. The Duty of instructing and exhorting the Penitent—Munus Doctoris

The confessor will find many penitents either ignorant or under the influence of error. This ignorance may refer to some point connected with the reception of the Sacrament of Penance, the general duties of a Christian life, or some particular duty. The duty of the confessor to instruct the ignorant penitent varies with the subject on which the ignorance exists. Hence: I. The confessor is *always* obliged at once to instruct the penitent who is ignorant of something which he must *hic et nunc* know in order to receive validly the Sacrament of Penance, or to receive *licite* the Holy Eucharist. 1. The confessor must therefore instruct penitents who are ignorant of the truths which they, *necessitate medii sive certo sive probabiliter*, ought to know and believe, and this instruction must be given before the administration of absolution.[740]

740 *Necessitate medii* the Christian must believe those truths without the knowledge and express belief of which, justification and, in consequence, the attainment of everlasting salvation, is never possible for any one having the use of reason. Certainly necessary is the explicit belief: (1) in one God; (2) the Rewarder of good and the Avenger of evil. Although it is quite probable that *fides explicita* is necessary in these truths only, it is, nevertheless, not certain that *fides explicita* is not also necessary (3) in the mystery of the Blessed Trinity and (4) in the mystery of the Incarnation and the Redemption.

Moreover, the confessor must, before giving absolution, instruct the penitent if he does not know how to make an act of contrition and purpose of amendment. These instructions must also, of course, be imparted when the penitent is not responsible for his ignorance; therefore, in every case, because the penitent is incapable of receiving the Sacrament in such a state of ignorance.[741] The confessor might send away a penitent ignorant of these truths, imposing upon him the duty of first obtaining instruction from some competent person or the parish priest; but if there is no good reason to hope that he would fulfill this duty, the instruction must be given concisely in the confessional, and this should nowadays be done in most cases of the kind. 2. If the penitent is ignorant concerning the Holy Sacrament of the Altar, the confessor must certainly instruct him upon this point before allowing him to receive holy communion.

741 Cf. S. Alph. Lib. VI. nn. 608-610; Prop. damnat. 64 ab Innoc. XI.

It is, however, not necessary to the valid reception of absolution that the penitent should retain all these truths in his memory; it is sufficient that he substantially understands them and makes an act of faith which the confessor recites to him. The confessor must impose upon such penitents the duty of subsequently obtaining fuller instruction.[742] It is also the duty of the confessor to ascertain whether they know these truths. Whenever he thinks it probable that a penitent does not know them, he must ask. He need not, as a rule, ask those who were brought up as children in a pious and Christian fashion. But others, who received Christian instruction in their youth, and have subsequently neglected sermons and instructions, must certainly be questioned, and this especially applies to our times, when so many Christians, particularly men (but also not a few women), absent themselves for a long time from sermons and neglect every other kind of Christian instruction; such people, even when well educated and instructed in worldly matters, are ignorant, *admodum rudes*, in religion, having forgotten nearly all they had formerly learnt. In the cares, labors, and pleasures of life, and frequently under the influence of pernicious and irreligious literature, they have perhaps become strongly infected with irreligion or heresy. If the penitents are such that one could not ask if

they are ignorant of these truths without causing them confusion, the confessor might of his own accord explain what is most essential, and, in some way, move the penitents to an act of faith.[743]

742 Cf. S. Alph. Praxis Conf. n. 22; Aertnys, Theol. Mor. Lib. II. Tr. 1, n. 4; Lehmkuhl, l. c. n. 442.

743 Cf. S. Alph. Theol. Mor. Lib. II. n. 3, Praxis Conf. n. 22; Salm. Tract. 21, cp. 2, nn. 62, 63; Aertnys, l. c. n. 4.

II. If the penitent is ignorant of the truths of Christian doctrine and the precepts of Christian life, especially of those truths which the Christian must know and believe *necessitate præcepti*, the confessor must first of all inquire if the penitent is responsible for this ignorance or not. If he is, he can be absolved, but he must be sorry for, and confess, his neglect, and make a firm resolution to learn these truths; and if he does not keep his promise, absolution must, as a rule, be refused to him till he has performed his duty. If he is ignorant by no fault of his own, he can be absolved, but he must promise to obtain instruction.[744] If the confessor is, at the same time, the pastor of such penitents, he is bound, *ex officio*, or in justice, to provide them with opportunities for acquiring better instruction; if he is not their parish priest, he is not strictly bound in duty to do so, though he may be bound *ex charitate*, but he is always bound to inform the penitent as to his duty of becoming better instructed, and as to the sin of negligence of which he is guilty if the ignorance is culpable, and which he must confess.

744 Cf. S. Alph. Prax. Conf. n. 22.

III. If the penitent is ignorant of particular duties, the confessor must primarily consider the spiritual welfare of the penitent in deciding whether he shall instruct him or not; but this spiritual welfare must be taken in its full sense as comprising, therefore, the individual welfare of the penitent himself, and also the general welfare for which he has to provide. This instruction must, however, be given with prudence, for fear of causing more harm than good to the penitent. The following obligations of the penitent are here chiefly in question: the duties of his station in life, the duty of making restitution (honor, good name, property), of avoiding dangerous occasions, of reconciliation, of removing scandal, and of practicing almsgiving.[745] When he considers it necessary and appropriate, the confessor must, with special prudence, instruct persons engaged to be married concerning their conduct in that state. It may also be opportune to inform a penitent that he is not bound to fast or to abstain, so that he may not, from ignorance, believe that he commits sin where there is no sin at all. This duty of instructing the penitent must now be somewhat more clearly considered and particularized.

745 Cf. S. Alph. Lib. VI. nn. 608, 609.

The confessor must instruct or exhort:—

1. When the ignorance of the penitent is not invincible, or when he is responsible for it (*vincibilis seu culpabilis*); when the penitent is in such a state of doubt concerning some duty that there can no longer be a question of *bona fides*. When a person is in such ignorance, he is already in a state of sin, or in immediate danger of formal sin, because he acts under reasonable doubt or culpable ignorance. The exhortation, therefore, so far from doing harm, can only result in good, as it will afterwards produce the desired fruit. When, therefore, the penitent, not out of mere scrupulosity, but in consequence of a serious doubt, questions the confessor about some duty, the latter must instruct him. In this case where the penitent has a substantial doubt and he is bound to remove it, the confessor's duty is to tell him the truth; moreover, it is plain that

the penitent is disposed to act in accordance with the confessor's answer. If, however, the confessor thinks, in an exceptional case, that the penitent should not know the whole truth, he need say nothing more in reply to the penitent than what is necessary.[746] If, for instance, a person bound by a vow of chastity asks if the marriage which he has contracted without a dispensation is invalid on account of the vow, let him answer in the negative, but be silent about the *debitum conjugale*; if he asks whether he may render the *debitum*, let the confessor answer in the affirmative, and be silent about demanding the *debitum*.

746 S. Alph. Lib. VI. n. 616.

2. When the penitent is ignorant of things which cannot long escape his knowledge, and when his ignorance, still *invincibilis et inculpabilis*, will soon cease to be so and become *culpabilis*, especially where a vice is growing with the lapse of time and its extirpation becomes more difficult—in such case the confessor must, *as a rule*, instruct and exhort the penitent at once; for instance, when young people who have not yet attained to puberty, begin to contract a *habitus pollutionis*, they must be seriously warned to desist from their dangerous and sinful practice, even when they are perhaps in *bona fide*. But in this the confessor must weigh well the circumstances, considering whether, perhaps, for the time being, a very heavy burden is not being imposed upon the penitent, which he will scarcely be able to bear, but which will very soon cease. In this case silence would be preferable.

3. If the ignorance is *invincibilis*, but a good result may be hoped from the exhortation, in this case the confessor must exhort even when in consequence a difficulty arises for the penitent, or when it is foreseen that the exhortation will certainly not do harm. For a material violation of a law must also be avoided, when this can be done without danger of a greater evil. The confessor must not fail, therefore, to admonish, although he foresees that the penitent will not immediately obey, if he has hopes that he will soon do so. For it may happen that a penitent, when he has learnt the truth, does not at first obey, but when he has become calmer, after serious reflection, amends his life.[747] If the confessor sees that the penitent does not receive the exhortation well at the time, but that he will receive it better at some more seasonable moment, he must defer it to a later occasion. If there is no likelihood of good resulting from the exhortation, the confessor, according to the general and approved teaching of theologians, is bound, *per se loquendo* (that is, unless there is some other motive, such as regard for the *bonum publicum*), to omit the exhortation, and to leave the penitent in his *bona fide*.

747 Cf. S. Alph. H. Ap. Tr. 16, n. 115.

When, therefore, the confessor learns in the course of the confession that the penitent has contracted an invalid marriage through some secret impediment, and danger of disgrace, scandal, or incontinence is to be feared from disclosing to him the nullity of the marriage, he must be silent on the subject of the invalidity, and leave the penitent *in bona fide* until he has obtained a dispensation. And in the case where he could not disclose the nullity of the marriage at all without being obliged to face these difficulties, he should ask for a *sanatio in radice*, and conceal everything from the penitent. In such a case the confessor can even bind in duty the putative husband (or wife) who refuses the *debitum conjugale*, to render it; for if the husband (or wife) is convinced that he (or she) is living in lawful matrimony, he (or she) is bound in conscience to render the *debitum*. But the confessor will act

more safely by telling the penitent quite in a general way that married people are bound to render the *debitum*, and that they cannot be absolved if they do not perform their duty.[748]

748 Cf. S. Alph. Lib. VI. n. 611; H. Ap. n. 113.

The confessor must not admonish the penitent to make restitution when he foresees that the penitent (who believes, *bona fide*, that he is not bound to make restitution) will not obey; for such admonition would injure the penitent, and not benefit the person to whom he is bound to make the restitution; indeed, the confessor must be more concerned to avert spiritual injury from the penitent than temporal injury from another. Nevertheless, the confessor must not lightly presume that his admonition will not be obeyed.[749]

749 Cf. S. Alph. Lib. VI. n. 614.

Instruction or admonition must also be omitted if there is reasonable fear that scandal, disgrace, quarrels, and other serious inconvenience will arise; for it is better to provide against formal sins in others than material sins in the penitent. For instance, if a marriage is invalid, and the parties are not aware of the fact, the confessor could inform the wife of it without danger, whereas serious difficulties might be caused by disclosing it to the husband.

If a marriage is to be contracted, and, through the confession of the penitent, the confessor discovers an *impedimentum dirimens*, but of which the penitent is *invincibiliter* ignorant, the confessor is, as a rule, bound to instruct the penitent concerning it, and to admonish him either to refrain from contracting the marriage, or to obtain a dispensation before contracting it. Great inconveniences frequently arise from an invalid marriage, for the invalidity is often disclosed later on, and in such a case the penitent is exposed to no small danger of committing actual sin. If, however, no good result can be expected from revealing the defect, the confessor would be obliged to abstain from admonishing till he himself has obtained a dispensation, for it is better to permit a material sin than to furnish occasion for formal sin.[750] If, on the day before the marriage, or on the day itself, when everything is prepared, and the wedding could not be stopped without scandal and disgrace, the bride or bridegroom reveals to the confessor a secret impediment, a dispensation must be obtained from the bishop, if there is time to do so, and the bishop can, according to the *communissima et probabilissima sententia*, dispense in such a case, as from other laws, when recourse to the Pope is impossible, and there is danger in delay. Indeed, according to the probable opinion of many theologians, the bishop can also delegate this power universally as a *potestas ordinaria*, to others, for all cases that occur. But if the confessor cannot apply to the bishop, the parish priest or the confessor may, as some teach (and St. Alphonsus adds: "not without ground"), declare *ex Epikeia*, that the law of the impediment in question does not bind in the particular case, because it is detrimental; but, in order to be safe, and to preserve the reverence due to the commandment of the Church, application to the Sacred Penitentiary, or to the Ordinary, must be made as soon as possible to obtain a dispensation.[751]

750 S. Alph. Lib. VI. n. 612; H. Ap. n. 113.

751 Cf. Benedict XIV, De Syn. Lib. 9, cp. 2, nn. 2, 3; S. Alph. Lib. VI. n. 613; H. Ap. n. 114, Prax. Conf. n. 8; Aertnys, Theol. Mor. Lib. VI. n. 273; Marc, l. c. n. 1810.

In cases of doubt as to whether the admonition will do good or harm, it should be omitted, because it is better to guard against formal sins than material. But if it is more probable that the admonition

will benefit, it must be given, and Viva and Roncaglia rightly remark that we must not easily conclude that the penitent would not obey after having learnt the truth.[752]

752 S. Alph. Lib. VI. n. 616 (fin.). Cf. n. 614.

The objection might be raised that the penitent who should refuse to obey the exhortation of his confessor would not be in good disposition, and, therefore, could not receive absolution. St. Alphonsus disposes of this objection by pointing out that the confessor must consider the disposition in which the penitent actually is while he is still ignorant of his obligation, and not the state of mind in which it is presumed that he would be after he had been admonished about it. As it is not allowable to expose one's neighbor to a danger to which it is anticipated that he will succumb, so the confessor must not expose a penitent to the danger of refusing to fulfill a duty by instructing him about it; he must rather leave the penitent in material sin, because a *peccatum formale* outweighs all *peccata materialia*.[753]

753 S. Alph. Lib. VI. n. 610.

4. The confessor must speak when the ignorance of the penitent concerns the *prima principia moralia* or the *proximas conclusiones* deduced from them; for such ignorance is either not actually existent, or will not be for long *invincibilis*, and is generally hurtful to the penitent. Especially urgent is the duty of admonishing the penitent when omitting to do so would confirm him in a sinful habit which he would probably find great difficulty in overcoming later.

5. Moreover, admonition must be given when the ignorance touches the duty of giving up a gravely sinful immediate occasion, as such ignorance tends to the ruin of the penitent, by rendering easier the fall into formal sin.

6. The penitent must be admonished even when he is not disposed, if the confessor's silence were to bring harm to the community, by scandal, for instance, to the faithful. For if the confessor is bound to be chiefly concerned about the salvation of the penitent, he is also bound, as a member of Christian society and its servant, to prefer the *bonum commune* to the *bonum privatum* of the penitent.[754] The fact that the admonition is *hic et nunc* fruitless or that the penitent takes offense at it is not a valid objection, for such a penitent will amend the more easily when he sees that no other priest will absolve him, and in the meantime the scandal will cease, for the faithful will see that the penitent in question is not admitted to the Sacraments. Hence princes, officials, bishops, prelates, parish priests, employers, who neglect their duties towards their subordinates, must be instructed and exhorted. For we may not lightly presume that their ignorance is *invincibilis*, since everybody ought to know the duties of his office, and ignorance of them, even when *invincibilis*, always tends to the injury of the community, as others may easily think they are justified in imitating what they see their superiors doing. Therefore, as Benedict XIV teaches,[755] those are to be instructed concerning their duties who frequently receive the holy Sacraments, in order that others may not be led to believe that wrongdoing is allowable, because they see it done by these and done with impunity. And Lugo adds that when the confessor has reasonable doubts as to whether such penitents perform their duties, he is bound to ask them if they are faithful to them.[756]

754 S. Alph. Lib. VI. n. 615. Cf. Praxis Conf. n. 9.

755 Constit. "Apostolica," 26 June, 1749, n. 20.

756 S. Alph. Lib. VI. n. 615, Praxis Conf. n. 9.

7. The confessor must admonish when, on account of special circumstances, his silence would be equivalent to a positively false answer.

8. A penitent must always be admonished when, in consequence of a false conscience, he believes something to be a sin which is none, or believes it to be a greater sin than is really the case. Moreover, instruction ought not to be withheld even though it afford an occasion to the penitent of sinning more frequently, as might happen when he learns that a sin which he believed *conscientia erronea* to be mortal is only venial. Nevertheless, the confessor must consider whether something which *per se* is a venial sin, may not, in view of the circumstances of scandal, danger, etc., become a grave sin.

In conclusion we will add a remark of St. Alphonsus, namely, that confessors act imprudently by instructing *uneducated* penitents concerning the special and greater sinfulness imparted by circumstances to wicked acts; for instance, that adultery is a greater sin than impurity among unmarried persons, that incest is committed when relatives are guilty of impurity with each other. But this instruction must be given when there is reason for believing that the knowledge of the greater sinfulness will effectually prevent the sin.[757]

757 Cf. S. Alph. Prax. Conf. n. 39.

Sometimes the confessor is asked by his penitents for instruction and advice in matters affecting the welfare of the soul. Although the confessor must be careful not to advise and help in all possible worldly matters, he must not refuse to be the adviser and helper of his penitent in matters pertaining to the salvation of souls. This is a part of his duty. And to whom should a penitent turn in such circumstances if not to the confessor who knows the state of his soul and his entire life? But if the confessor has to give advice and instruction, let him judge the matter in the light of faith, and in accordance with the principles of Christian morality, not according to a certain empirical wisdom and worldly prudence, and not according to his subjective opinion. In important matters let him, therefore, deliberate thoroughly, ask help of God through the Mother of Good Counsel, and, when necessary, seek advice at the hands of experienced and prudent men. Then let him pronounce his decision clearly and definitely.

57. The Duty of suggesting Remedies against Relapse (the Confessor as Physician)

Sins are justly described as wounds of the soul, the cure of which is to be sought in the Sacrament of Penance. It is certainly the first and highest function of the minister of the Sacrament to reconcile the sinner to God by canceling his sins; but there remains another task of great significance, viz. to keep the penitent—the sinner now reconciled to God—faithful to his duty and to his promises, and to preserve him from new sins. For the confessor is also the spiritual physician of the penitent. And as it is the duty of the bodily physician to study the malady and its causes, and then to prescribe remedies, so the physician of the soul must first know the sins of the penitent, their causes and gravity, and then provide the remedies, by the conscientious application of which relapse into sin may be prevented. In order to discharge his duty as physician of the soul, the confessor must, therefore, first ascertain if the penitent has a habit of sinning, if he lives in immediate occasion of sin, he must question him as to the time and the place of the sin, the persons with whom he has sinned, and under what circumstances he has usually been led into sin. "Herein many confessors fail," says St. Alphonsus, "and the ruin of many souls results from it; for by omitting such questions, the confessor is unable to find out if the penitent is a relapsing sinner, and, therefore, cannot prescribe suitable means for eradicating the sinful habit and avoiding the occasion."[758]

758 Praxis Conf. nn. 6, 180.

Those confessors are gravely wanting in their duty who content themselves with remitting the sins confessed, but do not trouble about the preservation of the converted sinner, the new life and the cure of the penitent's sickness; hence it happens that persons who are enslaved by a sinful habit very soon fall from the new life of grace, and, in the words of Our Saviour, the state of the relapsing sinner is worse than his former state, and the confessor thus shares in his guilt.[759]

759 Cf. Trid. Sess. XIV. cp. 8.

The confessor's work as a judge of the sins and disposition of the penitent places him in a position of peculiar advantage for discharging his duty as physician. But in order to effect a thorough cure of these wounds of the soul, he must, as we have seen above, be acquainted with the whole moral state of the penitent; hence he must not confine himself to know if the sin was mortal or venial, a sin of some special occasion, an habitual sin, or one of relapse; he must also ascertain if his penitent, in matters of religion, is instructed or ignorant, if he is on the way of improvement, if his good will has become strengthened by the grace of God and by resistance to evil, or is still weak and vacillating.

The confessor must make it his special business to learn the penitent's predominant passion, and the prevailing vices connected with it. The predominant passion is an habitual tendency, more or less violent, to some sin, which exercises a certain mastery over the soul, and has other evil inclinations in its service. Such predominant passions are: the lust of the eyes, the lust of the flesh, and pride; also the seven capital sins. They have their root partly in original sin, partly in perverse education, partly in repeated sinning, partly in exterior influences. Now it will not avail much to combat the individual sins; their root—the sinful passion—must be torn out. It is like a poisonous growth which is always striking deeper roots into the human soul, and ever putting forth fresh shoots in the

individual sins. This baneful root must be removed, and with it its noxious growth of sin will also be removed.

To this end the predominant passion must first be diagnosed, and this is generally a very difficult matter. There are passions, such as avarice, covetousness, pride, intemperance, sloth, which are seldom recognized as sins by the penitent, and even take the appearance of virtue. In acquiring this knowledge, which is as necessary as it is difficult, the confessor must help his penitent by suggesting *careful, serious examination of conscience*, especially the use of the particular examination of conscience; *the observation of the causes, the motives, and the occasions of sin*. Finally, he should point out the necessity of *illuminating grace*, which the penitent obtains by earnest prayer. The confessor himself must try to discover this predominant passion by suitable questions, by examining the sins which have been confessed, and the moral condition of the penitent. The difficulty of his task must not deter him, for its successful accomplishment will greatly effect the amendment and cure of the penitent. Earnest prayer for light, the intention only of advancing the glory of God and the salvation of the penitent, joined to true zeal for souls, will assuredly lead the man of prayer and of interior life to the desired knowledge. Having learnt the state of the penitent's disease, let the confessor proceed to the cure of it; this will primarily be effected by the abundant graces obtained in the worthy reception of the Sacrament of Penance. It must be the confessor's next care to dispose the penitent well, or to perfect his dispositions, by endeavoring to move him to greater sorrow for his sins, and to a firmer purpose of amendment. The deeper the sorrow and the more earnest the purpose of amendment, the more lasting will be the effect of the Sacrament for the improvement of the sinner.

The confessor must then reprove (*reprehendere*) the sinner; that is, he must in strong and forcible language emphasize the shamefulness and perniciousness of his sin. And St. Alphonsus teaches that the confessor must discharge this duty of reprehension even when the penitent is one in high position; the confessor, he says, must reflect that his words are more efficacious than sermons.[760] This reprehension is particularly necessary for those who seldom confess, who come burdened with many sins, or who, from weakness of faith or attachment to creatures, manifest little sorrow. It is *very salutary*, because the words of the confessor, specially adapted to the penitent, are much more efficacious than those of the preacher.[761] But let the confessor administer it with *much prudence*, that it may really prove an effective medicine for the sick soul—not with indignation, violence, and anger, but in sympathy and love, in the spirit of meekness, with due regard for the penitent's condition and the gravity of his sins. Despondent and scrupulous penitents must be encouraged and not cast into despair. Those who are crushed by sorrow should be treated as Christ treated the penitent Magdalen, and as the father treated the prodigal son.[762]

760 Praxis Conf. n. 7.

761 Benedict XIV, "Apostolica," § 22.

762 Cf. Polancus, l. c.; Segneri, l. c.

Finally, the confessor must provide the penitent with remedies against relapse. Of such there are *general* ones, useful against all sins, and for all penitents; and *special* ones applicable to special sins. The following are general means:—

1. The most excellent general means of eradicating vice and implanting virtue is *regular, devout, and humble prayer*. The confessor should, therefore, earnestly admonish the penitent regularly to

recite the daily prayers of a Christian, to implore the divine grace in temptation, and if possible, hear Mass daily. Pious penitents, who seriously aim at virtue, should be recommended to add special devotions to the usual prayers; such as visits to the Blessed Sacrament, a portion of the Rosary, etc.; especially spiritual reading every day, at a fixed hour, from a suitable book, which the confessor may specify, short ejaculatory prayers, frequent renewal of good intention, and recollection of the presence of God, as also a short meditation in the morning, when possible.

2. *Frequent renewal of purpose and regular examination of conscience* are very beneficial. Therefore, the penitent should renew his good resolutions every morning at his prayers and also during the day; to his night prayers he should add an examination of conscience, at the same time awakening true sorrow for all sins of the past. The confessor should also instruct the penitent in the exercise of the special resolution, and the *examen particulare*, and induce him to adopt these exercises, as they are so well calculated to root out particular faults, to bring about general improvement, and to confirm him in his striving after virtue.

3. *Frequent confession*, and the confessor should fix the time for the penitent's next confession; or he should determine how often he must confess in the future, not, however, making too great demands upon him, but requiring only what he will probably be able to perform. Let him particularly recommend the penitent to confess as soon as possible after relapse into mortal sin. Frequent confession must be imposed as a duty on those who, from interior weakness, are always relapsing into the same sins, in proportion as this proves itself to be the only efficient means of insuring perseverance in virtue. This applies to those who have become addicted to the *peccatum pollutionis*.

4. *Frequent reception of the holy communion*, with due preparation and thanksgiving. True, it is not necessary to receive holy communion as often as one confesses in order to rid one's self of habitual sin; but frequent, even weekly communion, is permitted for the cure of a soul much weakened by sin, if the penitent desires it, receives it with an earnest wish to amend, and is really, although but slowly, being converted by this means from a life of sin. For holy communion is not only a help to virtue, but also a remedy against sin. By increasing sanctifying grace and holy love, by the intimate union with God which it effects, by the wealth of grace which it brings to the soul, it effectually preserves men from mortal sin, destroys evil inclinations, excites the desire for virtue, and gives the strength to practice it. For penitents who already walk in the paths of virtue, frequent communion is an aid to progress in perfection, and assuredly *communio frequens* eminently conduces to perseverance and advancement in good; the confessor should, therefore, most earnestly recommend this remedy to his penitents.

But he must not demand too much. The reception of holy communion every three months is generally regarded as the *minimum*; but the confessor will often be obliged to content himself with longer intervals, especially when youths and men (and in many cases, even women also) are concerned. When received *every month*, or at least every six or eight weeks, holy communion is a means of keeping alive zeal for eternal salvation and of remaining firm in a Christian life.

More frequent reception of holy communion, every fortnight, every week, or several times during the week, is to be allowed or recommended when the following conditions exist:—

(*a*) For weekly communion, and, if a feast occur, two communions in the week, it is necessary that mortal sin should generally be avoided; but if such penitents are in the habit of committing venial sins with deliberation, and if no improvement or serious endeavor to improve manifests itself, it is well occasionally to forbid communion to such persons, in order to inspire them with greater fear of venial sin, and to show them with what reverence this Sacrament must be received.

(*b*) More frequent communion in the week may be permitted and recommended to those who are free from affection to venial sins, who do not generally commit deliberate venial sins, who practice meditation, mortify their senses and passions,—who, in other words, are striving after perfection.

(*c*) Daily communion may be allowed to those who not only do not entertain voluntary attachment to any venial sin, but who steadfastly endeavor to advance in virtue, who gladly and diligently devote themselves to interior prayer, who have, to a great extent, suppressed their evil passions, and who are filled with a great longing for holy communion. The confessor must not be too indulgent, nor, on the other hand, too rigorous. Before permitting frequent communion to any one, it is necessary to consider if the person is so situated as to be able to prepare properly and to make suitable thanksgiving. It is also recommended (1) on one day in every week, as a rule, not to receive communion, in accordance with the practice of experienced confessors, and (2) sometimes to forbid communion on some particular day, for some just motive—as a trial, a mortification, or a punishment. If, later on, the confessor perceives that, in spite of frequent communion, the penitent makes no progress in the way of perfection, and that he cherishes in his heart a voluntary attachment to sin, the confessor must reduce the number of his communions.[763]

763 Cf. S. Alph. Praxis Conf. nn. 148-155; Hom. Ap. App. 1, nn. 28-36; Vera Sponsa, cp. 18, § 3; Aertnys, l. c. Lib. VI. Tract. IV. De Eucharist. nn. 93-95; this author discusses also the difference between the teaching of St. Alphonsus and that of St. Francis of Sales. Lehmkuhl, l. c. P. II L. I. Tr. IV. De Euchar. n. 156.

5. *Avoiding bad company and associating with good, religious men.* The confessor must, of course, most earnestly exhort the penitent to avoid *every* occasion and danger of sin, especially every immediate, and more serious, danger of sin even when it is a remote one, in so far as it is morally possible to avoid it. The special occasions and dangers which exist in some particular place, the confessor will learn from his own observation, from the advice of experienced men, or the counsel of his superiors.

6. *The reading of good books, the lives of the saints.*

7. *Reflection on the eternal truths, the Life and Passion of Jesus.*

8. *Frequent thought of the presence of God.*

9. *Voluntary works of penance* in punishment of relapse, which the penitent should determine in advance. This remedy is much to be recommended, not only against grave sins, but also against slight defects, when one is aiming at perfection.

10. *Special devotion to the divine Heart of Jesus, to Mary, and to the Guardian Angel.* It is better to do a little regularly, than much without perseverance and order, according to the humor and mood of the moment.

11. *Confidence and perseverance*, even when a relapse occurs; for nothing is more harmful than to lose courage and regard amendment as too difficult and impossible on account of frequent relapses. This mood generally arises from wrong application of remedies, and from a certain secret pride. Therefore, wholly distrusting his own powers, the penitent must put all his confidence in God.[764]

764 Cf. S. Alph. Praxis Conf. n. 15 (Ed. Le Noir, Par. 1880); Lacroix, Lib. VI. p. 2, n. 1825; Lehmkuhl, l. c. n. 447; Aertnys, Instruct. pract. Pars II. cp. 3, art. 1, n. 59.

The confessor should not content himself with indicating remedies for the penitent; he must choose and impose them with reference to the latter's moral sickness, his temptations and occasions of sinning, and his station in life; if necessary he must also instruct him as to their application.

Moreover, there are special remedies for different vices.

1. *Against pride*, the confessor should recommend:—

(*a*) The following considerations—what man is of himself, that he has received all from God, that he has already committed so many sins; his poverty and weakness, his inconstancy, his ingratitude and infidelity towards God.

(*b*) The example of Christ, who so deeply humbled Himself for love of us, who expressly and earnestly invites us to imitate His humility; on the other hand, that pride is the sin of Satan.

(*c*) The promises held out to humility, and the punishment of the proud. "God resists the proud, and gives His grace to the humble." (St. James iv. 6.) "The prayer of the humble man pierceth the clouds." (Eccl. xxxv. 21.)

(*d*) Finally, he should remind him that, to obtain humility, he must humble himself, hence he must avoid rather than seek the praise of men, and, so far as his position allows, forego outward marks of distinction, etc.

2. *Against avarice* (*covetousness*):—

(*a*) The utterances of Holy Writ against the avaricious and the covetous. (Eccl. x. 9.) "There is not a more wicked thing than to love money, for such a one setteth even his own soul for sale." The parable of the rich man. (St. Luke xviii. 25.) "It is easier for a camel to pass through the eye of a needle than for a rich man to enter the kingdom of heaven."

(*b*) Earthly goods can never fully satisfy a man, nor make him really happy.

(*c*) All our earthly possessions we must leave behind to heirs, who, perhaps, will soon forget us, and neither thank us nor pray for us. Better it is, therefore, with our earthly goods to procure for ourselves heavenly treasures, of which we cannot be robbed. (See St. Matthew vi. 19, 20; St. Luke xvi. 9.)

(*d*) The menace of the Apostle: "They that will become rich, fall into the snare of the devil." (1 Tim. vi. 9.)

(*e*) The example of Jesus, of Mary, of St. Joseph, and of so many saints.

3. *Against impurity*:—

(*a*) Serious consideration of the disgrace into which this vice throws a man; a vice in which he makes himself the tool and slave of the vilest desires and passions.

(*b*) Flight from those persons and things, the sight of whom, or intercourse with whom, excites to sinful thoughts and desires; avoidance of every dangerous intimacy.

(*c*) Avoidance of idleness; constant useful occupation.

(*d*) Watchfulness over the senses.

(*e*) Energetic suppression of temptation in its first beginnings, as soon as one is conscious of it. *Principiis obsta, sero medicina paratur.*

(*f*) Humble prayer is here preëminently necessary—especially devotion to the most blessed Virgin in her Immaculate Conception. Instant appeal to her in temptation; the prayer: "*O Domina mea, O mater mea,*" etc., every morning and evening has always proved very efficacious.

(*g*) Mortification of the flesh; at least avoidance of all luxuriousness and effeminacy.

4. *Against intemperance*:—

(*a*) Consideration of the disgrace peculiar to this vice.

(*b*) Avoidance of everything which excites to it, especially convivial occasions and gatherings.

(*c*) Slight mortifications.

(*d*) Determining a fixed measure, with the firm resolve never to exceed it without due reason.

5. *Against envy*:—

(*a*) The envious man tortures himself; this is the most foolish of vices.

(*b*) Envying others is copying the devil, rejoicing at the happiness of others is imitating the angels.

(*c*) Through God and Christ all men stand in close relationship to each other, are all brothers.

(*d*) Consequences of envy. Cain, the Pharisees.

(*e*) When feelings of envy rise in the heart, the penitent should endeavor to be well disposed towards the particular person, should meet him in a friendly manner, should be ready to help him if necessary, should at least pray for him there and then.

6. *Against anger*:—

(*a*) Our duty to strive after meekness and patience, in imitation of Jesus.

(*b*) The ruinous effects of anger—robbing a man—either partially or wholly—of the use of reason, hurrying him into unconsidered, shameful, and most sinful actions; destroying peace, stirring up enmities.

(*c*) Prevention of the outward inducements to anger: certain games, drinking—and if they cannot be prevented, the penitent should lessen them by prudent precautionary measures.

(*d*) God has every reason for being angry with us, and for taking vengeance upon us, on account of the many insults which we offer to Him. But He forgives us, and it is, therefore, but just that we should harbor no anger towards our neighbor.

(*e*) If we do not forgive, we have no right to hope for forgiveness at the hands of God, and there is a dreadful significance in the mouth of the Christian who prays in the "Our Father" "forgive us our trespasses as we forgive them who trespass against us."

(*f*) When anger is aroused, a man must refrain from every word and act until he has mastered it.

7. *Against sloth*:—

(*a*) God's abhorrence of spiritual sloth: "I would that thou wert cold or hot," etc. (Apoc. iii. 15, 16.)

(*b*) Consideration of the shortness and importance of human life; and, on the other hand, the tireless zeal of the man of the world in his pursuit of earthly things.

(*c*) The great injustice done to God by neglect of the service due to Him—for man is the servant of God!

(*d*) Regular order in life: establishing an order of the day; in the morning renewal of the determination to avoid all idleness; in the evening, rendering account to one's self of how the day has been spent.[765]

765 Reuter, Neo-Confessar. P. II. cp. 1, art. 1-8, nn. 56-99. Cf. Lehmkuhl, l. c. nn. 448-455; Aertnys, Instr. pract. l. c. n. 62; Theol. Mor. Lib. I. nn. 245-261.

In his efforts on behalf of the penitent let the confessor keep in mind that the conversion of a sinner is more the operation of divine grace than the fruit of any human activity. Let him, therefore, pray often for his penitents; and let him not despair and despond if the conversion of a sinner inured to vice does not immediately follow. For such conversion does not usually take place suddenly; generally not for a long time, nor till after a hard struggle and earnest prayer. Moreover, God rewards his laborers according to their work, and not according to their success.

Chapter III. The Duties of the Confessor After the Confession

The confessor has certain duties to perform after the confession. These are principally two, one of which is always and *per se* incumbent upon him, viz.: the *preservation of the seal of the confessional*; while the other, the *correcting of errors which may have occurred in the confession*, may arise *per accidens*.

58. The Duty of correcting Errors occurring in the Confession

The confessor more easily and more seriously errs in the administration of the Sacrament of Penance (by reason of the variety of the duties which this office imposes upon him) than in the other Sacraments. The errors here committed may, moreover, have grave consequences. It is, therefore, necessary to treat of them in detail and to show how they may be corrected.

The errors which the confessor (even the instructed and conscientious confessor) may commit in the confessional are classified under three heads: (1) *Those which affect the validity of the Sacrament*: when the confessor has forgotten to give absolution, or has given it without due jurisdiction, or to a penitent insufficiently prepared; (2) *those which refer to the integrity of the confession*: when the confessor has not asked concerning the number or circumstances when he was bound to ask; and (3) *those relating to the duties of the penitent*: when the confessor has not admonished the penitent to avoid some immediate occasion of sin, or to make restitution, or where he has obliged him to restore when there was no obligation.[766]

766 Cf. Lugo, l. c. Disp. 22, n. 50; S. Alph. Lib. VI. n. 619 ss.; Ballerini, Op. Theol. Mor. l. c. cp. 2, De officio et obligat. Confess. nn. 836-862; Aertnys, Theol. Mor. Lib. VI. Tract. V. cp. 4, art. 2, nn. 282-285.

Now an error may entail great injury to the penitent, or to a third person, or again no great harm may result. Moreover, the error may have been committed through great culpability on the part of the confessor, or without such culpability, at least without great culpability. Finally, the error may be *positive*, the confessor *doing* something wrong; or it may be *negative*, the confessor neglecting something he should have done.

As regards the duty of rectifying these errors, the following principles are to be observed:—

I. An error touching the validity of the Sacrament, resulting from *grave fault* on the part of the confessor, and causing great harm to the penitent, must, *ex justitia*, be made good by the confessor, even when such reparation involves serious trouble.

Even if the confessor is not bound in justice to hear confessions, as soon as he does so, he enters into a kind of agreement with the penitent to administer the Sacrament properly; if he administers it invalidly, he is a *damnificator injustus*, and must, *ex justitia*, and *secundum justitiæ regulas*, make good the injury he has caused. But if the fault of the confessor was only a slight one, he is, as regards the correction of the error, in the position of one who has, *inculpabiliter*, caused some temporal harm. In this case, he would be bound to make good the error only when he could do so without relatively great inconvenience to himself. And if the confessor sinned gravely in committing the error, he would also be excused from remedying it, if his own *incommodum* much exceeded the detriment and danger resulting from it to his penitent. But if, in consequence of the confessor's error, the penitent's eternal salvation has been seriously endangered—for instance, if he has invalidly absolved a dying person, or one who will probably not confess again before his death, he must remedy this injury under all circumstances, even *cum suo damno relative gravi*, or *gravissimo*; for this is also a duty of charity. Likewise when the confessor is the pastor of the penitent, and, therefore, *ratione stipendii*, the more strictly bound to avert from those committed to him great spiritual injury, he must *cum gravi incommodo* make good an error committed *cum levi culpa*. If the penitent has subsequently confessed to another priest,

or received holy communion or Extreme Unction, the injury done to the penitent is thereby already made good, and the confessor has no further obligations.[767]

767 Cf. S. Alph. Lib. VI. n. 619. Lehmkuhl proposes the following case: If I had invalidly absolved any one—especially from grave sins—and met him shortly afterwards, I should be bound to absolve him without, however, intimating it, if I could presume that he had not committed any other grave sin in the meantime. Whether I should be bound to seek this person, *cum gravi meo incommodo*, would depend both upon the risk to the penitent's salvation, and also upon the error of which I had been guilty; I should also be obliged to avoid endangering the seal of the confessional. If some time had elapsed since the confession, I could not give the absolution till I had exhorted the penitent to dispose himself by a new act of contrition. To give such an exhortation or to make an avowal to the penitent of the error made in the confession, would not of itself be a breach of the seal; for every penitent, whether he has confessed mortal or venial sins, is entitled to absolution. But if, on account of circumstances, it might be considered a disclosing of a grave sin heard in the confessional, the confessor would be obliged previously to ask the penitent's permission to speak to him concerning matters of the confessional; in so doing, he should explain that something very salutary and profitable to the penitent was in question. Lehmkuhl, l. c. n. 471; Ballerini, l. c. n. 840.

II. If the error touches the integrity of the confession, the confessor is not bound to remedy it outside the confessional, if his action in the matter has been of a *negative* character; this error he must make good *ex charitate*, and *secundum regulas charitatis*, whether the error was culpable on his part or not. But if his action was *positive cum gravi sua culpa*, he must remedy the error even outside the confessional, for he is bound to do so *ex justitia* and, in consequence, even with grave inconvenience to himself. Only when this could not be done without causing scandal and much embarrassment to the penitent would the confessor be justified in not doing it. But it should be carefully observed that an intentional silence must, under circumstances, be regarded as a *positive* influence upon the penitent.

That in the case of an omission the confessor is bound only *ex charitate* to remedy the defect is explained by the fact that he failed in his accessory duties, not doing that which he ought to have done—the obligation here arises, as the theologians say, not so much *ex officio*, as *occasione officii*, or not on account of a duty which he owes to God, but rather on account of a duty which he, *titulo justitiæ et muneris*, always owes to men. For these accessory duties towards our fellow-men, in so far as they are duties of office or of *quasi-justitia*, do not extend beyond the act of confession itself.[768]

768 Cf. Gobat, Theolog. experimental. de VII. Sacram. Tract. VII. n. 298. Lehmkuhl, l. c. n. 473. Lugo, De Pœnit. Disp. 22, n. 65 seq. Suarez, De Pœnit. Disp. 32, s. 6.

It follows from this that such defects or errors are hardly ever to be corrected outside the Sacrament of Penance, for the penitent will, presumably, receive this Sacrament again. But if, by not being informed of the error, so great injury, especially spiritual injury, should result to the penitent that charity demanded reparation of even this negative defect, the confessor must make the reparation even outside the confessional. For any other person—not a confessor—would, under like circumstances, be similarly bound towards his neighbor.

That a confessor should be bound *ex justitia* to make good an error committed through a *positive* action and *cum gravi sua culpa*, is based upon the fact that he has caused the penitent to infringe an important commandment (the integrity of the confession). Even if this infringement had been for the penitent only a material one,—therefore, not sinful,—the confessor would be obliged to prevent such material infringement for the future by correcting the error caused by himself. But if the fault of the confessor in committing the error was only a slight one, a lesser ground would release him from the duty of correcting the fault; and if he acted *bona fide*, he is entirely released from it, seeing that

subsequent instruction concerning the fault committed can never take place without embarrassment and difficulty.[769]

769 S. Alph. Lib. VI. n. 620.

III. A defect having reference to a duty of the penitent, which causes the latter, or a third person injury, must be made good by the confessor *cum gravi suo incommodo*, if *cum gravi sua culpa* he has instructed the penitent falsely; if he committed the error without great fault on his part, he is not bound to correct it *cum gravi*, although he is bound *cum aliquo incommodo*. The confessor is, in this case, *causa injusta damni*, and has, therefore, the obligations of a *damnificator injustus*.

The injury caused by the confessor may be spiritual, in consequence of wrong instruction, or temporal, by imposing restitution, or some similar burden to which the penitent was not bound. With reference to others than the penitent, the question will generally be one of temporal loss in consequence of the penitent having been released from his duties to them. The question of injury to the community at large should be remembered in this connection.

If, therefore, the confessor committed the error *cum gravi culpa*, for instance, caused some great temporal harm, he must repair it himself if it cannot be otherwise repaired, and prevent injury which has not yet ensued, but which may ensue. If the error took place without his fault, he is not bound to repair any harm which ensues before he knew of the error, and which could not be repaired without great detriment to himself. He must, however, avert injury which is still threatening, and repair that which already exists if it can be done without relatively great detriment to himself. If he neglects this *ex gravi negligentia*, he is guilty of a great injustice, and is responsible for all harm which he did not prevent. So, if he has wrongly bound any one to make restitution, he must advise the penitent (after obtaining from him permission to speak about matters of confession) not to make the restitution, or if he has already made it, to indemnify himself *compensatione occulta*, if this be possible. If he omits, *ex gravi negligentia*, so to instruct the penitent, he is bound to make good the injury out of his own means, in case his warning, or the retractation of his error, is no longer effectual in preventing the injury, or compensating for it. But if, after becoming aware of his error, the confessor can no longer warn the penitent, or if the warning or retractation must be regarded as useless, he is free from all obligation. If from the first the confessor's error was fraught with great guilt, he is bound, if it is any way possible, to see that justice is done to the injured person.[770] The same principles hold good if a third person has suffered injury, or been exposed to the risk of it by the fault of the confessor. If the evil consequences are sufficiently remote and the case admits of delay, the error may be set right in the next confession of the penitent; for generally it is no easy matter to speak about anything connected with a confession outside the confessional. In cases of necessity, however, the confessor must brave this difficulty and do his duty.

770 S. Alph. Lib. VI. n. 621; H. A. n. 122; Lehmkuhl, l. c. n. 472; Aertnys, l. c. n. 284.

Gobat[771] gives confessors (especially young ones) the following excellent rules which they should always keep in view in order to acquire the necessary prudence and dexterity in their office:—

771 L. c. n. 299. Cf. Lehmkuhl, l. c. n. 475.

1. After he has heard a confession, the confessor should always reflect if, and in what, he has erred, so that he may avoid these faults in future.

2. In giving or refusing absolution, in imposing a penance, the confessor's first consideration should always be the welfare of the penitent and his greater spiritual advantage.

3. Let him be careful not to pronounce a sin mortal without being certain that it is so.

4. In doubt as to whether restitution or a similar duty is to be imposed, let him adopt the more lenient opinion of the theologians if this is really probable.

5. The confessor of a penitent must presume that the former confessor discharged his duty properly, unless he sees plainly the contrary.

6. The confessor must know the different opinions of theologians upon one and the same matter when such exist and are practically probable, in order to make use of one or the other, according to the different dispositions of the penitents and their requirements.

59. The Duty of preserving the Seal of Confession

By the seal of confession, or *sigillum confessionis sive sacramentale*, we understand the duty of preserving silence concerning everything which has been learnt in sacramental confession.

I. The duty of preserving the seal of the confessional is based upon natural and divine law and upon the strict precept of the Church. It is true, God has not laid down any formal and express demand to preserve the seal of confession, but that this is His will results (*naturaliter*) from the divine institution of confession, and especially from the *commandment* which *obliges* all the faithful to confess all their mortal sins, but which binds them only to confess their sins *in secret* (*secreto*). Now this general law to confess all, even the gravest and most secret sins, would assuredly be too burdensome to the faithful; indeed, its observance would become simply morally impossible if confessors were not bound by the strictest obligation to preserve the seal of the confessional. Danger to human life and the social order, would, in fact, be inevitable if this duty did not exist. Thus the seal of the confessional seems to be an indispensable condition of the observance of the commandment to make full confession of sins. But he who prescribes an end must also prescribe the means necessary to that end. And if every man is bound to preserve a secret confided to him, a confessor is still more bound, under all circumstances, to maintain silence concerning sins which have been confessed to him as *secretum*, seeing that so much depends upon his fidelity in this respect,—the sanctity, the usefulness, and the blessings of the holy Sacrament of Penance.[772] Moreover, the duty of preserving the seal of the confessional is imposed by an express law of the Church, which has existed in constant tradition, and is thus expressed by the IV. Council of the Lateran:[773] Let the confessor beware of betraying the sinner in any way, by a word, or a sign, or by any other means; but if he should stand in need of wiser counsel let him ask for it without, in any way, indicating the person.

772 S. Alph. Lib. VI. n. 635. Lugo, De Pœnit. Disp. 23, nn. 1-16.

773 Cap. 21.

II. It results also from the above that the obligation of the seal belongs *to the virtue of religion*. Breaking it is an abuse of a Sacrament, therefore, rightly regarded as a kind of sacrilege; however, it must not be confessed under the general designation of a sacrilege, but as a breach of the seal of confession, in order that the ultimate and full species of the sin may be recognized.

Inasmuch as the confessor, *ex officio*, listens to the confession of the penitent, he is bound, *ex fidelitate*, to silence concerning everything which the interest of the penitent demands that he should keep secret. Finally, breaking the seal of confession would, in many cases, be a defamation of the penitent, and would, therefore, be an *injustice*. It is thus of its nature a very grave sin, a sacrilege, which is generally accompanied by injury to reputation and breach of faith.[774]

774 S. Alph. Lib. VI. n. 635. Cf. Ballerini, l. c. n. 902.

III. The obligation of the seal is a very strict one, admitting neither *parvitas materia per se*, nor any exception: only when the penitent has expressly and voluntarily given permission would it be allowable to disclose anything heard in confession, and even then prudence will generally dissuade the confessor from making use of the permission.[775]

775 The duty is here considered in so far as it belongs to *virtus religionis*, for the defamation arising from breaking the seal may be very slight, or wholly absent, and the breach of confidence may easily be of small significance. But *levitas periculi* of breaking the seal is by no means to be confounded with *parvitas materiæ*; for there exists no duty to avoid every slight and improbable danger of breaking it; this would cause too great anxiety of conscience. Nevertheless every confessor will be very careful to preserve this seal intact. Cf. S. Alph. l. c. nn. 633, 661.

St. Alphonsus teaches,[776] as *sententia certissima*, that never, and in no case, is the slightest disclosure of the secrets of the confessional permitted, not even to save one's life, to save the state, or to remedy the greatest spiritual necessity. The reason for this most stringent obligation is clear. If there were only one exception made, people would always be in a state of fear that this or that sin might be sufficient ground for lawfully breaking the seal, and the Sacrament would thereby become odious.[777]

776 L. c. n. 634.

777 S. Alph. l. c. nn. 634, 635, 651; H. Ap. n. 147.

When, therefore, the confessor is asked concerning anything which he has learnt in the confessional, he must, *per se*, reprimand the questioner, reminding him that such questions are quite inadmissible. If, however, he can see no other effectual way of evading the question or of averting suspicion from the penitent, he can and must declare, even upon oath, that the penitent has not confessed to him what is in question, that he knows nothing at all about it. Such a statement is not a lie nor is it, in consequence, a perjury if made upon oath, for it is a case of lawful use of the implicit reservation that the confessor, as a private individual,—the only capacity in which he can be expected to answer,—has no knowledge of a subject revealed to him as a representative of God.[778]

778 S. Alph. l. c.; Lehmkuhl, l. c. n. 457; Aertnys, l. c. n. 288.

And should the confessor be asked if he has given absolution to a penitent, let him answer, "I did what it was my duty to do," or, still better, dismiss the questioner with the answer, "Such questions are not allowed." If he had not given the absolution and was asked by a priest or other cleric if the penitent might receive holy communion, he must answer, "Ask him yourself."[779]

779 S. Alph. H. Ap. n. 148; Lib. III. n. 153.

Concerning the penitent's permission to speak about the confession, St. Alphonsus teaches as follows: 1. This permission must be given in words, or by facts which convey it, as, for instance, when the penitent himself begins to talk to the confessor about something said in the confessional. This permission may not be presumed even if it were for the penitent's own welfare.[780]

780 S. Alph. l. c. Lib. VI. n. 651.

2. Permission obtained by threats or *metus reverentialis* does not suffice; for instance, if the confessor has obtained it through repeated requests, the penitent having at first refused it.[781] 3. The penitent can recall the permission which he has given at his pleasure.[782] 4. When the confessor has obtained the permission let him be very careful not to overstep the limits laid down by the penitent.[783]

781 S. Alph. l. c. n. 651; H. Ap. n. 156.

782 S. Alph. l. c. n. 651.

783 Cf. Ballerini, Op. Theol. Mor. l. c. n. 976 ss.

IV. The duty of preserving the seal of the confessional thus differs from that of preserving any other secret in the following points: (*a*) It does not admit *parvitas materiæ*; (*b*) it exists even with regard to the person who has confessed, or whom the secret concerns; (*c*) it never admits of any exception.[784]

784 Cf. Lehmkuhl, l. c. n. 455.

V. The duty of secrecy attaches to *every* really sacramental confession; that is, confession made with the intention of accusing one's self and of obtaining absolution. Therefore, (*a*) confession *knowingly* made to a cleric or a priest without jurisdiction does not impose the duty of silence, but only the obligation of the natural secret, excepting, however, the case where the penitent intended that the priest should obtain jurisdiction, and afterwards give him absolution. The duty of the seal would also come into effect if the penitent believed that the priest to whom he confessed had jurisdiction. (*b*) If a person informs a confessor of the state of his conscience not with the intention of receiving absolution, but for the purpose of obtaining advice or instruction for his spiritual life, or for some other object, there is no obligation of the seal, but only of the *secretum naturale* and *commissum*; though of this class of secrets it is unquestionably the most binding. The same principles would apply if a person said that he made the disclosures concerning himself only *sub sigillo*. But there is always this difference between the case mentioned and the seal of the confessional, that here *parvitas materiæ* is admissible, and that the secret is, of itself, not violated by any reference to the person concerned.[785] (*c*) A pretended confession, made for the purpose of deceiving, or seducing, or ridiculing the priest, does not impose the duty of the seal and the priest might, at the call of circumstances, make use of knowledge thus obtained, in his defense. On the other hand, a confession begun with the honest intention of receiving the Sacrament, but during which the penitent allowed himself to be carried away and influenced by some sinful purpose, would impose the duty of the seal, since such confession was, at least in part, sacramental.[786] (*d*) Finally, a confession, or relation of sins made for some other purpose would not impose it, though, under circumstances, the duty of the strictest *secretum naturale et commissum* may ensue. The confessor is also forbidden to make use of a probable opinion in matters which come under the seal, whether the *probabilitas* be *facti* or *juris*. The *probabilitas facti* would turn on the question whether it is probable that the confession made was sacramental or not; in neither case have I any right to say or do anything which might possibly amount to a breach of the seal. The *probabilitas juris* exists when authors disagree as to what constitutes an infraction of the seal; here I may not adopt any form of action or speech which on solid probable grounds would mean a breach of the seal, or tend to make the Sacrament odious to the faithful. On the contrary, it must be morally certain that the utterance or action in question excludes all danger of disclosure and of aversion to the Sacrament.[787]

785 Cf. S. Alph. Lib. VI. n. 636; H. A. n. 156.

786 S. Alph. l. c.

787 S. Alph. Lib. VI. n. 633; H. Ap. n. 164; Gury-Ballerini, Notæ ad Gury, II. n. 650; Lehmkuhl, l. c. n. 458; Ballerini, Op. Theol. Mor. l. c. n. 901 ss.

60. The Subject of the Seal of Confession

The duty of preserving the seal of confession binds, in the first place, the confessor who hears the confession. It devolves also upon all who, by lawful or unlawful means, have acquired knowledge of that which falls under the seal; otherwise the penitent would not be sufficiently protected, and might be deterred from approaching the Sacrament. This extension of the duty of the seal was certainly in the intention of Our Saviour.[788]

788 S. Alph. l. c. Lib. VI. nn. 645, 648.

In addition to the confessor, therefore, the following are bound by the seal of the confessional: (*a*) the Superior to whom the penitent or the confessor (with permission of the penitent) had recourse either verbally or by writing, in a reserved case, or a similar matter; (*b*) any one employed as an interpreter in a confession; (*c*) the theologian whom the confessor consulted, either verbally or by writing, in a difficult case, and especially any person to whom the confessor in any way communicated matter learnt in the confessional—whether that communication was made *sacrilege vel imprudentur*, or in a lawful manner—excepting when the penitent has, perhaps, widened the limits of his permission.[789] If, therefore (for example), the confessor, in behalf of the penitent, should ask for a remission of debts, and, in doing so, with the penitent's permission, discloses to the injured person the sin of theft, etc., the latter possesses the knowledge of this theft under the seal of the confessional; for it is in the penitent's power to give permission to propagate information received by the confessor in the confessional, either under the same seal, that is, in the same manner as the confessor possesses it, or in some less stringent manner.[790] (*d*) He who, either accidentally or purposely, has heard the confession of another, and those who, through him, have obtained knowledge of a sin so heard. Deliberately to overhear the confession of another is, of itself, a breach of the seal. (*e*) Whoever reads a piece of paper upon which the penitent has written his sins may be bound either under the seal, or to the natural secret only. He is bound under the seal: (1) if he should read the written confession *in actu confessionis*, especially, if it is already handed to the confessor for the purpose of confession; (2) if he found it in the confessional, having been left there by the confessor, "for this knowledge is none other than that of the confessor"; (3) if he snatched it from the hand of the confessor to whom the penitent had handed it; (4) if it had been snatched from the hands of the penitent while he was confessing, or had fallen from his hands; (5) if writing the confession is, for the penitent, the necessary means of making a complete confession, reading this writing before the confession also imposes the obligation of the seal; (6) this holds good *in every case* after the confession, *before* the document has so far returned to the penitent's possession that he has voluntarily preserved it when he might have destroyed it; (7) whosoever reads the letter in which permission is asked of a Superior to absolve from a reserved case, as this belongs to the confession.

789 S. Alph. l. c. n. 647; Stotz, l. c. Lib. II. n. 199.

790 Cf. Lugo, l. c. Disput. 23, n. 29.

On the other hand, whoever reads the written enumeration of the sins of others is bound to the natural secret only: (1) if the penitent, after completing his confession, had voluntarily left the document behind, had thrown it away, had not destroyed it; and (2) if the penitent, without exactly intending to make his confession, had written down his sins, and this document is read prior to the

confession. Though in this case the obligation of the natural secret only comes into force, it is the strictest of its kind.[791] The penitent is not bound by the seal to be silent about what the confessor has said to him; but he is bound to natural secrecy concerning everything the revelation of which might injure the confessor or the Sacrament; indeed the penitent is more strictly bound to silence, because the confessor, unlike other men, does not impart advice and instruction spontaneously but in virtue of his office.[792]

791 S. Alph. l. c. Lib. VI. n. 650. Cf. Lugo, l. c. Disp. 23, n. 47 ss. Laymann, De Pœnit. cp. 14, n. 19. Ballerini, Op. Theol. Mor. l. c. cp. 3, n. 971 ss.

792 S. Alph. l. c. n. 647. Cf. Suarez, De Pœn. Disp. 33, Sect. 4, n. 2; Ballerini, l. c. n. 975.

61. The Object or Matter of the Seal of Confession

The object of the seal of confession is, in general, everything the revealing of which would make confession odious. This is a natural deduction from the end of the law and from a decision of the S. C. Inquis. given under the authority of Innocent XI, Nov. 18, 1682, by which a proposition was rejected permitting the use of all information obtained in the confessional, as long as no direct or indirect revelation takes place.[793]

793 S. Alph. l. c. n. 657.

Objects of the seal are:—

1. *All sins*; mortal and venial sins both of the penitent and of his accomplice (*complex*);[794] indeed, notoriously public sins, also, in so far as they are known through the medium of confession. Not only mortal and venial sins *in individuo*, but also *omnino in genere*. It would be no breach of the seal to say, in a general way, that the penitent had committed venial sins or only venial sins, especially as the penitent himself, by going to confession, practically tells every one that he has committed *some sin*, at least a venial sin; and it is, moreover, a matter of faith that no man can remain free from all venial sin, unless he has received a special privilege from God, and the Blessed Virgin alone is known positively to have possessed such a privilege.

794 Cf. Ballerini, l. c. n. 926 ss.; Lugo, l. c. Disp. 23, n. 68.

2. *The objects and circumstances of the sins*, and not only that which it is of precept to confess, but also that which the penitent believed necessary for the better explanation of his sins. For example, if a son confesses that he hates his father because the latter has committed adultery, the adultery of the father, although not a necessary part of the confession of the son, is, nevertheless, an object of the seal; or when the penitent confesses a murder at which he has rejoiced, a duel which he has witnessed, etc.[795]

795 Cf. Ballerini, Op. Theol. Mor. l. c. nn. 947-948; Lugo, l. c. n. 54; Suarez, l. c. Disp. 33, Sect. 3, n. 5.

3. *The penance imposed*, except when this is a small one such as is generally imposed for the slightest sins; for a more severe penance indicates that graver sins have been committed.

4. *Temptations*, because they stand in relation to sins, in so far as the penitent doubts if he has consented to them, or asks advice of the confessor in order not to yield to them.

5. *Defects*, which are confessed in explanation of a sin; for example, illegitimacy, where a penitent has received Orders, in opposition to the law of the Church. *Natural* defects of the penitent also, in so far as they are known through the confessional, and tend to his disgrace (for instance, defective education, stupidity, etc.), are objects of the seal. But if these do not stand in any relation to the confession, or if the penitent would not resent their being made known, and if they are matter of general knowledge already, they are not objects of the seal.[796]

796 Cf. Ballerini, l. c. nn. 956-960.

6. *The penitent's position in life* may be, *ex se*, an object of the seal, in so far as information about it is necessary in order to explain the sins according to their ultimate species. Nevertheless, it may be assumed that this information, even when thus necessary, is not given to the confessor *sub sigillo*, but rather *prævie*. If it is a question of a position known to every one (though perhaps not known to the confessor) the penitent does not intend to include this knowledge under the seal. But it is a different matter when, on account of certain circumstances, the penitent attaches importance to his incognito. It is certainly not allowed so to speak of the position and circumstances of the penitent so as to indicate thereby that he had sinned against individual duties of his position.[797]

797 Cf. Reuter, Theol. Mor. Tom. IV. n. 377; Lugo, l. c. n. 57; Sporer, De Pœnit. n. 833; Lehmkuhl, l. c. n. 460.

7. *Scruples*, or the scrupulosity of the penitent, may be an object either of the seal, or of the natural secret. (*a*) The scruples themselves which the penitent confesses are, of course, *direct* objects of the seal, in so far as they are considered by him to be sins. (*b*) The scrupulosity which the penitent confesses as a circumstance of his sins—or in order to give a better idea of his spiritual state—is likewise an object of the seal. (*c*) To say in a general way that the penitent has confessed many scruples, violates the seal in the same way as to disclose that he has confessed *several* venial sins, real or supposed. (*d*) On the other hand, the scrupulosity which is only perceived in the manner of expression is not matter of the seal, but, *per se*, of the natural secret which obliges the more strictly as the knowledge obtained is more intimately connected with the confession itself.[798]

798 Cf. S. Alph. l. c. n. 644; Lugo, l. c. n. 60; Lehmkuhl, l. c. n. 460; Aertnys, l. c. n. 293; Ballerini, l. c. n. 960.

8. *Sins committed in the confession itself*, for example, impatience, not showing the confessor due reverence, etc., are, *per se*, not objects of the *sigillum*, because the penitent does not confess them; nevertheless, making them known might easily, and generally will, involve danger to the seal; for these sins suggest a severe reprehension or a refusal of absolution.[799]

799 Cf. S. Alph. l. c. nn. 643, 659 (in fine); Ballerini, Op. Theol. Mor. l. c. n. 959.

9. *Virtues or supernatural gifts* which the penitent discloses in order that the confessor may learn the state of his soul, are not, *per se*, objects of the seal; but if they are disclosed inasmuch as they have reference to a sin, they are matter of the *sigillum*.[800]

800 S. Alph. l. c. n. 641.

62. Violations of the Seal

The seal of confession is, in the first place, violated by every communication of those things which are matter of the seal if the penitent is recognized, or if there is a danger of his being recognized. Moreover, every *use* of things falling under the seal which is calculated to make confession odious, or to cause the penitent annoyance and detriment, is also a breach of the seal.

A distinction is, accordingly, to be made between *direct* and *indirect* violation of the seal; it is *directly* violated when any matter of the seal itself is directly disclosed and the person of the penitent indicated; it is *indirectly* violated when revelation of matter of the seal involves only risk of discovery of the penitent or danger of harm to him. In the indirect violation there may be *parvitas materiæ*; that is, when, through the *communication* or the *use* of that which was learnt under the seal only very slight danger of recognition would be incurred, as when the confessor speaks of the sins prevalent in some particular town or place without the inhabitants of the place becoming, thereby, appreciably prejudiced against the institution of the confessional, or any particular defamation resulting. But if there is doubt as to whether the consequences are really so slight, such a proceeding must be regarded as a great sin.

For a violation of the seal, it is not necessary that the person with whom the confessor speaks knows that he is making use of knowledge gained in the confessional; it is enough that the confessor should speak from this knowledge. Nor is it necessary that the person of the penitent should actually be recognized by him with whom the confessor speaks; it suffices that the circumstances should be such that the identity of the penitent emerges sufficiently distinct from what the confessor says, or that the person of the penitent may possibly be recognized, or that well-founded suspicion *could* arise. As the faithful preservation of the seal is of the highest importance, the confessor must always be very careful that penitents do not become averse or disinclined to the confessional. Nevertheless he is not bound to avoid every trivial danger, and to anticipate every idle conjecture of malicious people.[801] In view of their supreme importance, we here subjoin a few cases of violation of the seal, as discussed by eminent theologians.

801 S. Alph. l. c. n. 661. Cf. Stotz, l. c. Lib. II. art. V. s. 1-8.

1. A priest indirectly violates the seal: (*a*) if he says or intimates that he refused or deferred absolution to a certain penitent, because he, thereby, implies that the penitent had confessed a grave sin, or had not been disposed; or if he says that a certain penitent's confession had not been finished—unless it were generally known that this confession was a general one, or one concerning a long space of time, so that there can be no embarrassment on the part of the penitent. Indeed, Lugo adds that even if the penitent himself were to say that he had not been absolved, the confessor must not take the liberty of repeating it.[802] (*b*) If he said of a notorious thief that the latter had confessed his thefts to him with great sorrow. The case would be different if without entering into detail he were to remark that the same thief had made his confession to him.[803] (*c*) If he praises excessively some penitent in comparison with others whom he heard at the same time, or says that he committed venial sins only, suspicion being thus easily excited that the others had confessed grave sins. An exception would be if there were some particular ground for so speaking, without offense to the other penitents, and

without danger of injurious suspicion.[804] (*d*) If two confessors, to whom the same penitent had confessed, talk together concerning his sins. (*e*) If he reproves the penitent aloud, questions him concerning circumstances of the sins, so that bystanders can hear it. (*f*) If, after having heard the confessions of some few penitents, he should say that he had heard a particular sin—for the individual penitents fall under suspicion of having committed this sin. (*g*) If he speaks of sins which he has heard in the confessional in such a way that those who hear him can infer or conjecture the identity of those who committed them. (*h*) If he speaks of sins learnt outside the confessional, but adds a circumstance learnt only in the confessional, or makes use of knowledge gathered in the confessional for the purpose of specifying or corroborating some statement. (*i*) If, without the penitent's permission, he speaks to him outside the confessional about his sins heard in the confessional. Where the penitent himself begins, the confessor may only speak about the particular subject to which the penitent confines himself. Likewise if, after the confession, the priest's demeanor shows that he remembers his sins and esteems him less highly than before. (*k*) If he should intimate that the penitent had *not* confessed a particular sin, because, thereby, suspicion might easily arise that he had actually concealed a sin.[805]

802 Lugo, l. c. n. 61; Lacroix, Reuter, and Stotz, however, explain the matter thus: The confessor is not ordinarily allowed to say that the penitent had not been absolved; but if the penitent were to say casually, in presence of the confessor and others, that he had not been absolved, permission would thereby be given to the latter to say it also; but the confessor is by no means allowed to disclose the reason for refusing the absolution, if the indisposition of the penitent has been the motive of it, or if the disclosure is in any way unpleasant to the penitent.

803 Cf. Lugo, l. c. n. 61; Reuter, l. c. n. 378.

804 S. Alph. H. Ap. n. 156.

805 S. Alph. l. c. n. 657; Gury, l. c. nn. 665-666; Ballerini, Op. Theol. Mor. l. c. n. 983. Cf. 976 ss.

2. As a general rule it is allowed to speak vaguely of sins heard in the confessional in such a manner that there is no danger of recognizing the person, and no suspicion is aroused against any persons. In this, however, scandal to lay people is to be carefully avoided, for they readily believe that speech of this kind is a violation of the seal, and may, thereby, be deterred from approaching the confessional; nor should one be too easily persuaded that there is no fear of any danger in the matter. Confessors, therefore, should not be too ready to talk much about what they have heard in the confessional; for such talk, when often indulged in, is not quite free from the danger of a slip beyond what is permissible and of awakening suspicions in the hearers. Indeed, before laymen such talk must be altogether avoided.[806]

806 S. Alph. l. c. nn. 657, 638.

No violation of the seal is, therefore, in question: (*a*) when the confessor says that "Titus confessed to him"; only Titus must not then have come to him secretly, for from this circumstance it might be inferred that he had a bad conscience; (*b*) when he praises the conscience of a penitent; but he must not, on account of possible circumstances, awaken thereby the suspicion that others, who confessed to him at the same time, have bad consciences; for it might be that if he were questioned concerning another penitent, he could not maintain the same tone of praise.[807] (*c*) If, immediately after absolution, before the penitent leaves the confessional, he speaks to him of what he has then and

there heard, for though the Sacrament has been administered, the judicial act still morally continues.[808] (*d*) If he speaks to the penitent during confession of his sins of another confession, for, *in actu confessionis*, the penitent has no right to the preservation of the seal; but even this the confessor should not do without reason, for it is troublesome to many penitents. (*e*) When he prays for a penitent, even if he only knows him through the confessional, or treats him more leniently (or otherwise) on account of the state of his soul learnt in the confessional; when he makes use of knowledge acquired in the confessional in order to ask learned and experienced confessors for advice,[809] or to perfect his own work in the confessional, to be able to question better, to instruct better, and more efficaciously to watch over those committed to his charge.

807 S. Alph. H. Ap. n. 156.

808 S. Alph. l. c. Lib. VI. n. 652.

809 It is not necessary to tell those whom one consults for advice that the case occurred in the confessional, nor should the matter be discussed publicly before many, but only before those who are capable of giving suitable advice. Mazzotta adds another notable limitation (Tract. VI. Disp. 2, Q. 5, c. 2): "Therefore, let confessors ask judicious men everywhere for advice in cases which have come before them in the confessional, and, in so doing, conceal the name of the penitent. But they have no right to do so if any suspicion should fall upon the person in question, or were there even a danger of this." But what is to be done in the latter case when the confessor requires advice? Let him either present the case as an imaginary one, or let him request permission of the penitent to make use of the knowledge gained in the confessional, or let him seek a judicious man to whom the penitent is unknown, or let him send the penitent to another confessor. If none of these methods can be used without breaking the seal, let him trust to the divine assistance, employ other suitable means,—such as prayer and study,—and then let him solve the difficulty himself in the best way he can.

The confessor does not violate the seal by saying that a certain vice is prevalent in some place, town, or parish when this place or parish is of considerable size (St. Alphonsus assumes three thousand Catholics as the population) and when it is a question of vices which are public, and no new defamation arises. On the other hand, it would be a violation of the seal if (*a*) by this statement concerning the sins, or by the manner of it, the parish, etc., were defamed, and (*b*), in any case, if the place were small. Hard and fast limits cannot be laid down to determine when a serious breach of the seal takes place, and when such revelations would be quite permissible; each case must be carefully considered and weighed, in order to learn if any, or a grave, or only a slight, violation is in question. A preacher, therefore, has a right to speak against vices which are secretly very prevalent in a parish, and if he has obtained his knowledge of them outside the confessional, he can speak of them with still greater freedom; but he should always employ a wise caution, so as not to awaken suspicions injurious to those who confess to him.[810]

810 S. Alph. l. c. n. 654; H. Ap. n. 158.

In deciding whether violation of the seal of the confession is committed when a confessor says that he has heard a grave sin in the confessional from a religious of some particular Order, without designating the individual, the following circumstances must be considered: (*a*) whether, from the nature of the sin referred to, defamation of the Order results or not; (*b*) before what persons the statement was made, as this circumstance usually determines the quality of the defamation; (*c*) whether, from the statement itself, or from the circumstances, suspicion falls upon the occupants of a few houses. From this it can be inferred if a grave violation of the seal, or a slight one, or none at all, has taken place; but it is very unlikely that no violation of the seal at all has been committed by such

a communication. The confessor of a convent would, accordingly, break the seal, if, while preaching in the convent, he should signalize a particular sin of a nun, or of that convent, which he knew only through the confessional. On the other hand, he would not break it if he were to speak generally of defects which usually occur, or may occur, in all convents; otherwise a priest who heard confessions in a convent could never preach there, and such a prohibition would be contrary to the general usage.[811] If the confessor knows through the confessional that snares are being prepared for him, he may, under some pretext, go away, or provide for his safety, if by so doing the sin confessed does not become known, nor any detriment ensues to the penitent by which the confessional would be rendered odious; if, however, he cannot, without breaking the seal, escape or evade the snares prepared for him, nor avoid an objective sacrilege, he must rather endure or permit his death and the sacrilege than break the seal. Nevertheless, he can, and must, exhort and bind the penitent in the confessional to give him permission to make use of this knowledge.[812]

811 S. Alph. Lib. VI. n. 654; H. Ap. n. 157. Cf. Ballerini, Notæ ad Gury, II. n. 666, et Op. Theol. Mor. l. c. n. 987 ss., et Vindiciæ Alphons. Par. V. Q. 24; Lehmkuhl, l. c. n. 469; Aertnys, l. c. n. 297, Q. II.

812 S. Alph. l. c. n. 659; H. A. n. 161. Cf. Lugo, l. c.

It is not allowed to Superiors to make use of knowledge gained in the confessional in the external government of those under them, or to adopt any course of action which is in any way odious to the penitent, or which would make the confessional odious. Hence it is not allowed to a Superior, in consequence of knowledge obtained through the confessional, to alter an arrangement which he has once made, or which he had determined upon only in his mind; but the case may occur in which he may inform the penitent in the confessional that he had intended to make certain arrangements, but that he now begs his permission to recede from this intention.[813]

813 Cf. Decret. Clementis VIII. 26 May, 1594 et Decr. S. C. Inq. 18 Nov., 1682 (auctor. Innoc. XI). Cf. Gury, II. Ed. Ratisb. n. 670.

Accordingly, it is never allowed to a confessor to remove from his office a subordinate whom he knows through the confessional to be unfit for it, to deprive him of his vote at an election, to forbid him the Sacraments, to withdraw from him any tokens of good-will formerly shown, to look at him askance, to take from him keys which he formerly held or to hide those which he was in the habit of leaving about, etc. But if the confessor obtained this information otherwise than in the confessional, he may make use of the knowledge otherwise obtained; but then this information must really move him to his course of action just as if he had had no knowledge of the unworthiness of the subordinate through the confessional.[814]

814 Cf. S. Alph. l. c. nn. 656-658; Ballerini, Op. Theol. Mor. l. c. n. 1000; Lugo, l. c. Disp. 23, n. 93.

Where it is customary to give a ticket to testify that confession has been made, the confessor must confine himself to stating merely that he has heard the confession, and he must not state that he has given absolution to the penitent; for if he invariably attested that the penitent had been absolved, he would be committing himself to a lie, in cases where he had not absolved; if, again, he testified to having absolved those whom he had absolved, and to not having absolved others to whom he had refused absolution, he would, indirectly, violate the seal of the confessional.

And if the confessor should refuse the ticket to an ill-disposed penitent who had made a sacramental confession, he would also violate the seal in the following cases: (*a*) where the penitent asks for this

ticket outside the confessional, and (*b*) when it is given to all penitents, or when it is demanded by the penitent's Superior, as at Easter time, for example. But if the penitent had no intention at all of making a sacramental confession, but only made pretense of confession in order to procure his ticket, for instance, in order to escape punishment from a teacher, or to contract a marriage, the ticket must be refused to him.[815]

815 S. Alph. l. c. nn. 639 et 661. Cf. Gury, II. Ed. Ratisb. nn. 660, 661; Ballerini, Op. Theol. Mor. l. c. n. 916; Laymann, De Pœnit. cp. 14, n. 8; Sporer, De Pœn. n. 839; Lacroix, Lib. VI. P. II. n. 1914.

If a confessor knows only through the confessional the bad state of a man's conscience, he must not on that account refuse to hear his confession; he would only be allowed to do so if he had previously, from another motive, resolved never to hear his confession again, because such a refusal would make the confessional odious both to the penitent and to others who should come to hear of the confessor's behavior.[816]

816 S. Alph. l. c. n. 659; H. A. n. 160. Cf. Ballerini, l. c. n. 1012 ss.

But how is a confessor to behave who learns from the confession of an unmarried woman who is near death that she is pregnant, this fact being quite unknown to others? Here may be question of the Baptism of the child after the death of the mother, before it is born. If a month has passed since conception, the confessor must induce the penitent to make known her condition, after confession, to some other person, to her mother, perhaps, or to the doctor (if the latter is a good Catholic, or a believer) in order that, after her death, the child may be at once brought into the world and baptized; for she must prefer the Baptism of the child, as a higher good, to her own reputation. If she refuses to disclose the matter, the confessor should induce her to communicate it to him outside confession, in order that he may inform her parents and the doctor of it after her death. But here great caution is necessary, lest others should be led to believe that he is breaking the seal. Hence he should persuade the sick person to make a written statement of the case, if she is able to do so, or he can do it for her; she should then give it sealed to a third person who is to open it immediately after her death.

If she will not consent to this plan, the confessor should abstain from pressing her great responsibility in case she should be *invincibiliter* ignorant of it, or, perhaps, be persuaded that the fœtus will not survive her; for otherwise, in his endeavor to save the soul of the fœtus, he would incur the risk of ruining both souls, that of the mother and that of the child. But absolution can be given to the sick person unless she is undoubtedly ill disposed—which will seldom be the case. Finally, if the confessor knows the condition of the sick person only through the confessional and cannot obtain her permission to make it known, he must maintain perpetual silence, come what may. For the duty of the seal does not cease with the life of the penitent.[817]

817 Cf. Theol. Mechlin, n. 117, Q. 3; Aertnys, l. c. n. 297, Q. 9.

As the binding force of the seal exists only for the benefit of the penitent, the penitent may cancel or modify this obligation, but he alone has this power. This permission must, however, be given quite voluntarily. If the penitent has thus given permission to break the seal in some point, this permission does not extend to the revelation of his accomplices and others; the law of universal charity and of justice (for instance, preservation of a good name) still remains intact, and binds the more strictly the more probability there is of the Sacrament being made odious by any suspicion.

Section III. The Duties of the Confessor Toward Different Classes of Penitents

Having considered in the foregoing sections the essential and accidental duties of the confessor in general, it remains to be shown how these duties are to be performed in concrete cases. Penitents, not being of one type, require treatment according to their intellectual development, their moral constitution, and their natural dispositions, their station and circumstances of life. On account of the difficulties which beset confessors in dealing with these different classes of penitents, we propose to give some practical suggestions. We shall treat of persons placed in peculiar spiritual conditions, persons in different external circumstances, and persons who on account of the great danger of their salvation call for special care.

Chapter I. The Treatment of Penitents in Different Spiritual Conditions

Sinful habits, and the immediate occasions of sin, are the nets with which the arch-enemy of mankind ensnares and holds innumerable souls. Especially in our own times have the occasions of sin become more numerous and dangerous, and carelessness with regard to them has increased. Many souls are thus lost! The more alarming this condition proves, the more should the priest be animated by zeal to prevent its fatal consequences. This requires great prudence and sound knowledge. For this prudence the priest must continually pray and consult wise and approved teachers. St. Alphonsus is recognized by all as a most safe guide amongst these teachers; for this eminent Doctor has been given to the Church by divine Providence in our days, that he might show us the middle path between opinions which are either too lax or too strict.[818]

818 Cf. Aertnys, Tract. De praxi servanda cum occasionariis et recidivis Theol. Mor. II. Appendix, nn. 298-350.

Article I. The Occasionarii

63. Sinful Occasions and the Duty of avoiding them

By "occasion of sin" (*occasio peccandi*) we mean, in general, a person, or some external object constituting for any one a danger of sinning. It comprises two elements: an external object which incites to sin, and an internal inclination to sin.

For a right understanding, we must distinguish between the *danger* and the *occasion* of sinning.[819]

819 Cf. Aertnys, Theol. Mor. Append. (ut supra cit.). Ballerini, Opus Theol. Moral. Tom. V. n. 167 ss.; Notæ ad Gury, II. n. 628 ss.; Lehmkuhl, l. c. n. 485 ss.; Marc. Inst. Mor. Tract. V. Dissert. III. n. 1818 ss.

Danger is the impulse to sin, and if this impulse proceeds from a person or an external object, this person, or this external object, is called an *occasion* of sin; but if the impulse to sin comes from within only, namely from the devil or in consequence of a sinful habit, it is called simply *danger*.[820] There is a danger in every occasion but not every danger proceeds from an external occasion of sin.

820 Some theologians call that which incites to sin from within the "interior occasion," but, generally, only a person or external object is defined as *occasio*.

1. The occasion of sin is either *immediate* (*proxima*) or *remote* (*remota*), according as the danger of sinning is great and probable, or slight. The immediate occasion is "absolutely immediate," when for the generality of mankind it presents a serious and probable danger of sinning; or it is "relatively immediate" when the danger exists for some individual person on account of his particular disposition. A *per se proxima occasio* may, therefore, be *remota* for a very pious and prudent man, whereas an occasion *per se remota* may be for a weak person and one much inclined to sin *proxima*.

The existence of an *occasio proxima* may be inferred: (1) *a posteriori* from a sad experience that the person did, in fact, generally, or at least often, fall into sin whenever the occasion presented itself. If, however, his trespasses were notably less numerous than his victories, the occasion cannot be called an *immediate* one.[821] (2) *A priori*, from the attraction of the object, from the weakness of the person, from his passion, from a sinful habit, from the violence of the temptation to which he is exposed in this occasion. Although sin has not yet been committed, there is always great danger in *presumptuously* exposing one's self to violent temptation.[822]

821 Cf. Ballerini, Notæ ad Gury, II. n. 628, et Opus Theol. Moral. Tom. V. n. 167. Theologians do not agree in defining the *occasio proxima*. Departing from the above definition, some teach—and in this they are in accordance with St. Alphonsus—that, "to constitute the *occasio proxima*, it is not necessary that a person should, *fere semper aut frequentius*, sin in that occasion, but that it suffices if he often, *frequenter*, falls, as *frequens lapsus* in the past makes a fall in the future probable." Aertnys, l. c. n. 302, Q. 1; Marc, l. c. n. 1820; Berardi, De occas. n. 13. The *frequentia lapsuum* is either *relativa* or *absoluta*. Relative frequency is reckoned according to the number of cases in which the person has been exposed to the occasion; so it would be, for instance, an *occasio proximo* if in twelve visits a person has sinned five or six times. Similarly, if a man should visit a woman only three or four times in two years, and generally sinned with her; or when the visit took place only once a year during three years and each time sin was committed. On the other hand, the frequency is absolute when the number of cases is, in itself, considerable; for instance, if two persons meet every Sunday, and sin ten or twelve times in the year. However, this stricter definition does not seem to be that of St. Alphonsus; at least he defines the *occasio proximo* in two passages of his works (Homo Apost. Tr. ult. n. 1, and Theol. Mor. Lib. VI. n. 452) as that in *qua communiter ut plurimum deficiunt*, while into one definition he also introduces the *frequenter peccare* in contrast to *frequentius*. According to Ballerini these conflicting passages may be reconciled with each

other, and Lugo's definition is, he says, the basis of the agreement: that constitutes an immediate occasion of which a man never, or scarcely ever, *consideratis circumstantiis* makes use without sinning. Lugo, De Pœnit. Disp. 14, n. 149. Cf. Vindic. Alph. n. 140, p. 942.

822 Cf. Reuter, Neo-Confess. n. 168.

It may be assumed that an *occasio proximo* has become *remota*: (1) when it is known from experience that the sins have become less, and are no longer frequent; (2) when some circumstance has supervened which has caused the danger to be no longer a great one, such as a marriage, a quarrel, etc.

2. Furthermore, the occasion is *continua*, continual, *seu in esse*, or, with interruptions, *interrupta*, *non continua*, *non in esse*. It is present interruptedly, when one is not always exposed to it, but only occasionally, for instance in visits to dancing rooms, inns, etc.; it is present continuously when one is always, uninterruptedly exposed to it; for instance, in the case of a concubine or a servant living in the same house and with whom one is accustomed to sin; an obscene statue in one's room.

3. Again, the immediate occasion is *voluntary* (*voluntaria*), which can easily, and without much detriment, be given up; and necessary (*necessaria*) which the person cannot, even if he will, remove or relinquish. The necessary occasion is either physically or morally necessary; physically, when the person absolutely cannot remove it; morally, when it cannot be abandoned or avoided without sin, or great scandal, or great detriment to honor, or property, or without placing one's self in a similar or worse danger of sin.

The following principles are to be laid down respecting the duty of avoiding the occasions of sin:—

I. The duty of avoiding mortal sin imposes upon us the strict duty of avoiding also the immediate danger of mortal sin.

He who is bound under grave sin to reach a certain end is also bound under grave sin to employ the means without which this end cannot be reached; but flight from the immediate occasion of sin is the morally necessary means of avoiding sin, consequently this immediate danger must be avoided. Further, as a man is bound by love for his own person not to expose his bodily life voluntarily to the danger of death, he is, *a fortiori*, bound by the law of charity not to expose his supernatural life voluntarily to the danger of death, that is, the danger of mortal sin. It is, therefore, *in re morali*, a sin of the same kind to place one's self in an immediate occasion of sin, or to desire and commit the sin. It follows from this that a man sins grievously as often as he exposes himself without necessity to the immediate occasion of sin, even if he does not actually sin in this occasion. On the other hand, it is no sin to expose one's self to a remote danger of sinning if there is a reason for so doing, or if precautionary measures are taken. For such danger can be easily overcome.[823]

823 Cf. S. Alph. Lib. V. n. 63; Lugo, De Pœnit. Disp. 14, n. 157; Sanchez, Decal. Lib. I. cp. 8, n. 4.

II. It is allowed, in case of moral necessity, to expose one's self to the immediate occasion of sin; only suitable means must then be employed to protect one's self against the danger. In this case one does not love the danger, but incurs it unwillingly, and if a man strengthens himself by firm resolutions, prayer, etc., God will not suffer him to fall into sin, and in this manner the danger becomes a remote

one. From this it results that a man is always bound to avoid *formal* danger either by flight or by precautionary measures.[824]

824 S. Alph. l. c. Lib. V. n. 63.

III. From the duty to avoid the risk of sinning results *the duty to avoid the immediate occasions of sinning* as these imply an immediate danger of sinning. This same conclusion, moreover, follows from two propositions condemned by Innocent XI: "The immediate occasion of sinning is not to be avoided when there is any *causa utilis aut honesta* for not avoiding it" (Prop. 62). "It is permissible to seek directly an immediate occasion of sinning *pro bono spirituali vel temporali nostro vel proximi*" (Prop. 3).

On the other hand, this obligation is not incumbent in respect to *remote* occasions, because they do not present an immediate danger of sinning, and because it is, for the most part, morally impossible to avoid all these occasions; we should be obliged simply to leave the world, as the Apostle says (1 Cor. v. 10), for they occur in all circumstances.

But it must here be observed that the occasions of sin may be avoided in two ways, according to the nature of the occasion. As this consists in an external object and an interior inclination to sin, occasions can be avoided: (1) *physically* or *materially* by separation from the external object, and (2) *morally*, or *formally*, when the danger is neutralized by other means which weaken the interior inclination without physical separation. The first method must come into operation in cases of *voluntary* occasion, for he who *wishes* to remain in immediate occasion of sin has no real intention of avoiding sin. And when it is a question of a really voluntary immediate occasion, where there is frequent sinning, or violent passion, or a sinful habit, or great incitement to sin, no success is to be hoped without separation, nor will the use of remedies convert the immediate into a remote occasion. For a great temptation cannot be overcome without the help of God's grace, but God does not assist those who presumptuously expose themselves to temptation—as experience often shows. This is especially true of the immediate voluntary occasions of sin against purity.[825] The second method suffices in the case of the necessary occasion, for he who through *necessity* remains in a danger of sin, may hope for the divine help to avoid sin.

825 Cf. S. Thomas, Summ. Theol. II. II. Q. 154, art. 3, ad 1.

From this consideration we deduce the following rules:—

1. An *occasio proxima libera* of grave sin, whether *absolute* or *relative proxima*, must absolutely be avoided; to remain voluntarily in such occasion or to seek it is itself a grave sin.

2. It is absolutely necessary to avoid or remove an *occasio proxima necessaria*; but for him who finds himself in it there exists a disjunctive duty, either of employing suitable means of reducing it to a remote occasion, or of removing it in spite of all difficulties and obstacles.

3. Not to remove a *remote occasion*, even when there is no particular reason for exposing one's self to it, is, of itself, no grave sin; but this occasion must remain a *remote* one, and he who finds himself exposed to it must be resolved to avoid the temptations possibly arising from it. For it is sometimes possible to foresee that what is now a remote danger will very soon become a grave and immediate danger; in this case it is the confessor's duty to cut off such an occasion and to forbid it to the penitent lest he fall into formal sin. And when, on the contrary, the

danger of a certain sin is *very remote* and, in addition, there is a steadfast intention not to sin, the virtue to which that sin is opposed does not seem to suffer, even when this risk is incurred without cause. If the danger is in any way considerable, and it is incurred without cause, the virtue suffers; in a case of immediate danger of sin this is certainly the case.[826] But the venial sin which a man commits who is careless about keeping from a remote occasion increases in gravity in proportion to the danger. If a man exposes himself to the danger which such an occasion offers from a more or less weighty motive, he commits no sin at all, provided his resolution not to sin remains firm.

826 Lehmkuhl, l. c. n. 486.

4. If danger of venial sin is to be apprehended, he who presumptuously exposes himself to it commits a venial sin; but if the danger of venial sin proceeds from an action *in se* commendable and useful, this character of the action is sufficient ground for lawfully undertaking it; indeed, we ought to disregard the danger in a case of this kind, at the same time insuring ourselves against sin by employing preventive measures. If we did not adopt this counsel, innumerable actions which are useful would remain unperformed out of fear of sin, and this would bespeak timidity rather than prudence and conscientiousness. On the other hand, it is a mark of wisdom and zeal for perfection to avoid useless actions which, *ex se*, cannot be done without venial sin, and to avoid them the more because they may lead to other venial sins.[827]

827 Cf. Lehmkuhl, n. 486, IV; Ballerini, Opus Theol. Mor. Tom. V. Tract. X. Sect. V. n. 172.

64. The Duties of the Confessor toward Penitents who are in Occasione Proxima Voluntaria

Upon the foregoing explanations are based the following rules, according to which the confessor has to proceed with penitents *in occasione proxima libera*:—

I. Penitents who are *in occasione continua* cannot, as a rule, be absolved, even the first time, before they have given up that which constitutes the occasion, however much they may promise to do so. For so long as a penitent remains under the influence of this occasion, he is in immediate danger of breaking his resolution to abandon it, as its removal, after an attachment to it has been formed and its fascination experienced, is very difficult and demands great self-command; so that there is reason for fearing that the presence of the sinful object will again enslave the penitent. Hence, the penitent who knows this and would, nevertheless, expose himself to the danger of breaking his resolution, must be regarded as not disposed, and the confessor who indulges him sins against his duty as judge by absolving an ill-disposed penitent, and also against his duty as physician of the soul by not applying the necessary means of amendment.[828]

828 Cf. S. Alph. Lib. VI. n. 454. Prax. Conf. n. 66.

To this rule there are, however, some exceptions, though in every case the penitent must faithfully promise to remove the occasion as soon as possible:—

1. When the penitent shows signs of extraordinary sorrow and firmness of purpose, thus giving hope that he will carry out his resolutions faithfully.

2. When the occasion is such that the penitent can give it up without doing great violence to himself.

3. When there is a solid reason for administering absolution at once; for it is allowed, where such reason exists, and if the necessary cautions are employed, to expose one's self and another to a danger which then becomes a remote one; and if the penitent must receive absolution before he can remove the occasion, he is to be regarded as one *in occasione necessaria*, and he has a right, therefore, to immediate absolution. The following are held to be sufficient reasons: (*a*) *Danger of death*; that is, when the penitent is in danger of death and the occasion cannot be removed at once for want of time, or because great disgrace or scandal is to be feared. (*b*) *Difficulty in going to the same confessor again*; if this is the case, or if the penitent could not return till after a long time, nor repeat the confession to another confessor except under great difficulties, he may also be absolved before giving up the occasion. This holds good when the penitent confesses at a place far removed from his own domicile, so that it would be very difficult for him to go to the confessor again. (*c*) *Danger of disgrace*, if, on the same day or the following, he were obliged to contract a marriage, or receive holy communion, and could not withdraw without great disgrace. The case is similar if one confesses during the time of a mission, and cannot during this time remove the occasion without incurring infamy, as is frequently the case. Here the confessor may content himself with the removal of the occasion some weeks after the mission, but he must demand that the penitent should take the

preliminary steps towards this at once if it can be done. (*d*) *Danger of spiritual injury*; that is, when the confessor has grounds for fearing that, on account of the postponement of absolution, the penitent would be estranged from the confessional and perish in his sins; in this case, postponement of absolution would rather increase the danger of not being faithful to his resolution.

In the above-named cases the confessor would be obliged to explain to the penitent that he must not hope to receive absolution in the future if he does not keep his promise.[829]

829 Cf. S. Alph. l. c. Lib. VI. n. 454; Prax. Conf. nn. 67, 68; Berardi, l. c. nn. 44, 45, 49, 50; S. Leonard a Port-Maur. Disc. mist. n. 22. Cf. Proposit. 61 damn. ab Innoc. XI et Proposit. 41 damn. ab Alex. VII; Aertnys, l. c. n. 306, III.

II. Those penitents who are *in occasione interrupta* can be absolved *aliquoties* (two or three times) before they have abandoned the occasion if they seriously promise to do so. They do not live *actu* in the occasion, and their resolution not to seek the occasion may, therefore, be regarded as a firm one; but the confessor must urge them to abandon the occasion.

If the penitent does not subsequently amend, absolution must be deferred till he has really abandoned the occasion. As he could easily give up the occasion, and does not do so, according to his promise, doubts as to the firmness of his resolution arise; extraordinary signs of good dispositions would, however, remove these doubts.

If the penitent shows some improvement, although he has not yet completely given up the occasion, and if it is to be feared that deferring absolution would do more harm than good to the penitent, he may be absolved, seeing that his improvement indicates a firm resolve and preludes complete amendment.[830]

830 S. Alph. l. c. n. 454. Prax. Conf. n. 66.

III. Penitents who have relapsed into an *occasio continua*, that is, those who have not kept their promise to remove the occasion, cannot be absolved unless they prove their worthiness by some extraordinary sign. But even in the latter case, that is, when these penitents give extraordinary signs of their good dispositions, the confessor where it seems feasible and useful may defer their absolution *ex officio medici* till they have removed the occasion.[831]

831 S. Alph. l. c, nn. 456, 463, 464; Prax. Conf. n. 69; Berardi, l. c. nn. 53, 54; Aertnys, l. c. n. 306, IV. V.

65. The Duties of the Confessor toward Penitents who are in Occasione Necessaria

The following are the rules for the treatment of this very numerous class of penitents:—

I. Penitents who are *in occasione proximo necessaria* can be absolved without giving up the occasion if they are disposed and *are willing* to adopt *means of amendment*. "For," as St. Alphonsus says, "an opportunity of sinning is really, *in se*, no sin, and induces no necessity of sinning; true sorrow and a firm purpose not to relapse may, therefore, be quite consistent with an occasion; and although it is right that every one should be bound to remove the immediate occasion of sin, this simply means that no one may expose himself voluntarily to such risks. But if the occasion is necessary, the danger becomes, by the application of remedies, a remote one, and God does not withdraw the helps of His grace from him who is firmly resolved not to offend Him."[832]

832 S. Alph. H. Ap. Tr. ult. n. 6. Cf. Ballerini, Opus Theol. Mor. n. 185.

II. If penitents who live *in occasione proxima necessaria* have relapsed, that is, have not employed the means prescribed by the confessor, absolution must be deferred till they have amended, unless they remove all doubts about their disposition by some extraordinary sign.[833] But how are penitents to be dealt with who have employed the means prescribed but yet have relapsed in the same way?

833 S. Alph. l. c. n. 456.

While many theologians believe that such persons can be absolved (and that *toties quoties*) if they seriously promise amendment, St. Alphonsus teaches (maintaining that this is the *sententia verior et communis*) that they must give up the occasion before they can be absolved, even if they suffer thereby great injury or detriment (*etiam, si opus sit, cum jactura vitæ*), provided that, *after many attempts, there is no improvement and no probable hope of improvement*. For in this case (he says) the danger of sin remains a formal one and cannot be separated from a sin. Physical separation from the occasion is, therefore (he continues), the only means of salvation, and the words of Christ are binding: "If thy eye scandalize thee, pluck it out, and cast it from thee; for it is better to enter into life with one eye than in possession of both eyes, to be cast into hell fire." (Matt, xviii. 9.) "What doth it profit a man if he gain the whole world, but suffer the loss of his own soul?" (Matt. xvi. 26.) The holy Doctor excepts the case in which the penitent gives such extraordinary signs of repentance that improvement can be reasonably hoped for.[834] Ballerini, however, urges the possibility of supposing that in the case of such penitents there is something more in question than the want of the necessary dispositions, namely, that the means prescribed and employed were not the right ones, and, therefore, that others should be prescribed. This, he says, is not to be understood of the general means simply, such as prayer and other pious exercises, almsgiving, and abstinence, and frequent reception of the holy Sacraments, etc., but much more of the special means which are adapted to overcome temptations and dangers, and which are to be determined according to circumstances; for if these were faithfully employed, they would make relapse morally impossible, especially when external sins were in question; for instance, avoiding of intercourse *solius cum sola*.

834 Cf. S. Alph. l. c. nn. 456, 457; H. Ap. Tr. ult. n. 7; Prax. Conf. n. 69. Cf. Lugo, De Pœnit. Disp. 14, n. 156 ss.

Ballerini urges, moreover, that, *ex lege naturæ*, the penitent is, indeed, bound to avoid the immediate danger, but this can be done in two ways, by employing suitable means by which the danger becomes a remote one, or by removing or avoiding the occasion; but the penitent, he says, is bound to only one of the two *ex lege naturæ*; with what right, therefore, can the confessor bind the penitent to the one more than to the other? Nor must we impose upon the penitent what is too difficult, indeed, in many cases morally impossible. Moreover, if the confessor is obliged to choose that course which removes the penitent from the danger of sinning, he will certainly never choose that means through which the penitent will certainly sin by refusing to make use of it. Another way is also open to the confessor, without insisting on this indiscreet obligation, namely, to defer absolution sometimes till the penitent has employed the suitable remedies with successful results. But in this case it is to be observed that complete amendment is not necessary in order that absolution may be given. It suffices that the number of sins should indicate that it can be truly said that the occasion is no longer immediate.[835]

835 Cf. S. Alph. Lib. VI. n. 456; Prax. Conf. n. 69.

"To put it in a few words, there is no need to deal with these penitents otherwise than with those who have contracted sinful habits. I will only add one remark, that if the confessor is harsh, strictly demanding the more difficult step, the only result will be that the penitent will become more entangled in sin; on the other hand, mildness and patience will at least save him from complete ruin; thus theologians speak of the confessions of a *meretrix*, a usurer, or of any other penitent who is not sufficiently disposed, but has a desire to amend."[836]

836 Ballerini, Opus Theol. Mor. l. c. nn. 196, 197. Cf. Ballerini, Notæ ad Gury, II. n. 631, et Vindiciæ Alph. pp. 603-620.

As to the remedies for penitents *in occasione necessaria*, the confessor must endeavor:—

1. *To lessen the power of the sinful occasion.* A few resolute and boldly spoken words, a serious threat, or rebuke, a cry for help, a complaint at the proper place, will often suffice to discourage an insolent tempter and prevent any further annoyance. The confessor must, moreover, require that the penitent should no longer associate *solus cum sola*, that he should shun all intimacy, and, as far as is possible, avoid even the sight of the *complex* and give up speaking and thinking of her, etc.

2. *To lessen the power of the passion*,—by work, fasting, and exercises of penance.

3. *To increase spiritual strength*,—by prayer, frequent reception of the Sacraments, meditation upon the eternal truths.[837]

837 Cf. Alph. Prax. Conf. n. 68; Berardi, l. c. nn. 79-83.

It is, however, to be carefully observed that the penitent is bound to employ the means which he is able to employ; otherwise, though the occasion would be necessary, the danger would be voluntary. Let the confessor instruct the penitent as to this duty, select the means corresponding to the danger, the character, and the circumstances of the penitent, and also show him how to apply them.[838]

838 S. Alph. l. c. Lib. V. n. 63; Segneri, Instr. Conf. cap. 5; Berardi, l. c.; Aertnys, l. c. n. 308, Q. 1.

In the treatment of the *occasionarius* the confessor must be very prudent. P. Segneri calls attention to a double trick by which penitents try to deceive themselves and the confessor. (*a*) They are wont

generally so to represent the occasion that it seems to be only a remote one, or they pretend that shunning it would cause them great difficulties, whereas there is frequently no other difficulty than that their passion finds it hard to break chains that have become dear to them. When, therefore, penitents speak of the scandal or the great injury which removing or avoiding the occasion would cause, the confessor must not be too ready to believe them, but must carefully weigh the matter, for it is one of great importance. (*b*) The second, not less dangerous, deception, is that they declare themselves ready to leave the *occasio in esse*; but in reality this is only in words; when the confession is over they do not perform what they have promised to perform. "I know well that many teach that the penitent can be absolved the first time, if he has made the promise to discharge his duty as soon as possible. But I repeat what I have said: as a rule do not do so, for ... experience shows that penitents who have obtained absolution in this manner do not subsequently endeavor to break through the net of sin; they find a hundred evasions, and before the occasion has been removed the sins have been multiplied, till, at the expiration of the year, Easter approaches, when they proceed to another confessor, who is equally imprudent. If a penitent has already deceived you or other confessors, I declare to you that on no account may you or can you give him absolution. For he is not disposed. If you, nevertheless, should believe that the present words of the penitent ought to be esteemed as of more value than his former deeds, and if, without just grounds, you hold him sufficiently disposed and worthy of absolution, listen, at least, to what I say to you: you do not act like a good confessor, and even if you fulfill the duties of the judge, you neglect the duties of the physician which are also incumbent upon you. Even if the penitent is contrite, as he seems to you to be, it is not fair to leave him in the jaws of the dragon when you can snatch him from the terrible danger of relapse by means of that remedy which is the only one against this evil, namely, by forcing him first to do that which he is bound to do, and by deferring absolution till he has done it. This just severity is still more necessary in the case of public sinners, for with these scandal is added to the sin of occasion."[839]

839 Segneri, Conf. Instr. cp. 5.

66. Some Commonly Occurring Occasions of Sin

The application of the principles developed in the foregoing to many occasions of sin—such as concubinage, dancing, the theater, bad reading, and intimacies—presents to the young confessor at times no small difficulty. These occasions are, moreover, so numerous nowadays that they form a large part of the confessor's work. We will, therefore, devote a short discussion to them.

I. *Concubinage*. That is, *frequentatus concubitus cum eadem femina, quam quis instar uxoris in propria vel aliena domo retinet*. It generally occurs with unmarried people, but also in any other species of unchastity. The confessor must devote a very special attention to this occasion, for public scandal usually accompanies it. Those who practice it are exposed to immediate danger of eternal damnation and are with great difficulty brought to amend and separate.[840]

840 Cf. Trid. Sess. XXIV. cp. 8, *ref. matrim.*

As *remedy*, the confessor may (1) sometimes *recommend marriage* when this is practicable. Marriage is often the only remedy for such unhappy people, as the occasion of sin is, in this way, removed. The confessor should especially encourage it in the following cases: (*a*) when the concubine lives in the house of her accomplice, is supported by him, and cannot otherwise procure her livelihood; (*b*) when the two parties love each other very much, and especially (*c*) when the concubinage has lasted a long time, is legalized, as regards the state, by a so-called civil marriage, when children have resulted from this sinful connection; and, finally (*d*), when one of the parties is in danger of death. On the other hand, separation will be preferable to marriage when the concubine lives in another house, and when not love but sensual passion is the motive of their sinful life.

But if marriage cannot be at once contracted, the confessor must urge separation if this is any way feasible, so that the occasion of sin may, in the meanwhile, be removed; if separation is impracticable, the confessor must prescribe suitable measures for diminishing the danger of sin.[841]

841 Compare § 65, Penitents in *occasione necessaria*, for the same principles apply to this case.

On the other hand, confessors and parish priests should not have recourse to a *matrimonium secretum* or *conscientiæ*,[842] unless one of the two living in a state of concubinage is in danger of death, or when they are publicly regarded as married; for in other cases, *divortium* is to be feared, and if the concubinage *is secret*, scandal will arise as soon as children are born, or there will be danger of a continued state of onanistic cohabitation in order that no scandal may arise.

842 See Benger, Pastoraltheologie, Vol. II. Book 4, § 191, n. 28, p. 665 (2 ed.).

2. If marriage is either morally impossible, or if an unhappy marriage is to be feared, the confessor must impose separation upon the parties, where separation can take place, as it is the necessary means of removing the occasion of sin. If immediate separation is impossible, let him prescribe the remedies given above for penitents *in occasione necessaria*. If, for instance, the concubine lives with the accomplice as a servant or in any other capacity, she must, in order to avoid sin in the meantime, tell the man plainly that she does not wish to live such a life any longer, and resist him in every possible way, lock the door of her bedroom at night, and apply the other remedies referred to above. If she is dismissed from her service on this account and

left houseless and without sustenance, let the confessor (preserving his own honor and avoiding scandal) procure her admission into a house of refuge for women, or in some other way make provision for her need. If the parties live in separate houses, let the confessor forbid the man to visit his accomplice and have further intercourse with her. The woman must, in addition to the remedies already prescribed, employ the following: (*a*) never again to admit the accomplice to her dwelling; (*b*) to take rooms with some respectable woman, so as not to be found alone; and (*c*) to change her place of residence.

3. But if very weighty and insurmountable reasons prevent both marriage and separation, the confessor must have recourse to such measures as will remove the formal danger of sin; for in this case the occasion is a necessary one, and he must act accordingly.

4. If one of the parties living in concubinage is seriously ill or in danger of death, marriage must take place at once. If they cannot marry, and if the concubinage is *public*, the man must dismiss his accomplice and engage another respectable servant to wait upon him. If the woman is dangerously ill, she must, her illness and circumstances permitting, take steps to obtain admission into a public hospital if one is accessible. Where the concubinage is *not publicly* known, a separation will present difficulties on account of the danger of disgrace. If it is not practicable, the confessor must take care that the danger of sin be removed as much as possible, and to this end prescribe the aforesaid remedies. The following measures are also to be recommended: removal of the portrait of the accomplice from the room; if such removal is not possible, the sick person should, either personally or through the confessor, beg pardon of the accomplice for the scandal given, and advise the latter to provide for his (or her) soul's salvation by true repentance.[843]

843 Cf. Berardi, De occas. n. 117 ss.; Aertnys, Theol. Mor. II. Lib. VI. Tract. V. Append. Part III. n. 315 ss.

5. As to the absolution of those living in concubinage, the following rules will be serviceable to the confessor: if a *public* concubinage and a *voluntary occasion* are in question, the parties cannot be absolved till they have really separated. To the reasons already given above is to be added the fact that it would cause scandal if the man who kept a concubine in his house or who often visited her at her house, or the woman who still lived with her accomplice or received him at her house, were seen approaching holy communion. A *peccator publicus* also cannot be absolved till he has *publice* done penance and atoned for his scandal.[844]

844 Segneri, Instruct. Conf. cp. 5; S. Alph. Lib. III. n. 436.

If it is a question of a *necessary* occasion with a *public concubinage*, absolution must be deferred till the penitent has refrained from sin for some considerable time and has repaired the scandal given.[845] The confessor, however, must not readily believe that the occasion is a necessary one, for the attachment to sin of these unhappy people causes them to exaggerate the difficulties of separation, or, indeed, to suppose difficulties where they do not exist.[846] An occasion is only to be regarded as necessary when the penitent would suffer great injury by leaving it, when it might mean the surrender of the social position which he held at the time.[847] The public scandal might be regarded as atoned for if the parties caused it to be made known (if it were not already known) that they could not separate; furthermore, if they publicly gave signs of their conversion by attending divine service, receiving the

Sacraments, etc., and, finally, if they marry, in case this were possible. An exception to the above rule could only be made in the following cases, certainly very rare ones: if the sinful intercourse had long ceased but was still a subject of talk and the scandal could not at once be removed, but the penitent were willing to atone for it as soon as possible, he might then be absolved before the scandal was made good if he promises not to go to holy communion, at least not in the place where his former sinful career was a matter of notoriety.[848]

845 Cf. S. Alph. Lib. III. n. 436.

846 Cf. Segneri, Instruct. Conf. cp. 5 et 6.

847 Cf. Gobat, l. c. Tract. VII. cas. 16, n. 530; Sporer, Theol. sacr. P. III. n. 328; S. Alph. Lib. III. nn. 437, 441, Lib. II. n. 31, Lib. VI. n. 455.

848 Segneri, l. c. cp. 5; Berardi, l. c. n. 151.

When a man living publicly in concubinage falls seriously ill, or is in danger of death, he must be absolved *sub conditione*, if he is already unconscious, and Extreme Unction must also be given to him; for it cannot be maintained that he persists in manifest mortal sin, unless he had expressly refused the holy Sacraments before unconsciousness set in. If he is still conscious, but dying, and there is no time either for a marriage or for arranging a separation, he must be helped to make an act of contrition and absolved, and the other Sacraments should then be administered to him. But care must be taken that the accomplice does not come near him, and that, if it is still possible, the dying person asks pardon before witnesses in atonement for the scandal, either personally, or through the priest. If this form of atonement is not practicable, the priest should provide for it in some other way.[849] But if there is still sufficient time to atone for the scandal, and to remove the occasion of relapse (exterior and interior), either by marriage or separation, absolution must not be given till the scandal is atoned for and the occasion removed. If neither expedient is practicable, this impossibility must be declared before witnesses, so that it may become known, and the sick person must promise to bring about the separation as soon as he recovers.[850]

849 Cf. Rit. Rom. Tit. IV. cp. 4, n. 1.

850 Cf. Berardi, l. c. n. 148; Aertnys, l. c. n. 319, Q.

If the concubinage is not publicly known and the occasion is voluntary, the parties may not as a rule be absolved till they have actually separated, even if they give signs of great sorrow. An exception might be made to this rule when a prompt dismissal would be impossible, and the penitent would be under an urgent necessity of receiving holy communion in order to avoid great infamy or some equivalent injury, supposing also that the penitent were in very contrite dispositions in consequence of some external occurrence—the death of a friend, deliverance from death, etc., or if he and the accomplice did not live in the same house, or if there were well-grounded fear that, on account of the postponement of absolution, the penitent might become estranged from the confessional and perish in his sins.[851]

851 Cf. S. Alph. Lib. III. n. 436; Segneri, Instr. Conf. cp. 5.

If, with secret concubinage, the occasion is a necessary one, the properly disposed penitent may be absolved, but absolution could be postponed in accordance with the rules here applicable (§ 52).[852] Let it be added that if the penitent maintains that the occasion is necessary to avoid scandal or disgrace, he should not, as a rule, be believed.

852 Cf. S. Alph. Lib. III. nn. 437, 441.

II. _Dancing._[853]

853 "If, considering the present corruption of our society and the manner in which dancing entertainments are conducted, a priest publicly protests against them, he may be perfectly justified. But the place in which he can exercise his influence against this evil is the confessional. Here he can positively forbid dancing to the young man or girl for whom it is an *occasio proxima* of sin, whether the sin consists in bad thoughts and desires, or in external acts, or he will proceed in accordance with the principles laid down above (concerning the *occasio necessaria*)." Renninger-Göpfert, Pastoral Theology, Vol. I. Part I. § 90, p. 265.

Dancing with persons of different sex, when there is no question of sinful circumstances, is, of itself, not forbidden, as it is not *ex se actus libidinis*.[854] But it may become very sinful: (*a*) through sinful intention; (*b*) through the danger of sinning; (*c*) by the scandal given, and (*d*) by the prohibition of parents or of an ecclesiastical law.[855]

854 Cf. S. Alph. Lib. III. n. 429.

855 Cf. S. Alph. Lib. III. n. 429; Berardi, l. c. n. 155.

Dancing is very sinful when those engaged in it have the intention of exciting *venereas delectationes*, of employing *tactus malitiosos*, or of indulging in *turpes sermones*. In this respect the so-called masked balls (*choreæ larvatæ*, *bals masqués*) are a source of great danger.[856]

856 Cf. Berardi, l. c. n. 156.

Dancing may give rise to the following sins: (*a*) *malitiosæ manuum constrictiones affectu nempe impudico*, differing from the simple, and, of itself, not dangerous *manuum apprehensio*;[857] (*b*) *amplexus pressi*; (*c*) *tactus obscæni* (especially, *extra actum saltandi*) before or after; (*d*) *amatorii et turpes sermones*; *aspectus malitiosi* (in the *obscænæ choreæ*); (*e*) *delectationes morosæ et desideria turpia*. The confessor will, however, observe that the external sins referred to occur less frequently in respectable dancing assemblies.

857 Cf. S. Alph. Lib. III. n. 429; *certe veniale non excedit*.

If dancing is a *periculum proximum* to those engaging in it, and if there is no *causa gravis* for doing so, it must be avoided under grave sin; if it constitutes only a *periculum remotum* or is excused by some *causa gravis*, it would be a venial sin only, or none at all. The confessor must, therefore, take into consideration the danger and its nature, as also the existence of a *causa gravis*.

He can judge if such danger is in question: (1) *from experience*,—that is, when the penitent has taken part in dancing, and has often (*frequenter*) sinned in consequence of it, and when the circumstances are the same in some given case; (2) from other circumstances,—especially the nature of the dance, too great frequency, the time of night, the moral character of the other persons present at the dance, *indecens feminarum pectoris nudatio*. General rules, applicable for all places and persons, cannot be given here. *Public* dances to which all have access are, generally speaking, more dangerous than private ones.

If there is only *periculum remotum* in question, any *causa rationabilis* excuses from sin, certainly from grievous sin; for instance, to recreate one's self, to have a little amusement (once and again in the year), to find more easily an opportunity of marrying, to show courtesy towards those who give invitations to the dance, to avoid the talk and ridicule of others, etc. If, however, there is question of *periculum proximum*, the *causa* must be a *gravis* to constitute an excuse; for instance, to avoid giving

serious offense to wife, husband, parents, brothers and sisters, or to avoid family quarrels. But then there must be no other way of escaping these quarrels, and the penitent who exposes himself to these dangers must protect himself by suitable means.[858]

858 Cf. Konings, Theol. Mor. Compend. n. 1441; S. Francisc. Sales. Instit. vit. devot. P. III. cp. 34; Aertnys, l. c. n. 323, Q. II; Lehmkuhl, l. c. P. I. Lib. II. cp. 3, n. 643.

With reference to the confessor's conduct in this matter, we may add the following remarks: (1) Let him equally avoid excess and deficiency of zeal; (2) let him estimate the danger to which dancing exposes his penitent, by asking him if he has committed sin at other dances, or been subjected to great temptation. If it results from this examination that the penitent is strictly bound to avoid these pleasures, let the confessor forbid them to him even under threat of refusing absolution; if no such obligation is evident, let him not show himself too ready in permitting indulgence in this dangerous and doubtful pleasure, and let him tell the penitent how he should conduct himself.[859]

859 Cf. Reuter, Neo-Confess. n. 112; Franc. Sales. Inst. vit. devot. l. c. cp. 33; Berardi, l. c. nn. 167-169; Aertnys, l. c. art. II. n. 324, Q. 1.

III. *Frequenting theaters.*

Theatrical performances (in the wider sense of the term) are, according to the teaching of St. Thomas,[860] *secundum se*, not sinful, but may become gravely so, by offending against religion and good morals, in the matter represented or in the manner of representing it. Very many modern dramas are of the latter kind, and full of dangers, treating as they do of anti-religious subjects or of such as are hostile to faith, or lascivious; degrading the Catholic faith, distorting historical facts to its detriment, extolling the enemies of the Church, holding up holy rites and even the Sacraments of the Church to mockery and contempt, calumniating priests, making vices, such as adultery, revenge, suicide, and sins of the flesh, appear lawful or even glorifying them; characterizing religion in general as ridiculous, superstitious, etc., treating not only of obscene and dangerous subjects, but also offending decency in the manner of representation.

860 II. II. Q. 168, art. 3.

If, therefore, the dramas in question are *Religioni notabiliter contraria*, or if the subject-matter or the manner of representing it are *nimis turpia*, attendance is certainly a grave sin. For what may not be seen, or heard, or read, *extra theatrum*, without great sin, cannot be, as the Angelic Master expresses himself, *ratione theatri leviora*.[861]

861 S. Thom. 4 Sent. dist. 16, Q. 4. art 2.

If they are *notabiliter*, but not *nimis turpia*, they may be *occasio relativa*, and frequenting them out of curiosity or for amusement (if there is no danger of consenting *in turpem delectationem*) may be free from grave sin. But this danger will, in the case of young people, be absent only when they have very tender consciences, conduct themselves very prudently, and when, after being repeatedly present at such performances, they are able to say that they have not committed mortal sin.[862] Performances, however, which are *non notabiliter turpia*, may be an *occasio proxima* for those who know by experience their own weakness, the more so as nowadays doubtful attractions are introduced even into otherwise good or harmless plays.

862 Cf. S. Alph. Lib. III. n. 427.

The so-called *choreæ scenicæ* (ballet), *quæ inter actus miscentur, utpote in quibus ob vestitum saltatricum, obscænos saltandi modos aut lascivas gesticulationes, maxima apparere solet turpitudo*, will probably be for many theatergoers an *occasio proximo*.

When, therefore, one goes to a theater without exercising any discrimination as to the choice of the play or the manner of its performance, he exposes himself to a probable danger of sin, *ex communiter contingentibus fit prudens præsumptio*. Some, however, maintain that they attend chiefly to the music, not to the plot and its representation; this, of course, would materially reduce the danger, but not wholly remove it.

Frequenting the theater may also become sinful on account of the *sinful intention* connected with it, and by the scandal thereby given. Besides the actors and actresses in a bad play, those also give scandal who coöperate *in spectacula notabiliter turpia aut Religioni graviter adversa*, positively, by money or applause, and, negatively, by not preventing them when *ex officio* they were bound to do so, or at least could have prevented them by some other means; for example, by refusing to coöperate, etc.[863] Moreover, parents and other superiors give scandal who do not effectually prevent their children and those under their care from being present at improper representations, or when they give permission to go there, without having previously ascertained the character of the play. Finally, those give scandal who encourage others (especially young people) by their example to attend theaters, also clerics and religious who, contrary to ecclesiastical regulations, are present at secular performances.[864]

863 *Ibid.*

864 Benedict XIV, De Synod. Lib. II. cp. 10, n. 11. Cf. S. Alph. Lib. III. n. 427.

If, therefore, by going to the theater, a person exposes himself to only *slight danger*, and only gives *slight scandal*, he is free from grave sin if he takes the necessary precautions.

But if he suffers great danger, or gives great scandal, only a *causa gravis* would excuse him from grave sin if he takes the necessary precautions, and tries to the best of his power to make good the scandal. Such *causa gravis* would be, for instance, a well-founded fear of great detriment, continued irritation of parents, of husband or wife, etc.; the loss of the subscription fee would not be a *causa sufficiens*. But even when there is a *causa*, and, in spite of precautions, faith is endangered, or if the person often succumbs to temptation, he is absolutely bound to avoid the occasion. Hence no *causa* will excuse frequentation of a very immoral or godless performance, because it will not be possible to avoid the formal danger which accompanies it.

In cases where it is necessary, the penitent must be strictly bound to avoid the theater or certain plays; even where this obligation is not strictly binding, he must still be persuaded to avoid the theater, and if this is not possible or opportune, the priest must at least instruct the penitent cautiously to conduct himself.

The actors in immoral and godless plays cannot, of course, be admitted to the Sacraments till they have either given up their profession, or no longer take part in such performances, for they are *peccatores publici, publicum scandalum præbentes*.[865]

865 Cf. Aertnys, l. c. n. 327; Lehmkuhl, l. c. P. I. L. II. cp. 3, n. 644.

IV. *Bad reading*.

The reading of bad books is a source of great danger, and this occasion of sin is very common, unceasingly estranging countless numbers from faith and robbing them of innocence.

We must distinguish between: (1) books which, *ex professo*, are written against religion and faith (defending the errors of heretics and infidels) and those which are not, *ex professo*, directed against it (only here and there attacking religion); (2) books which, *ex professo*, are obscene (which, if not wholly, yet to a great extent, treat of obscene things) and such as are *subobscæni* (in which a good deal of obscenity is to be found).

Books *ex professo impii* are very dangerous and pernicious.

Few persons who are not learned and pious theologians can read them without injury to their faith. Hence the Church (in the second rule of the Index) has strictly prohibited the reading of such books, and if they *hæresim propugnant*, reading them consciously entails censure of excommunication reserved to the Pope.[866] Books which are hostile to religion, but not so *ex professo*, are also a source of danger, and, therefore, reading them is permitted to no one without necessity. The degree of the danger depends upon the object which the reader has in view, upon his age, his religious sentiments, and knowledge.

866 Compare § 43; S. Alph. App. de prohib. libr. cp. 1; cf. Benger, Pastoraltheologie (2 Ed.), Vol. II. § 129, n. 7, p. 53 ff.; Clement XIII, Encycl. 1766; Pius IX, "Qui Pluribus," 20 Nov., 1846; many pastorals of bishops.

Books *ex professo* obscene are certainly dangerous, for they excite violent temptations, and they are still worse when, as is often the case, they are illustrated with obscene pictures. Reading such is strictly forbidden by the seventh rule of the Index.

The *libri erotici* (*de amoribus agentes*), for instance many comedies, tragedies, dramas, novels, and romances, are sources of relative danger; the reading of them is, in many respects, injurious, especially to young people.

Bad newspapers and periodicals must be classified in the same way as books, and what has been said above concerning the reading of bad books holds good as to newspapers and periodicals. If they are written *ex professo* against faith and morals, they are even more dangerous than such books.

Accordingly, the confessor is bound: (1) when there is ground for suspicion that the penitent has sinned by such reading and has been silent about it, to ask him on the matter; omitting to do so would be very injurious to the penitent, as it would be leaving him in great danger, and if he had purposely concealed it, he would have confessed sacrilegiously.

The confessor is bound (2) to admonish penitents who have read bad books, etc., to refrain entirely from such reading, to buy no more books, etc., of the kind, not to borrow them, nor in future to have them in their possession. He must especially instruct parents and superiors on this head, and incite them to watchfulness. He is bound (3) to refuse absolution to those who will not refrain from such reading.[867] (4) To prescribe for the penitent who reads infidel writings *ex necessitate* suitable safeguards in order that the poison may not injure him, such remedies as reading good books and newspapers, praying for the preservation of faith, frequent reception of the Sacraments, etc. (5) To do his best to keep young people from novel reading.[868]

867 Cf. Propos. 61 damn. ab Innoc. XI.

868 Cf. S. Alph. Lib. III. n. 429.

The confessor must, to the best of his ability, endeavor to prevent the reading of so-called "liberal" books, newspapers, and periodicals, which are, indeed, bad, though not, *ex professo*, godless or obscene; especially (*a*) when the penitent is conscious of his duty to refrain from such reading, or is in doubt about it; (*b*) when, although not aware of this duty, good results are to be expected from exhortation; and (*c*) when the confessor perceives that such reading is beginning to harm the penitent. On the other hand, the confessor must be silent concerning the duty of avoiding such reading (*a*) when the penitent is *invincibiliter* ignorant of this duty; (*b*) when the confessor could not hope that his admonition would be acted upon, or when, on the contrary, he would have to fear still greater evils; but he must then inspire his penitent with distrust of these newspapers, etc., and endeavor by exhortation and request to wean him from such dangerous reading.[869] A man of business might be permitted to keep and to read bad newspapers on account of the advertisements, when such advertisements are not to be found (or not so fully) in a good paper, but he must be admonished to subscribe for this end only, and not to leave the newspaper about for others, especially children, to read. It is not allowed to inn-keepers to have bad newspapers in their establishments in order to attract customers by such reading, for that would be an *actio ex se ordinata ad malum*. Under the heading of "bad newspapers" are not included those producing here and there incorrect judgments upon religion.[870]

869 Cf. Aertnys, l. c. n. 331, Q. II.

870 Cf. Aertnys, l. c. n. 330, Q. II; Gury, Tom. I. n. 256; Varceno, Theol. Mor. Tract. 8, cp. 2, art. 3; Berardi, Praxis Conf. nn. 66 et 240; Müller, Theol. Mor. Lib. II. § 36, n. 6.

V. *Intimacies* (*procationes*).[871]

871 By "intimacies" is here understood friendly intercourse established between two persons of different sex.

1. If this intimacy is begun with a view to matrimony it is not, *de se*, forbidden, for none is bound to marry a person who is unknown to him; he may, during a certain time, study the character and morals of the person by means of lawful intimacy.[872]

872 S. Alph. Prax. Conf. n. 65. Cf. Roncaglia, in S. Alph. *ibid.*; Gousset, Moraltheologie, II. n. 566.

But such intimacies, *in praxi*, very easily become an *occasio proxima* of grave sin amongst young people and those who have not much conscience, especially when greater familiarity and freedom of intercourse sets in, and the time of marriage approaches.[873] That an intimacy may not degenerate into an *occasio proxima*, or, having become such, may cease to be so, the following rules must be observed: Only such as wish, and are able, to contract marriage within a reasonable time (*tempus rationabile*) should be allowed this kind of intimacy. They must, therefore, be of proper age, so that the intimacy may not be too much prolonged; there must be no impediment in the way of their marriage, that is, they must possess the necessary liberty, being free from bondage of any kind; the parents must not (from just motives) be opposed to their child's marriage, or to marriage with the particular person in question. Moreover, there must be a firm intention of marrying. This intention may be presumed to be wanting in the case of a rich young man who enters into such relationship with a poor girl, or one who, at the very outset of the acquaintance, induces her to sin, or neglects the necessary precautions, or who, at the expiration of a suitable time, shows no disposition whatever to contract marriage, etc. How long such intimacy may last (*rationabile tempus*) cannot be determined by hard and fast rules applicable to all cases; it must be left to the intelligent discretion of

the persons in question; half a year, or a whole year, may generally be regarded as not too long. Let the confessor, therefore, take care that the intimacy is not prolonged for years with danger of sin, and if it has already lasted too long, let him provide that it should either be broken off, or interrupted for a time, or that marriage should take place as soon as possible.

873 Cf. S. Alph. Prax. Conf. n. 65; S. Leonard a Port-Maur. Disc. mist. nn. 23, 24.

2. In order that the intimacy may proceed honorably, the persons must adopt suitable measures of precaution. Those therefore, between whom such intimacy exists, *must not live in the same house*; they must, as soon as possible, obtain the consent of the parents or their representatives, for if they frequently meet without the knowledge, or against the will of their parents, they will do it secretly, and in this lies a great danger. If the parents are opposed to the marriage without just reason, the confessor must suggest some other means for their honorable intercourse. They must not associate solus cum sola, especially secretly in retired places at night time—"*id quippe, si non fortuito sed consulto fiat, nonnisi ex fine libidinis aut cum summo periculo libidinis fiet*," remarks Aertnys,[874] and Ballerini[875] says: "Those especially who have care of the persons in question must pay attention to this. Parents, and particularly mothers, must be very earnestly appealed to, and their strict duty of watchfulness and care most forcibly insisted upon. And in this they must be influenced not only by conscience, but by the fear that the daughters '*semel corruptæ in paterna domo dehonestatæ consenescant*.'" Moreover, their visits must not be too frequent nor too long; and if they should be alone, they must not offend against the rules of morality, but conduct themselves honorably in every respect; and, lastly, they must procure for themselves the necessary graces in this dangerous time by prayer and the reception of the Sacraments.[876]

874 Theol. Mor. l. c. Append. P. III. n. 340.

875 Notæ ad Gury, Tom. I. n. 413.

876 Cf. S. Alph. Praxis Conf. n. 65; S. Leonard, Disc. mist. n. 23 s.; Berardi, l. c. nn. 233-238; Konings, l. c. n. 1453; Aertnys, l. c.

3. Still greater prudence is necessary after engagement, as the danger of sin becomes greater, *cum sponsus respiciat sponsam tanquam suam, magna familiaritas sit quasi inevitabilis, imaginatio copulæ conjugalis brevi secuturæ libidinem commoveat et timor prægnationis evanescat*, etc.[877] Therefore, let the confessor, to the best of his ability, bring about that the time of betrothal may not be deferred too long.[878]

877 Cf. S. Alph. Praxis Conf. n. 204; H. Ap. Append. IV. n. 6; Benedict XIV, Inst. 46, nn. 17, 21; Sporer, De Matrim. n. 429.

878 S. Alph. H. Ap. Tr. 7, n. 32; Praxis Conf. n. 52.

4. If they have fallen into sin *ob causam amoris*, the intimacy assumes the character of an *occasio proxima*, and it must be dealt with according to the principles applicable to it.[879] They must, therefore, *break off* the intimacy if they can, without great detriment, forego the intended marriage, and wait for the occasion of contracting another, or they must set their relations with each other on a *better footing* if they cannot forego the marriage without sin and without great detriment.

879 S. Alph. Praxis Conf. n. 65; S. Leon. Disc. mist. n. 24.

It results from the foregoing that all "intimacies" are to be regarded as sinful and as *occasiones proximæ*, which: (1) are entered upon without any intention of marriage, but only for the sake of pleasure, sensuality, and sin; (2) which are begun without hope of speedy marriage,[880] or (3) in spite of the justifiable opposition of parents, (4) which are secretly carried on,[881] and (5) which exist between persons who live in the same house. Persons who maintain such relations, and will not break them off, or refuse to amend, may not be absolved. Even if it happens that they do not at first sin grievously, they will not, later on, remain free from sin. And if they maintain that they have done nothing wrong, the confessor must not at once trust their assurances, but instruct them in their duty with the necessary circumspection and prudence.[882] "We admonish all confessors," writes Gaume, "not to absolve those who are carrying on love affairs, when such things are for them gravely sinful, when after three warnings from their own or other confessors (concerning which penitents are always to be questioned) they have not really amended. They must be given plainly to understand that, until they have really amended, they cannot expect absolution from their own confessors, nor claim it from others."[883]

880 Therefore, *quando fiunt inter eos, qui sunt disparis conditionis propter scandalum et periculum mortaliter peccandi; si fiant cum illis, cum quibus impossible est contrahi matrimonium, ut sunt uxorati, claustrales et in sacris ordinibus constituti ... si fiat in ecclesia, tum propter irreverentiam, tum propter periculum audiendi sacrum sine debita attentione, tum etiam propter scandalum; si adsit præceptum patris vel matris aut tutoris rationabiliter prohibens talem amorem*.

881 *Quando clam fiunt et occulte, tempore nocturno, si eo modo fiat, ut ex se involvat periculum proximum osculorum, tactuum, etc., etiam si aliunde ille amor esset licite exercitus, quia est inter solutos et causa matrimonii ... si amator animadvertat, complicem amoris esse graviter tentatum vel alterum urgere verbis turpibus vel alio modo ad inhonesta etc., etiamsi alter complex nihil tentetur et nullam sentiat inclinationem ad peccandum; denique universaliter loquendo, quotiescunque ob causam amoris amator vel amatrix frequenter labitur in aliquam gravem noxam; tunc amor induit rationem occasionis proximæ mali et est omnino illicitus.*—From the decree of Cardinal Pico de Mirandola. Cf. Gaume, l. c.

882 Cf. S. Alph. Prax. Conf. n. 65; Aertnys, l. c.; Gousset, Moraltheologie, II. n. 567.

883 Handbook for Confessors, chap. III. art. 5, n. 328.

Article II. Habitual and Relapsing Sinners

67. Definition and Treatment of Habitual Sinners

An habitual sinner is one who, in consequence of a disposition or tendency which he has acquired by oft-repeated sinful acts of a definite kind,—such as blasphemy, cursing, perjury, impurity,—frequently falls into that sin.[884]

884 See Ballerini's Discussion of the definition of St. Alphonsus (Lib. VI. n. 453) and Gury's (l. c. n. 632) in his Op. Theol. Mor. l. c. cp. 1, n. 214; on the other hand, Aertnys, l. c. Append. P. II. cp. 1, n. 310.

How many acts suffice to constitute a sinful habit (*habitus seu consuetudo*) depends upon the nature of the sin which has been often committed and upon the manner in which it is committed, for instance, by thought, word, or action; also upon the difficulty or ease with which the sin is committed—so that the more easily a sin is committed the more acts are required to constitute a habit. Sins of thought and speech are more easily committed than sins of act, those which are incomplete than those which are completed; and in completed acts, those which are committed alone are more easily committed than those which have an accomplice. Moreover, we must take into consideration the length of time which elapses between the separate sinful acts of the same kind, as also the disposition and temperament of the person, and the greater or less intentness of the will in committing the sin.

Thus, according to the words of St. Alphonsus, the repetition of an external sin five times in a month, if between the separate acts there is any interval, may produce a habit. In sins of *luxuria consummata*, with a *complex*, for instance, *fornicatio*, *sodomia*, a much smaller number of repetitions of the same sin are enough to constitute a habit of this sin. A much greater number is necessary in sins of speech and thought. He must undoubtedly be regarded as an habitual sinner, who, during a considerable time, has not resisted but yielded to temptation of a definite kind. "However, when the administration or postponement of absolution is in question," remarks Lehmkuhl, "it does not so very much depend upon the more or less accurate definition of a habit," seeing that there is no reason for excluding a penitent from absolution on account of a sinful habit if he has a real wish to resist it or lay it aside.[885] Nevertheless, this habit—like the occasion of sin—often excites a *suspicion that the penitent is not disposed* and inspires apprehensions of relapse. The confessor must, therefore, be cautious in administering absolution.

885 Lehmkuhl, l. c. n. 490.

As a rule, the habitual sinner who is not in immediate occasion of sin, must receive absolution if there is reason to believe that he has the necessary dispositions. In this case absolution is to be given when there has been no previous improvement, but the penitent must faithfully promise to adopt the measures prescribed for his amendment.

In the case of such a penitent we must not presume at once that he intends to receive the holy Sacrament in bad dispositions; we may infer from the fact of his confessing his sins that he is disposed, as spontaneous confession is a sign of repentance, unless there is positive ground to presume the contrary. Nor may we say that the sinful habit is a sign of indisposition, for although the sinful *habitus* may make the sinner more inclined to sin, it does not justify the supposition that he has no firm wish to amend.[886]

886 S. Alph. l. c. Lib. VI. n. 459.

But if (1) the habit is already *deeply rooted* (as it generally is with those who are habitual sinners *ex mala voluntate*, and always with those who have been addicted to any vice—especially that of lust—for a long time), the confessor could defer absolution for a short time, in accordance with the principles guiding such postponement, unless some other circumstance demands the immediate administration of absolution; this he could do, both in order to learn how the penitent applies the prescribed means of amendment, as also that the penitent himself may conceive a greater horror of sin.[887]

887 S. Alph. H. Ap. Tr. ult. n. 8.

(2) If the habitual sinner (*in peccato mortali habituatus*) is a cleric who will soon receive Holy Orders, absolution must also be postponed; for *positive* goodness is necessary in such a penitent. An habitual sinner who *refuses* to confess *several* times in the year, cannot, *per se*, be refused absolution on that account; for, on the one hand, there is no command to confess several times in the year, and, on the other hand, there are other means which could be prescribed for uprooting the habit and which are very suitable and efficacious for that purpose. A different course, however, would have to be taken if the other remedies were inefficacious; for many penitents can only find a suitable remedy in frequent confession. Hence Toletus says very justly (in speaking of those who habitually practice pollution), "I believe that there is scarcely any other efficacious remedy for these than frequent confession, as this Sacrament is the strongest curb."[888] And still more clearly and decisively does St. Alphonsus express himself,[889] saying, "He to whom a grave sin, especially pollution, has become a habit, and who does not frequently confess, may expect amendment only through a miracle."

888 Instr. sacerd. Lib. V. c. 13, n. 6.

889 Lib. VI. n. 464.

68. Relapse, and the Treatment of Relapsing Sinners

Relapse into sin signifies literally the repeated commission of a sin already confessed. In the theological sense, those are called relapsing sinners, who, after several confessions, fall into the same sins again. From this it results that a relapsing sinner is also an habitual sinner, but not every habitual sinner is a relapsing sinner.[890]

890 St. Alphonsus distinguishes between *formal* relapsing sinners and *material*. A *formal* relapsing sinner is one who, having been instructed and having promised amendment, has returned to his former sin in the same, or nearly the same way, and with the same ease; that is, without having endeavored to amend, and without having adopted any one of the prescribed remedies. A *material* relapsing sinner is one who was never seriously admonished, or who, in spite of efforts toward improvement, and in consequence of inconstancy of will, has again fallen into the sins already confessed. H. Ap. Tr. ult. n. 9 (cf. Vind. Alph. P. VI. cp. 1, Tom. II. p. 276). In a word, a relapsing sinner is one who has contracted a sinful habit, and, after confession, has fallen into the same sin. S. Alph. Lib. VI. n. 457. Cf. Aertnys, l. c. n. 310; Ballerini, Notæ ad Gury, II. n. 632; Op. Theol. Mor. l. c.; Lugo, De Pœnit. Disp. 14, n. 166; Salmant. Tr. 17, cp. II. n. 167. According to the concurrent teaching of theologians, the following elements are included in the idea of relapse in the theological sense: (1) *frequens relapsus post plures confessiones*; (2) *relapsus in eadem* (*specie*) *peccata*; (3) *defectus omnis, etiam inchoatæ, emendationis*. (Suarez, Tr. V. Lib. III. c. 8, n. 7.)

In order that a confessor may arrive at a correct judgment concerning a penitent who seems to be a relapsing sinner, he must investigate: (1) if the sinful habit already exists; (2) if the penitent has already been admonished by another confessor, and if he has known the means of amendment; (3) if he has applied them and how; (4) how often, and under what circumstances he has relapsed, if as often, or more often, or less often, than before; if immediately, or almost immediately, after the confession, if in severe temptation, or after long resistance, and when he sinned last. From the answers he receives to these questions he will recognize if he has to deal with a relapsing sinner, and, at the same time, if the relapse is a sign of want of proper dispositions. The relapsing sinner in the specified theological sense is not to be confounded with one who relapses into a *single sin* without habit, or into an *occasio peccati*, that is, one who has not kept a promise to give up an occasion of sin, has not removed the occasion, or has again sought it (§ 64, III), whether he now has a habit of sinning or not. Here we are only considering the *recidivi consuetudinarii*; those, therefore, who have relapsed into the habit of sin, either from internal weakness, or in consequence of external occasion.

Another distinction between relapsing sinners is not to be overlooked: those who sin only in consequence of the force of passion, or of weakness, in such sort that their will is generally opposed to sin, and, therefore, when the storm of passion is over, immediately regret having committed the sin, as it generally happens with blasphemies, curses, and often with pollution,—these are *incontinentes seu habituati in peccato tantum*; whilst those who sin in consequence of an habitual attachment to sin, or from malice, and therefore without the preceding violent impulse of passion,—these are the *intemperati seu habituati in voluntate peccandi* who are not so easily led to contrition.

The following principles are to be observed in absolving relapsing sinners:—

I. The confessor must carefully examine the actual dispositions of a relapsing sinner who has already been instructed and admonished sufficiently, and who again returns, burdened with the same sinful habit, without having made any attempt at amendment, or applied any of the remedies prescribed for him by the confessor. Relapse under the specified circumstances is, of course, no *direct* argument

against the actual disposition of the sinner, though it is a direct argument against the sorrow and purpose of amendment of preceding confessions. He who is *truly* sorry, and firmly purposes to avoid a sin, will refrain from it at least for a time, and will not allow himself to be overcome in the very first struggle with the enemy. It is, as Lehmkuhl rightly says, legitimate to draw an indirect conclusion against the actual disposition if the penitent gives only the same signs of sorrow as before.[891] His disposition is, therefore, doubtful, and he must give better proofs of it, although no definite rule can be laid down as to how, and to what extent, this proof must be forthcoming.[892]

891 Lehmkuhl, l. c. n. 491.

892 Cf. Aertnys, l. c. n. 313; Lehmkuhl, l. c. n. 493. St. Alphonsus teaches that such penitents can only be absolved when, by extraordinary signs, they have removed the prejudice against their actual disposition (as we have learnt above, § 50); and the holy Doctor, whom many later theologians follow, represents this teaching as *sententia communis*. Lib. VI. nn. 459 and 505; Prax. Conf. n. 20 in fine. But Ballerini questions this, remarking that even of the authors cited by St. Alphonsus not all held this opinion. Cf. Ballerini, Opus Theol. Mor. l. c. nn. 232-313; Notæ ad Gury, II. n. 636. Only the theologians of Salamanca teach, indeed, that these extraordinary signs are a help in forming a judgment as to the penitent's preparation, or that, when they are present, postponement is not to be resorted to, while they recommend this remedy as occasionally profitable and beneficial in uprooting the evil habit. Moreover, they always teach that to the habitual sinner the general rule of the Roman Catechism may be applied: "When (the priest), after hearing the confession, judges that neither diligence in the confession of the sins nor sorrow in their detestation has been wholly wanting in the penitent, he can absolve him," without limiting (as does St. Alphonsus, n. 459) these and similar expressions to the habitual sinner who confesses the sinful habit for the first time. The confessor need not be convinced, they add, that the penitent will keep his resolution, if only he believes that the latter is, at the time, really and firmly resolved to amend. But if they sometimes maintain that habitual sinners cannot be absolved, it is clear from the context (Ballerini continues) either that only those are meant who are quite certainly unworthy and not disposed, or that they prescribe this in order to avoid scandal. Ballerini remarks further that relapse does not show positively that the purpose of amendment in former confessions was not sufficiently efficacious; the human will is liable to alteration; still less can want of sorrow and purpose of amendment in the actual confession be inferred (at least directly). Cf. Gury, Edit. Ratisb. V. 1874. According to Ballerini, the controversy turns upon the question, When has the confessor obtained a *judicium prudens seu probabile* concerning the disposition of the relapsing penitent? and declares (after emphatically rejecting the teaching of St. Alphonsus, who finds this *judicium* in the *signis extraordinariis*), that there are two things indicating the actual disposition of the penitent: *modus confessionis et confessio seu testimonium pœnitentis*. As to the *signa extraordinaria*—after having characterized most of them as deceptive and untrustworthy, and only admitting a few as partly or wholly conducive to a better knowledge of the disposition of the penitent, Ballerini observes: "*Hisce indiciis utique utendum esse at neque iis insistendum adeo esse, ut alia, quæ insita sunt ipsius sacramenti naturæ, negligantur neque propter eorum defectum debere Confessarium desperare de cognoscenda pœnitentis dispositione ac multo minus certum de defectu dispositionis inde judicium ferre.*" Cf. n. 310. It is not to be denied that the relapsing habitual sinner *can* be truly repentant and firmly resolved in the actual confession; the confessor must also believe the penitent, whether he speaks in his own favor or against himself. But, on the other hand, it is not to be denied that the penitent has shaken belief in his declaration as to his repentance and resolution, by not amending at all and by not adopting remedies; that he is, therefore, to be regarded as a *dubie dispositus*. Finally, the confessor must provide for the reverence due to the Sacrament and for the salvation of the penitent, and therefore must not straightway content himself with the latter's assertion that he is sorry, etc. According to Gury (Ratisb. edit.) the teaching of St. Alphonsus may, without difficulty, be reconciled with the general view of the older theologians. For the signs which he calls extraordinary are not supposed to be different from those which others call regular and usual. From all this it is plainly evident that St. Alphonsus and the later theologians do not demand anything more than what the older theologians demanded; namely, *sufficient signs of true repentance*; sufficient, also, making allowance for the circumstances. Gury, II. Edit. Ratisb. n. 640. Appendix. De dilatione absolut., etc.

If, however, the confessor can form a *probabile et prudens judicium* concerning the actual disposition of the relapsing penitent, he may absolve him even if he has often relapsed, unless perhaps the duty of

giving up an occasion or making a restitution has to be previously fulfilled. For even if the contrition of the penitent is only *momentary*, not *persistent*, it is yet *true* contrition. Because this contrition is not persistent, it is not sufficient with respect to its final operation,—namely, the attainment of eternal salvation; but because it is true sorrow it is sufficient with respect to its immediate effect, namely, that of procuring for the penitent absolution. As absolution conveys sacramental grace, it increases the strength of the penitent, enabling him to persevere; moreover, it remits mortal sin, so that if the penitent died before he relapsed, he would be saved, and if he died after relapse, *in statu impœnitentiæ*, he would be at least less guilty in God's sight, as his former sins would have been effaced by absolution. Moreover, a sinner of this kind—accustomed to the reception of the Sacraments, frequently instructed by his confessor, and admonished concerning the danger of dying in mortal sin, the punishments of hell and their eternal duration, the divine mercy and goodness, and the frequent eliciting of sorrow and firm purpose—will, in the hour of death, if no priest can help him, be more easily able to save himself from eternal damnation by an act of perfect contrition. Hence the confessor must be careful to exercise, with relapsing sinners, that great prudence spoken of in the Roman Catechism, lest, having been accustomed to receive the Sacraments, they be debarred from them by refusal of absolution, or by imprudent postponement, to the great danger of their eternal salvation.[893]

893 Cf. Bucceroni, Comment. III. De absolut. danda, etc., § 5, De absol. consuetud, et recidiv. This author points out, in his excellent treatise, that this is the teaching of the great theologians, Lugo and Suarez, and the practice of the saints.

But if, as remarked above, the duty of abandoning some occasion of sin or of making restitution, etc., be incumbent on the penitent, it may be made a rule, for the first time, to put off absolution till he has performed this duty, if it is easier for him to come to confession again than to perform it; and this procedure will be still more in place if the penitent had already once failed to keep his promise; indeed, in this latter case, the penitent should only rarely be trusted before he has really accomplished his duty. He may occasionally and by the way of exception be trusted if, for instance, he shows special signs of a firmer resolution, and if, on the other hand, it would be very difficult for him to come again—having, perhaps, made a long journey, or for some other similar reason.

II. Relapsing sinners whom the confessor sees to be insufficiently disposed must, to the best of his ability, be helped to a proper state of mind by his fatherly and zealous admonitions. He should not, therefore, dismiss such penitents by at once postponing absolution, still less by a prompt refusal of it. He should rather put before them the hideousness of sin, the value of divine grace, and the danger of eternal damnation.[894] Such admonition will, if imparted in the proper manner, have the desired effect, at least if the sinner is not too much addicted to sin.[895]

894 Cf. S. Alph. l. c. n. 608; Const. Leonis XII, "Charitate Christi," 25 Dec., 1825.

895 Cf. Ballerini, Opus Theol. Mor. l. c. n. 311.

If the penitent should respond to these exhortations of the confessor with some *unusual* utterance, such as: "Now I see the greatness of my misfortune," "Give me a severe penance," "This time I am very sorry for my sins," the confessor may hope that success has attended them. On the other hand, he would have to fear that he had labored in vain if the penitent should answer nothing more than that he is sorry, that he wished to avoid sin, or if to the confessor's questions he only gave cold and

indifferent answers. But here also the character and education of the penitent are to be considered, and there is room for deception.[896]

896 Berardi, l. c. n. 116. Cf. S. Alph. l. c. n. 460.

III. If, in spite of the exhortation, the penitent remains indisposed, the confessor must postpone absolution till he has received satisfactory proof of amendment. This he must do as judge in order to preserve the Sacrament from nullity, and also as physician in order to move the penitent to an effectual amendment.

If the confessor finds himself obliged to postpone absolution, he must inform the penitent of it in the gentlest manner, for the good physician endeavors to make bitter medicine taste pleasant.[897] If, however, there is a solid reason, absolution may be given to a doubtfully disposed relapsing sinner *sub conditione*. For if more harm than benefit is to be anticipated from the postponement, the salvation of the penitent demands, as St. Alphonsus says,[898] that the Sacrament be exposed even to the risk of nullity.

897 S. Alph. Lib. VI. n. 459; Praxis Conf. n. 5; Leo XII, Const. citat.; Ballerini, Opus Theol. Mor. n. 313 ss. Compare § 52, Postponement of absolution.

898 L. c. nn. 431, 28.

The confessor may act in accordance with the above principles in the following cases:—

1. In danger of death, that the penitent may not be lost.

2. On account of imperfect use of reason, when the penitent is weak in mind, or is a child not yet arrived at an adequate use of reason, and has relapsed into doubtfully grave sins; for such penitents require absolution in order not to remain in a state of mortal sin, and on the other hand postponement would have no effect with them.

3. When the confessor fears that the penitent will not return. This is much to be dreaded by reason of the weak faith of many people and their scanty zeal for the welfare of their souls.

4. On account of the urgency of contracting a marriage on the same or the following day, or of receiving holy communion, in order to avoid great scandal; and even if a doubtfully disposed person ought not to communicate, prudence will often suggest to the confessor not to inform him of this.

5. On account of the difficulty of going to confession again, that is, if the penitent would not be able to confess again for a long time, as a prolonged postponement of absolution would remain without fruit, and leave the penitent during that time in a state of mortal sin. This reason, however, does not suffice in the case of relapsing sinners who have neglected to make restitution, to terminate an enmity, or to give up some occasion of sin.[899]

899 S. Alph. l. c. n. 432. Cf. Berardi, De recidivis, etc., n. 119 ss.

IV. Relapsing sinners, as to whose dispositions the confessor has satisfied himself, may be, *toties quoties*, absolved, inasmuch as he is judge.

It is to be remarked, however, that (*a*) a relapsing sinner who returns for the first time can be more easily absolved than if he comes a second and a third time to confession after having relapsed. The more numerous the relapses after confession, the stronger is the presumption against dispositions. (*b*) If some external occasion is the cause of this relapse, the confessor must the more seriously consider if it would not be better to postpone absolution, in order to test the sincerity of one who has so often broken his promise to remove or abandon this occasion; and he must not give credit to mere promises, or even to tears. For the obligation is rather to remove an external occasion of sin than to reduce it to a remote occasion, because experience proves abundantly that this latter course is very difficult, and it is in many cases easier to abandon the occasion.[900]

900 Cf. Lehmkuhl, l. c. n. 494.

If, however, the relapse is the result of internal weakness, and the penitent does not seem sufficiently disposed for the reception of absolution, the confessor should employ all his zeal and charity in preparing him for absolution. For the grace of the holy Sacraments is very necessary to such penitents, and postponement of absolution would not be helpful in their case. These are the penitents who yield to violent temptations, or the stress of passion, in consequence of internal weakness (we have designated them above *recidivi incontinentes*). Nevertheless, there may be cases in this class of penitents also, in which severity is to be used, or in which holy communion at least must be forbidden, when it is evident, or to be presumed, from the frequent relapses accompanying the frequent reception of the Sacraments, that detestation of sin and firm resolution have been or are wanting. But if it is to be presumed that the relapse takes place rather in consequence of the Sacraments being seldom received, the penitent must be encouraged to more frequent reception.[901]

901 Cf. § 52, IV.

V. Even if the relapsing sinner could absolutely be absolved, the confessor may sometimes postpone absolution for a short time as a remedy, if he believes that such postponement is necessary, or will be useful. For, of two suitable remedies, the physician must choose that one from which the better effect may be expected. Now it is universally admitted and proved by experience that an occasional postponement of absolution for a short time contributes much to the improvement of the habitual sinner by increasing his detestation of sin and exciting his zeal in the work of amendment. But great prudence is demanded in venturing upon this experiment, especially in our times, when difficulty of any kind induces weak people to absent themselves from the holy Sacraments.[902]

902 Cf. S. Alph. n. 459; cf. 432.

The postponement of absolution in the case of a sufficiently disposed relapsing sinner without his consent is certainly not allowable, if it either failed to benefit his soul, or if it were to bring disgrace, or even the danger of it, to his reputation. Except in these two cases, postponement of absolution is left to the discretion of the confessor. St. Alphonsus[903] distinguishes here between those who relapse in consequence of *internal weakness*, and those who relapse on account of an *occasion*,[904] and teaches that postponement is seldom beneficial with the first class; for here a better result is to be anticipated from the graces of the Sacrament than from postponement. For those especially who relapse into the sin of pollution there is no more efficacious means of amendment than frequent confession; indeed, without this, improvement is scarcely to be hoped for. But an opportune threat of deferring absolution will always prove beneficial. With sinners of the second class postponement is useful because the external occasion is a stronger incitement to sin, and a more powerful remedy must be

opposed to a more powerful agency of seduction; moreover, the removal of the occasion is more under the control of the will than the uprooting of a sinful habit. With relapsing sinners of the first class a postponement of from eight to ten days generally suffices; from two to three weeks would be the longest period during which absolution should be deferred. With those of the second class a postponement of ten to fifteen days will generally not suffice, but the experience obtained within the space of a month will always be sufficient. The postponement should not extend over a month, if the penitent cannot come under the influence of the occasion during the course of this time, because delay under the circumstances would be useless.

903 L. c. nn. 463, 464; Praxis Conf. nn. 76, 77.

904 See above, IV.

69. Relapsing Sinners requiring Special Care

There are two classes of relapsing sinners to whom the confessor must devote special care: those who are *despondent*, and those who are always relapsing into the sin of pollution.

I. As to the first, he must endeavor to find out the cause of their despondency. If this proceeds (1) from the strength of the sinful habit, the confessor must take care not to excite fear in one whose will is good but who makes little progress; on the contrary, he must praise him even if he sees only a slight improvement, and inspire him with hope of finally achieving complete amendment with the help of divine grace. Courage, hope of victory, and perseverance are necessary to such a penitent. If he falls a hundred times, he must rise a hundred times and renew the struggle; victory will not fail him who perseveres. But if (2) an effeminate disposition accompanies these relapses, the confessor must stimulate the penitent. He must teach him that everything is possible to us with the help of divine grace, if we earnestly *will and wish* to succeed; for so St. Augustine encouraged himself in his struggle against the flesh. "When," he writes,[905] "the rooted habit said: Do you think you can live without these things? Hope spoke encouragingly: Can you not do what these young men and women do? And are they able to do it of their own strength, and not in the Lord, their God?" The confessor should urge the penitent, not in temptation only, but in all his doings, to act bravely and manfully; he should seek to divert him from everything that enervates the mind. If the despondency has its origin in carelessness, let the confessor point to the terrible punishments of sin and endeavor thus to arouse salutary fear.[906]

905 Confess. Lib. VIII. cp. 11.

906 Reuter, Neo-Confess. n. 181; cf. Aertnys, l. c. n. 314, Q. 8.

II. Pollution is a truly murderous vice, and, according to the testimony of all confessors and physicians, appallingly prevalent. Its consequences are as ruinous as its cure is difficult.

If the confessor purposes to terrify unhappy penitents by depicting the dreadful consequences of this vice, let him proceed with caution, for not all who are addicted to it experience them in full measure, and those who do not would give him the lie. Some of these consequences are: nervous prostration, consumption, epilepsy, spinal diseases; excess saps physical vigor, dulls the understanding, impairs the memory, and hastens death. Depression of spirits is also a characteristic of such people, a result partly of nervous exhaustion and partly of remorse. Rarely, indeed, is the conversion of such a man effected without the higher motives of religion. That he must be treated with extreme prudence is evident. Earnest but loving admonition instilling moral strength will soonest attain to the desired end. The origin of the evil and the causes which form the occasions of the individual sins (which must be investigated) will suggest appropriate precautions.[907]

907 Compare Capellmann, Pastoral Medicine, B. The sixth commandment I.

Here are some rules for the confessor of such penitents:—

1. Let him excite in them a great longing to be freed from the vice, and inspire them with courage for the struggle and hope of ultimate victory; otherwise his remedies will be fruitless. To this end, let him point out the danger of eternal damnation; for the more the sins accumulate the

more difficult salvation becomes, and the stronger the habit the weaker the will. To inspire courage let the priest reawaken in him a feeling and sense of his dignity as a man and a Christian, which is outraged by this vice.

2. The penitent must shun all dangerous occasions, avoid idleness and solitude; take no part in improper amusements, theaters, and dancing, as they excite impure fancies and enfeeble the mind.

3. Further remedies are: frequent prayer—especially the "Hail Mary" in honor of the most pure Virgin, each time renewing before her picture the resolution to sin no more. Meditation on the eternal truths will always prove very efficacious.

4. When temptation arises the penitent should turn away his mind from it at once; and if it persists, confidently pray, pronouncing the names of Jesus and Mary. He may also reflect upon the sufferings of Our Savior, on the eternal flames of hell, the presence of God. Very useful also is a fervent act of love, accompanied by a resolution rather to die than to sin.

5. One of the surest remedies is, undoubtedly, marriage—as the Apostle also teaches (1 Cor. vii. 2, 9). Add to these other natural remedies in support of the supernatural ones, such as: moderation in eating and drinking—especially abstinence from wine and stimulating food in the evening; moderation in sleep; physical exercise; early rising; at night, prayer till sleep sets in.

But in order that the confessor may select suitable remedies, he must know the physical constitution of the penitent and the circumstances of his sins; namely, when, where, and under what conditions he generally sins. The confessor should not omit to prescribe or recommend such of the above-mentioned remedies as are adapted to the penitent.[908]

908 Cf. S. Alph. Lib. III. n. 209, Lib. V. n. 8, Lib. VI. nn. 464, 75; Prax. Conf. n. 6, nn. 16, 124; Segneri, Instr. Conf. cp. 12; S. Leonard a Port-Maur. Discors. mist. n. 19; Aertnys, l. c. n. 314, Q. 7.

III. From the rule given above, according to which relapsing habitual sinners can be absolved when they are sufficiently disposed, clerics, who wish to receive Holy Orders immediately after absolution, form an exception. They may not, as a rule, be absolved till satisfactory proof be given of their self-restraint. Such a penitent must first have laid aside his bad habit during a considerable time, at least during several months. For a sacred minister would be unworthy to assist at the altar if he did not possess the virtue of confirmed purity, seeing that the higher Orders demand perfection in those who enter them, both on account of the sacredness of the duties connected with the Orders, as also on account of the good example which they are bound to give to the faithful. "As those," says St. Thomas, "who receive Orders, are, by virtue of their dignity, placed above the people, so must they be conspicuous also by the merit of holiness."[909] And in another place he enforces this still more, saying: "As the minister is by his ordination set apart for the highest office, in which he serves Christ Himself in the Sacrament of the Altar, a greater interior holiness is demanded for this than even the religious state requires."[910] Therefore, it by no means suffices for the worthy reception of Holy Orders to be in a state of grace; *positive* and *habitual* holiness is required. St. Alphonsus establishes

this abundantly from Holy Writ, from the definitions of the Church, and from the teaching of the holy Fathers.

909 Suppl. Q. 35, a. 1, ad 3.

910 II. II. Q. 184, a. 8.

If, therefore, a cleric sincerely promises that he will not receive Holy Orders while addicted to such bad habit, he may be absolved; still it would be preferable, if no obstacle presented itself, to postpone absolution for a time. If, however, he should persist in his purpose of receiving Holy Orders, he would thereby make himself unworthy of both Sacraments. An exception is to be made in the case of a person favored by God with such extraordinary compunction that he is quite transformed by it and delivered from the old weakness,—such a one the confessor *can* absolve and admit without any further probation to Holy Orders. But in this case also the confessor should endeavor by every means to induce the penitent to postpone the reception of Holy Orders, so that he may better purify himself from the bad habit and carry out the resolutions he has made. Indeed, if the penitent will not postpone the reception of Holy Orders, the confessor, as physician, may, for this purpose and for his spiritual profit, delay absolution so as to force the former to put off his ordination. This applies when no danger of disgrace arises from such postponement, for, otherwise, the penitent who gives signs of *extraordinary* sorrow is entitled to immediate absolution. "*Ceterum Confessarii debent esse difficiles, quantum fieri potest, in absolvendis hujusmodi ordinandis, qui postmodum ordinarie pessimi evadunt presbyteri et sic populis et Ecclesiæ perniciem magnam afferunt.*"

The above holds good not only with respect to the *vitium luxuriæ*, but also with regard to any other vice.

A confessor administering absolution according to the above principles provides for the interests of the Church, as well as for those of the faithful and for those of the persons to be ordained.[911] If it is objected that the person to be ordained would be brought into evil repute by such proceeding, it may be answered, in denial of this, that ordination may be postponed for many reasons and that pious youths not infrequently desire such postponement. And if the consequences stated in the objection were really to supervene, the evils resulting from hasty ordination are by far more fatal. Nor is the want of priests, which prevails nearly everywhere in our days, reason for rejecting the above teaching, which is entirely based upon the principles of the saints and of the Church. It would be a dangerous remedy to apply to the evil of scarcity of priests. Moreover, experience of centuries proves that the number of priests increases when and where the discipline of the Church is strictly enforced. St. Thomas remarks, "God never so abandons His Church that worthy servants of the altar in sufficient numbers are not to be found, if only the worthy are ordained and the unworthy debarred from ordination."[912]

911 S. Alph. H. Ap. Tr. ult. nn. 16, 17, Lib. VI. nn. 63-77; Benedict XIV, De Synod. Lib. XI. c. 2, n. 17.

912 Suppl. Q. 36, art. 4, ad 1. Cf. Innoc. III. in cap. 14, de act. et qual.

To conclude this very important section, we will call the attention of the confessor to two Instructions given by the Congregation de Propag. Fide. In these the practice of "*indiscriminatim*" absolving relapsing sinners, adopted by some confessors, is strongly rebuked and condemned. One Instruction (Aug. 1827) appeals first to the twofold power of absolving and remitting sin to which this practice is entirely opposed, and then to the teaching of the Rituale Roman. (Tit. De Sacram.

Pœnit.): "But let the priest take heed when and to whom absolution is to be administered or refused." Now this would not be prescribed if absolution were to be given to all without distinction, including relapsing sinners and penitents living in a habit of sin. The penitents being divided (as above specified) into three classes, to whom absolution is to be given, or postponed, or refused, respectively, the Instruction concludes: "Thus teach prudent theologians, the Instructions given to confessors by St. Charles Borromeo, and by St. Francis of Sales. Confessors must reflect that, from too great ease in obtaining absolution, there results a great ease in sinning." In the other Instruction (April, 1784) the confessor is reminded of his duty to examine into the gravity of the sins, the obstinacy of the malady, and the dispositions of the penitent. He must, therefore, carefully inquire if the penitent has true sorrow; if he has entered upon a new life, detesting the former; if he promises amendment with the heart, and not with the mouth alone; if he has abandoned the occasions of sin; if he has applied the remedies previously recommended to him; if he has laid aside the habit of sinning; if, having previously received absolution, he has relapsed into the same sins in consequence of his depravity; if he is ready to repair injury inflicted. These, and many other things, the confessor must examine before he confers upon the penitent the blessing of absolution.[913]

913 Cf. Collectanea S. Sedis, nn. 497, 494.

70. Penitents aiming at Perfection

As we have seen in previous sections, the confessor must treat with great care and zeal those penitents who are stained with grave sins and vices; but he must not, on that account, neglect those who are striving after virtue and perfection. A penitent who has preserved himself free from grave sin and is capable of perfection claims, as St. Alphonsus teaches, all the confessor's care as guide along the path to perfection and divine love.[914]

914 Praxis Conf. cp. 9, n. 121. Compare the excellent treatise in Benger's Pastoral Theology, Book 4, § 172. Perfection.

But as this is no light and easy matter, and as it involves responsibility on the part of the confessor, he must pray to God for light and endeavor to learn the natural disposition of the penitent and the operation of the Holy Ghost in his soul. *For all are not to be led in the same manner.* The phlegmatic, the choleric, the melancholy, and the sanguine must all be differently treated. While the phlegmatic must be spurred on that they may not become lukewarm, the choleric must be restrained that they may not go too far, whilst they are guided to the nobler and more exalted works and exercises in the service of God. With the melancholy, care must be exercised that they do not give way to sadness, do not isolate themselves, and imagine everything more difficult than it is in reality; the sanguine must be prevented from allowing themselves to be hurried by natural impulse into what exceeds their strength; the confessor must insist upon their weighing everything well, and then acting with firmness.[915] The guide of souls seeks to recognize the operation of the Holy Ghost in his penitents, and he will carefully follow up this operation. For the Holy Ghost dwells in the soul of the just man; He is the teacher of the interior life and the invisible guide to perfection. The confessor's duty is to coöperate with the Holy Ghost. St. Ignatius remarks wisely: "To wish to lead all to perfection by the same road is full of danger; such a one does not understand how manifold and abundant the gifts of the Holy Ghost are."

915 Reuter, Neo-Confess. n. 245. Cf. Lehmkuhl, l. c. n. 499; Benger, § 174, n. 5, I.

Nevertheless, there are certain general principles and rules which are useful to all in obtaining Christian perfection. As the saints, approved theologians, and masters of the spiritual life have laid them down, we reproduce them here in brief:—

1. Perfection consists for each one in performing well his ordinary work; and he does it well who does it because, and when, and as God wishes—His most holy Will being the source and rule of all perfection.

2. Penitents must be led gradually and regularly (*non per saltum*) to perfection; for example, they must first act with the right purpose and intention and learn to imitate the actions of Christ before they contemplate higher things; they should first learn to bear easier trials patiently before demanding more difficult ones.

3. The confessor should admonish them constantly to cherish the desire for greater perfection, even if in certain instances they never seem to attain to it; for such a desire will have this effect, that they will at least reach that perfection of which they are capable and they will acquire greater merit.

4. He must instruct them to confess every week, and induce them to avoid even venial sins which are voluntary and deliberate, also to give up any attachment to these sins. Those who confess venial sins which they have *not committed with deliberation, but from human weakness*, must always be absolved; those who have committed *venial sins with deliberation*, but not from habitual attachment to them, must be absolved, but, at the same time, helped and incited earnestly and zealously to endeavor, by employing the means recommended by the confessor, to avoid them; those who are accustomed to confess venial sins which they have committed without any resistance, from *habitual attachment or custom*, give rise to the suspicion that they are not properly disposed; the confessor, therefore, must dispose them to true sorrow for at least *one* venial sin, and to a firm purpose of amendment, in order that they may be absolved without sacrilege. Occasionally, however, as in the case of other relapsing sinners, absolution may be postponed. The confessor should not easily forbid them to confess their imperfections,—for example, that they have not consecrated their actions of the day to God, nor said the prayers of a confraternity, etc.,—because such self-accusations contribute to a better knowledge of the penitent's spiritual state, exercise humility, and produce tenderness of conscience; besides these imperfections often go along with some venial sin.[916] The same applies to the transgression of those rules in a Religious Order which do not bind under sin. And if the penitent confesses only imperfections which do not positively amount to venial sins, or other doubtful sins, let the confessor observe what we have said above (§ 6). Let him see that they always go to holy communion well prepared and not from mere custom; for a single communion after good preparation is worth more than many communions received in a state of tepidity. The confessor, however, must distinguish carefully true zeal and fervor from sensible devotion.

916 Cf. Lugo, De Pœn. Disp. 16, Sect. 2, n. 103.

5. The confessor should teach them *to master their passions*; especially their predominant ones, for which purpose the particular examination is eminently adapted. He should induce them to *practice virtues*, and that in the right order, namely: (*a*) first the virtues demanded by their position and profession; he should not, therefore, permit young women to hurry from one Church to another, or to remain there longer than is right and necessary, thus neglecting important duties, their families, etc. He should exhort them rather to perform their household work faithfully and zealously; (*b*) they should be instructed to practice more zealously *those virtues against which they are tempted*; finally (*c*), he should exhort them not to prefer those virtues which are more conspicuous and more esteemed by men, but to strive after those which are in themselves more excellent and useful and more pleasing to God, such as humility, obedience, meekness, patience.[917] (*d*) He should also urge them to be *faithful in small things*; for God does not generally ask great things from us.[918]

917 Cf. S. Franc. Sales. Philoth. P. III. cp. 1 et 2.

918 Franc. Sal. *ibid.*, cp. 35.

6. He should not impose upon them extraordinary exercises; indeed, he should not even permit them easily. At the same time he must not prevent mortifications and practices of penance, even exterior ones; but they must be proportioned to the corporal and spiritual powers of the

penitent. What saints have sometimes done, or allowed others to do, cannot serve as a rule, but is more to be admired than imitated.

The confessor must also have regard for the special dangers and temptations which may attend those who are striving after perfection:—

1. Those who at first were, by God's grace, cheered with spiritual consolation easily lose courage and relax in their zeal when He, for their trial, and to lead them to higher things, withdraws from them sensible devotion. If the confessor observes this, he must instruct them in what true progress and true virtue consist; but penitents must be warned in advance of this state of the soul.

2. The devil seeks to make those who are progressing in virtue believe that they have advanced far enough, and endeavors to produce within them the beginnings of lukewarmness. They become negligent in their accustomed pious exercises, lay aside first one and then another mortification, and begin to disregard slight faults. In this there is a great danger lest, gradually relaxing in zeal, they at length fall into grave sin at the first temptation, which the devil prepares for them when they have become sufficiently tepid. It is difficult to perceive the beginning of lukewarmness, but not its progress, and when the evil shows itself, the confessor must endeavor with zeal and prudence to check it and prevent it from becoming worse. To this end the penitent may be ordered to resume all the pious exercises which he has neglected; he should be reminded of the loss of grace, of its value, the dangers of lukewarmness. If the penitent, before his relapse, had made considerable progress in virtue, he should be admonished to make a retreat. The confessor should not abandon hope even if the penitent has seriously failed. He must receive him in a friendly manner and show compassion, for in this case severity would be poison. He should remind him of Peter and Magdalen, who obtained so many graces by their tears of sorrow and rendered themselves worthy of the special love of Our Savior. On the other hand, the confessor must urge the penitent to love God more, to develop greater zeal in His service, and to repair his shortcomings by redoubled obedience, to adore the divine Justice, to humble himself deeply, and to live more carefully in the future.

If the penitent informs the priest that he has had extraordinary consolations, and that his methods of prayer are unusual, the latter should not show himself altogether incredulous in these matters; but should calmly and carefully examine if any signs of hallucination are present.[919]

919 Reuter says: "It is indeed true, as the Apostle remarks in the First Epistle to the Corinthians, that the Spirit of God is wont to instruct us Himself and through the ministry of His good angels. Not seldom, however, Satan transforms himself into an angel of light, deceiving men with the intention of ruining their souls. Those become easily entangled in these snares who are presumptuous in spiritual matters." Neo-Conf. n. 247.

Whilst there would be danger in promoting the deceptions of Satan by imprudent credulity, very great injury might be done, on the other hand, by incredulity and contempt. That he may not be taken unawares, the confessor should familiarize himself with treatises on spiritual life; for even in the humblest station of life God may manifest His special graces.[920]

920 Scaramelli, Directorium mysticum; S. Alph. Praxis Confess. nn. 247-251; St. Ignatius of Loyola, Book of Exercises; Comp. Zenner, Instr. pract. Confess. P. II. Sect. II. cp. 1, § 261; the Monita S. Philippi Nerii.

We give a few general rules:—

1. We must be more careful when the sense of spiritual consolation in a penitent has been preceded by some external cause, or when some object which, in the natural course of things might produce such consolation, has been presented to the senses, than in the case of consolation by which suddenly, and without any previously existing cause, the higher powers of the soul seem filled with great light. The cause of the latter can only be God (St. Ignatius). For only God can directly influence the higher faculties of the soul—the understanding and the will. The devil can only do so indirectly; he can cause sensible devotion, excite tears and other effects which depend upon the bodily powers (Reuter).

2. The good Spirit suggests nothing which is opposed to truth, to Holy Writ, the doctrines of the Church, the practices of the saints, the life of Christ; nor anything frivolous, idle, inappropriate.

3. The good Spirit incites to self-denial, to mortification, endurance of adversity, imitation of Christ, resignation to the will of God, submission of private judgment, perfect obedience, humility.

4. The good Spirit is modest, and, therefore, proceeds to all its work in an orderly manner; it incites, as a rule, only to what is usual and ordinary and adapted to each one's powers, without the intervention of miracles. For the ordinary road to heaven is God's own design; and if, nevertheless, He sometimes inspires extraordinary things, it is almost exclusively in the case of souls who are already rooted in humility and do not strive after empty honors.

5. It is a sign of the operations of the Holy Spirit when the penitent is humble of heart, not desiring extraordinary things, not aspiring to astonishing exercises, making his holiness consist in the faithful performance of the ordinary duties of life, holding himself unworthy of the gifts of God, not exalting himself above others on account of these gifts, rejoicing to be despised if the confessor treats his lights as pure illusions, maintaining secrecy about his gifts.

6. But even when an emotion does come from God, a temptation from the devil or some inordinate natural affection may intrude itself, so that one might conclude that the consolation or the light which the penitent has received is not from God; as, for instance, would be the case where signs of pride were visible.

But whatever be the origin of these interior emotions and illuminations, the individual must always employ them for the purpose of increasing his contempt of self, both in his own eyes and those of others, in intensifying his longing to imitate Christ in His poverty, humility, and suffering; and if he zealously pursues this object, the purposes of the devil will be defeated if the inspirations emanated from him.

7. Obedience, even against the proper judgment, is a good sign, and absolutely necessary. Gladly and readily revealing what seems to redound to one's credit, seeking praise by means of extraordinary gifts, displeasure if the confessor hesitates, are bad signs.

The confessor should not wish to have as penitents persons who lay claim to extraordinary gifts, nor, prompted by vanity, should he take pleasure in the flatteries which such persons offer to him. If he is so foolish and vain, he can only ascribe it to a just judgment of God if he at last discovers that, in punishment of his vanity and imprudence, persons who suffered from illusions have deluded him also.[921]

921 Lehmkuhl, l. c. n. 505. Compare Benger, Pastoraltheologie, (1 Ed.) Vol. III. § 174, (2 Ed.) Vol. II. Book 4, § 174.

71. Hypocritical Penitents

The confessor must be able to distinguish penitents who seriously strive after perfection, truly pious penitents, from those whose piety is merely a cloak. The piety of these latter consists entirely in outward practices; they visit churches a great deal, say many prayers, go to confession often, and receive holy communion several times in the week. And yet they neither know anything of true and solid virtue, nor strive after it, but, on the contrary, are full of faults. They remain longer in church than is necessary, with the result that parents, husband, or wife are inconvenienced, and household duties are neglected. They receive the Sacraments often—to be seen and praised by men; and if the confessor does not allow them to approach holy communion as often as they wish, they are angry with him. In the confessional they wish to talk much to the confessor when there is neither use nor necessity for it. The spirit of mortification is utterly wanting in them; they are, therefore, attached to the pleasures of the table, dislike work, and are loquacious. They are neither humble nor obedient; they do not submit to the guidance of their confessor, but act as though he should rather obey them; they deceive him by confessing trivial sins and concealing grave ones. They seek praise and honor, are impatient under correction, despise others, and blame them arrogantly. They are wanting in charity, and, consequently, cause trouble among their familiars; they envy others, are given to anger, have no care for the honor and good name of others, etc. With these hypocritical persons must be classed those, particularly women, who wish to unite piety to a worldly life.

But there is another class of women who adorn themselves with a show of piety; namely, those *quæ sunt captæ amore Confessarii. Malum profecto, quo non ipsæ tantum in perniciem ruunt, sed etiam Confessarium, nisi eos dimittat, ruinæ participem reddunt. Persona talis nullam habet requiem; torquet eam desiderium colloquendi cum Confessario unde, quoties facultas ipsi est, ad Confessarium redit; torquet eam sollicitudo, qua illi placere gestit, diffidentia et metus ne ab ipso deseratur, zelotypia ne aliæ apud ilium gratia magis polleant.* The confessor must reprimand them in season or out of season, that they may enter into themselves, and strive after true and solid piety. If he is not successful, he must endeavor to rid himself of them, or dispatch their confessions quickly. There are, moreover, *extraordinary* possibilities of *hypocrisy* in some women. "All malice is short compared to the malice of a woman," according to Jesus Sirach (25, 26). *Inde contigit, ut feminæ falso devotæ finxerint se infirmas, postea miraculo sanatas atque publicas gratiarum actiones impetrarint pro valetudine sic recuperata; aliæ finxerunt vexationes et verbera a dæmone ipsis illata; aliæ ementitæ sunt visiones et revelationes, necnon extases simularunt aliaque portenta fabricatæ sunt.* By such cunning contrivances these persons wish to draw the attention of others towards themselves, and to be honored and admired, or to excite the pity of priests, *vel, quod pejus est, castitati alicujus Sacerdotis insidias struere volunt*. The best remedy against all this is not to believe such things, and to ignore the persons in question.[922]

922 Cf. Aertnys, Instr. pract. P. III. cp. 6, art. 2, n. 213; Benger, l. c.; Stöhr, Pastoral Medicine, 2 Ed. p. 334; Kerschbaumer, Paterfamilias, Part IV. chap. 7, 8.

72. Scrupulous Penitents

No little trouble is caused to confessors by scrupulous persons. The word "scruple," in its real and primary sense, means a little stone which inconveniences the wayfarer. Similarly, in its transferred sense, it means some little spiritual obstacle which prevents a man from performing an action because, for some vain and worthless reason, he fears that he will commit sin. A scruple is, therefore, fear of sinning, where no ground for fear exists. The confessor must know the signs of scruples, their causes, and their remedies.

I. Marks of scrupulosity:—

We will premise that: (1) a person is not scrupulous because he has a scruple occasionally, but only when he is habitually subject to them; (2) frequently a man himself cannot tell if he is scrupulous or only of an anxious conscience; he must, therefore, rely upon the judgment of a prudent confessor; (3) the confessor himself cannot always positively decide when he first treats a penitent if he is scrupulous or not; he must, therefore, abide and observe till he knows the penitent better, for as it is dangerous to treat a scrupulous person according to general rules, it is injurious to guide others by the rules applicable only to the scrupulous; (4) the confessor must use very great discretion and prudence in dealing with penitents who are scrupulous on one point but lax as regards other things.

The characteristic signs of a scrupulous person show themselves in this: (*a*) that, upon slight grounds, or none at all, he changes his judgment, holding the same thing to be allowable one moment, and forbidden the next; (*b*) that he fears to commit sin by doing something which a competent confessor has already told him to be allowed, and which he sees other conscientious men do and which he himself would, in his own judgment, consider to be allowed if he were not obliged or did not wish to do it at that time; (*c*) that he is agitated for fear he should sin, and cannot account to himself for this anxiety; (*d*) that he clings obstinately to his own judgment, placing no confidence in the decisions of learned men, or the confessor; (*e*) that he repeatedly asks whether a thing is allowed, although he has several times received an answer on the point; (*f*) that he ponders over circumstances connected with an act which exercise no influence at all upon the moral value of the action, and which other men generally disregard altogether; (*g*) that he holds for a sin that which the most conscientious men commonly do without thinking of sin; (*h*) that he is perpetually anxious about his confessions, lest they should be invalid, although the confessor has declared them to be valid, even after a careful repetition of the confessions has already taken place.[923]

923 S. Alph. Lib. I. n. 11; Aertnys, l. c. Lib. I. Tract. II. n. 49; Lehmkuhl, Theol. Mor. Gener. Tract. II. n. 57; Stotz, Trib. Pœnit. I. P. V. Q. III. n. 176.

From these indications the confessor is able to judge if his penitent is scrupulous. We must not mistake them, however, for the following circumstances, which would be of little assistance in recognizing the malady, as they are found not only with the scrupulous, but also with those who have tender consciences.

1. If the penitent is concerned, and reasonably anxious, not to offend God even in the slightest degree or to atone immediately for a sin committed, he is not on this account a scrupulous person.

2. If some one after living a long time in grave sin is converted, makes a good confession to the best of his ability, and, within a moderate period, say half a year, for example, still thinks he cannot do enough and wishes two or three times to reconfess his sins, he must not be at once set down as scrupulous. After that time, however, the penitent must be forbidden to say anything about former sins, or even to investigate whether he has confessed everything correctly. Only if the penitent was accustomed to conceal sins in the confessional might he be allowed to continue during a longer time to confess sins which might occur to his mind after the general confession.[924]

924 Reuter, Neo-Conf. n. 266.

3. If a person doubts whether he has sinned in some particular instance we are not to conclude that he is scrupulous; for a doubt may be absolutely, or relatively, reasonable.[925]

925 Cf. Lacroix, l. c. Lib. I. n. 519 ss.; Lehmkuhl, Theol. Mor. Gener. Tr. II. n. 58.

If the confessor tells the penitent that he is scrupulous, the latter must certainly believe him; but it is often very difficult to convince the penitent. He is rather disposed to consider others thoughtless and less conscientious, not excluding the confessor, or to think that the latter does not properly know him or has misunderstood him. Here the cunning of the devil is seen, who is wont to instill into perplexed souls a peculiar presumption and obstinacy of judgment. This error is very pernicious; it springs from pride and makes the penitent scorn the remedies which are offered to him.

II. The causes of scruples:—

Scruples may proceed from God, from the devil, and from a natural disposition.

1. God sometimes permits scruples (*permissive*), withdrawing from just motives His supernatural light. If the trials thus proceed from God, they are, *per se*, useful, produce a profounder contrition, humility, and detachment from the world.

2. Scruples proceed from the devil also (*effective*), who has a peculiar skill in producing them by confusing the imagination with false shows and suggestions. He does not plague great sinners with scruples, because he is content to leave them in their state of presumption, and so cast them ever deeper and deeper into ruin. Nor are great saints troubled by him, because in them fear has been conquered by perfect love. It is only those who have begun to give themselves to God, and chiefly those who have abandoned great sins and entered upon the right road. His object is to perplex and hamper them in their spiritual progress, to plunge them into despair, or, at least, to disturb their interior peace. Scruples emanating from Satan must, therefore, be combated with all energy, *for they tend to evil*.

3. Scruples may also be traced to natural causes (*dispositive*), the individual having a keener and more sensitive perception of evil, or a wavering, unsettled judgment.

These natural causes are partly physical and partly moral: (*a*) Bodily constitution: a melancholy temperament may incline an otherwise sagacious man to suspicion, obstinacy and scrupulosity. Others who in consequence of a physical disposition are low-spirited, despondent, and timid, readily conceive an unreasonable fear of sin, and if they do not quickly banish this fear, they frequently fall a

prey to scruples. (*b*) Nervousness and disease of the brain: the imagination becomes excited and perplexed, so that vivid conceptions of the imagination are not sufficiently distinguished from the judgments of reason. This affection may be hereditary, or it may arise from overwork, late hours, or immoderate fasting. (*c*) Dullness of mind, which cannot adequately distinguish real from seeming motives; but acuteness of intellect, if the judgment is not well balanced, may produce the same result. (*d*) Hidden pride and obstinacy of private judgment: a man subject to these moral defects becomes easily entangled in doubts and scruples. (*e*) Too great anxiety to avoid everything—I will not say in any way evil, for that we must avoid, but which has even the appearance of evil; thus is formed the habit of adopting the stricter and the speculatively more certain view, a proceeding which in practice does not by any means tend to the safer course.[926] (*f*) Intercourse with scrupulous people, reading books in which only the stricter opinions are advanced, confessing to a scrupulous confessor.[927]

926 S. Alph. De Mor. Syst.

927 Cf. Reuter, Neo-Confess. l. c. Lib. III. § 159; Lehmkuhl, l. c. n. 55; Aertnys, l. c. n. 50; Müller, l. c. II. § 159; Benger, Pastoraltheologie, a. a. O. § 174, n. 5; Scaramelli, Direct. ascet. Tom. III. nn. 433-440; Zenner, Instr. pract. Conf. P. II. Sect. II. cp. 1, § 256.

III. The following considerations will show when the scruples proceed from God: (1) when they excite sincere detestation of sin; (2) when they do not last long and end in great calm of mind; (3) when they are called forth by hatred of sin.

Scruples may be recognized as proceeding from the evil one: (1) when they produce lukewarmness and despair of salvation; (2) when the scruples occur in connection with the holiest actions, especially where a man is otherwise not accustomed to be much troubled with them; (3) when a man detests only this or that kind of sin—others not so much; God detests all sin; (4) when a man yields to grave temptations while at the same time he is anxious about trifles.[928]

928 Cf. Reuter, Neo-Confess. l. c. n. 260; S. Ignat. l. c. Regula 5; Benger, l. c.; Scaramelli, l. c.; Zenner, Instr. pract. Conf. P. II. Sect. II cp. 1. § 255.

But when, without apparent reason, the heart becomes uneasy and the head affected, when a sudden tremor takes possession of the limbs and the mind is filled with scruples, we may justly assume that the latter proceed from natural causes, and this sign is the more certain if in all places and in all actions the penitent is molested by them.

IV. Scruples are *very pernicious*, causing perplexity and dejection of spirit, placing obstacles in the way of the soul's progress towards virtue, closing the heart to the consolation of the Holy Ghost, producing dryness of spirit, aversion to prayer, and neglect of the ordinary duties. Scruples frequently undermine health, not seldom exposing the subject of them to the danger either of becoming insane or of falling into great sins of impurity, despair, blasphemy, or suicide.[929]

929 S. Alph. l. c. n. 13; Reuter, Neo-Conf. l. c. n. 261; Aertnys, l. c. n. 51.

St. Alphonsus distinguishes three kinds of scruples, and theologians universally follow him in this division: (*a*) scruples concerning former confessions, the person being always uneasy about them, although they have been made properly and completely; this kind of scruple is not so difficult to overcome; (*b*) scruples concerning the consent to sinful thoughts about different matters; here the scruple as a rule comes after the action—these scruples may be a heavy burden; (*c*) scruples

concerning all actions, or at least innumerable things about which other men do not at all trouble themselves. These are the worst scruples. The remedies which the confessor has to employ for the cure of scruples are the following: (1) He must find out if the penitent is scrupulous about everything, or only some things, and what is the cause of the scruples. (2) He must convince the penitent that, where sin is not evident, the safest course for him is obedience to his confessor; and that, on the other hand, it is very dangerous not to obey his confessor. (3) He must, therefore, ask the penitent if he has confidence in him, and if he will obey him even against his own judgment; the confessor must undertake to guide the penitent only after these questions have been answered in the affirmative, otherwise he must tell him plainly to apply to another confessor in whom he has confidence and whom he is willing to obey. If this is not done, the confessor's pains would be simply thrown away. (4) The confessor in most cases ought to be kind to the scrupulous penitent, though severity is sometimes necessary, especially where obstinacy in private judgment is manifested, or when the penitent presses for repetition of a confession against the advice of the confessor. Under no pretext whatever, not even when tears are added, should the confessor allow this. This extreme severity is a kindness; but it should be tempered with gentleness. (5) To doubts, let the confessor answer *without hesitation* and *without much questioning*, and interpret everything according to the more lenient view. He should, in most cases, give no reasons for his answers, lest the penitent might think that after all his scruples were not to be despised, and because the latter will weigh these reasons, and make them doubtful by opposing to them his futile objections. Nor should he listen to new doubts and scruples, but when he is morally certain that a scruple is in question, he should sometimes without listening to the penitent order him to lay aside all anxiety and quickly to receive holy communion. (6) He should give the penitent some general rules to follow; the more general and the easier the application of these rules and the more comprehensive of individual circumstances, the better they are.[930] Such general rules to be given to the penitent are the following: (1) He must be convinced that he really is scrupulous—but that scruples by no means lead to holiness; he should, therefore, firmly resolve to combat them. (2) He should pray with great humility, confidence, and resignation to the divine Will for light and peace of conscience. (3) He should cling to one and the same confessor in whose learning and goodness he trusts, and whom he must obey most strictly, as the representative of God. The confessor's decisions must be regarded as final by the penitent. Never should the penitent seek a solution of his doubts elsewhere than from his confessor. He should abide with this decision even if doubts again arise. (4) He must accustom himself to consider God as infinitely good, and occupy himself with thoughts which awaken confidence in God, avoiding any which have the opposite effect. (5) He should flee idleness, so that the devil may always find him busy. He should avoid intercourse with scrupulous people, as also reading about things which excite scruples. (6) As soon as a scruple arises, he should banish it, and think of something else, as if it were a temptation to evil. He should not allow his mind to dwell upon his scruples by opposing reasons to them, but energetically lay aside all doubt. (7) He must not give way to a scruple by obeying its suggestions; on the contrary, he must act boldly in opposition to the scruple, and not fear that he will sin, even when his conscience does not seem to him to be very clear about the matter. For a scrupulous person it should suffice to know that he must despise his scruples, and that in spite of them, he may do any act of which he cannot say *positively at first sight* that it is a sin; and that, in order to commit a mortal sin, it is necessary for him to be able to say at once, without hesitation and without examination, that the thing in question is forbidden under mortal sin. (8) Let him be

assured that he is by no means obliged to confess his doubts; indeed, that this is not even useful and must be forbidden. *Doubtful sins* a scrupulous person is *certainly* not bound to confess. Speculative doubts the scrupulous person is not bound to regard; for what for others is a reasonable motive for investigation, is not so for the scrupulous. From this results:—

930 S. Alph. Lib. I. n. 13; Reuter, Neo-Conf. n. 262; Lehmkuhl, l. c. n. 61; Aertnys, l. c. n. 53.

(1) For a scrupulous person an act which he does not recognize at once as a sin is not a sin; (2) he may do that which he sees other conscientious people do without scruple, even when it is contrary to his own judgment or his own opinion; (3) scruples are, for him, no reasonable ground for doing or for not doing an action, or for hesitating; and this applies to the doubt as to whether a scruple or a valid reason is in question.[931]

931 Cf. Reuter, Neo-Confess. n. 263 ss.; Stotz, l. c. n. 185; Lehmkuhl, l. c. n. 63; Aertnys, l. c.; Zenner, Instructio pract. Confess. P. II. Sect. II. cp. 1, § 257.

With regard to different kinds of scruples Reuter gives the following good rules:—

1. He who is troubled with doubts *as to whether he has consented to interior temptations*, and is otherwise conscientious, may regulate his conduct according to the following principles: (*a*) He is never to believe that he has consented to a mortal sin if he does not positively know that he fully recognized the gravity of the sin, and fully consented to it. (*b*) If the person tempted is seized with fear, abhors the object of the temptation as he considers it more closely and remains determined not to offend God, he has not completely consented. This applies to non-scrupulous persons also; and theologians maintain that he who has a God-fearing conscience, and is not accustomed to consent to sin with full attention, may believe, in a case of doubt, that consent has not been complete, for *ex communiter contingentibus fit prudens præsumptio*. (*c*) Nor may we conclude that he has fully consented because the temptation lasted a long time, or because the sensual excitement was violent, for this is material and involuntary, and sometimes appears more considerable than it really was.

2. If the penitent is tempted against *faith*, or against *hope*, let him ignore the temptation, turn his mind to other things, especially to God, but let him not be perplexed by trying to awaken a positive act of these virtues. And if he thinks that he has had blasphemous thoughts, let him proceed in the same manner, despising them, and disbelieving that he has consented to them, although he may have felt a certain pleasure in these thoughts and emotions; indeed, the devil can create in the imagination a certain semblance of consent, while the individual himself and his will are far removed from the criminal act. When the soul has been calmed it is always useful to make an act of the love of God.

3. If the temptation refers to conditional events in the future, for instance, "what would you do if you were obliged either to sin or to endure this or that evil?" let him turn away energetically from such thoughts, not answering directly or positively but rather indirectly, "I will not offend God now; and should I ever be so situated, the grace of God will help me to do His will." With this answer let him calm himself, and not rashly entangle himself in difficulties, lest he suffer the punishment of presumption, like the Apostle Peter.

4. If, *when looking at perfectly innocent things, impure images and emotions* arise, let him look at them boldly if they are objects and pictures (for example, holy pictures), modestly and transiently if human beings; let him act as other conscientious men do in these things and despise the emotions or thoughts. He should proceed in the same manner if these things happen when he is saying certain prayers; let him not omit the prayers on this account, but devoutly proceed with them.

5. The *Divine Office* may be a source of scruples. The penitent may doubt whether he had the intention of reciting it; this scruple is ridiculous, for the very fact of his saying it shows that the intention is there. He may doubt that he has recited it properly, having mutilated words, or been voluntarily distracted; in this case he should not repeat anything at all, for since he honestly wished to perform his duty, it is to be presumed that he did it properly. While he is saying his Office he must not stop, but proceed according to previous intention without hesitation, without straining the mind, without hurry, without anxiety. As the requisite attention is not prevented by any action which, of its nature, is consistent with interior attention, the person should not be troubled if he has done such an action, unless it were of a kind which conscientious men would, during prayer, be careful to avoid. After the completion of the Office, an anxious person should repeat nothing, even if he fears that he has said it badly. If he is very scrupulous, and requires too much time for saying his Office, his Superior or confessor can fix a certain time in which conscientious clerics are accustomed to say it conveniently, and if, after devoting this time to it, he has not quite finished it, he shall omit the part still remaining. Indeed, according to the same author, and Gobat, whom St. Alphonsus quotes (in approval of his opinion), the Office could even be absolutely *forbidden* to such a person till it could be assumed that he was able to recite it without such worry; for grave inconvenience releases from obedience to the commandments of the Church.[932]

932 S. Alph. Lib. IV. n. 177; Reuter, Neo-Conf. n. 268; Lehmkuhl, l. c. n. 64.

73. Converts

As it is not every belief that saves, but only the true faith taught by Christ, the zealous priest will be anxious to contribute, as much as he is able, to the conversion of heretics. He will, therefore, in continued prayer, implore for them the light of grace, that they may recognize their error and seek the truth; he will, when occasion presents itself, exhort them to avoid sin, "because error does not produce sins, but sins produce error," and "darkness does not comprehend the light." He will also, in a judicious manner, encourage them to attend our religious services, to hear sermons, to read books in which the Catholic doctrine is exposed and explained; he will not object to friendly intercourse with them, in order to lead them gradually to a recognition of their errors, as they begin to doubt of the truth of their teachings, and salutary scruples arise in them. When a heretic wishes to accept the Catholic faith and be instructed, he should: I. Be received with great love and kindness and be asked discreetly why he wishes to change his religion and embrace the Catholic faith. Whatever motive he assigns, caution is necessary,—because there are designing people who, under the cloak of piety, seek, not the salvation of their souls, nor the truth, but temporal advantages, such as marriage, sustenance, etc., and, having obtained these, live bad lives, and return to their old vices, as examples both amongst Jews and heretics teach us. He has, therefore, to be taught that, in returning to the true Church, he must seek simply and solely the kingdom of God, and the salvation of his soul. If, however, he should say that he is poor and deprived of the means of sustenance, he should not be promised assistance till there is proof of his good intentions. But, in order that the priest may not be deceived, he should, if he does not already know the man sufficiently, examine him by various questions at different times, and only when he finds him sincere, recommend him to others. The priest should not show familiarity, nor do or say anything in private intercourse, which he would regret if the catechumen should, perchance, return to heresy.

Moreover, he should endeavor to acquire the confidence of the convert, so that the latter may gladly unfold to him all his errors, doubts, and wounds.

The convert must be admonished to attach great importance to the business of his conversion, as upon it depends his eternal salvation; he should, therefore, often and fervently pray for its happy issue, and perform good works; the priest himself should also most zealously pray and induce others to pray for him.

II. Having convinced himself of the good dispositions and steadfastness of the convert, the priest should readily offer to supply him with the necessary instruction, or, if he is really prevented from doing so, provide for his instruction at the hands of some other reliable person.

In the matter of the instruction the following points must be observed:—

1. First of all it must be ascertained if the convert is a material or a formal heretic. He is a formal heretic if he has knowingly and voluntarily adhered to any error against the truth of the Catholic faith, after that truth had been adequately exposed to him, and he had recognized it as truth. A material heretic is one who professes error through ignorance, or in consequence of perverse instruction or education. Perhaps most of the non-Catholics of the lower classes belong to the latter kind; seeing that, from childhood, they have been reared in every prejudice

and calumny against our religion. But when reasonable doubts arise in them, they are bound to investigate, to pray for divine light, to search for the truth, and as soon as they recognize it to adopt it. Otherwise they become formal heretics, because they adhere with obstinacy to error.

2. Then we must investigate to what extent the convert has been instructed in the tenets of his sect, and what doubts trouble him with regard to the Catholic doctrine. For there are mainly two classes of heretics who become converts; the first consists of simple uneducated people, who require sound instruction in Christian truth, but who should be informed of points of controversy with great caution, in order that they may not learn new errors and hence new doubts. The other class is formed of educated people whom one must instruct especially on all points of divergence, so that their doubts are dispelled.

3. But as faith must be the rational and invincible assent to all revealed truths, the credibility of our dogmas must first be demonstrated to the heretic; and these are to be accepted if the Catholic Church alone is the true Church of Christ. He should, therefore, be taught that the true faith is necessary to salvation, and that there is only *one* true religion, and only *one* Church of Christ, as the true religion must come from God, and God who is truth itself cannot reveal what is self-contradictory. He should then be shown that the true Church of Christ must have definite marks which distinguish her from every false sect, and that these marks of the true Church of Christ are only possessed by the Catholic Church. After this we may expose particular doctrines, especially those articles in which Catholics differ from heretics, namely: the Sacraments, the Real Presence of Christ in the Holy Eucharist, purgatory, veneration of the saints, the infallibility of the Pope.

III. When the convert has been (according to his intelligence) fully instructed, he must be prepared for the reception of Baptism, if he be not baptized, of the Sacrament of Penance, and holy communion, and for a profession of faith. As converts generally dread confession, the priest must endeavor to remove their fear by reminding them of the seal of confession, the peace of mind following upon a good confession, and by lessening the difficulties of the examination of conscience. The manner of making a good preparation and thanksgiving for holy communion should be well explained. Finally, give him a formula of confession of faith in his native language, and explain it to him.

IV. Not till the priest is satisfied as to the convert's knowledge and constancy should he receive him into the communion of the Church. *The reception itself* may take place in three different ways, according to the circumstances of the convert:—

1. If he has not been baptized, or if the nullity of his Baptism is certain, Baptism is administered to him *absolutely*; but then no abjuration of heresy on the part of the convert takes place, nor is absolution given to him, because the Sacrament of Regeneration cleanses from all sins.

2. If Baptism has to be repeated *sub conditione*, the *abjuratio hæresis*, or the *professio fidei* takes place in the vernacular, then Baptism is administered *sub conditione*, after which the convert confesses and receives absolution *sub conditione*.

3. If the Baptism which the convert formerly received is regarded as valid, he abjures his heresy by pronouncing the profession of faith, and is then absolved from the ecclesiastical censures.[933]

933 Cf. S. Congreg. S. Offic. 20 Jul., 1859 (Coll. Lacens. Concil. Tom. III. p. 550).

An *abjuratio hæresis* is not to be demanded from children who have not arrived at the age of puberty, *i.e.* about their fourteenth year; nor is absolution from the censures to be administered, as they have not incurred any; they need only make the *professio fidei catholicæ* before they are admitted to the Sacraments. For these young converts the Symbol of the Apostles seems to suffice. But from such as have passed this age, a formal abjuration of the sect to which they have hitherto belonged is to be demanded.[934] Although a *material* heretic can be absolved by every confessor *pro foro interno*, it is more advisable and safer to procure from the bishop the *facultas absolvendi ab hæresi*, as there are difficulties in the matter, and the confessor may easily be deceived in his judgment. This faculty is always to be requested *pro foro externo*. If, at his conversion, a heretic must be baptized, his admission to the Church belongs to the right of the *parochus loci*. The bishop must be consulted as to the repetition of Baptism *sub conditione*.

934 Cf. Instr. S. C. Inq. 20 Jul., 1859 et 20 Nov., 1878; Bucceroni, Enchirid. p. 84. There is an (abridged) *professio fidei*, which the S. C. S. Officii, 20 July, 1859 gave for America; the wording of the Instruction clearly indicates that it may be used in all places where the diocesan law does not decide to the contrary.

V. After his reception into the bosom of the Church the convert, if his former Baptism was valid, or if he was rebaptized *sub conditione*, must make a complete confession of the sins of his former life. Let the confessor treat him with all charity, assist him with questions, being careful, however, not to institute a rigid examination. The confessor may ask him if he has uttered blasphemies or insults against the Catholic Church, or induced others to do so; if he has entertained doubts concerning his religion and how long he despised or neglected the truth. If the penitent has committed many grave sins, the confessor must be careful not to reprove him severely or harshly, rather praise his good disposition in confessing them, exhort him kindly but earnestly, henceforth to lead a truly Christian and good life. No great penance should be imposed at first, so as not to dispirit the penitent. Finally, the confessor administers absolution, *absolute* or *sub conditione*, according as Baptism was either not repeated or was again administered *sub conditione*.

If a non-Catholic in the hour of death wishes to embrace the Catholic faith, he must make the *professio fidei* before two witnesses, at least with regard to the doctrines which must be believed *necessitate medii et præcepti*. To avoid difficulties later this act should be taken down in writing, and the document signed. After which the dying person may be prepared by acts of faith, hope, and charity, contrition, and purpose of amendment; he should then confess; absolution from excommunication and from sin should be given him; after this the viaticum and Extreme Unction.

But if the dying person shows no disposition to accept the Catholic faith, the priest should seek to gain his confidence, and then gradually approach the question of his salvation. Let the priest endeavor first to awaken in the dying man an act of faith in all that God has revealed, especially in all that must be believed *necessitate medii*, then an act of hope, of perfect contrition, and resignation. In such a case it is not prudent to ask the man bluntly to join the true Church, for fear of exposing him to a great temptation. In order, however, to be able to administer to him the conditional absolution, he should be induced to acknowledge himself a sinner before God, and, having elicited contrition, to

declare also that he wished to be assisted as much as possible by the services of the priest the better to obtain eternal life.[935] Absolution *sub conditione* can then be administered to the dying man, by secretly pronouncing the form of words, without making the sign of the cross.

935 Thus Lehmkuhl. Aertnys, however, does not assent to this teaching, *quia voluntas conditionalis confitendi non est reapse confessio, atque adeo prorsus deesse videtur materia*. Theol. Mor. Lib. VI. n. 196, Q. 4, 5. Lehmkuhl rejects the opinion that a dying person in this state must be asked whether he would confess and receive absolution; for here the question is not what the man would wish, but what he wishes; at most it might be said of this velleity that it includes a certain will and actual accusation. Lehmkuhl, l. c. n. 515.

Chapter II. The Treatment of Penitents in Different External Circumstances

74. The Confession of Children

The confessor must devote special care to the confessions of children, for this is a matter of much importance.[936] As with adults, so with children, confession exercises a great influence upon the spiritual life, and forms a factor in their education which cannot be estimated too highly. For even a child can commit sins with full advertence or malice, and hence requires the Sacrament of Penance in order to recover the lost life of grace, and to obtain the necessary assistance in preserving itself from future sin. The child also has its temptations; evil inclinations and passions awaken in the child's soul. Who does not know that many a child is entangled in a net of evil habits and occasions of the worst kind? In truth, the child stands much in need of supernatural strength in order to preserve its most precious treasure of innocence. This strength conferred by grace is more necessary to the child than all exhortations and instructions. A good confession will eradicate obstinate faults and evil habits which have long defied all the arts and wisdom of educational systems. Confession is in many cases the sole means of discovering in the child hidden and ruinous habits and of correcting them, thus safeguarding its innocence and purity. Even when parents and the other agencies of education, home influence and the school, fail in their duty, attaching importance only to the cultivation of the intelligence and to outward morality and propriety, the confessional can still be the child's salvation by shielding its heart from evil. This great and fundamental significance of the confessional for the child and its education must be realized by the confessor. He will then readily undergo the labor involved in the preparation of children for confession, and the confessions themselves. Here, preëminently, he will scatter the good seed from which he may expect an abundant harvest. Here he is the true representative of the divine Friend of children, of Him who suffered the little children to come unto Him, of Him who uttered the momentous words: "He that shall receive one such little child in My name, receiveth Me" (Matt. xviii. 5; xix. 13-15).

936 Zenner, Instr. pract. Confess. l. c. cp. 2, § 263: *Summi momenti munus subit confessarius, dum puerorum confessionibus se offert excipiendis*. Dubois, "The Practical Pastor," Pt. 2, chap. 18, n. 381; Frassinetti, "Practical Instruction for Young Pastors," Pt. 2, Chap. 3, n. 411 (in the Italian); Renninger-Göpfert, Pastoraltheologie, Book 1, Pt. 1, § 84, p. 240.

I. The first consideration is the admission and the preparation of the children for confession.

In the admission to confession, age must certainly be considered, but not chiefly; the mental capacities and development must be taken into account. The declaration of the IV. Council of the Lateran that a child is bound to receive the Sacrament of Penance as soon as it has reached the years of discretion (*anni discretionis*) is based on the nature of the case. But when this period arrives cannot be precisely stated in years and days; it depends much on individual circumstances. The seventh year is generally regarded by theologians as the limit, and they teach that a child who has completed the seventh year is bound to receive the Sacrament of Penance. And if a child has average mental capacity, has received religious training at home, and from the sixth year regular religious instruction at school, it *can*, and generally *should*, go to confession when it is seven years old, or even before this, as would be desirable if such a child were seriously ill, or if there were reasons for supposing that it had committed grave sin. In the latter event the child would be bound, in order to comply with the precept of the Church, to confess within a year.[937] But as it happens that very many children are not sufficiently developed and instructed so early, it follows that the regular admission is left to the judgment of the priest. St. Charles Borromeo gave his clergy the following precept on this head: *Qui*

ad septem aut octo annos pervenerint, pro modulo de necessitate et virtute sacramenti illudque frequentandi instruentur.[938] And the Cologne Provincial Council of the year 1860 decrees that the first confession of children *shall not be put off longer than the ninth year*. The priest should certainly not delay the preparation of a child for his first confession any longer, unless its incapacity is demonstrated. With the seventh or eighth year the children should be admitted to instruction for confession, and if a child shows in the course of this instruction that it has arrived at a sufficient understanding of the Sacrament of Penance, it should be immediately prepared for it. But those children who are not qualified should take part in the preparation for the next (second) confession of the course, in order that they may be admitted then, or later, in any case as soon as possible, to this holy Sacrament. For the zealous priest will not only instruct the children concerning the Sacrament at the beginning of every school year, as is the regulation in many dioceses, but each reception (at least in the children's first years) will be preceded by a solid preparation consisting in a general repetition of the essential truths. If the less gifted children are present at these instructions and preparations, and if special attention is given to them, they will soon be in a condition to make a good confession. The final decision concerning the capacity or incapacity of a child to receive absolution, or, in other words, concerning its dispositions, must be left to the confessor, who will and must arrive at some settled judgment on this point, and give absolution conditionally or unconditionally, or postpone it, as he shall find necessary.

937 S. Alph. Lib. VI. nn. 432, 666; Gury, l. c. I. n. 478; Stang, Pastoral Theol. Bk. II. 4, § 31. Schulze, Pastoral Theol. Sect. I. 4, n. 3.

938 Cf. Statut. Leod. n. 344.

The special instruction which precedes the children's confession must be given according to a definite and practical plan, and with great care and prudence.[939] At the outset the children must be solemnly admonished that they are shortly to be admitted to their first confession, and that for this purpose they are to receive a special instruction. The importance of this instruction must be impressed upon them as an initiatory preparation for the reception of the Sacrament, thus encouraging them to diligent application and attention. There is probably no religious instruction which more attracts little ones and more wins their interest, than the instruction for confession, on account of the exceedingly beautiful truths which are here discussed. It must be emphasized and brought home to the children that it is a great happiness, an unmerited favor to be cleansed from sin in the holy Sacrament of Penance; it would be ill timed to represent confession as something hard or difficult or as a kind of punishment. One must rather awaken enthusiasm within them, so that they may take pleasure in preparing themselves for it carefully, and they must be assured that the confessor will make easy everything which they think will be difficult in the confessional if only they show good will. Admission to confession must also be represented to them in the light of a distinction, and as a reward of diligence and attention.

939 Stang, Pastoral Theol. Bk. II. 4, § 31.

As to the matter of the instruction,—the doctrine of the Sacrament of Penance must be treated thoroughly, clearly, attractively, and in a manner adapted to a child's intelligence. Then the most important doctrines of the catechism with reference to confession must be repeated, especially the doctrine of God and His attributes; furthermore, the doctrine of sin and the Redemption. These truths are to be set forth in a manner at once easily intelligible to the mind and stimulating to the

feelings. Particular care must be taken that the children learn to say correctly and with understanding the usual prayers before and after confession. It is very useful at the end of this instruction (of the remote preparation) and shortly before the confession, to make with the children an examination of conscience. In this manner as complete a confession as possible will result, and many abuses be prevented; especially will children not accuse themselves of things which they do not in the least understand and which they have not committed; while, at the same time, the suitable, intelligible, and becoming expressions for the different sins will be put into their mouths.[940] Furthermore, it is much to be recommended that the children should, in common, be incited to contrition and purpose of amendment (say in the Church, immediately before confession) by laying before them the motives for contrition, and this slowly, intelligibly, and in a manner adapted to children; afterwards repeating to them a short and forcible formula of contrition and purpose of amendment, concluding with another short exhortation to sincerity in confession and to gratitude to God after the confession.[941]

940 The question whether a formula of an Examination of Conscience should be placed in the hands of children, is treated by Dubois, l. c. Certainly not in the hands of the younger children; and Examinations, such as are contained in prayer-books for grown-up people, should not be given to older ones. Nor are all Examinations for Children to be recommended. The instruction is the most important thing; an Examination is a poor substitute for good instruction. Certain it is that these Examinations are very often misused by children.

941 Aertnys says in his Institut. practica, cp. 2, art. 1, n. 122, that the confessor must ask the children if they know the articles of faith which every Christian is bound to know, and if they do not, he must, if time allows, patiently instruct them concerning these articles, at least concerning the doctrines necessary to salvation, etc., but this can only happen in exceptional cases, scarcely when there has been given a good course of previous instruction.

II. Treatment of children in the confessional.

If the children have been well prepared, the confessor's work is much facilitated. But he must, nevertheless, always bear in mind the words of St. Alphonsus de Liguori: "*The confessor must expend all his love on the children, and treat them in the gentlest manner possible*."[942]

942 Prax. Conf. cp. 6, n. 90.

But even when there has been careful preparation the confessor must: (1) see that the confession is a complete one, and supply any possible defects in it; (2) instruct the child, and, if necessary, dispose it for absolution; (3) judge of his disposition, and, according to this judgment, give absolution conditionally or unconditionally or defer it.

In addition to the rules already laid down and discussed, the following special remarks will be serviceable:—

1. If the confession of the child is *incomplete* or vague, the confessor can easily discover the principal sins or at least sufficient matter by means of questions if the child has some little intelligence. He may ask the child if it has neglected daily prayers, if it has through his own fault missed Mass on Sundays or holidays (especially during vacation time); if it has behaved disrespectfully in Church, by laughing, talking, looking about, and disturbing others; if it has been disobedient and naughty towards his parents and superiors; if it has quarreled with his brothers and sisters and other children; if it has been angry or cursed in anger; if it has taken dainties by stealth or stolen; if it has lied and said untrue things of other children.[943] Where there are grave sins, he must, of course, ask the number, if it was not stated; and he must insist upon the child's examining itself concerning the number, and stating it as precisely as

possible. Everything connected with children's confessions must claim the confessor's attention, but he must be especially careful that they learn to confess well. Children will have great difficulty in giving account of their thoughts, desires, and the intentions by which they have been influenced, and the confessor may thus find himself obliged to put questions on these matters.

943 S. Alph. Prax. Conf. n. 90.

2. If the child has made a definite confession, but the confessor still believes that there has been insincerity,—from false shame or fear, or, perhaps, from inability to make the sin known, it often requires great prudence to detect the sin omitted.[944] It is mostly sins against the sixth and seventh commandments which, for the above reasons, children conceal. If the confessor therefore, suspects that a sin against the sixth commandment has been omitted, he must exercise prudence in two ways: first, that he does not, by unsuitable questions, make the child acquainted with sins of which it knows nothing, and that he does not put the questions in such a general way that they fail to disclose the sin. If the child confesses that it spoke immodest words, or did something immodest, or permitted it, the confessor must not at once conclude that he has to do with real sins against the sixth commandment; for sometimes children take unbecoming words, which are no sin against holy purity, for immodest words and confess them as sins; they also regard certain things as immodest actions which are by no means sinful,[945] but on the contrary necessary. There is ground for this supposition especially when an otherwise good child accuses itself of having very frequently committed such sins.... The confessor may also ask the child if it knows what impurity is. As he must not investigate the matter further he must form his judgment in accordance with the whole confession or suspend a definite judgment; and he should not forget that it is better to leave a confession doubtfully complete than to expose innocence to danger by asking questions. But if he discovers that the case is really so, and that the child suffers from *conscientia erronea* on this point, he must suitably instruct it. If, however, it is clear the child has accused itself of sins against holy purity, and the confessor believes that real sins are in question,[946] let him not fail to investigate what led up to them—a sinful, necessary, or voluntary occasion, or a vicious habit. Not infrequently the confessor will discover the distressing fact that home and school, instead of being nurseries of that flower of the virtues, the child's innocence, are the cause of its destruction, either with or without the fault of parents or superiors; and this through sleeping together, the bad example or open seduction of corrupted brothers and sisters, some imprudence on the part of parents, or the talk, buffoonery, and doings of some tainted child at school. Such circumstances will not only awaken deep and painful regret in the confessor, but also his endeavors as physician of the soul, to help and heal, and save the poor child from complete ruin. He must here apply with special care and prudence the rules concerning occasions and sinful habits. If the confessor perceives that a child suffers from *false shame*, or that it is immoderately timid, he must seek to induce it to candor and confidence by kind persuasion, affectionate encouragement, or also by serious exhortation.

944 Cf. Catech. Roman. P. III. cp. 7; Renninger, l. c.

945 Aertnys writes upon this point (Instr. pract. cp. 2, art. 1, n. 127): *Actiones inhonestæ puerorum, qui luxuriæ adhuc ignari sunt, plerumque non sunt habendæ ut peccata mortalia; quia vel commotionem veneream non habuerunt vel hujus malitiam nondum*

apprehendunt. And St. Alphonsus teaches (Vera Sponsa, cp. 18, § 1, n. 14): *Sunt quædam actiones naturales, quas manifestare puderet, attamen declarare propterea non tenemur. Sic. e. c. si quis commiserit in pueritia levitates aut jocos indecentes, quorum malitiam ignorabat, non tenetur ea confiteri. Neque ex eo, quod actio secreto facta fuerit, concludere licet conscium quem fuisse ejusdem malitiæ; quasdam namque faciunt pueri actiones naturales secreto, quamvis non sint peccata.* But there are children, and in towns especially not a few of them, who are early corrupted, and in whom wickedness and impure knowledge are in advance of their age, with reference to whom it must, alas! be said: *Tantillus puer et tantus peccator!* Cf. Aertnys, l. c.

946 Whether immodest acts and jokes which children have practiced be sins or not, let the confessor admonish them, in accordance with the principle *principiis obsta*, to avoid carefully for the future these things and everything impure. But let him do so with fatherly love, in order that, should they do these things again, the children may not be afraid to confess them.

In the preparatory instruction the confessor must specially accentuate the seal of the confession, and not fail to represent the confessor to the child as the substitute of Christ, who, like our divine Savior, receives children (and children who have sinned also) as a loving father, and as the Good Shepherd rejoices over the return of the child by a sincere confession.

3. If a child has concealed a sin against the seventh commandment, it is easier for the confessor to discover the insincerity. He must ask what was stolen, where and from whom it was stolen, if other things than eatables were stolen, what was done with them, etc. Stealing and eating dainties by stealth generally go together, as the longing for these dainties often makes the child a thief. Another form of theft is keeping back money when parents or others have sent the child to make purchases. Study and experience, especially in the cure of souls, and light from above, for which the confessor must always pray before confessions and during them in more difficult cases, will enable him to discover other points which cannot be here discussed.

The next task of the confessor is *to instruct the child, to prescribe remedies, and to dispose it for the absolution*. The sins which have been confessed will furnish the occasion for the instruction; but instruction concerning the necessary truths of faith may also be required, especially when absolution cannot be deferred. The confessor must particularly inform the child concerning the malice and hatefulness and evil consequences of its sins; then also concerning the beauty and rewards of virtue and the duties of its station. Nor should he fail to remind the children of their sublime pattern, the divine Child Jesus. The confessor should inspire them with love and confidence in the Blessed Virgin, their heavenly Mother, and teach them devotional practices in her honor and service. Finally, he should recommend to them, as a means of obtaining virtue, zealous and regular prayer, recollection of the presence of God, and avoidance of bad companions; and let him not tire of telling the children all this over and over again, and implanting it in their hearts. It will remain there, and in due time bring forth good fruit. Though he has imparted these precepts and exhortations during the religious instruction, he should repeat them at the confession in suitable form; they will be more effective there; but they must be adapted to the intelligence of the child and be short and forcible.

With the performance of this duty he must combine another, the healing of the wounds of the child's soul. This healing begins with the acknowledgment of the evil in the examination of conscience and confession, is carried on by the sorrow, and completed by the absolution, through which grace is poured into the soul. By means of the instruction which the confessor gives the child, he will seek to move it to real sorrow and firm purpose of amendment. This is a principal task of the confessor in children's confessions. How often and how easily the latter become invalid, or doubtfully valid, from

the child's having been too superficial and thoughtless in awakening sorrow and firm purpose, not having been properly attentive during the preparation, and having repeated an act of contrition and purpose of amendment more with the mouth than with the heart. The confessor must have due regard for this, and employ the necessary care for warding off such evil. If the immediate preparation for confession was a good one, he may set his mind at rest as regards most of the children; nevertheless he will here, once more, seek to move the child to sorrow and renewal of purpose in a few forcible words. But if the immediate preparation above described was entirely left to the individual children, and if the confessor has misgivings about it, he must supply what is wanting by short but earnest admonitions.

Let the confessor be persuaded that his endeavors are not in vain, and even if it should be his experience that the child has turned to no advantage these preparations for confession, let him not be disheartened. The child will recognize the representative of Christ in him better in the confessional than at the instruction, and if he speaks as such, inspired by a pure intention and a holy zeal for the love of Jesus, he may confidently expect that his words, aided by the grace of God, will make their way to the child's heart, and there find fruitful soil. The child's heart, though fickle and thoughtless, is not so insensible to contrition; the feeling of gratitude and love is there, and the love of God is more easily excited in it. Still easier will it be for the confessor to move the child to a firm purpose of amendment. In this work of healing he must pay special attention to certain sins, which often occur with children, and are particularly ruinous in them—lying, stealing, and impurity.

(*a*) If the child shows a tendency to lying, the confessor must first of all emphasize the sinfulness of lying, as it is often scarcely regarded as a sin and confessed as a matter of custom, in many cases, it must be feared, without due sorrow and purpose of amendment. He should point out to the child the particular hatefulness of lying, as expressed by the Holy Ghost in Holy Writ: "Lying lips are an abomination to the Lord" (Proverbs xii. 22), and that "a lie is a foul blot in a man" (Eccles. xx. 26); that God, as the eternal truth, especially hates, detests, and punishes lying (Eccles. vii. 14); that men also detest a liar, for one who has once lied is not trusted again; that lying brings a child no good, as everything comes to light sooner or later.

(*b*) If the child has stolen something, the confessor must inquire concerning the cause of the theft. Causes of theft may be: *Want*, in the case of very poor children, who do not receive sufficient food, or who cannot procure the necessary articles for school use. This cause will be discovered without much difficulty by the question: "What did you steal?" "What did you do with the stolen money?" Of course such children must be treated leniently, but forbidden to steal again; at the same time they should be told that if they are again in need of anything, to come to him, the confessor (or the parish priest), and make known their trouble, and they will be helped. Sensuality may be another cause; inducing them to pilfer sweets, or buy them with stolen money. These children should be earnestly admonished, often to think that God sees them. Finally, a cause of stealing may be *an innate or acquired tendency*. In these cases the amendment of the child is very difficult, but the confessor should not give up hope, even when the tendency is deeply rooted. In the first place, he should point out to the child the sinfulness of stealing, and suggest the necessary measures (according to the circumstances) for overcoming and eradicating the evil—daily renewal of purpose and prayer for grace, recollection of the presence of God. If the children are induced by their parents to steal, the confessor can only command them not to obey their parents in future, and to declare that they must obey God who has

forbidden stealing; the rest he must leave to the grace of God. If the child is led into stealing by others, it must, of course, give up all intercourse with them at once, and (according to the circumstances) inform parents and teachers of the fact. The duty of restitution is not to be imposed upon children, as they are generally incapable of making restitution,[947] excepting the case where the child still possessed the stolen object; it should then be admonished to restore the object, in order effectually to deter it from stealing.[948]

947 The reason which Aertnys (Instr. pract. l. c.) adds to this: *quia hanc obligationem non intelligunt*, can certainly not be allowed to hold in the case of older and more educated children.

948 Tappehorn, l. c., says that *in all cases* the confessor *must* insist that the thing stolen should, if possible, in some way or other, even with the help of the confessor, be restored; but, surely, this is too severe, even with the limitation "if possible," and the addition that absolution might rather be deferred till the restitution had been made, must be limited to the case of a more considerable theft, when the stolen object is still in the possession of the penitent, and, perhaps, to the case of a child who had repeatedly committed thefts.

(*c*) The most dangerous and worst sin with children is that of *impurity*. If a child accuses itself of this, and if the priest believes that real sins of impurity are in question, he must investigate if the child has fallen into them through his *own desire*, or through the *seduction* of others. If the former is the case, the confessor should point out clearly and in a manner adapted to its comprehension, the heinousness of this sin, which ruins body and soul, and makes us, as does no other sin, an object of horror to an infinitely pure God. He should remind the child of our divine Redeemer at the pillar, where, by the dreadful pain and shame which He suffered, He atoned for this sin. All this he should set before the child in eloquent, impressive words, so that it may recognize how much his confessor detests these sins and loves the virtue of purity. Let the confessor take occasion to glorify this holy virtue, pointing out how much it is loved by God and man, how much praised by the Holy Ghost, how it ennobles a man, making him like the angels. This recommendation of holy purity will be especially fruitful if accompanied by a special devotion to holy and chaste young saints, especially to the Virgin of virgins, to St. Agnes, St. Aloysius, St. Stanislaus, and St. John Berchmanns. In this manner let him bring the child to a detestation of its sins, and to a firm and determined purpose of resisting wicked desires and all temptations of Satan, and to adopt the necessary means for this. As means of amendment he can prescribe according to circumstances: daily renewal of the good resolutions, daily prayer to the Blessed Virgin, frequent and regular reception of the holy Sacraments; especially confessions each time the sin is committed (this latter remedy is particularly to be recommended if the sin has already become habitual, or has led to pollution). Other devotional exercises are the honoring of St. Aloysius, especially by the six Sundays of Aloysius (the celebration of which may very well be recommended to older children); little mortifications for the purpose of overcoming sensuality are also very appropriate. If *seduction* by others was the cause of the fall, the confessor must direct the child to avoid intercourse with the evil companion; but if this is morally impossible (for instance, when older brothers and sisters, or children of the same school, are the seducers), he must give suitable rules by means of which the immediate occasion may become a remote one. Whether the child may be commanded to denounce the seducer to parents or superiors depends upon circumstances, and the priest must examine into these; a denunciation is a very efficacious means by which the sins of others also may be checked. He must then tell the child how it can do this.

The third task devolving upon the confessor is *to judge of the child's disposition*, and according to his decision to give absolution or to defer it. If the child has made a sincere confession, answered candidly the confessor's questions, listened attentively to his exhortations, said the act of contrition devoutly and earnestly, if its behavior has been generally good (before confession also, in the church, at the preparation), or if in answer to the confessor's question it has declared that it was sorry for its sins, and that it wished to amend, the confessor may be satisfied as to its dispositions. If he still doubts as to the child's dispositions (even after he has taken pains to dispose it, for, in doubt, the confessor must, as shown above, seek to dispose the penitent), or if he doubts as to the necessary *usus rationis*, and if the child will not come again for two or three months (as is mostly the case) or if it is in danger of death, he should give conditional absolution. This also is allowed (in a case of doubtful disposition) when the child has confessed venial sins only, and it is not likely that it will soon come to confession again. Concerning the postponement of absolution, see the principles laid down above, which apply here also.[949]

949 Cf. S. Alph. Lib. VI. n. 432; Prax. Conf. n. 91; Aertnys, l. c. n. 126.

As to the penance, let the confessor observe the teaching discussed above (§ 33). Let him be careful not to impose any severe penance upon the child, though it should be easier at one time, and severer at another, corresponding to the sins. Moreover the penance should not be extended over any long period, on account of the forgetfulness of children; nor be such as the child must perform before others, and thus be exposed to confusion.

In conclusion, we briefly refer to the question: How often should children confess? If there are diocesan regulations on this point,—and there are in most dioceses,—they must, of course, be observed. Where no such direction exists, the zealous and conscientious priest will—as confession is of such great importance for children, and as it is one of the most powerful means of preservation from sin and the practice of virtue, especially with those who have not yet made their first communion—assuredly be glad to follow the precept which St. Charles Borromeo gave to his clergy, namely, to induce children to confess frequently. Let confession four times a year be the rule, and if he considers it necessary, on account of particular circumstances, he will readily grant the children more frequent opportunities; those who are preparing for their first communion, especially, he will admit to confession frequently during the last year before the reception; say, every month, as is the regulation in some dioceses.[950]

950 Tappehorn, Anleitung zur Verwaltung des Buss-Sakramentes, § 48; Aertnys, Instr. pract. cp. 2, art. 1, nn. 120-128. Dubois, The Practical Confessor; Frassinetti, The Confession of Children.

75. The Confession of Young Unmarried People

Youth, the springtime of life, is the most beautiful, but at the same time the most dangerous, period of existence. The young man and the young woman, more or less removed from parental care and observation, come into closer contact with the world; many young people are obliged to leave the parental roof to learn a business or trade, or to earn money for their own support or for that of their relations, in factories, workshops, or in strange houses as servants. And the dangers which, either temporarily or constantly threaten them in these places, are not slight. Others, more happily situated, can remain at home, but even here they are not sheltered from all the dangers which the world, and contact with it, prepare for them. And youth is so trustful, so easily beguiled, dazzled, and misled; the youthful heart is so susceptible, the youthful ear so open, evil often finds its way to the guileless heart in the guise of what is good or harmless or indifferent; it is excused, or represented as necessary, whereas virtue is despised as weakness or reviled as folly, or denied as impossible. In the heart the passions and the sensual impulses awaken, while the enemy of all good constantly watches to achieve the ruin of the soul. The greatest dangers are *pleasure, bad company, bad books, and human respect*. Therefore is it so very important that the young should have an experienced, wise, circumspect confessor who knows youth well,—the youthful heart with its inclinations, the youthful mind with its aspirations and the dangers that beset its path; a confessor who can admonish, instruct, and guide it, incite it, and awaken its enthusiasm, restrain and warn it; who will hold fast to right principles, but enforce them with wise moderation; who will lead his young penitents into the ways of goodness and virtue without exciting their resistance—a confessor who has a warm heart for youth. Let him, therefore, gladly take upon himself the difficult but noble and blessed task of being a father and guide to youth. Of this labor St. John Chrysostom[951] says truly: "What is equal to the art of guiding the souls of the young, of forming their minds and hearts? He who is equipped with the capacity for it must exercise more care than a painter or a sculptor upon his work." That the confessor of young people may work with success it is necessary *that he should win their hearts* by the absolute confidence with which his truly fatherly love inspires them. Let him not repel these young people by cold, harsh treatment, but make due allowance for their weakness, their inexperience, their inconstancy; they will then follow his instructions, admonitions, and counsels with docility and with the enthusiasm which is peculiar to youth. Moreover, let him make the work of confessing easy to them so far as may be, in order that they may *gladly* and *often* confess and communicate. If it is possible, let him induce and accustom them to the constant habit of confessing every month, or at least every two or three months; for frequent confession and communion is of especial benefit to young people, in order—(1) to preserve them from sinful *habits*, for they will rise the quicker from sin the oftener they approach the Sacrament of Penance, and sin cannot settle into a habit if the heart is quickly cleansed from it. In any case the beginnings will be easily overcome. If, however, a sinful habit has already taken root, frequent confession and communion is the most certain, often the only, remedy. (2) By it *they accustom themselves to pious exercises*, which are learnt and performed more easily in youth than later on, and by continued practice they will be confirmed in piety, which is itself a firm support of weak and vacillating youth, a safe and protecting bulwark against danger.

951 Hom. 59 in Matt. xviii, n. 7.

(3) *They will then also receive the holy Sacraments frequently in later life, and will be preserved from that pernicious fear of the confessional*, from which so many men and women suffer in our days. For, as the Holy Ghost teaches, and experience proves, a youth will not forsake easily in old age the path which he trod in early years. But those who in youth seldom receive the holy Sacraments will, as experience also proves, shun confession more and more as age advances.[952]

952 It is good to invite them at stated times to monthly communions in regular turns, and if a number of the young people of the parish approach holy communion every Sunday, it will edify, and will induce older persons to frequent reception of the holy Sacraments. Attendance at the regular communion should be urged again and again; the latter should also be celebrated with some exterior solemnity.

When the confessor has a suspicion that his young penitents have not confessed sincerely, he may (as it shall seem to him advisable, and having regard always to the rules applicable to questioning) ask if they have been much troubled by temptations against holy purity, if they have had intercourse with corrupt people, if they have read bad books? He may also ask, especially where the preceding questions were answered in the affirmative, if they have done anything immodest or permitted it? But in all these questions let the confessor be modest and careful in his expressions, lest he wound by awkward questions and teach the penitent some sin before unknown to him, or excite his curiosity. He will more easily attain to his end with young men, as these are generally more open than persons of the other sex. Sometimes young people of both sexes do not know what a sin of impurity is, although they accuse themselves of impure thoughts.

The faults peculiar to youth are:—

(*a*) *Disobedience* to parents and superiors, which results in much evil. The confessor must find out in what they have been disobedient—neglecting divine service, religious instructions and the holy Sacraments, attending forbidden entertainments, frequenting bad company, keeping up dangerous and sinful connections with persons of the other sex (familiarities, flirtations). Then let him point out the evil consequences of their disobedience, the obligation of obeying which still remains in force when they have become older, are earning money, or supporting their parents, in fact as long as they remain under parental control. He should remind them of the promises of the fourth commandment, and the threats of God against those children who disobey this commandment. At the same time let him instill in their hearts reverence and love for their parents and superiors. Then let him lay special stress upon sincerity toward parents, superiors, and the confessor; and inculcate a deep abhorrence of dissimulation and lying, which make the education, protection, and guidance of inexperienced youth impossible, and expose it to great dangers.

(*b*) *Love of pleasure*. It excites the young man (and also the young woman) to a craving for enjoyment, withdraws him more or less from useful pursuits. It leads the young man into dangerous society, the young woman into ruinous and sinful intimacies, which are secretly and prematurely carried on, and are fruitful in sins and excesses; it ultimately leads both of them into disobedience toward their parents, to lying, to extravagance, to deception and theft practiced on parents, and to still worse things. Moreover, it takes from them all devotion and fear of God.

(*c*) If love of pleasure appears more in young men, *desire of pleasing* is characteristic of young women; it induces vanity, levity, distraction, and sins against chastity. The confessor should combat these passions with all his zeal and show how they may be suppressed.

He should recommend to young people as excellent means of acquiring and cultivating the fear of the Lord and true virtue:—

1. *Regular daily prayer, and attendance at divine service*, Mass, sermons, and Christian instruction. As long as a young man or a young woman say their daily prayers and attend Mass, it is well with them; but as soon as they begin to grow negligent in these practices, it is a certain sign that they are no longer in the path of virtue, and if they have not yet reached the broad highway of vice, they are certainly on the road which very soon leads into it. Experience teaches that a man does not become all at once corrupt and wicked; he usually falls imperceptibly and by degrees. He no longer confesses and communicates regularly every four weeks,—first five elapse, then six or seven; morning and night prayers are no longer said punctually and kneeling,—they are sometimes omitted, shortened, said in bed, now and then the religious instruction and the afternoon devotion are missed, and excuses are forthcoming; at the same time there is no longer the earnest endeavor to resist temptation, there is no longer the same fear of sin. Upon the lesser negligences supervene greater ones, and upon the smaller faults greater sins. This is the usual progress. Let the confessor, therefore, urge punctual prayer and regular attendance at divine service.

Many young men and women cannot attend at Mass on weekdays; if they are absent from it on Sundays also, they are not only robbed of many necessary graces, but they neglect the first duty of man, the service of God, become more and more estranged from God and holy things, and in the same measure attached to the world and worldly things, with the result that sin and passion are more easily and more deeply rooted in them. If young people come with the excuse that they were obliged to work on Sunday, and therefore were not able to be present at Mass, the confessor must investigate the validity of this excuse and give the necessary directions and instructions. He should not be overready to admit its validity; in towns especially, by a little good will and zeal, though at cost of some effort, Mass may be heard before work begins. These same people will often deprive themselves of necessary rest when it is a question of pleasure! Work on Sundays is not always inevitable and absolutely necessary, and other situations are to be found in which it is not demanded. The confessor must inquire into all this.

2. Great esteem for holy purity and a great horror of impurity. For this purpose the confessor should encourage (*a*) the reading of good books, warn his penitents against idleness, and instill in them a love of virtue (§ 66, IV). He should also (*b*) caution them against sinful talk and familiar intercourse with persons of the opposite sex, and against bad company; this warning should be especially addressed to young women, who should also be admonished to be decent and modest, as becomes virtuous women, at all times and in all places—at work, at recreation, in the house, out of the house, in dress, and in manners; (*c*) he should endeavor, to the best of his ability, to keep them from dangerous pleasures, especially from theaters, dances, shows (§ 66, II. III), and certain pleasure trips, which, unfortunately, in our days are so general, and for which so many opportunities are afforded; indeed, he will be obliged to forbid many of them to certain penitents as they are for these penitents *occasio proxima relativa*; (*d*) he should also seek to hinder young men from joining certain societies, the principal object of which is pleasure, and which so often give occasion for profanation of Sundays and holidays and for other

scandals, and in which the ruling spirit is not one favorable to religion and virtue. On the other hand, he should recommend them, and young women also, to join a well-conducted religious society or sodality; (*e*) he should induce them confidently to unfold to their confessors all their temptations, struggles, and difficulties; (*f*) finally, he should recommend and urge frequent reception of the holy Sacraments after careful preparation and an earnest endeavor to sanctify the day of communion.

But only the *regular confessor* can, in this prescribed manner, produce permanent effect upon young men and women. Only he who has known and guided his penitent a long time can effectively warn him against threatening dangers; and when the latter has gone astray, a confessor can easily lead him back, and preserve him from future dangers and relapse. It is, therefore, of the greatest importance that young people should not change their confessors without a good reason. They should be advised to choose a regular confessor and to give him their confidence, ready to submit with docility to his admonitions and precepts. But if his penitents confess once or twice to another priest, the permanent confessor must by no means express displeasure or irritation; under certain circumstances he must even express satisfaction at it, for it is better that they should confess sincerely to another priest than sacrilegiously to him. When they return to him he should show even greater love and concern for them, and resume their guidance with the accustomed conscientiousness. The priest to whom these penitents come without the knowledge of their former confessor must receive them kindly, dispose them, if necessary, and induce them to be sincere after they return to the former confessor.

The confessor must devote special attention to a vice with which so many young people are infected —the *vitium pollutionis*—in order to preserve those who are still untainted by this pest, and to deliver and cure those who are its victims. In a former section (§ 69, II) we have said what was necessary on this point, and enumerated the remedies which the confessor must apply to these unfortunate penitents.[953] If the young penitents (male or female) are inmates of an educational establishment, the confessor must not overlook the possibility of *particular friendships*, as these prove to be very injurious. At first they are merely matters of fanciful preference, without harm. But later on such friends like to separate themselves from others when they are able to do so, and by degrees the relationship between them tends toward sensuality and to sins against purity. This evil the confessor must judiciously endeavor to avert; if he observes such friendships, he must demand that they be broken off, if necessary, under threat of refusing absolution. And if one of the parties continues to be a cause of temptation, he must be denounced to the Superior if this is possible. The confessor may be assured that only by legitimate severity will anything be accomplished in this matter.[954]

953 Here we will only insert the *Notanda* from the Instr. pract. P. III. art. II. § 1, n. 131, by Aertnys: (1) *Animadvertat confessarius, quod docuit experientia, nempe nullum cœlibem, qui ad provectam ætatem usque in habitu hujus vitii vixerit, ad frugem redire posse nisi extraordinaria Dei gratia præveniatur; principiis ergo obstet, ne malum per multas invaleat moras et sero medicina paretur.* (2) *Interdum inveniuntur juvenes utriusque sexus, qui habitu pollutionis antehac irretiti, valde cupiunt hac miseria soluti esse, sed vehementer tentantur, et, quamvis resistant et orent, pollutio nihilominus sæpe evenit. Idem aliquando contingit ob corporis complexionem nervosam aut sanguinosam, quæ vehementes tentationes causat. Qui doceantur pollutionem omnino involuntariam non esse peccatum.* Nevertheless, the confessor must be careful, and not *readily* believe that the penitent had sufficiently resisted, but duly investigate if this has been the case. (3) Others resist at the beginning, but lose courage if the temptation does not cease, wrongly imagining that resistance is in vain. Such must be encouraged to further resistance; *si tamen pollutio sequitur sua sponte, involuntaria censenda est utpote præter voluntatem secuta*, and, therefore, there is no sin. (4) *Alii demum timoratæ conscientiæ, sed nervosæ complexionis, in lecto vehementes commotiones carnis identidem patiuntur; si positivam resistentiam opponere pergant, obdormiscere nequeunt, et, si tandem sopiantur, pollutio in somno evenit.* These should be

admonished to pray for divine help, to make a firm act of disapproval, and then, with a quiet conscience, to assume a passive attitude, in accordance with the teaching of St. Alphonsus, Lib. V. *de peccato*, n. 9.

954 Aertnys, l. c. art. II. § 1, nn. 128-133; Tappehorn, Anleitung zur Verwaltung des Buss-Sakramentes, 4 Abschn. § 85.

76. The Confessor as Adviser in the Choice of a State of Life

It will often happen that the confessor is in a position to help young people in the choice of a state of life; we will, therefore, lay down a few rules on the point.

1. The confessor is by his calling an adviser to his penitents in this matter; for he knows the souls of his penitents, their inclinations, faults, and weaknesses, and the duties of the different states of life. He is likewise apt to receive a special illumination of divine grace in the exercise of his office, and he is probably always the most impartial of those concerned in the decision of this question. Hence the penitent usually lays this question of his future before his confessor with the greatest confidence.

2. The right choice of a vocation is of supreme importance for a young man or young woman; upon it depend not only the temporal and eternal welfare of the party in question, but also the happiness and unhappiness of many others. The confessor ought, therefore, to expend very much care upon this question; he must consider, investigate, pray, and admonish the penitent to do the same. The decision of such a weighty matter should never be hasty. *Noli præcipitanter agere; diu considera, magnum est, quod proponis*, writes St. Bernard.[955] The confessor must inquire into the abilities of the young man or woman, the moral condition, and also the exterior circumstances of the person; he must consider the question of means and foresee difficulties which may arise. He must then investigate if the intentions of the person in entering upon this state are pure and acceptable to God. Finally, he must have recourse to God in earnest prayer, that he may be able to give his penitent the right advice in so important a matter. *Tria sunt difficilia mihi et quartum penitus ignoro*, namely: *viam viri in adolescentia* (Prov. xxx. 18, 19). St. Philip Neri, the paternal friend and guide of youth, recommends in the choice of a vocation, *time, prayer, and counsel*.

955 Serm. super Ecce nos.

3. The confessor should not seek to persuade young people to embrace some particular calling: "*Circa statum ab aliquo adolescente eligendum non audeat Confessarius illum ei determinare, sed tantum ex indiciis curet suadere statum illum, ad quem prudenter judicare potest ipsum a Deo vocari,*" is the admonition of St. Alphonsus to confessors.[956] The confessor should, therefore, direct the young man to submit the matter to Almighty God, who determines the station in life of every individual, and teach him that each one must seek to know the will of God, and be ready to follow the divine call, whatever it may be, for a man can be permanently and truly happy only in that state which God has allotted him. He should admonish him to implore with perseverance light from on high, and to this end perform some special devotion—a novena to Our Lady of Good Counsel, or to St. Aloysius, the patron of youth, or to St. Joseph; to receive the holy Sacraments, and preserve himself from all grave sin, so as to place no obstacle in the way of the divine light of grace.

956 Praxis Confess. n. 92.

All this being done, the confessor can, trusting to the grace of God, give an answer which shall be, if possible, decisive. God is wont to make known to a man the station destined for him in a threefold manner: (*a*) *by miracles*, as He did in the case of St. John the Baptist, St. Paul, and many other saints; (*b*) by interior illumination and suggestion, by means of which the individual is enabled to recognize the will of God clearly, as we see illustrated in the lives of very many saints in quite a remarkable manner; (*c*) and generally, by means of outward circumstances, by pronounced inclination and special capacity for some state of life; among these circumstances may be reckoned the exterior providential guidance of men, which the world calls chance, but which the Christian enlightened by faith recognizes as the providence of God.

Respecting individual callings, the confessor should observe the following:—

I. Religious Orders.

If a young man or woman shows an inclination to enter a Religious Order and consults the confessor about the matter, the latter should first investigate if the penitent has the ordinary abilities for such a life, if he has sound judgment and a good character, if he is disposed to obedience, if he possesses relatively sufficient talent and knowledge, and if he is healthy. For one who is not of sound judgment is subject to many hallucinations, and St. Teresa used to say, very wisely, that she did not wish to have either scrupulous or melancholy persons in her Order, that is, such as were subject to these faults in a considerable degree, because such persons are a cause of much trouble both to themselves and the community. Those who have not good health will not be able to observe the general regulations of the establishment, and, therefore, will be more of a burden than a benefit to the community, and will not be able to set a good example. The priest should then test the penitent's intention in entering the Order, to see if it is the right one, namely, to unite himself more intimately and closely to God, to atone for the errors and sins of his former life, and to avoid the dangers of the world. If the confessor should discover that the intention has been influenced by some such motive as the expectation of leading a life free from cares, or of escaping from the tutelage of harsh relations, or by desire of complying with the wishes of parents, he should proceed cautiously, for under the circumstances it may be suspected that there is no vocation.[957] If, however, the intention is right, and there is no obstacle in the way, the confessor may not, and cannot, under grave sin,[958] prevent or dissuade the person from following his vocation; nor may any one else do so. The confessor must also investigate if *the purpose* of the individual in question *is firm and steadfast*; in order to make sure of this, it is sometimes advisable to defer for a time the execution of the intention, especially if the confessor knows the young person to be rather fickle, or when the resolution to enter the Order was taken during a Mission, or under the influence of a Retreat, because resolutions are sometimes made on such occasions, which, when the first zeal has cooled down, are not kept.[959] The confessor must be especially careful with penitents who, on account of frequent relapses into sins of impurity, give rise to the suspicion that they do not lead chaste lives; and also with those who have reached middle age, because it is to be presumed that, being settled in their habits and views, they would find obedience too difficult; finally, he should also be extremely careful with those who have already belonged to an Order, because these do not generally persevere, or are not adapted to a life in community.

957 To deny absolutely the existence of a vocation under such circumstances is too severe a doctrine; higher and purer motives may exist along with those of a distinctly lower order, and the aim of the confessor should then be to foster the

higher motives while eliminating the lower ones. Great caution, unquestionably, should be used where inferior motives are detected, but we should never lose sight of the possibility of God's grace being granted to those whose ideals are not at first of the very highest order.

958 Cf. S. Thomas, Quodlib. III. art. 14.

959 Cf. S. Alph. Prax. Conf. n. 92; Aertnys, l. c. n. 134.

When the confessor has satisfied himself, as far as possible, concerning the vocation for a Religious Order, he will have no difficulty in discovering to what Order the young person is called. Here he must pay special attention to the inclinations and dispositions of the candidate, and whether regular observance prevails in the Order under consideration. But as long as the question of the calling is not quite decided, he must insist: (1) that the person maintain silence with every one, even his parents, concerning it, till it is recognized as his vocation, and is to be carried out; (2) that he should persevere in prayer for guidance, and frequently receive the holy Sacraments; (3) that he should shun the distractions, pleasures, and vanities of the world, otherwise he will run the risk of losing his vocation.

II. The priesthood.[960]

960 Cf. S. Alph. Praxis Conf. n. 93; Aertnys, l. c. n. 135; Tappehorn, Anleitung, etc., § 85; Lehmkuhl, Theol. Mor. Lib. VI. Tract. VII. nn. 398, 408.

Holy Writ, both in the Old and New Testament, teaches that a vocation from God (*vocatio divina*) is necessary for receiving Orders (*status clericalis*). Our Savior Himself expressed this truth very clearly when He said to the first priests of the New Law: *"Non vos me elegistis, sed ego elegi vos,"* and His Apostle also, who writes: *"Nec quisquam sumit sibi honorem, sed qui vocatur a Deo tanquam Aaron"* (Heb. v. 4). The confessor must, therefore, carefully examine the candidate's vocation to the priesthood; indeed, this investigation is even of greater importance than in the case of the candidature for a Religious Order. For if the religious takes upon himself greater burdens with regard to obedience and voluntary poverty, and if the love of community life and a submissive spirit is not to such a high degree necessary in the secular priest, yet greater dangers threaten the latter, and fewer safeguards are at his disposal than are possessed by the religious, who, in the rule of his Order and the regular life of a monastery, finds a powerful help.[961]

961 *"Unde concludes, gravissimi momenti esse munus tum Seminarii directoris, tum alumnorum confessarii, ut mature alumnos dirigant, eorum animos efforment, defectum aptitudinis aperiant, imo nisi de confessario confessionisque sigillo vel simili secreto agitur, ineptos etiam relegendos curent."*—Lehmkuhl, l. c.

The chief signs, by means of which the confessor may recognize a vocation for the priesthood, are: (1) right intention—not seeking a comfortable life, a future free from care, and honor in the eyes of the world, but only the honor of God, and the salvation of souls; (2) a persistent inclination to the spiritual state, joy in the spiritual life, and in the offices of the priesthood; (3) confirmed virtue (*"virtus probata,"* or *probitas vitæ, positiva nempe, iis virtutibus subnixa, quæ dignum efficiant altaris ministrum*); especially purity of heart, temperance, piety, modesty, and zeal;[962] (4) ability to perform the duties of this station. As, in our days, nearly all who enter the clerical state wish to become priests also, and by far the greater number of priests have *cura animarum*, this ability consists in an average mental endowment and the necessary knowledge, joined to a love of ecclesiastical science, in prudent judgment and right conscience (very scrupulous youths are unsuitable). According to the teaching of St. Alphonsus, one who intrudes himself into the priestly office without a vocation cannot

be acquitted of great presumption, as he exposes himself to the great danger of losing his own soul and of giving scandal to the faithful. He will, therefore, not be free from grave sin.[963] But it sometimes happens that those who were certain of their vocation become doubtful and vacillate; temptations of the evil one arise and cause confusion; friends and relatives exert their influences in order to turn them from the spiritual state, joy in worldly pleasures and diversions makes itself felt; they fear and shrink from the duties of the office, thinking they will not be able to perform them, or they believe themselves unworthy to enter such a holy state. If a confessor finds a penitent tempted in this manner, he must try to inspire him with courage and confidence, make him understand that every state in life has its burdens, but that in none is the yoke lighter than in the one assigned by God. He should point out to him the deceits with which the enemy of all good and the "father of lies" so often confuses souls; remind him of the teaching of Jesus, that the kingdom of heaven suffereth violence and that only the violent carry it away, that he who will follow Jesus must take up his cross and carry it daily. At the same time he must recommend prayer and absolute submission to the will of God.

962 Concerning purity of heart, compare § 69. "*De divina vocatione hic imprimis nota, debere positiva probatione constare de vitæ probitate tum Superiori, ut ad Ordines, maxime sacros, admittere possit, tum ipsi candidato, ut sacrum ordinem suscipere sibi liceat.*"—Lehmkuhl, l. c. And very justly Aertnys writes (Instr. pract. l. c. n. 135 fin.): *Nisi juvenes innocentiam servent, dum in Seminario ad sacerdotales virtutes efformantur, vix spes est fore, ut illam servent in Sacerdotio constituti. Unde turpiter seipsos illi decipiunt, qui arbitrantur, se in Sacerdotii gradu positos emendaturos esse vitia, in quibus laici vel clerici sorduerunt.*

963 S. Alph. Lib. VI. nn. 802-804; Examen Ord. n. 45.

III. The state of virginity (*status virginitatis in sæculo*).

If a woman living in the world has a serious wish to preserve virginal purity, the confessor must confirm and support her in so good and salutary a resolution, for it is very pleasing to Jesus, the lover of pure souls. It offers a safer and easier way to holiness, and the state of virginity by far exceeds in merit and dignity that of matrimony. The confessor should, however, only allow those to take the vow of *perpetual virginity* whom he knows to be truly steadfast in piety and virtue, and of firm and decided will. As a rule, he should allow younger persons to take this vow for a short time only at first,—say for six months,—and afterwards, when they have proved themselves steadfast, and he sees that it is beneficial to them, he can extend the period to one or two years, and only later permit them to bind themselves by vow to perpetual virginity; or he should permit the perpetual vow under a conditional resolution, such as: "*nisi Confessarius pro tempore judicaverit expedire, ut votum desinat.*"[964]

964 S. Alph. Prax. Conf. n. 93. Cf. Aertnys, Theol. Mor. Lib. III. Tract. II. n. 112. We may suggest that the following distinctions are to be made: (1) *votum non nubendi seu cælibatus*; (2) *votum virginitatis*; (3) *votum* (*perpetuæ*) *castitatis*. The first prohibits marriage (*ergo non formaliter sed consequenter tantum inducit obligationem perfectæ castitatis*); the second, any *peccatum consummatum*, by which virginity is violated, *i.e. voluntariam seminis effusionem, si de viro agitur, sive per copulam, sive per pollutionem fit; si de muliere agitur, copulam aut innaturalem corporalis integritatis læsionem culpabiliter factam*; the third forbids (*formaliter et per se*) every interior or exterior act which is contrary to chastity *ex motivo religionis*. Cf. Lehmkuhl, Theol. Mor. P. II. Lib. I. Tract. VIII. n. 719.

The confessor should give special attention to those penitents who have really taken the vow of virginity, instructing them not only to be faithful to their vow, but to lead a perfect life according to their station and capacity.

IV. The state of *matrimony*.

Although the state of virginity possesses a very exalted dignity, the state of matrimony has divine sanction. The Church has always esteemed it highly, faithfully following in this respect the example of her divine Founder, and has always defended the dignity of Christian marriage wherever it was called for. God has ordained marriage for most men as their state of life; and, since upon the faithful performance of the duties of married people depend, not only their own temporal and eternal welfare, but also that of the family and of society, let the confessor, when occasion is offered: (1) direct his endeavors to prevent young people from entering into the state of matrimony too soon, without preparation, without knowledge of its duties, or capacity to perform them, and with an impure motive; (2) oppose most energetically those forbidden and pernicious intimacies which are the worst imaginable preparation for marriage, and generally the occasion of grave sins, and tolerate only the acknowledged and necessary intimacies a short time before the marriage, with due observance of the necessary measures of precaution; (3) instruct those penitents who have a vocation for marriage, and wish to enter that state, concerning its duties;[965] (4) admonish them to inform their parents of their intention to marry, in order to obtain their advice and assistance. For, as on the one hand, parents would sin who deterred their children, *sine justa causa*, from contracting an honorable marriage, so, on the other hand, children would sin who wished, against the will of their parents, to contract a marriage calculated to bring shame and dishonor upon a family, without some valid ground which would constitute an excuse for so doing.[966]

965 See the following section. But he must by no means meddle with engagements; every pastor, every priest, should be on his guard against this, "for the zeal of relations in this matter is already great enough," remarks Frassinetti, who continues: "In matrimonial matters the world wishes to act independently; and it is well that it does. Priests who do not interfere in these matters act well in the eyes of God, and meet with the approbation of men" (Frassinetti, l. c. VI. chap. On the Sacrament of Matrimony, § 1, n. 458). On the other hand, it would be no dangerous interference, and would not be taken ill by any one, if the confessor endeavored to induce a man who had dishonored a young woman to marry her as soon as possible. However, one cannot speak of an *absolute* duty to marry the woman under these circumstances, nor may one always adopt this remedy. For if the woman were so immoral that infidelity toward her husband might be safely presupposed, or if the seducer were such a dissolute man that he would hear nothing about the bond of marriage, and it was to be presumed that he would abandon or illtreat his wife if he were forced into marriage, it would be highly imprudent to bring about such a marriage. The same applies to all other cases in which it could be foreseen that the marriage would result in misery. This would be trying to remedy one misfortune, as seduction certainly is, by a lasting evil, namely, a wretched marriage. The confessor must, therefore, first investigate the circumstances.

966 Theologians teach that, *per se loquendo*, children are not *bound* to obey their parents in the matter of their vocation (they might, *per accidens*, be sometimes bound to this, *non vi præcepti, sed ex charitate*), that children who wish to join a Religious Order are *not* always bound to obtain the advice and assent of their parents, etc. Children should, however, take into consideration the objections raised by their parents against their choice of a partner in life. This duty of children to ask their parents' advice and consent is one which ordinarily binds under grave sin, *quia gravis contemptus est ac signum diffidentiæ, tantam rem sine eorum consensu aggredi ac nurum aut generum ipsis insciis adducere*. Cf. S. Alph. Lib. VI. n. 849; Lib. VII. n. 335; Lib. IV. n. 68; S. Thom. II. Q. 104, art. 5, Suppl. Q. 47, art. 6. Cf. Aertnys, Theol. Mor. Lib. III. Tract. IV. n. 153.

77. Betrothal and Marriage

"*Maxima prudentia ac zelo hic opus habet Confessarius*," justly remarks Scavini, and continues (quoting the "Méthode pour la direction des ames"), "Les personnes, qui vont se marier ont besoin de plusieurs avis pour ne rien omettre de leurs devoirs, ne rien faire contre la sainteté du mariage." The confessor should particularly observe the following points: 1. Betrothed persons should not, as a rule, live in the same house.[967] Let the confessor insist with unrelenting severity in this matter.[968]

967 Trid. Sess. XXIV. cp. 1 de ref. Compare the Ordinances of many provincial and diocesan synods, many diocesan regulations, and even civil legislation.

968 Compare the doctrine of the *occasio proxima, præsens libera*. S. Alph. H. A. Tract. VII. n. 32; Scavini, Theol. Mor. Univ. Tract. X. n. 262. This is especially necessary when a dispensation for the intended marriage is sought, as this dispensation generally contains the clause, *dummodo separate vivant*. Cf. Bangen, Instr. pract. de spousal. et matrim. I. p. 27 ss.

2. The time of betrothal should be one of preparation for contracting a marriage well pleasing to God; but it would be a very bad preparation on the part of the betrothed persons to burden their souls with grave sins against holy purity. Let the confessor, therefore, admonish them to preserve themselves free from all sins during this time, especially from those of impurity; and he has the more reason for giving this advice because very great dangers threaten their virtue on account of the intimacy of their relationship, the frequency of their intercourse, and their mutual inclination; moreover, this time of betrothal is, often enough, a career of continued sin, and an almost uninterrupted round of distractions, pleasures, and worldly cares. It often happens that young women, who before their betrothal led a zealous, religious, and pure life, become during this time lukewarm and indifferent in the exercises of piety, in the reception of the holy Sacraments, and even in attendance at Mass. With this comes carelessness in combating temptation; and moral perversion, alas! often of the worst kind is the result. Therefore let the confessor watch, warn, and admonish.

(*a*) He should explain to them that whatever is forbidden by God in the sixth and ninth commandments is no more allowed to them than to unmarried people in general; on the contrary, the prospect of a speedy union, their mutual love and weakness may lead them into greater temptations and dangers, and that they should, therefore, be more watchful and careful now, should pray more than before for the necessary grace and strength to remain pure, and to be able to approach the altar for the nuptial ceremony with hearts undefiled. He should also call their attention to the misfortunes in married life with which God, even here on earth, is wont to punish sins committed against the sanctity of the Sacrament by the betrothed.

(*b*) He should forbid them any too familiar intercourse with each other, especially *solius cum sola*, in retired places at night or in the evening. He must not allow them to meet without some attendance and supervision. How many have been exposed to the greatest dangers by merely going to the door in the evening, and tainted a virtue which had been preserved spotless for years. Frequent visiting of engaged persons without supervision of parents or relations is, in general, to be regarded and treated as an *immediate* occasion of sin, and that, not *per accidens*, but *per se*.[969] St. Alphonsus inveighs severely against engaged persons and the parents who permit these visits and familiarities, and defends his

severity by appealing to experience.[970] Moralists teach (and experience confirms their teaching) that too much familiarity on the part of persons engaged constitutes the very greatest danger to chastity.[971] Frassinetti's words are to the point: "Let parents see that their sons do not meet with too great familiarity, and, above all, not alone and without witnesses, the young women whom they think of marrying. I say 'with too great familiarity,' for it would be useless to preach that betrothed persons should never visit one another. Such visits are partly necessary, in order that there may be mutual knowledge of one another, before they are joined by the indissoluble bond of matrimony. Moreover, they would, in any case, wish to visit one another, on account of their mutual attachment, which, in view of their future marriage, is not reprehensible.... But the priest must earnestly impress upon parents the necessity of exercising great watchfulness over these visits. *Great watchfulness*, in order that the young people may observe the strictest propriety in their intercourse with each other. The parents should, therefore, always have them under their observation. Such visiting should not be prolonged nor be too frequent. For, in these cases, it cannot be presumed that divine grace will assist the young people, as such conduct is neither necessary nor becoming; and, on this account, there will unfailingly be many dangers."

969 Cf. Benedict XIV, Inst. pastor. *Sponsos eorumque parentes* (*parochi*) *admoneant, ne unquam sponsi sine testibus ac præsertim consanguineis, colloquium simul ineant, si illud aliquando permittendum videtur; indecorum esse vetitumque eos simul habitare, graviter puniendos, si de hac re certiores facti fuerimus*.

970 Cf. H. A. Tract. 7, n. 32; Tract, ult. n. 3; Theol. Mor. Lib. VI. n. 452; Praxis Confess. n. 204. Cf. n. 65.

971 Cf. Sanchez, De Matrimon. Lib. IX. Disp. 46, n. 52; Salmant. Tr. 26, cp. 3, n. 59; Sporer, De Matrim. n. 429; S. Leonard, Disc. mist. nn. 23, 24; Aertnys, Theol. Mor. Append. *De prax. serv. cum occas. et recidivis*, P. III. cp. VII. n. 340 ss. The question whether *sponsis amplexus et oscula honesta in signum amoris* are allowed is answered by theologians *affirmative communiter, si fiant honesto modo juxta morem patriæ sicut solutis permittantur; sunt enim connaturalia signa amoris. Non licent vero oscula pressa sæpiusque repetita, neque diuturnæ manuum constrictiones.* Cf. S. Alph. l. c. Lib. VI. n. 854.

(*c*) He should urge speedy marriages, as this will obviate many temptations and dangers of sin. Protracted engagements are seldom good; circumstances may supervene which make speedy marriage difficult or impossible; but if it can take place soon, the confessor must not easily consent to postponement from slight motives.[972] The cause of the postponement should be inquired into, and all possible efforts be made to remove it. Every betrothed person *can* demand the fulfilment of the promise of marriage (even in *foro externo*) and the other party is, *sub gravi*, bound to accede to this demand if he has no valid reason for refusal or postponement. As postponement of marriage generally means great moral dangers for the betrothed, it can only be justified by weighty motives.[973] If one of the parties intends to dissolve the engagement, the confessor should explain its binding nature. To break off an engagement out of levity, in momentary anger or on account of some sudden passion, is wrong, and dishonorable, even if the dissolution be valid.[974] To make engagements lightly and as lightly to break them is contrary to the sanctity of matrimony.

972 Hence, engagements which are entered into without prospect of speedy marriage are much to be disapproved. See § 66, V.

973 Cf. Bened. XIV, Instr. 46; S. Alph. l. c. Lib. VI. n. 846.

974 Concerning dissolution of betrothal, see S. Alph. l. c. Lib. VI. Tract. VI. De matrim. Dub. III. quomodo dissolvantur sponsalia, n. 855 ss.; Aertnys, Theol. Mor. Lib. VI. Tract. VIII. De Matrim. n. 433 ss.

(*d*) He should enjoin zealous prayer, frequent reception of the Sacraments,[975] and especially a general confession (which will be useful for all and necessary for many)[976] and good works, that they may receive the Sacrament of Matrimony worthily, thus laying a solid foundation for a happy life. But it is not well to defer the confession till the last hours or minutes before the wedding, and the confessor should energetically dissuade from this practice, which may cause him and those about to be married difficulties and embarrassment. In order to avoid this, and also to contribute to a better preparation, he should recommend confession (general confession) *before or after the* first publication of the banns, and then confession again immediately before the wedding.

975 Cf. Trid. Sess. XXIV. cp. 1, de ref. mat. Rit. Rom. Tit. VII. cp. 1.

976 "*Optimum et ut plurimum etiam necessarium erit confessionis generalis consilium, ut sponsi labes suas plenius abluant et sanioribus instituantur principiis atque impedimenta occulta et defectus, quibus non raro laborant, quosque alteri parti aperire tenentur, sincere detegantur.*"—Instr. Eyst. p. 352.

For if the confession is not made till shortly before the wedding, the following difficulties may arise: 1. *The penitent may not be disposed or cannot be rendered disposed.* The confessor will certainly do everything which zeal for souls and the light of grace suggest, in order to dispose the penitent for the worthy reception of absolution. But if the disposition remains doubtful, despite all his endeavors, he may absolve the penitent *sub conditione*, as the reception of the Sacrament of Matrimony is a sufficient reason for administering conditional absolution.[977] If his efforts to dispose the penitent remain fruitless,—the bridegroom, perhaps, being bad and wishing only to make a show of receiving the holy Sacraments, influenced by his better disposed bride, or by relations; or because he will not satisfy some necessary condition, such as avoiding some immediate occasion, making restitution, giving up an enmity,—the confessor must refuse absolution. Of course, such a person may not receive holy communion, and the confessor must tell him so. As to the reception of the Sacrament of Matrimony, there are two possible cases to consider: either he does not know that a state of grace is necessary for the lawful reception of this Sacrament, or he does know it. If he does not know it, and if the confessor is obliged to presume (knowing the penitent's frame of mind) that he would not respect his admonition concerning the unlawful reception of the Sacrament of Matrimony in a state of mortal sin, he must leave him in his state of ignorance and *bona fides*, in order that he may not formally sin. If the penitent does know that it is not allowed to receive the Sacrament of Matrimony in mortal sin, the confessor should lay before him in forcible terms the enormity of the sacrilege of which he will be guilty, in order, if possible, to bring him to a better disposition. And if this is of no avail, he should admonish him with suitable prudence, to make an act of perfect contrition before the marriage, and to come to confession as soon as possible after it.[978]

977 Compare § 8; Gury, Casus Conscientiæ, II. nn. 733, 394.

978 Scavini, l. c. de Matrim. Disp. 4, Q. 3; Gury, Theol. Mor. II. 640.

2. Another difficulty arises when the penitent confesses a reserved sin from which the confessor cannot absolve. As here *gravis causa confitendi urget*, we are face to face with a case which was discussed earlier in this work and solved by St. Alphonsus, namely, that any priest can indirectly absolve from sins reserved to the bishop, and also from those reserved to the Pope, *si episcopus non possit adiri*; even when the sin is reserved *cum excommunicatione*.[979]

979 Compare above, § 44. Absolution from reserved sins, S. Alph. l. c. Lib. VI. nn. 584, 585; Aertnys, Theol. Mor. Lib. VI. Tract. V. De Pœnit. n. 245; Gury, l. c. II. n. 575.

3. Finally, another difficulty may arise: the confessor may discover in the confessional an *impedimentum matrim. occultum ex causa infamante exortum*; the marriage for which all the preparations have been made cannot be postponed without disgrace and great detriment to the parties, and dispensation from the impediment cannot be obtained. Here the following circumstances have to be taken into consideration: (*a*) If both parties know the impediment, and have concealed it from a bad motive, they must, if possible, postpone their marriage till the dispensation has been obtained. If they are not willing to do this, the confessor must refuse them absolution. But if they are not able to postpone the marriage on account of the great disgrace or scandal which would result, and if they are otherwise in good dispositions, he can give them absolution; but he must instruct them that they have to be married before the priest, on the supposition that the Pope will dispense, then to live merely as brother and sister till the dispensation has been obtained;[980] after that they must repeat before him their consent to marry. He must tell them how this has to be done, make it as easy for them as possible, so as not to deter them. (*b*) If both parties are ignorant of the impediment, and are quite *bona fide* and if the confessor cannot assume that they will live continently till the dispensation is procured, he should leave them in their ignorance, *bona fide*, and request a dispensation *pro foro interno*, then proceeding according to the rules for rendering valid an invalid marriage *in foro interno*; for it is better to let them commit material sins, than to furnish them with occasion for formal sins. (*c*) If only one of the two parties is aware of the obstacle, and, on account of the disgrace attaching to it, cannot reveal it to the other, a "*communissima et probabilissima sententia*" of the theologians teaches that the bishop can grant a dispensation in this case,[981] and recourse must, therefore, be had to him. If the latter is not possible, the confessor (or parish priest) can, according to what St. Alphonsus calls the "not unfounded" teaching of many theologians, declare "*ex Epikeia*" that the *lex impedimenti* does not bind in this case, because it would be injurious. But the confessor must *pro securitate et ad salvandam reverentiam legibus Ecclesiæ debitam, quantocius* apply to the Roman Penitentiary, or to the Ordinary who possesses the quinquennial faculties, in order to obtain a dispensation. But it is to be carefully observed that only a secret impediment, arising from a sin, is here in question; for in the case of a public impediment arising from no dishonorable cause, there is neither scandal nor disgrace, but only the inconvenience of postponing the marriage.[982] It depends entirely upon circumstances, since it is the duty of the pastor to instruct those about to marry, whether the confessor should give special suggestions and admonition in this last confession on the *usus matrimonii*,[983] explaining what is allowed to married people, and what is forbidden.[984] He may speak to them of the intention which, as Christians, they should have in this state; of matrimonial harmony and mutual love and fidelity. If the confessor deems it necessary, or advisable and beneficial, he will not fail in his zeal for souls to instruct his penitents concerning this matter, and to admonish them to lead a truly Christian family life, where sin and vice are carefully avoided, whilst God is being faithfully served. If matrimony is based upon this foundation, the husband and wife may confidently expect God's abundant graces: if they depart from these principles, they will deprive themselves of this blessing.[985]

980 Or, as is the common custom in many places, not at once to set up house together, but to wait till the dispensation has been granted.

981 *Prouti in aliis Legibus, quando aditus ad Papam est impossibilis et periculum in mora* (cf. Bened. XIV, De. Syn. Lib. IV. cp. 2, nn. 2, 3); indeed according to the probable opinion of some theologians, the bishop can delegate this power, as a *potestas ordinaria,* to others, *etiam generaliter pro omnibus casibus occurrentibus*. S. Alph. Theol. Mor. Lib. VI. n. 613; Prax. Conf. n. 8.

982 Cf. S. Alph. l. c. and H. A. n. 114; Scavini, l. c.; Gury, l. c. II. 771; Cas. Consc. II. n. 1045; Aertnys, Theol. Mor. l. c. n. 273.

983 Benger holds that confession affords the most suitable occasion for giving the necessary instruction concerning the *sacredness* of the matrimonial duties. Dubois (l. c.) urges that persons about to be married should be well instructed in what concerns that state, in order that they may never do anything which is against their conscience, or concerning which they are in doubt, and that they should obtain advice from pious and judicious people, or *from their confessor*; Aertnys (Theol. Mor. l. c. n. 515) speaks of an *officium parochi et confessarii*, to instruct married people concerning *licita et illicita in matrimonio*. The confessions of married people and the questions which they put to the confessor, may afford reason and occasion for instructing them concerning the *debitum conjugale*. The confessor must, therefore, be prepared for this; he should also be able to impart necessary information in a becoming manner; and it requires judgment and skill so to instruct in this difficult matter as to convey the information without giving offense or saying more than is necessary. We append the wise remark of Cardinal Gousset (Moral Theology, II. n. 897).... *Sacerdos, qui, ut ait Apostolus, debet exemplum esse fidelium in castitate, tacebit, etiam in sacro tribunali, de modo utendi matrimonio, seu de circumstantiis ad actum conjugalem spectantibus, nisi forte fuerit interrogatus. Explicare fusius, quæ licita sunt conjugibus aut illicita, ipsis æque ac confessariis periculosum foret*. Cf. S. Alph. Prax. Conf. n. 41.

984 Everything is allowed which is necessary, or conducive, to the furtherance and attainment of the object of matrimony. The chief object of matrimony is the *procreatio prolis*; the secondary object *remedium concupiscentiæ*, and *mutuum adjutorium et solatium in vitæ societate*. All that is necessary, and conducive, to the attainment of the principal object, or which serves these secondary objects, having regard for the first, is allowed; whatever *frustrates* the principal object is mortally sinful, whatever goes beyond this principal object, without counteracting it, is venial sin. For further particulars upon this subject, the confessor should consult the compendiums of moral theology; for example, Aertnys, De Matrim. P. IV. cp. 2, n. 479 ss.; Lehmkuhl, l. c. De Matrim. Sect. IV. n. 834 ss.

985 Cf. S. Alph. Praxis Conf. n. 94; Aertnys, Instr. pract. l. c. n. 137; Frassinetti, Practical Instruction for Young Confessors (Lucerne, 1874), 2. Pt. 6 Chap. §§ 4, 5; Dubois, The Practical Confessor, 2 Pt. 19 chap. n. 402, etc.

78. The Confessor's Attitude toward Mixed Marriages

The confessor will often have occasion to speak to penitents concerning mixed marriages, because they either wish to contract such a marriage, or have already done so. The following principles will serve him in this equally important and difficult matter.

I. Even if the essence of marriage is not destroyed by the obstacle of mixed religion, as in *disparitas cultus*, it falls short of the ideal. For marriage should not only represent the unity of the Church; it should, as much as is possible, produce this unity; now the Church is, in a special manner, *one* through its faith. Conscious of this, and in view of the many great disadvantages which accrue from mixed marriages, the Church has always energetically protested against them. She has always taught that such a marriage is a reprehensible *communicatio in sacris*, that there is danger to the Catholic party of falling away from religion or of becoming indifferent to it, and that a proper education in the Catholic faith of children born from such marriage, if not exactly impossible, is certainly rendered very difficult, as the necessary coöperation is wanting, and opposition easily made by word and example.[986] In 1858 the Apostolic See anew admonished the bishops to deter the faithful from such mixed marriages.

986 Benedict XIV, Decl. 4 Nov., 1741; Pius VII, Bull 27 Feb., 1809; Gregory XVI, Encycl. 27 May, 1832, to the archbishops and bishops of Bavaria. Finally, Leo XIII, Circular 10 Feb., 1880 declares: "A warning voice must also be raised against marriage lightly contracted with a person of another faith; for where the souls are disunited in religion, union in other matters is scarcely to be expected. It is clear that such marriages must be particularly shunned, for the reason that they give occasion for unlawful communication and participation in religious exercises, that they are a source of danger for the religion of the Catholic party, an obstacle to the good education of the children and not infrequently a temptation to hold all religions equally justified, denying all difference between true and false." Even Protestant divines and authorities have frequently expressed themselves decidedly against mixed marriages, and earnestly warned people against them.

Only by three conditions will the dangers of mixed marriages be, if not removed, at least reduced; and only under these three conditions does the Church, *præsertim ob privatas causas*, permit mixed marriages. These conditions are: (1) Both parties, especially the non-Catholic, must promise, ordinarily in writing and before witnesses, to bring up all their children in the Catholic religion (without distinction of sex). (2) The non-Catholic party must promise solemnly not to hinder in any way the Catholic party in the practice of his (or her) religion. (3) The Catholic must use every lawful means to effect the conversion of the heretical partner.[987]

987 Ex facultat. a Pio. IX. datis. See Bangen, De Sponsalibus et de Matrimonio, II. p. 161.

From these three conditions the Church cannot recede,[988] for, as not only the ecclesiastical, but also the natural and the divine law, absolutely forbid that anybody expose himself or his offspring to the danger of perversion, it naturally results that these sureties should be prescribed and demanded, in order that together with the canonical precepts, the natural and divine law may not be criminally transgressed.[989] When these conditions are satisfied, and officially guaranteed[990] by a contract, dispensation from the *impedimentum mixtæ religionis* may then be requested from the bishop, and given by him in virtue of the usual faculties conferred upon him.

988 Brief of Pius VIII, 25 March, 1830. Instruction of Pius IX, 15 Nov., 1858.

989 Lehmkuhl, l. c. n. 715, justifies the dispensation of the Church, under the conditions laid down, upon the following grounds: 1. *Propter magnum bonum publicum*, such mixed marriages may be allowed even when there is some risk, only the Catholic party must have the firm intention not to yield to this danger (cf. Lugo, De sacr. in gen. Disp. 8, sect. ult., et De Fide Disp. 32, n. 33). 2. But when on account of circumstances those dangers disappear, or become slight, a *magnum bonum privatum*, such as the hope of leading the non-Catholic party to the true faith, can also make such a marriage permissible. 3. When they cannot be entirely removed, but yet are not really grave; or, on the other hand, when a *bonum*, though no very great *bonum*, is to be hoped for from the mixed marriage, it may happen that contracting such a marriage is not a grave sin against the natural law, but a venial sin.

990 The Roman Congregation demands *pacta notoria, de quibus spes est servari*, that is, a documentary declaration made before the parish priest, or a legal contract at the hand of a notary.

II. By these regulations of the Church, his *modus procedendi* in the matter of a mixed marriage is mapped out for the priest or the confessor.

1. If the confessor receives information of an intended mixed marriage, he should emphatically dissuade from it, but with pastoral prudence, and without offensive words.

2. If his endeavors are of no avail, and if he cannot prevent the marriage, he must persuade the penitent to fulfill the stipulated conditions.

3. If the penitent agrees to this, the confessor will do well not to administer absolution at once unless there is some special reason for so doing (for example, the fulfilment of a commandment of the Church, necessity of communicating, to prevent gossip, etc.), but let him urge that the consent of the non-Catholic party to the three conditions should first be obtained.

4. When this consent is obtained, there is no obstacle to the absolution of the penitent.

5. But if the penitent will not consent to the fulfilment of the three conditions, but still intends to contract the mixed marriage, he purposes to commit a grave sin, and cannot be absolved. For he who, without obtaining a dispensation from the *impedimentum mixtæ religionis*, contracts a mixed marriage before a non-Catholic minister, is guilty of three grave sins: he disobeys the Church; he endangers the salvation of the children which God may give him; he is *hæreseos fautor*, guilty of a *communicatio in sacris*, and incurs ecclesiastical censure.[991]

991 Cf. Instructio. S. Congregat. Inquisit. 17 Febr., 1864; Decret. S. Congr. Inq. 29 Aug., 1888.

III. Concerning the reconciliation of those persons who, in disobedience to their Church, have contracted a mixed marriage before a non-Catholic minister, the confessor must be guided by the following principles:—

1. It is certain that a Catholic having contracted marriage before a Protestant clergyman cannot be absolved as long as he remains unwilling to make good the above-mentioned conditions. Even if the refusal of absolution does not produce its immediate effect (the fire of passion obscuring the light of conscience), it, nevertheless, instills salutary fear. But it would be very wrong on the part of the confessor to wound such a penitent by harshness and reproaches. The confessor (parish priest) must take all pains to bring such penitents to a consciousness of their error.[992]

992 *Si quando connubium sine cautionibus necessariis initum fuerit, non propterea (parochi) conjugem catholicam negligant, sibique ac suo peccato relinquant, sed studeant earn ad pœnitentiam adducere, ut suæ obligationi quoad catholicam educationem prolis, quantum potest, satisfaciat; quod quamdiu non præstiterit aut saltem sincere promiserit, sacramentis suscipiendis utique imparatus censeri debet.* (*S. Congreg. Officii 29 Jul., 1880 ad Cardin. Primatum et Archiep. Strigon.*)

2. But if the penitent truly repents of his error, and if he is ready to make good the scandal given, and to take immediate steps towards bringing up his children as Catholics, he is worthy of absolution and it may not be refused to him.

3. It is, above all, necessary to find out if the marriage was valid according to the Decree *Tametsi*. If the marriage has been invalidly contracted, a dispensation from the *impedimentum mixtæ religionis* and from the banns is to be sought; and when this is obtained, according to the regulations of the Church, the consent is to be renewed. If this renewal of consent cannot be effected, *sanatio in radice* must be requested.[993] If the marriage is valid, dispensation is not necessary.

993 Cf. Aertnys, Theol. Mor. Lib. VI. nn. 637, 654, 664.

4. Moreover, the *facultas absolvendi a censuris propter hæresim* must be obtained. For the censure reserved *speciali modo* to the Pope is, according to an explicit decision of Rome, incurred in *all cases* by those *qui matrimonium coram ministro hæretico ineunt*; even when the existence of censure was not known to the parties, because it is a question of the *forum externum*, and the contract of marriage is, of its nature, an external act. By virtue, however, of the quinquennial faculties, the bishop can absolve from this censure, or confer this power *subdelegando* upon others. The confessor must, therefore, refer the penitent to the parish priest, in order that the latter may procure from the bishop the *facultas absolvendi a censuris pro foro externo*. Not till then can the confessor give sacramental absolution.

Only when, from *special reasons*, determined by the circumstances, an *absolutio in foro externo* would not be advisable, may the confessor apply for the *facultas absolvendi a censuris pro foro interno*, and administer this absolution after he has obtained the faculty. We add that absolution from the censure *in foro externo* can take place without witnesses, and that it is not necessary to make use of definite words at the absolution *in utroque foro*, but it is always necessary to declare that the absolution is administered by virtue of special powers from the Holy See, subdelegated by the bishop.

Married people who were allowed to receive the Sacraments before the promulgation of the answer of the Holy Office, 18 May, 1892, requiring the *absolutio a censuris pro foro externo*, are not to be disturbed.

5. The confessor should also help a penitent of this kind to keep his resolution of bringing up his children as Catholics, by showing him what steps he must take. He should encourage him to overcome possible difficulties which may occur. This will be easier for the Catholic father than the mother. If the children have reached an age when they are removed from parental authority, the Catholic party must at least promise to exert its influence by prayer, exhortation and good example, to gain the children for the Catholic Church.[994]

994 Cf. Bangen, Instructio practica, Tit. 4, p. 29. "*Si pater est catholicus, sane liberorum educatio in ipsius potestate est: Ergo quod potest facere debet; promittens coram testibus vel jurato vel juramenti loco, se prolem educaturum in catholica religione; sed id de*

facto etiam præstare tenetur. Excipe tamen, si proles jam in ea ætate sit, ut a patre jam non dependeat; tunc enim sufficit, ut vere sit attritus atque in hujus doloris signum id quod pro viribus efficere possit, peragere sit paratus. Si mater est catholica, distinguendum videtur. Aut adducere potest virum, ut in catholicam prolium educationem consentiat; et tunc ambo conjuges formaliter expositas cautiones emittant coram parocho; aut virum ad hoc movere nequit; tum attendatur, an indubitata ediderit contritionis signa idque præstare pro liberorum educatione sit parata, quod in ipsius viribus est."

Of course the confessor must demand that the penitent should inform his parish priest of his resolution to bring up the children in the Catholic faith. Only very weighty grounds should induce the confessor to refrain from exacting this, and then he would be obliged to apply to his Ordinary for advice.

6. It may also be the case that a woman repents of the step which she took, but which she cannot now retrace, not being able, in spite of her good will, to induce her husband to consent to the Catholic education of the children. It would be hard, in such a case, to leave her unassisted. The repentance which she has evidenced, the willingness which she has shown (and which will continue) to repair as far as possible the harm done; the efforts which she may have already made; the promise to influence husband and children by the means at her disposal—prayer, a good life, words of advice—suffice for her to be admitted to the Sacraments. This satisfies the demands which the Holy Office in Rome makes in such cases.[995]

995 See above, p. 603, Remark 2.

7. If the confessor believes that there is reason for doubting the sincere and earnest will of penitents who are joined by an illicit mixed marriage, he is free to make inquiry, and, according to the nature of the case, to postpone absolution for a time. It is always well not to admit such penitents to the holy Sacraments shortly after contracting the illicit marriage, unless they have guaranteed the Catholic education of their children in a manner which satisfies the ecclesiastical regulations; unless, moreover, they show sorrow for their lapse from duty, and by faithful performance of their religious obligations, effectually prove that they wish to be obedient to the Catholic Church in future. Persons who are dangerously ill, emigrants, etc., of course, constitute exceptions to this rule.

8. An illicit marriage contracted by a Catholic before a non-Catholic minister is a public act and causes public scandal; the satisfaction must, therefore, as a rule, be made publicly. The confessor must not overlook this, lest he make himself an accomplice in the scandal, and lest this dreadful evil of our days (for such mixed marriages are in reality, especially when contracted without dispense) be rendered more numerous, by want of due severity in the conditions of reconciliation. As public acts of reparation may be regarded: an oral or written declaration of sorrow before the parish priest; the promise of bringing up their children as Catholics made to the pastor. The confessor should follow the directions which may have been given by his bishop in this matter, and if there are none, he must proceed with pastoral prudence and charity. It may happen that, in the place where the Sacraments are to be received, the scandal given is not known, the parties having changed their place of residence. In this case the reconciliation may take place in all privacy. The confessor should not forget in such cases that the salvation of souls is the highest law.

79. How to deal with Penitents joined in "Civil" Marriage only

The confessor's treatment of *penitents living in "civil" matrimony* must be essentially different from the above.

Here the chief question is whether there is a real *consensus maritalis*; that is, whether the persons in question had the consciousness and intention of entering upon a true matrimonial relationship by the declaration which they made before the public official, or if they believed they were concluding an external agreement only and one not permanently binding upon the conscience. In the second place, the confessor must investigate if there are any—and what—impediments to marriage. If there are no diriment impediments, and if there was a true *consensus maritalis* in those places where the Tridentine Decree "*Tametsi*" is not in force (therefore, where the *impedimentum clandestinitatis* does not apply), such informal contract of marriage must be regarded as valid. On the other hand, these informal marriages are ecclesiastically invalid in all places where the Tridentine Decree is in force, on account of the "*impedimentum clandestinitatis*." The confessor must, however, in every individual case have recourse to the Ordinary.

Apart from this question of validity, all persons living in mere "civil" matrimony must be exhorted (if no obstacle from which there is no dispensation be in the way) to be married in *forma Tridentina*, and to receive the blessing of the Church. If difficulties arise in connection with this, the confessor should apply to the bishop, in order to obtain *sanatio in radice*, according to the circumstances.

A penitent living in "civil" marriage is not to be absolved till he has promised to be married in the Church and has actually made preparation for this marriage. Under particular circumstances—if the persons live apart—absolution can be given, even if the ceremony is postponed. Admission to holy communion must be deferred till immediately before the marriage.

80. The Confessor's Conduct towards Women

Occasion has already several times[996] presented itself for remarks concerning the confessor's conduct when hearing the confessions of women. The importance of the subject demands for it special treatment. Amongst penitents women probably form nearly always the majority. However regrettable it may be that men so seldom, and often reluctantly, approach the tribunal of confession, it is a source of joy that women should be zealous in the reception of the holy Sacraments, for this justifies the hope that their influence upon their husbands and upon those around them will be the more salutary. The influence which a truly Christian woman exercises upon her husband, a mother upon her children, the mistress of a house upon her subordinates, is very great. Truly Christian, pious, and chaste young women are a real blessing in a family and a household. Moreover, woman is generally more inclined to the exercise of Christian piety, and can thus, if properly treated and guided, attain to great perfection.

996 Compare chiefly § 71 and § 49.

Nevertheless, it is not to be overlooked that, owing to certain weaknesses and faults which are peculiar to their sex, the hopes of the confessor are not infrequently disappointed and his endeavors rendered fruitless. "Their piety may easily become a matter of feeling, without solidity and worth; they are much inclined to form an inordinate attachment for the confessor, which is perhaps not free from a sensual element. The practice of piety also easily serves as a means of gratifying vanity. Many are disposed to dissimulation and hypocrisy."[997]

997 "*Sed est aliud feminarum ingenium, quod considerationem nostram meretur, nimirum, cum factæ fuerint propter virum, libenter hujus societate gaudent et ea animi propensio, qua se in virum ferri sentiunt, et vice versa, laqueus est non minus suæ, quam Confessarii saluti periculosus. Ideo necesse est, ut Confessariis monita demus et præcautiones indicemus, quibus pericula evitent in frequentibus et prolixis mulierum confessionibus latentia. Verum enimvero adhæsio mulieris personæ Confessarii tantum est malum, ut morte ipsa diligentius est evitandum.*" Aertnys, Instruct. practica, P. III. cp. II. art. 3, n. 139. *Mulier sensibili affectu magis succenditur et instinctu cordis magis quam rationis usu sese dirigit ... uti debilior astutiâ finem intentum assequitur ... si cui passioni se dedit, magis insanit, ... tempore menstruorum et prægnationis mulieres obnoxiæ sunt variis motibus passionum, puta morositatis, iracundiæ, anxietatis, et.... Horum consideratio juvabit sane Confessarium in directione mulierum.* Aertnys, l. c.

Hearing the confessions of women is thus indisputably one of the greatest and most imminent dangers for the confessor. He must, therefore, be very circumspect and prudent, reasonably fear this danger, for in this fear lies his safety; "he who fears this rock runs no danger of suffering shipwreck."[998] These shortcomings ought not to mislead us into condemning the whole sex, as is sometimes wrongly done. This is unjust. We must help them to overcome their faults, and if no improvement results from our endeavors, suitable severity is to be employed.

998 Frassinetti, Pract. Instr. l. c. § 5, p. 280.

Bearing in mind the exhortation (Eccl. lxi. 15): "*Curam habe de bono nomine,*" the circumspect and prudent confessor will have regard for his good name, and seek to preserve and guard it; not only remaining pure of heart, but preserving himself free from every suspicion of impurity, herein faithfully following the example of Our Lord, who patiently bore many an accusation leveled against Him, but never tolerated any on the subject of purity. For nothing detracts so much from a priest's authority and efficiency as the suspicion that he is not absolutely clean of heart. Let the confessor, therefore, place a guard upon his eyes, let him never look at those who stand before his confessional,

and never glance at the face of the person whose confession he hears; he should not try to find out who his female penitents are; it is sufficient for him to know the state of their souls. He should carefully avoid, as far as it is possible, all intercourse with them outside the confessional, not visiting them in their houses, except at times of severe illness; he should refuse *munuscula* under whatever name they may be offered to him; he should confide no secrets to them, and avoid familiarity.[999] His words should be reserved, serious, respectful, even if the penitent's station and circumstances do not actually command respect. When the priest hears the confessions of young women, and such as are distinguished by station, beauty, education, etc., he must still more carefully avoid familiarity. Concerning delicate matters the confessor should put only few questions, and then only with the greatest prudence, and content himself with knowing the nature of the sin, or its kind; he should carefully guard against inquiring after superfluous details.[1000]

999 Cf. S. Alph. Prax. Conf. n. 119.

1000 Even those theologians who teach that the *aggravating* circumstances must also be stated in confession, admit, *in puncto VI præcepti*, especially in the confessions of women, an exception. "Heedless questioners! have care for yourselves, have care for weak souls, respect the holy Sacrament," exclaims Frassinetti; and the Angel of the Schools says, "*Potius estis contaminatores quam confessores*." Cf. Gousset, Moral Theol. for the use of parish priests and confessors, II. n. 424; Gury, l. c. n. 1261.

The confessor must not lose sight of the dictates of prudence which have been discussed, when he hears the confessions of "*personæ spirituales*." Here, as St. Alphonsus warns us,[1001] prudence is most necessary, on account of the *periculum majoris adhæsionis*. His teaching on this point is as follows: "*Dicebat Ven. P. Sertorius Capotus, diabolum ad conjungendas inter se personas spirituales, ab initio uti prætextu virtutis, ut deinde affectus a virtute transeat ad personam*," and justifies this statement by a word of St. Augustine, which St. Thomas quotes (Opusc. 64 de Famil. Dom. etc.): "Speech with these persons must be short and reserved; it is not because they are more holy that one must be more on his guard, but because the holier they are, the more attractive they become." And St. Thomas adds to these significant words of the holy Bishop of Hippo: "*Licet carnalis affectio sit omnibus periculosa ipsis tamen magis perniciosa, quando conversantur cum persona, quæ spiritualis videtur; nam quamvis principium videatur purum, tamen frequens familiaritas domesticum est periculum; quæ quidem familiaritas quanto plus crescit, infirmatur principale motivum et puritas maculatur.*" He also adds that such persons do not observe this at once, *quoniam diabolus ab initio non emittit sagittas venenatas, sed illas tantummodo, quæ aliquantulum feriunt et augent affectum. Sed brevi hujusmodi personæ eo deveniunt, ut non amplius agant secum tanquam angeli, quemadmodum cœperant, sed tanquam carne vestiti; vicissim se intuentur mentesque sibi feriunt blandis allocutionibus, quæ adhuc a prima devotione videntur procedere: hinc alter alterius præsentiam incipit appetere; sicque spiritualis devotio convertitur in carnalem. Et quidem oh quot sacerdotes, qui antea erant innocentes ob similes adhæsiones, quæ spiritu cœperant, Deum simul et spiritum perdiderunt*.[1002]

1001 Praxis Confess. n. 119.

1002 Cf. Gaume, Handbook for Confessors, Third Chapter, nn. 156-159; Aertnys, Instr. pract. l. c. n. 141; Ricardi, Dei doveri et dello spirito degli eccles. 15 a 15 in Le Noir; S. Alph. Praxis Confess. l. c.; Zenner, Instructio practica Confessor. P. II. Sect. II. cp. 2, §§ 270, 271.

In order to act with the necessary prudence, the confessor will (1) hear the confessions of women, as far as possible, only in the Church, or in some place which is always accessible for hearing confessions; (2) he will dispatch matters, especially with those who often confess; will not tolerate

talk about subjects which do not belong to the confession, and will carefully avoid long exhortations and unnecessary questions.

The confessor must observe all this, and take all precautionary measures,—if he is young, because it is then particularly necessary, but also in more advanced years, and even in old age, in order to give others good example, and also because experience shows that even for those who are mature and old, the danger exists, though it be lessened. "If the confessor follows these precepts, he realizes in himself a miracle, which is one of the most beautiful proofs of the truth of the Catholic religion; the miracle, namely, that priests who preserve their hearts in the holy fear of God, hear the confessions of women for years without ever having to accuse themselves that their holy office has been for them an occasion of sin, even of one single sin."[1003]

1003 Frassinetti, l. c. p. 283. We will not leave unnoticed two special dangers to which Aertnys calls attention: (1) *Siquando Confessarius, junior præsertim advertat pœnitentem aliquam carnali amore sibi adhærere asperis verbis eam retundat, et si hoc non sufficiat ad alium Confessarium remittat, idque tum præcipue faciendum est, cum et Confessarius sensualem affectum in se sentit; alioquin incautus Confessarius seipsum et pœnitentem magno periculo exponet.* (2) He then reminds confessors that the devil especially likes to direct his efforts against priests, as, at one blow, he ruins not only one, but many other souls if he succeeds in corrupting a priest. *Inde nonnunquam contingit, ut procaces feminæ consilium ceperint insidias parandi virtuti alicujus Sacerdotis, simulando conversionem, infirmitatem, aut quid aliud excogitando, ut paulatim ad seductionem devenirent. Evenit quoque, ut salax puella prolixam seriem obscœnitatum in Confessione enarret et inverecunde describat, eo animo, ut turpes commotiones in Confessario suscitet. Confessarius debere ejusmodi serpentes a se repellere, res ipsa monet.* And Berardi (Praxis Confess. n. 1099) adds: "*Cavendum quoque est ab illis puellis, quæ ex curiositate malitiosa cupiunt interrogari a Confessariis, ut addiscant ea quæ adhuc ignorant et in hunc finem semper affirmative respondent. Sunt etiam aliæ adhuc magis malitiosæ, quæ, sive ex libidine, sive ut postea in conversationibus rideant de Confessario, non solum ad quaslibet interrogationes affirmative respondent, sed etiam ruborem fingunt et enixe petunt, ut interrogentur. Ab his scopulis interdum difficile est cavere; sed utile erit, quod Confessarii juniores sciant, quousque malitia feminæ pertinqere possit.*" Cf. Eccle. 25, 26.

If the penitents are *married women*, let the confessor encourage and instruct them in the complete fulfilment of their duties towards their husbands, above all, their duty of matrimonial love, giving a good example, bearing faults with patience, and not ceasing, though their husbands have gone astray, to use every endeavor to reform them, especially by praying for them with indefatigable zeal. How many wives have saved their husbands by their patience, their loving, prudent exhortations, and their prayers.

If circumstances appear to call for it, let him admonish them to preserve matrimonial chastity, and warn against transgressions, pointing out that complete preservation of this matrimonial chastity is the very condition and foundation of lasting matrimonial happiness, and of eternal salvation.

He should not permit pious women to devote themselves to the exercises of piety, especially hearing Mass and frequent reception of the holy Sacraments, to such an extent that important household duties are thereby neglected, or members of the family aggrieved and irritated.

Finally, he must not be overready to believe complaints of wives about their husbands; but if he finds that the complaints are justified, he will tell the woman how to act and gravely comfort her. If she complains of the severity and bad temper of her husband, he must advise her to remain patient and obedient to him, to perform punctually every service which he desires, to show her love for him by the greatest willingness and kindness; to be silent when her husband is angry or intoxicated; not to drive him to still greater violence even when she suffers injustice; and admonish him affectionately when he has become calm, and sober, and good-humored, but not till then. She should answer her

angry husband with meekness when she is *obliged* to answer him, for a gentle answer turns aside wrath, whereas a harsh one only embitters.

The *mother* will claim the confessor's special zeal; he should expose to her the importance and responsibility of her duties, the obligation of admonishing and instructing her children in prayer, in attendance at Mass, reception of the holy Sacraments, and of correcting their faults; of warning and protecting her children against the dangers which threaten youth, of daily praying for them, of preventing dangerous intercourse with other persons, of not allowing children of different sex to sleep together, etc.

As so much depends upon the loyalty of *teachers, male and female*, to their duties the confessor will not fail to admonish them at all times to discharge faithfully these important and exalted duties, reminding them of their grave responsibility. Teachers should zealously instruct children in the truths of religion, always assisting the endeavors of the priest according to their capacity, and working with him; see that the education of the children is conducted upon Christian principles; give the children and the parish good example by conscientious discharge of their religious duties—attendance at Mass, reception of the holy Sacraments, and by their conduct in general. They must be encouraged to bear patiently the manifold, and by no means slight, hardships of their position. The confessor will also show constant interest in their work in the school.

The mistress of a house must be reminded by the confessor of the duties of Christian employers—the duty especially of having a watchful eye on the servants, not allowing them to go out late in the evening; of preventing male and female servants being together at unseasonable times; of treating servants in a Christian manner, and of giving them sufficient time to fulfill their religious obligations.

81. The Confessions of Men

It is a deplorable fact that men approach the confessional more seldom than women, and especially since their position in life is more influential, and consequently a high degree of piety is particularly desirable in them, in order that this influence may be a salutary one. At the same time, they are exposed to greater dangers and temptations.[1004]

1004 On this account the Provincial Council of Bordeaux (Conc. Burdigal. 1556, Tit. III. c. 5, in Coll. Lacens. Tom. IV. p. 711) declares that, in our times especially, solicitude for men constitutes a principal part of the priest's work. "*Sane hoc ævi nostri opus præcipuum reputamus, viros videlicet quam solertissima industria et quovis indefesso zelo provocare, ut ad meliorem vitæ christianæ rationem instituendam, ad exequenda integrius cujusque status et conditionis officia, tandem se recipiant. Non saperet sacerdos, qui laboris difficultatibus solummodo intentus, de divinis promissionibus et virtute gratiæ diffidens, hoc opus aggrederetur segniter aut minus strenue prosequeretur.*" This care for men the priest will especially exercise in the confessional. "The divine authority with which the priest is invested, the reverence with which the penitent appears before him, the candor with which he unbosoms himself, the obedience which he shows him, *give an efficacy to the confessor's work in the confessional, such as he is unable to exercise in any other place or occasion*." Göpfert.

1. Men must, therefore, be more welcome to the confessor as penitents than women. St. Alphonsus bewails the fact that so many confessors spend a good part of the day in hearing the confessions of certain pious persons (*quas vulgo dicunt Bizocas*), and that when men or married women, who are weighed down with misery and distress, and who at a great sacrifice leave their homes and business, approach the confessional, the priest dismisses them, saying: "Go to some other confessor, I have too much to do"; and thus it comes to pass that such people live months and years without the Sacraments. This is not hearing confessions to please God, but rather to serve self-love. I know, and, in opposition to others who maintain that the time is wasted which is devoted to the confessions of these pious persons, I firmly hold that leading souls to perfection is a work very pleasing to God; but I assert also that good confessors who hear confessions only to please God (like St. Philip Neri, St. John of the Cross, and St. Peter of Alcantara) do not hesitate to prefer to these pious souls one whom they perceive to be in need of their help.[1005] What St. Alphonsus says in another place is also undoubtedly true, namely, that a perfect soul is more pleasing to God than a thousand imperfect ones; but for them there are other times and other occasions, and even leading souls to perfection does not demand such expenditure of time and care that others should be neglected. Moreover, such a manner of administering the Sacrament of Penance may easily give occasion to malevolent misconstructions and rumors, and thus scandalize the men who see themselves neglected.[1006] Hence men who come to confession must not be kept waiting long. The confessor should show himself ready to answer any call, even when the hour is unseasonable and troublesome to him. If there are both men and women who wish to confess, Frassinetti[1007] recommends hearing the men first; they generally have more important business than women, and are also as a rule more impatient. Women have more leisure and greater patience.

1005 Praxis Confess. n. 120.

1006 Cf. Göpfert, l. c. p. 283.

1007 L. c. p. 278, n. 397; also Dubois, l. c. n. 368, p. 434, and Göpfert, l. c. p. 284.

2. The confessor must always treat men courteously, "indeed with a certain affability, as if he considered himself particularly fortunate, and took a special pleasure in hearing their confessions." Even if they belong to the lowest classes and are coarse and repulsive, he should always address them with politeness and kindness. "One can never show them too much love and friendliness, for it makes the best impression upon their minds, encourages them to make a good confession, and in course of time incites them to a more frequent reception of the Sacraments."[1008]

1008 He should not be repelled if the penitent—as is peculiar to many men, generally less from malice than from awkwardness or embarrassment—shows a rough, sullen, insolent disposition; if his expressions are blunt, short, and ill chosen; indeed, the priest should be impressed favorably by the fact that men generally confess their sins with a certain honest fearlessness. Cf. Synod vic. Sutchuensis, 1803; Coll. Lac. Tom. VI. p. 608; and Conc. Aqu. 1850, Tit. VII. c. 5. Coll. Lac. Tom. IV. p. 992: *Alacri animo et in multa patientia suscipiat pœnitentes, præsertim viros, qui ad sacrum tribunal summo studio omnique charitatis industria alliciendi sunt*. Conc. Baltim. 1866, Tit. V. c. 5 (Coll. Lac. Tom. III. p. 40).

3. The confessor must not speak of perfection to those who have no understanding for it. He must generally be content with instilling into their hearts hatred and detestation of mortal sin. "This is necessary, lest they regard him as what they call a 'saint,' and be afraid to come to him again." But the confessor must not go too far in his indulgence, nor permit to the men who are his penitents, anything which might become a great danger for their souls; he must here be particularly careful concerning circumstances in their lives which are to them *occasiones proximæ*.

4. The confessor must urge them to fulfill their duties as Christian men faithfully, punctually, and fervently.

5. He should especially warn them against negligence in prayer, admonish them to observe Sundays and holy days conscientiously, and particularly to be present at sermons, as those who seldom or never hear a sermon will hardly persevere in a truly Christian life.

6. Then if it be opportune, he should enjoin moderation in drinking, in case they have been guilty of drunkenness.

7. If he has reason to doubt the firmness and integrity of their faith, in which they may be remiss, he must probe into the matter; perhaps he will have to censure the reading of bad newspapers, or the frequenting of doubtful society.

8. Upon husbands he should impress the duty of cultivating a loving and peaceable disposition towards their wives, and, if there is reason for it, the duty of avoiding all impropriety in married life. He should, especially, denounce the evil habit of carrying on improper talk in the presence of servants, companions, young people, and in the home circle.

9. Fathers should be earnestly admonished to assist their wives as much as possible in the work of education, and to set their children a good example in every respect.

82. The Confession of Nuns

1. We have already stated that a priest requires special approbation from the bishop to hear the confession of nuns.[1010] But in order to discharge this office fruitfully, he must be well instructed and experienced in spiritual things, prudent, and possessed of great charity and patience. As already pointed out, proficiency in theology, especially in moral theology, is indispensable to all confessors; "but greater knowledge is necessary to the confessors of nuns, since the Church exercises greater care in selecting them." Without solid knowledge, the unusual circumstances which may arise are often mismanaged and not rarely with fatal results. The confessor of nuns must possess an accurate knowledge of the spiritual and ascetic life, of the duties of religious in general,[1011] and of the particular obligations of the Order (or Congregation) to which the women committed to his care belong. First of all, distinction is to be made between nuns who lead a contemplative and those who lead an active life. The former are devoted in a special manner to the love of God, are far removed from the dangers of the world, and can more easily sanctify themselves; they also contribute toward the general welfare by their prayers; but they are tried by temptations and interior struggles. The others are not wholly withdrawn from the dangers of the world, as they are inevitably brought into contact with it by the exercise of the works of charity; society benefits much by their high merits. Both forms of life are ordained by God, and are of great use in the Church. Moreover, the separate Orders have their characteristics, corresponding to the particular object for which they were founded. With these, and with the constitutions of the Order, the confessor must be familiar.

1009 Zenner, Instructio pract. Conf. l. c. §§ 273, 274; Lehmkuhl, l. c. Sacram. Pœn. Sect. III. cp. 4, art. 3, nn. 506-510; Aertnys, Instruct. pract. l. c. art. II. n. 148; Gaume, Handbook for Confessors, n. 185.

1010 See § 41.

1011 For this purpose he should make a diligent study of those ascetic books which treat of these matters; for example, the works of St. Alphonsus, Rodriguez, Scaramelli.

But in *rebus spiritualibus* he must not only possess theoretical knowledge, he must be *well experienced* in them, "because *spiritualia* cannot be rightly and perfectly understood without personal experience." If this experience is not possessed, he will be a blind man leading the blind.[1012]

1012 *Idque*, proceeds Lehmkuhl, *adeo verum est, ut in extraordinariis donis divinis, teste Sancta Theresia, Deus, non raro directorem vel confessarium experientia instruat, ut alios, qui ejusmodi charismatibus dotati sint, recte instruere et dirigere possit.* The more, therefore, the confessor sees himself deprived of the extraordinary gifts, the more prudent and cautious he must be; if he should have a penitent who enjoys a special intercourse with God, such penitent must not be lightly treated. But even in the treatment of ordinary, everyday matters, the confessor of nuns must proceed with great prudence, in order to give wholesome advice and correct answers; *"quo enim sagacioris et suspicacioris indolis sint feminæ et quo majus otium ruminandi et indagandi monialibus relinquatur, eo cautior et prudentior esse debet illarum confessarius, ne errorum det ansam."* Lehmkuhl. It is also a part of prudence to content himself with what devolves upon him as confessor, and not to interfere in the temporal affairs of the nuns, lest, by more familiar intercourse with one or other of them, he expose himself or her to danger, or give occasion for ill feeling or petty jealousy.

Supernatural love and patience are necessary to the confessor, in order that he may zealously further the spiritual progress of those committed to him, and bear with equanimity their faults, weaknesses, and deficiencies. And though only a few souls may be confided to his spiritual care, let him not forget

that by the perfection of a few a greater honor is shown to God than by the imperfect endeavors and virtues of many. Let him also keep in mind that those who devote themselves to the service of God have to endure more temptations of every kind than others, and that he to whom the spiritual care of them is intrusted must bear no small portion of this burden with them. If, therefore, the confessor does not possess the supernatural love of God and his neighbor which enables him to sustain these trials, he is not suited for his office.

2. It must be his care that the nuns disclose to him the state of their consciences with full confidence; they must place great trust in their confessor, as he is almost their only refuge; and, like sheep without a shepherd, they will be exposed to many anxieties and temptations if this support fail them. He must, therefore, always show great patience and gentleness towards all, and if he perceive in a nun a certain shyness in the confessional which hinders her from making known her interior state, he must lend her special assistance in laying aside this shyness; but at the same time there is a certain kind of unnecessary tenderness which he should avoid in his whole demeanor.

3. It must also be his care that nuns observe their vows faithfully and perfectly, and adhere to the special rules and regulations of their institute; moreover, that they perform their exercises of piety with devotion and zeal, that their daily occupations are executed with a perfect intention, with frequent recollection of the presence of God. They must, therefore, be taught a good method of meditation and of the examination of conscience (*examen generale* and *particulare*), the manner of receiving holy communion, making a good confession, hearing holy Mass, saying the Office, and other vocal prayers. All these things are generally provided, however, in the religious rule.

4. He must make it his concern that the nuns should advance in virtue. The following virtues are especially necessary for them: (*a*) the love of God, not a sensual love, but a strong love, one which urges to the fulfilment of the will of God, in all things, even the most difficult; (*b*) humility and modesty; (*c*) obedience to rules and to superiors; a sacrificing, cheerful, punctual obedience, which does not ask a reason for the command, but which, when no sin is apparent and certain, blindly submits itself; (*d*) love of the members of the community, which has for a practical result that they avoid wounding or grieving others, that offenses are gladly forgiven, faults patiently borne, and mutual assistance rendered, as far as is possible; (*e*) chastity, which avoids every dangerous attachment and familiarity.

5. The confessor should encourage and promote the authority of the Superioress of the convent, but not to such an extent that, if she should happen to be in error or to go beyond her powers, he should render himself inaccessible to the complaints of the subordinates; he should discourage the spirit of grumbling in the community, because authority is thereby weakened; but he should prudently weigh complaints which may be laid before him, to see if they are justified, and so remedy them; others he must dismiss.

6. In his capacity of confessor, he must observe the following points: (*a*) to associate with the nuns rather too seldom than too often, and if he is obliged to speak to them, let it be done as briefly as possible; (*b*) in answering questions submitted to him, he should not be too hasty,

but in more important matters or cases of doubt, he should request time for consideration; (*c*) in the confessional he should show no weariness, no impatience, and no haste, for this lessens confidence in him; (*d*) he must not be immoderately disturbed, nor take scandal if he should hear a sin of greater gravity in the confessional, for he must remember that persons dedicated to God are subject to violent attacks from the evil one; let him, therefore, rather show pity than agitation, admonish the erring one with paternal earnestness, encourage her, reawaken her lost fervor, in order that by greater zeal and mortification she may atone for her error and avoid sin in the future; (*e*) he should be very careful to give no ground for any suspicion that he makes use of knowledge gained in the confessional, in his actions or words outside the confessional; (*f*) he must not interfere at all in the management of the house, nor in any matter which concerns the Ordinary or the Superioress, nor readily give advice in such things, but remain firmly and strictly within the limits of his office, looking after the spiritual welfare and the progress of his penitents. For this reason, he should introduce no innovations, and if, on weighty grounds some change appears desirable, it should not take place without the advice and consent of the Superioress and the greater part of the community; otherwise peace in the community will be destroyed.

7. The confessor must be especially on his guard against the following abuses, lest they creep in, and establish themselves: (*a*) everything which is detrimental to community life, or derogatory of the vow of poverty in any way, even if only in slight measure; (*b*) disobedience towards the Superioress, murmuring against her, complaining about her to the other sisters, aversion, etc.; (*c*) offenses against charity, even if these latter are common and not of grave nature; the confessor must not tolerate the least offense against charity which is committed with deliberation, and he must firmly insist upon reconciliation and suppression of antipathies; (*d*) particular friendship, even if there be no danger connected with it, is to be avoided, for it divides the heart, hinders familiar intercourse with God, lessens the love of the community, and gives occasion to complaints and recriminations; (*e*) familiarity with, or voluntary intercourse with, persons not belonging to the house; this causes great dangers, and weakens the religious spirit. The confessor must, therefore, strictly insist upon the inclosure being observed, and upon the portress being thoroughly trustworthy. If there are nuns whose duties oblige them to be in contact with the world, or who are occupied out of the house attending to the sick, the confessor must see that danger of sin does not result to any one of them through this occupation; (*f*) lukewarmness and spiritual sloth; the confessor must direct his endeavors to prevent drooping of the first ardor, and to encourage the practice of true piety; he should, therefore, insist that the prescribed recollections take place regularly and are well observed; also that there is a Retreat every year, or at least every two years.

8. In order that the Superioress may duly exercise her office, the confessor should, when occasion offers, admonish her that: (*a*) she must love all her sisters as her daughters without making any distinction; and she must, therefore, gladly lend her ear to any one of them, and help her to the best of her ability; (*b*) she must not at once credit reports made secretly to her, but carefully investigate them, and if she has to reprimand, it should generally be done privately; (*c*) she must take care that the regular Observance is strictly fulfilled, and she herself must be a model for all; (*d*) if she perceives abuses, she must rectify them in a prudent manner; (*e*) she

must look to it that members of the Order who are sick are carefully tended and often visited by the other sisters; (*f*) in the expenses she must avoid both avarice and extravagance; (*g*) in admitting and dismissing novices she must exercise great prudence; (*h*) in unusual circumstances she must have timely recourse to the advice of the *Ordinarius*; (*i*) she must be guided by the Papal Decree in the matter of the account of conscience. (The constitutions of many Orders permitted the unfolding of the conscience to the Superior, in order to obtain help and advice, but "a more intimate investigation of the conscience, such as is reserved solely to the Sacrament of Penance," was wrongly introduced by some. In consequence of which Pope Leo XIII strictly forbade Superioresses, whatever rank and eminence they might occupy, to induce persons under them, directly or indirectly, by command, advice, threats, or kind words, to make such revelation of conscience to them. On the other hand, the Pope leaves it to subordinates voluntarily and freely to disclose their interior state to their Superiors, so that, in doubt and trouble of conscience, they may receive from their wisdom advice and guidance);[1013] (*k*) finally, she must never encroach on the rights of the regular confessor by determining for individual sisters the number of weekly communions.[1014]

1013 Decretum 17 Dec., 1890.

1014 Compare on this point S. R. C. 2 Dec., 1885; S. C. Ep. et Reg. 4 Aug., 1888; Ballerini, Notæ ad Gury, Theol. Mor. II. n. 241; moreover, S. Rom. et Univ. Inquis. 2 July, 1890; Linzer Theol-prakt. Quartalschrift, 1889, S. 630; 1893, S. 138 (both articles by W. E. Hubert). According to these decisions, the right to give permission to nuns to receive holy communion oftener (than on the days fixed by the constitutions) belongs, not to their director or their Superioress, but only to the usual confessor, who, in the exercise of his right, is free and independent. Only in one case could the Superioress forbid holy communion, namely, when a nun had *publicly* committed a *serious* fault which had caused *scandal* to the other sisters (cf. S. C. Ep. et Reg. 27 June, 1876); this prohibition, however, would only hold good till the next confession. When the *Confessor ordinarius* has given permission for special occasions, it need not be referred to the Superiors; but if the permission is granted once for all, the Superior should be informed; the penitent herself ought to do so, but only once. Cf. S. Rom. et Univ. Inq. 2 July, 1890.

83. The Confession of Priests

A good confessor is very necessary for a priest. The priest instructs, warns, and guides others; he himself is seldom admonished and warned, and yet for him, too, reproof, instruction, and warning are sometimes necessary. And who should give it but his confessor? The latter has a solemn duty to do so. And does not the priest, too, sometimes require encouragement and comfort, especially if he finds himself in a difficult situation, or is troubled with anxiety? And here the confessor must come to his assistance and comfort him.

Hearing the confessions of priests is a matter of the highest importance, as priests are appointed by God shepherds, teachers, and guides of souls; they are the light of the world and the salt of the earth. A worthy priest effects much good amongst the faithful by a holy, pious, pure, virtuous, and zealous life! But how harmful is the lukewarmness, the neglect of duty, the levity of one who by his faults and open sins gives scandal to the people. What a great and significant task is it for the confessor to teach, rouse, warn, threaten, and encourage his brother in the holy priesthood!

Let the confessor treat his penitent with reverence; although the latter kneels before him to accuse himself as a sinner, he is still a priest, clothed with exalted dignity. He must also treat him with true, fraternal, zealous and courageous *love*, which discloses the wounds of the soul, points out dangers and evil inclinations, blames when blame is necessary, and punishes when punishment is necessary. It would, indeed, be rendering bad service to a fellow-priest simply to listen to him, to give him a few general exhortations, and then to absolve him.

If the penitent is a conscientious, well-instructed priest (which may without difficulty be inferred from the manner of the confession, if he is not already known to the confessor), it is not necessary to put questions to him; if the confessor has doubts as to the gravity of a sin confessed, he can ask the penitent if he thought that he was committing a mortal sin. The exhortation, however, should scarcely ever be omitted; let it be short and appropriate; it may be given in indirect form, "we priests," etc. If the penitent is frivolous and superficial, questions must be put to him, in order to complete his confession. These questions may turn on the recitation of the Office, the celebration of Mass, administration of the Sacraments, and other priestly and pastoral duties.[1015]

1015 St. Alphonsus wishes that such a priest (*conscientiæ parum meticulosæ*) should be asked: 1. *Si distulerit celebrationem missarum per mensem, præsertim si sint defunctorum* (cf. H. A. Append. III. n. 107). 2. *Si festinanter celebravit* (H. A. Tract. 15, nn. 84 ad 86). 3. *Si satisfecit obligationi divini officii, præsertim si est beneficiatus.* H. A. Append. IV. § 1, n. 9; Prax. Conf. n. 183. Cf. Aertnys. Instr. pract. P. III. cp. 2, 3, art. 3, n. 154 and P. II. cp. 2, n. 42; Gaume, Handbook, 4. chap. 2. art. §§ 182, 183, 184.

Toward such penitents the confessor must be fearless, and administer to them, whoever they may be, regardless of rank, esteem, and dignity, reproof, and refuse absolution, if necessary; for example, when they are *occasionarii* or relapsing sinners. St. Alphonsus adds: _Potissimum hac fortidudine agendum est cum sacerdotibus, qui in gravia peccata relapsi, quin se unquam emendaverint, ausi sunt tamen celebrare, aucupando absolutionem ab aliquo confessariorum qui hoc funguntur officio et laborant, ut damnentur. Hi sacerdotes pravis habitibus detenti palam solent in sacristia confiteri, ut absolutionem, quæ eis denegenda esset, extorqueant sub prætextu scandali, quod eveniret (quemadmodum illi exponunt), si a celebrando desistere deberent. Sit constans confessarius cum

hujusmodi sacrilegis in differenda absolutione, eos adstringat ad repetendas confessiones tanquam irritas, et ad confitendum de omnibus Sacrificiis celebratis: et interim ad abstinendum a celebratione, usquedum suæ emendationis perspicua indicia præbebunt. Quod si quis diceret, ob scandalum a celebrando abstinere non posse, respondeat quod deesse non possunt justi prætextus, si vellet desistere a celebrando; ceterum si ipse id facere renuit, dicat quod celebrare potest si est certus, se habere contritionem, sed quod ipse pro tunc non potest eum absolvere, dum certus non est, ut oportet, de ejus dispositione; imo justum habet motivum credendi oppositum, cum observet tot lapsus sine emendatione. Et hoc modo agendi potest sperari, fore ut recipiscat et salvetur ille miser sacerdos, secus ambo damnabuntur._[1016]

1016 H. A. Append. IV. § 1, n. 9.

But the priest (especially a young one) must not be bewildered if an unfortunate brother priest, burdened with grave sins, approaches him to make his confession. Let him remember that there was a Judas amongst the apostles; that the chief of the apostles was guilty of a very grave sin; let him also bear in mind the words of the Lord: *Necesse est, ut veniant scandala* (Matt. xviii. 7).

As to the *exhortations* which the confessor should give to priest penitents, they should be chiefly: (1) to remember their calling, their exalted dignity, their duties, their reward; (2) to devote themselves wholly to their sublime office, to labor for the salvation of souls, and for the glory of God by their prayers, their example, and the exercise of the sacred ministry; to have special care for the sick and dying, the poor and the young; (3) to avoid, especially, four vices, as being, above all, unworthy of their spiritual calling and presenting particular dangers for priests,—sloth, impurity, drunkenness, and avarice (covetousness). The priest must often renew his purpose of leading a virtuous life and of striving to obtain perfection. This resolution always revives the priest's zeal in the performance of his sacred functions, gives joy in the exercise of virtue, strength to resist temptations, and perseverance in his efforts. But that the priest may be true to this resolution, he must employ various means, especially:—

1. Zeal in prayer; the priest must be a man of prayer; he must practice mental and vocal prayer. _Sine oratione mentali difficillime bonus erit Sacerdos; nam sine ea intellectus carebit lumine, quo cognoscat veritates æternas et mysteria divini amoris, atque inde deerit in voluntate calor fervoris, quo novatur ad sancte vivendum._[1017] The priest should, therefore, fix a definite time everyday—at least a quarter of an hour, if at all possible, half an hour—during which to devote himself to meditation. Morning is the best time, as one is less exposed to distractions then than in the midst of the occupations and cares of the day. Those who answer, however, that they have no time for daily meditation should consider if their lukewarmness and carelessness are not much more to blame than want of time. If they gave up superfluous pleasures, visiting, and other unnecessary things, or at least reduced them, they would certainly be able to spare a quarter of an hour on most days for meditation.[1018]

1017 S. Alph. Prax. Conf. n. 183.

1018 Prax. Conf. nn. 122, 127, 219. *Contemplatio in ceteris hominibus quæritur per consilium, in sacerdotibus vero exigitur per præceptum.* Rup. Tuit. Lib. II. in Lev. cp. 40. St. Gregory trembles for those bishops who admit to the service of the sanctuary men who have neither reverence nor love for prayer. St. Bernard admonishes Pope Eugenius to impose hands upon those only who have taste and zeal for meditation. St. Charles Borromeo objects to ordaining any priest without being certain that he possesses the science of meditation.... And everything that has been written upon this subject

since the days of St. Vincent de Paul, St. Francis of Sales, and Olier, may be summed up as follows: "If one becomes a priest only by ordination, one becomes a good priest only by meditation." Compare Chaignon, Meditations, Introduction, p. x ff.

Not less necessary for the priest is oral prayer. *Clama ad me et ego exaudiam*, says the Lord (Jerem. xxxiii. 3); for if it is certain that the priest daily requires new graces, it is also certain that he must ask for them daily. Besides the priest is the mediator between God and His people, and therefore must supplicate for them. "*Absit a me poc peccatum in Dominum, ut cessem orare pro vobis*" 1 Kings xii. 23 (Samuel); "*Et rogante pro eis Sacerdote, propitius erit eis Dominus*" (Lev. iv. 20).

2. Of all the prayers that the priest must say, none is more excellent, with the exception of the holy Mass, none is more efficacious than the *Officium divinum*. Let the priest say it punctually, faithfully, with recollection and with pleasure.

3. The center of the sacred ministry is the celebration of the holy sacrifice. For this most holy mystery he should prepare himself with care, celebrate it with the greatest possible purity of heart, interior devotion, and exterior reverence, and with careful observance of the wise precepts of the Church which bind under grave sin (*ex genere suo*). The priest must be on his guard against three chief faults in the celebration of Mass: celebration in *haste*, out of *custom*, and *in a state of grave sin*.

4. Another means of sanctification is *frequent confession*. At least every eight days the priest should make a good confession, and only on account of great distance from a confessor should he delay it a fortnight. So St. Charles Borromeo determined in the first provincial council and in his celebrated Instructions. But the priest should also observe the other advice of this enlightened Saint (*in Decretis visitatoris*): *Valde utile esset, ut Sacerdos unusquisque ... certum ac firmum Confessarium Sacerdotem haberet ex approbatis, a quo nisi in magna necessitate recederet; si quidem animæ solet non minus obesse Confessariorum mutatio, quam corpori Medicorum.*

5. The good priest loves the *study of wisdom*, and observes the admonition which St. Paul gave to his pupil, Timothy: *Attende tibi et doctrinæ; insta in illis. Hoc enim faciens te ipsum salvum facies et eos qui te audiunt* (1 Tim. iv. 13, 16). Continual, zealous study of theology alone enables the priest to do his duty, to be a teacher of the people in the science of salvation, and to administer the holy Sacrament of Confession rightly and successfully; at the same time it preserves him from many evils and dangers, and it is to him a source of exalted pleasure.

6. Another means which contributes much to sanctification is to be found in the *Exercitia spiritualia*, which priests should make every year, at least every two years. Immense is the blessing which results to the whole Church and to the individual priests who zealously perform them in the right spirit and in the right manner.[1019]

1019 S. Alph. Prax. Conf. n. 48 ss.; Aertnys, Instr. pract. l. c. n. 156 ss.; Zenner, Instr. pract. Conf. §§ 276, 277.

Chapter III. Penitents in Extreme Danger

84. The Importance of the Priest's Ministry at the Bedside of the Sick and the Dying

As the grace of perseverance and eternal salvation depends upon a good death, as a bad death can never be remedied, and as man's helplessness is never greater than in that terrible last struggle, in which a thousand things disturb and confuse him, the bitterest pains afflict and the most violent temptations beset him, it is a work most pleasing to God, and most conducive to the salvation of souls, to bring spiritual aid to the sick and dying. The good, zealous priest is an ardent friend of the sick and the dying, following in this the example of our divine Savior (Matt. ix. 35). It was always the glory of Catholic priests that they were to be found at the bedside of the sick and the dying, making no distinction, and undeterred by the worst infectious diseases. And when all flee, the priest remains and is prepared to sacrifice himself in order to save the sick one. Therefore Dr. Stöhr says most truly in his "Pastoral Medicine" (p. 241): "The chronicles of epidemic disease record upon each of their pages the most splendid examples of that joyful self-sacrificing courage with which the whole secular and Regular clergy have stood faithfully at their posts in the hour of the greatest need, in the days when a reign of terror dissolved all ties of society. For the Catholic pastor of souls this form of courage is just as much a principle of professional honor, and, therefore, I venture to say, as much a matter of course, as in an officer bravery before the enemy." In the moment of greatest need (*in articulo mortis*) any priest, as already stated, can administer the consolations of religion; reserved cases and censures do not exist. And *every* priest should, therefore, be solicitous to obtain the necessary knowledge in order to be able to administer the holy Sacraments to a dying person in case of necessity. As visiting the sick is, of itself, forbidden to no one, and, as St. Alphonsus remarks,[1020] "*Every* priest, even he who has no talent for preaching, can engage upon it, rendering by so doing the greatest service, not only to the sick man himself, but also to his relations and friends," *every* priest should acquire a facility in comforting the sick according to their special needs and circumstances.

1020 The Priest in Solitude, Div. I. chap. ix. n. 30.

In order, therefore, that the priest may effectually assist the sick and the dying, he should, before he betakes himself to the sick-room, observe the following:—

1. Reflect that he is about to perform a work of the greatest importance, and that the errors which he commits in it are of the worst kind, and cannot, as a rule, be remedied.[1021]

1021 Rit. Rom. Tit. V. cp. 4, n. 1; S. Alph. Prax. Conf. n. 228.

2. Remember that in this most important work the help of God is necessary to him; he should not, therefore, trust in himself, but wholly in God.

3. Endeavor to awaken and preserve the purest and most perfect intention possible, the intention of saving a soul which Jesus Christ has purchased by His blood.

4. Earnestly pray for the success of his work.

5. Study well what he has to do and to say. He should consider the particular manner in which he has to treat the patient to whom he is going; for he is undertaking a more important work than

preaching a sermon, and yet he must prepare for every sermon.[1022]

1022 Rit. Rom. Tit. V. cp. 4, n. 7.

6. Learn the character, the habits, the circumstances, and the situation of the sick person, if he is not already in possession of this knowledge.[1023]

1023 Cf. Polancus, Methodus juvandi moribundos (Dilling, 1578); Scupoli, The Manner of Comforting the Sick, and Preparing Them for a Good Death (3. Supplement to the Spiritual Combat); Carol. Borrom. Instructiones de cura et visit. infirm. (Act. Med. pp. 595-608); S. Alph. Prax. Conf. nn. 227-292; H. A. II. Append.; Hettinger, Herr, den du liebst, er ist krank. Wurzburg, 1854; Aertnys, Instruct. pract. P. III. cp. 5, art. 2; Zenner, Instruct. etc. P. II. Sect. II. cp. 2, §§ 301-311; Schüch, § 317; Frassinetti, a. a. O. 2. Teil. 2. Cap. I. anh. §§ 1-7; Dubois, The Practical Pastor of Souls, 2. Part, 12. Chap. pp. 317-336, etc.; Stang, Pastoral Theology.

85. The Confessions of the Sick

I. Some preliminary remarks.

1. The confessions of the sick and the dying are of the greatest importance, as, in many cases, they open the gates of heaven to them, and prepare them for the worthy reception of the other Sacraments. On this account parish priests, and priests in general who have the care of souls, are strictly bound to hear the confessions of those in danger of death, even in face of great difficulties and of danger to their own lives. The priest may, in such a case, even interrupt Mass (even during the Canon) if no other priest is at hand.[1024] Let him, therefore, before he visits the sick person to hear his confession, earnestly pray for grace; let him enter upon this important duty with zeal and love, but also with great prudence and judgment, confiding in God, and where there is danger, let him face it with apostolic courage. Let him not forget that the eternal salvation of the sick person is in his hands, that he can save his soul; but that this soul may also be lost by his fault if his action is careless, tardy, imprudent, and faulty.

1024 S. Alph. Lib. VI. n. 354; De Herdt, Sacræ Liturg. praxis, Tom. II. P. III. n. 20, IV.

2. In the presence of the sick person, however the latter may be circumstanced, and, however he may have lived, the confessor must manifest for him a great love and a sincere sympathy.

3. If he were not called by the sick person to hear his confession, but by those around him, or if he went unsummoned,[1025] and if there is no danger of death, he should not mention confession at once during the first visit, but address the patient in a friendly manner, ask him sympathetically about his illness, etc., as sick people like to talk about these things. He should then admonish him to resign himself to the will of God, to unite his sufferings to the bitter sufferings of Jesus, and to bear them patiently in satisfaction for sin.[1026] In subsequent visits, he should gradually prepare him for confession; ask him when he made his last confession; remark that it is better to confess before the illness increases, because this will render it more difficult; that the graces of the holy Sacrament of Penance procure for the soul the peace which it desires; that they conduce to patience in suffering. Let the priest awaken in the sick person a hope that God will restore his health, but at the same time, be careful that he recognizes the gravity of his illness, and that he does not place undue confidence in doctors and their skill. In order not to expose the patient to the danger of dying without the Sacraments by misjudging the gravity of the case, the priest should ask the doctor whether the condition of the patient is precarious. The friends may also be privately asked if the sick person wishes to confess to another priest, adding that there would be no objection whatever to his doing so.[1027]

1025 Cf. Rit. Rom. l. c. *Quum primum noverit, quempiam ex fidelibus curæ suæ commissis ægrotare, non expectabit, ut ad eum vocetur: sed ultro ad illum accedat, idque non semel tantum, ted sæpius, quatenus opus fuerit: horteturque Parochiales suos, ut ipsum admoneant, quum aliquem in parochia sua ægrotare contigerit, præcipue si morbus gravior fuerit.* The sick person should, therefore, be visited *early*, the visit should be repeated, but with *discretion*, so that he may not be in any way inconvenienced. Various circumstances, however, cause patients or those belonging to them to conceal the illness from the priest, such as, fear of troubling him, the erroneous idea that his visit will entail expense, anxiety lest his appearance might have an

injurious effect upon the patient's condition; lack of conscientiousness on the part of the doctor, malice, unbelief. In such cases the priest must endeavor to remove these objections, and to obtain timely access to the sick person.

1026 Cf. Rit. Roman. l. c.

1027 The priest should not forget the exhortation of the Rit. Rom.: *"Ægrotos visitans ea ex qua Sacerdotes Domini decet honestate et gravitate se habeat, ut non ægris solum, sed sibi et domesticis verbo et exemplo prosit ad salutem."* Special care is necessary in visiting persons of the other sex. The sick-room should not be entered without due notice, the visits should take place as much as possible during the day, and not be too frequent nor too long; the priest should avoid being alone; even when hearing the confession the door should be left open, so that others can always see from a distance; certainly the door should not be locked, and he should never remain in the dark, nor alone longer than is unavoidably necessary. Everything of the nature of tenderness or sentimentality should be avoided, and holy decorum and gravity be observed. Comp. Benger, Pastoraltheologie, a. a. O.; Frassinetti, Practical Instruction, chap. 2, Appendix I. § 3, nn. 353-356.

4. If the sick person is a *peccator publicus*, living, for example, in concubinage, or in the so-called "civil marriage," the confession should not, as a rule, be heard before amendment and due satisfaction have been seriously promised; for if the priest hears the confession, and the person refuses to fulfill the conditions, the priest will, on account of the seal of the confessional, be obliged to allow viaticum and Extreme Unction to be administered to one who is unworthy,—indeed, perhaps be obliged to administer these Sacraments himself.

5. If the sick person begs that the confession may be deferred, and if danger of death, lethargy, or delirium is not imminent, this postponement should be granted, but the patient must at once fix a time for the confession, perhaps on the same or the following day. The priest should not consent to indefinite postponement. If, however, danger threatens, he should not consent to postponement at all, but use all his efforts to induce the patient to confess at once, firmly but kindly, and considerately removing all his objections; especially pointing out to him the great danger to which he exposes himself by this postponement; as God has promised pardon to the penitent sinner, but has not promised to give him the next day.[1028] The confessor must, therefore, investigate the patient's reasons for wishing to postpone his confession. The real reason is generally either (1) because *his conscience is burdened with sin*, he has not confessed for a long time, or confessed badly, and therefore despairs of unburdening his conscience, the task being above his strength, as he thinks; or (2) because he has an *obdurate heart*, not caring about his salvation, or he so despairs of his salvation that he rejects all attempts from outside as useless and troublesome. The priest may not give up such a patient, nor leave him till the last moment; he must pray much, and cause others to pray for him, endure humiliations cheerfully, and exhaust every means that love, zeal for souls, and wisdom can possibly suggest.

1028 S. Aug. Enarrat. in psalm. 144, n. 11.

In the first of the two cases, the priest should offer the sick person his help, and promise him to make the confession quite easy for him, telling him that with a little good will, he will certainly make a good confession, and so obtain pardon, grace, and salvation. The inexhaustible mercy of God should be especially and most earnestly impressed upon him; he should be reminded of the sufferings and death of Jesus for sinners; of the parables of the prodigal son, the lost sheep, the joy of the angels over *one* sinner doing penance, of the great examples of mercy: Peter, Mary Magdalen, the thief on the cross, etc.

In the other case the difficulty is greater, for it is indeed difficult to soften an obdurate heart. Here, fervent, continued prayer is necessary. Those terrible and consoling truths which our faith supplies so abundantly should, at suitable intervals, and with eloquence and *unction*, be laid before him: the misery of the impenitent sinner, the severity of the divine judgment, the eternity of punishment, the happiness of the sinner reconciled to God, the peace of the soul adorned with sanctifying grace, the eternal joys which await him, etc. If all this does not produce upon the sick person the desired effect, he should be left to himself for some time, in order that he may reflect upon what he has heard. In the meantime, pray; then visit him again, and speak to him again, and proceed in this manner till success results, or till an impenitent death closes an impenitent life.[1029]

1029 S. Alph. Prax. Conf. nn. 231, 232.

II. *The confession of the sick person.*

1. If the sick person shows himself ready to make his confession, the confessor must help him in every way to fulfill the conditions necessary for the reception of the Sacrament of Penance; thus he should help him to examine his conscience, to elicit contrition, to make a complete confession, and to perform the penance.

And first, as to the completeness of the confession, the penitent's condition must be taken into consideration. If the confession can be put off without danger, he should be admonished to examine his conscience according to his ability and to prepare for a general confession.[1030] If it cannot be put off, or if the confessor is under the necessity of supposing that the patient is not well able to make such an examination of conscience, he must help him. But he must be careful to avoid worrying him by asking too many questions.[1031]

1030 See §§ 30, 31, 32, General Confession.

1031 Lugo, l. c. Disp. 16, sect. 14, n. 598.

The following cases deserve special attention:—

(*a*) If the sick person has lost the power of speech, and can thus only indicate a few sins by signs, or in some other way. In this case the priest will be able to elicit the confession of a few sins, and that suffices.

(*b*) If the sick person is so weak that he can only confess a few sins, or having confessed a few, faints, or seems about to faint, or when the patient has not confessed for some considerable time, or invalidly, and the gravity of the illness or the nearness of death does not permit of postponing the absolution.

(*c*) When the confessions of many dangerously sick or dying persons are to be heard, and there is no time for a complete confession.

(*d*) When the priest has arrived at the house of the sick person with the viaticum, and cannot, without endangering the good name of the sick person, hear a complete confession.[1032] In this case, let the priest visit the sick person as soon as possible after administering the Sacraments and supply what was wanting.

1032 Comp. § 27, S. Alph. Lib. VI. n. 260; H. Ap. Tract. 15, n. 24; Tract. 16, n. 39; Gury, l. c. II. n. 498.

(*e*) When a dangerously sick or a wounded person, or *mulieres parturientes*, require the assistance of another even during the confession. In this case, the sick person may confess some sin of which he is not ashamed to accuse himself before others, or the confessor may ask him if he accuses himself of all the sins he has committed, and repents of them, because by them he has offended God, and ask him, in particular, if he has committed this or that (slight) sin, such as people of his class are generally guilty of.[1033] Similarly when the priest does not understand the language of the sick person, and the latter confesses through an interpreter.[1034]

1033 S. Alph. Hom. Ap. Tract, ult. n. 46, Prax. Conf. n. 105.

1034 Compare § 27; S. Alph. Lib. VI. n. 479.

(*f*) When the sick person has a contagious disease, and, in the opinion of experts, there would be danger of infection to the priest if the confession lasted long. Nevertheless, the priest would, in this case, do well to overcome the fear of infection, trusting in God and making use of the necessary precautions, and be ready to sacrifice his life in the service of God and his neighbor.

In all these and similar cases, the patient must duly repent of all grave sins, and have the will to confess the sins which he has omitted if he is able to make a new confession. Indeed, there are cases in which a purely general accusation by word or sign, or a request for absolution, expressed in any way, suffices for obtaining absolution, that is, when no other means of confession is available. Even if a wish expressed to others, or the desire for a priest, can be regarded as confession when the penitent has become unconscious.[1035]

1035 See § 86.

2. The confessor should question the patient so that he need simply answer without being obliged to talk much. If he is not well acquainted with the state of his soul, let him ask the patient if he has always confessed validly (this question may also be put to all sick penitents), or if, in his past life, he always wished to confess well, if he ever voluntarily concealed a grave sin, and has not yet confessed it, if he has anything else upon his conscience which disturbs him. According to his character, and the state in which the confessor finds the penitent, he should, moreover, ask if he still has in his possession anything belonging to another, or if, for some other reason, he still has restitution to make of property, or honor and good name; if he harbors hatred and enmity toward any one; if he has ever lived in a sinful habit, and if he has expiated these sins in a general confession. If restitution has to be made, and he can make it at the time, the duty of so doing at once must be imposed upon him, and he must not be allowed to leave this duty to his heirs; unless the latter be thoroughly trustworthy, the dying person believing this to be sufficient and not easily being induced to another expedient. If the restitution cannot at once take place, he must, at least, have an actual intention of making it as soon as possible, and of taking the necessary steps toward insuring its being made—either by a will, or by an injunction to those belonging to him.[1036]

1036 Cf. S. Alph. Lib. III. n. 682; Prax. Conf. n. 105; Reuter, n. 235. Cf. 211, 6.

If the sick person is in a state of invincible ignorance concerning the duty of restitution, and if it is anticipated that he will not be willing to make it, or that great difficulties will arise, the confessor ought not to call his attention to this duty, but leave him in his state of ignorance. For, by such

exhortation, the material sin would become a formal one, and the confessor's duty is rather to guard against injury to the soul of the penitent than to ward off a temporal injury from a neighbor. If, however, the confessor is questioned by the sick person concerning such a duty, he must give an answer, but give it with such caution that neither truth nor justice suffer, and that the salvation of the sick person be not imperiled.[1037] The confessor should then exhort the sick person to forgive from his whole heart every one who has ever offended him, and to beg pardon of those whom he has ever offended, or injured.

1037 Cf. S. Alph. Lib. VI. nn. 609, 614, 616.

3. If the sick person is in a *voluntary immediate occasion of sin*, he must remove this at once, or form a firm purpose of doing so as soon as possible. Without this resolve, even *in articulo mortis*, absolution could not be given, for the necessary dispositions would be wanting. If there is no danger in delay, the confessor must insist, with inexorable severity, upon the removal of this occasion, if it is a public one, and postpone absolution till it is removed.[1038] Such occasions may be dangerous objects, or persons whom the sick man hates, or a person with whom he maintains sinful intercourse. The latter occasion presents greater difficulty, and it is to be disposed of according to the rules laid down for those living in concubinage. If the matter has remained secret, or is only known through confession, and if public scandal is to be feared from immediate removal of the person, the penitent must form the firm purpose either of marrying her, if no obstacles which cannot be removed are in the way, or of dismissing her as soon as possible, and till then, of keeping her at a distance as much as possible.[1039]

1038 See § 66, 1. Those living in concubinage.

1039 S. Alph. Lib. VI. n. 454; Reuter, n. 211, 6. Cf. 173; Gury, Cas. consc. II. nn. 722-725; Gaume, Handbook, n. 376.

If the person were an *occasio necessaria*, that is, if the sick man had no one else to wait upon him, the matter becomes still more difficult. Supposing that the *occasio proxima* has really lost its character in this situation, the circumstances might call for some forbearance; however, if the matter is notorious, some explanation should be made in order that the scandal caused may be atoned for; that is, the sick man should be obliged to declare, perhaps before witnesses, that he would dismiss the person when he had recovered health; but this declaration would not be necessary if the circumstances which make the dismissal of the concubine impossible are publicly known.

This tolerance is the more justifiable if the immoral relationship had not become generally known, but were only learnt through the confessional, and difficulties stood in the way of contracting the marriage *in extremis*. But here also the sick man must promise that he will marry, or dismiss the person who is the occasion of sin to him, etc. However, in all cases where the concubine cannot be dismissed, the sick man must take care that she does not sleep near him, that she only goes to him when it is necessary, in order to avoid dangerous intimacy and temptation.

4. If the person who is dangerously ill is living in so-called "civil matrimony," and there is no canonical impediment, a promise to marry made before the parish priest and two witnesses suffices, and the marriage must take place as soon as possible. If there is a canonical impediment, for which a dispensation can be obtained, let the confessor induce the sick man to submit himself to the laws of the Church. On this condition he may be absolved; the confessor

should then procure the dispensation if the patient is not already *in extremis*. If he is already very near death, the bishop can dispense, in order that the marriage may proceed, as it may, for many reasons, be desirable. If the impediment cannot be removed by a dispensation, it suffices that the sick person promises to submit to the laws of God and the Church, in case he is restored to health. If he is not aware of the obstacle, he may be left in his *bona fides*. If the matter is publicly known, the scandal given must be repaired.

5. If a dying woman has separated from her husband on her own authority, the confessor must demand that the separation should be revoked as soon as possible; if the person does not wish this, and there is canonical ground for separation, she must be left in peace. If the reasons are futile, she must declare that she will resume married life upon the restoration of health (if occasion requires, she must make this declaration before witnesses, in order to remedy the scandal given). If she had been divorced by the civil court *in bona fide*, she must not be disturbed. Of course, the conduct of the confessor would be modified according as he had learnt the matter through the confessional, or previously, by general report. In the latter case the explanations and promises in question must be duly given before the administration of the Sacraments.[1040]

1040 Compare Renninger-Göpfert, Pastoraltheologie, § 100; Müller, Theol. Mor. Lib. III. Tract. II. § 167.

In respect to sick persons who have lived in habitual sin, or have frequently or generally relapsed into the same grave sin, see §§ 67 and 68.

6. As soon as the confession is completed, the confessor should exhort the sick person in a few forcible words, and awaken in him true sorrow and firm purpose of amendment. The thought of death, vividly suggested by the circumstances, is well calculated to move a man to a holy fear and repentance. In most cases it is advisable to make an act of contrition with the sick person.

7. Then, according to the express admonition of the Roman Ritual, a slight penance should be imposed upon the sick person, which can be performed at once. The confessor should help persons who are very ill, and those who are dying, to perform the penance before, or after, the absolution has been administered.[1041]

1041 See also § 33, III.

8. When the sick person's spiritual condition has been set in order, attention must be paid to the regulation of his temporal affairs (Is. xxxviii. 1). If it is considered necessary or advisable, he should, therefore, be admonished to put his worldly concerns in good order, if he has not yet done so, that he may afterwards occupy himself with God in undisturbed peace. But he must so regulate everything that he may be well prepared for the account which he will be obliged to render to God.

III. The priest very often finds himself with sick persons who are altogether uneducated and ignorant; or who, though well informed in affairs of the world, are very ignorant in religious matters. Whilst he can openly instruct the former class, he is often obliged to disguise his instruction of the latter that

they hardly observe it, so as not to offend them and jeopardize the salvation of their souls. In this case he can give an explanation of the truths of faith which are applicable: (*a*) in the form of a prayer in which God is invoked; (*b*) in the form of a thanksgiving; (*c*) in the form of a sacrifice, or (*d*) in the form of an exhortation. Nevertheless, an explicit act of faith may be added. The confessor should commit to memory different formulae by means of which he can, when necessary, instruct ignorant patients in the truths which they must know, and elicit the acts of the theological virtues with them; he should also learn by heart short prayers and verses of Holy Writ which contain acts of the different virtues necessary to the patient.

9. In order to provide more abundantly for the salvation of the sick person, the zealous priest should not content himself with what is necessary for a valid and fruitful reception of the Sacrament of Penance, but should endeavor, in subsequent visits[1042] (which should be repeated oftener as death approaches): (1) to remove all obstacles to salvation; (2) to counteract the attacks of the evil one; (3) to suggest remedies helpful in the dangerous passage to eternity.

1042 It would be very wrong to take no further trouble about the sick after they have received the last Sacraments. Benger, a. a. O. n. 17; Dubois, n. 264; and others.

(*a*) Such obstacles to salvation are, preëminently: attachment of life, love of relatives, and care for earthly things. To remove these, it is especially necessary to inform the sick person, prudently, and at a suitable time, of the danger of death, at first by hints, but later on, when death is nearer, openly and plainly.[1043] Then the priest must explain to him how pleasing to God it is, and what great merits he acquires for himself before God, if he submits to His will and makes the sacrifice of his life. He should also be reminded of the miseries of the life which he is leaving behind, and of the joys of heaven to which he is passing; impressing upon him, moreover, that God who takes him away from his own will provide for them.

1043 It would be best that the physician should tell the patient of this danger. But if none else will do it, the priest must perform this service of love, and that, not only when the patient is in a dangerous condition as to his soul, but also when he is well prepared.

(*b*) Against the temptations of the devil, which are usually more violent and numerous in the hour of death than in life, the general remedies—invocation of the names of Jesus and Mary, the sign of the cross, and short prayers—are to be used. A crucifix and one or two religious pictures should be placed near the sick bed. In temptations *against faith*, the patient may exclaim, "Oh, my God! I believe all that Thou, the eternal Truth, hast revealed!" or he may thank God for the grace of the true faith, and protest that he will live and die in this faith; or, finally,—and this is an excellent proceeding,—reject these temptations energetically, and direct his attention to other things, making other acts—acts of sorrow, of confidence, of love of God, etc. And should the temptations continue to molest the sick person more violently, the *motiva credibilitatis* may be explained to him.

If the sick person is tormented by *temptations to despair*, the priest must not speak to him of the justice of God, nor of the punishments of the damned, nor of the gravity of sin, but of the exceedingly great mercy of God, the sufferings of Christ, the divine promises, the intercession of the most holy Virgin and the saints, and thus inspire him with confidence.

If, on account of great pain, the sick person is tempted to *impatience*, remind him of the rewards of patiently borne suffering of Our Savior, who bore with patience the greatest torments; of the example

of the saints, especially of the Queen of martyrs; of the duty of doing penance for our sins; of the pains of purgatory, which he may partly expiate by patient endurance of suffering; also of the fact that patience soothes and lessens pain. As a remedy against *temptations to hatred* and *feelings of hostility* remind him of the precept of Christ to love all men, and to exclude no one, not even our enemies, from this love; moreover, of the offenses we commit against God, who forgives us over and over again; of God's promise to forgive us if we forgive others; and, finally, place before his eyes the glorious example of Jesus.[1044]

1044 S. Alph. Prax. Conf. nn. 237-253.

(*c*) The confessor must assist the sick person by all the other means which our holy faith so abundantly possesses, administer to him in due time the last Sacraments, give him absolution repeatedly,[1045] and (observing the precepts of the Church) frequently holy communion; often suggest fervent ejaculatory prayers; say with him the acts of faith, hope, and charity, and of perfect contrition for all past sins, also of perfect resignation to God's holy will; make him participate in the indulgences of the Church, give him general absolution, let him kiss the crucifix, sprinkle him with holy water, etc.[1046] And as it is not certain that a priest will be with the sick person in his last struggle and equally uncertain that the patient will not again commit a sin, especially as the evil one continues his temptations till the last moment, the priest should teach him to elicit acts of love and contrition; he should also request a trustworthy person among those around the patient to make frequent acts of perfect love and contrition with him, especially during his agony.[1047]

1045 S. Alph. Prax. Conf. n. 276, n. 11. See § 86.

1046 S. Alph. l. c. nn. 234, 235; 267, 368. Rit. Rom. Tit. V. cp. 4, nn. 6, 13, 14.

1047 With regard to the Indulgence for the dying we append the following from the various decrees: The sick person can gain only once the Plenary Indulgence for the dying *in eodem mortis articulo*. S. C. Ind. 5 Febr., 1841. And it is forbidden to give the General Absolution more than once (whether it be by the same or by different priests) *in eodem mortis articulo*, or to grant the Plenary Indulgence for the dying repeatedly on the plea that the patient has claims to it from various titles, for instance, by membership in the confraternities of the Rosary and of the Scapular. S. C. Ind. 12 Mar., 1855, 22 Mar., 1879. The formula prescribed by Benedict XIV must be used by all under pain of invalidity, and according to a declaration of Leo XIII, 1882, even by Regulars and Tertiaries, yet with mention of the founder of their Order in the *Confiteor*. Compare Schneider-Beringer, Die Ablässe, 10. Aufl. S. 473 f.

86. Absolution of the Dying

The general principles laid down in the preceding sections apply also to this particular case. *If it is certain that anything essential is wanting to the disposition of the moribund, absolution may not be administered*; but if it is in any way, even *tenuiter*, probable, that everything essential is present, absolution not only *can* but *must* be given. This, however, is not to be understood as meaning that there may not be cases in which absolution can be given, but where no obligation exists under pain of sin of giving it. Most of the cases which occur can be solved by the rules which follow:—

I. A dying person who, in the presence of the priest, has given a sign of repentance, and has confessed any sin, or even only *in genere* has acknowledged himself to be a sinner, *must be absolved*, and that, *absolute*, not *conditionate*. In this case the presence of sorrow is sufficiently ascertained, and besides there is some sort of confession. This is the express teaching of the Roman Ritual.[1048] The absolution here bears directe on the sins confessed *generice* by the signs of repentance and the desire of absolution, and *indirecte*, on the special sins, included in that *manifestatio doloris*. These sins, however, the penitent must confess separately and distinctly when he has been restored to health.[1049]

1048 Ordo ministrandi Sacr. Pœn. n. 24.

1049 Cf. Aertnys, Theol. Mor. Lib. VI. Tract. V. n. 196, Q. 1; Lehmkuhl, Theol. Mor. l. c. Sect. III. art. IV. n. 510; Müller, Theol. Mor. Lib. III. T. II. § 166.

II. *A dying person who is unconscious*, and who, *by the testimony of those present*, before he became unconscious, *expressed a wish to confess*, and showed signs of repentance, *must* be absolved. This is the constant practice of the Church, and the unanimous teaching of theologians. For the desire of receiving sacramental absolution, whether this is made known to the priest directly, or indirectly, through witnesses, includes a *confessio in genere*. Although moralists[1050] teach that in this case also absolution may be given *absolute*, and the Roman Ritual directs simply: "*absolvendus est*," it seems, nevertheless, safer to follow the opinion of those[1051] who require that the absolution be given conditionally, at least when it may be prudently doubted whether any indication of sorrow was really given, especially if the dying person is a *homo rudis*. Absolution must also be given—but conditionally —if there is *aliqua probabilitas doloris et desiderii confessionis*.

1050 Lehmkuhl, l. c., who, however, adds: "*Attamen culpandus non est, qui forte conditionem" si capax es "adjungat, quum possint occurrere circumstantiæ, quæ absolutionis valorem dubium reddant.*"

1051 Aertnys, l. c., S. Antoninus, Suarez, Bonacina, etc. Müller, also, recommends the *absol. condit.*

III. According to the *sententia communis et probabilis*, absolution *sub conditione MAY* be and *MUST* be given to a dying person who *has shown no sign of repentance*, and *of whom no witness has reported such sign to the absent priest*, and in whom the priest, moreover, cannot detect any such sign; provided the dying person is a *Catholic*. That he should have lived a pious life is not necessary; it is also applicable to one who has not lived very piously, and may be extended to all concerning whose indisposition there is no certainty; for it may be presumed that in their dangerous condition they would wish to receive the Sacrament.

The whole difficulty in this and the following cases is—how, without express manifestation of sorrow, and desire of absolution, the essential elements of the Sacrament of Penance can be supposed with

some degree of probability to exist. I say, with some degree of probability, for it is not necessary to prove that these essential elements are *certainly and positively* present; it suffices to show that some probability (slight though it be) exists for the supposition that the essential elements of the Sacrament are realized.

In order that absolution may be administered, there is required: (1) a probable conjecture that the dying person has interior sorrow; (2) some outward manifestation which, with some degree of probability, may be regarded as a manifestation of inward sorrow, and (3) some outward sign, which, with some probability, can be understood as an accusation, if only a general one.

The question now is to what extent can we find these three things in a dying person deprived of the use of his senses, who neither gives perceptible signs himself, nor has previously given them to others?

Many theologians appeal to such signs as anxious breathing, sighing, winking of the eyes, various movements of the mouth, by means of which the dying person "perhaps" wishes to manifest his sorrow and his desire of absolution. For, frequently, those who appear to be unconscious are only deprived of the exterior use of their senses; they perceive and understand everything, think, reflect, are also capable of sorrow, etc., as many declare, who have been in a similar state. As a man is more withdrawn from the outer world, the more active is his inner life. In the case of dying persons who have led *Christian* lives, who are mindful of their sins, and do not easily deceive themselves as to their situation, who know that the decision of their eternity is near at hand, as they will soon stand before their Judge—it is readily to be understood that they should make attempts to reveal outwardly their interior sorrow, and, therefore (the only conceivable course in a Catholic), their desire for the absolution of the priest.[1052] Even if such signs are of themselves no natural indication of repentance, we may assume that the dying person wishes to make use of them for said purpose (which at the time is to him of supreme importance), as he cannot reveal himself in any other way. This is the teaching of St. Augustine, of St. Antonin, of St. Alphonsus Liguori, of Sporer, Elbel, the Salmanticenses, Tamburini, Lacroix, Aertnys, Müller, Gury, Konings, and others. The specified signs may, therefore, be regarded as manifestations of sorrow and desire of absolution. Now, it is allowed, in *urgente necessitate*, to administer the Sacraments *sub conditione*, however doubtful the matter may be, as, on the one hand, the reverence due to the Sacrament is preserved by the appended condition, and on the other hand the salvation of a soul is also provided for. When, therefore, the priest *can* administer the Sacraments, he is *bound* to administer them *sub gravi peccato*.[1053] He must, however, repeat to the dying person in a few words and in a loud voice a general accusation and an earnest act of contrition, as experience shows that the sense of hearing generally remains till death.

1052 "*Moraliter fieri nequit in hac nostra natura composita, ut dolor et desiderium, se subjiciendi clavibus Ecclesiæ, quæ interne habentur, nullo actu sensibili se manifestent, licet ab aliis forte non animadvertatur, vel quia præsentes non sunt vel quia signa non valent distinguere. Hinc sicut in moribundo sensibus destituto potest præsumi pœnitentia, ita pari omnino jure præsumitur pœnitentia manifestata in ordine ad se subjiciendum clavibus.*"—Franzelin, De Sacr. in genere. Romæ, 1868, p. 39.

1053 S. Alph. Lib. VI. n. 482; Aertnys, l. c. n. 196, Q. 3; Müller, l. c. § 166, II.

Other theologians thought to solve the difficulty more satisfactorily by the doctrine that the *actus pœnitentis* were not *materia sacramentorum ex qua*, but *materia circa quam*. But this, of itself, does not contribute anything to the solution of the difficulty. For even the theologians who, following the

teaching of Scotus, consider the *actus pœnitentis* as *materia circa quam*, demand an *outward manifestation* as an *essential condition* of the validity of the Sacrament.

There may, however, be cases in which an *anxia respiratio*, *gemitus*, etc., is not perceived. Some other probable marks of sorrow and of accusation must then be sought. Lehmkuhl proposes the following: —

A. As far as the interior sorrow is concerned, we can and must presume that it exists; we shall, at least, never have a certitude that it is wanting. Persons who seemed to be deprived of their senses, or really were so, and have afterwards recovered their use, have declared that in their anxiety they elicited sorrow for their sins, although they could not give outward expression of it; and there is no reason why this could not also be true even of those unfortunate ones who have laid violent hands on themselves, or who in the act of committing any other sin have lost consciousness. This sorrow must, of course, be awakened after the last mortal sin, and must extend to all mortal sins not yet remitted. We must assume that these conditions exist, or are not certainly wanting, especially as God never refuses sufficient grace to any one, and desires and wills, not the death of the sinner, but his conversion.

B. We need not insist that the manifestation of *sorrow* should necessarily be the expression of *that* sorrow which is an essential disposition. It seems to be sufficient that the penitent indicates that he either has had the necessary sorrow, or will have it before the absolution, or wishes to have it. But this is *implicite* contained in the manifestation of a desire for absolution and, in reality, always coexists with it. This manifestation of the desire for absolution also contains, equivalently, the third element, a virtual accusation. We can, therefore, deal with the two requisites at the same time.

C. The *accusatio aliqualis*, which is indispensable, is conveyed by the fact that the man gives outward evidence of his wish to be reconciled to God in the last moment by the services of the priest, for he thereby acknowledges to be a sinner, and that in view of the priestly functions which are to be exercised at the moment of his death.

Moreover, by the fact that the man has lived as a Christian, he seems to indicate sufficiently his desire of being reconciled to God in the last hour of his life through the ministry of a priest. He thus, in truth, makes a general, public confession before the whole Church and all priests by whom he can be absolved. All the Sacraments which he has received, all the Christian virtues which he has practiced, could be regarded as witnesses of his desire for absolution in the hour of death. Nor is a similar manifestation of this desire altogether wanting in those whose lives have been considerably below a Christian ideal, or who were deprived of consciousness in the act of sinning; for, by remaining in the Church, they show that they hoped and desired to be reconciled at the hour of death. But it might be objected: is not this desire interrupted and revoked by the mortal sin? If this were the case, our action would, of course, be in vain; for, whilst absolution in such case would be valid for him who does not need it, because he has committed no mortal sin, yet for him who does need it, it would have no validity. However, we may answer: The sorrow, in as far as it is a *necessary disposition*, is revoked and interrupted, but the man's declaration that he *wishes* to have contrition *at this time* and desires absolution, is not repealed. We admit that the case is hopeless, unless interior and true sorrow is present. The validity of the absolution remains, therefore, *very doubtful*. Nevertheless, that is not the point. That sorrow is "perhaps" present, we are justified in assuming, and it is, therefore, allowed to give absolution; it may possibly impart to the man who has only imperfect sorrow

sanctifying grace and eternal life. That the sorrow should coexist with the absolution is certainly not necessary.[1054]

1054 Lehmkuhl, l. c. nn. 512-515; Lacroix, Lib. VI. P. II. n. 1162; Ballerini, Op. Theol. Mor. l. c. cp. 1, *De absolutione morientium*, nn. 394-420.

IV. In accordance with our previous inference, a dying person, who, up to the moment of his coma, *refused to receive the Sacraments* and rejected the priest, may not be absolved, as it cannot be presumed that he had the will to receive absolution. *To be able* to absolve such a one we must discover some sign which we may construe as indicating (according to Lehmkuhl, n. 515) *a change in his sentiments*; for example, pressure of the hand, a look, sighing, etc. If there is any indication of the kind, however doubtful, conditional absolution may be given.

V. A dying person who was *deprived of his senses in actu peccati*, for example, in adultery, a duel, drunkenness, *can* be absolved *sub conditione*, if he is a Catholic, and that on the same grounds as we have specified above (n. III). For of a Catholic it may be presumed that, in this utmost danger of eternal damnation, and under the influence of divine grace, which never will be refused—he desires to secure his eternal salvation.

A non-Catholic in this situation may not be absolved, even though he has given signs of sorrow, unless he has expressly asked for absolution; for it cannot be reasonably supposed that he has given these signs *in ordine ad confessionem sacram*, as he does not believe in it, and, on this account, the *materia Sacramenti* would certainly be wanting. It may thus be maintained that *to scarcely any dying Catholic MUST absolution be refused*, and that to all dying Catholics it *MAY* be given, at least *sub conditione*.

We arrive at a different decision and must pursue another course with regard to a Catholic, who, being born and brought up in the Catholic religion, has apostatized and embraced heresy.

VI. *A heretic*, who is deprived of his senses, but who, while he was in health, manifested an inclination towards the Catholic religion, may, in this decisive moment, be absolved *sub conditione* from censures and sins if he has already been baptized in his sect; if doubt is entertained as to the validity of his Baptism, he must, previously, be baptized *sub conditione*. It may be presumed of such a one that he wishes to close his life in the community of the true Church of Christ. Indeed, as Lehmkuhl adds, one might also give conditional absolution to a baptized non-Catholic of whom it might be presumed, upon any probable ground, that he is *in bona fide* and would gladly accept the help of a priest if he knew it was necessary to him.

In such a case it is, of course, more difficult to produce anything out of the past life which can, in any way, be construed as a confession, and a desire for absolution, because he has not *explicite* thought of absolution, unless we are to be content with the man's *bona fides*, "*quam probabiliter adesse seu adfuisse, externe sit manifestatum*." For, if to this *bona fides*, sorrow has been added,—and it is not certain that it has not been added,—it seems that there is, *implicite*, the manifested desire to participate in those remedies which are necessary, and, therefore, in the absolution of the priest.[1055] If we have here, with Ballerini, Lehmkuhl, and Aertnys, proceeded to the utmost limits, and if the arguments in favor of this extreme liberality in the administration of absolution are not always cogent, let us not be accused of laxity or of any want of reverence for the holy Sacrament of Penance. Such liberality seems to have been fully intended by Him, "Who came to seek and to save that which was lost," and who

wishes not the death but the life of the sinner, who opened the gates of paradise even to the thief on the cross, and who has placed the keys of heaven in our hands. We safeguard the sanctity of the holy Sacrament by adding the condition, and the Lord instituted His Sacraments for man; "*in extremis autem extrema tentanda sunt*."

1055 Cf. Aertnys, l. c. n. 196, Q. IV et V, Müller, l. c. § 166, II. *b_ and _c*, and his dissertation upon the sacramental absolution of the dying in the Linzer Theol-prakt. Quartalschrift, 1884, pp. 259-264; Kenrick, Theol. Mor. Tract. 18, n. 211; Konings, Theol. Mor. II. n. 1371. Concerning dying non-Catholics who are still conscious, see § 73 (Conclusion).

We may *repeatedly* administer absolution to the dying when the conditions necessary for its validity are fulfilled. The following rules are of service:—

1. If the dying person gives to the priest who is present undoubted signs of a contrite disposition, it is advisable to administer absolution to him as often as he renews these signs.[1056]

1056 S. Alph. Lib. VI. n. 480.

2. If the dying person is unconscious, one may administer conditional absolution to him two or three times, with an interval of about three or four hours. For, in order that a Sacrament may be administered conditionally, a *causa gravis* is necessary, which could not exist if the absolution were administered at shorter intervals and more frequently. If the state of unconsciousness should continue, and there is actual danger of death, absolution may be frequently repeated; for example, three or four times in a day.[1057] This proceeding is justified by the endeavor to give more certain and efficacious assistance to the dying person.

1057 S. Alph. Lib. VI. n. 482; Prax. Conf. n. 276; H. Ap. n. 37; Aertnys, l. c. n. 196, Q. VI; Müller, l. c. § 168.

Such efforts in behalf of the dying person demand great zeal, but, as Elbel rightly says,[1058] they are *very praiseworthy*, and form part of our holy office. Our divine Redeemer deposited His graces in the hands of His priests; faithful to their calling they will, with the greatest zeal, dispense these graces to those who are worthy and in need of them.

1058 De Sacram. Pœnit. Conf. VIII. n. 219. Cf. S. Alph. Prax. Conf. n. 276.

"*Fratres charissimi, munus quod in Ecclesia Dei geritis plane eximium est; enimvero tantam vobis Christus ad judicandas animas auctoritatem elargitus est, ut sententiæ a vobis in terris juste prolatæ, ratæ habeantur in cœlis. Ora vestra canales esse mysticos dico, per quos vera de cœlo pax in homines bonæ voluntatis descendit. Verba oris vestri tubæ sunt magni Jesu, quæ muros iniquitatis seu mysticæ Jericho evertunt.*"

(*Ex monitis S. Francisci Salesii Ep. et Eccl. Doct. ad Confessarios.*)

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