SYNOPSIS OF MORAL AND PASTORAL THEOLOGY

by Adolphe Tanquerey, S.S.

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VOLUME I

On Penance, with the Appendix on Indulgences

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On Penance (Volume I)

On the Virtue of Penance (Preliminaries)

On Penance — Object and Division of the Treatise

1. Object. The spiritual life which is conferred in Baptism, strengthened through Confirmation, and nourished in sacred Communion, can be lost through mortal sin and sometimes is lost; but it is repaired through the Sacrament of Penance, which for that reason is deservedly called the Sacrament of Reconciliation, the second plank offered to the sinner after shipwreck, and a laborious baptism, which cleanses us from sin only by arduous labors.

Penance is at once an act, a virtue, and a sacrament. Right reason shows that some act of penance is necessary after sin has been committed. For the injury inflicted upon God must be repaired; moreover, after the grave sinful act has passed, man remains turned away from the last end until he is freed from sin by penance. Therefore, even before the Sacrament of Penance had been instituted, some act of penance was required for recovering justification lost through mortal sin.[1]

[1] To the point, the Council of Trent says (sess. XIV, chap. 1): "Penance was indeed necessary, at every time, for all men who had defiled themselves with any mortal sin, in order to obtain grace and justice, even for those who had asked to be washed by the Sacrament of Baptism; so that, after perversity had been cast off and amended, they might detest so great an offense against God with hatred of sin and pious sorrow of soul."

For exercising acts of penance, according to the common opinion, there is infused into the justified the virtue of penance, which inclines us to detestation and expiation of sin.

Besides this, Christ instituted a Sacrament by which, once certain acts of penance have been placed, and by means of priestly absolution, sins committed after Baptism are remitted.

2. Division. We shall treat of this Sacrament in this Treatise, with a few preliminary matters, however, concerning the virtue of penance.

There will be two parts: in the former, which is chiefly dogmatic, we shall set forth the divine institution and nature of the Sacrament of Penance; in the latter, which is moral, we shall explain the duties of the penitent and of the confessor; in an Appendix, we shall hand down a few things concerning Indulgences, by which the temporal punishment owed to sin is diminished or taken away.

Dogmatic part:

- Concerning the power of the keys granted to the Church.
- Concerning the acts of the penitent required for the exercise of this power.
- Concerning the Sacrament itself: concerning matter and form; concerning effects.

Moral part:

- Duties of the penitent: contrition; confession; satisfaction.
- Concerning the confessor: concerning his power; concerning his duties.

Appendix: concerning Indulgences.

Preliminary Matters Concerning the Virtue of Penance

Before we treat of the Sacrament of Penance, a few things must be noted beforehand concerning the virtue of penance: 1. concerning its notion; 2. concerning its necessity. For, even after the Sacrament has been instituted, it is necessary to exercise acts of penance both within and outside the sacred tribunal.

I. The Genuine Notion of Penance

3. 1. Etymological notion. Penance, according to most ancient authors, is derived from the words *poenam tenere*, "to hold punishment," and therefore designates the act by which we undergo punishment in order to make satisfaction for sins.

[1] St. Thomas, 3 p., q. 85; Suarez, *de Paenitent.*, disp. I and VII; Morinus, *Commentar. in admin. Paenitentiae*, bk. I, chs. 1-2; Billuart, diss. II; Billot, *De Paenit.*, thesis 6; L. de San, *de Paenit.*, P. 1, chs. 1-6; Pesch, n. 87 ff.

More truly, however, more recent authors say that penance takes its origin from *poena*, or *penitus*, and etymologically designates something inward, which affects the heart itself.[1]

[1] Cf. M. Breal and A. Bailly, *Dictionnaire etymol. latin*, Paris, 1898, p. 240.

Among profane authors, this word especially signifies three things: (a) an interior sense of weariness or displeasure; thus in Cicero, in the book *On Old Age*, it is said: "If, therefore, he had lived a hundredth year, would he be weary of his old age?" (b) sorrow because of a deed previously admitted, whether good or evil: "We are accustomed to say *paenitere* then, when the things which we ourselves have done, or which have been done by our will and our counsel, afterwards begin to displease us, and we change our judgment concerning them";[2] (c) sorrow conceived concerning some crime or delict: "We see King Alexander," says Cicero,[3] "who, when he had slain Clytus, his familiar friend, scarcely kept his hands from himself: so great was the force of repenting!"

[2] Aulus Gellius, *Noct. Attic.*, bk. XVII, ch. 1.

[3] Cicero, in IV *Tuscul. quaest.*

In this last sense the sacred authors very often use the word *penance*, inasmuch as it signifies sorrow of the soul concerning a sin committed.

4. 2. Theological notion. Penance, whose scope is to repair the injury inflicted upon God through sin, is defined: a supernatural and moral virtue inclining the sinner to detestation of his own sin, insofar as it is an offense against God, and to a firm purpose of amendment and satisfaction.

In this definition four things are chiefly included: the nature, object, acts, and subject of this virtue.

(A) The nature of penance, which is: (a) a supernatural virtue. Speculatively and in itself there could be a natural habit of penance, acquired by repeated acts; but in fact penance in Christians must be supernatural. For they have been raised to a supernatural state, and therefore they can repent as they ought only under the influence of actual grace and from a supernatural motive known by revelation. Indeed, according to the more common opinion, this virtue is supernaturally infused, together with the other virtues, at the very instant at which the soul is justified.

(b) And moral, not theological: for it is not immediately concerned with God, nor is it founded upon one of the divine attributes; but it is concerned with sin insofar as it is amendable, and its motive is the honesty of expiation or satisfaction to be shown to God who has been offended.

(B) The object is twofold: (a) the material object, or that concerning which penance is concerned, is any personal sin whatever, insofar as it violates divine right and therefore must be destroyed and repaired by suitable satisfaction. Hence there is no penance properly so called concerning original sin, nor concerning the sins of others; for that alone can properly be retracted which was committed by one's own will. But penance taken broadly, insofar as it is hatred and detestation of sin, can be concerned with the sins of others, since we are bound to pursue them with hatred. In this sense Christ was penitent, insofar as He hated our sins and made satisfaction for them.

(b) The formal object or motive of this virtue is the honesty which is found in repairing an offense inflicted upon God. This is the special or proper motive, so to speak, of penance. Nevertheless, an act of detestation of sin can arise from other motives: of charity, gratitude, hope, fear of God, etc., because sin is opposed to these various virtues.

(C) The proper acts of penance are detestation and sorrow for sin committed, the purpose of not sinning thereafter, and satisfaction, or at least the will of making satisfaction.[1] In a broader sense, all those acts by which sin is repaired can be called acts of penance, for example prayer, fasting, self-denial, and other acts of the virtues, insofar as they are orderable to making satisfaction for sin.

[1] The genesis of these acts can be understood thus: when first the sinner apprehends the sin committed as evil, the will abominates and detests it, because it is evil; then he notices that this evil is present to himself, in itself or in its effects, and he grieves over it; but he cannot sincerely grieve over sin unless he firmly wills to avoid it in the future; and furthermore, since the past evil must be repaired, there now arises spontaneously the will of making satisfaction, as is explained below.

(D) The remote subject of penance is any man guilty of sin or capable of sin; for the act of penance properly so called indeed presupposes an act of sin, but the habit by which a man is rendered prompt for grieving over his own sin can be found in all who are capable of sin, since they ought to be prompt for grieving over sin, if perhaps it has been committed.

The proximate subject is the will, because hatred of sin is an act by which the will is turned away from sin; but this act of the will presupposes previous cognition by the intellect, by which sin is apprehended as evil; furthermore it often flows into the sensitive appetite, causing there sensible sorrow or sadness; but the will remains the proper seat of penance.

5. 3. Controversy concerning the nature of this virtue. (A) All theologians concede that penance is a virtue, but some have denied that it is a special virtue. A few, such as William of Auxerre and F. Mayronius, taught that sins are detested not through a special virtue, but through the virtue to which they are opposed; for example, intemperance is detested through the virtue of temperance. Others, such as Durandus, said that penance is nothing other than charity, insofar as it grieves over sin as an offense against God. Some, after Cajetan, maintained that penance is a complex of three virtues: charity, which hates sin; religion, which by confessing sins acknowledges the dominion of God; and vindicative justice, which furnishes satisfaction.

(B) Nevertheless, theologians commonly teach, after St. Thomas, that penance is a special virtue. For there is a special virtue where there occurs a praiseworthy act elicited because of a special motive or formal object; but the act of repenting is certainly a praiseworthy act, since it tends toward the destruction of past sin, and it is elicited because of a special motive, namely because sin is an offense against God. For this motive extends itself to all sins and differs from the motive of other virtues, and therefore it is a special motive. Therefore penance is a special virtue.

This virtue, moreover, is referred to commutative justice, not indeed as a subjective part, but as a potential part;[1] for through it the sinner in some way repairs the injustice committed against God, not indeed according to perfect equality, but in the best way possible. St. Thomas explains this thus (3, q. 85, a. 3): "Justice simply so called is between equals, because justice is a certain equality... But justice in a certain respect is said to be that which exists between those of whom one is under the power of the other, as a servant under a master, a son under a father, a wife under a husband. And such justice is considered in penance. Hence the penitent has recourse to God with the purpose of amendment, as a servant to a master, according to that:[1] 'As the eyes of servants are on the hands of their masters, so are our eyes unto the Lord our God, until he have mercy on us'; and as a son to a father, according to that:[2] 'Father, I have sinned against heaven and before thee'; as a wife to a husband, according to that:[3] 'Thou hast committed fornication with many lovers; nevertheless return to me, saith the Lord.'"

[1] The subjective parts of some virtue are, as it were, the species into which it is divided, or the parts which fully participate in the nature of that virtue; potential or annexed parts are those which are ordered to certain secondary acts and do not have the whole nature of this virtue, but only something of its perfection. But although penance is a certain species of justice, it participates in something of the other virtues, as is excellently declared by St. Thomas (q. 85, a. 3, ad 4): "Penance is with faith in the Passion of Christ, through which we are justified from sins, and with hope of pardon, and with hatred of vices, which pertains to charity. But insofar as it is a moral virtue, it participates in something of prudence, which is directive of all virtues; but from the very notion of justice, it has not only that which belongs to justice, but also those things which belong to temperance and fortitude, insofar as, namely, it abstains from those things which cause delight, which pertains to temperance, and bears hard things, which pertains to fortitude."

[1] Psalm 122:2.

[2] Luke 15:21.

[3] Jeremiah 3:1.

6. 4. False notion of the Protestants. (A) It is set forth. This flows from the way in which they conceive sin and justification. Since man, according to Luther, sins necessarily, penance properly does not consist in a change of will, which remains evil, but in a change of feeling (*sentiment*) in relation to God; namely, the feeling of terror, struck into him once sin has been recognized, is changed into faith or confidence by which one believes that sins are forgiven to him on account of Christ, and thus he is justified.

Calvin, however, corrected this notion, asserting that penance is the beginning of a new life arising from confidence, or "a true conversion of our life to God, proceeding from a sincere and serious fear of God, which consists in the mortification of our flesh and of the old man and in the vivification of the spirit."[4]

[4] Calvin, *Institutes*, bk. III, ch. 3, n. 4.

Both contend that no satisfaction must be paid to God, since Christ has abundantly made satisfaction for us.

Modern Protestants, however, coming nearer to the Catholic truth, admit that the beginning of a new life is a prior condition for justification, and that true penance embraces humble confession of the delict before God, horror of the sin committed, and amendment of life.[1]

[1] Cf. Bovon, *Morale chretienne*, Lausanne, 1897, vol. I, pp. 224-237.

7. (B) The Lutherans are refuted. Genuine and salutary penance is not only the purpose of a new life, but also the detestation of sins committed. This is certain.

(a) For whatever may be said concerning the etymological meaning of the words *paenitentia* or *metanoia*,[2] it is certain from biblical usage that words of this kind signify not only a simple change of counsel, but also detestation of the past life. Thus, for example, pious Job said: "I have spoken unwisely... therefore I reprehend myself, and do penance in dust and ashes";[3] again the Psalmist says: "A sacrifice to God is an afflicted spirit; a contrite and humbled heart, O God, thou wilt not despise";[4] nor do the Prophets speak otherwise: "Be converted, and do penance for all your iniquities... and make for yourselves a new heart and a new spirit."[5] Now in these and similar texts, besides a change of life, there is found detestation of sin; for what is it to reprehend oneself, to have a contrite heart, to do penance for sins, etc., if not to detest the past life? Moreover, St. Paul, addressing the penitent Corinthians, explicitly commemorates sadness as an element of true penance:[6] "Now I rejoice, not because you were made sorrowful, but because you were made sorrowful unto penance... For the sorrow that is according to God works penance unto steadfast salvation."

[2] The word *metanoia* (*meta*, beyond or after; *nous*, mind) etymologically has the same sound as "trans-mentation," or change of mind; but from usage among both sacred and profane authors, it also signifies sadness and sorrow concerning the past, as is clear from lexicons even edited by Protestants, Schleusner, Robinson, Thayer, etc. Cf. Morinus, op. cit., bk. I, ch. 2. The same can be said of the word *paenitentia*; for from what was said above, this word sometimes signifies displeasure; this is confirmed from these verses of Ovid (bk. I *de Ponto*, Elegy I): "I repent: oh! if any trust is given to the wretched; I repent, and I myself am tormented by my deed."

[3] Job 42:3-6.

[4] Ps. 50:19.

[5] Ezek. 18:30 ff.

[6] 2 Cor. 7:9-10.

(b) Reason itself agrees: for he who comes to his senses, and changes his life for the better recalls his counsel for this reason: because he understands that the former life is evil; for why would he lead a new life unless he saw that the former one was contrary to equity? But just as we are bound to love the good, so also to hate evil, especially if it has been committed by us. Therefore penance imports detestation of sin. Moreover, reconciliation with an offended person requires more than cessation of the injury; for one who asks pardon from men must first manifest detestation and sorrow for the injury previously inflicted, so that, moved by this sorrow, the offended person may be willing to pardon the injury. In the same way, therefore, the sinner must conduct himself with God.

II. Concerning the Necessity of Penance

8. 1. State of the question. The question concerns fallen man, or the sinner, and concerns both the necessity of means and the necessity of precept. That is necessary by necessity of means which is a means, and indeed a necessary means, of justification and therefore of salvation, without which, consequently, even if it is inculpably omitted, salvation cannot be obtained. That is necessary by necessity of precept which is so prescribed that its omission, if culpable, is a sin, but if inculpable, does not harm salvation. (a) Now all Catholics teach that penance in general, that is, some detestation and retraction of sin, is necessary by necessity of means, once mortal sin has been posited; the controversy is only whether a formal act of penance is required, or whether a virtual act suffices, such as is contained in an act of perfect charity. The Scotists maintain that a virtual act of penance suffices; many Thomists think that a formal act is required. Suarez, however, distinguishes, saying that a formal act is required *per se* when someone thinks of his sins, but that remission of sin can *per accidens* be obtained by a virtual act of penance when, through forgetfulness or lack of consideration, someone does not think of his sins. We embrace this opinion as the more probable.

[1] St. Thomas, 3 p., q. 86, a. 2; Suarez, disp. IX and XV; Salmanticenses, disp. IV, dub. 2; disp. V, dub. 6; Drouin, q. I, ch. 3; Palmieri, thesis 7; de Augustinis, thesis 11; Sasse, thesis 6.

(b) Victoria[2] denies that there is a special precept of repenting, and therefore denies that impenitence is a special sin. For the texts of Scripture, he says, must be understood of the necessity of means, which is not always joined with a precept: thus, for example, sanctifying grace, although necessary for salvation, does not fall under a precept. But this opinion is commonly rejected by theologians.

[2] Tr. *de Septem Sacram.*, q. 121.

9. 2. Thesis: Supposing mortal sin, it is certain that at least a virtual act of penance is necessary by necessity of means in the present order of things; it is commonly held that the same is necessary by necessity of precept. I said: once mortal sin has been posited, by which, namely, we are turned away from God, the last end; if the sin is only venial, penance, although desirable, is not necessary for salvation. I said also: in the present order, because some theologians think that God can, by His absolute power, pardon sin and infuse grace without any act of the sinner; but, considering His attributes, especially wisdom, justice, and holiness, He cannot.

(A) As to the necessity of means. (a) Scripture. For that is necessary by necessity of means which is so joined with the end that without it the end cannot be obtained; but, once grave sin has been posited, salvation is so joined with penance that without it salvation cannot be had, as is gathered from these and similar testimonies: "If that nation shall repent of its evil, against which I have spoken, I also will repent of the evil which I thought to do to it... if it shall do evil in my eyes, so that it does not hear my voice, I will repent of the good which I have spoken that I would do to it";[1] "But if the wicked man shall do penance for all his sins... he shall live by life and shall not die... but if the just man shall turn himself away from his justice and shall do iniquity according to all the abominations which the wicked man is accustomed to work, shall he live? All his justices which he had done shall not be remembered; in the prevarication by which he has prevaricated, and in his sin which he has sinned, in them he shall die."[2] Nor is it otherwise in the New Testament: "Unless you

shall do penance, you shall all likewise perish";[3] "Do penance, therefore, and be converted, that your sins may be blotted out,"[4] as if it were said: the necessary condition that your sins be blotted out is that you do penance. Therefore, in the present order, penance is joined with the remission of sin as a means with the end.

[1] Jer. 18:8-10.

[2] Ezek. 18:21-27.

[3] Luke 13:5.

[4] Acts 3:19.

(b) Tradition. From the Council of Trent cited above: "Penance was indeed necessary, at every time, for all men who had defiled themselves with any mortal sin, in order to obtain grace and justice." From this it follows that penance is necessary by necessity of means, since at every time, even before a positive law had been established, it was required for the remission of sin.

(c) Theological reason. The sinner cannot be saved unless he has first obtained from God the remission of his sin; but without penance God cannot remit sins. For wisdom forbids that He reconcile to Himself and receive into His friendship one whom He knows to be voluntarily turned away from Himself and obstinate in the love of sin: for this would be nothing other than to foster and reward sin itself. Moreover, justice forbids that an offense be remitted without some reparation; holiness forbids that He unite to Himself something impure still adhering to sin. Now one who has gravely sinned, even from frailty, remains turned away from God, at least habitually, until he repents, and does not repair, as far as he can, the offense inflicted upon God, but perseveres in it and continues to adhere to sin. Therefore God cannot remit sin, considering His attributes, unless the sinner turns himself to God through an act of penance; therefore without penance the sinner cannot be saved.

10. (B) As to the necessity of precept. (a) Scripture. The texts adduced already demonstrate the matter; for God, by declaring the necessity of penance so emphatically and by threatening the gravest punishments to the impenitent, manifests clearly enough that He wills all to be bound to do penance. Furthermore, according to the testimony of Scripture, one who refuses to repent is convicted of disobedience, and indeed of grave disobedience, since he is punished with a grave penalty: "Because I called and you refused, I stretched out my hand, and there was none who regarded... I also will laugh in your destruction."[1] Moreover, Christ preached penance under the form of a precept: "From that time Jesus began to preach and to say: Do penance, for the kingdom of heaven is at hand."[2] In vain, however, is it objected that grace, although necessary for salvation, does not fall under a special precept; for grace is not a virtue, but a means to virtue, and therefore it is not directly prescribed; but penance is a special virtue, from what has been said, and therefore falls under a precept.

[1] Prov. 1:24-33.

[2] Matt. 4:17.

(b) Reason. Each person is bound, by force of justice, to repair an injury inflicted upon another; but man, through mortal sin, has inflicted a grave injury upon God; therefore, from the precept of justice, he is bound to compensate this injury by doing penance. Another reason is added: everyone is

commanded to have care for his spiritual salvation; but the sinner cannot save his soul unless he repents of grave sins; therefore by force of charity toward himself he is bound to do penance.[3]

[3] From this St. Thomas infers (3 p., q. 84, a. 7, c. and ad 1) that penance is prescribed by natural law: "For by natural reason man is moved to repent of the evils which he has done, but that he do penance in this or that way is from divine institution."

3. When Does the Precept of Penance Oblige?

11. First, the precept of repenting can be considered as negative and affirmative: insofar as it is negative, it forbids one to take complacency in his sins; in this sense it obliges always and for always. Insofar as it is affirmative, it commands that one grieve over sins committed; and then it obliges at the opportune time, both *per se*, that is, by force of the virtue itself of penance, and *per accidens*, or by force of another precept which one is bound to fulfill.

(A) *Per se*, (a) it does not oblige immediately after sin has been committed. For a precept of this kind is affirmative, from what has been said; but it belongs to the nature of an affirmative precept that it does not oblige immediately and for always, but at a determined time, namely when the opportunity presents itself. Moreover, if it obliged immediately, one who did not immediately do penance would thereby sin, and would commit a new sin as often as, conscious of this obligation, he did not repent; but this is opposed to the common sense of the faithful, who by no means accuse themselves of these sins, and of confessors, who do not ask about them.

12. (b) It certainly obliges, however, in the article of death, or even in a very probable danger of death or of perpetual madness; for then each person is bound, by reason of justice toward God and charity toward himself, to be reconciled with God and to provide for his salvation, since otherwise either certainly or very probably no other opportune time remains.

(c) More probably, it also obliges sometimes during life. Thus more commonly against Durandus, Cajetan, Vasquez, and a few others, who contend that no time can be assigned within which this precept obliges outside the article of death. For excessive delay of conversion is gravely reprehended by the sacred authors: "Delay not to be converted to the Lord, and defer not from day to day: for his wrath shall come suddenly, and in the time of vengeance he will destroy thee";[1] "But according to thy hardness and impenitent heart, thou treasurest up to thyself wrath in the day of wrath."[2] Moreover, delay of conversion is dangerous to salvation, because it easily induces into new sins,[3] renders merit *de condigno* impossible, and exposes one to the danger of damnation if death should suddenly occur; it is also injurious to God, since for a long time the sinner remains His enemy and defers until death the compensation for the injury inflicted upon God, thus despising the grace of God which moves him to conversion. And so voluntary delay of penance for a notable time is a new sin, namely the sin of impenitence.

[1] Eccli. 5:8-9.

[2] Rom. 2:4-5.

[3] For St. Gregory the Great rightly says (*Moral.*, bk. XXV, ch. 9, in Migne, P. L., LXXVI, 334): "For sin which penance does not wash away, by its very weight soon draws one to another." The reason for this is that one who remains long in the state of mortal sin is deprived of those efficacious graces which are necessary for overcoming grave temptations. Cf. St. Thomas, $1.^2$, q. 109, a. 8.

13. What time, however, is notable and sufficient to constitute a new sin cannot be accurately defined. Delay for many years is commonly considered a notable time, especially because by the ecclesiastical precept, which seems to be determinative of divine law, the sinner is bound to confess his sins at least once a year, and therefore to do penance.

According to Laymann[4] and many others, one who satisfies the precept of annual confession does not defer penance beyond the due time, because the Church, by determining the time of confession, seems also to have determined the time of penance. And this opinion is very probable, especially because generally the faithful do not think themselves guilty of a new sin unless they have deferred penance beyond a year.

[4] *De Sacr. Paenitent.*, ch. 2, n. 6.

Nevertheless, St. Alphonsus[5] does not wholly acquiesce in this opinion, but he thinks that one month is a notable time in the delay of penance, both because of the obligation of eliciting an act of charity once a month, which the sinner cannot fulfill unless he grieves for his sins, and because one who remains in mortal sin through an entire year cannot avoid the danger of easily falling back into other sins. Yet he adds, and this is to be noted for practice, that sinners, especially the uneducated, can for the most part, indeed almost always, be excused from this sin of delayed penance on account of inadvertence.

[5] St. Alphonsus, bk. VI, n. 437, and *Homo Apostol.*, tr. XIV, n. 10.

14. (B) *Per accidens* it obliges whenever the sinner, from some other precept, is bound to recover the state of grace: (a) for administering the sacraments, if he is a priest, or for receiving the sacraments of the living; (b) for overcoming grave temptations, if the sinner is conscious that he cannot resist them unless he elicits an act of contrition; (c) for eliciting an act of charity toward God, if the obligation of fulfilling this precept is urgent. - But the precept of sanctifying feasts and the Lord's day does not import an obligation of eliciting an act of penance, since the state of grace is not required for keeping the Lord's day.

Therefore sinners are to be earnestly exhorted to do penance quickly, not indeed by asserting that the delay of penance is a new mortal sin, but by showing that impenitence is dangerous for the sinner and injurious to God,[1] as above.

[1] Among the passages of Scripture and of the Fathers which can be alleged, these especially are to be attended to: Prov. 1:22-23; Isa. 1:2-31; Jerem. 2, 3, 4; 18:5-17; Ezek. 18:21-32; Matt. 3:8-12; Luke 13:2-5; Acts 3:19-26, etc.; - St. Ambrose, *De Paenitentia*, bk. II, in Migne, P. L., XVI, 495 ff.; St. Augustine, sermon 20, in Migne, XXXVIII, 140-141, etc. - Cf. Bourdaloue, *Careme*, sermon for the Monday of the 2nd week, on final impenitence; Massillon, *Careme*, on final impenitence; Wiseman, *Sermons on Moral Subjects*, *On delay of repentance*; Newman, *Sermons to Mixed Congreg.*, *Neglect of divine calls and warnings*.

Preliminary Matters

15. 1. Notion of the Sacrament of Penance. Before the coming of Christ, Penance was not a sacrament; but in order that the faithful might more securely obtain the remission of sins committed after baptism, the Lord raised penance to the dignity of a sacrament, by handing over to the Church the ministerial power of remitting sins, and by determining the acts to be furnished by sinners for obtaining pardon.

Penance, insofar as it is a sacrament, is commonly defined by theologians: A Sacrament of the New Law instituted by Christ, by which, through the juridical absolution of a priest, sins committed after baptism are remitted to a man who is contrite, has confessed, and promises satisfaction.

It is said (a) by which, through the juridical absolution of a priest, so that there may thus be declared the form of this sacrament, namely, the absolution of the priest; the minister, or priest; and the mode in which it is administered, namely, the judicial form; (b) to a man who is contrite, etc., by which words are designated both the subject and the dispositions of the subject: contrition, confession, and the intention of making satisfaction, which, according to many, are also the proximate matter of the sacrament; (c) sins are remitted, etc., and thus are expressed not only the principal effect, but also the remote matter of the sacrament, namely, all sins, whether mortal or venial, committed after baptism. From what is to be said, it will be clear that this definition is legitimate.

16. 2. Division of this part. In the dogmatic part of this Treatise, we intend to demonstrate the existence, or divine institution, of the sacrament of Penance, and also to declare its nature.

For accomplishing this, we shall examine three things:

I. The power of the keys granted to the Church;

II. The acts of the penitent required for the exercise of this power;

III. The nature of the sacrament, insofar as it can be inferred from these two.

The reason for the division is this: according to the Council of Trent, the Lord especially instituted the sacrament of Penance when He conferred on the apostles the power of remitting sins, which is called the power of the keys; therefore it is necessary to explain this before all else. But since this power is not exercised unless certain acts of the penitent have been posited, namely confession, contrition, and satisfaction, these must be treated afterward. And since the sacrament itself is constituted from the power of the keys and from the acts of the penitent, it is fitting to discuss the sacrament itself by way of corollary, describing its matter and form as well as its effects.[1]

[1] In this new edition, we have revised the dogmatic part with the kind cooperation of P. Callou, professor of dogmatic theology in the Seminary of St. Sulpice at Paris.

Dogmatic Part — Chapter I: On the Power of the Keys Conferred upon the Church

On the Power of the Keys Conferred upon the Church

We shall examine two things: 1. whether this power was truly conferred by Christ; 2. who are the ministers able to exercise it.

Art. I. On the Power of the Keys Itself, Insofar as It Was Truly Conferred upon the Church

17. State of the question. 1. The nature of this power is declared. (A) The power of the keys, as it is taken here, is the power of judging concerning the internal state of conscience, or the power of remitting and retaining sins, not only in the external forum before the Church, but also in the internal forum before God; and therefore it is the power of ruling the conscience of the faithful and of changing its interior relations with respect to God.

It is twofold: (a) the power of establishing new obligations which the penitent must fulfill in order to be freed from his sins, or the power of imposing penalties; (b) the power of dissolving spiritual debts before God, or of remitting sins.

(B) This power indeed is: (a) supernatural, delegated by God Himself, conferred in order to a supernatural end; (b) ministerial under Christ, and, as it were, a certain participation in the divine power; (c) truly efficacious, that is, binding or freeing the conscience itself. (d) Nevertheless it is not absolute, since its exercise and efficacy depend on certain conditions established by God Himself, which both the minister and the penitent must observe; (e) nor infallible, since the minister of God, although judging authoritatively concerning the internal state of the penitent, can err because of human infirmity. God certainly ratifies in heaven the sentence of the minister, but only when what must be posited has been posited, or when the conditions required on the part of the minister and on the part of the penitent have been fulfilled.

18. 2. Errors. Besides the Montanists and Novatians, concerning whom we shall soon treat in their own place, Protestants have attacked the power of the keys in different ways. Their general principle is that justification, and therefore the remission of sins, takes place through faith or confidence (above, n. 6).

(a) Luther indeed remained uncertain for a long time, now acknowledging, then rejecting, a sacrament of this kind; and his disciples imitated this hesitation.[1] Yet absolution, according to them, has only the force of declaring, not of effecting, the remission of sins. (b) Calvin openly denied the existence of the sacrament, teaching that Penance is not truly distinguished from Baptism, or from the remembrance of Baptism; for according to him, sin is not destroyed through Baptism, but only testimony is given that sins have been remitted by faith, or rather are not imputed. But afterward it happens that the baptized person is terrified by subsequent sins, and then it is useful to recall to his memory the Baptism previously conferred, as a pledge of justification received for the whole course of life; this remembrance of Baptism is nothing other than Penance, by which displeasure for sin and

the purpose of a new life are renewed.[2] (c) Anglicans acknowledge that both the dying and those about to communicate publicly can be absolved by presbyters; indeed they admit the utility of confession, but not its necessity.[3] (d) The Ritualists, furthermore, teach that absolution is a sacrament, namely one of the lesser sacraments; for among the greater sacraments they count only Baptism and the Supper.

[1] Hence in the *Confession of Augsburg* (art. 12) one reads: "Concerning Penance they teach that remission of sins can come to those who have fallen after Baptism, at whatever time they are converted; and that the Church ought to impart absolution to such persons returning to penance." (In Schaff, *Creeds*, vol. III, p. 14). - "Absolution can properly be called the sacrament of Penance, as also the more learned scholastic theologians say" (Melanchthon, *Apology*, art. 5). Cf. Pfisterer, *Luthers Lehre von der Beichte*, Stuttgart, 1857.

[2] "Thus one must think that, at whatever time we are baptized, we are washed and cleansed once for all life: and therefore as often as we have fallen, the memory of Baptism must be recalled, and the soul must be armed with this, so that it may always be certain and secure concerning the remission of sins; for although, once administered, it may seem to have passed, nevertheless it has not been abolished by later sins." (Calvin, *Instit.*, bk. IV, ch. 15).

[3] Before communion, these words are spoken by Anglican ministers: "If any among you is found whose conscience is troubled and in distress, and who needs consolation or counsel, let him have recourse to me or to another prudent priest, learned and skilled in the law of God; let him confess and disclose secretly his sins and his anxieties, so that he may be able to receive salutary admonitions, counsels, and consolations, and through us, ministers of God and of the Church, obtain confidence and absolution." Cf. Blunt, *The Sacraments*, London, 1868, p. 190; Morgan Dix, *The Sacramental System*, New York, 1893, p. 92-104. - See the doctrine of the Protestants expounded in Vacant, *Dict. de Theol.*, t. I, col. 218-229.

19. (e) In our days, the American Protestant H. C. Lea,[1] renewing the arguments of Dallaeus, attacks the divine institution of confession and absolution in this way: 1) Christ in the Gospel, who often inculcates that God is to be worshiped in spirit and in truth, instituted no external rite for the remission of sins, but requires only love and penance of heart. 2) The power of remitting sins by some sacramental rite was by no means acknowledged in the first centuries of the Church. There did indeed flourish a certain penitential discipline, but it had force only in the external forum, for reconciling sinners with the Church, not with God. 3) The Fathers teach that there are many means for obtaining the remission of sins, but among them they do not mention priestly absolution. 4) Besides, the words of absolution recited over penitents are nothing other than prayers by which priests earnestly begged from God the pardon of sins, and by no means sacramental forms conferring grace.[2]

[1] Lea, *A History of Auricular Confession and Indulgences*, Philadelphia and London, 1896. - The Liberals teach nearly the same thing.

[2] Op. cit., t. I, ch. I-VII, p. 5-167.

Against these errors we shall set forth and vindicate Catholic doctrine, by critically examining the texts of Scripture and of the earlier Fathers.

20. Thesis: Christ conferred on the Church the power of remitting and retaining all sins committed after baptism, and that by a truly judicial act.

It is *de fide* from the following canons of the Council of Trent:[3] 1. "If anyone shall say that, in the Catholic Church, Penance is not truly and properly a sacrament, instituted by Christ our Lord for

reconciling to God Himself the faithful as often as they fall into sins after Baptism: let him be anathema."

[3] Trent, sess. XIV, can. 1, 3, 9.

3. "If anyone shall say that those words of the Lord the Savior, 'Receive the Holy Spirit: whose sins you shall forgive, they are forgiven them; and whose sins you shall retain, they are retained,' are not to be understood of the power of remitting and retaining sins in the sacrament of Penance, as the Catholic Church has always understood them from the beginning, but shall twist them, contrary to the institution of this sacrament, to the authority of preaching the Gospel: let him be anathema."

9. "If anyone shall say that the sacramental absolution of the priest is not a judicial act, but a bare ministry of pronouncing and declaring that sins have been remitted to the one confessing, provided only that he believes himself absolved; or that the priest absolves not seriously, but in jest; or shall say that the confession of the penitent is not required so that the priest may be able to absolve him: let him be anathema."

The Council therefore teaches that the power of remitting and retaining sins was truly conferred upon the Apostles and their successors; - and that it can be exercised in the Catholic Church not once or again, but as often as the faithful fall into sins after Baptism, and therefore that no sin is irremissible; - but that this power is not a bare ministry of declaring that sins have been remitted, but a truly judicial act by which priests reconcile to God Himself sinners who are otherwise well disposed.

§ I. The Thesis Is Proved from Scripture.

In order that the demonstration may be clearer, we premise two things: (a) that Christ, while He lived on earth, exercised the power of the keys, or the power of remitting sins, by a free act of His will, for example, in the case of the paralytic and of the sinful woman; (b) that He likewise, in a general way, conferred on the Apostles all power committed to Himself by the Father for promoting the salvation of souls, as is clear from the four Gospels. Now it is altogether improbable that the power of the keys was excepted from this general mission or delegation.

[1] Cf. Corluy, *Spicilegium Dogmatico-biblicum*, Ghent, 1884, t. I, p. 33-51; t. II, p. 438-452; Vacant, *Dict. de Theol.*, t. I, p. 138-143.

In reality, Scripture being carefully inspected, two things are established: 1. that the power of the keys was promised to the Apostles and their successors, and within the amplitude of this power is contained the power of remitting sins; 2. that this power was in fact conferred on them on the very day of the resurrection.

21. 1. That this power was promised is clear from the words of Christ to Peter: "And I say to thee that thou art Peter, and upon this rock I will build my church; and I will give to thee the keys of the kingdom of heaven; and whatsoever thou shalt bind upon earth shall be bound also in heaven, and whatsoever thou shalt loose upon earth shall be loosed also in heaven."[2] Likewise from the words of Christ directed afterward to all the Apostles:[3] "Amen I say to you, whatsoever you shall bind upon earth shall be bound also in heaven,

and whatsoever you shall loose upon earth shall be loosed also in heaven." For greater clarity of the proof, the sense of these texts must first be explained.

[2] Matt. 16:18-19.

[3] Matt. 18:18.

(a) To Peter are promised the keys of the kingdom of heaven, that is, the power of jurisdiction over the whole Church, which Christ designates by the name kingdom of heaven, as is clear from the words previously uttered: "upon this rock I will build my Church." For to hand over the keys of someone's house or city is the same as to confer authority to close and open it, or supreme authority, as is clear from the usage of speech among sacred and profane authors; thus, when Eliacim is substituted for Sobna, the prefect of the temple or of the royal house, it is said:[1] "And I will give the key of the house of David upon his shoulder"; likewise, when the glorious Christ wishes to signify that all power has been handed over to Him, He says: "And I have the keys of death and of hell."[2] Therefore true authority over the Church is promised to Peter.

[1] Isa. 22:22.

[2] Apoc. 1:18; cf. 3:7.

22. (b) But what the nature of this power is, the following words declare: "whatsoever thou shalt bind... whatsoever thou shalt loose..." These must be declared accurately. We indeed admit that these words historically present a twofold sense: sometimes they signify nothing other than to declare that a thing is lawful or not (for example, in the Talmud one reads: Rabbi M looses, Rabbi N binds, that is, the former asserts that a thing is lawful, but the latter that it is not lawful); at other times, however, they designate legislative and judicial power. Now that this is the sense in the present place is clear from the context: 1) for Christ promises His own authority to the Apostles; but this authority is not only declarative, but at the same time legislative and judicial; therefore Christ promises the Apostles the power of making laws, imposing obligations, and also rendering judgment and loosening bonds which can prevent the faithful from entering heaven, especially sins, which are one of the chief bonds; 2) this agrees with the former part of the text, where there is handed over the power of the keys, or of closing and opening heaven, and therefore of taking away sin, which obstructs entrance into heaven; 3) and it is confirmed from the parallel passage, where the same power is conferred on the Apostles with respect to sins.[1]

[1] Matt. 18:15-18. For there it is a question of sins to be remitted or retained: "If thy brother shall sin [against thee is lacking in the best codices]... tell the Church; but if he will not hear the Church, let him be to thee as the heathen and publican. Amen I say to you, whatsoever you shall bind, etc."

That this power touches not only the external forum, but conscience itself, is clear from the fact that God ratifies in heaven whatsoever the Church shall have bound or loosed on earth.

23. (c) What Christ had first promised to Peter alone, a little later He likewise promised to all the apostles together; He does not indeed hand over to them the power of the keys, or the supreme power, but the power of binding and loosing, which they will exercise dependently on Peter.

(d) In both cases, there is question here of a power to be exercised over the Church itself, not over those who are outside: "I will build the Church, and I will give to thee the keys..." Likewise, when there is question of the power conferred on the Apostles, the Church is first mentioned: "Tell the Church; but if he will not hear the Church..." A power of this kind is therefore distinguished from the power of baptizing, which is exercised over those who are outside, so that they may be introduced into the Church.

The aforesaid argument, although general, is altogether valid. Its force is confirmed from the words of St. John and from the authority of the Fathers; for already St. Pontiff Callixtus used this text to prove that there was in him the faculty of remitting sins; but Tertullian, although a Montanist, did not deny this sense, but only said that this power conferred on Peter had been transmitted only to spiritual men.[2]

[2] Tertullian, *De pudicitia*, ch. 21, P. L., t. II, col. 1025.

24. 2. The power which Christ had promised He conferred on the Apostles; for, having returned from the dead, He stood in the midst of the disciples and said to them:[3] "Peace be to you... As the Father hath sent me, I also send you. When he had said this, he breathed on them and said to them: Receive ye the Holy Spirit: whose sins you shall forgive, they are forgiven them; and whose sins you shall retain, they are retained."

[3] John 20:21-23.

These words indeed are, as it were, an authentic declaration by which one of the many powers already promised to Peter and the Apostles in the aforesaid texts is specifically defined. For the power of which there is question here is not, as Protestants wish, a mere faculty of preaching the remission of sins, or of declaring that sins have been remitted to penitents, but the power truly to remit sins; - not only as to punishment, but also as to guilt; - extending to all sins; - to be exercised in a judicial mode; - and therefore not restricted to the power of remitting sins through baptism. This we shall declare successively.

25. (A) The power here conceded is the power truly to remit sins. This is gathered: (a) from the context; for Christ begins thus: as the Father hath sent me, I also send you; by which words it is declared that the mission to be given to the Apostles is similar to the mission which Christ received from the Father. Now Christ had not only preached the remission of sins, but had truly forgiven them; indeed He had come into the world for this, that He might truly destroy them.[1] Therefore the Apostles received the power truly to remit sins. - Afterward Christ, by the sensible sign of breathing, imparts the Holy Spirit to the Apostles, so that it may thus be manifest to all that the power to be conferred on them is a new and singular privilege, which they can exercise only with the help of the Holy Spirit. But to announce the remission of sins is not so new and singular a privilege, since the Prophets performed this, and any member of the faithful can perform it; the Apostles themselves had already done it by preaching. Therefore there is question not of preaching, but of the remission of sins.

[1] Matt. 9:2-8; Luke 5:20; 7:47; Apoc. 1, etc.

26. (b) From the text itself: 1) for the verb you shall forgive (Gr. *aphete*) is active, and signifies such remission as is done through a positive and efficacious action, not through a mere declaration of remission already made; this is confirmed from the other word you shall retain (*kratete*), which likewise denotes a positive action; for Christ did not say "you shall not forgive," which would be merely negative, but you shall retain, as if a positive action of the priest were required. 2) Moreover, in the second clause there is added "they are forgiven them, they are retained"; and this indeed, according to the Protestants themselves, sounds the same as they are truly remitted or truly retained; therefore, by force of the parallelism, the prior words, you shall forgive, you shall retain, ought to be understood in the same sense. For by what right is to forgive, in the prior clause, said to signify to declare remission, and in the latter, truly to forgive? 3) Finally, by force of this text, such is the relation between the remission of sins made by the Apostles and that made by God, that whenever the Apostles remit, God remits; but such a connection is indeed well explained if the Apostles enjoy a true faculty of remitting; but if they have only the power of preaching remission, there is no certain connection between the declaration of the Apostles and the remission of sins. For how, apart from a special revelation, can the ministers of the Church know and declare with certainty that sins have been remitted by God?

27. (B) The power conferred on the Church touches not only the debt of punishment, but also the debt of guilt, and therefore remits guilt itself before God. For Christ here uses the words *aphete tas hamartias*, which He had previously used to signify the true remission of sins as to guilt.[1]

[1] Matt. 9:5, 6; Mark 2:10; Luke 5:20; 7:47-49.

This is confirmed from the context. For (a) there is question of that remission of sins by which the mission of Christ is brought to perfection and completion; but the proper end of this mission was the interior remission of sins: for Christ had come into the world to seek sinners and make them saved, to justify, sanctify, and lead to heaven those who by sin had been made alien from God.[2] (b) The Apostles, in remitting sins, act in the power of the Holy Spirit conferred on them: "Receive ye the Holy Spirit..." Now it is proper to the Holy Spirit to remit sins as to guilt: for in Him we have been washed and sanctified and justified.[3]

[2] Mark 2:17; Matt. 18:11; Luke 19:10; Rom. 5:10, 18, 19.

[3] 1 Cor. 6:11.

28. (C) This power extends to all sins. For (a) no limitation is added: "whose sins you shall forgive, they are forgiven them," and the Greek text *an tinon aphete* clearly designates that all sinners can obtain pardon; (b) moreover, these words are determinative of the general power of loosening bonds, which suffers no exception: "whatsoever you shall loose upon earth shall be loosed also in heaven"; therefore all sins can be remitted.

29. (D) The same power must be exercised by a judicial act, that is, by instructing the cause and rendering sentence. (a) First, indeed, the apostles and their successors must instruct and know the cause. For a twofold power is conferred, both of remitting and of retaining sins (which word, as we noted above, says more than not remitting); now a faculty of this kind cannot be exercised at will, but prudently. But how can someone know whether sins can be remitted or

not, ought to be retained or not, unless he has first instituted a juridical investigation of the matter? For this there is required knowledge both of the offenses committed by the sinner and of the dispositions of the subject, so that the Apostles and their successors may be able to judge whether, as ministers of Christ who are bound to render an account of their administration, they can absolve those who are rightly disposed, or bind the indisposed. Therefore the power of remitting sins also supposes the right and the office of instructing the cause.

(b) But once the cause has been instructed, they must also render sentence: for it pertains to them to retain or remit sins according to the dispositions of the penitent, and therefore to prescribe the conditions to be fulfilled for the remission of sins, to impose burdens and satisfactions for the sins committed. For in them there is the power of binding as well as of loosing, and whatsoever things are retained or remitted on earth are retained or remitted in heaven. Therefore they enjoy judicial power, to which sinners are compelled to subject themselves if they wish to be absolved.

30. (E) This power is not restricted to the power of remitting sins through baptism, but also includes the faculty of forgiving sins committed after baptism. We do not indeed deny that the words of John can be understood, and in fact were understood by most of the Fathers, of the power of remitting sins through baptism; for the words of Christ are general, and of themselves can be heard of sins committed before or after baptism. Certainly, however, they are not limited to baptism alone: (a) this is clear from the context, both because they are universal, and because they suppose this power to be exercised indefinitely and in a judicial mode; and this indeed is understood of penance rather than of baptism, since the latter is conferred only once, and not properly after the manner of a judgment.

(b) This interpretation is confirmed by the authority of the Fathers: for Origen openly says that the power of forgiving sins was conferred on the apostles and their successors by force of the aforesaid words.[1] St. Pacian more directly refutes the Novatians, who said that the words of John were parallel to the words of Matthew, "Going therefore, teach all nations, baptizing them..."; and he shows that the text of John is to be expounded according to the words of Matthew, "Whatsoever you shall bind," and therefore regards sins committed after baptism.[2] St. Ambrose made this interpretation his own.[3] But among the Fathers who take the aforesaid words of John concerning the remission of sins through baptism, some, such as St. Cyril of Alexandria, openly teach that the same words can also be understood of sins committed after baptism.[4]

[1] Origen, *De orat.*, n. 28, P. G., t. XI, 529.

[2] St. Pacian, ep. 3a, n. 11, P. L., t. XIII, 1070.

[3] St. Ambrose, *De paenit.*, I, 68, P. L., XVI, 467-468.

[4] "Moreover, men inspired by the Spirit remit sins, or retain them, in two ways, as I think: for either they call to baptism those worthy, men already proved, of course, by the gravity and constancy of life and faith, or they forbid and keep away from divine grace those who are not yet worthy; or in some other way they remit and retain sins, namely when they correct sons of the Church who sin, or pardon those doing penance." (St. Cyril, *In Joan.*, bk. XII, ch. XX, 22-23, P. G., t. LXXIV, p. 722.)

From these words of St. John, therefore, and from the manner in which they were commonly understood already from the third century, it is rightly inferred that to the Apostles and their

successors there was truly granted the power of remitting, by a judicial rite, all sins committed after baptism.[5]

[5] Rightly, therefore, the following proposition 47 of the Modernists was condemned by the Holy Office (*Lamentabili* decree): "The words of the Lord: Receive ye the Holy Spirit; whose sins you shall forgive, etc., by no means refer to the sacrament of Penance, whatever it pleased the Tridentine Fathers to assert."

31. Scholion. (A) On the exercise of the power of the keys by the Apostles. (a) The power of binding, or of imposing penalties for the correction and amendment of sinners, at least where there was question of public offenses, was certainly exercised by the Apostles. An example is had in the case of the incestuous Corinthian concerning whom St. Paul writes: "I indeed, absent in body but present in spirit, have already judged, as present, him who has done this, in the name of our Lord Jesus Christ... to deliver such a one to Satan for the destruction of the flesh, that the spirit may be saved in the day of our Lord Jesus Christ."[1] For there the Apostle, by an act of judgment, condemns the incestuous man to undergo some penalty. (b) The power of loosing is also indirectly inferred from these words;[2] for the sinner is handed over to certain temporal penalties, to the end that afterward he may be justified and saved on the day of judgment; and thus already there appears the connection between the canonical penalty imposed by the Church and the remission of sin, which afterward is manifestly exhibited in penitential discipline.

[1] 1 Cor. 5:3-5. Cf. 2 Thess. 3:14-15; Tit. 3:10.

[2] Certain Fathers and Theologians thought that Paul directly exercised this power when he afterward absolved the incestuous Corinthian (2 Cor. 2:5-11); but it is much more probable that he of whom there is question in the second passage is not the incestuous man of whom there is question in the first.

The same can be inferred from the manner of acting with Hymenaeus and Alexander, whom he indeed hands over to Satan, but for amendment, namely, "that they may learn not to blaspheme."[3]

[3] 1 Tim. 1:20.

32. (B) On the remissibility of all sins. The Apostles were persuaded that all sins, even the gravest, before judgment, were remissible by condign penance. Thus St. Paul supposes that the gravest sins, such as fornication, are remitted through penance;[4] likewise St. John presents God as threatening dire punishments to those who are guilty of apostasy and idolatry, "unless they shall do penance from their works";[5] therefore he supposes that the aforesaid sins can be destroyed by penance.

[4] 2 Cor. 12:20-21.

[5] Apoc. 2:19-23.

Yet a few texts are opposed, from which it seems to be clear that certain sins are irremissible. It is useful to explain these texts briefly.

(a) Namely, Christ said to the Pharisees: "Every sin and blasphemy shall be forgiven men: but the blasphemy of the Spirit shall not be forgiven."[6] - Resp. Once the context has been inspected, the sin of which there is question is that by which works manifestly divine, such as miracles done to prove the divinity of Christ's mission, are ascribed to the devil, and thus the eyes are deliberately and

pertinaciously closed to the light of faith; for there is question of the Pharisees who were saying that Christ cast out demons in Beelzebub. Now that sin is said not to be remitted, not because it is never forgiven, but because of itself it has no excuse and deserves no pardon; or, according to others, because it is forgiven with greater difficulty, not indeed from a defect of power or will in God and His ministers, but because it is difficult for a sinner who has pertinaciously abused the means of grace to repent sincerely. St. Thomas declares this most excellently (2a 2ae, q. 14, a. 3): "For one who sins from ignorance or weakness deserves a lesser punishment; but one who sins from certain malice does not have any excuse by which his punishment may be lessened. Likewise also one who blasphemed against the Son of man, His divinity not yet having been revealed, could have some excuse because of the infirmity of the flesh which he beheld in Him, and thus deserved a lesser punishment. But one who blasphemed against the divinity itself, attributing the works of the Holy Spirit to the devil, had no excuse by which his punishment might be diminished." The Holy Doctor continues by explaining that sin against the Holy Spirit is also said to be irremissible according to its own nature, insofar as it excludes faith, and therefore those things through which the remission of sins is effected; just as a disease is called incurable according to the nature of the disease, by which that through which the disease can be cured is taken away. "By this, however," he says, "the way of remitting and healing is not closed to the omnipotence and mercy of God, by which such persons are sometimes healed spiritually, as if miraculously."

[6] Matt. 12:31. Cf. Maldonatus, on this place.

Others, however, with St. Augustine (serm. 71), hold that a sin of this kind is final impenitence, which is remitted in no way, because mortal sin in which a man perseveres until death cannot be remitted either in this life or in the future. Yet this explanation seems foreign to the context.

33. (b) The words of the Epistle to the Hebrews are alleged: "For it is impossible for those who were once illuminated, have also tasted the heavenly gift, and have been made partakers of the Holy Spirit, have nevertheless tasted the good word of God and the powers of the world to come, and have fallen away, to be renewed again unto penance."[1] - Resp. Here there is question of apostates, who, after Baptism had been received (*illuminated*), after the Eucharist and Confirmation had been received (*the heavenly gift... partakers of the Holy Spirit*), were returning to Judaism or paganism; and according to certain Fathers and Theologians, it is declared that they cannot be renewed through Baptism, since a sacrament of this kind cannot be repeated. St. Athanasius hands down this interpretation:[2] "Nor," he says, "is it impossible to repent, but it is impossible that we be renewed under the pretext of penance. But there is an immense difference between these sayings. For he whom it repents indeed ceases to sin, yet he retains the scars of wounds. But he who is baptized, puts off the old man, and is renewed, born from above by the grace of the Spirit." St. Chrysostom says the same (hom. IX on this place, n. 3). - But very many others, and indeed more probably, understand the word impossible of great difficulty, of moral, not physical, impossibility, so that the sense is that it is exceedingly difficult for apostates to return to the true faith. In almost the same way the following words can be understood: "For if we sin voluntarily after receiving the knowledge of the truth, there is now left no sacrifice for sins, but a certain terrible expectation of judgment";[1] since here also there is question of apostates, who, insofar as they remain in apostasy, lack the sacrifice for sins, just as those who voluntarily remain outside the Church are outside the way of salvation;

yet from this the possibility of returning to the Christian faith, in which the sacrifice for sins is offered, is not precluded.[2]

[1] Hebr. 6:4 ff.

[2] Ep. 4 ad Serap., n. 13.

[1] Hebr. 10:26.

[2] Cf. A. Lemonnyer, O. P., *Epitres de S. Paul*, Paris, Bloud, 1905, t. II, p. 221-223.

(c) The words of John are also opposed:[3] "He who knows his brother to sin a sin not unto death, let him ask, and life shall be given to him who sins not unto death. There is a sin unto death; I do not say that anyone should ask for that." - Resp. What that sin unto death is, theologians and commentators dispute. More probably, we think there is question here of the sin of infidelity, by which the divinity of Christ is denied, since throughout this whole chapter St. John is speaking of faith in Christ; but the Apostle does not declare such a sin to be irremissible, but only that the precept of praying for one's neighbor does not extend to those who have stained themselves with such a sin; because, on account of the enormity of their sin, they deserve to be abandoned by the faithful like heathens and publicans. In other words, these sinners are deprived of the public suffrages of the Church, as excommunicated persons are today. But if sin unto death is understood of final impenitence, the explanation already proposed above is valid.

[3] 1 John 5:16.

34. Conclusion. The power of the keys, conferred by Christ on the Apostles, was exercised in apostolic times, but not in the same mode in which it is now exercised: (a) namely, not frequently, because lesser or venial sins, as not being necessary matter, were not then accustomed to be subjected to the power of the keys, and moreover greater sins, on account of the fervent life of the first Christians, were rarely committed; (b) with a certain severity, insofar as arduous penance was imposed on sinners, especially exclusion from the Church before absolution was granted, chiefly for this end, that the faithful might be more efficaciously deterred from sin. But it is not wonderful that the matter stood this way: for since Christ had not determined the mode in which the power of the keys was to be exercised, it belonged to the Church, according to the diversity of times and circumstances, to define this for the greater utility of the faithful.

§ II. The Thesis Is Proved by Tradition. — Preliminary Matters

35. 1. State of the question. Since today liberal Protestants contend that the Church reconciled sinners only in the external forum, namely insofar as it received again into its bosom those whom it had excommunicated on account of sins, our purpose is to show that they also obtained the remission of sins in the internal forum and before God.

[1] Petavius, *De paenitentiae vetere in Ecclesia ratione*, P. G., XLII, 1027 ff.; Morinus, *Comment. historicus de disciplina in admin. Sacr. Paenitentiae*, Antwerp, 1682, bk. I, ch. 3-7; ch. 16-19; bk. III-VII; Palmieri, *Tr. de Paenitentia*, 2nd ed., Prato, 1896, thesis IX-XI; L. de San, op. cit., n. 180-245; F. Pignataro, *De disciplina paenitentiali priorum Ecclesiae saecul.*, Rome, 1904; Funk, *Zur altchristlichen Bussdisciplin*, Paderborn, 1897; Boudinhon, *Sur l'histoire de la penitence*, in *Revue d'hist. et de Litter. relig.*, t. II, 1897, pp. 306, 496; Vacandard, in *Rev. du Clerge francais*, t. XIV, p. 192; t. XV, p. 195, etc.; id. in Vacant, *Dict. de Theologie*, t. I, p. 145-168; Batiffol, *Etudes d'hist. et de theologie positive*, 3rd ed., Paris, 1904; Swete, *Penitential discipline in the*

first three centuries, in *Journal of Theological Studies*, April 1903, p. 321-337; Casey, *Notes on a History of Auricular Confession*, Philadelphia, 1889; P. A. Kirsch, *Zur Geschichte der Katholischen Beichte*, Wurzburg, 1902; Gartmeier, *Die Beichtpflicht*, 1905; G. Rauschen, *Eucharistie und Bussakrament in den ersten Jahrhunderten der Kirche*, 1908, in French, *L'Eucharistie et la Penitence dans les six premiers siecles*, trans. M. Decker and E. Ricard, 1910.

36. 2. General argument. But before we declare the individual texts, it is expedient to present a general argument, by proving that reconciliation with the Church also involves reconciliation with God, the testimonies of Scripture and of the Fathers being considered. It is proved by a twofold argument: (A) From the fact that to be united to the Church is the same as to be united to God Himself. (a) This is already clear from what was said in the Treatise on the Church, where we proved that the Church was instituted by Christ for sanctifying men (n. 607 ff.), and that outside the Church salvation is not given (n. 824 ff.): for from this it logically follows that to be truly and properly united to the Church is the same as to be joined to God Himself, who alone is the author of sanctification. (b) This indeed is confirmed from the fact that the Church, according to the doctrine of St. Paul, is the body of Christ, so that to be a member of the Church is the same as to be a member of Christ. (c) The most ancient Fathers teach the same, who, with St. Ignatius, assert that those who are intimately united to God and Christ are with the bishop, and that those who, led by penance, have returned to the unity of the Church, by that very fact are of God and live according to Christ.[1] The Fathers of the third and fourth centuries declare the matter more clearly, as we shall say below.

[1] *Philad.*, III.

(B) From the comparison instituted by the ancient Fathers, Hermas and others, between baptism and penance as to the effects which they produce: for just as baptism internally and before God washes away sins, so likewise does penance, although in a different mode.

These things having been premised, we shall prove the thesis by a threefold class of testimonies: 1. by the implicit testimonies of the second century; 2. by explicit testimonies in the controversy with the Montanists; and 3. in the controversy with the Novatians. By way of appendix, we shall speak, 4. of penitential discipline through the first four centuries.

Yet we observe that certain documents of the earlier centuries, and indeed of the greatest importance, have perished, as can be inferred from the fact that the decree of Callixtus, concerning which below, is known to us only imperfectly, namely from the writings of Tertullian, who attacks it. Hence if the historical argument for the earlier centuries appears incomplete, that must be attributed, in part, to the paucity of documents; and therefore the things which are obscure must be elucidated both from the practice of the Church and from the documents of the subsequent age.

I. The Testimonies of the Second Century Are Examined

37. In the primitive age of the Church, the Doctors were wholly occupied in defending the fundamental dogmas of the faith, namely the unity of God, the divinity of the Christian religion, the divinity of Christ, the obedience to be furnished to bishops, etc. - Furthermore, under the influence of enthusiasm and fervor prevailing in the first Christian communities, not

a few of the faithful thought that grave sins could scarcely be committed by the faithful, and therefore they thought little about penance. - Yet experience made it known that even the baptized were not impeccable, indeed that some also sometimes fell into very grave sins. From this arose the question whether and how these sins could be destroyed. Certain rigorists thought that sins committed after baptism were irremissible. Against them, the Fathers of the second century taught that sins committed after baptism can be destroyed through penance: not expressly, however, but incidentally and obscurely, if the matter is judged only from the documents which survive.

38. 1. St. Ignatius the martyr intimates this, while writing about the year 107: "For as many as are of God and of Jesus Christ, these are with the bishop; and as many as, led by penance, shall have returned to the unity of the Church, these also shall be of God, so that they may live according to Jesus Christ."[1] Likewise in the *Teaching of the Twelve Apostles* (*Didache*) one reads:[2] "But on the Lord's day, coming together, break bread and give thanks, after you have confessed your transgressions, that your sacrifice may be clean"; for there confession of sins, or exomologesis, is exhibited as the means by which sins are taken away: "that your sacrifice may be clean." This is confirmed from the testimony of St. Irenaeus:[3] for he narrates that certain women had been seduced and corrupted by Marcus, the magician and heretic. Now some among them, converted to the Church of God, confessed their sins and performed public penance or exomologesis; but others, terrified by public exomologesis, despairing of the life of God, departed. From this it is rightly inferred that penance was then held as a means for recovering the divine life.

[1] *Ad Philadelph.*, n. 3; p. 267 ed. Funk (*Patres Apostolici*), 1901.

[2] *Didache*, A.D. 98-120?, n. 14, p. 33 ed. Funk.

[3] *Contra haereses*, bk. I, ch. 13, n. 5-7, P. G., t. VII, 587-591.

39. 2. But the principal work in which the penitential doctrine of this age is expounded is the *Pastor* of Hermas, a work written very probably in the years 140-154 by the brother of Pius, the Roman Pontiff.[4]

[4] Cf. A. d'Ales, *La discipline penitentielle d'apres le Pasteur d'Hermas*, in *Recherches de Sc. relig.*, 1911, pp. 105-139, 240-261.

(a) First, the author inquires whether, after baptism, a place for penance is given. For Hermas had heard from certain doctors that there is no other penance except that which takes place in baptism. "You have heard rightly," says the Pastor;[1] "for so the matter stands. For he who received the remission of sins ought not to sin anymore, but to remain in chastity."[2] Nevertheless God, since He is very merciful, the Pastor continues, concedes penance for all sins committed up to this point, and indeed after the manner of an extraordinary privilege. Only one penance is given: for it is not permitted to repent and to sin again, lest the faithful thus be led into sin.[3] But remission extends to all offenses, even apostasy and adultery.[4]

[1] This Pastor, according to some, is an angel of God; according to others, Christ Himself.

[2] *Pastor*, Mand. IV, 3, 2, p. 479 ed. Funk.

[3] Mandat. IV, 3, 4-7, p. 479-481 ed. Funk.

[4] Simil. VI, 2, 3-4, and VIII, 2, 8-9; VIII, 6, 6; pp. 547, 561, 569. - The mode of doing penance is afterward described: "The penitent ought to torture his soul and humble himself strongly in every act of his and be afflicted in all various tribulations; and when he shall have sustained the tribulations coming upon him, He who created all things and confirmed them will altogether have mercy on him, and will give him some remedy; and this certainly, if He shall have seen the heart of the penitent clean from every business." Thus there is required first a contrite and humbled heart, then a patient acceptance of tribulations, finally a change of life (Simil. VII, 4, p. 555 ed. Funk).

40. (b) But that this penance takes place under the leadership and auspices of the Church is clear especially from the analogy of the tower, which, as Hermas says, is the Church. For through baptism we enter the tower; through sin we are expelled from it; but through penance we enter again into the structure of the tower: "For for this reason an interruption of the building was made, that these (sinners), if they shall have done penance, may enter into the structure of the tower. But if they shall not have done penance, then others will enter and they will be cast away forever."[5] Therefore there is not question of merely private penance, but of that which takes place under ecclesiastical pastors, and is concluded by reconciliation with the Church, and therefore with God Himself.

[5] Simil. IX, 14, 2, p. 605 ed. Funk.

(c) The necessity and efficacy of penance in the internal forum for recovering spiritual life he declares thus:[6] "But as many as do not do penance have lost their life; as many of these as have done penance have become good and have received a dwelling in the first walls; some have even ascended into the tower. You see, therefore, he says, that the penance of sinners has life, but impenitence death."

[6] Simil. VII, 6, 6, p. 569.

41. Hermas therefore supposes that there is in the Church the power of imposing penance and of reconciling sinners before God; but he does not describe the mode of this reconciliation, because his purpose was to restore Christian morals, not to describe all the things which pertain to penitential discipline. But what he omitted here, the writers of the third century affirm so expressly that from this it is rightly inferred that the power of the keys was not unknown in the second century.

II. Testimonies of the Fathers of the Third Century Against the Montanists

Penance, which Hermas had handed down as an extraordinary remedy in the middle of the second century, is exhibited as an ordinary remedy at the beginning of the third century. - Furthermore, the Church's power of remitting sins is expressly affirmed.

42. 1. This is clear from the heresy of the Montanists, who, around the end of the second century, with Montanus as author, judging that the end of the world and the last judgment were imminent, preached rigorism in Phrygia, and especially contended that apostasy, homicide, and adultery were never to be remitted by the Church. To them Tertullian, around the year 202, gave the name and authority of his talent.

(A) While he was still Catholic, he had indeed written a book *On Penance*, in which he distinguishes two kinds of penance: the first is performed before baptism by catechumens; the second belongs to the faithful who, after baptism, have fallen into grave sins. He speaks of this latter with difficulty, lest the baptized, by hope of pardon, be led to sin more freely, and he observes that this penance is conceded only once: "He placed in the vestibule a second penance, which may open to those who knock, but now once, because now for the second time; but never more, because the next time would be in vain."[1]

[1] *De Paenit.*, ch. 7, P. L., t. I, p. 1241. - Cf. A. d'Ales, *La Theologie de Tertullien*, p. 339-355; 478-491.

43. (B) But in the Treatise *On Modesty*, which he wrote when already a Montanist (A.D. 217-222), Tertullian contends that certain sins are irremissible.

(a) The occasion of this treatise was the edict of Callixtus, in which the Roman Pontiff declared that he would thereafter remit the sins of fornication and adultery: "I hear," says Tertullian, "that an edict has been set forth, and indeed a peremptory one. The supreme Pontiff, that is, the bishop of bishops, issues this edict: I remit the offenses of adultery and fornication to those who have discharged penance."[1] For at that time there prevailed, at least in some churches, the custom of not absolving from the three gravest sins, namely idolatry or apostasy, fornication or adultery, and homicide; not because the Church lacked the faculty of remitting them, but so that the faithful might be more efficaciously removed from these sins. Public penance was indeed imposed on those guilty of these crimes, and hope was left to them that they might obtain pardon from God Himself; but absolution from these sins was not customarily given: and therefore they were sins, as it were, reserved to God. - But Callixtus, fearing lest adulterers should fall into despair, promulgated the aforesaid edict, passing over the two other sins in silence. There he speaks as one having authority; for, Tertullian bearing witness, the edict is peremptory; and he derives his authority from the words of Christ: Thou art Peter, etc.

[1] We know this decree from Tertullian himself, *De pudic.*, ch. 1, p. 220 ed. Vind.; P. L., t. II, p. 981.

44. (b) Tertullian the Montanist sharply rebukes him. He indeed admits that there is in bishops a power of forgiving certain sins, namely those which are not unto death;[2] but he asserts that certain sins are unto death or irremissible, among which he counts fornication and adultery. Moreover, he says,[3] Callixtus does not remit idolatry or homicide; why therefore does he forgive adultery? Yet Tertullian confesses that these three sins can be pardoned by God. Indeed he acknowledges that this power belongs to the Church, but he adds that its exercise is not expedient: "But the Church," you say, "has the power of granting offenses. This I both acknowledge the more and dispose, who have the Paraclete Himself in the new prophets saying: The Church can forgive an offense; but I will not do it, lest they also commit others."[1] Therefore this power of absolving from all sins committed after baptism was considered so unshaken that it was acknowledged by the Montanists themselves. Nor did they deny that the words: "Thou art Peter... whatsoever thou shalt bind, etc.," included the power of remitting sins, but they said that this same power had been transmitted not to bishops, but to the spiritual,[2] or to the disciples of Montanus who were led by the Spirit. Thus they erred rather concerning the sacred hierarchy and the opportuneness of forgiving sins than concerning the power of absolving considered in itself.

[2] Sins of this kind, which are called lighter or lesser or middle in relation to the three reserved crimes, are not those which today we call venial, but mortal sins which were expiated by public penance.

[3] *De pudic.*, ch. 5, p. 227 ed. Vind.; P. L., t. II, p. 988.

[1] *De pudic.*, ch. 21, p. 269 Vind.; P. L., II, 1024.

[2] *De pudic.*, ch. 21, p. 270-271; P. L., II, 1026.

Notwithstanding Tertullian's eloquence, the decree of Callixtus was soon received into the universal Church, and, by the middle of the third century, the practice of imparting absolution to adulterers prevailed.

45. 2. This indeed is confirmed by other testimonies:

(A) Origen distinctly acknowledges that there is in bishops and priests the power of forgiving sins, and indeed before God: "But he upon whom Jesus breathed, as upon the apostles... he forgives the things which God would forgive, and retains incurable sins." Even graver sins can be remitted once, but lighter ones always: "In the graver crimes a place for penance is conceded only once; but those common ones into which we frequently fall always receive penance and are redeemed without interruption."[3] Therefore, if elsewhere he seems to say that there are three irremissible sins, that is very probably understood in the sense that they cannot be pardoned without due penance.[4]

[3] *In Levit.*, XV, 2, P. G., XII, 561; *C. Celsum*, III, 51.

[4] *De oratione*, 28, P. G., XI, 527-530; for there he ridicules those "who in some way arrogate to themselves those things which surpass the priestly dignity... and boast as if they could also pardon idolatry and remit adulteries and fornications."

46. (B) Moreover, from the liturgical and canonical books of this time it is clear that the power of forgiving sins was conceded to bishops in ordination itself. (a) Thus, among the Canons of Hippolytus, at the beginning of the third century, one reads (can. 3): "Grant also to him, O Lord, the episcopate and a clement spirit for redeeming sins; and grant to him the faculty for dissolving all bonds of iniquity of demons." - Likewise, in the *Constitutions of the Egyptian Church*, at the end of the third century, similar words are found: "Let him offer the sacrifice of Thy holy Church, and in a holy mind ... let him forgive sins according to Thy command, let him make ordinations according to Thy dispositions, and, in the power of the authority conferred on Thy Apostles, let him loose all bonds of punishments."[1]

[1] You will find both these documents among the *Monumenta Ecclesiae liturgica* (edited by F. Cabrol and H. Leclercq), Paris, t. I, p. XXXI.

(b) This is also inferred from the work *Didascalia Apostolorum*, which before the end of the third century was received in the Syrian church. For there (ch. 5-10) it is handed down that the office falls upon the bishop of indeed gravely rebuking sinners and imposing penance on them, but afterward of reconciling them through the imposition of hands, because he has the power of binding and loosing. Nor is any sin excepted; but on the contrary texts of Scripture are brought forward, from which it is clear that God pardoned the sins of Manasseh, who had committed idolatry and homicide, and also of the adulterous woman.[2]

[2] Lagarde edited the Syriac text of this work, Leipzig, 1854; Nau made a French version public in *Canoniste contemporain*, t. XXIV, 1901, pp. 78, 137, 205, 273, 336, 401, 543, 643; t. XXV, 1902, pp. 14, 73, 138, 193. - You will find the same

doctrine in the *Apostolic Constitutions*; cf. Funk, *Die Apostolischen Konstitutionem, eine litterar-historische Untersuchung*, Rottenburg, 1891.

47. Conclusion. In the third century the Montanists themselves acknowledge that some power of remitting sins is in the Church, and the liturgical and canonical books openly teach this; and from this it is rightly inferred that the same doctrine had been received in the second century: for if Tertullian had known that this doctrine had recently been brought into the Church, he would surely have said this while he was so sharply attacking Callixtus. Moreover, the prayers of ordination and the canons cited above concerning the power of the keys would not have been universally received unless they had been consonant with the faith of the Church.

And thus the interpretation which we gave of the testimonies of the second century is confirmed.

III. Doctrine of the Fathers Against the Novatians

48. But a new question arose concerning the absolution of the lapsed, or of those who had fallen into apostasy at the time of the Decian persecution (A.D. 250). Many Christians had sacrificed to idols, and were called *sacrificati*; others had received from officials a certificate in which it was declared that they had sacrificed, although in reality they had abstained from the worship of idols; for this reason they were called *libellatici*. When the storm had calmed, many of the lapsed were seeking reconciliation and absolution, asking from confessors and martyrs certificates of peace, which they would present to priests so that they might immediately be received into the peace of the Church. From this arose the question whether absolution was to be conceded to the lapsed, just as Callixtus had conceded it to adulterers.

49. 1. Doctrine of the Church. (A) St. Cyprian, both in his letters and in the book *On the Lapsed*, responds thus. (a) Peace is not to be denied to those of the lapsed who by true penance and confession of Christ have expiated their sin: "Therefore, when they shall have washed away every offense and, with the Lord assisting them by a stronger power, shall have destroyed the former stain, those ought no longer to lie under the devil who, having been made exiles and having been despoiled of all their goods, have raised themselves up and have begun to stand with Christ."[1] Likewise, if they labor under dangerous illness, they can immediately be reconciled, "so that, exomologesis having been made and the hand having been imposed on them by you unto penance, with the peace promised to them by the martyrs they may be sent to the Lord."[2]

[1] Ep. XXV, p. 538 ed. Vind., P. L., t. IV, p. 274.

[2] Ep. XIX, 2, p. 525 ed. Vind.; P. L., t. IV, p. 260; cf. ep. XVIII, p. 524 ed. Vind., and P. L., 259.

(b) But, outside these cases, the lapsed ought to perform long penance before they are absolved, nor are those priests to be approved who, once letters of peace given by the martyrs had been shown, immediately received the lapsed to communion: "For, when in lesser sins sinners perform penance for a just time, and according to the order of discipline come to exomologesis, and through the imposition of the hand of the bishop and clergy receive the right of communication, now, at a raw time, while persecution still continues, the peace of the Church herself not yet having been restored, they are admitted to communication, and offering is made in their name, and not while penance has

not been completed, while exomologesis has not yet been made, while the hand has not yet been imposed on them by the bishop and clergy, the Eucharist is given to them."[1]

[1] Ep. XVI, 2, p. 518 ed. Vind.; P. L., t. IV, p. 251-252.

50. (B) Response of the Roman Church. But when some complained about this, St. Cyprian wrote to the presbyters and deacons of Rome, the pontifical see being vacant, setting forth the whole matter; and they approved his manner of acting and confirmed it by the ancient practice of the Roman Church. They acted cautiously and prudently toward the lapsed, "so that wicked men may not praise our prone facility, nor those truly doing penance accuse our cruelty as if harsh."[2]

[2] Ep. XXX (otherwise XXXI), p. 556 ed. Vind.; P. L., t. IV, p. 315. - Novatian, afterward a favorer of rigorism and schism, wrote this letter; and already some mark of severity appears in his letter.

(C) The Carthaginian Decree. Afterward this manner of acting was approved by the Council of Carthage (A.D. 251), at which many bishops were present. A distinction was instituted between the *libellatici* and the *sacrificati*: the former were reconciled after some penance, the latter only at the end of life: "And therefore it pleased us..., the cases of individuals having been examined, that the *libellatici* meanwhile be admitted, and that aid be given to the *sacrificati* at the end, because there is no exomologesis in the lower regions."[3] Thus apostasy was no longer a reserved sin. But those who were unwilling to perform penance through life, and only at the time of dangerous illness beg for exomologesis, will not receive communion and peace, because "he is not worthy to receive consolation in death who did not think that he was going to die."[4]

[3] Ep. LV, 17, p. 636 ed. Vind.

[4] Ibid. 23, p. 641-642 ed. Vind.

51. 2. Error of the Novatians. (A) It is expounded. Yet these decrees did not please Novatus and Felicissimus, who fled to Rome and adhered to Novatian: this presbyter, grieving that he had not been elected Supreme Pontiff, withdrew from the Church. (a) Novatian himself taught that the Church cannot remit the sin of apostasy: this error was condemned in a Council held at Rome in A.D. 251, but it survived for many years. (b) His disciples, the Novatians, afterward taught that all sins unto death cannot be forgiven by the Church.

52. (B) Novatianism is attacked by the Fathers. Against them there wrote, among others, St. Ambrose and St. Pacian.

St. Ambrose, in the book *On Penance*,[5] against the Novatians (about A.D. 384), proves that Christ conferred on the Church the power of forgiving all sins, and indeed before God: from the words of John:[1] "Whose sins you shall forgive..."; and from the words of Matthew:[2] "I will give to thee the keys of the kingdom of heaven..." Then he demonstrates that sins are remitted before God from the analogy with baptism: "In baptism certainly there is remission of all sins: what difference does it make whether through penance or through the laver priests claim for themselves this right given to them?[3] There is one mystery in both." And afterward he adds that in penance, as in baptism, grace is conferred. - Finally he shows that no sins are irremissible, by explaining the texts of Scripture brought forward by the adversaries,[4] concerning which we have already treated above, n. 32-33.

[5] Migne, P. L., t. XVI, p. 465-524.

[1] P. L., XVI, 467.

[2] P. L., XVI, 476.

[3] *De paenit.*, bk. I, ch. 8, P. L., XVI, 477.

[4] P. L., XVI, 480-482, 496, 499.

53. St. Pacian, bishop of Barcelona, in three letters written to Sempronian the Novatian (about A.D. 380), expressly defends Catholic doctrine against the Novatians. (a) He proves that the power of forgiving sins was conceded by God not only to the apostles, but to their successors: "God would never threaten the one who does not do penance, unless He pardoned the one doing penance. You will say: God alone will be able to do this. It is true: but what He does through His priests is His own power. For what is that which He says to the Apostles: Whatsoever you shall bind on earth, etc.? Why this, if it was not lawful for men to bind and loose? Or is this lawful only to the Apostles? Therefore also to baptize is lawful only to them."[5] (b) But because the Novatians said that baptism would become useless if remission of sins is given to penitents, St. Pacian shows that there is a distinction between the two sacraments: "For Baptism is the sacrament of the Lord's passion; the pardon of penitents is the merit of the one confessing. All can obtain the former, because it is the gift of God's grace, that is, a gratuitous donation; but that labor belongs to the few who rise after a fall, who recover after wounds, who are helped by tearful voices, who revive through the destruction of the flesh."[6]

[5] Ep. I ad Sympron., n. 6, P. L., t. XIII, 1057.

[6] Ep. III ad Sympron., n. 8, P. L., XII, 1068.

(c) Since the heretics contended that remission of sin is an incitement to sinning, Pacian responds: "What do you say? Therefore he who more often shows the remedy of the crime shows the crime? And does that physician, when he cures, teach men to be wounded constantly? God does not wish man to sin even once, and yet He frees from sin. Nor certainly when He frees does He teach sin; just as neither does one who frees from a fire show forth a fire."[1] (d) Finally he shows that all sins can be remitted: "Whatsoever you shall loose, He says; He excepts absolutely nothing. Whatsoever, He says: whether great or small."[2] - But because the condemnation of the incestuous man was opposed, he responds that this man was not handed over to Satan unto eternal death, but for doing penance: "Then you see that this very sinner guilty of incest is not handed over to death, but to Satan, for amendment, for being buffeted, for doing penance. Finally he says, For the destruction of the flesh, yet not of the soul, nor even of the spirit; but for the destruction of the flesh alone, namely temptations, distresses of the flesh, losses of members."[3]

[1] Op. cit., n. 9, p. 1069.

[2] Op. cit., n. 12, p. 1071.

[3] Op. cit., n. 18, p. 1075.

54. Many other Fathers of the fourth century hand down this power of absolving as an unshaken truth.[4] - Nor is it necessary to proceed further, since, the adversaries admitting it, the power of the keys was already exercised by the Church from the fifth century.

[4] Thus, among others, St. John Chrysostom, in the work *De Sacerdotio*, bk. III, ch. 5, P. G., t. LXVII, 643; St. Gregory Nazianzen, Orat. 39 *in SS. Lumina*, n. 18-19, P. G., t. XXXVI, 356-357; St. Aphraates, *Patrol. syriaca*, ed. Graffin, 1894, t. I, pp. 313-360; St. Ephrem, *Opera*, Rome, 1740, t. II, p. 440; St. Hilary, *Comment. in Matt.*, P. L., t. IX, 1921, etc.

From the controversy with the Novatians it is lawful to infer that here there is a new extension of the decree of Callixtus: not only fornication, but also apostasy, indeed even homicide, are remitted by the power of the keys, so that no sin is any longer reserved to God. For, taking occasion from the Novatian heresy, the Fathers of the fourth and fifth centuries expressly assert that no sins are irremissible.

55. General conclusion. From the facts and testimonies alleged above, it is historically clear that Protestants altogether err when they affirm that through the earlier centuries the Church reconciled sinners only in the ecclesiastical forum. (a) For explicitly the Fathers of the fourth, and indeed of the third, century affirm that there is in the Church the power truly to forgive at least certain sins, even grave ones, before God, or with the infusion of grace.

(b) The same is implicitly clear from the manner in which the contrary heresy progressively arose: first Tertullian with the Montanists does not deny the power itself, but only the opportuneness of exercising it; afterward the Novatians, even in the fourth century, do not altogether deny this power, but restrict it to sins which are not unto death; the Protestants of the sixteenth century are the first who wholly rejected the power of the keys.

Therefore Catholic doctrine is not new, since it casts deep roots in antiquity, but the assertion of Protestants is new, which was wholly unknown to the ancient Fathers.

56. The difficulty is solved. Yet the Liberals object that in the fourth century traces are found of the opinion by force of which sins are not truly remitted, but only declared remitted. For Jerome, explaining the words Thou art Peter..., institutes a comparison between the priests of the Old and of the New Law, and asserts that the mission of the former and the latter is similar; just as the ancient priest did not cure leprosy, but only judged authentically concerning the disease and its healing, so "the bishop and presbyter binds or looses, not those who are innocent or guilty, but, according to his office, when he has heard the varieties of sins, he knows who is to be bound or who is to be loosed."[1]

[1] *In Matth.*, XVI, 19, P. L., XXVI, 118.

Resp. (a) Even if St. Jerome had taught that the power of priests is merely declarative, his testimony, as being one single testimony, could not overturn the countless testimonies of the Fathers of an earlier or later age. (b) But very probably his words can be understood in a Catholic sense, namely in the sense that priests cannot forgive sins in an arbitrary mode, but after accurate investigation, so that they may know who is legitimately to be bound or loosed, as was said above concerning the nature of this power (n. 17); for afterward he confesses that whatsoever they bind upon earth is bound in heaven.[2]

[2] *In Matth.*, XIX, 18.

IV. Appendix on the Ancient Penitential Discipline.

The power of the keys, from what has been said, was always the same in the Church, but the mode of exercising it was different according to different times, as the utility of the faithful or of the Church required: it will be opportune to explain this briefly.

[3] Tertullian, *De paenitentia*, *De pudicitia*; *Philosophoumena*, IX, 12; E. Preuschen, *Tertullians Schriften De paenitentia und de pudicitia, mit Rucksicht auf Bussdisziplin untersucht*, Giessen, 1890; E. Rolffs, *Das Indulgenz-Edikt des romischen Bischofs Kallist kritisch untersucht und reconstruiert*, Leipzig, 1893; A. d'Ales, *La Theologie de Tertullien*, p. 339-355; G. Rauschen, op. cit., t. II, § II.

57. 1. The general character of the ancient penitential discipline is described. The Church imposed on sinner faithful a new kind of life, very similar to eremitic religious life. (A) First, penance was enjoined by the Bishop:[1] (a) sinners put on a special habit, so that in sackcloth and ashes they might lead an austere and laborious life: thus they were, as it were, authentically received among the penitents; (b) they were deprived of many privileges in the religious and civil order: standing at the doors of the church, or admitted within the church in a special place, they could not assist at the Eucharistic sacrifice; nor enter upon marriage or use a marriage already entered upon; nor even seek honors, exercise military service or business;[2] (c) but they afflicted their body with various mortifications, renounced baths and sumptuous banquets; content with brief sleep, they devoted themselves to lengthy prayer, redeeming sins by alms proportioned to their condition: thus they preluded the religious life which was afterward instituted.

[1] How laborious penance of this kind was, Tertullian describes thus, *De paenit.*, ch. IX, P. L., I, 1243-1244: "And so exomologesis is a discipline of prostrating and humbling man, enjoining a manner of life alluring mercy; concerning dress also and food it commands one to lie in sackcloth and ashes, to obscure the body with filth, to cast down the soul with sorrows, to change by sad treatment those things in which he sinned; moreover to know food and drink as plain, of course not for the belly's sake, but for the soul's; and for the most part to nourish prayers by fasts, to groan, to weep, and to roar day and night to the Lord thy God, to throw oneself before the presbyters, and to kneel before the dear ones of God, to enjoin on all the brethren the embassies of his supplication."

[2] Thus Pope Siricius, writing to Himerius, ep. I, 5, P. L., XIII, 1137, reproaches those "who, after penance has been done, like dogs and swine returning to their former vomit and wallowing-places, again sought the military belt and theatrical pleasures and new marriages and forbidden intercourse."

58. (B) The whole Church cooperated with this public penance, not only by pious exhortations, but also by asking pardon from God for the penitents: this was, as it were, the first origin of indulgences.

59. (C) When the penance was judged sufficient, absolution was conceded by the Bishop, which consisted in the imposition of hands with a prayer which signified the pardon of sins. But this was given to each penitent only once, lest by a more frequent concession the faithful should seem to be led to multiplying sins. But if they sinned again, they were committed to the divine mercy. Generally, once a year, absolution was solemnly conceded before the faithful gathered together, and indeed on the Lord's Supper, according to the Roman usage. But if the danger of death was urgent, the sick were absolved immediately, lest they depart from the world without communion.[3]

[3] This is clear from the letter of St. Innocent I, Pope, to Decentius, bishop of Gubbio (P. L., XX, 559): "Concerning penitents, however, who, whether from graver things committed or from lighter ones, have performed penance, if no sickness intervenes, they are to be remitted on the fifth feria before Easter, according to the custom of the Roman Church. But it will be for the priest to judge about weighing the offenses, so that he may attend to the confession of the penitent and to the weeping and tears of the one correcting himself, and then order him to be dismissed, when he has seen his satisfaction to be congruous. But if someone falls into sickness and has come even to desperation, he is to be relaxed before the time of Easter, lest he depart from the world without communion."

60. 2. Differences between the ancient and today's discipline are reviewed. (A) The chief difference consists in this, that formerly public penance and absolution were given only once to the Christian sinner, whereas today absolution is conceded as often as the contrite sinner asks it.

(B) Formerly the Church imparted absolution only to those who proved an undoubted conversion by long and laborious penance, and at the same time performed satisfaction for sins, so that there might be greater certainty about the dispositions of the penitents and about the efficacy of the absolution; whereas today it is imparted to those who show probable signs of conversion and seriously promise that they will fulfill penance, so that sinners may more confidently and more frequently have recourse to the sacred tribunal.

Conclusion. In antiquity, as now, three acts of the penitent were required, but the primitive Church chiefly insisted on satisfaction, whereas today it insists more on sorrow and confession.

But this change of discipline does not touch the power itself of the keys.

61. 3. Disputed questions. Today, however, among Catholic authors, two principal questions are agitated: (a) whether, for some time, in the universal Church, absolution was denied to the gravest sins; (b) whether, in the first five centuries, besides public penance, private penance also flourished.

62. (A) As to the first, (a) authors of the greatest weight, such as Morinus, d'Aubespine, Juenin, Petavius, Sirmond, Funk, Vacandard, Batiffol, think that the Church, through the first three centuries, denied absolution to the guilty of apostasy, fornication, and homicide,[1] even in the article of death, remitting them to the judgment of God and at the same time pouring forth prayers that God would pardon them. - They prove this: from Tertullian; for he asserts that Callixtus was the first who gave pardon to adulterers, and thus does not stand by itself, because he continues to deny absolution to idolaters and murderers;[1] from Cyprian, who testifies that certain African bishops were unwilling to absolve adulterers;[2] from the Council of Elvira (A.D. 306), can. 1, where it is said: "It has pleased us that among those who, after the faith of saving baptism, at an adult age shall have approached the temple to worship an idol, and shall have done this, which is a capital crime, because it is of the highest wickedness, it has pleased us that he should not receive communion even at the end";[3] from the Council of Arles (A.D. 314), can. 22, where similar things are had; from Origen, who rebukes priests absolving, from ignorance of canonical discipline, the three aforesaid offenses.[4] Therefore, they say, in the Church both Latin and Greek, there prevailed until the fourth century the practice of denying pardon to those guilty of these crimes.

[1] Morinus, op. cit., bk. X, ch. 1-3; d'Aubespine, *De vet. Ecclesiae ritibus*, ch. 2; Juenin, *De paenit.*, q. VII, ch. 1, a. 2, § 1; Petavius, in notes to Epiphanius, haeres. 59, at the end of his works; Sirmond, *Hist. paenit. publicae*, ch. 1; Funk, *Theol. Quartalschrift*, 1906, p. 432 ff.; Vacandard, in *Rev. du clerge franc.*, t. XX, 1899, p. 575 ff.; Batiffol, op. cit., p. 215.

[1] Tertullian, *De pudicitia*, ch. 5-6; P. L., t. II, p. 987-991.

[2] St. Cyprian, ep. 52 to Antonianus, n. 21.

[3] In Bruns, op. cit., t. II, p. 2.

[4] Origen, *De oratione*, ch. 28, P. G., t. XI, p. 528-529.

63. (b) Moreover, many theologians, among whom Esser, Stufler, and A. d'Ales, teach that a universal practice of denying absolution at the end of life to graver crimes never prevailed in the Church.[5] They prove this by a twofold argument: indirectly, by the authority of the Council of Trent defining sacramental confession to be necessary by divine right; from which it is inferred that the Church could not deny to penitents, especially in the article of death, so necessary a sacrament; directly, by exhibiting the testimonies of the Fathers, especially Hermas, St. Cyprian, St. Pacian, St. Caelestine, St. Leo, etc., which we have reported above.

[5] Palmieri, th. 9, p. 92; De San, n. 211 ff.; Pignataro, op. cit., p. 106 ff.; Pelle, *Le Tribunal de la Penitence*, thesis, Paris, Oudin, 1903, p. 86-136; G. Esser, *Die Bussschriften Tertullians*, 1905; Stufler in *Zeitschrift f. Kath. Theol.*, 1908, p. 1-48; A. d'Ales, in *Rev. du Cl. fr.*, 1907, t. L, p. 337-365, and *L'Edit de Calliste*, p. 228 ff.

They respond to the alleged authorities: Tertullian calumniates the doctrine of Callixtus, perhaps in order to lessen his authority among the Africans; Cyprian affirms that certain bishops, but not all, denied absolution to adulterers; the councils alleged above speak of communion, not of absolution to be denied.

64. (c) Judgment concerning this controversy. Here there is question not of a dogmatic matter, but of a historical and disciplinary one, which must be settled from facts. But these are sufficiently obscure. It seems certain that, in the middle of the second century, absolution was not denied on account of the aforesaid sins, as is clear from the authority of Hermas. Likewise all concede that already from the fourth century the reservation of these sins had been abolished, at least in most churches. But the matter remains doubtful as to the end of the second century and the beginning of the third. Irenaeus and Clement of Alexandria indeed suppose that in their time adultery and homicide could be pardoned.[1] But in certain churches, especially in Africa, some bishops did not absolve from these sins, St. Cyprian bearing witness: "And indeed among our predecessors certain bishops here in our province did not think that peace was to be given to adulterers."[2] That the same practice was received in certain churches, even at Rome, is clear from the testimony of St. Hippolytus (*Philosophoumena*, IX, 12). But from this it is by no means proved that this practice was universal; for it did not prevail in the East, and in the West it was not received in all churches or by all. The testimonies of Tertullian, already a Montanist, and of Hippolytus, who then favored rigorism, do not seem wholly worthy of faith, and St. Cyprian rightly hands down that only certain bishops adhered to that practice; but all confess that the Council of Elvira promoted rigorism.

[1] St. Irenaeus, loc. cit.; Clement of Alexandria, *Liber quis dives salvetur*, ch. 47, P. G., t. IX, p. 647-651, where he narrates that St. John received into the Church a certain leader of robbers, previously baptized by him, and therefore supposes that homicide is not irremissible.

[2] St. Cyprian, Epist. LV, 21.

Wherefore the prior opinion unjustly asserts that the practice of denying absolution to the three graver offenses was universal. (A. d'Ales, *L'Edit de Calliste*; Tixeront, *Theol. anteniceenne*, 8th ed., pp. 361-377, 500-504).

65. (B) As to private penance, a twofold opinion likewise prevails.

(a) The theologians of whom above[3] hold that in the earlier centuries there was a twofold kind of penance: public penance for public graver offenses, but private penance for occult ones. They prove this: 1) *a priori*; for if there had prevailed an obligation of publicly confessing occult sins or of publicly doing penance for them, the sacramental seal would have been violated; moreover, public penance was conceded only once, and therefore, if private penance were taken away, there would be no hope of pardon for those falling again. 2) From certain facts: Cerdon, the heretic, is described by St. Irenaeus[4] as "coming into the Church and making exomologesis... now indeed secretly teaching [heresy], but now making exomologesis"; but public penance was given once; therefore here there is question of private exomologesis. Almost the same thing is narrated about Marcion, who, having been cast out of the Church once and again, finally underwent penance, afterward to receive peace.[5] - Furthermore, the Council of Nicaea, can. 13, establishes that sacred communion is not to be denied to all who are dying (and therefore to those who have relapsed); therefore penance was first ministered to them, and that private.

[3] The arguments of these were recently expounded by N. Nardi, in *Etudes des PP. Jesuites*, t. 80, 1899, p. 577, and t. 82, 1900, p. 577.

[4] St. Irenaeus, *C. Haeres.*, bk. III, ch. 4, P. G., t. VII, p. 857.

[5] Tertullian, *De praescript.*, ch. 30, P. L., t. II, p. 42.

66. (b) On the contrary, however, the critics of whom above deny that through four centuries there was a private penance distinct from public penance.[1] They indeed acknowledge that the confession of sins was sometimes occult and auricular; but satisfaction or penance was always public; the same must be said of absolution, if you except the case of the dying: for then the pardon of sins took place privately. For: 1) as often as the Fathers of the first four centuries treat of penance, namely Hermas, Tertullian, St. Cyprian, St. Pacian, Clement of Alexandria, Origen, St. Gregory Thaumaturgus, Dionysius of Alexandria, etc., they always describe it as public. 2) Private penance is not exhibited except at the end of the fourth century in the East, when Nectarius (381-398) abolished the penitentiaries, on the occasion of a certain scandal;[2] but in the West, in the following century. 3) The very few facts alleged to the contrary prove nothing: Cerdon and Marcion, heretics, underwent no other exomologesis except public, which alone belonged to so great a crime, but because of their inconstancy they broke it off several times; from the Nicene canon nothing else is inferred except that the pardon of sins is conceded privately to the dying, by way of privilege, but from this it is by no means proved that, in a general way, private penance prevailed for other Christians; indeed, if the dying survived, according to the First Council of Orange, can. 3, they ought to stand in the order of penitents, and therefore to perform public penance.

[1] The arguments of these were recently set forth by Vacandard, in *Rev. du Cl. francais*, t. XXIX, 1900, p. 258-264.

[2] This is narrated by Socrates, H. E., bk. V, ch. 19, P. G., t. LXVII, p. 613 ff., and Sozomen, H. E., bk. VII, ch. 16, P. G., t. LXVII, 1457 ff.

67. (c) Judgment concerning this controversy. In a matter so difficult and obscure, it may be allowed to observe these things: - 1) It is not sufficiently clear, from the documents and facts known up to this point, that private penance was in use through the first three centuries. Sometimes confession was secret, as will be declared more fully below, but nothing proves that the remission of sins was conceded without public satisfaction. 2) Not only the three greatest sins, namely apostasy, fornication, and homicide, were subjected to public penance, but also other lesser sins which were considered as mortal; St. Cyprian testifies to this: "When in lesser sins sinners perform penance for a just time and according to the order of discipline come to exomologesis, and through the imposition of the hand of the bishop and clergy receive the right of communion."[3] 3) Public penance was truly sacramental, since it wholly tended to the remission of sins not only as to punishment, but also as to guilt, through the ministry and absolution of the priest, the faithful interceding with him, as is clear from the things said above concerning exomologesis, and from what is to be said concerning absolution. 4) Sacramental absolution was conceded to the dying, even before they had completed canonical penance, so that, reconciled with God, they might depart from life; furthermore, sometimes, on account of the intercession of confessors and martyrs, the time of penance was shortened.

[3] St. Cyprian, ep. 9, n. 2, P. L., t. IV, p. 251.

Whether or not, outside these or similar cases, absolution was conceded before exomologesis had been completed is not sufficiently clear. But for common offenses penance was shorter and was conceded several times.[1]

[1] Thus most modern critics. The contrary, however, is held, among others, by Palmieri, *De Paenit.*, Appendix, p. 508; Frank, *Bussdisziplin*, p. 811 ff.; Schmitz, *Bussbucher*, II, 34 ff., 74 ff.; Pignataro, op. cit., p. 99; Pesch, n. 263-268.

Art. II. On the Minister of the Power of the Keys

68. From the things said above it can already be inferred that the power of the keys belongs not to all Christians, but only to certain ministers of the Church: for since this power touches the very conscience of all the faithful and remits sins even before God, it is evident that it cannot be exercised except by those who are deputed by God to rule the faithful and sanctify them. For exercising it, according to Trent, a twofold power is required, namely the power of order and of jurisdiction.

69. (a) And first, the power of order: - "Concerning the minister of this sacrament, the holy Synod declares that all doctrines are false and wholly foreign to the truth of the Gospel which perniciously extend the ministry of the keys to any other men whatsoever besides Bishops and Priests, thinking that those words of the Lord: 'Whatsoever you shall bind upon earth shall be bound also in heaven; and whatsoever you shall loose upon earth shall be loosed also in heaven,' and: 'Whose sins you shall forgive, they are forgiven them; and whose sins you shall retain, they are retained,' were said to all the faithful of Christ indifferently and promiscuously, contrary to the institution of this sacrament, in such a way that anyone has the power of remitting sins, public sins indeed by correction, if the one corrected shall acquiesce, but secret

ones by spontaneous confession made to anyone whatsoever. It also teaches that even priests who are held by mortal sin exercise, through the power of the Holy Spirit conferred in ordination, the function of remitting sins as ministers of Christ; and that those think wickedly who contend that this power is not in bad priests."[2]

[2] Trent, sess. XIV, ch. 6.

In the same sense the Code speaks, can. 871: "The minister of this sacrament is only a priest."

70. (b) The power of jurisdiction is required besides for the valid use of this power, because it is exercised only in a judicial mode: -

"Since therefore the nature and reason of judgment demands that sentence be pronounced only upon subjects, it has always been persuaded in the Church of God, and this Synod confirms it to be most true, that the absolution which a priest pronounces upon one over whom he does not have ordinary or subdelegated jurisdiction ought to be of no moment."[1]

[1] Trent, sess. XIV, ch. 7. Cf. Code, can. 872.

§ I. On the Power of Order for Remitting Sins

71. State of the question. (A) They have erred concerning this matter:

(a) the Montanists, who held that only pneumatics or spiritual men, that is, those who were inspired by the Holy Spirit, could pardon sins; (b) the Waldenses and Wycliffites, who conceded the power of absolving sins to good laymen, but denied it to wicked priests; (c) liberal Protestants, who hold that in the first centuries of the Church the power of the keys was exercised by charismatics, that is, by those members of the faithful who enjoyed a special gift or charism: for they contend that the hierarchy was not instituted by Christ, but that various charisms, among which was the charism of forgiving sins, were distributed among the faithful by the Holy Spirit.[2]

[2] Muller, in *Zeitschrift fur Kirchengeschichte*, 1895, p. 1 ff., 187 ff.; cf. Vacandard, in *Rev. du Cl. fr.*, t. XIX, 1899, p. 337.

72. (B) Furthermore, in the Middle Ages, certain Catholic authors held that deacons or clerics of inferior order were in some sense extraordinary ministers of penance, insofar as, priests being lacking, they could receive confessions, indeed, according to some, contribute something toward the absolution of sins.[3] - Moreover Morinus thinks, on account of some difficult passages of the Fathers, that in antiquity deacons were held as extraordinary ministers of penance. - Finally, a few said that, priests and clerics being lacking, confession should be made to laymen.[4]

[3] See their opinions expounded in Vacant, *Dict. de Theol.*, t. I, p. 183-189; Laurain, *De l'intervention des laiques, des diacres et des abbesses dans l'administration de la penitence*, Paris, 1897, p. 69.

[4] In Laurain, op. cit., p. 18 ff.

73. Thesis: Priests alone, that is, bishops and presbyters, are ministers of the power of the keys, or can validly absolve from sins.

It is *de fide* from Trent, can. 10: "If anyone shall say that priests who are in mortal sin do not have the power of binding and loosing; or that priests alone are not ministers of absolution, but that to all and each of Christ's faithful it was said: 'Whatsoever you shall bind upon earth shall be bound also in heaven; and whatsoever you shall loose upon earth shall be loosed also in heaven'; and: 'Whose sins you shall forgive, they are forgiven them; and whose sins you shall retain, they are retained'; by force of which words anyone whatsoever can absolve sins, public sins indeed by correction only, if the one corrected shall acquiesce, but secret sins by spontaneous confession: let him be anathema."

74. 1. It is proved from Scripture, namely from the two texts alleged by Trent, which we declared above (n. 21-31). For from these, joined with the interpretation of the Fathers, it follows that the power conferred on the apostles and their successors must be exercised in a judicial mode. Now not all the faithful enjoy judicial authority, but only those who preside over the Church, whom "the Holy Spirit has placed as bishops to rule the Church of God,"[1] as is clear from the things proved in the treatise on the Church. - But who were invested with this power must be determined from the doctrine and practice of the Church.[2]

[1] Acts 20:28.

[2] These are priests, that is, bishops and presbyters, as is clear from the facts brought forward. Through the first four centuries, this power was exercised almost exclusively by bishops; but in the fourth century, to certain presbyters, namely penitentiaries, there was conceded the authority of hearing confessions and absolving sinners; from the fifth to the eighth century this power was extended to several other presbyters; and already from the eighth century to all priests. (Tixeront, III, 253.)

75. 2. By Tradition. (A) In the second century, we can gather only certain traces, for the reasons already brought forward where we treated of the power itself of the keys. St. Ignatius constantly commends and commands obedience to be furnished to the bishop, nor does he promise to sinners the remission of sins unless they return to the bishop; from which it is inferred that the power of absolving, which involves judicial power, was exercised only by bishops or dependently on them.

76. (B) But this is expressly affirmed in the third and fourth centuries, as soon as errors concerning this matter arise. Thus, Tertullian bearing witness, Callixtus claims for himself the power of remitting sins, and indeed by force of the text "Whatsoever thou shalt bind." - The Montanists indeed contend that this authority belongs to spiritual men,[3] but their error is rejected by the universal Church. Tertullian himself, while still Catholic, describing exomologesis, says that sinners groan, weep, and "throw themselves before the presbyters."[1] St. Cyprian, disciple of Tertullian, exhorts sinners to penance, "while satisfaction and remission made through priests is pleasing before the Lord."[2] Others with St. Ambrose explicitly say that the power of binding and loosing, and therefore of remitting sins, is in priests alone: "For this right has been permitted to priests alone. Therefore the Church rightly claims this, since she has true priests; heresy cannot claim it, since it does not have priests of God."[3] We have already said (n. 46) that the power of absolving is conferred on bishops in ordination itself.

[3] Tertullian declares this thus, *De pudicitia*, ch. 21: "And therefore the Church indeed will forgive offenses; but the Church of the Spirit through a spiritual man, not the Church the number of bishops."

[1] *De Paenitent.*, n. 9.

[2] *De Lapsis*, ch. 29.

[3] St. Ambrose, *De Paenit.*, bk. I, ch. 2, P. L., t. XVI, p. 468.

77. The Greek Fathers assert the same. Origen expressly asserts that the power of remitting sins was conferred on the apostles and their successors by force of the words "Whose sins you shall forgive"...; and from the context and parallel passages it is clear that these successors are priests: thus he speaks of the sinner who "is not ashamed to show his sin to the priest of the Lord, and to seek medicine."[4] - St. Athanasius, in the *Fragment from the Books against the Novatians*, writes: "Just as a man baptized by a priest is illuminated by the grace of the Holy Spirit, so one who confesses in penance receives remission through the priest by the grace of Christ."[5] - In the fourth century, at Constantinople, penitentiary presbyters were instituted, whose office was to impose penance and absolve those confessing.[6]

[4] Origen, *in Levit.*, hom. II, n. 4, P. G., t. XII, p. 418; cf. 560, 561; t. XI, p. 528, 529; t. XIII, 1846.

[5] P. G., t. XXVI, p. 1315.

[6] Socrates, H. E., bk. V, ch. 19, P. G., LXVII, 614-615. It is also probable that penitentiaries were likewise constituted at Rome at the beginning of the fourth century. Yet certain Catholics deny this, thinking that the imposition of penance and the absolution of sins, in the western Church, was reserved to the bishop. See Vacandard, in *Revue du Clerge francais*, t. XLII, 1905, p. 361; whose arguments, however, Batiffol refutes, ibid., p. 449.

78. Difficulties are solved. (A) It is permitted to observe only a few things concerning pneumatics. We do not indeed deny that certain persons, in the primitive Church, were endowed with special charisms, which are described by St. Paul;[7] but nowhere is it said that to them was conceded the power of remitting sins. - Tertullian, already made a Montanist, ascribes this power to spiritual men, but, notwithstanding his talent, this assertion was soon universally reproved, even by St. Cyprian, his disciple. Therefore nothing can be deduced from this against our thesis.

[7] 1 Cor. 12:3-11; 14:2-40; Ephes. 4:11.

79. (B) Some object that confessors and martyrs obtained the privilege of conceding certificates of peace, and therefore the remission of sins. - It is indeed true that certificates of peace were given by them, so that the lapsed might more easily obtain pardon; but from the letters of St. Cyprian it is evidently clear that this intercession of the martyrs was indeed one of the motives on account of which a milder or shorter penance was imposed, just as today, by force of the communion of saints, indulgences are conceded, but by no means was it true absolution from sins. He indeed confesses that the lapsed can be helped by the prayers of the martyrs; but the bishops must judge to whom and when reconciliation ought to be conceded.[1] Now this doctrine was approved not only by the African bishops, but also by the Roman Church, as we already noted above, n. 50. From this the thesis is confirmed not a little, since it is clear that the martyrs themselves contributed something to the pardon of sins only by a privilege of intercession.

[1] Letters, 9, 10, 11, 13, 17, 26, 30, etc., P. L., t. IV, pp. 252, 255, 257, 260, 270, 304-305.

80. (C) Yet another difficulty arises from the intervention of deacons in the administration of penance. St. Cyprian, writing concerning the lapsed who were in danger of death, says that they can make exomologesis before a presbyter, or, if a presbyter is lacking, before a deacon:[2] "If they have been occupied by some inconvenience and danger of illness, without awaiting our presence, before any presbyter whatsoever who is present, or, if a presbyter shall not be found and death begins to press, before a deacon also they can make exomologesis of their offense, so that, the hand having been imposed on them unto penance, they may come to the Lord with the peace which the martyrs desired to be given, in letters written to us."

[2] Epist. 12 to the clergy concerning the Lapsed, P. L., t. IV, p. 259.

The matter is explained in different ways. (a) Some, with Morinus, think that the holy Doctor truly held that deacons are extraordinary ministers of penance in more urgent cases. (b) Others say that here there is question of external reconciliation with the Church, which, as regards sinners, had to precede the administration of viaticum. For the question was concerning the lapsed who had received a certificate of peace from the martyrs and at the same time labored under grave illness and were in danger of death. The bishop permits presbyters, and, if they are lacking, deacons, to impose penance on the sick through the imposition of hands, so that, penance having been accepted and an act of contrition elicited, those about to die may be able to receive communion, and thus approach the Lord with peace; for often deacons, priests being lacking, ministered viaticum to the dying who had been justified by an act of perfect contrition. This is confirmed by canon 32 of the Council of Elvira (306): "If anyone before a presbyter has fallen by a grave lapse into the ruin of death, it has pleased us that he ought not to perform penance, but rather before the bishop; yet, sickness compelling, it is necessary that a presbyter furnish communion, and a deacon if a priest shall have ordered him." Thus it is explained how some deacons, since they ministered viaticum, heard confessions beforehand, namely so that they might arouse sinners to contrition; this can be inferred from Odo, bishop of Paris, statutes (1197), where one reads:[1] "Item, we strictly forbid that deacons in any way hear confessions, except in the most straitened necessity; for they do not have the keys, nor can they absolve."

[1] In Mansi, XXII, 653; cf. Laurain, p. 88 ff., where you will find many other documents.

81. (D) It is also sometimes objected that monks who had not been initiated into the priesthood heard confessions.

Resp. We readily admit that in the Middle Ages, especially in the East, the matter sometimes stood this way, because, namely, the Christian people, scandalized by the wicked morals of secular priests, often preferred to confess sins to religious, even to those who were not priests: but this was an abuse and ignorance born of good faith.

82. (E) They urge: In the Middle Ages the practice prevailed that, in danger of death, when a priest was lacking, confession was made to laymen; the most learned theologians commended this practice, indeed taught its necessity, for example Lanfranc,[2] Peter Lombard,[3] Robert Pullus,[4] Albert the Great,[5] St. Thomas,[6] and others; therefore laymen absolve.

[2] *De Celanda confessione*, in Migne, t. 150, p. 629 ff.

[3] *Sentent.*, bk. IV, dist. 17.

[4] *Sentent.*, bk. VI, ch. 51, 301-302, in Migne, t. 186, p. 897.

[5] *In IV Sentent.*, dist. 17, art. 58-59.

[6] *In IV Sentent.*, dist. 17, q. 3, a. 3, sol. 2.

Resp. The aforesaid Doctors by no means teach that laymen have the power of absolving, although they hold that, in a case of necessity, it is useful or necessary for sins to be confessed to a layman. They accepted this opinion from the author of the book *On True and False Penance*, which was wrongly ascribed to St. Augustine; here are the words of Pseudo-Augustine:[7] "He who wishes to confess sins so that he may find grace, let him seek a priest who knows how to bind and loose... Yet such is the force of confession that, if a priest is lacking, let him confess to his neighbor... Although he to whom confession is made does not have the power of loosing, nevertheless he who confesses his crime to his companion is made worthy of pardon from the desire of the priest." From this it follows that laymen lack the power of absolving. St. Thomas holds the same (loc. cit.) when he says: "But when necessity is imminent, the penitent ought to do what is on his part, namely to be contrite, and to confess to whom he can; and although he cannot perfect the sacrament, so that he may do what is on the part of the priest, nevertheless the supreme priest supplies the defect." Therefore laymen, when they heard confessions in a case of necessity, did not enjoy the power of absolving; but Christ Himself, on occasion of this humble confession, imparted the remission of sins to those well disposed. Nevertheless, because of this intervention, deacons were called by certain theologians of this age extraordinary ministers of the sacrament of Penance.[1]

[7] In Migne, P. L., t. 40, p. 1122.

[1] Vacant sets forth at length these opinions of the Scholastics, *Diction. de Theologie*, t. I, p. 182-189.

From this one can likewise infer how necessary confession was considered to be, since, when a priest was lacking, it was said that it should be made before a layman.

83. (F) We say nothing of abbesses, who sometimes usurped the power of hearing the confessions of nuns; for this was reproved as incongruous and absurd in both Churches, Greek and Latin, "because," as Innocent III said, "although the Most Blessed Virgin Mary was more worthy and more excellent than all the Apostles, nevertheless the Lord entrusted the keys of the kingdom of heaven not to her, but to them."[2]

[2] In Migne, P. L., t. 216, p. 356; for the eastern Church, see P. G., t. 119, p. 1066; cf. Laurain, op. cit., p. 1-67.

§ II. On the Power of Jurisdiction

84. State of the question. (A) Besides the power of order, in the minister of Penance there is desired the power of jurisdiction. (a) Ecclesiastical jurisdiction in general is defined as the power of ruling subjects in those things which regard the supernatural end. It differs from the power of order: for the latter is the power of ministering the sacraments, conferred by sacred ordination, and inhering indelibly in the subject; whereas jurisdiction is the power of ruling, conferred by an external act of a superior, which can be revoked. This indeed is threefold: legislative, for making laws; judicial, for authoritatively rendering sentences; and coercive, for inflicting penalties against delinquents.

(b) Now the jurisdiction which is required for the sacrament of Penance is judicial, since this sacrament is ministered under a judicial form. But judicial power can be twofold: of the external forum, when directly and primarily it regards the public utility of the Church; of the internal forum, when directly and primarily it regards the private utility of each member of the faithful. Since, therefore, the sacrament of Penance was instituted primarily for the sanctification of private persons, the jurisdiction necessary for its administration is a judicial power of the internal forum, and indeed of the penitential forum, so that it may thus be distinguished from jurisdiction of the internal extra-penitential forum, which can be exercised outside sacramental confession, for example, by dispensing in a vow; by removing a censure with effect in the internal forum only.

(c) Hence the jurisdiction of the confessor can be defined as a supernatural power, conferred by an external act of a superior, by which a priest can exercise judgment toward subjects in the internal and penitential forum. But it is conferred by designating the subjects over whom the power of absolving can be exercised, or the place where it is legitimately exercised.

(B) Now certain older theologians, such as Durandus, held that jurisdiction is given in ordination itself, although they acknowledged that its use is bound by the prohibition of the Church; theologians commonly reject this opinion as antiquated. The Synod of Pistoia was even further distant from the truth when it asserted that it is indeed fitting, but not necessary for the validity of absolution, that the confessor possess jurisdiction.[1]

[1] In Denzinger, n. 1400.

85. Thesis: Besides the power of order, for valid absolution there is required the power of jurisdiction, which is not received by force of ordination alone, but by concession of ecclesiastical superiors.

1. The former point, namely that jurisdiction is required for valid absolution, is explicitly declared by Trent, above, n. 68. The Decree for the Armenians had gone before:[2] "The minister of this sacrament is a priest having the authority of absolving, either ordinary, or by commission of a superior"; that is, ordinary or delegated jurisdiction.

[2] In Denzinger, n. 594.

(A) The reason for this assertion is taken, as Trent rightly hands down, from the very nature of absolution. For the power of remitting or retaining sins is exercised by way of judgment; but judicial power cannot validly be exercised except over a subject, that is, over one who has been subjected to the authority or jurisdiction of the judge by a legitimate superior; just as, in civil matters, not any judge whatsoever can know any cause whatsoever, but each knows those causes which are assigned explicitly or implicitly by a legitimate superior; for if judges were to treat any causes indiscriminately, there would be no subordination of inferiors and superiors, but the whole order of justice would be disturbed.

From this it is likewise given to understand why jurisdiction in the other sacraments is required for licit, but not for valid, administration, whereas it is necessary for valid absolution: for the other sacraments are not conferred by way of judgment, and therefore of themselves do not demand jurisdiction.

86. (B) The matter is also historically clear. For from what has been said, the power of remitting sins in the first centuries of the Church was exercised by the Bishop of each diocese, and indeed over his own subjects, as is clear from the letters of St. Cyprian; wherefore the holy Doctor rebukes priests who had reconciled the lapsed without consulting the Bishop.[1] - But afterward, from the fourth and fifth centuries, with the number of the faithful and of sins increased, the Bishops began to designate penitentiary presbyters attached to some special church, who there would receive the confessions of penitents.[2] - When parishes were instituted in villages and country places, the power of absolving, like the other ecclesiastical offices to be performed, was committed to parish priests. Hence, when the Fourth Lateran Council issued the decree concerning annual confession, it commanded that the faithful confess to their own priest, that is, to the parish priest having jurisdiction over subjects, or to a priest delegated by him or by a legitimate superior. - To religious indeed, not having a parish, the faculty of receiving confessions was given, but by force of delegation conceded by the Supreme Pontiff or Ordinaries.[3] Therefore some jurisdiction was always necessary for exercising the power of absolution.

[1] St. Cyprian, ep. 11, P. L., IV, p. 257. - This is likewise clear from can. 4 of the Second Council of Carthage: "If anyone has been placed in danger and shall have asked to be reconciled to the divine altars, if the bishop shall have been absent, the presbyter ought certainly to consult the bishop, and thus reconcile the endangered one by his precept." (In Bruns, t. I, p. 119.)

[2] Thomassin, *Anc. et nouv. discipline de l'Eglise*, Bar-le-Duc, 1864, t. I, P. I, bk. II, ch. 10 and 11, p. 381 ff., and ch. 23-26.

[3] Thomassin, op. cit., ch. 12, p. 401 ff.

87. 2. But the latter point, namely that this jurisdiction is not conferred by force of ordination alone, but by concession of superiors, follows from the things already proved. For Trent (loc. cit.), by declaring that the absolution of a priest lacking jurisdiction is of no moment or value, supposes that there can be a priest who lacks jurisdiction; but if jurisdiction were conceded by force of ordination alone, it could not be taken away, since the power of order, like the priestly character itself, is indelible; therefore jurisdiction does not flow from ordination itself.

This can also be declared thus. Every jurisdiction is either ordinary, that is, annexed to the office or munus which is conceded, or delegated, that is, obtained from a special commission of an ecclesiastical superior; but neither is conferred by force of ordination alone: not the former, because no one by force of ordination itself receives a determined diocese or parish; not the latter, because ecclesiastical superiors do not intend to concede this special commission by force of ordination, but afterward confer it by a special and distinct act of mission.

88. It is indeed objected that the complete power of absolving, and therefore jurisdiction, was conferred on the Apostles by Christ by these words: "Receive ye the Holy Spirit; whose sins you shall forgive, etc."; but the same words are said to newly ordained priests; therefore they too receive the same power by force of ordination. - Resp. The Apostles received from Christ both powers, of order and of jurisdiction, not precisely by force of the words "Receive ye, etc.," but by force of the intention of Christ, which is sufficiently manifested by the preceding words, "as the Father has sent me, I also send you." Hence, although the words "Receive ye" are said to

new priests, it does not follow from this that they receive the power of jurisdiction, because the Church does not intend to concede it by these words; therefore the parity must be denied.

89. Corollaries. 1. Jurisdiction can be limited in various modes by legitimate superiors, but especially by the Roman Pontiff, who has supreme jurisdiction in the universal Church. For ecclesiastical superiors who possess ordinary jurisdiction can concede it or not; therefore, *a fortiori*, they can confer it in a more or less limited mode, as in the Lord they shall have judged expedient. Hence jurisdiction can be limited as to persons, insofar as the faculty of absolving is restricted to certain persons or kinds of persons; as to place, for example, within the limits of one parish; as to time, so that after a certain time has elapsed it expires; as to sins, insofar as a superior can reserve to himself absolution from certain graver sins.

90. This is historically clear. When bishops permitted presbyters to absolve from sins, they reserved to themselves certain very grave ones. Thus, in the Synod of Paris (about A.D. 1200), it is established: "Let priests reserve greater things to greater ones, in confessions, such as homicides, sacrileges, sins against nature, incests, and defilements of virgins, laying of hands upon parents, broken vows, etc." Almost at the same time, the Council of London decreed "that those who knowingly have perjured themselves to the detriment of anyone whatsoever are not absolved... except by the diocesan bishop, or by his authority, except only in the article of death." Moreover, the bishops themselves were not accustomed to absolve certain more atrocious crimes, but remitted them to the Supreme Pontiff. An example is had in can. 13 of the Council of Avignon (1209): "Against public perjurers, convicted of perjury, and those who persevered pertinaciously in excommunication for six months... we promulgate a special and new canon, namely that it be lawful for none of the bishops to absolve anathema of this kind, but that, according to the Apostolic See, sacrilegious persons and incendiaries be sent to be absolved."[1] - Finally, the Roman Pontiffs themselves reserved certain graver crimes to themselves, so that the faithful might be more efficaciously deterred from perpetrating them. For Trent says, ch. 7: "It seemed to our most holy Fathers to pertain greatly to the discipline of the Christian people, that certain more atrocious and graver crimes be absolved not by any priests whatsoever, but only by the highest priests; whence the Supreme Pontiffs, by the supreme authority handed down to them in the universal Church, were rightly able, by their particular judgment, to reserve certain graver causes of crimes."

[1] You will find these canons and very many others in Thomassin, op. cit., P. I, bk. II, ch. 13-14, t. I, p. 406-417.

91. 2. It is commonly held that jurisdiction is required also for the absolution of venial sins. Many older theologians, even of the first name, such as St. Thomas and Scotus,[2] denied this, because venial sins can be remitted also by other sacraments, in which jurisdiction is not required. Others said that any priests whatsoever received from the Church jurisdiction for absolving from venials by force of custom, without special concession; this could once have been true, but today it has fallen into desuetude; for Innocent XI, by the decree *Cum ad aures*,[3] prohibited Bishops from permitting that the confession of venials be made to a simple priest not approved by the bishop or Ordinary. Hence today it is commonly taught[4] that jurisdiction is required even for absolution from venials; for

in the sacrament of Penance venial sins also are remitted by way of judgment; but a judge cannot render a valid sentence without jurisdiction; therefore.

[2] St. Thomas, in 4, dist. 18, q. 2, a. 3, sol. 1 ad 3; Scotus, in 4, d. 18, q. 4, a. 2, sol. 3.

[3] In Denzinger, n. 1086.

[4] I say commonly, because a few with Ballerini, *Opus Morale, De Paenit.*, n. 555, hold the contrary and understand the decree of Innocent XI concerning liceity, not concerning the validity of absolution.

Dogmatic Part — Chapter II: On the Acts of the Penitent

On the Acts of the Penitent

The power of the keys, from what has been said, must be exercised in a judicial mode, and therefore supposes certain acts on the part of the penitent. Now the exomologesis described above included three principal acts: confession of sins, not only before God, but also before His ministers; contrition, or hatred and detestation of sin; satisfaction, that is, the long and laborious expiation of the offense: concerning these things we must speak separately.

Art. I. On the Confession of Sins

92. State of the question. 1. Notion of confession. (A) In the Old Law, although the sacrament of penance had not yet been instituted and there was no sacramental confession, nevertheless a certain confession of sins was acknowledged, and indeed threefold: -

(a) Confession made to God, for obtaining the remission of sins more easily: "He who hides his crimes shall not be directed, but he who shall have confessed and forsaken them shall obtain mercy";[1] (b) a general confession by which the Supreme Pontiff publicly recited the iniquities of the people of Israel once a year: "Then let him offer the living goat; and with both hands placed upon its head, let him confess all the iniquities of the children of Israel";[2] (c) a more specific confession, which was made to priests when a sacrifice for sin was offered, because the victim was different according to the diversity of sins, or also when restitution had to be made.[3] (d) The Jews who were baptized by John confessed their sins,[4] so that they might thus more efficaciously manifest their purpose of doing penance; but this confession was not sacramental.[5]

[1] Prov. 28:13; cf. Eccli. 4:31.

[2] Levit. 16:20-21.

[3] Levit. 4:3-35; 5:1-13; 6:1-7; Num. 5:6-7.

[4] Matt. 3:6.

[5] Cf. Vacant, in *Dictionnaire de la Bible*, under the word confession.

(B) But after the sacrament of penance was instituted, the confession of sins was one of the acts required for the remission of sins, and was often called exomologesis. Now the Greek word *exomologesis*, which is frequently found among the Fathers, signifies two things: the whole action of penance, or the long and laborious series of acts by which the remission of sins was obtained; and the first part of this penance, namely the declaration of sins, whether it is public, or private or auricular.

Understood in this latter sense, sacramental confession is the accusation of one's own sins committed after baptism, made to a legitimate priest, for obtaining pardon through the power of the keys.

93. 2. Errors concerning the necessity of confession. Protestants and their precursors denied this necessity: - (a) Wycliffe, saying: "If a man has been duly contrite, every external confession is superfluous and useless to him"; this proposition was condemned by the

Council of Constance;[1] (b) Luther, who nevertheless was not consistent with himself, asserting at one time that confession is "a most bloody slaughterhouse, which tortures miserable consciences," and at another time "the best remedy for afflicted consciences";[2] (c) Calvin,[3] who contends that auricular confession, as it exists among the Romanists, was instituted not by Christ, but by Innocent III in the Lateran Council, and that it is a thing harmful to the Church; (d) modern Protestants, even Ritualists, who, although they acknowledge its utility, nevertheless reject its necessity.[4]

[1] Denzing., n. 483.

[2] In Moehler, *Symbolik* (*La Symbolique*, *Symbolism*), § 33.

[3] Cf. *Instit.*, bk. III, ch. 4.

[4] "Absolution in the Anglican church - for we do not have the sacrament of Penance in the sense of the Romans (Catholics) - must be considered only a privilege of the faithful. There is no obligation to open sins secretly to a presbyter, since there is no general law; and those who do so cannot boast of a higher perfection in the observance of religious duties; and those who abstain from confession cannot rightly be accused of having failed in duty." (Morgan Dix, op. cit., p. 90).

94. The arguments by which today's Protestants attack both the divine institution and the necessity of confession are taken from history and are reduced to these: (a) Certain testimonies concerning confession are indeed found among sacred authors and the Fathers; but there it is a question of confession before God, not of confession made before priests; (b) moreover, the confession which the ancient Fathers commemorate is not auricular, and therefore not sacramental, but public and for repairing the scandal given to the community; (c) from the seventh century, in the Penitentials, auricular confession is indeed described, but from the mode in which it is performed, from the many prayers recited, the fasts required for it, and other circumstances, it is clearly gathered that it was very extraordinary; (d) besides, even in the twelfth century, there is doubt concerning its necessity, and some assert that confession made to God suffices, without there being need to confess to priests. From these things it is clear that only in the thirteenth century was auricular confession held as necessary.[1]

[1] Lea sets forth these arguments at length, op. cit., t. I, p. 168-273.

95. 3. Catholic doctrine. Against these errors, Trent[2] expounds Catholic doctrine (a) concerning the divine institution and necessity of sacramental confession: -

[2] Trent, sess. XIV, ch. 5.

"From the institution of the sacrament of Penance already explained, the universal Church has always understood that the complete confession of sins was also instituted by the Lord, and exists as necessary by divine right for all who have fallen after Baptism: because our Lord Jesus Christ, about to ascend from the earth to heaven, left priests as vicars of Himself, as presidents and judges, to whom all mortal crimes into which Christ's faithful shall have fallen should be brought; so that, according to the power of the keys, they may pronounce the sentence of remission or retention of sins. For it is clear that priests could not have exercised this judgment when the cause was unknown, nor indeed could they have observed equity in imposing penalties, if they themselves had declared their sins only in general, and not rather in species and individually. From these things it is gathered

that penitents must recount in confession all mortal sins of which they have consciousness after diligent examination of themselves, even if those sins are most occult."

Three things are asserted here: the divine institution of confession, its necessity, and also its object, namely all mortal sins committed after baptism, of which consciousness is had.

96. (b) But as to the mode of confessing, secret or public, the Holy Synod adds: -

"Moreover, as to the mode of confessing secretly before a priest alone, although Christ did not forbid that someone, in vengeance for his crimes and for his humiliation, both on account of the example of others and on account of the edification of the offended Church, can publicly confess his offenses, nevertheless this is not commanded by a divine precept, nor would it be sufficiently prudent for it to be prescribed by some human law that offenses, especially secret ones, should be opened by public confession.

"Hence, since by the most holy and most ancient Fathers, with great and unanimous consent, secret sacramental confession, which the holy Church has used from the beginning and also now uses, has always been commended, the vain calumny of those who do not fear to teach that it is alien from the divine command, and is a human invention, and had its beginning from the Fathers gathered in the Lateran Council, is manifestly refuted. For by the Lateran Council the Church did not establish that Christ's faithful should confess, which it understood to be necessary and instituted by divine right, but that the precept of confession should be fulfilled by all and each at least once a year, when they had reached the years of discretion."

From these things it is gathered that confession, whether secret or public, is truly sacramental; yet it is not expedient that public confession of offenses, especially occult ones, be prescribed. Moreover, it is asserted, although not defined, that secret confession was in use from the beginning of the Church.

To understand this better, it must be known that this question was diligently weighed by the theologians and bishops of the Council; some judged that secret or auricular confession was instituted by Christ; but others thought that Christ indeed instituted confession, but in no way determined whether it ought to be secret or public.[1] The Council did not wish to define the matter, but only declared that the mode of confessing secretly is not alien from the institution of Christ, that is, according to Suarez,[2] that it is not contrary or repugnant to the divine precept, indeed that it is consonant with it.

[1] Cf. Theiner, *Acta genuina C. Trid.*, t. I, pp. 531, 540, 549, 557, 562, 580, 592, etc.

[2] Suarez, *De Paenit.*, disp. XXI, sect. II, n. 12.

Therefore there will be a twofold thesis: the former concerning confession itself; the latter concerning the mode of confessing.

97. Thesis 1: Sacramental confession is necessary by divine right for all those who have committed grave sins after baptism, and upon them there rests the obligation of confessing all and individual mortal sins.

It is *de fide* from Trent:[3] "If anyone shall deny that sacramental confession was either instituted or is necessary for salvation by divine right, or shall say that the mode of confessing secretly to a priest

alone, which the Catholic Church has always observed from the beginning and observes, is alien from the institution and command of Christ, and is a human invention: let him be anathema. - If anyone shall say that in the sacrament of Penance, for the remission of sins, it is not necessary by divine right to confess all and individual mortal sins, of which memory is had with due and diligent premeditation, even occult ones... let him be anathema."

[3] Sess. XIV, can. 6-7.

We said: (a) "sacramental confession," abstracting from the question whether it is public, or private or auricular; it is certain that public confession is not required, indeed is often inopportune, as Trent says; but if in fact it is sometimes employed, in order to absolution, this too will be a truly sacramental confession; (b) "necessary by divine right," and indeed strictly, under penalty of damnation, because confession is not a merely ecclesiastical precept, but a divine one, insofar as it is implicitly contained in the power of remitting sins in a judicial mode; but this necessity arises from a positive precept, and therefore admits certain exceptions, concerning which we shall speak below; (c) "grave sins," or mortal sins, since venial sins can be remitted without confession; but here it is useful to note that many sins which today are held as mortal by theologians are called venial or minute by certain Fathers: thus Caesarius of Arles, among minute sins, mentions oaths, perjuries, detractions, idle words, hatred, anger, gluttony, envy, etc.;[1] now the faithful were bound to accuse only those sins of whose gravity they were conscious. But under the name of grave sins are comprehended internal and occult sins, as Trent expressly says. (d) But all mortal sins and individual ones must be accused distinctly, insofar as this can be done.

[1] For, enumerating minute sins, he says: "Let us think, from the time when we began to have sense, what for oaths, what for perjuries, what for curses, what for detractions, what for idle words, what for hatred, what for anger, what for envy, what for evil concupiscence, what for gluttony, what for sleepiness, what for sordid thoughts, what for concupiscence of the eyes, what for voluptuous delight of the ears..." (Sermon 257, P. L., XXXIX, p. 2220).

The foundation of this doctrine is had in Scripture; the full proof is taken from Tradition; but reason shows the fittingness of this dogma.

§ I. The Institution and Necessity of Confession Is Inferred from Scripture.

98. 1. From the words of St. Matthew concerning the power of the keys, and from those of St. John concerning the power of remitting and retaining sins, the divine institution of confession is legitimately inferred. For Christ instituted the sacrament of Penance by way of judgment, so that the priest cannot bind or loose, remit or retain, at will, but only according to the laws of equity and prudence. But such a judgment cannot be pronounced without a prior confession of all mortal sins; for an equitable and wise judgment cannot be rendered unless the cause is known, and indeed in particular; and moreover the cause regularly cannot be known without the confession of the penitent, who alone can reveal his secret sins, or even the true malice of external sins, which depends on the internal act of the will.

[2] Cambier, *De divina institutione confessionis* (thesis), Louvain, 1884; Palmieri, Th. 33, p. 401-419; L. de San, n. 756-780; Mangenot, *Dict. de Theol.*, t. III, word Confession.

Furthermore, the power conferred on the Apostles and their successors embraces the faculty both of remitting and of retaining sins; now such a power cannot be exercised indiscriminately. Before the spiritual judge renders sentence, he must know whether sins have been committed or not; indeed he is bound to know their number and gravity, and also the interior dispositions of the sinner, so that he may be able prudently to judge whether they should be remitted or retained, and what kind of satisfaction should be imposed. But for this there is generally required an integral and distinct confession of mortal sins: otherwise, for the most part, the judgment will be neither equitable nor prudent. Therefore Christ, by conceding to the Church the power of remitting sins by way of judgment, by that very fact instituted confession.

99. 2. From the same texts it is gathered that confession is necessary for all who have fallen into grave sin. (A) For from the words "whose sins you shall forgive..." the Lord established in His Church a tribunal for the remission or retention of sins; but when a prince establishes a tribunal in his kingdom for the knowledge of causes, he manifests clearly enough that this is the way necessary by common right for ending disputes: for, if judges could not compel the guilty to present themselves before the tribunal, their power would be vain, since it could be despised with impunity. Thus if Christ, by instituting the sacred tribunal, had not commanded sinners to have recourse to it, but had left another ordinary means by which they could be justified, the power of priests would be illusory: for who would subject himself to humble confession and laborious penance, if another less laborious means were at hand for obtaining pardon of sins? - This conclusion is surely confirmed from the parallel passage, where there is question of the power of the keys. For the power of remitting sins is nothing other than a certain special attribution or exercise of the power of the keys, as was already said, n. 24. Therefore the power of remitting sins has the same force as the power of the keys. But the power of the keys supposes the force of obliging all the faithful who have fallen into mortal sin after Baptism to have recourse to it for the loosening of such a bond: "I will give to thee the keys of the kingdom of heaven; whatsoever thou shalt bind upon earth shall be bound also in heaven..." For just as no one can enter a house which is closed unless the doorkeeper opens the door, so no one to whom the gate of heaven is closed by mortal sin can enter the kingdom of God unless the gate is opened by the doorkeeper to whom Christ handed over the keys; otherwise the power of the keys would be illusory: for what profit is there in having keys, if without them, against the will of the doorkeeper, access lies open? Therefore the power of remitting sins, like the power of the keys itself, has the force of obliging sinners to have recourse to the sacred tribunal.

(B) It is confirmed from the last part of John's text: "and whose sins you shall retain, they are retained"; whose sense is: if you retain, I also retain. Therefore sin is not remitted by God when the Apostles retain it; and therefore the sinner needs Apostolic power in order to obtain pardon; for otherwise, when the Apostles retained, God would not retain; the power of the Apostles would become vain, and Christ's words false. Therefore the power of retaining sins supposes that the apostles and their successors can oblige sinners to have recourse to the sacred tribunal, for obtaining the remission of mortal sin committed after Baptism.

100. Certain other texts are brought forward which seem to regard sacramental confession; concerning these it is permitted to note a few things.

(a) In the Acts of the Apostles (19:18) one reads: "And many of those who believed came confessing and declaring their deeds." Not a few theologians, with Bellarmine, think that here there is question of the faithful and of sacramental confession; for the Greek word *exomologoumenoi* used here is that by which the Greeks designate sacramental confession. But many others, such as Beelen and Patrizi, hold that here there is speech of Jews and Gentiles not yet baptized, but converted by the seen prodigy and beginning to believe; and therefore not of sacramental confession, but of that general accusation of sins which preceded baptism. We hold this latter opinion as the more probable.

(b) The words of James are also alleged:[1] "Confess, therefore, your sins to one another." Many Fathers[2] and theologians indeed understand these words of sacramental confession; for they are brought forward after the words concerning the remission of sins through sacred anointing: the sense therefore is that the sick must confess their sins, and the word to one another designates one of the priests designated in the preceding verse. - But not a few others, such as Beelen, think that here there is question of confession made to a prudent man, in order to ask counsel from him and to obtain the help of his prayer. This interpretation likewise is truly probable.

[1] James 5:16.

[2] Among whom Origen, homil. 2 on Levit., P. G., t. XII, p. 419.

§ II. Sacramental Confession Is Proved from Tradition.

101. State of the question. (a) Protestants contend that confession was not instituted by divine right, since, even in the twelfth century, the question was agitated among the Doctors whether sins were to be confessed to priests or to God alone; as is clear from the words of the Decree of Gratian (1150):[4]

[3] Morinus, op. cit., bk. II; Palmieri, th. 33-35, p. 401-449; Cambier, op. cit., p. 96-323; L. de San, n. 779-870; Pignataro, op. cit., p. 25-56; Pelle, op. cit., p. 279-449; Vacandard, *La Confession sacramentelle dans l'Eglise primitive*, Paris, Bloud, 1903; id., in Mangenot, *Dict. de Theol.*, word Confession.

[4] *De paenitent.*, dist. I, ch. 90, p. 1189 ed. Friedberg.

"Some say that sins ought to be confessed to God alone, as the Greeks. But some judge that they are to be confessed to priests, as almost the whole holy Church. Both of these things are done within the holy Church not without great fruit, yet in such a way only that we confess our sins to God, who is the remitter of sins, and this belongs to the perfect... but nevertheless the institution of the Apostle must be followed by us, that we confess our sins to one another, and pray for one another that we may be saved. Therefore confession which is made to God alone, which belongs to the just, purges sins. But that which is made to a priest teaches how the sins themselves are purged."

(b) But we respond that, in the time of Gratian, some doubts concerning this matter had arisen, because confession, although most ancient, was part of the penitential discipline which at that time was gradually falling into desuetude; hence it happened that some, few in number however, doubted concerning its necessity and divine institution. But doubts of this kind did not prevail in the primitive times of the Church, as we shall soon show.

Three stages especially can be outlined in the history of confession: 1. through the first four centuries public penance prevailed, of which the confession of sins, either public or occult, was a part; 2. from the fifth to the twelfth century, penance becomes less rigorous, and private confession becomes more frequent; 3. from the twelfth century, public penance ceasing, private confession and satisfaction alone remain. It suffices to outline the first two stages.

I. Sacramental Confession Flourished Through the First Four Centuries

We shall bring forward a twofold argument: the first from penitential discipline; the latter from the testimonies of the Fathers.

102. 1. It is proved by a general argument taken from penitential discipline itself. For discipline of this kind was such that it necessarily supposed some confession, whether public or occult.

(A) The facts are set forth. Penitential discipline consisted in a complex of penal works which the Church imposed on the Christian sinner, and from the character of this obligation the necessity of confession clearly appears. For: (a) this obligation was most strict, under penalty of eternal damnation: when the faithful complained about the severity of this penance, the Fathers did not hesitate to answer that no middle way was given between this penance and the punishments of hell; (b) it was imposed by the authority of God Himself: when martyrs offered to the lapsed certificates by which they might be freed from penance, St. Cyprian and other bishops reproved this, asserting that no one could dispense from a law divinely established; (c) the obligation of doing penance extended to all sins which the Church considered grave, and therefore not only to the gravest crimes, namely apostasy, fornication, and homicide, but to common offenses which kept one away from the reception of sacred communion, for example, thefts, impurities, frauds, rash judgments, violation of faith, etc., insofar as they are distinguished from lighter faults which are not subjected to the power of the keys;[1] - and not only to public and external sins, but also to occult and internal ones, as St. Pacian teaches: "I add also that not only hands are punished in homicide, but every counsel which has driven another's soul into death; and not only those who have burned incense on profane tables, but absolutely every lust wandering outside the marriage bed and lawful embraces."[2]

[1] Tertullian, *De pudicitia*, ch. 18, P. L., 1017; ch. 19, P. L., 1028; St. Cyprian, epist. IX, n. 2, P. L., IV, 251; St. Pacian, Ep. ad Sempronianum, ch. 24; P. L., XIII, 1079; *Paraenesis ad paenit.*, ch. 4, P. L., XIII, 1083.

[2] *Paraenesis ad paenit.*, ch. 5, 6, 7, P. L., XIII, 1084 ff.

(d) The mode of doing penance was not left to the choice of the sinner, but was determined by the Church itself: for obtaining the remission of sins, the sinner first had to be received among the penitents by the Bishop or by one taking his place, and had to subject himself to him as to the time and mode of doing penance.

103. (B) The conclusion is drawn. Now all these things necessarily suppose some confession of the sinner made to the bishop, whether by acknowledging the truth of sins which had been denounced to ecclesiastical authority, or by spontaneously confessing offenses committed by himself: for how could the minister of the Church have received among the penitents and afterward absolved those whose offenses had not been subjected to his judgment? Moreover, this confession was considered as necessary for salvation, and indeed by divine right; and, as

we said, it extended to all grave sins. Therefore from the institution itself of penitential discipline our thesis is clear, which moreover is confirmed by many testimonies of the Fathers.

104. 2. It is proved by the testimonies of the Fathers. Before we bring forward the individual ones, we premise that there was some progress in the exposition of this dogma and in the practice of confession. (a) The divine institution and necessity of confession are contained in the alleged texts of Scripture not explicitly, but only implicitly: the matter of confession is designated only in a general and confused mode. (b) Nothing is established concerning the time when the precept of confession urges. (c) Likewise Christ defines nothing concerning the mode of confessing, secret or public. (d) Finally, the precept binds only those who are conscious of mortal sin; but, as was said above, n. 97, in these times many sins which today, because of the education of the Christian conscience, are acknowledged as mortal, were held as minute.[1] Therefore many of the faithful, who were free from graver sins, did not approach the sacrament of Penance: for then the practice of confessing venials for the sake of devotion did not prevail. (e) From another aspect, not a few sinners were deterred from confession on account of the laborious and long-lasting penance which was then customarily imposed; and, since no special time was fixed beforehand for making confession, many deferred it more than was proper.

[1] Yet it is worthy of note that St. Paul holds as excluding from the kingdom of heaven certain of the sins which St. Caesarius judges to be "minute."

Confession, therefore, was less frequent than in our times, and therefore is not often commemorated by the Fathers.

105. (A) In the second century, St. Irenaeus speaks of confession as necessary for recovering grace. For he narrates that certain women had been corrupted by Marcus, a magician and heretic, and adds: "These women, very often converted to the Church of God, confessed that according to the body they had been ruined by him as if by desire, and, being greatly inflamed, had loved him."[2] But that this confession is necessary is inferred from the following: "Certain women indeed even make exomologesis in public; but certain others, fearing this very thing, in silence gradually withdraw themselves, despairing of the life of God";[3] for those who, on account of shame, were unwilling to confess their sins did not receive the grace of God and fell into despair.

[2] *C. haeres.*, bk. I, ch. 13, n. 7, P. G., t. VII, p. 587.

[3] Ibid., n. 7, p. 591.

106. (B) In the third century, we already have several testimonies, in both the Latin and Greek Church, not only concerning public confession, but also concerning private confession.

(a) St. Cyprian describes public confession: "Let each one confess, I beseech you, dearly beloved brethren, his own offense, while he who has sinned is still in the world, while his confession can be admitted, while satisfaction and remission made through priests is pleasing before the Lord."[1] In the same place[2] he praises those who, although they did not externally commit idolatry, "nevertheless,

since they thought about this, sorrowfully and simply confess this very thing before the priests of God." Here indeed there is question of sacramental confession, which the remission of sins follows, made to priests, and in which even internal sins or thoughts are manifested.

[1] *De Lapsis*, ch. 29, P. L., t. IV, 489.

[2] Ibid., ch. 28, P. L., IV, 488.

(b) Origen, speaking of the various means by which the remission of sins can be obtained, commemorates sacramental confession thus:[3] "There is also yet a seventh remission of sins, although hard and laborious, through penance, when the sinner washes his bed with his tears, and his tears become his breads day and night, and when he is not ashamed to show his sin to the priest of the Lord and to seek medicine"... He expressly asserts and illustrates the necessity of this confession by comparison:[4] "See therefore what divine Scripture teaches us, that one ought not to conceal sin inwardly. For perhaps just as those who have within themselves enclosed undigested food, or an abundance of humor or phlegm remaining heavily and unpleasantly in the stomach, if they have vomited, are relieved; so also those who have sinned, if indeed they hide and retain sin within themselves, are inwardly pressed, and are almost suffocated by the phlegm or humor of sin. But if one becomes his own accuser, while he accuses himself and confesses, at the same time he vomits out the offense and digests the whole cause of the disease."

[3] Homil. on Levit., II, 4, P. G., t. XII, p. 418.

[4] Homil. II on Ps. 37, n. 6, P. G., XII, 1386.

(c) To these words can be added what St. Peter of Alexandria writes concerning a hidden robber:[5] "Then, manifesting his sin to the priest through confession, striving toward the contrary, that is, doing alms, he will cure the infirmity."

[5] In Mai, *Spicilegium Romanum*, t. VII, p. 465.

107. (C) In the fourth century, the Fathers discuss both kinds of confession still more frequently.

(a) Thus, among the Latins, St. Ambrose exhorts sinners to penance and confession in this way: "And therefore let us not be ashamed to confess our sins to the Lord. It is shameful that each one should disclose his crimes; but that shame plows its own field, takes away perpetual thorns...[6] But if you wish to be justified, confess your offense. For a modest confession of sins loosens the bonds of crimes."[7] But that there is question here of confession

[6] *De paenitent.*, bk. II, ch. 1, P. L., t. XVI, p. 497.

[7] Ibid., ch. 6, p. 507.

made not to God alone, but also to His ministers, is clear from the following:[1] "Some ask for penance for this reason, that they wish communion to be restored to them immediately. These do not so much desire to loose themselves as to bind the priest: for they do not put off guilt from their own conscience, and they put it on the priest, to whom the precept has been given: Do not give what is holy to dogs"... For there it is supposed that priests are judges, and that they are bound by sin if they absolve too quickly.

[1] Ibid., ch. 9, p. 517-518.

St. Pacian, who had so explicitly asserted that the power of remitting sins is in priests, above n. 53, no less expressly urges the necessity of confession, even of occult sins: "What will you do, you who deceive the priest? Who either deceive him as ignorant, or confound him, not fully knowing, by the difficulty of proving? I therefore beg you, brethren, even for my danger, through that Lord whom hidden things do not deceive, cease to cover your wounded conscience. Prudent sick persons do not fear physicians, even those about to cut, even about to burn, not even in the hidden parts of bodies... Will the sinner fear? Will the sinner be ashamed to purchase eternal life by present shame?... But if you blush before the eyes of the brethren, do not fear those who are sharers in your falls."[2]

[2] *Paraenesis ad paenitentiam,* P. L., t. XIII, p. 1086.

108. (b) Among the Greeks, these things are worthy of special note.

Aphraates, called the Persian Sage, speaks thus concerning the necessity of penance and confession (about A.D. 340): "Thus, one who has been struck by Satan ought not to be ashamed to confess his offense, and to leave it, and to seek penance as a remedy. He who is ashamed to disclose his wound will be seized by gangrene, and it will infect the whole body with harm; but he who is not ashamed to manifest the wound will be healed and will descend again to the battle... Thus absolutely to him who has been overcome in our contest, this way remains for receiving health, that he should say: I have sinned... Therefore you, physicians, who are disciples of our illustrious Physician, ought not to deny medicine to those who need healing." Here indeed there is question of confession made to priests, who are designated by the name of spiritual physicians; and indeed of occult confession, for the priest ought not to manifest to others the sins accused; for he addresses priests thus: "And when he shall have revealed it (the spiritual infirmity) to you, do not publish it, lest on account of him the innocent be judged by enemies and by those who hate us to be in fault."[3] - More briefly, but no less directly, St. Gregory of Nyssa says:[4] "But he who usurps another's goods for himself by hidden taking, if afterward, by disclosure, he shall have opened his sin to the priest, with the pursuit of vice changed into the contrary, will cure the sickness."

[3] Demonstration VII, n. 3-4; *Patrol. syriaca,* edited by Graffin, t. I, p. 318-319.

[4] Ep. canonica, can. 6, P. G., t. XLV, p. 234.

109. Conclusion. From the aforesaid testimonies it is lawful to infer that the Church, by imposing public penance, by that very fact affirmed the necessity of confession, not indeed by words, but in a practical mode; and not primarily, but secondarily, namely by prescribing the series of acts necessary for the remission of sins, among which was found confession, which was reputed all the more necessary because it was, as it were, the gate by which Christian sinners were able to enter again upon the way of salvation.

II. Sacramental Confession from the Fifth to the Twelfth Century

Already from the fifth century, we find the first traces of a certain change in penitential discipline, both in general and as regards confession: namely, the obligation of completing a long and laborious penance before the reception of absolution is gradually abrogated, notwithstanding the hesitations of a few, and therefore confession becomes more frequent.

110. 1. Change of penitential discipline. Its principal cause is taken from the fact that the faithful, terrified by the severity of penance, deferred exomologesis more and more, often until death. From this a twofold difficulty was born.

111. (A) As regards the dying: if absolution is denied to sinners before they complete penance, they will pass from this life without communion; but if it is conceded, by that very fact penance is abolished, at least as regards them. The matter having been maturely weighed, after not a few discussions, Innocent I approved the milder manner of acting: "It has been asked what ought to be observed concerning those who, after baptism, having been devoted at every time to the pleasures of incontinence, at the very end of their life ask at once for penance and for the reconciliation of communion... Therefore, with penance, final communion will be granted, so that men of this kind, at least in their last moments, by the permission of our Savior, may be vindicated from perpetual destruction."[1]

[1] P. L., XX, 498; Denzing., n. 95. There another reason is also given, "and lest we seem to follow the harshness and hardness of the Novatian heretics who deny pardon."

112. (B) As regards the healthy, the difficulty likewise arose: for either absolution would be conceded only when death was imminent, or the ancient discipline had to be changed; here also the Church embraced the milder solution.

(a) For already in the fifth century, satisfaction or penance to be performed before the reception of absolution becomes milder. St. Augustine testifies that in his time there is a twofold penance, one milder for occult sins, even very grave ones such as adultery, the other stricter for public sins: but this latter also was mitigated.[1] Likewise St. Leo, distinguishing public penance from private, imposes the former for idolatry, homicide, and fornication, but declares that other grave sins, for example, to eat of foods sacrificed to idols, can be purged by fasts and imposition of the hand; elsewhere he exhorts sinners who are not numbered among public penitents to perform each year, especially before Easter, a milder penance, in which they will be helped by the supplications of priests.[2] St. Caesarius of Arles expounds this more clearly: "And indeed he who has received penance publicly could perform it more secretly; but, I believe, considering the multitude of his sins, he sees that he alone is not sufficient against such grave evils, and therefore he wishes to seek the help of the whole people."[3] - In the Greek Church a similar mitigation is found: not rarely the penitent is absolved before he has completed satisfaction, indeed immediately after confession has been made; the satisfactory works imposed on the penitent become lighter, and they can be performed in a secret mode, unless there is question of public and graver sins, for example, fornication.[4]

[1] Sermon LXXXII, 11, P. L., XXXVIII, 511; cf. *De fide et operibus*, 48; *Enchiridion*, 80; *Cont. lit. Petil.*, III, 44.

[2] Epist. CLXVII, question 19, P. L., LIV, 1209; Epist. CVIII, 2, P. L., LIV, 1011; Sermon XLIII, 2, 3; XLIV, 1; XLIX, 1, 2; L, 1, 2; P. L., LIV, 282, 285, 301, 305 ff.

[3] Sermon CCLXI, 1, P. L., XXXIX, 2227.

[4] Pseudo-Areopagite, epist. VIII, 1, P. G., III, 1088; *De ecclesiast. hierar.*, III, 2-3, 7, P. G. III, 436, 452; St. John Climacus, *Liber ad Pastorem*, P. G., LXXXVIII, 1196.

(b) At the same time, absolution is conceded to penitents not only once, but often. Thus St. Chrysostom received sinners kindly, so that in the Synod at the Oak he was accused by Bishop Isaac

"because he gives license to those sinning, teaching thus: if you have sinned again, repent again; and as often as you have sinned, come to me, I will heal you."[5] St. Basil and St. John Climacus also suppose that monks are absolved rather frequently.[6]

[5] Labbe, *Concilia*, t. II, p. 1328.

[6] St. Basil, *Regulae brevius tractatae*, interrog. 229, 288; P. G. XXXI, 1236, 1285. St. John Climacus, *Scala*, grad. IV, P. G. LXXXVIII, 705.

(c) Soon the privilege once conceded to the dying, namely of receiving absolution immediately after confession had been made, is extended to all the faithful, even those not sick, because, namely, on account of the disturbances of the times, they are in fact in some way in danger of death. Thus among the statutes of St. Boniface (+755) one reads (n. XXXI): "And because by various necessity we are hindered from fully observing the statutes of the canons concerning reconciling penitents, for that reason let them not be altogether dismissed. Let each presbyter take care, immediately after receiving the confession of penitents, that each one be reconciled, a prayer having been given. But to the dying let communion and reconciliation be furnished without delay."[1]

[1] P. L., LXXXIX, 823.

113. 2. Consequences as regards confession. From this change of penitential discipline, between the ninth and twelfth century, certain doubts arose in the mind of the faithful, at least in certain regions, concerning the necessity of confession made to priests: for since this was, as it were, a preparation for satisfactory works, it seemed to some that its obligation ceased once public penance had been abolished. And thus the text of Gratian alleged above is explained. Notwithstanding these doubts of a few, the necessity of confession made to priests did not cease to be preached in the Church.

114. (A) All the Doctors of that time clearly assert this necessity, as is especially clear from the works of Alcuin and the statutes of Theodulph. The former directly expounds the obligation of confessing sins to a priest, and not to God alone.[2] The latter asserts that public crimes are to be wept over according to the institution of the canons and the holy Fathers, but occult sins are to be expiated by private penance; this begins from confession, in which the penitent declares whatever he can remember from youth of all the ways in which he has acted; if he seems entangled by shame or forgetfulness, he must be questioned concerning the eight capital sins, namely gastrimargy (gluttony), fornication, acedia or sadness, avarice, vainglory, envy, anger, pride; afterward, if he promises that he will expiate and avoid the offenses, he is immediately absolved.

[2] Epist. CXII, P. L., C, 338; cf. *De confessione peccatorum ad pueros S. Martini*, P. L., CI, 649. Elsewhere, *De psalmorum usu*, I, 3, 9, P. L., CI, 470, 478, he lists sins about which confessors can question penitents.

It is indeed true that the arguments brought forward by the Doctors at that time to prove the necessity of confession, which they tried to prove directly from the words of Christ and the Apostles, were not apodictic; and therefore Abelard thought that this obligation was only ecclesiastical. But this difficulty vanished when St. Thomas brought forward a valid argument, not indeed directly from the words of the Lord, but indirectly, from the very nature of the power of the keys.

115. (B) The Church herself inculcated this necessity in various ways: (a) by establishing, already from the fifth century, that sacred communion was to be received at certain times, and moreover that the necessity rested on sinners of confessing sins before communion; and therefore by increasing the number of confessors, so that penitents might be able to have recourse to them more easily.

(b) By publishing penitential books, in which it was set forth what penalties corresponded to each sin, and formulas for questioning penitents were handed down.[1] Books of this kind, already received in Ireland and England in the sixth century, were introduced into Gaul and Italy by St. Columbanus at the beginning of the seventh century, and indeed for this end, that it might be shown that the ordinary way of obtaining pardon of sins was private confession, which absolution followed. For this reason confessions now became more frequent, first indeed in monasteries, and soon among the faithful themselves.

[1] You will find some of these books in Morinus, op. cit., Appendix; but especially in H. G. Schmitz, *Die Bussbucher und die Bussdisciplin der Kirche*, 1883; *Die Bussbucher und das Kanonische Bussverfahren*, 1898. Cf. B. Brat, *Les livres penitentiaux et la penitence tarifée*, Brignais, 1910; Tixeront, III, 387 ff. - It is permitted, by way of example, to excerpt a few things from the *Penitential of St. Columbanus* (about A.D. 600): "If therefore someone has sinned by thought, that is, has desired to kill a man, or to fornicate, or to steal, or to eat secretly and become drunk; or certainly to strike someone... let him do penance for greater things for half a year; for lesser things forty days, on bread and water... If someone has stolen, let him do penance for a year. If someone has struck his brother through a quarrel and has shed blood, let him do penance for three years, etc." (P. L., LXXX, 225).

116. (c) By issuing canonical penalties against those who died without confession of sins; thus, for example, the Council of Chalchuth (*Kent*) held in England, A.D. 787, explicitly speaks of confession made to a priest, and inculcates its necessity in these words: "But if anyone (which may it not happen) has departed from this light without penance or confession, prayer is by no means to be made for him."[2]

[2] Mansi, XII, p. 949.

(d) By defining times for confession to be made. According to the rule of Chrodegang, bishop of Metz, canons ought to confess twice in the year to the bishop, once at the beginning of Lent before Easter, and the other time from the middle of the month of August to the Kalends of November.[3] Other councils prescribe times for laymen themselves; thus the Council of Esztergom (Gran), A.D. 1114, establishes that laymen ought to confess sins and receive communion three times in the year, on the feasts of Easter, Pentecost, and the Nativity of the Lord.[4] Hence the Sixth Council of Paris commands priests to remain in their parishes, "lest men without confession and infants without the regeneration of baptism often die."[5] Thus gradually the way was being prepared for the statutes of the Fourth Lateran Council (1215), in which it was decreed that the faithful must confess their sins to their own priest at least once a year.

[3] Mansi, XIV, p. 320.

[4] Hefele, trans. Delarcq, t. VII, p. 128.

[5] Can. 29, in Mansi, XIV, p. 558.

117. Conclusion. (A) Therefore the Church, by her whole manner of acting, professes from the first centuries that sacramental confession is a means divinely instituted, and indeed necessary for

all those who have sinned gravely after baptism. This appears: (a) first indirectly from the fact that confession is held as a prior condition necessary for satisfaction and the absolution of sins; (b) afterward more directly when, penitential discipline having been mitigated, the Church holds confession as a necessary condition for private penance and absolution. If any doubts arose, these are explained both from the reluctance of certain faithful and from the insufficiency of the arguments by which the doctrine was defended; but the Church herself never doubted concerning this obligation.

(B) Nevertheless, a certain progress can and must be admitted in the frequency of confession and in the mode of confessing: for these things, as not having been distinctly declared by Christ, were left to the authority of the Church to be defined according to the diversity and opportuneness of times.

118. Thesis II: Secret or auricular confession, which alone prevails today, was also in use from the beginning. It is certain.

To prove the thesis, we shall use the ascending method, namely by establishing that the matter is already altogether certain from the fifth century, and by going back from this century to apostolic times.

119. 1. That in the fifth century private confession was in use is most certainly clear from the testimony of St. Leo the Great. For when the Pontiff heard that some priests had publicly read the sins of penitents written in little books, he condemns this practice as an illicit usurpation, contrary to the apostolic rule; "since it suffices that the guilt of consciences be indicated to priests alone by secret confession." For although it is lawful for penitents publicly to confess certain sins, for the sake of humility, nevertheless this is by no means prescribed, lest in this way some be kept away from confession: "For that confession suffices which is first offered to God; then also to the priest, who comes as intercessor for the offenses of penitents. For then more persons will be able to be provoked to penance, if the conscience of the one confessing is not published to the ears of the people."[1] From this it follows that already in the time of St. Leo there was a twofold sacramental confession, public, which was sometimes permitted to the faithful, and private or auricular, which was prescribed to sinners.

[1] Epist. 168 to the bishops of Campania, P. L., LIV, 1211.

120. 2. In the fourth century secret confession also prevailed, although sometimes occult sins were indirectly disclosed by the reception of public penance.

(A) That confession is secret is testified, among others, by St. Aphraates (above, n. 108), who, addressing priests, commands them not to manifest to others the sins revealed in confession: "And when he shall have revealed it (the spiritual infirmity) to you, do not publish it, lest on account of him the innocent be judged by enemies and by those who hate us to be in fault."[2] - St. Ambrose himself heard confessions secretly; for Paulinus, deacon, writes these things about him in the Life of this saint:[3] "He was also rejoicing with those who rejoice and weeping with those who weep; since as often as anyone, for receiving penance, had confessed his falls, he wept in such a way that he

compelled that man also to weep... But the causes of the crimes which they confessed to him he spoke to no one except to the Lord alone, before whom he interceded."

[2] Demonstration VII, n. 3-4 (*Patrol. syriaca*, edited by Graffin, t. I, p. 318-319).

[3] P. L., XIV, 40.

The same is confirmed by the institution of penitentiaries, or priests whose special office was to hear private confessions.

(B) Nevertheless, although confession in itself was occult, sometimes the sinner, by undertaking public penance, by that very fact indirectly confessed before the Christian community that he was guilty of grave offenses.[4] Likewise the imposition of canonical penalties, for example the deposition of a cleric, likewise indirectly manifested even occult offenses. For then the internal forum was not wholly distinguished from the external forum: Christians, considering themselves mutually as members of the same body, manifested their sins less unwillingly, so that, aided by the prayers and satisfactions of the brethren, they might more easily obtain the mercy of God.

[4] Sometimes also the sin of an accomplice was indirectly betrayed, as happened in the time of Nectarius (391) in the church of Constantinople, where, on the occasion of the confession of a certain woman, the grave offense of a certain deacon who had sinned with her became known. To forestall such abuses, Nectarius abolished the office of penitentiary, indeed, according to some, the obligation itself of confessing sins before communion. Whatever the case, this abolition was not long-lasting; for the successor of Nectarius, St. John Chrysostom, exhorted sinners to confess sins and to perform private penance for them. Cf. Batiffol, op. cit., p. 149 ff.; P. Galtier, *S. Jean Chrysostome et la confession*, in *Recherches de Sc. Relig.*, 1910, pp. 209, 313.

121. 3. In the third century, the same is clear from various testimonies. Thus Origen writes concerning private confession, which precedes public penance:[1] "Only look around more diligently to whom you ought to confess your sin. First prove the physician to whom you ought to expose the cause of your sickness... If he shall have understood and foreseen that your sickness is such that it ought to be exposed and cured in the assembly of the whole Church, from which perhaps others also will be able to be edified and you yourself easily healed, this must be provided with much deliberation and with the sufficiently skilled counsel of that physician"; from which it is clear that already in the time of Origen there was a distinction between public and private confession, and that both were in use.

[1] Homil. II on Ps. 37, n. 6, P. G., XII, 1386.

Likewise St. Cyprian supposes that confession is secret when he speaks of those who, "although bound by no crime of sacrifice or certificate, nevertheless, since they even thought about this, sorrowfully and simply confess this very thing before the priests of God, making exomologesis of conscience."[2]

[2] *De lapsis*, 28, P. L., IV, 488; Joumet, *Enchiridion*, n. 553.

As regards the second century, we indeed do not find an explicit testimony, since the text of St. Irenaeus alleged above, n. 105, can equally be understood of public or secret confession. But, since already in the third century private confession was in use among the Greeks and Latins, and no trace is found of any change concerning this matter, it is rightly inferred that it ascends to apostolic times, as St. Leo in fact teaches, n. 119.

122. Conclusion. (a) Therefore private confession was always in use, although it was not absolutely secret, since sins were in some way indirectly manifested by the imposition of public penance. By this manifestation Christian humility and solidarity were fostered, namely while all the faithful helped the penitents by prayers and works. Nevertheless there were not a few inconveniences: some were deterred from confession by shame, others stirred up scandals by indiscreet confession.

(b) To remove these abuses, the Church gradually abolished public confession and afterward public penance; thus the rights of each Christian were preserved more safely, and gradually the faithful approached the sacred tribunal more frequently.

123. The whole argument is contracted. First indeed Protestants asserted that Innocent III was the inventor of confession and had promulgated its necessity in the Lateran Council (1215). But it has been historically proved that entire treatises concerning sacramental confession were published long before Innocent, that not a few Councils established statutes concerning its utility or necessity, and that in penitential books, Greek and Latin, the whole order of confession had been described, with a catalogue of sins, even occult ones, and of the penalties inflicted on them. Defeated in this matter, some contended that auricular confession was brought into the Church by Leo the Great (+461); but no less clearly it has been shown, from the Fathers both Latin and Greek, and from the very institution of penitentiaries, that secret or auricular confession was in use in the earlier centuries, namely the fourth and third. But since in the second century there is already speech of confession, nothing prevents us from admitting that this was sometimes occult. Besides, public confession itself, then certainly prevailing, was truly sacramental, since it was ordered to obtaining pardon of sins, by means of penance imposed by priests. Thus, proceeding from clearer testimonies to more obscure ones, it is historically demonstrated that sacramental confession was employed in the Church from the beginning, and that it flows from Christ, since it is indivisibly connected with the power of the keys which the Lord handed over to the Apostles.

§ III. The Utility of Confession Is Shown by Reason.

124. Once the divine institution of confession has been posited, its fittingness can be shown:

[1] P. Felix, *De la confession: pourquoi on se confesse et pourquoi on ne se confesse pas?* Paris, 1892; Bougaud, *Le Christianisme et les temps presents*, 6th ed., 1902, t. V, ch. 6, p. 145-182.

1. On the part of God. For sin includes an act of pride and disobedience which must be repaired; but it cannot be repaired in a better mode than by sincere confession of sins. For he who had said at least equivalently: I will not serve, by confession subjects himself to God, saying: I have sinned; and, reconsidering his offenses in the bitterness of his soul, and opening them candidly and humbly to the minister of God, he tames pride and compensates, insofar as can be done, for the offense inflicted upon God: since "a contrite and humbled heart, O God, thou wilt not despise."
2. On the part of man. (a) Confession gives peace and security to souls; one of the chief goods which we can enjoy is certainly peace of soul; but the sinner can scarcely find peace and

security of soul except in sacramental confession. For although he tries to conceive sorrow for sins and to satisfy for them, nevertheless he does not know whether he is worthy of love or hatred, for no one is a judge in his own cause; on the other hand, if he opens all grave sins to God's minister by humble confession, the latter can judge concerning them, and also concerning the dispositions of the penitent and the equity of satisfaction already performed or to be performed, and thus the anguish of soul and remorse of conscience vanish.[2] (b) Likewise confession deters from sins: for if the land is desolated with desolation because there is no one who reflects in his heart, he who frequently examines his conscience in order to confess all sins committed by himself escapes a danger of this kind; since by scrutinizing conscience, he sees and flees the occasions of sinning, and learns the means for overcoming temptations; besides, the obligation of opening all things, even the most secret, makes him more watchful, so that there is no more efficacious restraint for coercing sinners than sacramental confession. (c) Confession also greatly promotes the practice of virtues: for since we are weak and inconstant, we need a friend and guide in the spiritual life: "We fluctuate among various counsels," says Seneca (Ep. 52); "we will nothing freely, nothing absolutely, nothing always. No one by himself is strong enough to emerge; someone must stretch out a hand, someone must lead him out... There is need not only of a guide, but of a helper and, so to speak, a co-actor." But in sacramental confession we find a most faithful friend, to whom, under the inviolable seal of secrecy, we can open the offenses, infirmities, and wounds of the heart; a spiritual guide who will teach us the ways of the Lord, by showing what we ought to avoid and what to do, not in a general mode, as happens in preaching, but in a special mode, accommodated to our infirmities, according to that saying: "Arise, and enter into the city, and there it shall be told thee what thou must do";[1] a helper, who, burning with zeal for God, will, as it were, compel us to expel vices and cultivate virtues.

[2] Not a few Protestants candidly acknowledge this, for example E. Naville (in de Baudry, *La Religion du Coeur*, p. 84 ff.): "For what sinner has not turned the eyes of cupidity toward the tribunal of penance? Who has not desired, in the bitterness of his soul and the uncertainty of divine remission, to hear from the mouth of him who is a participant in Christ's authority these words: Go in peace, thy sins are forgiven thee?"

[1] Acts 9:7.

Hence Leibniz says:[2] "But that this whole institution is worthy of divine wisdom cannot be denied, and, if anything else, certainly this is illustrious and praiseworthy in the Christian religion, which even the Chinese and Japanese have admired; for the necessity of confessing deters many from sins, especially those who have not yet been hardened, and gives great consolation to the fallen, so that I think a pious, grave, and prudent confessor is a great instrument of God for the salvation of souls; for his counsel is useful for ruling the affections, for noticing vices, for avoiding occasions of sins, for restoring what has been taken... for removing doubts, for lifting up the afflicted mind, and finally for taking away or mitigating all evils; and since scarcely anything more excellent than a faithful friend is found in human affairs, of how great value is it when, by the inviolable religion itself of the divine sacrament, one is bound to keeping faith and bringing help?"[3]

[2] *Systema theol.*, Paris, 1819, p. 270.

[3] And not otherwise do not a few modern Anglicans speak, among whom H. P. Liddon, as is clear from his letters:

"Christ Church, Oxford, March 1883. - Dearest X., From the year 1847 I have gone to a confessor as often as I have had need, and this has never displeased me. Nothing better which may restore the soul seems able to exist: and absolution, which follows confession, is a more direct and authentic form of the power of absolving than those more universal formulas which are used in the daily office and in the administration of the Eucharist. I have also experienced, as far as I am concerned, that the doctrine of Bishop Butler with respect to following the safer way concerning the manner of conducting oneself most openly confirms this practice... The earthly minister, who imparts absolution, is undoubtedly finite and imperfect, whereas Our heavenly High Priest is infinitely understanding and good. Nevertheless this minister, by force of the mission received from Christ, comes to our aid, so that, with every effort of heart and soul, we may repent of our sins, if we wish, which by our own powers we would fulfill with difficulty."

3. On the part of society. For society can scarcely stand secure without the observance of laws; but confession is of great service for the observance of laws. For a prudent confessor urges the observance of human laws together with divine ones, rightly orders domestic society, which is the foundation of civil society, settles lawsuits and dissensions, reconciles enemies, procures restitution of goods taken away, prevents or repairs scandals; indeed confession greatly promotes that equality of which our age boasts, since the law of confessing affects all, kings or presidents as much as subjects, nobles and the rich as much as the poor, and in the sacred tribunal no distinction is made between penitents of diverse condition.[1]

[1] Infidels and Protestants have acknowledged this social utility of confession; thus Voltaire, *Diction. philos.*, art. catech. du Cure; the Protestant author of the work *Letters of Atticus*, letter 5.

125. The adversaries indeed object that sacramental confession provides an occasion for many abuses and is often pernicious equally to penitents and ministers. - Resp. We concede that sometimes abuses creep into this practice *per accidens*, but rarely; for the Church, both by punishing with grave penalties those soliciting to shameful things, and by excommunicating those absolving an accomplice in a shameful sin, and by compelling those who have been solicited to evil to denounce the confessor, has wisely provided lest such abuses be multiplied. But the few inconveniences which sometimes arise from the frailty or perversity of men cannot be a sufficient reason why an institution should be destroyed which otherwise confers so many and so great benefits both on private persons and on society itself; for if things which men abuse had to be removed immediately, what at last would remain in civil or ecclesiastical society?

Art. II. On Contrition

126. Tridentine doctrine. For obtaining the remission of sins through the power of the keys, confession does not suffice, but contrition is required, as Trent rightly teaches:[1] -

[1] Trent, sess. XIV, ch. 4.

"Contrition, which holds the first place among the aforesaid acts of the penitent, is sorrow of soul and detestation concerning sin committed, with the purpose of not sinning henceforth. But at every time, for obtaining pardon of sins, this motion of contrition was necessary; and in a man fallen after Baptism, only then does it prepare for the remission of sins, if it is joined with confidence in divine mercy and the intention of furnishing the remaining things which are required for rightly receiving this sacrament...

"It teaches, furthermore, that although it sometimes happens that this contrition is perfected by charity, and reconciles man to God before this sacrament is actually received; nevertheless the reconciliation itself is not to be ascribed to that contrition without the intention of the sacrament which is included in it. But that imperfect contrition, which is called attrition, since it is commonly conceived either from consideration of the turpitude of sin, or from fear of hell and punishments, if it excludes the will of sinning, with hope of pardon, it declares not only does not make a man a hypocrite and a greater sinner, but is also a gift of God and an impulse of the Holy Spirit, not indeed as yet inhabiting, but only moving, by which the penitent, helped, prepares for himself the way to justice. And although without the sacrament of Penance it cannot by itself lead the sinner to justification, nevertheless it disposes him to obtaining the grace of God in the sacrament of Penance. For, usefully shaken by this fear, the Ninevites, at the preaching of Jonah full of terrors, did penance and obtained mercy from the Lord. Wherefore certain persons falsely calumniate Catholic Writers, as if they had handed down that the sacrament of Penance confers grace without a good motion in those receiving it, which the Church of God has never taught or thought; but they also falsely teach that contrition is extorted and coerced, not free and voluntary."

Two things especially are set forth in this Tridentine declaration: 1. the nature and necessity of contrition; 2. its efficacy for remitting sins with or without the real reception of the sacrament of Penance.

§ I. Nature and Necessity of Contrition.

127. Notion of contrition. (A) Contrition, from the word to crush, etymologically designates the action by which a solid body is reduced to the smallest parts; but metaphorically it designates that disposition by which the heart hardened by sin is broken and softened.

[1] St. Thomas, Suppl., q. 1, a. 1; Suarez, disp. IV; Salmanticenses, disp. VII; Bellarmine, bk. II, ch. 4; Drouin, q. IV, ch. 1; Billuart, diss. IV, a. 1; de Augustinis, p. I, a. 4; Palmieri, th. 30; Billot, th. 12; L. de San, n. 473 ff.

Hence the Roman Catechism (*De Paenit.*, n. 33): "Rightly, however, the name contrition was imposed on detestation of sin... to signify the force of sorrow, the likeness being drawn from corporeal things which are broken little by little by a stone or some harder material: so that by this word it might be declared that our hearts, which have been hardened by pride, are bruised and crushed by the force of penance." It is also called compunction of heart, because just as swollen ulcers are cut by iron, so hearts, as if a scalpel of contrition has been applied, are incised, so that they may be able to draw out the deadly poison of sin; wherefore it has also been called a rending of the heart by the prophet Joel: "Be converted to me with all your heart... and rend your hearts."[2]

[2] Joel 2:12.

(B) As to the thing, contrition is defined by Trent:[3] "sorrow of soul and detestation concerning sin committed, with the purpose of not sinning henceforth." It is said (a) sorrow of soul, or affliction, sadness, inwardly distressing and crucifying the soul; for since sin is the highest moral evil, the sinner sincerely returning to God cannot but be sad concerning the offenses committed by himself. This sadness indeed, although primarily internal, is commonly manifested outwardly; yet tears or other signs of grief of this kind are not required, since the will can sincerely grieve without such signs being exhibited.

[3] Sess. XIV, ch. 4.

(b) Detestation concerning sin committed, that is, hatred of sin, proceeding from knowledge of its malice and evil effects, joined with retraction of the depraved will, so that the sinner sincerely says: if I could act anew, I would wish not to have sinned. Sorrow and detestation are so connected that one who detests his sin grieves over it, and one who grieves over it necessarily detests it; namely, according to the common opinion, sorrow is the consequence of detestation, just as delight follows love; first indeed we detest sin, because we apprehend it as evil; then, conceiving that evil to be present, whether in itself or in its consequences, we grieve over it. Hence in the Blessed hatred of sin exists without sorrow; for they do not apprehend sin as truly present, since they are now immune from sin and its consequences.

(c) With the purpose of not sinning; for true penance regards not only past faults as to be abolished, but also future faults as to be forestalled; for no one truly detests sins unless by that very fact he wills to avoid them in the future: if he should be unwilling to avoid them, he deserves not pardon, but indignation.

128. Thesis: True contrition, such as was defined above, is necessary for obtaining pardon of sins, whether within or outside the sacrament.

1. Scripture. This is clear from all the texts brought forward above, where we treated of the necessity of penance, n. 9-10. For the penance which is there required as a necessary condition for justification is nothing other than conversion to God, aversion from the way of iniquity, change of heart and life, a contrite and humbled heart. All these things indeed suppose sorrow of soul and detestation of sin, with the purpose of amendment.

This disposition indeed, even after the sacraments have been instituted, remains necessary; for when Jews or Gentiles are converted to the Christian faith, the first disposition required from them after faith is penance or contrition: "Do penance, and let every one of you be baptized... Do penance therefore, and be converted, that your sins may be blotted out... Do penance therefore from this thy wickedness; and pray to God, if perhaps this thought of thy heart may be remitted to thee... Therefore God has also given to the Gentiles penance unto life."[1] - Wherefore the Apostle rejoices that the Corinthians were made sorrowful unto penance: "Now I rejoice, not because you were made sorrowful, but because you were made sorrowful unto penance... For the sorrow which is according to God works penance unto stable salvation."[2]

[1] Acts 2:38; 3:19; 8:22; 11:18.

[2] 2 Cor. 7:9-10.

129. 2. By Tradition. For the whole penitential discipline which we explained above (n. 57 ff.) had been instituted for this end, that by frequent reconsideration of sins and laborious expiation of them, and also by the prayers of the Church, sorrow of soul and detestation of sin and the desire of amending life might be vividly stirred up in penitents. This indeed is clear both from the testimonies already brought forward (n. 57 ff.) and from the following.

St. Justin indeed asserts that God concedes pardon to penitents from mercy; but at the same time he teaches that those are deceived who say that, even if they are sinners, God will nevertheless not impute sin to them, provided they know Him. He proves this by the example of David, who was justified only by contrition. "But if," he says, "remission was not granted before penance was done to such a man, but only then when that great king and anointed one and prophet so wept and so conducted himself, how can impure and utterly lamentable men, unless they lament and mourn, have hope that the Lord will not impute sin to them?"[1]

[1] *Dialogus cum Tryphone*, n. 141; P. G., t. VI, p. 798-799.

130. Thus also Tertullian, by the example of the prodigal, shows that God spares the sinner, "but if he repents from the soul, if he compares his hunger with the plenty of his father's hired servants, if he leaves the unclean herd of swine, if he seeks again the father, even offended."[2] Likewise St. Cyprian promises pardon to penitents, "penance having been done and detestation of their deeds having often been professed, if by tears, if by groans, if by weeping, they shall have shown signs of a sorrowing and truly penitent soul."[3] Nor otherwise does St. Ambrose: "And if you weep most bitterly, Christ will look upon you, guilt will depart. For the practice of sorrow abolishes the luxury of crime, the delights of error. Thus, while we grieve over the things admitted, we exclude things to be admitted, and there comes to be from the condemnation of fault a certain discipline of innocence."[4] Elsewhere he teaches the necessity of this penance thus: "For penitence is necessary for the fallen, just as medicines are necessary for the wounded. But how great, do you think, and what kind of penance is necessary? One that either equals the crimes, or certainly exceeds them... When with firm faith you have conceived in your soul that this is certain, as it is, that it is necessary for a prevaricating soul to be handed over to Tartarean punishments and to the fires of Gehenna, and that no other remedy has been established after one baptism than the solace of penance, be content to undergo however great affliction, however great labor, provided you are freed from eternal punishments."[5]

[2] Tertullian, *De Paenit.*, ch. 8, P. L., t. I, p. 1243.

[3] Ep. XXXI, P. L., t. IV, p. 313.

[4] *De Paenitent.*, bk. II, ch. 10; P. L., t. XVI, p. 519.

[5] *De lapsu virginis*, n. 33-34, P. L., t. XVI, p. 376-377.

St. Chrysostom published an entire treatise on Compunction, where, among other things, he has these words: "For what need is there, tell me, of bodily strength, when we must crush the heart, when we must pray watchfully, when we must reconsider sins, put down arrogance and swelling, depress the mind? These indeed are the things which placate God toward us, nor do they need much labor." Afterward he declares the necessity of this penance; for this becomes possible, indeed easy, if we think, he says, that impenitent sinners are damned to Gehenna; "if we always have Gehenna before our eyes, and also the angels then running everywhere through places, and gathering from the whole world those who are to be led away into Gehenna; if we also think how great an evil it is, Gehenna being set aside, to be excluded from the kingdom of heaven."[1]

[1] St. Chrysostom, *De Compunctione*, bk. I, n. 10; P. G., t. XLVII, p. 410.

Therefore the Fathers teach two things, namely that contrition is situated in the retraction of sin and amendment of life; and that this is necessary for salvation.

§ II. Efficacy of Contrition with or without Absolution for Remitting Sins

131. Historical exposition. From the things said up to this point it is certainly clear that a Christian guilty of mortal fault cannot be justified unless he fulfills two conditions: that he have contrition and that he subject himself to the power of the keys. But, already from the fifth century, the question was agitated: what are the parts of contrition, and what are the parts of absolution, in the remission of sins?

(A) St. Augustine asserts the efficacy of contrition and of absolution together, but declares the parts of each only by comparison: just as, he says, Lazarus, raised from the dead, remains entangled in bonds until Christ commands him to be loosed, so the sinner, cleansed from sins through contrition, remains bound in some way by bonds until the Church looses him by absolution.[2]

[2] Sermon 67, P. L., XXXVIII, 434.

(B) The Scholastics tried to refine this explanation, too obscure and vague, by distinguishing between perfect and imperfect contrition, absolution in reality and in desire, yet in different ways.[3]

[3] See their opinions set forth in *Dict. de Theol.* (*Absolution*), I, 171-182.

(a) Hugh of St. Victor declares that sins are not remitted by contrition unless the intention of receiving absolution is added; but by absolution remission of eternal punishment is conceded.[4] Yet this is false, since mortal sin cannot be remitted unless eternal punishment annexed to it is simultaneously remitted.

[4] "The impiety of sin is most rightly taken as hardness of heart, which first is loosed in compunction, so that afterward in confession the sin itself, that is, the debt of damnation, may be absolved." (*De Sacramentis*, bk. II, p. XIV, ch. 8, P. L., CLXXVI, 564-570).

(b) Peter Lombard taught that by perfect contrition sin is remitted as to guilt and punishment, but that by absolution the sins authentically remitted are shown.[1] This opinion indeed was preparing the way for the error of Protestants, by asserting that the force of absolution is declaratory only.

[1] "They [priests] forgive or retain sins, when they judge and show that they have been forgiven by God or retained." (Bk. IV Sent., dist. XVIII, P. L., CXCII, 885-889).

(c) William of Paris came nearer to the truth: he asserts that a certain attrition, or unformed contrition, that is, not informed by charity, does not suffice by itself for justification, but is a prior disposition which is easily converted into contrition informed by charity, and thus induces the remission of sins; but absolution breaks the bonds of sins in those who once enjoy gratuitous grace.[2]

[2] William, *De sacram. paenitentiae*, ch. 5-8, among *Opera*, Paris, 1676, t. I, p. 462-473.

(d) St. Thomas distinctly sets forth the difference between contrition perfected by charity and attrition, and also that the latter suffices for the remission of sins when absolution is added: "When someone approaches confession attrite, not fully contrite, if he does not place an obstacle, in this very confession and absolution grace and remission of sins are given to him."[3] He adds however (which is rejected today) that attrition does not suffice of itself, but by reason of good faith, so that if someone

is conscious of this defect, he ought to accuse it as pretense. Moreover, he teaches that grace is increased by absolution, if this is already had.

[3] St. Thomas, in IV Sent., dist. 22, q. 2, a. 1; cf. Supplementum, q. 10, a. 1; q. 18, a. 1.

(e) Scotus proceeded further, teaching that even a small attrition, namely that which is conceived from fear of hell, suffices for the remission of sin when absolution is added, provided that the penitent actually does not adhere to sin: "Small attrition, even one which does not have the character of merit for the remission of sin, willing nevertheless to receive the sacrament of penance, as it is dispensed in the Church, and without an obstacle in the will of mortal sin... receives the effect of the sacrament, namely penitential grace, not indeed from merit... but from the covenant of God assisting His sacrament."[4]

[4] Scotus, IV Sent., dist. 14, q. 4, n. 7.

Conclusion. Gradually scholastic doctrine was refined by the theologians of a subsequent age; today it is commonly admitted that by perfect contrition, with the intention of receiving the sacrament, the sinner is immediately justified, and nevertheless absolution is not useless, since this increases grace in those justified; moreover, attrition suffices with the real reception of absolution. Thus are reconciled the things which the primitive Church had already implicitly inculcated by her practice, namely the necessity and efficacy both of contrition and of absolution. Thus also it appears better how the Sacrament of Penance is at once a remedy for sinners, and for the fervent an efficacious means of spiritual progress.

132. Doctrine commonly received today. A twofold contrition is distinguished, perfect and imperfect: the former, which is perfected from the motive of charity, and suffices for justification even without the real reception of the sacrament; the latter, which is conceived from a motive different from charity, for example, from the turpitude of sin or fear of punishments, and does not suffice for justification unless at the same time the Sacrament of Penance is received. - A few things therefore must be recalled to memory concerning charity, or concerning the love of God: for perfect contrition corresponds to perfect charity, and imperfect contrition corresponds to imperfect charity or to fear.

(A) A twofold love of God can be distinguished: (a) imperfect love, or mercenary love, which theologians call the love of hope or of concupiscence, by which, namely, God is loved above all desirable things, not on account of Himself, but on account of the goods which He bestows, not because He is good in Himself, but because He is good to us, indeed the highest good, by the fruition of whom we shall someday be blessed; (b) perfect love, or gratuitous love, by which God is loved on account of Himself and above all things; this likewise is twofold: the love of benevolence, by which we love God as infinitely perfect, rejoice together in His perfections, and wish good to Him, namely by desiring Him to be known and loved by all; and the love of friendship, which, besides benevolence, imports mutual love, or a return of love, insofar, namely, as he who loves is loved by God. It must be noted, however, that the motive of the love of friendship is the infinite goodness of God in Himself, and not His goodness toward us; or in other words, by the love of friendship we love God on account of Himself, knowing nevertheless that God loves those who love Him; hence the mutual return of love is not the motive of friendship, but only one of its conditions.

(B) Now, since it belongs to the same virtue to pursue one of two opposites and to flee the other, so it belongs to charity to love God and to detest sin, insofar as it is opposed to God: therefore there are as many species of contrition as there are species of love. These things being posited, it is certain that the contrition which is conceived from perfect love, whether of benevolence,[1] provided it is supernatural and above all things, or of friendship, is perfect, and immediately remits sins; thus, for example, he who grieves over sin insofar as it is an offense of God, the Highest Good and loved above all things, has perfect contrition.[2] But it is controverted whether contrition conceived from the love of hope and of gratitude, or from the virtues of penance, obedience, or religion, suffices for contrition, as will be explained below.

[1] A few theologians have said that the love of benevolence does not suffice for perfect contrition, but they are deceived, thinking that love of this kind either is not supernatural, or, if it is supernatural, is not above all things.

[2] But theologians dispute whether it is necessary that that contrition proceed from the motive of infinite goodness, insofar as it is the aggregate of all perfections, or whether it suffices that it be elicited from the motive of any divine attribute offended, for instance mercy, wisdom. In our judgment, the question is more speculative than practical; for of themselves all the divine attributes are connected with His infinite goodness, and moreover he who detests sins as injuring one of the divine attributes does not exclude the other attributes, and consequently has truly perfect contrition.

Moreover, for justification there is not required an intense, or vehement, act of contrition, whatever certain ancient theologians said to the contrary; for provided that contrition is appreciatively highest, that is, provided that someone grieves over sin as the highest evil, it suffices for the remission of sins, although it is not very intense: "however small the sorrow may be," says St. Thomas,[3] "provided it suffices for the character of contrition, it blots out every fault."

[3] Suppl., q. 5, a. 3.

Division. These things having been noted beforehand, we shall prove three things: 1. that perfect contrition justifies the sinner without the real reception of the sacrament; 2. that attrition suffices with absolution for justification; 3. that attrition consequently is truly useful, and not a hypocrisy to be condemned.

133. Thesis I: Perfect contrition remits grave sins, without the real reception of the Sacrament of Penance, yet not without the intention of it. It is certain.

(A) For Trent expressly proposes this:[1] "It teaches, furthermore, that although it sometimes happens that this contrition is perfected by charity, and reconciles man to God... nevertheless the reconciliation itself is not to be ascribed to that contrition without the intention of the sacrament which is included in it."

[1] Sess. XIV, ch. 4.

(B) Scripture teaches in many ways that those who are converted to God with their whole heart, and truly love Him, are immediately justified, or obtain the remission of sins: (a) "I love those who love me";[2] "The impiety of the wicked will not harm him, on whatever day he shall have been converted from his impiety."[3] Hence thus: in the Old Testament adult sinners were able to obtain the remission of offenses without the Sacrament of Penance, which did not yet exist; otherwise they could not have been saved. But if they could obtain this, certainly it was through the noblest act, such as penance perfected by charity is; for the texts adduced demonstrate that God loves, and consequently adorns

with sanctifying grace, those who love Him, and remits the impiety of those who are converted to Him; therefore. (b) Nor does the matter stand otherwise in the New Law, after the Sacrament of Penance was instituted; for Christ, without any restriction, said to His disciples: "If anyone loves me, he will keep my word: and my Father will love him, and we will come to him and make our abode with him";[4] from which it is clearly gathered that he who loves Christ immediately enjoys the divine indwelling, which is not had without habitual grace. The words of John prove the same: "God is charity; and he who remains in charity remains in God, and God in him."[5] This is confirmed by the words of Christ to the sinful woman:[6] "Many sins are forgiven her, because she has loved much."

[2] Prov. 8:17.

[3] Ezek. 33:12.

[4] John 14:23; cf. John 14:21.

[5] 1 John 4:16.

[6] Luke 7:47.

In vain the adversaries object that the sins had not been remitted before Christ said: sins are forgiven her, and consequently that charity does not justify of itself, but only when the words of the Lord are added. For such words merely declared that the woman's sins had already been remitted, as is clearly gathered from the Greek word *apheontai*, which is of the past tense and signifies they have been remitted; therefore it remains that her offenses were pardoned from the fact that she had loved much.[1]

[1] The thesis could be confirmed from the Fathers, namely from texts where they affirm the efficacy of penance for obtaining the remission of sins. Cf. Tertullian, *De paenit.*, ch. 4, P. L., t. I, p. 1233; St. Cyprian, *De Lapsis*, ch. 36, P. L., t. IV, p. 493; St. Pacian, ep. 3 to Sympronian, n. 8, P. L., t. XIII, 108; St. Chrysostom, In II Timoth., homil. 7, n. 3, P. G., t. LXII, p. 640, etc.

(C) Reason itself shows the fittingness of this matter. For although perfect contrition of itself cannot adequately compensate for the offense inflicted on God by mortal sin, nor merit the remission of mortal sin, nevertheless it befits God to grant indulgence to the contrite of heart; for such a disposition is the most perfect that can be had by sinners, and since it imports pure love of God, it very well disposes them to divine friendship; hence, in the Old Law, from the mercy of God, it sufficed for justification; but the institution of the Sacrament of Penance did not lessen the force and efficacy of charity, nor make the way of salvation narrower, but rather rendered it easier; therefore it is reasonably asserted that perfect contrition immediately justifies.

134. We said, however, not without the intention of the sacrament, because, from the things said, since sacramental confession is necessary in the New Law, the sinner cannot truly be contrite unless he wills to subject his offenses to the power of the keys. Yet it is not required that such an intention be explicit; an implicit one suffices, such as is found in the general will to fulfill all things that are necessary for salvation. From this likewise it follows that a man thus justified is bound to accuse to the priest, at a suitable time, his mortal sins already remitted through contrition, yet not as soon as possible; otherwise the intention would not be sincere. But the absolution of the priest in this case must not be called useless; namely, it will produce grace *ex opere operato*, which indeed will not remit sins, nor make the penitent from unjust to just, but from just more just. Besides, by accusing such sins, the penitent humbles himself before God

and the Church, becomes more secure concerning the remission of sins, offers satisfaction for his sins, receives counsels, and, by completing sacramental penance, is at least partially freed from the punishment perhaps still due. Nor are examples of Scripture lacking, in which a similar recourse is commended. Christ sent to the priests the ten whom He had already healed of leprosy,[1] and commanded Paul, already justified by perfect contrition, to go to Ananias.[2]

[1] Luke 17:14.

[2] Acts 9:7.

135. Disputed question. But it is doubted whether other motives, besides perfect charity, suffice for perfect contrition, and for the remission of sins outside the sacrament. Commonly theologians deny it. Yet Scotists say that the motive of perfect contrition is every motive which looks to God, for example, one which is taken from the virtues of penance, religion, or obedience: for by these virtues we detest sin as an offense against God, and as opposed to His rights and will. But this suffices for perfect contrition. - Suarez and Card. de Lugo hold this opinion as probable, although they do not embrace it.[3] Certain more recent authors also favor this opinion, Hurter, Palmieri, Egger, according to whom the love of hope and of gratitude can suffice for perfect contrition.[4] Indeed this love, as most noble, is commended by Sacred Scripture; indeed scarcely is found, either in the Sacred Letters or among the Fathers, an expression of charity toward God which is not informed by this motive; thus the Psalmist said: "As the hart longs for the fountains of waters, so my soul longs for thee, O God";[5] where love of God is shown as He is good for us; likewise St. Paul:[6] "having a desire to be dissolved and to be with Christ"; which words are referred to the love of hope. Moreover that love is very perfect, and gives the greatest glory to God: for if we love Him as our beatitude, by that very fact we testify that He alone is so perfect that He is able to beatify us.

[3] Suarez, disp. IV, sect. 2, n. 13; Lugo, disp. V, sect. I, n. 3.

[4] Hurter, n. 570; Palmieri, th. 22; Genicot, n. 269.

[5] Ps. 41:2.

[6] Phil. 1:23.

Whence we judge this opinion to be very consonant with divine mercy; and, if admitted, it is far better understood how Jews, who were of stiff neck, could have been justified without a sacrament, and in like manner how non-Catholics, who are in good faith, can obtain pardon of their sins: for an act of love is much more easily elicited from gratitude and hope than from the divine goodness considered in itself. Nevertheless this opinion is not common,[7] and in practice effort must be made to ascend from the love of hope and gratitude to the love of charity. This, moreover, is not so difficult; for contrition perfected by charity can stand together with sorrow over sins conceived from other less perfect motives, namely hope, gratitude, fear of punishments; indeed commonly the soul, almost step by step, from lower to higher motives. This can be inferred from Trent (sess. XIV, ch. 4), where concerning fear of punishments it is said: "For, usefully shaken by this fear, the Ninevites, at the preaching of Jonah full of terrors, did penance and obtained mercy from the Lord."

[7] Cf. Lugo, disp. V, sect. I, n. 3, and Billot, th. 13.

136. Thesis II: For obtaining the remission of sins by the power of the Sacrament of Penance, perfect contrition is not required, but attrition suffices. It is certain against certain older theologians (above, n. 131).

1° The thesis is explained. Imperfect contrition is called attrition; for, as St. Thomas says,[1] in corporeal things those things are called attrite which have been diminished in some way, but not yet perfectly broken into pieces, while those things are called contrite which by division are reduced to the smallest parts; and therefore attrition, in spiritual things, signifies a certain displeasure concerning sins committed, but not perfect; contrition, however, signifies perfect displeasure. - It can be defined as sorrow and detestation of sin proceeding from a supernatural motive, distinct from charity.

[1] St. Thomas, *Supplementum*, q. 1, a. 1.

According to Trent,[2] supernatural attrition can be conceived especially from a twofold motive, "either from consideration of the turpitude of sin, or from fear of hell and punishments"; moreover, fear of hell also involves fear of losing eternal beatitude, as the same Council teaches elsewhere.[3] The first motive is nobler, since it considers sin as opposed to the rectitude of the moral order; but that consideration must be supernatural, namely founded upon motives known by faith, for example, from the fact that mortal sin is injustice against God, disobedience, ingratitude, something unworthy of a Christian man, defiling the soul, etc. - Yet the latter motive, namely fear of hell or of supernatural punishments, although less noble, is nevertheless good and useful. To understand this, a twofold fear of God can be distinguished: filial, or chaste, fear, by which someone fears to offend God from love and reverence; and servile fear, by which God is feared on account of the punishments which He threatens. This latter is likewise subdivided: one is simply servile, by force of which someone not only abstains from the evil deed but also lays aside affection for sin; the other is servilely servile, when someone avoids the evil work, yet retains the affection for sin. Now filial fear is certainly good and honorable, while on the contrary servilely servile fear is evil, since it retains affection for sin.

[2] Trent, sess. XIV, ch. 4.

[3] Ibid., can. 5.

137. 2° The thesis is proved. (A) It is clear from Trent: (a) from the text cited above, n. 126; for there it is declared that contrition is twofold: perfect, which reconciles the sinner to God before the sacrament is actually received; imperfect, or attrition, which "disposes him to obtaining the grace of God in the sacrament of Penance."

We do not deny that certain rigid authors understood the word disposes of a remote disposition, and not of a proximate disposition to justification. But the parallelism between contrition (which certainly is a proximate disposition) and attrition forbids this. Moreover, if the Council used the word disposes, and not suffices, this was done lest the already antiquated opinion of Peter Lombard be condemned; but the mind of the Council is sufficiently evident from the disputations held among the Tridentine Fathers.[1]

[1] Cf. Theiner, *Acta genuina*, t. I, p. 531-600.

(b) It is confirmed by other decrees of the same Council; for Trent teaches that through the sacrament of penance sins are truly remitted.[2] Moreover this proposition of Baius has been

condemned: "The penitent sinner is not vivified by the ministry of the absolving Priest, but by God alone."[3] But if perfect contrition were prerequired for absolution, sinners would never be vivified by the ministry of the priest, since they would already have been justified by contrition.

[2] Sess. XIV, can. 3.

[3] See Denzing., n. 938.

(c) Finally no one can say that the way of salvation is narrower and more difficult under the New Law than under the Old Law; but if perfect contrition together with confession were said to be necessary for the remission of sins, the condition of Christians would be worse than that of the Jews, since the latter were justified by contrition alone, without confession.

138. (B) The same is inferred from the universal practice of the Church in carefully absolving the dying. It has already been said, n. 65-67, that the practice of denying absolution to sinners placed in danger of death was severely rebuked, even when they had offended most gravely; and, according to the discipline received today, absolution is denied to no dying person, provided that he is probably attrite. Now this practice, ancient and universal at once, cannot be explained unless it is admitted that attrition suffices with the absolution of the priest. For if perfect contrition is required, why is the absolution of the priest preached as so necessary? For all concede that by perfect contrition alone, with the intention of the sacrament, without its real reception, sinners are justified. Therefore, if the dying have contrition, they do not need absolution; if they are only attrite, absolution is useless. But once our thesis has been admitted, the matter is easily explained: for attrition alone, which does not justify without the sacrament, remits sins when the absolution of the priest is added; this, therefore, is necessary for all who are only attrite.

139. 3° The controversy concerning the necessity of some love with attrition is set forth. All indeed concede that attrition, necessary for obtaining the remission of sins in the sacrament of penance, must be joined with faith; otherwise it would not be supernatural; and with hope of pardon; otherwise there would be no purpose of a better life. But the question is whether attrition conceived from fear of hell alone suffices, without love of God, for obtaining justification in the Sacrament of Penance. The reason for doubting is that Trent, describing the conditions required for justification in a general way, requires some love:[1] "But they are disposed to that justice, while, stirred by divine grace,... they are freely moved toward God... they are raised into hope,... and they begin to love God as the fountain of all justice..." Other opinions being omitted,[2] two systems on this matter still stand today.

[1] Sess. VI, ch. 6.

[2] We pass over the opinion which Juenin (*De Paenit.*, q. III, ch. 4, a. 2) and Habert (*Theol. dogm. et mor.*, De paenit., ch. 8, a. 4) defend, according to whom contrition from intense charity justifies without the sacrament, and contrition from remiss charity justifies with the sacrament; and also the opinion of Billuart (diss. IV, a. 7), who contends that the love of friendship justifies without the sacrament, and the love of benevolence is required for justification with the sacrament. For these opinions are now antiquated, and deservedly: for from them it would follow that perfect contrition is necessary even with the absolution of the priest; for remiss charity and the love of benevolence belong to perfect contrition, from the things said above, n. 132.

(A) Some, after Pallavicini and Bossuet,[1] hold that together with attrition there is required an initial love of God loved on account of Himself, not indeed a predominant love, by which God is loved on account of Himself above all things, but an incipient love, such as is had by him who strives to elicit contrition from the motive of charity, and truly begins to love God, yet not so that on that account he wills to flee every grave sin; but when fear or hope is added, the will sincerely detests grave offenses and wills to flee them, so that detestation of this kind arises partly from love, partly from fear.

[1] Cf. Pallavicini, *de Paenitent*. ch. 12; Bossuet, *De doctrina C. Trid.* concerning the required love in the sacrament of Penance.

140. (B) But others hold that no other love is required except the love of hope or of concupiscence; but, according to some, this love must be elicited explicitly;[2] according to others, it suffices that it be elicited implicitly;[3] now it is always implicitly contained in sincere attrition which excludes the will of sinning.

[2] Thus Tournely, *De sacram. paenit.*, q. V, a. 3; Wirceburgenses, *De sacram. paenit.*, disp. II, ch. 3, art. 3-4.

[3] Suarez, disp. XX, sect. 2; Lugo, disp. V, n. 133; St. Alphonsus, l. VI, n. 442; Palmieri, th. 32, Coroll.; Tepe, n. 557; Kenrick, tr. XVII, n. 23.

For no one can truly detest sin, with hope of pardon and desire of grace, without by that very fact beginning in some way to love God as good to himself. But they argue thus: if it were proved that some species of nobler love is required, this would be clear either by reason or by authority. But (a) not by reason; for love stands relative to justification as a means to an end; and therefore provided that it is a means apt for obtaining the end, it suffices. Now any love included in attrition that is appreciatively highest is a means apt for obtaining the end, namely for receiving the sacrament with fruit; for by the help of love of this kind, attrition excludes the will of sinning, includes hope of pardon, and becomes a proximate disposition for receiving justification in the sacrament. Therefore it is not proved by reason that a nobler love is required besides the love included in attrition that is appreciatively highest. (b) Nor by authority; for the Tridentine text cited above, "they begin to love God as the fountain of all justice," can be understood of the love of hope, for God loved as the author of our justification is God insofar as He is good to us. Moreover not all the acts described here by Trent are absolutely necessary for justification with the sacrament: some are necessary either within or outside the sacrament, others only outside the sacrament, as Suarez had already noted: for there the Council discusses dispositions for justification in general; but where it treats specifically of the sacrament of Penance, it declares that attrition from fear of hell, which does not suffice without the sacrament, disposes the sinner to obtaining grace in the sacrament. - Therefore we embrace this opinion as much more probable.

141. But when bitter dissensions had arisen between the contritionists and the attritionists, Alexander VII, earnestly desiring to preserve the bond of peace among the faithful, on May 5, 1667, under penalty of excommunication,[1] commanded that: "If hereafter they write concerning the aforesaid matter of attrition... let them not dare to mark either opinion with the note of some theological censure or other injury or insult, whether the opinion denying the necessity of some love of God in the aforesaid attrition conceived from fear of hell, which today seems more common among the scholastics, or the opinion asserting the necessity of the said love, until something shall have been defined in this matter by this Holy See." Now nothing

has yet been defined, and each one can adhere to his own opinion. Yet the opinion which requires nothing besides attrition itself has become common, and morally certain.

[1] Which excommunication, however, was not renewed in the Bull *Apostolicae Sedis*, and therefore is no longer in force.

In practice, however, there is no difficulty; as soon as it is clear that the penitent is truly attrite, and detests sins above all things, he can be absolved. For, Scripture bearing witness, "the fear of God is the beginning of His love";[2] and he who hopes for pardon from God already loves Him as the fountain of justice. Yet it is expedient that the motives of perfect contrition be proposed to him, both because they are more perfect, and for the sake of greater security.

[2] Ecclus. 25:16.

142. Corollary. The penitent, by receiving the sacrament, becomes from attrite contrite, not indeed in the sense that attrition can become contrition, since these are two acts distinct in species, but (a) because attrition together with the sacrament is equivalent to contrition with respect to the effect produced, namely the remission of sin; (b) and further because the attrite man, by receiving absolution, at the same time receives habitual grace and the virtue of charity, by which he becomes contrite in habit, able to elicit an act of perfect contrition.

143. Thesis III: Attrition conceived from the foulness of sin, the loss of eternal beatitude, and the incurring of eternal damnation, is true and useful sorrow preparing for grace. It is of faith from Trent against the Lutherans, who contended that servile fear (above, n. 136) is not true and honorable, but makes a man a hypocrite and a greater sinner:[1] "If anyone shall say that the contrition which is prepared by the discussion, collection, and detestation of sins, by which one recollects his years in the bitterness of his soul, pondering the gravity, multitude, foulness of his sins, the loss of eternal beatitude, and the incurring of eternal damnation, with the purpose of a better life, is not a true and useful sorrow, nor prepares for grace, but makes a man a hypocrite and a greater sinner... let him be anathema."[2]

[1] The proposition of Luther, condemned by Leo X, you have in Denzinger, n. 630. The Synod of Pistoia renewed the same error, in Denz., n. 1388.

[2] Sess. XIV, can. 5.

(A) By Scripture. That fear is good and useful which is commended and commanded in the sacred letters; but such is fear that is simply servile: "Holy and terrible is His name: the fear of the Lord is the beginning of wisdom";[3] "The fear of the Lord drives out sin: for he who is without fear will not be able to be justified";[4] "Do not fear those who kill the body, but cannot kill the soul; but rather fear Him who is able to destroy both soul and body in hell."[5] The Fathers frequently use these words to show that fear of hell is truly salutary.

[3] Ps. 110:10.

[4] Ecclus. 1:27.

[5] Matt. 10:28; cf. Luke 12:4.

144. (B) By Tradition. The Fathers often propose fear of judgment and of hell as a motive for detesting and fleeing sin. Thus Chrysostom, who also notes that fear is good from the very

discourses of Christ: "If fear were not good, Christ would not have spent many and long discourses speaking of the punishment and torment to come there. Fear is nothing other than a wall and a fortification and an impregnable tower."[6] Augustine speaks no less eloquently: "Therefore you fear punishment; you do not yet love chastity, you do not yet have charity: you fear servilely; there is dread of evil, not yet love of good. But fear nevertheless, so that this dread may guard you, so that it may lead you to love. For that fear by which you fear hell, and therefore do not do evils, holds you back; and thus it does not permit the inner soul, wishing to sin."[1] And elsewhere he adds: "Fear prepares, as it were, a place for charity... But if there is no fear, there is not by which charity may enter."[2]

[6] Homily XV to the people of Antioch, n. 2, P. G., t. XLIX, p. 156.

[1] St. Augustine, sermon CLXI, ch. 8, P. L., t. XXXVIII, p. 882.

[2] In Epist. I John, tract. 9, ch. 4, P. L., t. XXXV, p. 2047.

145. (C) Theological reason. Attrition from fear of hell imports three things: the will of fleeing punishment, which stands in the manner of an end; the detestation of sin, which is the means to the end; the ordination of this means to obtaining the end. But these three things are good and useful: (a) it is honorable to flee the punishments of hell, since they are something evil and worthy of hatred; (b) likewise there is no one who denies that the detestation of sin is good; (c) but to order the flight from sin to the avoidance of punishment as to an end is not evil, since God Himself uses the threatening of punishments to deter us from sin; moreover, the sinner who flees sin in order to avoid punishment does not exclude a higher motive; for if he excluded it, the fear would be servilely servile. Indeed, this disposition, imperfect in itself, spontaneously tends toward perfection and virtually contains it. For he who, from efficacious fear of hell, hates sin, detests it as the cause of hell, and consequently is disposed to doing whatever is necessary so that, by avoiding sin, he may also avoid hell. But for doing this it is required that he firmly propose to himself to keep all the precepts, of which the first and chief is the precept of loving God above all things; therefore by fear of hell he is induced to loving God Himself.

Nor should it be said that in this case the penitent detests punishment more than fault; for he who flees sin because it causes hell detests sin more than hell, not in this sense, that he ought to be disposed rather to incur damnation than to sin, since it cannot happen that he be damned without sin; but in this different sense, that in practice he ought to be more attentive to avoiding sin, since by avoiding sin he avoids hell, and hell is in no way to be feared if sin is avoided. - The matter is clarified by an example: the prodigal son, who had left his father and had squandered his substance by living luxuriously, was led to penance by hunger, or fear of pains and death, and approached his father again. Now if he had acted from servilely servile fear, preserving affection for the luxurious life, his manner of acting indeed would not have been worthy of praise; but, because, struck by fear, he truly also hated sin as the cause of his misery, he obtained pardon and was restored to his former rights. Thus the sinner who, from fear of hell, truly detests sin as the cause of hell, and, so that he may flee it, sincerely wills to serve God, acts laudably, and, absolution being added, obtains pardon of sins.

Art. III. On Satisfaction

146. Satisfaction (*satis facere*), if the etymon is considered, is the act by which someone does as much as is enough for placating the angry person. But satisfaction, insofar as it is a part of the sacrament, is defined: the voluntary endurance of the punishment imposed by the confessor, for compensating the injury brought upon God, and redeeming the temporal punishment ordinarily due even after the remission of sin.

[1] St. Thomas, Suppl., q. 12 sq.; Suarez, disp. XXXVII-VIII; Bellarmine, l. IV, ch. 1 sq.; Morinus, l. III sq.; Salmantic., disp. X-XI; Drouin, q. XI; Billuart, disp. IX; de Augustinis, th. 21; Palmieri, th. 36-40; Hurter, n. 612 sq.; Egger, n. 584 sq.

147. Catholic doctrine concerning the necessity of satisfaction chiefly embraces two things: 1. that there is in the Church the right and office of imposing upon the Christian sinner a satisfaction proportioned to his offenses (against Protestants); 2. that the intention of satisfying suffices for granting the remission of sins (against the Jansenists).

The former is thus declared by Trent:

"Finally, as to satisfaction, which among all the parts of Penance, just as it was commended by our Fathers to the Christian people at all times, so especially in our age is attacked with the greatest pretext of piety by those who have an appearance of piety, but have denied its power: the holy Synod declares that it is wholly false and foreign to the word of God that guilt is never remitted by the Lord without the whole punishment also being pardoned. For clear and illustrious examples are found in the Sacred Letters, by which, besides divine tradition, this error is most manifestly refuted. Indeed the order of divine justice also seems to demand that he be received differently into grace who before Baptism has offended through ignorance; differently, however, those who, once freed from the servitude of sin and of the devil, and having received the gift of the Holy Spirit, have not feared knowingly to violate the temple of God and to grieve the Holy Spirit. And it befits divine clemency that sins not be remitted to us without any satisfaction in such a way that, occasion having been taken, thinking sins lighter, as injurious and insulting to the Holy Spirit, we fall into graver ones, treasuring up wrath for ourselves on the day of wrath.

"For without doubt these satisfactories punishments greatly recall from sin, and as if by a certain bridle restrain, and make penitents more cautious and watchful for the future: they also heal the remnants of sins, and remove vicious habits, acquired by living badly, by contrary actions of virtues. Nor indeed was any safer way ever judged in the Church of God for removing the punishment impending from the Lord, than that men should frequently perform these works of penance with true sorrow of soul. To these things is added that, while by satisfying we suffer for sins, we are made conformable to Christ Jesus, who satisfied for our sins, from whom is all our sufficiency, having from this also a most certain pledge, that if we suffer with Him, we shall also be glorified with Him."[1]

[1] Trent, sess. XIV, ch. 8.

Therefore there are two chief motives why satisfaction is necessary: that the offense inflicted upon God may be repaired, and that penitents may be made more cautious and watchful for the future.

148. Errors of the Protestants and Jansenists. (A) The Protestants, although they cannot deny the severity of penitential discipline in the first centuries of the Church, nevertheless regard it as an ecclesiastical institution, and deny its divine institution and necessity: for, they say, sin

cannot be pardoned by God unless at the same time there is full remission of the punishment due to sin; besides, if our satisfactions are said to be necessary, by that very fact injury is inflicted upon the infinite satisfaction of Christ, since it appears insufficient. The root of this error is the theory concerning justification by faith alone: for if faith alone fully suffices for justification, satisfactory works become useless.

(B) But on the opposite side the Jansenists, favoring rigorism, wished to restore the penitential discipline of earlier ages, and contended that penitents are not to be absolved unless a laborious and long-lasting penance enjoined upon them has first been completed.

Against this twofold error there will be a twofold thesis.

149. Thesis I: The punishment due to sin is not always remitted by God wholly and at the same time, but, after fault and eternal punishment have been taken away by the absolution of the priest, temporal punishment generally remains to be discharged. It is of faith against Protestants from Trent:[1] "If anyone shall say that the whole punishment is always remitted by God together with the fault, and that the satisfaction of penitents is nothing other than faith, by which they apprehend that Christ has satisfied for them, let him be anathema."

[1] Trent, sess. XIV, can. 12.

150. 1° By Scripture. (A) For Christ willed that the power of the keys be exercised in the manner of a judgment (above, n. 20); but this power includes not only the faculty of remitting sins, but also of imposing punishments, according to that saying: "Whatever you shall bind..."

The Protestants indeed object that sin is not pardoned unless at the same time the punishment is remitted. That this is contrary to Scripture is clearly demonstrated both by facts and by sayings. (a) Wisdom teaches us that Adam did penance and was restored to the state of grace;[2] yet nevertheless he had temporal punishments to discharge: "Because thou hast listened to the voice of thy wife... in labors shalt thou eat of it all the days of thy life... in the sweat of thy face shalt thou eat bread, until thou return to the earth."[3] Moses and Aaron obtained from God pardon of the sin of unbelief, and nevertheless, in punishment for the sin, did not enter the promised land: "And the Lord said to Moses and Aaron: Because you have not believed me... you shall not bring these peoples into the land which I will give them."[4] David obtained pardon for adultery and homicide when he said: I have sinned against the Lord; but nevertheless he had to undergo a most grave temporal punishment: "The Lord also has transferred thy sin; thou shalt not die; nevertheless, because thou hast made the enemies of the Lord blaspheme, on account of this word the son who has been born to thee shall surely die."[5] These punishments indeed were inflicted not only for amendment, as the Protestants will, but also for the chastisement of sin, as is clear from the context, and from the fact that not only adults but even infants die in punishment for sin. (b) Nor did God less clearly manifest His will by words: "Now therefore, says the Lord, be converted to me with all your heart, in fasting, and in weeping and in mourning";[6] "Redeem thy sins by alms, and thy iniquities by mercies to the poor";[7] "Bring forth therefore fruits worthy of penance."[8] Here also belong the texts cited elsewhere (*de Verbo Incarn.*, n. 206 or 1161), by which it is demonstrated that we cannot be saved unless we take up our cross, suffer with Christ, and fill up in our flesh those things which are lacking of the sufferings of Christ; for from these and similar testimonies it is gathered that the Lord did not satisfy for us in

such a way that we are freed from the obligation of satisfying, but so that with Him we may be able to expiate sins more efficaciously.

[2] Wis. 10:1-2.

[3] Gen. 3:17-19.

[4] Num. 20:12.

[5] 2 Kings 12:13-14.

[6] Joel 2:12.

[7] Dan. 4:24.

[8] Luke 3:8.

151. 2° By Tradition. The Protestants themselves are compelled to confess that the Fathers with unanimous voice taught the necessity of such penance; thus Chemnitius[1] says: "Nor indeed am I ignorant that the ancients sometimes commend canonical discipline too broadly and with words too magnificent, as when Tertullian says that by those satisfactions sins are expiated; Cyprian says that by them sins are redeemed, washed away, healed, and the judge is placated; Ambrose, that the punishments of hell are compensated by them; Augustine, that God is propitiated by them concerning past sins."

[1] *Exam. C. Trident.*, p. 4.

This surely is clear from the penitential discipline which flourished in the first centuries.

(A) In the earlier centuries, penance was more prolonged and laborious; it often lasted for many years, and sometimes through the whole of life.

(a) In the churches of Asia Minor, in the third century, three orders of penitents were distinguished: the hearers, who stood at the door of the church, or in the porch; there they heard the reading of the Scriptures and the sacred sermons, but were prohibited from being present at Mass; - the substrated, or kneelers, who were present at Mass within the enclosure of the church, from the doors up to the ambo, but prostrate: upon these the bishops and presbyters imposed the hand; - the standers, who were present at the sacred rite standing with the faithful, but were barred from holy communion.[2] In the fourth century, to these orders were added the weepers, who, clothed in sackcloth and ashes, stood at the threshold of the church, asking with tears and groans the Christians entering to pray for them.

[2] Cf. St. Gregory Thaumaturgus, ep. canonica; P. G., t. X, p. 1019-1048.

(b) In the West, there were likewise various orders of penitents, whose number, however, is not known. We have already heard Tertullian describing the exomologesis flourishing in Africa (n. 57). The one which flourished at Rome is set forth by Sozomen thus:[3] "For there in open view is the place of penitents, in which they stand sorrowful and as if mourning. And when the solemnities of Masses have now been completed, excluded from the communion of sacred things, which it is the custom to offer to the initiated, with groaning and lamentations they cast themselves prone upon the earth. Then the bishop, meeting them opposite with tears, likewise himself is rolled upon the ground, and the whole multitude of the church, confessing together, is bathed in tears... But privately each one, chastising himself of his own accord, whether by fastings or by uncleanness, or by abstinence from

foods or by other ways in which he has been commanded, waits for however much time has been appointed to him by the bishop."

[3] Sozom., H. E., l. VII, ch. 16; P. G., t. LXVII, p. 1459-62.

Moreover, the penance imposed was very laborious; the Council of Agde (year 506), can. 15, orders penitents to lay aside their hair and to change their garments;[1] the Council of Barcelona (year 540) commands (can. 6-7) that with head shaven and using a religious habit, they pass the time of life in fastings and prayers, that they not be present at feasts nor devote themselves to business, and that they live a frugal life in their own homes.[2] St. Leo the Great forbids them to conduct trade, to exercise the office of advocate, to serve as soldiers;[3] St. Siricius exhorts them to abstain from the use of matrimony and from second marriages.[4] And so the state of penitents was quite similar to the state of monks.

[1] In Bruns, op. cit., t. II, p. 149.

[2] Ibid., p. 27.

[3] St. Leo, ep. 167 to Rusticus, ch. 10-13; P. L., t. LIV, 1206.

[4] Siricius to Himerius, ep. Tarraconens., ch. 5; P. L., t. XIII, 1137.

152. (B) From the sixth century, penance became milder and shorter, and at the same time more frequent.

Then the penitential books were published (above, n. 115), in which the punishment inflicted for each kind of sins was determined. We have already related a few examples; certain others we add here from the *Penitential of Theodore*:[5] for voluntary homicide, let the sinner do penance seven years; for the truncation of feet or hands, one year; for a wound, 40 days; for voluntary perjury and inducing others into perjury, seven years; for the greatest theft, three years; for a great theft, one year, if restitution is made, and two years if it is not restored; for a moderate theft, twenty days; for adultery, seven years; for simple fornication, two years; for detraction, 40 days, etc. Yet gradually the punishments imposed were lessened, and confession became a more frequent and more minute declaration of sins.

[5] In Morinus, op. cit., Appendix, p. 41.

153. 3° Reason shows the fittingness of satisfaction. (a) On the part of God: for God, who is offended by sin, is not only a private person, but the legislator and ruler of the whole of human society; but it indeed befits God, as a private person, to remit the offense inflicted upon Himself; yet at the same time it befits Him as legislator that He not remit offenses without temporal punishment, both so that in the future the laws may be better observed by the penitent, and so that others may be deterred from evil and thus the good of society may be promoted, and finally so that the rights not only of mercy but also of justice, so far as can be done, may be preserved.

(b) On the part of the penitent; for, as Trent says,[6] "without doubt these satisfactory punishments greatly recall from sin, and as if by a certain bridle restrain, and make penitents more cautious and watchful for the future: they also heal the remnants of sins, and remove vicious habits, acquired by living badly, by contrary actions of virtues." But if, on the contrary, sins were remitted without any

satisfaction, they would be considered light, and by the very easiness of pardon many would be provoked to sinning again.

[6] Trent, sess. XIV, ch. 8.

Nor should it be said that through baptism the whole punishment is taken away at the same time as the fault: for the condition is not equal of those who are regenerated through baptism and of those who are reconciled to God through penance; the former before baptism offended through ignorance, or at least not with such great malice; the latter, who once were freed from sin and from the servitude of the devil, received grace and the gifts of the Spirit, knowingly violated the temple of God and grieved the Holy Spirit, and consequently do not deserve to receive pardon with the same ease, as Trent argues.[1]

[1] That this was the mind of the ancient Fathers Morinus showed at length, op. cit., bk. III.

154. Corollaries. (A) All and only good and penal works can be satisfactory. For in order that some work be truly satisfactory, it is necessary that it repair the past offense and preserve from future faults; but such is the case with good penal works, and indeed with those alone; for (a) they compensate for the offense inflicted upon God; since, although properly nothing can be taken away from God, nevertheless the sinner, as much as lies in him, takes something from Him by offending His majesty; whence it is fitting, for repairing an injury of this kind, that something be taken away from the sinner in honor of God; and therefore the satisfactory work must be good, so that it be in honor of God, and penal, so that through this something may be taken away from the sinner; but if it were good and not penal, it would indeed be a meritorious work, but not satisfactory; (b) likewise a penal work also preserves from future fault, because a man does not easily return to sins from which he has experienced punishment.

Yet it can be added that scarcely, in the present state of fallen nature, is there any supernaturally good work which is not at the same time arduous and penal; for since we spontaneously tend to creatures and to illicit things, whenever on account of God we act supernaturally, we make the work difficult and consequently penal.

155. (B) But the chief satisfactory works are almsgiving, fasting, and prayer. For (a) satisfaction must be such that through it we subtract something from ourselves for the honor of God; but we have only three goods, namely goods of the soul, goods of the body, and goods of fortune. From the goods of fortune we subtract something through almsgiving; from the goods of the body through fasting; from the goods of the soul through prayer, by which we submit our faculties to God. (b) Besides, there are three roots of sins, namely the concupiscence of the flesh, the concupiscence of the eyes, and the pride of life;[1] but against the concupiscence of the flesh fasting is ordered; against the concupiscence of the eyes almsgiving is ordered; against the pride of life, prayer.[2]

[1] 1 John 2:16.

[2] St. Thomas, Suppl., q. 15, a. 3.

Yet to these punishments, voluntarily undertaken, must be added, according to Trent (can. 13), punishments inflicted by God and patiently endured: for often the Lord permits us to be troubled by

various adversities, hardships, pains of soul or body; when these are patiently endured, especially if we are joined to Christ suffering and dying, we have ample opportunity of satisfying; which kind of penance is more efficacious the greater the alacrity and love with which we embrace it.

156. Thesis II: Penitents who have the intention of satisfying can be absolved before they have fulfilled the sacramental satisfaction. It is certain against the Jansenists. (A) From the practice of the Church it is clear that the fulfillment of the imposed penance is not the condition for obtaining the remission of sins, but only for a more abundant remission of the temporal punishment due to sin. (a) For it is clear that already in the earliest centuries, in many cases at least, absolution was given before satisfaction was fulfilled: 1) in danger of death; for Innocent I writes to Decentius:[3] "If anyone has fallen into sickness and has come even to desperation, he must be released before the time of Easter, lest he depart from the world without communion"; 2) when persecution was pressing; thus St. Cyprian writes:[4] "Deservedly the penance of those grieving was prolonged for a longer time, so that aid might be given to the sick at their departure... But now peace is necessary not for the sick, but for the strong, nor is communion to be given by us to the dying but to the living, so that those whom we stir up and exhort to battle we may not leave unarmed and naked, but may fortify them by the protection of the body and blood of Christ"; 3) when there was danger lest, absolution being delayed, penitents pass over to heretics; hence St. Cyprian says:[1] "If we reject the penance of those who have some confidence of a tolerable conscience, immediately with wife, with children, whom they had preserved unharmed, they are carried off, at the devil's invitation, into heresy or schism." Moreover, in the Council of Ancyra (year 314) it was established (can. 5) "that Bishops, the mode of conversion having been examined, have the power either of using clemency, or of adding more time." From all these things it is gathered that, even in the case of public penance, absolution was sometimes granted before satisfaction had been completed, therefore a fortiori when there was question of hidden sins.

[3] Ep. XXV, ch. 7; P. L., t. XX, p. 559.

[4] Ep. 54 to Cornelius, n. 2.

[1] Ep. 52 to Antonianus, n. 15.

(b) It is certain, further, that long before the Jansenian heresy the practice of absolving penitents, satisfaction not yet completed, flourished in the Church. Thus, in the year 1479, this proposition of Peter of Osma had been condemned by Sixtus IV as scandalous and heretical: "Penitents are not to be absolved, unless the penance enjoined upon them has first been completed."[2] Deservedly, therefore, on Dec. 7, 1690, this proposition of the Jansenists was rejected by Alexander VIII: "The order of placing satisfaction before absolution was introduced not by the polity or institution of the Church, but by the law and prescription of Christ itself, the nature of the matter in a certain way dictating it."[3]

[2] In Denzing., n. 614.

[3] Denzing., n. 1173.

(B) Reason of fittingness. For God immediately remits sins to the perfectly contrite, even when satisfaction has not yet been fully paid, as is clear from the example of David, who first obtained pardon of sin, and afterward underwent temporal punishment; and also from the words of Scripture,

where it is asserted that God remits sins on the very day on which the wicked man shall have been converted from his iniquity.[4] But the Church, in the administration of the sacrament of Penance, uses divine power and can and ought to imitate God; therefore she can absolve penitents before they have fulfilled satisfaction.

[4] Ezek. 33:12.

Dogmatic Part — Chapter III: On the Sacrament of Penance Itself

Concerning the Sacrament Itself

From the things said concerning the power of the keys and the three acts of the penitent, it is permitted to infer that penance is truly a sacrament: we shall briefly declare its existence, constitutive elements, and effects.

Art. I. On the Existence of the Sacrament of Penance

157. Tridentine doctrine. Against the Protestants, who commonly denied that Penance is a sacrament distinct from baptism, Trent declared two things: (a) that Penance is a sacrament instituted by Christ; (b) and indeed truly distinct from baptism: -

[1] St. Thomas, 3, q. 84, a. 1; Suarez, disp. XVII, sect. I; Bellarmine, l. I, ch. 9; Drouin, q. II, § 3; Billuart, diss. I, art. 1; Billot, th. 2; L. de San, n. 289-300.

"But the Lord then especially instituted the sacrament of Penance when, having been raised from the dead, He breathed upon His Disciples, saying: 'Receive the Holy Spirit; whose sins you shall forgive, they are forgiven them; and whose sins you shall retain, they are retained.' By so signal a deed and by words so clear, the consensus of all the Fathers has always understood that the power of remitting sins, for reconciling the faithful who have fallen after Baptism, was communicated to the Apostles and their legitimate successors; and the Catholic Church, with great reason, once rejected and condemned as heretics the Novatians, who obstinately denied the power of remitting. Wherefore this holy Synod, approving and receiving this most true sense of those words of the Lord, condemns the fictitious interpretations of those who falsely twist those words, against the institution of this sacrament, to the power of preaching the word of God and announcing the Gospel of Christ.

"Besides, this sacrament is recognized to differ from Baptism in many ways; for besides the fact that the matter and form, by which the essence of a sacrament is completed, are most widely different, it is certain that the minister of Baptism need not be a judge, since the Church exercises judgment over no one who has not first entered into her through the gate of Baptism. 'For what have I to do,' says the Apostle, 'with judging those who are outside?' The case is otherwise with the household of faith, whom Christ the Lord by the laver of Baptism once made members of His body; for these, if afterward they have contaminated themselves with some crime, He willed not that they be washed by Baptism repeated, since that is in no way lawful in the Catholic Church, but that they be placed as guilty persons before this tribunal; so that by the sentence of priests, not once, but as often as they flee to Him penitent from the sins committed, they may be able to be freed.

"Moreover, one is the fruit of Baptism, and another the fruit of Penance: for by Baptism, putting on Christ, we are made an entirely new creature in Him, obtaining the full and complete remission of all sins; but to this newness and integrity we can by no means arrive through the sacrament of Penance without our great weepings and labors, divine justice requiring this: so that Penance has deservedly been called by the holy Fathers a certain laborious Baptism. But this sacrament of Penance is necessary unto salvation for those who have fallen after Baptism, as Baptism itself is for those not yet regenerated."[1]

[1] Sess. XIV, ch. 1-2.

We shall defend both assertions in one and the same thesis.

158. Thesis: The rite by which the power of forgiving sins is exercised is a true sacrament of the New Law, distinct from Baptism. It is of faith from Trent:[2] "If anyone shall say that in the Catholic Church Penance is not truly and properly a sacrament instituted by Christ our Lord for reconciling to God Himself the faithful as often as they fall into sins after Baptism, let him be anathema." - "If anyone, confounding the sacraments, shall say that Baptism itself is the sacrament of Penance, as if these two sacraments were not distinct... let him be anathema." - The thesis is briefly proved, because, in the manner of a corollary, it is inferred from the things said concerning the power of the keys.

[2] Sess. XIV, can. 1-2.

159. 1° Scripture. For a sacrament of the New Law three things are required and suffice, as was proved in the Treatise on the Sacraments: a sensible sign, productive of grace, permanently instituted by Christ. But these three things are to be found in the rite by which sins are remitted: (A) a sensible sign; for, from the things said, sins are remitted by a judicial act, which imports at least two things, namely the sensible manifestation of sins and the external sentence of the judge absolving the penitent. Besides, a sign of this kind is distinguished from the rite of baptism; for Baptism is conferred by washing, while Penance is under the form of judgment; in Penance sins can be retained judicially, not so in Baptism.

(B) Productive of grace; for grave sins, from the things said, are truly remitted through this rite; but they cannot be blotted out without the infusion of sanctifying grace; for, from the things proved in the Treatise on Grace (n. 132), justification essentially consists in the conferral of habitual grace; therefore a rite of this kind is productive of grace. - But this grace differs from the grace of baptism, since it is properly remissive of sin and can be granted many times, while the grace conferred in Baptism is regenerative, and is conferred only once.

(C) Permanently instituted by Christ; for we have demonstrated that this power was conferred upon the Apostles by Christ Himself risen again, when He said: "Receive the Holy Spirit." But that the same power is perpetual in the Church is clear: (a) from the general principle, conceded by the Protestants themselves, that all prerogatives which are necessary not only for founding the Church, but also for preserving her, were conferred upon the Apostles not for themselves alone, but also for their successors; but the power of remitting sins is no less necessary today than in the time of Christ, since men easily fall into sin; therefore such power was permanently granted. This St. Pacian had already noticed, and from it he thus argued against the Novatians:[1] if the power of remitting sins was not transmitted to the successors of the apostles, why do you say that the power of baptizing was granted in perpetuity? (b) From history, which clearly shows that this faculty was perpetually claimed and exercised by the Church, as the testimonies already adduced prove.

[1] Ep. I to Sempron., n. 6; P. L., t. XIII, p. 1057.

160. 2° By Tradition. From the Fathers, who often compare Penance with Baptism, and assert that in both sins are remitted and grace conferred, although in a different way. We already reported

above the words of St. Ambrose, n. 52. Likewise St. Jerome[2] asserts that sins are remitted "by the blood of the Savior either in the gift of Baptism or in Penance, which imitates the grace of Baptism through the ineffable clemency of the Savior." Nor otherwise St. Augustine:[1] "If it was done by a catechumen (homicide), it is washed away by Baptism; if by one baptized, it is healed by Penance and reconciliation." From these and other testimonies which could be cited, it follows that Penance, no less than Baptism, is a true sacrament, since in both sins are blotted out and grace is infused. - Moreover, from the whole description of penitential discipline it is clear that there is the greatest difference between baptism and penance: for the latter was much more laborious than the preparation for baptism.

[2] *Dialog.* I against the Pelagians, n. 33; P. L., t. XXIII, p. 527.

[1] *De conjug. adult.*, bk. II, ch. 16; P. L., t. XL, p. 482.

161. 3° Reason of fittingness.[2] Indeed it befitted divine mercy to institute a remedy not only against original sin, but also against actual sins committed after Baptism; for man, even regenerated, remains subject to many temptations and easily falls. But surely the best remedy is a sacrament, by force of which we can be more certain concerning sins pardoned, through the judicial sentence passed by the minister of God, and thus be rendered more peaceful: for if each one had to judge concerning his own penance, a broad way would lie open to doubts and anxieties. By force of it also the blood of Christ, flowing down to us, cleanses us from our iniquities, and renders us more ready to offer fuller satisfaction for sins, and also to employ the means by which new offenses can be guarded against in the future; therefore the institution of this sacrament was fitting.

[2] Cf. Roman Catechism, on Penance, n. 14.

Art. II. On the Constitutive Elements of This Sacrament

When the Scholastics adapted their general theory concerning matter and form to sacred rites, they taught that the sacraments consist of a twofold essential element, namely matter and form; this manner of speaking the Church used, especially in the Councils of Florence and Trent. Therefore it is necessary to inquire what the matter and form of this sacrament are. Now both Councils declared that the three acts of the penitent are the quasi-matter of the sacrament of Penance, but that the form is the words of absolution.

§ I. On the Matter of the Sacrament of Penance

162. 1° State of the question. A twofold matter is distinguished in the sacraments: remote and proximate. The remote matter of Penance, or rather the matter to be removed, as some theologians say, or, as is more pleasing to others, the matter about which the sacrament is concerned, is all sins committed after baptism, whether mortal or venial, whether already remitted by absolution or not. Mortal sins not yet accused and absolved are necessary matter, or matter necessarily to be subjected to the keys of the Church; but venial sins and mortal sins already remitted are sufficient and free matter, that is, matter which can, but need not necessarily, be subjected to the power of the keys, as will be declared more fully in the moral part.

[1] St. Thomas, 3, q. 84, a. 2; Suarez, disp. XVIII, sect. 3; Salmant., disp. I, dub. 2; Billuart, diss. I, a. 2; Palmieri, th. 14; Billot, th. 3; L. de San, n. 300-343.

But the question arises concerning the proximate matter of this sacrament; theologians dispute in what, namely, it essentially consists, whether in the three acts of the penitent, or in absolution or some other action. Three opinions especially have come forth on this matter.

163. (A) Some older theologians, such as William of Auxerre and Alexander of Hales, thought that the proximate matter was situated in the imposition of the hand made by the priest while he absolves the penitent. But this opinion is commonly rejected by theologians. A threefold imposition of this kind is indeed commemorated among ecclesiastical authors:[2] the first, which was employed when public penance was imposed; the second, which was repeated over the penitents whenever they were dismissed from the church after the catechumens; the third, finally, in the reconciliation of penitents. But this rite was not regarded as essential, as is clearly gathered from the canon of the First Council of Orange, where it is said: "Those who depart from the body, penance having been received, it has pleased us that they be communicated without the reconciling imposition of the hand, which suffices for the consolation of one dying, according to the definition of the Fathers." Now if the imposition of the hand had been necessary for the remission of sin, certainly the dying would not have been deprived of it.

[2] Cf. Sirmundus, *Historia paenitent. publicae*, ch. VII; Palmieri, p. 159.

164. (B) The Scotists, with whom Maldonatus, Ballerini, Berardi and others agree,[3] teach that the whole essence of the sacrament consists in absolution, which, insofar as it is an external ceremony, constitutes the matter, and insofar as it has the force of signifying, is the form. According to Scotus and his older disciples, the three acts of the penitent are not only dispositions for the valid and fruitful reception of the sacrament, but also conditions without which, having gone before, the minister cannot sufficiently know the cause and pass sentence; for which reason they conclude that the external manifestation of these dispositions is truly of the necessity of the sacrament. According to more recent Scotists, acts of this kind are only dispositions required for the worthy reception of the sacrament; wherefore it is not necessary that they be manifested by an exterior act.

[3] Scotus, in 4 dist. 14, q. 4 and dist. 16, q. 1; Maldonatus, *de Paenitent.*, p. III, th. 7; Ballerini-Palmieri, *de Paenit.*, n. 5 sq.; Berardi, *Praxis Confessar.*, t. IV, n. 2.

But they argue thus: (a) first, the matter was not defined by Trent, as is asserted by certain Thomists; for, as C. Pallavicini relates,[1] the Synod called the three acts of the penitent not matter, but quasi-matter, and declared them necessary not for the essence, but only for the integrity of the sacrament. (b) A sacrament is that which properly confers grace; but only the absolution of the Priest properly confers sacramental grace; therefore it alone is properly the essence of the sacrament. (c) It is certain, from the practice of the Church, that sacramental absolution can be given to those who present no exterior sign of contrition; but if the three acts of the penitent were the matter of the sacrament, this would be invalid, since matter must be sensible; therefore acts of this kind are not the matter of the sacrament, but only dispositions, and the whole essence of the sacrament consists in absolution.

[1] *Historia C. Trident.*, bk. XII, ch. 12.

(C) Yet the more common opinion, which not only St. Thomas and his disciples defend, but also Suarez, the Salmanticenses, De Lugo, Bellarmine, and many others, holds that the three acts of the penitent are truly the proximate matter of the sacrament.

165. 2° Thesis: The three acts of the penitent, contrition, confession, and satisfaction, are the proximate matter of the sacrament of Penance. Thus more commonly.

(A) The Council of Florence, in the Decree to the Armenians, after declaring the necessity of matter and form in any sacrament, adds these things: "The fourth sacrament is Penance, whose quasi-matter is the acts of the penitent, which are distinguished into three parts." Similarly Trent:[1] "But the quasi-matter of this sacrament is the acts of the penitent himself, namely contrition, confession, and satisfaction. These, insofar as they are required in the penitent for the integrity of the sacrament and for the full and perfect remission of sins by the institution of God, for this reason are called parts of Penance." Hence thus: the two aforesaid Councils distinctly commemorated the matter and form of the other sacraments, and when they treated of Penance, they designated no other matter except the three acts of the penitent; therefore those acts are truly the proximate matter of this sacrament, unless perhaps it be said that matter of this kind was intentionally passed over: which can scarcely be admitted in a matter of such great moment. Nor should it be objected that the Councils said quasi-matter, and not matter; "nor indeed are these acts called quasi-matter by the holy Synod because they do not have the character of true matter, but because they are not matter of that kind which is applied externally, as water in Baptism, and chrism in Confirmation."[2] Namely, Penance is a sacrament of its own kind, whose matter is not a corporeal element, as in certain others, but the very virtue of penance raised to the dignity of a sacrament, and for that reason it is called quasi-matter.

[1] Trent, sess. XIV, ch. 3; cf. can. 4.

[2] Catechism of the Council of Trent, on Penance, n. 17. - Hence St. Thomas himself used this manner of speaking: "The fourth sacrament is Penance, whose quasi-matter is the acts of the penitent." (*De artic. fidei et eccl. sacramentis*, t. XXVII, p. 180, ed. Vives.)

(B) Besides, Christ instituted this sacrament in the manner of a judgment, in which it is possible to find two constitutive elements, namely the matter of the judgment itself which the penitent provides, and the sentence which is passed by the judge; but the matter of the judgment is provided by the three acts of the penitent, namely by the humble confession of sins, which sincere contrition accompanies and satisfaction follows; therefore acts of this kind are truly the proximate matter of the sacrament. It is indeed objected that grace is conferred only by absolution, and not by these acts, and consequently that they do not pertain to the essence of the sacrament; but undeservedly, for although such acts do not of themselves confer grace, nevertheless, because by the positive institution of Christ they have been raised to the dignity of sacramental matter, they truly concur with the form by which, so to speak, they are fecundated, for producing grace. Nor is it useful to say that contrition is not something sensible; for although it is not sensible immediately and in itself, nevertheless it becomes sensible mediately, insofar as it is manifested through the exterior acts of confession, satisfaction, and other signs of sorrow.[1] Moreover it suffices that the matter be virtually sensible; consequently even a man destitute of the senses, who before falling into this state manifested contrition by words or signs, by that very fact exhibits virtual contrition.

[1] St. Thomas, 3 p., q. 90, a. 2, ad 1.

Yet notwithstanding these things, we freely confess that the opinion of the Scotists is not lacking in probability, nor to be despised in practice: consequently, in a case of extreme necessity, even if exterior signs of contrition are lacking, the penitent is to be absolved under condition.

§ II. On the Form of the Sacrament of Penance

166. Trent teaches[3] that "the form of the sacrament of Penance, in which its force chiefly is situated, has been placed in those words of the minister: I absolve you, etc.; to which indeed, according to the custom of Holy Church, certain prayers are laudably added; yet they by no means belong to the essence of the form itself."

[2] St. Thomas, 3 p., q. 84, a. 3; Suarez, disp. XIX; De Lugo, disp. 13; Salmantic., disp. III; Morinus, l. VIII; Drouin, q. II, ch. 3; Billuart, diss. I, a. 3; de Augustinis, th. 23; Palmieri, th. 12; Billot, th. 3.

[3] Trent, sess. XIV, ch. 3.

This indeed is the form used today in the Western Church; but since in antiquity other forms were employed, it will not be beside the matter 1° to describe these briefly, and afterward to weigh 2° what is required in the present form for validity and lawfulness, 3° whether a conditional form is valid and lawful.

I. Historical View of the Diverse Forms of Absolution

167. 1° The facts are set forth. (A) In each Church, through the first ten centuries, the forms of absolution used were deprecatory, namely: "God, pardon him, absolve him, etc."; but not indicative: "I absolve you, I pardon you, etc."

This is clear: (a) from the testimony of the Fathers, who, with St. Leo, say that in the sacrament of penance the indulgence of God is obtained by the supplications of priests;[1] (b) but especially from the Sacramentaries and Penitentials, where only deprecatory formulas are found. Thus, in the Gelasian Sacramentary, for publicly reconciling a penitent, this prayer is pronounced: "Almighty everlasting God, for Thy mercy relax this servant of Thine confessing to Thee, that the guilt of conscience may not harm him more unto punishment than the indulgence of Thy mercy unto pardon."[2] And afterward various prayers are recited over him. In the same place, for reconciling privately a penitent near death, various prayers are poured forth, which are thus concluded: "Look propitiously upon this servant of Thine, asking for himself the remission of all sins with the whole confession of his heart."[3] - The same is clear from the various Penitentials cited above, n. 114. Similar formulas are found in Halitgar (+831),[4] and in authors of a later age, up to the tenth century. Yet, in the eighth and ninth centuries, imperative formulas are also found joined with deprecatory ones, for example: "May you indeed be absolved by God the Father and the Son and the Holy Spirit, from all your sins."[5]

[1] St. Leo, ep. 108 to Theodore, P. L., t. LIV, p. 1011.

[2] In Migne, P. L., t. LXXIV, p. 1097.

[3] Ibid., p. 1098.

[4] P. L., t. CV, pp. 697, 704.

[5] Thus in the Penitential of Egbert, archbishop of York (around the year 732), in Morinus, op. cit., Appendix, p. 19.

168. (B) From the eleventh century, in the Latin Church, the transition from deprecatory formulas to indicative ones begins, and both are found together in the same documents. Thus, in a certain order of Penance, to the deprecatory formulas this is added:[6] "We also, according to the authority committed to us unworthy ones by God, absolve you from every bond of your offenses, etc." Likewise, in the order of the Church of Reims, in the twelfth century, the form of absolution is read as deprecatory and indicative at once:[7] "May almighty God, who gave to blessed Peter His apostle and to His other disciples His license of binding and loosing, Himself absolve you from every bond of offenses; and, insofar as it is permitted to our frailty, may you be absolved before the tribunal of our Lord Jesus Christ, and may you have eternal life..." - Even at the beginning of the thirteenth century the deprecatory form still flourished; for William of Paris writes these things:[8] "Nor, after the manner of forensic judges, does the confessor pronounce, we absolve you, but rather makes prayer over him, that God may grant absolution and remission and the grace of sanctification." The same is likewise clear from Opuscule 18 of St. Thomas, ch. 5; for when the adversary had said: "scarcely thirty years have passed since all used this deprecatory form alone," the Angelic Doctor does not deny this absolutely, but only corrects it in this way: "How can he bear witness concerning all, who did not see all?" - But a little afterward the indicative form was commonly received in the Latin Church; nevertheless, before it is pronounced, the prayers "May He have mercy," "May the Lord grant indulgence," "May our Lord Jesus Christ absolve you," are recited, which are like a commemoration of the ancient discipline.

[6] *Magna Bibliotheca Patrum*, Cologne, 1618, t. VIII, p. 423-424.

[7] In Morinus, op. cit., p. 48; cf. p. 71.

[8] *De sacram. Paenit.*, ch. 19, Venice, 1591, p. 472, col. 2.

169. (C) In the Eastern Church, after the thirteenth century, the form remained deprecatory; indeed even today it remains among certain persons. Thus, when Morinus asked a certain Greek priest, who presided over the Greek youths being educated in the Roman College, he answered that the form of absolution customarily used by the Greeks was this: "Lord, remit, dismiss, pardon the sins of this N., because Thine is the power, etc."[1] Today certain Orientals, such as the Syrians and Maronites united to the Roman Church, have borrowed the indicative form from the Latin Church; but others retain the deprecatory form. - The Ruthenians, however, although schismatics, use a form which is at once deprecatory and indicative.

[1] Morinus, l. VIII, ch. 12, n. 7, p. 547. - Thus also Denzinger (*Ritus Orient.*, t. I, p. 101): "The form of absolution among the Orientals (Catholics and non-Catholics), if only the Armenians are excepted, is deprecatory." - Cf. Vacant, *Dict. de Theol.*, t. I, p. 205-214, where the various forms of the Orientals are described.

170. 2° Conclusions to be deduced from the facts. (A) With Hurter (n. 626) we hold without doubt that the deprecatory form was valid wherever it prevailed in a general way; for we do not judge that absolutions given in a great part of the Church, through many centuries, were invalid. Moreover the deprecatory form, with the intention of absolving, and with attention given to the circumstances, shows that the priest is the minister of God and absolves only by His

authority, but it does not prevent the priest from being a judge and truly absolving ministerially. Nor can this change in the form be reconciled with difficulty with the opinion set forth in the Treatise on the Sacraments (n. 84), namely that not all the forms of the sacraments were determined by Christ in the lowest species; for, if the Church has the right of determining forms of this kind in species, nothing prevents a deprecatory form, with the intention of passing a judicial sentence, from being valid. But let those who think otherwise see how they can reconcile their theory with the facts.

(B) Whatever may be the case, since already for several centuries the Western Church has prescribed the use of the indicative form, deservedly there would be doubt concerning the value of the deprecatory form in the Latin Church. Besides, we confess that the indicative form is more fitting for the judicial power which belongs to the ministers of the Church. Therefore in practice the formula which is found in the Roman Ritual should be carefully used.

II. On the Things Required for Validity and Lawfulness

The question can be weighed with respect to the words themselves, and with respect to the mode in which they must be pronounced.

[1] In these and the following things, we set forth not only speculative but also practical questions concerning the form, lest we be forced to discuss the same subject twice.

1° On the Words Required for Validity and for Lawfulness

171. (A) For validity. (a) So that the value of the sacrament may certainly be clear, these words are required and suffice: "I absolve you from your sins." For those words are required and suffice for validity which sufficiently declare the effect of the sacrament, the mode by which it is effected, and the subject receiving; but the aforesaid words distinctly declare the effect, that is, the removal of sin, since sins are bonds by which sinners are bound, and the words I absolve you from sins dissolve bonds of this kind; besides, they clearly manifest that sins are remitted in the manner of a judgment, since they are nothing other than an absolving sentence; likewise they indicate the subject, "you, your"; therefore the aforesaid words are required and suffice.[1]

[2] The form of absolution, according to the Roman Ritual, is this: After the penance has been enjoined, the priest says: May He have mercy on you, etc. Then, with the right hand raised toward the penitent, he says: - May almighty and merciful Lord grant you indulgence, absolution, and remission of your sins. Amen.

May our Lord Jesus Christ absolve you, and I, by His authority, absolve you from every bond of excommunication, suspension, and interdict, insofar as I can and you need; then, I absolve you from your sins, in the name of the Father + and of the Son, and of the Holy Spirit. Amen.

May the Passion of our Lord Jesus Christ, the merits of the Blessed Virgin Mary, and of all the Saints, whatever good you shall have done, and whatever evil you shall have sustained, be unto you for the remission of sins, the increase of grace, and the reward of eternal life. Amen.

The prayers May He have mercy and Indulgence "are not to be omitted except for a just cause" (*Codex*, c. 885). The same must be said of the prayer The Passion of the Lord. It is indeed expedient that it not be omitted, since, according to St. Thomas and not a few others, this prayer raises all the good works of the penitent to the dignity and efficacy of sacramental penance (St. Thomas, Quodlibet 3, quest. 13, a. 28). - The word suspension is omitted if there is question of lay persons, since they cannot be suspended.

[1] St. Thomas, 3, q. 84, a. 2.

(b) It is commonly asserted that the words "I absolve you" alone suffice for validity, since these, after the confession of sins, are understood clearly enough of sins; and in reality many Greeks use this simple formula: "I hold you absolved." Yet, according to Lacroix (n. 633) and a few others, the words "from sins" are required, so that the sense of the form may be more clearly determined; and, since there is question of validity, in practice these are not to be omitted, and, if they have been omitted, the form is to be repeated under condition. - Much more probably the word your is not required, when it has already been said I absolve you; but because, according to some, it is required, in practice it likewise must never be omitted.

172. (c) From this it follows that I is not required for validity, if the priest speaks Latin, because it is already contained in the word absolvo. - Likewise the words "in the name of the Father, etc." do not belong to the essence of the sacrament, because they are neither prescribed by Christ nor found in the ancient formulas.

(d) The essential words can be supplied as to validity, though not as to lawfulness, by other equivalent words; for example, you by you plural, or Your Excellency, etc.; I absolve by I pardon or I remit to you your sins.

173. (B) For lawfulness. The form prescribed by the Roman Ritual must be carefully observed in the Latin Church. But for judging the gravity of the sin of a voluntary omission or change in the form, these two things, taken from the Treatise on the Sacraments, n. 33-34, must be noted:

(a) A voluntary omission or substantial corruption of an essential word, or of a word which is probably held as such, is always a mortal sin, because it makes the sacrament invalid, or at least exposes it to danger of nullity, and besides deprives the penitent of sacramental grace; thus to omit you, I absolve, from sins, etc. would be mortal.

(b) But the voluntary omission or corruption of a non-essential word, without sufficient reason, is a grave or light sin, according as the change itself is judged grave or light by the judgment of prudent persons; for, although it does not invalidate the sacrament, it imports an act of irreverence toward the sacrament. For example, omission of the words "in the name of the Father and of the Son, etc." is judged a light sin, while omission of the prior part of the form concerning absolution from censures can be grave, namely if the confessor certainly knows that the penitent is bound by censures.

(c) But in a case of necessity non-essential words can be omitted. Thus, according to the Roman Ritual, in danger of death it will be possible to say briefly: "I absolve you from all censures and sins. In the name of the Father, etc."

174. Corollary. Here theologians ask what the words I absolve you signify. They do not signify: I declare you absolved from sins;[1] for since, from the things said, the ministers of the Church are endowed with true power of absolving the faithful, their words are not merely declaratory, but effect what they signify. But according to the common opinion, the sense of these words is: I absolve you from the bond of sins, or I remit your offenses to you, conferring grace remissive of sin;[2] consequently, according to the opinion which we judge more probable, the remission of sin is signified directly, sanctifying grace indirectly, since in the present order a grave offense is

not remitted except through the infusion of grace. This is the proper sense of the word I absolve according to human usage, which must also be retained in the sacraments.

[1] Peter Lombard and a few other theologians had taught that this is the genuine sense; but this opinion was commonly rejected. Cf. Vacant, *Dict. de Theol.*, t. I, p. 196.

[2] According to Suarez, disp. XIX, sect. 11, n. 13-20, I absolve you signifies: "I confer upon you sanctifying grace remissive of sin"; but this does not please Cardinal de Lugo, disp. XIII, n. 69-74, who rightly notes that the words of absolution do not of themselves directly signify the conferral of grace, although they produce it from the institution of Christ. - Cf. Vacant, *Dict. de Theol.*, t. I, p. 194.

2° On the Mode in Which the Form Must Be Pronounced

The form must be 1° uttered by mouth; 2° directed to one present.

175. (A) Uttered by mouth, that is, not by writing or by nods, but by the living voice. - This indeed cannot be proved from the very nature of the thing, since in the civil forum a judgment can validly be pronounced in writing; but the reason is taken from the positive will of Christ, which is clear not indeed from Scripture, but from the use and practice of the Church, and also from the Decree to the Armenians declaring that the form of this sacrament is the words of absolution which the priest pronounces: for this is understood of words uttered by mouth. The matter is not, however, of faith, nor absolutely certain; whence, according to Sporer, in a case of extreme necessity, a mute priest could, if every other priest were lacking, give absolution by a nod or in writing.

It is not necessary that the words be heard, but it suffices that they be audible. Prudence requires that they be pronounced not in a loud, but in a low voice, lest, if someone is dismissed not absolved, those standing about notice it.

176. (B) Directed to one present. (A) For the words of the form "I absolve you" suppose the penitent to be morally present. But moral presence is that within which men speaking with a common, although somewhat raised, voice can speak with and be heard by one another. St. Alphonsus (n. 429), with many others, thinks that such presence can be extended to about 20 paces, especially where the penitent has not yet gone out from the sight of the confessor.[1] But if the penitent and confessor are in different rooms which in no way communicate with each other, absolution will be doubtful, because it is doubted whether they are morally present.

[1] Speaking speculatively, it could be said, with certain persons, that moral presence can extend even farther, for example to 40 or 50 paces, because even within this distance the human voice is usually heard; but in practice, outside a case of necessity, the safer part is to be followed.

177. (B) Hence, in practice, (a) if the penitent leaves the confessional before absolution is given, as sometimes happens, he can safely be absolved if he is certainly known to be within a few paces; otherwise, let him kindly be called back to the sacred tribunal; but if he is already far away and cannot be found, the matter is to be committed to God; but afterward, if he returns to the same confessor, let him be admonished to grieve over all his sins, even past ones, and let him be absolved.

(b) Likewise a dying man can be absolved already from the door of the room. - In battle a multitude of soldiers can be absolved, although some are at a great distance, because they form one moral whole, which is sufficiently present.

(c) Besides, in a case of necessity, all those who are perceived by some sense, even confusedly, can be absolved under condition, for example those falling from a roof, slipping into a river or sea, even if they are only seen from afar, because it is probable that those who are in some sensible way before the confessor are morally present.

178. 3° Corollaries. (A) Invalid and illicit is absolution given to an absent person, who confesses his sins sacramentally either by letters or through a messenger. This is clear from this proposition condemned by Clement VIII, June 20, 1602:[1] "It is lawful to confess sacramentally by letters or through a messenger to an absent confessor and to obtain absolution from the same absent confessor." Moreover Paul V, on July 14, 1605, in a congregation of the Holy Office, declared that this decree is valid also in the divided sense, that is, concerning confession or concerning absolution separately. Consequently absolution is invalid (a) if someone present confesses and is absolved while absent; (b) if someone absent confesses and is absolved while present. - I said that the absolution is not only illicit, but invalid; for Clement VIII prohibited the condemned proposition from ever being brought into practice in any way; but he could not have prohibited this for the article of death, unless such absolution were invalid.

[1] In Denzinger, n. 962. - Here there is question only of absolution from sins, and not of absolution from censures, which can be granted by letters, a messenger, telegraph, telephone, and other means of this kind, as will be explained in the Treatise on Censures; for when there is question of merely ecclesiastical punishments, the Church can absolve from them in every way that seems good to her.

Yet Clement VIII declared by an oracle of the living voice that he did not intend the case of a dying person destitute of the senses, whom those standing by testify to have previously sought absolution; for he is to be absolved, not indeed by force of a confession made in absence, but because, as one destitute of the senses, he is dispensed from explicit confession. - Likewise not invalid, nor illicit, if a just cause exists, is the absolution given to a penitent who confessed by letters and afterward, being present, says in a general way that he confesses the sins already set forth by letter; for in this way the confession is sufficiently repeated.

179. (B) Absolution given by telephone is very doubtful. Among theologians of today, some hold that it is not clear that this absolution is certainly invalid;[2] for those who speak by the help of a telephone, although they are physically distant, can be said to be morally present, because they truly speak with each other, and the very voice of the one speaking is truly heard by the other, so that it can be recognized as the voice of this or that person. - Others think that it is invalid;[1] for the sacraments were so instituted that they must be administered in a human and natural way; but conversation by telephone is an artificial mode of speaking with one absent, and those speaking thus, in the moral estimation of men, are not considered present, but absent. - The matter was referred to the Sacred Penitentiary, but to the proposed doubt "whether in a case of extreme necessity absolution can be given by telephone?" it replied on July 1, 1884, that "nothing is to be answered"; this indeed can signify that the solution of the doubt does not

belong to the Sacred Penitentiary, whose office is only to solve particular cases, but to the Holy Office.

[2] Ballerini P., n. 1155, *Notanda quaedam circa ritum*; Genicot, n. 267; Sabetti, n. 728, q. 7°; Berardi, *Praxis Confess.*, n. 1132, who nevertheless changed his opinion, in *Nouv. Rev. Theol.* XIX, 393 sq. and 655; Ciolli, *Directoire*, I, p. 180-182.

[1] Eschbach, in *N. R. T.*, XIX, 393; XX, 305; Noldin, n. 236; Haine, III, p. 218-219. Cf. Vacant, *Diction. de Theol.*, I, 242-243.

Whence in practice, outside a case of extreme necessity, to absolve by telephone is altogether illicit, lest the sacrament be exposed to the danger of nullity. But in a case of extreme necessity, a priest is not to be condemned who conditionally absolves by telephone a penitent who, suddenly seized by a most grave illness, should seek absolution from his sins.[2]

[2] Sabetti, n. 728. - The matter can be practical in regions where telephones are found in many private houses, especially if there are few priests and they are distant from certain parishioners.

III. On Conditional Form

Thus far concerning the absolute form, which regularly must be used. Sometimes, however, it is expedient to use a conditional form, namely one which is pronounced not absolutely, but under some condition.

180. 1° On its validity. Gerson (fifteenth century) seems to be the first who explicitly defended the validity of conditional absolution;[3] Cajetan sharply attacked his opinion;[4] yet the more common and morally certain opinion has become that this absolution, the things to be posited having been posited, is valid.

[3] *De Schismate tollendo*, among *Opera omnia*, Antwerp, 1706, t. II, p. 79; *De Unitate Ecclesiae*, p. 118.

[4] *Summula de peccatis*, Lyons, 1551, p. 3.

The general principle is that that form is invalid which leaves the effect of the sacrament in suspense, but that form is valid which by no means suspends the effect.[1]

[1] We proved this in the Treatise on the Sacraments, n. 101.

Now a condition concerning an uncertain future, for example, I absolve you, if within a month you shall make restitution, suspends the effect of the sacrament; for at the time when the sacrament is conferred, the effect is not produced, since the execution of the condition is uncertain, and moreover the intention itself of the Priest remains suspended; but at the time when the condition is verified, the sacrament no longer exists, and consequently cannot obtain its effect.

But a condition concerning the past or the present, for example, I absolve you if you have already made restitution, or if you are living, does not suspend the effect of the sacrament, and consequently does not render absolution invalid; for at the time when the sacrament is effected, the condition is already verified or not. If the former, absolution immediately produces its effect; if the latter, it is immediately invalid.

Nor should it be said that a conditional form stands in the way of the nature of this sacrament, which is administered in the manner of a judgment. For even in human judgments, a conditional sentence is not rarely passed, for example, you will go to prison unless within three days you pay the debt; or I

condemn you to prison, but, if you do not fall again into fault, for a time you will be immune from punishment. Moreover civil judgment is committed to execution by men, while the sentence of the confessor God Himself executes: therefore it suffices that God knows whether the condition has been fulfilled or not.

181. Yet a few theologians, such as the Louvain theologians and Collet,[2] have said that a condition even concerning the present invalidates the sacrament, if it is not a condition of fact (for example, if you are living, if you are capable), but of law (for example, if you are disposed, if you will to make restitution); for through a condition of this kind the nature of judgment is destroyed, since it belongs to the confessor himself to pass judgment concerning these dispositions of the penitent. - But this reason does not hold; for the confessor certainly must judge concerning the dispositions of the penitent, but in a human mode, insofar as can be done; now sometimes he judges that the matter is doubtful, and consequently, if a grave reason is added, absolution is to be granted under condition.

[2] Collet, in Migne, *Theol. Cursus*, t. XXII, 732.

Moreover, so that every doubt may be removed, it suffices that the confessor, doubting concerning the dispositions of the penitent, intend to absolve him according to the intention of Christ and of the Church under the tacit condition: if you are capable, which is held by all as valid.

182. 2° On its lawfulness. (A) Conditional absolution is lawful when these two things concur at the same time: (a) a grave reason for judging that the form pronounced absolutely would expose the sacrament to the danger of nullity; (b) a notable utility for the penitent of receiving absolution immediately.

For (a) the very nature of the sacrament requires that it be administered in the manner of a judgment; but, regularly speaking, a judgment ought to be absolute, especially in the sacred tribunal. For either the confessor is morally certain that the penitent is capable and disposed, and then he must absolve absolutely; or he judges certainly that he is incapable or indisposed, and then absolution must be denied; or he doubts, and then regularly absolution must be deferred, unless a special reason is present for receiving the sacrament immediately. (b) Moreover, if conditional absolution were given easily, both penitents and the confessor himself would easily fall into a certain negligence, and would not much care about arousing the necessary dispositions; from which it would also happen that sacrileges would gradually be multiplied.

183. (B) The chief causes on account of which conditional absolution can be given are:

(a) On the part of the confessor: if he positively doubts whether he absolved or not, - whether he omitted an essential word or not; then let him say, or rather intend (for it is better to conceive the condition in the mind alone): if you are not absolved, I absolve you. - But if he doubts whether he has jurisdiction, or whether the jurisdiction given to him has expired, is extended to such a penitent, or to such a case, and at the same time a grave reason is present for absolving the penitent immediately, then (from can. 209) the Church supplies jurisdiction, and therefore absolution can be given without condition.

(b) On the part of the penitent: in a case of necessity, if the dying person presents doubtful matter or doubtful dispositions, or if it is doubted whether he is still living or capable of absolution.

Also, outside a case of necessity, if those doubtfully disposed are about to contract marriage, or to leave the place, or wish, for a grave reason, for example, to avoid infamy, soon to receive holy communion; - or if there is a founded fear that those doubtfully disposed, if they are dismissed without absolution, will not return to the sacred tribunal, or will fall into despair; - or if there is question of the half-witted, of children whose use of reason is doubtful, and who otherwise would be deprived for a long time of the benefit of the sacrament; - or of the pious, who provide only doubtful matter, and from whom certain matter cannot be obtained, on account of their peculiar dispositions; for these can sometimes be absolved conditionally, lest they lack absolution for too long. For in these and similar cases the two conditions stated above are verified: on the one hand, the absolute pronouncing of the form exposes the sacrament to the danger of nullity; and on the other, there is a sufficient reason for absolving the penitent immediately.

184. (C) Corollaries. (a) A penitent absolved under condition must regularly abstain from communion, since otherwise he exposes himself to the danger at least of material sacrilege. Hence the confessor cannot positively tell such a penitent to receive holy communion. But if he is asked by the penitent, let him answer prudently according to the various circumstances; for example, let him say: "follow the dictate of your conscience."

(b) But there is not given a strict obligation of accusing again sins conditionally absolved, as will be better understood from the things to be said where we treat of confession. For it can prudently be judged that they were remitted; moreover, if the penitent is in good faith, as is supposed, they will be remitted in the following confession.

Art. II. On the Effects of the Sacrament of Penance

185. That the sacrament of Penance produces grace *ex opere operato* is sufficiently clear from the Treatise on the Sacraments.

(A) When the penitent is in mortal sin: (a) the grace proper to this sacrament is first sanctifying grace, or grace remissive of sin. It is called by various names, by which this effect is more clearly declared: grace of resurrection, by which the spiritually dead recover the life of grace; of healing, by which their wounds, with their cooperation, are cured; of reconciliation, by which, the injury inflicted upon God having been repaired, they are received into divine friendship. (b) To this there is annexed a right to receiving actual graces at a suitable time, by which the penitent may be able to satisfy for past sins and to avoid future ones afterward. (c) Moreover eternal punishment is remitted, and the temporal punishment due to sin is diminished. (d) But merits mortified by sin revive.

(B) But when the penitent is already in the state of grace: (a) he receives an increase of sanctifying grace with the right to actual graces, as above; (b) he obtains remission of venial sins more safely and efficaciously; (c) and also partial pardon of temporal punishment.

Since several of these things have already been declared, it will suffice to treat briefly: 1° of the remission of mortal sins; 2° of the remission of the punishment due to sin; 3° of the reviviscence of

merits. - We shall add a few things concerning the remission of venial sin, whether within or outside the sacrament.

§ I. On the Remission of Mortal Sins — I. On the Remission Itself of These Sins

186. 1° From the things said above concerning the power of the keys (n. 20 sq.), it is already permitted to infer that through the sacrament of penance all sins committed after baptism are truly pardoned before God, and that no sin is irremissible. We have already proved this from many testimonies, while at the same time explaining the texts of Scripture and of the Fathers from which the adversaries propose difficulties. - That the same sins are truly blotted out and not merely scraped away, so that they do not return on account of a subsequent sin, was proved in the Treatise on Grace, where we treated of justification.

Here it is enough to solve the difficulty which Protestants and Rationalists today propose, and which in the time of Augustine was already being urged by heretics and pagans: "You," they said, "make men sin, since you promise them pardon if they do penance." Augustine eloquently refutes this, showing that by the promise of pardon souls are induced to penance, while, on the contrary, if this hope is removed, they fall into despair, and consequently into the mire of vices: "If the entrance to penance were closed, would not that sinner add sins to sins all the more, the more he despaired of being forgiven? For he would say to himself: Behold, I have sinned, behold, I have committed a crime, now there is no place of pardon for me; penance is fruitless; I must be damned; why now do I not live as I will? Since I do not find charity there, here at least I shall feed cupidity. Why then should I abstain? Every place there is closed to me: here, whatever I do not do, I lose, because the life which is to be after this will not be given to me. Why therefore do I not serve my lusts, so that I may fulfill and satiate them?... Therefore, if you take away the harbor of penance, they will increase sins by despair." But he who has hoped for pardon cannot increase sins as he wishes; for Scripture admonishes him not to defer penance and not to be hardened in sin; for suddenly he can be struck by death and fall into the hands of the living God. Thus therefore he concludes: "Behold, the providence of God has watched over us for both things. Lest by despairing we should increase sins, the harbor of penance has been proposed; again, lest by hoping we should increase them, the day of death has been given as uncertain."[1]

[1] St. Augustine, sermon 352, n. 9; P. L., t. XXXIX, p. 1559-1560.

187. Corollary. From this it follows that one mortal sin cannot be remitted without another. For (a) sin is not taken away except through the infusion of habitual grace; but any mortal sin is directly contrary to habitual grace and excludes it; therefore one lethal sin cannot be remitted without another: for, if one remains in the soul, it totally excludes grace. (b) Sin cannot be remitted without true penance, to which it belongs to detest sin insofar as it is an offense against God; but the same reason applies to one as to the other lethal sins, all of which truly offend God; therefore someone cannot truly be penitent concerning one sin without repenting of all the others, if he actually thinks of them.[1]

[1] St. Thomas, 3, q. 86, a. 3.

II. On the Mode by Which the Sacrament of Penance Remits Sins

188. The sacrament of penance, like the other sacraments, produces its effects *ex opere operato*, and consequently not only declares that sins have been remitted, but truly causes this remission. Trent openly defined this against the Protestants, who contended that sins are remitted by faith, and that the absolution of the priest is nothing other than a bare ministry of pronouncing and declaring that sins have been remitted:[2] "If anyone shall say that the sacramental absolution of the priest is not a judicial act, but a bare ministry of pronouncing and declaring that sins have been remitted to the one confessing, provided only that he believes that he is absolved... let him be anathema."

[2] Trent, sess. XIV, can. 9.

But before the matter was defined, certain Scholastics held, with Peter Lombard, that by the absolution of the priest sins are not properly dismissed, but are shown to have been remitted (above, n. 131). Yet their opinion differed greatly from the errors of the Protestants. For they did not teach that sins are remitted by faith alone or confidence, but at the same time through contrition and the ministry of priests. Nevertheless they had not rightly understood what part the sacrament of penance has in the remission of sins; according to them, God worked this remission with the priest, but not through the priest.[3] Afterward, the matter having been better examined, St. Thomas and Scotus and their disciples understood, from the sayings of Scripture and of the Fathers, that the sacraments are not only conditions without which not, but also secondary and instrumental causes of grace, as has been set forth in the Treatise on the Sacraments, n. 44-45.

[3] Richard of St. Victor (*de potest. ligandi atque solv.*, ch. 12) had already refuted this opinion: "There exists an opinion of certain persons concerning the power of binding and loosing so frivolous that it seems rather to be laughed at than refuted. For they think and preach that priests do not have the power of binding and loosing, but of showing men to be loosed or bound. But surely does the Lord say: whatever you shall show bound will be bound, and whatever you shall show loosed will be loosed? They say that apostolic men do not have the power of remitting or retaining sins, when the Lord says this. They say that they have only the power of showing, when the Lord does not say showing." Yet he himself did not think rightly; for he said that sins are remitted through contrition, before absolution is given, but only conditionally, that is, on this condition, that absolution afterward be received: therefore this was not the cause of remission, but only a condition without which not. Cf. Vacant, *Dict. de Theol.*, t. I, p. 174.

§ II. On the Remission of the Punishment Due to Sin

189. (A) The sacrament of penance always remits eternal punishment together with the fault. It is certain; (a) for Trent teaches[1] that a penitent, after receiving absolution, is bound to satisfy through fastings, alms, and prayers, "not indeed for eternal punishment, which is remitted either by the sacrament or by the intention of the sacrament together with the fault; but for temporal punishment, which, as the sacred letters teach, is not always wholly dismissed for them, as happens in Baptism"... (b) The reason is clear from the things said; for the remission of mortal sin occurs through the infusion of habitual grace; but habitual grace makes us sharers in the divine nature, friends of God, and His adoptive children with a right to eternal beatitude, as we demonstrated in the Treatise on Grace (n. 139 sq.); therefore it remits eternal punishment.

[1] Trent, sess. VI, ch. 14.

190. (B) The Sacrament of Penance also diminishes the temporal punishment due to sin, and indeed in a twofold way:

(a) By reason of absolution; for, as Lugo says,[2] since it is certainly for God, when He commutes eternal punishment into temporal punishment, to be able to change it into a graver and more lasting temporal punishment. Therefore we ought to give thanks to God, both because He has remitted eternal punishment, and because He has not commuted it into some other greater temporal punishment, as He most justly could; and in this sense eternal punishment is never remitted without some temporal punishment being remitted at the same time, into which it could have been commuted.

[2] Lugo, disp. VIII, n. 64.

(b) By reason of satisfaction, or of the penance imposed by the Priest; for, according to Trent (ch. 3), satisfaction is one of the three parts which pertain to the integrity of the sacrament and concur toward the full and perfect remission of sins; but satisfaction does not directly concur toward the remission of fault, since this is remitted before satisfaction is completed; therefore it concurs toward the remission of punishment. This indeed it accomplishes *ex opere operato*, according to the common opinion, which holds that the three acts of the penitent are the proximate matter of the sacrament.

(C) The Sacrament of Penance does not always take away the whole temporal punishment, as we have already proved, but sometimes it does accomplish this, namely if contrition is most intense. For since temporal punishment of this kind is finite, contrition can be so intense that it remits it adequately and totally.

§ III. On the Reviviscence of Merits

191. State of the question. When someone is justified by the sacrament of Penance, he receives, together with habitual grace, the infused virtues which he had lost through sin: for since virtues of this kind flow from grace, as properties from essence, when grace is restored, the virtues are likewise restored, and indeed with an intensity proportioned to the perfection of the subject's disposition. But besides this, the question is whether merits mortified by sin revive.

[1] St. Thomas, 3 p. q. 89; Suarez, Opusc. V, *De meritis mortificatis*; Salmantic., *de Merito*, disp. V; Billuart, diss. III, a. 5; Palmieri, th. 19; de Augustinis, p. I, art. 10; Billot, p. 94-108.

For the understanding of this, a few things must be noted beforehand concerning various works in relation to merit. (a) Living works are called those which are done in the state of grace, with actual grace stirring and assisting, both because they are from a spiritually living principle, and because they merit eternal life. (b) Dead works are those which, although good and supernatural, are done in the state of sin, and consequently are not meritorious of eternal life. (c) Death-bearing works are those which deprive a man of the life of grace, such as mortal sins. (d) Mortified works are called those works which, done in the state of grace, are hindered from their effect by subsequent mortal sin, insofar as they are no longer able to lead a man to eternal life. Now the question is whether merits thus mortified can revive. Theologians commonly answer affirmatively, but there is controversy concerning the mode and degree in which they revive.

192. Thesis: When sin has been remitted through penance, works previously done in charity and mortified by subsequent sin revive. Thus commonly.

(a) The matter cannot be proved by Scripture alone; but the Fathers use two texts to propose their doctrine concerning reviviscence. First they allege these words of the epistle to the Hebrews: "For God is not unjust, that He should forget your work and the love which you have shown in His name, you who have ministered to the saints and do minister";[1] but, as the Fathers and theologians argue, here there is question of works done in grace and mortified; for the Apostle addresses the Hebrews, some of whom had fallen into sin; therefore God does not forget the good works of those who do penance, but remunerates them. To the point St. Epiphanius says:[2] "In this you see how he pronounced that that second restoration could by no means be made, and yet he did not exclude from salvation those who repented of their sin; but he also said that they were near to salvation, and that God is rightly the receiver of the things done by those who take up absolute penance for their offenses." The Fathers deduce the same from another place:[3] "So great things have you suffered without cause, if nevertheless without cause"; for Jerome says on this place:[4] "Whoever has labored on account of faith in Christ and afterward has fallen into sin, just as he is said to have suffered the former things without cause while he sins, so again he does not lose them, if he returns to his former faith."

[1] Heb. 6:10.

[2] St. Epiphanius, Haeres., 59, n. 2; P. L., XLI, 1019.

[3] Gal. 3:4.

[4] Comment. on Gal., l. I, ch. 3; P. L., t. XXVI, p. 350.

(b) From Trent also the thesis can be gathered: for it declares that the good works of the just "truly merit an increase of grace and the attainment of eternal life, provided, however, that he has departed in grace";[5] but there it is not required that someone persevere without interruption from first justification until death, but only that he depart in grace; therefore, if someone has sinned mortally and afterward repents, his merits revive.

[5] Trent, sess. VI, can. 32.

(c) It is recommended by reason. Works done in charity, if they are considered according to themselves, always remain in divine acceptance, and therefore they are said to be mortified only because through sin they are hindered from their effect, insofar as one sinning mortally is unworthy of eternal life; but such an impediment is taken away through penance; therefore works previously mortified, through penance, recover the force of leading to eternal life the one who performed them.[1] Moreover God does not will to punish a remitted sin with any eternal punishment; but if merits previously acquired were not restored, once the fault has been remitted, sin would be punished with an eternal punishment; for the privation of glory corresponding to those merits would be a true punishment, and indeed an eternal one; therefore.

[1] St. Thomas, 3, q. 89, a. 5.

193. But concerning the mode and degree in which merits revive, there is dispute among theologians, and nothing certain can be defined:

(a) The first opinion holds, with Banez (2. 2. q. 24, a. 6), that mortified works revive only in this sense, that glory will be given to a just man rising again from sin by a twofold title, namely both on account of the preceding merits and on account of the new ones acquired from the last justification, yet not a greater glory than is due to these latter merits; nevertheless there will be some accidental reward for the preceding works, insofar as the elect will rejoice concerning their reviviscence. Yet this opinion is deservedly rejected, since it seems to deny the reviviscence itself: for what does it profit to receive the same quantity of glory by a twofold title?

(b) The second opinion teaches that all mortified works are indeed restored immediately after penance, with respect to the merit of eternal life, but not with respect to the quantity of habitual grace previously had; namely the habitual grace itself previously lost will not be restored except at the instant of death, or after death, at the first instant of glorification. The reason is that grace in justification is not given except according to each one's disposition and cooperation;[2] but not according to merits previously acquired. Thus Scotus and the Salmanticenses.

[2] This principle St. Thomas explains thus, q. 89, a. 2: "Forms which can receive more and less are intensified and remitted according to the diverse disposition of the subject... And from this it is that according as the motion of free will in penance is more intense or more remiss, according to this the penitent obtains greater or lesser grace."

(c) According to the third opinion, which Dominic Soto and Ledesma defend, merits so revive according to the degree of the present disposition, that if someone elicits an act of contrition as five, he receives ten degrees of grace, five by reason of preceding merits, and five by reason of the actual disposition.

(d) But Suarez (op. cit., disput. II), with many moderns, holds that all merits acquired before are immediately restored to the penitent sinner, both with respect to the right to glory and with respect to grace. For merits of this kind, from the things said, always remain in the acceptance of God, and are hindered from their effect only by mortal sin; therefore, when sin has been remitted, the impediment is immediately removed, and nothing prevents past merits from immediately obtaining their whole effect. We freely embrace this opinion as the more benign, but at the same time we confess that the solution of this question depends on the will of God alone, which is not sufficiently known to us from Scripture and Tradition.

Scholion: On the Remission of Venial Sin

194. Thus far we have directly treated of the remission of mortal sin; yet it is expedient to add a few things concerning the remission of venial sins.

[1] St. Thomas, 3 p. q. 87; Suarez, disp. XI-XII; de Augustinis, p. I, a. 9.

(A) Venial sin cannot be remitted without grace; for, from the things said in the Treatise on Grace, nothing supernatural can be accomplished without grace; but the remission of venial sin is something supernatural, since it removes an impediment by which we are delayed from the supernatural end. Hence in the Second Council of Orange, can. 14 (Denzinger, n. 157), it is read: "No wretched man is freed from any wretchedness unless he is forestalled by the mercy of God."

195. (B) Venial sin joined with mortal sin cannot be remitted without the infusion of habitual grace. For the remission of any fault supposes divine friendship; for it is a favor granted gratuitously,

not owed; but divine friendship is not restored to the sinner except through the infusion of habitual grace. But venial sin in one who is already in the state of grace can be remitted of itself without the infusion of habitual grace; for, as St. Thomas says (q. 87, a. 2), each thing is taken away by its opposite; but the opposite of venial sin is not habitual grace, which is not lost through it, but the fervor of charity; therefore venial sin can be taken away of itself through a fervent act without the infusion of grace. This is illustrated by a comparison: for just as a body can happen to be stained in two ways, by the privation of beauty or by the superaddition of mud or dust, so also the soul is stained in two ways, by the privation of the beauty of grace or by a disordered inclination to temporal things, or venial sin: the former stain can be taken away only by the infusion of grace, but the latter is removed by this very fact, that by an act of fervor the disordered adherence to temporal things ceases.

196. (C) Venial sins of the just can be remitted *ex opere operato* and *ex opere operantis*: (a) *ex opere operantis*, namely through an act of contrition or of perfect charity, according to all, indeed more probably through an act of attrition. The Angelic Doctor (q. 87, a. 1) thus proves that some contrition is required for the remission of venial sin: venial sin, although it is not aversion from God as last end, contains some disorder, insofar as it delays the affection of man, lest it be borne promptly toward God; but such disorder cannot be taken away except by a contrary disposition, namely detestation and retraction of sin: for if the will perseveres in that disordered adherence to temporal things, the sin itself will adhere to the soul, since, while the cause remains, the effect remains.

Surely the best disposition is perfect contrition, since it takes away even mortal sin; but more probably attrition also suffices; for venial sins, if they are compared with mortal ones, are light, and consequently the same disposition is not required for the remission of venial sins as for mortal sins; therefore less perfect contrition, or attrition, suffices. Moreover the one attrite concerning venial sin immediately becomes contrite through habitual charity, as was said concerning the attrite person receiving the sacrament of penance, above n. 142.

Nor is it necessary that this attrition be formal; virtual is enough, for example when someone is borne toward God in such a way that whatever would occur to him that might delay him from this motion would displease him, and he would grieve that he had committed it, even if he does not actually think of it.

(b) *Ex opere operato*, through the reception of the sacraments, provided that there is no obstacle, that is, virtual or actual complacency in venial sin; this indeed is certain concerning Baptism, Penance, and Extreme Unction, which have the remission of sins as their proper effect; it is also asserted more probably concerning the others, which were instituted for the sanctification of souls, and therefore for fostering the fervor of charity, to which venial sins are opposed. But sacramentals, as we said elsewhere, remit venial sins indirectly, by stirring up sentiments of contrition and charity in the soul.

197. (D) One venial sin can be remitted without the others, namely if someone truly grieves over one, but not over the rest. Whence only then is full remission of all venial sins obtained when no affection for venial sins is retained. For from the things said, venial sin is not remitted unless it is at least virtually detested, and moreover one can be retracted without the others displeasing.

Conclusions of the Dogmatic Part

198. 1° Christ truly instituted the sacrament of Penance by handing over to the Church the power of the keys, or the power of remitting and retaining sins, and at the same time by imposing upon the Christian sinner the duty of submitting himself to this power by confession of grave sins, which contrition and the intention of satisfying must accompany.

2° Therefore the Sacrament of Penance flourished from the beginning, with all its essential parts, but the manner itself of administering it was diverse according to diverse times.

3° The present penitential discipline gradually prevailed from a twofold cause especially, namely from a clearer understanding both of divine mercy toward sinners and of the efficacy of absolution.

Scholion: A Comparison Is Instituted Between the Virtue and the Sacrament of Penance

199. From the things said in the dogmatic part of this Treatise, it can be inferred in what the virtue and the sacrament of penance agree and in what they differ: -

(a) By reason of nature. The virtue and the sacrament are concerned with one and the same object, namely personal sin insofar as it is to be retracted and expiated by congruous satisfaction. Wherefore they consist substantially in the same acts, confession, contrition, and satisfaction, yet to be elicited in a diverse way. The confession which the virtue requires is only confession before God, and therefore can be merely internal; confession, in the sacrament, must be made before a priest, and therefore must be manifested by some visible sign. - Contrition, in each case, imports detestation and sorrow concerning sin committed, and also a firm purpose of not sinning henceforth; but, in the sacrament, it must be manifested by some sensible sign, while, in the virtue, it can be merely internal. With the sacrament attrition suffices, while the virtue alone does not remit mortal sin without contrition. Satisfaction, in order to be sacramental, must be determined by the confessor himself; outside the sacrament, it can be chosen by the sinner himself, provided that it is morally proportioned to the sin committed.

The sacrament embraces more elements than the virtue; for, besides the three acts set forth above, it requires the absolution of the priest, which regularly must be preceded by an integral manifestation of mortal sins made to the minister. Moreover, however, not so perfect a contrition is required when absolution is received.

The virtue and the sacrament can be repeated indefinitely, whether with respect to the same sins or with respect to different sins.

200. (b) By reason of effect. In each case, the intended effect is the same, namely the remission of sin through the infusion of sanctifying grace; and so each can be called the second plank after shipwreck. But the mode of operating is diverse: the virtue is only a disposing cause, which does not produce, but obtains the remission of sin *ex opere operantis*; the sacrament is truly an efficient cause, although secondary and instrumental, insofar as, from the power of the passion of Christ, it truly confers grace remissive of sin *ex opere operato*.

(c) By reason of necessity. Each is necessary once grave sin has been posited, yet in a diverse way. The virtue is necessary by necessity of means, and indeed by natural law, not only in intention, but also in reality; the sacrament, as a positive institution, is necessary indeed by necessity of divine precept, indeed, according to some, by necessity of means, but only in intention. Therefore one who cannot actually receive absolution can be saved through perfect contrition with the intention of the sacrament.

(d) By reason of subject. The subject of the virtue is any sinner, even a pagan; while the subject of the sacrament is only a baptized sinner, since baptism is the gate of all the sacraments.

(e) By reason of antiquity. The virtue, which is required by natural law, was necessary at every time, as soon as any mortal sin had been committed; the sacrament, as something positively instituted, was not necessary except at the time when the necessity of it was sufficiently promulgated.

These are the chief differences; the others are already clear from the things said, or will be better understood from the things to be said in the moral Part.

201. Once those things chiefly to be believed concerning the sacrament of Penance have been declared in the dogmatic part, there remain to be set forth the things which have more regard to practice.

All those who have the care of souls know how great is the importance of applying themselves diligently to the study of this matter: for frequently they sit in the sacred tribunal, and there, whether for raising sinners from the mire of vices, or for raising pious persons to higher perfection, they ought to be endowed with accurate and abundant knowledge, all the more because they have manifold and intricate questions concerning every matter that pertains to the spiritual life, which must be solved alone and frequently without delay.

Now the practical doctrine concerning the sacrament of penance is referred to two heads, namely the duties of the penitent, and also the power and duties of the confessor.

Duties of the penitent:
- Contrition.
- Confession.
- Satisfaction.

Confessor:
- Power:
  - Approbation.
  - Jurisdiction.
- Duties:
  - With respect to all penitents.
  - With respect to different penitents.
  - With respect to abuses to be avoided.

Moral Part — Chapter I: On the Duties of the Penitent

Concerning the Duties of the Penitent

202. All the duties of the penitent are reduced to three, namely contrition, confession, and satisfaction, concerning which we shall speak separately.

Art. I. On Contrition

The notion and necessity of contrition having been declared above, n. 127, it will be enough to weigh two things, namely the qualities with which contrition must be clothed for obtaining pardon of sins, and also the qualities of the purpose included in contrition.

§ I. On the Qualities of Contrition

203. Contrition, whether perfect or imperfect, must be clothed with certain conditions, so that it may produce its effects with or without reception of the sacrament. Namely it must be (a) sincere, or internal, since it is sorrow of the soul; (b) supernatural, that is, elicited under the influence of actual grace, and conceived from a supernatural motive, since it is ordered to a supernatural end, namely the remission of sins; (c) universal, namely extending itself to all mortal sins, since the reason is the same for all, nor can one be remitted unless all are remitted, and consequently retracted; (d) appreciatively highest, insofar as sin must be esteemed and detested as the highest evil, and therefore more than any other evil; (e) in order to the sacrament, whenever the remission of sins is to be obtained by absolution. - Concerning these we shall speak separately.

[1] St. Thomas, Supplement, q. 2-3; Suarez, disp. XX, sect. 2; Lugo, disp. V and XIV; St. Alphonsus, H. A., tr. XVI, ch. 2; Collet, in Migne, *Theol. Curs.*, XXII, 196-214; Lehmkuhl, n. 283 sq.; Hilarius Sexten., § 37, n. IV; Konings, n. 1349-1350; Ball. P., n. 42-142; Genicot, n. 272-279; Noldin, n. 244-251.

I. On Sincere or Truly Internal Contrition

204. 1° Principle: Contrition must be sincere or internal, that is, truly conceived in the heart or will; and consequently merely external or feigned contrition does not suffice. It is certain.

(a) According to Trent,[1] contrition is sorrow of soul, and therefore must be conceived in the mind; and also detestation of sin: but detestation is an act of the will.

[1] Sess. XIV, ch. 4.

(b) Whenever contrition is treated in Scripture, the conversion of the heart is required, which, according to biblical usage, signifies the conversion of the will: "Be converted to me with all your heart... and rend your hearts, and not your garments."[2] - "Make yourselves a new heart and a new spirit."[3]

[2] Joel 2:12-13.

[3] Ezek. 18:31.

(c) This is otherwise consonant with reason; for contrition, as the reparation of sin, ought to proceed from that source from which sin came forth; but sin proceeds from the heart or from the will, as Christ Himself bears witness: "For from the heart come forth evil thoughts, murders, adulteries, fornications, thefts, false testimonies, blasphemies";[4] therefore contrition ought to proceed from the heart, or will.

[4] Matt. 15:19.

205. 2° Corollaries. (A) Merely estimated contrition does not suffice; in other words, he who in good faith thinks himself to be attrite, while in reality he is not, does not obtain the remission of sins, although, on account of good faith, he is immune from the sin of sacrilege. Thus commonly against certain ancient theologians, whom Ballerini follows.[5] For merely estimated contrition is not true sorrow of soul, which Trent requires for the remission of sin; it does indeed suffice that someone be in good faith, and consequently immune from the sin of sacrilege; but it does not suffice for taking away the aversion from God already existing, and consequently not for the remission of sin.

[5] Ball. P., n. 52 sq., with the authors cited there. - Palmieri, who edited the *Opus Morale* of Ballerini, notes (in the note to n. 76) that this opinion, although formerly defended by theologians of great name, is today deservedly commonly rejected.

Sometimes, however, there are found sinners of timorous conscience who desire to have sorrow and grieve that they do not grieve, namely who have tried to elicit attrition, but fear lest the proper disposition be lacking to them; then the confessor should inquire whether they seriously will to abandon sin and to use the means for avoiding occasions of sin. If they answer affirmatively, it can be judged that they are truly attrite, although their sorrow is not sensible.

206. (B) The mere affirmation of the penitent does not always suffice for judging that he is attrite; but, in order that a prudent judgment be formed, it is necessary to attend to several circumstances. (a) The reason for the former is that the penitent can either be deceived or deceive the confessor; this can happen especially when he approaches the sacred tribunal not by his own motion, but because he is urged to this by the persuasion of superiors, or parents, or friends, or from habit, or from rule; or when he is moved by imagination and sensibility rather than by a reasonable motive.

(b) The reason for the latter is that the true disposition of the penitent can be discerned from many circumstances: from the character of the penitent, from the motives by which he is impelled to confessing, from the care which he used in preparation, or from a change of life, or flight from occasions of sinning, or use of remedies previously prescribed. And so in doubtful cases let the confessor attend to all these things, as will be declared more fully below, where we treat of the duties of the confessor, namely concerning absolution to be denied or deferred.

207. (C) Contrition, in order to be part of the sacrament, must be manifested by some sensible signs; this is done regularly by the recitation of some formula. No special formula is required, but it is very expedient to recite that which is found in the catechism; yet care must be taken that children and the uneducated do not place their whole contrition in the external recitation of it.

208. 3° Controversy. Here it can be asked whether a formal act of contrition is required for rightly receiving the sacrament of penance, or whether virtual contrition, included in the love of God, suffices. This indeed, if it is perfect, suffices for the remission of sin outside the sacrament; but it is controverted whether it suffices for the reception of the sacrament. Theologians more commonly deny it with Suarez;[1] for contrition is an essential part and the proximate matter of the sacrament; but the proximate matter of the sacrament ought to be the formal act instituted by Christ Himself, nor does another act that only virtually embraces contrition suffice. - Yet some, such as Lugo and Ballerini,[2] affirm it; for those who elicit an act of love certainly place no obstacle to the sacrament; therefore they receive its effect. - But this controversy seems rather useless; for he who loves God above all things and confesses his sins by that very fact formally detests his sins, although he does not express this detestation by explicit words.

[1] Suarez, disp. XX, sect. 6, n. 2.

[2] Lugo, disp. V, n. 92 sq.; Ball. P., n. 80 sq.

II. On Supernatural Contrition

209. 1° Principle: Contrition must be supernatural by reason of the principle and by reason of the motive. It is certain.

(A) By reason of the principle, that is, elicited under the influence of actual grace enlightening the mind and assisting the will. For contrition, as a proximate disposition for obtaining or increasing justification, is a supernatural work; but, from the things said in the Treatise on Grace (n. 50), no supernatural work can exist without actual grace. - But this grace is denied to no one who prays; whence it must be trustingly sought from God.

(B) By reason of the motive, or on account of a motive which is referred to God, according to all, and moreover apprehended by the light of faith, as is commonly held against a few, as Ballerini.[1] For (a) there ought to be a proportion between the means and the end to be obtained; but the end to be obtained, namely the remission of sin through the infusion of sanctifying grace, is altogether supernatural; therefore the act of contrition must be supernatural; but it would not be wholly supernatural unless it were elicited under the influence of a motive known by faith; for on the one hand, an act takes its value chiefly from the motive, and on the other hand, the motive is not supernatural unless it is known by revelation. (b) Besides, Innocent XI, on March 2, 1679, condemned this proposition (57):[2] "It is probable that natural attrition, provided it is honorable, suffices"; therefore it is not probable that such attrition suffices.

[1] Ball. P., n. 48.

[2] In Denzinger, n. 1074. - See this proposition clearly set forth in Viva, *Damnatae Theses*, on propos. 57.

Ballerini indeed contends that it suffices that the motive be apprehended by one who is endowed with supernatural faith, without, however, that motive being perceived by faith properly so called. But in practice there is scarcely any difficulty; for in fact all the motives of contrition which Trent enumerates and which are proposed to the faithful are an object of faith properly so called, and can and usually are apprehended by the light of faith. Therefore no difficulty arises from the common opinion.

210. 2° Corollaries. (A) For truly supernatural contrition all motives which are known by faith suffice, namely not only perfect and imperfect love of God, but also the turpitude of sin, fear of hell and of punishments. - For these are truly supernatural, as will be clear from their exposition.

(a) The turpitude of sin is that moral foulness which arises from opposition to the supernatural order, and can be considered on the part of God, on the part of Christ, and on the part of the sinning soul.[1]

[1] Cf. Lehmkuhl, vol. I, n. 225-226; Reuter, *Neo-conf.* n. 12; Manning, *The Love of Jesus to Penitents*, ch. III; Tanquerey, *De peccatis*, n. 463-465.

On the part of God, mortal sin, of which there is chiefly question, is rebellion against God, who is the supreme Lord; injustice, because it is opposed to the strict right which God has to be our ultimate end; irreligion, because it is opposed to the right which He has to be honored: "by the transgression of the law you dishonor God";[2] ingratitude, because He is the supreme benefactor (creator, conserver, redeemer, sanctifier), and we use His benefits for offending Him, and indeed at the very time when He heaps benefits upon us; insult, since we commit sin in the sight of God: "against Thee alone have I sinned, and I have done evil before Thee";[3] contempt of God, since the vilest creature is preferred to God, according to that saying:[4] "They have forsaken me, the fountain of living water, and have dug for themselves broken cisterns, which cannot hold waters"; impenitence, if someone adheres to sin for a long time.

[2] Rom. 2:23.

[3] Ps. 50:6.

[4] Jer. 2:13.

On the part of Christ, mortal sin is deicide, since it caused the death of the Lord and, insofar as can be done, renews it: "crucifying again to themselves the Son of God";[5] sacrilege, since it is the violation of the divine temple, according to that saying:[6] "the temple of God is holy, which you are."

[5] Heb. 6:6.

[6] 1 Cor. 3:17.

On the part of the soul, mortal sin is spiritual suicide, since it brings death upon the soul; deformity and defilement, since it deprives the soul of its supernatural beauty; submission to diabolical tyranny, since the sinner makes himself the servant of the devil: "for by whom a man is overcome, of him also he is the servant."[7]

[7] 2 Pet. 2:19.

211. (b) Fear of eternal punishments, and the hope of obtaining eternal beatitude, are certainly, according to all, supernatural motives.

But it is controverted whether fear of the punishments of this life is also supernatural and sufficient for contrition. Now it is certain that temporal punishments considered in themselves, insofar as they afflict the sinner with natural evils, are not a supernatural motive; thus the loss of reputation, health, or merely temporal goods, or fear of prison or a fine, and other motives of this kind, do not suffice of themselves for contrition: for they do not cause detestation of sin insofar as it is an offense of God,

nor do they convert the sinner to God, as is seen in the example of Antiochus, who in vain grieved over sins on account of the very bad illness by which he was afflicted.[1] - But if temporal punishments are considered in the light of faith, as chastisement intended by God the avenger for sins, and as, so to speak, the beginning of eternal punishments, they already offer a supernatural motive, and, according to the common and morally certain opinion, suffice for attrition. Thus, for example, the Ninevites did penance on account of fear of the destruction of the city,[2] and, according to Trent,[3] obtained mercy from the Lord; likewise God often threatened temporal chastisements to the Jews, in order to lead them back to Himself.

[1] 2 Macc. 9:11-29.

[2] Jon. 3:4.

[3] Trent, sess. XIV, ch. 4.

Whatever may be the case, it is certain that consideration of temporal losses is most useful for leading hardened sinners to higher and better motives: for if they are terrified by these passing evils, why would they not fear eternal ones, if, at the suggestion of the confessor, they think about them?

212. (B) An explicit act of faith and hope, distinct from the act itself of contrition, is not required. A few theologians had affirmed that this is required, because Trent, discussing the dispositions for justification,[4] enumerates these acts of faith and hope. But this is commonly rejected by theologians, because the Council, discussing contrition, does not require them; moreover, according to St. Alphonsus (n. 439), he who approaches confession truly penitent necessarily elicits explicitly (if not reflexively, at least exercitively) acts of faith and hope; for since he approaches to receive the remission of sins, without doubt he also explicitly believes that they are to be remitted by the power of the sacrament, and explicitly hopes that God will remit sins to him on account of the merits of Christ. Therefore an act of faith or hope distinct from the act itself of contrition is not required. - Yet it is expedient that acts of this kind be recited as a preparation for contrition.

[4] Trent, sess. VI, ch. 6.

III. On Contrition Appretiatively Highest

213. 1° Principle: Contrition must be appreciatively, but not intensively, highest. It is certain.

Appreciatively highest contrition is that by which the penitent practically esteems mortal sin as the greatest of all evils, and is prepared to sustain all things rather than offend God. Intensively highest contrition is that which by its vehemence surpasses every other sorrow.

An act of contrition intensively highest is not required, but an act even remiss suffices, provided that it excludes every affection for mortal sin. For the intensity of an act does not vary its species; and, as St. Thomas rightly says,[1] "however small the sorrow may be, provided it suffices for the character of contrition (i.e., provided we detest sin above all things), it blots out every fault." - Therefore it remains to be proved that contrition appreciatively highest is required.

[1] Supplement, q. 5, a. 3.

(a) Contrition ought to involve that disposition by which, at least through absolution as mediator, the sinner pleases God; but unless someone loves God more than father, i.e., unless he consents to be deprived rather of every created good than of the friendship of God, he cannot please God, according to that saying of Christ:[2] "He who loves father or mother more than me is not worthy of me." (b) From Trent,[3] contrition ought to exclude every affection for sin and every will of sinning; but it cannot accomplish this unless it is highest appreciatively; for unless someone esteems sin as the greatest of all evils, at some time he will choose sin rather than the evil which is apprehended as greatest; therefore. (c) Right reason demands that we pursue with appreciatively greatest hatred that which is truly the greatest evil; but sin, as at least objectively infinite offense of God, and as depriving man of the greatest goods, is the greatest of all evils; therefore it must be supremely detested.

[2] Matt. 10:37.

[3] Sess. XIV, ch. 4.

214. 2° Corollaries. (A) For contrition appreciatively highest, there is not required, nor is it expedient, an explicit comparison of sin with other evils in particular. (a) It is not required; for just as by faith we firmly believe revealed things without comparing divine authority with other authorities, and we love God above all things without comparing Him with creatures, so likewise we can detest sin above all evils without comparing it with the other evils.

(b) It is not expedient; for, as St. Thomas says,[1] just as delectable things move more when considered in particular than in common, so terrible things terrify more if they are considered in particular; therefore it would be imprudent to propose certain evils in species, for example the cruelest kind of death, a most grave injury, or the loss of one's whole fortune, lest perhaps these particular evils move the penitent more than spiritual losses. For all these evils are hypothetical, not impending, nor even probable; if sometimes they occur, the grace of God will be given for patiently undergoing them; meanwhile each day has enough of its own evil. It is enough that penitents resolve within themselves to do, when occasion is given and with the help of the grace of God, all those things which conscience will dictate at that time; for many things appear impossible which, when they occur, become easier by the grace of God.[2]

[1] Quodlibet, I, a. 9.

[2] Therefore the confessor would act imprudently who would address a fragile penitent, asserting that he is well disposed, in this way: "Are you truly prepared to abstain from all and each of these sins, not only for some days, but also through your whole life? If such and such temptation occurs, what will you do? Consider how much violence you must inflict on yourself, how much vigilance, and indeed continual vigilance, you must exercise; think that ordinary means do not suffice, but extraordinary ones are desired, fasts, mortifications, etc. Are you prepared for all these things?" For these or similar words are suited not to arousing contrition, but rather to destroying it. But rather he should be exhorted to use means proportioned to his strength, and confidently to have recourse to God in graver temptations. - Thus almost Berardi, *De Recidivis*, 5th ed., n. 49.

215. (B) For contrition appreciatively highest, sensible sorrow is not required, or sorrow which overflows into the sensitive appetite and breaks forth into tender affections of the heart, sighs, and tears; and consequently neither is sorrow required which is more sensible than that which is often felt on account of temporal losses, for example, the death of relatives and friends. For contrition does not reside in sensibility, but in the will, with the judgment of the intellect

going before; moreover, sensible emotion is not in our power, and it can happen that someone, without sensible sorrow, grieves more vehemently than another who is prone to emotions of this kind. Sensible signs of sorrow are indeed not to be despised; indeed sometimes they are true indications of more vehement contrition; but what must especially be weighed is whether the penitent esteems sin as an evil more grave than the others, and therefore is prepared to suffer other losses in general rather than gravely offend God.

IV. On the Universality of Contrition

216. 1° Principle: Contrition must be universal with respect to mortal sins, but not necessarily with respect to venial sins. It is certain.

(A) With respect to mortal sins, we must detest not only all those which have been declared, but also those which have been omitted on account of forgetfulness or a legitimate reason. For (a) we must detest sins insofar as they are an offense of God and deprive us of His friendship; but this reason extends itself to all mortal sins, even those which could not be declared on account of a legitimate reason; for each and every mortal sin grievously offends God, and indeed in such a way that they deprive us of divine friendship, as is clear from what was said above (n. 210); therefore we must detest all and each.

(b) Moreover, contrition is ordained to the remission of sin; but, in the present order of things, one mortal sin cannot be forgiven without the others, since it is not remitted except through the infusion of sanctifying grace, which cannot enter a soul in which one mortal sin remains; in truth no one can be both friend and enemy of God at the same time: now he who is adorned with sanctifying grace, by that very fact, is the friend of God, while he who retains one mortal sin is His enemy; therefore one mortal sin cannot be forgiven without the others; therefore contrition must extend to all mortal sins, since no mortal sin is remitted without contrition.

(c) Hence Scripture often urges sinners to retract all sins, so that they may be able to obtain pardon:[1] "Be converted, and do penance for all your iniquities, and iniquity shall not be your ruin. Cast away from you all your transgressions... and why will you die, O house of Israel?"

[1] Ezek. 18:30-31.

217. (B) With respect to venial sins, it is not required that contrition extend to all; for venial sins do not destroy the friendship of God, nor separate us from the ultimate end, so that one can be remitted without another. Besides, genuine sorrow can be conceived for one venial sin without being conceived for another, at least when these sins are of diverse kinds; for example, I can grieve over a lie, on account of the special malice inherent in it, without grieving over a slight act of pride or of intemperance.

218. 2° Corollaries. (A) It is not required that the penitent run through each mortal sin and grieve formally and distinctly for each, but it suffices that he detest them virtually and implicitly by a motive common to all. For the motives of contrition are of themselves universal, namely those on account of which we detest sin insofar as it is opposed to the attainment of the ultimate end, or insofar as it offends God, infinitely good and infinitely perfect, etc.; moreover these motives, when they are truly conceived, extend themselves to all and each of the sins, and that

sufficiently, although virtually and implicitly; therefore it is not necessary that each be run through in the mind, and that a formal act of contrition be elicited for each. This, moreover, is often very difficult, and in some cases, for example, in the matter of chastity, dangerous. But as often as it can be done without danger, it is to be recommended, as useful for exciting a more vivid contrition.

This reason, however, evidently does not hold if someone hates some mortal sin on account of its special turpitude; for such a motive does not extend itself to other sins of diverse species; for example, if someone hates theft on account of its special turpitude, it does not follow from this that he detests an act of intemperance.

Hence it is altogether expedient that penitents, for the sake of greater security, conceive sorrow from a universal motive, so that in this way even those sins about which they are not actually thinking can be retracted. And this, moreover, is altogether easy for him who already sincerely grieves over one mortal sin: as soon as he no longer adheres to sin, he does not with difficulty reject all those things which are able to cause the loss of eternal beatitude.

219. (B) He who knowingly and willingly accuses only venial sins, having no contrition for them, sins gravely; for by that very fact he renders the sacrament null, on account of the defect of contrition, and so commits a grave irreverence. - Yet this will scarcely ever happen in practice, since such a man, by the very fact that he avoids mortal sins, is habitually well disposed; whence it will happen most rarely that he approaches the sacred tribunal knowingly and willingly lacking contrition. - For the rest, for the validity of the sacrament, it suffices that in such a case he accuse some sin of his past life for which he sincerely grieves.

220. (C) He who, knowingly and willingly, indiscriminately accuses venial sins for which he grieves and others for which he certainly knows that he does not grieve, more probably does not sin. Some indeed contend that he sins venially, because in some way he deceives the confessor, implicitly saying that he grieves for these sins by the very fact that he confesses them, while in reality he has conceived no contrition for them. - But this reason does not hold; for the confessor can understand, from things commonly occurring, that a penitent of this kind accuses certain venial sins not as matter of the sacrament, but so that he may be better known by the director, or for the sake of humility, or for other reasons. It would indeed be better in this case for the penitent openly to declare that he is not contrite for such or such a sin which he accuses; but he is not strictly held to this. In practice let him try to conceive contrition from a universal motive, which of itself embraces all venial sins, for example, to avoid the punishments of Purgatory, or because sin displeases God; then certainly there will be no sin, and in addition a richer fruit will be received from the sacrament.

3° Scholion: On the Sacrament of Penance as Valid and Formless

221. After what has been said concerning the qualities of contrition, it can briefly be weighed whether the sacrament of Penance can be valid as a sacrament and at the same time formless, i.e., not producing grace, on account of some obstacle; and consequently whether, when the obstacle has been removed, the grace of the sacrament revives. On this matter there is controversy among theologians.

(A) Some[1] say that there is one single case in which this can occur, and they explain their opinion thus: if someone has committed two mortal sins, for example one of theft, the other of blasphemy, and afterward, forgetful of the blasphemy, accuses only the theft and grieves over it on account of the special turpitude of this sin, the sacrament is truly confected, since there are found there all the elements necessary for its validity (on the part of the penitent, a formally integral confession, contrition, and the will of making satisfaction, and on the part of the priest, absolution duly pronounced); nevertheless it does not produce its effect, because the sin of blasphemy is not retracted, and consequently is not remitted. Hence, if afterward the obstacle is removed through detestation of the blasphemy, nothing prevents the grace of the sacrament from reviving. - Some theologians,[2] however, hold that in this case the sacrament is not formless, but immediately produces its effect, because, while the sinner grieves over the theft, he grieves so that he may recover divine friendship and avoid eternal damnation, and therefore his sorrow implicitly extends itself also to the sin omitted through forgetfulness. And this opinion is truly probable, because it happens most rarely that a penitent so considers the special motive of attrition that he does not ascend to another more general one.

[1] Suarez, disp. XX, sect. 5; Lugo, disp. XIV, sect. 6, n. 65 sq.; Salmantic., cap. 5 n. 1-21; St. Alphonsus, n. 444.

[2] D'Annibale, p. III, note 19 to n. 312; Genicot, n. 275; Billot, th. 16, § I.

222. (B) But others[1] admit that the sacrament of Penance can be valid and formless whenever the penitent has attrition which is indeed true and sincere, but not appreciatively highest. According to them, namely, there are sinners who are so attrite that they grieve over all past sins, but not in an appreciatively highest degree, and yet are not conscious of such a defect; now that act of attrition, as being sincere and elicited in good faith, indeed suffices as an integral part of the sacrament, although it does not suffice as a disposition for obtaining absolution from sin: therefore the sacrament is indeed valid, since in it all essentials are found, but formless, because, on account of the defect of full disposition, grace is not produced; but when the obstacle has been removed through appreciatively highest attrition, then grace will be produced through the reviviscence of the sacrament. - That opinion does not lack probability, both because of the authority of the theologians who defend it, and because it rests upon the general principle that the sacraments confer grace, whether immediately or when the obstacle recedes, on all those who do not place a voluntary obstacle; nevertheless it does not pass beyond the limits of probability, because it remains uncertain whether that attrition, sincere but not appreciatively highest, suffices as an integral part of the sacramental sign.

[1] Cajetan, *Opusc. de confessione*, q. 5; Billot, th. 16, § I, with other authors cited in the same place. Some understand in this sense what St. Thomas writes, *Supplement*, q. 9, a. 1.

223. Besides, this controversy does not contribute much to practice, unless you say with Billot that in this way there is better understood the commonly received custom of absolving penitents as often as they sincerely confess their sins with the purpose of not sinning hereafter, without its being morally certain that their attrition is appreciatively highest; for, granted that absolution in this case is valid, sacramental grace, if it is not received here and now, will afterward be received as soon as the penitents have become better disposed.

V. On Contrition in Order to the Sacrament

224. 1° Principle: Contrition must be elicited in order to the sacrament, or a certain moral union is required between the act of contrition and absolution. It is certain.

[2] Suarez, disp. XX, sect. 4, n. 27-30; Lugo, disp. XIV, n. 36-50; Salmantic., cap. 5, n. 22-27; St. Alphonsus, n. 445-448; Billuart, diss. IV, art. 8; Lehmkuhl, 280-282; Genicot, n. 278; Morino, n. 431-434.

For contrition is an essential part or at least an integral part of the sacrament, and consequently must be so united with the sacrament that with it it forms some whole; but the sacrament is a moral whole, not a physical one; therefore a moral union between sorrow and absolution suffices.

225. 2° Corollaries. This union, however, regards both intention and time.

(A) With relation to intention, sorrow conceived for sins must in some way be referred to absolution; otherwise absolution would become invalid or doubtful, on account of the defect of moral union among the various parts of the sacrament.

It is not required, however, that contrition explicitly and reflexively arise from an intention, previously conceived, of receiving the sacrament, whatever a few may have said to the contrary with Lacroix;[1] but it suffices that sorrow conceived before the purpose of confessing flow virtually into confession, and be morally connected with absolution. Thus, for example, he who, on the occasion of a sermon or of pious reading, conceives sorrow without thinking about confession, and afterward, by the force of sorrow thus conceived and persevering, makes a confession, or at least gives some sign of the sorrow previously conceived before absolution, sufficiently orders his contrition to the sacrament. Yet it is better that penitents explicitly elicit or renew an act of contrition in order to confession, before they enter the sacred tribunal, so that their sorrow may be more vivid and richer fruits may be received.

[1] Lacroix, n. 687.

226. (B) With relation to time: (a) contrition must precede absolution, or at least be elicited at that point of time at which absolution is given, because it is certainly a necessary disposition for absolution, and also very probably the proximate matter itself of the sacrament; if therefore contrition does not exist at least at that instant at which *I absolve you* is said, the sacrament will lack its effect.

227. (b) But it need not necessarily precede confession, although this is much better and more prudent. For the Roman Ritual admonishes the confessor that, after the confession has been heard, he should try by efficacious words to lead the penitent to sorrow and contrition;[2] therefore it supposes that the penitent is sometimes not contrite while he confesses his sins, and nevertheless can be absolved, provided that before absolution he is sincerely contrite.

[2] *Ordo ministrandi sacram. Paenitentiae*.

Some contend that this cannot be done, because the confession then is not sorrowful, and in addition the sorrow conceived after confession is not manifested by a sensible sign. But this difficulty, when the matter is carefully inspected, entirely vanishes. Confession indeed must be sorrowful, but for this it suffices that it not be a merely historical account of sins, but be made in order to the sacrament,

with hope of conceiving contrition before absolution. But contrition, even if it is conceived after confession, becomes sensible by the fact that the penitent manifests internal sorrow either by asking for absolution, or by reciting an act of contrition, or by other external signs. - Whence the opinion which we defend is morally certain.

228. (c) An act of contrition once elicited in order to absolution can persevere not only for several hours, but even for several days, provided that it is not retracted by a new mortal sin, and that it perseveres in some effect, for example, the will of confessing, flight from occasions, etc. The reason is that such an interval does not destroy the moral union which must exist among the various parts of the sacrament; for that delay is permitted which can exist among the various judicial acts, since this sacrament is administered after the manner of a judgment.

This indeed can serve to calm the scruples of those who did not renew an act of contrition before confession, and, at that instant at which absolution was conferred, did not think about contrition. But in practice it is certainly expedient that an act of sorrow be elicited in preparation for confession, both so that greater fruit may be received from it, and also for the sake of security, lest perhaps a penitent who, on account of disturbance of mind, does not renew sorrow at the time of absolution, be troubled by anxieties.

229. (d) It is not required that contrition endure after absolution has been received; for true contrition, with grace helping, can be conceived in one instant, and provided that it is conceived and endures at the time when absolution is conferred, the penitent is justified; if afterward he is overcome by temptation, he indeed sins, but the sins remitted do not revive. Yet if it quickly vanishes, it can deservedly for the most part be regarded as suspect.

230. 3° Disputed questions: (a) When a penitent, immediately or a little after absolution, accuses a grave sin omitted through forgetfulness, it is controverted whether or not a new act of sorrow is required for receiving a new absolution. The more probable opinion denies this, provided, however, that contrition was elicited from a universal motive which also embraces the sin given over to forgetfulness; for in this case the judgment had not yet been objectively completed, and besides the contrition previously conceived still perseveres. Some, however, affirm with probability, with St. Alphonsus (n. 448), because the judgment has already been completed, and consequently new proximate matter is required for a new sentence to be pronounced. - Whence, in practice, penitents are to be induced to elicit a new act of contrition; but if this has not been done, penitents are not to be disturbed, since the sin has already been remitted indirectly by the first absolution.

(b) But when, after a long interval, sins already absolved are accused anew, it is doubtful whether the sorrow elicited in the prior confession and not yet retracted perseveres sufficiently for absolution without being actually renewed. More probably a new sorrow is required, because, after a long interval, the sacramental judgment has been completed; therefore, in order that a new one may be begun and completed, there is required not only a new accusation, but a new act of contrition and a new absolution. - Whence in practice penitents are to be admonished to renew their sorrow; this they will gladly do. But if certain devout persons fear that they omitted this in their past life, they are not easily to be disturbed, since one must stand for the validity of the act until the contrary is proved.

§ II. On the Qualities of the Purpose

231. The purpose of not sinning hereafter is required for the validity of the sacrament of Penance, as is evidently gathered from Trent, which declares contrition to be sorrow of soul and detestation, with the purpose of not sinning hereafter. In truth the sinner cannot sincerely detest the sin committed and at the same time will to commit the same sin in the future: for each equally is an offense of God, each is opposed to the obtaining of the ultimate end.

[1] Suarez, disp. XX, sect. 4, n. 31-33; Lugo, disp. XIII, n. 51-64; Salmantic., cap. 5, n. 52-69; St. Alphonsus, n. 450-451; Scavini, n. 292-293; Lehmkuhl, n. 292-298; Muller, § 117; Haine, q. 33-34; Genicot, n. 280-282; Noldin, n. 252-254.

I. On the Purpose with Respect to Mortal Sins

This purpose, however, with respect to mortal sins, must be universal, firm, and efficacious.

232. 1° Universal, that is, extending itself to all mortal sins, not only to those which have been committed, but to any others whatever, as is gathered from Trent saying "with the purpose of not sinning hereafter." - Yet the purpose of avoiding all mortal sins in general suffices, without each being explicitly run through. Hence often the confessor would act imprudently if he demanded from the penitent that he promise to avoid this or that sin in particular, in such or such a difficult circumstance, unless the common good specially requires it, for example, in the case of scandal to be repaired, or the good of a third party, for example, when restitution is necessary, or another grave reason of this kind. Outside these or similar cases, the confessor would act imprudently by demanding a special promise, because the penitent, otherwise sufficiently disposed but still weak, could be terrified by this special difficulty and become indisposed, as we said above (n. 214).

233. 2° Firm, that is, so rooted in the will that the penitent is truly and deliberately prepared to commit no grave sin through fear of any evil or through desire of any good.

(A) To this firmness there is no obstacle from an estimation or fear lest someone in fact fall back into sin: for this disposition is rather an act of the intellect, by which relapse is foreseen, on account of the mutability of the human will, and therefore can exist at the same time with an act of the will by which someone sincerely does not wish to relapse. Penitents, therefore, who are so disposed can be absolved, provided that for the present they sincerely resolve to avoid sin according to their strength, and to trust in the grace of God for the future.

(B) But if a penitent certainly believes that he will relapse, according to St. Alphonsus (n. 451), he lacks a firm purpose; according to Lugo,[1] he can have a firm purpose. With Lehmkuhl (n. 296) and others, we think the distinction must be made in this way: (a) if this persuasion arises only from experienced inconstancy and fragility, and the penitent at the same time trusts in God and wishes to try to avoid sin, he is not for that reason to be judged indisposed; for this persuasion, which often does not differ from a great fear of relapsing, is an act of the intellect foreseeing the future with a certain moral certitude, and can exist with an actual will of fleeing sin. In truth confessors often absolve penitents whom they foresee with moral certitude will relapse, and this foresight, according to all, can be reconciled with the sincere purpose of penitents; why can the same not be said of the

foresight itself of the penitent? Whence the sinner is to be exhorted to confidence and prayer; and if he promises to make efforts, he can be absolved.

[1] Lugo, disp. XIV, n. 137; Ballerini-Palmieri, n. 161.

(b) But if that persuasion arises from despair, he indeed lacks a firm purpose, because he does not have hope. Nor nevertheless is he to be dismissed at once, but he is to be exhorted to consider again the divine mercy, and also the efficacy of divine grace, by whose help he can overcome all difficulties. "But God is faithful, who will not suffer you to be tempted above that which you are able"... "I can do all things in Him who strengthens me."[1] If in truth he conceives confidence in God, and, although he foresees that he will fall, sincerely grieves over his sins and firmly proposes to abstain from them, he can now be absolved.

[1] 1 Cor. 10:13; Phil. 4:13.

234. 3° Efficacious, or having the force of doing what is proposed; now such a purpose can be judged to exist when the penitent sincerely and seriously wills to employ the means for avoiding sin, especially to flee proximate occasions. But it suffices that the purpose be efficacious affectively, so that in soul he is prepared to employ the means; nor is it required that it be efficacious effectively, that is, that sins in fact be avoided. For relapse is not always and of itself a sign of a weak purpose, but more often arises from a change of will; for by nature we are so constituted that easily, when circumstances have changed, we change our counsel; and therefore a firm purpose does not make a man impeccable; thus Peter, who had promised rather to die than to deny Christ, a few hours afterward, from fear of a maidservant, in fact denied Him.

235. 4° But it is controverted whether the purpose must be formal and explicit, or on the contrary a virtual purpose suffices, which is contained in the act of sorrow.

(A) A few affirm that a formal purpose is required, especially because Trent distinguishes this purpose from detestation of sin: now there would have been no necessity of making this distinction, unless the Council had wished to suggest that such a purpose must be explicit. Yet this argument does not hold; for the same Council distinguishes between sorrow and detestation; now, according to all, sorrow implicitly contained in detestation suffices for contrition, without being explicitly elicited.[2]

[2] Thus Canus, *Relect. de Paenit.*, p. 1, q. 2, concl. 1, n. 10; Soto, in 4, dist. 15, q. 1, a. 2; Bellarmine, *De Paenit.*, lib. II, cap. 6.

(B) Others more commonly hold that the purpose virtually included in contrition suffices, provided that contrition is conceived from a universal motive;[3] for if the motive were not universal, but special to the sins accused by the penitent, perhaps it would not extend to all future sins. - The reason is that Trent, although it explicitly mentioned the purpose in the definition of contrition, nevertheless in no way declared that this purpose must be explicit, but rather taught that attrition suffices if it excludes the will of sinning; but sorrow conceived from a universal motive necessarily excludes every will of sinning, since sin is as hateful in the future as in the present or the past.

[3] Suarez, disp. VII, sect. 3, n. 7; Cardenas, p. IV, diss. 2, n. 80, and many others whom Ballerini cites, t. V, n. 97 sq. - St. Alphonsus (n. 450) grants that it is the more probable opinion, but in practice does not permit it to be followed,

because the first opinion is probable: now, where validity is at issue, it is not permitted to follow even the more probable opinion.

(C) Others, finally, distinguish:[1] (a) if someone, thinking about the future, does not wish to elicit an explicit act of purpose, this is a sign that his contrition is not sincere, and consequently that he does not even have a virtual purpose; - (b) but if someone sincerely detests sin and yet does not elicit an explicit purpose, because he is not thinking about the future, the sacrament will be valid. - We observe that this third opinion does not differ substantially from the second, since it grants that an explicit purpose does not pertain to the essence of the sacrament.

[1] Holzmann, n. 401.

236. Whence in practice these things seem to be established: (a) before the fact, an explicit purpose is altogether to be counseled, both for the sake of greater security, and so that the fruits of the sacrament may be richer; (b) after the fact, if someone has elicited a sincere act of attrition without thinking about an explicit purpose, he ought not be compelled to repeat his confessions, because most probably his sins have been remitted; now no one can be compelled to accuse again sins most probably dismissed; besides, sins of this kind, if not yet dismissed, will immediately be remitted and the penitent will receive valid absolution, since he is in good faith. - Moreover, it can deservedly be said with Scavini:[2] "In practice no one ought to be disturbed about this; since it scarcely, and not even scarcely, happens that a truly contrite penitent omits even an explicit purpose, although he does not reflect upon this, which is not necessary."

[2] Scavini, n. 292.

II. On the Purpose of Avoiding Venial Sins

237. 1° Principle: The purpose of avoiding venial sins must indeed be firm and efficacious, but not necessarily universal; for one venial sin can be remitted without another, and consequently with a habitual or even actual affection for other venial sins.

238. 2° Conclusions: (a) The purpose of avoiding one of the venial sins declared is required and suffices. It is indeed required, if other sins are not accused, at least sins of the past life; otherwise absolution would be invalid on account of the defect of purpose and consequently of contrition; and he who knowingly lacked a good purpose would commit sacrilege. - But it suffices, because as soon as one venial sin is held in hatred, it can be remitted without the others. Yet it is better that it be extended to all venial sins which have been accused; and this certainly will not be difficult if a motive of contrition embracing all venial sins is proposed.

239. (b) When the same venial sins are often accused, it suffices to conceive sorrow and purpose concerning their frequency, by firmly resolving to lessen this frequency. For since we cannot avoid all venial sins taken collectively, as was said in the Treatise on Grace (n. 63), it is enough to lessen their number. - Yet it is expedient to conceive sorrow and purpose concerning certain sins in species, especially concerning those which are more deliberate, since they more greatly hinder Christian perfection. Therefore pious penitents who are accustomed to accuse only

venial sins are to be admonished to detest specially one or another and to try to amend it, by determining certain means for attaining this end.[1]

[1] Cf. *Pratique progressive de la Confession*, 2nd ed., Paris, 1900, t. I, p. 62 sq.; t. II, p. 115-144.

240. (c) Absolution is more easily to be granted to those who frequently relapse into the same venial sins than into the same mortal sins.[2] For the occasions of committing venial sins are much more frequent and much more difficult to remove; whence relapse is not a very probable indication that true sorrow is lacking. Besides, if it is lacking with respect to these venial sins, it is easier to excite contrition with respect to the graver faults of the past life, which the pious are accustomed to accuse.

[2] Recidivists are treated below, n. 478, where the office of the confessor with respect to various kinds of sinners is treated.

Practical Conclusion of the Whole Article

241. Since contrition is altogether necessary for obtaining the remission of sins, and besides not a few penitents, even among the pious, are accustomed to spend a longer time in searching conscience than in exciting contrition, let preachers carefully and often instruct the faithful that, when they prepare themselves for confession, they not neglect to conceive sorrow and purpose. Moreover let the confessor ask penitents whether they are truly contrite, at least when he doubts concerning their dispositions; and if he finds certain ones unprepared, let him propose to them motives of contrition adapted to their understanding.[3]

[3] St. Alphonsus piously proposes some of these motives in the golden little work *Praxis Confessarii*, ch. I, § 2, n. 10; for example, the confessor can use these or similar words: "My son, what have you done? You have sinned against God, the highest and infinite good; you have turned your face away from Him, you have despised His friendship and grace; you have crucified Christ, His Son. Come then, because you have offended God, infinite goodness, and His infinitely lovable Son, now repent from your whole heart; detest, above all evils, all the injuries by which you have affected God. Are you not now prepared to suffer all things rather than commit these things hereafter?"

Art. II. On Confession

242. We have already proved that sacramental confession is necessary by divine right (n. 97); but it remains to speak concerning the extension of this precept.

Division:

On the precept of confession.

On the integrity of confession.

On the causes excusing from integrity.

On the means for procuring this integrity.

§ I. On the Precept of Confession

There is a twofold precept concerning confession: divine, which determines the obligation, but not the time in which it must be fulfilled; ecclesiastical, which fixes the time and the other

circumstances. By way of corollary, we shall add a few things concerning the qualities of confession.

[1] St. Thomas, 3, q. 84, a. 5; Suarez, disp. XXXV-XXXVI; Lugo, disp. XV, n. 26-183; Salmantic., cap. II, n. 18-23; Lacroix, lib. VI, p. 11, *de Paenit.*, n. 2002 sq.; Billuart, diss. I, a. 4, § 2; Ballerini-Palmieri, n. 1059-1084; Lehmkuhl, t. I, n. 1202-1205; Marc, n. 1685; Genicot, n. 321-323.

243. 1° On the divine precept. Although Christ did not explicitly define when the precept of confession obliges, from the very nature of this precept and from the doctrine of the Fathers it can be inferred that the divine law of confession obliges sometimes, both per se and per accidens.

(A) It obliges per se: (a) certainly in the article and in very probable danger of death, from whatever cause this danger arises, whether from illness, or from battle, or dangerous childbirth, or from a surgical operation; for he who, placed in such danger, does not fulfill the divine law, rashly exposes himself to the danger of never fulfilling it: and this certainly is the same as violating the divine precept.

Hence the same must be said concerning the case, most rare today, in which someone would foresee that for the rest of his life he would have no opportunity of a confessor.

(b) Probably, according to St. Alphonsus (n. 663) and many others, that precept also obliges sometimes in life, because a sinner is bound not to remain long in mortal sin. - But not a few theologians, both ancient and modern, deny this, because the sinner can be reconciled to God in another way, namely by perfect contrition with the will of receiving the sacrament at a suitable time. - Whatever may be the case, in practice there is no difficulty, since the Church has decreed that all the faithful are bound to confess once a year.

(B) But per accidens it obliges: (a) when holy communion is to be received, if the one about to communicate is in mortal sin, as we said in the Treatise on the Eucharist, n. 140; (b) when the state of grace is required, and at the same time the sinner cannot elicit an act of perfect contrition; (c) when a grave temptation or a depraved habit cannot be overcome without confession; this, however, rarely occurs, since there are other means for overcoming temptations. Whence sinners are to be exhorted, but not compelled, to frequent reception of this sacrament.

244. 2° On the ecclesiastical precept.[1] There have been various ecclesiastical laws concerning this matter at various times; but already from the thirteenth century there has been in force the universal law[2] of confessing sins once a year, promulgated by the Fourth Lateran Council (1215),[3] and its words, somewhat changed in the Code (can. 906), are reported thus: "Every faithful person of either sex, after he has reached the years of discretion, that is, the use of reason, is bound faithfully to confess all his sins at least once a year." Four things are declared there:

[1] Suarez, disp. XXXVI; Lugo, disp. XV, n. 88-183; Ballerini-Palmieri, n. 1059-1084; Lehmkuhl, vol. 1, n. 1202-1205; Marc, n. 1685; Konings, n. 547-548; Genicot, n. 323.

[2] I say universal, for particular laws were already in force before, by which the faithful were commanded to confess sins to their own bishop or priest: concerning this see P. A. Kirsch, in *Archiv fur katholisches Kirchenrecht*, 4th trim. 1904: *Des sacerdos proprius in der abendlandischen Kirche vor 1215*.

[3] In Denzinger, n. 363.

(a) The subject of the precept: "Every faithful person of either sex"; by these words are indicated all the faithful, or the baptized, who are conscious of mortal sin not yet declared in a valid confession; also children who have reached the years of discretion, that is, who are capable of mortal sin. Hence pastors of souls are bound to instruct children concerning confession already from the seventh year of age, and sometimes before they have reached it, if they already enjoy the use of reason; they must absolve those who have accused a mortal sin, even a doubtful one, provided they are well disposed, lest perhaps they waste away in sin. This obligation especially presses in danger of death. But in doubt whether or not they have attained sufficient discretion, they can be absolved conditionally. Therefore confessors who refuse to absolve children committed to them before solemn first communion gravely err: this abuse, already reproved by Pius IX in the year 1855, Pius X again condemned by a decree of the Sacred Congregation of the Sacraments, August 8, 1910.

245. (b) The object of the precept: "let him confess all sins." This certainly is to be understood of mortal sins alone; for the Church by its precept only determined the time at which the divine precept obliges; now the divine precept obliges only to the confession of mortal sins, as Trent openly declares, below, n. 256.

From this it follows that he who has not sinned mortally during the year is not bound, strictly speaking, to confess. Yet it is expedient that even those who have committed venial sins only not abstain from annual confession, lest perhaps, deprived of the grace of the sacrament, they more easily fall into mortal sin.

From this also theologians more probably and more commonly infer that the law of annual confession is not satisfied by a confession of venial sins. Therefore, if at the beginning of the year or at Easter time someone has confessed only venial sins, and afterward, before the end of the same year, falls into mortal sin, he is bound to confess again; for, by accusing venial sins in the previous confessions, he did not fulfill the precept of annual confession, which is restricted to mortal sins. - Some theologians,[1] however, both ancient and modern, with probability think that the law is fulfilled by any valid confession whatever, even of venial sins: and in truth the faithful who have confessed once, whatever sins they have accused, generally think that they have satisfied the precept. Whence in practice a new confession is indeed to be counseled in this case, but not strictly urged.

[1] Thus Palaus, tract. 23, disp. unic., punct. 20, § 3, n. 3, p. 177, where likewise Victor, Reginald, Coninck, Laymann, Bonacina are cited. Cf. Ballerini-Palmieri, n. 1061 and Genicot, n. 323.

246. (c) The manner of confessing: "let him confess faithfully"; by this is signified that the precept is not satisfied by a voluntarily invalid confession, as is clear from the Code, can. 907: "He does not satisfy the precept of confessing sins who makes a sacrilegious or voluntarily null confession."[1] And deservedly; for he who voluntarily makes an invalid confession, by that very fact commits sacrilege; now the ecclesiastical law of confession, which is determinative of the divine precept, cannot be fulfilled by the sin of sacrilege.

[1] Cf. Viva, *Damnatae Theses*, Alex. VII, prop. 14; Vacant, *Dict. de Theol.*, I, col. 737.

247. (d) The frequency of confession is determined by these words: "at least once a year." But since the Council does not determine the time at which this obligation must be fulfilled, there are various opinions concerning the manner of computing the year. Some think the year begins

from the time at which the first mortal sin is committed, - others from January to the following January, - others finally from Easter to the following Easter. This last opinion seems more probable, and in practice easier; for since the faithful are bound to receive communion at Easter time, the usage prevailed that annual confession be made at the same time; this custom Trent approved as pious and deservedly to be retained.[2]

[2] Sess. XIV, ch. 5, at the end.

Hence he who, with the year begun, foresees that he will not have thereafter an opportunity of a confessor before the year has elapsed, and besides is conscious of mortal sin, is bound to make confession while he has the opportunity of a confessor; for since the precept obliges once a year, it must be fulfilled at the time when this is morally possible.

If someone, conscious of mortal sin, has not confessed within the prescribed time, he must confess as soon as morally possible, according to the common opinion, since the law assigns the time for determining the obligation, but not for ending it. A few grave Doctors[3] indeed contradict this, who think that when the time fixed has passed the obligation ceases. But in practice there can scarcely be a difficulty; for St. Alphonsus more probably teaches (n. 669) that he who had not confessed his sins in the preceding year, and in confession manifests mortal sins of both the preceding and the present year, satisfies the obligation of each year, and consequently is not bound to confess twice.

[3] See them apud St. Alphonsus, n. 297 and 668.

248. (e) Formerly it was prescribed to confess to "one's own priest," or pastor, or at least to obtain his permission for confessing to another; but today, the new law being silent, this disposition has been abrogated, so that anyone can confess to any duly approved priest. Whence pastors not only ought not oblige their parishioners to confess to them, but act rightly if they advise them sometimes to approach another confessor, so that sacrilegious confessions may thus more easily be avoided.[1]

[1] St. Thomas, writing at the time when the law of confessing to one's own priest was still in force, has this: "a priest would sin if he were not easy in granting permission to confess to another, because many are so weak that they would rather die without confession than confess to such a priest. Whence those who are too solicitous to know the consciences of subjects through confession cast a snare of damnation upon many, and consequently upon themselves." (*Supplement*, q. 8, a. 4 ad 6.)

(f) Finally, a twofold penalty was inflicted upon those transgressing the precept, namely prohibition from entrance into the church, or excommunication, and privation of ecclesiastical burial; but each, which was *ferendae sententiae*, has likewise been abrogated.

249. 3° On the qualities of confession. Confession, which Christ and the Church require, must be clothed with certain qualities, of which some are necessary, others useful. No fewer than sixteen are numbered by theologians, expressed in these verses:

Let confession be simple, humble, pure, faithful,
And frequent, bare, discreet, willing, modest,
Integral, secret, tearful, hastened,
Strong and accusing, and let it be ready to obey.[2]

[2] In St. Thomas, *Supplement*, q. 9, a. 4, where you will find these conditions accurately explained; cf. *Opusculum* LVII (ed. Rom. LXIV), p. 416-444: t. XXVIII, ed. Vives, *De modo confitendi*.

But since certain of these qualities almost fall back into others, we shall explain only the principal ones. Confession, namely, must be:

250. (a) Pure, that is, made with a right intention, not for moving the compassion of the confessor, or for capturing his benevolence, a fortiori not from jest or mockery, but for obtaining the remission of sins. Hence if it is made exclusively for a mortally evil end, for example, for extorting a sum of money from the confessor, or for seducing him, it will be invalid; but if it is made principally for a good end, and secondarily for an evil end, for example, on account of vainglory or from excessive affection for the confessor, it will be valid although illicit.

(b) Simple and bare, namely not artfully composed, nor embracing superfluous things which do not pertain to confession, such as, for example, the sins of others, or long narrations altogether useless; hence the confessor should not ask concerning the name and family of the penitent, but only concerning his state and condition, insofar as these can serve for knowledge of his sins.

251. (c) Humble and sorrowful, or with a sense of one's own unworthiness and sincere sorrow, after the example of the publican, who struck his breast, saying: "O God, be merciful to me a sinner";[1] not however by boasting about sins or good acts; hence penitents should not excuse their sins by attributing their malice to others (for example, to a spouse, parents, brothers, neighbors).

[1] Luke 18:13.

But if someone has already narrated his sins to a priest in a historical manner, without sorrow, he is not bound distinctly to accuse the same sins to the same priest, who afterward is chosen as confessor, provided that this priest retains a distinct memory of these sins; but it suffices to accuse universally what had previously been narrated. But if the confessor has retained only a confused knowledge of them, it is controverted whether a new distinct accusation is required: St. Alphonsus affirms (n. 502), because the first confession was not sacramental, while the second is not integral unless it is distinct; Lugo,[2] however, denies this, because "the later accusation, referred to the memory which the confessor has of those sins distinctly heard before, is sufficient knowledge, such as is desired in the confessor." - Whence the matter is truly doubtful, and consequently the penitent is not to be compelled, but is to be exhorted to accuse his sins distinctly anew, especially since the confessor can from this make suitable questions and provide salutary admonitions.

[2] Lugo, disp. XVI, n. 638; cf. Ballerini-Palmieri, n. 468-471; see, however, what the *Vindiciae Alphonsianae*, p. 480-484, teach to the contrary.

(d) Faithful and integral, that is, true and sincere, retaining no grave sin, nor likewise accusing sins which in reality were not committed, but candidly setting forth certain things as certain, doubtful things as doubtful, as they are known; concerning which more fully below.

(e) Discreet or prudent, not manifesting the sins or defects of others without necessity; expressing even shameful sins with modest and cautious words, insofar as can be done; omitting useless circumstances, especially if they are dangerous, odious, or scandalous.

252. (f) Vocal, that is, expressed in words, but not by nod, signs, or writings; this is required not from the very essence of the sacrament, or by divine precept, but from custom which has obtained the force of law, so that, according to the common opinion, he would sin gravely who, without any cause, wished to confess only by a sign or writing, when he can easily use his voice. But when a just cause exists, confession can licitly be made by signs or in writing, for example, if the penitent is mute or, on account of illness, can speak only with great difficulty; - or, on account of excessive shame or scruples, could not declare his sins integrally; - likewise if the confessor is somewhat deaf and cannot hear the penitent without bystanders also hearing him. In these cases, however, the penitent, if he is not mute, should at least say: "I accuse myself of the sins which are written on this paper": yet this is not absolutely required for validity.

253. (g) Secret, but not public, and made to the priest alone. Public confession would indeed be valid, and in truth it flourished in the first centuries: but, with Trent as witness (ch. 5), no one is held by divine precept to confess his offenses publicly, nor would it be sufficiently advisable for this to be prescribed by any human law, namely that offenses, especially secret ones, should be opened in public confession. This indeed is so true that, according to the common doctrine of theologians, the penitent is dispensed from the law of integrity when he cannot confess his sins except publicly, with others hearing.

§ II. On the Integrity of Confession — I. On the Necessity of Integrity in Confession

254. 1° State of the question. (A) A twofold integrity can be found in confession: (a) material, or objective, which is the accusation made to one and the same priest of all and each of the grave sins which have been committed after baptism and have never been declared in a valid confession; (b) formal, or subjective, which is the accusation of all mortal sins which the penitent here and now morally can and is bound to confess. Indeed it can happen that, on account of a just cause, for example, ignorance, forgetfulness, or moral impossibility, someone does not confess all the mortal sins committed since the last confession: then the confession will indeed be formally, but not materially, integral.

[1] St. Thomas, *Supplement*, q. 6, a. 1-3; q. 9, a. 2; Suarez, disp. XXII; Lugo, disp. XVI; Salmantic., cap. 8; Lacroix, n. 915-1139; Billuart, diss. V; St. Alphonsus, n. 465-478; Elbel-Bierbaum, Confer. VI-VII; Konings, n. 1359-1366; Kenrick, n. 36-57; Lehmkuhl, n. 301-326; Ballerini-Palmieri, n. 346-364; Berardi, *Praxis*, n. 4488-4531; Genicot, n. 283-291; Noldin, n. 261-270.

Now material integrity is not always required for valid absolution: for Christ, according to His wisdom and mercy, did not will to oblige us to that which is physically or morally impossible; and therefore there are causes excusing from material integrity, as we shall say below. But formal integrity is necessary by divine right for valid absolution of sins, as will appear from the following principle.

255. (B) The necessary matter of confession is all and each mortal sin, committed after baptism and not yet declared in a valid confession. But venial sins committed after baptism, and sins already remitted, are sufficient and free matter, insofar as they can be subjected to the power of

the keys and absolved. Whence there will be a twofold principle: the first concerning necessary integrity, the second concerning sufficient and free matter.

256. 2° First principle: By divine right it is necessary to confess all and each mortal sin, even hidden ones, committed after baptism, of which memory is had after diligent examination.

(A) Trent[1] thus defines this necessity of integral confession: "If anyone shall say that in the sacrament of Penance, for the remission of sins, it is not necessary by divine right to confess all and each mortal sin, of which memory is had with due and diligent premeditation, even hidden sins, and those which are against the last two precepts of the Decalogue, and the circumstances which change the species of the sin... let him be anathema." Yet the Council acknowledges that sins which escape the memory are remitted by God:[2] "But the remaining sins, which do not occur to one diligently thinking, are understood to be included universally in the same confession: for which we faithfully say with the Prophet:[3] 'Cleanse me, O Lord, from my hidden sins.'" Concerning this exception and others of this kind we shall speak below.

[1] Sess. XIV, can. 7.

[2] Trent, sess. XIV, ch. 5.

[3] Ps. 18:13.

257. (B) The reason for this necessity is drawn from the very will of Christ, who decreed it thus, as is clear from what was said above, n. 97. - But the fittingness of this perfect integrity is drawn from the twofold office of the confessor: (a) insofar as he is judge, the priest cannot render an equitable sentence unless the case has been known integrally, at least substantially; and this indeed is so true that, in human judgments, if some substantial omission is found, the judgment is declared null or is reformed by a higher authority; but the confessor cannot know the case integrally, even substantially, unless the penitent manifests all and each mortal sin, even hidden ones; for one mortal sin is of such great moment that it is able to cause eternal damnation; besides, one is not remitted without the others; therefore all and each must be sincerely set forth.

(b) As physician, the priest cannot heal the spiritual wounds of the penitent unless he knows at least all those which are able to bring death upon the soul; for a bodily physician generally cannot heal a wound or illness unless he has known the other grave ailments of the sick person, since one disease is made worse by the addition of another, and the medicine which is suited to one disease can furnish harm to another; so likewise the spiritual physician can scarcely cure the penitent unless he knows all his grave spiritual diseases, or all mortal sins, since one is likewise aggravated by the addition of others, and that which would be a suitable medicine for one sin would furnish an incentive to another. Therefore it is necessary to declare all mortal sins, so that remedies may be proportioned to the various sins.[1]

[1] Thus almost St. Thomas, *Supplement*, q. 9, a. 2.

258. Note. Since material integrity of confession is necessary by necessity of precept, but not by necessity of means, truly and solidly probable opinions can be admitted in the interpretation of this law, as St. Alphonsus[2] rightly notes: "Nor does it avail to say here that in the matter of the

sacraments we cannot follow opinions only probable, because this proceeds when there is question of the value of the sacrament, otherwise concerning integrity; and as regards the value, it is certain that formal integrity suffices."

[2] St. Alphonsus, *H. A.*, tr. XVI, n. 29.

259. Corollaries. From this two questions disputed among theologians can be solved: (A) Whether sins committed in baptism itself must be accused,[1] for example on account of a defect of faith or of attrition in an adult baptized person?

[1] St. Thomas, 3, q. 69, a. 10, ad 2; Lugo, disp. XVI, sect. 1; St. Alphonsus, n. 427; Lehmkuhl, n. 262; Genicot, n. 258; Noldin, n. 224; Muller, lib. III, § III, n. 6.

In this case baptism is indeed valid and imprints the character, but does not produce grace, on account of the obstacle. According to the principle explained above, the sin which was completed before the impression of the character ought not be accused, because it was truly committed before baptism; but the sin which persevered after the impression of the character must be accused, as having been committed after baptism or at least continued. Now the sin of sacrilege, committed in the reception of baptism, was indeed begun before the impression of the character, but, at least for the most part, endured after the character had been received; and consequently under this respect it must be accused. - Some, however, say that it can scarcely be discerned whether a sin of this kind persevered after baptism had been received or not, and therefore that it must be regarded as doubtful matter and need not necessarily be declared. But it is certainly expedient that it be accused in the following confession; and for the most part the faithful who are conscious of such a sin think that they are bound to declare it.

260. (B) Whether an adult who has been rebaptized conditionally is bound to confess sins committed before the conditional baptism?

A distinction must be made: (a) A Catholic adult, rebaptized conditionally, is not bound again to confess sins already sincerely accused: for if the prior baptism was valid, the absolutions given were likewise valid; but if it was invalid, the later baptism will wash away all sins. - But sins not yet accused by him must be declared, on account of the reason soon to be given concerning a non-Catholic.

(b) A non-Catholic adult, converted to the true faith and rebaptized conditionally, must regularly confess the sins of his past life. For the Sacred Congregation of the Holy Office, in the case of Charles Wipperman, who was rebaptized conditionally after conversion from Lutheran errors, declared on June 17, 1715:[1] "let him confess the sins of his past life, and let him be absolved from them conditionally." So likewise it was decreed in the First Synod of Westminster, for England, with the approval of the Holy Office, December 17, 1868;[2] for the United States of America, in the Instruction given to the bishop of Philadelphia, July 20, 1859.[3]

[1] *Acta S. Sedis*, IV, 320-324; cf. *Collectanea P. F.*, n. 644.

[2] Ibid., n. 955.

[3] Ibid., n. 1689.

In the aforesaid regions, therefore, confession is regularly to be imposed, yet with that moderation which is proper to positive laws. In other regions, this confession is strongly to be counseled, so that the remission of sins previously committed may be more certain.[4]

[4] Recently indeed there was published (*Analecta eccles.*, 1899, p. 489) a decree of the Sacred Congregation of Propaganda Fide, already given July 12, 1869, where it is said: "As regards the doubt proposed by letters of the 29th day of last May, and touching sacramental confession to be required from new converts, it occurs that the response of the Holy Office, feria V, place IV, of the day December 17 of the past year, although given only to the bishops of England who were asking, contains a universal law, and therefore obliges not only in England, but also in other regions." But Roman professors of moral theology think that this is not properly a decree, but only a private response of the Eminent Prefect of this Congregation, and therefore does not have the force of law. Cf. Bucceroni, *Casus conscientiae*, 120, p. 517-521.

The reason for this decision seems to be this: he who receives baptism, whether certainly or doubtfully valid, is presumed validly baptized until the contrary is proved, and therefore is subject to the jurisdiction of the Church; for, by receiving the external rite, he has entered the visible Church, and subjects himself to all the obligations by which the members of the Church are bound, and is bound to fulfill them until it is proved that the baptism was invalid; but one of these obligations is to confess sins; therefore he is bound to fulfill this obligation.

The order to be followed in the reconciliation of heretics concerning whose baptism there is doubt is this: let them abjure heresy and make profession of faith; then let them be baptized conditionally, and finally absolved conditionally. Yet the confession itself can precede baptism, provided that absolution is given after baptism, the penitent summarily repeating the sins accused before baptism.[5]

[5] Thus the Sacred Congregation of the Holy Office, December 7, 1874, apud *Collectanea P. F.*, n. 957.

261. Second principle: All venial sins committed after baptism, and sins both mortal and venial sins already directly remitted are sufficient and free matter of confession.

(A) That sins of this kind are free matter, that is, not necessarily to be accused, is manifestly clear; since Trent declares that venial sins can be kept silent without fault and expiated by many other remedies;[1] but sins already remitted, by the very fact that they have been remitted, need not necessarily be subjected again to the keys of the Church.

[1] Sess. XIV, ch. 5.

(B) That the same sins are sufficient matter, that is, matter from which absolution can be obtained, is demonstrated thus.

(a) With respect to venial sins, we have first of all the practice of the faithful, who for a long time have accused venial sins: moreover the Church not only does not reprove this practice, but rather promotes it; for Trent says:[2] "Venial sins, by which we are not excluded from the grace of God, and into which we fall more frequently, although they are rightly and usefully, and without any presumption, said in confession, as the usage of pious men demonstrates, nevertheless can be kept silent without fault and expiated by many other remedies." And deservedly indeed venial sins are sufficient matter of sacramental confession; for if only mortal sins were accused, whoever had recourse to the sacred tribunal would be judged guilty of grave faults; and thus the burden of confession would be made more grave.[3]

[2] Sess. XIV, ch. 5.

[3] St. Francis de Sales discusses excellently the utility of accusing venial sins, *Introduction a la vie devote*, p. II, ch. 19.

(b) With respect to sins already remitted, Benedict XI has these words:[4] "For the rest, although it is not of necessity to confess the same sins again; nevertheless ... on account of shame, which is a great part of penance, we consider it salutary that the confession of the same sins be repeated." In truth, since acts of penance can be repeated so that the remnants of sins may more and more be wiped away, why cannot faults already remitted be subjected again to the keys, so that they may more and more be blotted out and expiated? Nor should it be said that in human matters no one can be judged and absolved twice in the same tribunal; for, since the remission of sin is made through the infusion of grace, and at the same time is joined with the diminution of punishment, sins already remitted can be accused again for a greater infusion of grace and remission of punishment; besides, the judgment can be repeated, insofar as the confessor is able to judge whether the dispositions of the penitent suffice for absolution or not.

[4] Const. *Inter cunctas*, 1304, *Extravag. Comm.*, l. 5, t. 7, c. 1.

262. From this it follows that in ordinary confession venial sins, either all or a few, can licitly be omitted; likewise, in general confession, not necessarily, those mortal sins can be omitted which have already been directly remitted by sacramental absolution. Besides, if free matter is declared, it is not necessary that the lowest species of each sin be set forth; for if there is no obligation of accusing these sins, a fortiori it is not necessary to declare them in species.

263. Corollaries. (A) But insufficient matter of confession consists of all those moral defects, or imperfections,[1] which do not reach the malice of sin, or indeliberate acts, for example, neglect of a divine inspiration concerning a work of supererogation, involuntary distractions whether in themselves or in their cause. For an imperfection is a voluntary action or omission which is opposed to a divine counsel, but not to a precept; for example, when someone, solicited by grace, neglected to hear Mass during the week, or to visit the Most Blessed Sacrament, while he was being drawn by grace to do this; now such an act, since it is not opposed to a precept, is not a sin. Likewise an indeliberate act, even if it is opposed to a law or precept, is not a sin, because it is not a human act. Now whatever is not a sin cannot be matter of the sacrament of Penance.

[1] On the concept of imperfection cf. *L'Ami du Clerge*, 1901, p. 337-342; *Revue du Clerge Francais*, Dec. 1900, p. 71-84.

Yet often in these imperfections there lies hidden some venial sin of a slightly evil intention, for example, of vanity, of sloth, of which penitents who accuse themselves of these things are more or less conscious. Hence the confessor ought not prevent pious penitents from declaring these imperfections, both because venial fault is accustomed to be mixed with them, and so that they may be better directed; but rather they are to be exhorted to say by what motive they performed these acts; and, if they accuse nothing else, they should kindly be induced to confess again some sin of their past life.

264. (B) The matter of confession is called doubtful if it is not clear whether the act is a sin or not, whether, for example, it is deliberate or not, whether it is a venial sin or a mere imperfection.

Now he who accuses only doubtful matter cannot be absolved absolutely, because the sacrament would be exposed to the danger of nullity; indeed he ought not regularly to be absolved conditionally without a sufficient reason, as we shall explain below where conditional absolution is treated.

Therefore in practice, when a penitent either accuses no sin, or only a sin doubtfully committed, (a) let the confessor ask him about sins which are more commonly committed, for example, against charity, or patience, or truthfulness, or the duties proper to his state; (b) if he obtains nothing certain, let him advise the penitent to declare some certain sin of his past life, whether mortal or venial; this will be easier if the confessor himself proposes these or similar questions: "Have you not in your past life sinned against obedience due to parents, or charity toward neighbor? Have you not consented to motions of anger, etc.?" - If the penitent then accuses no certain sin, let him be questioned concerning the things necessary for salvation; for there is a not improbable suspicion that perhaps he is ignorant of those things which are necessary by necessity of means: in which case, he cannot be absolved unless he is first instructed, as will be said below.[1]

[1] Cf. Reuter, *Neo-Confessarius*, n. 117.

265. (C) From this it can be understood in what sense a generic accusation suffices when there is question of free matter.

There can be a threefold accusation of this kind: (a) an accusation altogether vague and indeterminate, expressed by words or signs, for example, I have sinned, I accuse myself of all the sins of my past life, without its being determined whether these sins were grave or not; this can likewise be done by signs, for example, by striking the breast, or by sighs or tears; (b) accusation of a grave sin in general, for example, I have sinned gravely, without however the genus or species of the sin being determined; (c) generic accusation simply, by indicating the virtue or law against which offense was committed, without the lowest species being determined, for example, I have sinned against charity, against justice, or against the fourth precept.

(a) If there is question of an altogether indeterminate accusation, there is a threefold opinion:

1. Some, with Ballerini,[2] think that this accusation suffices both for validity and for liceity. For that which in necessity suffices for the validity of the sacrament must suffice even outside necessity, since the essence of the sacrament remains the same in each case. Besides, it suffices for liceity; for, as Bucceroni says,[2] with the certain validity of the sacrament standing, illicitness can arise from no other source than from a positive divine precept; but this precept is not had in the case of free matter; therefore in this case an indeterminate accusation is licit. - 2) Others, on the contrary, hold that an indeterminate accusation not only is not licit, but even renders the validity of the sacrament doubtful; thus Laymann, Suarez, Lehmkuhl:[1] for, from the usage and practice of the Church, specific confession of sins, even venial ones, has flourished for a long time outside the case of necessity; now this custom seems to be the interpreter of the divine law; therefore, although accusation of venial sins is not necessary, if someone wishes to be absolved from them he is bound to explain them in species. - Besides, the sacrament of Penance is conferred after the manner of a judgment; but the nature of a judgment demands that the matter be determined, insofar as can be done; in the case of necessity, essential formalities indeed can suffice, but in the ordinary case even less essential ones are required:

whence from the fact that in the article of death an indeterminate accusation suffices, it by no means follows that the same suffices outside the case of necessity, even for validity.

[2] Gury-Ballerini, n. 421, n. b.

[2] Bucceroni, n. 675.

[1] Laymann, lib. V, tr. 6, ch. 5, n. 14; Suarez, disp. XXIII, sect. 1, n. 10; Lehmkuhl, n. 255.

3. Finally, a third opinion, which Noldin (n. 228-229) defends, contends that an indeterminate accusation of this kind does indeed suffice for validity, on account of the arguments of the first opinion, but not for liceity, as is clear from the arguments of the second opinion.

Whence in practice it is altogether to be advised that, even in free matter, at least one sin be declared specifically; for thus the validity of the sacrament is better provided for, and also the spiritual good of penitents, since they conceive contrition more easily and are able to receive more practical counsels if they accuse sins more determinately. - Yet, if penitents are so rude or lacking in memory that nothing can be drawn from them except a generic confession, they can sometimes be absolved conditionally, lest otherwise they remain long without the benefit of the sacrament.

266. (b) An accusation of the second kind, namely *I have sinned gravely*, or *I accuse myself of my mortal sins*, is much more probably valid, indeed also licit, when it is made as a safeguard, after sins not yet remitted have been declared; for mortal sin, even declared in a general way, is not indeterminate matter, but sufficiently concrete, so that judgment can be rendered concerning it; besides, since there is question of free matter, by no law

is it prescribed that sins be declared more specifically. Thus Lehmkuhl (n. 264) with many others.

267. (c) According to all, the accusation of the third kind, namely "I have sinned against such a virtue," without the lowest species and number being declared, altogether suffices in free matter, since certainly a judgment can be pronounced concerning such matter. Indeed this practice is to be recommended to all who accuse only venial sins, especially if they were doubtfully committed, so that the validity and efficacy of absolution may thus be more safely provided for. Yet let care be taken that this declaration not be made by mere custom, but with due attention and with sorrow sincerely conceived.

II. On the Scope or Extension of Integrity

The question can be weighed with respect to 1° the species of sins, 2° their number, 3° circumstances, 4° doubtful sins; 5° by way of conclusion, we shall speak about a lie committed in confession.

1° On Integrity with Respect to the Species of Sins

268. Principle: For the integrity of confession it is required that mortal sins be accused according to their lowest species, insofar as this can morally be done. It is certain.

(A) It is proved: (a) For Trent declares:[1] "priests could not have exercised this judgment when the cause was unknown, nor indeed could they have preserved equity in imposing penalties, if they [penitents] had declared their sins to them only in general, and not rather in species and

individually." Now the expression *in species* is properly understood of the ultimate, or the lowest, species.

[1] Sess. XIV, ch. 5.

(b) The reason is that sins diverse in species carry before themselves an entirely distinct malice, as is explained in the Treatise on Sins; thus, for example, the malice of rash judgment is diverse from the malice of detraction or insult; but the confessor cannot judge rightly concerning the state of the penitent unless he knows the special malice of the sins which are declared; therefore.

Consequently it does not suffice to say: I have sinned against charity; but it must be set forth whether someone sinned by rash judgment, or hatred, or discord, or scandal, etc.

269. (B) It is explained. Yet I said "insofar as this can morally be done"; for (a) there are many penitents who, on account of ignorance, do not distinguish the more minute species of certain sins; these cannot accuse the special malice which they do not know, and of which very probably they are not guilty, since they did not apprehend it. Whence the confessor is not bound to question them minutely about these things, lest he render confession hateful, contrary to the intention of Christ.

This especially occurs with respect to sins of the heart and of the mouth; thus, for example, many do not distinguish among morose delectation, complacency in a sin committed, and desire of committing sin, and think that they accuse all these sufficiently if they say: I had shameful thoughts in my mind and gave consent to them; likewise, with respect to depraved conversations, they establish no distinction among obscene narration, boasting about sins committed, and provocation to evil, and they comprehend all these under this general accusation: I had shameful conversations. Now, if it is clear that they did not apprehend the diverse malices of these sins, and it is feared that minute questions would disturb them or afflict them with weariness, the confessor can for the time abstain from these questions;[1] afterward, however, when occasion is given, he will try to instruct them better.

[1] Thus Berardi, *Praxis*, n. 4505; Genicot, 284; Morino, note 1 to n. 453. Lugo had already gone before them, who in the Preface to the Treatise on Penance writes: "For the practice of this sacrament there must be considered not only what is in some way true as though in the abstract, but also what can and ought to be done morally and in a human way; so that this remedy, full of sweetness and gentleness, not by its difficulty become impossible, or bring excessive horror upon human frailty."

(b) Sometimes also the penitent is excused from accusing the lowest species on account of defect of memory. But he who does not remember the lowest species is bound to declare the generic species; for example, he who knows that he sinned against charity, although he does not remember how, is bound to say: I have sinned gravely against charity. Again, he who is conscious that he has sinned mortally, although he does not remember what kind of sin he committed, must say: I have sinned gravely.

270. Corollaries: (a) For the integrity of confession it does not suffice to express the internal act, but the external act of sin must be declared; for example, he who unjustly killed his neighbor does not satisfy the precept of integrity by saying: I had the desire of killing an innocent person. For although the internal act, with respect to malice, is of the same species as the

external act, nevertheless, according to the common estimation of wise men and of the faithful, it differs morally from it; and deservedly, for words or deeds certainly differ from thoughts and desires, and suppose greater malice; moreover they frequently increase the internal malice, as was said in *De Actibus Humanis*, n. 162. Besides, without declaration of the external act, the confessor can scarcely fulfill his office concerning occasions to be avoided, restitution to be imposed, and remedies to be provided: for all these depend on the external act.

This is true not only of sins of commission, but also of sins of omission; for example, he who omitted Mass on a feast day would not satisfy by saying: I had the desire of omitting Mass.

271. (b) But it is controverted whether an effect mortally evil, foreseen from sin, must be expressed, for example, blasphemy uttered in drunkenness, death following from poison administered. - According to all, per accidens there is an obligation of confessing such an effect, if from the effect that followed a censure, or reservation, or obligation of making restitution is incurred; thus if someone procured an abortion, with the effect following, he must declare this, on account of the censure annexed to this effect.

With these cases set aside, there is a threefold opinion; others more probably with St. Alphonsus (n. 149) affirm, provided the evil effect was foreseen, at least confusedly,[1] and the depraved will was not retracted before the effect was produced; for such an effect, as foreseen, is voluntary in its cause, and consequently a sin. Thus he who becomes drunk while foreseeing that he will omit Mass is bound to confess both the drunkenness and the omission of Mass. Yet the case is excepted in which the evil will was retracted before the effect, for example, if a drunken man, before he has lost the use of reason, has already retracted his sin, although afterward, on account of the absorbed liquor, he loses the use of reason and omits Mass: for then the effect is only materially evil; therefore it suffices to declare: I was drunk and wished to omit Mass.

[1] Yet it must be noted that what is foreseen only confusedly is not as sinful as what is foreseen clearly and distinctly. Cf. Vieux Moraliste, apud *Ami du Clerge*, t. XX (1898), p. 1025-1030 and 1121-1129.

Others, with Lugo,[2] probably deny this, because the whole malice of the act is in the cause, but not in the effect which follows from it; since he cannot actually sin who does not actually act morally; but he who placed the sinful cause does not morally act at the time when the effect is produced, since he is actually sleeping or distracted; therefore that effect is not properly a sin; therefore it suffices to accuse the cause, without the effect being declared.

[2] Lugo, disp. XVI, sect. 9, with the authors whom he cites, n. 440.

272. Some, with D'Annibale,[1] distinguish thus: if an effect of this kind introduces a new sin, and is such that it could follow or not follow from the cause placed, it must be declared; for example, if someone, on account of drunkenness, omitted Mass on a feast day, or blasphemed, or killed, he must signify that, by indulging in wine, he foresaw these dangers, and that in truth while drunk he omitted Mass, blasphemed, killed. Otherwise, the evil effect is not necessarily to be declared: for example, for him who set fire to another's house, or administered poison to a man, it will be enough to say: I set fire to another's house, or I gave poison to someone.

[1] D'Annibale, n. 303 and note 23; Morino, n. 453.

In this variety of opinions, penitents are not to be compelled, but only exhorted, to declare the evil effect. In practice there is scarcely any difficulty, since most of the faithful, ignorant of these distinctions, generally declare those evil effects of which they are conscious.

2° On Integrity with Respect to the Number of Sins

273. (A) Principle: For the integrity of confession, the penitent is bound also to manifest distinctly the number of mortal sins, insofar as it can morally be known. It is certain.

This is clear from Trent, which defines that all and each mortal sin, of which memory is had with due and diligent premeditation, must be accused; and which declares that those who do otherwise and knowingly retain anything obtain pardon of no sin.[2]

[2] Trent, sess. XIV, can. 7 and ch. 5.

274. (B) Corollaries: (a) When the penitent certainly knows the number of sins, he must sincerely confess it, neither greater nor lesser; otherwise it would be a sacrilegious lie. Hence one must not say: I blasphemed about six times, when the number is certainly known; for the word *about* makes the matter doubtful, and so the confessor is deceived.

(b) When, after diligent examination, he does not know the certain number, he must accuse the more probable number, that is, the one which comes closer to the truth, adding the particle *about*, or *more or less*. But this clause, according to St. Alphonsus (n. 466), does not have an absolute sense, but a relative one with respect to the number to which it is added; namely *about three times* is understood as 2-4; *about ten times*: 8-12; *about thirty*: 27-33; *about one hundred*: 95-105; *about one thousand*: 950-1050. Now if the penitent afterward knows that he erred by lessening the number, he is not bound to correct the error in another confession unless the number notably exceeds the approximate number, so that it cannot be included under the particle *about*; thus, if he said about ten, and afterward knew that he had sinned twelve times, he is bound to nothing; otherwise, if in fact he had sinned fifteen times. - But he who in good faith notably exaggerated the number is not bound to repeat the confession, because the greater contains the lesser.

(c) If the penitent cannot even recall the approximate number, because he long fostered a habit of sinning, it suffices that he indicate the duration of the habit, adding, if it can be done, about how often in a day, or week, or month he sinned: for this is more easily recalled than the whole sum of sins. - Indeed, when the habit is such that the individual acts are indeliberate, although the habit itself is gravely culpable, as being not retracted, as often occurs in those who blaspheme, it is not necessary to explain the number of blasphemies, but it suffices to say: I have an inveterate habit of blaspheming inadvertently whenever the occasion presents itself.[1] Likewise, according to Lugo,[2] when rustic or common men confess conversations about shameful matters with companions, which certain men are accustomed to mix in here and there through the whole day while they labor together, both concerning men and concerning women, both concerning married persons and unmarried ones, it suffices to explain the habit and the principal species, without the number being declared, since this is morally impossible.

[1] Thus Sporer, *Theol. Sacram. de Paenit.*, n. 455; Genicot, n. 285.

[2] Lugo, disp. XVI, n. 575.

275. (d) When there is question of internal sins, whether thoughts or desires, which were very frequent daily, it suffices to express this frequency in a general way, by saying, for example: for one month I frequently in a day called down grave evils upon an enemy; or, for two months, often in a day I gave consent to depraved desires. For then the confessor, having heard the space of time, morally speaking, can conjecture what the number of sins was. - Speculatively speaking the penitent would have to say how often, approximately, desires of this kind were interrupted; but in practice the uneducated cannot do this, since they do not advert to this.

276. (e) Those who in good faith accused their sins in an indeterminate and confused way with respect to number, because at that time they could not explain them better, probably are not bound to repeat the confession, if afterward, having become more instructed, they apprehend this

number more distinctly; for the sins which they declared, according to the knowledge which they had at that time, were directly remitted, as being sufficiently contained in this confused accusation; but there is no obligation of again confessing a sin already directly remitted through absolution.[1]

[1] Thus Lugo, disp. XVI, n. 577-588; Genicot, n. 285.

3° On Integrity with Respect to the Circumstances of Sins

277. Among circumstances, some change the species of the sin, because namely they constitute a new malice specifically distinct from the malice of the sin itself: for example, the circumstance of a sacred thing in theft adds to the sin of injustice the special malice of sacrilege; but others only aggravate the malice within the same species, whether by reason of intensity, or by reason of duration, or of mode, etc.: thus the sin of homicide is certainly aggravated by the circumstances by which death is inflicted, for example, by first amputating hands and feet, or gouging out the eyes.

(A) On Circumstances Which Change the Species

278. Principle: For the integrity of confession it is necessary to accuse circumstances which change the species of the sin, if the new malice thus introduced is grave and is apprehended as such. It is certain.

For Trent defines[2] that it is necessary to confess "the circumstances which change the species of the sin." The reason is that those circumstances, by the very fact that they change the species, constitute a new and distinct sin, since they violate a distinct law or are opposed to a distinct virtue.

[2] Sess. XIV, can. 7.

But if the new malice, superadded to the sin, is not grave, or, even if objectively grave, is not apprehended as such by the subject, it does not constitute a grave sin, and consequently need not necessarily be declared.

279. Corollaries. The principal circumstances which are able to change the species are explained here only briefly,[3] since they are declared more fully in various Treatises:

[3] For a fuller exposition of this matter cf. Lugo, disp. XVI, n. 144-390; Suarez, disp. XXII, sect. 4; Salmantic., cap. 8, n. 51-114.

(a) The circumstance of the person sinning changes the species when an external sin against chastity is committed by a person consecrated to God by vow of chastity or by sacred order: for then it is personal sacrilege; - or when the person sinning is married: for it is adultery; - or when someone scandalizes a person whose spiritual care he has by force of his office, for example, if a pastor sins with parishioners, parents with children, a teacher with pupils: for these are bound by justice or piety to promote the spiritual good of subjects, and therefore they sin against one or the other virtue.

(b) Likewise the circumstance of the person with whom or against whom sin is committed changes the species in the matter of chastity, if someone sins with a married person (adultery), or with one related by blood or affinity (incest); - in the matter of charity or justice, if someone has hated, or struck, or calumniated parents, or children, or grandparents, grandchildren, or relatives by affinity in the first degree: for then piety is offended.

(c) The circumstance of place changes the species when sacrilege is introduced from this, for example, when an external act against chastity is committed in a church, or sacred things are stolen there.

(d) The circumstance of end changes the species when in itself it is gravely sinful, for example, if someone utters shameful things with the intention of seducing an innocent person.

(B) On Circumstances Which Do Not Change the Species

280. What is certain? In order to separate certain things from uncertain ones, we establish these points: according to all, circumstances which do not notably aggravate the malice of a sin are not necessarily to be accused. Besides, circumstances whether of scandal, or of erroneous conscience, or of quantity, etc., which make some sin mortal from venial, must be accused; for example, to speak slightly shameful things before innocent children, who from this will take occasion of sinning gravely; - to steal ten asses when someone thinks this is a grave sin; - the quantity of the theft, insofar as it is necessary for discerning whether the sin is grave or slight. Likewise, circumstances which import a censure or reservation must be manifested.

281. What is disputed? But setting aside these cases, it is controverted whether circumstances notably aggravating the malice of a sin within the same species must necessarily be accused.

(a) Suarez, Billuart, Collet, Lacroix, and others[1] affirm. 1) For although Trent does not expressly teach this, nevertheless it insinuates it; since it declares that the circumstances of a sin are to be accused because otherwise it cannot be done that confessors "can rightly judge concerning the gravity of crimes, and impose the penalty which is fitting for those penitents"[1]; but the same reason has force for notably aggravating circumstances; for some of these seem to increase the malice of sin more than some circumstances which change the species; thus he who deliberately and cruelly mutilates an innocent person, by amputating his hands and arms and gouging out his eyes, and afterward kills him, sins more gravely than he who, suddenly moved by anger, kills another with one blow in a church. Besides, a much greater penance must be imposed upon him who stole a thousand gold pieces than upon him who stole only twenty.

[1] Suarez, disp. XXII, sect. 3, n. 5; Billuart, diss. VII, a. 2, § 3; Collet, VI, 321, apud Migne, p. 484; Lacroix, n. 977, and others cited by these authors.

[1] Sess. XIV, ch. 5.

2. The Roman Catechism, the best interpreter of the Council, expressly teaches this:[2] "Nor indeed is it fitting only to explain grave sins by narrating them, but also those things which surround each sin, and greatly increase or lessen its depravity."

[2] *De Sacram. Paenitent.*, n. 39.

3. Reason itself agrees; for, if the penitent is silent about these circumstances, he implicitly denies that his sin has such great gravity: for since there is a twofold manner of committing that sin, one ordinary, the other extraordinary and with peculiar deformity, when the penitent confesses the sin in a simple manner, the confessor neither can nor ought to understand that he sinned otherwise than in the ordinary manner, and so he is deceived with respect to the gravity of the sin.[3]

[3] Thus almost Suarez, n. 10.

(b) A few others with Sporer (n. 410) think that the circumstance *what*, for example, the quantity of the theft, must necessarily be confessed, because it touches the substantial integrity of the sin, but not the others.

282. (c) Yet the more common opinion denies this,[4] with St. Thomas, St. Alphonsus, and most moderns. For 1) while Trent explains the necessity of confessing mortal sins and their circumstances, it always adds this limitation: "circumstances which change the species of the sin"; but such a limitation seems to exclude other circumstances; for if someone, explaining the necessity of confessing sins, were always to add this limitation, "sins which are mortal," he would certainly seem to exclude all venial sins; so likewise the Council, by limiting the obligation of confessing circumstances to those which change the species, deservedly seems to exclude others.

[4] St. Thomas, in 4 dist. 16, q. 3, a. 2, quaestiunc. 5; *Opusc.* 7 (alias 10) ad Lectorem Bisunt., q. 6. After the instruction given for the Roman clergy by Benedict XIII "concerning this matter I think there must not even be disputation" (D'Annibale, III, n. 303, note 20).

Nor should it be said that the Council implicitly taught the obligation of confessing other circumstances, on account of the argument brought above (n. 281); for the confessor can form a prudent judgment as soon as he knows the species of the sin, since circumstances, even notably aggravating ones, do not substantially increase the malice of the sin; for the quiddity of the sin is taken from its specific determination; therefore, by declaring the species, the essence of the sin is sufficiently declared. With respect to penance to be imposed, an equality in every respect is not required, but only a certain equality or proportion between the sin and the satisfaction; moreover this proportion can certainly be determined once the species of the sin is known, without circumstances, even notably aggravating ones, being manifested.

2. The Roman Catechism, when the context is inspected, is not opposed to our opinion, because from the examples adduced there it is clear that there is question here of those circumstances

which make a sin mortal from venial, or change the species; for it says, after the words cited by the adversaries: "for certain circumstances are so grave that the character of mortal sin is established from them alone"; afterward it asserts the necessity of declaring the circumstance of a sacred person in homicide, or of a married person in fornication; and it adduces other examples pertaining to those circumstances which change the species. In the same place it prescribes that circumstances greatly lessening the sin are to be confessed: moreover all acknowledge that this is true only of those which change the species, or make a sin venial from mortal. Therefore the Catechism, rightly understood, rather favors our opinion.

3. Besides, Christ did not will confession to be a torture chamber of consciences, with Trent as witness; but if it were necessary to declare all circumstances notably aggravating the sin, both confessors and penitents would be in straits, since it is often difficult to determine which circumstances are notably aggravating, and consequently necessarily to be accused.

283. As regards practice, the faithful are accustomed to declare the more notable circumstances; and this indeed is generally to be advised to the faithful, not as a precept but as a counsel, both for greater peace of conscience and for receiving richer fruit from absolution. Yet the matter of chastity is excepted, concerning which nothing further is to be inquired beyond that which is necessary for knowing the species of the sin, lest perhaps penitents be scandalized[1] and the confessors themselves be exposed to temptations. - Hence, if penitents in good faith have been silent about circumstances of this kind in previous confessions, they are not to be compelled to repeat confessions, since the obligation of accusing them is at least very doubtful.

[1] Not only can penitents be scandalized in this case, but they can also make sacrilegious confessions; for certain persons are extremely ashamed to report these aggravating circumstances in shameful matter and are silent about them, even if they falsely think that these pertain to the integrity of confession and must be set forth. Cf. Gaume, *Manuel des Confesseurs*, n. 60.

284. Yet, according to all, per accidens there is an obligation of declaring them when the confessor legitimately asks about them. Now he has the right of asking about them when this is necessary for rendering a right judgment concerning the state of the penitent, for example, for knowing whether the penitent is a habitual sinner or not, whether he is in a proximate occasion, or is a recidivist. This is clear from the condemnation of proposition 58 by Innocent XI (March 2, 1679): "We are not bound to confess to a confessor asking us the habit of some sin";[1] for the same reason holds concerning a proximate occasion and frequent relapse as concerning habit.

[1] Apud Denzing., n. 1075. - See this proposition explained apud Viva, *Damnatae Theses*, in prop. 60, n. 16-18.

4° On the Integrity of Confession with Respect to Doubtful Sins

285. For the perfect sincerity of confession it is certainly to be desired that sins be accused as they are known: certain things as certain, doubtful things as doubtful. According to all, this is to be recommended to all, except the scrupulous, for tranquility of conscience and for receiving richer fruits from the sacrament. - But theologians further ask whether there is a strict obligation of declaring doubtful sins.

286. Principle: When a sin is truly doubtful, or doubtfully mortal,[2] after diligent examination, there is no strict obligation of confessing it. Thus commonly.

[2] A sin is truly doubtful when it is seriously doubted whether it was committed, for example, whether someone gave consent to a depraved thought; doubtfully mortal, when it was certainly committed, but there is serious doubt concerning its gravity, for example, on account of lightness of matter, or on account of imperfection of advertence or consent.

For the law of material integrity in confession regards the licit, but not the valid, administration of the sacrament, and consequently the principles of probabilism explained in the Treatise on Conscience can be applied here. According to probabilists, a doubtful law does not oblige; but in this case the law of confessing is doubtful, since there is doubt either about the very existence of the sin, or about its gravity. This can be confirmed from Trent, where it declares that mortal sins must be accused of which, after diligent examination, consciousness is had; but consciousness supposes knowledge, or morally certain knowledge: and therefore consciousness is not had of sins doubtfully committed; but if sins were certainly committed and are doubtfully mortal, consciousness of their gravity is not had. According to equiprobabilists, in the conflict of two opinions equally or almost equally probable, better is the condition of the possessor; moreover in this case liberty possesses, not the law, since the law cannot bind unless it is clear that the sin was committed and at the same time is grave.

Yet equiprobabilists and probabiliorists contend that sins of this kind must be accused if it is more probable that they were committed and at the same time are grave.

287. Practical conclusion. In practice the accusation of doubtful sins is generally to be recommended. But if the doubt turns upon the gravity of a sin certainly committed, a distinction must be made: (a) if it is doubted whether the matter is grave, the uneducated and ignorant are to be admonished to confess doubtful sins, unless they are scrupulous, because they can scarcely discern mortal sins from venial ones; but the learned can indeed form a conscience for themselves, yet are gently to be exhorted to declare doubts.

(b) If it is doubted whether there was full advertence or full consent, the timid can abstain from accusing doubts, because it is presumed that they did not consent gravely; the scrupulous must altogether abstain from this accusation; the lax, or those frequently falling into mortal sins, are to be induced to confess doubts, because, from things commonly occurring, these are judged to have given full consent.[1]

[1] Cf. St. Alphonsus, n. 476; Lacroix, n. 612.

288. Disputed questions. (A) If the sin was certainly committed and mortal, but it is doubted whether it was accused: (a) according to all, it must be declared if the doubt is merely negative, i.e., if there is no positive reason at least probable that such a sin was already accused; for a merely negative doubt does not destroy the morally certain obligation of submitting such a sin to the keys.

(b) But if the doubt is truly positive and seriously probable (which is verified when someone is accustomed diligently to make examination and confession), there is controversy. According to probabilists, the law of confessing in this case is doubtful and consequently does not oblige;

according to equiprobabilists, the obligation of confessing such a sin remains; for in doubt better is the condition of the possessor: moreover the obligation of confessing in this case possesses, since grave sin certainly was committed. Yet St. Alphonsus moderates this opinion, adding (n. 477) that he who was diligent in confessing his sins is not bound to confess, if he doubts whether he omitted some mortal sin, after much time has elapsed from the time when he committed it, since in this case he can believe with moral certitude that he has already confessed it.

In practice we think the penitent is not to be compelled, but only gently induced, to confess sins certainly committed and probably accused.

289. (B) If a sin was accused as doubtful and afterward is known as certain, it is controverted whether there is an obligation of accusing it again as certain.

(a) Many theologians more probably affirm with St. Alphonsus (n. 478), because a doubtful accusation differs substantially from a certain accusation; when therefore the error is recognized, it must be repaired.

(b) Some, however, probably deny this with Lugo and Lehmkuhl,[1] since this sin has already been directly remitted; for the confessor, on hearing it, implicitly said: if you have truly committed the sin, I absolve you; but the sin in fact had been truly committed; therefore it was directly remitted; now a sin directly remitted need not necessarily be subjected again to the keys. - This is confirmed by analogy; he who said that he had sinned about ten times is not bound to repeat the accusation if afterward he becomes more certain that he sinned eleven times, although the eleventh sin was declared as doubtful in the formula *about*; therefore by parity he who accused a sin as doubtful is not bound afterward to manifest the same as certain.

[1] Lugo, disp. XVI, n. 78-83; Lehmkuhl, n. 318; Ballerini-Palmieri, n. 381; Genicot, n. 291.

This reason seems altogether solid, and therefore the faithful who have neglected to accuse a sin of this kind again are not to be disturbed. - For the rest, St. Alphonsus grants (l. c.) that a penitent is not bound to repeat the accusation who confessed a sin which neither he nor the confessor knew to be mortal, although afterward he knows it to be mortal from its kind; for example, one who in good faith had accused pollution as a slight sin of touch: for he declared the sin as it was then in his conscience, and as it now is, and nothing new occurs except that he now knows the matter of this sin to be grave.

5° On Lying and Other Defects Contrary to Integrity

With these things set forth concerning the scope of integrity in confession, a few things remain to be said concerning lying and other defects contrary to this integrity.

290. A lie, or silence, in matter pertaining to confession, is grave sacrilege whenever it turns upon matter necessary for the integrity of confession, or upon dispositions necessary for absolution. It is certain.

For a lie or silence is injurious to the sacrament and destroys its efficacy: for if a mortal sin which must be declared is denied or kept silent, or it is affirmed that contrition is present when in reality it is not had, no sin is remitted, and so an injury is done both to the sacrament and to the blood of

Christ from which the sacraments derive their power; - it is pernicious to the penitent himself, who is deprived of the grace of the sacrament.

It is said: a lie in matter pertaining to confession; for a lie in other matters, for example, by narrating a false history, although it is said in the sacred tribunal and while confessing, does not receive mortal gravity from that circumstance of time and place. It is added: whenever it turns upon necessary matter or dispositions; for to deny some venial sin, or a mortal sin which in no way pertains to the present confession, does not seem to be a grave sin, since of itself it does not impede the effect of the sacrament.

291. Corollaries: (A) He who accuses a recent mortal sin as an old one, not by positively lying, but by leaving the matter in doubt, for example, by making a general confession in which by design he does not distinguish mortal sins committed after the last confession from those which had been committed before, - per se satisfies the substantial integrity of confession, because the circumstance of time in this case does not change the species of the sin; besides, if the confessor does not know sufficiently, from this confused accusation, the state of the penitent, he can question him, and then the penitent is bound to answer sincerely.

I said per se; because per accidens such a way of acting would substantially vitiate the confession, if the species of the sin were not understood; if, for example, the confessor could not discern whether a shameful sin was committed before or after marriage, before or after a vow of chastity.

For the rest, such a way of acting is to be reproved, since it is opposed to perfect sincerity and can prepare a way to sacrilege.

292. (B) On the contrary, according to the common opinion, he sins gravely who confesses a mortal sin not yet accused as an old one already declared before, whether explicitly by saying: "I accuse myself of such a sin which I already declared before"; or equivalently, by using this formula: "then I accuse myself of the sins of my past life, especially of this..." For this manner of speaking is not a mental equivocation, but a true lie, by which the confessor is truly deceived in a grave matter pertaining to confession; for from this he concludes that such a grave sin is not necessary matter.

Some after Ballerini[1] contradict this, because they judge this lie to be slight, since the confessor is not deceived concerning things necessary to be known; yet they grant that he sins gravely who, burdened with one sole mortal sin, would accuse it as remitted before, because then he would deceive the confessor concerning the state of his conscience.[2] This reason seems to militate against their opinion; for even when other mortal sins are present, the confessor is deceived concerning a matter necessary to be known, namely the existence of one mortal sin in the conscience of the penitent. - Whence there must be no departure from the common opinion.

[1] Ballerini-Gury, note to n. 448; Bucceroni, n. 715; Genicot, n. 288.

[2] Genicot, n. 288.

293. (C) He who accuses venial sins to his ordinary confessor, but mortal sins to another, (a) certainly sins mortally if he obtains absolution from the venial sins before he has been absolved from the mortal sins, because he sacrilegiously receives the former absolution

without due dispositions; (b) but if he is first absolved from the mortal sins and afterward from the venial sins, he per se does not sin, provided that he does this for the sake of shame or lest perhaps he be exposed to the danger of keeping back a grave sin, but not for sinning more freely. - It is said per se, because young men who act thus so that they may embrace the clerical state or a religious order,[3] from which otherwise they would be barred, sin gravely per accidens: for then they deceive the confessor in a grave matter pertaining to vocation.

[3] Thus Sabetti, p. 743, q. 5.

Whence in practice the confessor should not curiously inquire whether perhaps the penitent has approached another priest, but on the contrary by his whole manner of acting should show that it is in no way displeasing to him that penitents approach another confessor; indeed sometimes he should offer them the occasion of approaching outside confessors; otherwise, not a few are exposed to the danger of making sacrilegious confessions.[1]

[1] Cf. Zelle, *La Confession*, p. 205 sq.; Brahim, *De reticentia volunt. peccat.*, p. 73 sq.

294. (D) Per se he does not sin who disguises his voice lest he be recognized by the confessor, provided that he opens all his mortal sins; for it is not necessary that the penitent be recognized by name. Indeed it is often expedient that the confessor say nothing from which it would appear that the penitent is known to him, since not a few confess more freely to a priest by whom they think they are not known. - It is said per se, because if this is done by design by a habitual sinner or recidivist, in order to deceive the confessor and more easily extort absolution, it is a sin per accidens.

(E) The penitent is bound to respond sincerely to the confessor asking, as often as the latter legitimately asks, for example, about habit, relapse, proximate occasion, in a word, about those things without which a prudent judgment cannot be rendered. But if the question is indiscreet, for example, concerning name, country, place of dwelling, etc., the penitent is not bound to respond, since these things do not pertain to sacramental confession.

§ III. On the Causes Excusing from Material Integrity

295. General principle: Physical or moral impotence excuses from the material integrity of confession as long as it perseveres. It is certain.

[2] Suarez, disp. XXIII; Lugo, disp. XVII; Salmantic., cap. 8, n. 115-137; Lacroix, n. 1140-1164; Billuart, diss. VII, a. 2, § 1-2; Kenrick, n. 61; Marc, n. 1697-1702; Muller, § 122; Konings, n. 1367-1369; Sabetti, n. 750-751; Scavini, n. 306-307; Lehmkuhl, n. 327-340; Ballerini-Palmieri, n. 349-449; Haine, q. 47-52; Genicot, n. 292-297; Noldin, n. 271-276.

It is proved. For the law concerning the integrity of confession is indeed divine, but positive; but a positive law, even a divine one, does not oblige to that which is impossible or even very difficult, according to that saying: no one is held to the impossible.

It is explained. But impossibility, whether physical or moral, must be true, and indeed not only with respect to one, but also with respect to any confessor who without grave inconvenience can be approached. - Besides, no inconvenience intrinsically annexed to confession excuses from material integrity; such is, for example, even the greatest shame, fear of rebuke, loss of reputation with the confessor, etc. For Christ, in instituting confession, willed to impose upon the penitent all those

inconveniences which are intrinsic to confession and necessarily connected with it. Whence only those great inconveniences excuse from integrity which are extrinsic to confession itself, and are not necessarily connected with it.

296. This impotence excuses only as long as it perseveres, so that, when the impotence ceases, the obligation of declaring the sins in the next confession is now in force. For sins omitted on account of a legitimate cause are indeed remitted indirectly, but not directly; but every sin not yet directly remitted must be subjected to the power of the keys. - Hence proposition 11 was condemned by Alexander VII (September 24, 1665): "Sins omitted or forgotten in confession, on account of instant danger of life, or on account of another cause, we are not bound to express in the following confession."[1] Therefore penitents who cannot make an integral confession are to be admonished concerning this obligation.

[1] Apud Denzing., n. 982. - Cf. Viva, *Damnat. Theses*, on this proposition; Vacant, *Dict. de Theol.*, t. I, col. 736.

But this obligation does not press immediately, but only at the time of the next confession, unless perhaps the excusing cause still perseveres; but when it has ceased, sacrilege would be committed if a sin not yet directly remitted were knowingly and willingly kept silent.

Since the cause excusing from material integrity is twofold, namely impotence both physical and moral, each must be spoken of separately.

I. On Physical Impotence

This impotence arises especially from a threefold cause: from lack of time or strength, - of knowledge - or of speech.

297. 1° From lack of strength or time, namely (a) if a sick person fails after confession has been begun, or is in danger of failing before the confession is finished, or a fortiori if he is already destitute of his senses; (b) if the priest himself will probably die before he is able to hear the whole confession; (c) when shipwreck, fire, or battle is imminent, so that all upon whom death threatens cannot be heard. In this case a brief confession of some less infamous sin can suffice, or even the mere request for absolution with contrition manifested by some sensible sign, for example, by raising the hands or striking the breast; then all can be absolved at the same time by a general formula: *I absolve you from all your censures and your sins*. - Yet if soldiers could be heard individually, for example, on the day or night before battle, that would certainly be better, even if they could not confess all sins, because they could prepare themselves better for absolution.

For the rest, in all the aforesaid cases, more care must be taken to excite contrition, which is altogether essential, than for material integrity, which in these circumstances is not absolutely required.

But a great concourse of penitents on some more solemn feast day by no means excuses; for if this reason were admitted, many would approach the sacred tribunal by design at a time of great concourse, and there would be danger of absolving the unworthy; besides, penitents whose confession cannot be heard can be deferred to another day.

For practice, in regions where there is a great concourse of penitents either every Saturday or on the eve of Feasts, as often happens in the great cities of the United States, it is most expedient that confessors choose other days for hearing the confessions of the pious.[1]

[1] Therefore rightly the Second Plenary Council of Baltimore, n. 291: "We earnestly exhort and beseech pastors of souls that they be ready at the confessionals to hear penitents every Saturday, and on the vigils of Feasts, at least in the evening time, and on Sundays and feast days in the morning before first Mass. For at these hours penitents will not be lacking, provided the confessor himself is not lacking to his office. But if the number of the faithful is greater than that all who approach can be heard in one day, let him also choose other times, other days, which he may devote to this so necessary work. For it would be a most grave crime if by the negligence or idleness of the pastor even one from the flock of the faithful were defrauded of this sacrament. Nor will those who once and again have found that this ministry is unwelcome and troublesome to the priest easily bring their soul to return to confess."

298. 2° From defect of knowledge, namely (a) when someone, after a serious examination has been made, does not remember some mortal sin, from forgetfulness, from inadvertence not gravely culpable, which does not arise from negligence, or from infirmity of nature. Nor is he who is endowed with a weak memory bound to write his sins so that he may accuse them more diligently: for this is an extraordinary means to which no one is obliged; (b) if someone, from ignorance not gravely culpable, thinks that a mortal sin which he committed is either venial, or is not here and now to be accused; but when ignorance of this kind ceases, the precept of declaring it now presses.

299. 3° From defect of speech, if namely someone is mute, or ignorant of the language of the region in which he lives: - (a) if someone is mute and not sufficiently instructed so that he can confess integrally by signs, he is bound to manifest his sins by nods, insofar as can be done; indeed, according to many,[1] he must write them. Yet this obligation of manifesting sins in writing is not to be urged; for it is denied with probability by others,[2] because it seems to be an extraordinary means, and not sufficiently consistent with the secrecy of confession. Hence if the confession is written, let the confessor take care that the writing be destroyed at once, lest perhaps it come into the hands of others. - For the same reason the confessor generally will rightly abstain from making questions in writing, unless however the mute person himself asks this, for the sake of greater consolation and utility.

[1] Thus Lugo, disp. XV, n. 87; St. Alphonsus, n. 479; Lacroix, n. 1194.

[2] Thus Toletus, lib. V, ch. 6, n. 3; Ballerini-Palmieri, n. 391; Lehmkuhl, n. 328.

300. (b) If someone is ignorant of the confessor's language, and cannot approach another confessor by whom he may be understood, let him confess his sins in the best way that can be done, by words or signs. It is indeed permitted, but not necessary, to use an interpreter, on account of the danger of revelation; and if no sin can be manifested in species, for absolution it suffices to manifest sin in general, as is clear from the response of the Holy Office, February 28, 1633.[3]

[3] "Whether in distant regions a Catholic, unconfessed for many years, asking absolution only by signs, on account of defect of language, can be absolved without the help of an interpreter? - R. There is no need of an interpreter in the proposed case, just as also absolution of sins can and must be imparted to one exhibiting the signs which he can... provided they suffice for expressing some sin in species. But in the case in which someone tries as much as he can to exhibit signs of sins in species, but they cannot be understood at all, he can be absolved by the sole manifestation of

sins in general." Sacred Congregation of the Holy Office, apud Bucceroni, *Enchiridion*, n. 504. You will find another decree of the Sacred Congregation de Propaganda Fide apud *Collectanea*, n. 951.

Yet, in the article of death, it is safer to declare at least one venial sin through an interpreter, if the penitent doubts concerning his perfect contrition: indeed St. Alphonsus (n. 479) thinks that this is prescribed by charity toward oneself, which demands that safer means be employed if they are probably necessary for salvation: yet this is rejected by many, as resting upon an antiquated opinion which regarded the value of the sacrament as doubtful, even in danger of death, when no special sin is subjected to the keys. Whence, in practice, a practice of this kind is indeed to be counseled, but not urged.

For the rest, if confession is made through an interpreter, he should be admonished concerning the obligation of preserving secrecy; and, so that the interpreter himself may not know the sins of the penitent, one can proceed thus: let the interpreter turn his face away from the penitent, and recite to him in his own language the general questions proposed by the confessor concerning the precepts of the Decalogue and of the Church; meanwhile let the penitent at each question signify to the confessor by a conventional sign, for example, by compression of the fingers, whether he has sinned or not, and how often, insofar as can be done.[1]

[1] Cf. Haine, q. 49.

II. On Moral Impotence

301. Notion and conditions. This is present as often as integral confession cannot be made without grave spiritual or temporal harm extrinsic to confession itself. Concerning this, however, these things must be noted:

(a) The danger of such harm is not easily to be imagined, but must rest upon a solid foundation. (b) When such danger exists, the penitent is bound to seek another confessor to whom he can confess integrally without harm; this, at least in cities, is generally altogether easy. (c) If confession can conveniently be deferred, with hope of making it integral without grave harm, the penitent is bound to defer it; but there is sufficient reason for not deferring it if the precept of annual confession presses, or the moral necessity of communicating or celebrating, or if otherwise the penitent would be compelled to remain for a long time (beyond three days, according to some; for one day, according to others[2]) in the state of mortal sin. (d) Only those sins should be kept silent which it is necessary to conceal in order to avert the harm; all the others should be candidly declared.

[2] Cf. St. Alphonsus, n. 487; Noldin, n. 273.

It must likewise be noted that to explain in preaching to the faithful the various causes of moral impotence is generally not expedient, lest perhaps, deceiving themselves, they be exposed to the danger of keeping many things silent: these things are necessary to be known by the confessor, not by the faithful.

302. 2° Principal causes. With these things set down, grave harm, sufficient for keeping some sin silent, can arise from a threefold cause: on the part of the penitent, of the confessor, or of a third party.

(A) On the part of the penitent, when it is reasonably feared lest, from integral confession, the penitent be gravely defamed, not indeed with the confessor (for this is intrinsic to confession), but with others: (a) if the penitent confesses in those circumstances in which bystanders, who cannot be removed, will hear the sins, for example, in a hospital, when another sick person lies near the one confessing. This is verified also in the case of a deaf or somewhat deaf person, whose deafness the confessor notices only in the course of confession, and indeed in such circumstances in which this person could not be led to the sacristy without a suspicion arising that he had committed grave sin; for then the confessor must abstain from questions and impose a light penance,[1] lest otherwise the bystanders understand that grave sins had been committed by the penitent. But when deafness is noticed before the beginning of confession, the penitent is regularly to be led to the sacristy or to another place, where he can be questioned without danger of revelation, unless custom or prudent reason is an obstacle.

[1] Often the confessor can impose a penance which is not noticed by the bystanders, for example, by showing the penitent a rosary or a chaplet.

303. (b) If confession, in order to be integral, must be very long, and indeed in those circumstances in which bystanders would very probably be able to infer from that length that the penitent is guilty of many and grave sins; for example, if a sick person, who has already confessed and is about to receive viaticum, recognizes that he is guilty of sacrilege and has several confessions to repeat, it suffices for the time to hear a few mortal sins, lest otherwise the bystanders be able to suspect the matter; likewise a priest about to celebrate immediately and needing a lengthy confession, which would excite the wonder and suspicions of the people; or also a boy who before first communion, with the faithful already gathered in the church, would have to repeat his confessions on account of sacrilege committed. In these or similar cases, it suffices to declare a few mortal sins, and to accuse the rest in the next confession.

(c) If for a grave reason the penitent fears lest the confessor break the law of the seal, either directly (which happens most rarely), or indirectly, for example, by raising his voice higher when mortal sins are accused, so that bystanders can hear him; or lest, from the indiscretion of the confessor, the penitent undergo privation of office or of support.

(d) If he seriously fears that, by recalling sins minutely, especially shameful ones, he may indulge in morose delectation; or lest certain sins

by declaring them, he may be solicited by the confessor to shameful things, because, for example, he knows that this has already happened to himself or to others. These things, however, happen very rarely.

(e) If there is question of a scrupulous person, who, by insisting upon material integrity, will experience greater anxieties.

304. (B) On the part of the confessor: (a) if, in hearing an integral confession, death or a lethal disease threatens the confessor, for example, in time of plague, fire, shipwreck, or because enemies are pursuing; (b) if the confessor, on account of his own frailty, fears very probably that by questioning more diligently he may scandalize the penitent or himself; (c) if the

penitent himself seriously fears lest, by an integral confession, the confessor whose frailty he has clearly known be induced into sin; this certainly will occur most rarely.

305. (C) On the part of a third party: (a) if there is grave danger lest the confessor use knowledge acquired through confession to the temporal or spiritual harm of the neighbor, for example, by casting out of his house a maidservant with whom the penitent sinned; (b) or if the confessor could not confess his own sin without manifesting sins heard in confession, for example, if, immediately after hearing confession, he were to say that he had sinned gravely by asking the name of the accomplice: for thus it would be manifested that the penitent had committed some mortal sin with an accomplice.

306. 3° Disputed question. It is controverted whether there is an obligation of confessing a sin which cannot be explained integrally without the defamation of an accomplice or of a third person before the confessor. This can happen with sins committed between spouses, parents and children, blood relatives or relatives by affinity, or partners in the same affairs. - The question is also extended to the case in which a sin cannot be declared integrally without manifestation of the person against whom the sin was committed, for example, if someone struck his sister, pregnant from sin, and so procured an abortion.

Now all grant that then the penitent is bound to approach another confessor, to whom the accomplice is unknown, if this can conveniently be done. Yet necessity or great utility excuses from this obligation, for example, if danger of death presses, or the precept of annual confession, - if there is a special utility of receiving holy communion soon, - if otherwise someone would be compelled to remain in mortal sin through the whole day, - or if the penitent could open his conscience to another confessor only with reluctance, - or would be deprived of the special consolation which he finds with his ordinary confessor. - All likewise say that the penitent neither can nor is bound to declare a sin which is not necessary matter of confession (because it has either already been accused, or is only venial), if by confessing it the grave sin of the accomplice is manifested. Outside these cases, the matter is controverted.

307. (A) Not a few hold, with Navarro, Valentia, Medina, Ballerini, and others,[1] that the circumstance from which the accomplice would be detected can and must be kept silent, for example, the circumstance of incest in a sin of lust; for the natural precept of preserving the reputation of the neighbor is to be preferred to the positive law of the integrity of confession, especially since the observance of this law is only deferred for a time.

[1] The older authors who follow this opinion are reviewed by Lugo, disp. XVI, n. 393; cf. Ballerini-Palmieri, n. 442-444.

308. (B) Yet the more common and truer opinion, with St. Thomas, Lugo, St. Alphonsus, and most moderns,[2] teaches that an integral confession is required in this case. For the precept of charity forbids only that the reputation of another be injured without a legitimate cause; but here there is a legitimate cause; for on the one hand the injury to reputation is done before the confessor alone, who is bound to keep the matter entirely secret under the most secret seal, and therefore it cannot be regarded as a grave inconvenience; besides, grave inconveniences follow if sins committed with a known accomplice are kept silent; for since there are many sins

of this kind (between spouses, between parents and children, between blood relatives and relatives by affinity), occasion would often be given to anxieties and doubts which the penitent himself would have to solve; penitents would be deprived of those benefits which arise from integral confession, particular counsels, exhortations, etc.; those who have a lax conscience would keep silent about many sins under the pretext that the accomplice could become known to the confessor, and so little by little the law of integrity would be weakened.

[2] St. Thomas, In 4, dist. 16, q. 3, a. 2, quaestiunc. 5, ad 5; Lugo, disp. XVI, n. 394; Suarez, disp. XXXIV, sect. 2, n. 3; St. Alphonsus, n. 409.

Besides, in practice, the faithful, ignorant of these distinctions, for the most part declare sins of this kind without hesitation, and if they keep them silent, they are often in bad faith and think that they have confessed sacrilegiously. - If, however, some ask explicitly about this matter and very much resist manifesting those circumstances from which the accomplice would become known, the obligation of confessing them is not to be urged, because the former opinion does not lack probability.

From this it also follows that mothers and wives are often excused when in confession they manifest the sins of sons and husbands, in order to ask counsel or lessen sorrow; yet they should not be permitted to do this except insofar as it truly contributes to their spiritual good.

309. 4° Scholion. On this occasion it is asked whether it is licit for the confessor to inquire the name of the accomplice.

(A) He sins mortally who inquires the name of the accomplice under penalty of denial of absolution, and even in any way whatever, unless for a most grave cause. Thus Benedict XIV in various Constitutions, the Brief *Suprema*, July 7, 1745,[1] the Constitution *Ubi primum*, June 2, 1746, the Constitution *Ad eradicandum*, September 28, 1746; indeed he established suspension *ferendae sententiae* against delinquents in these words: "Confessors requiring the name of the accomplice under penalty of denial of absolution sin gravely and incur suspension from hearing confessions, but only *ferendae sententiae*."[2] - If the confessor requires the name of the accomplice without threat of denial of absolution, he also sins mortally, unless there is a grave excusing cause, yet without incurring the canonical penalty. - The reason for this prohibition is that a practice of this kind renders the sacrament hateful, and without cause induces penitents to defame the accomplice.

[1] Apud Denzing., n. 1323. - The two former documents are directed to the bishops of Lusitania; but the latter to the universal Church.

[2] Constit. *Ad eradicandum*.

310. Yet the confessor is not prohibited from making those questions which seem necessary for the integrity of confession, or for detecting the nature of the proximate occasion, even if per accidens the accomplice becomes known from this: for example, whether the accomplice remains in the same house, whether he is bound by vow, related by blood or by affinity; for these and similar things the confessor must know for the good of the penitent, and from what was said above (n. 197) this is licit.[3]

[3] That this was not reproved by Benedict XIV is clear from the words in which the Pontiff describes the abuse which he condemns: "If perhaps they had fallen upon penitents having an associate in crime, from the same penitents they would commonly inquire the name of such an associate or accomplice... indeed they would require that not only the name of the same accomplice, but in addition the place of habitation, be designated to them." Apud Denzing., n. 1323. Hence the same Pontiff (*De Syn. dioeces.*, lib. VI, ch. 11, n. 1) acknowledges that sometimes, although rarely, it is licit to inquire the name of the accomplice: "Yet it is certain that it can rarely happen that it is licit for the confessor to ask the penitent for the name of the accomplice, much less to oblige the same to disclose it to him."

The confessor must also, for a most grave cause, for example, lest a member of some community or college corrupt his companions, oblige the penitent to denounce the accomplice to superiors, for example, to father, master, teacher, etc. Yet it is not expedient that the confessor offer himself for making this denunciation, nor, if asked, should he assume this duty, unless however the penitent does not wish to manifest the matter to another; in which case let him ask the penitent to speak to him about this outside confession. The reason is that otherwise confession becomes hateful, at least to others who hear of this matter. - Hence, if the confessor is at the same time the superior who alone can effectively meet the threatening evil, he can require that outside confession the name of the accomplice be manifested to him.

311. (B) Moreover, in the Bull *Apostolicae Sedis*, promulgated by Pius IX on October 12, 1869, an excommunication *latae sententiae*, simply reserved to the Supreme Pontiff, is brought against those "teaching or defending as licit the practice of inquiring from the penitent the name of the accomplice, insofar as it was condemned by Benedict XIV." Hence three things are required for incurring this excommunication: (a) to teach that this practice is licit: therefore those who in fact inquire the name of the accomplice, yet without teaching that this is licit, do not incur the censure; (b) to teach that it is licit under penalty of denial of absolution, for these words are found in the Constitution of Benedict XIV; (c) to teach this rashly, i.e., knowingly and willingly, so that fear or ignorance excuses from the censure, even crass and supine ignorance, provided that it is not affected.

Besides, those who have known that someone has offended in this doctrine, or in practice which introduces suspicion of depraved doctrine, are bound, with the exception of penitents in their own cause, to denounce the guilty person within a month to the Holy Office or to the Bishop.

§ IV. On the Means for Procuring the Integrity of Confession

There are two means necessary for procuring the integrity of confession: the first is ordinary and necessary per se, namely the examination of conscience; the latter is extraordinary and necessary per accidens, namely the repetition of previous confessions or general confession.

I. On the Examination of Conscience to Be Put Before Confession

Three things are to be explained: 1° the necessity of this examination; 2° diligence; 3° the method to be employed in it.

[1] Suarez, disp. XXII, sect. 11; Lugo, disp. XVI, n. 590-595; Salmantic., cap. 6, n. 3-7; Collet, n. 297, apud Migne, *C. Theol.*, col. 478; Stoz, *Tribunal Paenitent.*, p. I, p. 1, n. 1-119; St. Alphonsus, n. 471; Konings, n. 1372-1374; Hilarius a Sexten, § 38, p. 267; Marc, n. 1703-1704; Lehmkuhl, n. 341-344; Genicot, n. 301-303; Noldin, n. 277-278.

312. 1° Necessity of this examination: A penitent who has sinned gravely is regularly bound under grave obligation to make a diligent examination before confession. It is certain.

(A) It is proved. This obligation is logically deduced from the very law of integrity, as is clear from Trent itself:[1] "From these things it is gathered that all mortal sins, of which after diligent discussion of themselves they have consciousness, must be recounted by penitents in confession."

[1] Sess. XIV, ch. 5.

For he who is bound to an end, by that very fact is bound to the means necessary per se for attaining the end; but a diligent examination, regularly speaking, is a necessary means for procuring the integrity of confession for those who have sinned gravely; for if they have committed several mortal sins, they generally cannot remember all of them, on account of the weakness of human memory, unless for some time they have diligently explored the inner recesses of conscience.

Moreover, if a penitent of this kind fails in examination, many inconveniences follow: loss of time for the confessor, who then must propose many questions, and also for other penitents who are compelled to wait longer, - and for the penitent himself the danger of omitting mortal sins through forgetfulness, with the anxieties which follow from this and the obligation of accusing sins so omitted. - Therefore the faithful should be carefully instructed concerning this obligation.

(B) It is explained. It was said: (a) who has sinned gravely; for he who is morally certain that since the last confession he has not sinned mortally is not bound, strictly speaking, to a diligent examination, but only to detecting sufficient matter for the validity of the sacrament; yet he is to be exhorted to make a diligent examination concerning venial sins, so that he may receive richer fruits from absolution.

(b) He is regularly bound; for exceptions are given from a twofold head, both because time is lacking, as can happen with the dying, and because this examination is not necessary, considering the dispositions of the penitent, for example, because he is accustomed daily to examine his sins seriously, or, after their commission, immediately to have recourse to confession.

313. 2° Diligence to be had in the examination: For that examination there is required that diligence which prudent men are accustomed to employ in a grave matter; that is, the highest diligence is not strictly required, which in a matter of the greatest moment is employed by the most cautious men, but ordinary, or moderate, diligence suffices, such as prudent men have in matters of grave moment.

For Christ did not will confession to be a grave and hateful burden, but willed to adapt it to the human condition and infirmity; but if the highest diligence were required in the examination of conscience, confession would be too troublesome and would offer occasion for many anxieties concerning the validity of the sacrament, since there are few who are habitually capable of this diligence. - Hence someone is not strictly bound to the highest diligence, even if he foresees that new mortal sins could thus be detected. - Likewise no one is bound to write his sins, especially since there is some danger that the writing might fall into the hands of others.

Whence he who commits grave negligence in the examination concerning mortal sins, per se sins gravely and is guilty of sacrilege, since he knowingly and willingly exposes himself to the danger of

omitting certain mortal sins in his confession. But slight negligence does not invalidate the sacrament, even if in fact certain mortal sins were omitted. But for discerning whether the negligence was grave or slight, this rule is handed down by some theologians:[1] if after confession it is found that more mortal sins were omitted than accused, the negligence can be regarded as grave; but if many more were declared than omitted, the negligence can be judged slight. This is the objective rule; but attention must also be paid to the subjective dispositions of the penitent, whether or not, at the time of the examination, he was conscious of grave negligence, and foresaw that he would omit several mortal sins.

[1] Stoz, l. c., 16; Sporer, n. 367; Noldin, n. 2.

I said per se sins gravely; because not a few are excused from grave sin by the fact that, on account of ignorance or levity of soul, they thought it enough to respond sincerely to the questions of the confessor: these indeed must be instructed; but, good faith standing, they were not guilty of grave sacrilege.

314. Corollary. The diligence required is different according to the different conditions of penitents, namely according to the different state of conscience, the length of time which has elapsed from the last confession, bodily health, and the diverse instruction of penitents.

(a) Those who confess frequently, rarely commit mortal sins, and daily examine their conscience, can be content with a shorter examination, because grave sins, if perhaps they were committed, will easily occur to the memory. - Yet in practice they are gently to be induced to a diligent discussion of conscience, so that they may detect not only the principal venial sins, but also the causes of the same, by which they may more easily root out their defects.

Hence the timid and the scrupulous ought not spend a long time in examination: for if they had sinned gravely, this certainly would be before their eyes; besides, minute examination can increase scruples. Whence sometimes it is expedient to determine the time which they are prohibited from exceeding in such an examination.

(b) Those who confess rarely, especially if they are involved in various secular affairs and live among many occasions of sin, must examine themselves longer, and diligently reconsider the principal occasions in which they are accustomed to sin; for otherwise they would omit several sins.

315. (c) The sick are not bound to an examination as accurate as those in good health; indeed sometimes they are dispensed from every examination, on account of their excessive weakness; in this case they are kindly to be questioned by the confessor himself with respect to substantial things, since the dying are in some way excused from material integrity, on account of the grave harm which then often arises from a long examination and a lengthy confession. - Therefore the sick should not easily be permitted to defer confession from day to day, under the pretext that they have not sufficiently examined their conscience; but they should be kindly questioned at once by the confessor; it is certainly better to restore them, even imperfectly confessed, at once to the state of grace than, by deferring from day to day, to leave them in the state of damnation. For the rest, if they survive, they will afterward be able to complete their confession.[1]

[1] Cf. Elbel-Bierbaum, Conf. VI, n. 153; Genicot, n. 302.

316. (d) If penitents, otherwise sufficiently instructed, approach the sacred tribunal prepared by no or by insufficient examination, they can kindly be dismissed, so that they may discuss their conscience more accurately before they begin confession, especially if there is question of a long confession; for it is almost impossible that a penitent respond accurately to the confessor asking questions without a prior examination. Yet if it could be foreseen that they would not return, they are to be examined by the confessor himself in the best way that can be done; and if they grieve over their negligence and show forth some zeal for amending life, they can be absolved.[2]

[2] To the point the Roman Catechism, *De Paenit.*, n. 50: "Wherefore if the priest has known that men of this kind are wholly unprepared, he will dismiss them from himself with most humane words, and will exhort them to take some space for thinking about sins, and then return: but if perhaps they affirm that they have applied all their zeal and diligence to that matter (since the priest must fear greatly lest, once dismissed, they return no more), they are to be heard, especially if they show forth some zeal for amending life... For if, once the confession has been heard, he judges that neither diligence in enumerating sins, nor sorrow in detesting them, was altogether lacking in the penitent, he can be absolved."

But if there is question of the uneducated and ignorant, who already made some examination beforehand, although insufficient, generally it is not expedient to dismiss them, because they can scarcely examine themselves better; whence the confessor, by prudent questioning, will obtain more than penitents could detect by a long examination; besides, especially in our times, a dismissal of this kind would often be regarded as a great injury and would keep not a few away from confession. Hence penitents in this case are not to be dismissed unless it is impossible to prepare them for a good confession.

3° Method to Be Preserved in Examination

317. (a) First, let the penitent choose a suitable time, free from other occupations, and implore divine light, since without the grace of God he cannot salutarily explore the hiding places of his conscience.

(b) So that he may more easily come to knowledge of his sins, let him observe some order; if he has not confessed for a long time, let him successively run through the precepts of God and of the Church, the capital sins, and the obligations of his own state: let him especially insist on these, with the confessor admonishing him, since, as experience bears witness, there are many who scarcely think of the duties of their own state. - If he has confessed a short time ago, let him examine himself concerning duties toward God, neighbor, and himself: for this is shorter and in this case fully suffices.

318. (c) Concerning each precept, or each virtue, let him weigh what sins he committed, and how often, by thought, word, and deed, searching his conscience especially about those sins into which he is accustomed more frequently to fall. Besides, he must diligently investigate circumstances changing the species, insofar as this can be done. - It is expedient for the uneducated to begin the examination from deeds, and from these ascend to words and thoughts or desires, because often they do not reconsider internal sins except insofar as they are connected with external ones.

Those who wish to employ the highest diligence in examination not only run through the various precepts of the Decalogue, but also try to recall in what places they were, what affairs they conducted, and how they conducted themselves daily at home, in church, and in their relations with neighbor; but, as we have noted, this exquisite diligence is not of precept.

(d) Many, especially the ignorant, more easily detect their sins if they use some catalogue of sins which is neither too long nor too short: not too long indeed, lest they be compelled to spend much time in this examination; nor too short, so that there may be found there at least the principal sins of which they could have been guilty. Hence a catalogue of this kind, to be truly useful, must be adapted to the various classes of penitents.[1]

[1] Thus, for the younger, cf. Timon-David, *Traite de la Confession des Enfants et des Jeunes Gens*, Paris, 1875, t. I, p. 150-177; Jaggers, *Instructions for first confession*, St. Louis, 1890, p. 133 sq.; Mother M. Loyola, *First Confession*, New York, 1901, p. 34-37; - for pious persons, cf. *Pratique progressive de la Confession*, Paris, 1900, t. I, p. 20-24; t. II, p. 19-23; for priests, cf. Gaduet, *Avis et Examen de conscience*, rendered in English: *Examination of Conscience for the use of priests*, New York, 1885; - for the faithful in general, who make a general confession, cf. *How to make the Mission*, by a Dominican Father, New York, 1897, p. 62-73; Konings, *General Confession made easy*, New York, 1879.

II. On the Repetition of Confessions and on General Confession

When a substantial defect has been committed in confession, it must be repaired either by repetition of confession, or by general confession.

[2] Suarez, disp. XXII, sect. 6-7; Lugo, disp. XVI, n. 596-663; Salmantic., c. 9; Lacroix, n. 1203-1228; St. Alphonsus, n. 498-505; Marc, n. 1706-1713; Lehmkuhl, n. 345-351; Konings, n. 1375-1380; Ballerini-Palmieri, n. 460-477; Hilarius a Sexten, § 38, p. 270-278; Genicot, n. 305-310.

1° On Repetition of Confession

319. Things to be noted beforehand. Confession can be only incomplete, or invalid. (A) It is called incomplete, or materially not integral, when some mortal sin has been omitted from a legitimate cause, for example, from ignorance or inculpable forgetfulness. In this case the confession must indeed be completed by declaring the sin not yet accused; but properly it is not to be repeated, since it was valid, and consequently sins already accused are not necessarily to be repeated.

If a penitent, immediately after absolution, confesses a mortal sin inculpably omitted, he must be absolved again, so that this sin may be remitted directly by absolution. For although, strictly speaking, this absolution could be deferred to the next confession, if it is foreseen that the penitent will return to the same confessor, nevertheless it is better to repeat the formula of absolution; for otherwise the penitent is compelled either to return to the same confessor, or, if he approaches another confessor, to accuse the same sin.

320. (B) A confession, moreover, is invalid when one of the essential conditions necessary for its validity is lacking. Now such invalidity can occur either on the part of the confessor, or on the part of the penitent: -

(a) On the part of the confessor, if he lacked the power of order or of jurisdiction, - or omitted the form or changed it substantially, - or did not have the intention of absolving, - or heard or understood

no sin, because of deafness, sleep, drunkenness, distraction, or some other reason of this kind. Yet the penitent cannot and is not bound to correct these defects except insofar as they are known to him.

(b) On the part of the penitent, by defect of examination, if he was gravely negligent in investigating mortal sins, - by defect of sincerity in confession,[1] if knowingly and willingly he concealed some grave sin, or lied in a grave matter pertaining to confession, - by defect of contrition or of firm purpose, - by defect of knowledge, if someone was ignorant of truths which are necessary by necessity of means.

[1] This defect of sincerity, which occurs not rarely, especially in the young and in women even devout ones, with regard to shameful sins, arises chiefly (a) from a certain shame, by force of which penitents blush to declare sins of this kind to a confessor to whom they are known, especially in places where there is only one confessor; (b) from a certain haste in hearing confessions, or harshness or rigor, or on the contrary from the custom of excusing penitents (by saying, for example, you did not do it voluntarily, etc.), so that they, not wishing to contradict the confessor, scarcely dare to confess consent really given. Cf. Camele, *Opusc. de reticentia peccatorum*, 1897; Zelle, *La Confession*, Paris, 1897, book I, p. 15-81; Drahm, *Opusc. de Reticentia volunt. peccat.*, Brussels, 1900; Mach, *Tresor du Pretre*, Treatise XIV, ch. 10. - Yet certain authors exaggerate the frequency of sacrilegious confessions, because from a few facts known to them, at the time when a mission is being given, they infer that the practice is common; this is contradicted by most experienced and most pious confessors, as Bucceroni rightly notes, at the end of *Instit. Theol. Moral.*, vol. II, p. 537, ed. 1900; cf. Genicot, n. 305, at the end, note 1.

Again, confession is either simply invalid, when the penitent, at the time when he receives absolution, is not conscious of this substantial defect; or invalid and at the same time sacrilegious, when the penitent knows and wills such a defect, so that he truly commits sacrilege by receiving absolution.

321. Principle: Sacramental confession per se must be repeated whenever it is morally certain that it is sacrilegious or invalid. It is certain.

For by the precept of Christ all mortal sins must be subjected to the keys of the Church, so that by virtue of absolution they may be absolved directly; but sins declared in a sacrilegious or invalid confession were not remitted by virtue of absolution; therefore they must again be subjected to the power of the keys, so that they may be absolved.

But if there is only doubt concerning the validity of confession, the repetition of confession is to be counseled, but not strictly imposed; for when an act has certainly been placed, and there is doubt whether it is valid or not, one must stand for its value until the contrary is proved. In practice, moreover, when such a doubt arises, it can be resolved from the manner of acting and the dispositions of the penitent: if he is diligent and of a timorous conscience, he is not bound to repeat the confession, because he is deservedly presumed not to have lacked the essential dispositions; if he is of a lax conscience and very negligent in preparing for confession, the presumption stands against him, and therefore he is to be gently induced to repeat the confessions.

It was said: per se must be repeated; because if the penitent is in good faith (which easily occurs when the confession was simply invalid), and at the same time it is foreseen that perhaps he will not assent to the command of repeating the confession, it is expedient not to warn him concerning the invalidity of this confession, at least here and now: for then he does not sin formally, and the sins not yet validly accused are remitted indirectly through the absolution which he receives in good faith in a subsequent confession.

322. The mode by which confession is to be repeated. (A) If the confession is repeated before a new confessor, one must distinguish: (a) if the confession was not only invalid, but also sacrilegious, the sacrilege voluntarily committed in the previous confession must be accused, - then the sin or sins concealed in that same confession, if it was invalid from defect of sincerity, - afterward all mortal sins invalidly declared in this and in subsequent confessions, and also the various sacrileges which were committed by receiving the sacraments in the state of mortal sin. The reason is that the new confessor, having no knowledge of the previous confessions, must know all mortal sins which have not yet been duly accused in a valid confession.

Yet I said that all mortal sins must be accused which were invalidly declared; for, if someone, unmindful of the sacrilege because of weakness of memory or levity of soul, made certain valid confessions, he is not bound to repeat them, since the sins accused in these were duly absolved.

(b) But if the confession was only invalid, and not sacrilegious, that confession alone must be repeated when such a defect is recognized, but not the subsequent ones, which were valid.

323. (B) If the confession is made before the same confessor, who has already heard the individual sins, has already judged concerning them, and remembers them at least confusedly, or at least remembers the penance imposed for them, one must distinguish thus: - (a) when the confession was sacrilegious, it suffices for the penitent to say: I accuse myself of the sacrilege which I committed in such a confession, by keeping silent about such a sin, which I now accuse (if it was sacrilegious from defect of sincerity), and again I accuse myself of all sins already declared in that same confession and in subsequent confessions, and also of the sacrileges which I committed, for example, by receiving absolution and communion ten times ... The reason is that the preceding confessions, although invalid, were sacramental; hence if the confessor remembers at least confusedly the sins previously accused, he has knowledge sufficient for passing judgment.

(b) If the confession was not sacrilegious, but simply invalid, it suffices for the penitent to accuse himself in a general way of the mortal sins accused in such a confession, which was invalid for such or such a reason, which he explains.

324. But if the confessor does not remember the state of the penitent, nor the penance imposed, and cannot be informed of these things by the penitent, all indeed admit that the absolution will be valid without the distinct confession being repeated; but it is disputed whether in this case the confessor absolves licitly: St. Alphonsus denies it (n. 502), because the priest must form for himself a judgment, at least confusedly, concerning the state of the penitent before he absolves; Lugo and Ballerini affirm it,[1] because it suffices that the priest know that he previously judged concerning these sins and determined that the penitent was to be absolved. This opinion is truly probable, and therefore, since there is question of what is licit, penitents are not to be compelled to repeat a distinct confession.

[1] Lugo, disp. XVI, n. 636; Ballerini P., n. 472; Genicot, n. 306.

325. Corollaries. (A) If a penitent declares sins to a deaf, or hard-of-hearing, or distracted, or sleeping confessor, one must distinguish: (a) if he did this in good faith, the confession is

valid, provided the confessor understood at least some sins, and then only those sins must be repeated which it is clear were not heard; but if it is not known which were heard, the whole confession must be repeated, if it is shorter; but if it is longer, it is not necessarily to be repeated integrally, because the law of integrity is not judged to oblige with so great an inconvenience. (b) But if someone deliberately confesses to a deaf, or distracted, or sleeping confessor, so that he cannot hear all the sins, the confession per se is sacrilegious, because of defect of sincerity, and therefore is to be repeated. It is said per se, because if someone did this because of ignorance, not knowing such a confession to be sacrilegious, the same can be said as concerning him who is in good faith.

326. (B) Rustics, children, and the unlearned, who in good faith confessed their sins only in a confused way, not distinctly explaining the species and number, were indeed validly absolved, because material integrity does not pertain to the essence of the sacrament; but the question is whether afterward they are bound to complete their confessions, if they become more learned, by explaining the species and number omitted. St. Alphonsus (n. 504) affirms it with most theologians, because otherwise the present confession would not be truly integral; yet a few deny it with Tamburini, Berardi, Ballerini,[2] for various reasons: (a) because, since these rustics are accustomed to have a uniform life, a prudent confessor, from the confession of one year, can easily conjecture how much they sinned in preceding years; (b) because sins accused in a confused way, as they were then known, were directly absolved, and therefore do not need to be subjected to the power of the keys. - Therefore in practice these certainly are to be induced, if it can be done, to complete past confessions; but if this seems too burdensome to them, they are not to be disturbed.

[2] Tambur., *Methodus Confess.*, book 3, c. 2, n. 9; Berardi, n. 4522; Ball. P., n. 475; Genicot, n. 307. - Lugo, however (disp. XVI, n. 588), distinguishes between number and species: if the number was accused in a confused way in good faith, the penitent is bound to nothing, as we said above (n. 158); but if the confusion concerns species, the penitent, having become more learned, must complete his confession; for in the former case the sins, as having been accused specifically, were remitted directly; in the latter, only indirectly.

327. (C) When the penitent has frequently relapsed into the same mortal sins, without any amendment, and without any resistance to the first temptations which occur, it must often be presumed that the previous confessions were made without sufficient sorrow and purpose, and therefore are to be repeated; for he who in confession truly grieves and resolves amendment applies at least some effort before the relapse, and generally abstains from sin for some time. But it must be said otherwise if he has persevered for some time, or before the fall resisted the first temptations.[3]

[3] Thus St. Alphonsus, n. 505; concerning this more fully it will be said below, where there is question of recidivists.

2° On General Confession

328. Notion and usefulness. General confession is the repetition of all or of several confessions, and therefore completes either the whole life, or a notable part of life. It can be necessary, useful, or harmful according to various circumstances.

[1] Besides the authors cited where the repetition of confession was treated, cf. Aertnys, *Theol. Pastoralis*, n. 245-261; Marc, *Tresor du Pretre*, Tr. XIV, c. 10; Gousset, n. 443-447; Gaume, *Manuel des Confesseurs*, ch. V, a. 10, where (n. 428) you will find a method of making a general confession, taken from the works of St. Leonard of Port Maurice.

(A) It is necessary, and therefore regularly to be enjoined, when it is morally certain that several of the previous confessions were invalid or sacrilegious, as was explained above (n. 211).

(B) It is useful, and therefore to be counseled, for all those who, although they are not strictly bound to it, can receive richer fruits from it, namely: -

(a) For those who reasonably doubt concerning the value of past confessions, in order to obtain peace of conscience and to remove anxieties of soul, which often hold one back from good, provided however that they are not scrupulous.

(b) For those who wish to establish a new and more perfect manner of living, for example, recent converts, those who enter the religious or clerical state; for by making a general confession then, the malice of sin appears much more manifestly, and a greater horror against sin arises; humility greatly increases from the knowledge of our infirmity; more intense contrition and a firmer purpose are conceived; occasions of sin are better foreseen and guarded against; greater graces are received, and therefore strength is increased; a most pleasant peace and tranquility comes to the soul, and a new impulse is given for leading a more perfect life.

329. (c) In certain periods of life, in which a greater infusion of grace is desired, for example, before first communion, before contracting marriage, at the time of a public mission, of spiritual exercises, or of a jubilee. Yet in these or similar circumstances it is not to be proposed as necessary, especially to those who have already once or a second time made a general confession: for it suffices for these to repeat their sins from their last general confession. Therefore those confessors are to be reproved who regularly demand from new penitents a general accusation of sins, under the pretext of directing them better: for this often renders confession odious, and the intended end, namely the direction of souls, can be obtained in other ways. Likewise it must be noted that a general confession which is imposed on the unwilling, when it is not necessary, often does more harm than good.

330. (d) In a dangerous illness, if the sick person has strength; for it happens not rarely that some of those who had previously made sacrilegious confessions wait until their final illness to repeat them. Hence they are kindly to be asked whether they have anxieties concerning their past life, or whether they fear to present themselves before the Supreme Judge, and they are gently to be exhorted to a general confession, so that they may be able to meet death quietly and confidently. Sometimes also it is expedient that a confessor unknown to them be sent to them, to whom, if they wish, they may manifest their conscience more freely.

331. (C) But general confession can be harmful, and therefore regularly to be prohibited: (a) to the scrupulous and the excessively fearful, who have already once completed a confession of this kind; for after any new general accusation new anxieties and new scruples arise, because they fear that they have not set forth some sins, or have not set them forth duly.

(b) To those who are endowed with a vivid imagination (especially women), and at the same time have sinned much and gravely against chastity, especially if some inclination toward carnal pleasures

remains; for the distinct and minute recollection of those sins, with the aggravating circumstances which would then naturally occur to the imagination, would probably lead these penitents into danger of sinning internally.

332. Mode of receiving a general confession. (a) First of all let the confessor kindly inquire why the penitent wishes to make a general confession, so that he may know whether it is necessary, or only useful: for if it is necessary, it must be more accurate. Sometimes, however, he discovers that a confession of this kind, which was thought only useful, is in fact necessary; hence let him permit the penitent to set forth all those things which burden his conscience, and let him kindly assist him by opportune questions.

(b) From the very beginning let him exhort the penitent with most humane words to perfect sincerity, and suggest that he first accuse those things by which he is more troubled, or the accusation of which seems more troublesome to him, for example, sins against chastity; for when these have been set forth, the heart of the penitent is unloaded, and the rest of the confession is rendered easier.

333. (c) Let him assist the penitent by asking questions discreetly and kindly, especially if he is uneducated and ignorant: but if he sees that the penitent has prepared his accusation in order, generally let him not interrupt him with many questions, lest perhaps afterward he be disturbed, thinking that he omitted something. Likewise let him grant the penitent sufficient time to explain those things which seem necessary to him; otherwise he perhaps will not be tranquil, because he could not say all those things which were troubling his mind. - A fortiori let him not rebuke him harshly when a graver sin is accused, lest perhaps the penitent, terrified by this severity, keep something silent; but on the contrary let him encourage him with paternal affection to open all things candidly, since God is ready to pardon even the gravest offenses to those who sincerely repent.

(d) If the confessor, in asking about sins, himself proposes a number, for example, did you do that ten times, a hundred times? generally it is expedient to propose a greater number rather than a lesser, since it is easier for the penitent to lessen it than to increase it. Indeed, if the penitent immediately assents once such a number has been proposed, it will be opportune soon to add: did you not do that more often?

(e) When the accusation of sins has been finished, let the confessor gently say: does nothing else trouble your conscience? If so, say it, and I will question you again. - If nothing seems to remain, the penitent must be warned not to be disturbed if afterward he remembers a grave sin which he did not declare: for it suffices to confess it in the next confession, if it has not yet been validly accused; but if it had previously been validly declared, it is not necessary to repeat it.

334. N. B. Here we do not append a Catalogue of sins, according to which the confessor may question penitents: for this, as to its form, must be different according to different regions and the various conditions of penitents. Younger confessors indeed act very well who compose for themselves such a catalogue in the vernacular language, accommodated to the character of the penitents; in order to write it more diligently, they will usefully read the works indicated above where the examination of conscience was treated (n. 318), and will take counsel from senior

priests, who, in that region, have heard confessions for a long time, the more so because in some places a special manner of speaking is employed for declaring this or that sin.

Art. III. On Satisfaction — Preliminary Notes on the Notion and Species

335. After the confession has been heard and opportune corrections and warnings have been given to the penitent, the confessor enjoins a salutary satisfaction, which is called sacramental penance. Satisfaction, insofar as it is a part of the sacrament, is defined: the voluntary endurance of a penalty, imposed by the confessor, for compensating the injury brought upon God, and for redeeming the temporal penalty ordinarily due even after sin has been remitted. - It is therefore distinguished from those penalties which are voluntarily assumed or are sent by God: for these indeed have a satisfactory force ex opere operantis, but they are not sacramental, and therefore they do not operate ex opere operato.

A twofold satisfaction is distinguished: (a) satisfaction in voto, which is nothing other than the sincere will of accepting and fulfilling the penance to be enjoined by the confessor; this is an essential part of the sacrament, according to the Thomists, or at least a necessary disposition, according to the Scotists, so that, if it were lacking, the sacrament, according to both schools, would be invalid; (b) satisfaction in re, which is the actual fulfillment itself of the penance enjoined: this is not an essential part, or a necessary disposition, but only an integral part of the sacrament, so that, if it is lacking, the sacrament is not invalid, but only incomplete; hence sins remitted by absolution do not revive, even if the penance is voluntarily omitted, but in this case a new sin is committed, as will be clear from what is to be said below.

Since the necessity of satisfaction was proved elsewhere (n. 149), four things remain to be explained: -

1° The obligation of imposing sacramental penance;

2° The qualities of this penance;

3° Its commutation;

4° Its fulfillment.

§ I. On the Obligation of Imposing Penance

336. I. Existence of this obligation. The confessor is regularly bound to enjoin satisfaction, or penance, upon the penitent whom he absolves. It is certain.

[1] Trent, sess. XIV, ch. 8; Ritual, Order for the ministering of the Sacrament of Penance; Suarez, disp. XXXVIII, sect. 3; Lugo, disp. XXV, n. 47-58; Salmant., n. 15-25; Lacroix, n. 1229-1250; Billuart, Diss. IX, art. 2; Stoz, book II, n. 110-111; Elbel-Bierbaum, conf. IX, n. 223-224; St. Alphonsus, n. 506 sq.; Kenrick, n. 99; Marc, n. 1715-1718; Konings, n. 1391; Muller, § 126; Lehmk., n. 353-355; Baller. P., n. 478 sq.; Hilar. a Sexten, § 39; Genicot, n. 311; *Ami du clerge*, t. XXII (1900), p. 906-907.

1° It is proved. (A) For the Council of Trent openly teaches this (l. c.): "Therefore the priests of the Lord must enjoin salutary and fitting satisfactions, according as spirit and prudence shall suggest, in view of the quality of the crimes and the ability of the penitents; lest perhaps, if they connive at sins

and deal too indulgently with penitents, by enjoining certain very light works for very grave offenses, they be made participants in others' sins."

(B) The same is clear from the various offices of the confessor. (a) As minister of the sacrament, he must procure not only all things which regard its essence, but also its integrity: otherwise he would not be a faithful minister of sacred things; but satisfaction, from what has been said, is an integral part of the sacrament, since it is intended for extinguishing or lessening the temporal penalty due to sin. (b) As judge, he is bound to punish sin with a suitable penalty; otherwise equity would be harmed, since the order of divine justice requires some reparation for sin. (c) As physician, he must cure the wounds already inflicted upon the penitent and guard against future ones; but both are done by imposing salutary penalties; for penitential works, according to Trent (ch. 8), "also heal the remnants of sins, and remove vicious habits acquired by living badly, by contrary actions of virtues"; moreover they make penitents more cautious and more vigilant for the future, since they do not return so easily to sins from which they have experienced penalty.

337. 2° It is explained. Yet I said "regularly," because per accidens the confessor is not bound to enjoin satisfaction when the penitent morally cannot fulfill it, for example, if he is deprived of his senses, or near death and at the same time very weak; in this last case, however, it is better to enjoin a light penance, for example, a striking of the breast, an act of love of God, an invocation of the Most Holy Name of Jesus, at least in the heart, or only patience in bearing pains. - Likewise, if a scrupulous person returns more often within a brief interval of time with new faults omitted through forgetfulness, and is absolved, it is not necessary to impose a new penance, when the confessor judges that the one already enjoined suffices for this new absolution. But for the most part it is not expedient to impart absolution so frequently to the scrupulous. - Certain authors also say that the same penance can be imposed on a penitent who, immediately after absolution, accuses a sin omitted through forgetfulness,[1] because the confessor can judge that it suffices also for the new sin recently accused; and we think this truly probable whenever this sin does not substantially change the state of the penitent's conscience. Nevertheless St. Alphonsus (n. 513) contradicts it, because the same work, already enjoined by way of satisfaction, cannot again be imposed under the same title. Hence in practice it is better to impose at least a light penance, provided it is foreseen that the penitent will willingly accept it.

[1] Lacroix, n. 1239; Ball. P., n. 494; Genicot, n. 311.

It was also said "upon the penitent whom he absolves," because, if no absolution is given, it is not necessary to enjoin a penance, since the sacrament is not effected; yet this is very useful, so that the penitent may thus be better prepared for absolution and a shorter satisfaction may be imposed when he completes his confession.

338. II. Gravity of this obligation. (A) If there is question of mortal sins not yet declared, this obligation per se is grave; for in this case a grave injury is done to the sacrament, - and also to the penitent, who remains liable to undergo heavier temporal penalties, and is deprived of an opportune remedy against future sins.

(B) But if there is question only of venial sins, or of mortal sins already declared, for which a penance was formerly enjoined and fulfilled, it is disputed; some say that the obligation even in this case is grave, lest the sacrament remain defective; more probably, however, with Lugo,[2] others hold that the confessor then does not sin mortally if, contempt aside, he does not enjoin a penance; for it does not seem to be a grave disorder to absolve light sins without any satisfaction, since the sacrament in this case remains incomplete only in a light matter. - Besides, this controversy scarcely concerns practice; for a prudent confessor will not voluntarily omit imposing a light penance in this case, and, if he omits it through forgetfulness, he commits no sin.

[2] Lugo, disp. XXV, n. 49.

339. III. On the time at which it must be imposed. Regularly speaking, penance must be enjoined before absolution, as is clear from the Roman Ritual, according to which the imposition of satisfaction follows opportune corrections and precedes absolution. And deservedly; for the judicial order demands that the accused promise satisfaction before he is absolved. If, however, it was omitted through forgetfulness, it can be enjoined immediately after absolution, because then it is morally united to the absolution. But if this defect is noticed only after a few days, in the next confession a penance can be imposed which extends to the sins declared in both confessions; but it is not certain that the sacrament which had been incomplete because of the defect of satisfaction is thereby made integral, because the moral union between the absolution previously given and the imposition of penance is now lacking. Whatever the case, penitents are not to be disturbed about this, since satisfaction in re is not required for the validity of absolution.

§ II. On the Qualities of Sacramental Penance

340. I. Principle: The confessor must enjoin salutary and fitting satisfactions, according to the quality of the crimes and the ability of the penitents. It is certain from Trent, cited above (n. 336).

[1] St. Thomas, *Suppl.*, q. 15; Suarez, disp. XXXVIII, sect. 4-6; Lugo, disp. XXV, n. 60-67; Salmant., cap. 10, n. 26-47; Lacroix, n. 1233 sq.; Billuart, l. c.; St. Alphonsus, l. c.; Lehmk., n. 355-362; Ballerini P., l. c.; Hilarius a Sexten, l. c.; Genicot, n. 312 sq.; Noldin, n. 289 sq.; *Ami du Clerge*, l. c., 1048 sq.; Gaume, *Manuel*, n. 402 sq.

1° Satisfactions of this kind must be salutary, that is, apt for promoting the salvation and spiritual good of the penitent; and therefore both vindicative, for punishing and expiating past sins, and medicinal, for guarding against future relapses. Now every supernaturally good work is penal or vindicative, since it is arduous to refer our works to God. But in order that it be medicinal, it must heal the wounds of the soul and remove vicious habits, acquired by living badly, by contrary actions of the virtues. Therefore let the confessor take care, "as far as can be done," says the Ritual, "that he enjoin penances contrary to sins: for example, alms upon the avaricious, fasts or other afflictions of the flesh upon the lustful, offices of humility upon the proud, exercises of devotion upon the slothful." Yet this is not to be understood in such a way that different satisfactions are enjoined for each sin accused by the same penitent, but that a contrary penance is imposed for the graver sin into which the penitent will relapse more frequently.

341. 2° They must be fitting, that is, proportioned to the gravity of the crimes, to the quantity of penalty which remains to be paid, and also to the ability of the penitents.

(A) Proportioned to the gravity of the crimes: for the confessor is bound to this as judge and physician. Hence a confessor sins gravely who, without just cause, enjoins a light penance for sins certainly mortal;[1] for if they are doubtfully grave, a grave satisfaction is not required, since in doubt odious things are to be restricted.

[1] According to D'Annibale (n. 347), then only does the confessor sin mortally when he enjoins the very lightest penances for the gravest sins.

Now, according to present discipline, that penance is judged grave which corresponds to a work which is imposed or can be imposed under grave obligation by the Church, for example, to hear Mass once, to fast, to recite the rosary, indeed even a third part of the rosary, or five decades, to read the Office of the Blessed Virgin Mary, or the seven Penitential Psalms, the Litany of the Saints with the prayers that follow, to make the way of the cross, to meditate or read a pious book or perform other works for a quarter of an hour. But a light penance is judged to be the psalm *Miserere* or one of the customary psalms, the Litany of Loreto or of the Most Holy Name of Jesus or of the Sacred Heart, acts of faith, hope, and charity, five times the Our Father and Hail Mary. Nevertheless a penance light in itself can become grave if the penitent must recite it not once, but several times.

If not one, but several mortal sins have been committed, regularly a graver penance must be enjoined, and indeed one graver in proportion as the sins are more numerous and graver; not, however, in an arithmetical proportion, so that for one hundred mortal sins it would be one hundred times greater; for if the matter were so, already it would be morally impossible to fulfill the penance.

342. (B) Proportioned to the quantity of penalty which remains to be paid: -

(a) Granted that the contrition was more vehement, by that very fact the temporal penalty to be paid is lessened, and therefore the penance can be less. From this, however, it does not follow that no satisfaction is to be enjoined when sorrow is very intense, because the confessor does not know whether it is so vehement that it deletes the whole temporal penalty. Besides, one so disposed will willingly accept a grave penance.

(b) A lighter satisfaction can also be enjoined at the time of a Jubilee, or on the occasion of gaining a plenary indulgence, because by indulgences the temporal penalty is extinguished or lessened. Indeed, formerly certain theologians contended that in these circumstances sacramental penance could be altogether omitted: yet Benedict XIV and Leo XII rejected this, warning that some penance must be imposed on those who are to gain the jubilee.[1]

[1] Benedict XIV, Constitution *Inter praeteritos*; Leo XII, Constitution *Caritate Christi*.

(c) Certain saints were accustomed to enjoin a light penance, because they themselves made satisfaction for penitents by fasting, mortifications, and other arduous works; this can be done, for, by virtue of the communion of saints, the satisfactions of one can profit another.

343. (C) Proportioned to the ability of the penitents, or, as the Ritual says, "with regard had to the state, condition, sex, age, and disposition of the penitents"; in other words, according to their strength and dispositions.

(a) According to the penitent's strength; thus a light penance is to be enjoined upon the sick, because they are not capable of fulfilling a graver one; but if hope of recovering health shines forth, it is expedient that another work be enjoined to be performed conditionally (that is, if he recovers). When the sick are very weak, the confessor laudably assists them to fulfill the penance immediately; otherwise they could forget it. - Likewise, fasts are not to be imposed on children or youths who are not robust, or on workmen wearied by continual labor; nor lengthy prayers or pilgrimages on servants and maids, or even on women placed under the authority of a husband; nor alms on the poor; nor any work which conflicts with the duties of one's own state.

Nor should perpetual penances be enjoined, for example, entrance into a religious order, - or penances for a long time, for example, for a year, for five months, etc., because such penances generate anxiety, and, after some time, easily fall into oblivion; and if various confessors were to do this, penitents would be bound by innumerable bonds, to the great detriment of souls. Nor should penances be intricate; otherwise they will be given over to oblivion. - Hence, if the recitation of some prayer is prescribed for six or eight days, it is expedient to warn the penitent that, if he omits to recite it on one day, he can recite it on the following day, so that anxieties may thus be avoided. In one word, let nothing too arduous be imposed, either in itself or relatively to various penitents; for example, regularly children should not be ordered to ask pardon from their parents for disobedience or for petty thefts, lest confession be rendered odious to them.

344. (b) According to the dispositions of the penitent; namely, no satisfaction should be enjoined which the penitent probably will not accept or will not perform; for example, he should not be ordered, by way of penance, to visit enemies or to ask pardon from the one whom he offended, when it is foreseen that this is altogether repugnant to him.

Hence, with St. Charles Borromeo and St. Francis de Sales admonishing,[1] sometimes it helps to ask him whether he can perform the penance imposed on him; otherwise the confessor will lessen or change it. "It is safer," says Gerson,[2] "with a small penance which is willingly undertaken and will likely be fulfilled, to lead the confessed to purgatory, than with a great one not to be fulfilled to hurl them into hell." For experience shows that many are deterred from confession by fear of receiving an excessive penance.[3]

[1] St. Charles Borromeo, *Instruct. Confess.*, ap. *Acta Eccles. Milan.*, t. I, p. 655-656, Lyons edition, 1683; St. Francis de Sales, *Avertissement aux Confesseurs*, *Oeuvres*, t. VI, p. 143, Vives edition.

[2] *Regula Mor.*, p. 2, c. *de Poenit.*, ap. St. Alphonsus, n. 509.

[3] To the point St. Thomas, *Suppl.*, q. 18, a. 4: "And because satisfactory penalties to be inflicted are medicines, just as medicines determined in the art are not suited to all... so also satisfactory penalties determined in the canons are not suited to all, but must be varied according to the judgment of the priest regulated by divine instinct. Therefore, just as a physician sometimes prudently does not give a medicine so efficacious that it suffices for curing the disease, lest because of the weakness of nature a greater danger arise, so also the priest, moved by divine instinct, does not always enjoin the whole penalty which is due to one sin, lest someone weak, from the magnitude of the penalty, despair and withdraw wholly from penance." Cf. St. Alphonsus, n. 510, with the authorities cited there.

II. Causes for Lessening Penance

From what has already been said, it is clear that there are causes which excuse from enjoining a penance proportioned to the sins, either by imposing a moderate one for grave offenses, or one less

grave than the multitude of sins deserves. It will be helpful to explain these.

345. 1° On the part of the penitent, the principal causes are: (a) bodily infirmity, or weakness of mind, from which it happens that he can fulfill a proportionate penance only with difficulty.

(b) Moral infirmity, from which it is greatly feared that the penitent, although sufficiently attrite, will not pay a grave penance; then, moreover, it is expedient that, besides a light supererogatory work enjoined, another work be added which is already prescribed from elsewhere, for example, hearing Mass on Sunday, abstinence from meat on Friday.

(c) Extraordinary contrition, by which the penalty to be paid is lessened, as above.

(d) A founded hope of enticing the sinner to more frequent use of the sacraments, if a lesser penance is enjoined, since by reception of Penance and the Eucharist the temporal penalty due to sins is lessened; or of inducing him voluntarily to inflict greater penalties upon himself.

346. 2° On the part of the confessor, the will of making satisfaction for penitents, such as there was in certain saints, for example, St. Francis Xavier, who was accustomed to expiate the offenses of penitents by bloody scourgings.

3° On the part of the Church, which on certain occasions grants a plenary indulgence either in ordinary form, or under the form of a Jubilee, through which the penalty due to sin can be paid in full, when the things to be placed have been placed.

In these various cases, however, it is expedient to warn penitents concerning the insufficiency of the work enjoined, so that they may voluntarily make satisfaction in other ways.

III. Corollaries

From these things it is given to understand 1° what kind of work can be enjoined by way of satisfaction, and 2° what the principal penances are which should be imposed.

347. 1° Sacramental penance can be any good and supernatural work: (a) whether external or internal, because, although it is doubted whether a merely internal work, for example, meditation, can be enjoined by human authority, this difficulty is not verified in the case, since the priest in the sacred tribunal exercises not human, but divine authority. Nor can it be said that a merely internal act is not sensible matter of the sacrament; for an act of this kind is made sensible through the imposition of the priest and the acceptance of the penitent. - Yet it is generally fitting to enjoin some external work upon the uneducated and unlearned, since merely internal acts are more difficult for them.

348. (b) Public or private; yet confessors "should not impose manifest penance for occult sins, however grave," as the Ritual rightly says; for otherwise a suspicion of grave sin committed would easily arise, and thus the seal of confession would be violated; for example, if a wife is ordered to fast for two or three days after confession, the husband will suspect that she has sinned gravely. But for public sins a public work can be enjoined, especially if some reparation is necessary for removing scandal, as happens, for example, when someone has contracted marriage before a non-Catholic minister. Sometimes, however, even for public offenses,

prudence suggests that public penance should not be imposed on one who is reluctant, lest sinners thereby be deterred from the sacred tribunal, especially since often the reparation of scandal can be made in another way, for example, by public reception of the sacraments, hearing Mass, or visiting a church.[1]

[1] Cf. St. Alphonsus, n. 512; Ciolli, I, n. 39. - Nor should satisfactions be imposed which expose the penitent to the mockery of others, for example, to pray in church with arms extended, or publicly to ask pardon.

349. (c) A supererogatory work or a work otherwise due; for even a work prescribed from elsewhere is satisfactory by its nature, and its satisfactory value can be elevated to the efficacy of sacramental satisfaction by the power of the keys. Nevertheless it is generally expedient to enjoin supererogatory works, so that an occasion of doing more good may be given to penitents. Hence a work imposed by way of satisfaction is not judged to be the same as that which is already prescribed by law, unless this is expressly declared by the confessor; for example, if hearing Mass is enjoined, the penitent is understood to be bound to hear Mass outside the prescribed time. - But if a work otherwise prescribed is explicitly imposed, for example, hearing Mass on Sunday, its culpable omission will be a twofold sin, because a twofold precept is violated, one general, imposed by way of law, the other particular, by way of command. - The cessation from some good work can also be prescribed, for a brief time, not because such cessation is good in itself, but insofar as it gives occasion for cultivating other virtues, especially obedience and humility.

350. (d) A conditional work can also be enjoined, for example, a prayer to be said or a confession to be made under the condition of relapse. It is certain that this is licit, if at the same time another absolute penance is prescribed.

According to a few,[1] this is also licit if it alone is enjoined; for, as they say, the special effort applied to guarding against the fall is a sufficient penance. Yet this reason does not seem solid; for this effort was not elevated to the efficacy of sacramental satisfaction by the fact that the priest prescribed a prayer under the condition of relapse. Hence prudent confessors will follow the common opinion.

[1] Ballerini P., n. 524; Genicot, n. 314.

351. 2° The principal penances which can be enjoined are reduced to four heads: almsgiving, fasting, prayer, and patience in penalties inflicted by God.

(A) It is proved. For (a) as St. Thomas rightly argues,[2] satisfaction must be such that through it we subtract something from ourselves for the honor of God; but we have only three goods, namely goods of the soul, goods of the body, and goods of fortune; from goods of fortune indeed we subtract something through almsgiving; from goods of the body, through fasting; from goods of the soul, through prayer, by which we submit our faculties to God. (b) Moreover there are three roots of sins, namely concupiscence of the flesh, concupiscence of the eyes, and pride of life; but fasting is ordered against concupiscence of the flesh; almsgiving is ordered against concupiscence of the eyes; prayer, against pride of life.

[2] St. Thomas, *Suppl.*, q. 15, a. 1 and 3.

Yet to these penalties, voluntarily undertaken, there must be added, according to Trent (can. 13), penalties inflicted by God and patiently tolerated: for often the Lord permits us to be troubled by various adversities, hardships, and pains of soul or body, and by patiently tolerating these, especially in union with Christ, we have a very ample opportunity of making satisfaction. Therefore patience in adversities can also be enjoined as sacramental penance.

352. (B) It is explained. (a) Under the name of almsgiving are comprehended all works of charity, whether corporal or spiritual; corporal, for example, to visit the sick, the poor, those detained in hospitals or in prison; to serve them and provide help; to give food to the hungry, drink to the thirsty, clothing to the naked, freedom to captives; - spiritual, for example, to instruct the ignorant, to teach Christian doctrine, to give counsel to those who labor under doubt, to correct delinquents, to console the sorrowful, to forgive injuries, to bear patiently the defects of others, to pray for others.

But as to alms, let these words of the Ritual be noted: "Let confessors not apply pecuniary penances to themselves; nor let them ask or receive anything from penitents as the reward of their ministry."

353. (b) Under the name of fasting are understood all acts of mortification, whether external or internal, such as: fasting, whether entire (which today it is often not expedient to impose), or partial, by subtracting a part of breakfast or supper; - abstinence from meat, or from a certain food, but especially from intoxicating drink; - moderation in sleep, play, hunting, banquets; - abstinence from dances and the theater, from useless and dangerous conversations; mortification of excessive curiosity in sight, hearing, and in reading books or newspapers; - interior acts of obedience, humility, charity, etc.

354. (c) Under the name of prayer can be understood: prayers properly so called, for example, to recite five Our Fathers and Hail Marys, acts of faith, hope, and charity, the rosary, litanies, certain psalms, hymns, morning and evening prayers, the Office of the Blessed Virgin Mary, or a part of the Breviary; to say ejaculatory prayers from the heart; to hear Mass; - mental prayers, namely to make some meditation on the last things, or on the Passion of Christ or on other mysteries of faith; pious reading of some chapter of Sacred Scripture, especially of the Gospel, or of the excellent book *The Imitation of Christ*, etc., with some meditation upon the things which are read; - to repeat the offering of oneself and of all one's acts early in the morning and often during the day; - practices adjoining prayer, such as the visitation of churches, the exercise of the way of the cross, the hearing of a sermon, frequent reception of the sacraments, sacramental confession immediately after a fall.

355. (d) Finally, patience can be specially enjoined, for a determined time, upon those who labor much, or sustain bitter pains, or suffer persecution; then it is expedient to suggest a brief act of resignation, for example, *Into thy hands, O Lord, I commend my spirit*; not my will, but thine be done; for thee, O Jesus, to suffer and be despised.

356. 3° So that these penances may be medicinal, the prudent confessor will select those which are more directly opposed to the vices of the penitent, according to that saying: contraries are cured by contraries. We append certain examples with respect to the capital sins: (a) To the

proud can be enjoined an attentive consideration of their own misery and infirmity, and of their own sins, so that from this they may more easily elicit an act of humility; to those who glory in their qualities and merits he will propose for meditation these or similar words: "For what hast thou that thou hast not received? And if thou hast received, why dost thou glory as if thou hadst not received?"[1]

[1] 1 Cor. 4:7.

(b) Upon the avaricious, and those retaining another's goods, he will impose certain alms or restitution, together with meditation on death, which separates us from all things, or on the poverty of Christ.

(c) For the lustful can be prescribed flight from proximate occasions, mortification of the senses, avoidance of idleness, frequent consideration of the penalties of hell, prayer to the Blessed Virgin which begins: *O Domina mea*...

(d) For the gluttonous and drunken: some subtraction of food and drink, abstinence from intoxicating drink, flight from taverns or companions with whom they are accustomed to become drunk.

(e) For the envious: reparation of the harms which by their envy they have brought upon others, prayer for those whom they envy, some meditation or pious reading on the motives of charity.

(f) For the angry: to be silent for some time when the first movements of anger arise, flight from occasions, mortification of pride which often moves to anger, consideration of the evils which frequently follow from anger.

(g) For the lazy and slothful: consideration of the brevity of this life and therefore of the necessity of doing good while there is time; assiduity and perseverance in certain prayers to be recited for some time, a greater effort for two or three days.

These indeed are by way of example;[1] the rest you will find among the authors of ascetical theology.

[1] Cf. *Ami du Clerge*, t. XXII, 1900, p. 1049-1050.

§ III. On the Commutation of Penance

When an enjoined penance morally cannot be fulfilled, under certain conditions it can be changed.

[2] Suarez, disp. XXXVIII, sect. 10; Lugo, disp. XXV, n. 95-113; Salmant., n. 71-99; and other authors cited above.

357. I. Principle: Sacramental penance already enjoined can be changed for a just cause, not indeed by the penitent himself, but by a confessor having authority. It is certain.

1° It cannot be changed, even into a more perfect one, by the penitent himself; for the changing of penance imports a new judgment, which cannot be passed except by a judge; moreover no work can be elevated to the dignity and efficacy of sacramental satisfaction except by the authority of the minister himself.

2° It can be changed either by the same confessor or by another having jurisdiction; for penance is enjoined by way of a particular law; now a law can be changed either by the legislator or by his successor, but in sacramental confession.

It is controverted whether a penance imposed by a superior on account of reserved cases can be commuted by an inferior. Some affirm this probably with Vasquez;[3] for, once the reservation has been removed by the absolution of the superior, any confessor can pass judgment concerning these sins and therefore impose a new penance. But many more probably deny this with Lugo and St. Alphonsus;[4] for the accessory follows the principal; but judgment in the principal cause, namely in reserved sins, pertains only to the superior; therefore likewise judgment concerning the accessory, namely concerning the penance. - Nevertheless St. Alphonsus concedes that this can be done if a grave cause is present and access to the superior is not easy: for then the consent of the superior is deservedly presumed. For the same reason this can be admitted if the penitent would approach the superior only reluctantly.

[3] Vasquez, q. 94, a. 2, dub. 3, n. 9; Elbel-Bierb., n. 242; Ball. P., n. 533.

[4] Lugo, n. 104; St. Alphonsus, n. 529.

358. II. Conditions so that penance can be changed. 1° There must be a moral union between the commutation of penance and absolution; for the elevation of some work to the dignity of sacramental satisfaction cannot be done, even by the minister, except insofar as he is judge, or insofar as he pronounces absolution.

Hence (a) the same confessor can certainly change the penance immediately after absolution, before the penitent departs, because the judgment already pronounced still morally perseveres. Indeed grave authors, such as Lugo,[1] probably hold that this can be done outside confession, even after a notable time, provided the confessor remembers the sins at least confusedly; for even in this case the penance is morally united with the absolution: for if today's absolution can be united with a confession made eight days before, the changing of penance, even after eight days, is morally united also with the past absolution; nor can the judgment be said to be altogether complete except by the execution of the sentence, or the fulfillment of the penance. Nevertheless St. Alphonsus contradicts this (n. 529, dub. 3), because, if such an interval is present, a new judgment is made and a new absolution is required so that the penance can be changed. It is expedient to follow this opinion at least with respect to those who confess frequently; but if there is question of those who approach the sacred tribunal only rarely, Lugo's opinion can be brought into practice without scruple, since here there is no question of the validity of the sacrament.

[1] Lugo, disp. XXV, n. 112.

(b) But if the commutation of penance is sought from another confessor, he cannot change it except in the sacred tribunal, after some confession has been heard, and with a new absolution: otherwise there would be no union between satisfaction and absolution.

359. 2° For making a commutation there is further required sufficient knowledge of the state of the penitent; otherwise the new penance can be neither proportioned nor medicinal.

Hence, if the penitent approaches the same confessor, who remembers the state of the penitent at least confusedly, it is not necessary to repeat the confession; if he approaches another confessor, more probably it is not necessary to repeat the entire confession, but it suffices either to declare the penance already previously imposed, or to make a summary confession: for this suffices for knowing the state of the penitent with respect to the penance to be enjoined.

360. 3° A just cause is also required, which can be either notable usefulness for the penitent, or difficulty in the execution of the prior penance. Hence a change can be made even if it is not requested by the penitent, provided however that he consents; for he can indeed oppose the change if he regards it as a burden.

But once the commutation has been made, much more probably the penitent can, if he wishes, choose the satisfaction previously enjoined, because the commutation, as favoring the penitent, is judged to be made under this condition: unless the penitent wishes to return to the former one.[1]

[1] Thus St. Alphonsus, *H. A.*, tr. XVI, n. 61, with the authors cited there.

§ IV. On the Fulfillment of Penance

We shall speak both of the obligation and of the manner of fulfilling penance.

[2] Suarez, disp. XXXVIII, sect. 7-9; Lugo, disp. XXV, n. 68-94; Salmant., n. 48-70; Lacroix, n. 1273 sq.; St. Alphonsus, n. 515-527; and the other authors already cited.

I. On the Obligation of Fulfilling Penance

361. 1° Existence of this obligation: The penitent is bound to accept and fulfill the penance reasonably enjoined upon him by the confessor. It is certain.

For (a) the Fourth Lateran Council, after enunciating the law of annual confession, adds:[3] "and let him strive according to his strength to fulfill the penance enjoined upon him." Moreover, according to the testimony of Trent (above, n. 336), the confessor has the right and office of imposing penance; but such a right would be useless unless the penitent were bound to accept and fulfill it. (b) Moreover, the penitent, no less than the confessor, is obliged to procure the integrity of the sacrament; but, from what has been said, sacramental penance is an integrating part of the sacrament; therefore.

[3] Ap. Denzing., n. 363.

362. Corollaries. (a) Yet this obligation does not bind if the confession is invalid, or absolution was not given: for then the sacrament does not exist, and therefore no obligation arises from it.

Nevertheless, if the confessor imposes some medicinal penance as a condition of future absolution, it must be performed, not indeed as an integrating part of the sacrament, but as a preparation for absolution. The same must be said if a penance is prescribed in a confession which absolution does not follow, for the purpose that a lesser one can be enjoined at the time when the penitent is absolved, as often happens: for then it must be fulfilled by reason not of absolution received, but of absolution to be received.

(b) If the penitent thinks that the satisfaction is too burdensome, he can ask that it be changed or lessened, and regularly the confessor will acquiesce in his desire. Yet if the confessor is unwilling to moderate it, the penitent can depart without absolution and confess his sins to another priest, or accept the penance and ask from another confessor that he commute it.

363. 2° Gravity of this obligation: The penitent is bound under grave obligation to fulfill a penance which is legitimately enjoined under grave obligation. It is certain.

(A) It is proved. For the confessor, as judge, has the power of commanding under grave obligation those things which in a grave matter pertain to the integrity of the sacrament; but penance pertains to the integrity of the sacrament, and indeed in a grave matter, when it is imposed for grave offenses; therefore.

364. (B) It is explained. Now the confessor is judged to oblige under grave obligation when he imposes a grave satisfaction for mortal sins not yet accused, unless he says the contrary; for the gravity of the obligation must be proportioned to the gravity of the matter.

Yet the confessor can, according to the more common opinion, impose for grave sins a grave penance under light obligation only, because any legislator can prescribe grave matter under light obligation. Yet this is not expedient, according to St. Alphonsus (n. 518), except when another penance has already been imposed under grave obligation; then another, graver one can be added under light obligation, in order to consult the penitent's weakness.

When the penance is light, it obliges only under light obligation. But if a satisfaction grave in itself is imposed for venial sins or for mortal sins already remitted, more probably it obliges only under light obligation, because the confessor is judged not to have wished to oblige under grave obligation; or if he did wish it, he exceeded his power, since penance must be proportioned to the gravity of the sin. Yet the case is excepted in which a grave penance is enjoined for light sins which strongly dispose toward mortal sins, so that this danger may be removed; but this is done not by way of satisfaction for sins, but for urging the natural obligation of avoiding proximate occasions.

365. Corollary. He who culpably omits either a part or a circumstance of the penance sins gravely or not, according as this part or circumstance is notable or not. But in order to judge whether it is notable or not, one must inquire whether, all things considered, in itself or in relation to the penitent, it causes grave or light trouble, according to the judgment of prudent men; for example, if someone is ordered to recite the rosary before an image of the Blessed Virgin, this circumstance is light; if he is ordered to recite it with arms extended, it seems to be grave. In practice, circumstances of this kind should be imposed only with great circumspection.

II. On the Manner of Fulfilling Penance

366. 1° Principle: Penance must be paid in that manner, in itself or in its circumstances, in which it was enjoined by the confessor. It is certain.

For penance is imposed by way of an ecclesiastical precept, and therefore, as an ecclesiastical law, it must be fulfilled both in itself and in its circumstances.

367. 2° Corollaries. (A) As to time: (a) the penance must be fulfilled at the assigned time, or, if no time was set, as soon as morally possible: for the intention of the confessor, the integrity of the sacrament itself, and the good of the penitent require this. - Yet it is not strictly required that it be fulfilled before absolution or communion.

(b) Therefore he sins gravely who, without reason, defers for a long time a grave penance imposed under grave obligation. But what time is long, theologians dispute; a delay for three or six months seems grave to many, while some think it is grave only when the penitent is thus exposed to the

danger of omitting it altogether. - Even when a time has been determined by the confessor, a brief delay will not be a grave sin. - But if the penance is light, no delay, however great it may be, will be a grave sin. Yet all are to be advised to fulfill it immediately after confession has been completed, lest perhaps it fall into oblivion.

(c) If the penance has not been paid at the set time, the burden of performing it as soon as possible remains, since the time was prescribed not for ending the obligation, but for urging it.

368. (B) Strictly speaking, penance is validly fulfilled, according to the common opinion, by one who is in the state of mortal sin; for penance, even fulfilled in this state, is a good and penal work, and therefore suffices for satisfying the precept.

Nevertheless, according to St. Alphonsus (n. 523), he who acts thus sins venially, because he places an obstacle to one of the effects of the sacrament, namely, remission of penalty. But Lugo[1] holds very probably that this is free from all fault; it is true indeed that penance in this case is not satisfactory de condigno; but as soon as the sinner, by recovering the state of grace, removes the obstacle, satisfaction produces its effect, that is, remission of penalty.

[1] Lugo, disp. XXV, n. 40, with the authors cited there.

He who, while fulfilling penance, sins venially, for example, by distractedly reciting the prayers enjoined, is not deprived of the fruit of satisfaction ex opere operato, because venial sin does not prevent the remission of temporal penalty due to other sins.[2]

[2] Lacroix, n. 1247; Muller, § 127, n. 6.

369. (C) Regularly satisfaction is to be performed by the penitent himself, and not by another, unless with the consent of the confessor; for it is an integral part of the sacrament, and therefore must be performed by the penitent himself, just as contrition and confession; hence this proposition 15 was condemned by Alexander VII (24 Sept. 1665):[3] "The penitent can by his own authority substitute another for himself, who may fulfill the penance in his place." - Yet the confessor can permit satisfaction to be performed by another when there is question of almsgiving; but it is controverted whether he can permit this with regard to other works, such as fasting, a pilgrimage, etc., when a just cause is present.[4] Whatever the case, this is not expedient, at least generally, and if someone cannot pay the penance, it is better that another be imposed which he can perform.

[3] Ap. Denzing., n. 986; cf. Viva, in Propos. XV; Vacant, *Dict. de Theol.*, I, 738.

[4] Suarez affirms it, disp. XXXVIII, sect. 9; Lugo denies it, disp. XXV, n. 82.

370. (D) It is controverted whether the enjoined work must be performed from the intention of fulfilling penance. (a) Not a few deny this with Lugo;[5] for by the very fact that the work imposed by the confessor and accepted by the penitent is performed, it attains to the dignity and efficacy of sacramental penance, even if it is carried out from mere devotion and not from the intention of making satisfaction.

[5] Lugo, disp. XXV, n. 34.

(b) Many others affirm it with Vasquez and Lacroix;[6] for, in order that some work can be a sacramental satisfaction, it must be connected with the sacrament by the penitent, explicitly or implicitly; but it is connected with the sacrament only by force of intention; therefore.

[6] Lacroix, n. 1286, with the authors cited there; Berardi, *Praxis*, n. 4547.

In our judgment, the matter can be arranged thus: if someone performs the work imposed by the confessor, not indeed thinking of paying the penance, but nevertheless not ordering that work to another end, he truly fulfills the penance by force of the intention which he had in accepting the satisfaction; but if he positively orders this work to another end, for example, to fulfilling some precept, the penance is not fulfilled, since the penitent positively intends something else; thus, for example, if the rosary is imposed on him who recites it daily, the penitent can at his own judgment choose that the first rosary be said for the sake of devotion, and the second as sacramental penance.

371. (E) If someone has forgotten the enjoined penance, even culpably, he is not bound to repeat the confession in order to receive another penance, according to the common opinion;[1] for no one is bound to repeat his sins when they have already been directly remitted: for this would be a most grave burden; and therefore the fulfillment of the penance can be regarded as morally impossible. But if someone is guilty of culpable forgetfulness, it will be enough to accuse this sin of negligence. Yet he is bound to approach the same confessor, if he conveniently can, and presumes that he is still mindful of the penance: for this is not a grave burden; but he is not strictly bound to request a commutation of the penance from another confessor, although this is laudable, useful to the penitent himself, and therefore to be recommended.

[1] Cf. Lugo, disp. XXV, n. 87; St. Alphonsus, n. 520, with the authors cited there.

Moral Part — Chapter II: On the Confessor

On the Confessor

We shall speak 1° of the power required in the confessor; 2° of his offices.

Art. I. On the Power Required in the Confessor

372. Preliminary notes. By divine law a twofold power is required in the minister not only for licitly, but also for validly administering the sacrament of Penance, namely the power of order and of jurisdiction; by ecclesiastical law, jurisdiction cannot be conferred except on those who have been found suitable (*Codex*, c. 877).

The twofold power of order and jurisdiction was necessary at all times, as was said above, n. 72-92; and, before Trent, according to the common opinion, it sufficed for the valid administration of the sacrament.[1] But the Tridentine Fathers, fearing that jurisdiction might sometimes be granted to those who are not suitable for hearing confessions, decreed that no one could hear the confessions of seculars unless approved by the Ordinary: "Yet the holy Synod decrees that no one, even a regular, can hear the confessions of seculars, even priests, nor be reputed suitable for this, unless either he has a parochial benefice, or by the Bishops, through an examination, if it shall seem necessary to them, or otherwise, he is judged suitable, and obtains approval, which is to be given gratuitously."[2] These words indeed are understood by all not only concerning the liceity, but also concerning the validity of absolution; for the Council declares that no one, unless approved, can hear the confessions of seculars, nor be suitable for this.

[1] A few indeed said that, even before Trent, approval was necessary for those who enjoyed only delegated jurisdiction; but they can prove this by no solid argument, as may be seen apud Suarez, disp. XXVIII, sect. 3, n. 2-4.

[2] Sess. XXIII, ch. 15 on Reformation.

373. Therefore two things (according to can. 872) are desired in the minister for the valid administration of the sacrament: priestly order and jurisdiction, which must be preceded by a judgment of suitability. Concerning the former enough has been said elsewhere; concerning the latter it must be spoken in the following order: -

On the prior judgment of suitability;

On jurisdiction, whether ordinary or delegated;

On the jurisdiction which the Church supplies;

On the jurisdiction of regulars;

On jurisdiction with respect to nuns;

On the limitation of jurisdiction, or the reservation of cases.

§ I. On the Prior Judgment of Suitability

We shall explain 1° its notion; 2° its necessity; 3° the manner of passing it.

374. I. Notion. The judgment of suitability is the authentic judgment of the Ordinary concerning the suitability of a priest for receiving confessions.

It is called: (a) a judgment, that is, an act of the intellect, yet manifested by external signs; (b) authentic, or pronounced by a legitimate superior, and indeed in an authoritative manner; but the legitimate superior in this matter is the Ordinary, or he who has episcopal, or quasi-episcopal, jurisdiction, and therefore the vicar general, the vicar capitular (in the United States, the administrator of the diocese), or a regular prelate enjoying quasi-episcopal power in some territory; (c) concerning the suitability of a priest..., namely, concerning the gifts required for usefully receiving confessions; these gifts are chiefly, on the part of the intellect: knowledge, by which the principles and rules of moral theology are known; and also prudence, for applying the same to particular cases; on the part of the will: integrity of morals and piety.

375. What today we call the judgment of suitability until now was called approval;[1] but now the Code does not speak of approval as of a positive act to be put first, but only of the judgment of suitability, which often the bishop pronounces only by the very act by which he grants jurisdiction. Hence we think one should not linger over this notion of approval.

[1] Suarez, disp. XXVIII; Lugo, disp. XXI; Salmantic., cap. 11, n. 86-110; Lacroix, n. 1485-1547; Billuart, diss. VI, a. 5; Elbel-Bierb., Confer. XI, n. 278-287; St. Alphonsus, n. 542-552; Lehmk., n. 379 sq.; Kenrick, n. 121 sq.; Hilar. Sexten, p. 326-334; Baller. P., n. 546-587; Noldin, n. 329-333; Vacant, *Dict. de Theol.*, I, 1700-1707.

Long ago approval, or the judgment of suitability, and jurisdiction were conferred at the same time. From this it happened that these words are taken promiscuously; indeed in some Pontifical Constitutions approval designates not only the judgment concerning suitability, but also the permission or faculty of hearing confessions, and therefore jurisdiction.

376. II. Necessity. 1° According to the Code (can. 877), the judgment of suitability is necessary for all confessors, even regulars, for licitly hearing confessions: "Let both local Ordinaries not grant jurisdiction, and religious Superiors not grant jurisdiction or license for hearing confessions, except to those who have been found suitable through examination, unless there is question of a priest whose theological doctrine they have ascertained from elsewhere." This law has rightly been established, so that unskillful and unworthy ministers might be kept away from the sacred tribunal.

2° It was expressly declared by Pius V that doctors and lectors of Sacred Theology are not exempt from this law.[1] But those who possess a parochial benefice to which care of souls is attached do not need special approval; for by the very fact that they are deputed to this office, they are implicitly recognized as suitable for hearing confessions. Moreover, one who is not endowed with doctrine and prudence must not be assumed as pastor (can. 453), and the Ordinary can compel a pastor, and indeed even a canon, concerning whose suitability doubts arise, to a new test of doctrine.[2]

[1] Constitution *Romani Pontificis*, 8 Aug. 1571.

[2] "If after jurisdiction or license has been granted they prudently doubt whether a priest previously approved by them still remains suitable, let them compel him to a new test of doctrine, even if there is question of a pastor or penitentiary canon" (Can. 878).

3° Exempt regulars today need approval for receiving the confessions of regulars of their own order;[3] but in this case let the religious Superiors judge concerning their suitability (can. 877).

[3] Exempt regulars are those who pronounce solemn vows, such as Franciscans, Dominicans, Benedictines, and also certain Congregations enjoying this special privilege, such as the Congregation of the Most Holy Redeemer. - Concerning all those things which pertain to the approval of Regulars, Piat Montensis discusses fully, *Praelect. Juris Regularis*, Tournai, 1898, t. II, p. 170-205; cf. the compendium of the same work, by V. ab Appeltern, 1903, p. 549-560.

377. III. The manner in which it is conferred. 1° Approval must be obtained from the Ordinary of the place in which the confession is received, but not from the Bishop of the penitent or of the confessor. This today is certain from several Pontifical Constitutions[1] and from the Code, c. 874 and 877. This indeed has been wisely established; for approval supposes knowledge not only of the priest to be approved, but also of the faithful for whom he is approved; now the Bishop of the place where confessions are heard is judged to have this knowledge alone. - Hence a priest approved in one diocese cannot validly absolve in another, unless he is approved by the Bishop of this diocese. - From this it likewise follows that a Bishop can approve not only his own subjects, but also foreign priests, for receiving confessions in his diocese.

[1] Thus Constitution of Urban VIII *Cum sicut accepimus*, 12 Sept. 1628; Clement X *Superna*, 21 June 1670; Innocent XII, 19 April 1700, *Cum sicut non*, where these things are read: "Confessors, both secular and regular... can by no means hear confessions without the approval of the Ordinary and diocesan Bishop of the place in which the penitents themselves live and choose confessors... nor can approval once or several times from other local Ordinaries suffice for this..." Cf. Constitution of Benedict XIV, *Apostolica Indulta*, 5 Aug. 1744.

378. But the Ordinary of the place can do this either by himself or through another specially deputed for this, for example, through archpriests, or vicars forane, or through Superiors of Regulars with respect to their subjects, etc. For the whole matter is committed to the judgment of the Ordinary, from the Code (can. 877).

379. 2° The Bishop can confer approval either after a prior examination,[2] or without an examination, when he knows from elsewhere the suitability of the confessor; this is clear from Trent, declaring that a priest can be approved by Bishops "through an examination, if it shall seem necessary to them, or if otherwise he is judged suitable," and from the Code cited above, n. 376. Regulars themselves can be compelled to undergo this examination. - Both seculars and regulars can be obliged to a new examination, if the Bishop judges this opportune.[1]

[2] In many places, no other examination is required from those who in seminaries have devoted labor to the study of theology, except that which they already underwent before sacred orders, especially the priesthood. As to others, let these words of Kenrick, n. 126, be noted: "This custom has prevailed among us, that priests coming from elsewhere, and bringing suitable testimonials with them, and regulars, are not subjected to examination; but all are held by the Tridentine law; and it is plainly expedient that day by day stricter discipline in this matter be observed: by which means very many errors would be avoided."

[1] Code, c. 877.

380. 3° The Ordinary should not revoke approval from one who truly remains suitable, since in this matter he acts as judge, who is bound to pass judgment according to truth; therefore he sins if he revokes or suspends it without cause.[2] Nevertheless one to whom approval has been denied even unjustly cannot validly absolve, since jurisdiction also has been denied to him, without

which absolution is invalid.[3] - Besides, the Bishop is not bound to confer jurisdiction on every suitable person: for this is left to his judgment.

[2] Code, c. 880.

[3] From the old law it was clear from the condemnation of proposition 13 by Alexander VII, 24 Sept. 1665, apud Denzing., n. 984; cf. Viva, op. cit. on proposition XIII; Vacant, *Dict. de Theol.*, t. I, p. 736-737.

381. 4° Approval can be limited with respect to time, place, or kind of persons whose confessions the approved priest is permitted to receive: for the whole matter is committed to the judgment of the Bishop.

§ II. On Jurisdiction, Whether Ordinary or Delegated

382. Ordinary jurisdiction is that which by the law itself is attached to an office; delegated jurisdiction is that which has been committed to a person (can. 197).

[4] St. Thomas, *Suppl.*, q. 8, a. 4-5; Suarez, disp. XXV-XXVI; Lugo, disp. XIX; Salmant., cap. 11, n. 4-85; Lacroix, n. 1548-1574; Billuart, diss. VI, a. 2-3; St. Alphonsus, n. 537-569; Marc, n. 1749-1752; Lehmk., n. 372-386; Konings, n. 1393-1394; Ballerini P., n. 588 sq.; Haine, q. 71-72; Genicot, n. 325-329; Noldin, 334-344.

I. On Ordinary Jurisdiction — 1° On Those Who Have Ordinary Jurisdiction

383. Principle: All those obtain ordinary jurisdiction on whom there is conferred an office to which it is attached by the law itself. It is certain.

These are:[1] the Pontiff for the whole Church, the Cardinals of the Holy Roman Church, the Ordinary of the place for his territory, the pastor for his parish, and others who are in the place of the pastor; moreover also the penitentiary canon of a collegiate church, and exempt religious Superiors for their subjects.

[1] Code, c. 873.

(A) The Pontiff for the universal Church, and indeed for both forums, as was proved in the Treatise on the Church, n. 198-202; all Cardinals (and not only the major Penitentiary, as formerly), for the internal forum and everywhere in the world.[2] - Nuncios or Apostolic Delegates now have only delegated jurisdiction, according to the tenor of their mandate.

[2] Code, c. 873 and can. 239, § 1, n. 1.

384. (B) The Ordinary of the place, and therefore those who are designated by this name: the Bishop for his diocese, in both forums, yet dependently on the Roman Pontiff, who can limit his jurisdiction; vicars general, likewise in both forums, yet dependently on the Bishop, so that, when he dies, their faculties expire by that very fact; when the Bishop has died, the vicar capitular (in the United States, the administrator of the diocese), for both forums.

Moreover, from the Code, c. 401, "the penitentiary canon, both of the cathedral church and of a collegiate church, obtains by law ordinary power, which however he cannot delegate to others, of absolving even from sins and from censures reserved to the Bishop, in the diocese even outsiders, and diocesan subjects even outside the territory of the diocese."

385. (C) The pastor in his parish, in the internal forum only; this power belongs to removable pastors, who in France are called *succursalistes*; likewise to vicars who are endowed with full parochial power, namely vicars oeconomi, substitutes, and sometimes assistants, but never coadjutors.[3]

[3] Code, can. 451, § 2, 2° and can. 473, 474, 475, 476.

386. (D) Exempt religious Superiors, namely abbots, provosts general, provincials, and local superiors, have from the law,[4] and according to the norm of the Constitutions, ordinary jurisdiction over their subjects; for by virtue of their office the care of the souls of their subjects is incumbent on them.

[4] Code, c. 873, § 2.

387. Corollary. In three ways penitents can become subjects of those who are endowed with ordinary jurisdiction:

(A) By reason of domicile or quasi-domicile; namely, all those who have a domicile or quasi-domicile in some diocese or parish are by that very fact subjected to the ordinary jurisdiction of the Bishop of this diocese or of the pastor of this place. Now domicile is acquired by residence in some parish or quasi-parish, or at least in a diocese, apostolic vicariate, or apostolic prefecture; this residence is either joined with the intention of remaining there perpetually, if nothing calls one away from it, or is prolonged to a completed ten years;[1] quasi-domicile, moreover, by residence as above, which is either joined with the intention of remaining there at least for six months, or has in fact been prolonged for the greater part of a year (or for six months).[2] - He who has two domiciles, or a domicile in one place and a quasi-domicile in another, is subject to the ordinary jurisdiction of the Ordinary or pastor of each.

[1] Code, c. 92, § 1.

[2] Code, c. 92, § 2.

(B) By reason of privilege of state, or enrollment: (a) those who are of the family of Cardinals are reputed their subjects; hence Cardinals are able to choose as confessor, both for themselves and for their family, any priest, who, if he lacks jurisdiction, obtains it by the law itself;[3] (b) likewise novices, domestics, and perpetual table-companions of some monastery or religious house are reputed subjects of the superior of this house.

[3] Code, c. 239.

(C) From the Code,[4] vagi, who have no domicile, and travelers, who have a domicile elsewhere but make a journey through another diocese or parish, and also Catholics of any Oriental rite, can be validly and licitly absolved not only by the pastors of the places where for the time they are staying, but by all priests of either clergy approved in some place for hearing confessions, whether furnished with ordinary or delegated jurisdiction.

[4] Code, c. 881.

2° On the Properties of Ordinary Jurisdiction

388. (A) Those who are endowed with ordinary jurisdiction can validly absolve their own subjects, wherever they may be, even outside their own territory and outside the diocese, without needing the approval of the Bishop of that place where they hear confessions;[5] the reason is that ordinary jurisdiction is not only local, but also personal, and therefore follows persons wherever they have gone.

[5] Code, c. 881, § 2.

(B) Ordinaries of places can delegate their jurisdiction to priests, both secular and religious, even exempt religious.

(C) By law pastors enjoy jurisdiction for their own territory only;[1] but by custom, in certain regions,[2] they validly hear confessions not only in their own parish, but in the whole diocese, yet by delegated right. They cannot, however, do this licitly without the permission of the pastor or chaplain of that place where they receive confessions.

[1] Code, c. 873.

[2] Thus Lehmk., n. 376, says: "In Germany now for several centuries that custom has prevailed, by force of which pastors are judged approved for the whole diocese." Baller. P., n. 556: "It seems possible to conclude that, where no other custom prevails and the Bishop does not expressly restrict it, the pastor can hear confessions throughout the whole diocese." Therefore in practice let the diocesan Statutes and Letters by which faculties are granted be carefully read.

But whether today they can delegate other priests to hear confessions in their parish we shall consider below (n. 392).

3° On the Acquisition and Loss of Ordinary Jurisdiction

389. Ordinary jurisdiction begins with the possession of the benefice or office, and ceases with its loss. For, as was said, it is attached to the office itself. Now an office is lost by resignation, privation, removal, transfer, the lapse of a predefined time,[3] and, after a condemnatory or declaratory sentence, by excommunication, suspension from office, or interdict.[4]

[3] Code, c. 183.

[4] Code, c. 873, § 3.

II. On Delegated Jurisdiction

390. 1° Its nature. Delegated jurisdiction differs from ordinary jurisdiction especially in two things: (a) he who possesses ordinary jurisdiction exercises it by his own right and name, whereas the delegate acts in the name and by the right of the principal, from whom he received jurisdiction; (b) ordinary jurisdiction is exercised validly over subjects everywhere in the world, without new approval, whereas delegated jurisdiction cannot be exercised outside the territory for which it was granted.

391. 2° On the right of granting delegated jurisdiction. (A) In general the Code (can. 199) establishes these things concerning the power of delegating and subdelegating. "He who has ordinary power of jurisdiction can delegate it to another in whole or in part, unless something else is expressly provided by law. - Even power of jurisdiction delegated by the Apostolic See

can be subdelegated either for an act, or even habitually, unless the industry of the person has been chosen or subdelegation prohibited. - Power delegated for the universality of affairs by one who below the Roman Pontiff has ordinary power can be subdelegated in individual cases. - In other cases delegated power of jurisdiction can be subdelegated only by an expressly made concession; but delegated judges can subdelegate some non-jurisdictional article even without an express commission. - No subdelegated power can again be subdelegated, unless this has been expressly granted."

(B) With respect to the penitential forum: (a) the Supreme Pontiff can delegate for the whole Church. Moreover, those who are delegated by the Supreme Pontiff, even in a transitory manner, for example, apostolic delegates who are deputed for carrying out some mission for a time, can subdelegate others either for an act, or even habitually. (b) The Ordinary of the place in which confessions are received (under which name come the vicar general, Administrator, Vicar and Apostolic Prefect, and likewise those who, when the aforesaid are lacking, meanwhile succeed in the governance according to the prescription of law) can delegate priests, both secular and regular, in his territory, as is clear from can. 874: "The Ordinary of the place in which confessions are received confers delegated jurisdiction for receiving the confessions of any persons, whether secular or religious, upon priests, both secular and religious, even exempt..." (c) The penitentiary canon, although his jurisdiction is ordinary, does not enjoy the faculty of delegating (*Codex*, c. 401).

392. (d) Hence, once the Code had been promulgated, a controversy arose concerning the power of delegating belonging to pastors. 1) Some thought that pastors could, at least in urgent cases, delegate other priests to hear the confessions of their subjects, by force of the general principle that those having ordinary power can delegate it. 2) But the Pontifical Commission for authentically interpreting the Canons of the Code, on 16 Oct. 1919, declared that pastors, vicars of pastors, or other priests delegated for the universality of cases cannot delegate to secular or regular priests jurisdiction for receiving confessions, nor extend beyond the circumscribed limits jurisdiction to those already approved, but need for this a special faculty or mandate of the Ordinary of the place. And deservedly; for the Code designates no one except the Ordinary of the place as the source from which delegation is to be received, and positively denies this faculty of delegating to the penitentiary canon; hence by being silent about the pastor, it denies him the same faculty; - moreover, already for three centuries, the whole jurisprudence tends to this, that the Ordinary of the place be constituted, for seculars, the sole source of delegated jurisdiction.[1]

[1] J. Creusen and A. Vermeersch, *Summula novi juris*, 1918, n. 346; A. Boudinhon, *Rev. du cl. fr.*, 15 Apr. 1919, p. 96, and 1 July 1919, p. 73.

In practice, however, there is scarcely any difficulty; for Bishops are accustomed to grant to pastors living within the limits of the diocese the faculty of calling pastors exercising ministry in contiguous places of their diocese and of conferring jurisdiction on them; moreover recourse to the Bishop is easy today.

393. 3° On the various modes of delegating jurisdiction. Delegated jurisdiction can be acquired in two ways: from man and from law.

(A) From man, or from a Superior having ordinary jurisdiction, or from a delegate who can subdelegate. But this delegation must be received from the Ordinary of the place in which absolution is given, not from the Ordinary of the penitent or of the delegate.[2]

[2] Code, c. 874, § 1.

So that jurisdiction may validly be obtained, (a) there is required an express concession, whether in writing or by words, and a presumed one does not suffice; (b) this concession must be free, and not extorted by force or threats;[3] (c) nor does it suffice to write to request jurisdiction, but the response of the one delegating must be received, in whatever way transmitted, directly or through another.

[3] According to all, it is illicit to extort jurisdiction by grave fear, and most Canonists hold that jurisdiction thus extorted is invalid; thus Reiffenstuel, l. I Decret., tit. 40, n. 62; Schmalzgrueber, ibid., n. 19; De Angelis, ibid., n. 6. - Yet some doubt concerning this, such as Pirhing, n. 33; Lacroix, n. 1554. Cf. c. 103. - There will usually be no difficulty in practice, since the Church supplies jurisdiction in the case of common error and speculative doubt, as will be explained below.

But the Superior can grant jurisdiction in a twofold manner: directly, when he commits the power of absolving to the priest himself; indirectly, when the faculty of choosing any priest as confessor is granted to the penitent.[1]

[1] Thus, at the time of a Jubilee, the Supreme Pontiff generally grants to seculars and regulars the faculty of choosing a confessor for themselves.

394. (B) From law, or from the Code: (a) Cardinals and Bishops, whether residential or titular, from the accepted authentic notice of canonical provision having been completed, can choose for themselves and their families a priest for receiving confessions; if he lacks jurisdiction, he obtains it by the law itself, even with respect to reserved sins and censures also, with the sole exception of censures reserved to the Apostolic See in the most special manner and those which are attached to the revelation of the secret of the Holy Office.[2]

[2] Code, c. 239 and 349.

(b) Any priests undertaking an overseas journey, provided they have from their own Ordinary, or from the Ordinary of the port, whether initial or intermediate, the faculty of receiving confessions, can during the whole journey validly and licitly absolve both the faithful sailing with them, and the faithful who for any reason come to the ship, and those who, when they themselves call at land in passing, ask to confess to them, and can validly and licitly absolve them even from cases reserved to the Ordinary of the place.[3]

[3] Code, c. 883.

395. (c) "All priests of either clergy approved for hearing confessions in some place, furnished with either ordinary or delegated jurisdiction, can also validly and licitly absolve vagi and travelers from another diocese or parish approaching them, and likewise Catholics of any Oriental rite."[4]

[4] Code, c. 881.

(d) Chaplains of soldiers can hear the confessions of soldiers even outside the diocese of the approving Bishop, when the soldiers are in camp or on a journey; during war they receive very ample

faculties not only with respect to soldiers, but also with respect to the faithful of the regions in which they accompany the army.[5]

[5] Thus, for example, the Sacred Penitentiary, 18 Dec. 1914 (*A. A. S.*, VI, 712), granted to chaplains of soldiers that, while they accompany the army, they may receive the confessions of any faithful approaching them and use in their favor the faculties granted to them for the forum of conscience.

4° On the Acquisition and Loss of Delegated Jurisdiction

396. Delegated jurisdiction begins at that instant at which its concession, authentically delegated in writing or by words, becomes known.

397. But it ceases: by revocation by the one delegating directly intimated to the delegate, or by resignation of the delegate directly intimated to the one delegating and accepted by the same;[1] but it cannot be revoked without grave cause;[2] by completion of the mandate, lapse of the time, or exhaustion of the number of cases for which it was granted;[3] nevertheless, for the internal forum, an act placed through inadvertence after the time has elapsed or after the number of cases has been exhausted is valid;[4] moreover, if some confession has been begun, jurisdiction endures until the penitent is absolved; when the final cause of the delegation ceases;[5] sometimes by the death of the one delegating or by his cessation from office, namely when the delegation was made for a particular case and the confession has not yet begun; but not when it is granted until revocation (which commonly occurs), or until the good pleasure of the see.

[1] Code, c. 207.

[2] Code, c. 880.

[3] Code, c. 207.

[4] Code, c. 207.

[5] Code, c. 207.

§ III. On the Jurisdiction Which the Church Supplies

398. When jurisdiction is lacking, whether ordinary or delegated, the Church can supply it; indeed it cannot supply that which is not subject to its authority, for example, a defect of matter or form in the sacraments; but since jurisdiction is subject to its power, it can provide it extraordinarily, when it was not regularly conferred. This jurisdiction which the Church supplies differs from ordinary or delegated jurisdiction in this, that it is conferred only in the very act of confession and afterward is extinguished, whereas the other is given before confession and remains after absolution.

[6] Suarez, disp. XXVI, sect. 4 and 6; Lugo, disp. XVIII, n. 15-40 and disp. XIX, n. 28-35; Salmantic., cap. 11, n. 72-77; Lacroix, 1548, 1559; Billuart, diss. VI, a. 4; St. Alphonsus, n. 560-563 and n. 571-574; Muller, § 137; Lehmk., n. 387-392; Haine, q. 73; Ball. P., n. 591-599 and n. 628-638; Marc, 1753-1756; Genicot, n. 330-332; Noldin, 345-351.

Now there are especially three cases in which the Church in fact supplies jurisdiction: 1° in the article of death; 2° in the case of common error; 3° in the case of probable jurisdiction.

I. On Jurisdiction in Danger of Death

399. Principle: Every priest, even not approved, can validly absolve those who are in the article or danger of death from all censures and sins. It is certain.

1° The principle, insofar as it is certain, is proved by this declaration of Trent:[1] "Very piously, lest anyone perish on this very occasion, it has always been preserved in the same Church of God, that there be no reservation in the article of death; and therefore all priests can absolve any penitents from any sins and censures."

[1] Sess. XIV, ch. 7.

The Council was speaking of the article of death; but the Code speaks more precisely: "In danger of death all priests, although not approved for confessions, validly and licitly absolve any penitents from any sins or censures, however reserved and notorious, even if an approved priest is present."[2] Now such danger is judged to be present when it is prudently feared that death may shortly occur, for example, in grave sickness, a difficult surgical operation, laborious childbirth, on a long and dangerous voyage, etc.

[2] Code, c. 882.

(a) It is said "all priests"; by these words, as being most ample, any priest is signified, even one not approved, irregular, suspended, excommunicated even as one to be avoided, schismatic, heretic, apostate, provided he is truly marked with the priestly character.

(b) It is said "from any sins and censures," because in danger of death every reservation ceases, lest anyone perish on this occasion. Yet if someone, bound by a censure reserved in the most special manner to the Supreme Pontiff, afterward recovers, he must recur to the Sacred Penitentiary or to the Bishop or another endowed with the faculty; but if he was absolved from a censure ab homine, he must, under penalty of falling back into it, recur to him who imposed the censure.[3]

[3] Code, c. 2252.

400. 2° Formerly it was controverted whether, in the article of death, a priest not approved validly absolved if an approved priest was present or could be present. But now the matter has been decided from the Code, in the canon cited.

II. On Common Error

401. "In common error or in a positive and probable doubt, whether of law or of fact, the Church supplies jurisdiction for both the external and internal forum (can. 209)."

By force of this canon, a colored title is no longer required with common error, and therefore all the difficulties previously raised concerning this title vanish.

But a priest who absolves outside the case of necessity, certainly knowing that he lacks a true title of jurisdiction, or jurisdiction legitimately conferred by a competent superior, sins gravely and indeed incurs suspension.[1]

[1] Code, c. 2366.

But error is common when the confessor is judged by most of the faithful of some place to have jurisdiction; it is private when he is thought by only a few to possess it.

402. By right and deservedly the Church wishes to provide for the common utility; but when the error is private, it does not supply jurisdiction, because the utility of a few is not a sufficient reason for departing from the general rules; moreover he who has been thus deceived can be instructed by others, and thus correct the defect admitted.

III. On Speculatively Probable Jurisdiction

403. Speculatively probable jurisdiction is present when, antecedently to confession, a priest, according to an interpretation of the law which is not certain but truly probable, or with a positive doubt of law, enjoys jurisdiction in the case.

404. Now in this case the confessor acts validly, because the Church certainly supplies jurisdiction, if it is truly lacking, from c. 209 of the Code.

Indeed the priest who absolves with probable jurisdiction acts licitly, at least when a grave reason is present, as St. Alphonsus says (n. 573): for the Church willingly supplies jurisdiction when a just cause is present; but it is not judged to wish confessors to rely on probable jurisdiction without a reasonable cause. - Yet not a few, with Lugo and Ballerini,[2] think this is licit even without a special reason, since it is certain that in this case jurisdiction is supplied; and this opinion is truly probable.

[2] Lugo, disp. XIX, n. 30; Ballerini P., n. 631-635; on the contrary, cf. *Vindic. Alphons.*, p. 485-501.

405. 2° But doubtful jurisdiction is that whose uncertainty depends upon a fact, for example, when there is doubt whether jurisdiction was granted by the Superior, whether it still endures or has expired, whether such a censure is reserved or not. Now even in this case the Church supplies jurisdiction, from the same canon 209; but it is not licit to use this without a grave reason.

§ IV. On the Approbation and Jurisdiction of Religious

On this matter we set forth the rules of the Code.

[1] The matter concerns both religious of simple vows and religious of Orders, or regulars. Cf. Code, c. 488, 804.

406. (A) Religious, even exempt, receive jurisdiction for receiving the confessions of seculars or religious from the Ordinary of the place in which the confessions are heard; but they cannot use the same without at least the presumed permission of their own superior. Moreover, Ordinaries are not to grant jurisdiction habitually except to religious presented by their own superior, nor are they to deny it without grave cause to those who are presented by the superior; nevertheless this ought not to be done without a previous examination by which they have been found suitable, except in the case of a priest whose theological doctrine has been ascertained from another source.[2]

[2] Code, c. 874, 877.

407. In an exempt clerical religion, for receiving the confessions of the professed, of novices, or of others dwelling day and night in the religious house by reason of service, education,

hospitality, or infirm health, delegated jurisdiction is also conferred by their own Superior according to the norm of the constitutions; and it is lawful for him to grant it even to priests from the secular clergy or from another religion.[3]

[3] Code, c. 875, § 1.

408. In an exempt lay religion, the Superior proposes the confessor, who nevertheless must obtain jurisdiction from the Ordinary of the place in which the religious house is found.[4]

[4] Code, c. 875, § 2.

409. With regard to novitiates and Seminaries this restriction is to be noted: "The master of novices and his associate, the superior of a Seminary or college, are not to hear the sacramental confessions of their pupils living with them in the same house, unless the pupils, from a grave and urgent cause, in particular cases spontaneously ask it."[5] Likewise religious Superiors can, the things to be observed by law having been observed, hear the confessions of subjects who ask this of them spontaneously and of their own accord; but they are not to do this habitually without grave cause.[6] Indeed, "all religious superiors are strictly forbidden to induce persons subject to them in any way to make a manifestation of conscience to them. Subjects, however, are not so prohibited that they cannot freely and of their own accord open their soul to superiors."[7]

[5] Code, c. 891.

[6] Code, c. 518, § 2.

[7] Code, c. 530.

410. (B) On the absolution of Regulars themselves. (a) In the several houses of a clerical religion, several confessors legitimately approved should be deputed, with the power of absolving even from cases reserved in the religion.[8]

[8] Code, c. 518, § 1.

411. (b) A religious, even an exempt one, for the quiet of his conscience, can approach a confessor approved by the Ordinary of the place, even if he is not numbered among those designated; and the confessor can absolve any religious even from sins and censures reserved in the religion.[1]

[1] Code, c. 519.

412. (c) Also in lay religions of men an ordinary and an extraordinary confessor should be deputed; and if a religious requests some special confessor, the superior should grant him, in no way inquiring into the reason for the petition, nor showing that he bears it with displeasure.[2]

[2] Code, c. 528.

§ V. On the Approbation and Jurisdiction with Respect to Religious Women

413. Religious women are of two kinds: some emit solemn vows and are called nuns; others emit simple vows and are called sisters.[3] A twofold confessor is assigned to both: ordinary and extraordinary.

[3] Code, c. 488, n. 7.

414. (A) On the ordinary confessor of religious women. (a) The necessity of special jurisdiction is asserted in this way in the Code:[4] "Any contrary particular law or privilege being revoked, priests, whether secular or religious, of whatever grade or office, need peculiar jurisdiction in order validly and licitly to receive the confessions of any religious women and novices... This jurisdiction is conferred by the Ordinary of the place where the house of the religious women is situated."

[4] Code, c. 876.

415. (b) The unity of the confessor is declared in this way: "For each house of religious women only one ordinary confessor is to be given, who is to receive the sacramental confessions of the whole community, unless because of their great number or for another just cause there is need of another or of several."[5]

[5] Code, c. 520, § 1.

416. Nevertheless certain exceptions are given so that the liberty of approaching other confessors may remain secure in certain circumstances: (a) "if any religious woman, for the quiet of her soul and for greater progress in the way of God, asks for some special confessor or spiritual director, the Ordinary should easily grant him, but should watch lest abuses creep in from this concession; and if they creep in, he should cautiously and prudently eliminate them, the liberty of conscience being preserved."[6] (b) All religious women, when they are gravely sick, even though danger of death is absent, can call any priest approved for receiving the confessions of women, even if he is not designated for religious women, and during the continuance of the grave illness can confess to him as often as they wish; nor can the Superior forbid them either directly or indirectly.[1] (c) From can. 522, for the tranquility of her conscience, a religious woman can approach any confessor approved for women; and from the decision of the Pontifical Commission (24 Nov. 1920), that confession is licit and valid, provided it is made in a church or even semi-public oratory, or in a place legitimately designated for hearing the confessions of women, and therefore in the chapel itself of the community.

[6] Code, ibidem, § 2.

[1] Code, c. 523.

417. (c) The conferring of jurisdiction is thus determined: 1) "If the house of religious women is immediately subject to the Apostolic See or to the Ordinary of the place, he chooses the priests for confessions, both ordinary and extraordinary; if it is subject to a regular Superior, he presents the confessors to the Ordinary, to whom it belongs to approve them for hearing the confessions of those nuns, and, if there is need, to supply for the negligence of the superior."[2]

[2] Code, c. 525.

418. 2. "The ordinary confessor of religious women is not to exercise his office beyond a three-year period; nevertheless the Ordinary can confirm him for a second, indeed even for a third three-year period, if either, on account of a scarcity of priests suitable for this office, he cannot provide otherwise, or the greater part of the religious women, including those who in other affairs do not have the right of casting a vote, have agreed, by secret votes, to the confirmation of the same confessor; nevertheless for those dissenting, if they wish, provision must be made otherwise."[3]

[3] Code, c. 526.

419. (B) On the extraordinary confessor. According to the Code:[4] (a) an extraordinary confessor is to be given to each community of religious women, who should come to the religious house at least four times in the year, and to whom all the religious women must present themselves, at least to receive a blessing; (b) besides, Ordinaries should designate several priests for the individual houses, to whom they can easily have recourse for the sacrament of penance in particular cases, without its being necessary to approach the Ordinary himself each time; (c) if any religious woman requests one of these confessors, no Superior may, by herself or through others, directly or indirectly, inquire into the reason for the petition, oppose the petition by words or deeds, or show in any way that she bears it with displeasure. But a Superior who has acted contrary to these prescriptions is to be warned by the Ordinary of the place; if she offends again, she is to be punished by him with privation of office, the Sacred Congregation of Religious nevertheless being immediately informed.[5]

[4] Code, c. 521.

[5] Code, c. 2414.

420. (C) On those things which pertain to both confessors. (a) With regard to the required qualities, "for the office of confessor of religious women, both ordinary and extraordinary, priests are to be deputed, whether from the secular clergy or religious with the permission of Superiors, outstanding in integrity of morals and prudence; they are moreover to be forty years of age, unless, in the judgment of the Ordinary, a just cause demands otherwise, and are to have no power in the external forum over the same religious women."[1]

[1] Code, c. 524, § 1.

421. (b) With regard to a new deputation: An ordinary confessor cannot be appointed extraordinary, nor, apart from the cases reviewed above, be deputed again as ordinary in the same community, unless after a year from the completed office; but an extraordinary confessor can immediately be appointed as ordinary.[2]

[2] Ibid., § 2.

422. (c) With regard to the governance of the community, the confessors of religious women, both ordinary and extraordinary, are in no way to mix themselves into the internal or external governance of the community.[3]

[3] Ibid., § 3.

423. (d) With regard to the removal of confessors, "the Ordinary of the place can, for a grave cause, remove the confessor of religious women, both ordinary and extraordinary, even if the monastery is subject to regulars and the priest himself for confessions is a regular; nor is he bound to indicate the cause of removal to anyone, except to the Apostolic See, if it is required by it; but concerning the removal he must warn the regular Superior, if the nuns are subject to Regulars."[4]

[4] Code, c. 527.

§ VI. On the Limitation of Jurisdiction, or the Reservation of Cases

424. Preliminary notes. 1° Jurisdiction can be limited in various ways by legitimate superiors, but especially by the Roman Pontiff, who has supreme jurisdiction in the whole Church. For ecclesiastical superiors can grant it, or not; therefore a fortiori they can confer it in a more or less limited manner, according as they shall judge this expedient in the Lord. Hence jurisdiction can be limited with respect to men, insofar as the faculty of absolving is restricted to certain men or classes of men, for example, when it is said, women or nuns excepted; with respect to place, for example, within the limits of one parish; with respect to time, so that when a certain time has elapsed it expires; with respect to sins, insofar as the superior can reserve to himself absolution from certain graver sins. Concerning this Trent says (ch. 7): "It has seemed to our most holy Fathers to pertain greatly to the discipline of the Christian people, that certain more atrocious and graver crimes should be absolved not by anyone whatsoever, but only by the highest priests; whence deservedly the Supreme Pontiffs, according to the supreme authority handed down to them in the universal Church, have been able to reserve to their own particular judgment some graver causes of crimes."

[5] Suarez, disp. XXIX-XXXI; Lugo, disp. XX; Salmantic., ch. 13; Lacroix, n. 1599-1698; Pauwels, *de Casibus reservatis*, in Migne, *Theol. Curs.*, t. XVIII, p. 935-1604; Stoz, lib. II, Appendix; Elbel-Bierbaum, Conf. 13-14; St. Alphonsus, n. 578-602; Kenrick, n. 153-180; Ball. P., Appendix to t. V, *De casuum reservatione*; Bucceroni, *Commentarii de casibus reservatis*, Rome, 1889; Lehmk., n. 402-417; Marc, n. 1766-1779; Muller, § 141-145; Konings., n. 1400-1403; Genicot, n. 342-350; Noldin, n. 361-376; Legoux, *Supplementum de Casibus reservatis*, at the end of the work whose title is: *Decrets du C. de Rouen et Statuts Synodaux*, Coutances, 1890, p. 105-126.

425. 2° When jurisdiction is limited with respect to sins, there is present a reserved case, which can be defined as a sin whose absolution is not permitted to any confessor, but remains with the legitimate Superior or his delegate. Therefore reservation consists in this, that the power of absolving from certain graver sins is denied to some priest, while the faculty of absolving from the rest is granted; directly, therefore, it affects the confessor, by restricting his power, and only indirectly the penitent.

426. 3° Sins can be reserved in a twofold manner: with censure and without censure.[1] The former likewise are reserved in a twofold manner: because of the censure, when the censure rather than the sin is reserved, and thence, once the censure has been removed, the sin can be remitted by any confessor; or because of the sin, when the sin itself is reserved because of itself, and, the censure having been removed or not incurred, the sin remains reserved,[2] and

because of sin. This distinction must be kept before the mind especially where absolution from censures is treated.

[1] A censure, which is treated in a special Treatise, is a spiritual and medicinal penalty by which a baptized man, delinquent and contumacious, is deprived by ecclesiastical Superiors of the use of certain spiritual goods. Three kinds are distinguished: excommunication, suspension, and interdict.

[2] These notions are according to the mind of the Code. Cf. can. 894 and 2363.

427. These things having been set down, we shall speak 1° on the power of reserving; 2° on the conditions required for reserving; 3° on the principal reserved cases; 4° on absolution from reserved cases.

I. On the Power of Reserving

428. 1° The existence of this power. It is of faith, from Trent,[1] that Bishops have the power of reserving cases to themselves, not only with respect to external polity, but also before God: "If anyone shall have said that Bishops do not have the right of reserving cases to themselves except with respect to external polity, and therefore that the reservation of cases does not prohibit a priest from truly absolving from reserved cases: let him be anathema." - This is also clear from the Code, c. 893, cited below, n. 429.

[1] Sess. XIV, ch. 11.

Moreover, the end on account of which cases are reserved is twofold: (a) penal, that graver delicts may be punished more gravely, while delinquents are compelled to appear before a higher judge and to receive from him a more difficult penance; (b) medicinal, both because the difficulty of obtaining absolution from reserved sins more strongly deters, and because ecclesiastical Superiors, as being more learned and prudent, are judged more suitable for curing graver spiritual diseases. Today, however, this latter end is rarely attained, since delinquents are for the most part absolved by ordinary confessors, who obtain from Superiors the faculty of absolving from reserved cases.

429. 2° On those who can reserve sins. The power of reserving belongs to all those who by ordinary right can grant the power of hearing confessions or impose censures. It is certain from the Code: "Those who by ordinary right can grant the power of hearing confessions or impose censures can also, with the exception of the Capitular Vicar and the vicar general without a special mandate, call some cases to their own judgment, limiting the power of absolving in inferiors. This calling is called the reservation of cases."[2] Hence (A) the Supreme Pontiff can reserve cases for the whole Church; for since he possesses supreme power over the universal Church, he can call greater causes to his own tribunal for both forums, and consequently withdraw them from the judgment of bishops, as was said in the Treatise on the Church, n. 199-202.

[2] Code, c. 893, § 1.

430. (B) Bishops can reserve cases to themselves for their dioceses, but "they are not to reserve sins unless, after the matter has been discussed in the diocesan Synod, or outside the Synod after the Cathedral Chapter and some of the more prudent and more approved curators of souls of

their diocese have been heard, the true necessity or utility of the reservation shall have been established."[1]

[1] Code, c. 895. Benedict XIV had already wisely given these rules, *De Synodo dioeces.*, lib. V, ch. 45: (a) It is fitting that Bishops not use the faculty of reserving cases except in Synod, although they can exercise it whenever they wish; for they will act more cautiously if they bring into counsel upright priests taught by long experience. (b) They ought not be too facile in multiplying reservations; but they should reserve to themselves only the more atrocious and graver crimes, ten or twelve at most; otherwise they will render confession odious. (c) Sins which are frequently committed, even if they are carnal, are not to be reserved except with great circumspection, on account of the danger of infamy which is incurred by those who are often compelled to approach extraordinary confessors, or to return several times to ordinary confessors. (d) Merely internal sins, however grave, are never to be reserved. (e) Sins already reserved to the Supreme Pontiff they should not superfluously reserve to themselves.

(C) "Among the superiors of an exempt clerical religion, only the Superior general, and in monasteries of their own right the Abbot with the proper council of each, can reserve the sins of subjects."[2]

[2] Code, c. 896.

(D) Pastors, of themselves, could reserve cases for their own parish; but today, since in fact they do not confer jurisdiction, they cannot limit it.

II. On the Conditions Required for a Sin to Be Reserved

431. 1° In order that some sin may be subject to reservation, it must be clothed with four conditions; it is required that it be:

(A) Mortal, not only by reason of the object, but also by reason of the subject, that is, committed with full advertence and full consent; for venial sins would be reserved in vain, since there is no obligation to confess them. - Besides, the sinner must know the special malice on account of which the sin is reserved; for example, if incest in the second degree is reserved, the reservation is not incurred by one who sins with a blood relative, if he does not know that incest in this degree differs specifically from simple fornication; yet such ignorance is not easily to be supposed.

(B) External as well as internal; for although the Church could reserve internal sins, since here there is question of the internal forum, it has not been accustomed to do this, lest occasion be given to anxieties, which often occur concerning thoughts, namely whether one has consented to them or not. Indeed, according to the common opinion, the external action must be grave according to itself; therefore if it were light, although the internal act were a grave sin, the reservation would not be incurred; for example, if someone, intending gravely to strike a cleric, lightly touched him. - Nevertheless, it is not necessary that the sin be public, or that it have come to the knowledge of anyone; it is enough that it be committed externally, although secretly.

432. (C) Complete, or consummated in the species which is reserved; for reservation, as penal and odious, must be restricted. Hence where homicide is reserved, the mere attempted crime (by inflicting a wound or offering poison) does not suffice, but it is required that death follow. Nevertheless, an exception is made if this attempt itself is reserved; for example, not only those perpetrating a duel, but also those provoking to it, fall into the reserved case.

(D) Certain, that is, certainly reserved, certainly committed, and certainly mortal; hence if there is serious doubt whether the reserving law extends itself to this case, or whether the sin was really committed, or whether it is grave subjectively or objectively, the reservation is not incurred: for odious things must be restricted.

433. 2° Formerly it was disputed whether or not the impubes - that is, males before the fourteenth year, females before the twelfth - incur reservation. Now it appears evidently to be the mind of the Code that the sins of the impubes are not reserved.[1]

[1] Can. 897 and 2230.

434. 3° Whether ignorance excuses from reservation.

(A) If the sin is reserved because of a censure, it is commonly held that neither the censure nor the reservation is incurred by those who are ignorant of the censure, provided this ignorance is not crass or supine;[2] but it is incurred by those who know the censure, although they are ignorant of the reservation of the censure.

[2] Code, c. 2229, § 3, n. 1.

435. (B) If the sin is reserved because of itself, the difficulty increases. (a) Some affirm that the reservation is not incurred,[3] because reservation is a medicinal penalty, established for deterring men from certain graver sins; but he who is ignorant of the reservation is not deterred from these sins; therefore for him the end of the reservation ceases, and consequently the reservation itself. - These, however, admit that the penitent who has committed a reserved sin is regularly to be warned about the reservation, so that in the future he may be deterred from this sin. (b) But the more common opinion holds, with St. Alphonsus (n. 581), that reservation is incurred even by those who are ignorant; for reservation is not directly a penalty regarding penitents, but a restriction of jurisdiction regarding confessors; hence priests can do nothing in reserved sins, because they lack jurisdiction over them. - In practice: if there is question of a papal case, it is probable that the will of the Supreme Pontiff is that those who are ignorant do not incur the reservation; for Benedict XIV, in the Constitution *Sacramentum Poenitentiae*, reserving the sin of false denunciation, did this "so that such wicked boldness and such detestable crime may be restrained by fear of the magnitude of the penalty"; and indeed these words signify that the reservation is penal and medicinal, and therefore is not incurred by those who are ignorant. - But if there is question of an episcopal case, many Bishops have declared that ignorance does not excuse from reservation, while a few others have signified that it does excuse. Therefore their intention in each diocese should be diligently inquired into.

[3] Salmantic., Tr. XVIII, ch. 6, n. 12; Ball. P., n. 727 sq.; Noldin, n. 369.

436. 4° On the conditions to be observed in reservation. 1) "The cases to be reserved should be altogether few, namely three or, at most, four, from only the graver and more atrocious external crimes specifically determined"; 2) "the reservation itself is not to remain in force longer than is necessary for rooting out some public, established vice and for restoring Christian discipline which perhaps has collapsed";[1] 3) "all are to abstain entirely from reserving to themselves those sins which already are reserved to the Apostolic See even by reason of a censure, and

regularly also those to which a censure, although reserved to no one, has been attached by law";[2] 4) "once reservations have been established which they have judged truly necessary or useful, the Ordinaries of places should take care that these same reservations be brought to the knowledge of subjects in whatever way seems better to them, and that they not grant to anyone and indiscriminately the faculty of absolving from reserved cases."[3]

[1] Code, c. 897.

[2] Code, c. 898.

[3] Code, c. 899.

III. On the Principal Reserved Cases

Reserved cases are distinguished into three kinds: papal, episcopal, and regular, according as they are reserved to the Pope, to the Bishop, or to a regular Superior.

436. 1° Papal cases are of two kinds: some are reserved because of censure, and these are treated in the Treatise on Censures; but one is reserved because of itself,[1] namely the calumnious denunciation of a confessor concerning the crime of solicitation, when, that is, someone falsely accuses an innocent confessor before ecclesiastical judges as guilty of solicitation to shameful things, whether by himself or through another.

[1] Code, c. 894. - Cf. Benedict XIV, Constit. *Sacram. Poenitentiae*. - In order that the case be reserved, the false denunciation must be canonical, or before ecclesiastical judges; if it is made before others, it is reserved only because of the annexed censure.

This case is so reserved that even those who obtain the power of absolving from cases specially reserved to the Roman Pontiff cannot absolve from it unless they are expressly enumerated in the concession; hence it can be called most specially reserved.

437. 2° Episcopal cases are of two kinds: (A) some are reserved to the Bishop by common law, by reason of censure; and these are six, reviewed in the Code.

(a) Those professed of perpetual simple vows, and likewise all presuming to contract marriage, even only civilly, with some person from the aforesaid persons; (b) those procuring abortion, the effect having followed; (c) for the four others see the Treatise on Censures.

(B) Others are reserved to the Bishop by particular law, whether through plenary or provincial Councils, or through diocesan Statutes; these therefore it is fitting to read attentively, so that each one may know excellently which cases are reserved in his own proper diocese.

In the United States of America two cases are reserved to the Bishop for all dioceses, namely an excommunication latae sententiae (a) against those who, after they have obtained a civil divorce, have dared to attempt marriage; (b) against Catholics who have contracted or attempted marriage before a minister of any non-Catholic sect.[1] Besides, in individual dioceses certain special cases are reserved; concerning these, read the Statutes.[2]

[1] Thus in the Plenary Council of Baltimore III, n. 124 and 127.

[2] Thus, for example, in the dioceses of Trenton and Wilmington, priests are suspended ipso facto, by a suspension reserved to the Ordinary, if they shall have retained for three months the title of ecclesiastical goods in their own name;

or if without the license of the Bishop they shall have attempted to sell any thing belonging to the legal ecclesiastical Society (Church corporation). (*Synod. Trenton.*, n. 327; *Synod. Wilmingt.*, n. 259).

3° Regular cases are assigned in each religion. But concerning these there is no reason why we should be anxious, since every confessor can absolve religious from them (Code, c. 519).

IV. On Absolution from Reserved Cases — 1° On Absolution from Episcopal Cases

438. From cases reserved to the Bishop, the following can absolve:

(a) by ordinary power, the one reserving, his successor in office, or his superior, provided he has true jurisdiction over the subjects of the one reserving (for example, the Supreme Pontiff); for all these can reserve, therefore also absolve from reserved cases, since the same power suffices for removing and for establishing a reservation.

439. (b) By delegated power, all those who have obtained this special faculty from a legitimate Superior, namely from him who can delegate. Now these things are established in the Code.[3]

[3] Code, c. 899-900.

440. 1. With regard to reserved sins: "The faculty of absolving from reserved cases belongs by the law itself to the penitentiary canon"; "it should be granted habitually at least to vicars forane, with the added faculty, especially in places of the diocese more remote from the episcopal see, of subdelegating, as often as confessors of their district, if and when they have recourse to them for some more urgent determined case"; "by the law itself, from cases which Ordinaries in any way have reserved to themselves, both pastors, or others who in law are considered in the name of pastors, can absolve during the whole time useful for fulfilling the Easter precept, and also individual missionaries at the time when missions happen to be held for the people"; "any reservation lacks all force: when the confession is being made either by the sick who cannot leave the house, or by spouses for the purpose of entering marriage; - whenever either the legitimate Superior has denied the faculty of absolving sought for some determined case, or, in the prudent judgment of the confessor, the faculty of absolving cannot be sought from the legitimate Superior without grave inconvenience of the penitent or without danger of violating the sacramental seal; - outside the territory of the one reserving, even if the penitent departed from it only to obtain absolution."

441. 2. With regard to reserved censures: "the reservation of a censure in a particular territory does not exercise its force outside the boundaries of that territory, even if the censured person leaves the territory to obtain absolution; but a censure ab homine is reserved everywhere, so that the censured person can be absolved nowhere without the due faculties."[1]

[1] Code, c. 2247, § 2.

442. 3. Besides, in the article and danger of death, any priest can absolve from all reserved cases.[2] Nevertheless there remains the obligation, for the penitent if he recovers, of

recurring to the Superior, at least in the case of a censure ab homine.

[2] Code, c. 882.

443. 4. "In more urgent cases,[3] if namely censures latae sententiae cannot be externally observed without danger of grave scandal or infamy, or if it would be hard for the penitent to remain in the state of grave sin for the time necessary for the competent Superior to provide, then any confessor in the sacramental forum can absolve from the same, however reserved, with the burden imposed of recurring, under penalty of reincidence, within a month at least by letter and through the confessor, if this can be done without grave inconvenience, the name having been withheld, to the Sacred Penitentiary[4] or to the Bishop or another Superior furnished with the faculty, and of standing by his mandates. - Nothing prevents the penitent, even after the absolution has been accepted as above, and even after recourse has been made to the Superior, from approaching another confessor furnished with the faculty, and from him, after the confession at least of the delict with the censure has been repeated, obtaining absolution; when it has been obtained, he receives the mandates from the same, and is not afterward bound to stand by other mandates arriving from the Superior. - But if in some extraordinary case this recourse is morally impossible, then the confessor himself (except in the case in which the censured person was one absolving an accomplice) can grant absolution without the burden mentioned above, nevertheless imposing the things to be imposed by law, and imposing a fitting penance and satisfaction for the censure, so that the penitent, unless within a fitting time to be fixed by the confessor he shall have performed the penance and given satisfaction, falls back into the censure."[1]

[3] Under the new legislation, a more urgent case for a reserved sin without censure can scarcely, or indeed hardly at all, occur. Cf. Code, c. 899, § 2.

[4] The confessor can use this or a similar form when he writes to the Major Penitentiary: - Most Eminent Prince, Titius has contracted a censure reserved in a special manner or simply reserved (here the cause of the censure is described, for example, because of the reading of books defending heresy, or because of enrollment in the Masonic sect, etc.). Since he could not approach a confessor furnished with the due faculties, nor be dismissed without absolution, and otherwise seemed rightly disposed, he received absolution from me. But in order to obey the decrees of the Church, by these letters through me, the undersigned confessor, he has recourse to the Holy See, ready to receive mandates and to fulfill the penance which Your Eminence will deign to prescribe as a penalty for the delict.

Reverently kissing the hands of Your Eminence, with the greatest devotion by which it is fitting, I remain,

Your Eminence's most obedient and most humble servant,

N. N.

Let it be clearly indicated to whom and in what place the response is to be directed. The letters are to be furnished with a seal, and thus inscribed externally (in the vernacular language, lest curiosity be excited): To the Most Eminent and Most Reverend Lord Cardinal Major Penitentiary, - Palazzo della Cancelleria Apostolica, Rome.

[1] Code, c. 2254.

2° On Absolution from Papal Cases

444. From these cases the following can absolve: 1) by ordinary power, both the Supreme Pontiff and the Major Penitentiary; 2) by delegated power, Bishops and priests delegated by the Holy See, or by another Superior having the faculty of subdelegating: "From a censure reserved to the Apostolic See, these and others can absolve who have obtained from it the power of absolving, whether general, if the censure is simply reserved, or special, if it is reserved in a special manner, or finally most special, if it is reserved in a most special manner."[2] Thus delegation is always required also for absolving from a sin reserved to the Apostolic See without censure.

[2] Code, c. 2253, § 3.

445. 3. Those who, placed in danger of death, have received from a priest lacking a special faculty absolution from some censure reserved in the most special manner to the Apostolic See, are bound, after they have recovered, within a month, by the obligation of recurring, under penalty of reincidence, to the Sacred Penitentiary or to the Bishop or another furnished with the faculty, and of obeying their mandates.[1]

[1] Code, c. 2252.

446. 4. In more urgent cases, the rule already set forth above concerning episcopal cases, n. 443, is to be followed.

Besides, the faculty of dispensing from all irregularities arising from an occult delict (except, however, that which touches those who have perpetrated voluntary homicide or procured the abortion of a human fetus, and all cooperating persons, and also that which would have been brought to the judicial forum) belongs to any confessor in more urgent occult cases in which the Ordinary cannot be approached and danger of grave harm or infamy is imminent, but only for this, that the penitent may be able licitly to exercise the orders already received.[2]

[2] Code, c. 990.

3° Things to Be Noted with Regard to Cases Whether Papal or Episcopal

447. (a) When the penitent accuses a reserved sin (reserved by the Pope or by the bishop), the confessor should immediately weigh whether or not all the conditions necessary for incurring the reservation are present. If it is established that the sin is truly reserved, and at the same time the confessor lacks the due faculties, then, unless there is urgency, he should admonish the penitent either to approach the Superior, or to return after a few days, when, namely, the necessary faculties will have been obtained: penitents will generally choose this latter; in which case they can be permitted to declare the other sins.

448. (b) A confessor, lacking special faculties, who knowingly, outside the case of necessity, absolves from reserved sins, sins gravely; nevertheless the absolution is valid if, together with the reserved sins, another sin has been declared: for once a non-reserved sin has been directly remitted, the others are remitted indirectly.

But if this was done through inadvertence or ignorance, and afterward the confessor notices it, he must admonish the penitent about the error committed, if this can easily be done, so that the error may be repaired; otherwise, he should leave him in good faith. - But if the penitent himself afterward knows (which rarely occurs) that he was absolved from a reserved sin only indirectly, he should accuse this sin to a confessor furnished with the special faculty; but he is not bound to repeat the other sins.

With regard to censures: "if a confessor, ignorant of the reservation, absolves the penitent from the censure and the sin, the absolution of the censure is valid, provided it is not a censure ab homine or reserved in the most special manner."[1]

[1] Code, c. 2247.

449. (c) "One seeking absolution must indicate all the cases; otherwise the absolution is valid only for the expressed case; but if the absolution, although a particular petition has been made, has been general, it is valid also for those withheld in good faith, except a censure reserved in the most special manner to the Apostolic See, but not for those withheld in bad faith."[2]

[2] Code, c. 2249.

(d) Very probably the reservation is removed through an invalid or sacrilegious confession made before a confessor who enjoys the faculty of absolving from reserved cases, provided the reserved sin itself is not withheld; for since the Superior has already judged concerning the reserved case and proposed fitting remedies, the reason for the reservation has ceased. - Say the same probably if the reserved sin, in a non-sacrilegious confession, was omitted through forgetfulness; for the Superior, through indirect absolution, is judged to have removed the reservation.

Nevertheless, according to St. Alphonsus,[3] an invalid confession, whether made culpably or inculpably in a jubilee, is excepted, since the Pontiff does not confer the faculty of absolving from reserved cases except so that the faithful may gain the jubilee. But if the confession was valid, although the reserved sin was omitted through forgetfulness, the reservation is removed.[4]

[3] Lib. VI, n. 598.

[4] Cf. Lugo, disp. XX, n. 99.

450. (e) When the faculty of absolving from reserved cases is granted to some confessor, certain conditions are attached, whether general or special.

1. The general conditions are customarily expressed under this formula: the things to be imposed by law having been imposed. Six are numbered: reparation of harm; reparation of scandal; removal of the occasion of sinning; promise concerning the crime not to be perpetrated again; promise of fulfilling the things which the Superior has prescribed or afterward will judge should be prescribed; acceptance of a special penance.
2. But the special conditions are various according to the various cases, and are found in the little document sent by the Superior, which therefore must be diligently read.

(f) No special form is required for absolution from sins reserved without censure. - If there is question of sins reserved with censure, likewise no special form is required, since the customary one

contains these words: "from every bond of excommunication, suspension, and interdict." For it is said in the Code: "The absolution of a censure in the sacramental forum is contained in the customary form of the absolution of sins prescribed in the ritual books; in the non-sacramental forum it can be given in any manner whatsoever, but for the absolution of excommunication it is regularly fitting that the form handed down in the same books be used."[1]

[1] Code, c. 2250, § 3.

Art. II. On the Duties of the Minister

We shall speak: I on his duties with respect to all penitents in general; II on his duties with respect to the various kinds of penitents; III on certain abuses to be avoided.

§ I. On the Duties of the Minister in General

Preliminary Notes[2]

[2] St. Alphonsus, *Praxis Confessarii*, ch. I; Lehmk., n. 418; Berardi, *Praxis*, n. 4701; Gaume, *Manuel*, ch. I; Stang, *Pastoral Theol.*, Bk. II, ch. 4, § 26-28; Aertnys, *Theol. Pastoralis*, n. 26 sq.

451. 1° The principal function which the confessor exercises in the sacred tribunal is certainly the office of judge: for this follows openly from the fact that the sacrament of Penance must be administered in the manner of a judgment. But because this sacrament was instituted not only for destroying past sins, but also for guarding against future ones, the confessor must also perform the parts of a physician, by suggesting opportune remedies. And since one of human infirmities is ignorance, which can be cured only by salutary doctrine, it is necessary that he discharge the office of teacher, by instructing the ignorant. But these various offices tend to this, that they generate or nourish the spiritual life; and therefore the confessor is truly the spiritual father of penitents, and cannot fruitfully exercise his duties unless he loves them with a paternal affection, adhering to the footsteps of St. Paul, who said concerning the faithful committed to him:[3] "My little children, with whom I am again in travail until Christ be formed in you." - "Though we could have been a burden to you as apostles of Christ, yet we became little ones in your midst, as if a nurse should cherish her children."

[3] Galat. IV, 19; I Thess. II, 7.

452. 2° But while the confessor exercises his various offices, he must regard three things: (A) the good of the sacrament; namely insofar as, as a faithful minister, he must procure, as far as can be done: (a) the validity of the sacrament, which depends not only upon the correct use of matter and form, but also upon the dispositions of the subject; (b) its integrity, with regard to the accusation of sins and the imposition of satisfaction; (c) its legitimate administration, by observing all those things which are prescribed by the Church, and by taking care that nothing be done by which the sacrament is rendered odious to penitents.

(B) The good of the penitent; for the sacraments are for men. Hence he will assist the penitent, in the best way possible, (a) so that he may confess his sins sincerely and integrally; (b) so that he may detest the same with supernatural hatred, by proposing opportune motives of contrition; (c) so that he may guard against future sins, by prescribing salutary remedies and the means for persevering.

(C) The public good, that is, not only the good of the penitent himself, but also of the other faithful, by guarding, for example, lest the frequent and protracted confession of certain persons, or the granting or denial of absolution, cause some scandal or other evil in the community.

But in order that we may comprehend all these things in an order at once chronological and logical, we shall speak of the duties of the confessor: 1° before the act of confession; 2° in the very act of confession; 3° after confession.

I. On the Duties of the Confessor before the Act of Confession

These duties are two: 1° the obligation of hearing confessions; 2° the obligation of preparing oneself for receiving confessions.

1° On the Obligation of Hearing Confessions

An obligation of this kind arises either from justice or from charity.

[1] Suarez, disp. XXXII, sect. 1; Lugo, disp. XXII, n. 1-13; Billuart, diss. VI, a. 10, § 1; Marc, n. 1802-1803; Hilar. Sexten., § 46, p. 404-405.

453. (A) Principle: From justice, pastors and other priests having the care of souls are bound under grave obligation, either by themselves or through others, to hear the confessions of their subjects, as often as these reasonably ask to be heard.[2] It is certain.

[2] Code, c. 892, § 1.

For those who take upon themselves the care of souls bind themselves to this by a tacit contract with their subjects, from whom they receive support under the condition of ministering the sacraments; and with the ecclesiastical Superior, who does not commit the care of souls to anyone except under the condition that the duties of this office be faithfully fulfilled: now one of these duties is to hear the confessions of subjects.[1]

[1] Cf. *Syn. Theol. Dogmat., De Sacramentis,* n. 104.

454. Corollaries. (a) In the case of extreme necessity, when, namely, the danger of damnation is imminent, for example, if someone near death is in mortal sin and has no other remedy besides confession, because, for example, he does not know how to elicit an act of perfect contrition, his own pastor, or another having the care of souls, is bound under grave obligation, even with danger of life, to absolve his subject; for the good shepherd gives his life for his sheep. - Indeed, the same is commonly taught in the case of quasi-extreme necessity, namely when someone is in probable danger of damnation, for example, if there is question of a dying sinner who had lived little as a Christian, and indeed can elicit perfect contrition, but only with great difficulty. For if all priests, even if they do not have care of souls, are bound to expose their life for their neighbor in extreme necessity, the pastor, who is more bound than others, will be bound also in quasi-extreme necessity.[2] This can be confirmed from a decree of the Sacred Congregation of the Council, 1576, where it is declared that "the pastor is bound to minister to his parishioners suffering from plague only the sacraments necessary for salvation, namely Baptism and Penance."[3]

[2] Thus Lugo, disp. XXII, n. 10; and the authors cited there, Valentia, Reginaldus, Bonacina, St. Alphonsus, H. A., Tr. VII, n. 28. - Here, moreover, it is to be noted that by many authors that necessity is called grave which, for the sake of clarity, we have called quasi-extreme; but afterward they distinguish at least implicitly between grave necessity, which carries with it proximate and probable danger of damnation, and that which constitutes only danger of grave, reparable spiritual harm.

[3] In St. Alphonsus, l. c.

455. (b) But in the case of grave necessity, namely when without confession they would incur grave spiritual harm, yet reparable harm - for example, if sinners are laboring under a grave sickness, or are bound under grave obligation to confess, or also if the faithful are assaulted by grave temptations which can be overcome only with difficulty without recourse to the sacred tribunal - pastors and others having the care of souls are bound under grave obligation to hear the confessions of their subjects, even with grave inconvenience. - With respect to the sick, let these words of St. Charles Borromeo be considered:[4] "At whatever hour of the day or night the pastor shall be called for the sacraments to be ministered to the sick, he shall interpose no delay; indeed he shall warn the people beforehand, that when there is need of parochial administration, they may freely summon him, without any regard had of time, or of distance of place, etc." The reason is that otherwise certain sick persons can die without absolution.

[4] *Acta Eccl. Mediolan.*, part 4; in St. Alphonsus, n. 58.

456. (c) In common necessity, when, namely, penitents ask reasonably, that is, on account of true spiritual utility, pastors and other ministers by office are indeed bound to hear the confessions of subjects, yet in such a way that, on account of a legitimate impediment, they can send penitents away to another short time;[1] for since the necessity is not urgent, the law does not oblige with so great an inconvenience.

[1] A good pastor will send penitents away to another time only rarely and for a grave reason, but rather will put into practice this admonition of the Plenary Council of Baltimore II (n. 280): "Let him show himself always prompt and ready when he has been summoned to undertake this office, especially by the needy and by men of lower condition, and by those whom he has known to be loaded with the burden of sins, or to have been absent from confession for a long time."

Hence they sin gravely if they declare that they do not wish to hear confessions except rarely and on a few determined days, for example, once or twice in any month; or if they often show themselves difficult and morose in receiving confessions; for thus confession is rendered odious, and not a few faithful are deterred from its practice. But if someone once or twice, outside urgent necessity, refuses to hear the confession of someone, even without a legitimate reason, he does not sin gravely, generally speaking, because the harm which is inflicted is easily repaired. - But he does not sin in any way if he dismisses those who wish to confess too frequently and without a special reason; for these do not ask reasonably.

(d) If the pastor has suitable coadjutors, he is not so strictly bound to receive confessions by himself, but can satisfy this office through vicars, unless he is required by name. Nevertheless it is altogether fitting that pastors in this matter furnish a good example to vicars, by hearing confessions when they are not impeded by more serious business.

457. (B) From charity, even priests not having the care of souls are sometimes bound to hear confessions; for charity obliges us to assist our neighbor placed in spiritual necessity, as is proved in the Treatise on the Virtues, where Charity is treated.

(a) In the case of extreme necessity, when the dying person cannot morally elicit an act of contrition, they are bound to absolve him, even with danger to their own life, if his own priest is lacking; for in extreme necessity we are bound to prefer the necessary spiritual good of our neighbor to our own temporal good.

(b) In the case of quasi-extreme necessity, when the dying person can elicit an act of perfect contrition only with difficulty, a simple priest is bound, if his own priest is lacking, to hear the confession, even with grave inconvenience. But it is disputed whether he is bound to this even with danger of life; the more common opinion affirms, after St. Alphonsus,[2] because if the dying person is left unabsolved, he remains in probable danger of damnation; now the order of charity demands that we expose our temporal life to probable danger in order to rescue the spiritual life of our neighbor from an equal danger. - Yet others with Lugo[1] probably deny this, because while the neighbor can absolutely free himself from danger, we are not bound with so great an inconvenience to succor him who can provide for himself at a lesser cost. Nevertheless, according to the same authors, the case is excepted in which the whole community would be in grave necessity, for example, when a contagious and grave disease is raging: then even a simple priest, if the pastor is lacking, would be bound to hear confessions, even with danger of life; because in grave necessity of a community it can scarcely happen that there is not extreme necessity with respect to some.[2]

[2] St. Alphonsus, H. A., Tr. XVI, n. 125.

[1] Lugo, disp. XXII, n. 12.

[2] Thus Lugo, l. c., n. 13.

Note. But in all these cases, in order that there be a grave obligation of receiving confessions with danger to one's own life, three things are required: that the necessity of the neighbor be morally certain; that likewise the hope of validly absolving the dying person be certain; that from the death of the priest greater evils not follow, for example, the probable damnation of many others, if there is not another priest in this place.

2° On the Obligation of Preparing Oneself for Receiving Confessions

The confessor must prepare himself for receiving confessions by acquiring the qualities which are necessary for rightly fulfilling this office: on the part of the intellect, knowledge and prudence; on the part of the will, goodness of life.

A. On the Knowledge Necessary for the Confessor

458. Principle: The confessor is bound under grave obligation, outside the case of necessity, to have that knowledge which is called competent, that is, that by which he can solve the cases which commonly occur in the place where he is accustomed to hear confessions, and at least prudently doubt concerning the more difficult ones, so that he may be able to consult books or other more learned persons. - It is said outside the case of necessity; for if necessity presses, not only extreme but also grave, a less learned confessor licitly receives confessions, since for

the most part the ignorance of the confessor does not hinder the validity of the sacrament, but only its integrity or fruitful administration; now in a case of necessity it is lawful to administer the sacrament even with the danger that it remain invalid or defective. But a priest who fears that the sacrament may be null can absolve only conditionally.

[3] Suarez, disp. XXVIII, sect. 2; Lugo, disp. XXI, n. 70-74; Salmantic., ch. 12, n. 3-13; Billuart, diss. VI, a. 9, § 2; St. Alphonsus, n. 626-628; Lehmk., n. 438-441; Hilar. Sexten, § 44, p. 391-394; Marc, n. 1786-1787; Genicot, n. 355-356; Noldin, n. 391-392; Segneri, *Il Confessore istruito*, ch. I.

For, this knowledge being lacking, he exposes himself to a proximate and morally certain danger of fulfilling his office badly, with injury to the sacrament and harm to penitents. Indeed, as minister, he must procure the validity and integrity of the sacrament; as teacher, he is bound to instruct the ignorant; as judge, he must render an equitable judgment concerning the gravity and number of sins, define whether restitution is to be made or not, whether certain impediments stand in the way of a marriage to be celebrated or not, how dispensations can be obtained, understood, and put into execution, whether the penitent is to be absolved or not; as physician, he must investigate the cause of spiritual diseases and propose opportune remedies. But all these things certainly require no mediocre knowledge; when this is lacking, the sacrament is exposed to nullity, and penitents suffer detriment in a most grave matter, according to that saying of Scripture:[1] "But if the blind man offers guidance to the blind, both fall into the pit." - Hence St. Alphonsus deservedly says:[2] "I affirm that that confessor is in the state of damnation who, without sufficient knowledge, exposes himself to receiving confessions."

[1] Matt. XV, 14. Cf. *Syn. Theol. Fundam.*, Prologomena, n. 14-17.

[2] St. Alphonsus, *Praxis*, n. 18.

459. Nor let it be said that sound sense or natural judgment plainly suffices for solving cases. - It indeed suffices for knowing the first principles of morals, but not for the ultimate conclusions of these; nor certainly does it help much for detecting positive laws concerning vows, justice, the administration of the sacraments, the scope and limits of jurisdiction, reserved cases, impediments of marriage and dispensations, and other things of this kind. Besides, natural and sound judgment, which for the application of principles and rules is not only useful but necessary, is helped not a little by the study of theology, where there are to be found warnings and counsels which the common sense of wise men has elaborated and digested through many centuries. He would lack sound judgment who would despise the wisdom of other prudent men.

Nor does experience alone suffice: this indeed is of much profit, especially for better scrutinizing the interior dispositions of penitents, and also for applying rules according to the various circumstances of places, times, and persons. But without knowledge, it serves little and sometimes does much harm; for there is no lack of confessors who, after thirty or forty years spent in the exercise of the sacred ministry, solve cases against all the principles of sound doctrine, because they were accustomed to do this from the beginning; and, as Habert rightly warns,[1] "the long experience of a confessor who lacks study and knowledge is an antiquity of error."

[1] Habert, *Praxis Sacram. Paenit.*, Tr. I, ch. 4; cf. *Ami du Clerge*, t. XIX, 1898, *Notes d'un Vieux Moraliste*, pp. 1009, 1057 sq.

460. Corollaries. (a) The same knowledge is not required in all confessors, but greater or lesser according to the diversity of places and persons. Thus, generally, greater knowledge is necessary in a city, where penitents of every kind are accustomed to confess, than in a humble and remote village, where only the confessions of rude and simple persons are received.

(b) A priest sins gravely who, while he certainly knows that competent knowledge is lacking to him, accepts the office of confessor; nor does the approbation given by the Bishop excuse him, since this supposes knowledge but does not supply it. In doubt, however, whether it is lacking or not, he can follow the judgment of the Bishop. - A Bishop also sins gravely when he approves as confessor one whom he knows to be ignorant, because thus he cooperates in his sin. Nevertheless he is excused if he approves one less suitable for small and remote places, when he cannot find a more learned one, because it is better for the faithful to have an unlearned confessor than none. Nevertheless the Bishop must warn this man of the obligation of acquiring competent knowledge as soon as possible.

461. (c) Therefore, under grave obligation, alumni of Seminaries who wish to devote themselves to the sacred ministry are bound to study theology for a long time and seriously, not only dogmatic but also moral theology, so that they may be made suitable for exercising the office of confessor. - Besides, no confessor, even one approved, ought to discontinue the study of theology, especially moral theology; for from so many matters so diverse and differing among themselves, especially from those which are prescribed by positive law and occur more rarely, many things very easily fall from the memory unless they are read again and again.[2] - For this reason the Church wills that not only among secular priests, but also among regulars having the care of souls, collations or pastoral conferences be held frequently; yet in order that these may be truly useful, it is necessary that those who participate in them prepare themselves for them by consulting approved authors; otherwise time is wasted in vain.[1]

[2] Benedict XIV does not hesitate to assert (*Instit.*, XXXII, n. 4) "that some priests, namely, who at the beginning took up the office of confessor most excellently, afterward, after a long time, with all care of studies neglected, lose the former knowledge of moral theology, so that those who had been most skilled in this sort of art, finally, instructed only with a slight and confused knowledge of the art itself and with its first rudiments, are scarcely numbered among beginners." - Cf. Plenary Council of Baltimore III, n. 189.

[1] Hence one of the questions to which Bishops must respond when they prepare the report on the state of their churches is this: "whether conferences of moral theology, or of cases of conscience, are held... and how many times they are held, and who are present at them and what profit is had from them." Cf. Plenary Council of Baltimore III, n. 189-193; *Collect. P. F.*, n. 108.

(d) When difficult cases occur, it is not expedient to solve them immediately, but it must be said to the penitent that he should give time for considering the matter more maturely; meanwhile he can be absolved, provided he is prepared to obey the decision to be given; for thus many errors are guarded against, especially if books or more learned persons are consulted. Indeed, it is very useful for new confessors, even when they had to solve a case immediately, to consult books and more experienced persons about the same case, so that thus they may know whether they acted rightly or not; for thus defects admitted can be repaired and future errors guarded against.

B. On the Prudence Required in the Confessor

462. (a) Notion. To knowledge there must be added prudence, which in general is the faculty of choosing all the best means for obtaining the end. Now the end which the confessor must intend is the glory of God and the salvation of souls; hence he is a prudent confessor who is furnished with the faculty of applying general principles and precepts to various penitents, according to the variety of circumstances, so that he may safely lead them to Christian perfection and eternal life. But for this it is required that he treat diverse penitents not in the same way, but according to their diverse character and condition, according to that saying of the Apostle:[3] "I became all things to all men, that I might make all saved."

[2] St. Alphonsus, H. A., Tr. XXI, n. 4; Habert, *Pratique du Sacr. de Penitence*, Paris, 1748, Tr. I, ch. 4, p. 100-131; Hilar. Sexten, p. 394-398; Aertnys, *Th. Past.*, n. 9-12.

[3] I Cor., IX, 22.

463. (b) Necessity. This prudence is indeed required: in questions, which must be adapted to the character, age, and condition of each penitent, taking care especially lest he teach unknown sins to simple and innocent persons; - in forming judgment concerning the morality and gravity of actions, attention being given not only to external circumstances, but also to the subjective dispositions of each one; - in exciting contrition, by proposing motives according to the mind, character, and sins of each person; - in suggesting remedies which truly heal the various spiritual diseases by taking away the cause of sins; - in giving counsels, whether for fulfilling the various duties of states, or for progress in the practice of virtues; - in imposing satisfactions, not only according to the quality of the crimes, but also according to the spiritual diseases and strength of penitents; - in giving, deferring, or denying absolution, by rightly judging concerning the dispositions of penitents, especially when there is question of those in occasions and of recidivists; - in receiving the confessions of women, by avoiding whatever could scandalize others or himself, and cause some detriment to the penitents themselves. In one word, in almost every step he must be cautious and circumspect; for "the rule of souls is the art of arts."

464. (c) The means by which prudence is acquired. First of all, prudence should be sought from him who is the author of wisdom; for since it is a supernatural virtue, it can especially be obtained and increased by prayer. - But the conditions which are desired for the increase of this virtue are, besides knowledge, concerning which we have spoken: purity of intention, by which he wishes to please God alone, and not men; to sanctify and save souls, but not to conciliate them to himself: for God is accustomed to illuminate those who seek nothing except the divine glory, while he blinds the vain and proud; - circumspection, by which he considers not only a single aspect of the matter, but the various circumstances of persons and cases, and also the principles which are applicable to these circumstances; hence let him not be hasty in judgment, but spend the due time for considering the matter, and, if some doubt remains, let him not affirm more than he knows; - docility of mind, which is necessary especially for younger men: but this requires that, rightly distrustful of themselves, they frequently seek the counsels of learned and experienced men, so that they may use their knowledge and experience: "No one in those things which fall under prudence suffices for himself as to all things," as St. Thomas rightly says; - long practice joined with knowledge and circumspection; for those who for a

long time have attentively scrutinized the hiding places of consciences, and often have ascended from effects to causes, or conversely have descended from causes to effects, know much better how one ought to question, when to warn penitents or to leave them in good faith, by what methods to prepare a way for themselves into their souls, what judgment to make concerning dispositions, etc.; for experience is the best of teachers.

C. Goodness of Life Required in the Confessor

465. Notion and necessity. This goodness does not consist only in the state of grace, which is certainly required for avoiding the sacrilegious administration of this sacrament, but in the combination of those virtues which are desired for fruitfully discharging this office. Indeed, he must handle the wounds of sinners, even the most shameful, in such a way that he himself is not contaminated; besides, he must lead others into the way of sanctity. But unless he is endowed with special goodness, he will with the greatest difficulty avoid stains, while he frequently receives the confessions of those who are accustomed to accuse shameful things; and besides he will with difficulty lead others in the way of perfection, if it is unknown to himself.

[1] Habert, op. cit., Tr. I, ch. 2, p. 9-40; Hilar. Sexten, § 44, p. 387-391; Gaume, *Manuel*, n. 1-28; 129-166.

466. The principal virtues which are necessary for the confessor in order to discharge his office fruitfully are:

(a) Supernatural zeal of souls, by which he loves penitents with a special charity as spiritual children committed to him by God, so that he may lead them to eternal beatitude, - and as brothers redeemed by the blood of Christ, to whom he must apply the merits and satisfactions of the Lord, by forming or increasing Christian virtues in their hearts. - Therefore he will not prefer the rich and noble to the poor and rude, nor devout or little-devout women to men burdened with grave sins: he will embrace all with paternal affection, but especially those who are more miserable and guilty of graver sins. He will show himself meek and kind to all, putting on the bowels of mercy, not only when he questions and instructs, but also when he corrects: "Since benevolence often does more toward those to be corrected than austerity; exhortation more than threat; charity more than power."[1]

[1] Trent, sess. XIII, ch. I de Reformat. - Concerning paternal charity toward penitents St. Alphonsus treats excellently, H. A., Tr. XXI, n. 1-3.

(b) Patience, which is certainly necessary for instructing the ignorant and rude, for disposing those who approach unprepared, especially if they have sinned much and scarcely have a spark of contrition; for kindly receiving those who make lengthy confessions, especially if the confessor has already sat for long hours in the sacred tribunal. - Therefore let him think of the patience of Christ, and keep before his eyes that it often happens that from impatience the confessor is disturbed more and more, and penitents are exposed to the danger of withholding sins.

(c) Fortitude, lest from vain fear and pusillanimity he omit to warn and correct, especially the rich, the noble, and the powerful, and to prescribe salutary remedies to them.

(d) Exceeding purity, lest while he cleans the filth of others, he himself be stained. Hence, in the confession of women, let him generally abstain from every affectionate word; let him be cautious and

brief in questioning about the matter of chastity; let him not fix his eyes on the face of penitents, and let him avoid excessive familiarity, whether within or outside confession. Nor let him trust too much in past chastity, or in the sanctity of penitents; for, as St. Augustine testifies, even most holy men have fallen, and the more holy women are, the more they attract.[1]

[1] Thus St. Thomas (*Opusc.* LVII, *De modo confitendi*, p. 439, t. XXVIII ed. Vives), referring to these words of Augustine: "Speech with women must be brief and rigid. Nor yet because they have been holier are they therefore to be less guarded against. For the holier they have been, the more they attract, and under the pretext of a pleasant conversation there mixes itself the most impious birdlime of lust." In the same place St. Augustine declares that great Prelates have fallen, concerning whose fall he presumed no more than concerning Jerome and Ambrose.

II. On the Duties of the Confessor in the Very Act of Confession

In the very act of confession the confessor must especially provide four things: 1° as judge, he must instruct and know the cause through legitimate questions; 2° as teacher, he must teach and warn the penitent; 3° as physician, he must cure his wounds, by disposing him for absolution and prescribing remedies to him; 4° as minister and judge at the same time, he must give or defer absolution.

1° On the Obligation of Questioning Penitents

Since the confessor is a judge, he cannot pass sentence unless he knows the cause: but for this it is often not enough that he hear the penitent, but it is required that he question him.

[2] St. Thomas, in 4, dist. XIX, q. 2, a. 3 in Expos. textus; Suarez, disp. XXII, sect. 3; Lugo, disp. XXII, n. 14-22; Salmantic., ch. 12, n. 14-28; St. Alphonsus, n. 629; Marc, n. 1804-1807; Lehmk., n. 418-422; Hilar. Sexten, p. 413-421; Aertnys, *Th. Pastor.*, n. 27-47; Noldin, n. 395-396; Konings, n. 1424-1426; Segneri, op. cit., ch. 2.

467. Principle: The confessor is bound to question the penitent, of itself under grave obligation, as often as he judges probably that he, either culpably or inculpably, is omitting certain things necessary to be known for absolution. It is certain.

It is proved: (a) By the authority of Lateran Council IV, saying:[3] "But let the priest be discreet and cautious... diligently inquiring both the circumstances of the sinner and of the sin." Likewise one reads in the Roman Ritual:[4] "If the penitent has not expressed the number and species and circumstances of sins necessary to be explained, let the priest prudently question him."

[3] In Denzing., n. 363.

[4] *Ordo ministrandi Sacr. Paenit.*

(b) Theological reason. For the confessor, as judge, must know both the sins which the penitent has committed and his dispositions; but not rarely the penitent, because of ignorance or confusion, is silent about sins, or at least about the number or circumstances of sins; more often he says nothing concerning his own dispositions; therefore the confessor cannot know all these things except by questioning. - Besides, as physician, he must prescribe opportune remedies; now he cannot suggest them unless he questions about occasions and habit and also other causes of sin, since most penitents are altogether silent concerning these things.

468. Corollaries. (a) The confessor is not bound to question penitents who, on the one hand, seem sufficiently instructed, and, on the other, are diligent in confessing, such as those are accustomed to be who frequently receive the sacraments, unless, however, in some case, from

their accusation, a probability arises that something necessary to be known is omitted. - On the contrary, those are ordinarily to be questioned who rarely approach the sacred tribunal, especially if they seem little instructed, because deservedly their accusation is presumed not to be integral.

Therefore the practice of those is to be disapproved who never question penitents, indeed do not even allow them to bring the confession to its end, but, after a few sins have been heard, immediately impart absolution: such a manner of acting often disturbs souls, rather than tranquilizing them, and is the cause why even grave sins are kept silent.

(b) The confessor is not bound to greater solicitude in questioning than penitents are in confessing; indeed, strictly speaking, he is bound to less, since the integrity of confession directly obliges the penitent and only indirectly the confessor. Therefore he is bound to employ only ordinary and moderate diligence, which is proportioned to the diverse capacity of penitents. Thus a rude and uncultivated person is not to be examined as accurately as one well instructed, nor a sick person as a healthy and robust one, because they are not bound to so minute an examination.[1]

[1] This Lugo excellently declares, disp. XVI, n. 594.

(c) If, from slight negligence, inadvertence, frailty of memory, or distraction, or fatigue, the confessor omits to inquire about something which of itself is necessary for the integrity of confession, there will be no sin or only a light sin; for no one is bound to the impossible: now when many confessions are received, it is morally impossible always to avoid these defects. - Likewise, when moderate diligence has been employed, he does not sin who abstains from further questions, lest he render confession odious, although he foresees that with greater diligence more sins could be detected: for it is better that confession lack material integrity than that it become odious to many.

469. On the qualities of questioning. Questioning must be moderate, discreet, opportune.

(a) Moderate, that is, not about curious or useless matters which are foreign to confession, but only about those things which regard the state of conscience. Hence the confessor should not question about all sins, but only about those which have probably been committed by the penitent, according to each one's condition and dispositions. Likewise let him question each one according to the knowledge with which he is furnished, not according to the knowledge with which the confessor himself is endowed: and therefore if children, the ignorant, half-witted persons, etc., have only a confused knowledge of sins, he will seek something more precise in vain: the more he questions, the less these understand.

Nor should the confessor think that it is necessary to pronounce a certain judgment concerning the gravity or lightness of all the sins which are declared: provided he is endowed with competent knowledge and acquires sufficient knowledge of the dispositions of the penitent, by employing ordinary diligence, he can form a wise judgment and leave the rest to God. Besides, even if in forming judgment concerning the gravity of delicts he should err, the absolution is valid.

For the most part it is not expedient to ask the rude whether they regarded such or such a sin committed by them as mortal: for not rarely they will answer, not according to the truth of the matter, but according to that which occurs to their mind. Nevertheless, in certain cases, especially when there is question of chastity, and it is feared that perhaps by a direct question the penitent may

be scandalized, the confessor can ask whether in doing that he was conscious that he was sinning gravely.

470. (b) Discreet, or prudent, both in the things about which he questions and in the manner of questioning, avoiding all those things which could probably scandalize penitents, or teach them those things which it is better to be ignorant of.

This is especially to be attended to in the matter of chastity with regard to younger persons, who perhaps do not yet know sins of this kind.[1] Besides, since it is established by experience that sins against chastity are not accused by some unless a question is asked about them, it is expedient to propose certain questions about this matter, yet prudently. Namely, the confessor should first use general terms, so that the penitent, if he is guilty, may understand; but if innocent, may learn nothing new; for example, have you sinned against modesty, decency, purity? - Afterward he should begin from lighter sins, and, according to the answers received, proceed to graver ones; for example, let him ask about thoughts, - about words heard or spoken, - about looks, - excessive familiarities, - touches with themselves, with others, of the same or of the other sex, etc. - Nevertheless, it must be noted that not a few, rude and ignorant, do not declare thoughts and desires, because they do not know that merely internal sins are to be accused; hence, even when they answer negatively about thoughts, a question can be proposed about immodest actions; afterward, if they answer affirmatively, it can be asked whether they also thought about these things before or after the actions committed, and whether they had a desire of performing them more often.

[1] "But let him take care not to detain anyone with curious or useless questions, especially younger persons of either sex, or others, by imprudently questioning concerning that which they are ignorant of, lest they suffer scandal and thence learn to sin." (*Rit. Rom.*, l. c.)

Those words which could excite dangerous curiosity, such as pollution, fornication, sodomy, bestiality, etc., are to be carefully avoided with younger persons who are presumed innocent.

With regard to married persons, inquiry can be made whether they have fulfilled their duties toward the other spouse, without express mention being made of the conjugal debt, - or whether anything reproaches them with regard to the use of marriage; if they answer negatively, nothing more is to be inquired, unless there is a special reason; if affirmatively, it suffices to propose those questions by which it can be known whether they voluntarily take means for impeding the conception or birth of offspring.

In one word, in this matter this rule handed down by almost all is to be observed: It is better to be deficient in many things with regard to integrity, than to abound in one thing with probable ruin of the penitent.

471. (c) Opportune, that is, made at a suitable time and in a suitable manner.

Before confession, if the penitent is unknown, it should be kindly inquired from what time he has confessed - whether he was absolved - whether he is perfectly at peace concerning his past life? - If he is troubled, he should be led by paternal words to explain the cause of his anxiety, saying, for example, that all solicitude can easily be expelled by a candid confession, and all sins, even the gravest, are forgiven to the contrite in heart. - Questions can indeed be asked at the beginning about

state and condition; but they are often better made in the course of confession, when an opportunity is given, lest from the beginning the penitent be overwhelmed with questions.

In the very act of confession, generally let him propose only few and brief questions, for example, about number and circumstances changing the species; but let him not interrupt the penitent too frequently, so that he may be able to confess in order all things which he remembers. Let him hear patiently and kindly the sins which are accused; if useless things are related, let it be said courteously that it is not necessary to say these things; if the greatest sins are declared, let no sign of astonishment or horror be given, but rather let a few things be said about the divine mercy, which remits the gravest delicts; if the penitent hesitates and confesses his sins only with difficulty, let him be led to perfect sincerity by a few more humane words, and helped by some questions. Let every rebuke be abstained from before the confession is finished.

After the confession has been heard, the penitent must be questioned about those things which he probably omitted, by going through those things which he himself declared. If there is question of those who are very timid, it is often profitable, after a paternal exhortation, immediately before absolution, to ask with paternal affection whether something burdens their conscience: for there are those who do not uncover all sins until, by most humane words, the confessor has won their confidence for himself. - If then a previously withheld sin is accused, let the confessor act most mildly, and propose motives of contrition, not only with regard to this sin, but also with regard to the malice of withholding it.

472. Corollary. From this it can be inferred what the confessor ought to do when he doubts concerning the sincerity of the penitent, or is morally certain that a grave sin is being withheld by him.

In the forum of penance there is a received axiom: the penitent is to be believed as much when speaking for himself as against himself. This indeed is wholly valid when there is only doubt concerning the sincerity of the penitent; for he himself is at once the accused and the witness, and his testimony of itself is better than any other, since he knows better than anyone else whether he has sinned or not, and whether the sin committed has already been remitted or not. - But if the matter is morally certain, it is doubted whether the aforesaid axiom can be applied. Hence:

(a) If the confessor only doubts concerning the sincerity of the penitent, he can indeed question him diligently and exhort him to perfect sincerity; but if the penitent affirms that he has accused all things, he is to be absolved, by force of the aforesaid axiom.

(b) If he knows with moral certainty that a grave sin was committed which is being withheld, first he must weigh whether the penitent is in good faith, ignorant of the gravity of this sin, or thinking that he has a motive for withholding it for a time, or whether probably this sin was confessed before another; for if something of this kind can be presumed, the penitent is to be believed.

But if nothing of this kind is probably presumed, a distinction must be made from what source the confessor knew the sin: - if by his own experience he knows that the sin was committed, for example, he saw a homicide perpetrated, he must convince the penitent, and if this man proceeds to deny everything (which will rarely happen), he is to be dismissed without absolution, as being indisposed. - If he knew it from the testimony of others, outside confession, he must question the penitent

specially about this sin; but if the penitent denies it, more probably he can be absolved, because the penitent is to be believed rather than others who perhaps were deceived; yet probably St. Alphonsus (n. 631) teaches that in this case absolution is to be denied, if the witnesses are so grave that they render the matter morally certain. - Finally, if he knew it from the confession of another (for example, of a fiancee, wife, etc.), the confessor cannot question specially about this sin, but only generally, as persons of the same condition are accustomed to be questioned, lest perhaps the sacramental seal be violated. Nor is it expedient in this case to ask from the accomplice permission to use this knowledge for convicting the guilty person: for this would render confession odious. But if the penitent, having been generally questioned, is silent about the sin, it is better to give absolution, at least under condition, lest perhaps a suspicion arise that absolution is denied because of the confession of the accomplice. Yet probably St. Alphonsus (l. c.) asserts that absolution is to be denied.

2° On the Obligation of Teaching and Warning Penitents

The confessor is bound not only to question penitents, but also to instruct and warn them, if they are ignorant of truths necessary to be known, whether speculative or practical.

[1] Suarez, disp. XXXII, sect. 4; Lugo, disp. XXII, n. 23-37; Salmantic., ch. 12, n. 32-45; Stoz, lib. II, n. 126-131; St. Alphonsus, n. 608-616; Lehmk., n. 442-446; Muller, § 150; Ball. P., n. 811-831; Hilar. Sexten, § 46, p. 407-412; Genicot, 357-359; Noldin, n. 393-394.

(A) On the Obligation of Teaching the Ignorant

473. Principle: The confessor must teach penitents those truths which are necessary for rightly receiving the sacrament, unless absolution can be deferred to another time. It is certain.

For since he is the minister of the sacrament, he must procure its valid and licit administration; since he is a teacher, he is bound to teach those things which are necessary for its valid and licit reception. These things having been set down:

(a) A penitent who, whether culpably or inculpably, is ignorant of truths necessary by necessity of means, must be instructed about these before he can be absolved; for he is incapable of justification, and therefore of absolution.

Now there are two truths which are certainly necessary by necessity of means, namely the existence of God and his Providence, or faith that God exists and is a rewarder; therefore no one can be absolved without explicit faith in these truths.

But besides, it is probable that faith in the mysteries of the Most Holy Trinity and of the Incarnation is necessary by necessity of means; and since in matters of this kind the safer opinion must be followed, no one can be absolved, outside the case of extreme necessity, unless he conceives explicit faith in these mysteries; otherwise the sacrament is exposed to danger of nullity.[2] But if there is question of a dying person whom it is impossible to instruct about these things, he can and must be absolved conditionally: and if he afterward survives, he is to be instructed and again absolved. - Yet it is not required that there be scientific knowledge of these mysteries; but it suffices that it be believed, with regard to the Trinity, that there are three distinct persons, the Father and the Son and the Holy Spirit, and that these three are one God; with regard to the Incarnation, that the Son of God made man redeemed us by his death. Therefore the confessor can teach these briefly and easily.

[2] Hence the Holy Office, 25 Jan. 1703, declared "that the missionary is bound to explain to an adult, even a dying one who is not wholly incapable, the mysteries of Faith which are necessary by necessity of means, such as especially the mysteries of the Trinity and Incarnation" (*Collect. P. F.*, n. 549). This was declared concerning an adult with respect to baptism; but the reason is the same with respect to absolution.

474. (b) Likewise he must be instructed, before he is absolved, who is ignorant of the dispositions necessary for fruitfully receiving the sacrament, namely contrition, firm purpose, and the manner of confessing integrally; otherwise he is exposed to the danger of receiving absolution invalidly or illicitly. But if the penitent has already at other times been warned several times in vain, absolution can be deferred, so that he may be more diligent in learning these things.

475. (c) If the penitent does not know the truths which are necessary by necessity of precept - for example, the mysteries of faith contained in the Creed, the precepts of the Decalogue and of the Church, the doctrine concerning the Sacraments which he must receive, and other things necessary for the right formation of Christian life - he cannot be absolved unless he seriously promises to learn all these things morally as soon as possible, according to his capacity; for unless he promises this, by that very fact he is indisposed, since he does not wish to fulfill a grave precept. - A confessor who does not have the care of souls is not bound to instruct the penitent concerning these things, except perhaps from charity; if at the same time he is a pastor, or one having the care of souls, by office and from justice he must provide him the means of acquiring this knowledge, by assigning a place and time for receiving instruction.

(d) If the penitent is ignorant of those things which are necessary for rightly fulfilling his office, he regularly cannot be absolved unless he is prepared either to leave the office, - or to acquire the required knowledge, meanwhile abstaining from exercising those functions by which grave harm would probably be inflicted on his neighbor. For one who does not wish to promise this is indisposed, since he exposes himself to a proximate danger of causing grave harm; thus a judge, physician, pastor, laboring under ignorance, can gravely harm the fortunes of citizens, the health of bodies, and the salvation of souls. - It is said regularly, because if there is no hope that the warning will be of profit, nor is scandal feared, the warning about leaving the office can be omitted, provided the obligation of acquiring the necessary knowledge as soon as possible is urged.

(B) On the Obligation of Warning Penitents

476. Principle: When the ignorance of the penitent concerns the liceity of some matter, a warning is to be given if, all things considered, it will be of profit to him or to the community; otherwise, for the time, it must be omitted. It is certain.

The reason is that the confessor is bound to procure the good of the penitent and the general good of the community committed to him; therefore, if the warning profits both, it certainly must be given; if it profits the community and harms the penitent, it must be seen on which side the greater good lies; now, generally, the common good must be preferred to a particular good. But if it is foreseen that it will be harmful, it must for the time be abstained from.

477. Corollaries. (a) If the penitent, from an erroneous conscience, judges that something is a sin which in reality is not such, or that something is grave which in fact is light, he must be

warned about this error, since it is harmful to him: for he formally commits grave sins. This is true even if it is foreseen that perhaps, from this warning, he will more often commit venial sins.

(b) If, on the contrary, the penitent regards as licit what is truly prohibited, or as light what in reality is grave, a distinction must be made: if the ignorance is vincible and gravely culpable, he must be seriously warned; for this cannot harm him, since, on account of culpable negligence, he is already guilty of mortal fault; but rather it can profit him, since from this warning he can draw strength for avoiding evil; thus, for example, a father of a family must be warned who doubts whether he is bound under grave obligation to educate his children in a Christian manner. - But if the ignorance is invincible, or inculpable, the penitent must indeed be warned as often as fruit is hoped for, at least for the future, and graver inconveniences are not feared; for even material evil is disorder, and of itself harms both individuals, by preparing a way for formal sin, and society, by disturbing the order instituted by God.[1] But where greater inconveniences prudently threaten either the penitent himself or a third person, he must be left in good faith: otherwise the sin will become formal from material; moreover, from two evils the lesser is to be tolerated so that the greater may be avoided. - In doubt whether the warning will be useful or harmful, it is generally to be omitted, unless the good which is hoped for greatly surpasses the evil which is feared.

[1] This the *Vieux Moraliste* lucidly sets forth, in *Ami du Clerge*, XXI, 1899, p. 1169 sq.

478. We declare the matter briefly by examples. (a) If a penitent in good faith has invalidly contracted marriage, he is generally not to be warned before the marriage can be revalidated, lest perhaps meanwhile he sin formally. - If the penitent is going to accept the warning, but at the same time it is foreseen that grave harm will befall others (for example, children, in the case in which putative spouses are separated), the warning is to be omitted.[2]

[2] Lugo, disp. XXII, n. 27.

(b) But the penitent is to be warned if otherwise there is danger lest he be strengthened in a depraved habit which afterward he will overcome only with difficulty; for example, if a boy falsely thinks that pollution is not a grave sin; - if ignorance induces or leaves a danger of formal sin, for example, if there is question of a proximate occasion of sin; - if ignorance concerns the first principles of morals or proximate conclusions, because then it is foreseen that it will cease shortly, and therefore the warning is useful for the future; - when the common good requires it, for example, if there is question of avoiding scandal, or of grave temporal or spiritual harm which the whole community will suffer from the fault of administrators; - when, from the circumstances, the silence of the confessor can be understood as positive approval of an evil matter. Hence, if the penitent asks, the confessor can rarely dissemble the truth; nevertheless he is not bound to say more than he is asked; for example, if someone, after a simple vow of chastity, has contracted marriage, and inquires whether the marriage is valid and whether the debt can be rendered, the answer can be given affirmatively, without its being added that to ask the debt is illicit.

3° On the Obligation of Disposing Penitents

The confessor, insofar as he is father and physician, is bound to dispose those who are indisposed for absolution, and to furnish remedies to those spiritually wounded, so that they may guard against

future sins.

[1] Lugo, disp. XXII, n. 49; Lacroix, *Tract. Theol. de Offic. Confessarii*, l. III; St. Alphonsus, n. 608; *Praxis*, n. 10; Reuter, n. 116; Muller, § 153; Marc, n. 1811-1812; Hilar. Sexten, p. 421-424; Ball. P., n. 313-322 and 832; Lehmk., n. 447-455; Salvatori, *Istruzione pratica pei Confessori novelli*: rendered in English by W. Hutch, London, 1885, Part II; Gaume, n. 217-218.

(A) On the Obligation of Disposing the Indisposed for Absolution

479. Principle: The confessor is bound from charity, as far as can be done, to prepare the indisposed for absolution, by proposing motives of contrition. It is certain.

(a) For from charity he is bound to procure the good of the penitent and to turn away grave harms from him; but a sinner who is dismissed without absolution incurs grave harm, since he is exposed to the danger of remaining for a long time in the state of mortal sin, and perhaps of being deterred from confession. Besides, an indisposed person cannot be absolved; therefore, as far as can be done, that is, if there is a founded hope and at the same time time for disposing him to contrition, the confessor from charity must provide this.

(b) The Roman Ritual inculcates this obligation:[2] "And he will strive to lead him to sorrow and contrition by efficacious words, and he will induce him to amend and better institute his life, and will hand on remedies of sins." Likewise Leo XII[1] earnestly exhorts confessors to fulfill that office and censures those who neglect it: "Many present themselves indeed to ministers of penance entirely unprepared, yet very often such that from unprepared they can be made prepared, if only the priest, having put on the bowels of the mercy of Christ Jesus, who came not to call the just, but sinners, knows how to act with them studiously, patiently, and meekly. But if he omits to provide this, certainly he himself is no more to be called prepared for hearing than the others for approaching to confess." - St. Alphonsus (n. 608) teaches that this obligation is of itself grave.[2]

[2] *Ordo administrandi Sacr. Paenit.*

[1] Encyclical *Caritate Christi*, 25 Dec. 1825.

[2] "Wherefore I do not know how those sluggish confessors can be excused from fault who, as soon as they have known the penitent to be not sufficiently disposed, dismiss him, with no or very little diligence first applied to curing him. For I say that the confessor is bound from a rigorous obligation of charity to dispose him as much as he can." And he adds: "Nor ought it be a care to him that other penitents are waiting; for then the confessor is not bound to attend to the good of others, but only to the good of his penitent." This indeed is true if there are other confessors for hearing the other penitents, or if these can wait patiently and without grave inconvenience; for if a long delay would bring grave inconvenience to others, who perhaps are in greater necessity, the confessor must choose the lesser of two evils. Cf. Ball. P., n. 832.

480. Corollaries. (a) If the confessor prudently judges that the penitent is well disposed, he is strictly bound to nothing. Nevertheless it is expedient to exhort to contrition all concerning whom it is probably doubted whether they are sufficiently disposed, or at least to inquire whether they have elicited an act of sorrow and firm purpose; for thus the fruit of the sacrament is received more securely and abundantly.

(b) To excite the indisposed to contrition, the confessor should accommodate himself to the mind of each one, proposing motives which are proportioned to their capacity: the brevity of life, the nearness

of death, which imposes an end on all pleasures and honors, the uncertain hour of it, the detriment of the soul and the peril of eternal salvation, saying, for example: "Do you wish to be a reprobate? If you cling to this sin, you are going to hell, and if you die in this state, you will be consigned to eternal torments." Let him also recall the benefits of God bestowed upon us, and his mercy, which is prepared to embrace prodigal sons, and also the blood of Christ poured out for us: "Who ever did for you what Christ did? And do you wish to betray him? That you may please yourself and others, do you not hesitate to crucify him anew in your heart? Ought you not rather to renounce creatures, pleasures, honors, than God and Christ?" With these or similar things, which the confessor will easily find if he reads and prays, he will be able, with grace helping, to move not a few penitents.[1]

[1] Motives of contrition clearly set forth for various kinds of sinners you will find in Salvatori, op. cit., part I.

(B) On the Obligation of Furnishing Remedies against Relapse

481. The confessor as physician must investigate the cause of spiritual diseases, and prescribe salutary remedies so that future falls may be guarded against.

(a) He must investigate the cause of the diseases: otherwise they cannot be rooted out radically; and unless they are rooted out, they will again produce evil effects, just as an evil tree brings forth evil fruits.

Therefore by prudent questioning let the confessor discreetly inquire concerning the circumstances of places and persons by which the penitent is induced to sin, and also concerning his depraved habits; so that thus he may detect whether the principal cause of sin is an external occasion, and what it is; or an internal cause, namely pride or vain glory, - disordered love of money, - or sensuality and pleasure. Indeed, once the disease has been detected, it will be easier to choose opportune remedies.

482. (b) He must prescribe remedies, whether general or particular.

Among the general remedies, these especially are to be inculcated: 1) frequent prayer, at once humble and trusting; for temptations are salutarily overcome and depraved habits are eradicated only through grace; now grace is obtained especially through prayer.

2. Frequent reception of the Sacraments of Penance and the Eucharist, by which grace is conferred ex opere operato and a right is acquired of receiving supernatural help at the opportune time; confession immediately after a fall should especially be advised, lest the sinner fall into depraved habits: for by this remedy many have been saved. - It is also expedient to assume, as a penalty for relapse, a voluntary penance determined beforehand.
3. Pious consideration of the last things, by which so many sins are guarded against, according to that saying: "In all thy works remember thy last things, and thou shalt not sin forever";[2] likewise the reading of pious books.

[2] Eccli., VII, 40.

4. Constant recollection of the divine presence, especially when temptation presses: "God sees me, he beholds my heart; how can I do this evil before God?"

5. Serious examination of conscience, by exploring not only the sins themselves, but their causes, and afterward eliciting acts of sorrow and firm purpose.

6. Flight from evil companions, who are often the cause of sin, and flight from other occasions of sinning; conversation with the pious and good; and also enrollment in some Sodality, where, besides companionship with pious brothers, there are helps for establishing life in a Christian manner.

7. The practice of certain chastisements of the flesh, and the mortification of passions even in licit things, by which illicit things may more easily and efficaciously be rejected: "But those who are Christ's have crucified their flesh with its vices and concupiscences."[1]

[1] Galat., V, 24.

8. Acts of charity toward God repeated frequently through the day; special devotion toward the Most Holy Sacrament, the Most Sacred Heart of Jesus, the Blessed Virgin Mary, and the guardian Angel; and so that these may be exercised better, a few works are to be determined which are done faithfully and constantly: but many works or prayers should not be prescribed which overwhelm penitents and soon bring weariness to them.

But particular remedies are those which are opposed to each vice; for contraries are cured by contraries, and habit is conquered by habit. It would be too lengthy to report them here; we shall treat of these where we treat of Vices and Virtues.[2]

[2] Meanwhile there can be read, besides the authors of Ascetical Theology, Lacroix, n. 1825; Du Jardin, *De officio sacerdotis, qua judicis et medici*, in Migne, *Theol. Curs.*, XXII, 1288-1350; Reuter, n. 56-98; Lehmk., n. 448-454.

4° On the Obligation of Granting, Denying, or Deferring Absolution

After all the things described above have been carried out, the confessor as judge must pass sentence, and impart, deny, or defer absolution, according as the state of the penitent shall have demanded.

[3] Suarez, disp. XXXII, sect. 5; Lugo, disp. XXII, n. 38-48; Salmantic., ch. 12, n. 29-45; Lacroix, *Tr. theol. de Offic. confess.*, l. I, c. 4; St. Alphonsus, n. 462 sq. and 604-606; Billuart, diss. VI, a. 10, § 4; Lehmk., n. 428-431; Muller, § 154; Bucceroni, *Comment. de absol. danda, diff., deneganda*, Rome, 1889; Noldin, n. 400.

(A) On Granting Absolution

483. Principle: Absolution generally and of itself must be granted under grave obligation, from justice, to a penitent guilty of grave sin who with moral certainty is well disposed. It is certain.

For the confessor, by receiving the confession of the penitent, binds himself by a quasi-contract to pass sentence according to the institution of Christ; but according to the institution of Christ, absolution must of itself be granted to the well disposed, since this sacrament was instituted for remitting sins. Therefore he must of itself absolve the disposed by force of a tacit contract, and therefore from justice; and indeed under grave obligation, if the penitent is in the state of mortal sin, because he is unjustly deprived of the greatest good.

484. (a) Nevertheless it is said generally and of itself, because regularly absolution granted at once is of more profit than if it is deferred; for he who is absolved emerges from the dangerous state

of sin, receives sacramental grace, and therefore the right to obtain actual graces at the opportune time; wherefore he is able to resist temptations more efficaciously and to tend toward the practice of virtues. - Nevertheless, sometimes and accidentally, absolution can be deferred even to one sufficiently disposed, when the confessor prudently judges this to be truly useful to the penitent. For on the one hand, the penitent, although he has a right to absolution, does not have a strict right to be absolved immediately; and on the other, the confessor, since he is not only judge but physician, must intend the greater utility of the penitent; but sometimes delay is more useful to the penitent, especially to one in an occasion or to a recidivist, so that from the difficulty of obtaining absolution he may conceive a greater horror of sin and a firmer purpose of avoiding it. But generally this delay will not be of profit unless the penitent consents to it; for if he bears the matter with displeasure, it is to be feared lest he be alienated from confession. In practice, therefore, the confessor must inquire whether the penitent in this case is prepared willingly to return after a few days.

Nor is it ever expedient to defer absolution for a long time, for example, for a month or fifteen days; because it is a grave inconvenience to remain long in mortal sin, both because of the danger of death, and because of merits lost.

(b) It is said to one guilty of grave sin, because if only venial sins, or mortal sins already remitted, are accused, sometimes to defer a penitent, even one rightly disposed, is not a grave sin, because no grave injury is inflicted upon him; indeed, if this is done from a reasonable cause, it will be no sin.

(c) It is said, who with moral certainty is disposed; here there is question of moral certitude broadly taken, which excludes prudent doubt, but not necessarily every doubt; for when there is question of the dispositions of the penitent, absolute certitude cannot be had, but that persuasion suffices which is very probable.

(B) On Denying Absolution

485. Principle: Absolution is to be denied to those who with moral certainty are incapable or unworthy. It is certain.

For in either case absolution is invalid; now knowingly and willingly to minister a sacrament in a certainly invalid manner is grave sacrilege.

Now the incapable are those perpetually insane, - not yet baptized, - those who are already certainly dead, - or who do not know the truths necessary by necessity of means, - or who certainly are not morally present.

486. But the unworthy, or indisposed, can be considered, according to St. Leonard of Port Maurice:

(a) those who knowingly and willingly do not wish to leave a proximate and free occasion of sinning; (b) those who knowingly and willingly do not wish to put away grave enmities or hatred; (c) those who are not prepared to make necessary restitution or reparation of harms, when they are able; (d) those who refuse to leave arts or occupations gravely sinful; (e) those who refuse to labor for correcting a depraved habit; (f) those who do not wish to employ remedies truly necessary for avoiding relapse; (g) those who are not prepared to remove the scandal which they have given or are

giving to others.[1] - To these can be added, in a general way, all those who do not wish to fulfill a grave obligation known to themselves; or who refuse to confess their sins integrally, unless by a grave reason, at least a putative one, they are excused from material integrity. For in these or similar cases the essential condition required for the validity and liceity of absolution is lacking, namely contrition.

[1] This the Roman Ritual briefly summarizes thus (*Ordo minist. Sacr. Paenitentiae*): "Let him not absolve those who are incapable of such a benefit; such are: those who give no signs of sorrow, who do not wish to put away hatreds and enmities, or to restore another's goods if they can, or to leave a proximate occasion of sinning, or in another way to abandon sins and amend life for the better; or who have given public scandal, unless they publicly make satisfaction and remove the scandal."

But before absolution is denied, the confessor must exhort these sinners to contrition, as we said above; for if, first unprepared, then by a fervent exhortation they conceive attrition, they can now be absolved at once. Besides, only with kindly words must the confessor deny absolution, by explaining the reason why it cannot be granted and declaring that he will gladly grant absolution as soon as the penitent is disposed.

(C) On Deferring Absolution

487. Principle: Absolution is to be deferred to those who are plainly doubtfully disposed, unless a grave reason urges that they be absolved under condition. It is certain.

For it is not lawful to expose the sacrament to danger of nullity, unless there is a grave reason: for this is prohibited by the reverence due to the sacrament.

488. Now, according to St. Leonard, those are considered doubtfully disposed: (a) who have relapsed in the same or a worse manner, without employing the remedies prescribed by the confessor, and without a serious effort at amendment; (b) who answer only coldly that they are sorry, especially if they have already relapsed rather often; (c) if they show a great affection for sin, or have drawn great utility or great pleasure from sin, or devote their whole effort to satisfying the passions; (d) when they rashly excuse their sins, or enter into contention and altercation with the confessor, or seem to boast about the sin committed; (e) when they approach the sacrament not spontaneously, but only by command of parents or others, or from mere custom, or to please others, or from fear lest they lose reputation; (f) if they refuse a moderate penance proportioned to their strength.

But when the doubtfully disposed can be conditionally absolved has already been set forth, n. 182.

489. Corollary. When there are on both sides reasons seriously and solidly probable, so that the penitent is prudently judged to be disposed, yet there is still prudent doubt concerning his disposition, the confessor prudently defers absolution or grants it under condition, according as, from the various circumstances, delay is foreseen to be useful or harmful to the penitent. Namely, if delay is judged very probably useful to the penitent, because, after some time, he is going to approach the sacred tribunal better disposed, he should be dismissed kindly; but if he probably will not return, because he is not endowed with firm faith or virtue, after fervent exhortation to sorrow and firm purpose, he can be absolved under condition, according to

most theologians.[1] For moral certitude is not always required for absolving, but sometimes a prudent judgment suffices, which is had in the case.

[1] Thus Suarez, disp. XXXII, sect. 2, n. 1; Sporer, n. 801; Faure, *Dubitat. theologicae*, ed. 4, Louvain, 1865, dub. I-II, p. 9-22; Lehmk., n. 428; Genicot, n. 367. - Certain ones, however, from these authors, Faure and Genicot, seem to proceed further and to teach that those who are probably disposed can always and without condition be absolved; but it is commonly held, and deservedly, that this is lawful only for a grave reason, and indeed conditionally. Cf. *Vindiciciae Alphons.*, p. 710-752.

This can be drawn from these words of the Catechism of the Council of Trent (n. 50): "For if, after confession has been heard, he shall have judged that neither diligence in enumerating sins nor sorrow in detesting them was wholly lacking to the penitent, he can be absolved"; now if it is prudently judged that the penitent is contrite, it is judged that sorrow was not wholly lacking. St. Alphonsus seems to contradict this conclusion when he says (n. 459): "That the confessor may absolve the penitent, he must be morally certain concerning his disposition"; but elsewhere he teaches (n. 432) that a penitent about whom there is doubt whether he is rightly disposed can be absolved under condition if it is prudently feared that he will not return again to confession and will waste away in his sins. Hence it can be said that in the former assertion of the Holy Doctor the general rule is contained, but in the latter the exception.

III. On the Duties of the Minister after Confession

They are two: to correct defects, or errors, if any have occurred; and to observe the seal.

1° On the Obligation of Correcting Defects, or Errors

490. A threefold defect can occur: (a) concerning the value of the sacrament, for example, if the confessor has not absolved, or has absolved without jurisdiction, or has absolved one indisposed; (b) concerning the integrity of the sacrament, for example, if the confessor has omitted necessary questions about the species and number of sins, or has imposed no penance; (c) concerning the obligations of the penitent, for example, if he has not warned concerning the removal of an occasion of sin, or has not obliged to due restitution, or, on the contrary, has obliged to undue restitution.

[1] Suarez, disp. XXXII, sect. 6; Lugo, disp. XXII, n. 50-77; Salmantic., ch. 12, n. 46-56; St. Alphonsus, n. 619-622; Billuart, diss. VI, a. 10 § 8; Ball. P., n. 836-861; Lehmk., n. 470-474; Noldin, n. 410-414.

(A) On an Error Concerning the Validity of the Sacrament

491. Principle: An error invalidating the sacrament, committed from grave fault of the confessor, and with grave harm of the penitent still persevering, must from justice be repaired under grave obligation, even with grave harm of the confessor. It is certain.

For the confessor, from a quasi-contract with the penitent, and therefore from justice, is bound to impart valid absolution to one rightly disposed; therefore, if from grave fault he has absolved invalidly, by that very fact he is an unjust damager, and so he is bound under grave obligation to repair the grave harm unjustly inflicted, even with grave inconvenience.

It is said: (a) from grave fault, because if the error was committed without fault or with only light fault, say from forgetfulness or a certain negligence, there is indeed an obligation of repairing the harm, at least from charity, but not with great inconvenience; - unless, however, the penitent were in grave danger of dying in the state of mortal sin, because he is in the article of death;[1] or in probable danger of no longer confessing, because he is about to undertake a long and dangerous journey.

[1] Nor is the priest excused from this office by the fact that he administered viaticum to the dying person; for it is very probable, but not certain, that by viaticum mortal sins are remitted for him who is in good faith (*De Sacramentis*, n. 54); now when there is question of eternal salvation, the safer part is to be followed. Cf. Lehmk., n. 471, note 1.

(b) From fault of the confessor; for if the error comes from the part of the penitent, because, for example, he was knowingly indisposed, the confessor is indeed bound to repair the harm as a cooperator, but not so strictly, except in the case of extreme necessity, because the penitent can provide for himself otherwise, by making a new confession.

(c) With grave harm still persevering; for if the harm is light, for example, because the penitent had not accused mortal sins; or if the harm does not persevere, because the penitent approached another confessor by whom he was validly absolved, the obligation no longer urges.

492. Manner of repairing the defect. (a) If defects are detected immediately or shortly after confession, and the penitent is still morally present, he can be absolved again, even without a previous warning, provided it is established that he is rightly disposed; if he is too far away, he should be recalled to the sacred tribunal, if this can be done without inconvenience; otherwise, the confessor himself should approach the penitent and absolve him.

(b) But if the error was not repaired immediately or after a short time, let the confessor induce the penitent to confess again to him; let him exhort him to be sorry not only for those accused in the present confession, but for the past ones, especially for those accused in the last confession; and let him absolve him rightly.

(c) But if this cannot be done, the confessor, after first obtaining from the penitent permission to speak with him about a matter pertaining to confession, should warn him of the invalidity of the absolution, so that the error may be repaired.

(B) On an Error Concerning the Integrity of the Sacrament

493. When the error concerns not the validity but the integrity of the sacrament, a distinction must be made:

(a) If the error was positively committed, so that the penitent was deceived from the words or manner of acting of the confessor concerning some doctrine (for example, understood that such a sin is light which in reality is grave, or that it is not necessary to accuse individual mortal sins), the confessor is bound to correct the error, even outside confession, after first obtaining the permission of the penitent, provided this can be done without grave harm or scandal. For each one is bound to repair the harm which he has positively inflicted and to remove its cause: and this in the case cannot be done except by correcting the error. - But if this cannot be done without grave harm, he is not bound to warn the penitent outside confession: for grave harm excuses from material integrity, and the error can afterward be corrected in confession.

(b) If the error was only negatively admitted, for example, from the fact that the confessor omitted to question about species and number, or to prescribe proper remedies, the confessor must not repair the defect outside confession; because on the one hand such a defect is accidental and easily reparable, and on the other a warning outside confession often brings annoyance to the penitent. But when the penitent has returned to the same confessor, the defect is to be corrected, since this can be done without grave inconvenience.

(C) On an Error Concerning the Obligations of the Penitent

494. When the error admitted concerned the obligations of the penitent, with temporal harm of a third party or of the penitent himself, which can occur in the matter of restitution, a distinction must be made:

(a) If the confessor positively and culpably (which is to be understood of grave fault) led the penitent into error, for example, by asserting that restitution must be made when no such obligation was urgent at all, or vice versa, he is bound under grave obligation from justice, even with grave inconvenience, to correct the error, whether within or outside confession (permission having first been obtained). For each one is bound to guard against harm following for others from his action; and if he has culpably omitted to do this, or then only warned when the penitent has already become unable to repair the injustice, the confessor is bound to repair the harm itself that followed from this action, since he is truly the efficacious, unjust, and culpable cause of this harm, insofar as he is an unjust cooperator or counselor. - But if the confessor corrected the error at an opportune time, he is bound to nothing, because he is no longer the efficacious cause of the harm.

But one who, without grave fault, positively committed an error of this kind, is indeed bound from justice to warn the penitent, but not with grave inconvenience; but if he culpably did not correct the error when he could conveniently have done this, he is bound to restitution, not indeed by reason of the error, which is inculpable, but by reason of the omitted retraction, which is truly the unjust and efficacious cause of the harm.

495. (b) If the confessor behaved only negatively, even if culpably, by omitting to warn the penitent about restitution to be made, - not from justice, but only from charity is he bound afterward to warn the penitent. For he is not obliged from justice in the sacred tribunal to guard against harm to a third party, but only to procure the good of the penitent; therefore if he is silent about restitution to be made, he is not guilty of injustice; unless, however, the penitent had asked the confessor to warn him about the obligation of restoring; for then silence is equivalent to a positive affirmation. But from charity he is bound to warn the penitent, with greater or lesser inconvenience according to the gravity of the harm and of the fault; for he must guard against the penitent being incited to violate justice from such an omission.

2° On the Sacramental Seal

496. The sacramental seal, or seal of confession, is the strictest obligation of keeping under secrecy those things which have been known by sacramental confession. It is called a seal, because letters which are intended to be kept entirely secret are customarily marked with a seal. - We shall speak of the obligation, subject, matter, and violation of the sacramental seal.

[1] St. Thomas, *Supplem.*, q. 11; Suarez, disp. XXXIII; Lugo, disp. XXIII; Salmantic., ch. 14; Morinus, lib. II, c. 19; Stoz, lib. II, n. 183-331; Lacroix, n. 1933-2001; St. Alphonsus, n. 633-661; Billuart, diss. VIII; Elbel-Bierb., Confer. XIX-XX; Lehmk., n. 456-475; Marc, n. 1860-1869; Ball. P., n. 899-1024; Genicot, n. 379-393; Noldin, n. 415-426.

(A) On the Obligation of the Sacramental Seal

497. Principle: There is the strictest obligation, under grave obligation, of keeping silent outside confession about sins which have been known by auricular sacramental confession, unless the penitent has given permission to speak. It is certain. - This obligation as to substance arises from natural and divine law, but it was more explicitly determined by ecclesiastical law.

(a) From natural law. Between the confessor and the penitent there exists an implicit pact, by force of which the latter confesses his sins only under the condition that they be kept entirely secret: this is an entrusted secret, which all those who by force of their office furnish counsels to others, for example, advocates and physicians, are bound from justice to keep; therefore whoever violates this secret, of itself sins gravely against justice. - Besides, the confessor, by revealing the sins which he knows from confession, unjustly harms the reputation of the penitent, whenever at least this sin of his remains occult.

498. (b) From divine law, at least implicit. For although Christ said nothing explicitly on this matter, He certainly willed the sacrament of Penance to be administered in such a way that the faithful would not be kept away from it. But if occult sins entrusted to the confessor were manifested, many of the faithful would be kept away from the sacred tribunal: for with reason they would fear lest, by such manifestation, they should lose the esteem of others, especially of parents, relatives, and friends; often the peace of families would be disturbed, if the secret delicts of one spouse were manifested to the other, or if the sins of parents became known to the children, etc.; indeed, sometimes the knowledge of certain crimes would come to the ears of judges, with the greatest danger and harm to penitents. All these things would often render confession odious, scandalous, and truly harmful. Therefore Christ, in instituting the sacrament of Penance, implicitly at least willed that occult delicts declared in confession be kept under the most secret seal.

499. (c) From ecclesiastical law. The law of sacramental secrecy is ancient, and coeval with auricular confession, although from the beginning it was not so strictly observed. As long as public confession flourished, there was no obligation of keeping silent about sins publicly accused. But whenever occult sins were privately accused, the law of secrecy was in force.

Thus St. Ambrose, according to the testimony of Paulinus,[1] spoke to no one except the Lord alone about sins which penitents themselves had confessed secretly; likewise St. Augustine says that secret sins must be corrected secretly:[2] "In secret we ought to correct, in secret to reprove; lest, wishing to reprove publicly, we betray the man"; St. Leo reproves, as contrary to the apostolic rule, the practice of reading publicly the occult delicts accused in confession, "lest many be kept from the remedies of penance, while they either are ashamed or fear that their deeds be disclosed to their enemies, by whom they could be struck according to the constitution of the laws";[1] but Sozomen, describing the qualities with which the penitentiary, whose office was to hear confessions, ought to be adorned, says

that he ought to excel in taciturnity and prudence;[2] but why in taciturnity, unless that he might keep occult delicts under the seal?

[1] Migne, *P. L.*, t. XIV, 40.

[2] *Serm.* 82, cap. 8, ap. Migne, *P. L.*, t. XXXVIII, 511.

[1] Ep. 168 ad Episcopos Campaniae, ap. Migne, t. LIV, 1211.

[2] Sozom., *H. E.*, lib. VII, c. 16, ap. Migne, *P. G.*, t. LXVII, 1458 sq.

But an explicit and universal law concerning keeping secrecy was enacted by the Fourth Lateran Council,[3] and renewed in the Code, can. 889; indeed, from can. 2369, a confessor directly violating the seal incurs an excommunication reserved in a most special manner to the Holy See; but one who violates it only indirectly "is to be suspended from the celebration of Mass and from hearing sacramental confessions, or even, according to the gravity of the delict, is to be declared incapable of receiving them"; and he is to be punished by the other penalties *ferendae sententiae* indicated there.

[3] Ap. Denzing., n. 363.

Finally, by the sense of the faithful and of confessors, and by the consent of theologians, the law of secrecy has become most strict, so that today every revelation which would render confession odious is to be carefully avoided.

500. Corollaries. (a) Violation of the seal imports a twofold, and sometimes threefold, malice: against religion, or against the reverence due to the sacrament; - against justice, by revealing an entrusted secret; - often also against justice in another way, by manifesting the occult delict of one's neighbor.

(b) A law of this kind is so strict that in no case can it be relaxed without the free and certain consent of the penitent. The penitent can indeed freely yield his own right, since the secret was instituted in his favor; but consent cannot be presumed; it must be given explicitly or implicitly by signs free of doubt. Moreover, the confessor will use rarely and prudently even consent freely given, lest confession be rendered odious to others who do not know that this consent was given.

501. Hence no end, however good and useful, excuses violation of the seal:

1. Not the good of the confessor himself, whether temporal, since the confessor ought rather to die than to wound the seal, following in the footsteps of St. John Nepomucene, who, on account of sacramental silence invincibly kept, was adorned with the palm of martyrdom;[1] - or spiritual, since he is excused from the material integrity of confession when he cannot declare his sins integrally without wounding the seal; yet this rarely occurs, since more often a confessor can be found to whom the penitent is unknown. The reason is that the public spiritual good of the whole community, for which, according to what has been said, the custody of the sacramental seal is necessary, must be preferred to private good, whether temporal or even spiritual.

[1] Cf. *Breviar. Rom.*, For some places, May 16.

2. Nor the good of the penitent himself; for example, if from his confession it is known to me that he is innocent, I cannot declare it, lest perhaps, when I affirm that one is innocent and keep silent about another, it be understood that this other is guilty. - Nor the good of a third person: for example, if by the confession of Paul the murderer I have known that Peter is not guilty of the homicide, I cannot say this, lest perhaps suspicion arise that I speak thus from violation of the seal, and Paul himself be accused of the crime.

3. Nor the good of the commonwealth itself, for example, in the case of a traitor, because by the inviolable custody of the seal, in a general way, the good of the commonwealth is better provided for than by its violation; moreover, spiritual good is to be preferred to temporal good. Hence a confessor, questioned before a tribunal about those things which he has known by confession, can and ought, even with an oath, to say that he knows nothing concerning this matter: for this is a restriction which all can understand, if they wish, since it is known that it is not lawful for confessors to reveal a secret entrusted to them.[2]

[2] In many States the sacramental seal is recognized by civil law as inviolable, and there it is sufficient for confessors to declare that they cannot answer anything, since they are bound by the seal or professional secret: thus in France. But in certain others, for example, in England (cf. Stephen, *Comment. on the Laws of England*, London, 1895, vol. III, p. 579), this privilege is by no means recognized; and therefore confessors must say that they know nothing. - In the United States of America, the common law is the same as in England, but in certain States, particular law favors the seal.

Nevertheless, in all these cases, the confessor who knows by confession that grave harm threatens himself, or some private person, or the commonwealth, can and ought to warn the penitent that he prevent that harm by himself or through another, for example, by manifesting the matter to a superior; and he can deny absolution to one refusing to do this, as one indisposed; but he himself cannot reveal the secret without the free permission of the penitent.

(c) Likewise the obligation of keeping secrecy is so strict that in this matter it is not lawful to follow merely probable opinions; because here there is question not of the lawful alone, but of spiritual harm to the whole community which must necessarily be avoided. Therefore, whether there is question of probability of law, for example, when it is disputed whether this or that falls under the seal; or of probability of fact, for example, when it is doubted whether something was known from confession or in some other way, the opinion favoring the seal must be followed, even if the other is truly probable.

502. (d) Nevertheless this obligation arises only from a truly sacramental confession, that is, one made in order to obtain absolution, but not from a simulated confession, made to ask for alms or to seduce the confessor, without the intention of receiving the sacrament: for the reasons adduced above have force only concerning sacramental confession. - But even in this case, only for a grave cause ought the confessor to use knowledge acquired in this way, for example, in defense of himself, if he has been unjustly denounced to the Bishop by a person to whom alms were deservedly denied; for scandal of the faithful, who perhaps think that the confession was truly sacramental, must be guarded against insofar as this can be done.

Hence also those things which, outside confession, are manifested to a priest for the sake of spiritual direction do not fall under the sacramental seal, but only under an entrusted secret, though generally a most strict one.

(B) On the Subject of the Seal

503. Principle: Not only the confessor, but also all those who by chance or by industry, that is, illegitimately, mediately or immediately, have heard something from sacramental confession, are bound to keep the seal. Thus from can. 889.

For all these were sharers in the sacramental secret; therefore they are sharers in the obligation of keeping it.

504. Corollaries. The following are bound to keep the seal: -

(a) A cleric or layman who, pretending that he is a priest, received the confession of one who in good faith confesses to him, at least according to the common opinion, which in practice must be wholly observed, from what was said above (n. 501); for the confession, although invalid, is made in order to obtain absolution, and therefore must be protected by the seal.

(b) A confessor who, even outside the sacred tribunal, is consulted by a penitent about sins to be accused in a confession to be made to him; for such consultation is a confession begun; but more probably not one who is consulted about a confession to be made to another, because this is not a confession begun; nevertheless, in this latter case the law of an entrusted secret is in force.

(c) One who has read the written confession of another, already handed to the confessor, whether while it is in the hand of the confessor, or after absolution left in the confessional, or lost by the confessor; for in all these circumstances it is connected immediately with confession. But if someone has read a paper on which the penitent described his sins by way of an examination of conscience, before he has used it in the act itself of confession, he is not bound by the seal, but only by the law of natural secrecy.

(d) An interpreter employed for carrying out the confession; or one who, being asked, has written the confession of another; bystanders who, whether by chance or by industry, hear sins declared in confession; or all those who have heard from the confessor or from others sins accused in the sacred tribunal. Indeed, all those who attempt to hear persons confessing by that very fact violate the law of the seal.

(e) Superiors from whom, outside confession, the faculty of absolving from reserved sins is sought, insofar as they can say or do nothing from which it would become known which subject has fallen into a reserved sin.

(f) A consulter, or theologian, to whom a case of conscience is referred with the permission of the penitent: for then he becomes a sharer in the secret.

But the penitent himself is not bound by the law of the sacramental seal, which has been established in favor of penitents, not of confessors; but by the law of natural and religious secrecy, he ought to keep silent about what he has heard in confession, if those things cannot be manifested without harm to the confessor. - Hence a prudent confessor will beware lest he say things which he would not wish to become known to others: for often penitents converse among themselves about what they have heard in the sacred tribunal.

(C) On the Object of the Seal

505. Principle: All those things fall under the seal which were known in confession, or on the occasion of sacramental confession, and cannot be revealed without confession being rendered odious. It is certain.

It is plain from the very end for which the seal was instituted; since it was instituted for this end, that the faithful not be kept away from confession; but that which renders confession odious either to the penitent himself or to others, by that very fact deters some of the faithful from it; therefore.

506. Corollaries. Some things fall directly, but some indirectly, under the seal.

Directly under the seal fall all those things which are declared as matter of confession, or for a fuller understanding of it; namely, all sins, mortal or venial, past or proposed, that is, those which the penitent intended to commit. Nor are public sins excepted, when they are known from confession, both because the confessor by his testimony confirms them and renders them more public, and because penitents would fear lest the confessor reveal their sins under the pretext that they are public.

Nevertheless, he would not violate the seal who said that some penitent had confessed venial sins, or that he lives so innocently that he commits only a few venial sins; for no one, without a special privilege, can be wholly immune from venial sins. But it is not lawful to reveal some venial sin in species, or even to say that such a penitent accused himself of many venial sins.

507. Indirectly under the seal fall all those things which can lead to knowledge of the sins of the penitent, or bring a burden upon him, such as: -

(a) Circumstances of sins, whether useful or superfluous, which the penitent sets forth in order to declare his sins better, even after absolution has been received, provided they are connected with the confession itself (for example, attendance at theaters, reading of certain books), and have something sinful about them: for all these things morally form one whole with the sins themselves. - Yet those circumstances do not fall under the seal which, although useful for confession, bear nothing sinful or odious in themselves, for example, that such a penitent is married, a magistrate, a soldier, etc.; nor the public sins of another which the penitent mentions in order to explain his own, for example, if he says that he has wished evil to the author of some publicly committed crime.

(b) Defects of the penitent manifested by confession alone, for example, illegitimate birth, lack of manners, ignorance; and therefore sins committed in the confession itself, although not accused, for example, impatience, insults against the confessor himself; for revelation of these defects certainly brings a burden upon the penitent. But natural defects known from elsewhere, for example, deafness, do not fall under the seal.

As to scrupulosity, it is matter of the seal if it is accused as a moral defect, or for declaring other sins, or if it becomes known by the fact that many things are accused as sins which are not sins: because then it is truly a defect known by confession alone. But if it becomes known from the manner of speaking and answering, it is matter of natural secrecy, if it is not otherwise publicly known.

(c) The penance imposed, unless it is very slight, because otherwise occasion would be given for suspecting the penitent to be guilty of mortal sins or of many venial sins.

508. (d) The sins of an accomplice, whether legitimately or imprudently revealed to the confessor, or the sins of others declared so that one's own sins may be better set forth (for example, I hated my father because he had struck my mother); for such manifestation would render confession odious. Hence the confessor cannot use this knowledge to warn or correct the accomplice, except with the express permission of the penitent: indeed, he will use this permission, spontaneously given, very rarely, lest the accomplice suspect that the seal is being violated.

(e) The virtues and gifts of God, and the good works of the penitent, are not matter of the seal, unless they are manifested for better declaring a sin, for example, abuse of grace; for their manifestation does not render confession odious. But all these things are the object of natural secrecy during the life of the penitent; but after he has died, for a grave cause they can be revealed, for example, for the beatification of saints.

(f) Absolution denied is matter of the seal, since manifestation of this matter is certainly odious; hence, if parents, teachers, and others question confessors about absolution given to children, pupils, etc., they are to be referred to the penitents themselves. - Although absolution given does not fall under the seal, the confessor acts imprudently by saying that he absolved such a one, because, when he is silent, suspicion will arise that absolution had been denied. - Access to confession is not matter of the seal, both because it is known outside confession, and because it is not odious; therefore he does not violate the seal who says: Titius confessed to me, or did not confess to me. Yet if someone secretly confesses to another, this is the object of natural secrecy.

(D) On Violation of the Seal

509. Principle: The seal is violated as often as things contained under the seal are manifested with probable danger of making known the person who accused them, or as often as someone uses knowledge had from confession with burden to the penitent, or with danger of rendering confession odious. It is certain.

Explanation. The seal is wounded in two ways: directly, when that which is matter of the seal is expressly revealed and at the same time the person who did it is designated; it is not necessary that the person be known to the hearers, provided that he is sufficiently determined; nor is it necessary that the hearers know that the priest is speaking about things heard in confession, but it suffices that in reality he so speak from sacramental knowledge. - It is violated indirectly by saying, or doing, or omitting something from which either the object of the seal can be known, even probably, or confession can be rendered odious.

Direct revelation of the seal is unheard of in our days. Yet it cannot be said that a secret of this kind has never been directly violated; for it is reported sometimes, although very rarely, that the seal also was directly broken;[1] but so few facts of this kind are narrated, even concerning wicked priests, that it can deservedly be said that not without a special providence of God is the sacramental seal so faithfully kept.

[1] One of these facts is related in the *Life of St. Thomas of Villanova*, ap. *Acta Sanctorum*, t. XLV, p. 894-896. Namely, a certain murderer confessed his crime to an unknown priest, who in fact was the brother of the one killed; the confessor, after questions about the name of the murderer and the circumstances of the crime, manifested all these

things to another lay brother, so that he might make the same things known to the judges. Wherefore the murderer was condemned to death; but when before execution he refused to confess his sins, Thomas of Villanova approached him, and learned from him that he refused to confess because he had been condemned from violation of the seal. After the matter had been investigated more maturely, the confessor confessed his crime and was condemned to perpetual prison, while the murderer was freed, because the judges acknowledged that no guilty person could be proved from the violated sacramental seal.

Direct violation of the seal admits no smallness of matter; for even direct manifestation of venial sins would be very odious to penitents and would keep them from the sacrament. - But indirect violation sometimes admits smallness of matter, namely when the burden arising from it is very slight. But confessors ought to be wholly cautious, since even the indirect manifestation of some defect of a penitent easily brings a great burden or scandal.[1]

[1] From the Instruction of the Holy Office, June 9, 1915, when something is narrated positively and concretely as heard in confession, it must always be judged that from this confession is rendered odious in the mind of the hearers. Therefore confessors are strictly forbidden to do this, not even in passing, neither directly nor indirectly in their public or private discourses. Let Ordinaries gravely warn transgressors, strike recidivists with suitable penalties, and denounce them to the Holy Office.

510. On the Various Ways of Violating the Seal Indirectly. The seal is wounded indirectly by words and deeds: -

By words:

(a) If the confessor, in narrating some fact, relates such circumstances that the penitent can probably be known; for example, the first one who confessed to me committed adultery; - or if to a public fact known outside confession there is added some circumstance known by confession alone; - or, if after hearing a few confessions, he says that he heard such a grave sin; for from this each penitent incurs some suspicion.

(b) If it is said that such a penitent was not absolved, or only after some trial: for from this it is inferred that his sins were grave.

(c) If the confessor warns parents or superiors of the penitent to watch especially at such a time or place.

(d) If one penitent is praised before others for purity of conscience, so that suspicion is cast upon the others; but not if he is praised simply, without any comparison, although it is better to say nothing in species about qualities of penitents known by confession alone.

(e) If the penitent is rebuked or questioned in a loud voice, or if the confessor, after hearing a sin, groans and exclaims; from which it can be understood that the penitent has sinned gravely.

511. (f) If two confessors of the same penitent converse together about his sins, without special permission; or, if the confessor speaks about these things with others who know these sins from elsewhere, for example, with parents, or with the other spouse; indeed, if with the penitent himself outside confession he speaks, without his permission, about things heard in confession; but not if the penitent himself begins to speak about his confession, because then he implicitly gives permission to speak.

(g) If a depraved habit, known by confession, is revealed as prevailing in some congregation, or monastery, or parish, unless in this last case the village is very large (containing more than 3000 inhabitants); for the infamy of this sin redounds upon the whole community; thus, for example, if it is said of some monastery: sacrileges are committed there; or of a small town: adultery, sodomy, fornication, etc., prevail here. - Hence a preacher who addresses a small community of nuns or religious ought not to describe some particular sin accused by one or another of the members, lest the penitents think that this is done because of the sin which they declared; yet he can describe in a general way the defects customarily committed in all monasteries.

(h) A pastor who makes known to missionaries or outside priests the principal vices prevailing in the community, so that they may correct them, does not violate the seal, if the place is large and the vices sufficiently common; but, if from knowledge of confession he were to say that incest, or another vice, prevails in a few families, he would wound the seal.

512. The seal is violated by deeds:

(a) If someone, after hearing a confession, changes his manner of acting toward the penitent, by addressing him with harsher words, or by depriving him of his former benevolence; for example, if he no longer entrusts the keys of the chest to a servant whom from confession he has found unfaithful;[1] or even changes his manner of acting with regard to others, for example, by rebuking or expelling the accomplices of the penitent.

[1] It is disputed whether in this case the confessor can in the confession itself command the servant to return the keys spontaneously; Elbel affirms (n. 514), Lugo denies (n. 123), because such a command would bring a burden upon the penitent, and we think this opinion more probable.

(b) "Both superiors existing for the time, and confessors who afterward have been appointed superiors, can in no way use for external governance the knowledge which they have had concerning sins in confession" (Code, can. 890, § 2[2]), and deservedly, since such a manner of acting of itself tends to deter penitents from perfect sincerity.

[2] These words are taken from the decree of Clement VIII (May 26, 1593) issued for Regular Superiors. (Among the Constitutions of Urban VIII ap. *Bullarium Magnum*, t. IV, p. 68). On November 18, 1682, the Holy Inquisition extended this principle to all confessors, by condemning this proposition: "It is lawful to use knowledge acquired from confession, provided it is done without direct or indirect revelation and burden to the penitent, unless some other much greater burden would follow from non-use, in comparison with which the former is deservedly condemned. Then there was added the explanation or limitation that it is to be understood of the use of knowledge acquired from confession with burden to the penitent, with any revelation excluded, and in a case in which a much greater burden of the same penitent would follow from non-use." - It was established that "the said proposition, insofar as it admits the use of knowledge with burden to the penitent, is to be wholly prohibited, even with the said explanation or limitation." (Ap. Denzing., n. 1087.)

Therefore it is not lawful to use this knowledge to remove an unworthy person from office, to deny him a vote, to shut the penitent in a room lest he go out to sin, to dismiss a servant, etc.

Yet the confessor can use the knowledge of confession when no danger of revelation is feared, and no burden for the penitent or for others: for the good of the penitent himself, namely by praying more fervently for him, or by acting more kindly with him, because this cannot be displeasing to the penitent; for the good of others, by using experience acquired for a more prudent administration of the sacrament, whether with regard to questions to be asked, or with regard to counsels to be given;

or for preaching in a more practical way, provided, however, that nothing be said which renders confession odious; for his own amendment, by reforming his own morals, by performing his offices more diligently, and by fleeing occasions of sin more watchfully.

513. (c) It is not lawful to refuse to hear the confession of a penitent who, from a previous confession, is known to be indisposed, for example, because he does not wish to leave a proximate and free occasion of sin: for this is the greatest burden to the penitent; yet at the beginning of the confession he can dismiss him, if he finds him to be the same indisposed person, although it is better to dispose him, if this can be done.

(d) A priest who from confession alone knows that ambushes are being prepared for him, or that the wine which he is about to use for Mass has been infected with poison, cannot flee or omit Mass, if from this others could conjecture that the seal is being violated in this way, or if a burden is brought upon the penitent himself; but if neither of these things is verified, he can flee or abstain from Mass. Besides, in every case the confessor, within the sacred tribunal, can ask permission to use this knowledge for preserving his life; but if the penitent refuses permission, the confessor must expose his life rather than violate the seal. Nevertheless, if it were certainly established that the penitent revealed these ambushes in the sacred tribunal for precisely this end, that the confessor could not flee, a confession of this kind is not sacramental, and therefore does not oblige to the seal.

514. Corollaries: (a) on giving or denying a confession certificate. In certain regions the confession certificate is in use, that is, written testimony concerning a confession made on such a day by such a person; it is given especially to those who wish to make the paschal Communion or to celebrate marriage, and it is written thus: "I heard such a one in confession, on the day[1] ..."; but nothing must be said about absolution given or denied.

[1] *Statuts Synodaux de Paris*, 1902, n. 423.

Now a certificate of this kind can be granted to all those who make a sacramental confession, whether they are absolved or not; hence it cannot be denied to an indisposed penitent who asks it outside confession: for if it were denied, the confessor would use the knowledge of confession with burden to the penitent. Nor likewise can it be denied to an indisposed person asking within the tribunal, when the penitent is in those circumstances in which it is customarily given, because this would be implicitly to say that the penitent was not duly confessed; outside these circumstances, it can be denied or granted, according to the laws of prudence; today it is rarely expedient to deny it, as often as the penitent has seriously accused at least one sin, lest from such denial he be kept away from the sacraments for a long time.

But if the penitent makes only a simulated and mocking confession, or if he asks for a certificate without confessing any sin, generally the certificate must be denied; for on the one hand the seal is not wounded, since it arises only from sacramental confession, and on the other hand, by handing over the certificate the confessor in some way cooperates in the unworthy reception of Matrimony or the Eucharist. - I said generally, because if from denial of the certificate, where this is required for marriage, scandals were prudently feared, a certificate could be given in which it is declared that such a one approached the sacred tribunal on such a day.

515. (b) If the confessor in a difficult case needs counsel, he can have recourse to a theologian to whom the penitent is unknown, or, if this cannot be done, present the case in such a way that danger of revelation is absent, for example, by setting forth the case as fictitious and therefore omitting circumstances from which the penitent could be known. Permission can also be sought from the penitent for taking counsel from another confessor concerning a matter pertaining to confession; but if this is denied, and at the same time there is danger of revelation, the confessor, after imploring divine light, should consult approved authors and solve the difficulty in the best way he can.

Note. (c) That the seal may be better kept, confessors ought to avoid mixing into conversations remarks about things heard in confession; this is enjoined in certain diocesan Statutes; thus in the Synod of Mechlin: "We strictly enjoin confessors that in common conversations they never intermix words about things heard in confession, nor report the scruples, internal vexations, and foolish things of those confessing, even with the penitent's name kept silent, under the pretext that matters of this kind are not sins."[2]

[2] The Second Synod of Trenton made this decree its own, n. 110. Cf. Second Plenary Council of Baltimore, n. 290.

§ II. On the Duties of the Confessor with Regard to Various Kinds of Penitents

516. Preliminary Remarks. Since the penitents who approach the sacred tribunal are diverse, the manner of acting with them also must be diverse, accommodated to the character and temperament of each, and also to age, sex, condition, and needs: for those who are light and those who are constant in mind, the scrupulous and the lax, the young and the old, men and women, magistrates and workers, relapsed sinners and the pious, cannot be treated in the same way. Therefore the confessor must become all things to all, that he may make all safe. Hence he ought to study not only Moral Theology, but practical Psychology, habits, passions, and virtues, and also Pastoral Theology, where the application of general principles to various kinds of penitents is more fully set forth; and moreover the treatise On the Obligations of Various States; and also Ascetical Theology, that he may direct pious persons into the way of perfection.

But here we shall note only a few things about those kinds of penitents in whose confession a special difficulty is more commonly found, referring, for the rest, to approved authors who have written fully on this matter.[1] We shall treat, namely:

[1] St. Alphonsus, *Praxis confessarii*; M. Fornarius, *Institutio confessariorum*; Reuter, *Neo-Confessarius*, parts II-III; Lacroix, lib. VI, n. 1794-1932; Gaume, *Manuel des Confesseurs*; Ciolli, *Direttorio pratico del confessore*, translated into French by Mazoyer, *Directoire pratique du Jeune Confesseur*, Paris, 1899; Aertnys, *Theologia Pastoralis*, Tournai, 1893; Hilar. a Sexten, *Tr. Pastoralis de Sacram.*, Mainz, 1895, § 47-57; Lehmk., n. 476-522; Berardi, *Praxis Confessariorum*; Dubois, *Pratique du zele ecclesiastique*, translated into English: *Zeal in the Work of the Ministry*.

1° of those who need special instruction: children, the rude, the semi-fatuous, the deaf and mute;

2° of those for whom it is more difficult to conceive contrition: those in occasions of sin, those with habits, and relapsed sinners;

3° of those who need special care: the pious and the dying.

I. On the Manner of Acting with Those Who Need Special Instruction — 1° On the Confession of Children

517. (A) We have already said that children who have attained the use of reason are bound by the precept of confession; now generally they attain sufficient discretion around the seventh year; yet this depends not on age alone, but also on keenness of mind and education, and on other circumstances of time and place; for example, they become mature earlier in warmer regions than in colder ones. - They are judged to enjoy the use of reason with relation to confession when they explain their sins distinctly, aptly answer questions proposed by the confessor, and understand that grave delicts are punished with eternal punishments; on the contrary, if they can say nothing except formulas committed to memory, if they answer affirmatively to all questions proposed, without any discrimination, and even though in this way they contradict themselves, they are deservedly judged to lack the use of reason. But in doubt whether they have attained sufficient discretion, outside danger of death, they are not bound to confess.

[2] On the spiritual care of the rude and of little ones read the golden little works of St. Augustine, *De catechizandis Rudibus*, ap. Migne, *P. L.*, XL, 310-347; of Gerson, *De Parvulis ad Christum trahendis*; cf. Reuter, n. 99-118; 192 sq.; *Statuts Synodaux de Paris*, 1902, n. 407-409.

518. (B) Children must be received with special kindness and paternal affection, so that, far from being deterred from the sacred tribunal, they may rather approach it gladly and confess their sins sincerely. - They should be persuaded first to explain their sins; then they should be helped by opportune questions: whether they have kept silent about any sin out of shame; - whether they have recited morning and evening prayers; - whether on Sundays or feast days they have assisted at the sacrifice of the Mass, whether they talked during it; - whether they have sworn, blasphemed, or used indecent words; - whether they have been disobedient to parents, or lacked due reverence toward them; - whether they have quarreled with others, given way to anger or envy, struck others or called them by an ignominious name, or given bad example; - whether they have heard, said, or done anything shameful, which they would blush to say or do before their parents; - whether they have committed little thefts or brought harm upon others; - whether they have told lies, in jest or to harm others; - whether they have eaten meat on forbidden days; - whether they attend a Catholic school and study catechism, etc.[1] Let the confessor beware lest he be excessive in questioning, lest children conceive a horror of confession. Concerning chastity let him propose only those questions which do not excite the curiosity of the innocent, and yet furnish the guilty an occasion of manifesting their delicts: for certain boys and girls say nothing about this matter unless they are questioned.

[1] You will find an excellent catalogue of sins which are more commonly committed by children in Mother M. Loyola, *First Confession*, p. 34-36.

519. (C) After the confession has been heard, children are to be instructed concerning the means to be used for avoiding sins, and concerning the foulness of sin, yet without exhibiting as grave a sin which is only light;[2] but let them be taught to flee even light delicts, so that they may avoid the punishments of Purgatory and please Christ Jesus, who for them suffered such bitter torments and death itself. They are to be exhorted to contrition not by a long exhortation, which perhaps, their mind being distracted, they will not understand, but by questions

accommodated to their capacity, for example: "My son, could you endure the fire of hell for a quarter of an hour? - Do you wish to crucify anew Christ, who suffered and died for you? - Do you wish gravely to offend your heavenly Father, who has bestowed so many benefits upon you and bestows them daily? - Are you not sorry for the sins by which you have deserved hell, offended Jesus and God? etc." - If they have accused only venial sins, speak to them in a similar way about Purgatory and the other evils arising from sins of this kind.[1]

[2] Sometimes children sin mortally subjectively in those things which of themselves are light, because from the manner of speaking of parents or others they have understood that these are grave: this erroneous conscience should be prudently corrected.

[1] And indeed, since in children neither affection for sins nor inveterate passions are present, very little suffices so that, by the help of divine grace, which certainly will not be lacking, they may be rightly disposed. Cf. Berardi, *De Recidivis*, n. 191, where you will also find a method, under the form of dialogue, for disposing children.

A penance fitting their age will be enjoined, lighter than for adults, which they should perform at once, lest it fall into oblivion.

520. (D) As to absolution: (a) it certainly cannot be denied to children who have committed grave sins, if otherwise they seem sufficiently disposed, as St. Alphonsus rightly teaches;[2] hence the practice of those who dismiss without absolution children who have not yet been admitted to first Communion is wholly to be reproved, as we said above (n. 244). (b) But if it is doubtful whether they have the use of reason, or whether they are sufficiently disposed, they are to be absolved under condition in danger of death, or when the precept of annual confession urges, and several times in the year, lest they remain in the state of sin, if perhaps they have sinned gravely; outside these cases, they should be dismissed kindly for a time with a simple blessing. (c) But if they have accused only venial sins, let him excite them to contrition; and if they are sufficiently disposed, they are to be absolved, lest they lack sacramental grace; if after exhortation they remain doubtfully disposed, several times, but not as often as they confess, they are to be absolved conditionally, that they may recover sanctifying grace, if perhaps by a grave sin, of which they are unmindful, they have lost it.

[2] *Praxis Confess.*, n. 91.

2° On the Confession of the Rude, the Semi-Fatuous, and the Mute

521. (A) On the rude. Here there is question not of those who, although uncultivated in human matters, are well instructed in matters pertaining to salvation; but of those who are ignorant in the business of salvation. It has already been said (n. 473 sq.) how they are to be instructed before or after absolution. Here only a few things must be said concerning certain difficulties which occur in their confession.

(a) Some have scarcely anything to accuse; this can arise from defect of matter, of examination, or of knowledge. If the first, that is, if in fact they have abstained from graver sins because of continuous labors, and otherwise they are not accustomed to accuse lighter delicts, they should be taught how they can confess venial sins and avoid them in the future, and also how much it profits to declare and detest again the graver sins of their past life. If from defect of examination, they should be kindly helped to search the hidden places of their conscience, as was said above, n. 316. If from defect of

knowledge, they should be instructed in the tribunal itself concerning those things which are necessary for receiving absolution validly and lawfully, and afterward concerning the other things which are necessary by precept.

(b) Others can scarcely conceive contrition, because they are hardly able to think about motives; therefore these motives should be proposed to them in simple speech, by way of dialogue, as we said concerning children.

522. (B) On the semi-fatuous. Those perpetually insane cannot receive absolution; but one must speak otherwise of the semi-fatuous.

(a) If they certainly can distinguish between good and evil, although somewhat obscurely, and otherwise seem well disposed, they can be absolved not only once, but several times in the year. But since, on account of slowness of mind and weakness of memory, they are scarcely able to retain in memory even necessary truths, the confessor will take care so to dispose them that they elicit the necessary acts of faith, hope, and contrition; thus, for example, he can proceed: "Do you believe in one God? Do you believe that He punishes the wicked and bestows rewards upon the good? Do you believe that there are three persons in God, distinct and perfectly equal, and that the Son of God for our sake became man and redeemed us by His blood, etc.?" Let him proceed in the same way as to the motives of contrition.

(b) If there is doubt about the sufficient use of reason and whether he can sin gravely or not, the semi-fatuous person must be instructed and disposed in the best way possible, and absolved under condition in danger of death, indeed several times in life, at least once a year, lest he remain in mortal sin, if perhaps he has committed any.

523. (C) On the mute and the deaf. (a) These are not strictly bound to write their confession, above, n. 299; but they should be gently induced to do this, if they are able to write, since in this way the integrity of confession is better procured.

(b) Since today deaf-mutes can be instructed rather easily, the pastor or confessor ought to take care that, insofar as possible, they be sent to those schools where they are able to learn Christian doctrine, so that they may better confess and detest their sins.

(c) But if they have not been instructed by these new methods, the confessor should first inquire from their relatives what sins they more frequently commit; then he should lead them into some hidden place, where by signs they may attempt to declare at least in a confused way certain sins and to express their contrition; by certain signs, for example, by raising eyes and hands to heaven, let him exhort them to contrition, and absolve them absolutely or conditionally, according as he will be certain or doubtful concerning their dispositions.

II. On the Manner of Acting with Those in Occasions of Sin, Those with Sinful Habits, and Relapsed Sinners

A special difficulty is found in absolving these, because unless they wish to remove the occasion of sin, eradicate the depraved habit, or avoid relapses, they do not seem to be truly contrite. That this may be better understood, one must speak separately of each.

[1] Since the Older authors only touch this matter in passing, the Moderns and more Recent authors especially are to be consulted: St. Alphonsus, n. 452-464; *Praxis Confess.*, n. 63-80; Lacroix, n. 1819-1832; Billuart, diss. VI, a. 10, § 5-6; Reuter, n. 168-188; Konings, n. 1429-1481; Marc, n. 1819-1831; Aertnys, n. 298-351; Ball. P., n. 167-312; Lehmk., n. 485-494; Hil. Sexten, § 55-56; Muller, § 156-157; Genicot, n. 369-374; Noldin, n. 401-409, but especially Berardi, *de Recidivis et Occasionariis*, who discusses these at length.

1° On Those in Occasions of Sin

We shall set forth the notion and species of occasions of sinning; and also the manner of acting with those in occasions.

524. Notion and Species of Occasions. (A) Notion. An occasion of sinning is an external person or thing enticing to sin. Hence it is distinguished from those internal principles which incline to sin, such as concupiscence, evil habits, etc. It is also distinguished from danger of sinning, which can be both external and internal: therefore danger extends more broadly than an occasion of sinning, or, in other words, every occasion of sin is a danger, but not every danger is an occasion. - Nevertheless an external occasion is not truly dangerous unless there is at the same time an internal propensity to evil. Hence, in practice, two things concur to constitute an occasion: an external object enticing to sin, and an interior inclination to sin.

525. (B) Species. An occasion of sin is twofold: remote and proximate. (a) The former is that which constitutes only a slight danger of sinning, because it has some, but not great, force for enticing to sin, so that those who are placed in it generally do not sin. Concerning this there is no special difficulty: for it is established that such occasions exist everywhere, so that to avoid them it would be necessary to go out of this world.

(b) The latter, or proximate occasion, is that which constitutes grave danger of sinning, so that those placed in it frequently fall into sin.[1] Here we treat only of an occasion of committing mortal sin. But since danger of this kind can be more or less certain, we note that the rules handed down below must be understood more strictly concerning those who are in certain danger of sinning, but more mildly concerning those who are only in probable danger; for they must be applied not mathematically, but morally.

[1] Certain ones, however, with Ballerini (n. 168) and Genicot (n. 371-372), judge only that occasion to be proximate in which solid probability is lacking that a person can use it without sin, or, in other words, that occasion which induces a morally certain danger of sinning. See this restriction refuted in Berardi, op. cit. *De Occasion.*, n. 9-12; Aertnys, ap. *N. R. T.*, t. XXXII, 1900, p. 500 sq.

Now the gravity of this danger can be discerned in two ways: by experience, namely if someone, placed before in the same circumstances, generally or at least frequently sinned; for example, if someone entering a tavern is rather often made drunk, the occasion is proximate; if very rarely, it is remote; - from what commonly happens, even when experience is lacking. For although a certain person has never sinned, sometimes it can be foreseen that he will very probably sin, if he is exposed to such a dangerous occasion; for example, if some younger girl, light in mind and weak in will, is going to live alone for a long time with a vicious man, it is greatly to be feared lest, given human weakness, she fall into sin; therefore such cohabitation, even before any sin has been committed, is a proximate occasion.

526. (C) On the Species of Proximate Occasion. Proximate occasion is subdivided according to the person, duration, and cause.

(a) On the part of the person, proximate occasion is absolute or relative: absolute, when, human fragility being considered, it constitutes grave danger for all, for example, the reading of a very obscene book, long cohabitation with a concubine; relative, when it induces grave danger not for all, but only for this or that person, because of his special fragility or past falls; thus entrance into a tavern for one who is frequently made drunk there is for him a proximate occasion, but not for all; a prolonged conversation with a girl is a proximate occasion for a young man who pursues her with impure love, but not for all.

(b) On the part of duration, the occasion is continuous, or *in esse*, when it always, or at least habitually, accompanies the person, for example, unjust retention of another's goods, retention of an obscene book or picture, or a vicious person living in the same house; - or interrupted, or absent, when it occurs or is approached only at intervals; for example, entrance into a tavern where someone incurs danger of drunkenness; access to feasts at which detraction is habitually committed; conversation with a mistress who does not live under the same roof.

(c) On the part of the cause, the occasion is voluntary or necessary: voluntary, when it can be freely dismissed without grave inconvenience, for example, access to theaters, conversation with depraved companions, gambling, etc.; necessary, when it cannot be dismissed without grave inconvenience, whether physical or moral. Now an occasion is physically necessary if it can in no way be dismissed, for example, if someone is detained on a ship or in prison with depraved companions, if one living in concubinage is in the article of death and time is lacking for expelling the concubine; it is called morally necessary if it cannot be dismissed without grave temporal or spiritual harm, for example, without loss of office or function, without scandal, etc., as will be explained more fully below.

527. (D) Principal Occasions of Sin. That the rules concerning those in occasions may be better understood, it is expedient to review the principal occasions, while noting, however, that these are not always and for all proximate, but that judgment concerning their proximity must be made according to the notion handed down above; these matters are treated more fully in the various Treatises of Moral Theology.

(a) Against faith: reading of newspapers, periodicals, or non-Catholic books; - more intimate and more frequent familiarity with non-Catholics; - attendance at schools and colleges in which no religion, or a false religion, is taught; - service among heretics, or irreligious masters; - attendance at non-Catholic sermons; - mixed marriages, etc.

(b) Against chastity: concubinage; - cohabitation of persons of diverse sex who are by no means joined in lawful marriage; - conversations with depraved companions; - certain dances which, because of the persons, the kind of dancing, and the circumstances of place and time, are more dangerous; attendance at theaters, especially those which inflame lust both by the things exhibited and by scenic dances (*ballets*); - reading of obscene or erotic books; - retention of statues, images, and photographs which today easily corrupt morals among the young; - certain less honorable games among persons of diverse sex; - more frequent and protracted visits of lovers, especially when one alone remains with one alone for long hours, as often happens in certain regions, with great detriment to souls; -

domestic dangers, which arise either from members of the family, or from servants, or from masters; - certain arts which are dangerous because of depraved conversations or more intimate relations between persons of diverse sex, etc.

(c) Against temperance: taverns and eating-houses; - frequenting of those who indulge in drunkenness, especially on Saturday or on other days on which workers are accustomed to receive wages; - certain festivities, whether religious or civil; - sometimes wedding feasts, and in certain regions vigils beside the bodies of the dead (*wakes*); potation by equal draughts (in English, *habit of treating*), etc.

(d) Against justice: certain public and political offices, which easily furnish a means of becoming rich unjustly; - certain businesses, and stock-exchange speculations, which are not immune from fraud, etc.

528. On the Manner of Acting with Those in Occasions. One must distinguish between a free proximate occasion and a necessary one.

(A) On a Free Occasion of Sinning

Principle: One who knowingly and willingly refuses to leave a proximate and voluntary occasion lacks true contrition, and therefore cannot be absolved. It is certain.

It is proved: (a) One who knowingly and willingly is placed in a proximate occasion, and at the same time has no grave reason for remaining in it, by that very fact shows that he loves the danger of sinning, and therefore sin itself, since he foresees that in this occasion he will probably sin; for one who wills the end, that is, avoidance of sin, by that very fact wills the means, that is, avoidance of grave danger of sinning. But one who loves sin is not truly contrite; therefore he cannot be absolved. - Hence Scripture[1] deservedly says: "He who loves danger shall perish in it"; that is, one who knowingly and without any necessity exposes himself to danger of sinning is deprived of the abundant grace necessary for resisting, and falls into sin.

[1] *Eccli.*, III, 27.

(b) Wherefore, on March 2, 1679, this proposition 61 was condemned by Innocent XI: "He can sometimes be absolved who is placed in a proximate occasion of sinning, which he can and does not wish to omit, indeed which he directly and deliberately seeks, or into which he thrusts himself."[1]

[1] Ap. Denzing., n. 1078; cf. Viva, op. cit., in Proposit. XLI Alex. VII, where this proposition of Innocent is explained.

529. Explanation: it was said knowingly and willingly; for sometimes penitents, because of ignorance or levity of mind, are not conscious that they are placed in a proximate occasion; this can occur especially when there is question of interrupted and relative occasions, for example, of certain readings, visits, spectacles, companions, etc. Now if in such a case the confessor foresees that warning these penitents will be useless, indeed harmful, he can leave them in good faith, according to the principles set forth above (n. 477), and absolve them, provided that otherwise it is established that they sincerely detest their sins: which they can do in the case, since they are persuaded either that the occasion is not proximate, or that there is no grave obligation of leaving it. But afterward, if they again sin in the same occasion, they must

gradually be instructed about fleeing this occasion; which indeed they will understand better if by their own experience they know that they frequently sin because of it.[2]

[2] Cf. Berardi, op. cit. vol. II, n. 32 sq., where particular cases are presented.

530. Corollaries. (a) One who is placed in a free and continuous proximate occasion (for example, in concubinage) regularly is not to be absolved before the occasion has in fact been removed. Thus commonly with St. Alphonsus (n. 454). For although the penitent can be contrite before he has removed the occasion, it is greatly to be feared lest, if he is absolved immediately, he will not in fact take away the occasion: for removal of such an occasion is a very arduous thing, and it does not happen unless someone inflicts great force upon himself; moreover, if the occasion is not taken away before absolution, the penitent after absolution will easily deceive himself; for an occasion always present often blinds the mind and weakens the will, so that a purpose previously elicited sincerely is rendered ineffective. Hence the confessor, as a physician, ordinarily ought not to absolve the penitent, lest perhaps he expose him to danger of relapse.[3]

[3] A few indeed hold the contrary (Ball. P., n. 176; Genicot, n. 373; Noldin, n. 408), because the confessor does not have the right of prescribing such a remedy, since it is not established that it is necessary; nevertheless they admit that prudence sometimes advises that, even immediately the first time, absolution be deferred until the occasion has actually been dismissed, where such delay is judged likely to profit the penitent.

I said regularly; for there are cases in which absolution can prudently be given before the dismissal of the occasion: when the occasion, although continuous, is not so dangerous, for example, if there is question of restitution, and the penitent sincerely promises to restore as soon as possible and has not previously broken his promise; - when the penitent has already employed means for removing the occasion, for example, if he has told the maidservant with whom he used to sin to leave the house at the end of the week; - when he exhibits special signs of sorrow, from which it can be judged that his purpose is most firm; - or if he is in moral necessity of receiving absolution immediately, for example, if there is question of one dying, of those betrothed about to contract marriage, of those who cannot defer Communion without danger to reputation, of those who cannot approach the same confessor, as travelers, or those who are converted at the end of a mission; - finally, when they are so disposed that, unless they are absolved immediately, they probably will not return.

531. (b) One who is placed in a proximate voluntary and interrupted occasion, for example, by frequenting eating-houses, depraved companions, or dangerous spectacles, can be absolved immediately, provided he sincerely promises that he will avoid this occasion. But if he has broken this promise several times (for example, three times), absolution must be denied until by flight of the occasion he has shown a sincere purpose of amendment.

The reason for the former is that an interrupted occasion is more easily broken off than a continuous one, and does not constitute so grave a danger; hence the purpose of avoiding it can be firm and efficacious even before proof. The reason for the latter is: one who has broken faith cannot easily be believed; moreover he becomes a relapsed sinner, and one must act with him in the manner to be explained below, n. 539 sq.

(B) On a Necessary Occasion of Sinning

532. State of the Question. From what has already been said (n. 526), it is easily understood what a physically necessary occasion is. But a morally necessary occasion is called one which cannot be left without grave spiritual or temporal harm, concerning which, in individual cases, the confessor must prudently judge, with all circumstances considered. We shall bring forward only a few examples, from which judgment can be formed in the others.

(a) Grave spiritual harm is judged to be present: 1. when the penitent cannot leave the occasion without casting himself into another similar or worse one: such is the case of a maidservant who, because of her beauty and moral fragility, in all the houses in which she has stayed has found the same or worse dangers. Yet illusions must be guarded against; for example, a master who has often sinned with a younger maidservant easily believes that he will be in equal difficulty with a new servant; yet this is often false, especially if he chooses an older servant, less attractive, grave in character and pious. 2. When the occasion cannot be avoided without injustice or another sin; for example, ordinarily a husband cannot leave his wife, or conversely; nor a son or daughter the paternal home; a soldier the army before the appointed time; a nun the convent; nor a hired physician the care of some person; nor a servant before the established time. 3. When the occasion cannot be avoided without grave scandal or another spiritual evil of others; for example, a mother of a family who cannot be separated from her husband without scandal of neighbors or spiritual harm of the children; or a master who cannot cast out a maidservant immediately after a mission without exciting scandal. But here also illusions must be guarded against; often one living in concubinage will say that the maidservant cannot be cast out without scandal, while on the contrary scandal is removed by her casting-out, provided that it is done prudently, at an opportune time, and under a reasonable pretext.

533. (b) Grave temporal harm is judged to exist when the occasion cannot be dismissed without notable loss of life, reputation, or fortune; for example, if someone would have to abandon his own office or art, by which he sustains himself or his family, as a merchant who in trading finds an occasion of committing fraud; a physician who in exercising his art finds dangers of sinning; a pastor by hearing confessions; a woman by receiving guests. This is especially true when at the same time some spiritual harm is present because of dangers arising from poverty or idleness.

But if the harm is only light, when all things have been carefully inspected, the occasion cannot be called morally necessary. Hence this proposition 41 was deservedly condemned by Alexander VII, March 18, 1666: "A concubinarius is not to be obliged to cast out his concubine, if she were too useful for the delight of the concubinarius, commonly for his pleasure, while, if she were lacking, he would lead life with too much hardship, and other foods would affect the concubinarius with great weariness, and another maidservant would be too difficult to find."[1] And by Innocent XI, on March 2, 1679, proposition 62: "A proximate occasion of sinning is not to be fled when some useful or honorable cause for not fleeing occurs."[2]

[1] Ap. Denzing., n. 1012; cf. Viva, loc. cit.

[2] Denzing., n. 1079.

Hence a fortiori a proximate occasion is not to be sought directly, even under the pretext of a spiritual or temporal good; for proposition 63 was condemned by the same Innocent: "It is lawful to seek directly a proximate occasion of sinning, for our own or our neighbor's spiritual or temporal good."[3]

[3] Denzing., n. 1080.

534. Principle: One who is placed in a necessary proximate occasion is not sincerely contrite, nor worthy of absolution, unless he is prepared to make the occasion from proximate morally remote, by employing the means necessary for this. It is certain.

For one who does not wish to use these means by that very fact shows that he loves the danger of sinning in which he is placed, and consequently sin itself; for one who sincerely wills the end, that is, in this case, avoidance of sin, by that very fact wills the means necessary for the end, that is, those things which at least morally remove the occasion. - But on the other hand, those who sincerely wish to use the necessary means by that very fact show that they do not wish to sin; and with God helping, "who will not suffer you to be tempted above that which you are able," they can safely hope, by the help of these means, to overcome the dangers.

It was said necessary means, because absolutely speaking the penitent is not bound to employ all useful means, but only those which are truly necessary; and there is place there for good faith in the manner set forth above (n. 529).

535. Corollaries. (a) The principal means by which a necessary occasion can be made from proximate morally remote are of three kinds:

1. Some tend to lessen the force of the occasion; such are words said seriously and firmly to the accomplice in order vividly to express horror of this or that sin; - the threat that the whole matter will be disclosed to those who can bring a remedy, for example, superiors, parents, masters; - avoidance of every familiarity or solitary conversation with the accomplice; indeed, to flee his sight, neither to speak of him nor think of him, insofar as it can be done; - if some circumstances generate a proximate occasion, for example, an evening conversation with a maidservant, they must carefully be taken away; likewise, if danger arises from the fact that the accomplice enters the room, let the door be closed and locked, etc.
2. Others lessen the force of concupiscence: assiduous labor, so that in this way the evils which idleness is wont to teach may be avoided[1]; - modesty of the senses, especially of the eyes: "I made a covenant with my eyes, that I would not even think of a virgin"[2]; - mortification of curiosity and of other passions: for those who are accustomed sometimes to resist their inclinations in lawful things resist unlawful things much more effectively; - by avoiding, or vigorously putting to flight, depraved, indeed dangerous, thoughts, especially about the beloved person; - by leaving dangerous readings; - by abstaining from excessive drinking; - by restraining concupiscence through moderate bodily exercise, etc.

[1] "For idleness has taught much malice." (*Eccli.*, XXXIII, 29.)

[2] *Job*, XXXI, 1.

3. Finally others increase spiritual strength: every morning and evening, and also when temptation urges, to pray fervently: "Watch and pray that you enter not into temptation"[3]; - daily before the image of the Crucified to renew the purpose of sinning no more; - frequently to have recourse to the Blessed Virgin; - often to think about the last things;[1] - to read pious books; - to recite pious aspirations and to walk in the sight of God; - to receive the sacraments assiduously, and especially after a fall to approach the confessor at once[2], etc.

[3] *Matt.*, XXVI, 41.

[1] If someone does not know how to meditate and is addicted to sins, let him say to himself daily, before sleep: if I continue to live thus, I shall be devoted to eternal punishments.

[2] St. Philip Neri gave to a certain young man, who was sinning gravely almost daily, scarcely any other penance except that, if he relapsed, he should return at once to confession; the penitent obeyed, and Philip always absolved him, and always imposed upon him the same penance; by this means, in a very short time, the young man was amended and came forth as an angel. Cf. Berardi, n. 82.

Yet these means, as St. Leonard[3] rightly notes, are not all to be employed at the same time, but now these, now those, according to the character of the persons, the nature of the occasions, and other circumstances.

[3] St. Leonard, *Discorso mistico*, n. 20.

536. (b) If those placed in a necessary proximate occasion always relapse in the same way, after several paternal instructions, exhortations, and rebukes, they cannot be absolved unless they present extraordinary signs of contrition, or leave the occasion, even with very grave inconvenience. Thus commonly, with St. Alphonsus (n. 457), against a few.[4]

[4] Baller. P., n. 192 sq.; Genicot, n. 374; Noldin, n. 409. They allege also Lugo, disp. XIV, n. 157 sq.; but Lugo himself admits (n. 160) that these frequent relapses, without amendment, create some presumption against such an occasionary, and therefore the necessity of certain special signs for destroying that presumption. - Cf. *Vindic. Alphons.*, p. 603-620.

Explanation: 1. First indeed the necessary remedies are prescribed to the one in the occasion; if he has neglected them, he must be seriously warned two or three times to employ them; but if again he has neglected them, he must be dismissed without absolution, unless extraordinary signs of contrition are exhibited, as we shall say concerning relapsed sinners, on account of the reason there adduced.

2. If he has employed at least some means, with some amendment, he can be absolved and must be exhorted to greater efforts.

3. But if he has employed the means, and after several trials there is no amendment nor at least probable hope of amendment, he is not to be absolved before he dismisses the occasion or brings special signs of a better purpose. For in this case the danger of sinning is so grave that, all things considered, to remain in this danger is now a sin. Wherefore the words of Christ[5] pertain here: "If your eye scandalizes you, pluck it out and cast it from you: it is good for you to enter into life with one eye, rather than having two eyes to be cast into the gehenna of fire"; by these words it is signified that we ought to suffer all harms, even the gravest, rather than incur eternal damnation, and therefore the loss of grace.

[5] *Matt.*, XVIII, 9.

Ballerini indeed objects that the hypothesis of St. Alphonsus must be denied; for if up to now there has been no amendment, from this it can only be concluded that the means were not sufficient, or were neglected. We admit indeed that it rarely occurs; for one who seriously employs opportune remedies is generally amended. But sometimes there are those who do not use these seriously unless absolution is deferred until they either dismiss the occasion or present extraordinary signs of contrition.

2° On Those with Sinful Habits

537. (A) Notion. A person with a sinful habit, or habituated in sin, is called one who has contracted an internal facility of committing the same sin from acts often repeated.[1] Therefore a sinful custom or habit is distinguished from an occasion of sinning, in that the latter is extrinsic to the sinner himself, while the former is internal; nevertheless it is often connected with an occasion, insofar as not rarely it arises from this or at least is much increased by it.

[1] Concerning habits in general and their influence on the will, it is spoken in Fundamental Moral Theology; meanwhile see, if you wish, besides the classical authors, *Vieux moraliste* ap. *Ami du Clergé*, XXI, 1899, pp. 529, 593, 673 sq.

How many acts suffice for contracting a depraved habit cannot be determined absolutely. For this depends on the character of the one sinning, namely his greater or lesser fragility; on the nature of the sin, since in certain matters, for example, in the matter of chastity, depraved habits are acquired more easily and more promptly; on the manner in which the sin is committed, with greater or lesser adhesion of the will; and also on the longer or shorter time which has intervened between the various acts: thus one who sins several times on the same day, and afterward abstains from the same sins for a long time, does not so easily contract a habit as one who regularly commits the same sins once or twice daily, or each week. - Let the confessor attend especially to this: the more easily some sin is committed, the more acts are required to constitute a habit; thus more acts are required for internal sins, which are more easily completed than external ones, more for those which are perpetrated alone than for those which require an accomplice. Hence, according to St. Alphonsus,[2] to commit an external sin five times in a month, provided some interval intervenes between the various acts, suffices for contracting a habit; while, if there is question of internal sins, a much greater number is required; but if there is question of external sins which can be perpetrated only with an accomplice, a smaller number is required; for example, one who fornicates once a month for a year can be called habituated.

[2] *Praxis Confess.*, n. 70.

Again, one must distinguish between a habit contracted deliberately, with perfect choice of the will, and a habit formed from mere fragility: in the former case, as often happens for habits of theft and hatred, those with sinful habits generally sin because of a habitual perversity of the will, and therefore they repent with more difficulty; in the latter case, for example, if there is question of sins of the flesh, intemperance, or anger, they offend because of the vehement impulse of passion, and when this has passed, they more easily abhor their sin.

538. (B) Principle: Those with sinful habits can be absolved as often as they exhibit themselves truly and sincerely disposed to employ those means which are necessary for conquering the

habit. It is certain.

For a depraved habit of itself is not a sign of indisposition, but only renders relapse more probable; now, if someone retracts the habit and sincerely wishes to employ the means for conquering the habit, by that very fact he shows that he is well disposed, and therefore he can be absolved; moreover, by employing the prescribed means, he will lessen and gradually extinguish the force of the habit: for custom is conquered by contrary custom.

But the means to be suggested are general, such as prayer, meditation, remembrance of the presence of God, flight from the occasion if the habit arises from an occasion, frequent reception of the sacraments, etc.; or particular, namely those which are opposed to the depraved habit, for example, mortification of the senses for conquering impurity, abstinence from intoxicating drink for overcoming intemperance, as is explained elsewhere in the Treatise on Sins and on Virtues.

539. Corollaries. (a) One with a sinful habit, who for the first time confesses the depraved habit, regularly ought to be absolved, although no amendment has preceded, provided he seriously promises to use the means necessary for eradicating the habit. For since he has not violated promises, and is supposed sincere, he can and ought to be believed. - Yet it is said regularly, because if the habit is very rooted and has been contracted deliberately, sometimes it is expedient to defer absolution for a short time, so that the penitent may conceive a more vivid horror of sin and more strenuously employ the prescribed means.

(b) One with a sinful habit, who had already rather often confessed the depraved habit, but had not been warned about the remedies to be employed, can be absolved if, better instructed, he promises to use them. For if he did not employ the necessary means, this must be attributed to ignorance rather than malice; moreover, since he seriously promises to use them, he shows himself well disposed.

(c) But if he rejects means truly necessary for conquering the habit, generally absolution is to be denied.[1] For one who wills the end wills the means; and one who does not will the means does not will the end, that is, in this case, he does not wish to flee sin. - It is said generally, because if the penitent rejects certain means in good faith, because he does not think them necessary, and is prepared to employ others, although, in the judgment of the confessor, they are less efficacious, he can for a time be left in good faith and absolved.

[1] Deservedly, therefore, this proposition 60 was condemned by Innocent XI, March 2, 1679: "To a penitent having a custom of sinning against the law of God, of nature, or of the Church, even if no hope of amendment appears, absolution is neither to be denied nor deferred: provided he says by mouth that he is sorry and proposes amendment." (Ap. Denzing., n. 1077; cf. Viva, on this proposition.) Now when necessary means are rejected, there is no hope of amendment.

3° On Relapsed Sinners

540. (A) Notion. In general, a relapsed sinner is called one who, after he has confessed certain sins, often relapses into the same without amendment. Therefore he differs from one who merely has a sinful habit, who indeed often relapses into the same sin, but has not yet confessed this depraved habit.

With regard to absolution, one must distinguish between those who are formally relapsed sinners and those who are such materially only.

Now, that someone may be formally a relapsed sinner, three conditions are simultaneously required: (a) that, after he has confessed a depraved habit, he was seriously warned by the confessor concerning the gravity of the fault and the means necessary for avoiding it; (b) that he has fallen into the same sins, but not others of a different kind; (c) that, without amendment, he has relapsed in almost the same way, with the same facility, immediately or shortly after confession, without serious effort either to repel temptations or to employ the means of amendment.

One is called materially relapsed who indeed has often relapsed, but (a) either had not been seriously warned by the confessor; (b) or, although warned, did not relapse into the same sins, but into others of a different kind; (c) or, although warned and relapsed into the same sins, exhibits some amendment, because he has not sinned so often, or at least for some time seriously tried to resist temptations, or employed at least some one of the assigned means, although, because of the greater vehemence or frequency of temptations, in fact he has sinned as often as before.

541. As to materially relapsed sinners, there is no special difficulty: if they have not yet been admonished, let the confessor seriously admonish them and propose means to them: if they sincerely promise to employ these, they can be absolved. If they bring some signs of amendment, they are to be exhorted to make greater efforts; if, one vicious habit having been corrected, they have fallen into another, new remedies are to be proposed for destroying this also.

Therefore the whole difficulty concerns formally relapsed sinners. Rigorists, imbued with Jansenist principles, hold that they are not to be absolved unless they have proved amendment by long experience. A few others[1] think they can be absolved as often as they bring ordinary signs of disposition, and sincerely say that they are disposed. St. Alphonsus,[2] walking a middle way, teaches that generally they are not to be absolved unless they present extraordinary signs of contrition. His doctrine, if rightly understood, seems to us to be followed.

[1] Faure, *Dubit. theolog.* dub. 3; Baller. P., n. 225-345; Genicot, n. 370.

[2] Cf. *Vindic. Alphons.*, p. 647-788.

542. (B) Principle: Formally relapsed sinners regularly cannot be absolved, unless by special signs they show that they are truly contrite. Thus commonly.

For frequent relapse into the same sins, without amendment, shortly after absolution, generates a prudent presumption of a weak purpose; for one who firmly purposes to avoid sin and to employ the means necessary for this, regularly does not change his mind so easily, nor so suddenly. But this presumption regularly cannot be destroyed except by special signs of contrition or of firm purpose; for common signs had already been given before and were found ineffective. Therefore more than ordinary signs are desired in this case.

Yet it is said regularly; for sometimes there are found penitents who are so changeable in mind that they can be sincerely contrite, and nevertheless, because of innate changeableness and fragility, fall

into the same sins as soon as a vehement temptation arises; these can be absolved, provided it is established, with all things considered, that they are sufficiently disposed.

543. (C) Corollaries. (a) When a relapsed sinner brings certain special signs of contrition, he can be absolved at once. For relapse is not in itself an absolute sign of indisposition, since it can arise from mere fragility, but only generates a presumption of a weak purpose; but this presumption is destroyed by special signs of contrition; therefore, notwithstanding frequent relapse, the penitent in this case can be absolved.

But these signs are called extraordinary, not in the sense that extraordinary contrition is required, since simple attrition suffices with absolution; but in the sense that they must be more proving than those which had been given before by the same penitent. Therefore these signs are not something absolute, but wholly relative; nor can they be truly useful unless at the same time there are considered the character of the penitent, the temptations by which he is attacked, and other circumstances; hence much in this matter must be committed to the prudence and discretion of the confessor.

544. These things being posited, the principal extraordinary signs of contrition are: (a) tears poured forth not on account of some human motive (for example, because a girl was abandoned by her lover), but on account of the offense of God and the ruin of one's own soul; (b) heartfelt words, that is, manifesting a compunct heart and a firm will of avoiding sins; (c) spontaneous confession, made not from mere custom, but from the internal impulse of grace, especially when notable difficulties for confessing have been overcome, for example, after a great internal conflict, after a long journey, or when someone consents to undergo grave harm or grave inconvenience; but a confession is not judged spontaneous if it is made from the persuasion of parents or superiors, from the obligation of the paschal precept where this is commonly fulfilled, or from the custom of confessing on certain feasts; (d) spontaneous flight from the occasion, for example, by seeking reconciliation with an enemy, by restoring what has been taken, by dismissing a concubine; (e) manifestation of a firm and generous will, shown by deeds, for example, by manifesting sins previously concealed, making a general confession, or approaching the sacred tribunal notwithstanding the mockery of friends, etc.; (f) detestation of sin immediately after a fall, because then relapse can be attributed to mere fragility; (g) an unusual fear struck in from some event, for example, the death of a relative or friend, public or private calamity, fear of imminent death; (h) reception of more abundant grace, for example, on the occasion of a mission or spiritual exercises; in one word, all those things from which a sincere purpose of amendment can prudently be inferred.

545. (b) If the relapsed sinner brings none of these signs, he is not immediately to be dismissed without absolution, but is to be disposed to contrition by a fervent exhortation, as was said above (n. 479).

That the confessor may accomplish this more easily and efficaciously, he must attend to these things. 1. If the defect of disposition arises from ignorance alone, or inadvertence, or fragility, it will be rather easy to excite the penitent to contrition, by instructing him and proposing to him motives of

sorrow accommodated to his capacity, especially if it is done by way of dialogue, so that the penitent cannot be distracted in mind.

2. If the defect of disposition arises from affection for sin, the difficulty indeed increases, but it is not insuperable. For the penitent, from the fact that he approaches the sacred tribunal, conceives at least some desire of conversion; moreover God is accustomed to grant grace to men of good will; therefore if the confessor, moved by prudent and ardent zeal, with paternal charity warns the relapsed sinner concerning the dangers in which he is placed, and suggests to him the means by which he can overcome temptations, he can make him well disposed; which indeed he will recognize from the very manner of speaking and acting of the penitent, for example, if he says that he has acquired a new knowledge of his own iniquity, or that he is prepared seriously to employ the prescribed means.

Here, however, it is worth noting that those who relapse from intrinsic facility are more easily made contrite than those who relapse from an extrinsic occasion. Thus those who consent to blasphemies, shameful thoughts and desires, or pollution, are made contrite rather easily; hence they can more easily be absolved, especially if they promise that they will return to confession immediately after a fall. But the proud are made contrite with more difficulty, who pursue a determinate person with hatred; the impure, who cling to some person with mad love, or spouses who abuse marriage; the avaricious, who have become richer from the goods of others; the timid, who by fear of men are deterred from fulfilling their duties. Of these indeed one must never despair; but to dispose them for absolution is very difficult.

546. (c) If, after a fervent exhortation, the relapsed sinner remains doubtfully disposed, he can indeed be absolved conditionally, if a special necessity urges, according to the principles set forth above (n. 487). But if there is no necessity of this kind, absolution is regularly to be deferred, especially when the penitent is placed in a proximate occasion, - or, though warned several times, has not yet restored, - or delay is judged opportune for striking salutary fear into the heart of the penitent.

547. (d) If finally it is morally certain that the relapsed sinner remains indisposed, absolution is to be deferred, not indeed for a long time, but for a few days, not with severe words, but with the most humane, by explaining the reason why absolution is deferred, and by assigning the means which must be employed for obtaining contrition shortly.

It was said: not for a long time, lest he come into desperation and sin more often; for relapsed sinners from intrinsic fragility a delay of eight or ten days suffices; for relapsed sinners from an occasion, a delay of fifteen days.

With most humane words, lest penitents bid farewell to confession; which Leo XII[1] explains very well thus: "Wherefore, if there is a just cause why absolution is to be deferred, it is necessary that he persuade those confessing, with words as humane as possible, that this is wholly demanded both by his own charge and office and by their own salvation, and that he very gently entice them to return as soon as possible, so that, those things which shall have been salutarily prescribed having been faithfully performed, they may be refreshed, loosed from the bonds of sins, by the sweetness of heavenly grace."

[1] Encycl. *Caritate Christi*, Dec. 25, 1825.

By explaining the reason ... so that in this way it may be understood that absolution is deferred not from hatred or anger, but from paternal solicitude.

By assigning means, so that the penitent may know what must be done that he may be better disposed for absolution; for delay of itself will not change his mind unless at the same time remedies are prescribed to him. - In this way absolution, sweetly and firmly delayed, can correct relapsed sinners, if not for the present time, at least for the future.

III. On Those Who Need Special Care: the Pious and the Dying — 1° On the Manner of Acting with Pious Persons

548. Since there are many penitents who, with God's help, avoid mortal sins and tend to spiritual perfection, confessors ought to devote themselves to the study of Ascetical and Mystical Theology, that they may wisely direct these in the way of God; otherwise, they will either have no care for pious persons, or will lead them into the way of error, illusion, and hallucination. Here we can note only a few things, referring the confessor for the rest to approved authors.[2]

[2] Cf. St. Thomas, in the second part of the *Sum. theolog.*; Alvarez de Paz, *De Vita spirituali et ejus perfectione*; Philip of the Most Holy Trinity, *Summa Theologiae Mysticae*; St. François de Sales, *Introd. à la Vie Dévote* and *Traité de l'Amour de Dieu*; Schram, *Instit. Theologiae Mysticae*; Scaramelli, *Direttorio ascetico*; *Direttorio mistico*; Msgr. Gay, *De la Vie et des Vertus chrétiennes*; Ribet, *La Mystique divine*; *L'Ascétique chrétienne*; Faber, *All for Jesus*; *Growth in Holiness*; Saudreau, *Méthode pour diriger les âmes*, Paris, Vic et Amat.

549. (A) Preliminary Remarks. (a) Let the confessor not try to lead all pious persons living in the world to the highest degree of perfection: for there are those who are truly devout and rightly perform ordinary good works, without nevertheless being called to a higher perfection.

(b) Not all the devout are to be directed in the same way, but attention must be given to their character and condition, and also to the inspirations which they receive from the Holy Spirit.

As to character, those endowed with a different temperament must be treated differently. The phlegmatic must be stirred up, lest they become asleep, tepid, and lax; the choleric and nervous must be moderated, lest they suddenly wish to attain a higher degree and afterward fall; the melancholic need consolation, lest they be oppressed by sadness and a broken spirit; the sanguine must be persuaded that they do all things deliberately and constantly, lest, moved by sudden ardor, they undertake something above their strength, and afterward, cast down, fall into desperation.[1]

[1] These temperaments are treated in the Treatise on Human Acts, n. 120.

With regard to condition of life, married persons and celibates are not to be directed in the same way, nor those who are bound to labor assiduously and those who enjoy much leisure, etc. Nothing must ever be counseled which can obstruct fulfillment of the duties of one's state.

Since the Spirit of God is manifold in His gifts, and inspires various souls variously, let the confessor carefully inquire whether and how each devout person is drawn by grace to this or that virtue; likewise let him ask light from God: for he ought not to go before divine inspirations, but rather to follow them.

550. (B) Method to be Followed. (a) First of all, the devout are to be taught that perfection is not properly situated in spiritual exercises, or in the practice of mortification, or in this or that devotion, but in the love of God for Himself, and in the love of neighbor for God: "Of itself and essentially, the perfection of the Christian life consists in charity, principally indeed according to the love of God, but secondarily according to the love of neighbor." This love indeed is not to be placed in sensible affection, but in the prompt and generous will of doing and suffering all things for God, and therefore of willing all things which God wills, because He wills them, in the way He wills, and as long as He wills. From this it follows that perfection is to be sought not in a few heroic acts, but in individual and ordinary actions performed for God with a prompt and fervent mind.[2]

[2] St. Thomas, 2. 2., q. 184, a. 3.

But since, in the present state, we cannot love God and neighbor as we ought unless we deny ourselves, mortification of the external and internal senses, and also of the passions, is a necessary means for attaining perfection: "But those who are Christ's have crucified their flesh with its vices and concupiscences."[3] - Moreover, since we have been redeemed and sanctified through Christ, we cannot attain Christian perfection except through Christ, and with Christ, and in Christ: hence, in the present order, no one can be perfect except by intimate union with Christ. Therefore the greatest devotion must be inculcated toward Christ the Redeemer, and the various mysteries of Him, especially the Passion; and toward Christ hidden in the Eucharist, whose hidden life pious persons should strive to contemplate and imitate by devout visits.

[3] *Galat.*, V, 24. - Recall to memory what was said concerning the four wounds of human nature in the Treatise on God the Creator, n. 198.

But since Christ came to us through Mary, we can approach Him more promptly and safely through Mary: to Jesus through Mary. Nor indeed must devotion toward the Saints be omitted, who, since they have imitated Christ, can by examples and intercession lead us to the Lord. Yet let the confessor take care that this devotion be regarded only as a means for promoting imitation and love of Christ.

551. (b) Let the confessor keep before his eyes that there are three degrees or states of perfection, according to the diverse degrees of charity, namely the state of beginners, of those progressing, and of the perfect; to which correspond the three spiritual ways: purgative, illuminative, and unitive.

Beginners are those who are not only retarded by concupiscences and passions, but also are in danger of sometimes falling into mortal sin. These are in the purgative way, because they purge themselves from sins by mortifying the passions and at the same time fostering charity. - Those progressing, their passions now calmed, more easily devote themselves to the operation of the virtues, especially the moral virtues, and to the increase of charity; hence they are in the illuminative way, because, since they are more immune from vices and concupiscences, they are more often illuminated by God. - But the perfect, their passions having been subdued, become accustomed to the exercise not only of moral virtues, but also theological virtues, and promptly and delightfully devote themselves to the love of God; hence they walk in the unitive way, because they are united to God more intimately and more frequently. - In practice, however, these degrees are not so clearly distinct; and there is no state or degree which does not in some way participate in another degree; therefore in any state one must

unceasingly devote oneself to mortification, to the moral virtues, and to the theological virtues; but in the first degree one must insist more on mortification; in the second, on the moral virtues; and in the third, on the theological virtues.

552. (c) The general means by which the degrees of perfection are climbed step by step are spiritual exercises and frequent reception of the sacraments.

Among pious exercises, three are especially profitable, besides frequent assistance at Mass and visitation of the Most Holy Sacrament: meditation, frequent remembrance of the presence of God, and sincere examination of conscience. 1. According to St. Alphonsus,[1] the confessor ought before all else to dispose the devout to make mental prayer, because prayer and sin cannot dwell together; and moreover by meditation divine love is enkindled. Most persons, even the rude, can make some meditation if, after pious reading, they think seriously about the things which they have read and ask these three things of themselves: how can these things be brought into practice by me? - whether and how far I have done this before? - what can I do today concerning this matter? Then let them pray that they put into execution the things they have proposed to themselves.

[1] *Praxis*, n. 122; cf. n. 217 sq., where the practice of mental prayer is explained; St. François de Sales, *Introd. à la Vie dévote*, 2nd part, ch. 1-8; Faber, *Growth in Holiness*, ch. 15.

2. Let them frequently have the presence of God before their eyes, according to that saying:[1] "Walk before me, and be perfect"; and let them offer their acts to God not only in the morning, but several times in the day, and recite pious ejaculatory prayers; for thus they will not only flee sin, but also daily progress in the practice of virtues.

[1] *Gen.* XVII, 1.

3. In examining their conscience, let them recall not only in a general way their principal delicts, but let them seriously examine themselves concerning one vice or one virtue in species, so that they may see not only whether they have offended, but whether and how far they have progressed: for they will progress more promptly and safely if they apply all their strength to cultivating one virtue or extirpating one vice for some notable time.

As to frequency of Communion, read the rules which are handed down in *Syn. Theol. Dogm., De Eucharist.*, n. 150-152, and the decree of Pius X.

553. (d) Particular means are diverse according to the diverse degrees which pious persons have attained, and their character, condition, and supernatural inclinations. For although the principal virtues ought to be cultivated by all, those especially are to be inculcated which are opposed to the predominant vice, or better correspond to the duties of one's state or to the motions of grace. Certain ones nevertheless seem more necessary: in the first degree, mortification of curiosity, vanity, and sensual love; in the second, the practice of prudence, justice, fortitude, humility, meekness, and sincerity; in the third, the spirit of faith, filial trust in God, and fervent love of God. Concerning these, see the Treatise on Virtues, in which all these things are described more fully.

554. (C) On the Temptations of the Devout. The devout are attacked by special temptations, for overcoming which more efficaciously they need the counsel of a prudent confessor.

(a) Beginners, after they have experienced tender devotion, are gradually deprived of spiritual delights, because God wishes to nourish them with more solid food: from this anxieties and dejection of soul are born. Therefore the confessor will teach them that true virtue and true progress consist in spiritual combat, not in delights; that the business of perfection is completed not in one day, but by a slow step, after the manner of plants which grow in a way scarcely sensible; that God looks upon the heart, and rewards efforts rather than apparent progress; that in the work of salvation invincible constancy profits more than efforts made with interruption[2], etc.

[2] "But he who shall persevere unto the end, he shall be saved" (*Matt.*, X, 22).

(b) Those progressing, after some time wearied by spiritual combat, often look back[1], and wish to stop where they are; from this it happens that they gradually decline; namely, spiritual exercises are omitted or performed negligently; esteem of perfection decreases, and love of the world and of pleasures increases; hence venial sins are committed deliberately and frequently, and when grave temptation urges, they easily slip into mortal sin. - These should be taught that those who do not progress in the way of God, by that very fact go back; that tepidity is often more dangerous than mortal sin: "Would that you were cold or hot! But because you are tepid, ... I will begin to vomit you out of my mouth"[2]; that loss of time and grace are very grave evils and are punished by severe penalties: "For the earth often drinking in the rain coming upon it ... but bringing forth thorns and briars, is reprobate, and very near to a curse; whose end is to be burned"[3]; that those who are heaped with more abundant graces are bound to greater perfection, and therefore that those are not to be imitated who, helped by lesser graces, lead a common life quietly. Let them be induced, if it can be done, to make the sacred exercises in retreat; then let them resume the neglected exercises of devotion and perform them fervently, especially meditation and examination of conscience; and let them direct all their efforts, for a long time, to cultivating one virtue. By these and other similar means they will return to better things.[4]

[1] "No man putting his hand to the plough, and looking back, is fit for the kingdom of God" (*Luc.*, IX, 62).

[2] *Apoc.* III, 15-16.

[3] *Hebr.*, VI, 7-8.

[4] You will find means for avoiding or correcting tepidity in *Pratique progressive de la Confession*, and in the other works cited above.

(c) Even those more advanced, or the perfect, can fall into the snare of the devil; for sometimes they indulge pride, vain glory, and presumption; from this it happens that they rashly cast themselves into certain occasions of sinning, and are deceived by various illusions: anger is judged zeal, pertinacity is held for constancy, prodigality for liberality, self-love for divine love, sensual and impure love for charity. Hence they can also slip into grave sins. - The consideration of their own fragility, frequent remembrance of sins, and the intimate persuasion that no good is to be attributed to us[5] will profit these persons. To avoid illusions, let them do nothing extraordinary without consulting the confessor; as to the practice of virtues, let them take his counsel. If they have fallen into mortal sin, let the confessor receive them kindly, without any sign of admiration or indignation; yet let them seize this occasion for humbling themselves under the powerful hand of God, acknowledging their

unworthiness, impotence, and perfidy, so that thereafter they may serve God with greater humility and fervor, and compensate the injury by doubled homage.

[5] "But what do you have that you have not received? And if you have received, why do you glory as if you had not received?" *I Cor.*, IV, 7.

555. (D) On the Desolations of the Devout. Sometimes even the devout are afflicted with various desolations, temptations against faith, confidence, or chastity, by which they are affected with great sorrow and can become despondent.

(a) Let them keep before their mind that there is no safer and shorter way to perfection than patience in tribulations: the greater things we suffer for God, the more perfectly are we detached from creatures and the more intimately united to God; therefore in no desolation let them despond in soul, but let them hand themselves wholly over into the hands of divine mercy, saying with Christ[1]: "My Father, if it is possible, let this chalice pass from me; nevertheless not as I will, but as Thou"; for the chalice accepted patiently passes more quickly.

[1] *Matth.*, XXVI, 39.

(b) With the help of divine light, let inquiry be made from what cause this spiritual desolation arises. If from voluntary defect, let sorrow be sincerely had for the fault, pardon be humbly sought, and the former fervor be renewed. If from weariness of body or natural disposition, let strength be restored to the body by honest recreation and bodily exercise, and, if there is need, let a physician be approached who may prescribe proper remedies. If from God, who wishes to render the soul purer, let it be gladly accepted as a means of more intimate union with the Crucified: "With Christ I am fastened to the cross."[2]

[2] *Galat.*, II, 19.

(c) In time of desolation let no exercise of devotion be omitted or performed negligently: for then exercises of this kind are more pleasing to God and more meritorious.

(d) Let the state of the soul be candidly opened to the confessor, who can suggest more useful counsels.

556. (F) On the Extraordinary Graces of the Devout. Sometimes also God illumines the devout by a special light or vision, or consoles them with extraordinary consolations. But since in this matter illusions and hallucinations easily occur, let the confessor examine all these things diligently, not indeed with an unbelieving mind, but with a sober one, so that he may discern whether they proceed from the Spirit of God, or from a fervid imagination or the devil.[3]

[3] On discernment of spirits, cf. *De Imitatione Christi*, lib. III, c. 54; St. Ignatius, *Exercitia Spirit.*, Rules for discerning the movements of the soul; Bona, *De Discretione spirituum*; Poulain, *Des Grâces d'oraison*.

(a) The good Spirit does not inspire things which are repugnant to revealed truth or to doctrine received in the Church; therefore novelties must carefully be rejected.

(b) The good Spirit moves to self-denial, obedience, humility, contempt of the world, flight from honors, etc.; things contrary to these virtues proceed from nature or from the evil spirit.

(c) The Spirit of God is discreet; hence generally He moves only to ordinary things and those accommodated to one's own strength; if sometimes He inspires extraordinary things, at the same time He infuses a sense of obedience and humility: therefore those are deceived who pant after extraordinary things, if they make much of themselves and despise others, if they glory in the grace of devotion, or if, when despised, they are cast down in soul.

(d) A divine motion is good from every part, in the beginning, in progress, and in the end; the illusion of the demon, although it may seem to begin rightly, shortly ends in something depraved, either by drawing back from a better good, or by insinuating something evil, or by disturbing the soul.

(e) Nevertheless, a temptation of the devil or a natural movement of the soul, for example, of pride, can afterward be joined to a divine motion. Therefore one must beware lest that which in the beginning was divine afterward become diabolical through some fault.

(f) Since obedience is the best trial of virtue, let the confessor sometimes command something contrary to the proper judgment of the penitent; if he obeys constantly and humbly, it is a good sign; but otherwise, if he is unwilling to obey.

See the rest in the cited authors.

2° On the Manner of Acting with Regard to the Dying

We shall consider two things: when they can be absolved; how they are to be helped to undergo death in a Christian manner.

557. Which Dying Persons Can Be Absolved? - The chief difficulty is not as to confession, since these are excused from material integrity, but as to contrition, which is an entirely essential disposition, and must be manifested in a sensible way, according to most theologians: now this manifestation seems to be lacking in those who are destitute of the senses.

558. Principle: In the article of death, absolution can be granted, at least under condition, as often as it is even slightly probable that it will profit the dying. It is certain.

For by force of the principle "the sacraments are for men," in a case of extreme necessity it is lawful to expose the sacrament to danger of nullity, provided there is some probability that it will be valid and useful for the recipient. Nor is great probability required, but slight probability suffices, since it is better that the sacrament be null or defective than that souls be damned forever. Yet mere possibility does not suffice, since in practical matters probability, not possibility, is considered.

559. Corollaries. (a) If the dying person asked for the sacrament before witnesses before he was deprived of the senses, he certainly ought to be absolved, although here and now he is destitute of the senses; for, by asking for absolution, he manifested that he was contrite, and that act of contrition can persevere virtually. According to the more common opinion, he ought to be absolved without condition in this case, because the Ritual says simply "he is to be absolved"; yet one who adds the condition "if you are capable" is not to be blamed, since some doubt can remain concerning the validity of the sacrament.

(b) Catholics who manifested a probable sign of contrition before they were destitute of the senses can and ought to be absolved conditionally; for absolution will probably profit them.

Such are Catholics who lived in a Christian manner, although they gave no sign of contrition explicitly; for one who lives in a Christian manner is deservedly presumed to wish to die in a Christian manner and therefore to receive absolution. Moreover, although they are destitute of the senses, it is probable that they elicited an act of contrition before they lost the use of the senses; or it is not improbable that they lost the use of the senses, indeed, but not the use of reason, so that internally they can elicit an act of contrition, which sighs, movements of the eyes or lips, or other things of this kind make sufficiently sensible; otherwise, it is probable that contrition suffices, even if it is not manifested exteriorly. Yet it is expedient that the priest, before he imparts absolution, recite an act of contrition in a loud voice; for there are dying persons who are able to hear, although not to speak: in which case they too are helped in this way to elicit an act of contrition.

560. (c) Catholics destitute of the senses can also be absolved conditionally, who, although they did not live in a Christian manner, had kept the faith; for many of them implicitly wish to die in a Christian manner, and therefore to receive absolution in the article of death. Such are those among whom signs of Catholicity are found, for example, medals, a rosary, a scapular, or who can probably be judged Catholics, as living in a region in which there are many Catholics. Thus very probably.

(d) Indeed, probably those can be absolved who lost the use of reason in the very act of sin, for example, in drunkenness, in theft, in a duel, provided it can be inferred from their life that they were probably contrite. This indeed can occur; for in that very instant in which they were about to lose the use of reason, they could have changed their mind and detested their sin, especially since God does not deny His grace to one placed in extreme necessity. - But because many contradict this, the priest in this case is not bound to give absolution.

(e) But if the dying person, immediately before he lost the use of reason, positively repelled the sacraments, he cannot be absolved even conditionally, unless such a manner of acting can be judged revoked by some sign of contrition: for in this case every probability of conversion is lacking.

561. (f) Schismatics who are in good faith, and believe in the efficacy of absolution, can be absolved conditionally in the article of death, scandal being removed; because it is probable that they desire the sacrament. The same can be said of heretics who likewise are in good faith, and at the same time believe in the power of absolution, such as Ritualists and some Lutherans and Anglicans.[1]

[1] This can be inferred from the recent decree of the Holy Office, July 20, 1898 (*Acta S. Sedis*, XXXI, 253-254); for when it had been asked "whether material schismatics, who are in good faith, can sometimes be absolved," the response was: "Since scandal cannot be avoided, in the negative, except in the article of death; and then scandal having been efficaciously removed." In the same sense can be understood c. 731 of the Code, forbidding the sacraments of the Church to be administered to heretics or schismatics, unless they have first been reconciled to the Church.

(g) As to heretics who reject the sacrament of Penance, the matter is much more uncertain. Many, with St. Alphonsus (n. 483), think that they cannot be absolved unless they have expressly asked for absolution, because they are not judged to desire that which they abhor.

Certain theologians, however, with Lacroix (n. 1866), hold that they can be absolved conditionally if they are in good faith, especially if they were inclined toward the Catholic faith, because, for example, they had Catholic relatives or connections or friends, or were instructed or served by Catholic nuns; for since they are in good faith, in a general and implicit way they desire to do or receive all those things which are necessary for salvation.

Indeed, according to Lehmkuhl (n. 515) and others, a dying Protestant, but one still enjoying the senses, can be absolved conditionally, if he cannot prudently be admonished about entering the Catholic Church, provided he declares himself a sinner, and, having conceived sorrow for sins, consents to be helped by the ministry of the priest in attaining eternal beatitude: for this consent is as it were an implicit desire of receiving absolution. But then let the priest take care that, for the sake of greater security, the dying person elicit acts of faith, hope, and charity, and also an act of perfect contrition, insofar as this can be done.

562. Notes. (a) If a probable doubt exists concerning the value of the baptism of non-Catholics, they must secretly be baptized under condition before they are absolved.

(b) Those who are certainly dead cannot indeed be absolved and anointed, even under condition; but from recent experiments it is established that life remains in the body for some time, even when someone has seemed to give forth the last breath, because life withdraws from the body only successively. Hence certain persons who were apparently dead, after three hours, were brought back to life by rhythmic traction of the tongue. Wherefore those who by such a process give certain signs at least of sensitive life can be absolved and anointed, the things to be posited having been posited; indeed, under the condition "if you are living," those who, although they seem to be dead according to ordinary signs, are prudently thought by experts to survive.[1]

[1] Cf. Ferrand, *Le moment de la mort*, ap. *Congrès scient. des Cathol.*, 1891, Sciences mathém. et nat., p. 197; *Études Franciscaines*, janvier 1900; *Ami du Clergé*, t. XXIII, 1901, p. 593.

On the Manner of Helping the Dying

563. Preliminary Remarks. (a) There is no work of charity more acceptable to God than to help the sick and dying to die holily, since the eternal salvation of souls depends on the manner in which these overcome the last difficulties and temptations; hence one of the chief duties of the confessor is to have care of the sick. "Wherefore as soon as he shall have known," says the Ritual, "that any one of the faithful committed to his care is sick, he shall not wait until he is called to him: but of his own accord let him approach him, and this not only once, but more often, insofar as there shall be need; and let him exhort his parishioners to warn him when someone in his parish happens to be sick, especially if the illness shall be more grave."

[2] *Rituale Rom., De visitatione et cura infirmorum, Modus juvandi morientes*; Polanco, *Methodus juvandi moribundos*, Dillingen, 1578; St. Alphonsus, *Praxis*, n. 227-291; *H. A.*, Appendix II; Reuter, n. 209-227; Lehmk., n. 516-522; Marc, n. 1854; Aertnys, *Theol. Pastor.*, n. 187-203; Gaume, *Manuel*, n. 371-401; Ciolli, t. I, n. 83-85; Alberti, *Theol. Pastoralis*, Part. I; Dubois, *Pratique du zele*, 2nd Part, ch. 12; Card. Gibbons, *The Ambassador of Christ*, ch. 30; Scavini, t. IV, Append. VII, *De Cura infirmorum*; Frassinetti, *Manuale pratico del Paroco novello* (in English: *Parish Priest's Practical Manual*), p. II, c. 2, Append.

(b) "But let him approach the sick person," the Ritual continues, "so prepared that he may have at hand arguments apt for persuading; and especially examples of the Saints, which have very great force, by which he may console, stir up, and refresh him in the Lord." - But since the confessor of himself is unequal to so great a matter, let him trust in divine help, and pray for the sick whom he visits. Moreover, that he may be better able to help the sick, let him explore their character, morals, and condition, insofar as this can be done. Then let him premeditate the manner of acting with each sick person, revolving in his mind those things which are to be said and done.

(c) If the family of the sick person is not likely easily to admit the priest, by indirect means at least, for example, by the intervention of friends, care must be taken that he be called as a friend; if he has tried this in vain, let the priest himself with all prudence and courtesy ask that, at least for the sake of politeness, he be permitted to visit the sick person; if he knows that his ministry is desired by the sick person, let him urge more insistently, and conduct the cause of the sick person in the best way he can, even personally. - If he is not permitted to approach the sick person without witnesses, and these are unwilling to withdraw, an entire confession is not to be demanded, but only a general accusation or one of a lighter fault; this having been posited, let the sick person be excited to contrition and absolved.

(d) Having entered the room of the sick person, let him show charity and commiseration, by asking about the illness, the pains, and other things of this kind, and by consoling him and exhorting him to patience, especially by the example of the suffering Christ.

564. On the Confession Itself. (a) If danger of death is not pressing, let him not speak immediately about confession, especially when the sick person fears to make it; but let him first strive to conciliate his soul to himself, by setting forth divine mercy and the love of Christ toward sinners. But on the second or third visit, let him propose the usefulness of confession, showing at the same time that it is not difficult nor requires much time; afterward let him exhort the sick person to make it without delay, especially if delirium is foreseen to be about to supervene shortly. If the sick person asks for some delay, so that he may prepare himself, it can be granted, unless danger stands in the way; but one must beware lest it be deferred too long. If he cannot be brought to confess, one must not wholly despair, but as long as he lives, various and efficacious exhortations of priests and other pious persons are to be used, and also both private and public prayers for obtaining divine grace for the salvation of the wretched one lying ill.

(b) Let him exhort the sick person now prepared for confession to perfect sincerity, and kindly ask him whether he has doubts or anxieties concerning past confessions, since this is the best opportunity for correcting all defects.

(c) In questioning, let him beware lest he bring annoyance to the sick person by too many or indiscreet questions: it is better to devote effort to exciting sorrow for sins than to procuring material integrity. Once the confession has been heard, let him excite confidence, by recalling to memory the mercy of Christ toward the greatest sinners, the Samaritan woman, Magdalene, the thief on the cross, etc.; - immediately before absolution, let him ask whether the sick person has anything which disturbs his soul, and let the motives of contrition be briefly proposed.

565. (d) If any restitution or reconciliation must be made, or scandal repaired, efficacious means should immediately be employed for accomplishing this, for example, by writing without delay a note in which it is declared that such a sum of money is owed to such a person, or by leaving through a will to a person above every exception money sufficient for extinguishing the debts. Often scandal is sufficiently repaired by public reception of the sacraments; nevertheless, sometimes retraction is required, as is explained in its place in the various Treatises.

(e) When certain danger of death is present, which the confessor will be able to recognize either by himself or by secretly questioning the physician[1], let him exhort the sick person to dispose of his affairs opportunely: for this is expedient for the peace of the family and the relief of his own conscience. In this, however, let the priest beware to avoid every suspicion of gain.

[1] Let him be questioned secretly, because many physicians are accustomed to deceive the sick, and, unless they are questioned secretly, they do not tell the truth. Read the signs of mortal sickness in Capellmann, *Medicina Pastoralis*, 11th ed., 1896, p. 174-181; in the same place you will find useful things concerning the care of the sick, p. 215 sq. Cf. *Amer. Eccles. Review*, April 1900, p. 388; Feb. 1901, p. 145; Oct. 1901, p. 280-292; etc.

566. On the Temptations of the Dying. (a) Since the sick are accustomed to be attacked by various temptations, the confessor must fortify them against these. First, proximate occasions of sinning should be removed, such as dangerous images, or persons who are accomplices in sins; on the contrary, before them let pious images of the Crucified or of the Blessed Virgin Mary be hung, by which they may be helped to think about God and eternity.

(b) If they experience temptations against faith, let them not discourse about them, but let them divert the mind elsewhere and frequently say: "I believe whatever God has revealed, whatever the Church teaches. - I believe, Lord, but help my unbelief." - If against hope, let words or examples of Scripture be recalled to memory, by which it is established that God is prone to forgive, and does not wish the death of the sinner, but that he be converted and live; that Christ said: "I came not to call the just, but sinners"; that the publican was justified as soon as he said: "Be merciful to me a sinner"; that paradise was promised to the thief hanging on the cross, etc. - If against patience, let Christ be placed before their eyes, who, although innocent, for us sinners patiently suffered so many and such great things in mind and body; that that which torments is momentary and light, that which delights is eternal; that pains cannot be avoided: wherefore if they are borne impatiently, they are increased and remain fruitless; if patiently, for God's sake, their bitterness is softened, the punishments of Purgatory are lessened, and new merits are acquired.[2] - If against charity, insofar as they pursue a determinate person with hatred, let them think that he who does not forgive cannot hope for pardon from God[1]; that Christ, hanging on the cross, prayed for those crucifying Him, and died for us at the time when we were enemies. And so concerning the rest.

[2] For consoling the sick these or similar books will be very profitable: Perreyve, *La Journée des Malades*; Ozanam, *Le Livre des Malades*; Caussade, *Abandon à la divine Providence*.

[1] "Forgive, and you shall be forgiven" (Luke VI, 37). - Hence the priest can address them thus: "Do you not say, daily reciting the *Our Father*: And forgive us our debts, as we also forgive our debtors? Do you not wish your sins to be forgiven by the heavenly Father?"

567. On the affections to be suggested. In visiting the sick, let the confessor suggest to them, but in few words, and at intervals, acts of faith, hope, charity, contrition, conformity to the will of

God, desire for paradise, acceptance of death, etc. Let him offer them an image of the Crucified to be kissed, and exhort them often to invoke, by mouth or at least in heart, the Most Holy Names of Jesus, Mary, and Joseph. Yet let him beware lest by longer prayers and exhortations he bring annoyance to them. - He himself, with those assisting, should recite a few prayers for them; should bless them, and several times impart absolution anew[2], especially before he departs.

[2] "According to the prescription and mind of the Roman Ritual, let the pastor of souls be diligent in visiting the sick and those in agony, even after they have received the last sacraments ... and, after there has been elicited from them, if they can, a new act of confession and contrition, let him anew, repeatedly, give absolution." (*Conc. Plen. Balt. II*, n. 116.)

He will likewise help them to gain indulgences, especially the plenary indulgence in the article of death, according to those things which we shall set forth where we treat of Indulgences. But he will recall to memory that, for gaining these, the interior dispositions of hatred of sin and love of God are more profitable than the recitation of many prayers.

568. On helping those in agony. (a) "As the sickness grows heavier," says the Ritual, "the parish priest shall visit the sick person more frequently, and shall not cease diligently to help him unto salvation; and he shall admonish that, when danger is imminent, he be called at once, so that he may be present to the dying person in time." By these words is inculcated the obligation of helping those in agony by prayers, exhortations, and especially by repeated absolution, lest perhaps they have internally committed some mortal sin and die in it. The gravity of this obligation depends on the condition of the dying; if they have lived in a Christian manner and are surrounded by pious persons, the presence of the confessor is indeed useful, but not necessary; but if they have led a vicious life and remain exposed to grave temptations, or, a fortiori, if up to this time they have not received the last sacraments, the parish priest is bound under grave obligation to attempt all things, while breath remains, for procuring their salvation. But if he is legitimately impeded, let him entrust this office to another priest. Let him also exhort pious persons who live in the neighborhood to visit the dying and to help them to die in a Christian manner.

569. (b) When the time of expiring is at hand, the priest, or, if he is lacking, a pious person, should devoutly recite the commendation of the soul, as it is contained in the Ritual or in prayer books. Short aspirations should be suggested to the one in agony: "Jesus, receive my spirit. - Into Thy hands, O Lord, I commend my spirit. - Holy Mary, my mother, help me in the hour of death. - St. Joseph, succor me, etc."

(c) As soon as death is established, let the *Subvenite* be recited for the departed, and let other prayers be poured forth. Before he departs, let the priest console the relatives, and admonish them that prayers will profit the departed more than tears, that we all shall die shortly, and that the best preparation for death is a Christian life.

§ III. On Abuses to Be Avoided in the Administration of This Sacrament

There are especially two: the absolution of an accomplice and solicitation to shameful things.

I. On the Absolution of an Accomplice

570. Lest confessors be able to abuse their authority for sinning more freely with penitents, Benedict XIV prohibited, under penalty of excommunication, that they sacramentally hear and absolve an accomplice in a shameful sin licitly and validly, outside the case of extreme necessity:

[1] Benedict XIV, Bull *Sacram. Poenitentiae*, June 1, 1741; *Apostolici muneris*, February 8, 1745; *Inter praeteritos*, December 3, 1749; Pius IX, Bull *Apostolicae Sedis*, October 11, 1869; St. Alphonsus, n. 553-556; Lehmk., n. 935-938; Marc, n. 1780-1784; Haine, q. 92; Genicot, n. 351-354; Noldin, n. 377-380; D'Annibale, *In Constit. Apost. Sedis*, Prati, 1894, n. 83-87; Bucceroni, *Comment. de Constit. Bened. Sacram. Poenitentiae*, Rome, 1890; Berardi, *De Sollicitatione et Absolutione complicis*, Faenza, 1897; Rota, *Enchiridion confessarii et judicis ecclesiastici*, Turin, 1884, n. 122-163; S. Many, *De Absol. complicis*, ap. *Canoniste*, June, July 1895.

"To individual priests, secular as well as regular ... we interdict and prohibit that any of them, outside the case of extreme necessity, namely in the article of death itself, and then with any other priest lacking who could perform the office of confessor, should dare to receive the sacramental confession of a person who is an accomplice in a shameful and dishonorable sin committed against the sixth precept of the Decalogue, any authority and jurisdiction for absolving any person whatsoever from a fault of this kind therefore being removed from him by the law itself, so indeed that the absolution, if he imparts any, is entirely null and void."

The Code at once confirms and explains this prohibition (c. 884): "The absolution of an accomplice in a shameful sin is invalid, except in danger of death; and even in danger of death, outside the case of necessity, it is illicit on the part of the confessor." Moreover, from can. 2367, "one absolving or pretending to absolve an accomplice in a shameful sin incurs by the fact itself an excommunication reserved in a most special manner to the Apostolic See."

For these documents to be rightly understood, it must be explained 1° what complicity in a shameful sin is; 2° what penalties are incurred by those who absolve an accomplice.

1° On Complicity in a Shameful Sin

571. That the matter may be better declared, it must be known 1° what here is understood by *shameful sin*, and 2° by *accomplice* in this sin.

(A) The shameful sin of which there is question, considering the cited documents and the decrees of the Congregations, is any sin whatsoever against the sixth precept of the Decalogue, which is external, - grave not only as internal, but also insofar as external, - and certainly committed.

572. (a) Therefore any sins whatsoever against other precepts of the Decalogue are excluded, and also internal sins of lust, because the Church punishes only external acts.

(b) But there are included not only consummated sins of lust, but also those which are not consummated, provided they are grave, such as touches, embraces, kisses, looks, conversations; for Benedict XIV speaks in a general manner of a shameful sin against the sixth, without any restriction. Certain authors formerly had thought that shameful speech was not included; but the Holy Office declared, May 28, 1873, that under the name of shameful sin are comprehended also those sins "which consist in mere conversations and looks, which import complicity."[1]

[1] Ap. Bucceroni, op. cit., n. 68.

Yet it is required that the sin be grave, because the Church does not punish slight delicts by censure; and indeed grave both internally and externally, as was said concerning a reserved sin (n. 431), because here there is question of a certain reservation or limitation of jurisdiction. Hence an external act lightly shameful does not fall under this law, even if it proceeds from a gravely libidinous affection; the same must be said of an act materially grave, but formally light because of inadvertence or imperfect consent.

It is also required that the sin be certainly grave; hence the penalty is not incurred if there is a doubt either of fact, for example, concerning advertence, consent, or the objective gravity of the sin; or of law, for example, if it is controverted whether such a species of sin falls under this law.

But it is not required that the sin have been committed by the priest after the priesthood had already been received; for the law is wholly general, and includes also those acts which were committed by the confessor while he was still a layman, as is established from the decree of the Sacred Penitentiary, January 22, 1879, where it is declared[1]: "that a confessor cannot absolve an accomplice with whom before the priesthood, in boyhood, he acted shamefully, unless he is morally certain that the same person has already been directly and validly absolved by another confessor from the sin of complicity."

[1] Ap. Lehmk., n. 935, note 1. - Ball. P., n. 649 and Genicot, n. 352, indeed contradict; but their authority, however great it may be, cannot destroy the force of this decree.

573. (B) What an accomplice in a shameful sin is must now be declared. Now complicity in this matter imports the consent of two persons in the same shameful, grave, and external sin, whether each cooperates, as in mutual embraces, conversations, etc.; or only one acts, provided the other consents externally and at the same time internally: moreover consent is sufficiently present if this latter in no way resists.

(a) Hence there does not fall under the law an act which is mortal on one side, but only venial on the other; nor an act externally light although internally grave on both sides, because of the libidinous affection of both; nor an act, however grave, to which the other does not consent, indeed to which he has not given external consent, although internally he assents. Hence if someone has sinned with one resisting, or sleeping, or fully drunk, or destitute of the use of reason, there is not complicity.

(b) Complicity must be certain; hence if it is doubted whether either party sinned mortally, the act does not fall under the law. But complicity can be certain, even if that which had been promised is not fulfilled; for example, if two agree concerning copula to be had, although in fact copula is not had; or if a man induces a priest to sin with his own wife, and the priest furnishes assent, although afterwards he does not commit the sin; for in these or similar cases complicity consists in the evil purpose expressed by both in words or signs.

(c) But the accomplice can be either a man or a woman, either pubescent or prepubescent, provided he or she is capable of mortal sin; for Benedict XIV in no way distinguishes.

2° On the Penalties Passed Against Complicity in a Shameful Sin

574. Complicity of this kind is struck by a twofold penalty: 1° absolution given to the accomplice is not only illicit, but also invalid, except in the case of necessity; 2° the priest absolving the

accomplice incurs by the fact itself an excommunication reserved in a special manner to the Supreme Pontiff.

On the Illicitness and Invalidity of the Absolution of an Accomplice

According to Benedict XIV (above, n. 570), any priest whatsoever, secular or regular, is strictly prohibited to receive the sacramental confession of a person who is an accomplice, and at the same time is deprived of jurisdiction for absolving him or her validly, outside the case of extreme necessity.

575. (A) General rule, outside the case of necessity. (a) The confessor cannot directly absolve his own accomplice validly from the sin itself of complicity; this is certain from the very text of the law. Therefore in this matter the common error of the faithful is of no profit, nor a fortiori the good faith of the penitent, because here there is not question of a multitude, which the Church may wish to favor, but of two accomplices, whom she deservedly wishes to punish. Hence if the penitent is absolved from the sin of complicity by the accomplice, he is bound to repeat his confession before another priest. - Nor can the priest absolve his own accomplice from the sin of complicity by force of any Jubilee whatsoever or of any privilege whatsoever, whether granted to himself or to the penitent: for this is expressly declared by Benedict XIV.[1]

[1] Bull *Sacram. Poenit.*, § 5.

576. (b) According to the more probable opinion, the priest can validly absolve his own accomplice from other sins, that is, from all those which are distinguished from the sin itself of complicity; for, according to the cited Bull (n. 567), the priest is deprived of jurisdiction for absolving from a fault of this kind, but not from others. Yet it is not licit to receive the sacramental confession of an accomplice, even as to other sins, if there is question of sins which are accused in a confession where the sin of complicity is deliberately kept silent. This is confirmed from a response of the Sacred Penitentiary[2], May 16, 1877: "Whether he incurs censures ... who indeed absolved an accomplice ... who did not declare the sin of complicity in confession?" ... The response was: "The privation of jurisdiction for absolving an accomplice in a shameful sin, and the attached excommunication, insofar as the confessor shall have absolved him, is in order to the shameful sin in which the same confessor was an accomplice."

[2] Ap. *Canoniste*, 1895, p. 334-335.

577. Corollaries. (a) If the penitent has already been directly and validly absolved from the sin of complicity by another confessor, the priest who is an accomplice can validly absolve him from other sins.[3] This was formerly disputed, but the matter was made certain from a decree of the Holy Office, May 29, 1867, where it is declared that "it is free to the confessor to absolve the person who is an accomplice, who has already been absolved from the dishonorable sin of complicity by another confessor; nevertheless counsel must always be given to the confessor in question that, unless necessity compels, he abstain from receiving the sacred confessions of the person, although already absolved from the sin of complicity." - It is said "directly absolved"; for if the sin of complicity has been remitted only indirectly, because, for example, it had been inculpably omitted, the priest who is the accomplice cannot remit it, since as to this same sin he lacks jurisdiction.

[3] Apud Bucceroni, *Comment. in Bull. Apostol. Sedis*, n. 37.

Probably also, according to some, if the sin of complicity, already directly absolved, is again accused with others, the priest who is the accomplice is not prohibited from absolving from it; for the reservation of this sin has been taken away by the previous absolution.

But in both cases, on account of the honor of the sacrament and the security of the confessor and of the penitent, it is altogether expedient that the priest not hear the confession of an accomplice where there are other priests.

(b) If the priest in good faith absolves an accomplice not only from other sins, but also from the sin of complicity not yet directly absolved - for example, because he does not recognize his own accomplice, or because the penitent inculpably omits the sin of complicity - probably the absolution is valid, in this sense, that other sins are directly remitted and the sin of complicity indirectly; the reason is that the Supreme Pontiff prohibits and renders void only the direct absolution of this sin granted by him who has known himself to absolve from the sin of complicity. - Yet a sin thus indirectly remitted must be accused before another confessor, that it may be directly absolved.

But if the penitent in bad faith keeps back the sin of complicity, and accuses other sins, no sin is remitted, because of the defect of formal integrity, and therefore the confession must be repeated in its entirety.

578. (B) Exceptions. (a) In the case of extreme necessity, i.e., in the article of death, the priest always validly absolves the accomplice; and licitly, if any priest whatsoever is lacking who morally can receive the confession of the dying person.

The article of death is understood of grave danger of death, as above, n. 399.

He acts illicitly and incurs excommunication who even then absolves an accomplice when another priest is present, whether approved or not. - Yet except the case if the other priest is unwilling to hear the confession, or if the person who is the accomplice altogether refuses to confess sins to him[1]; or if the other priest cannot be called or approach without grave infamy or scandal; for then this other priest cannot morally hear the confession. - Except also, more probably, if the other priest is notoriously suspended, excommunicated, or interdicted, because a priest of this kind could not be called to hear the confession of the dying person without infamy of the priest who is the accomplice, or scandal.[2]

[1] Thus the Code, c. 2367: "even in the article of death, if another priest, although not approved for confessions, can receive the confession of the dying person without any grave infamy and scandal about to arise, except the case in which the dying person refuses to confess to another."

[2] Thus Rota, n. 156; Many, ap. *Canoniste*, p. 340; Lehmk., n. 937.

579. (b) In the case of graver necessity - when, for example, the ecclesiastical and divine precept of confession is urgent, and the accomplice in no way has, nor for a long time can have, the supply of another confessor, as sometimes occurs in mission places - more probably the priest can validly and licitly absolve the accomplice, directly indeed from ordinary sins and indirectly from the sin of complicity, provided there is present on neither side any grave danger of relapse.[1] - For when divine law and ecclesiastical law concur, the former must prevail; but in

this case the divine precept of confession is urgent, and it cannot be fulfilled except by approaching the priest who is the accomplice; therefore it must be preferred to the ecclesiastical law prohibiting absolution of an accomplice. - Yet it is said provided there is not present a grave danger of relapse: for if it were present, natural law, which is preferred to a positive divine precept, prohibits that the confession be instituted.

[1] Rota, n. 148; Baller. P., n. 648; Many, l. c., p. 335-337. - Indeed, some say that the priest licitly and validly absolves the accomplice even directly, when there is grave danger that this person during the whole time of his or her life will find no other priest who may absolve him or her directly from the sin of complicity: because this case almost falls back into danger of death. Thus Bucceroni, op. cit., n. 67; D'Annibale, *Summula*, III, n. 324, note 38; Ball. P., n. 655.

(c) Some also say that the absolution of an accomplice is valid whenever the absolving confessor is excused from excommunication because of one of the causes soon to be explained; for the nullity of absolution is a certain penalty imposed against the penitent; and if the confessor is exempted from penalty, it is equitable that the penitent likewise be exempted.[2]

[2] Thus D'Annibale, n. 87; Scavini, n. 485; Pennacchi, *Comment. in Bull. Apost. Sedis*, t. I, p. 312.

On the Excommunication Passed Against Those Absolving an Accomplice

580. Those absolving an accomplice in a shameful sin incur by the fact itself a major excommunication reserved in a most special manner to the Supreme Pontiff, as is established from can. 2367 of the Code.

For incurring this excommunication certain conditions are required: (A) That the confessor directly absolve or pretend to absolve from the sin of complicity. Hence (a) the hearing of the confession does not suffice, but absolution or the simulation of absolution is required. Nor does absolution from ordinary sins suffice, but direct absolution from the sin of complicity is required, as is clear from what has been said above.

(b) Yet the simulation of direct absolution suffices, by which the confessor so acts externally that he seems to grant absolution, for example, if he utters the words of absolution without the intention of absolving, or pronounces the form while omitting an essential word, or recites a prayer over the penitent, so that the latter thinks himself to be absolved. This indeed was formerly denied by many, notwithstanding contrary decisions of the Sacred Penitentiary; but the controversy was ended by an authentic decree of the Holy Office, approved by the Supreme Pontiff, December 10, 1883: "All commentators on the Constitution *Apostolicae Sedis* teach that that confessor is not subject to excommunication who pretends to absolve an accomplice in a shameful sin, but in reality does not absolve. Yet the Sacred Penitentiary declared the contrary, March 1, 1878. Can the petitioner permit that in his Seminary the aforesaid opinion of the Commentators, opposed to the response of the Sacred Penitentiary, be taught? - Indeed the Eminent Fathers responded: In the negative, communication having been made with the Most Holy."[1] - This is confirmed from can. 2367 of the Code already cited.

[1] Ap. *Canoniste*, l. c., p. 404.

581. (B) That the confessor have recognized the accomplice and knowingly and willingly absolved; otherwise the absolution of an accomplice will not be formal. Indeed invincible ignorance

excuses from this excommunication, or vincible ignorance which is not crass and supine. Hence, - (a) if one in no way recognizes the accomplice, he does not sin by absolving, nor does he incur the censure. (b) Likewise, if the confessor, when he sinned, was in no way known by the accomplice (for example, because he was dressed in secular garb), he is not bound to betray himself to the penitent by declaring that he cannot absolve him; and therefore, more probably, he does not incur excommunication by absolving. But if previously both knew each other mutually as accomplices, it is not necessary that they recognize each other mutually in the sacred tribunal, but it suffices that the confessor notice that the penitent is his accomplice.

(c) Nor does a priest absolving an accomplice incur excommunication, when the accomplice did not declare the sin of complicity in confession, unless directly or indirectly he induced the penitent not to manifest such a sin: directly indeed, by expressly suggesting that such a sin must be kept silent in confession; indirectly, by persuading that such an act is not a sin, or is not so grave that he or she should be troubled about it. For the Sacred Penitentiary declared, February 19, 1896, that "the excommunication ... is not escaped by confessors absolving or pretending to absolve that accomplice who indeed does not confess the sin of complicity, from which he has not yet been absolved, but conducts himself thus for this reason, that the confessor induced the penitent to this, whether directly or indirectly."[2] The same is established by the Code, c. 2367, § 2.

[2] *Acta S. Sedis*, XXVIII, p. 444-445.

(d) But if the confessor doubts whether the penitent is an accomplice or not, he must prudently question him, so that he may be able to uncover the matter; but if the doubt perseveres, he can absolve, without incurring the censure, from what has been said, n. 573. - But if he does nothing to resolve the doubt, he does not escape excommunication, because his ignorance is crass and supine; moreover, this does not excuse from censure in this case, as the Holy Office declared[3], January 13, 1892.

[3] *Acta S. Sedis*, XXIV, 625: "Whether those absolving an accomplice in a shameful matter with crass and supine ignorance incur this excommunication or not? - In the case, they incur it."

582. (C) When a priest absolves an accomplice in the article of death, he does not incur excommunication, unless there is present another priest who, without grave infamy and scandal, morally could receive the confession of the dying person, as was said above, n. 578.

Concerning absolution from this censure, reserved in a special, indeed in a most special, manner to the Supreme Pontiff, see what we said above, n. 446-447. - When a priest has absolved his accomplice three times, the Sacred Penitentiary is accustomed to command him to lay aside the office of confessor; but since this is often morally impossible in regions where there are few priests, petition must be made that this clause not be inserted or that dispensation from it be granted.

II. On Solicitation to Shameful Things

583. Lest confessors abuse the sacred tribunal with impunity for soliciting penitents to shameful things, Benedict XIV, adhering to the footsteps of Pius IV and Gregory XV, commanded that the crime of solicitation perpetrated by a confessor must be denounced, and indeed under penalty of denied absolution. The Code renewed this law, can. 904, 2363, 2368, striking with

excommunication those who neglect to denounce within a month the confessors by whom they have been solicited.

[1] Cf. Pius IV, Letter *Cum sicut nuper*, April 15, 1561; Gregory XV, Bull *Universi*, April 30, 1622; Benedict XIV, Bull *Sacram. Poenitentiae*, June 1, 1741; Instruction of the Holy Office, February 20, 1867, ap. *Collectanea*, n. 948; Pius IX, Bull *Apost. Sedis*, October 11, 1869; Giraldi, *Expositio Juris Pontificii*, Rome, 1830, t. II, p. 630-645; St. Alphonsus, n. 675-705; D'Annibale, op. cit., n. 179-183; Rota, op. cit., n. 164-402; Bucceroni, op. cit.; Berardi, *De Sollicitatione*; Lehmk., n. 975-978; Haine, q. 93-96; Baller. P., n. 1085-1155; Genicot, n. 394-400; Noldin, n. 381-389; S. Many, ap. *Canoniste*, Sept., Dec. 1895.

Namely, Benedict XIV commands Ordinaries to proceed "against all and each priests, secular as well as regular ... who shall have attempted to solicit or provoke any penitent, of whatever person that one may be, either in the act of sacramental confession, or before, or immediately after confession, or on the occasion, or under the pretext of confession, or even outside the occasion of confession, in the confessional, or in another place destined or chosen for hearing confessions, with the simulation of hearing confession there, to dishonorable and shameful things, whether by words, or by signs, or by nods, or by touch, or by writing then or afterwards to be read, or who with them by rash daring shall have had illicit and dishonorable conversations or dealings ... Moreover let all and each priests appointed for hearing confessions remember that they are held and bound diligently to admonish their penitents whom they have known to have been solicited by others, as above ... concerning the obligation of denouncing to the Inquisitors, or to the aforesaid Ordinaries of places, the person who has committed the solicitation, even if the priest is one who lacks jurisdiction for validly imparting absolution, or the solicitation between confessor and penitent was mutual, whether the penitent consented to the solicitation, or in no way furnished consent, or a long time after the solicitation itself has already elapsed, or the solicitation was performed by the confessor not for himself, but for another person."

For understanding this, four things are to be explained: 1° the conditions required for constituting the sin of solicitation; 2° the obligation of denouncing those who solicit; 3° the manner of making the denunciation; 4° the penalties against those who solicit.

1° On the Conditions Required for the Sin of Solicitation

584. The sin of solicitation, considering the laws and decrees set forth above, can be defined: a provocation to shameful things, made by a priest as confessor, with some relation to confession.[1] Therefore three conditions are required:

[1] It is therefore distinguished from the sin of complicity, which can be committed without any relation to confession, even before someone has been advanced to the priesthood.

(A) That there be a provocation to shameful things, that is, some action, either dishonorable in itself, or indifferent in itself but externally manifesting a shameful affection, by which the confessor attempts to induce the penitent to some sin against chastity; or, in other words, it is scandal given to the penitent in the matter of lust. Moreover this provocation can be made either by deeds, or, according to Benedict XIV's own words, "whether by words, or by signs, or by nods, or by touch, or by writing." Hence, -

585. (a) Solicitation to any other sin whatsoever, even a graver one, for example, homicide, does not fall under the law.

(b) The crime of solicitation must be gravely culpable, or induce to grave acts against chastity, whether they are grave in themselves, or from a libidinous affection externally manifested. For a venial sin cannot be punished by such grave penalties. Moreover certain acts light in themselves, for example, to kiss a woman, must easily be judged mortal if they occur in the act of confession, because of irreverence and scandal. Some have thought that even light acts are comprehended under the law, because of this response of the Holy Office, February 11, 1661: "Whether a confessor, by soliciting because of smallness of matter, must be denounced?" - Resp.: "Since in venereal matters there is no smallness of matter, and, if there were, in the present matter there is none, they judged that he must be denounced and that the contrary opinion is not probable."[2] But in this response there is question of venereal acts, in which there is no smallness of matter, at least when they are committed in relation with confession, but not of acts lightly dishonorable which are not properly venereal.

[2] Ap. Giraldi, op. cit., p. 632.

Hence, if a confessor praises a woman for her beauty in confession, or declares that he loves her from his whole heart, judgment must be made from the circumstances: if it is externally established that these things are said from shameful love in order to induce her further into sin, there is certainly solicitation; otherwise, if it is done from levity or imprudence. - The same must be said of gifts or little presents given in the sacred tribunal, or of an invitation to visit the confessor; from the circumstances it must be judged whether a depraved intention is present or not.

(c) It must be certain, all things being diligently inspected; therefore if there is doubt either in law or in fact, denunciation is not to be made, since in doubt odious things are to be restricted.

(d) But it is not required that the solicitation be efficacious, or that the person solicited consent; for in the Bulls it is said that he who has attempted to solicit or provoke must be denounced. Yet the solicitation must be complete as solicitation, i.e., truly furnish scandal; hence those preparatory words do not suffice which are sometimes uttered so that it may be seen whether the person can be tempted with some hope.

(e) It matters little whether the person solicited is a man or a woman, pubescent or prepubescent; whether the solicitation is to sin with the confessor, or alone, or with a third person; whether the confessor immediately solicits the penitent to sin, or, through the mediation of the penitent, induces another person to a sin of lust. In all these cases there is truly solicitation to shameful things.

586. (B) That the solicitation be made by a priest as confessor. Hence, -

(a) If the one soliciting is not a priest, but either a cleric, or a layman, or an interpreter employed in confession, there is not the obligation of denouncing. Yet the Holy Office can proceed against anyone, even a non-priest, who would presume to receive confessions, and would solicit on this occasion. Under the name of priest comes any presbyter whatsoever, secular or regular, whether approved or not. But it is not certainly established that bishops are comprehended under this law, because, since we are in an odious matter, special mention seems necessary for them to fall under the law. Yet if any

should be guilty of this crime (which may God avert!), natural law, if not canonical law, demands that they be denounced to Superiors, lest they become the cause of spiritual ruin.

The penitent, even a priest, who solicits the confessor to shameful things is not to be denounced: for he cannot be regarded as a priest confessor.

(b) If the solicitation is mutual between confessor and penitent, the priest is to be denounced. Moreover it is held to be mutual when the confessor, first solicited by the penitent, himself, having obtained this occasion, afterwards solicits the penitent; or when, solicited by the penitent to one species of shameful thing, he solicits to another.

(c) But if the confessor only consents to the penitent soliciting, without himself soliciting in any way, it is disputed whether he is to be denounced. The more benign opinion, which St. Alphonsus defends (n. 681), is truly probable; and therefore the obligation of denouncing is not to be urged in the case.

(d) If solicitation is made by a priest, not as confessor, but in the administration of another sacrament, there is no place for denouncing.

587. (C) That the solicitation be made with some relation to confession, that is, according to the words related above (n. 583):

(a) Either in the act of sacramental confession, or from the time when confession is begun or the *Confiteor* is recited until the last words of absolution. Moreover it must be noted that not only he is to be denounced who immediately solicits to shameful things, but also he who solicits mediately, namely by doing or saying something which in itself is indifferent, but afterwards from the circumstances is determined to something shameful. Thus if a priest, in the act of confession, says to a woman: "wait for me at home," and afterwards solicits her at home, these words, indifferent in themselves, are, from the circumstances, as it were the beginning of solicitation and therefore already the solicitation itself. Yet the matter can be doubtful if the priest does not solicit immediately at home, but only after another honest business has been transacted: then all the circumstances must be diligently weighed, so that from them it can be presumed what the prevailing intention of the confessor was;[1] and if doubt remains, the obligation of denouncing is not to be urged.

[1] Concerning this matter S. Many discusses wisely, ap. *Canoniste*, p. 519-521.

588. (b) Or before, or immediately after confession. These words must be understood strictly, so that no external action or conversation intervenes between the confession and the solicitation. Therefore the confessor is to be denounced who solicits a penitent already kneeling, or asking to confess, and afterwards hears his confession; or immediately after absolution has been given. This holds even if the solicitation is only mediate, for example, if immediately after confession he leads the penitent into the sacristy or into his own house, and there immediately solicits him; or if he gives a paper to be read afterwards, in which he solicits.

But if between the confession and the solicitation some other action intervenes, for example, speech concerning indifferent matters, or some business, or the hearing of another penitent's confession, there is not the obligation of denouncing, at least by force of this clause.

589. (c) Or on the occasion or under the pretext of confession. 1) On the occasion of confession heard, when the confessor, thus knowing the inclinations, temptations, or sins of the penitent, thence solicits him, provided there are had certain external indications that the solicitation arises from the hearing itself of confession;[2] - furthermore on the occasion of confession asked for, namely when the penitent here and now asks to confess and the confessor immediately solicits, deferring the confession to another time, even if afterwards the confession does not occur; but if someone asks to confess not immediately, but on another day or at another hour, and the confessor solicits him, this clause is not verified.

[2] When solicitation arises not from the heard confession, but on the occasion of sacramental knowledge insofar as the confessor, from things heard in confession, takes an opportunity of visiting and soliciting the penitent, grave authors think that solicitation properly so called is not verified. Cf. Lehmk., n. 976; D'Annibale, *Summula*, n. 367, note 11, where nevertheless he concedes that the practice of the Congregations is different.

2. Under pretext of confession, when the confessor, intending to solicit the penitent, uses confession as a veil for covering a depraved end, for example, he invites someone to confess so that he may more easily induce him to shameful things; or he approaches the house of a sick person, and, after certain words concerning confession in order to remove those standing by, solicits the sick person.

590. (d) Or, even outside the occasion of confession, in the confessional, or in another place destined or chosen for hearing confessions, with the simulation of hearing confession there. Now a place destined for hearing confessions is either the sacristy or the place where, according to diocesan Statutes, confessions are customarily heard; a chosen place is any place whatsoever, from the request of the penitent or of the confessor, here and now serving for hearing confession, for example, the room of the sick person. The simulation of confession takes place whenever the confessor and the penitent, by mutual agreement, in one of the three designated places, so conduct themselves externally that those standing by understand confession to be heard. Therefore the confessor is to be denounced who in one of these places solicits the penitent, simulating confession. - But if someone, sitting in the confessional, were to solicit a person standing or sitting before him, he does not fall under the law, because confession is not simulated.[1]

[1] Thus from a decree of the Holy Office, 1661, ad 15, ap. Giraldi, op. cit., p. 633.

2° On the Obligation of Denouncing Those Who Solicit

591. (A) On the obligation itself. By natural law those who certainly know of solicitation are bound under grave obligation, from charity, to denounce the one soliciting, lest he cause the ruin of many souls. Benedict XIV confirmed this natural obligation by a positive precept for solicited penitents (above, n. 583), and the Code, which strikes with a major excommunication *latae sententiae* reserved to no one the faithful person "who knowingly shall have omitted to denounce within a month him by whom he was solicited" (can. 2368, § 2).

From this it is clear that only solicited penitents incur this excommunication; others who certainly know the fact of solicitation are indeed bound to denounce under grave obligation, as the Holy Office

declared,[1] but not under penalty of excommunication.

[1] Instruction of the year 1867, § 3, where it is said: "Denunciations of this kind can be omitted by no one without mortal fault."

Moreover, for solicited penitents to incur excommunication, it is required (a) that the obligation of denouncing be certain; (b) that the omission of denunciation be culpable, i.e., with knowledge of the obligation and of the censure, and at the same time without legitimate excuse; (c) that the time useful for denunciation have elapsed, i.e., one month from the time at which the solicited person knew his or her obligation and the censure attached to it.

Hence absolution cannot be given to this penitent unless he has made the denunciation or at least has seriously promised to make it. But if someone has incurred this excommunication, and afterwards has denounced the one soliciting, he can be absolved by a simple confessor, since the excommunication is reserved to no one.

592. (B) Who are bound to denounce? By ecclesiastical law, solicited penitents are bound to denunciation; by natural law, all who otherwise, from persons worthy of faith, certainly know that this crime has been committed, even prepubescents;[2] unless, however, they have known it under an entrusted secret; for the natural right of an entrusted secret is prior, and demands that this secret be faithfully preserved.

[2] Yet prepubescents probably cannot be compelled to this before they have attained puberty; and if they denounce before that time, their testimony does not furnish juridical proof, but only an indication for inquiring further. Cf. Rota, n. 388-389.

(a) Nor is it required that the crime can be juridically proved, but it suffices that it be morally certain; likewise it must be denounced, even if hidden, or already committed a long time ago.

(b) This is true even if the confessor has already been amended, except probably the case in which the amendment has been so conspicuous and enduring that no fear of relapse can be had, especially if he has already entered a Religious Order.

(c) He must be denounced even if he has already been convicted and punished, if he offends again; indeed if he has not been fully convicted and punished, although he does not offend again; yet probably the obligation ceases if he has been fully convicted and punished and has not offended again, since the end of the law has already been obtained.

(d) But he who is already dead is by no means to be denounced, because the whole end of the law has already ceased, namely both the amendment and the punishment of the guilty person. The same can probably be said if the offender is already broken in strength and about to die, so that he is likely never to hear confessions in the future.

But the soliciting confessor himself is not bound to denunciation, because no one is bound to betray himself; hence neither is he bound to admonish the solicited person concerning the burden of denunciation. - Nor probably are the blood-relatives and relatives by marriage of the soliciting priest bound, at least in the first degrees, because they are considered one moral person with him, and graver evils can follow from such a denunciation.

593. (C) What cause excuses from denunciation? - Principle: Since here there is question of a positive precept of the Church, although a very grave one, a very grave inconvenience, even private, excuses from its execution; unless, however, public scandal or common damage is at the same time introduced: for then by natural law denunciation must be made, unless there is present a very grave inconvenience which is also public.

594. Conclusions. (a) A grave danger of life, reputation, or fortune, about to arise from denunciation, excuses, provided it is prudently estimated and not fictitious; extrinsic to the denunciation, and not intrinsic to it, such as the fear of incurring the indignation of the one soliciting[1], or shame in manifesting the solicitation, or other things of this kind, which do not excuse; nor avoidable in any way: for if it can be avoided, means for removing it must be employed and the denunciation made.

[1] Otherwise denunciation can and must be made in such a way that the one denouncing is not known by the one soliciting; this is often possible; for Superiors cannot proceed against the offender except after two or three accusations, so that the one soliciting often cannot know by whom he was denounced.

Hence he would be excused who could not denounce the one soliciting without betraying himself as guilty. Yet this rarely happens; for the solicited penitent can keep back his own consent, nor is he questioned about it; hence, even if intercourse intervened, or the solicitation was mutual, the penitent is not bound to manifest this, but can say: such a confessor conducted himself badly with me, or spoke badly in the matter of chastity, and I can declare nothing further.

(b) Moral impotence of personally approaching the competent judge likewise excuses, for as long as it lasts; for denunciation, as being judicial, must be made personally and by the living voice, under penalty of nullity, and therefore those who cannot appear before the judge are dispensed from it. But they are bound to employ means which render it possible, namely to manifest the matter to the Bishop, by letter or through a procurator, so that he may be able to provide, for example, by delegating an ecclesiastical man before whom the solicited person can make the denunciation.

(c) A danger of publicity and scandal prudently estimated also excuses; yet this occurs very rarely, since the denunciation must be made and remain most secret.

(d) Sometimes also to a penitent wholly unwilling to denounce there is granted a dispensation from the burden of denunciation, either total (which rarely happens, at least the first time), or partial, namely from certain juridical solemnities.

3° On the Manner of Receiving and Making the Denunciation

595. (A) On the manner in which the confessor must conduct himself. (a) The confessor to whom a case of solicitation is manifested must weigh whether the person denouncing is entirely worthy of faith; for sometimes women, from hatred or envy, or because their solicitations have been repelled, etc., falsely denounce innocent priests. Therefore let him seriously admonish them concerning the atrociousness of the crime of false denunciation and concerning the most grave penalty inflicted on this sin, namely that it is reserved to the Supreme Pontiff.

(b) Let him diligently consider whether, all things being inspected, the obligation of denouncing is certain; if he cannot immediately judge the matter, let him admonish the penitent to return to him on

another day.

(c) If the obligation of denouncing is certainly established, the confessor is regularly bound to admonish the penitent concerning this obligation, although the latter may be in good faith; for the Holy Office says, in the Instruction of the year 1867, n. 3: "Concerning this matter penitents must be admonished, nor does their good faith excuse from admonishing and instructing them." The reason is that the public good, which generally demands this denunciation, must prevail over the private good. Yet if it is certainly foreseen that the admonition will in no way be profitable, but will be harmful, the confessor can defer the admonition, awaiting a more opportune time, so that he may provide at the same time for the private good of the penitent and the good of the Church. If there is no hope ever of obtaining the denunciation, he may have recourse to Superiors for a dispensation.

(d) If the penitent, admonished concerning the obligation of denouncing, is unwilling to make it, let the confessor inquire whether there is an excusing cause; if there is some legitimate cause, let the obligation not be urged until the cause has ceased; but if there is no reasonable cause, in the best manner in which it can be done let him persuade the penitent to denounce, or at least to promise to denounce at an opportune time, by explaining how it can be done without any injury to himself or herself; if he cannot obtain even this, let him have recourse to ecclesiastical Superiors for a dispensation, and let him not absolve before the dispensation has been obtained, unless, however, in the article of death, in which absolution can be given whenever good faith can probably be presumed.

596. (B) On the manner of making the denunciation. (a) The denunciation must be made either to the Inquisitors, where they still exist, or to the Ordinary. By this name here the Bishop is to be understood[1], and, when he has died, the capitular Vicar (in the United States, the Administrator), but not the Vicar General, unless he has a special mandate for this. The Ordinary to whom the denunciation must be made is the Ordinary of the denounced priest, or of the place where the delict was perpetrated; or, according to some, the Ordinary of the solicited penitent, who should transmit the denunciation to the Bishop of the offending priest.

[1] The Bishop is the competent judge in this matter, even as to exempt Regulars. In mission places, the Vicar Apostolic can receive the denunciation, from the decree of the Holy Office, June 20, 1883, ap. *Collectanea*, n. 949.

(b) Since denunciation is an act truly judicial, regularly the solicited person, or another who certainly knows the crime, must personally present himself before the Ordinary or his delegate, in the presence of an ecclesiastical man who acts the part of notary; and, after an oath has been furnished, by the living voice, not in writing, make the denunciation, expressing the name of the soliciting priest, or, if this is unknown, his office, duty, age, and other special signs by which he can be recognized. Moreover the one denouncing must manifest his own name and subscribe; but if he does not know how to write, let him put the sign of the cross. Finally let him emit an oath concerning religiously preserving secrecy about all things which have been transacted.[2]

[2] The norm to be followed in this examination is described in the Instruction of the Holy Office, July 20, 1890, ap. *Acta S. Sedis*, XXV, p. 451-454.

(c) But since often the judicial order cannot be observed, the Bishop can concede that the denunciation be made before a priest (for example, the parish priest) delegated, without a notary; or even before a confessor specially deputed for this office (which nevertheless is not done without inconvenience).

(d) But before the Bishop proceeds against the one denounced, according to the recent Instruction of the Holy Office, August 6, 1897[3], he must explore whether the women or men denouncing are of good name, and are not led to accuse either by enmity or by some other human affection: "Therefore the Ordinary, as often as he shall have received some denunciation concerning the unspeakable crime of solicitation, shall proceed immediately to the diligences[4]. To this end, either by himself or through a priest specially delegated by him, he shall call (separately, of course, and with the circumspection which is due) two witnesses, as far as this can be done, from the ecclesiastical body, but in any case above every exception, who know well both the one denounced and all and each of the denouncers, and them, under the sacredness of an oath concerning the truth to be spoken and concerning the secrecy of the Holy Office to be preserved[5], he shall judicially interrogate, referring the testimony in writing, according to the following formula; moreover, an authentic copy of each testimony and at the same time of the respective denunciation he shall directly and by a safe way transmit as soon as possible to this Supreme Congregation ... But if only two witnesses cannot be found who know at the same time the one denounced and all and each of the denouncers, more must be called. Namely, in this case as many witnesses as above must be called as will be necessary so that a double testimony may be had concerning the one denounced and each denouncer."

[3] Ap. *Acta S. Sedis*, XXX, p. 249-251; in the same place one may find the formula to be used in the interrogation of witnesses.

[4] They call *diligentiae* the judicial investigation concerning the one denounced and the denouncers described below.

[5] Concerning that secrecy of the Holy Office, *Canoniste Contemp.*, July-August 1898, p. 433-453, discusses very well.

Thence it follows that the Bishop cannot judicially proceed against the one denounced before he has transmitted the aforesaid documents to the Holy Office and has received a response from it.

4° On the Penalties Against Those Who Solicit

597. (A) The penalties against those who solicit are *ferendae sententiae*, and therefore they are incurred only after the sentence of a judge. There are three established by law: (a) perpetual incapacity for celebrating Mass; (b) perpetual suspension from hearing confessions; (c) privation of benefice. (B) But before the judicial sentence is passed, generally three denunciations must precede, according to the practice which the Holy Office follows. One or another denunciation is indeed a sufficient motive that the denounced person be observed, but not that he be called into judgment, unless the reputation of the confessor is bad and the one denouncing is above every exception.

(C) But if the offender has spontaneously appeared before the Bishop, has sincerely confessed the delict, and has asked pardon, he must be dismissed after abjuration has been made (for those who solicit are suspected of heresy), and after a salutary penance has been imposed, with the counsel or precept added that he abstain from receiving the confessions of the solicited person.

(D) Since the sin of solicitation is not reserved, at least by common law, the soliciting priest, otherwise rightly disposed, can be absolved by any confessor whatsoever; but he must be admonished not to receive the confessions of the solicited person, at least where there is a supply of confessors, so that in this way the danger of relapse may be avoided.

598. Corollary: On the penalty against those falsely accusing a confessor of solicitation.

The Code, can. 894, has reserved to the Supreme Pontiff, by reason of itself, the crime of those who judicially denounce an innocent priest as guilty of solicitation. Moreover can. 2363 decrees these things: "If anyone, by himself or through others, shall falsely have denounced a confessor before Superiors concerning the crime of solicitation, by the fact itself he incurs an excommunication reserved in a special manner to the Apostolic See, from which in no case can he be absolved, unless he shall have formally retracted the false denunciation; and shall have repaired, according to his powers, the damages, if any have followed from it; a grave and long-lasting penance moreover having been imposed."

(A) For the reservation to be incurred by those falsely denouncing, three things are required: (a) that they denounce a priest as guilty of solicitation properly so called, according to the things explained above; (b) that this denunciation be false, so that the confessor is free from this delict, although perhaps guilty of other delicts; (c) that the denunciation be juridical, i.e., made before a competent judge, in the manner explained above; hence a denunciation before persons who are not competent judges does not suffice, nor an anonymous denunciation, which is of no weight, nor even, more probably, a simple letter, even signed, which does not have judicial force. - Those who denounce falsely, even if not judicially, sin gravely, and are bound to repair the damage unjustly brought upon the confessor.

(B) Those procuring this to be done, such as those ordering, mandating, giving counsel, asking, promising, threatening, in one word all those who positively and efficaciously concur in the false denunciation, do not incur the reservation of the sin by reason of itself, since can. 894 is silent concerning these, but they incur the reserved censure as if themselves falsely denouncing, from the application of can. 2231.

As to absolution from this sin reserved to the Pope, the principles set forth above concerning papal cases, n. 446-447, must be applied.

Appendix: On Indulgences

On Indulgences

Since Indulgences are one of the means by which satisfaction can be made for the punishment owed to sins, it will not be useless to discuss them briefly:

[1] St. Thomas, *Suppl.*, q. 25-27; F. Mayron, *De Indulgentiis*; Suarez, disp. XLIX sq.; Lugo, disp. XXVII; E. Amort, *De Origine, progressu, valore ac fructu Indulgentiarum*, 1735; St. Alphonsus, n. 531-538; Baller. P., t. V, *De Suffragiis et Indulgentiis*; Lehmk., n. 524-564; Konings, n. 1777-1801; Genicot, n. 401-415; Noldin, n. 300-326; Melata, *De Indulgentiis*, Rome, 1892; Bouvier, *Traité dogmatique et pratique des Indulg.*, 10th ed., Paris, 1855; Schneider, *Die Ablässe, ihr Wesen und Gebrauch*, Paderb., 1884; Maurel, S.J., *Le Chrétien éclairé sur la nature et l'usage des Indulg.*; Beringer, S.J., *Die Ablässe, ihr Wesen und Gebrauch*, rendered into French by E. Abt and A. Feyerstein, *Les Indulgences*, Paris, 1890; Lepicier, *Indulgences*, London, 1895, rendered into French: *Les Indulgences, leur origine, leur nature, leur développement*, Paris, 1903; *Decreta authentica S. Cong. Indulg.*, 1883; *Raccolta di Orazioni...*, Rome, 1898.

1° concerning Indulgences considered in general;

2° concerning the Indulgence of the Jubilee;

3° concerning certain Indulgences in particular.

Art. I. On Indulgences in General

Division.

1° On their notion and existence;

2° On the authority granting Indulgences;

3° On the subject of Indulgences;

4° On the suspension, translation, and cessation of Indulgences.

§ I. On the Notion and Existence of Indulgences — I. On the Notion and Species

599. 1° Definition. Indulgence (from *indu-licentia*)[2] has the same sound as mildness, condonation; as it is used here, it is usually defined: the remission of temporal punishment, owed to sin, valid before God, made through the application of the treasury of the Church, by a legitimate Superior, outside the sacrament.

[2] Cf. M. Bréal, *Diction. étymolog. latin*, Paris, 1885, p. 134.

It is declared: (a) remission of temporal punishment, but not of guilt, whether past or future, whether mortal or venial, as Protestants falsely assert; since, although in some old formulas there occur words by which an indulgence is granted from guilt and from punishment, these nevertheless were inserted not by the Church but by some questors, against the will of the Roman Pontiffs, who reproved an abuse of this kind;[1] hence deservedly Cardinal Cusanus in the provincial Synod of Magdeburg said: "The Apostolic See has never been accustomed to give indulgences under the words from punishment and guilt." Nor is it an obstacle that in some Apostolic Letters indulgences granted

are said to be unto the remission of sins: for these words are understood by all concerning the remission of the punishment owed to sins; nor is anyone ever freed from punishment unless he has first been absolved from guilt.[2]

[1] Cf. *Clementin.,* bk. V, tit. 9, c. 2.

[2] A few older theologians, such as Paludanus, had said that venial guilt can probably be remitted through indulgences; but this singular opinion is commonly rejected; for from what was said, n. 197, venial guilt is remitted through contrition.

(b) Valid before God; namely the remission of punishment has force not only in the external forum, before the Church, but also in the internal forum, before God; otherwise, as St. Thomas says,[3] the Church would harm sinners more than help them, because, by absolving them from imposed penances, she would condemn them to graver punishments, namely those of purgatory.

[3] *Supplem.,* q. 25, a. 1.

(c) Through the application of the treasury of the Church; for, in remitting punishment, the Church nevertheless offers to God a payment, or some compensation, drawn from her own treasury: for there is a spiritual treasury, formed from the superabundant satisfactions of Christ and of the Saints, whose supreme dispenser is the Pontiff, and from which, for a just cause, the debts of the faithful can be paid; therefore he who grants an indulgence does not simply relax temporal punishment, but furnishes to the penitent something from which he may pay, by applying to him the superabundant satisfactions of Christ.

(d) By a legitimate Superior ...; hence not any man whatsoever can grant indulgences, but only those to whom the care of the treasury of the Church has been committed, namely the Pontiff or a general Council for the universal Church, Cardinals in the church of their title, and Bishops for their own diocese; yet it is said outside the sacrament, so that in this way an indulgence may be distinguished from sacramental satisfaction.

600. 2° Species. Indulgences are divided: (a) by reason of effect, into plenary and partial: by the former the whole punishment which remains to be expiated is remitted, by the latter some part of the same punishment. Hence indulgences of forty, or one hundred days, seven years, etc., are granted; this must be understood not in the sense that so many days or years of Purgatory are remitted, but in the sense that so much of the punishment owed is condoned as would have been remitted by forty or one hundred days of canonical penance, such as flourished in the first centuries of the Church. Hence the measure of the remission of the punishment itself remains unknown to us, and depends much on the fervor with which the conditions necessary for gaining Indulgences are fulfilled. - Sometimes an indulgence of six or seven years and as many quarantines is granted; the name quarantine signifies so many Lenten fasts, so that the sense is that there is granted a remission of punishment which corresponds not only to six or seven years of canonical penance, but also to as many Lenten fasts added over and above.

601. (b) By reason of subject, they are divided into indulgences for the living and indulgences for the departed, or those which are applicable to the souls of Purgatory.[1] Indulgences are granted to the living by way of juridical absolution, which nevertheless at the same time includes

payment of the debt from the treasury of the Church; for these truly are subject to the jurisdiction of the Church; but to the departed by way of suffrage, or of payment of debt: for since these are not subject to the jurisdiction of the Church, ecclesiastical Superiors cannot directly apply an indulgence to them, but can only offer to God the satisfactions of Christ and of the saints and ask Him that, according to His mercy, He accept them as the payment of the price owed for the sins of the departed. Therefore the departed do not gain indulgences, properly speaking; but the living are permitted by the Church to apply to the departed certain indulgences which they themselves gain; however, in what measure they are in fact applied to the souls of Purgatory is unknown, and depends on the will of God alone.

[1] "All indulgences granted by the Roman Pontiff are applicable to souls detained in purgatory, unless the contrary is established" (*Code*, c. 930).

But the living cannot apply indulgences to other living persons, since the Supreme Pontiff, on whose will the matter depends, has not up to this time granted this faculty; and this indeed is consonant with reason: for if indulgences could be applied to the living, not a few would become more sluggish, thinking that others would make satisfaction for them.

602. (c) By reason of mode, indulgences are personal, real, or local: personal, when they are immediately granted to persons or communities; real, which are immediately attached to some thing, for example, to a rosary, or prayer beads, a medal, an image of the Crucifix, etc.; local, which are immediately attached to a pious place, or to some thing which is placed in a determinate place.

603. Here it is useful to explain what must be understood by those formulas which are sometimes found in grants of indulgences. *Toties quoties* signifies, from a special grant, that the faithful can gain the indulgence as many times as they repeat the pious works to which it is attached. Now there are many partial indulgences of this kind; but generally plenary indulgences can be acquired only once in the day, with a few exceptions, for example, the indulgence which is called of the Portiuncula, which those visiting, on the day of August 2, the Basilica of St. Mary of the Angels, or other churches to which the same privilege has been granted, gain. - A perpetual daily plenary indulgence, which is granted to those visiting some church, must not be understood in such a way that it can be acquired daily, but only once in the year, on any day of the year, to be chosen by the judgment of each one, unless nevertheless it is expressly said in the grant that it is acquired daily.

II. On the Existence of the Power of Granting Indulgences

604. Errors. That there is in the Church the power of granting indulgences was denied: (a) by the Waldenses, the Wiclefites, and also Peter of Osma, who taught that the Pontiff cannot bestow indulgences, nor liberate from purgatory;[1] (b) by Protestants: for Luther indeed at first seemed to censure the abuses of the questors of indulgences, but soon attacked indulgences themselves as useless and pernicious, and pious frauds invented for obtaining money. Modern Protestants assert the same, indeed many do not blush to affirm that indulgences are nothing other than a license to sin purchased by money paid.[2]

[1] Cf. Denzing., n. 615.

[2] This calumny is refuted no less pleasantly than eloquently by J. H. Newman, *The Present Position of Catholics in England*, London, 1889, p. 108 sq. Today, however, most Protestants soften these false accusations, saying that abuses of this kind flourished not in our times, but only in past centuries; nevertheless they attack indulgences as pernicious in their effects; thus Littledale, *Plain Reasons*, p. 102; Lea, op. cit., vol. III, p. 569 sq.

605. Thesis: The Church enjoys the power of granting indulgences, whose use is especially salutary for the Christian people. It is of faith from Trent:[1] "Since the power of conferring indulgences has been granted by Christ to the Church, and she has used power of this kind, divinely handed down to herself, even in the most ancient times: the Sacrosanct Synod teaches and commands that the use of indulgences, especially salutary for the Christian people and approved by the authority of Sacred Councils, is to be retained in the Church, and condemns with anathema those who either assert that they are useless, or deny that there is in the Church the power of granting them."

[1] Decree concerning Indulgences, ap. Denzing., n. 862.

606. 1° The power of granting indulgences flows, by way of corollary, from three dogmas, namely, from the superabundance of the satisfactions of Christ, from the power of the keys, and from the communion of saints.

(A) That the satisfactions of Christ, as being of infinite value, were superabundant, we have already proved in the Treatise on the Incarnate Word, n. 192. Moreover, according to the common doctrine which the Supreme Pontiffs have confirmed, some among the Saints performed more satisfactory works than were necessary for making satisfaction for their own sins: thus the Blessed Virgin, who never, not even venially, sinned, and otherwise suffered many things patiently; so also many virgins, who lived an angelic rather than a human life; martyrs, who willingly embraced such bitter torments; and many others, who, free from every mortal sin, unceasingly crucified their members. From all these satisfactory works, performed in union with Christ, there arose as it were an immense treasury of satisfactions.[2]

[2] Code, c. 911.

Clement VI, in the year 1343, thus explains this doctrine; for concerning Christ he says:[3] "For not by corruptible gold and silver, but by the precious blood of Himself, the unspotted and immaculate Lamb, He redeemed us; and He, innocent, immolated on the altar of the cross, is known to have poured forth not a small drop of blood, which nevertheless because of the union with the Word would have sufficed for the redemption of the whole human race, but copiously, as a certain stream ... How great a treasury, therefore, from this, lest the mercy of so great an effusion be rendered superfluous, empty, or excessive, He acquired for the Church militant, the pious Father willing to treasure up for His sons, so that thus there may be an infinite treasury for men, and those who have used it have become participants of God's friendship." Afterwards, concerning the saints, he adds: "To the heap of this treasury indeed the merits of the Blessed Mother of God and of all the elect, from the first just man even to the last, are known to provide aid; concerning its consumption or diminution there is in no way to be feared, both because of the infinite merits of Christ, as has been said, and because, the more persons are drawn to justice from its application, the more the heap of their merits

increases." Hence therefore it is clear that the treasury of satisfactions which can be applied to Christians is inexhaustible.

[3] *Extrav. Unigenitus, Extrav. commun.*, l. V, t. 9, c. 2, p. 1304, ed. Friedberg.

607. (B) From another side, the power of the keys, whose existence we proved, n. 20 sq., in its amplitude includes the faculty of remitting not only guilt, but also the punishment annexed to sin, namely by applying to penitents certain satisfactions of Christ or of the saints, drawn from the aforesaid treasury. This is inferred from the texts cited above.[1] Namely Christ said to Peter, the prince of the Apostles: "Whatsoever thou shalt bind upon earth shall be bound also in heaven, and whatsoever thou shalt loose upon earth shall be loosed also in heaven"; for in the former part of this text, to Peter and the Apostles is conferred the power of binding the faithful by any spiritual bond whatsoever, by retaining sins and imposing canonical penalties; therefore in the latter part, whatsoever thou shalt loose, there is likewise given the power not only of absolving sins, but also of relaxing canonical penalties with prudence; for there is a parallelism between each part. This is confirmed from other words of Christ: "Whose sins you shall forgive, they are forgiven them" ...; for there is conferred there a most ample power of remitting sins, without any restriction; moreover sin involves three things, the debt of guilt, the debt of eternal punishment, the debt of temporal punishment; therefore the power conferred on the Church embraces these three things. Now the two former are taken away through the sacrament of Penance; the third can be taken away outside the sacrament, namely by condoning punishment through indulgences.

[1] Matt., XVI, 19; John, XX, 23.

608. (C) But the reason why the satisfactions of Christ and of the saints can be applied to penitents is drawn from the communion of saints. For all the faithful are so intimately joined under one head, Christ, that they form one body, and therefore all the good works of the just are as it were proper to each one, and can yield to their utility: "For as the body is one and has many members, and all the members of the body, though they are many, nevertheless are one body, so also is Christ ... And if one member suffers anything, all the members suffer with it; or if one member glories, all the members rejoice together."[1] Now, if the matter is so, the satisfactions of Christ and of the Saints, overflowing into others who are debtors to divine justice, can be derived to them, the authority of God which has been committed to the Church acceding; for, as St. Thomas says,[2] "those things which are common to some multitude are distributed to individuals of the multitude according to the judgment of him who presides over the multitude; hence, just as someone would obtain remission of punishment if another had made satisfaction for him, so also if the satisfaction of another is distributed to him by one who has power."

[1] I Cor., XII, 12-26.

[2] *Supplem.*, q. 25, a. 1.

The matter is illustrated by a comparison. In a well-ordered Republic, the President has the power sometimes of softening the severity of laws and penalties, when the common good demands this, or when amendment of the guilty person has been manifested by certain signs; but the Church is a well-

ordered society, indeed nobler and more perfect than other societies, since she promotes the supernatural good of souls; therefore it was fitting that the rulers of the Church should enjoy the power, for a just cause, of condoning something of spiritual debts; and this is done by taking away or diminishing punishments through indulgences.

609. 2° The thesis is proved historically.[3] The historical progress of indulgences is intimately connected with the evolution of penitential discipline; and in it three stages can be distinguished.

[3] Cf. A. Boudinhon, *Sur l'histoire des indulgences*, in *Rev. de l'Institut cathol. de Paris*, May 1902, p. 238-257.

(A) In the first epoch, which extends up to the seventh century, the granting of indulgences appears under the form of mitigation of public penance. That this penance was laborious and long-lasting has already been shown above, n. 151. But sometimes something of canonical penance, imposed by the authority of the Church, was remitted. (a) This was done especially in view of the intercession of martyrs. Tertullian is a witness of this matter; while he was still Catholic, he wrote these things:[1] "Which peace, not having it in the Church, some have been accustomed to entreat from the martyrs in prison; and therefore you also ought on this account to have, foster, and guard it in yourselves, so that perhaps you may be able to furnish it also to others." This practice afterwards, having fallen into the error of the Montanists, he reproved;[2] but even this very thing demonstrates that this practice existed and had been approved by the Roman Pontiffs. St. Cyprian likewise testifies to this, by declaring that those "who have received letters from the martyrs can be helped by their prerogative before God."[3] Besides, the matter is so evidently established that it is denied by no one today. Now the relaxation of canonical penance was nothing other than the relaxation of the punishment owed to sin, since penance was ordered to the remission of this punishment.

[1] Tertull., *Ad martyr.*, c. 1; P. L., t. I, p. 621.

[2] *De pudic.*, c. 22; P. L., t. II, 1026.

[3] St. Cyprian, ep. 18, t. II, p. 523, ed. Vind.; cf. ep. 21, 33, 36, and *De lapsis*.

(b) The same kindness was shown to those who by a laudable and fervent life redeemed their sins; thus the Council of Ancyra (314) decreed (can. 5): "We have determined that Bishops, the manner of conduct having been examined, have the power either of using clemency, or of adding more time. But before all things let both the preceding life and that which has followed be examined, and thus let clemency be imparted to them." Likewise Nicaea I (can. 12): "As many as, by fear and tears and penance, or by good works, demonstrate their conversion by the things themselves, not by simulation, these, after fulfilling the defined time of hearing, then at length may communicate with the faithful in prayer. Afterwards, however, it will be lawful for the Bishop to think something more humane concerning these."

(c) Punishments also were relaxed for the dying, so that they might be able more quickly to enter heaven; if they recovered, they were bound to pay certain penalties, but not all. Moreover in all these cases, the Church, by relaxing canonical penance, certainly did not wish to hand penitents over to graver punishments of purgatory, and therefore was using the power of condoning part of the satisfaction owed to sin.

610. (B) In the second period, from the seventh to the eleventh century, indulgence appears under the form of commutation of canonical penance into other works which were judged equivalent. For then a certain special penance was inflicted for each sin, as was noted above, n. 116. Now works of this kind were sometimes commuted into certain pious works, especially prayers, flagellations, and alms. Thus, according to St. Peter Damian, St. Dominic Loricatus, on each day of Lent, by subjecting himself to blows of rods, and by completing three psalters, was considered to do penance of one hundred years.[1] In the same age, to those who visited the basilicas of the Apostles at Rome, part of canonical penance was condoned. For Nicholas I says concerning a certain homicide: "Certain things [of penance] we have moderated, because he devoutly hastened to ask the suffrages of the prince of the Apostles, our nourisher."[2] Likewise, in the ninth century, Sergius II granted to those visiting the church of Saints Sylvester and Martin, on the feasts of several saints, an indulgence of three years and three quarantines: this is established from a marble tablet, placed in this church, which Baronius describes, at the year 847. Again, in the Vallicellian sacramentary, drawn up in the same century, mention is made of an indulgence of certain days and years. In the eleventh century, Leo IX condoned to those who had assembled for the consecration of the metropolitan church of Besançon the third part of their penance. - In these or similar cases, a certain part of canonical penance was commuted into pious pilgrimages or other works of this kind.

[1] Ap. Migne, P. L., t. CXLIV, p. 1015.

[2] Apud Ivo, P. L., t. CLXI, p. 700. - Some hold that certain indulgences were granted by Gregory the Great to those who visited the stations (the principal churches) of Rome. This is related by St. Thomas (*in IV*, dist. 20, q. 1, a. 3, sol. 2) and William of Auxerre (*Summa*, l. IV, tr. 6, c. 6); yet Morinus denies this (op. cit., l. X, c. 20, n. 10), because nothing concerning this matter appears in the letters or sermons of St. Gregory. Whatever the case may be, this practice is very ancient; for Boniface VIII commemorates it (year 1300), in the Bull of the Jubilee: "The faithful relation of the ancients has it that to those approaching the honorable basilica of the prince of the Apostles of the City, great remissions and indulgences of sins were granted." (*Extravag. commun.*, l. V, t. 9, c. 1, p. 1303, ed. Friedberg.)

611. (C) In the third age, from the eleventh century, indulgences properly so called are now granted, or the total or partial remission of punishment owed to sin, yet after certain works determined by a legitimate superior have been posited. This was done especially for promoting expeditions into the Holy Land: thus Urban II, in the Council of Clermont, in the year 1095, decreed (can. 2): "Whoever shall have set out for the sake of devotion alone, not for the attainment of honor or money, to liberate the Church of God at Jerusalem, that journey shall be reputed to him for all penance." An indulgence of this kind was also granted to those who fought against heretics, especially the Albigenses. Afterwards, in the thirteenth century, Lateran IV (1215) decreed that indulgences not be extended too much, and thus abuses be prevented. - But the matter became more universal from the institution of the Jubilee. At the beginning of the fourteenth century, the jubilee was instituted or confirmed by Boniface VIII, who granted a plenary indulgence and other spiritual favors for the year 1300 and for each following hundredth year; afterwards Clement VI decreed that the jubilee be celebrated every fiftieth year, beginning from 1350; finally Paul II wished that it have place every twenty-fifth year, beginning from the year 1475. Afterwards the Pontiffs began to grant extraordinary jubilees, or an indulgence after the manner of a jubilee, for grave causes. Soon they became accustomed to bestow plenary or partial indulgences for promoting pious works, namely the erection of churches or hospitals.

On this occasion certain abuses crept in, from the fact that questors, or preachers of indulgences, in order to obtain more abundant alms, amplified beyond measure the force and efficacy of indulgences. But Trent eradicated this abuse by abolishing questors.

From all these things it is gathered how greatly Protestants are deceived who, with Chemnitz, say that Catholics "cannot bring forward either any testimonies of the Fathers, or any examples of the ancient Church, that such doctrine or use of such indulgences ever existed at any time in the old Church up to the years after Christ's birth 1200."

612. (D) Difficulties are solved. (a) The granting of indulgences frees man from the debt of making satisfaction, and therefore mutilates the sacrament of Penance, which involves some satisfaction; therefore it must be rejected.

Resp.: I deny the supposition, for indulgences prudently granted do not exempt the penitent from sacramental or extra-sacramental satisfaction, but are granted to those sincerely contrite so that they may have that from which they may satisfy more promptly and efficaciously. For no one can gain indulgences unless he performs certain prescribed works and sincerely repents.

(b) The adversaries insist: Facility in satisfying for all sins through some prayers or works generates spiritual sloth, since there is no proportion between the prescribed works and the punishment remitted.

Resp. I deny the subsumed proposition: for external works which are prescribed, although they are light in themselves, suppose interior dispositions of contrition and firm purpose, which exclude sloth; for, as Cajetan says (*De suscipient. indul.*, q. 1), indulgences are not profitable to those neglecting to satisfy by themselves, because they are unworthy of indulgence, but to those whose will is so prepared for satisfying that the work is not delayed unless impeded. Thus, for example, he does not gain a plenary indulgence unless he is free from every affection toward venial sins. But when these things have been posited, the facility of the work enjoined is rather a certain kind of allurement, by which penitents are drawn to procure perfect interior dispositions: and thus there are promoted contrition of heart, zeal for prayer, frequentation of the sacraments, and the practice of works of mercy.

613. (c) They insist again: the granting of indulgences tends to diminish the time of purgation in this or the other life; but this is against the order intended by God.[1]

[1] Littledale's argument returns to this (op. cit., p. 109): "God loves these souls, and detains them in Purgatory, not that they may pay punishments, but that they may be purified. We confidently admit that God punishes them with the greatest mercy, kindness, and efficacy. Hence their untimely departure from Purgatory brings them no advantage, unless nevertheless it is admitted that the Roman Church is wiser and kinder than God Himself, and that she snatches the victims from the divine hands, so to speak!"

Resp. I deny the minor: for to God, who loves penitent souls, nothing is more acceptable than to diminish this time of purgation; on the one hand indeed, as a wise Legislator, He established that no one would enter the kingdom of heaven except after the payment of the punishment owed to sin; but on the other hand, as a merciful Father, He wishes to spare penitents; therefore if someone satisfies for others, he performs a work pleasing to God, namely by helping Him to reconcile the rights of justice and mercy.

(d) The granting of indulgences has furnished occasion for innumerable abuses; for the Roman Pontiffs, without any reason, did not blush to bestow indulgences of one hundred, one thousand, and more years, indeed to sell them for money, thus committing the most shameful crime of simony. Resp. We do not deny that some abuses crept into the granting and preaching of indulgences; but those abuses were neither universal nor frequent, and were several times reproved by the Roman Pontiffs and Councils; thus in the eleventh century, Gregory VII, to the Bishop of Lincoln asking an indulgence of delicts, agreed, yet under this condition, that by adhering to good works he should bewail the excesses committed;[2] in the twelfth century, Gregory VIII declared to the faithful of Benevento that it was safer that they do penance than that they obtain even a remission of the third part of penance; in the thirteenth century, Lateran IV reproved the laxity of certain Bishops in granting indulgences; and Trent (sess. XXV concerning Indulgences) established that the office of holy indulgences be dispensed holily and incorruptly to all the faithful, and proscribed all abuses which through ignorance or superstition had crept into various dioceses. Now a thing good and useful in itself must not be eradicated because of some inconveniences which arise from it, but the inconveniences themselves are to be prevented, insofar as it can be done; and this indeed the Church has done when opportunity was given.

[2] Cf. Baronius, *Annales ecclesiast.*, at the year 1703, n. 71; Drouin, l. cit., § 4, where these and other facts are related.

But what is added concerning the selling of indulgences rests on a false supposition. Money which sometimes was given, or even now sometimes is given, for example on the occasion of a jubilee, for gaining an indulgence, is not and never was the price of the indulgence; for it was alms prescribed as a pious work, and to be turned to good uses, for defeating the Turks who were disturbing the peace of Europe, for the erection and endowment of churches, hospitals, and other institutes of this kind. From another side, only a few indulgences are granted under this condition; for most require only merely spiritual works.[1]

[1] Some Protestants go farther, and assert as certain that absolution from sins is sold for money; in proof of this they exhibit the taxes of the Chancery, which must be paid when absolution from censures is sought. But here they confuse two things plainly distinct: absolution from sins in the internal forum, which can never be procured by money; and absolution from censures in the external forum, for which sometimes alms are demanded, either so that expenses for the dispatching of letters of absolution may be paid, or as a charitable compensation for scandals given: in which case money thus collected is to be expended for pious uses. J. H. Newman refutes this splendidly (op. cit., p. 112-113).

614. Corollaries. (a) Indulgences can be applied to the faithful departed detained in purgatory by way of suffrage, that is, not by way of absolution, but by way of satisfaction and payment of debt, insofar as the satisfactions of Christ and of the Saints, stored up in the treasury of the Church, are offered to God in compensation for the punishment to be expiated by the departed. "For there is no reason," says St. Thomas,[2] "why the Church can transfer the common merits, on which indulgences rest, to the living and not to the dead." For Christ satisfied for all, and His satisfactions can be applied both to the living and to the departed by him who enjoys legitimate authority. In reality, the Roman Pontiffs, already at least from the ninth century, granted indulgences of this kind; thus John VIII (878) and John IX (900).[1] Hence Pius VI condemned as false, rash, and offensive to pious ears the proposition of the Synod of Pistoia asserting "that still more lamentable is this: that this chimerical application [of indulgences] has been willed to be transferred to the departed." (Denzing., n. 1405.)

[2] *Suppl.*, q. 71, a. 10.

[1] Cf. Mabillon, preface in century VI Bened., n. 108.

Yet power of this kind is so exercised that these indulgences are directly applied to the living by way of juridical absolution, and only indirectly to the dead, by way of payment of debt. For, as St. Thomas says (l. cit.), directly and principally he receives the indulgence who does that for which the indulgence is given; hence, since the dead cannot do anything of those things which are prescribed, indulgences cannot directly have force for them. Therefore the granting of an indulgence for the departed comes to this: that, by force of the authority of the Church, the living faithful person, who performs the pious work to which it is attached, can apply to the departed the remission of punishment which, by gaining the indulgence, he acquires.

615. (b) Indulgences have force not only before the Church, for taking away canonical penalties, but also before God for remitting temporal punishments owed to sins. This is certain from the condemnation of the contrary opinion which the Synod of Pistoia had defended.[2] For, as St. Thomas rightly observes,[3] the opinion of the adversaries is expressly against the privilege given to Peter, to whom it was said that what he remitted on earth would be remitted in heaven. Hence the remission which is made as to the forum of the Church also has force as to the forum of God. Moreover the Church granting indulgences of this kind would harm rather than help, since in purgatory punishments would have to be endured which she would remit on earth.

[2] Ap. Denzinger, n. 1403.

[3] *Suppl.*, q. 25, a. 1.

§ II. On the Authority Granting Indulgences

616. 1° Principle. For granting indulgences there is required the power of jurisdiction in the internal forum, with authority over the treasury of the Church, and a reasonable cause. It is said:

(a) The power of jurisdiction, because here there is question of a judicial act, but not of the conferral of a sacrament; (b) in the internal forum, because temporal punishment is remitted not only before the Church, but also before God; (c) with authority over the treasury of the Church, because an indulgence is not only absolution, but also payment of some debt, by the help of satisfactions which are contained in the treasury of the Church; (d) and with reasonable cause, and indeed for validity, as all confess; for ecclesiastical Superiors are only administrators of the treasury of the Church, and therefore cannot distribute it unless a just cause accedes, and without prejudice to the right which God has of exacting some punishment from sinners. But because nothing is required of a steward except that he act according to the rules of prudence, that cause will be sufficient which shall seem to Superiors just and proportionate.

A just cause can be to promote the recitation of certain prayers or the fulfillment of pious works, by granting indulgences, so that prayers may be poured forth or works performed more frequently and fervently; or some public utility, or gratitude toward those who have labored for the good of the Church; in one word, whatever can promote the good of souls or the extension of the Church.

617. 2° Corollary. Indulgences can be granted by:

(A) The Supreme Pontiff, who has supreme authority over the treasury of the Church, and can grant indulgences to the faithful of the whole Catholic world, plenary and partial, for the living and for the departed. Moreover all indulgences granted by the Roman Pontiff, unless another thing is established, are applicable to those living in Purgatory (can. 930). Likewise he can bestow them in whatever way seems good to him, by an oracle of the living voice[1] or in writing, immediately or mediately through the organ of some Congregation. Faculties which once, concerning this matter, were granted to the Sacred Congregation of Indulgences, today pertain to the Sacred Penitentiary.[1]

[1] "Those who have obtained from the Supreme Pontiff grants of indulgences for all the faithful are bound, under penalty of nullity of the grace obtained, to deliver authentic copies of the same grants to the Sacred Penitentiary." (*Code*, c. 920.)

[1] With the right of the Holy Office saved "of seeing those things which regard dogmatic doctrine concerning indulgences or concerning new prayers and devotions." *Code*, c. 258, § 2.

"Besides the Roman Pontiff, to whom the dispensation of the whole spiritual treasury of the Church has been committed by Christ the Lord, only those can by ordinary power bestow indulgences to whom this has been expressly conceded by law."[2]

[2] *Code*, c. 912.

618. (B) Ecclesiastical Superiors inferior to the Pope cannot grant indulgences applicable to the departed;[3] - nor add other indulgences to crosses, medals, etc., blessed by the Pope or by another delegate, or to acts or to a sodality[4] to which indulgences have already been attached, unless new conditions are imposed; - nor divide the same act of piety into parts, and grant to each part all the indulgences which they can bestow; - nor commit to others the faculty of granting indulgences, unless this has been expressly granted to them by the Apostolic See.[5] Moreover they must observe the norms which the Roman Pontiff himself follows in granting indulgences. These things having been posited:

[3] *Code*, c. 913, n. 2.

[4] *Code*, c. 913, n. 3.

[5] *Code*, c. 913, n. 1.

(a) Residential Bishops, from possession having been taken, have the right of granting indulgences of fifty days in the places of their jurisdiction.[6] When a church or altar is consecrated, the consecrating Bishop, although he lacks jurisdiction in the territory, grants an indulgence of one year to those visiting the church or altar on the day itself of consecration, but on the anniversary day fifty days, if he is a Bishop; one hundred, if an Archbishop; two hundred, if a Cardinal of the Holy Roman Church.[7]

[6] *Code*, c. 349, § 2, n. 2.

[7] *Code*, c. 1166.

Archbishops in their own diocese and in their own province can grant an indulgence of one hundred days.[8]

[8] *Code*, c. 274, n. 1.

(b) Cardinals "enjoy the faculty of granting indulgences of two hundred days, to be gained even *toties quoties*, in places or institutes and for persons of their jurisdiction or protection; likewise in other places, but only by those present, to be gained each time[9]."

[9] *Code*, c. 239, § 1, n. 24.

§ III. On the Subject of Indulgences

We shall speak: 1° concerning those to whom indulgences can be granted, 2° concerning the conditions for gaining indulgences.

619. 1° Indulgences cannot be granted except to those who are: (a) baptized, because the power of the Church is not exercised over those who are outside; (b) not excommunicated,[1] since all separated from her by that very fact are deprived of the goods which pertain to the communion of Saints; (c) subjects of the one granting, even outside the territory, since an indulgence is an act of jurisdiction, and by law it has been established that pilgrims can gain local indulgences; the same must be said of Regulars, even exempt, who in favorable matters are not excluded from episcopal jurisdiction;[2] (d) capable of sinning, since the punishment owed to sin cannot be remitted when no sin has been committed; therefore children before the use of reason and those perpetually insane are incapable.

[1] *Code*, c. 925, § 1.

[2] *Code*, c. 927.

620. 2° Conditions necessary for gaining indulgences:

(A) The state of grace,[3] at that moment of time at which the indulgence is to be gained, namely generally at that instant at which the last prescribed work is performed: for temporal punishment cannot be remitted while guilt and eternal punishment have not yet been remitted.

[3] *Code*, c. 925, § 1.

This indeed is certain as to indulgences for the living; but it is disputed as to indulgences for the departed, and when the Sacred Congregation of Indulgences was questioned concerning this matter, it responded:[4] "Let him consult approved authors." Now Suarez[5] holds that the state of grace is not required; for one gaining an indulgence for the departed obtains this effect not for himself, but for another: for this the execution of the prescribed work suffices; but Lugo with others more probably affirms,[6] because the departed person does not acquire an indulgence except insofar as some living person gains it and applies it to the departed; moreover the living person cannot gain the same unless he is in the state of grace. - Yet an exception can be admitted for the indulgence of a privileged altar, which is applied to the departed by the priest, not as a private person, but insofar as he represents the Church.

[4] *Decret. authent.*, n. 341, February 22, 1847.

[5] Suarez, disp. LIII, sect. 4, n. 5-6.

[6] Lugo, disp. XXVII, n. 75.

Moreover, if there is question of a plenary indulgence to be gained totally, detestation of all venial sins is required, since the punishment owed even to venial sin cannot be remitted unless first the

fault itself is forgiven. Yet if the plenary indulgence is not obtained totally, because of affection toward some venial sins, it can be acquired partially, insofar as the punishment of those sins concerning which contrition is had is remitted.[1]

[1] *Code*, can. 926.

621. (B) The intention of gaining indulgences, not indeed a special one, by which someone intends specifically to gain this or that indulgence; but a general one, by which someone wishes to acquire all the indulgences which he can, even if he does not know whether they are attached to such or such a work. Nor is an actual intention required, but a virtual intention suffices, indeed more probably a habitual one, namely one which has once been elicited and not retracted. Yet an interpretative intention, which in reality does not exist, does not suffice, whatever a few may have said to the contrary;[2] for books concerning Indulgences published with special approval of the Holy See require a true intention.[3] - Indeed it is an excellent counsel to renew daily the intention of gaining all and each indulgence which can be acquired in the course of the day, so that the works to which indulgences are attached may be performed more promptly and more fervently.

[2] Baller. P., n. 27.

[3] Cf. *Raccolta*, Introduction, p. VII-VIII.

622. (C) The fulfillment of the prescribed works; for this is the condition under which indulgences are granted, so that, the condition not being fulfilled, the effect is not obtained. Hence here neither ignorance, nor impotence, nor good faith excuses:[4] for there is question of a benefit to be obtained, to which there is no right; therefore no injury is done if, the condition lacking, the indulgence is not granted.

[4] *Raccolta*, p. VIII.

Yet if only a very small part of the enjoined work is omitted, for example, one *Pater* and *Ave* in the recitation of the rosary, the indulgence is acquired, because in a moral matter a little is reputed as nothing. - Moreover, with the consent of the Confessor acceding, certain other works can be substituted for the prescribed works, when these cannot morally be fulfilled.[5]

[5] *Code*, can. 935.

623. The prescribed works must be performed according to the manner and circumstances determined by the Superior.

(a) As to the manner, the works must be fulfilled personally, i.e., by the very person who intends to gain the indulgence, except alms, which can be given through another, provided that one gives from his own goods; - by a morally good act, because God evidently cannot be placated by a sinful act; therefore an act intended solely toward an evil end would not profit; but if to a work good in itself there were mixed some venial sin, suppose that of vainglory, the indulgence could nevertheless be obtained; - by a work not otherwise strictly obligatory, unless the contrary intention of the one granting is established; for regularly we cannot by one action satisfy two obligations, each of which demands individual actions; thus those who are bound to the canonical hours cannot through them

satisfy the prayers prescribed for gaining a plenary indulgence;[1] but Paschal communion suffices for satisfying the precept of annual communion and for gaining the indulgence of the papal blessing;[2] likewise, from a recent decree, June 14, 1901, a penitent, fulfilling prayers and other works imposed by the confessor for penance, enriched with indulgences, can at the same time both satisfy the penance and gain the indulgences.[3]

[1] Thus the Sacred Congregation of Indulgences, May 29, 1841, *Decret. authent.*, n. 291, ad 2.

[2] *Decreta authent.*, n. 288, March 19, 1841; and n. 327, May 10, 1844.

[3] Ap. *Acta S. Sedis*, XXXIV, p. 125-126. Cf. *Code*, c. 932.

If from various titles various indulgences have been attached to some thing or work, regularly not all the indulgences can be acquired unless the enjoined works are renewed; thus if to one crown both Apostolic indulgences and indulgences of the Rosary have been applied, both cannot be obtained unless the rosary is recited twice.[4]

[4] *Code*, c. 933.

(b) As to the circumstances, the works must be performed in the place and time predefined, in the manner to be explained below. Here we shall set forth only the manner of computing time, according to the decisions of the Sacred Congregation of Indulgences. - Commonly indulgences are affixed to the natural day; now the natural day is computed from midnight to midnight; hence, unless another thing is expressly said, we can gain indulgences affixed to such a day from midnight.[5] - But sometimes an indulgence can be acquired, as often happens on feasts, during the whole ecclesiastical day, i.e., from first vespers, namely from the time at which vespers are commonly accustomed to be publicly recited[6] (the middle hour between noon and sunset) until sunset of the following day, i.e., the evening twilight which often endures one hour after sunset.

[5] *Decreta authent.*, n. 434, January 18, 1878.

[6] *Raccolta*, p. XVII; hence the opinion holding that the ecclesiastical day begins at the second afternoon hour does not seem sufficiently safe. Cf. Melata, op. cit., p. 54.

624. (D) Among the various prescribed works, the principal ones are confession, communion, visitation of a church, certain prayers, concerning which we shall note a few things.

(a) Confession, when it is required, must be performed even by those who are in the state of grace; it must be sacramental, or in order to absolution, although it is not necessary to receive absolution. - If several indulgences to be gained on the same day require confession, one confession suffices for acquiring them all. Indeed, "the faithful of Christ who are accustomed, unless they are legitimately impeded, at least twice in the month to approach the sacrament of penance, or to receive holy communion in the state of grace and with a right and pious mind daily, although once or twice through the week they abstain from the same, can obtain all indulgences, even without actual confession which otherwise would be necessary for gaining them, except indulgences either of the ordinary and extraordinary jubilee or after the manner of a jubilee."[1]

[1] *Code*, c. 931, § 3.

Moreover, "for gaining any indulgences whatsoever, a confession perhaps required can be made within the eight days which immediately precede the day to which the indulgence has been affixed,"

or "even within the entire following octave."[2]

[2] *Code*, c. 931, § 1.

(b) Communion can be received on the vigil of that day to which the indulgence is annexed or "even within the entire following octave."[3]

[3] Ibid.

(c) Visitation of a church is prescribed for certain indulgences. If the visitation of some determinate church is enjoined, for example, the parish church, this indeed must be visited, unless a legitimate commutation has been made; otherwise, the visitation can be made in any church or public oratory whatsoever, and indeed "from noon of the preceding day, until the midnight which closes the appointed day."[4]

[4] *Code*, c. 923.

Moreover, by force of a privilege granted by Pius X, on January 14, 1909, the faithful of either sex, who, for the pursuit of perfection or for the sake of instruction or education or even of health, live a common life in houses lacking a church or public chapel, established with the consent of the Ordinaries, and also all persons dwelling there for ministering to them,[5] whenever the visitation of some non-determined church or of some indeterminate public oratory is prescribed, can visit the chapel of their own house, in which by law they can satisfy the obligation of hearing Mass.

[5] Thus the Code, c. 929. Cf. Holy Office, June 24, 1909. *A. A. S.*, I, 210.

(d) Prayers to be recited are generally prescribed for plenary indulgences and sometimes for partial ones. Mental prayer does not suffice, but at least certain vocal prayers are required. These indeed are not determined, but are permitted to the judgment of anyone; the shortest prayer does not suffice, but five *Pater* and *Ave*, or something equivalent, are required.

"If a particular prayer has been assigned, indulgences can be acquired in whatever language the prayer is recited, provided that the fidelity of the version is established from the declaration either of the Sacred Penitentiary or of one of the Ordinaries of the place where the language into which the prayer is translated is common; but indulgences entirely cease because of any addition, subtraction, or interpolation. For the acquisition of indulgences it is enough to recite the prayer alternately with a companion or to follow it with the mind while it is recited by another."[1]

[1] *Code*, c. 934.

(e) "Confessors can commute into other works the pious works enjoined for gaining indulgences for those who, detained by a legitimate impediment, cannot perform the same."[2] "Indulgences annexed to feasts or sacred supplications or novendial, septenary, or triduan prayers, which are performed before or after the feast or even while its octave lasts, are understood to be transferred to that day to which feasts of this kind are legitimately transferred, if the transferred feast has an office with Mass without solemnity and external celebration and the transfer is made in perpetuity, or if the solemnity and external celebration is transferred either for a time or in perpetuity."[3]

[2] *Code*, c. 935.

[3] *Code*, c. 922.

(E) Indulgence or blessing in the article of death: 1) "The parish priest or another priest who assists the sick has the faculty of granting them the apostolic blessing with plenary indulgence in the article of death, according to the form handed down by approved liturgical books; let him not omit to impart this blessing."[4]

[4] *Code*, c. 468, § 2.

2. This indulgence is altogether distinguished from the plenary indulgence which all can gain in the article of death, without any blessing, who hold some object to which Apostolic indulgences are attached, or who are members of a Confraternity to which such a privilege has been granted.

3. From the concession of Pope Pius X, March 9, 1904, any Christian can gain for himself a plenary indulgence for the instant of his death, provided that he recites the prescribed formula, by which he receives death with all its distresses with an even and willing soul, and fulfills the other conditions (confession, communion).

N. B. The deaf-mute and the mute can gain indulgences for which vocal prayer is desired: if public prayers are enjoined, by devoutly joining themselves to the praying people and praying mentally; if visitation of a church is privately prescribed, by praying there mentally; if prayers are to be recited privately, by performing the pious works which the confessor, in place of prayers, shall enjoin,[5] or by pouring forth the enjoined prayers by signs, or mentally, or by reading them without any pronunciation.[6] (Cf. Can. 936.)

[5] *Decret. authent.*, n. 355, March 15, 1852.

[6] Sacred Congregation of Indulgences, July 18, 1902.

§ IV. On the Suspension, Translation, and Cessation of Indulgences

628. 1° On Suspension. Indulgences can be suspended in a twofold manner: (a) from the very nature of the matter, when one of the essential conditions required for gaining them ceases for a time, for example, when the stations of the Way of the Cross are removed so that they may again be placed in the same place; (b) extrinsically, or from the will of the one granting, an example of which is had in the time of Jubilee, when almost all other indulgences are suspended, from the things to be said below.

629. 2° On Translation. It can occur in two ways, as to place and time.

(a) As to place, a local indulgence is transferred when the competent Superior orders it no longer to be gained in the place to which it had been attached, but in another determinate place; this is done especially when the community which held the former place migrates to another.

(b) As to time, when an indulgence granted for some time is transferred to another; this especially has place in indulgences granted for some feast. Now an indulgence annexed to some feast is transferred whenever the external solemnity is transferred, although the office and Mass are not transferred;[1] but if there is question of feasts which are accustomed to be performed without solemnity, when the feast is transferred in perpetuity, the indulgence is transferred;[2] but when the feast is transferred by accident, the indulgence remains affixed to the day. - Yet such an indulgence

cannot be acquired twice; for example, if someone at Rome has gained the indulgence annexed to the feast of the Immaculate Conception, he cannot acquire the same at Paris if he is in that city at the time when the transferred solemnity is celebrated.

[1] *Decret. authent.*, n. 360, August 9, 1852.

[2] *Decret. authent.*, n. 435, January 12, 1878.

630. 3° On Cessation. Indulgences can cease:

(a) Through the death of the one granting, if this has been expressed in the grant itself either explicitly, or implicitly, for example, if the clause *at my good pleasure* or another similar one has been added, but not *at the good pleasure of the See*, because the See does not die.

(b) Through the revocation of the competent Superior sufficiently promulgated.

(c) Through the death of the person, or the legitimate extinction of the College, to which they had been granted; but if some College has been illegitimately suppressed, and afterwards revives, the indulgences likewise revive.

(d) Through the destruction of the place or things to which the indulgences were attached, if it is total physically and morally; but not if the thing in common estimation, although physically renewed, remains morally the same. Hence they are not lost if the thing is renewed even totally by successive repairs, indeed if an altar is destroyed, yet in such a way that a new one is built in the same place and under the same title.[3]

[3] *Decret. authent.*, n. 317, April 24, 1843.

N. B. Through the transfer of ownership of a movable thing, for example, a rosary, to which an indulgence is attached, the indulgence now no longer ceases; for the decree of Alexander VII forbidding that transfer has been abrogated by the Sacred Penitentiary (February 18, 1921).

Art. II. On the Indulgence of the Jubilee

631. At the beginning of the fourteenth century, the Jubilee was instituted or confirmed by Boniface VIII, who granted a plenary indulgence and other spiritual favors for the year 1300, and for each following hundredth year; afterwards Clement VI decreed that the Jubilee should be celebrated in each fiftieth year, beginning from 1350; finally Paul II willed that it should have place in each twenty-fifth year, beginning from 1475.

[1] Besides the works already cited on Indulgences in general, cf. Navarrus, *Comment. de Jubilaeo*, Rome, 1575; Viva, *de Jubilaeo*, Padua, 1709; Theodoricus a S. Spir., *Tract. historico-theologicus de Jubilaeo*, Rome, 1750; Loiseaux, *Traité Canonique et pratique du Jubilé*, Paris, 1859; P. Bastien, O.S.B., *Tr. de Jubilaeo*, Brussels, 1901; H. Thurston, S.J., *The Holy Year of Jubilee*, St. Louis, 1900.

Division:

On the notion and species of the Jubilee;

On the works to be executed for gaining the Jubilee;

On the faculties granted during the time of the Jubilee;

On the suspension of graces during the time of the Jubilee.

I. On the Notion and Species of the Jubilee

632. 1° Notion. The Jubilee is nothing other than a plenary indulgence, heaped up with various privileges by the Roman Pontiff. Therefore it differs from a plenary indulgence only accidentally, namely by reason of the solemnity and the privileges which are annexed to it.

633. 2° Species. The Jubilee is twofold, ordinary and extraordinary.

(a) The former, which is also called the major Jubilee, or simply the Jubilee, is that which recurs in each twenty-fifth year. Generally it is first celebrated at Rome through an entire year, which is called the holy year; then in the following year it is extended to the whole world for a shorter time, commonly for six months. At Rome it begins from the first Vespers of the Nativity of the Lord, which precede the 25th, 50th, 75th, and 100th year of each century, and it is concluded at the second Vespers of the Nativity of the following year.

(b) The latter, or extraordinary Jubilee, which is also called minor, is that which the Roman Pontiff, according to his judgment, grants for some time, on account of a grave cause. Thus commonly each new Pontiff grants a Jubilee after his exaltation, and besides, in the greater necessities or solemnities of the Church. This Jubilee is customarily celebrated at the same time at Rome and throughout the whole world.

(c) Besides each of these Jubilees, which is universal, as granted to all the faithful, there is sometimes given a particular Jubilee, which is granted to some province or place; such is the Jubilee granted to the Aniciensis church whenever the feast of the Annunciation falls on the day of Parasceve.

(d) Sometimes also plenary indulgences are given in the form or after the manner of a Jubilee, for giving greater honor to some place and for more greatly exciting the piety of the faithful; these indeed do not differ from ordinary indulgences except by reason of solemnity.

Here it must be noted that the rules to be observed in a Jubilee, whether ordinary or extraordinary, were handed down by Benedict XIV,[1] and that they are to be observed even today in all things in which a special Bull published for each Jubilee does not stand against them.[2]

[1] Bull *Peregrinantes*, May 5, 1749, by which the Jubilee is proclaimed; Bull *Cum nos super*, May 17, 1749, where indulgences and faculties are suspended; Bull *Convocatis*, November 25, 1749, by which faculties are granted to the Penitentiaries of the City; Bull *Inter praeteritas*, December 3, 1749, concerning questions and controversies about the works enjoined; Bull *Paterna caritas*, December 17, 1749, by which provision is made for Nuns, Oblates, etc.; Bull *Benedictus Deus*, December 25, 1750, by which the Jubilee is extended to the whole world; Bull *Celebrationem*, January 1, 1751, concerning the extension of the Jubilee.

[2] *Decret. authent.*, n. 353, March 15, 1852.

II. On the Works to Be Executed for Gaining the Jubilee

634. For gaining the Jubilee various works are prescribed, namely for the ordinary Jubilee: confession and communion, and also visitations of churches; for the extraordinary Jubilee: in addition, fasting and alms. - In executing these, no order is required, provided that the last

work is performed in the state of grace. But the general rule is that works already owed from some other source do not suffice.[3]

[3] Bull *Inter praeteritos*, n. 53.

Nor is it necessary that all be completed in the same week, even for an extraordinary Jubilee;[4] nor in one and the same place, so that confession can be made in one place and communion in another, provided that the special rules established by the Bishop of that place are observed.[5]

[4] Sacred Penitentiary, March 16, 1865, in *Acta S. Sedis*, I, p. 176.

[5] Sacred Penitentiary, January 15, 1886.

635. 1° On confession and communion. (a) Apart from a special concession, one cannot satisfy the paschal precept and gain the Jubilee by one confession and communion.[6] Yet, with respect to confession, one can first confess in order to gain the Jubilee; and if afterwards, within the year, he has admitted no mortal sin, he will not be bound to confess, since the law of annual confession obliges only those who are conscious of grave sin (n. 245). Nor is absolution required, if one is in the state of grace, unless it is expressly said in the Bull, as in the year 1851, "having confessed their sins and having expiated them by sacramental absolution."

[6] Sacred Penitentiary, January 25, 1875, in *Acta S. Sedis*, VIII, pp. 266-267; cf. p. 361.

(b) Confession and communion must be made during the time of the Jubilee, but not on the vigil, unless from first Vespers, when it is already customarily begun at Rome.

(c) He who, after confession has been performed, falls into mortal sin before he has completed the last work, must repeat confession, so that by sacramental absolution he may recover grace;[1] nor is it sufficient for him to elicit perfect contrition.

[1] Bull *Inter praeteritos*, n. 79.

636. 2° On the visitation of churches. Which churches are to be visited, and how often, the Supreme Pontiff designates in the City, and the Bishop of each diocese outside the City.

(A) Thus for the year 1900, Leo XIII prescribed[2] that the four basilicas of Blessed Peter and Paul, St. John Lateran, and St. Mary Major should be visited at least once in the day for twenty continuous or interposed days, whether natural or ecclesiastical, by inhabitants residing at Rome; for at least ten days by pilgrims. But if those residing in the City, or on the journey itself, are prevented by illness or by another legitimate cause from making certain or all visitations, they can nevertheless gain the Jubilee by performing other works enjoined by confessors.

[2] Bull *Properante*, in *Act. S. Sedis*, XXXI, p. 644 sq.

(B) Outside the City, (a) Bishops determine, according to the Bull of the Pontiff, how many churches and how often they are to be visited. In places where there is one church, they can grant that all the prescribed visitations be made in this church; this power was given to them in the year 1852 in a general manner,[3] so that they enjoy it even if the Bull of the Jubilee is silent concerning this matter. They can also designate a public oratory, if Mass is habitually celebrated in it.[4]

[3] *Decret. authent.*, n. 353, March 15, 1852.

[4] Sacred Penitentiary, January 15, 1886, in *Act. S. Sedis*, XVIII, p. 334.

(b) If the same church must be visited several times, this can be done on the same day or on distinct days, unless in the Bull of the Jubilee it is defined otherwise. But visitations made in the same church must be so distinguished from each other that each time it is necessary to go out from the church in order that a new visitation can be made.

(c) Regulars cannot gain the Jubilee by performing the prescribed visitations in their own church, unless they have obtained a special privilege from the Roman Pontiff.[5] But if they are legitimately impeded from visiting the churches designated by the Ordinary, each one can obtain commutation from his own confessor.

[5] Sacred Penitentiary, 1875, in *Act. S. Sedis*, VIII, p. 554.

(d) Often also the number of visitations is diminished by instituting processions, with the license of the Bishop, from a special privilege granted by the Holy See. In which case the faithful who, because of the narrowness of the church or oratory, remain outside the doors and pray with the others, form one body morally, and therefore satisfy the visitation for gaining the Jubilee, provided, however, that all who can be contained in the church enter it. Likewise, if because of a legitimate reason processions are made with vestments not choral, without a cross, with psalmody in a low voice, or even without any chant, this is valid.[1]

[1] Sacred Penitentiary, in *Act. S. Sedis*, VIII, p. 554; vol. XXXIV, p. 638; vol. XXXV, p. 43.

637. 3° On fasting. (a) In extraordinary Jubilees a fast of three days is usually prescribed; this imports abstinence from meat; indeed also from eggs and lacticinia, if it is prescribed for the time of Lent. Sometimes, outside Lent, the same strict fast (i.e., abstinence not only from meat, but from eggs and lacticinia) is imposed, namely whenever in the Bull it is said, "using fasting foods[2]."

[2] Since in certain regions it is very difficult to observe such a fast, Bishops can approach the Holy See, so that this mandate may be softened.

(b) That fast must be distinct from the fast already established by the Church, unless otherwise is declared in the Bull explicitly or implicitly.

(c) Often the three fasts are enjoined to be performed in the same week, on Wednesday, Friday, and Saturday; but if no day is assigned, they can be made at any time whatsoever, outside days of fasting by precept.

(d) A fast of this kind must be observed even by those who otherwise are excused from the law of fast; but if they are not able to fast, the confessor can commute this work into another.[3]

[3] *Decret. authent.*, n. 425, July 10, 1869, ad 8.

638. 4° On alms. (a) If it is prescribed "according to the judgment or devotion of each one," any donation will be sufficient, provided that it is not so small that it is reputed as nothing; but if it is prescribed "according to the means of each one," it is necessary that there be some proportion between the alms and the fortune of the person; whence an obol will indeed suffice for a poor person, but not for a rich person; indeed the poor can obtain from the confessor a commutation of the alms into another work.

(b) Alms can be made through another, for example, through a superior, if there is question of the members of some community, or through the father of a family, if there is question of a wife or children, or through a rich person in the name of a poor person; provided, however, that the alms is bestowed with their knowledge.

III. On the Faculties Granted During the Time of the Jubilee

To the faithful of Christ who wish to gain the indulgence of the Jubilee, special privileges are granted: 1° with respect to the choice of confessor; 2° with respect to the faculties given to confessors.[4]

[4] These privileges are enumerated in the Bull of Benedict XIV which begins *Celebrationem*, January 1, 1751, and in the Bull proper to each Jubilee, for example, for the last Jubilee, in the Bull of Leo XIII which begins *Temporis quidem sacri*; which *Ami du Clergé*, XXIII, 1901, 145-152, clearly explained.

1° On the Faculty of Choosing a Confessor

639. (A) Nuns properly so called, making solemn vows, and their novices, can choose for themselves, for gaining the Jubilee, a confessor from among those who, for nuns, for any monastery whatsoever, have been approved as ordinary or extraordinary confessors. But nuns of simple vows can choose for themselves a confessor simply approved.

(B) All other faithful of either sex, both lay and ecclesiastical, even Regulars of any Order whatsoever, can for the same effect choose for themselves as confessor any priest whatsoever, whether Secular or Regular, even of a different Order, approved by the Ordinary of the place for hearing the confessions of seculars. But if Regulars wish to choose a confessor of their own Order, he alone must be one of those approved by the Regular Prelate.

2° On the Special Privileges Which Confessors Enjoy

640. Special faculties are granted to these confessors, but only for the confession of the Jubilee.

(A) The faculty of absolving from all sins and censures, whether reserved to Bishops or to the Roman Pontiff, provided, however, that a salutary penance and other things to be enjoined by law are enjoined. - Yet certain cases reserved in the Constitution *Sacram. Poenitentiae* are excepted: (a) the absolution of one's own accomplice; (b) the absolution of one absolving an accomplice, if this crime has been committed three times or more throughout life;[1] (c) the absolution of those who have been excommunicated, suspended, or interdicted by the Roman Pontiff or by another Prelate by name, or have been publicly denounced as bound by censure,[2] unless they have made satisfaction within the time of the Jubilee.

[1] This was expressly declared by the Sacred Penitentiary, January 11, 1900, in *Acta S. Sedis*, XXXII, 508.

[2] Thus Sacred Penitentiary, June 5, 1901, in *Acta S. Sedis*, XXXIV, p. 187. - Formerly a false and juridical accusation of solicitation was also excepted; but in the recent Jubilee of 1900 this restriction was not preserved.

It is said, "and other things to be enjoined by law," namely by imposing those conditions which are prescribed by law; for example, heretics who have publicly taught heresy are not absolved unless the heresy has been abjured and scandal repaired; those who have unjustly acquired ecclesiastical goods are not absolved unless these have been restored, or a settlement has been made or at least sincerely promised.

641. (B) The faculty of commuting vows, even sworn vows and those reserved to the Supreme Pontiff, not excepting the vow of not seeking commutation. The following are excepted: (a) vows of perpetual chastity or of entering Religion properly so called; (b) obligatory vows which have been accepted by a third party, unless he renounces his right; (c) penal vows, which are emitted for removing the danger of sin, unless the commutation is made into another work which restrains from committing sin no less than the matter of the prior vow.

For commuting vows no other reason is required than the Jubilee itself; but the commutation cannot be made into a notably lesser work.

(C) The faculty of dispensing from irregularity contracted only on account of violation of censures, provided that it is occult, and has not been brought, nor can easily be brought, to the ecclesiastical forum; but not from other irregularities.

(D) The faculty of dispensing, for the forum of conscience only, concerning certain impediments of marriage: namely the occult diriment impediment of illicit affinity of the first and second degree, provided that canonical causes are present, if there is question of contracting marriage; the impediment of spiritual relationship, and likewise the occult impediment of crime, with neither party, however, plotting. - Likewise the faculty of restoring the right of seeking the debt in the case of incestuous affinity supervening upon marriage; or of dispensing with those who are bound by a simple vow of chastity, admonishing them, however, that they will sin against the vow if they offend outside the use of marriage, and that they remain bound by the same vow if they survive their own spouse.

(E) The faculty of commuting the works prescribed for the Jubilee into other works of nearly the same value, provided that a just cause is present, i.e., physical or moral inability. Generally confession and communion cannot be commuted into other works; nevertheless for children who have not yet been admitted to sacred communion, another work can be prescribed in place of communion; and the same is probably said of those who, on account of chronic illness, are not able to receive communion.

3° On the Use of These Faculties

642. (a) Confessors cannot use these faculties outside the act of sacramental confession; and only toward those who confess with the sincere mind of gaining the Jubilee, yet in such a way that absolution from censures, commutations of vows, and dispensations remain in their force, even if it happens that he who had already obtained them, having changed his plan, does not fulfill the remaining works. But by a sacrilegious confession censures and reservations are not removed, since the disposition necessary for gaining the Jubilee is lacking.

(b) They can use these privileges only once with respect to the same penitent, although the indulgence of the Jubilee can be acquired several times when he has already fulfilled all the works of the Jubilee;[1] an exception is given for commutation of works, which can be made as often as someone gains the indulgence.[2] - Yet it is not necessary that all the faculties be applied in the same confession and by the same confessor. Thus he who, in the confession of the Jubilee, has forgotten to confess a reserved sin or to ask for commutation of vows, can afterwards obtain absolution or commutation from any confessor. Likewise he who, the first time in which he gained the Jubilee, did not need these

faculties, but afterwards fell into a reserved censure or needed some dispensation, can, in a second acquisition of the Jubilee, when it is permitted, obtain absolution or dispensation.

[1] Moreover, the confessor can use these faculties several times toward the same penitent who has not yet fulfilled all the works enjoined, from the response of the Sacred Penitentiary, January 25, 1901, and June 5, 1901.

[2] Thus Sacred Penitentiary, July 2, 1881. But in the Jubilee of 1900 the contrary was declared by the Sacred Penitentiary, February 20, 1900, in *Acta S. Sedis*, XXXII, 637; afterwards, however, May 10, 1900, it was said that the penitent can nevertheless gain the Jubilee several times, by repeating the works enjoined in the first commutation.

IV. On the Suspension of Graces During the Time of the Jubilee

643. This suspension obtains only during the holy year, when the Jubilee is celebrated at Rome, but not in the following year when it is extended to the whole world; nor does it affect the City of Rome itself, but the other parts of the Catholic world. In truth, certain privileges are suspended elsewhere for this reason: that the faithful may be drawn to the City and may there gain the Jubilee.[3]

[3] Cf. Benedict XIV, Bull *Cum nos nuper*; Leo XIII, Bull *Quod Pontificum*, in *Acta S. Sedis*, XXXII, pp. 257-259.

1° All indulgences, both plenary and partial, granted by the Roman Pontiff - but not by an inferior Prelate - are suspended, with the following exceptions:

(a) indulgences for the dead; indeed all other indulgences which at other times can be acquired only by the living, in the holy year are applicable to the dead and can be acquired for them;[1]

[1] *Acta S. Sedis*, XXXII, p. 320.

(b) the indulgence in the article of death;

(c) indulgences for the angelic salutation (i.e., the *Angelus Domini*) at the ringing of the bell;

(d) the indulgence of ten years and as many quarantines for visitation of the Most Blessed Sacrament exposed for forty hours;

(e) indulgences granted to those who accompany the Most Blessed Sacrament when it is carried to the sick, or who send a candle or torch to be carried by others on that occasion;

(f) the indulgence of the Portiuncula to be gained at Assisi; outside Assisi it can be acquired only for the dead.

644. 2° Faculties granted by the Holy See, but not by Bishops, are suspended, namely:

(a) the faculty of absolving from cases and censures reserved to the Pope; (b) the faculty of commuting vows; (c) the faculty of dispensing concerning irregularities and impediments (under which name certain authors understand matrimonial impediments, though others contradict them). - But, for the Jubilee of 1900, the Sacred Penitentiary declared, December 21, 1899, that the suspension of faculties "does not extend to those penitents who at the time of confession, in the judgment of the Ordinary or of the confessor, cannot here and now approach the City without grave inconvenience"[2]; now such is the case of most of the faithful. Besides, it declared, December 26, 1899, that this suspension does not extend to faculties granted to Ordinaries for the external forum, and consequently not to the faculty of dispensing concerning impediments of marriage in the external

forum. And rightly; for otherwise Bishops, while the holy year is turning, would not be able to provide for the necessities of the faithful, and the concession of the Jubilee would be rather unto ruin than unto edification.

[2] *Acta S. Sedis*, XXXII, p. 335.

645. But the following are not suspended, but remain ratified and firm:

(a) the faculties of dispensing in fast and abstinence, of blessing rosaries, medals, crosses, and of annexing papal indulgences to them; the faculty of giving the papal blessing; and others not enumerated above; (b) faculties granted to Bishops by Trent (*cap. Liceat*) with respect to occult cases, or by common law, or by the Apostolic See for certain persons and cases;[3] (c) faculties bestowed by the Apostolic See upon Prelates over Regulars subject to them; (d) finally, faculties granted to missionaries by the Sacred Penitentiary or the Sacred Congregation de Propaganda Fide, to be exercised in the places of Missions and on their occasion; now this can certainly be understood of missionaries who labor in regions of infidels or heretics (and consequently in the United States of America); but it is doubted whether it can also be understood of missionaries who preach in Catholic regions.

[3] *Acta S. Sedis*, XXXII, p. 507.

Art. III. On Indulgences in Particular

Since it is impossible here to enumerate all indulgences, we shall hand down rules for distinguishing true indulgences from apocryphal ones, and we shall briefly set forth certain ones from among the principal indulgences, referring the reader for the rest to approved authors.

I. On Rules for Distinguishing True Indulgences from Apocryphal Ones

646. Rules of this kind, drawn up by the Sacred Congregation of Indulgences, August 3, 1899, and approved by Leo XIII, August 10, 1899, have the force of a general law.

[1] Cf. *Acta S. Sedis*, XXXII, pp. 241-249; *Ami du Clergé*, XXII, 1900, pp. 292-298.

"Rule I. All indulgences are authentic which are contained in the most recent Collection edited by the Sacred Congregation of Indulgences.[2]

[2] This Collection is *Raccolta di Orazioni e pie Opere... Roma*, 1898, at the beginning of which it is read: "Moreover Leo XIII, Pope, by his apostolic authority approved this Collection of this kind... and therefore it must be retained by all as the genuine and authentic Collection of Indulgences hitherto granted for all the faithful of Christ and for certain groups of them designated there."

Rule II. General indulgences which are not displayed in the aforesaid Collection, or which are reported as granted, will then only be held as authentic when the autograph document of their concession has been recognized by the Sacred Congregation of Indulgences, to which, under penalty of nullity, it must be exhibited before they are published.

Rule III. Indulgences granted to religious Orders and Congregations, Archconfraternities, Confraternities, Archsodalities, Sodalities, Pious Unions, Pious Societies, certain more celebrated Churches, Pious Places, and Objects of devotion, which are contained in Summaries recognized and

approved by the Sacred Congregation of Indulgences, and printed by its authority or permission, are to be held authentic.[3]

[3] The principal work, in which these authentic summaries are contained, was edited by J. Schneider, S.J., under this title: *Rescripta authentica S. Cong. Indulg. ... necnon Summaria Indulgentiarum*, Ratisbon, 1885; it was recognized as authentic by the Sacred Congregation on December 16, 1882, so that all indulgences enumerated there are genuine.

Rule IV. Indulgences, whether general or particular, are not to be held as authentic when they are contained in books, in booklets, in summaries, in sheets, in little papers, or even in images, printed without the approval of the competent authority; this approval must be granted after diligent recognition and expressed distinctly.[1]

[1] The competent authority in this matter is the Apostolic See itself, except, however, the following cases, in which the approval of the Ordinary of the place suffices: (a) in the concession of a particular indulgence, or in a Summary of indulgences which is to be taken from one Rescript only; (b) in a Summary already published by authority of the Sacred Congregation, except, however, the catalogue of Apostolic indulgences and the integral version of the Collection *Raccolta*; (c) in the Summaries of those Confraternities which, by concession of the Holy See, are erected by Religious Institutes or aggregated by Archconfraternities; for these the approval of the Bishop of that place where these Institutes or Archconfraternities have their principal seat suffices (*Decret. authent.*, n. 388). - The approval must be expressed distinctly, i.e., with the name of the one approving, and also the place and time of the approval.

Rule V. Apocryphal, or now altogether revoked, are all indulgences of a thousand or of several thousands of years, at whatever time they may be said to have been granted.[2]

[2] Already by the decree of May 26, 1898, all those indulgences, if any were ever granted, had been revoked. In *Acta S. Sedis*, XXXI, 127.

Rule VI. Plenary indulgences which are asserted to have been granted to those reciting only a few words are to be held suspect, except indulgences in the article of death.

Rule VII. Indulgences are to be rejected as apocryphal which are circulated in booklets, sheets, or little papers, printed or manuscript, in which, from slight or even superstitious causes and uncertain revelations, or under illusory conditions, indulgences and graces exceeding usage and measure are promised.[3]

[3] The reason is because the Holy See is not accustomed to grant indulgences except from pious and reasonable causes; if therefore ridiculous or superstitious things are found in booklets or sheets in which indulgences are enumerated, these must be held as apocryphal. The Sacred Congregation of Indulgences had already reproved some of those little sheets on May 26, 1898, in *Acta S. Sedis*, XXXI, pp. 727-744; for others already condemned by previous decrees see *Ami du Clergé*, XXII, pp. 296-297.

Rule VIII. Sheets and booklets are to be rejected as counterfeit in which liberation of one or of several souls from Purgatory is promised to the faithful reciting one or another prayer; and the indulgences which are customarily added to the said promise are to be held as apocryphal.[4]

[4] In past centuries some Pontiffs had used that formula in granting indulgences, so that by these words they might signify that a plenary indulgence applicable to the dead was given; but today this mode of speaking is no longer employed, lest the faithful be deceived; for, as we said above (n. 559), no one knows in what measure indulgences are applied to the dead.

Rule IX. Indulgences of a more recent asserted concession are to be held apocryphal, or at least gravely suspect, if they are extended to an unusual number of years or days."[1]

[1] The Church is accustomed to grant partial indulgences according to certain fixed formulas, for example, of 50, 100, 200, or 300 days, or of one year, or of 3, 5, 7 years and as many quarantines; if therefore formulas entirely foreign to the customary ones are found, for example, indulgences of 1080 days, they must be rejected as apocryphal.

Therefore let Bishops and pastors take care lest the faithful, especially the pious, be deceived in this matter and fall into superstition, neglecting the duties of their state in the hope of gaining extraordinary privileges which in reality were never granted.

II. On the Indulgence or Blessing in the Article of Death

647. 1° Nature. Under this name comes a plenary indulgence which the Roman Pontiff imparts to the dying, either by himself or through a delegate; it is also called the Papal Blessing, because it is granted under the form of a blessing, in the name of the Supreme Pontiff. It is altogether distinguished from the plenary indulgence which all those can gain in the article of death, without any blessing, who hold some object to which Apostolic indulgences are annexed, or are members of a Confraternity to which such a privilege has been granted. - Here we treat only of that indulgence which is annexed to the Papal Blessing in the article of death.

This can be acquired in the true, not in the presumed, article of death;[2] now the true article of death is that which death really follows, while the presumed article is verified when the sick person, in the judgment of skilled persons, is believed shortly to die. Although, however, the indulgence is not acquired except in the true article of death, it can be granted to the faithful constituted in grave danger of death,[3] namely to those to whom Viaticum can be given; but the indulgence remains suspended until they are in the true article of death, since it has been granted by the Roman Pontiffs for this end: that provision may be made for the faithful at precisely that moment at which they are about to appear before the Supreme Judge.

[2] *Decret. authent.*, n. 9, April 23, 1675.

[3] Sacred Congregation of Indulgences, December 18, 1885, in *Acta S. Sedis*, XVIII, p. 414.

Hence it must not be repeated in the same infirmity, however long-lasting, since this would be altogether useless; but only if the sick person has recovered and afterwards falls into a new danger of death.[4] Nor is it permitted to repeat it even if the sick person received it in the state of mortal sin, or, after having received it, has relapsed into venial or mortal sin;[1] nevertheless the sick person will gain it if he dies in the state of grace; nor is it permitted to give it several times under several titles.[2]

[4] *Decret. authent.*, n. 263, September 24, 1838.

[1] *Decret. authent.*, n. 257, June 20, 1836, ad 7.

[2] *Decret. authent.*, n. 362, March 12, 1855. - These various decrees you will find in Beringer, op. cit., vol. I, pp. 518-519.

648. 2° Conditions for acquiring it. (A) On the part of the one granting. From the Code, c. 468, § 2, "the parish priest or another priest who assists the sick has the faculty of granting them the Apostolic blessing with plenary indulgence in the article of death, according to the form handed down by approved liturgical books, which blessing let him not omit to impart." Thus henceforth there will be no need of an Indult or of delegation for imparting this blessing.

649. (B) On the part of the sick person: (a) that he not be excommunicated or manifestly impenitent; yet it can be granted to those who even culpably have not received the sacraments, if they suddenly fall into danger of death; in one word, to all those, even destitute of their senses, to whom sacramental absolution can be given; also to children who have been able to sin; probably also to those who are in danger of death from another cause than illness, for example, those condemned to death.

(b) That, if he can, he has received the sacraments of Penance and Eucharist; if he cannot, the state of grace suffices while he breathes his last breath.

(c) That he offers himself prepared to accept whatever shall have pleased God, and to undergo death itself patiently in satisfaction for the punishments which he himself has merited by sinning; so explicitly in the Bull *Pia Mater*.

(d) That he invoke, at least in his heart, the Most Holy Name of Jesus, when he is composed of mind; and elicit an act of sorrow and charity.

650. 3° Rite for imparting this blessing.[3] (a) The priest, clothed in surplice and violet stole, upon entering the room of the sick person, says: *Peace be to this house*, etc.; then he sprinkles the sick person, the room, and those standing around with blessed water, saying *Thou shalt sprinkle me*, etc., without the Psalm *Miserere*. - If the blessing is given immediately after Viaticum and Extreme Unction, very probably the words *Peace be to this house* can be omitted, because they have already been said at the beginning; nevertheless more securely they are prefaced, since they are contained in the formula prescribed by Benedict XIV. But it is certain that the *Confiteor* must be repeated before the application of the indulgence, unless death is imminent.[1]

[3] Cf. *Rit. Rom.*, Tit. V, c. 6, Rite of the Apostolic Blessing; *Excerpta ex Rit. Rom.*, Baltimore, 1884, pp. 248-251, where, however, not all conditions necessary for obtaining this indulgence are declared; therefore the Roman Ritual itself should be approached, tit. V, c. 6.

[1] *Decret. authent.*, n. 286, February 5, 1841, ad 5 and 6.

The practice of giving the blessing to several dying persons at the same time can be tolerated, by reciting the prior admonitions and prayers in the plural, but by pronouncing the formula of the blessing itself, "Our Lord Jesus Christ" down to the words "Spiritus S. Amen," singularly over each one.[2]

[2] Sacred Congregation of Indulgences, June 10, 1886.

(b) If the sick person wishes to confess, let the priest hear him and absolve him; if he does not ask for confession, let him excite him to an act of contrition; let him admonish him concerning the efficacy of this blessing, and exhort him to be prepared willingly to accept whatever shall have pleased God, and patiently to undergo death itself in satisfaction for the punishments which he has merited by sinning. Yet he must propose this prudently and gently, lest he incur the indignation of relatives and friends; wherefore, if difficulties are foreseen, let this exhortation be made privately, for example, in the confession itself.

(c) Then let him console the sick person with pious words, and raise him into hope, whereby he may more abundantly obtain remission of punishments. Finally let him pronounce the words described in

the Ritual: "Our help... Most merciful God... Our Lord... Through the most sacred... May He bless thee..."

(d) But if the sick person is so near to death that there is not time for reciting all the prayers, it is enough to say: "I grant to you plenary indulgence and remission of all sins in the name of the Father, and of the Son, and of the Holy Spirit. Amen."[3]

[3] Beringer, I, p. 515.

From the concession of Pope Pius X, March 9, 1904, any Christian, the required conditions having been fulfilled, can gain for himself a plenary indulgence for the instant of his death, provided that he emits an act by which he receives death with all its distresses with an even and willing soul. (*Ami du Clergé*, vol. XXVI, 1904, p. 631.)

III. On the Indulgence of a Privileged Altar

651. 1° Notion and species. (A) By this name is understood a plenary indulgence to be applied to the dead alone; which, "if the mind of the one granting and the use of the keys of power are considered, immediately frees the soul from all the punishments of Purgatory; but if the effect of the application is considered, it is to be understood as an indulgence whose measure corresponds to the good pleasure and acceptance of divine mercy."[1]

[1] Sacred Congregation of Indulgences, *Decret. authent.*, n. 283, July 28, 1840. Cf. *Codex*, c. 916.

(B) A privileged altar is local, personal, or mixed: local is annexed to a determinate altar, so that all celebrating on it can enjoy this privilege; personal is granted to the priest himself celebrating at any altar whatsoever; mixed is annexed to a determinate altar, yet so that only determinate priests can use this privilege, for example, only those who are members of such a Confraternity. On November 2, all altars enjoy this privilege, for all celebrating.

A privileged altar after the manner of the altar of St. Gregory, or a Gregorian after the manner[2], is now no longer granted.

[2] Holy Office, December 12, 1912, *A. A. S.*, V, 33.

652. 2° Conditions for gaining the indulgence. (A) General: (a) A "Requiem" Mass is not required even when the Rubrics permit it.[3]

[3] Holy Office, February 20, 1913.

(b) The indulgence must be applied to him for whom the Mass is celebrated, because, although of itself it is not repugnant that the Mass be applied to one and the indulgence to another, in fact the Roman Pontiff wills that it aid only the soul for whom the Mass is offered.[4]

[4] Even virtual intention is required neither in the Priest nor in the one offering the stipend for gaining this indulgence. (Sacred Congregation of the Holy Office, June 17, 1915.)

(c) If the Mass is applied to several, the privilege of the Altar can be attributed to only one of them. Thus, for example, on the day of the Commemoration of All the Faithful Departed, on which all altars are privileged, the priest can celebrate Mass for one or several deceased persons, but can apply the indulgence to only one of them.

(B) Special: (a) for the privilege of a local Altar: the altar must be fixed, but for this it suffices "that in the middle of a stable and immovable altar, although not consecrated, a consecrated stone, even movable, be placed"[5]; nevertheless the privilege is granted to the altar, not to the stone, so that the latter can be changed. - The church or public oratory in which the altar exists must be at least blessed. - In older concessions the privilege was limited to days on which the Mass of the dead could be said; but this restriction has been removed.

[5] Sacred Congregation of Indulgences, March 26, 1867.

(b) For the privilege of a personal Altar: he who has obtained it is not bound to exhibit it to the Ordinary, unless otherwise is declared in the concession itself. - He who uses this privilege satisfies the burden undertaken of celebrating at a privileged altar.

N. B. "Bishops, Abbots or Prelates *nullius*, Vicars and Prefects Apostolic, and major Superiors of exempt clerical religion, can designate and declare one perpetual daily privileged altar, provided another is not had, in their cathedral, abbatial, collegiate, conventual, parochial, quasi-parochial churches..."[1]

[1] *Codex*, c. 916.

IV. On the Indulgences of the Way of the Cross

653. 1° Notion. The Way of the Cross is a pious exercise by which the Passion of the Lord is proposed to be contemplated in various stations which are passed through, in the manner in which pilgrims visit the stations of the Way of the Cross in Jerusalem. The indulgences acquired by this exercise are the same as one would gain by visiting the Jerusalem stations; these indeed are many, both plenary and partial; but, to avoid abuses, it has been prohibited that they be enumerated in pulpits or written in the little shrines. All are applicable to the souls of Purgatory. - From the documents it is not established that indulgences annexed to this exercise can be acquired as often as it is repeated.[3]

[2] Cf. *Instructio de Stationibus S. Viae Crucis erigendis visitandisque*, Quaracchi, 1888; Putzer, *Comment. in Fac. Apostol.*, nn. 205-210.

[3] Lehmkuhl, II, p. 408. Cf. Resp. Sacred Congregation of Indulgences, September 10, 1882.

654. 2° Conditions for gaining the indulgences. Some are required for the canonical erection of the stations, others for the manner of performing this exercise.

(A) For canonical erection there are required: (a) authority in the one erecting; this resides as ordinary and supreme in the Roman Pontiff; as ordinary and subordinate in the Superiors of the Franciscan Order; as delegated in those who are deputed by the Roman Pontiff or by the Order of St. Francis.[4] The delegation must be had in writing, under penalty of nullity, and, before its use, must be exhibited to the Ordinary, if the erection is made in a place not exempt from his jurisdiction.

[4] In the United States of America, Bishops have the faculty of erecting stations of the Way of the Cross in places of their diocese in which Franciscans are not present, and of delegating this power to priests exercising the sacred ministry.

(b) The consent of the Ordinary of the place in which the Way of the Cross is to be erected, given in writing for any erection, under penalty of nullity; likewise the written consent of the pastor or of the Superiors of the place in which the Way of the Cross is to be erected, if it is erected outside the bounds of the convents of St. Francis.[1]

[1] *Decret. authent.*, nn. 175, August 3, 1748, and 445, June 21, 1879.

(c) A suitable place, that is, decent and not liable to irreverence; under this name come churches, public and private oratories, domestic rooms which are not destined for profane uses, cemeteries, even open-air places, provided that the little shrines erected for the individual stations are protected by railings, lest animals freely enter there, etc. - Crosses can be affixed not only to walls, but also to benches, provided that these are immovable and sufficiently upright.[2]

[2] Sacred Congregation of Indulgences, September 14, 1904; in *Acta*, vol. XXXVII, p. 395.

(d) The blessing of the crosses. Fourteen crosses are required, which are wooden and visible to those standing by, without the image of the Crucified; they ought not to be covered with iron crosses,[3] but they can be gilded, silvered, or adorned with various colors. Images, or painted tablets, which represent the Passion of Christ are indeed useful for fostering devotion, but are not necessary; they can be separated from the crosses.

[3] *Decret. authent.*, n. 442, November 23, 1878.

The crosses are blessed, according to the formula contained in the Appendix to the Roman Ritual, by a priest enjoying the proper faculties, and morally present in the place of erection. But the affixing of the crosses can be done by any other person, yet in such a way that there is some distance between one station and another, and the way is not completed in only a few steps.[4]

[4] *Decret. authent.*, n. 194, August 28, 1752; n. 311, August 22, 1842.

(e) After the erection, an instrument must be drawn up, signed by the one erecting, in which are described the petition and concession of the erection, and also the consent of the Superiors, in one word, all essentials which have been performed; let two copies be made, of which one is to be kept in the archives of the concessionary, the other in the episcopal Curia, for perpetual memory of the matter.

(f) A new erection is not required on account of an accidental change in the crosses, for example, if, removed for a time, they are restored to the same place, or are better arranged in the same church, or if, the old church having been destroyed, a new one is built under the same title and in nearly the same place; or if new crosses are substituted for old ones, yet in a lesser part; or if they are renewed, their substance being preserved.[5] - It is otherwise if the crosses were essentially destroyed or changed in the greater or half part.[6] For a new erection in the same place the consent of those whom it concerns can be presumed.

[5] *Decret. authent.*, nn. 323; 258; 264; 270; 375.

[6] *Decret. authent.*, n. 311, August 22, 1842; n. 223, December 16, 1760, ad 1.

655. (B) On the manner in which the exercise of the Way of the Cross must be performed. (a) The individual stations must be visited, by moving locally from one to another, insofar as the multitude of people and the narrowness of the place permit, even in a public exercise, if

disturbance is not feared.[1] But if in a public exercise this local movement is morally impossible, it suffices that the priest with two clerics or cantors go around, and, stopping at each station, recite there the customary prayers, the others responding in their place.[2] One priest could also recite the prayers in the pulpit, provided that another visits the stations. Nevertheless it is advised that the faithful rise at the individual stations and genuflect with the priest.

[1] *Decret. authent.*, n. 100, April 3, 1731.

[2] *Decret. authent.*, n. 210, August 6, 1757. In religious communities of brothers and sisters, in place of a priest with two clerics, only one from the brothers or one from the sisters can go around and stop at each station and recite the customary prayers, Sacred Congregation of Indulgences, February 27, 1901, and May 7, 1902. (*Acta*, vol. XXXV, pp. 254-255.)

(b) All the stations must be visited in one continuous course, without notable interruption; nevertheless a rather long interruption through a religious action, for example, to hear Mass or to perform confession, does not hinder the gaining of the indulgences;[3] otherwise it must be said of a profane action.

[3] *Decret. authent.*, n. 223, December 16, 1760, ad 4.

(c) At each station it is necessary to meditate, however briefly, on that part of the Passion which corresponds to each station, or at least on any phase of the Passion, but not on the Passion in general. No vocal prayers are required; nevertheless the pious practice is counseled of eliciting at the individual stations a brief act of contrition and reciting a *Pater* and *Ave*.

656. 3° On Crucifixes of the Way of the Cross. By this name are understood crosses with the image of the divine Redeemer, to which are applied the indulgences of the Way of the Cross to be gained. This privilege, at the request of the Franciscans, was kindly granted by Clement XIV, so that the sick or others impeded might be able to gain the indulgences of the Way of the Cross. To enjoy this privilege, it is required:

(a) That on the cross there be an image of the Redeemer, raised in relief, and from solid material, and that this be blessed by one of the Franciscans of the stricter observance, or by another regularly delegated by the Superiors of the Order.

(b) That there be infirmity, or another legitimate impediment to performing the exercise of the Way of the Cross, for example, excessive distance from the church, or difficulty of approaching the church.

(c) That there be recited, with contrite heart, in one continuous course, while holding the blessed Crucifix in the hand, twenty *Pater*, *Ave*, and *Gloria*, namely fourteen for the stations, five in honor of the Wounds of Christ, and one according to the intention of the Roman Pontiff. From the decree of December 14, 1917, meditation on the Lord's Passion is also required, or at least pious remembrance of the same. - If several perform this exercise in common, it is enough that the Crucifix be held by any one of the community, with whom the others devoutly join themselves. - If anyone, on account of grave infirmity, is unequal to reciting these prayers, he can gain the indulgences by reciting once an act of contrition, or the invocation: "We beseech Thee, therefore, help Thy servants whom Thou hast redeemed with precious blood"; provided that at least in mind he follows the recitation, made by another standing by, of three *Pater*, *Ave*, and *Gloria*.

Recently, August 16, 1901, sodalities of the living Way of the Cross were instituted, enjoying the same privilege.[1]

[1] Cf. *Acta*, vol. XXXIV, pp. 121-123; *Ami du Clergé*, vol. XXIII, p. 1072.

V. On the Chaplet or Rosary of the Blessed Virgin Mary

657. 1° Notion and species. The Rosary is a certain formula of praying which consists of fifteen decades of Angelic Salutations, with the Lord's Prayer interposed at the beginning, and the *Gloria Patri* at the end of each decade. The third part of the Rosary, consisting of five decades, is called a chaplet.

[2] Melata, pp. 145-158; Beringer, I, pp. 360-385.

There are several species of chaplets, of which the principal are the Rosary of St. Dominic, the Chaplet of St. Bridget, and the Chaplet blessed by the Crucigers.

(A) The Rosary of St. Dominic,[3] so called because St. Dominic had the principal parts in its institution and propagation, must be blessed by Religious of the Order of Preachers, or by those who are delegated by the Holy See or by the General of the said Order, with the special formula being employed which is found in the Appendix to the Roman Ritual. - (a) It must consist of five, ten, or fifteen decades, but not six decades; while praying it must be held and turned in the hand; but when it is recited in common, it suffices that one person hold and turn the chaplet in the hand, provided that the others, cares which impede attention having been removed, devoutly unite themselves with him in the recitation of the Rosary.

[3] André Pradel, O.P., *Manuel du T. S. Rosaire*, Mazères (Ariège); Chéry, O.P., *Histoire générale du Rosaire*, 1869, Paris; Leikes, O.P., *Rosa aurea de sacratissimo B. M. V. Rosario...*, Dülmen, 1886.

(b) Formerly at least five decades had to be recited morally in one continuous course. Today, however, by force of the decree of the Sacred Congregation of Indulgences, July 8, 1908, the individual decades of the Rosary can be recited separately, yet within the space of one and the same day, without the indulgences being lost.[4]

[4] *Canoniste*, vol. 32, 1909, p. 109.

(c) The recitation of the Rosary must be accompanied by meditation on the mysteries of the life, Passion, and Resurrection of Jesus Christ; nevertheless the more unlearned and those less suited to meditation are excused from it.

(d) The principal indulgences annexed to this Rosary are these: an indulgence of one hundred days for any *Pater* and *Ave*, provided that at least the third part of the Rosary is recited; an indulgence of five years and as many quarantines, as often as they recite the third part of the Rosary; for recitation made in common: an indulgence of ten years and as many quarantines to be gained once in the day; a plenary indulgence once in the year for those reciting at least the third part of the Rosary on individual days.

To those reciting the third part of the Rosary on the feast day of the Most Holy Rosary and on individual days through the octave, a plenary indulgence has been granted by Leo XIII; likewise a plenary indulgence, if after the Octave of the Most Holy Rosary they recite the third part of the Rosary at least ten times within the month of October.

To the confreres of the Sodality of the Most Holy Rosary many other indulgences are granted, for example, an indulgence of five years and as many quarantines as often as, while reciting the Rosary, they devoutly pronounce the name of Jesus in the angelic salutation; an indulgence of ten years and as many quarantines, if they recite the Rosary three times in the week, for each time; a plenary indulgence on the feast of the Annunciation if, having confessed and been refreshed by communion, they recite the Rosary; and many other plenary indulgences for those who visit the chapel or church of the confraternity on certain days.[1]

[1] You will find all these things in the new Summary of indulgences of the Most Holy Rosary, edited by order of Leo XIII, August 30, 1899, and recognized as authentic, in *Acta S. Sedis*, XXXII, pp. 226-241.

658. (B) The Chaplet of St. Bridget,[2] so called from its institutress, (a) consists of six decades, each of which contains 1 *Pater*, 10 *Ave*, 1 *Credo*, and 1 *Pater* at the end, with 3 other *Ave*. It must be blessed by the Order of the Most Holy Savior Lateran, or by those who are delegated by the Abbot General of this Order or by the Holy See. A special form of blessing is not required.

[2] *Facultas benedicendi coronas cum applicatione indulgent. S. Brigittae*, Rome, 1878; Beringer, I, pp. 360-366; *Raccolta*, p. 206.

(b) Often the faculty is granted by the Holy See of applying the indulgences of St. Bridget to Rosaries of five, ten, or fifteen decades; then it is not necessary to add 1 *Pater* and 3 *Ave* at the end, but the *Credo* must be said at the end of each decade; and five decades suffice. - In neither case is meditation on the mysteries required.

(c) The principal indulgences are: an indulgence of 100 days for any *Pater*, *Ave*, or *Credo*, provided that six or five decades are recited; a plenary indulgence in the article of death for those who have been accustomed to recite this chaplet once in the week.[3]

[3] You will find the authentic Summary of all indulgences granted to the chaplets of St. Bridget in *Rescripta authent.*, pp. 352-356.

659. (C) Chaplets blessed by the Crucigers (the faculty of blessing them cannot be delegated to others) have annexed an indulgence of five hundred days as often as a *Pater* or *Ave* is recited with them, without its being necessary to recite the whole Rosary, or that some meditation be required.[1]

[1] Thus Sacred Congregation of Indulgences, March 15, 1884, in *Acta S. Sedis*, XVI, 404; cf. Beringer, I, pp. 366-369.

660. 2° General rules for all chaplets. (a) Several indulgences can be annexed to one and the same chaplet, for example, the indulgences of the Rosary and of St. Bridget; and, for gaining each one, the recitation of the prayers need not be repeated, but the indulgences can be accumulated, from the concession of June 12, 1907.

[3] The rules handed down here are applied to crucifixes or other blessed objects.

(b) Chaplets enriched with indulgences must be handed over altogether gratis; otherwise the indulgences are lost; yet this penalty does not affect those who buy chaplets, committing to the seller himself the care of obtaining the blessing, and who pay the price and the expenses of transmission at the time when those things, already blessed, are handed over.[2] Likewise the indulgences are not lost

when Rosaries already blessed pass by donation from one person to another or to a third, etc., nor if they are lent to another. (*Codex*, can. 924, § 2.)

[2] Thus Sacred Congregation of Indulgences, July 10, 1896, in *Acta S. Sedis*, XXIX, 320.

VI. On Scapulars

661. 1° Notion and species. The small Scapular, concerning which we speak here, is a certain badge, consisting of two little cloths joined together by cords, which is worn after the likeness of scapulars which are proper to certain Orders. In their origin they were nothing other than scapulars proper to Religious reduced to a small form, for the greater convenience of the faithful;[5] yet with the passage of time certain ones were introduced which are nothing other than a certain sign of devotion toward Christ, the Blessed Virgin, or the Saints.

[4] Ulrich, *Trésor spirituel ou Indulgences attachées aux scapulaires et autres objets de piété*, Paris; Melata, pp. 103-109; Beringer, I, pp. 390-414.

[5] *Decret. authent.*, August 18, 1868.

They are referred to a threefold class: (a) certain ones are so the badges of some Confraternity that, unless they are imposed at the time of enrollment and afterwards worn, indulgences cannot be acquired; thus, for example, the scapular of the Blessed Virgin Mary of Mount Carmel; (b) others are so the badges of a Confraternity that it is free to wear them or not for gaining indulgences; thus the scapular of the pious Union of the Immaculate Conception, erected at Rome in the church of Araceli; (c) still others, finally, which are not badges of any Confraternity, but must be imposed and worn for gaining the indulgences annexed to them, as, for example, the blue scapular of the Immaculate Conception.

The principal scapulars are: the scapular of Mount Carmel; the blue scapular of the Immaculate Conception; the red scapular of the Passion of Our Lord Jesus Christ; the scapular of the Most Holy Trinity.

662. 2° General rules. (A) With respect to the scapular itself: (a) It must be made exclusively of wool, and indeed of simple woven fabric, but not embroidered; nevertheless it is permitted that woven scapulars have ornaments, even embroidered, from another material, provided that the prescribed color prevails.[1] (b) The color of the wool is various for the various scapulars: tawny or black for the scapular of the Blessed Virgin Mary of Mount Carmel;[2] blue for the scapular of the Immaculate Conception; red for the Scapular of the Passion; white for the scapular of the Most Holy Trinity; black for the scapular of the Blessed Virgin Mary of the Seven Sorrows, etc. Yet this is not necessary for the cords, except for the scapular of the Passion, whose cords must be woolen and red. (c) The form of the little cloth should be oblong or square, not round or oval.

[1] *Decret. authent.*, n. 423, August 18, 1868.

[2] *Decret. authent.*, n. 278, February 12, 1840.

(B) With respect to blessing and imposition: (a) It must be blessed by a priest having the faculty either from the Holy See or from the Superior of the Order to which the faculty of blessing has been granted; it must be imposed by the same priest who blesses it;[3] when a multitude is present, and

there are not scapulars in sufficient number, one and the same scapular, once blessed, can validly be imposed successively upon several, with only the formula of reception repeated, yet in such a way that the first scapular which the enrolled person will thereafter put on has been blessed.[4] But when another is substituted for a scapular previously received, it is not necessary that it be blessed; this today is true even of the scapular of the Most Holy Trinity,[5] which formerly was excepted from the general rule. (b) Several scapulars can be imposed at the same time by those who have received this faculty; but an exception is given with respect to the scapular of the Blessed Virgin Mary of Mount Carmel, which is to be blessed and imposed in the first place and separately from the others.[6] (c) It must be blessed and imposed with the prescribed formula observed, at least in its substantial parts. (d) When several are to be clothed with the habit, all scapulars can be blessed with one formula in the plural; then they can be imposed successively and without interruption upon all who are present, saying: "Receive, brothers or sisters, etc."; finally all together are received into the confraternity, by using the plural number, "I receive you into the Confraternity," etc.[1]

[3] *Decret. authent.*, n. 430, June 16, 1872.

[4] *Decret. authent.*, n. 421, August 1868.

[5] Sacred Congregation of Indulgences, August 24, 1895, in *Acta S. Sedis*, XXVIII, 256.

[6] Sacred Congregation of Indulgences, April 27, 1887, in *Acta S. Sedis*, XIX, p. 554.

[1] Sacred Congregation of Indulgences, April 18, 1891, in *Acta S. Sedis*, XXIV, p. 567.

663. (C) On the part of the one receiving: (a) He must be present, so that he himself may receive the scapular from the hand of the priest. (b) He who has the faculty of imposing the scapular generally, but not restricted to some community, can impose it upon himself.[2] (c) It is validly imposed upon little children not yet having attained the use of reason; but these cannot enjoy the indulgences except after the use of reason has been attained.[3] (d) He who receives the scapular must be enrolled in the Confraternity, if there is question of a scapular which is the badge of some Confraternity; this today is true also of the scapular of the Blessed Virgin Mary of Mount Carmel.[4]

[2] *Decret. authent.*, n. 280, March 7, 1840.

[3] *Decret. authent.*, n. 410, August 29, 1864.

[4] *Decret. authent.*, n. 421, August 18, 1869; Sacred Congregation of Indulgences, April 27, 1887, in *Acta S. Sedis*, XIX, p. 556.

(D) On the part of wearing it: (a) For gaining the indulgences, it is required that the scapular always be worn hanging from the neck, not crosswise, but in such a way that one part covers the breast, the other the shoulders;[5] yet if it is taken off for a brief time, for example, to wash oneself, the indulgences persevere; if for a long time, they are suspended until it is put on again; in which case a new imposition of the sacred habit is not required.[6] (b) It is not necessary that the scapular be worn immediately upon the body, but it can be retained over the clothes.[7] (c) If several scapulars are worn at the same time, it is enough that the various little cloths, placed one over another, be suspended by only two cords (which, however, must be woolen and red in color, if among them is the scapular of the Passion); but it is expressly prohibited that the little cloths make up only one scapular.[8]

[5] *Decret. authent.*, n. 277, February 12, 1840.

[6] *Decret. authent.*, n. 379, May 27, 1857.

[7] *Decret. authent.*, n. 367, March 12, 1855, ad 2.

[8] *Decret. authent.*, n. 423, August 18, 1868; Sacred Congregation of Indulgences, April 27, 1887, in *Acta S. Sedis*, XIX, 557.

Today, in place of scapulars approved by the Holy See (except, however, those which are proper to Third Orders), it is permitted to wear decently a single medal, blessed by a priest possessing the due faculty, and so to gain the spiritual favors annexed to the scapulars, not excepting the Sabbatine privilege. The obverse of this medal must bear the image of Our Lord Jesus Christ showing His most sacred heart, the reverse the image of the Blessed Virgin Mary. But the medal must be blessed with as many distinct blessings as there are regularly imposed scapulars for which it is substituted; each blessing, however, can be imparted with one sign of the cross.[9]

[9] Holy Office, December 16, 1910, *A. A. S.*, III, 22.

664. Summaries of indulgences granted to the various scapulars you will find in Schneider, *Rescripta authentica*, pp. 473, 468, 285, 571, 476, 483, 647, and other approved authors.

Among the privileges granted to the scapular of the Blessed Virgin Mary of Mount Carmel, that one stands forth which is called the Sabbatine, approved and confirmed by various Pontiffs, and recognized by the Holy Office, January 20, 1613, in these words:[1] "The Carmelite Fathers are permitted to preach that the Christian people can piously believe concerning the help of the souls of the brothers and confreres of the Sodality of the Blessed Virgin of Mount Carmel, namely that the Most Blessed Virgin, by her continual intercessions, pious suffrages and merits, and special protection, after their passing, especially on the day of Saturday, which day has been dedicated by the Church to the same Most Blessed Virgin, will help the souls of the brothers and confreres dying in charity, who in life have worn the habit and have cultivated chastity according to their state, and have recited the Little Office; or, if they do not know how to recite, have observed the fasts of the Church and have abstained from meats on Wednesday and Saturday[2] (unless the feast of the Nativity of the Lord should fall on those days)."[3]

[1] In Schneider, *Rescr. authent.*, p. 475.

[2] Yet for a just cause the confessor, having a special faculty, can commute abstinence into another pious work.

[3] From the decree of the Holy Office, December 16, 1910, to those wearing the medal all spiritual favors annexed to the Scapulars are granted, "not excepting the Sabbatine privilege."

VII. On the Heroic Act of Charity

665. 1° Notion. This act consists in this: that a member of the faithful of Christ, whether by employing some formula, or only in mind, offers to God, for the souls of Purgatory, all satisfactory works which he himself will perform through life, and all suffrages which can come to him after death. - Laudably this oblation is made through the hands of the Blessed Virgin, so that satisfactions and indulgences may be distributed to the dead according as it shall please her; but this is not an integral and necessary part of the heroic act.[5]

[4] *Atto eroico di carità*, Rome, 1853; *Raccolta*, pp. 530-531; Melata, pp. 110-114; Beringer, I, q. 320-324.

[5] Sacred Congregation of Indulgences, December 19, 1885, in *Acta S. Sedis*, XVIII, pp. 337-339.

By an oblation of this kind, merits are not ceded, which are altogether personal; nor even impetrations, which can be offered for us and for others, even after an act of this kind has been elicited; but only satisfactions and indulgences. With respect to Mass, nothing else is ceded than the special fruit proper to the priest; consequently the priest who has elicited this act is not prohibited from offering the sacrifice of the Mass for those who have offered the alms. - Such an act, although sometimes designated under the name of a vow, does not oblige under sin and can be revoked.

666. 2° Privileges granted to the heroic act.[1] (a) Priests enjoy the indult of a personal privileged altar on individual days; (b) the faithful can gain a plenary indulgence applicable only to the dead as often as they receive sacred communion, or on Monday hear Mass in suffrage for the dead, provided that they have visited some church, and there prayed according to the mind of the Supreme Pontiff; (c) all and individual indulgences which priests or faithful gain are applicable to the dead.

[1] *Rescripta authent.*, n. 392.

But the principal value of this act is the great increase of charity, and also the acquisition of many merits, since the cession of indulgences and satisfactions made to the dead is especially meritorious. And indeed the least increase of merit must be esteemed more than liberation from the greatest punishment of Purgatory: for this punishment will shortly end, while an increase of merit makes us more blessed through all eternity. - Nor indeed is it to be feared that, on account of this, those eliciting the heroic act will remain for a long time in Purgatory: for those who daily exercise charity toward the dead can, by right and deservedly, trust in divine mercy: "Give, and it shall be given to you: good measure and pressed down, and shaken together and running over, shall they give into your bosom. For with the same measure with which you have measured, it shall be measured back to you."[2]

[2] Luke VI, 38.

Thanks, therefore, to Christ, who by His precious blood not only washes away our sins, but has also kindly bestowed the means of expiating the punishments due to sin!