

SYNOPSIS OF MORAL AND PASTORAL THEOLOGY

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VOLUME III

On the Obligations of States of Life

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On the Obligations of States of Life (Volume III)

Chapter I: On the Duties of Laymen

ON THE VARIOUS OBLIGATIONS OF STATES OF LIFE.

939. Up to this point the matter has concerned the offices which are incumbent upon all in general; but since there are various states of life, to which diverse offices correspond, it is necessary to add a few things concerning these. Now there are three states of life to which the others are referred: the state of laymen, the state of clerics, and the state of religious; for among Christians, some remain in the world, and, although they care for their own salvation, are devoted to secular affairs; others, adorned with clerical dignity and performing the priestly office, officially attend to the salvation of souls, although they dwell amid the dangers of the world; finally others, snatching themselves away from worldly cares, bind themselves by the three vows of poverty, obedience, and chastity to embracing a more perfect life, whether they are content with the lay condition, or receive the priesthood.

¹ St. Thom., 2. 2., q. 183; Antoine, *Theol. Moralis, De obligationibus specialibus certorum statuum et officiorum* (Migne, *Theol. Curs.*, XVI, 1131-1276); *Conferences d'Angers, sur les Etats*, 3 vol., Paris, 1829-1830; Valentin, *Examen raisonne sur les devoirs et les peches des diverses professions*, Lyon, 1844; Berardi, *Praxis*, Tr. VII, *De statibus particularibus*; Ballerini P., Tr. IX, *De praeceptis particularibus*.

940. We shall not treat here of the religious state, since Canonists are accustomed to discuss it. Concerning the lay and clerical state we shall especially set forth those things which flow from natural and divine right, more briefly touching upon offices which are declared more fully in the *Praelectiones Juris Canonici*.

On The Offices Of Laymen

From domestic society:

- Of parents and children.
- Of masters and servants.

From civil society:

- Of superiors and subjects.
- Of those exercising a special office.

On The Offices Of Clerics

- Of all clerics in general.
- Especially of those who are constituted in sacred orders.
- More especially of those who have received the priesthood.

The special offices which are incumbent upon laymen arise especially from a twofold source, from domestic society and from civil society.

ARTICLE I. ON THE OFFICES PERTAINING TO DOMESTIC LIFE.

941. State of the question. Domestic society, which is older than other societies, arises from nature itself. For since the human race cannot naturally be propagated except by the union of man and woman, by that very fact there arises conjugal society, concerning which we spoke in Tr. on Matrimony; but afterward, when children have been procreated, parental society now arises, which flourishes between parents and children; to this there is often added masterly society, which flows from relations between master and servants. Wherefore we shall speak of the mutual offices 1. of parents and children; 2. of masters and servants.

§ I. ON THE MUTUAL OFFICES OF PARENTS AND CHILDREN.

942. According to St. Thomas,¹ parents "are the particular principle of our being, just as God is the universal principle"; for just as God creates men, so parents procreate their children; just as He preserves creatures in being, and directs them to their end and governs them by his providence, so parents protect their offspring by assiduous cares, and by counsels, examples, and also by wise providence rule them and direct them to the end. From this it follows that the right and office of educating their own children is incumbent upon parents, and besides that children are held to render the due honor to parents.

¹ St. Thom., 2. 2., q. 122, art. 5.

I. ON THE RIGHT WHICH PARENTS HAVE OF EDUCATING THEIR OWN CHILDREN.

943. State of the question. Socialists, adhering to the footsteps of J. J. Rousseau,² contend that children belong to the Republic rather than to parents, and therefore that the office of feeding and educating them is incumbent upon the State: for parents, they say, often imbued with many prejudices, inculcate the same in their offspring, and thus dissensions arise among citizens, because not all have received the same discipline; wherefore, for placing national unity in safety, it is necessary that children be snatched away from parents, so that each and all may be instructed in the same way in public schools; then there will be no distinction between rich and poor, noble and ignoble, Catholics and non-Catholics; all, imbued with the same principles, will defend liberty of thinking, social equality, and perfect solidarity; no preeminence will be acknowledged except that which is owed to each one's talent and merit.³ - Anarchists, who altogether reject the authority of the State, nevertheless do not wish children, procreated from a free union, to be educated by parents, but by those who love them more, and adopt them as children, and freely consent to furnish them food and education.¹ - Not a few of those who defend the rights of women beyond what is fair (*feministes*) are more or less imbued with the same errors; for since they contend that women have, by equal right with men, the faculty of managing public affairs, they wish them to be immune from domestic cares and the education of children, so that they may give themselves to civil offices.²

¹ Taparelli, *Essai de Droit naturel*, n. 1555-1575; Meyer, *Instit. juris naturalis*, t. II, n. 107-111; 660-678; A. Jansen, *De facultate docendi*, 1885; Castelein, *Droit naturel*, Paris, 1903, p. 625-640; R. Lavollée, *L'Etat, le Pere et l'Enfant*, Paris, Plon, 1904.

² For he holds that the family is indeed older than any other society, but that children do not remain joined to parents except as long as they need them for protecting their life: "The oldest of all societies, and the only natural one, is that of the family: and even so, children remain bound to the father only as long as they need him in order to preserve themselves; as soon as this need ceases, the natural bond is dissolved." (*Contrat social*, l. I, ch. 5.) But afterward (ch. 6-8) he declares that, by force of the social pact, all authority is in the Prince's possession.

³ Thus G. Renard, *Le Regime socialiste*, Paris, 1898, p. 89-100, where among other things he writes: "The child, a moral person in potency, or, to speak still better, in the way of development, must no longer, as formerly, be considered the property of his parents. The power of the father or of the mother is justified, like every authority exercised over human beings, only on condition of being a creator of liberty, and not of oppression... If the parents remain absolute masters of his education, I fear over his mind a pressure all the more powerful because the pupil is naturally predisposed to undergo the affectionate suggestion of those who are nearest to him. Beware then hereditary prejudices, which are the very negation of scientific progress... Teaching being gratuitous and the maintenance of children being put at the charge of the community, one will no longer see, as in our mercantile society, this unreasonable anomaly: public instruction reserved to those who can pay for it... education will address itself equally to all intelligences which will be capable of profiting from it."

¹ Thus J. Grave, *La Societe future*, ch. 23, where he says: "The child is not a property, a product, which can belong more to those who have procreated him, as some wish, than to society, as the others contend." Whose therefore will children be? "To those who love the child most... Instead of being a charge for those who will adopt him, the child will no longer be anything but a pretty little creature to love and caress." - This system C. Turgeon sets forth and refutes, *Le Feminisme francais*, Paris, 1902, t. II, p. 405-420.

² In Turgeon, op. cit., t. II, 417-420.

944. Thesis: The right and office of educating their own offspring belongs primarily to parents, and only secondarily to the State, namely when parents are lacking. - For if it is certainly and publicly established that certain parents do not furnish the education necessary to their children, and there are no others who act in place of the parents, it pertains to the State, insofar as it is the provider of the public good, to provide for this education.³

³ We do not here treat of the rights of the Church, whose office it is to hand on moral and religious education to all those who have arisen from Catholic parents, or who through baptism have entered the Church, as was declared in Tr. on the Church. As to human sciences, spiritual authority has the right of teaching them, by at least the same right as private citizens or private associations. - Cf. F. Cavagnis, *Instit. juris publici*, l. IV, n. 1-145.

(A) It is proved by reason. For the right and office of educating offspring naturally belongs to those who have begotten the same: "It is a most holy law of nature that the father of a family should protect, with sustenance and every cultivation, those whom he himself has procreated."⁴ For children, as long as they have not attained the use of reason, are altogether unable to protect their own life; likewise, when reason now first dawns, they can obtain the truth in the intellectual, moral, and religious order only with the greatest difficulty by their own powers, without any external aid, and therefore they need some authority which directs them in the right path of truth. Now nature itself manifestly shows that the work of education is primarily to be performed by the parents themselves.

⁴ Leo XIII, Encyclical *Rerum Novarum*.

"For the son," says St. Thomas,¹ "naturally is something of the father; and at first indeed he is not distinguished from the parents according to the body, as long as he is contained in the mother's womb; but afterward, after he comes forth from the womb, before he has the use of free will, he is contained under the care of the parents, as under a certain spiritual womb." In reality nature gave breasts to the mother, but not to the State, for nursing children; to each parent, but not to the City or

to strange nurses, it gave a maternal or paternal heart for pursuing their own offspring with tender and at the same time generous love; to parents, but not to strangers, at least from things commonly occurring, it gave an inclination that they gladly hand over not only their own things, but even themselves and their own life, for the welfare of their offspring. Wherefore long and universal experience establishes that children educated at home, fed with maternal milk, and carefully guarded by the vigilant care of parents, much more easily escape the dangers of diseases and death, and progress much more than those who are nourished by strangers.²

¹ St. Thom., 2. 2., q. 10, art. 12.

² For many of those who are handed over to strange nurses die: "Already in 1889, at the congress of hygiene and demography, Dr. Fleury attested that at Lyon the mortality of nurslings rose to 49 percent." (C. Raff, *Natalite*, Paris, 1901, p. 364.)

945. The same must be said concerning intellectual and moral education; no one, as the mother, can look into the mind of her offspring, no one can detect and correct their depraved inclinations, or direct the powers of the will to good: for led by maternal instinct, she naturally performs all these things, and besides by native inclination the child is inclined to follow the sweet direction of the mother. Afterward, when the boy is now growing up, he needs a virile education, for furnishing which no one is more suitable than the father: for, because of the special and generous love with which he pursues his children, he tempers with gentleness the authority necessary for restraining the depraved habits to which they incline, and helps them by opportune counsels to avoid dangerous occasions;³ by words and examples he draws them to the practice of virtues; indeed he himself is induced to lead a more honorable and more perfect life, led by this reason, that unless he gives a good example, he will scarcely be able to exhort his boys to honesty. - Hence experience establishes that children educated at home, other things being equal, generally progress much more in studies and in the practice of virtues than those who are instructed by strangers.¹

³ To the point it is read in the *Exposé des motifs du Code civil*, where the matter concerns paternal authority: "The child is born weak, besieged by needs and diseases; nature gives him his father and mother to defend and protect him. When the time of puberty arrives, the passions awaken at the same time as intelligence and imagination... It is then that the child needs a counsel, a friend, who may defend his nascent reason against the seductions of every kind which surround him."

¹ On the office of each parent in education, cf. Turgeon, II, 341-362.

946. Socialists indeed object that children have rights which parents are not permitted to oppress. - It is certainly wonderful that these men complain of the tyranny of parents, while they themselves wish tyrannically to inculcate their opinions in the young; do they not thus contradict themselves? - We by no means deny the rights of children, since Christ himself and the Church have diligently vindicated these against the unspeakable errors of the pagans, as was proved elsewhere, on True Religion, n. 155; but since the child himself cannot protect these rights, it pertains to parents, rather than to strangers or to the State, to preserve them whole and intact; for those who begot and nourished children are joined more intimately with them, and are more apt to instruct them than any others. For the family is historically and logically prior to the State, nor is it consonant with right reason that civil power at its own judgment penetrate even to the interiors of homes, and disturb domestic peace; paternal power

ought neither to be extinguished nor absorbed by the republic, but rather confirmed by it.² And certainly, if prejudices are in parents, is it not to be feared that the State, imbued with worse prejudices, may wish to inculcate them in the young, and thus oppress the liberty of children equally and of parents by intolerable tyranny? - And, since besides the opinions and theories of the State are diverse according to the diverse ministers who manage public affairs, will children also be held to change their ideas at the will of various officials? Where, I ask, is liberty? - Nor should it be said that the young are to be educated in such a way that they are instructed neither by the State nor by parents in religious or ethical disciplines, until, mature in age and reason, they are able freely to choose among various religions or diverse systems of ethics; - for this is nothing other than to promote indifferentism in matters altogether necessary for the right ordering of life, and to deprive the young of the means by which they need to restrain depraved inclinations.¹

² Leo XIII declared this excellently, Encyclical *Rerum Novarum*: "Therefore to wish that civil power at its own judgment penetrate even to the interiors of homes is a great and pernicious error... Paternal power is of such a kind that it can neither be extinguished, nor absorbed by the republic, because it has the same and common principle with the life itself of men. Children are something of the father, and as it were a certain amplification of the paternal person; and if we wish to speak properly, they do not of themselves, but through the domestic community in which they were generated, enter and participate in civil society." Cf. Brunetiere, *Le Droit de l'Enfant*, in the periodical *Reforme sociale*, Feb. 1, 1903, p. 202-221.

¹ G. Bonjean, *Enfants revoltes et parents coupables*, Paris, 1895; A. Fouillee, *Les Jeunes Criminels, l'Ecole et la presse*, in the periodical *Revue des Deux Mondes*, Jan. 15, 1897, p. 417-449; H. Joly, *L'Enfance coupable*, Paris, 1904, among others, have described into what excesses the young frequently fall who are educated without religion and moral discipline.

947. They insist, saying that by paternal education those dissensions are preserved and strengthened which draw one region and city, as it were, into two or more factions, and invincibly stand in the way of national unity. - I turn the argument back: are there not factions and dissensions in the State itself, and indeed among the socialists themselves? Do not anarchists, collectivists, and moderate socialists try to draw the minds of the young to their systems? - Therefore this difficulty rests on a false concept of unity: for it is impossible, especially in our days, where unbridled liberty of thinking, speaking, and writing flourishes, that all citizens of one City think and will the same thing concerning religious, philosophical, or political matters. Therefore those who vindicate national unity in this sense, that they wish all citizens to have the same principles concerning all these matters, not only promote intolerable tyranny, but dream of a thing altogether impossible. No unity can flourish among rational and free citizens other than that which arises from mutual tolerance and fraternal charity;² for all citizens ought to tend toward the common good of the fatherland, and devise nothing which turns to its detriment; but concerning the better reason for pursuing this end, discussion ought to be free, according to that saying: in necessary things unity, in doubtful things liberty, in all things charity. This is clearly evident by the example of nations which are eminent among cultivated nations, such as Great Britain and America: there certainly flourishes a singular love of fatherland, precisely because the greatest liberty flourishes for parents in educating children; and certainly the fatherland is loved the more, the more securely and efficaciously the liberty of domestic life is protected.

² Cf. Ch. Dupuy, in the speech held to the Senate Nov. 5, 1903, in *Questions actuelles*, t. 71, p. 168-192; E. Faguet, *Le Liberalisme*, Paris, 1903, p. 128-169, where he lucidly shows how much they contradict themselves who, under the pretext of unity, strive to extinguish liberty of teaching.

948. (B) The same is established by history. For Nations which assigned the office of educating boys to the Republic alone soon fell into despotic tyranny; thus the Spartans, ignorant of human dignity, who had committed the education of children to the State, instituted not men nor free citizens, but soldiers. Thus also the leaders of the French Revolution, Danton and Robespierre, who assigned to the fatherland alone the right of educating children, oppressed their fellow citizens with bronze tyranny and cruel persecution. Hence those who favor Caesarism, as Napoleon I, State Socialists, in one word, all haters and oppressors of liberty, vindicate for themselves the exclusive right or monopoly of teaching.¹ - On the contrary, however, the Christian religion, which liberated peoples from tyranny, has always asserted and defended the rights of parents to educating their own offspring; likewise everywhere and at every time it has favored those institutes and Universities which, independently from the State, hand on various disciplines. Wherefore even in our days truly cultivated nations, which pursue not only the shadow and name of liberty, but the thing itself, such as Belgium, Switzerland, Great Britain, and the Federated States of America, gladly acknowledge and protect the rights of parents to instructing their own offspring in various disciplines, and at the same time confer the greatest liberty on independent schools and Universities.¹ Unless therefore we wish to say farewell to the liberty of private persons and families, we ought unceasingly to vindicate, by all legitimate means, especially by rightly ordered associations of fathers of families, the rights of parents as to the education of offspring.

¹ This indeed is admitted by a man otherwise most hostile to the doctrines of the Church, Clemenceau, in the speech held to the Senators Nov. 17, 1903: "The State, I know it: it has a long history, all of murder and blood. All the crimes which have been accomplished in the world, massacres, wars, breaches of sworn faith, pyres, torments, tortures, everything has been justified by the interest of the State, by reason of State... I understand well: you dream of the ideal State. Thus Plato, thus Aristotle, thus Thomas More, thus other dreamers. You dream of the ideal State. This State, in books, you make it as beautiful as it can please you; but here we are weak men, changing, grappling with reality... If you could succeed, you would put into the hands of universal suffrage, into the hands of the changing majorities which succeed one another in Assemblies, the most formidable instrument of reaction which has yet been seen in the world, for the responsibility would be ungraspable, scattered in the anonymous crowd." (In *Questions actuelles*, t. 71, Dec. 12, 1903, pp. 197, 198, 199; *ibidem* p. 177-183, read what Lamarzelle spoke excellently concerning liberty of teaching.)

¹ Thus J. Stuart Mill (*Principles of Political Economy*, New York, 1882, t. II, p. 576-577) writes that no right belongs to the State of teaching exclusively, or even of conferring special privileges on those who frequent the State's schools; and that it is intolerable tyranny to wish to subject all schools to its rule: "to possess such a control, and actually exert it, is to be despotic." - R. Lavollee sketches the history of this question and the laws of diverse Nations, *op. cit.*, p. 3-202.

949. Corollary. A twofold office belongs to civil authority concerning the instruction of children, namely to take care that independent schools not favor the corruption of morals, and to found schools necessary for the right instruction of citizens.

(A) The reason for the former is that it pertains to the State to promote the public good, and therefore to prohibit those things which manifestly stand in the way of this good. Now, if there were any school which notoriously corrupted the minds of the young by doctrines evidently contrary to natural right, or weakened good morals, civil authority would deservedly restrain those abuses, since

the right and office is incumbent upon it of warding off dangers which can overturn the foundations of the republic. - Yet we said notoriously, because public authority ought not to be too solicitous about hidden things, lest perhaps, while it tries to restrain abuses, it take away all liberty altogether.

(B) The same reason of the public good often urges civil authority to institute schools and colleges. For although it pertains primarily to parents to educate their own offspring, nevertheless many can fulfill this office neither through themselves nor through private teachers; wherefore it pertains to the City to remedy this insufficiency by the foundation of public schools, to which parents can send their offspring: for the right instruction of the young greatly profits the public good.

But the Republic cannot institute a monopoly of education, namely by commanding that parents send their children to public schools, with the faculty excluded of educating them privately through teachers well seen by themselves: for this would be a usurpation of domestic right and an open violation of liberty of conscience.

Indeed that system, now flourishing among not a few nations, by force of which public schools alone are sustained from the common treasury, harms the equality and liberty of citizens; for then the school tax is paid by all, although many receive no advantage from it.¹ Much fairer is the system prevailing in Great Britain and other regions, by force of which public and private schools are equally sustained, provided that they attain a certain degree of progress: for thus the liberty of families remains intact, burdens are equally distributed, and noble emulation prevails among the diverse schools.

¹ Faguet sets this forth thus, *op. cit.*, p. 134: "It is as if from Paris to Bordeaux there were two railways, one by Chartres, the other by Orleans, operated by two different companies, and I had the right to go to Bordeaux by Orleans, but on condition of paying my place to the Company of Orleans and also to the Company of Chartres."

II. ON THE OFFICES OF PARENTS TOWARD CHILDREN.

950. Since parents act in God's place with respect to their offspring, they are held to pursue them with a special love, and to impart to them bodily and spiritual education, and also by a certain providence to direct them to the end.

² St. Chrysostom, *De liberorum educatione*, in Migne, P. G., t. LXIII, col. 763-772; Sayrus, *Clavis regia sacerdotum*, lib. VII, cap. 7; Mayol, *Summa doctrinae moralis circa decem Decalogi praecepta*, in Migne, *Curs. Theol.*, t. XIV, p. 503-532; Jaugey, *De virtutibus cardinalibus*, Paris, 1876, p. 464-475; Berardi, *Praxis*, Tract. VII, n. 1-32; Rosset, *De sacram. Matrimonii*, t. V, n. 3520-3572; A. de Margerie, *De la Famille*, Paris, 1869, t. I, p. 226 sq.; P. Janet, *La Famille*, 15th ed., Paris, 1894, p. 107-236; A. de Gasparin, *La Famille*, Paris, 1866, t. I, p. 143-297; M. d'Hulst, Lent of 1894, 4th Conference.

1. On The Love Of Parents Toward Children.

951. Love of this sort is called piety, because it bears before itself something sacred and religious; it helps to set forth its foundation and endowments.

(A) The motives on account of which parents ought to love their offspring are natural and supernatural.

(a) Natural indeed; for if anyone loves the work of his hands, if even beasts themselves by a certain natural instinct love and protect their young,³ even with danger to their own life.

³ St. Augustine lucidly sets forth this argument, Sermon 349 (alias, *de Tempore* 52), in Migne, P. L., XXXIX, 1530: "Beasts also love their children: asps love their children, tigresses love their children, lions love their children. For there is no beast which does not gently murmur to its children. For when it terrifies men, it cherishes its little ones. A lion roars in the woods, so that no one may pass: he enters the cave, where he has his children, he lays aside every rage of ferocity. Outside he places it, when he himself does not enter. Therefore he who does not love his children is worse even than a lion."

how much more ought parents to pursue with tender and devoted affection the offspring whom they have begotten from their own substance, and who are as it were a certain amplification of the paternal person? - This appears even more manifestly if one considers that the children whom they procreated are endowed with reason and free will, bear in themselves the image of God and at the same time of the parents, enjoy immortality, are destined to God as to their ultimate end, and that they are citizens of the earthly fatherland, whose good and honor they can promote, if they have been rightly educated; for who, attending to these things, would not sincerely and devotedly love the sweet offspring who can procure the glory of God, the exaltation of the fatherland, and the happiness of the family?

952. (b) To these are added supernatural motives; for these are citizens not only of the earthly, but also of the heavenly fatherland: they are destined to the supernatural end, namely the clear vision of God and perfect possession; wherefore they are given the divine life, and all the graces necessary for increasing it; redeemed by Christ, and cleansed by his precious blood, they bear the image of Christ impressed in their hearts, and ought to imitate his virtues. Now parents are as it were God's cooperators in the sanctification of children, as they were in procreation; and therefore they ought to love their offspring with a special and supernatural love, so that by paternal solicitude they may form in them the spirit and virtues of Christ, and supernaturally beget those whom they have carnally begotten, according to that saying of the Apostle:¹ "My little children, of whom I am in labor again, until Christ be formed in you."

¹ Galat., IV, 19.

953. (B) The endowments of this love. The love of parents toward children ought to be:

(a) True and internal, insofar as they sincerely will their good, not only as to the body, but also and chiefly as to the soul, not only for the present, but also for the future. - Wherefore they sin gravely of themselves who deliberately pursue them unjustly with hatred, or seriously and from the soul curse them or imprecate evils upon them, or provoke them to anger with names gravely injurious; to the point St. Paul says: "And you, fathers, do not provoke your children to anger, but educate them in the discipline and correction of the Lord."¹ - Yet parents are often excused from grave sin who, moved by anger, act thus without perfect deliberation. Nor do they commit any sin, but act rightly, who, on account of a just cause, severely rebuke children, and moderately chastise them.

¹ Ephes., VI, 4.

(b) Rightly ordered, that is, resting on and ruled by a rational and also supernatural motive, so that it is neither excessive, nor irrationally favors one rather than another. - Hence they should not love children with a quasi-idolatrous love, by indulging everything to them, on account of sluggishness or cruel benignity, by by no means correcting their vices, etc. Likewise they should love all offspring equally, insofar as it can be done; and if there is some distinction, let them take care that it not be

made without a reasonable cause; not rarely incautious parents are deceived by external qualities or flattering caresses, and they pursue with a more tender affection those who are worthy of less love; and from this arise not a few envies, quarrels, contentions, and other things of this sort, as is clear from the history of Joseph.²

² "But his brothers, seeing that he was loved by his father more than all the sons, hated him, nor could they speak anything peaceably to him." (Gen. XXXVII, 4.) - Hence St. Ambrose writes (*de Joseph*, in Migne, P. L., XIV, 643): "To love children is sweet, and to love more intensely is very sweet; but frequently paternal love itself, unless it holds moderation, harms children; if either by excessive indulgence it weakens the beloved, or by the preference of one turns the rest away from the affection of brotherhood... Let equal grace join children whom equal nature has joined."

(c) Generous and operative, insofar as parents not only will well to children, but do good, by averting from them every evil, whether corporal or spiritual, insofar as it can be done, and by furnishing that which can conduce to their good and salvation; this indeed is especially performed through the best education.

2. On The Education Of Children.³

³ Dupanloup, *De l'Education*, 7th ed., Paris, 1866, t. II, l. 2, p. 138; Guibert, *L'Educateur apotre*, Paris, 1894, p. 66-84.

954. Education is the progressive and harmonious evolution of faculties, by which children are gradually and orderly transformed into perfect men. For children have received from God various faculties, which, although generically the same in all, are nevertheless imbued with special inclinations, whether good or bad; now good education is placed in this, that it eradicates evil inclinations, restrains untamed passions and directs them to good, but strengthens, cultivates, and orders good qualities to human and at the same time Christian perfection. - This evolution, however, can only be slow and progressive, because it is impeded by many obstacles, and besides man naturally can obtain perfection only gradually. It ought to be harmonious, or rightly ordered, insofar as all faculties, whether bodily, spiritual, or religious, must be cultivated in such a way that the whole man is formed, that is, a sound mind in a sound body; if therefore one kind of faculties is evolved before the others, this nevertheless ought to be done proportionately, so that bodily exercise does not harm the progress of the mind, nor excessive intellectual cultivation stand in the way of bodily health. - We shall speak of education both bodily and spiritual, and also of the schools to which parents ought to send their children.

955. (A) On bodily education. This already begins in the maternal womb, and does not come to an end except at mature age.

(a) As soon as it is established that a child has been conceived, everything which, under grave obligation, could harm the life of the little child ought to be avoided. Wherefore the mother ought to abstain from those dances, violent movements and actions, and other things of this sort which induce more violent concussions of the body;¹ and also from immoderate excitements, anxieties, or from excesses in drink; for all these things can induce abortion. Men and others who inhumanely treat, exasperate, or strike a pregnant woman also sin, since from this the life of the fetus is endangered.

¹ To the point Capellmann, *Medicina pastoralis*, 1896, p. 156, n. 1: "It is also to be most carefully guarded that they (pregnant women) not be carried in a carriage through badly paved streets or rough roads. The very trips on the

railway, by continual concussions, not rarely furnish the occasion of abortion, wherefore longer journeys on the railway are not to be undertaken without necessity. To this also pertains the use of machines for sewing (*machines à coudre*, *sewing machines*) which are moved by the feet."

(b) After the birth of the offspring, parents are held diligently to watch so that whatever would induce danger of death be warded away from it. Wherefore the Ritual admonishes parents not to have a little child with them in bed, because of the danger of suffocation.

956. (c) The mother ought to nourish children with her own milk, as often as this can be done;² for many inconveniences arise from the contrary practice as to the mother herself, who is exposed to a longer-lasting fever, - as to the children, for whose nourishing maternal milk is more apt,¹ - and as to the nurses themselves, who are generally compelled to abandon their husbands and their own offspring, with danger of incontinence and neglect of the offices of domestic life. Yet mothers are excused from this office who, because of lack of milk, infirmity, or another reasonable cause, prudently cannot nurse their own offspring.

² Concerning the gravity of this obligation, scarcely anything certain can be established; of itself it is held as light by most theologians; but when many evils, and very grave ones, are foreseen to arise from the use of a strange nurse, of itself a grave sin is committed if this is done without legitimate cause. On this Capellmann wrote excellently, *op. cit.*, p. 47-53; cf. R. Bazin, *Donnatienne*; Brieux, *Les Remplacantes*.

¹ Hence, with experience as witness, among infants who are nourished by art, mortality is far greater than among those who are fed with maternal milk.

But when little children are handed over to nurses, care should be taken that these be healthy in mind and body, and provide for the health and also the morals of the child: for maternal solicitude is no less necessary in this case than where the mothers themselves feed their children.

(d) Parents are held under grave obligation of itself to furnish to offspring food and other things necessary for honestly sustaining life, according to their condition, until these can feed themselves; for it pertains to them to protect the life of those whom they have procreated, and this obligation from its nature is grave.

Therefore parents sin who, without grave necessity, expose offspring in public ways, with danger of death, or at the door of an orphanage, so that they may free themselves from the burden of feeding it, when besides they can easily provide for its education. Yet, if the matter concerns illegitimate offspring, prudence can demand that it be commended to an orphanage; in which case, however, honor and equity demand that the rich repay the expenses for nourishing the offspring. But whether justice requires this is disputed among theologians; certain ones probably deny it, because hospitals of this sort have been instituted not only for assisting the poor, but also the rich who otherwise would incur the mark of infamy;² whence if any parents have not paid these expenses, they are to be earnestly exhorted, but not compelled to restitution.

² St. Alphons., *lib. III*, on the Decalogue, n. 656; Ball. P., n. 824.

957. (e) Finally, in a general way parents ought to take care that children, by bodily exercise and labor proportioned to age, orderly evolve and increase their physical powers; for since the body is the instrument of the soul, and the health of the body favors not a little the evolution of intellectual life, it is very expedient that legitimate means be used for multiplying physical

powers.³ This is also true of girls: for if they are educated delicately and are weaker in body, they easily suffer in their nerves and by an irritable character exasperate others.⁴

³ Demolins described how, in Great Britain, attention is given to the physical education of boys, *A quoi tient la superiorite des Anglo-Saxons?* Paris, s. d., p. 52-86; every excess indeed in this matter must be avoided, but in France parents and teachers often do not care enough about bodily education.

⁴ To the point Bentzon, *Causeries de Morale*, p. 236: "It is a duty to be well. Without doubt each of us inherits a more or less robust temperament; but, such as it is, we ought by wise hygiene to maintain it in the best possible equilibrium. And why? Because the soul is bound to the body; how many nervous people, by losing all command over their will, become insupportable to themselves and to others! How many young girls are sullen, capricious, disagreeable, because they overwork, digest badly, lead a life too over-excited, abuse dance and worldly pleasures..."

958. (B) On spiritual education. The care of parents is not confined to the health of the body, but ought especially to be occupied in rightly instructing the souls of children. For this it is necessary that they cautiously and diligently look into their inclinations and psychological dispositions: for not all ought to be instructed in the same way and by the same method, but each according to his own powers and the special character with which he is endowed.¹ Yet we shall hand on certain more general things: namely education ought to be virile, practical, and Christian.

¹ Courtade and d'Hulst, *De l'action individuelle dans l'education chretienne*, Paris, 1870; E. Picard, *Comment traiter l'enfant a l'ecole*, in *Science sociale*, t. XXXVI, August 1903, p. 97-129.

959. (a) First, education ought to be virile, insofar as it ought to tend to forming men gradually. For there are parents and teachers who think that nothing else is to be desired in the young except perfect docility of soul and blind obedience of will, by which they immediately and without complaint embrace the opinions expressed by superiors and obey their commands. Men endowed with reason and liberty are not formed thus. But by words and examples, persuasion and gentle suggestion, and also paternal correction, let the young be taught how they may cultivate their faculties, and gradually may be able by themselves to think, will, and act, not indeed independently from God and the rule of morals, but independently from vain human fear and from prejudices by no means consonant with reason.

Wherefore, as soon as the exercise of reason dawns, let it be set forth to them why and how they ought to flee evil and do good; let them be deterred especially from vices common to their age, such as lies, small thefts, contentions, and quarrels; let them be induced to perfect sincerity and honesty, justice and charity, modesty and chastity.² But let them be taught to perform all these things not only from fear or custom, but from the inward persuasion of the soul, by which they understand that they are held to this both from the will of God and from the dictate of conscience. Likewise let them increase the powers of the will by assiduous efforts,¹ so that they may more easily overcome the untamed passions which arise within, and the allurements of the world which from without entice them to vices.

² Fonssagrives excellently sets forth how the young are to be strengthened in chastity, *Conseils aux parents et aux maitres sur l'education de la purete*, 2nd ed., 1902. - For preserving chastity, it must diligently be cared for that boys and girls not sleep together in the same room, and especially in the same bed, at least after the seventh year.

¹ J. Payot, *L'Education de la volonte*, 18th ed., Paris, 1894; Ribot, *Les maladies de la volonte*, Paris, 18th ed.; A. Martin, *L'Education du caractere*, Paris, 1889.

960. (b) Education ought also to be practical, that is, truly preparing boys or girls for that kind of life for which they are destined, according to the character and condition of each. Many parents today, especially in France, think only of teaching letters, and send their offspring to colleges and universities, so that they may be able to lead a quiet life in the exercise of the liberal arts or in managing public affairs; from this it happens that many exercise no office, because there are many more candidates than offices to be distributed. Now the liberal arts must be cultivated by some, but not by all; otherwise industry, commerce, agriculture, and other arts necessary for life would soon grow languid and perish. Moreover many are found less suitable for the liberal arts, while on the contrary they would wish to give themselves to agriculture, industry, or commerce, if they were rightly instructed in these. Therefore let parents and teachers diligently look into the character and inclinations of their children or pupils, and not exercise any longer in literature those who intend to devote themselves to industry. Therefore it is greatly to be desired that schools which they call professional be multiplied among Catholics, in which all those who wish to embrace an industrial office, independent from the State, may be rightly formed.²

² Demolins, op. cit., p. 87-112; the same author, in another work (*L'Education nouvelle*, Paris, s. d.), describes how the young can be practically prepared for industrial life.

961. (c) Education should especially be Christian, by which namely adolescents are formed who embrace religion and adhere to it, not only when they are placed under the guardianship of parents or teachers, but also when they now act by their own movement and lead life far from the family. For this it is required that they believe from an inward and reasonable persuasion of the soul, and not be ashamed to manifest faith by works; for today, since the Catholic faith is attacked everywhere, it is necessary that Catholic youth be ready to fight manfully for the faith, as soldiers of Christ.

Wherefore parents are held under grave obligation, either through themselves or through others, to hand on to their children Catholic doctrine concerning all those things which are necessary to be known for attaining salvation and living as Christians; to form the same to the practice of those virtues without which they cannot be saved. For since children of this sort are destined to a supernatural end, those who procreated them by that very fact took upon themselves the burden, insofar as it can be done, of furnishing them the means necessary for obtaining this end. - The Roman Catechism inculcates this obligation in these words:¹ "The proper offices and duties of parents are that they imbue their children with most holy disciplines and morals, and give them the best precepts of living, so that, instructed and prepared for religion, they may venerate God holily and inviolate."

¹ *Catech. Rom.*, On the fourth precept of the Decalogue, n. 13.

The same is handed down in the Code, c. 1113.

962. 1. Hence parents ought to take care that children be baptized as soon as possible (On Baptism, n. 48), and receive the grace of regeneration, by which they are made children

of God, citizens of the Church and of the kingdom of heaven; - that from the tenderest years they learn the principal mysteries of faith, invoke the name of God,² love Christ the mediator, and pursue his Mother with a pious affection; - that they become accustomed to morning and evening prayers, the sacrifice of the Mass and divine offices, and also catechisms; - that they avoid depraved companions and dangerous readings, and especially that they not be corrupted by impious or dishonest servants.

² Let mothers take care that children, first attaining the years of discretion, turn themselves to God; to the point St. Thomas, 1. 2., q. 89, a. 6, ad 3: "For the first thing that occurs to a man having discretion is that he think concerning himself, to whom he should order other things as to an end. For the end is prior in intention. And therefore this is the time for which he is obliged by the affirmative precept of God, by which the Lord says: Be converted to me, and I will be converted to you (Zach., 1, 3)."

2. But they themselves ought to furnish a good example to their offspring, by speaking cautiously before them, especially about things pertaining to religion or chastity, lest at an inopportune time they learn what they ought still to be ignorant of; - likewise by acting cautiously, lest perhaps they furnish scandal to little ones:³ for these easily desire to imitate all things which they see; - by showing them examples of all virtues: for since the first age, like soft wax, receives impressions more distinctly and elegantly, it is certainly of great importance that only specimens of virtue be shown before boys, especially by those who enjoy the greatest authority among them.

³ Hence even the pagan poet Juvenal writes (Satire 14): "The greatest reverence is owed to the boy; if you prepare anything shameful, do not despise the years of the boy: but let your infant son stand in your way when you are about to sin."

3. Parents are also held to correct delinquent children, yet moderately, prudently, and benignly, so that it clearly appears that this is done for the sake of amendment, but not of indignation and anger. - For parents act in God's place in the rule of the house, and ought to imitate him who disposes all things sweetly and strongly, and chastises men only wisely, for instructing them and deterring them from vice. Therefore let them speak or determine nothing too bitter against children; but, as the Roman Catechism admonishes,¹ "if any fault has been committed, since chastisement and rebuke are necessary, let them not loosely remit anything to children through indulgence: for often children are depraved by the excessive softness and facility of parents; wherefore let the example of Heli, the high priest, deter them from relaxed indulgence, who, since he had been too indulgent toward his children, was afflicted with the greatest punishment."

¹ *Catech. Rom.*, loc. cit., n. 14.

963. (C) On Catholic schools. Finally parents, when they cannot provide at home for the perfect education of children, are held to send them to Catholic schools; for from the Code, c. 1374, "Catholic children should not frequent non-Catholic, neutral, mixed schools, namely those which are open also to non-Catholics"; lest they be exposed to the danger of losing faith or morals.²

² Dupanloup discusses excellently the endowments of teachers and the manner of educating the young, *De l'Education*, and *Lettres sur l'Education des Filles*, Paris, 1879; cf. Guibert, op. cit.

To set forth the matter more fully, it must be known that non-Catholic schools are of two kinds: neutral, which in the education of boys prescind from any positive religion, but teach nothing heretical or impious; positively evil, in which atheism, heresy, or indifferentism is more or less defended.

(a) Now it is not permitted to parents to send children to positively evil schools, in which the proximate danger of perversion cannot be removed: for here the matter concerns the eternal salvation of souls, which must be preferred to all goods; nor is it permitted to expose oneself to the proximate danger of sinning, as is established from the things said where treating the proximate occasion, On Penance, n. 458-469. Hence, if such public schools exist, let fathers of families not omit to denounce them, as contrary to the common good, and let them use all legitimate means to abolish them thoroughly. - But if, with attention to all the circumstances, the danger can certainly morally be removed, let these things from the Code, c. 1374, be attended to before the eyes: "But it belongs to the Ordinary alone to decree, according to the norm of the instructions of the Apostolic See, in what circumstances of things and with what cautions employed, so that the danger of perversion may be avoided, it can be tolerated that those schools be attended." This also applies to neutral schools.

964. Schools which are called neutral are also very dangerous; for by the very fact that they exclude every religion, they prepare the way for religious indifferentism, especially as regards boys of tender age; at least in their estimation the dignity and authority of religion is much diminished if it seems relegated within domestic walls; besides, in these schools purity of morals is not rarely exposed to great dangers; finally it can scarcely happen that religion is altogether prescinded from, especially in historical and moral matters, and often, under the pretext of neutrality, Catholic dogmas are attacked or mocked.¹

¹ Leo XIII vividly described these dangers, Encyclical *Nobilissima Gallorum gens*, Feb. 8, 1884; cf. Instruction of the S. C. de Prop. Fide, Nov. 24, 1875, to the Bishops of the Federated States of America, in *Collectanea*, n. 481; Third Council of Baltimore, n. 194-213; Letter of the S. C. de Prop. Fide, in *Acta S. Sedis*, t. XXVIII, p. 381. - In France, the Bishops set forth how dangerous State schools are, in the letter of Sept. 14, 1909; cf. Goyau, *L'ecole d'aujourd'hui*, Paris, 1899; J. Bricout, *Ce qu'on enseigne aux enfants dans nos ecoles publiques*, Paris, 1910. In certain schools the existence of God, the immortality of the soul, and the very foundations of morality are denied or called into doubt!

Wherefore Catholic schools are to be erected wherever this can be done, all the more because, where such have been instituted, public schools are compelled to reverence the Catholic religion more, lest perhaps parents send their offspring from these to Catholic schools.

But where there are no Catholic schools suitable for conveniently educating the young, parents are permitted to commit their offspring to public schools, provided that cautions are employed by which the danger of perversion is made remote from proximate.²

² Thus the Holy See already declared that it can be tolerated that Catholic young persons frequent the Universities of Oxford and Cambridge, and at the same time defined what cautions are necessary for removing the dangers thence arising (Holy Office, March 26, 1895).

But the cautions to be employed so that the danger of perversion may be warded off are these: to hand on Christian instruction and education outside school rightly and diligently, especially

concerning those truths which are usually attacked in schools; to watch solicitously lest children suffer some detriment in faith or morals from lessons heard, from depraved books, or from association with depraved companions.¹

¹ Thus the Holy Office, in *Collectanea*, n. 481. - Hence the Third Plenary Council of Baltimore, n. 199, established that "all Catholic parents are held to send their offspring to parochial schools, unless either at home or in other Catholic schools they sufficiently and evidently consult the Christian education of their children, or, on account of a sufficient cause, approved by the Bishop, and with opportune cautions and remedies, it is permitted to them to send them to other schools."

3. On The Providence Of Parents Toward Children.

965. When parents have given work to the education of children, it remains that, by a certain paternal providence, they help them toward choosing a state and rightly ordering life.

(A) First of all they are held to help them so that they may be able to embrace a state suitable to their condition and character; for it is not fitting that even the rich and noble remain idle, but an obligation is incumbent upon each person of devoting himself to some labor, so that he can bring some utility to himself, to the family, and to society. They will furnish this indeed:

(a) By taking care that boys and girls (for these also ought to do something useful) learn art or letters, - and acquire those endowments of body and soul by which, even if they were deprived of an inheritance, they would be able to obtain for themselves an honorable support.

(b) By furnishing to the same counsel concerning choosing a state of life, according to their condition: for parents, who have greater experience, can help incautious young persons much in this matter; nevertheless they cannot bring force upon their children, who have the right of choosing a decent state for themselves, after they have sought the counsel of parents.

966. (c) By bringing help to them, so that they may be able to attain the state which they have chosen; therefore, if parents are richer, it is altogether fitting that they moderately endow their children, so that these may more easily be able to devote themselves to some industry or art and support themselves and their family, when they have married. But whether this is owed from justice, by natural right alone, is not so certainly established, provided that otherwise the children are able to provide for themselves. - Whatever may be the case, in many regions the custom has prevailed that daughters be endowed, so that they may more easily marry according to their condition; and, where custom flourishes, parents who without reasonable cause would not wish to furnish this would sin against charity - gravely or lightly according to the circumstances - because by their fault a daughter would often remain unmarried or would enter only an unequal marriage.

It is likewise fitting that parents lay up treasure for children, and leave to them a part of the inheritance, so that the honor and security of families may be more safely provided for; but, natural right alone being inspected, that is not prescribed from justice;¹ wherefore, in certain nations, civil law leaves full liberty to fathers, as we declared above, on the Virtue of Justice, n. 716. But where civil law has defined something concerning this matter, what is to be done in conscience we handed down in the same place, n. 725.

¹ To prove that this is an office of justice, many allege the words of the Apostle: "For children ought not to lay up treasure for parents, but parents for children" (II Cor., XII, 14); but, the context having been inspected, it is clear that St. Paul there in no way treats of an office of justice incumbent upon parents, but only refers to those things which are fitting, and which in his time were commonly done.

967. (B) After children have chosen a state of life and have married, paternal care is indeed diminished, but not altogether extinguished; for children, even after marriage has been celebrated, are closer to parents than strangers; wherefore the order of charity demands that, if they are placed in bodily or spiritual necessity, parents assist them more than strangers.

(a) If therefore children by fortuitous chance, from physical infirmity or misfortune, indeed from their own fault, have been made needy, and do not have the necessities for the support of themselves and of their children, and neither wives nor their own children can furnish them food, paternal charity demands that parents, insofar as they can, provide for the necessities of children: for if they are held to aid the poor, a fortiori those who are joined to them by the closer bond of consanguinity. - Yet they ought by no means to supply them with wealth and luxury, but only those things which are required for honorable support.

968. (b) Thus likewise if children need spiritual correction or opportune counsel, the right and office of furnishing spiritual alms by paternal affection is incumbent upon parents rather than upon strangers, because of the closer conjunction which they retain with them.

In one word, the special bonds of charity by which parents are bound to children are indeed relaxed at mature age, but are not entirely dissolved. Yet in these matters very great attention must be paid to the morals and customs which have prevailed in such or such a region, indeed even in the same region among various kinds of families; for the bonds by which parents and children are joined are closer or looser among diverse Nations, and also at various times or among diverse families: in this matter, custom is the best interpreter of laws.

III. ON THE OFFICES OF CHILDREN TOWARD PARENTS.

969. Since parents act in God's place with regard to children, they have the right to be loved and honored by them, first on account of God, whom they represent; hence the honor rendered to parents is attributed to God rather than to men. Wherefore to them, as to God, yet in a lesser degree, love, reverence, and obedience are owed: love indeed, because they participate in God's infinite goodness in a finite way; reverence, because divine excellence specially shines forth in them; obedience, since they are made participants of divine authority; concerning these we must speak separately.²

¹ Mayol, op. cit., p. 478-504; Jaugey, p. 448-464; Ball. P., Tr. VI, n. 815-822; A. de Margerie, t. II, p. 138-171; P. Janet, op. cit., p. 143-236; M. d'Hulst, op. cit., 5th Conf.

² And thus we shall set forth the fourth precept of the Decalogue: "Honor thy father and thy mother, that thou mayest be long-lived upon the land which the Lord thy God will give thee" (Exod., xx, 12). For, as the *Catech. Rom.*, l. c., n. 4, rightly observes, to honor is to think honorably concerning someone, and to consider all his things of very great worth. The other things are joined to this honor, namely love and obedience; for he who loves does not always venerate; he who fears does not always love; but he who honors someone from the soul loves and reveres him.

1. On The Love Owed To Parents.

970. Principle: Children are held to love parents not only from the common law of charity, but from the special precept of piety.

It is proved. For besides motives common to all, there are certain special ones on account of which parents ought to be loved; for by procreating children, they bestowed life upon them, and with it all the goods which flow from it;³ by nourishing and protecting them they preserved that same life, often subtracting very many things from themselves so that they might provide for them; by education they cultivated and increased their faculties; in one word, whatever children have, after God, they owe to progenitors, and on that account they are held to exhibit special love and gratitude to them. In reality if God must be loved because he is good in himself and benign to us, ought not parents likewise to be loved, who, participants in divine goodness, have imitated his benignity toward their offspring?

³ "In thy whole heart honor thy father, and do not forget the groans of thy mother: remember that unless through them thou wouldst not have been born; and repay them as they also did to thee" (Eccli., VII, 29-30).

Wherefore in the Sacred Scriptures God promises all the best things to those who honor and love parents: "Honor thy father and thy mother, that thou mayest be long-lived upon the earth";¹ this longevity indeed was highly valued among the Jews. And again: "He who honors his father will rejoice in children, and in the day of his prayer he will be heard... In work and speech, and in all patience honor thy father, that a blessing may come upon thee from him, and his blessing may remain in the end."² Nor otherwise St. Paul: "Honor thy father and thy mother, which is the first commandment with a promise, that it may be well with thee, and thou mayest be long-lived upon the earth."³

¹ Exod., XX, 13.

² Eccli., III, 7, 9-10.

³ Ephes., VI, 2-3; see other texts in the work *La Famille suivant l'Ecriture Sainte*, Paris, 1881, p. 233-268.

971. It is declared. This love indeed ought to be internal and external at the same time, and consists in two things: to will well and to do good.

(A) To will well, that is, to pursue them with a pious, tender, and devoted affection, so that one is ready in soul to suffer and do all things for them. - Wherefore children gravely sin against piety who deliberately and seriously wish death upon their parents, or grave damage of soul or body, or rejoice concerning notable damage inflicted on them; likewise those who truly despise them, mock them, affect them with insults and words gravely injurious, or, without a just cause, gravely and deliberately sadden them. - It must be noted that hatred toward parents is more easily a grave sin than toward strangers.

972. (B) To do good, or to show parents signs of benevolence: (a) by a friendly and cheerful face, sweet speech, prompt service, and all those means by which tender and devoted love is manifested. Wherefore those who scarcely show a sign of friendship, but speak harshly or act imperiously, sin more or less, and often gravely.

(b) By assisting them in bodily or spiritual necessity. Thus, when parents labor under infirmity or old age, or suffer from adverse cases, children ought to visit and console them and bring help to them; if they are placed in poverty, not only extreme but grave, they are held to furnish the same food and other necessities of life.

So great is this obligation that, when parents are placed in extreme or grave necessity, a son cannot enter religion, even if he has emitted a vow of entering religion, but ought to remain in the world so that he may assist them, provided that there is no other who can or wishes to furnish this; for the natural law concerning the care of parents precedes an obligation undertaken by one's own will.¹ - But when he has already been professed in religion, he can and is held to go out from the convent for a time, even with the Prelate unwilling, if the parents are in extreme and evident necessity, which cannot otherwise be assisted, on account of the same reason;² but if the religion itself provides necessary things for needy parents (which is altogether fitting as often as this can be done), the religious ought to remain within the cloister. - But if the necessity is only grave, it is disputed; according to the more probable opinion, he is held, with obedience to his Prelate preserved, to use means by which his parents may be assisted.

¹ St. Thom., 2. 2., q. 101, a. 4. - Thus also civil law in most regions; so in France: "Children owe support to their father and mother or other ascendants who are in need... Support is granted only in proportion to the need of the one who claims it, and to the fortune of the one who owes it... If the person who ought to furnish support shows that he cannot pay the support pension, the tribunal can, with knowledge of the cause, order that he receive in his dwelling, feed, and maintain the one to whom he owes support" (Cod. civ., art. 205, 208, 210).

² St. Thom., 1. c., ad 4, seems to teach the contrary; but there he does not speak of extreme necessity; for elsewhere he writes (Quodlibet 3, q. 6, art. 11): "He ought, as far as he can, with the obedience of the order preserved, to strive that by himself or by another his parents be assisted, if they shall have been placed in necessity." Besides, the Superior would not reasonably be unwilling who denied permission of going out from religion to him who otherwise would not be able to succor the extreme necessity of parents. Thus St. Alphonsus, n. 67; Jaugey, op. cit., n. 551; Ball. P., n. 148.

973. Likewise they are to be assisted in spiritual necessities, namely by taking care that they obtain all spiritual helps which they need, but especially that to those lying in extremity there be administered the sacraments and other helps useful for dying well. Likewise they ought not to impede them from restoring another's goods before death, or repairing damage inflicted on neighbors, or making a testament for donating something to pious works. - After their death, according to their faculties, let them take care that they receive decent obsequies and that the sacrifice of the Mass be offered for them several times: for piety extends even to the dead.

2. On The Reverence Owed To Parents.

974. (A) Principle: Children are held to show to parents special signs of reverence and honor, according to the custom of the fatherland and of their condition. - It is said special, because greater reverence, other things being equal, is owed to parents than to strangers.

This is certainly openly established from all the places of Scripture related above, in which the matter directly concerns the honor owed to parents. - This is also proved by reason: for honor is owed to those to whom excellence belongs, and indeed the greater the higher their dignity; but parents participate in the excellence of God in a particular way, insofar as they were cooperators of God in the procreation and education of children; they are therefore visible and living images of the invisible

God, and their excellence is as it were a certain emanation and participation of divine excellence; therefore to these, insofar as they act in God's place, children ought to show special honor and reverence.

975. (B) They ought indeed to furnish this by heart, word, and work: (a) By heart indeed, by thinking honorably concerning them, acknowledging them as superiors, and conceiving a good estimation of their excellence. Therefore children sin who despise them, disdain them, or are ashamed of them, not wishing to acknowledge them as their parents; this sometimes happens when children are raised to a higher state, while parents live in poverty, but it is deservedly judged unworthy of an honorable man.

(b) Also by word, by speaking with them modestly and reverently, without any sign of contempt, and by saying nothing concerning them which can harm the good estimation which they enjoy among others. - Therefore children sin, and indeed mortally of itself, who deliberately affect parents with contemptuous, mocking, or abusive words, or in a grave matter detract from them, or provoke them to anger without cause; a fortiori those who curse them: "He who shall have cursed his father or his mother shall die by death";¹ "he who curses his father and mother, his lamp shall be extinguished in the midst of darkness."²

¹ Exod., XXI, 17.

² Prov., XX, 20.

(c) Finally by work, by greeting and honoring them according to the custom of the fatherland, and by showing other signs which denote the internal sense of reverence, e.g., by opportunely seeking and following their counsels, especially in matters of great moment, insofar as it can be done. - Therefore those sin gravely who deliberately strike parents, even lightly, or lift a hand for striking, although they do not in reality strike, or injuriously treat them. On the contrary, they ought to bear, conceal, and excuse with all patience, without anger and indignation, their defects, and also rustic, uncivil, or difficult manners: since they also once patiently bore the defects and rough manners of children.

The Wise Man draws all these things together thus:¹ "In work and speech, and in all patience honor thy father, that a blessing may come upon thee from him, and his blessing may remain in the end. The blessing of the father strengthens the houses of children: but the curse of the mother uproots the foundations. Do not glory in the dishonor of thy father: for his confusion is not glory to thee... Son, receive the old age of thy father, and do not sadden him in his life; and if he fails in sense, give pardon, and do not despise him in thy strength."

¹ Eccli., III, 9-14; read the whole chapter.

3. On The Obedience Owed To Parents.

976. Principle: Children ought to obey parents in all honest and licit things pertaining to paternal care, as long as they remain under their power. - Love and reverence are owed for the whole time of life, but obedience strictly binds children only as long as they live under paternal authority; therefore when they have now been emancipated, or have attained majority, or have married, they are now made their own right. Yet if they live under the paternal roof, they are held to furnish a certain obedience to the father, as head of the family.

(A) It is proved. (a) For Scripture often inculcates this: "Hear, my son, the discipline of thy father, and do not abandon the law of thy mother..."² Children, obey your parents in the Lord; for this is just...³ Children, obey your parents in all things; for this is pleasing in the Lord."⁴ (b) And deservedly; for, if in a general way inferiors ought to obey superiors, a fortiori children ought to obey parents: for these, as God's cooperators in the procreation and education of children, participate in his authority in a special way, and therefore have the right of prescribing to children in all things which regard their instruction and discipline; for since the duty and office of educating and instructing offspring is incumbent upon them, by that very fact children are held to obey parents justly prescribing, as God himself, in whose place they act.

² Prov., I, 8.

³ Ephes., VI, 1.

⁴ Colos., III, 20.

977. (B) It is declared. Yet they are not held to obey in all things without any distinction, but only:
(a) in licit and honest things; for if parents should prescribe something evil or less honest, e.g., to exercise vengeance, to pursue enemies with hatred, to provoke them to duels, or to steal and inflict damage on others, or to go to dangerous occasions of sin, etc., it would be necessary to resist them, because then they by no means act in God's place: "It is necessary to obey God rather than men."¹

¹ Acts, V, 29.

(b) In all things pertaining to paternal care; since the authority of parents is neither absolute nor universal, but is contained within certain limits, and is restricted to those things which regard the education of offspring and the government of the family. Thus children certainly ought to furnish obedience in those things which regard eternal salvation and good morals, e.g., when parents prescribe attendance at divine offices on feast days, - or forbid that suspect houses and dangerous gatherings be frequented, or prohibit immoderate games, certain associations full of dangers, entrance into taverns given to intemperance, and other things of this sort which can corrupt morals. In all these things, which are now forbidden or prescribed by divine law, there is probably not committed a double sin, one against the special virtue which is offended and another against the obedience owed to parents, unless the violation proceeds from contempt of parents; but the malice of the sin is increased from the irreverence committed against parents, and the young are to be exhorted to declare this circumstance, so that the confessor may be able to hand on opportune counsels concerning this matter. - Likewise children are held to obey in those things which pertain to the administration of the house and family, e.g., as to domestic things not to be alienated or destroyed.

So that a sin against obedience owed to parents may be grave, it is required that parents seriously and strictly prescribe, - that the matter of the precept be grave, with attention to all things, - and that disobedience be fully voluntary. Wherefore not rarely, from the defect of one of these conditions, the sin is judged light, especially when it is committed not from contempt or obstinacy, but from a certain frailty or inborn sense of independence.

978. (c) But children are not held to obey parents in the choice of the state of life, although generally it is greatly expedient to seek their counsel. The reason is that vocation to a

particular state is an act of divine providence which transcends the authority of parents; besides, since the happiness of the young depends very greatly on such an election, it belongs to them to choose and embrace this state, according to the sweet inclination which they experience and the admonitions of a spiritual director. Yet it is useful to seek the counsel of progenitors, especially if the matter concerns the lay state, since in these matters they have greater experience than adolescents.

Wherefore children can enter religion or receive sacred orders, while parents dissent, provided they enter this plan not lightly, but after mature deliberation. What power they have in order to matrimony we have already set forth on Matrimony, p. 217-221.

979. Note for practice. Often the young of each sex accuse sins against obedience or reverence owed to parents only in a confused and vague way; and since it is of great importance in our days to strengthen paternal authority, the confessor, with the best counsel, will prudently and diligently ask concerning this matter, so that, the nature of the sin having been detected, he may vividly manifest its malice to the penitents, and sweetly and at the same time strongly exhort the young to honor parents as living images of God, and to obey them as the Lord. - Children who have offended parents ought of themselves to ask pardon; but, if it is foreseen that the matter will be very difficult, this is not to be urged, lest perhaps those who bear this with difficulty be again exposed to the danger of sinning by omitting this petition for pardon; besides they can repair the wounded honor in another way, namely by gentle speech, or by the manifestation of sincere love; for this being posited, parents easily condone this obligation.

§ II. ON THE DUTIES OF MASTERS AND SERVANTS, OR ON HERILE SOCIETY.

980. Often domestic society is completed by herile society, inasmuch, namely, as male and female servants hire out their services to the head of a family, and for a certain price oblige themselves faithfully to fulfill certain duties in the house. This indeed arises from a twofold need and necessity: on the one hand, the members of the family cannot perform all the works which are required for domestic affairs; but on the other hand, there are certain persons who, on account of want or misfortune, can obtain the necessities of life by themselves only with difficulty: wherefore they desire to hire out their services, so that they may procure food for themselves or for others joined to them; thence arose service, or the contract by which certain outsiders, by hiring out their services, become of the master's family, and therefore are called domestics.

¹ Mayol, *Summa moralis*, col. 544-549, ed. Migne; Valentin, *Examen sur les Commandements*, Lyon, 1869, t. I, p. 202-216; Ball. P., n. 833-839; D'Hulst, Careme, 1894, 6th Conf.; L. M. Salmon, *Domestic service*, New York, 1897.

Servants are distinguished from workers, who hire out their services for a short time, but are not received into the master's family; for craftsmen have their own home and often a family, nor are they subject to employers except during those hours of the day for which they are hired, while servants ought to furnish obedience to masters for the whole time of service, and inhabit the house of the masters.

Historically it is certain that the condition of domestics has not always been the same; in antiquity many were bound to servitude; when afterward they were made free, for a long time the bonds between them and the masters were much closer than they are in our days; likewise today, the

contract of service is not entered into in the same way in different regions; indeed, in the same region, it is understood in one way in the countryside and in another in cities. Wherefore all these things must be carefully attended to in defining the mutual obligations of masters and servants: their extension and obligatory force depend greatly on the customs of times and places. - Likewise, when texts of Scripture, the Fathers, and Theologians are brought forward, one must carefully distinguish between general principles, which are adapted to all places and times, and special rules which are applied only to certain conditions of places and times.

I. On The Duties Of Masters.

981. Masters obtain their authority from God, who, by granting unequal gifts to men, willed that in human society some should be superior to others, and constituted a certain hierarchical order; in which sense it can be said: "For there is no power except from God."¹ Yet this authority is not absolute, but ought to be exercised moderately, prudently, and in a Christian manner: for servants, although inferior to masters in state and condition, are equal to them insofar as they are children of the same heavenly Father, redeemed by the same Savior, participants in the same sacraments, and destined for the same end; therefore Christian charity and modesty should temper authority.

¹ Rom., XIII, 1.

These things being posited, the duties of masters arise both from justice and from charity: from justice, when they flow explicitly or implicitly from the very contract of service freely entered into; from charity, which ought to be greater toward domestics than toward strangers.

982. 1. Justice demands that all legitimate conditions included in the contract be equally observed: - (A) A just wage ought to be paid at the appointed time, or according to the custom of the region confirmed by laws or custom; for masters have obliged themselves to this by the very contract. (a) As to the determination of the just price, the rules concerning the wages of workers handed down above are to be followed (On Justice, n. 819-826).

Hence those are guilty of injustice who, abusing the want or simplicity of servants, extort their consent to a wage below that which by common judgment is judged equitable. And indeed masters who assign very small wages to servants are less easily excused than employers who have many workers; for the latter sometimes, by reason of unbridled competition, are compelled to diminish stipends, lest otherwise they tend toward ruin; but the former, who have few servants, generally can pay a full wage without being conquered by the law of competition.¹

¹ Certain masters diminish the stipends of servants so that they may give more abundant alms, as they say; yet is it not better to give alms to the domestics themselves, as being nearer, under the form of a greater wage?

(b) Likewise those sin who do not pay the promised remuneration at the appointed time, but defer it for a long time;² the gravity of the injustice depends on the gravity of the damage thus inflicted: it is greater, for example, when servants need this stipend in order to sustain their own.

² For the words of Scripture look here: "Behold the hire of the laborers who have reaped your fields, which has been kept back by you, cries out, and the cry of them has entered into the ears of the Lord of Sabaoth" (James, V, 4).

983. Corollaries. (a) If a servant, hired for a year, is sick for a short time, for example, for a week, generally by the custom of places the whole wage is owed: and indeed deservedly, since sickness of this sort can be foreseen among things commonly occurring. But if he is sick for a notable time, strictly the whole wage is not owed, since remuneration, if justice alone is attended to, ought to be proportioned to the work furnished: therefore if the whole is paid, it will be a work of mercy.

(b) If a servant departs spontaneously, without a legitimate cause, before the time fixed, for example, before the month has elapsed, strictly speaking he loses the right to the wage corresponding to the time of service, because he himself broke the contract, and perhaps inflicted damage on the master thereby; nevertheless, if in reality the latter has suffered no damage, for example, because he can immediately find another servant, equity counsels that some compensation be given for the work furnished. - But if the servant is unjustly dismissed before the fixed time, or because of the fault of the master, who, for example, treats him harshly or provokes him to sin, he has a strict right to obtain compensation for all damages unjustly inflicted on him under this head.

984. (B) Masters cannot demand more works than those concerning which agreement was made in the contract; and if they ask anything more, they are held to increase the stipend. For since such a wage was determined by mutual consent for such a work, if the work is increased, the stipend ought to be increased. Yet often nothing certain has been defined, and the matter must be left to the judgment and moral estimation of prudent persons, according to the various customs of places.

985. 2. Duties of charity. Masters ought to love servants the more because these are nearer to them. Wherefore: - (A) They ought to treat them kindly: "If thou hast a faithful servant, let him be to thee as thy soul; treat him as a brother";¹ and therefore to address them most humanely, to preside over and command them without arrogance, to provide them sufficient food, and not to burden them with excessive labors. - Therefore they sin if they afflict them without cause by harsh and abusive words, and a fortiori by blows.

¹ Eccli., XXXIII, 31; cf. Ephes., VI, 9; Epistle to Philemon. - To the point Turgeon, op. cit., t. I, p. 363: "Appealing to masters and above all to mistresses, we beg them to penetrate themselves better with this Christian and human idea, that their domestics are their equals before God and before nature, beings who think as they do, who suffer as they do, and whom the progress of instruction and equality renders more and more sensitive to injustice, harshness, and humiliation. Let us have the courage to say to ourselves that they need more patience and resignation to serve us than we need to bear with them."

If servants labor under some infirmity or disease, masters ought to watch over them so that diligent care may be provided for them; indeed they are not strictly held to pay expenses for a doctor and medicines, unless this has been brought into the agreement; but often Christian charity will counsel this.

986. (B) They ought also prudently to procure the spiritual good of servants: by granting time for fulfilling religious duties,² namely, for hearing Mass, receiving the sacraments, learning Christian doctrine, etc.; - and therefore by not compelling them, outside necessity, to servile works on feast days or to eat flesh at a forbidden time; - by watching over good morals,

especially where there are younger servants of different sex;¹ - by prudently and gently, but firmly, correcting them when by blasphemies, filthy speech, impious conversations, or illicit familiarities they scandalize other domestics; - by chiefly taking care that they themselves do not induce servants to sin by bad example, incautious speech, or solicitation; and that sons of the family do not draw younger maids, by importunate attentions, to acts contrary to modesty and chastity.

² "Respect the conscience of the servant: no imposed religion: hypocrisy does not honor God; no impeded religion: it is an odious tyranny to deny to one who serves his fellow man the liberty of serving his God." (M. D'Hulst, op. cit., p. 182.)

¹ "Be vigilant: the servant forms part of the family; he must not dishonor it by his vices; you have charge of souls with respect to all who live at your hearth." (M. D'Hulst, *ibid.*) Wherefore the praised author laments, p. 450, that at Paris and in great cities male and female servants are promiscuously relegated, far from the rooms of the masters, to the upper part of the building, where younger persons are often exposed to proximate occasions of sinning.

II. On The Duties Of Servants.

987. 1. Duties of justice. (A) By force of the contract itself, they are held to furnish their services wholly and faithfully, just as it has been freely and equitably agreed, with that common diligence which is required by law or custom; - and therefore to inflict no damage on the master or on his goods, whether deliberately or from culpable negligence (On Justice, n. 793-794). - Therefore those sin who waste in idleness a notable part of the time owed to service, or divert it to their own or another's utility. - Moreover they ought to furnish obedience in all those things which pertain to service and good morals,² and those sin who obstinately resist the legitimate commands of masters.

² Here belong the words of the Apostle, with the due distinction nevertheless preserved between slaves and servants: "Servants, obey your masters according to the flesh with fear and trembling, in the simplicity of your heart, as Christ; not serving to the eye, as pleasing men, but as servants of Christ, doing the will of God from the heart." (Ephes., VI, 5-6; cf. I Pet., II, 18-19.)

(B) Those who are hired by office to guard some thing, such as guardians of houses, administrators of household property, etc., are held by justice to prevent any damage from being inflicted on those things of which they have the guardianship or management; and if, from their culpable negligence, damage has been inflicted, they are held to its reparation, as unjust cooperators. But if they have been hired for common labor, they are indeed held by charity to prevent damages, but probably not by strict justice, according to modern customs. (On Justice, n. 512-515; in the same place, nn. 439, 457, see what we said concerning thefts of servants and hidden compensation.)

(C) It is not licit to desert service before the fixed time except for a grave cause, and, insofar as it can be done, with the master opportunely warned: this is clear from the very nature of the contract.

988. 2. Duties of charity. (A) They ought to furnish interior and exterior reverence to masters, insofar as they are divinely set over them in those things which pertain to the government of the family; for the words of the Apostle to slaves can in some way be accommodated to servants: "Whosoever are servants under the yoke, let them account

their masters worthy of all honor."¹ - Therefore they sin if they despise masters, mock them, offend them with abusive words, or bear themselves insolently toward them.

¹ I Tim., VI, 1. - "As the master ought to see in his servant a brother, his equal before nature and before redemption, so the man who serves his fellow man ought to respect in him this element of divinity which resides in his person and consecrates his authority." (M. D'Hulst, l. c., p. 189.)

(B) In a special way they ought to take care that they do not harm the master or his family by detraction or by the manifestation of secrets which they know from the office entrusted to them: from the fact that they are made in some way participants in domestic life, they ought to be more cautious when they converse with strangers about domestic matters.

It is indeed greatly to be desired that relations between servants and masters be more intimate, as in reality they still exist in some families; but if they cannot generally be restored, let the difficulties of service at least be tempered by mutual reverence and charity. - Priests, however, should not neglect the spiritual care of servants, but with paternal solicitude should take pains that by opportune counsels and pious confraternities they keep them from evil and direct them to the perfection of virtue.²

² How solicitously H. de Tourville, a man otherwise very meritorious concerning social matters, performed this, P. Bureau has set forth, *L'Oeuvre de H. de Tourville*, in *Science Sociale*, t. XXXV, 1903, p. 470-471.

ART. II. ON THE DUTIES EMANATING FROM CIVIL SOCIETY.

989. Preliminary remarks concerning the origin and nature of this society.³ To domestic society, already instituted from the beginning, civil society was soon superadded. First indeed there appear patriarchal families, enlarged through several generations, and at the same time aided by outside persons who are joined to the family either as servants furnishing their services, or as associates seeking protection: all these dwell together under the rule of the elder father of the family. A little later other families, weaker for defending themselves against external dangers, attacks of beasts or men, flowed together in constructing towns, and instituted a certain confederation under the rule of a more powerful leader; and thus tribes arose, or associations of several families. Afterward certain tribes joined themselves to others, either for the sake of security, so that they might repel external enemies more efficaciously, or from a certain necessity, because the weaker, conquered by the more powerful, passed under their rule; and thus nations were gradually formed.

³ M. D'Hulst, *Careme* of 1895, 1st Conf.; Meyer, op. cit., t. II, n. 266 seq.; Castelein, *Droit naturel*, p. 737-767.

990. We note only a few things concerning the various forms of civil government. A threefold form was already distinguished by Aristotle: monarchic, when supreme power resides in one man; aristocratic, when authority belongs to some college of the best men; democratic, if authority remains with the whole people organically united. Today, however, among cultivated nations, especially two forms of government prevail: - monarchy, tempered by other elements, aristocratic and democratic; a republic, or representative democracy, in which the people administer public affairs not directly by themselves (which is impossible), but through deputies elected by themselves.

But whatever the form of government may be, some supreme authority is necessary as the public guardian and patron of social order, whether for protecting peace and security against external enemies, or for protecting the rights of citizens against unjust aggressors dwelling in the state itself; and as the provident promoter of institutions which can serve the common good. - Individual citizens, however, especially those who exercise some office, ought, under the rule of the supreme authority, to labor for the good of the republic. - These things being posited, we shall treat: 1. of the duties of superiors and inferiors in general; 2. of certain offices in particular.

§ I. ON THE DUTIES OF SUPERIORS AND SUBJECTS IN GENERAL.

991. Superiors, or princes, are here called not only those who possess supreme power in civil society, such as a King, Emperor, or President of the Republic, but also those who have a part in the Government, as ministers, or also deputies and senators, in regions where supreme power is divided among several. - But subjects are called those who are subject to civil authority.

But love and worship of the fatherland ought to be common to all, not indeed in the sense that foreign peoples are despised or held in hatred, but in the sense that the region where one was born and educated, in which one's fathers are buried, and which has received its mission from God, is specially loved. And indeed this love ought to be generous, so that we are prepared to act rightly, to suffer patiently, and to die for the common good of the fatherland.¹

¹ Card. Gibbons, Patriotism and Politics, in the periodical North Amer. Review, April 1892, p. 385-400.

I. On The Duties Of Superiors, Or Princes.²

² St. Thom., De regimine principum, Opusc. XVI, among the works published at Parma, t. XVI, p. 225-291; Bellarmine, De officio principis christiani; cf. Leo XIII, Encycl. Immortale Dei, 1 Nov. 1885; Noldin, n. 304-306.

992. Legitimate superiors, whoever they are and in whatever manner they have been elected, act in the place of God, since every power proceeds from God; therefore they do not enjoy unlimited authority, but ought to exercise rule in dependence on the natural and divine law. Their functions and duties, and also the scope of their power, are defined by the Constitution and civil laws of the various Peoples; here we can briefly touch only the more general matters.

993. 1. Superiors are held, by force of their office, primarily to intend and procure the common good, and only secondarily the particular good, whether their own or that of those who are nearer to them. For since society was instituted to promote the common good, those who preside over society were chosen for this, that they might provide for this common good; wherefore they sin against the duty of their state if, administering care of the republic remissly and negligently, they strive to serve the advantage of the few. Hence: -

(A) First, they ought to know in what the common good consists, whether material or spiritual, and by what means it can and ought to be promoted, not only in itself, but also with all circumstances of times, things, and persons attended to; otherwise they will act imprudently, and will inflict many damages on the republic and on private persons. Wherefore they ought diligently to devote themselves to political, economic, and social science; and if they wish to be of more profit to the

fatherland, they will try to know in some measure not only the morals and laws of their own people, but also of foreign nations: for, once a comparison has been made between the laws of diverse peoples, it can be better understood how paternal customs may be amended.

(B) The exercise of rule ought to be just, not tyrannical, "but as it were paternal, because God's most just power over men is also joined with paternal goodness."¹ Wherefore respect of persons must be avoided, by force of which favor is shown to one class of citizens rather than to another, or to some private persons rather than to others, without reasonable cause. This is especially to be observed in the distribution of offices and burdens; when injustice is admitted in this matter has already been explained, *On Justice*, n. 467-468. But, even with justice uninjured, administrators of the republic sin who knowingly and willingly keep the worthier from offices and call the less worthy; for thus they do not provide for the public good, but for their own or for that of a few friends, with detriment to others.

¹ Leo XIII, *Encycl. Immortale Dei*.

994. 2. They are held to protect and promote the good morals of citizens, not only by laws and judicial power, but also by examples. For all concede that good morals contribute much even to the temporal utility of the republic. Wherefore, when abuses have already begun to prevail, for example, public drunkenness because of the multitude of taverns, the corruption of the young through obscene books or obscene pictures or exhibitions, it is necessary that the supreme authority strive to restrain them either by just laws, or by more efficacious observance of the laws. - From this it follows that those who preside are held by a stricter obligation to provide good example, since subjects tend to imitate superiors, according to that saying: By the king's example the whole world is fashioned.
995. 3. They ought to defend and protect private associations which contribute to the good of citizens, but to restrain those which are evidently opposed to good morals; for the former furnish aid to the republic, but the latter greatly harm it. This was more fully explained where we treated of the right of association, *On Justice*, n. 183-194. But concerning relations between the civil power and the Church we have disputed elsewhere, *On The True Church*, n. 227-250.
996. 4. As to deputies specifically, and all those who enjoy the right of suffrage in Assemblies, these things especially are to be noted: -

(A) Only those can seek and accept this office who can exercise it prudently and usefully; otherwise, they expose themselves to the danger of inflicting grave damage on the republic. - But if suitable persons have been elected, they cannot refuse the office without a grave cause: for the public good demands that wise and upright persons should not decline an office and burden useful to the fatherland.

(B) They are held to fulfill their office faithfully and vigorously, caring for the common rather than the private good. Wherefore they ought to acquire the economic and social science necessary for the exercise of their office, not only speculative but also practical, by studying theories and facts together, and especially those questions which are foreseen as to be treated in the Legislative Assembly.

(C) They ought to be present at sessions, as often as they are not impeded by a grave cause; indeed, when they cannot be present, let them take care that, as often as a question of great moment is to be decided, they be immediately summoned by telephone or telegraph, lest perhaps an unjust or inopportune law be enacted while they are absent. - But they ought to cast their vote according to the dictate of conscience, and, if the matter is doubtful, let them have recourse to those who can provide wise counsel. - If by their vote they concur in an unjust law, they sin and sometimes are held to restitution, according to the principles explained above, On Justice, n. 503-505.

II. On The Duties Of Subjects.¹

¹ Meyer, t. II, n. 497-537; Noldin, n. 307-319; Vermeersch, De Justitia, n. 83-131; Ami du Clerge, Le peche electoral, t. XXV, 1903, p. 979, and t. XXVI, 1904, p. 2.

997. 1. In regions in which deputies and senators are elected, who by their votes concur in administering public affairs, the primary duty of those who have the right of electing is prudently and vigorously to labor for procuring the election of a suitable candidate.

For the matter at issue, especially in our days, is of the greatest moment: for, in Legislative Assemblies, questions are often debated not only commercial and industrial, but also moral and religious, on whose solution depends the good not only temporal but also spiritual of many citizens, indeed of the whole People. But the solution of questions of this sort depends chiefly on elections: if prudent and honest men are chosen, endowed with courage of soul, a Catholic spirit, and, insofar as it can be done, eloquence, religion and the fatherland will flourish together; but if foolish, evil, irreligious men are elected, a way is prepared not only for temporal ruin, but also for corruption of morals and innumerable errors against faith. Wherefore upon all electors there lies a grave duty not only of abstaining from selling their vote, but also of concurring vigorously in the election of a suitable candidate; from which they cannot be excused except on account of a proportionately grave cause. Hence: -

998. (A) Light causes by no means excuse from this duty, insofar as they are loss of time, hunting or honest recreation, or the mockery of malevolent fellow-citizens: for all these things are something light in relation to the public utility. Nor generally does the probable uselessness of casting votes excuse, because, for example, there is scarcely any hope of electing a good candidate; for, even in this case, it is greatly expedient to show by deeds that good citizens do not at all despair, but are prepared to use all licit means until good deputies can at last be elected. - That one may be dispensed from such a duty, an altogether grave cause is required, such as would be the loss of an office necessary for honest support. - Nevertheless, if it is morally certain that one's vote will profit nothing, or that society will suffer no detriment from the election, whichever candidate is elected, because, for example, both are equally good or evil, a lesser cause suffices so that one can abstain from the election. Nonetheless, even in these cases, it is generally expedient to cast a vote for some upright citizen, so that good example may thus be provided; and this indeed more urgently presses those who possess greater authority and can draw others by their example to giving votes.

999. (B) If the choice is given only between two unworthy candidates, of whom nevertheless one is worse than the other, for example, between a socialist and another imbued with liberal errors, a vote can be cast for the less unworthy, and generally it is expedient; for between two evils it is licit to choose the lesser; but, to forestall the scandal of the little ones, it should be declared publicly that this is done only to impede the evils that would follow from the election of the worse one; besides, good citizens who cast their vote for the less unworthy should warn him that they concur in his election only so that he may vigorously oppose the evil principles advocated by the other candidate and repel unjust laws: for thus he will try to act more cautiously.

(C) That upright citizens may more efficaciously concur in administering public affairs honestly and prosperously, it is necessary that they establish permanent associations among themselves, and hold public meetings, by which electors may be instructed concerning their duties, concerning the importance of questions which will be proposed for decision in Assemblies, concerning the necessity of choosing the best deputies; and this ought to be declared not only speculatively but practically, by setting forth facts, how the deputies of such a province cast their vote for such or such a law, what consequences arose from it, etc., so that electors may be able prudently and freely to choose the worthier among the various candidates.

1000. 2. But in all regions, subjects ought to furnish reverence, obedience, and fidelity to legitimate superiors: -

(A) Reverence indeed, insofar as superiors act in the place of God; and therefore, whatever gifts they shine with or vices they labor under, they have the right of receiving due honor, on account of the authority committed to them, and the excellence which flows from this authority: "Render therefore to all what is due: tribute to whom tribute is due... honor to whom honor."¹ - Therefore those sin who deny due signs of honor to the civil power without just cause, and show it contempt and irreverence. Today indeed the public acts of ministers and officials are deservedly scrutinized and subjected to strict examination, so that abuses which they could favor may thus be forestalled; yet this ought to be done honestly, by avoiding whatever smacks of falsehood and calumny.

¹ Rom., XIII, 7. - How the ancient Christians furnished reverence and obedience to emperors, even persecutors, Guignebert describes, Tertullien, p. 21-128; Adhemar d'Ales, La theologie de Tertullien, p. 397 sq.

1001. (B) Obedience, insofar, namely, as they ought to obey just laws, and also the equitable sentences of judges: "Let every soul be subject to higher powers: for there is no power except from God... Therefore he who resists the power resists the ordinance of God... Therefore be subject of necessity, not only because of wrath, but also because of conscience."² - In reality no society can subsist for a long time without the faithful observance of laws; for if each one acts as he pleases, and laws are despised, soon the weaker will be oppressed by the more powerful, and dissensions and fights will succeed peace and concord. - How far the obligation of obeying laws extends has been explained in the Treatise on Laws, n. 341-348; concerning the law of taxes in particular it has been said, On Justice, n. 591-598.

² Rom., XIII, 1-5.

But when a law seems unjust or less opportune, it is not only licit, but expedient, to use licit means for abrogating or reforming it, by writing to deputies so that they may propose this change, if they wish to be elected again.

1002. (C) Let them also furnish fidelity, insofar as it is not licit to stir up rebellion or to kill those who preside, as we have explained, On Justice, n. 362-363; for since today supreme authority is in the hands of a Legislative Assembly, whose members are elected by the votes of citizens, the votes of citizens have greater force for protecting liberty and justice than arms of any kind.

§ II. ON THE DUTIES OF CERTAIN CITIZENS IN PARTICULAR.

Lest we transgress the limits of a brief Compendium, we shall speak only: of judges, advocates, plaintiff, defendant, and witnesses, and also physicians: for the good of the fatherland and of private persons depends very greatly on the manner in which these fulfill their office.

I. On Judges.¹

¹ Lessius, lib. II, c. 29; Lugo, De Justitia, disp. XXXVII; Conf. d'Angers, t. II, 3rd Conf.; Valentin, Examen sur les devoirs des professions, t. I, p. 1-60; Ball. P., n. 537-593; Noldin, n. 708-717.

1003. A judge is a public person, constituted by legitimate authority to speak and define right. For it is not sufficient that laws be enacted and promulgated, but it is required that they be carefully and faithfully observed. But the observance of laws is especially promoted by judicial power: when suits arise between private persons, or when delicts or crimes are perpetrated, it belongs to judges to settle the matter disputed between the parties, or to punish delinquents: in the former case, the cause is called civil, in the latter, criminal.

Here the matter concerns only secular judges; for ecclesiastical judges are discussed at length in the Lectures on Canon Law. - Today, however, among most nations, in criminal causes, judges of two kinds are employed: jurors, who judge concerning the fact itself, namely whether and in what degree the accused is truly guilty; judges properly so called, who decree a penalty proportioned to the crime. We shall speak: 1. of judges properly so called; 2. of jurors.

1. On Judges Properly So Called.

1004. Besides jurisdiction, which is necessary for the validity of the sentence, and concerning which one treats in both Laws where there is question of the competence of the forum, three obligations chiefly are incumbent upon a judge: -

(A) He ought to possess competent knowledge, so that he may render an equitable judgment: otherwise he exposes himself to the danger of inflicting damage on those who place themselves before his tribunal. Therefore he ought diligently to study the laws in force in his region and also jurisprudence; the higher and more difficult the office entrusted to him is, the more eminent ought the knowledge to be with which he is furnished.

Hence, if some judge is destitute of competent knowledge, he cannot be absolved unless he resigns the office, or learns juridical science and meanwhile abstains from exercising the office, if it can be

done, or at least takes the counsel of a more learned person, if he is wholly unable to abstain.

Likewise he ought to use at least common diligence for knowing the particular cause concerning which he will render judgment, and for hearing the arguments which are brought forward for and against by the advocates; otherwise he can be deceived about the facts set forth.

If the judge culpably inflicts damage on one party, whether on account of lack of skill or on account of negligence of which he is conscious, he is held to repair the damage which the injured party has suffered: for he was the efficacious and unjust cause of this damage. - But if he does this inculpably, from some inadvertence, he ought to warn the injured party, so that this one may provide for himself through appeal or in some other way.

1005. (B) He ought to exhibit perfect integrity in all things, so that he yields neither to love nor to hatred, neither to pleas nor to threats, but follows only the dictate of conscience; for the matter here is not of grace or favor, but of strict justice, for which perfect incorruptibility is altogether required.

Hence all laws deservedly prohibit a judge from accepting money or gifts for weighing a matter and rendering sentence; otherwise he would be exposed to the danger of acting unjustly: for gifts once accepted more or less allure one to pronounce sentence in favor of the giver. Indeed it is not fitting to accept gifts from litigants as gifts offered from mere liberality; for the judge already receives a stipend for faithfully fulfilling his office, and therefore has no right to obtain anything else; besides, an honorable man rejects all gifts of this sort, even small ones, lest perhaps his integrity come under suspicion. - Nor ought he to accept money voluntarily offered to him so that he may expedite one cause before another; by force of his office, he is held to expedite all causes quickly, and ought not to favor one before another.¹

¹ Some say that small gifts can be accepted, because they are not thought to have the force of alluring one to an unjust sentence; thus Noldin, n. 710. Others contend that money can be accepted for expediting the matter more diligently, if extraordinary labor is required for this (id., n. 711), or for expediting one cause before another, when several enjoy equal right (Laymann, l. III, tr. IV, c. 4, n. 9). But we think that all these things must be rejected as dangerous, and unworthy of an honorable man. Nevertheless, after the fact, if in reality no damage has been unjustly inflicted on anyone, there is no strict obligation of restoring.

1006. (C) The judge ought to proceed according to the laws as to the order and form of the judgment, and render sentence according to things alleged and proved. For he is not the maker of the law, but its interpreter; nor does he act according to the private knowledge which he has, but according to public knowledge, which he has acquired as judge, and therefore according to things proved. This is the general principle, which nevertheless admits certain exceptions, and therefore must be explained a little more fully.

(a) When someone is known by private knowledge as guilty, but juridically has not been convicted, he ought to be absolved: for it is better for the public good that one guilty person be absolved than that the judicial order be disturbed, with the danger of sometimes condemning an innocent person.

1007. (b) But if the judge knows by private knowledge that someone is certainly innocent, who nevertheless has been juridically proved guilty, there is much dispute among theologians: some say, with St. Thomas,¹ that he ought indeed, because of this knowledge, to examine the

witnesses more diligently, so that he may find an occasion of freeing the innocent man, and, if he cannot, to leave him to be judged by a superior; but if he cannot do even this, it remains that he render sentence according to the allegations, which he ought to follow in judging rather than what he himself knows as a private person. - But others limit this opinion to the case in which the penalty to be imposed is monetary or some privation of office: for then the public authority wills to deprive him of some temporal goods, on account of the common good which requires that in these matters the judicial order be preserved. But if there is question of capital punishment or prison, the judge cannot condemn an innocent person, because society does not have the right of depriving an innocent person of life or liberty, since this is intrinsically evil.² - Finally others assert that in no case is it licit to condemn him who is certainly known as innocent, although from private knowledge.

¹ St. Thom., 2. 2., q. 64, a. 6, ad 3; q. 67, a. 3.

² Lugo, *De Justitia*, disp. XXXVII, n. 42-47; St. Alphons., n. 208.

Today, however, because of changed circumstances, the matter can be arranged thus: in criminal causes, jurors render sentence concerning the fact itself; but these, by civil law, ought to affirm only that of which they are inwardly persuaded, nor are they held to render the reason of the sentence which they give; wherefore they ought never to condemn an innocent person, in whatever way they know him to be innocent. - But when jurors have pronounced someone guilty, nothing more remains for judges than to declare the penalty which belongs to this crime;¹ therefore they cannot absolve him; perhaps they could omit some legal form, so that a place may be given to a new examination of the cause and to a new opportunity of discovering the truth.

¹ In many regions, however, as in France, judges today have a certain power of proportioning the penalty to the delict: therefore if they are persuaded that the accused is innocent, they ought to inflict the minimum penalty.

1008. (c) But if the arguments brought on both sides leave the matter doubtful, these things seem to be established: in criminal causes, in which a penalty is to be imposed, the accused is to be favored, and therefore he is to be absolved, unless the crime is morally certain: for crimes are not presumed, but ought to be proved.

In civil causes, if one party is in legitimate possession of the thing, he can retain it: for in doubt the condition of the possessor is better; but if neither possesses, the thing ought to be adjudicated to him whom the greater probability favors: for when rights are opposed to rights, the judge ought to prefer those which have greater evidence for themselves;² - if the probability on each side is equal, an amicable settlement is to be counseled or even imposed.

² Hence as scandalous and pernicious in practice the following proposition was reprovved by Innocent XI, March 2, 1679: "I think it probable that a judge can judge according to an opinion even less probable." (Denzinger, n. 1019; as to a fuller explanation, cf. Viva, on this proposition.)

1009. (D) If the civil law is manifestly unjust, a distinction must be made: (a) if it is opposed only to ecclesiastical law, for example, to the immunity of clerics, the judge should ask from ecclesiastical superiors the faculty of judging such a cause; and this indeed is generally easily granted, lest an upright judge be compelled to resign his office; (b) but if it is directly opposed to the natural or divine law, it is not licit to render sentence according to the unjust law, but

the judge ought either to abstain from judging the matter, or to resign the office: for to impose upon someone, by a judicial sentence, something which is directly and manifestly contrary to the natural or divine law must be called intrinsically evil.³

³ But it does not seem intrinsically evil to impose a light penalty on an innocent person, according to an unjust law, if otherwise the judge would be compelled to lay down his office: for then the innocent person is deservedly thought to consent to this penalty, for the public good, namely lest honest judges be compelled to desert their office. (Noldin, n. 714.) - What specifically is to be done as to the law of divorce, we have explained, On Matrimony, n. 116.

1010. Corollaries. (A) If a judge has issued an unjust sentence, whether by condemning an innocent person, or by inflicting a penalty greater than just, he is held to repair the damage inflicted in the better way in which it can be done. (a) If he did it culpably, he ought to revoke the sentence, while he can; even with great inconvenience to himself; otherwise, he ought to warn the innocent person to appeal to a higher tribunal, and to repair the damages inflicted under this head. (b) If inculpably, from inadvertence, he is held to revoke the sentence, if it can be done without great inconvenience, or to suggest an appeal: but he is not strictly held to repair at his own expense damage inculpably inflicted, from what has been said in the Treatise on Justice, n. 474 sq. - But if there is question of a fine, which ought to have been imposed, but in fact was not imposed, the judge is not held to restitution, although he sinned against legal justice, because the right to the fine arises not from commutative justice but from legal justice.
1011. (B) A judicial sentence that is certainly just produces an obligation in conscience: for it is an authentic declaration of the law, which has the force of a particular precept as to the litigants themselves. - On the other hand, if it is certainly unjust, it has no force in conscience, as is clear; but, if there is place for appeal, it is expedient to use this privilege rather than openly to resist judicial authority or to use hidden compensation. - If it is doubtfully just, an appeal can indeed be made to a higher judge, but meanwhile the sentence has force even in conscience: for in doubt the presumption stands for the superior.

2. On Jurors.

1012. Juror judges (jures, jury) are so called because by oath they promise to perform their office duly. But it properly belongs to them to judge concerning the culpability not only material but also formal of the fact which is subjected to their examination, with all circumstances of persons, facts, etc., attended to, according to the inward persuasion which they have acquired from all these; nor are they ever held to render a reason for their judgment.

Since jurors are chosen from among all upright citizens, and juridical knowledge is not required of them, but only uprightness, they can accept that office, even if they are wholly ignorant of jurisprudence, provided they have a mind free from disordered affections and prejudices, and are prepared diligently to attend to all things which will be set forth in the judicial action. The reason is that they ought to pronounce only concerning facts and their culpability, not concerning juridical questions.

1013. When the matter is criminal, jurors cannot affirm culpability unless it is morally certain to them; otherwise they would incur the danger of condemning an innocent person. But they can

acquire this certitude especially from the judicial acts, yet without being prohibited from using private knowledge: for civil law permits them to judge according to their conscience, and therefore according to knowledge which they have obtained in any legitimate way whatsoever. - Hence if by private knowledge they know certainly that the accused is innocent, even if from allegations and proofs he seems to be guilty, they ought to absolve him. But if he appears innocent from the acts of the judgment, and otherwise he is known certainly to be culpable, the matter is disputed; it seems more equitable that he is to be absolved,¹ both because odious things are to be restricted, and because otherwise the danger is present lest an innocent person suffer irreparable damage: for it is better, generally at least, that a few guilty persons be freed than that one innocent person be unjustly condemned.

¹ Thus Lehmke, n. 807; Ball. P., n. 592; Noldin, n. 717; Berardi, Praxis, Tr. VII, n. 108, holds the contrary.

II. On The Duties Of Advocates.²

² Lessius, lib. II, c. 31; Lugo, disp. XLI; Conferences d'Angers, t. II, Conf. 4-5; Valentin, op. cit., p. 113-170; Ball. P., n. 596-609.

1014. An advocate, or pleader, is said to be one who undertakes to defend the cause of litigants in judgment; this he furnishes by opportune counsels, and especially by pleading the cause before the judge either orally or in writings, according as the custom is in various regions. - Hence he ought to possess competent knowledge, as we have said concerning the judge; otherwise, he exposes himself to the danger of doing harm, and is held to repair damage actually inflicted, according to the things explained above, n. 1005. Moreover, however, duties are incumbent upon him: 1. as to the cause to be defended; 2. as to fidelity owed to the client; 3. as to the stipend to be demanded.

1015. 1. Concerning the justice of the cause which is undertaken. The general principle is that an advocate can undertake only just causes, and defend them only by just means; otherwise damage is inflicted on the other party. But to declare the matter more fully, certain distinctions are necessary: -

(A) In a civil matter, an advocate cannot undertake a cause which he knows certainly to be unjust; for if he conquers, he unjustly cooperates in the damage which is inflicted on the adverse party; if he is conquered, he inflicts damage on his client, who incurs useless expenses. Wherefore, if in the course of the judicial process he certainly knows the cause which he undertook in good faith at the beginning to be unjust, he ought to abandon it, and warn the client concerning this matter. - But if the cause is doubtful from the beginning, the advocate can undertake it, with the client warned, since tribunals have been instituted for settling controversies, and otherwise a cause which seemed doubtful in the beginning can become certainly just in the course of the process.

So long as the cause remains doubtful, the advocate can counsel an amicable settlement; but if it appears certainly unjust, nothing remains except that it be abandoned.

(B) In a criminal cause: (a) he can licitly defend the accused, even if it is certain that he is guilty; indeed, among cultivated Peoples, the custom has prevailed that an advocate be assigned to any accused person whatever, so that judicial forms may be observed more securely, and the accused may

escape every injustice or excessive severity. Therefore the advocate can help the accused by all legitimate means which are available to him, but by no means by deceit, fraud, or lies. - (b) But it is not licit to protect the role of the accuser when the accused is certainly or very probably innocent; for thus the advocate would unjustly cooperate in the unjust condemnation of an innocent person.

(C) In each kind of causes, it is not licit to use unjust means, namely lies, frauds, false witnesses or false documents, because fraud and deceit ought to patronize no one. - Hence if an authentic document has been lost, it is not licit to substitute a fraudulent transcript for it: for this is a lie deservedly forbidden by laws, lest otherwise a way be opened to all frauds, with great public detriment.

When an advocate has unjustly inflicted damage on a client or on the adverse party, he is held to repair it, according to the principles explained above, *On Justice*, n. 466 sq.

(D) What he can do in a cause of divorce, we have explained in the *Treatise on Matrimony*, n. 115.

1016. 2. Concerning fidelity toward the client. By force of his office, an advocate is held to plead diligently and faithfully the cause which he has undertaken, namely:

(A) Seriously to examine the cause, with that diligence, namely, which the gravity of the matter demands; and afterward sincerely to warn the client concerning the justice or injustice of the cause, and also concerning the probability of conquering or succumbing, so that this client, duly instructed, may be able to avoid useless expenses; if he culpably omits this, he is held to repair the damages that follow from it.

(B) He ought to expedite and defend the cause undertaken with that diligence which prudent men are accustomed to employ in a similar business. Wherefore, if, while the office of considering the matter attentively, reading documents, or approaching judges is incumbent upon him, he indulges in vain conversations or games, or devotes work to other matters, he is held to repair the evils befalling his client or adversary from this negligence or delay.

He also sins gravely who deliberately treats a cause badly, so that he may favor the other party, or deserts a suit begun, so that he may patronize the adverse party: this is deservedly prohibited by civil law, on account of the danger of abusing secrets entrusted by the former client.

1017. 3. Concerning the fees which can be demanded. (a) He can demand a stipend for the cause which he pleaded, provided that he does not exceed the limits of the just price; but the just price is determined by law, agreement, or custom, according to the judgment of prudent persons, with attention to the business, the skill of the advocate, and the labor spent in the cause. If, after the price has been agreed upon, the client, because of a just cause, desists from litigating, for example, because the injustice of the suit has been detected, the whole price is not owed, but only compensation for the labor spent, according to the estimation of prudent persons.

(b) When there is question of the poor, who are placed in extreme necessity, he is held by charity to plead the cause gratis, even with grave inconvenience; if they are placed only in grave necessity, he is held to this with only slight inconvenience. This is certain from what has been said where we treated of charity, since this is one of the ways of providing alms.

III. On The Plaintiff, The Accused, And Witnesses.¹

¹ St. Alphons., l. V, n. 234-290; Lehmke., t. I, n. 811-821; Ballerini-Palm., t. IV, n. 612-638.

1017¹. 1. On the plaintiff and accuser. (A) Plaintiff is said to be one who in a civil cause calls another into judgment. He is held: (a) to seek just things; (b) to proceed according to the paths of law; (c) to bring proofs. If he seeks unjust things or draws an innocent person into judgment without reason, he sins against justice, and is held to reparation of the damage inflicted.

(B) The accuser is the one who in a criminal cause brings the crime before the judge and undertakes the burden of proving. - In modern law, judicial accusation made by private persons is commonly not admitted (which ought to be made by the royal or republican procurator), but only denunciation, by which the delict is brought before the judge or procurator, without the denouncer undertaking the burden of proving.

They are held to denounce delicts or crimes: (a) from justice, those who by force of their office or of a special agreement are constituted for this, such as public officials, guardians of fields or forests, etc.; these, if they neglect their office, are held to restitution according to the principles explained above, n. 512-515; (b) from charity, when there is question of a crime being committed, from which grave damage threatens an innocent person which otherwise cannot be averted, - or of a crime even past which cannot be kept silent without grave common damage, - or of a crime which positive laws prescribe to be denounced for a legitimate cause.

That denunciation may be licit, the crime ought to be certain or at least very probable; in this latter case it ought not to be manifested as certain.

1017². 2. On the accused. The accused is said to be one who is drawn into judgment and against whom action is taken.

(A) In a civil cause, an accused who knows that the plaintiff's cause is certainly just: (a) ought not to begin a suit, but to satisfy the just petitions of the plaintiff; if the matter is doubtful, he can defend his probable right; (b) indeed, even if he has been absolved in judgment, he is not excused from the obligation of paying the debt; for the injured party, even when he does not appeal from the sentence issued, is not thought to have renounced his right in the internal forum; (c) if he obtained the sentence by unjust means, he is held besides to compensate the expenses of the suit; but not so if, because of a defect of proofs, sentence was issued in his favor.

(B) In a criminal cause: (a) the accused, by modern law, is not held to confess the crime committed by himself, but can declare himself innocent (in English, plead not guilty), because, from the circumstances, such a declaration signifies that he has not been judicially convicted of this crime; (b) he has the right of defending himself by manifesting even the hidden delicts of witnesses, if this is necessary for weakening the force of their testimony, because he is not held to preserve their reputation with grave inconvenience to himself; but it is not licit calumniously to impose a false crime on them, nor a fortiori to kill false witnesses or an unjust judge: for evils are not to be done so that good things may come; (c) he is not held to concur actively in his punishment, and therefore, even when justly captured, he can flee, or escape from prison, indeed probably break prison, in order to preserve life or liberty; and therefore he may deceive and frighten guards and officers, but not use force against them or corrupt them so that they fail in their office; yet if an innocent man by money

given induces guards not to obstruct his flight, he does not sin, because then he does not entice them to an evil act. - When it is licit for the accused to flee, others who otherwise are not his official guards can furnish counsel and aid to him.

1017³. 3. On witnesses. Witnesses are said to be those who are legitimately called into judgment to bear testimony concerning a litigious matter.

(A) On the obligation of appearing. (a) No one is held spontaneously to offer himself for testifying, unless this is necessary for averting grave damage to the republic or to some innocent person; if there is question of the public good, we ought to testify even with our own grave inconvenience; if of private good, we are not obliged with grave inconvenience.

(b) He who has been cited by legitimate authority is held to appear, and indeed under grave obligation, unless the matter is of slight moment or the testimony is not necessary: for obedience owed to civil authority demands this.

(B) On the obligation of testifying. To a judge legitimately interrogating, with the order of law preserved, a witness is held under grave obligation to answer according to truth and conscience, unless a legitimate cause excuses him. (a) False testimony is of itself a grave sin against truthfulness, against religion, if an oath has first been emitted, as usually happens, and against justice, if damage has thereby been inflicted on the neighbor (above, n. 402).

But there is a distinction between him who says what is false and him who asserts that he knows nothing: the former positively cooperates in injustice, and therefore is held to restitution (above, n. 403); the latter is only a negative cooperator, and therefore is not held to restitution unless from justice the office of denouncing the accused is incumbent upon him (above, n. 512-516).

(b) A legitimate cause excusing from rendering testimony is a founded fear of public or private evil that is very notable; then the witness indeed cannot properly lie, but can say that he does not know, since, from the circumstances, this signifies that he cannot morally, without grave inconvenience, reveal the matter.

Thus the confessor ought to answer, who knows the matter only from sacramental confession, or from a natural or entrusted secret: in the former case the sacramental seal can never be violated; in the latter, the secret cannot be revealed unless the common good or a very great private good demands it, according to the principles explained above, n. 421-425. - Likewise they are excused from giving testimony: one who has unjustly, by force or fraud, arrived at knowledge of the matter, for example, by opening another's letters; one who knows that the accused did not sin, although he materially committed the delict; one who from testimony prudently fears that the greatest damage threatens him or his own, unless nevertheless the damage that would follow from testimony denied would be much greater; one who knows the fact only from witnesses little worthy of trust: for then he is judged not to know.

IV. On The Duties Of Physicians.¹

¹ Conferences d'Angers, t. III, 3rd Conf., p. 76-149; Valentin, t. I, p. 293-348; Surbled, op. cit., t. III, p. 155-245; Ch. Coppens, *Moral and Medicine*, New York, rendered into French under the care of J. Forbes, *Morale et Medecine*, Paris, 1901, 3rd Conf.

Physicians and surgeons exercise a noble and arduous office, since the bodily life of men is entrusted to them, and otherwise, by fulfilling the office in a Christian manner, they can contribute not a little even to spiritual life.

1018. 1. They ought to possess competent knowledge and at least ordinary skill; otherwise they are exposed to the danger of inflicting irreparable damage on the sick or wounded, and under this head can be obliged to restitution. But because today medical science progresses, those who wish to fulfill their office faithfully should not cease to devote themselves to study. Likewise in very difficult cases, when they doubt their own skill, let them not hesitate to call in another physician more skilled, if the sick person or his family consents to this.
1019. 2. They ought to exercise their office diligently and faithfully, namely: (A) When, after a stipend has been accepted or promised, they have obliged themselves to care for some sick person, at whatever hour of day or night they ought to hasten as soon as morally possible, unless they certainly know that no damage will follow to the sick person from delay; for the gravity of the matter demands this, namely human life committed to their care. - Likewise when they have been hired by a Municipality or some community by an agreed stipend, they cannot desert their office at the time of a contagious disease. If there has been no agreement, they are not strictly held from justice to remain in the city where the plague flourishes, and from charity rarely, since there are others who may care for the sick; but an honorable physician in this case will not desert his office except from the gravest cause.
1020. (B) He is held to employ safer remedies, whenever they are at hand. Wherefore it is not licit, secure means having been left aside, to try uncertain ones; when the former are lacking, less certain remedies can be employed, provided they are harmless; finally, if the safety of the sick person is despaired of, and there is present only a doubtful remedy which can more probably restore health but also probably hasten death, it is licit to use it, since it is permitted to choose the lesser evil; but if the safety of the sick person is not despaired of, a doubtful remedy, which can probably profit and harm, is not to be employed, lest death be hastened, but the matter should be committed to nature, which not rarely relieves itself. - Hence it is by no means licit to explore a new remedy with probable danger of life, even with the consent of the sick person: for he is not master of his life. Wherefore honest and prudent physicians first explore new remedies of this sort in animals, and do not apply them to men except when there is moral certainty concerning both their efficacy and their harmlessness.

Concerning surgical operations, the use of hypnotism, and also procurement of abortion or craniotomy, we have spoken elsewhere.¹

¹ On Justice, nn. 309, 313; On God The Creator, n. 113-115; On The Virtue Of Religion, n. 914-916; Supplement to the Treatise on Matrimony, n. 68 sq.; *ibid.* n. 63-67 it is declared when and how aborted fetuses can be baptized either by physicians, or by others according to the counsel of physicians.

1021. 3. They are held not to multiply expenses without cause, whether through useless visits, or superfluous remedies, or especially by attempting useless and dangerous surgical

operations for the sake of gain (which indeed happens not rarely in our days). - Let them not demand a stipend greater than the ordinary one, according to the estimation of prudent persons, with attention to the circumstances of places and persons. - But from charity they ought to care for the poor placed in necessity gratis, according to the principles handed down above concerning the advocate.

1022. 4. When the sick person is placed in proximate danger of death, the physician is held from charity to warn him by himself or through another, so that he may be able to receive the sacraments at an opportune time, before he loses the use of reason, and at the same time arrange his temporal affairs; likewise he ought to warn the family, so that provision may be made more securely for the spiritual and temporal good of the dying person. This obligation indeed is of itself grave, since the matter is of the greatest moment. When physicians prudently and opportunely fulfill this office, they perform a very great work of charity, and deserve very well of the family and of religion.¹

¹ Formerly by canon law physicians were commanded not to undertake care of a sick person lying dangerously ill unless by warning him concerning making confession; and if within three days he had not confessed, they were prohibited from visiting him. This law indeed today has fallen into desuetude almost everywhere.

Chapter II: On the Duties of Clerics

ON THE DUTIES OF CLERICS.

1023. Under the name of clerics, in the broad sense, come all baptized persons who have been specially deputed, by legitimate authority, to the service and worship of God. In this sense religious of each sex are comprehended, lay brothers not excepted. - In the strict sense, only those are called clerics who by some ecclesiastical order, or at least by first tonsure, are devoted to divine ministries and offices. But here the matter is to be treated only of clerics understood in the stricter sense.

Now, in the dogmatic Treatise on Order, we explained the distinction of clerics from lay persons, and also the principal functions annexed to the priesthood and to the several orders; in the moral Treatise on Order, concerning vocation to the clerical state, the conditions required for ordination, and irregularities which bar one from orders, we likewise briefly discussed a few things; therefore it remains that we briefly touch upon the principal duties: 1. of clerics in general; 2. of those who have been initiated in sacred orders; 3. of priests.

ART. I. ON THE DUTIES OF CLERICS IN GENERAL.

1024. Sacred Scripture¹ declares in manifold ways that clerics, especially those initiated in sacred orders, are to be adorned with holiness both internal and external, not only because they are ministers of God, but also because they ought to furnish the faithful with good example: "In all things show thyself an example of good works, in doctrine, in integrity, in gravity, the sound word, irreprehensible, that he who is on the contrary side may fear, having no evil to say of us."²

¹ I Tim., III, 1-13; IV, 6-16; II Tim., I, 6-14; II, 1-26; Tit., I, 5-9; II, 1-8.

² Tit., II, 7-8; cf. I Pet., V, 3, where it is said concerning priests: "Being made a pattern of the flock from the heart."

The Fathers and Councils taught the same, whose decrees the Council of Trent thus contracts:¹ "There is nothing which more continually instructs others unto piety and the worship of God than the life and example of those who have dedicated themselves to the divine ministry; for since they are seen as raised from the things of the world to a higher place, the rest cast their eyes upon them as upon a mirror, and from them take what they may imitate. Wherefore it is altogether fitting that Clerics, called into the lot of the Lord, should so compose their whole life and morals that in habit, gesture, walk, speech, and all other things they show nothing except what is grave, moderate, and full of religion; that they avoid even light delicts, which in them would be greatest, so that their actions may bring veneration to all."

¹ Trident., sess. XXII, cap. 1 de Reformatione. - From the Code, c. 124, "clerics ought to lead an interior and exterior life holier than lay persons, and to excel them in virtue and right deeds as an example." Cf. can. 125, 126.

Since ascetical writers discuss at length the internal holiness and virtues of clerics, here we shall briefly touch upon what the sacred canons have established concerning their external life:² 1.

concerning external habit; 2. concerning certain secular arts forbidden to the clergy; 3. concerning certain amusements to be avoided.

² What we explain here in a briefer style, we contract from the manuscripts of S. Many, professor of Canon Law at the Catholic University of Paris, who kindly gave me permission to use those things which he collected by assiduous labor and arranged lucidly with a fuller pen.

§ I. ON THE EXTERNAL HABIT OF CLERICS.

To external worship are referred clerical habit and tonsure.

I. On Clerical Habit.

1025. The matter is not of sacred vestments which clerics use in divine offices, but of the garments which they wear in the common intercourse of life.

1. Origin of clerical clothing.³ Through the first five centuries, clerics were not distinguished from lay persons by the form or color of garments, but only by modesty and simplicity. Indeed, when some, especially in Gaul, put on the pallium which was proper to philosophers and monks, St. Celestine censured them.⁴ - But, already from the sixth century, ecclesiastical habit was distinguished from secular habit: namely, after the invasion of the Barbarians, many lay persons began to put on their shorter garments, while clerics retained the ancient garments of the Romans; indeed a few lay persons, especially nobles, likewise preserved the toga and pallium, but clerics were distinguished from these, because they imitated the simplicity and form of the habit of monks. - In the course of time, the Roman Pontiffs began now to command that clerics retain long and modest garments, and not be drawn by the example of lay persons who were assuming shorter ones. The Council of Trent confirmed their decrees:¹ "But because, although habit does not make the monk, nevertheless clerics ought always to wear garments suited to their proper order, so that by the decency of external habit they may show the inward honesty of morals..." The Code of Canon Law, can. 136, § 3, is consonant.

³ Thomassin, *Discipline de l'Eglise*, P. I, l. II, ch. 43-44, 46, 48, 50-57.

⁴ Ep. ad Episcopos Narbonensis et Viennensis provinciae, an. 428, in Migne, P. L., t. L, p. 429-436.

¹ Trident., sess. XIV, cap. 6 de Reformat.

1026. 2. Obligation of wearing clerical habit. By common law, all clerics are held to wear clerical habit, and indeed of itself under grave obligation, unless a legitimate reason excuses. We briefly declare this:

(a) This obligation was restricted to clerics constituted in sacred orders or beneficed, because the Council of Trent embraces only these; but from the Code, c. 136, it is extended to all clerics under penalty of falling from the clerical state, if, after being warned by the Ordinary, they have not amended themselves.

(b) An obligation of this sort is grave, as is certain from the very end of the law, namely of distinguishing clerics from lay persons, of protecting them against various dangers, and of recalling to memory the duties of clerical state; and also from the penalties established against delinquents, as

may be seen in can. 136, § 3 and 2379. Yet it admits lightness of matter, for example, if someone lays aside the habit for a time shorter than a week.² - Hence one who at home puts off clerical dress, about to assume it again when he goes outside, does not incur the penalties, nor more probably does he sin, unless the contrary is declared from a particular statute; yet it is fitting that a cleric wear it even at home, unless a grave reason excuses.

² D'Annibale, *Summula*, t. III, n. 146, note 7 (3rd ed., p. 132).

1027. (c) Clerical clothing, according to Trent, is that which is fitting to the order and dignity of clerics. - Sixtus V had indeed enjoined that the talar garment was to be worn under the penalties stated above; but his successors tempered this constitution, and today the Code commands clerics only to wear "decent ecclesiastical habit, according to the legitimate customs of places and the prescriptions of the Ordinary of the place" (can. 136); however, the talar garment must always be worn in Mass (can. 811).

Moreover Trent (l. c.) had already left to Ordinaries the power of establishing what garment would befit the order and dignity of clerics, and in practice one must stand by the statutes of each diocese. Now, in most Catholic regions, provincial Councils or diocesan statutes have compelled clerics to wear the talar garment, and indeed one of black color.¹

¹ Thus in the statutes of the diocese of Paris (n. 196-197) one reads: "The ecclesiastical costume is composed of the cassock, to which the usage of the dioceses of France has added the rabat, the cincture, and the hat with broad brims raised on the sides... In the whole extent of the diocese, the ecclesiastical costume as it has just been described must be worn. We forbid, under penalty of suspension, every ecclesiastic dwelling in our diocese and admitted there to celebrate the holy Mysteries, to appear outside, even once, without the cassock, in the whole extent of the diocese of Paris." - As to the United States of America, C. Pl. Baltimore III, n. 77, establishes these things: "Therefore we will and command that all observe the law of the Church, and always use at home or in church the talar garment which is proper to the cleric. When they go outside... it is licit to be clothed with a certain shorter garment, which nevertheless is to be of black color and extended to the knees, so that they may be distinguished from lay persons... By a strict precept we enjoin our priests that both at home and outside, whether they live in their own diocese or outside it, they wear the collar which is called Roman."

(d) From wearing clerical dress a reasonable cause excuses, that is, according to the sacred canons, a just fear lest one suffer a grave injury, or a long journey; but when a pilgrim cleric stays in some place for a notable time (for example, for two weeks), he ought to reassume the clerical habit either of his own domicile or of the place where he is staying.

II. On The Tonsure Of A Cleric.

Tonsure is taken in a twofold sense: for hair cut short, or for the round shaving of the hair on the crown of the head.

1028. 1. Historical survey.² (A) Through the first five centuries no trace is found of tonsure properly so called, but only that clerics are advised neither to nourish long hair, nor to shave their head.

² Thomassin, *op. cit.*, l. II, ch. 38-42.

(B) In the sixth century, cutting of the hair becomes, as it were, a sign of clerical state, so that clerics may be distinguished from lay persons, who were more intent on nourishing long hair. Around the end of the same century, and especially in the seventh, clerics wore not only the tonsure but the crown, that is, with the whole upper part of the head shorn, they left below a circle of hair, in the manner of a crown, as is also the custom today among some Regulars. - Toward the ninth century, the hair was not only cut but also shaved, so that the crown stood out more. - As the fourteenth century was tending toward its end, the shaved part of the head underwent diminution, so that the tonsure was not greater than it is today. Indeed, in the fifteenth century, in several regions, it had almost become obsolete. But Trent renewed the ancient discipline in a general way concerning the life, honesty, and external worship of clerics; and in nearly the whole Catholic world the provincial Councils which were celebrated restored the laws concerning clerical tonsure.¹

¹ Thus Conc. provinc. Mediolanense V (an. 1579), among the *Acta Ecclesiae Mediolan.*, Lyons, 1683, t. I, p. 219, where the measure of the tonsure is prescribed for each order; C. Romanum (an. 1725), tit. 16, c. 3, and in the Appendix, n. 18, pp. 63, 313, ed. Brussels, 1726.

1029. 2. Present discipline. By common law, there is a precept of wearing the tonsure, or clerical crown, unless the received customs of peoples carry otherwise. - Thus the Code confirming the ancient canons concerning this matter (can. 136, § 1). Sixtus V had gone before, speaking under grave penalties.² Moreover the Code in the same place warns clerics to employ "simple care of the hair."

² Bullar. Rom., t. V, P. I, p. 43.

(a) This obligation binds all clerics. Thus can. 136, but in regions where there are many Protestants, for example, in England or the United States of America, the custom has prevailed that the clerical crown is not worn, which custom the Code approves.

(b) The obligation is of itself grave, but for mortal sin it is required that one habitually, or at least for a whole year, neglect to wear the tonsure without legitimate reason.

1030. Scholion. As to the beard, there has not been the same practice and discipline in various centuries; in the first times of the Church, clerics nourished a modest beard; from the ninth century they were accustomed to cut it away, but afterward in many regions they began decently to nourish it. - Today, by common law, only that clerics should nourish a beard is prohibited; this does not exclude a moderate beard.³ But by particular law, customary or synodal, it can be prescribed, and in fact in many dioceses it is prescribed, that the whole beard be cut away.⁴

³ De Angelis, in tit. de Vita et honest. cleric., n. 7; Santi, *ibid.*, n. 36.

⁴ "The wearing of the beard is forbidden in the diocese. If, for reasons of health or other grave motives, priests should think that they ought to keep the beard, they could not do this without having obtained our authorization. - Authorization to keep the beard does not dispense from wearing the tonsure." (*Statuts Synodaux de Paris*, n. 195.)

§ II. ON CERTAIN SECULAR BUSINESSES OR ARTS FORBIDDEN TO THE CLERGY.

1031. Clerics constituted in sacred orders ought not only to manifest internal holiness by external habit, but also to abstain from all offices and businesses which impede them from duly

fulfilling the ministry committed to them, or diminish the reverence owed to clerical dignity: "No man being a soldier to God entangles himself with secular businesses, that he may please him to whom he has approved himself."¹ But since, among those things which keep clerics from their duties, trading is principal, we shall speak: 1. concerning trading prohibited to clerics; 2. concerning other forbidden arts.

¹ II Tim., II, 4.

I. On Trading Prohibited To Clerics.

1032. Trading is distinguished as twofold, namely strictly and broadly taken.

The former consists in this, that a thing is bought so that under the same form it may be sold again at a higher price. Hence four things are required for trading properly so called: (a) to buy a thing: for if I sell a thing arisen from my own land, it is not properly called trading; (b) to buy the thing so that it may be sold again: for, if I buy a thing so that I may enjoy it, I do not trade, - although afterward, indeed on the same day, having changed my mind, I sell it again, for example, because I have encountered an unexpected occasion; (c) so that it may be sold again under the same form: for if the thing, changed by art or industry, is sold again, it is not strictly called trading, for example, if someone buys grapes and sells wine made from them; (d) so that it may be sold again at a higher price: for if merchandise is sold again at almost the same price, so that profit is not received, it is not properly trading.

But the latter, or trading broadly so called, is that which lacks at least one of the four conditions explained above.

1. On Trading Properly So Called.

1033. "Clerics are prohibited from exercising business or trade, whether by themselves or through others, whether for their own utility or for that of others" (Code, can. 142).

This was already certain from book III of the Decretals, title L, *Ne clerici vel monachi saecularibus negotiis se immisceant*, cap. 6: "According to the statutes of our predecessors we prohibit under threat of anathema that monks or clerics trade for the sake of gain." This decree was confirmed by the Council of Vienne: "Against other clerics publicly insisting on trades or secular commerce or offices not befitting the clerical purpose, or carrying arms, let them (the Bishops) so strive to observe the canonical statutes that those also may be restrained from excesses of this sort."² - But the reason for the prohibition is that clerics may be turned away from solitudes of temporal things and from desire of riches, which are by no means reconciled with sacred offices: "For they who will to become rich fall into temptation, and into the snare of the devil, and into many unprofitable and harmful desires, which drown men in destruction and perdition."¹

² Decretal., Clementin. l. III, tit. I, c. 1, p. 1156, ed. Friedberg.

¹ I Tim., VI, 9-10.

1034. (a) This prohibition indeed also affects those who intend to spend all profits on pious works; for the end of the one acting does not change the nature of the work, and otherwise this pious intention does not take away anxieties and vain cares. - It moreover comprehends those who trade through lay persons, both because, from rule of law 72 in VI, "he who acts through another is the same as if he acted through himself," and because Benedict XIV declared that the prohibition and canonical penalties are extended "to clerics unlawfully trading in any way under the name of a layman, just as if they exercised those unlawful businesses by themselves and in their own name."²

² Benedict XIV, Bull Apostolicae servitutis, Feb. 25, 1741, § 1 (Bullar. Bened., t. I, n. 13).

(b) This prohibition is of itself grave, as is certain both from the end of the law and from the penalties brought against trading clerics, both in the old and in the recent law (can. 2380). Yet it admits smallness of matter; thus to trade twice or three times in light matter, indeed, according to several, in grave matter (provided not graver), does not exceed venial sin; but what matter is grave or light must be determined by the judgment of a learned and pious man, according to the various circumstances.³

³ St. Alphons., l. III, n. 831; D'Annibale, t. III, n. 156.

(c) Major clerics and beneficed clerics are certainly held by this law, and also minor clerics, since the laws related above by no means distinguish; hence, if these wish to trade, let them withdraw from the clergy, as is licit for them.

But missionaries in the East Indies and in America specifically (but not in other regions) are prohibited from devoting themselves to trading under any pretext, even once, by themselves or through ministers, both in their own name and in the name of their religions; and indeed under penalty of excommunication *latae sententiae*, and loss of all merchandise and profits; these penalties indeed were in force up to this point, from the authentic declaration of the Sacred Congregation of Propaganda Fide.⁴ - Yet this excommunication was not properly reserved to the Supreme Pontiff, since the delinquent could be absolved by his confessor once the profits had been restored; but if the profits had not been restored, he could be absolved by no one: wherefore this was not properly a reservation, but a condition of absolution. - The same penalties were incurred by immediate superiors, Provincials, and Generals who had not punished their subjects delinquent in this matter, at least by removal from the places where the delict had been committed.

⁴ In Collectanea, n. 351; *ibid.*, n. 352, it is declared: "From which excommunication *latae sententiae* to be incurred by the fact itself no one can be absolved, except one constituted in the article of death, unless profits of this sort have been restored... That the same prohibition and penalty... affect not only European missionaries, but also any ecclesiastical men whatever, who under the name of missionaries, or under any other title, have for the time been sent, or in any way will stay in those parts."

(d) If a cleric is pressed by present want, he can devote himself to some licit trade, so that he may meet this necessity. If the necessity is not urgent, or if there is question only of the necessity of parents, let the cleric seek an Indult from the Apostolic See, if he is within Italy, - or from the Ordinary, if he dwells outside Italy; but let the Indult not be granted unless the aforesaid necessity is true and another way of aiding it is lacking; and the Indult ceases by the law itself as soon as the necessity itself ceases or another reason is at hand for providing for it.¹

¹ Thus Clement XIII, Bull Cum primum, Sept. 17, 1759, in Collectanea, n. 340, p. 118.

1035. Corollary. From this it is given to be understood what a cleric is to do if he receives a commercial institution by inheritance, or in another way. According to Benedict XIV,² he ought immediately to give up that institution, if he can do so without temporal detriment; if he cannot without detriment, let him ask from the Holy See permission to retain it, in all cases. In the letters granting the permission, a suitable time is to be prescribed for giving up the business; meanwhile, however, let the cleric administer through a layman.

² Benedict XIV, Const. Apostolicae servitutis, Feb. 25, 1741.

2. On Trading Broadly Taken.

1036. The general principle is that trading broadly so called is licit for clerics, because ecclesiastical laws prohibit only trading strictly so called.

Nevertheless, from the common consent of canonists and theologians,³ in one case it is forbidden, namely when a thing is bought so that afterward, changed by the industry of other men, it may be sold again for the sake of gain. For that kind of trading so closely approaches trading strictly so called that morally it hardly differs from it, for example, if I buy cloth, and from it a garment is made by the industry of a hired tailor, so that I may sell it again at a higher price, it is morally speaking the same as if I buy the garment made so that the same may be sold again. - It generates the same evils, namely temporal solitudes and desire of riches. - Finally, unless it were prohibited, the law prohibiting strict trading would very easily be eluded: for a cleric, wishing to trade, would buy material from merchants, and would take care that it be changed by hired workers before it was sold.

³ Reiffenstuel, in tit. De vita et honest., n. 131; Pirhing, in tit. Ne clerici, n. 4; Schmalzgrueber, *ibid.*, n. 18; De Lugo, De Justitia, disp. XXVI, n. 34; St. Alphons., l. III, n. 836; D'Annibale, t. III, n. 155, note 9.

1037. Corollaries. (a) It is licit for a cleric to buy a thing so that, changed by his own industry, he may sell it again: for then he sells the fruit of his own labor and exercises a little art; but manual labor is much commended by St. Paul and the Fathers.

(b) Likewise it is licit to buy animals so that, fattened, they may be sold again: for this change is partly the fruit of nature and partly the fruit of one's own labor.

(c) Likewise a cleric licitly sells things gathered from his own estates, whether they have not been changed, or whether they have been changed even by the work of hired workers; for this is not properly to trade, but to cultivate fields.

(d) It is also licit for a cleric to buy a house or estates, so that he may lease them and thence make profit: for this is not trading, but the leasing of things, which is prohibited by no law. - Yet in all these things one must carefully avoid whatever can bring disgrace upon clerical dignity.

3. On The Buying And Selling Of Titles Of Credit.

1038. Since today public revenues (*rentes sur l'Etat*), and also shares and bonds of companies (actions, obligations, stock, bonds), are frequently bought or sold, it remains to inquire

whether clerics can devote themselves to these businesses.¹ Now there is a great difference between bonds and shares: a bond is a right to a determined annual profit from a sum of money which has been given, as it were in loan, to some company; but a share is a certain part of the capital from which the company is constituted, and confers a right to a proportionate part of the profits. Hence the owner of a bond (l'obligataire, bond-holder) is one of the creditors of the company, while the shareholder (l'actionnaire, stock-holder) is a co-proprietor of the social fund.

¹ Concerning these things and concerning speculations of the Exchange, cf. On Justice, n. 932-938, and Supplement for France, p. 219-224.

1039. (A) Clerics are not prohibited from buying bonds in any companies whatever, the rules of justice and cooperation being observed. For a bond can be held as a loan, or a redeemable rent-charge, or as a contract of credit; but all these things are licit, as we proved in the Treatise on Justice, n. 932; nor otherwise are they prohibited to clerics, since in no way do they savor of trading. - Yet bonds of companies which are instituted for an evil end cannot be bought, because thus one would cooperate in the evil committed by these.

1040. (B) The difficulty is greater as to shares, and there is a threefold opinion.

(a) Some say that it is not licit for clerics to buy shares in commercial or industrial companies.¹ For these companies properly trade; and therefore to buy or retain shares in these companies is nothing other than to exercise business through others, since the administrators manage all business in the name of the shareholders; but a cleric cannot trade even through another. - This is confirmed by the decision of the Holy Office, April 1, 1857; to the doubt: "Whether it is licit for ecclesiastical persons to buy titles on railroads and to receive the profit coming from them"; it responded: "The Most Holy grants faculties to Bishops, to be communicated through the Sacred Congregation of Bishops, of permitting ecclesiastics to receive shares of a railroad from their own money only";² therefore, they say, without special license it is not licit.

¹ Lehmke, t. II, n. 612; Marc, t. II, n. 2228.

² In Ball. P., Tr. IX, n. 478.

(b) But others distinguish between companies which are called commercial and those which are industrial;³ as to the former, it is not licit for clerics to buy shares, because then they would cooperate in commerce; in reality the Sacred Congregation of Bishops and Regulars, having been asked: "Whether it would be licit for clerics constituted in sacred orders or beneficed to acquire shares in the said company" (there was question of a banking company to be constituted), responded: "it is not licit."⁴ - As to industrial companies, clerics are not prohibited from buying shares, because they can exercise industrial arts; hence the Sacred Congregation of the Council declared that religious can exercise the art of miller, provided it be done through hired workers.⁵

³ Craisson, in *Revue des Sciences ecclésiastiques*, t. XIII, 1866, p. 460-483, n. 356; Icard, t. II, n. 356.

⁴ Bizzarri, *Collectanea*, Rome, 1885, p. 530.

⁵ Ferraris, *word Clerici*, art. 3, nn. 37, 43.

1041. (c) The third opinion,⁶ which we embrace as more probable, teaches that it is licit for clerics to buy shares in any companies whatever, whether industrial or commercial, provided nevertheless that these conditions are observed: the cleric is only a shareholder, but not a partner properly so called, and therefore he is not held beyond the value of his shares; - the company has no illicit or suspect end; - nor does the cleric undertake a part of administration in that company; - nor does he exercise trading in shares; - and he abstains especially from those aleatory speculations described elsewhere, On Justice, n. 932-938.

⁶ Bouix, in the periodical *Revue des Sc. eccles.*, t. II, 1860, p. 444-470; Vecchiotti, *Institutiones Canonicae*, Turin, 1876, t. I, p. 399-400; Sanguinetti, *Juris ecclesiastici Institutiones*, 2nd ed., Rome, 1890, p. 157-163; Allegre, *Code civ. commente*, Paris, 1902, p. 310-315; *Nouvelle Revue Theologique*, t. XXV, 1893, p. 604-614; Ball. P., n. 474-478, who has this opinion as probable.

In reality, according to common estimation, shareholders are not thought to trade either by themselves or through others; in themselves indeed they are co-proprietors of the fund, and, if the matter is regarded in the abstract, the business of the company is managed in their name; but in fact, shareholders hardly know how the affairs of the company are managed, care little about them, and, even when they have the right of casting a vote in general Assemblies, often bid farewell to this right, and otherwise are by no means held to use it. Wherefore they can rest securely, because they can lose nothing except the price of the shares which they bought; therefore they are generally no more entangled in secular solitudes than if they possessed public revenues; nor is their desire much inflamed, since the profit received thence is often not much greater than the ordinary increase received from bonds; hence the motives on account of which trading is prohibited to clerics do not apply here. - This is confirmed from the response of the Holy Office, April 15, 1885, where it is declared "that ecclesiastical persons are not to be troubled if they have bought or buy shares or titles of a bank, provided they are prepared to stand by the commands of the Holy See, and abstain from any trading of the said titles, and especially from every contract which has the species, as it is commonly said, of games of the stock exchange,"¹ (of speculations and games of the Exchange).

¹ *Nouvelle Revue Theologique*, t. XXV, 1893, p. 610; Ball. P., n. 478.

But from this response it is clear that it is not licit for clerics to buy or sell titles or merchandise for a term, nor even to buy them for this end, that they may often be sold again at a higher price.²

² What was explained above, On Justice, n. 938. But if some cleric buys securities not for this end, that he may sell them again, but for receiving revenues, and afterward sells them again, an opportunity being given, he does not trade, from the things said above, n. 1032.

II. On Other Arts Forbidden To The Clergy.

1042. 1. The general principle is that arts are forbidden to clerics which greatly disgrace the clerical state, or entangle them too much in secular businesses. Thus, from the former head, the arts of innkeepers, butchers, actors, etc., are prohibited to clerics; offices by which they devote their industry and labor to the services and abject servitudes of lay persons.¹ - From the other head, they are prohibited from exercising the office of advocate or procurator (*avoue*) before civil tribunals, unless they plead their own cause or that of their own church; in a lay criminal trial pursuing a grave penalty, let them have no part, not even bearing testimony without necessity. But in ecclesiastical courts,

clerics can advocate and act as proctors, and exercise the office of clerk or public notary, as is clear from the Code, can. 139.

¹ From the Code, c. 138, "clerics should entirely abstain from all those things which disgrace their state; let them not exercise unbecoming arts."

Regularly clerics are forbidden to assume the office of tutor without the permission of the Bishop,² unless there is question of blood relatives or relatives by marriage whose tutelage they cannot reject, or of needy wards.

² By particular law, in certain dioceses, the license of the Bishop is always required: "We likewise forbid them to accept the charge of tutor, subrogated tutor, or curator, unless with special authorization on our part." (Statuts Synod. de Paris, n. 180.)

1043. 2. From the Code, can. 139, "let them not assume public offices which carry with them the exercise of lay jurisdiction or administration." Moreover, as to private businesses, "without the license of their Ordinary let them not enter upon managements of goods belonging to lay persons, or secular offices which carry with them the burden of rendering accounts." (Code, can. 139, § 3.) - It should also be noted that, from can. 137, a cleric is prohibited from becoming surety (cautionnement), even concerning his own goods, without having consulted the Ordinary of the place. From can. 1516, "a cleric or religious who has received goods for pious causes... in trust, ought to make his Ordinary more certain concerning his trust...; but if the donor has prohibited this... let him not accept the trust. The Ordinary ought to demand that fiduciary goods be placed in safety."

"Let them neither solicit nor accept the office of senators or spokesmen for making laws, whom they call deputies, without the license of the Holy See in places where a pontifical prohibition has intervened; likewise let them not attempt this in other places without the license both of their own Ordinary and of the Ordinary of the place in which the election is to be made."

1044. 3. From the Code, can. 139, § 2, "without an apostolic indult let (clerics) not exercise medicine or surgery." Thus no longer is a distinction made between major and minor clerics; and deservedly, since today physicians and surgeons are easily found. - But in regions where they are lacking, as in missions, indults are granted to missionaries rather easily.

1045. 4. From the Code, c. 141, clerics "are not to undertake secular military service as volunteers, unless with the license of their Ordinary, so that they may become free sooner, they have done this; nor are they to bring help in any way to civil wars and disturbances of the public order. A minor cleric who... of his own accord has given his name to military service falls by the law itself from the clerical state."

§ III. ON CERTAIN AMUSEMENTS TO BE AVOIDED.

1046. Clerics ought to avoid certain amusements, because they disgrace clerical dignity, or are dangerous, or provide scandal; thus especially hunting, entrance into taverns, certain games, dances, and spectacles.

1. On hunting. (A) With respect to canon law, three species of hunting are distinguished: clamorous, which is done with great noise of arms and dogs, for taking larger wild beasts, namely boars, stags, etc.; quiet, which is done with snares and nets, for taking birds, hares, etc.; almost intermediate, which is usually done with firearms indeed employed, but without great noise and with few dogs.

(B) Now clamorous hunting (to which that which is done with falcons and hawks is assimilated) is prohibited to clerics, even minor ones, and indeed of itself under grave obligation: for it is opposed to clerical modesty and gentleness, and also to the spirit of religion, because of the vehement distractions of mind which easily arise from hunting. Wherefore, in book V of the Decretals, tit. 24, *De Clerico venatore*, c. 2, one reads: "We interdict to all servants of God huntings and woodland wanderings with dogs, and hawks or falcons"; and in the Code, c. 138, it is established that clerics never exercise clamorous hunting.

(C) But quiet hunting, according to all, is licit for clerics. But concerning intermediate hunting there is doubt. Benedict XIV has as more probable the opinion which declares it illicit, because the canons, without any distinction, prohibit hunting which is done with dogs.¹ Nevertheless, by customary law benignly interpreting those canons, this kind of hunting does not seem prohibited; for the texts of law prohibited hunting such as was then done, and with all the circumstances which rendered it unbecoming for clerics, namely with great tumult of arms, dogs, and companions; and these indeed have no place in intermediate hunting.² From the Code, clerics "are not to indulge in hunting"; and therefore the modest and rare use of non-clamorous hunting is tolerated.

¹ Benedict XIV, *De Synodo*, lib. XI, c. 10, n. 8.

² Thus Reiffenst., in tit. *De Clerico venatore*, n. 11; Schmalzgr., *ibid.*, n. 10.

1047. 2. On entrance into taverns. Clerics are prohibited from entering taverns for the sake of eating and drinking, except in a case of necessity, namely when they are making a journey: "And let them entirely avoid taverns, unless perhaps for a cause of necessity, when they are placed on a journey."³ But taverns, of which there is question there, were places and fomentations of intemperance and incontinence. Therefore by common law there do not come under this name houses which principally serve for providing refreshment or lodging. - From the Code, c. 138, clerics "are not to enter taverns and other similar places without necessity or another just cause approved by the Ordinary."

³ Decretal. lib. III, tit. I, c. 15, p. 453, ed. Friedberg.

1048. 3. On games. (A) Merely aleatory games, namely those which depend almost totally on chance, are prohibited to clerics if they are done for the sake of gain: "Let them not devote themselves to games of chance, money having been exposed."⁴ For from these games, when they are done frequently for the sake of gain, there often arise distractions and anxieties of soul, - grave loss of money to the detriment of the player himself or of pious works, - lies, frauds, quarrels from desire or from fear of great damage. But those who play at dice sparingly, for the sake of recreation, and with scandal excluded, exposing only small sums, do not sin, according to the common interpretation. - But those who play frequently, that is, several times in the week, and for a long time,

although they do not expose a great sum of money, sin gravely of itself, according to the more probable opinion.

⁴ Code, can. 138.

(B) But industrial or mixed games, which depend more on skill than on fortune, do not seem prohibited by common law, provided they are not too prolonged, nor scandal given. Yet in some dioceses they are permitted only under certain restrictions.¹

¹ In the Paris statutes, n. 173, these things are wisely decreed: "We likewise remind them that the games which are permitted cease to be so as soon as one plays too often, or longer than the need of honest recreation demands, or in circumstances proper to edify the faithful badly, as would happen, for example, if one played in public places. The most innocent games also become blameworthy if they occasion somewhat considerable losses of money."

(C) As to the use of the wheel which is called bicyclette, bicycle, nothing has been defined by common law; but in some dioceses, Bishops have prohibited its use, and the Sacred Congregation of Bishops and Regulars praised one of them, Sept. 28, 1894 (Act. S. Sedis, t. XXVII, p. 437). The matter depends greatly both on the customs of the region, and on the motive and manner of using this wheel; if a cleric moderately and prudently uses this wheel, whether for the sake of honest recreation or for visiting parishioners, in a region where the faithful suffer no scandal from this, it does not seem to be prohibited; but if immoderately, for wasting time, with scandal of the common people, such abuse must be reprov'd: concerning which Bishops are judges.

1049. 4. On dances and spectacles. (A) Clerics are prohibited not only from leading dances, but also from being present at them, when something unbecoming is done there; indeed already in the Council of Agde (an. 506) one read: "Priests, deacons, subdeacons or those thereafter, to whom there is no license of taking wives, should also avoid banquets of others' weddings, nor mingle with these companies where amorous and shameful things are sung, or obscene motions of bodies are displayed by choirs and dances, lest hearing and sight deputed to sacred mysteries be polluted by the contagion of base spectacles and words."² This particular law was extended to the universal Church by custom and particular statutes, and also by the general declaration of Trent.³ The Code, can. 140, thus explains and defines the matter: "Let them not be present at spectacles, dances, and pageants which disgrace them, or at which it would be a scandal for clerics to be present, especially in public theaters."

² Decret. Gratiani, distinct. XXXIV, c. 19, p. 130, ed. Friedberg.

³ Trident., sess. XXII, cap. 1 de Reformat.

(B) Clerics are prohibited from being present at comedies or spectacles that are dangerous or of the lowest repute, which disgrace clerical dignity. Besides the ancient canons which forbid this, the words of Lateran IV concerning clerics can be alleged: "Let them not attend to mimes, jesters, and actors." Therefore, by common law, comedies and tragedies which display nothing dishonorable are not forbidden. Today, however, in public theaters, the things which accompany or follow even honest comedies generally offend clerical modesty. Moreover diocesan laws determine more specifically which spectacles are to be avoided.¹

¹ To the point Conc. Plen. Baltim. III, n. 79: "Therefore, that its own honor and comeliness may be preserved for the ecclesiastical order, we command that priests entirely abstain from public horse races, from theaters and spectacles." The Paris Statutes declare the matter more fully, n. 234: "We forbid all clerics, and, under penalty of suspension, all priests and ecclesiastics in sacred orders, to attend representations of public theaters, operas, balls, cafe-concerts and in general profane spectacles where the presence of an ecclesiastic could become a subject of scandal... We signal, as little conformable to clerical dignity and modesty, the presence of ecclesiastics in circuses, public concerts, fairs." - Note also n. 231: "We absolutely forbid them to frequent the Exchange or to play at the Exchange; to frequent racetracks or to engage in wagers at races."

ART. II. ON THE DUTIES WHICH ARE ESPECIALLY INCUMBENT UPON SACRED MINISTERS.

There are especially two: celibacy and the recitation of the divine office.

§ I. ON ECCLESIASTICAL CELIBACY.

1050. The law of ecclesiastical celibacy, as today it flourishes in the Latin Church, consists in this, that major clerics, namely subdeacons, deacons, presbyters, and bishops, can contract matrimony neither licitly nor validly, but ought to cultivate perpetual continence, and, from a peculiar obligation of religion, are held to abstain from every act, whether internal or external, against chastity. Trent thus declares this:³ "If anyone shall say that clerics constituted in sacred orders, or regulars who have solemnly professed chastity, can contract matrimony, and that one contracted is valid notwithstanding ecclesiastical law or vow... let him be anathema." By the Code, c. 132, the law was confirmed: "Clerics constituted in major orders are barred from nuptials and are so held by the obligation of observing chastity that those sinning against it are also guilty of sacrilege." - Sacred ministers who attempt to contract matrimony incur excommunication *latae sententiae* simply reserved to the Apostolic See, and, if they do not repent, degradation. (Code, c. 2388.) - Wherefore here we shall explain only three things: 1. the origin and history of this law; 2. the motives on which it rests; 3. the means, especially canonical, by which celibacy may be observed.

² Among the almost countless works on ecclesiastical celibacy these can be consulted: A. de Roskovany, *Coelibatus et Breviarium*, Pest and Nitra, 1861-1888, where you will find the whole literature on celibacy recounted up to the year 1886, t. IV and VII; and the Supplements, t. III; A. Pavy, *Du Celibat ecclesiastique*, 2nd ed., Paris, 1852; Dufieux, *Nature et virginité, considerations physiologiques sur le celibat religieux*, Paris, 1854; Phillips, *Colibat* (i.e., on Celibacy), Freiburg, 1884.

³ Trident., sess. XXIV, can. 9; cf. sess. XXV, cap. 14-15 de Reform.

I. Historical Survey Of Ecclesiastical Celibacy.

The law which prescribes celibacy to clerics is not divine, but ecclesiastical; nevertheless it has foundations in Scripture, and was gradually introduced into the Latin Church by custom, particular statutes, and finally by a universal decree; but in the Eastern Church, continence is imposed not upon all but only upon certain sacred ministers, as will be clear from what is to be said.

1051. 1. Continence is commended in Sacred Scripture. (A) Christ himself by his example commended perfect virginity: indeed, conceived from eternity by virginal generation in the bosom of the Father, in time he willed to have no mother except a virgin; he cultivated virginity throughout his whole life; dying on the cross, he committed his

virgin mother to a virgin disciple. - Likewise by teaching purity of heart,¹ perfect self-denial,² the counsel of leaving all things, even parents, children, and wife,³ he laid the foundations of continence. This he intimated more explicitly when he said to the disciples:⁴ "For there are eunuchs, who were born so from their mother's womb; and there are eunuchs who were made so by men; and there are eunuchs who have castrated themselves (i.e., through continence) for the kingdom of heaven."

¹ Matt., V, 8: "Blessed are the clean of heart, for they shall see God."

² Matt., XVI, 24.

³ Matt., XIX, 29.

⁴ Matt., XIX, 12.

(B) Paul, adhering to the footsteps of Christ, cultivated continence himself, and gave his disciples the counsel of not marrying, so that they might serve God more fervently:⁵ "For I wish all of you to be as myself: but each one has his own gift from God... But concerning virgins I do not have a precept of the Lord; but I give counsel as one having obtained mercy from the Lord, that I may be faithful... He who is without a wife is solicitous for the things which are the Lord's, how he may please God. But he who is with a wife is solicitous for the things which are of the world, how he may please his wife, and he is divided." Now one who wishes to expend himself wholly for the glory of God and the salvation of souls will try to bring a counsel of this sort into practice.

⁵ I Cor., VII, 1-38.

(C) Nevertheless neither Christ nor the Apostles commanded continence to clerics; indeed it cannot be proved that the use of marriage was forbidden to married men who received the priesthood; only bigamists, that is, those who had successively had two wives, were barred from sacred orders: "Therefore a bishop ought to be irreprehensible, the husband of one wife... Let deacons be husbands of one wife."¹

¹ I Tim., III, 2, 12.

1052. 2. History of clerical continence up to the Council in Trullo (691). (A) Through the first three centuries virginity is indeed much extolled by the Fathers, and there are already found Christians of each sex who remain celibate, especially among clerics; for many of them, wishing to imitate the examples of Christ and the Apostles and to be immune from the solitudes of the world, remained continent after receiving sacred orders, even when before ordination they had contracted nuptials.²

² This is certain especially from the things which Paphnutius declared in the Council of Nicaea (325), where there was question of enacting a law of celibacy; cf. Socrates, H. eccles., I, 11; Sozom., H. eccles., I, 23; Hefele, Histoire des Conciles, Paris, 1869, t. I, p. 422-426.

(B) But the first provincial Council which prescribed celibacy to sacred ministers was that of Elvira (an. 305), which established (can. 33): "It has pleased us to prohibit in all that bishops, priests, and deacons, or all clerics placed in the ministry, abstain from their wives and do not generate children: but whoever shall have done this, let him be expelled from the honor of clerical state."³ - The Council of Arles (an. 314) established almost the same thing. In the Eastern Church, the Council of Neo-Caesarea (an. 314) brought the penalty of deposition against priests taking a wife:⁴ "If a priest has

taken a wife, he ought to be deposed from his order." But deacons who, at the time of their ordination, had said that they wished to marry, could afterward take wives.⁵ - But thus far there was no universal law. In the Council of Nicaea certain Fathers proposed to extend the Elviran statute to the universal Church; yet Paphnutius, a bishop in Egypt, resisted them, who, although he himself had always cultivated perfect continence, vigorously declared that celibacy was not to be imposed upon all sacred ministers, because, he said, not all can perpetually contain themselves.¹ Wherefore the Council abstained from enacting a universal law concerning this matter; but at the same time it interdicted bishops, priests, deacons, and other clerics from having with them introduced women, unless perhaps a mother, sister, aunt, or another person beyond all suspicion.²

³ In Hefele, t. I, p. 147. - The word *prohibere* here is improper, but the sense accepted by all is the same as if *praecipere* were said.

⁴ In Hefele, I, p. 217; Roskovany, I, p. 18. - Some doubted the truth of this fact, but without grave reason, as Hefele shows, l. c.

⁵ Thus the Council of Ancyra (an. 314), can. 10 (in Hefele, I, p. 204; Roskov., I, 17): "Whatever deacons, when they are ordained, if in the ordination itself they protested, saying that they wished to have wives and could not contain themselves: these, if afterward they have come to nuptials, remain in the ministry, because the bishop gave them license for these things. But whoever indeed kept silence, and received the imposition of hands, having professed continence, if afterward they have come to nuptials, they ought to cease from the ministry or clergy, receiving only lay communion."

¹ In Hefele, I, p. 422-426.

² Hefele, I, 370; Roskov., I, p. 19-20. - Introduced women were not wives, but women who were held as sisters.

1053. (C) But various canons in each Church, Eastern and Western, prohibited bishops, priests, and deacons, who had received sacred orders unmarried, from afterward taking wives. Yet in the Eastern Church, deacons who, at the time of their ordination, had declared that they wished to marry, could use this benefit, as we noted above.

But as to married men who received sacred orders, the practice of the Latin Church differed wholly from the practice of the Eastern Church: for in the former, sacred ministers had to abstain from the use of matrimony;³ while in the Eastern Church they were prohibited from leaving their wives, and could live maritally with them, except, however, on the days on which they wished to celebrate the sacred rite; it should also be noted that gradually by custom it was prohibited that non-celibates be chosen as bishops.

³ St. Jerome testifies to this, ep. 48, n. 21: "Bishops, priests, deacons are chosen either virgins, or widowers, or certainly after priesthood forever chaste"; Roskov., I, p. 35-42, relates other texts of the same author.

1054. (D) As to subdeacons, certain particular Councils had indeed enjoined celibacy upon them, but before the sixth century a law of this sort was not universal, even in the West, because the subdiaconate was still numbered among the minor orders. St. Leo (an. 444) had indeed prescribed continence to subdeacons;⁴ but this was not immediately brought into practice through the whole Church. Afterward St. Gregory established the same thing especially for Sicily, where the contrary practice flourished: "Wherefore it seems to me that from the present day it should be said to all Bishops that they should presume to make no one a subdeacon

unless he has promised that he will live chastely."¹ But that statute was not observed by all, and certain variations and exceptions remained up to the twelfth century.

⁴ St. Leo, Ep. ad Anastasium, cap. 4, in Roskovany, t. I, p. 98.

¹ St. Gregory M., lib. I, Ep. 44, to Peter the subdeacon, of Sicily, in Roskov., I, 143-144.

1055. 3. Decrees of the Trullan Council (an. 692) and the practice of the Greek Church. The distinction which flourished between each Church as to the extension of celibacy was confirmed by the decrees of the Council which is called Quinisext, because it had to complete the fifth and sixth Council, or Trullan, from the trullus or hall where it was held. These things it established concerning clerical continence:² -

² In Roskovany, t. I, p. 167-171; Hefele, t. IV, p. 208-212.

(a) It confirms the past canons concerning the avoidance of the cohabitation of women who are not immune from all suspicion; moreover clerics are prohibited from ever contracting second nuptials.

(b) Sacred ministers are also forbidden to marry after their ordination: "That henceforth it be lawful for no subdeacon at all, or deacon, or priest, after ordination to contract marriage. But if he shall have dared to do this, let him be deposed." (Can. 6.)

(c) But if someone, before he is ordained subdeacon, or deacon, or priest, wishes to marry, let him do this; nor at the time of ordination should it be asked of him that he profess that he will abstain from his legitimate wife;³ nevertheless if he is promoted to the episcopate, he ought to cultivate continence: "The wife of him who is promoted to episcopal dignity, having first been separated by common consent of herself and her husband, after he has been ordained and consecrated as bishop, should enter a monastery built far from the dwelling of the bishop, and enjoy the bishop's provision." (Can. 48.) Likewise, "those who assist at the divine altar ought, at the time of handling sacred things, to be altogether continent, so that they may be able to obtain that which they ask simply from God." (Can. 13.)

³ The Fathers of this Council acknowledge that the contrary law flourishes in the Roman Church: "Since we know that it has been handed down as a canon of the Roman Church that those to be promoted to the diaconate or presbyterate profess that they will no longer be joined to their wives." (Can. 13.)

This discipline indeed flourishes even now in the Greek Church; but subdeacons are not regarded as sacred ministers, and therefore they can marry; but, if before the diaconate they have not taken a wife, they can no longer marry afterward.

1056. 4. History of celibacy in the Latin Church from the Trullan Council up to Trent. (A) While the Eastern clergy thus mitigated ecclesiastical discipline concerning celibacy, the Roman Pontiffs unconquerably defended and protected clerical continence against its attackers and violators. Yet they could not provide this without the greatest efforts and struggles. For in the ninth to twelfth centuries, great corruption of morals flourished among princes, peoples, and the clerics themselves, nor was the Chair of Peter altogether immune from that corruption; but, on the one hand, provincial Councils, such as Worms (Worms, an. 868), Soissons (Soissons, an. 889), Erfurt (Erfurt, an. 932), Anse (Anse, near Lyons, an. 994), Bourges (Bourges, an. 1031), etc.; and on the other hand, the

Supreme Pontiffs, such as Leo VII (an. 938), Leo IX (an. 1051), Stephen X (an. 1057), and especially Gregory VII (an. 1074-1078), etc., not only recalled the law of celibacy to memory, but also did not hesitate to strike with severe penalties those violating the same.¹

¹ Their decrees and many others can be read in Roskovany, t. I, p. 191 sq.; cf. Vacandard, *La loi du celibat ecclesiastique* in *Revue du clerge francais*, Jan. 1, 1905.

1057. (B) Especially celebrated is can. 7 of Lateran II (an. 1139), by which the marriages of major clerics, hitherto illicit, are declared wholly invalid:² "But that the law of continence and cleanness pleasing to God may be spread in ecclesiastical persons and sacred orders, we establish: that bishops, priests, deacons, subdeacons... who, transgressing their holy purpose, have presumed to couple wives to themselves, be separated. For we judge that a coupling of this sort, which is certain to have been contracted against ecclesiastical rule, is not matrimony." By this decree the law of celibacy was greatly strengthened, so that nothing more remained except to bring it into practice.

² Roskovany, t. I, p. 335; Hefele, t. VII, q. 237. - Lateran I, an. 1123, indeed reprovved these marriages and ordered those contracted to be dissolved, but did not declare the same to be void.

1058. (C) In the time of the pseudo-reformation, Protestants, haters of ecclesiastical institutions, attacked ecclesiastical celibacy with all their strength, and very many priests and monks who adhered to this heresy soon flew together to the desired nuptials, adhering to the footsteps of Luther rather than of Christ and the Apostles. But, notwithstanding the petitions of certain princes, even Catholic ones, Trent confirmed the ancient canons, declared the marriages of major clerics void, and renewed the penalties brought against concubinarians, granting to Ordinaries the power of proceeding against delinquents without the noise and form of judgment, every appeal or exemption having been removed, so that the plague of incontinence might more easily and efficaciously be eradicated.³ These decrees indeed almost all particular councils or synods, which have been held up to the present day, made their own and promulgated.

³ Trident., sess. XXIV, can. 9; sess. XXV, cap. 14-15 de Reformat.

II. Motives On Which The Law Of Ecclesiastical Celibacy Rests.

1059. A law of this sort is indeed ecclesiastical, but, far from opposing the natural law, it seems altogether consonant with reason and faith.

The fundamental reason is taken from this, that the Christian priest acts in the place of Christ on earth, receives his power, and therefore ought to imitate his virtues, and in his manner of acting approach as nearly as possible the High Priest. But, from what has been said, Christ cultivated most perfect virginity, and not obscurely commended its practice. - And this indeed will appear more clearly if the functions of the priest are more intimately regarded on the part of God, of the faithful, and of society itself.

1060. 1. If the priest is considered in his relations to God, he ought to offer prayers and sacrifices, not only in his own name, but also in the name of the whole Christian people: "For every high priest taken from among men is appointed for men in the things that are to God, that he may offer gifts and sacrifices for sins."¹ Now virginity is desired for fulfilling each office perfectly.

¹ Hebr., V, 1.

(A) And first indeed for prayer. For although married persons can pour forth prayers, nevertheless the Apostle exhorts them that they contain themselves for a time, so that they may devote themselves more easily and fervently to prayer:² "Do not defraud one another, except perhaps by consent for a time, that you may devote yourselves to prayer." In reality those who have married, and have children to be educated, are greatly entangled in secular cares, and are delayed by domestic solicitude from the office of prayer; while, on the contrary, the clean of heart ascend to God and converse with him more easily. But priests ought several times in the day to pray for themselves and for the whole Christian people, and indeed long and perseveringly, and therefore to be immune from secular cares; otherwise, from things commonly occurring, they will pray neither at length nor fervently; but, distracted in mind, they will scarcely recite a few prayers.

² I Cor., VII, 6.

1061. (B) Among prayers, those certainly are principal which are offered to God during the sacred rite; for the sacrifice of the Mass is the most excellent work of religion. But for the fervent oblation of the sacrifice is not perfect chastity to be desired? For if, under the Old Law, priests had to contain themselves from wives at the time when they were about to offer sacrifice, is it not altogether fitting that the priests of the New Law, who daily offer the immaculate host, be perpetually continent? Innocent III already urged this argument: "How much more ought those priests and levites to observe modesty from the day of ordination, for whom either the priesthood or the ministry is without succession, nor does a day pass on which they are free either from divine sacrifices or from the office of baptism."¹ The same is splendidly explained in book IV of *The Imitation of Christ*, c. II, n. 6: "O how clean ought those hands to be, how pure the mouth, how holy the body, how immaculate the heart of the priest, to whom the author of purity so often enters!" For since in this sacrifice all things breathe perfect purity and self-denial, namely the principal offerer, Christ, the victim, the rites, and the prayers, is it not altogether fitting that the secondary offerer, namely the priest, imitate Christ's virginity and perfect denial? And indeed the Orientals rightly understood that; for even married priests ought to contain themselves at least on those days on which they wish to offer the sacrifice. Hence also Protestants commonly decreed that celibacy and the sacrifice of the Mass be abolished together. From these facts it is licit to infer that between the offering of sacrifice and celibacy, according to common estimation, there is a certain moral connection, which the Church deservedly confirmed by her laws.

¹ Innocent III, Ep. ad Vitric., ep. Rotom.

1062. 2. In his relations with the people committed to him, the priest is much helped by the practice of continence. (A) For since he is chosen by God and the Church so that, having

renounced temporal cares, he may devote himself wholly to the salvation of souls, he ought to spend and be spent for the flock entrusted to him. But a married priest cannot fulfill that office so promptly, or easily, or generously; he is held to devote a notable part of his solitudes, labors, and resources to his wife and children, and thus can spend only lesser cares upon the salvation of souls: "But he who is with a wife is solicitous for the things which are of the world, how he may please his wife, and he is divided."² Hence, if there is question of instructing little ones, or of visiting the sick, or helping the poor, a priest who is entangled in domestic cares will devote himself to these works neither so assiduously nor so willingly or devotedly: for he ought to be more solicitous for his own children than for those of others. - And indeed this appears still more when the priest, in order to administer the sacraments, incurs danger of death; for although married persons are not lacking who expose their life for helping others, nevertheless they do not provide this so promptly and easily, precisely because they deservedly think about their own offspring. Wherefore, from things commonly occurring, a married priest will sometimes hesitate, and indeed deservedly, when there is question of administering the sacraments with risk to his own life: namely he will recall his wife and sweet children, and sometimes will be delayed by this thought from fulfilling his office.

² I Cor., VII, 33.

(B) Unmarried priests are accustomed to be fathers of the poor; for since they do not have the necessity of laying up treasure for children, they willingly bestow their superfluous goods upon the poor; otherwise the richer often choose a priest as distributor of their alms, because he does not have children whom he might more joyfully assist than the miserable. But if a priest has a numerous offspring to be educated, he will scarcely be able to give anything to widows, orphans, and other pitiable persons: for the office is primarily incumbent upon him of sustaining and educating his wife and children. Hence the rich will not be so solicitous in distributing alms through his ministry: for it is to be feared that a notable part of these would be assigned to his family.

1063. 3. On the part of society itself it is very fitting that priests remain celibate. (A) Namely from a certain divine instinct, peoples commonly show greater reverence and confidence to the truly continent. It is known, for example, with what great honors the Romans heaped unmarried vestals, and also with what reverence and admiration modern pagans receive celibate missionaries. Led by this reason, some Anglicans instituted a seminary of missionaries who bind themselves to celibacy, so that they may more easily convert foreign nations to Christ. Those who likewise have lived for a long time among Protestants know very well that heretics themselves generally show greater reverence and confidence to Catholic priests than to Protestant ministers; but the principal reason is that they see unmarried priests, separated from secular businesses, devoting themselves wholly to the salvation of souls, while married ministers, entangled in domestic cares, do not differ much in their manner of acting from the common herd of men.

(B) Otherwise it is of the greatest interest that in society there be men who, by their example, draw others to the practice of virtues, even arduous ones, especially of chastity, which, on the one hand, is

preserved with difficulty more than the others, and on the other, contributes very greatly to the good of the whole community. Now nothing else is more efficacious for conquering lust than the example of those who, on account of God and souls, bid farewell perpetually to the pleasures of the flesh; when, namely, adolescent men and unmarried girls or widows say that continence is too arduous, or when spouses can scarcely guard marital chastity, is it not licit to appeal to those celibate priests who, despising earthly pleasures, perpetually cultivate virginity? Moreover, drawn by their example, young persons of each sex embrace religious life and remain celibate, so that they may spend all their strength and resources for the utility of others; and this indeed contributes not a little to the common good: for they exercise various works of charity more easily, namely care of orphans, the sick, and the poor, or the education of little ones whom they follow with paternal or maternal affection.

1064. Difficulties are solved. (A) Not a few physicians and physiologists have not hesitated to assert that perpetual celibacy is contrary to nature and the health of the body, and also drags after itself innumerable diseases, among which hysteria and insanity. - But very skilled physicians, relying on many facts, deny this. For from public statistics it is certain that generally Catholic priests are longer-lived than married men, and that many more and more bitter diseases arise from incontinence than from virginity faithfully observed. In reality life is made shorter by indulging the passions, and especially lust; therefore those who tame their passions and lead a sober and chaste life, other things being equal, retain their strength longer.¹ - Hysteria, of which adversaries speak, arises from disturbance of the nerves, and is found much more frequently among dissolute women than among virgins;¹ insanity likewise can by no means be attributed to celibacy, but arises from many and diverse causes, and is found more often among married persons than among celibates.² Wherefore the proposed difficulty is by no means proved by facts, but rather is opposed to them.

¹ This is proved, among others, by Dufieux, *Nature et virginité*; Surbled, op. cit., t. I, *Celibat et Mariage*, p. 42-66, where he writes these things, pp. 50, 56: "The evils of incontinence are, alas, very well known, uncontested; those which continence would provoke are supposed, imaginary. What proves this is that numerous learned and voluminous works have been devoted to exposing the former, and that the others still await their historian... It has long been known, and it will be seen in the course of this work, that, of all professions, the ecclesiastical state is the one most distinguished by its longevity."

¹ "As to hysteria, the physician meets it in all social conditions, among the chastest women as among the most dissolute. This strange and unhappy neurosis is often transmitted by parents; it is never due to the practice of continence. We have observed it, but very rarely, among religious women; we establish it every day, in ordinary practice, among married women, among young girls, and above all among women of light morals." (Surbled, l. c., p. 54.)

² "Foreign to hysteria, continence is also foreign to madness. This formidable affection, when it is not hereditary, is born from the disorder of the passions; and one understands that it is exceptional among all those who live, outside the agitations of the world, under the rule of religious law." (Surbled, l. c.)

1065. (B) They insist, namely not a few Protestants, Rationalists, and other non-Catholics, saying that continence is morally impossible, and therefore that very many of those who vow virginity soon fall into the snare of the devil and secretly indulge lust. - We do not indeed deny that perpetual virginity is an arduous virtue, indeed morally impossible to those who reject the means proposed by Christ, but not to those who flee dangerous occasions, give work to

mortification of the flesh, study, or labor, and at the same time devote themselves assiduously to prayer and frequently receive the sacraments, especially the Eucharist; for by these means concupiscence is efficaciously restrained. The Protestant Leibnitz candidly acknowledged this:³ "Let clerics and religious firmly have it persuaded that, for observing continence, scarcely anything else is needed than to avoid idleness and dangerous occasions, and to have a firm will, the grace of which God does not deny to one asking it with fervent zeal." In reality among Protestants themselves are there not widowers and widows and unmarried virgins, upon whom the obligation of observing continence for a long time is incumbent? Is it permissible to presume that all these are given to vice? If it is not permissible, why are Catholic priests or others who vow virginity on account of God accused as guilty of incontinence? - As to the fact, there are certain priests who, neglecting the aforesaid means, break the vow of virginity either secretly or publicly; but that these are few is certain from this, that the most hostile haters of priests, who willingly and carefully collected all scandals of this sort, could recount only very few. Now the inconveniences arisen from these facts are less than the evils which would follow from the marriage of priests, as can be gathered from those things which non-Catholic authors narrate concerning the morals of ministers among the Greeks or Protestants. - Therefore the Church wisely prescribed celibacy to sacred ministers.

³ Systema theolog., n. 66. - St. Gregory Naz., Orat. 31; SS. Chrysostom and Jerome, on Matt. XIX; St. Augustine, l. VI Confess., cap. XI, had already observed this; cf. M. Rosset, op. cit., t. I, n. 398 sq.

III. Means By Which The Law Of Celibacy Ought To Be Observed.

1066. The Church also wisely determined certain means by which continence may more easily be guarded by sacred ministers. The Roman Pontifical, On the ordination of a subdeacon, briefly contracts these things: "If up to now you have been slow to the church, from now on you ought to be assiduous. If up to now sleepy, from now on watchful. If up to now drunken, from now on sober. If up to now unchaste, from now on chaste."

1. First indeed sacred ministers ought to be assiduous in church, that is, to flee the world and its vanities and pleasures, and to frequent the sacred tabernacles, in which the very author of purity lives by day and night. For only those easily preserve virginity who love with the whole heart Christ hidden in the Eucharist. For the heart of man, born for love, cannot remain long without love; unless therefore it loves Christ with an affection at once tender and devoted, it will soon adhere to creatures, not without great risk to chastity; but if it frequently visits Christ hidden under the sacred species, there it will find a faithful friend, there strength and solace for overcoming all the enticements of creatures.

1067. 2. They ought also to watch and pray lest they enter into temptation. (a) Watchfulness consists in this, that dangerous occasions of sinning which are not necessary be carefully removed, and, in necessary occasions, all precautions be employed by which they can be morally removed. Therefore the priest will flee readings, spectacles, and amusements which can excite to lust, as was said above, n. 1049. He will so rule the internal and external senses, especially the eyes and imagination, that he deliberately repels not only what is impure, but also what has the appearance of evil. Nor will he ever forget that

sensual pleasure is akin to lust, and gradually and imperceptibly draws many to it; wherefore he will make his own the words of the Apostle: "They who are Christ's have crucified their flesh with its vices and concupiscences"; for experience testifying, those who mortify themselves in licit things abstain from illicit things much more easily. - Nor will he carefully avoid drunkenness only, but also every excess in food or drink, which from its nature tends to excite lust.

(b) But since no one can cultivate virginity for a long time without divine help, by frequent and fervent prayer he will implore for himself the necessary grace. He will remember that the recitation of the divine office was enjoined upon him as a most efficacious means of guarding chastity; and therefore he will recite it worthily, attentively, and devoutly. So that he may pray more fervently, he will devote himself to morning meditation, so that, walking before God from the first hours of the day, he may be perfect; and he will often turn his eyes and heart to God, so that he may be more easily united to God when the time of prayer arrives. - He will unceasingly foster a most tender devotion toward the Blessed Virgin, whose very name breathes chastity, and by whose powerful aid modesty can more easily be guarded. (Code, c. 125-126.)

1068. 3. But the principal means, enjoined by the Church, is to avoid cohabitation with women. For already the Council of Nicaea, can. 3, had established these things: "The great Synod has interdicted in all ways that it be licit for no bishop, no priest, no deacon, nor anyone at all who is in the clergy, to have an introduced woman, unless perhaps a mother, or sister, or aunt, or only those persons who escape suspicion." This law indeed was never abrogated, but was confirmed and more determined by the following Councils.

(A) Today, by common law, it is regularly licit for a cleric to live with women related to him by blood in the first or first-second degree, such as mother, grandmother, daughter, paternal aunt, maternal aunt, daughter of a brother or sister; indeed by extension, confirmed by custom, with relatives by marriage of the first degree, or those relatives by marriage of the second-first degree to whom a cleric, according to the canons, ought to show reverence, such as stepmother, daughter-in-law, wife of a deceased brother, wife of a deceased paternal or maternal uncle, - but not the wife of the son of a brother or sister. - The reason is that regularly the natural bond which exists between the cleric and the aforesaid persons seems to take away all suspicion. (Cf. Code, can. 133.)

1069. (B) A cleric, to whom it is permitted to live with these persons, can also live with their female servants or attendants, and also with the wife of a male servant; for then, because of special circumstances, suspicion is removed.¹

¹ Reiffenst., in tit. de cohabitatione, n. 3; Schmalzgr., *ibid.*, n. 1; Benedict XIV, *Instit.* 83, n. 10; D'Annibale, t. III, n. 361, note 47.

(C) He can also cohabit with strange women under the title of service, provided they are of advanced age (that is, at least forty years, according to the common interpretation), and of good reputation.

But, in the aforesaid cases, the case of prudent suspicion or scandal is always excluded, so that it is unlawful for a cleric to live even with women most nearly related, if they are suspect: this is clear from the very end of the law.

(D) But by particular law, the Bishop indeed cannot interdict clerics from living with any woman at all (which would be against common law), but can prescribe that they remain with no woman, even a mother, without the license of the episcopal curia; for it belongs to him to judge whether persons of this sort are suspect.² - He can also define those things which the common law left indeterminate, for example, the age of maids and other things of this sort.

² Thus the Code, can. 133, § 3.

1070. Concerning penalties against violators of this law. Against clerics retaining a suspect woman, Ordinaries, according to the Code (c. 2176-81), ought to proceed thus: - "The Ordinary should warn a cleric who, against the prescription of can. 133, has a suspect woman with him or in any way frequents her, that he dismiss her or abstain from frequenting the same, with the penalties established in can. 2359 against clerics who are concubinaries being threatened. - If the cleric neither obeys the precept nor responds, the Ordinary, after it has been established for him that the cleric was able to provide this: 1. should suspend him from divine things; 2. moreover should immediately deprive a parish priest of the parish; 3. but a cleric who has another benefice without care of souls, if, after the space of two months from suspension, he has not amended himself, should deprive him of half the fruits of the benefice; after another three months, of all the fruits of the benefice; after another three months, of the benefice itself. - If the cleric does not obey, but adduces causes of excuse, the Ordinary ought to hear two examiners about the same. - If, the examiners having been heard, the Ordinary shall think that the causes brought forward are not legitimate, let him signify this to the cleric as soon as possible and give him a formal precept that within a brief time to be defined by him he obey. - The Ordinary can immediately coerce an obedient removable parish priest according to the norm of can. 2177; but if there is question of a cleric who, obtaining an irremovable benefice, does not obey, but alleges new deductions, let the Ordinary recall these to examination according to the norm of can. 2178. - If not even these are judged legitimate, let the Ordinary again command the Cleric to obey the mandate within a suitable time; when this time has passed uselessly, let him proceed according to the norm of can. 2177." - Moreover, from can. 2359, "clerics in sacred orders, whether secular or religious, who are concubinaries, after warning has been uselessly sent ahead, are to be compelled to withdraw from the illicit cohabitation and to repair scandal by suspension from divine things, privation of the fruits of office, benefice, dignity..."

§ II. ON THE RECITATION OF THE DIVINE OFFICE.

1071. The recitation of the divine office is one of the most efficacious means for preserving continence; and therefore it was enjoined upon sacred ministers already for a long time. It is called the divine office, because it was instituted by the Church for praising God; it also received the name canonical hours, because through the sacred canons it was prescribed for certain hours. Today seven different canonical hours are numbered: Matins with Lauds, or the nocturnal office; Prime, Terce, Sext, None, Vespers, and Compline, which constitute the diurnal office.

¹ E. Amort, *Vetus disciplina canonicorum regularium et saecularium*, Venice, 1748; Thomassin, op. cit., P. II, l. I, c. 15-59; Suarez, *De oratione, devotione et horis canonicis*, lib. IV, c. 1-30; Card. Bona, *De divina psalmodia*, Paris, 1603; St.

Alphons., lib. V, n. 140-179; Roskovany, op. cit., t. IV, sq.; P. Batiffol, *Hist. du Breviaire romain*, 2nd ed., Paris, 1895; F. Probst, *Brevier und Breviergebet*; Baumer, *Geschichte des Breviers*, or its French version: *Histoire du Breviaire*, French translation brought up to date with the latest works on the question by Dom Biron, Paris, Letouzey, 1905; Ballerini-Palm., Tr. IX, n. 329-429; Lehmke., t. II, n. 620-640; Noldin, n. 742-767. - The manuscripts which P. Valat, professor of Canon Law in the Seminary of St. Sulpice in Paris, kindly handed over to me for use have likewise been of much profit.

Here the matter concerns the divine office insofar as it regards clerics; concerning the obligations of regulars and nuns it is said elsewhere; and we shall explain two things: 1. the obligation of reciting the divine office; 2. the manner of fulfilling that duty.

I. On The Obligation Of Reciting The Divine Office.

We shall declare the existence and extension of this obligation, and also the causes excusing from the same.

1. Existence Of This Obligation.

1072. Principle: Every cleric constituted in sacred orders or beneficed is held to recite the divine office daily. This obligation indeed did not flourish from the beginning, but was gradually introduced, and was more precisely determined by the practice of the Church, as will be clear from the following: -

1073. (A) The historical evolution of this obligation is outlined. (a) The part of the divine office which first was in use is Matins, which was sung at first light. First indeed on the Vigil of Easter, but afterward on the vigils of Sundays, of certain feasts and stations (which had place on the fourth and sixth ferias), the clergy and people were accustomed to sing psalms, hymns, and prayers in certain designated basilicas; and in some places vigils of this sort became daily, because of the greater devotion of the faithful.

(b) In the fourth century, daily vigils are celebrated in each presbyteral title of the City, and indeed by only the clerics ascribed to this title. This practice indeed in following centuries was extended to other churches; thus Pope Hormisdas (514-523) "composed the clergy and instructed them in psalms";¹ and Justinian the Emperor, in the year 529, recalled to clerics the obligation of singing vigils daily in the church to which they had been incardinated; in the seventh century, we read that one of the bishops of the Roman province, at the command of the Roman Pontiff, prescribed to his clerics that "on daily days vigils be celebrated in the Church."²

¹ Cf. *Liber Pontificalis*, ed. Duchesne, t. I, p. 269.

² You will find the ancient canons concerning the divine office in the Decree of Gratian, distinct. 91 and 92.

(c) Meanwhile, however, the diurnal hours were added to the Matutinal office, and afterward Vespers and Compline: and from this time the custom prevailed more and more that clerics alone were bound to the divine psalmody. In the first times indeed, no distinction is made between major and minor clerics as to the recitation of the office: those in minor orders sang the divine office equally with the sacred ministers in the churches to which they had been ascribed.³ But, already from the thirteenth century, that distinction appears; for the Council of Cologne (an. 1280) imposes the obligation of reciting the office on all clerics in general, but especially on beneficiaries and major clerics. From this

time, Councils commemorate only sacred ministers and beneficed clerics; thus the Council of Basel (1431-1442).

³ Van Espen, *Jus canonicum*, t. II, De Horis Canonicis, c. I, § 1.

(d) At first the office was sung publicly in churches by clerics; that this persevered still in the ninth century is certain from the decree of Hincmar, archbishop of Reims, by which he prescribed to his clerics (an. 852) that at the appointed hours they assemble for discharging the office, not only in cathedral and collegiate churches, but also in parochial churches. - Gradually, however, from a certain kindness, the Church tempered her laws; thus the Council of Vienne (an. 1311-1312) imposed assistance in choir only for cathedral, regular, and collegiate churches; therefore the other clerics could recite the office privately.

1074. (e) As Lehmkuhl, n. 624, deservedly observes, the Pontiffs and Councils rather suppose that this obligation of reciting the office is present than properly impose it. Yet it is useful to relate certain texts, as being more explicit; first as to presbyters: "Let the priest, the matutinal office having been completed in the morning, discharge the task of his service, namely Prime, Terce, Sext, None, and Vespers."⁴ Afterward, various abuses flourishing in reciting the office having been enumerated, it is added: "Therefore these and similar things we utterly prohibit under penalty of suspension, strictly commanding in virtue of obedience that they celebrate the nocturnal and likewise the diurnal divine office, as much as God shall give them, studiously and also devoutly."⁵ - The Council of Basel admonishes concerning the right recitation of the office not only priests, but "any beneficed persons whatever, or those constituted in sacred orders, since they are held to the canonical hours."⁶

⁴ Decretal. Greg. IX, lib. III, tit. 41, cap. 1.

⁵ Ibid., cap. 9, Dolentes.

⁶ In Roskovany, t. V, p. 117.

1075. (B) From the practice and custom of the Church this obligation is more precisely determined. This is, among other things, an eminent and apodictically concluding argument. For from those things which have been said above, it is not always plainly clear whether there is question of beneficed clerics only, or also of non-beneficed clerics without distinction; nor whether there is question only of the divine office to be fulfilled in church, or also of the office imposed privately upon each one. But custom, the best interpreter of laws, for a long time now clearly and absolutely imposes upon each cleric constituted in sacred orders the personal obligation of reciting the divine office, even privately, and outside assemblies of the church.

1076. The witnesses and proof of this custom are the following facts: (a) The doctrine of all Moralists and Canonists, from whom not even one today will be found teaching that the daily recitation of the Breviary is not obligatory for Major Clerics. (b) The manner of acting of Bishops who, although by customary law they can dispense in such a law, in fact dispense very rarely and only in a transitory manner. (c) The sense of all, whether Presbyters, or Deacons, or Subdeacons, who, even when they are less given to piety and perfection, think that they are so bound to this obligation that they judge notable omissions to be grave faults.

The Code, c. 135, thus sanctioned this custom: "Clerics constituted in major orders... are held by the obligation of daily reciting the canonical hours integrally according to their own and approved liturgical books."

It is to be noted that a Cleric even interdicted, suspended, or excommunicated is not exempted from the obligation of the Breviary, from the axiom of law: "No one ought to bring back advantage from his own fault and iniquity." Yet concerning a degraded cleric, namely one cast down by the Church into the secular state, the matter is disputed.¹

¹ Cf. Ferraris, *Bibl. Juris*, word *Officium div.*, art. 1, n. 21-22.

2. On The Gravity Of This Obligation.

1077. Principle. The obligation of reciting the divine office is of itself grave, because its end is something of the greatest moment, namely worship to be rendered to God in the name of the Church; yet it admits smallness of matter, because the omission of some brief prayer is not judged morally to inflict grave injury upon God. Hence: -

1078. (A) One who deliberately, without sufficient cause, omits the whole office of one day, or a notable part of it, sins gravely. But an integral hour, even a brief one, such as Terce or Compline,¹ is judged a notable part, because, from the common judgment of prudent persons, the omission of one hour is something grave in relation to the whole office. - Therefore one sins lightly who omits an hour not integrally, but only in part, for example, the lessons of one nocturn. If something is omitted from several hours, greater matter is required for mortal sin, because one continuous omission is judged graver than several separate omissions. - One who omits the whole office of one day more probably commits only one sin, yet graver than if he neglected only one hour; the reason is that the office of one day is enjoined by the Church by one precept.

¹ Yet the omission of Vespers on Holy Saturday is not judged grave, because this matter is light both in itself and by reason of the whole office (Noldin, n. 746).

1079. (B) Beneficed clerics, for example, canons or parish priests, who, after six months have elapsed from the benefice obtained, have culpably omitted the divine office, ought to restore to pious works the fruits of the benefice in proportion to the omitted hours. Thus from the law brought by Lateran V, more accurately declared by Pius V, and related in the Code, c. 1475.

(a) Restitution ought to be made even before the sentence of a judge, as is clear from the condemnation of this proposition 20 by Alexander VII: "Restitution imposed by Pius V upon beneficed persons not reciting is not owed in conscience before the declaratory sentence of a judge, because it is a penalty."

(b) A simple beneficed cleric, who has no other obligation except the recitation of the office, ought to restore all the fruits in proportion to the omitted hours; but a beneficed cleric with care of souls, upon whom other obligations are incumbent, such as celebration of Mass or the pastoral office, ought to restore only that part of the fruits which, all other offices attended to, corresponds to the obligation of the divine office. Thus a parish priest who has neglected to recite the breviary for one

month is not held to restore a twelfth part of the fruits of the year, since the right to those fruits arises not only from the divine office, but from other functions. What part ought he to restore? This depends on the moral estimation of prudent persons; some with Noldin (n. 747) probably say about a tenth part, because recitation of the breviary seems to be, as it were, a tenth part of the offices of a parish priest.

1080. (C) The obligation of reciting the divine office begins on the day and hour on which the subdiaconate is received. Thus one who is ordained in the morning, before the ninth hour, ought to begin from Terce; one who is ordained at the tenth hour will begin from Sext. One who before ordination recites hours to which he is held only after the order has been received probably satisfies his obligation, on account of the moral union which exists between these two moments.

3. On Causes Excusing From This Obligation.

There are three: physical or moral impossibility; the greatest utility of the neighbor; dispensation from a legitimate superior.

1081. (A) Physical or moral impossibility excuses from recitation of the office as long and insofar as it perseveres. For no one is held to the impossible, and a positive law does not oblige with such great inconvenience.

Thus one who has lost the breviary, or while traveling has not taken it with him through forgetfulness, is excused from reciting it as long as, without grave inconvenience, he cannot have another; yet if he has retained notable parts by memory, he is held to say them. Say the same concerning one who has become blind. But the sick and convalescent person who cannot read without great fatigue is for a time dispensed from it. In doubt, he can stand by the judgment of a superior, or of a physician or prudent friend, or by his own judgment.

One who can recite one part, but not other parts, is by no means dispensed from that one, because any notable part obliges of itself, and indeed under grave obligation; hence the following proposition 54 was deservedly reprov'd by Innocent XI: "One who cannot recite Matins and Lauds, but can recite the remaining hours, is held to nothing, because the greater part draws the lesser to itself."¹

¹ Denzinger, n. 1071.

One who cannot recite the office alone, but can with a companion, is nevertheless not held to employ a companion, unless he easily finds him without inconvenience. - One who cannot recite the hours is not strictly held to pour forth other prayers, because the object of the precept is the office ordered by the Church, but not any prayer whatever; but this is altogether to be counseled, since the mind of the Church is that sacred ministers pray for the people.

To moral impossibility approaches the greatest difficulty which the scrupulous sometimes suffer in discharging the divine office; wherefore they can be dispensed for a time by the confessor, until they are able to recite it without grave anxiety.

1082. (B) The greatest utility of the neighbor excuses from reciting the office, when there is question of an occupation which cannot be combined with recitation, nor otherwise be deferred to another time without grave inconvenience. The reason is that the divine law of charity is to be preferred to ecclesiastical law. - Wherefore they are excused: -

(a) One who, about to recite Vespers and Compline, is suddenly called to a gravely sick person, and afterward does not return at a time suitable for recitation of the office.

(b) One who throughout the afternoon time hears confessions which cannot conveniently be deferred to another day.

(c) One who throughout the whole day is occupied without interruption in assisting the sick at a time of contagious disease, or the gravely wounded.

(d) One who, about to have a sermon which he cannot omit, needs the whole time for preparing it. - In these or similar cases, no one is held to deprive himself of necessary refreshment of the body or sleep so that he can recite the office.

But a prudent and pious priest will try to foresee these difficulties, and will generally find time for saying the breviary without neglecting the functions of a pastor.

1083. (C) Dispensation from a legitimate superior. For since there is question of a merely ecclesiastical law, the Supreme Pontiff can validly dispense from it in every case; licitly, however, when the cause is reasonable, even if of itself it would not suffice. - But a Bishop cannot of himself dispense from it, since it is a universal law; but from general custom, which is held as legitimate, he is able to grant a dispensation in some particular case for a time, a just cause being present.

II. On The Manner Of Reciting The Divine Office.

Three things especially are to be inquired: 1. what office is to be recited; 2. what external conditions are required; 3. what internal dispositions of soul.

1. On The Office To Be Recited.

1084. (A) The divine office ought to be recited as prescribed by the Church; for since it has been instituted and ordered by the authority of the Church, clerics ought in conscience to obey the ecclesiastical rules flourishing concerning this matter. But these things especially are to be noted: -

(a) In the Latin Church, the Roman breviary is to be used, except, however, in places and religious orders in which other breviaries approved by the Church from their first institution or introduced by custom had been in use for two hundred years before the promulgation of the Pian Constitution *Quod a nobis* (July 9, 1568). Thus the Milanese, Treves, Liege churches, etc., and also Benedictines and Dominicans legitimately retain their breviaries.¹

¹ In France there were indeed many very ancient breviaries, which could have been retained. But, since after the aforesaid Constitution they had been changed without the authority of the Holy See, they lost their privileges, and in

their place the Roman Breviary with the diocesan Proper was substituted.

(b) Today there no longer flourishes an obligation of reciting the Little Office of Blessed Mary, the Office of the Dead (except on the day of the Commemoration of all the faithful departed), the Penitential Psalms and Gradual Psalms on the days on which they are assigned in the Breviary, unless where custom has remained, which nevertheless does not oblige outside choir. - But the Greater Litanies on the feast day of St. Mark and during the three days of Rogations ought to be recited, even outside choir.

1085. (B) Daily there ought to be recited the office assigned to each day in the calendar or directory, unless a legitimate reason excuses.

(a) One who lacks the office assigned to this day ought to recite another; for example, one who does not have the office of some saint ought to read the office from the common; say the same concerning parts of the office which are not at hand: for example, one who lacks proper lessons should read the common ones.

(b) Non-beneficed clerics, staying in another diocese, can recite the office of this place, but are not held to this unless they intend truly to acquire domicile there. - But beneficed clerics are held to the office of their own church, even when they stay elsewhere.¹

¹ S. C. Rit., Nov. 12, 1831, ad 46, n. 2682 new ed.

(c) The office ought to be recited as indicated in the diocesan calendar, unless it is morally certain that it errs.² - Likewise the proper offices of the diocese or Order ought to be read according to the order defined in the calendar; for although the concession of these privileges is a privilege granted to the community, individual members cannot reject it, but ought to conform themselves to the office of the community.

² S. C. Rit., June 1899, n. 4031 new ed.

1086. (C) As to changes, one must distinguish whether they are voluntary or not: -

(a) One who has involuntarily erred in the office is not held to recite another, because the Church does not wish to oblige one to read the breviary twice on the same day; then the axiom is legitimately applied: office for office. Nevertheless, if the office recited is notably shorter (for example, the office of a feria for the office of a Saint), according to some, it is necessary, and according to all, it is fitting, to supply something, for example, in the aforesaid case, by reciting the omitted lessons. - If the error is detected while the office has not yet been completed, according to some, the office begun can be completed; but more probably, according to St. Alphonsus (n. 161) and others, the remaining things ought to be read from the prescribed office, according to that saying: an error is corrected where it is detected.

One who has recited the same hour twice, for example, Terce, cannot omit another, for example, Sext, because the form of the office and the distinction of the hours has not been preserved.

One who by error has said one office for another will more suitably, on the day on which the office already recited occurs, recite it again, so that he may conform himself to the common rite of the Church;¹ yet probably he can read the omitted office, lest this be passed over in that year.²

¹ S. C. R., June 17, 1673, n. 1474 (formerly n. 2634).

² St. Alphons., n. 161; Ball. P., n. 383; Lehmk., n. 626; Noldin, n. 753.

1087. (b) But one who deliberately changes the office sins gravely if he recites another plainly diverse and much shorter, because he gravely disturbs the liturgical order; wherefore the following proposition 34 was deservedly condemned by Alexander VII: "On Palm Sunday one reciting the Easter office satisfies the precept."³ - The same must be said of one who frequently changes the office without reason.

³ Viva, *Theses damnatae*, on this proposition observes that there is a twofold reason why one acting thus sins gravely: because the office of Easter is wholly diverse from the office of Palms, which recalls the memory of the passion; and otherwise it is notably shorter; Denzinger, n. 1005.

One sins lightly who, without reasonable cause, changes the office into another almost equal; he does not sin in any way if this is done from any reasonable cause whatever. Now the following or similar reasons are held as sufficient: the reason of a journey, if someone uses the breviary of a companion; the reason of special devotion, if someone three or four times in a year recites some particular office; the reason of charity, for example, so that someone becoming blind may be helped in reciting the office; - but, from a recent decision, a cleric constituted in sacred orders "generally" does not satisfy his obligation "who, spontaneously or invited, joins himself to clergy singing or reciting an office diverse from the office of that cleric himself."⁴

⁴ S. C. Rit., Jan. 27, 1899, n. 4011 new ed.

2. On The External Conditions Required For The Recitation Of The Office.

Four things especially are to be considered: the order to be observed, the time at which the various hours are to be recited, the pronunciation of the words, the place and posture in which they ought to be recited.

1088. (A) The order to be observed among the hours. This indeed excludes two things: inversion of the prescribed order, and interruption in the same hour.

(a) In the recitation of the hours the prescribed order is to be observed, namely: Matins and Lauds, Prime, Terce, Sext, None, Vespers, and Compline. This precept does not oblige under grave obligation in private recitation, nor even in choir, according to the common opinion, because the inversion of this order is not judged a morally grave deformity. - Indeed, when a just cause is present, there is no sin, even venial. Now a reasonable cause is present: if someone, not having a breviary at hand, recites the hours before Matins, or reads the psalms, deferring the lessons to another time; or if someone comes late to choir when some hour has already been finished and laudably proceeds with companions to sing the office, later about to recite the omitted hour; or if someone privately is invited by another to say the hours, when he has not yet recited Matins.

1089. (b) When one hour has been begun, it ought regularly to be read whole to the end, nor can it licitly be interrupted without just cause; for reverence toward God and the Church requires this, since she has aptly disposed hymns, psalms, prayers, etc. to the intended end, namely the praise of God. Nevertheless, according to the common opinion, no interruption, however great,

is mortal sin, provided the whole office is recited within the space of one day; for the individual parts of the office do not have a necessary connection with the others, but only an accidental one from the ordination of the Church. But it is a venial sin, unless a legitimate cause is present. - Now, among reasonable causes, these and similar ones are numbered: the utility of the neighbor, for example, a confession to be heard of someone who would not easily or willingly wait; obedience, in order to execute more quickly the command of a superior; charity and civility, in order to greet or kindly address someone; private utility, for example, to increase devotion, to note something useful on paper.

Whatever the interval may be, there is no obligation of repeating the part recited before the interruption; it suffices that only those things be resumed which are necessary for understanding the sense of the proposition.

Lauds can be divided from Matins, without cause, for a long time; for in antiquity Matins was said in the middle of the night, and Lauds as dawn was beginning. In which case, Matins is to be concluded as follows: namely, the prayer of the day is recited, and afterward these are said: Dominus vobiscum, Benedicamus, Fidelium, and Pater noster.¹ Yet it is necessary that, in resuming Lauds, Pater and Ave be said.

¹ S. C. Rit., Feb. 1, 1886, n. 3653 new ed.

In Matins itself, any nocturn can be separated from the others, without cause, for the space of three hours, because in antiquity they were accustomed to be thus separated; and even by a longer interval, if a just cause is present.

1090. (B) On the time at which the various hours are to be recited. The time once assigned for reciting the individual hours was this: Matins after midnight, Lauds at dawn, Prime after sunrise, Terce at the ninth hour, Sext at midday, None at the third afternoon hour, Vespers at sunset, Compline at the dusk of night.

(a) But today, for fulfilling the substance of the precept, it is enough to recite the entire office within the space of one natural day,² that is, from midnight of one day until midnight of the following day; wherefore those are immune from mortal sin who read the office integrally within that time. But once this time has elapsed, no one can any longer satisfy his obligation.

² In the recitation of the office each one at will can follow true time, or mean time, or legal time, or regional time (can. 33).

(b) Under venial obligation it is prescribed that Matins, Lauds, Prime, and Terce be recited before midday, unless a legitimate cause is present, as greater devotion, a time more suitable for studies, etc. - From the rubric of the Missal, Matins with Lauds ought to be recited before Mass; some formerly said that this is prescribed under grave precept, others under light; but probably this rubric does not oblige those who are not assigned to choir, since there is no necessary connection between Mass and Matins.

(c) Vespers and Compline are regularly recited from midday to midnight, nor can they be anticipated without cause. But during the time of Lent (except the first three days and Sundays), Vespers are to be said in choir before midday, in memory of the ancient discipline, according to which the fast was

not broken before the recitation of Vespers; privately, however, they can be read at will before or after midday.

1091. (d) Matins with Lauds privately¹ can be anticipated from legitimate custom, that is, recited on the preceding day from that hour at which the sun holds the middle of its course between noon and sunset, according to the table inserted at the beginning of the Breviary. - Moreover Indults are easily granted so that recitation can begin at the second or first afternoon hour. - But whether it is licit for all, without a special privilege, to begin Matins at the second hour is disputed. Many deny, because from the concession of a special privilege it is deservedly inferred that no general license has been given. Yet not a few probably affirm; for, 1) this follows logically from the evolution of ecclesiastical discipline in this matter; in antiquity Matins was usually read during nighttime; afterward the custom prevailed that it was recited on the preceding evening after sunset, and soon at the middle time between noon and sunset; but in our times, gradually the custom prevailed that it can be said as soon as Vespers are usually recited in choir, i.e., at the second hour; 2) otherwise a custom of this sort is legitimate: for since, on account of the labors of pastoral office, a priest can daily be impeded from reciting Matins around the end of the day, it is indeed greatly expedient that it be licit to anticipate at the second hour, when he is not entangled in too many occupations: for such a manner of acting, which brings detriment to no one, is most profitable to piety. - Nor should it be said that the contrary follows from the practice of granting this privilege to certain clerics; for, where there is a diversity of opinions, the Holy See is accustomed to grant Indults to those petitioning, for the sake of greater security, without wishing to settle the controversy. In reality the Sacred Congregation of Rites, having been asked concerning this matter, responded: Let approved authors be consulted.² Wherefore, until the Holy See shall have established otherwise, we think a priest can use this probable opinion, especially when a reasonable cause is present, for example, the opportunity of anticipating Matins, which perhaps will not occur sooner, or the utility of better distributing the evening time.

¹ In choir, it cannot habitually be anticipated except with an indult of the Holy See; a bishop can permit that this be done for a time, from a just cause.

² S. C. Rit., July 13, 1883.

1092. (C) On the pronunciation of words. The pronunciation of the words which constitute the divine office ought to be vocal and integral: -

(a) Vocal, because it is prayer not purely mental, but public. Therefore it is not sufficient that it be run through by the mind alone or with the eyes, or recited only with the throat, but with lips and tongue, so that the sound is audible. Yet it is not required that in fact it be heard by others, or by the one reciting himself, but it suffices that the cleric is conscious that he is pronouncing articulated words.

(b) Integral, so that individual words are brought forth without mutilation or truncation. If the mutilation is so notable that the sense is greatly varied, as to a notable part of the office, the sin will be grave; this nevertheless occurs very rarely. More often, from inveterate custom, or a certain haste, a few words are truncated; then light fault or none is present, according as this is done voluntarily or

not. Religion indeed counsels that these defects be avoided; but in this matter scruples are carefully to be avoided, nor, in a case of doubt, is the office to be repeated, but attention is to be given so that afterward it may be recited with greater diligence.

1093. Corollary. It is licit to recite the office not only in choir, but also with a companion, although this companion is not held to the office. But then the recitation ought to be alternate, as is done in choir; therefore, if there are three companions, it is not licit so to recite that one says the first verse, another the second, and another the third; but the companions ought to be divided into, as it were, two choirs. - Moreover it is required that they mutually hear each other; yet if someone, intent on other things, or because of noise, or because the companion pronounces imperfectly, does not perceive a few things, he satisfies his obligation, nor is he held to repeat anything; the same must be said of one who, while others recite in choir, ought to prepare something useful for the office. - Recitation ought to be done in such a way that one verse is not begun before the other has been completed: otherwise it is not integral, and concerning this mutilation the same must be said as above.

1094. (D) On place and posture. (a) Public recitation of the office ought to be done in choir; but as to private recitation, nothing is prescribed by the Church; therefore any place can be chosen, provided it is decent and apt for recollection of the soul. When it can conveniently be done, it is pious to read it in a sacred place; at least let it not be recited, without reason, in a place where, on account of the throng and tumult of the people, the mind can scarcely be attentive.

(b) Outside choir, likewise no posture is prescribed: therefore it can be recited sitting, standing, or walking, but not in bed, unless a reasonable cause is present. - Inclinations, signs of the cross, etc. which are prescribed by the Rubrics, likewise do not oblige except in choir, but are laudably performed outside choir.

III. On The Internal Dispositions Required For Recitation Of The Breviary.

There are two: intention and attention.

1095. 1. The intention required is the intention of praying, or of honoring God; therefore the intention of reading for the sake of instruction, or from another motive, does not suffice; for the Church prescribes the office as an act of divine worship. - But this intention is had as often as a cleric takes the breviary in order to recite the office; nor is it necessary that he explicitly elicit the intention of praying; hence no anxiety should be had concerning this matter.

But it contributes much to piety to unite oneself to the intention of Christ, the highest priest, according to that saying: "Lord, in union with that divine intention by which you yourself rendered praises to God on earth, I render these hours to you."

1096. 2. On attention. This can be twofold: external or internal. The former excludes actions which by their nature impede internal application, for example, to write, to read attentively, or to give attentive ears to one reading or conversing. - The latter is the

application of the mind to those things which are said: if you attend to the words, so that they may be rightly pronounced, the attention is verbal; if to the sense of the words, but by the intellect only, without making the expressed affections your own, intellectual attention is present; if you attend to the sense, and at the same time conceive in the heart the affections expressed, it is affective attention; if in a general way you attend to the divine mysteries, by meditating upon these, the attention is called mystical: and this is judged more perfect than the others; which is true if a certain affective attention to the principal parts of the office is not excluded.

1097. (A) According to all, at least external attention is certainly required, and therefore those actions are to be avoided which are incompatible with internal attention. Yet external attention is not impeded by those actions which distract the mind only lightly. - Likewise, one who is deliberately and voluntarily distracted in reciting the hours sins venially, because in any prayer whatever a distraction of this sort inflicts some injury upon God.

1098. (B) But the question is whether one reciting the divine office with voluntary wandering of the mind, although with external attention, substantially satisfies his obligation. (a) Some deny, because the Church wished to impose the office as prayer; but certainly one does not pray who is voluntarily distracted. Wherefore Trent, confirming the sacred canons, commands that clerics, singing the office in choir, praise the name of God reverently, distinctly, and devoutly;¹ but the word devoutly signifies nothing other than internal attention.

¹ Trident., sess. 24, c. 12 de Reformat.

(b) Nevertheless many others affirm; for the office is indeed prayer, but public, made in the name of the Church; now one who does not provide internal attention indeed does not pray privately, but, provided he is externally attentive, he acts as a minister of the Church and prays publicly, just as a messenger reading the letters of a Prince fulfills his office, although internally he is not attentive. - Otherwise the words of Trent brought above are taken from cap. Dolentes,² and from the context it is clear that the Supreme Pontiff here reproves the practice of chatting with seculars in choir, and therefore requires only external attention. - Therefore in practice he who provided external attention cannot be held as guilty of mortal fault, nor compelled to repeat the office, but he is to be exceedingly exhorted to expel voluntary distractions with at least ordinary diligence, so that he may receive more abundant fruits from it for himself and others.

² Decretal., lib. III, tit. 41, c. 9.

1099. (C) Moreover any internal attention whatever, even of the least degree, suffices for satisfying the precept, according to all. Yet that more abundant fruits may be received, it is indeed to be desired that, before the recitation of the office, clerics gather their internal faculties, unite themselves to Christ, who prays for us and the Church with inenarrable groanings; - and several times during the time of recitation renew their attention: the divine office discharged thus is not a burden, but strength and solace.³

³ Bacuez splendidly discusses the means of reciting the office piously and devoutly, *Le Saint Office au point de vue de la piété*, Paris, 5th ed., 1904; rendered into English: *The Divine Office*, London.

**ART. III. ON THE OBLIGATIONS SPECIAL TO
PRESBYTERS, AND ESPECIALLY PARISH PRIESTS.**

1100. The special obligations of presbyters are reduced chiefly to three: 1. celebration of Mass, concerning which we treated in the Treatise on the Eucharist, n. 182-194; 2. administration of the sacraments, concerning which it was said in the Treatise on the Sacraments in general, n. 104-109, and in the Treatise on Penance, n. 362-509, as to the special offices of the Confessor; 3. exercise of the pastoral office: concerning which a few things remain to be said.

Upon pastors of souls, that is, primarily parish priests, and secondarily vicars, who under the authority of parish priests have the care of souls, there is incumbent especially a twofold office, namely of teaching and ruling the flock committed to them.

I. On The Obligation Of Teaching.

1101. Upon the Apostles and their successors, namely Bishops, the office of teaching was explicitly imposed by these words: "Going therefore, teach all nations." But since Bishops cannot by themselves exercise that function in the whole diocese, they instituted parish priests to whom the office of teaching the faithful in their parish was entrusted. And indeed they provide this chiefly in a twofold way: by preaching the divine word, and by the instruction of children, or catechism.

1102. 1. By preaching the divine word; for Trent commands these that "on at least Sundays and solemn feasts they feed the peoples committed to them, according to their own and the peoples' capacity, with salutary words"; according to the same Council, those who, warned by the Bishop, nevertheless have failed in their duty over a space of three months, ought to be compelled by ecclesiastical censures.¹ The Code confirms this law, adding that Ordinaries ought to take care that during the time of Lent, and, if it is expedient, during the time of Advent, sacred sermons be more frequently held for the faithful.²

¹ Trident., sess. V, cap. 2 de Reformat.

² Code, can. 1346.

1103. (a) This obligation indeed is of itself grave, since there is question of a matter necessary for the salvation of souls; and, according to St. Alphonsus (l. III, n. 269), parish priests sin gravely who, for one whole continuous month, or for three discontinuous months in the year, without reasonable cause, deliberately omit to preach.

(b) It is also personal, insofar as parish priests ought personally to fulfill the duty of preaching, when they are not legitimately impeded; for the care of souls is primarily incumbent upon them. But if they are legitimately impeded, they ought to take care that a sermon be had through another suitable priest. - Often, where several vicars help the parish priest in the sacred ministry, matters are so ordered that each in order, in turn, as they say, announces the word of God.

(c) The object of this preaching is whatever is necessary or useful for the salvation of souls; and the manner of explaining this ought to be so accommodated to the capacity of the hearers that they can easily understand these truths; indeed, as Trent testifies,³ parish priests ought to teach "those things which it is necessary for all to know for salvation, announcing to them with brevity and facility of speech the vices which they ought to decline and the virtues which they ought to follow, so that they may be able to escape eternal punishment and obtain heavenly glory." For providing this, nothing is more opportune, especially in our days, than to compose and preach a continuous and ordered series of catechetical sermons, in which those truths are methodically explained and developed which, with attention to the circumstances of persons and places, seem more necessary, both because they are more frequently attacked by adversaries, and because they are less distinctly known or understood by the faithful themselves.

³ Sess. V, cap. 2 de Reform.

But the manner of explaining truth ought to be accommodated to the diverse character of the hearers, more scientific for the learned, but simpler for the unlearned; yet for all so resting upon the Gospel that it can truly be called Christian preaching, not human: "But we preach Christ crucified... For I judged myself not to know anything among you except Jesus Christ, and him crucified... And my speech was not in the persuasive words of human wisdom, but in the showing of spirit and power."¹ Wherefore let a Catholic herald often appeal to the words and examples of Christ and the Apostles, exhibiting the same to his hearers so that they may be able to adapt them to their own manner of acting.²

¹ I Cor., I, 23; II, 2-4.

² Let canons 1327-1348 of the Code concerning the preaching of the divine Word, catechetical instruction, and sermons be carefully read.

1104. 2. By catechizing children. Nor less necessary is the Christian education of the young through catechism. For Trent establishes concerning Bishops:³ "Let the same also, at least on Sundays and other feast days, take care that children in individual parishes are diligently taught the rudiments of faith and obedience toward God and parents by those to whom it will belong; and, if there is need, let them compel even by ecclesiastical censures, notwithstanding privileges and customs." - This office indeed presses more urgently in regions where neutral schools prevail, since there the young often receive no religious education except in catechism. (Code, c. 1329-1336.)

³ Trident., sess. XXIV, cap. 4 de Reformat.

1105. (A) That little ones may be rightly instructed, already from tender years let them be gathered together and taught the principal mysteries of faith, the precepts of God, and the sacraments. To the point Conc. plen. Baltimore II, n. 436: "Those rudiments of faith and piety, which afterward for adults will be a foundation and strength, and a most safe protection against the wicked snares of the devil and of wicked men." Wherefore the parish priest will earnestly exhort parents to send their children to church at the appointed time of catechesis; but so that little ones may come more eagerly, let them be drawn by little gifts and prizes; but especially let the catechist so accommodate himself to their age and character, and so seize their mind by

parables, examples of the saints, and other industries, that both parents and children earnestly desire to hear catechetical instructions.¹

¹ Cf. Gerson, *De parvulis ad Christum trahendis*; Dupanloup, *L'Oeuvre par excellence*.

(B) Let those who are preparing themselves for first communion be instructed with special care and solicitude. Looking at common law alone, the parish priest indeed cannot demand that only those approach first communion and confirmation who were accustomed to be present at catechesis; for they can learn the mysteries of faith at home or elsewhere, and prove their suitability through some examination. But in many dioceses, it is established that the young assist at catechesis for two years before they are solemnly admitted for the first time to the sacred synaxis; concerning which, see diocesan statutes.

(C) After first communion has been made, the parish priest ought to take care that boys and girls preserve the integral fruits of so great a benefit; and therefore that they be kept away from the evil doctrines and morals of the world, and assiduously cultivate Christian virtues; for this indeed perseverance catechises, patronages, and various associations greatly help, concerning which it has already been said, *On The Virtue Of Justice*, n. 855-862, and *On The Theological Virtues*, n. 820 sq.

II. On The Obligation Of Ruling The Parish.

Nor is it enough that the parish priest teach; he ought to rule the parish committed to him, by promoting its good, whether spiritual or temporal.

1106. 1. For duly fulfilling this twofold function, the parish priest ought habitually to reside in his own parish.

(A) Trent strictly enjoins this obligation upon all having the care of souls:² "Since by divine precept it has been commanded to all to whom the care of souls has been committed to know their sheep, to offer sacrifice for them, and to feed them by the preaching of the divine word, by the administration of the sacraments, and by the example of all good works, to bear paternal care of the poor and other miserable persons, and to devote themselves to the other pastoral duties; all which things can by no means be provided and fulfilled by those who do not watch over and assist their flock, but desert it after the manner of hirelings; the holy Synod admonishes and exhorts them that, mindful of the divine precepts, and having been made a pattern of the flock, they feed and rule in judgment and truth." - Having thus declared the motives on which the law of residence rests, the Council inflicts penalties against its violators, establishing that, besides the guilt of mortal sin which they incur, "in proportion to the time of absence, they do not make the fruits their own, nor with a safe conscience, even with no other declaration following, can they detain them for themselves, but are held... to disburse them to the fabric of the churches or to the poor of the place"; moreover the Bishop can cite the absent by edict, and compel the contumacious "by ecclesiastical censures and sequestration and subtraction of fruits, and other remedies of law even to privation," without the execution of the sentence being able to be suspended by any privilege, any custom, or appeal.

² Trident., sess. XXIII, cap. 1 de Reformat.

1107. For understanding these things we add a few notes: -

(a) The law of residence affects not only perpetual parish priests, but also removable ones, and also vicars with care of souls, whether temporary or perpetual, in one word all to whom the care of souls has been committed. - These ought to dwell within the limits of the parish, so that they can easily be approached, unless, a grave cause intervening, they obtain from the Bishop license to stay in a neighboring place.

(b) As Benedict XIV testifies,¹ a parish priest ought not only to be present in body, but to labor as a good soldier of Christ, and not decide upon lighter functions for himself, entrusting the rest to ministers: "and it is certain," he says, "that parish priests are liable to a lethal crime who are present only in presence, and impeded by no cause, wither away in idleness." - Yet he can have one or several cooperators, and leave certain arduous functions to them, provided that he himself does not cease personally to provide pastoral functions, especially the more principal ones, and when he is called by name by sick parishioners, does not refuse to go.² - The onset of a pestilence does not free a parish priest from the burden of residing, even if he calls other suitable men who may supply his place.³

¹ Benedict XIV, *Instit.*, 17, n. 6.

² Thus Ferraris, word *Parochus*, art. 2, n. 20.

³ Benedict XIV, *De Synodo*, l. XIII, c. 19, n. 2.

1108. (B) The Code, can. 465, thus establishes the manner of observing this obligation: "§ 1. A parish priest is held by the obligation of residing in the parish house near his church; yet the Ordinary of the place can for a just cause permit him to stay elsewhere, provided the house is not so distant from the parish church that the performance of parochial duties suffers some detriment thereby.

§ 2. It is permitted to him to be absent for two months at most within the year, whether continuous or interrupted, unless a grave cause, in the judgment of the Ordinary himself, requires a longer absence or permits only a shorter one.

§ 3. The days on which the parish priest devotes himself to pious exercises, according to the norm of can. 126, are not counted, once in the year, in the two months of vacations...

§ 4. Whether the time of vacations is continuous or interrupted, when the absence will last beyond a week, the parish priest, besides a legitimate cause, ought to have the written license of the Ordinary and to leave in his place a substitute vicar to be approved by the same Ordinary;¹ but if the parish priest is a religious, he needs besides the consent of the superior, and the substitute ought to be approved both by the Ordinary and by the Superior.

¹ Where there is already a vicar deputed by the Bishop, generally no other is required; but if he is lacking, either another priest must be called who for a time may conduct the care of the parish, or, if the place is small, the guardianship of the flock is to be entrusted to the nearer parish priest, with the license of the Bishop. - In all things which regard residence, diocesan statutes must also be attended to, which generally determine this law more precisely.

§ 5. If a parish priest, from a sudden and grave cause, is compelled to depart and to be absent beyond a week, let him as soon as possible inform the Ordinary by letter, indicating to him the cause of departure and the priest supplying, and let him stand by his commands.

§ 6. Even for the time of a shorter absence a parish priest ought to provide for the necessities of the faithful, especially if the particular circumstances of matters demand this."

Moreover the Code establishes penalties against those who violate the law (can. 2381): "One who obtains an office, benefice, or dignity with the burden of residence, if he is illegitimately absent: 1. by that very fact is deprived of all fruits of his benefice or office in proportion to the illegitimate absence, and ought to hand them over to the Ordinary, who is to distribute them to the church or some pious place; 2. let him be deprived of office, benefice, dignity according to the norm of can. 2168-2175," where the manner of proceeding against non-resident clerics is described.

1109. 2. Nor is it enough for the parish priest to reside, but at certain times he ought to visit individual families of the parish, and more often also certain parishioners who need greater solicitude.

The reason is that he ought to know and feed his sheep; but he cannot provide this unless he visits them and inquires concerning their spiritual condition; especially he will go to the grieving, so that he may bring them solace, to the poor in order to relieve them, to sinners, so that he may lead them back to the sheepfold, as a good shepherd, to the sick and infirm,² so that he may administer the sacraments to them. - Nor is it enough if, shut up at home, he waits for parishioners to approach; for many will not come unless first visited; but Christ admonishing, priests are held to go to the people: "Go to the sheep that have perished of the house of Israel..."¹ Going therefore, teach all Nations."² Did not Christ himself descend from heaven so that he might come to us? Did he not, leaving the sheep in the fold, go to the lost sheep so that he might bring it back wounded to the fold upon his shoulders?

² Concerning the care of visiting the sick and dying we treated elsewhere, On Extreme Unction, n. 28-29, and On Penance, n. 503-509.

¹ Matt., X, 5.

² Matt., XXVIII, 19.

Wherefore the Roman Ritual enjoins upon parish priests that they have distinct books, in which the names of the baptized, confirmed, marrying, and dead are accurately described; and moreover a book of the state of souls, in which the spiritual condition of families is described, such as is known by the Pastor in the external forum: for the better they know their sheep, the more securely they are able to direct them in the path of virtue.

3. The remaining things which regard the spiritual government of souls can be read in the pastoral epistles of St. Paul, the works of the Fathers, and also in works which especially discuss the duties of pastors. - Concerning temporal government, the Canonists can be approached, since it is not ours to speak about all these things.

We have been able to explain only briefly the principal duties of lay persons and clerics; if they have fulfilled these carefully and perseveringly, on account of God, they will receive an unfading crown.

Putting an end to this Synopsis, I reverently submit to the Church all those things which I have written, having nothing more ancient than that errors, if any perhaps have crept in contrary to my mind, and also less accurate words, which, on account of human frailty, may have been written by me, be carefully corrected. Likewise I ask the readers who have gone through these volumes that whatever erroneous or less accurate thing they have detected, they not hesitate candidly to manifest

to the author, and thus the work, of whatever sort it may be, may become less imperfect, to the greater glory of God and the utility of souls.